

SENATE



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CANADA

**FRENCH-LANGUAGE EDUCATION IN A MINORITY SETTING:
A CONTINUUM FROM EARLY CHILDHOOD
TO THE POSTSECONDARY LEVEL**

Interim Report of the Standing Senate Committee
on Official Languages

The Honourable Eymard G. Corbin
Chairman

The Honourable John M. Buchanan, P.C., Q.C.
Deputy Chairman

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MEMBERSHIP

THE STANDING SENATE COMMITTEE ON OFFICIAL LANGUAGES 38th Parliament, 1st Session

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Gerald J. Comeau
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Chairs of the Committee since its inception on October 10, 2002:

Rose-Marie Losier-Cool :	37 th legislature, 2 nd session (Sept. 30, 2002 to Nov. 12, 2003)
Maria Chaput	37 th legislature, 3 rd session (Feb. 2, 2004 to May 23, 2004)
Eymard G. Corbin	38 th legislature, 1 st session (October 4, 2004 – to present)

Nota: The Honourable senators Rose-Marie Losier-Cool and Wilbert Joseph Keon also took part in this Committee's study during public hearings held in Winnipeg and Edmonton, in October 2003. Mr. Tonu Onu acted as clerk of the Committee during this trip.

Clerk of the Committee
Gaëtane Lemay

Analysts from the Parliamentary Information and Research Service Library of Parliament
Andrée Tremblay, Wade Raaflaub and Marie-Ève Hudon

ORDER OF REFERENCE

Extract from the *Journals of the Senate*, Wednesday, November 3, 2004:

The Honourable Senator Corbin moved, seconded by the Honourable Senator Cook:

That the Standing Senate Committee on Official Languages be authorized to study and to report from time to time on the application of the Official Languages Act and of the regulations and directives made under it, within those institutions subject to the Act;

That the Committee be authorized to study the reports and papers produced by the Minister Responsible for Official Languages, the President of the Treasury Board, the Minister of Canadian Heritage and the Commissioner of Official Languages as well as any other material concerning official languages generally;

That papers and evidence received and taken during the second and third sessions of the 37th Parliament be referred to the Committee;

That the Committee report to the Senate no later than June 15, 2005.

After debate,

The question being put on the motion, it was adopted.

Paul C. Bélisle,

Clerk of the Senate

PREFACE

This report presents highlights of the concerns raised to the Committee by stakeholders regarding French-language education in a minority setting.

While the Committee's recommendations pertain primarily to certain administrative provisions, due consideration must be given to all the concerns and complaints contained in the report and they must be acted on by all those involved in training and education, from early childhood to the postsecondary level.

While significant progress has been made since the coming into force in 1982 of section 23 of the *Canadian Charter of Rights and Freedoms*, which guarantees the right to minority-language education, there is still room for improvement. Consider for instance the shortcomings with respect to infrastructure and the obstacles that deprive rights-holders of a continuous education in French.

Our main focus has been to identify the shortcomings and the reasons for the delays in program delivery.

The provinces and territories, in which these communities in a minority setting are located, are bound by section 23 and all orders of government have an obligation to work together in the best interests of young people. Each delay and missed opportunity permanently compromises the future of these young people and jeopardizes the community and cultural life of all Francophones in Canada. A modern state should not tolerate this. The Supreme Court of Canada has ruled that section 23 is also remedial in nature, which is an important reason for taking more prompt and effective action.

Finally, we believe that these rights-holders should have a voice in discussions that are of such fundamental importance to them. It appears that the current approaches might be outdated.

It should also be noted that Francophone communities surrounded by an Anglophone majority face a daily struggle for survival. In view of this, we believe that officials should take more effective action in every respect.

We wish to express our profound gratitude to all the witnesses and experts who came forward to give their viewpoints on this topic. We would also like to acknowledge the dedication of Committee members throughout this study and express our appreciation of the support provided by Committee staff.

Eymard G. Corbin

Chairman

John M. Buchanan, P.C., Q.C

Deputy Chairman

FOREWORD

On November 3, 2004, the Standing Senate Committee on Official Languages received an order of reference from the Senate authorizing it to study the application of the *Official Languages Act* and official languages in general. Given this limitless mandate, the Committee agreed to focus its efforts for the time being on pursuing the study on French-language education in a minority setting, originally undertaken in October 2003 by the members of the Committee at that time under the leadership of the Honourable Rose-Marie Losier-Cool, Chair of the Committee. The study had to be abandoned because of the prorogation of Parliament on November 12, 2003.

When resuming the study, the Committee was able to make use of the testimony given at public hearings in Winnipeg and Edmonton in October 2003, and to continue in February and March 2005, with the Honourable Eymard G. Corbin as Chair, hearing in Ottawa from many other stakeholders. In all, the Committee heard from some 50 witnesses, including 25 from the four western provinces, and some 15 national bodies representing French-language communities in a minority setting. The Committee also heard from three Ministers with significant responsibilities for programs involving education and early childhood; the Commissioner of Official Languages; a specialist in constitutional law; and university researchers.

The Committee would like to note that three organizations – the Council of Ministers of Education, Canada, the Association canadienne d'éducation de langue française and the Réseau d'enseignement francophone à distance du Canada – declined its invitation to appear and present their viewpoints on the subject under study. The Committee was surprised by this reluctance.

This report by the Standing Senate Committee on Official Languages pertains to French-language education in a minority setting. It outlines the issues raised by the fifty or so witnesses who appeared before the Committee since the start of its study, in 2003.

The findings and issues presented below are part of a process of reflexion that is consistent with that of the federal government's Action Plan for Official Languages, which states that the federal policy on official languages needs to be improved. The testimony gathered during this study highlights the tremendous challenges for French-language education in a minority setting, in spite of the guaranteed recognition of language rights provided in the Canadian Charter of Rights and Freedoms and the Official Languages Act.

As education is the institution with the greatest impact on the transmission of language and culture, Francophone communities in a minority setting should be able to take control of this institution from early childhood to the post-secondary level. Once this objective has been achieved, a large step will have been made toward genuine linguistic duality, a fundamental value of Canadian society that is founded on the equal status of both official-language communities.

TABLE OF CONTENTS

MEMBERSHIP.....	i
ORDER OF REFERENCE.....	ii
PREFACE.....	iii
FOREWORD.....	iv
SUMMARY.....	v
INTRODUCTION.....	1
CHAPTER I – HISTORIC AND LEGAL BACKGROUND.....	2
A. A Short History of the Official Languages in Education.....	2
B. The <i>Official Languages Act</i>	2
C. Division of Powers and Responsibilities.....	3
D. Section 23 of the <i>Canadian Charter of Rights and Freedoms</i>	4
1. Purpose of Section 23.....	6
2. The Guarantees in Section 23.....	6
3. Substantive Equality.....	7
4. Governments’ Obligation to Act.....	8
E. Judicial Recourse.....	9
CHAPTER II – BEYOND SECTION 23 OF THE <i>CHARTER</i>.....	11
A. Education at the Heart of Revitalizing Francophone Communities in a Minority Setting.....	11
1. Education is More Than Transmitting Knowledge.....	11
2. School as the Cornerstone of the Development of Francophone Communities in a Minority Setting.....	11
3. The Role of Culture in the School.....	13
4. School as a Continuum for Development in French.....	14
B. Main Issues in Revitalizing Francophone Communities in a Minority Setting.....	15

1. Demographic Issues	15
a. The Drop in School Enrolment and the Aging of the Francophone Population	15
b. The Increasing Number of Immigrants and Their Integration Into the Francophone Minority Setting	16
2. Issues in French-Language Education Relating to the School in the Minority Setting	17
a. Concerted Action by Stakeholders.....	17
b. French-Language Schools, Community Life and Socialization in French From an Early Age.....	18
c. The Twofold Mission of French-Language Schools in a Minority Setting	19
d. An Approach to Teaching Suited to the Francophone Minority Setting	20
e. The Ability to Achieve Results Equivalent to Those of the Majority.....	21
C. A National Awareness Campaign	21
CHAPTER III – EARLY CHILDHOOD	24
A. Early Childhood and Francophone Communities in a Minority Setting	24
1. Preparation for French-Language School	25
2. Early Childhood Support and Education Services.....	25
3. Main Issues for Francophone Communities in a Minority Setting.....	26
4. Early Childhood and Section 23 of the <i>Charter</i>	27
B. Federal Early Childhood Initiatives	28
C. Investing in Early Childhood: A Worthwhile Social Investment	30
1. Emphasis on Early Childhood Development.....	31
2. Creation of Early Childhood and Family Centres.....	31
3. Access to Federal-Provincial-Territorial Agreements	32
4. Establishment of Early Childhood Networks	33
CHAPTER IV – PRIMARY AND SECONDARY EDUCATION.....	34
A. The Current State of French-Language Education in a Minority Setting	34
1. Recruitment and Retention of Students	34
2. Shortage of Human, Material, Physical and Financial Resources	36
3. Achieving Equivalent Results.....	38
4. Avenues to Pursue.....	39

	Page
B. Federal Initiatives in Minority-Language Education	41
1. Official Languages in Education Program.....	41
2. Action Plan for Official Languages	42
C. Federal Financial Support	43
1. Access to the Education Agreements.....	43
2. Adequacy, Complexity and Stability of Funding	44
D. Process Surrounding the Education Agreements	46
1. Delays	46
2. Transparency.....	47
3. Consultation with the Francophone Minority	48
4. Accountability and Reporting.....	51
 CHAPTER V – POST-SECONDARY EDUCATION	 53
A. The Role of French-Language Post-Secondary Institutions in a Minority Setting.....	53
B. Particular Issues Facing French-Language Post-Secondary Institutions in a Minority Setting	54
1. The Need for a Critical Mass	54
2. Quality Programs That Respond to the Needs of Francophone Communities in a Minority Setting	55
3. A Lack of Post-Secondary Institutions and Adequate Programs.....	55
4. Insufficient Financial Support.....	56
5. An Underdeveloped Research Capacity in French	56
C. A Pan-Canadian Network of French-Language Post-Secondary Institutions in the Minority Setting.....	57
 CHAPTER VI – TWO THEMES: CONTINUITY AND ACTION.....	 58
A. Continuity: From Early Childhood to the Post-Secondary Level.....	58
B. Government Action Regarding French-Language Education in a Minority Setting	60
1. Governments Rather Than the Courts.....	61
2. Stronger Federal Government Action.....	62
3. A National Policy.....	65

APPENDICES

APPENDIX A – LIST OF RECOMMENDATIONS

APPENDIX B – GLOSSARY

APPENDIX C – LIST OF ABBREVIATIONS

APPENDIX D – LIST OF WITNESSES AND BRIEFS (2003)

APPENDIX E – LIST OF WITNESSES AND BRIEFS (2005)

FRENCH-LANGUAGE EDUCATION IN A MINORITY SETTING: A CONTINUUM FROM EARLY CHILDHOOD TO THE POST-SECONDARY LEVEL

INTRODUCTION

This report deals essentially with education from early childhood (pre-kindergarten) to the post-secondary level (college and university) as a continuum designed to ensure and promote the development of Francophone communities in a minority setting. The testimony heard since the start of the study shows that in spite of what has been achieved, Francophone communities in a minority setting are still facing considerable challenges. These challenges are addressed in the six chapters of this report: 1) an historical overview of the legal framework for French-language education in a minority setting, 2) a presentation of the main issues relating to the revitalization of Francophone communities in a minority setting, 3) the importance of including early childhood in the education sector, 4) an overview of the remaining challenges facing French-language education at the primary and secondary levels, 5) the identification of the obstacles to pursuing post-secondary studies in French, and 6) a concluding section on the need for government action and a national policy to ensure the continuity of French-language education in a minority setting. In addition, the study is rounded out by a list of recommendations to promote the vitality of Francophone communities in a minority setting through education as the focal point for the transmission, maintenance and development of language, heritage and culture.

Each of these chapters highlights the challenges still to be met before French-language education in a minority setting can achieve results equivalent to that of the linguistic majority. Equivalent results rely on the development of Canadian language policies based on elements contributing to the revitalization of Francophone communities in a minority setting, and in particular: francization/refrancization, greater community involvement in administering Francophone institutions, a review of the forms of financial support from the federal government in order to ensure an adequate allocation of human and material resources, the integration of the school into the community, the creation of early childhood centres, easier access to post-secondary education and the development of new accountability measures.

CHAPTER I – HISTORIC AND LEGAL BACKGROUND

A. A Short History of the Official Languages in Education

Since the work of the Royal Commission of Inquiry on Bilingualism and Biculturalism in the sixties, the federal policy on official languages in education has played an indisputably important role in the life of Canadians. In its report, the Commission recognized that “schools are essential for the development of both official languages and cultures,” that it is “in the interests of both the minority and the majority in each province to ensure that the academic standards in these minority schools are equivalent to those of the majority-language schools” and that it is a matter of providing “for members of the minority an education appropriate to their linguistic and cultural identity. [...]”⁽¹⁾

In 1969, Parliament adopted the first *Official Languages Act*,⁽²⁾ which entrenched English and French as the official languages of Canada. These two languages thus enjoy equal status within the institutions of Parliament and the Government of Canada. The equal status of the two official languages was constitutionally enshrined in 1982, with the adoption of the *Canadian Charter of Rights and Freedoms*.⁽³⁾ As regards education, s. 23 of the *Charter* guarantees the right to minority-language education, where numbers warrant. In 1988, Parliament enacted the amended *Official Languages Act*,⁽⁴⁾ which broadened the scope of the federal government’s commitment to official languages so as to enhance the vitality and support the development of official-language minority communities.

B. The *Official Languages Act*

Parliament has conferred specific responsibilities on certain federal agencies, departments and institutions to ensure the application of the *Official Languages Act*. The Commissioner of Official Languages is responsible for ensuring equality of status of the two official languages and ensuring that the Act is respected (Parts IX and X). Treasury Board is responsible for developing and coordinating policies and regulations in the federal public service as regards communications with the public and the provision of services (Part IV), language of

(1) Canada, Royal Commission of Inquiry on Bilingualism and Biculturalism, *Report of the Royal Commission of Inquiry on Bilingualism and Biculturalism*, Ottawa, Queen’s Printer, 1968, Book 2, p. 19 (para. 44).

(2) *Official Languages Act*, R.S.C 1970, c. O-2.

(3) *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B of the *Canada Act, 1982* (U.K.), 1982, c. 11 [“*Charter*”].

(4) *Official Languages Act*, R.S.C. 1985, c. 31 (4th Supp.).

work (Part V), and the participation of English-speaking and French-speaking Canadians in federal institutions (Part VI). The Department of Justice is responsible for the administration of justice in both official languages (Part III), advises the government on legal issues relating to the status and use of official languages, and articulates the government's position in litigation involving language rights. The Department of Canadian Heritage is responsible for coordinating the implementation of the government's commitment to supporting the development of Anglophone and Francophone minorities and the promotion of English and French in Canadian society (Part VII).

As regards equal access to education in a minority setting, the federal government is committed to working with provincial and territorial institutions and governments to support the development of Anglophone and Francophone minorities, to offer services in English and French, to uphold minority-language education rights guaranteed in the Constitution and to facilitate for all the learning of English and French. This federal commitment is conferred on the Department of Canadian Heritage in section 43 of the Act, which sets out the kind of measures available to the Minister to advance the equality of status and use of English and French in Canadian society, including any measures to:

- a. enhance the vitality of the English and French linguistic minority communities in Canada and support and assist their development;
- b. encourage and support the learning of English and French;
- c. foster an acceptance and appreciation of both English and French by members of the public;
- d. encourage and assist provincial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language; and
- e. encourage and assist provincial governments to provide opportunities for everyone in Canada to learn both English and French. [...]

The mandate conferred on the Department of Canadian Heritage is achieved in conjunction with provincial and territorial partners responsible for the education sector, who consult French-language school boards in order to ensure the right to French-language education in Francophone communities in a minority setting.

C. Division of Powers and Responsibilities

Although education is primarily a provincial and territorial responsibility, the federal government is involved by virtue of its power to spend and to transfer money to the

provinces and territories to support their social programs. Moreover, the application of the *Official Languages Act* is the responsibility of the whole of the federal government. It has the obligation and responsibility to support education in minority settings by calling on federal departments and institutions that are able to contribute to the development of Francophone communities. Further, like the province and territories, the federal government has obligations under section 23 of the *Charter* and shares responsibilities with respect to the obligation to provide instruction in the language of the official-language minority at the primary and secondary levels, where numbers warrant.

D. Section 23 of the *Canadian Charter of Rights and Freedoms*

Section 23 is only one component of the constitutional and legal protection afforded the official languages in Canada. Other sources of protection are the Constitution of 1867,⁽⁵⁾ other provisions of the *Charter*,⁽⁶⁾ and the *Official Languages Act*, revised in 1985 and given Royal Assent in 1988.⁽⁷⁾ The Supreme Court of Canada has recognized that section 23 “is especially important... however, because of the vital role of education in preserving and encouraging linguistic and cultural vitality. It thus represents a linchpin in this nation’s commitment to the values of bilingualism and biculturalism.”⁽⁸⁾

Section 23 reads as follows:

23. (1) Citizens of Canada

- (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or
- (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

(5) *Constitution Act, 1867 (U.K.)*, 30 & 31 Vict., c. 3, s. 133.

(6) *Charter*, ss. 16 to 22.

(7) *Official Languages Act*, R.S.C. 1985, c. 31 (4th Supp.).

(8) *Mahé v. Alberta*, [1990] 1 S.C.R. 342, p. 350.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

- (a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and
- (b) includes, where the number of children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

In short, s. 23 guarantees three categories of parents the right to educate their children in the minority language.⁽⁹⁾ For Francophone communities in a minority setting, the rights-holders are parents whose first language learned and still understood is French, those who received their primary school education in French, and those who have or have had a child educated in French at the primary or secondary level. It requires only one parent with a right under s. 23 to have a child educated in the minority language. As it is students – both actual and potential – who receive or will receive the instruction envisaged by s. 23, they may also be considered beneficiaries of the section.

Under s. 23(3), the right to have one's children educated in the minority language applies at the primary and secondary levels wherever the number of students justifies the provision of education out of public funds and includes, where numbers warrant, the right to have one's children educated in publicly funded minority-language educational facilities. Governments are thus subject to a variable requirement, depending on the number of students in question. Section 23 will sometimes require French-language education only in an existing school or through distance-learning courses. At other times, it will require separate French-language schools or even a Francophone school board.

(9) Except in Quebec, where only two categories of parents, those covered by paragraphs 23(1)(b) and 23(2) of the *Charter*, have the right to have their children educated in the minority language, that is, English. As section 59 of the Constitution states that paragraph 23(1)(a) of the *Charter* may come into force for Quebec only with the authorization of the National Assembly or the Quebec government, and as no authorization has yet been given under section 59, paragraph 23(1)(a) is not in effect for Quebec; see *Solski (Tutor of) v. Quebec (Attorney General)*, 2005 SCC 14, para. 8.

1. Purpose of Section 23

The general purpose of section 23 is clear: “it is to preserve and promote the two official languages of Canada, and their respective cultures, by ensuring that each language flourishes, as far as possible, in provinces where it is not spoken by the majority of the population. The section aims at achieving this goal by granting minority language educational rights to minority language parents throughout Canada.”⁽¹⁰⁾

The reference to culture is significant, since “it is based on the fact that any broad guarantee of language rights, especially in the context of education, cannot be separated from a concern for the culture associated with the language. Language is more than a mere means of communication, it is part and parcel of the identity and culture of the people speaking it. It is the means by which individuals understand themselves and the world around them.”⁽¹¹⁾

Section 23 also has a remedial aspect. “The section is designed to correct past injustices not only by halting the progressive erosion of minority official language cultures across Canada, but also by actively promoting their flourishing.”⁽¹²⁾ That is why section 23 must be interpreted “in recognition of previous injustices that have gone unredressed and which have required the entrenchment of protection for minority language rights.”⁽¹³⁾ The objectives of s. 23 thus give it linguistic, cultural, educational, historical and remedial qualities, all within a constitutional framework.

2. The Guarantees in Section 23

Section 23 of the *Charter* guarantees the type and level of rights and services that are appropriate to ensure minority-language education to the number of students in question.⁽¹⁴⁾ The relevant figure that counts for the purposes of section 23 is the number of people who will actually make use of the program or institution envisaged, and not just the number of people that ask for it.⁽¹⁵⁾

The requirements of section 23 depend on the pedagogical needs, given the number of students involved, and the costs of the services envisaged. However, “the remedial

(10) *Mahé v. Alberta*, [1990] 1 S.C.R. 342, p. 362.

(11) *Ibid.*

(12) *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, [2003] 3 S.C.R. 3, 2003 SCC 62, para. 27 (majority of the Court).

(13) *Reference Re Public Schools Act (Manitoba)*, s. 79(3), (4) and (7), [1993] 1 S.C.R. 839, pp. 850-51.

(14) *Mahé v. Alberta*, [1990] 1 S.C.R. 342, p. 366.

(15) *Ibid.*, p. 384.

nature of s. 23 suggests that pedagogical considerations will have more weight than financial requirements in determining whether numbers warrant.”⁽¹⁶⁾ Moreover, a number of subtle and complex factors that go beyond simply counting the number of students must be taken into consideration. For example, the relevant calculations are not limited to existing school districts, and the appropriate approach may differ in a rural region as opposed to an urban region. In some cases, it may be necessary to provide transportation to take the students to an existing French-language school, or perhaps consider boarding them.⁽¹⁷⁾ In other cases, when the number of children covered by section 23 in a given region justifies the provision of minority-language education, that education may need to be given in an institution in the community where the children live.⁽¹⁸⁾

A minimal number of students from the Francophone minority may justify courses given in French, or French-language textbooks or other teaching resources. A larger number of students may exceed the numerical threshold of subsection 3(b) of section 23, and require the creation of minority-language teaching institutions, provided out of public funds, or go so far as to require the creation of a school board for the linguistic minority.⁽¹⁹⁾ Even if there are not enough potential students to justify a separate school or independent school board, the minority may be entitled to some degree of management and control. Section 23 may require minority representation on a mixed school board that gives the representatives exclusive control over all the aspects of the minority education that involve linguistic and cultural issues.⁽²⁰⁾ As always, the necessary degree of management and control depends on the number of children, which is a function of both their current and potential number.⁽²¹⁾

3. Substantive Equality

Section 23 applies the concept of “equal partners” to the two official language groups.⁽²²⁾ In situations where parents have the right to a degree of management and control over their children’s minority-language education, the quality of education given to the minority

(16) *Ibid.*, p. 385.

(17) *Ibid.*, p. 386.

(18) *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3, 2000 SCC 1, para. 56.

(19) *Reference Re Public Schools Act (Manitoba)*, s. 79(3), (4) and (7), [1993] 1 S.C.R. 839, pp. 857-58.

(20) *Mahé v. Alberta*, [1990] 1 S.C.R. 342, pp. 376-77.

(21) *Reference Re Public Schools Act (Manitoba)*, s. 79(3), (4) and (7), [1993] 1 S.C.R. 839, p. 858.

(22) *Mahé v. Alberta*, [1990] 1 S.C.R. 342, p. 364.

should in principle be equal to that given the majority.⁽²³⁾ The Supreme Court of Canada has added that section 23 “is premised on the fact that substantive equality requires that official language minorities be treated differently, if necessary, according to their particular circumstances and needs, in order to provide them with a standard of education equivalent to that of the official language majority.”⁽²⁴⁾

4. Governments’ Obligation to Act

The rights regarding language of instruction guaranteed by s. 23 of the *Charter* give rise to various types of government obligations, depending on the number of students involved.⁽²⁵⁾ Section 23 prescribes “that governments do whatever is practical in the situation to preserve and promote minority-language education.”⁽²⁶⁾ When doing so, “[a]rrangements and structures which are prejudicial, hamper, or simply are not responsive to the needs of the minority are to be avoided and measures which encourage the development and use of minority-language facilities should be considered and implemented.”⁽²⁷⁾

While the provincial and territorial governments have a clear obligation to respect the rights that s. 23 accords to the linguistic minority, they have a measure of latitude in meeting its requirements. The province (or territory) “has a legitimate interest in the content and qualitative standards of educational programs for the official-language communities and it can impose appropriate programs in so far as they do not interfere with legitimate linguistic and cultural concerns of the minority. School size, facilities, transportation and assembly of students can be regulated, but all have an effect on language and culture and must be regulated with regard to the specific circumstances of the minority and the purpose of s. 23.”⁽²⁸⁾ Despite the flexibility accorded to the provinces and territories, s. 23 “places positive obligations on governments to mobilize resources and enact legislation for the development of major institutional structures.”⁽²⁹⁾

(23) *Ibid.*, p. 378.

(24) *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3, 2000 SCC 1, para. 31.

(25) *Reference Re Public Schools Act (Manitoba)*, s. 79(3), (4) and (7), [1993] 1 S.C.R. 839, p. 858.

(26) *Mahé v. Alberta*, [1990] 1 S.C.R. 342, p. 367.

(27) *Reference Re Public Schools Act (Manitoba)*, s. 79(3), (4) and (7), [1993] 1 S.C.R. 839, p. 863.

(28) *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3, 2000 SCC 1, para. 53.

(29) *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, [2003] 3 S.C.R. 3, 2003 SCC 62, para. 28 (majority of the Court).

E. Judicial Recourse

It is possible to seek remedy from the Federal Court of Canada if rights or obligations provided for in the *Official Languages Act* have not been respected (Part X). In the area of education, beneficiaries of s. 23 of the *Charter* often find themselves before the courts in their respective province or territory to obtain respect for their rights to French-language instruction, public funding for minority-language education, minority-language educational institutions, or a degree of control and management where the number of students warrants. To help complainants challenge government action – or inaction – the federal government established the Court Challenges Program, a national non-profit agency whose goal is to provide financial support for cases of national importance to groups seeking to affirm and defend the constitutional provisions regarding equality and language rights.

The key case in the fight for recognition of rights under s. 23 of the *Charter* is *Mahé v. Alberta*,⁽³⁰⁾ a decision rendered by the Supreme Court of Canada in 1990. *Mahé* very forcefully confirmed the constitutional right of parents belonging to an official-language minority to manage and control their own educational institutions. Three other important Supreme Court decisions followed: *Reference Re Public Schools Act (Manitoba)* in 1993, *Arsenault-Cameron v. Prince Edward Island* in 2000, and *Doucet-Boudreau v. Nova Scotia (Minister of Education)* in 2003.⁽³¹⁾ This last-mentioned case concluded that courts could even order governments to take concrete remedial measures to counter assimilation and actively promote the vitality of the minority-language communities in connection with their obligations arising under s. 23 of the *Charter*.

In *Doucet-Boudreau*, the Supreme Court described the stage we have reached in implementing s. 23: “After *Mahé*, litigation to vindicate minority language education rights has entered a new phase. The general content of s. 23 in many cases is now largely settled [...]”⁽³²⁾ The Court then noted that parents covered by s. 23 of the *Charter* are now seeking the assistance of the courts “in enforcing the full and prompt vindication of their rights after a lengthy history of government inaction” [emphasis in original].⁽³³⁾

(30) *Mahé v. Alberta*, [1990] 1 S.C.R. 342, *supra*.

(31) *Reference Re Public Schools Act (Manitoba)*, s. 79(3), (4) and (7), [1993] 1 S.C.R. 839, pp. 850-851; *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3, 2000 SCC 1, para. 56; and *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, [2003] 3 S.C.R. 3, 2003 SCC 62, para. 27 (majority of the Court).

(32) *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, [2003] 3 S.C.R. 3, 2003 SCC 62, para. 63 (majority of the Court).

(33) *Ibid.*

And the courts continue to recognize the importance of s. 23. In a decision rendered as recently as 31 March 2005, the Supreme Court of Canada stated:

The very presence of s. 23 in the *Canadian Charter* attests to the recognition, in our country's Constitution, of the essential role played by the two official languages in the formation of Canada and in the country's contemporary life [...] It also confirms that the need and desire to ensure that language communities continue to exist and develop represented one of the primary objectives of the language rights scheme that has gradually been implemented in Canada. Although the process of recognizing and defining those rights has at times been marked by difficulties and conflicts, some of which are still before the courts today, the presence of two distinct language communities in Canada and the desire to reserve an important place for them in Canadian life constitute one of the foundations of the federal system that was created in 1867 [...] ⁽³⁴⁾

It is within this historical and legal framework that French minority-language education rights protected by s. 23 must be considered and the Committee makes its recommendations later in this report.

(34) *Solski (Tutor of) v. Quebec (Attorney General)*, 2005 SCC 14, para. 6.

CHAPTER II – BEYOND SECTION 23 OF THE *CHARTER*

A. Education at the Heart of Revitalizing Francophone Communities in a Minority Setting

1. Education is More Than Transmitting Knowledge

As pointed out by Professor Pierre Foucher, a constitutional law expert, education is one of the means to preserve the existence and vitality of Canada's Francophone communities. Section 23 of the *Charter* seeks to achieve this goal by granting minority-language parents educational rights throughout Canada. This guarantee of language rights, especially in the area of education, is inextricably linked to a concern for the culture conveyed by that language.⁽³⁵⁾ The existence and vitality of Francophone communities in a minority setting are thus rooted in “the main purpose of section 23 of the *Charter* [which] is not educational, but rather socio-linguistic,”⁽³⁶⁾ and which highlights the connection between school, culture and language in maintaining the vitality of these communities.

The objective of s. 23 is pursued by the 31 Francophone school boards across Canada, which have a constitutional obligation to fulfil its mandate. They must ensure that the Francophone minority receives an education in its own language of equivalent quality to the education given to students of the majority. This responsibility has been given to the Fédération nationale des conseils scolaires francophones (FNCSF) and to the provincial, territorial and federal governments.⁽³⁷⁾

2. School as the Cornerstone of the Development of Francophone Communities in a Minority Setting

Rodrigue Landry, Director General of the Canadian Institute for Research on Linguistic Minorities (CIRLM), stressed the importance of making education central to the community and of implementing a national revitalization plan based on the recognition of rights-holders. He noted that education policies would be more productive if they were part of a

(35) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Status Report and Future Considerations, Section 23 of the Canadian Charter of Rights and Freedom*, Briefing Paper for the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 3.

(36) *Ibid.*

(37) Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Opening Statement to the Standing Senate Committee on Official Languages*, Ottawa, 14 February 2005, p. 1.

national plan to revitalize Francophone communities in a minority setting⁽³⁸⁾ and that the research to date indicated that, without support from governments, the possibility of reversing the trend toward assimilation in a linguistic minority is very slim.⁽³⁹⁾ This vision was also endorsed by the Canadian Teachers' Federation (CTF), which pointed out that minority French-language schools pursue an objective in addition to the basic learning objectives necessary for the students' social, emotional and intellectual development: the maintenance and, in some cases, the development of French-language skills as well as the development of heritage and culture.⁽⁴⁰⁾

The concept of the school as the cornerstone of community vitality was reinforced by the University of Ottawa's Centre for Interdisciplinary Research on Citizenship and Minorities (CIRCM), which pointed out that "schools are often portrayed as the keystone in the growth of French-language communities [in a minority setting]. The school is not only a place of education, a location for learning the language and culture, but also a place for socialization [...] that promotes in students and the community as a whole the development of a feeling of belonging and of community solidarity."⁽⁴¹⁾

This viewpoint was also shared by the FNCSF, which stated that education must be regarded as a continuum extending from early childhood to the post-secondary level: "While our primary interest is in the school system, we cannot ignore early childhood services that prepare students, the problem of family illiteracy that conditions students, and the prospect of continuing French-language education at college or university."⁽⁴²⁾

This theme of continuity was reiterated by the Association des universités de la francophonie canadienne (AUFC), whose President, Yvon Fontaine, mentioned that "preserving command of a language starts in early childhood and continues to the university level. If our students do not have the opportunity to do their studies in their mother tongue, there is a good

(38) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 2.

(39) *Ibid.*, p. 6.

(40) Canadian Teachers' Federation, *Brief to the Standing Senate Committee on Official Languages*, Ottawa, 14 February 2005, p. 6.

(41) Centre for Interdisciplinary Research on Citizenship and Minorities, University of Ottawa, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 4.

(42) Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Opening Statement to the Standing Senate Committee on Official Languages*, Ottawa, 14 February 2005, p. 5.

chance that they will be mingling with people from the majority in English-language universities, outside our communities. They will find it much more difficult to return home after that.”⁽⁴³⁾

The Committee also notes that the Supreme Court of Canada has stated that “schools themselves provide community centres where the promotion and preservation of minority language culture can occur; they provide needed locations where the minority community can meet and facilities which they can use to express their culture.”⁽⁴⁴⁾

3. The Role of Culture in the School

According to Rodrigue Landry, education as the cornerstone of the revitalization of Francophone communities in a minority setting must “include measures that go beyond section 23 of the *Charter*.”⁽⁴⁵⁾ This revitalization should also, according to the Fédération culturelle canadienne-française (FCCF), take account of the arts and culture that are part of education, particularly because the culture and education sectors are often viewed as two parallel worlds. To revitalize Francophone communities in a minority setting, culture and education must have close and complementary bonds. This is what the FCCF found in its research into the link between language, culture and education in Francophone communities in a minority setting. Its findings showed that French-language schools in a minority setting must be different from majority-language schools. French-language schools must strive to offer young people cultural content that can mobilize them; without this, the school can teach aspects of the cultural program but it will not encourage students to preserve their Francophone identity or continue their education in French.⁽⁴⁶⁾ Culture and education are the two pillars in the defence and, especially, the promotion of language. The institutions they support – schools, artistic associations and cultural centres – are the main places for the expression and affirmation of identity.⁽⁴⁷⁾

As Professor Foucher mentioned, section 23 “seeks to preserve Canada’s two official languages and their cultures, and to enhance the vitality of each language, insofar as

(43) Association des universités de la francophonie canadienne, *Plan d’action 2005-2010 du réseau de l’enseignement universitaire*, submitted to the Standing Senate Committee on Official Languages, Ottawa, 21 March 2005, p. 49.

(44) *Mahé v. Alberta*, [1990] 1 S.C.R. 342, p. 363.

(45) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 13.

(46) Fédération culturelle canadienne-française, *Recherche-action sur le lien langue-culture-éducation en milieu minoritaire francophone*, Executive Summary, Ottawa, December 2004.

(47) Fédération culturelle canadienne-française, *Brief to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 5.

is possible, in the provinces where the particular language is not spoken by the majority.”⁽⁴⁸⁾ Regarding the scope of s. 23 of the *Charter* and its application to non-academic aspects of education, Professor Foucher elaborated: “We can nevertheless extend [s. 23] and push it as far as to cover, for example, cultural life at the school. Section 23 could be broadened; if the Cercle Molière is putting on a play, perhaps it could be put on in the Franco-Manitoban schools. [...] As far as sports go, perhaps under section 23, we can ask that sports be practiced in French. If the school ground is used to play soccer, or the gym for basketball, the coaching should be done in French.”⁽⁴⁹⁾

4. School as a Continuum for Development in French

Francophone communities in a minority setting consider French-language education to be a continuum, along which tools must be provided so that their members may succeed in using French throughout their lives and in all sectors affecting community life. It is also necessary to review census questions to better quantify the potential and real number of students who are eligible to attend French-language minority schools, and to strengthen and clarify the requirements relating to the distribution of funds and community consultation mechanisms provided for in the agreements negotiated under the Official Languages in Education Program. The information and the processes associated with negotiating these agreements must be more accessible and better explained. There is also a need to promote a long-term commitment by governments to programs that support minority- and second-language education.

(48) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Status Report and Future Considerations, Section 23 of the Canadian Charter of Rights and Freedom*, Briefing Paper for the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 4.

(49) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

B. Main Issues in Revitalizing Francophone Communities in a Minority Setting

The main challenges relating to French-language education in a minority setting are of two kinds: 1) demographic issues relating to the drop in school enrolment, the aging of the population and the increasing number of immigrants and their integration into Francophone minority settings, and 2) issues in French-language education relating to the school and the community.

1. Demographic Issues

a. The Drop in School Enrolment and the Aging of the Francophone Population

The demographics of the Francophone population and the erosion of these communities were described by Rodrigue Landry: Between 1986 and 2001, the school-age Francophone population (ages 5 to 17) shrank by 17%. The preschool-age population (ages 0 to 4) decreased by 27%. Other demographic indicators illustrate a more marked reduction in Francophone minority populations, namely, the aging of the population and the exodus from rural regions. In 2001, except for Quebec, the ratio of people aged 65 or over to people under 15 was 0.49 for the Anglophone population and 1.15 for the Francophone population, and was greater still for the Francophone population in Saskatchewan (4.14), where there were more than four times as many old people as young people.⁽⁵⁰⁾ This population decrease affects the number of clientele eligible for admission to French-language schools, and is why it is so important to find ways to revitalize the Francophone communities in a minority setting.

Moreover, as Rodrigue Landry pointed out, many young people who want to continue their education are leaving the rural Francophone areas to go to the major urban centres, which often have a very high concentration of Anglophones. They become more vulnerable to assimilation, as the anglicization (use and influence of English) and exogamy rates are much higher in cities than in more heavily Francophone areas.⁽⁵¹⁾ The growing rate of exogamy, which refers to interlinguistic marriages or relationships (i.e., between a Francophone and a person whose first language is not French), is prevalent especially in urban areas. In 2001, 37.4% of Francophones outside Quebec lived as a couple with an Anglophone spouse, and 4.6% with an

(50) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, pp. 5-6.

(51) *Ibid.*

allophone spouse (a person whose mother tongue is neither French nor English). It was noted that the overall exogamy rate – that is, the proportion of Francophones married outside their language and culture – was 42%.

The most damaging effect of exogamy is that French is not transmitted to children as a mother tongue and that those children do not use French as often. First, it is important to note that because of the growing trend toward exogamy and its increasing frequency among couples of child-bearing age, the percentage of children born to exogamous couples is much higher than the overall exogamy rate. Even with an exogamy rate of 42%, exogamous couples are the parents of 64% of the children under the age of 18 with a Francophone parent.

This percentage of children from exogamous couples means that French is the first language of one out of every two children (49.3%) with a Francophone parent and that only four out of ten children (41.6%) speak French predominantly at home. Combined with other factors, such as the low fertility rate and language transfers (use of French as a first language is replaced by English), this means that the number of children eligible to attend French-language schools is declining.⁽⁵²⁾ These factors highlight the importance of working to linguistically revitalize Francophone communities in a minority setting and emphasize the precarious state and development of these communities. In order to revitalize Francophone communities in a minority setting, education (from early childhood to post-secondary) must be made a living, awareness-raising milieu for linguistic and cultural socialization.⁽⁵³⁾

b. The Increasing Number of Immigrants and Their Integration Into the Francophone Minority Setting

While immigration can increase the Francophone population in a minority setting and boost school enrolment, up to now it has done little to help Francophone communities in a minority setting grow. Many immigrants are unaware that there are Francophone communities in Canada outside Quebec. They are not informed about the support structures and services available in these communities (e.g., French-language schools, Francophone media outlets, Francophone daycare centres, etc.). It should be noted, however, that there are some immigrants whose first language is not French but who, because of their education or other cultural affinities, are inclined to choose French as their first official language spoken. These immigrants, known

(52) *Ibid.*, pp. 14-15.

(53) *Ibid.*, p. 13.

as Francotrope immigrants, are a population base that can potentially increase the Francophone population and school enrolment in minority settings.⁽⁵⁴⁾

As regards the federal government's commitment to the equal status of Canada's official languages, the selection of immigrants and the provision of information and support structures must therefore serve to foster the more equitable integration of immigrants into Francophone communities in a minority setting. The French-language education system needs open and affirmative support structures since it must adapt to new clients in order to accomplish its mission, which includes promoting the Francophone identity of young people, French-language development and the vitality of the Francophone community.⁽⁵⁵⁾

2. Issues in French-Language Education Relating to the School in the Minority Setting

a. Concerted Action by Stakeholders

Education alone cannot guarantee the vitality of a linguistic minority,⁽⁵⁶⁾ but it is an essential element and can be considered the cornerstone for community development. Governments and minority groups must act in concert to optimize the revitalization of Francophone communities in a minority setting.⁽⁵⁷⁾ In Rodrigue Landry's opinion, a cooperative partnership between the federal government, the provincial governments and community organizations is needed to focus on the priorities, and more effectively coordinate a broader range of initiatives for the vitality of Francophone communities in a minority setting. The federal government's Action Plan for Official Languages does not seem to promote strong synergy between government and community action. The Plan does not provide for new federal-provincial-territorial agreements that would cover revitalization measures in all areas. For instance, there is little coordination between the activities of the Ministerial Conference on Francophone Affairs, which includes the provinces and territories, and the activities managed under the Action Plan for Official Languages.

(54) *Ibid.*, p. 16.

(55) *Ibid.*

(56) *Ibid.*

(57) *Ibid.*, p. 9.

b. French-Language Schools, Community Life and Socialization in French From an Early Age

The integration of school into the community is essential, as a minimum of community life is required to promote linguistic socialization in the minority language. The French-language school faces great challenges. It attracts only a slight majority of s. 23 rights-holders. It has difficulty keeping those it does attract and their chances of success are largely dependent on their language skills in the language of instruction.⁽⁵⁸⁾ In some municipalities, the French-language school is the only institution where French is the dominant language and it is the primary means for preserving Francophone culture and identity. In urban settings, new schools that would foster community life present other challenges. Even when there are enough Francophones in urban centres to warrant the construction of schools managed by the minority, the Francophone population is often widely dispersed, which does not foster Francophone community life. The school-community centres are institutions that can contribute to Francophone life at home and in the school, and to community life of the Francophone collectivity.⁽⁵⁹⁾

Regardless of whether French-language schools are in a rural or an urban setting, the Commission nationale des parents francophones (CNPF) and Rodrigue Landry recalled that they must contribute to socialization in French, which is of vital importance to community revitalization and should be the first priority. Successful efforts in this area will have the greatest impact on the future vitality of Francophone communities in a minority setting. To fully appreciate the opportunities to remedy this situation, one must recognize the hidden demographic potential of exogamy represented by the children of s. 23 beneficiaries in exogamous families, those where one parent is Francophone and the other Anglophone. We must recognize that exogamy is not the direct cause of linguistic assimilation, but that it is instead the language dynamic selected by the family and the parents' choice of schools.⁽⁶⁰⁾

In order to achieve the objective of creating schools that foster socialization in French, family support services must be made available by setting up early childhood centres.

(58) Liliane Vincent, Director, Services to Francophones, Canadian Teachers' Federation, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(59) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 19.

(60) *Ibid.*, pp. 13-14.

These centres should be attached to existing French-language school structures in order to contribute to children's socialization in French before they start school, and to address the increase in enrolment attributable to the recruitment of a larger number of children from exogamous families and immigrant parents.

**c. The Twofold Mission of French-Language Schools
in a Minority Setting**

The mission of the minority French-language school requires a set of resources adequate to provide an education of comparable quality to that of the majority, through an approach to teaching that meets the needs of Francophone communities in a minority setting. Teaching is the key to learning and successful identity-building. In a minority context, the educational mission is twofold, and so is the curriculum. An approach to teaching that is suited to the Francophone community seeks, firstly, the maximum development of the student's human potential and, secondly, is based on a family-school-community partnership that promotes community participation in the schools and the involvement of the school and students in the community.⁽⁶¹⁾

In the case of French-language minority schools, one must consider what is going on inside and outside these schools. We must look beyond human and material resources. As mentioned by Paulette Gagnon, the President of the FCCF, what is done in the school (the teaching approach) and beyond teaching (the school's cultural enrichment program) has not been of great concern to school boards and board members who are now responsible for the administration of French-language schools in the minority setting.⁽⁶²⁾ The unique mission of the French-language school in minority settings was the subject of a study by the FCCF on the language-culture-education link. The study concluded that the concern about the school's twofold mission is much greater in the case of French-language minority schools. It is not just a question of exposure to the arts – the concern of the majority schools – but of finding a way for the school to enrich the students' culture, expose them to culture, or develop their sense of cultural belonging. This goes well beyond arts education. Why this difference? Because culture is not a given in the Francophone minority.⁽⁶³⁾

(61) *Ibid.*, pp. 19-20.

(62) Paulette Gagnon, President, Fédération culturelle canadienne-française, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 7 March 2005.

(63) Marc Haentjens, Director General, Regroupement des éditeurs canadiens-français, Fédération culturelle canadienne-française, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 7 March 2005.

d. An Approach to Teaching Suited to the Francophone Minority Setting

The ongoing training of education professionals requires new ways of thinking and acting in education that may run counter to a number of current beliefs and practices. Such an approach to teaching encourages students to develop responsibility and commitment to identity and language behaviours.⁽⁶⁴⁾ According to the Alliance canadienne des responsables, des enseignantes et des enseignants en français langue maternelle (ACREF), the time has come to create a national drive for educational success through a major investment of federal funds in training our teachers. The greatest challenge will be to provide responsive and competent staff so that school boards can meet the expectations of their Francophone community. Efforts to recruit and retain students will be challenging, because similar efforts and innovative strategies must also be deployed to attract and keep staff.⁽⁶⁵⁾

As Joseph-Yvon Thériault of the CIRCM and Rodrigue Landry of the CIRLM noted, this search for an approach to teaching suited to the Francophone minority reflects an evolution in French-language schools: they are no longer regarded as minority schools but as schools in a minority setting. This new view of the French-language school in a minority setting was confirmed by the adoption of the *Charter*, which established in Canada a new “equality” in education, breaking the majority/minority dichotomy. The *Charter* recognized the equal rights of both schools that are at the heart of Canadian duality: the English-language school and the French-language school. The right to school governance was recognized not because Francophones are a minority in most of the country but because they are members of one of the country’s two linguistic communities with a right to school autonomy.⁽⁶⁶⁾

French-language schools in minority settings today are highly fragmented and are based primarily on community, local and provincial identities (e.g., Acadian, Franco-Ontarian, Franco-Manitoban, Franco-Albertan, Franco-Columbian, Franco-Yukoner, Franco-Tenois and Fransaskois). By stressing what makes them different, the various Francophone communities have, as far as their schools go, forgotten what used to unite them (French-speaking Canada). If we wish to ensure the maintenance and reproduction of a nationwide Francophone culture, it is time to think about a Canada-wide curriculum. In a society that has changed radically, where

(64) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 20.

(65) Denise Moulun-Pasek, President, Alliance canadienne des responsables, des enseignantes et des enseignants en français langue maternelle, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 5.

(66) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 10.

communities have been diluted by opening themselves up to greater individual and collective diversity, there is an urgent need today to think about the blueprint for the French-language school. In order to carry out this process of reflexion, Francophone communities in the minority setting could engage in a meaningful dialogue with French-speaking Quebec⁽⁶⁷⁾ and will have to work together as Francophones to develop teaching tools suited to their respective communities.

e. The Ability to Achieve Results Equivalent to Those of the Majority

Francophone communities in a minority setting have special needs. So that they may aspire to and attain results comparable to those of the majority, they require resources at least equivalent to those given the majority, and it is worth remembering that the highest court has ruled that they must sometimes be given even more, in view of their specific needs.⁽⁶⁸⁾ This lack of resources for primary and secondary education also applies to post-secondary education, as pointed out by the Réseau des cégeps et des collèges francophones du Canada (RCCFC). Access to post-secondary institutions is not the only concern, but also the quality of education, given the major challenges inherent to the reality of Francophone minority settings.⁽⁶⁹⁾

C. A National Awareness Campaign

The challenge in revitalizing Francophone communities in a minority setting involves the need to create a collective awareness of the issues and challenges. It remains to be seen whether Canada's political will and the solidarity of Francophone community organizations are strong enough to carry out a genuine campaign to revitalize Francophone communities in a minority setting.⁽⁷⁰⁾

An awareness campaign is necessary to optimize the recruitment of eligible clientele and to promote early socialization in French among children. Today, nearly two thirds (64%) of the students eligible for French-language school under s. 23 of the *Charter* are from exogamous families, which has a huge impact on the socialization of children in French and the parents' choice of schools. According to Rodrigue Landry, figures on the number of rights-

(67) Centre for Interdisciplinary Research on Citizenship and Minorities, University of Ottawa, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 5.

(68) Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Opening Statement to the Standing Senate Committee on Official Languages*, Ottawa, 14 February 2005, p. 2.

(69) Réseau des cégeps et des collèges francophones du Canada, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 9.

(70) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, pp. 10 and 16.

holders vary among different studies. He noted that just over 50% of eligible students attend schools managed by the French-language minority.⁽⁷¹⁾ This statistic differs from the starting point mentioned in the Action Plan for Official Languages, which aims to increase the proportion of eligible students enrolled in French-language minority schools from 68% to 80% by the year 2013.⁽⁷²⁾

Research shows that many parents are unaware of the school and family conditions that contribute to the optimum development of bilingualism in their children. It is necessary to promote greater collective awareness of the issues and challenges in order to successfully complete a real revitalization campaign for the Francophone and Acadian communities.

On this point, the Committee notes that the costs associated with awareness and promotion are high and cannot be borne by community organizations alone. The Supreme Court of Canada has stated that “[t]he province has the obligation to offer the educational services [and to] make them known and accessible to minority language parents”⁽⁷³⁾ and, moreover, that “[t]he province has the duty to actively promote educational services in the minority language and to assist in determining potential demand.”⁽⁷⁴⁾ The Committee believes that the federal government must also demonstrate a stronger commitment to meeting the education goals of the Francophone minority and promoting public awareness in this regard. The Department of Canadian Heritage and its partners should, for example, pledge to promote linguistic duality through public service announcements or advertisements.

Recommendation 1:

That the federal government implement:

- a) a national campaign to increase awareness of, and respect for, language rights on the part of all Canadians; and**
- b) an information campaign directed to Francophone communities in a minority setting and rights-holders under**

(71) *Ibid.*, p. 14.

(72) Government of Canada, *The Next Act: New Momentum for Canada’s Linguistic Duality, The Action Plan for Official Languages*, Ottawa, 2003, p. 27.

(73) *Reference re Public Schools Act (Manitoba)*, s. 79(3), (4) and (7), [1993] 1 S.C.R. 839, p. 862.

(74) *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3, 2000 SCC 1, para. 34.

s. 23 of the *Charter*, regarding their rights to French-language education and the relevant case law.

CHAPTER III – EARLY CHILDHOOD

A. Early Childhood and Francophone Communities in a Minority Setting

Childcare and preschool services are the springboard for primary, secondary and, ultimately, post-secondary education. Even more importantly, they are an essential tool in the fight against assimilation, which often occurs at a very young age. To ensure that Francophone communities survive, early childhood services must be available in French. The Fédération des communautés francophones et acadiennes du Canada (FCFA) fully supports the vision of the CNPF: “Minority francophone families will have universal and affordable access to high-quality education services, in order to promote comprehensive early childhood development within Francophone institutional and community structures.”⁽⁷⁵⁾

As the ACREF noted, the funding of early childhood education programs, tailored to Francophones in order to achieve long-term results, is an investment in human capital for all Canadians. In order to support linguistic duality, programs tailored to the Francophone minority are also necessary for linguistic survival. These services are essential to prepare children for successful and ongoing education in French. The demand for early childhood services is supported by a great many studies confirming that critical brain development occurs before the age of six. The challenges of linguistic assimilation that young Francophones in minority communities will face require cutting-edge programs and rigorous monitoring of progress to ensure these children develop fully as Francophones.

On the whole, Francophone communities do not have such services. Many children in Francophone minority settings begin school without being prepared to learn in French, making it more difficult for them to learn the subject matter. The lower standardized test scores of students from Francophone minority settings attest to this. To fight assimilation (loss of use of the first language and cultural identity) and provide for equivalent academic performance in French as compared to the majority, young children must have access to French-language services to retain the use of their language.⁽⁷⁶⁾

(75) Fédération des communautés francophones et acadiennes du Canada, *Brief submitted to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 1.

(76) Denise Moulun-Pasek, President, Alliance canadienne des responsables, des enseignantes et des enseignants en français langue maternelle, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 2.

1. Preparation for French-Language School

It is essential that the predominance of English in the first years of children's lives be counterbalanced, as this is a critical period for French-language learning. Francophone children must be given the opportunity to start out on an equal footing with majority-language school children, and parents must be offered options that will encourage them to opt very naturally for French-language schools.⁽⁷⁷⁾ A loss of identity cannot be adequately reversed, in the current circumstances, through educational daycare (at age three) or beginning at school (at age five).⁽⁷⁸⁾ The CNPF and its parents' network have therefore suggested the idea of early childhood and family centres. These centres would offer much more than childcare. However, that does not mean that parents of the Francophone minority are opposed to childcare centres. It is just that if there are childcare centres, there must also be an educational program to help children at those centres learn in preparation for school at the age of four or five.⁽⁷⁹⁾

2. Early Childhood Support and Education Services

Early childhood care and education services prepare young Francophone children to learn, enable them to integrate better at school and are now an integral part of the French-language minority education system. However, according to a study conducted in 2003, very little support is provided for the development of Francophone children. Francophone communities in a minority setting are certainly not the only ones lagging behind in Canada, but the effect on these communities is growing, as their increasing minority status makes it more difficult for young children to master the French language and identify aspects of their culture.⁽⁸⁰⁾

(77) Liliane Vincent, Director, Services to Francophones, Canadian Teachers' Federation, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(78) Murielle Gagné-Ouellette, Director General, Commission nationale des parents francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(79) *Ibid.*

(80) Centre for Interdisciplinary Research on Citizenship and Minorities, University of Ottawa, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 3.

3. Main Issues for Francophone Communities in a Minority Setting

With respect to the period from early childhood to post-secondary education, the CIRCM identified some of the specific issues facing Francophone communities in a minority setting: linguistic and cultural integration, equal opportunities, equal performance, recruitment of eligible students and the vitality of Francophone communities. These issues mean that the need for public early childhood education is different from what is required for other levels of education and from what is required by the majority. The needs are more urgent and different for communities in a minority setting, and Francophone communities may therefore require more than services that are merely equivalent to those available to the majority.⁽⁸¹⁾

It should be noted that the CTF raised another major issue for the Francophone minority in identifying who may be eligible to use Francophone early childhood and family centres. What is needed is a profile of the intended clientele and not a description of the current state of affairs. Such a profile would illustrate to parents, early childhood educators and the government departments involved how services should be structured for children up to the age of six to ensure that when they begin French-language school they are well prepared to succeed academically.⁽⁸²⁾

One of the issues raised by the CNPF was the future of families, schools and communities in the Francophone minority setting. At the same time, this is the future of our country's linguistic duality, cultural plurality and human capital. Communities in a minority setting have different needs and priorities than those of the majority in Canada. This is evident among children who go to French-language schools: there is a general lack of motivation and confidence in using French in situations other than when required in the classroom. These factors are related to non-cognitive dimensions of learning and certainly have the greatest impact on linguistic skills. There is a significant dropout rate in favour of English-language schools after kindergarten or Grade 1.⁽⁸³⁾

(81) *Ibid.*

(82) Liliane Vincent, Director, Services to francophones, Canadian Teachers' Federation, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(83) Ghislaine Pilon, President, Commission nationale des parents francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

4. Early Childhood and Section 23 of the *Charter*

The right of Francophone minority parents to have their children educated in French at the primary and secondary levels is explicitly recognized in section 23 of the *Charter*. The Committee is of the opinion that preschool education should also be part of an approach that enhances the linguistic and cultural vitality of the Francophone minority in Canada. Children who are not educated in French early in life have less ability and even desire to integrate into French-language schools, and this dilutes the rights protected by section 23. Requiring Francophone children to attend English-language institutions in early childhood does not enhance the vitality of Francophone communities in a minority setting or support the objective of providing an education that is substantively equivalent to that received by the linguistic majority.

The Committee notes that the Supreme Court of Canada is in favour of a broad interpretation of the language rights set out in section 23 of the *Charter*:

It is clearly necessary to take into account the importance of language and culture in the context of instruction as well as the importance of official language minority schools to the development of the official language community when examining the actions of the government in dealing with the request for services... [...] A purposive interpretation of s. 23 rights is based on the true purpose of redressing past injustices and providing the official language minority with equal access to high quality education in its own language, in circumstances where community development will be enhanced.⁽⁸⁴⁾

The Supreme Court has elsewhere concluded that “[l]anguage rights must in all cases be interpreted purposively, in a manner consistent with the preservation and development of official language communities in Canada” [underlined in the original].⁽⁸⁵⁾

When asked whether the purpose of section 23 of the *Charter* could include a right to preschool education, Professor Pierre Foucher, a constitutional law expert at the University of Moncton, replied: “The idea is to redress, to refrancicize and to fight assimilation. Can that be extended to preschool? There is probably a good argument in the fact that if you want there to be primary instruction, then you must reach children in early childhood, at the preschool level. There must also be a childcare centre in the minority school.”⁽⁸⁶⁾ He added,

(84) *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3, 2000 SCC 1, para. 27.

(85) *R. v. Beaulac*, [1999] 1 S.C.R. 768, para. 25 (majority of the Court).

(86) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

“Having the childcare centres in the schools is a way of ensuring that these children have access right from the beginning.”

B. Federal Early Childhood Initiatives

There are two recent federal-provincial-territorial agreements on early childhood, the Early Childhood Development Agreement of 2000 and the Multilateral Framework on Early Learning and Child Care of 2003. However, these two agreements make no reference to the specific needs of Francophone minorities.⁽⁸⁷⁾ With another agreement expected in 2005, the same scenario is about to be repeated. The FCFA is very concerned that the investment announced in the budget of 23 February 2005 does not include any guarantee that the needs of Francophone and Acadian communities will be taken into consideration.⁽⁸⁸⁾

In 2004, the CNPF obtained funding for a project entitled *Partir en français* (\$1 million over 25 months) and more recently for *Partir en français 2* (\$365,000 over 8 months). This funding will be used to build the capacity of its members and partners in the field, because early childhood falls under provincial and territorial jurisdiction. The Commission is also working closely with the applied research sector to steer a childcare pilot project, which has been allocated \$10.8 million under the Action Plan for Official Languages. Two representatives of the Commission sit on the research advisory committee, along with a number of Francophone researchers from the minority setting. The research will provide crucial scientific data that will serve as the foundation for future policies and programs of the Department of Social Development.⁽⁸⁹⁾

In 2003, the federal government’s Action Plan for Official Languages identified early childhood education in French as a priority. Among other things, the federal government undertook in this plan to “encourage the provinces and territories to take into account the needs of families in minority language communities,” and, further to the commitment made by

(87) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, University of Moncton, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 18.

(88) Fédération des communautés francophones et acadiennes du Canada, *Brief submitted to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 2.

(89) Ghislaine Pilon, President, Commission nationale des parents francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

provincial and territorial governments, to consider “children in specific cultural and linguistic situations.”⁽⁹⁰⁾

At the Conference of Ministers Responsible for Francophone Affairs in October 2000, the ministers recognized the need to work with their counterparts in other departments and ministries to ensure that the interests of the Francophone and Acadian communities are taken into account in such matters as early childhood services.⁽⁹¹⁾ A 2003 study by the CIRCM stressed, however, that: “No province or territory has adopted policies on early childhood for Francophones and no program expressly involves the development of initiatives emerging from the country’s Francophone communities in this regard.”⁽⁹²⁾

Since the announcement of the \$5-billion childcare initiative, talks between federal, provincial and territorial social services departments are under way in order to reach a consensus on early learning and childcare. They have discussed the need to ensure that learning and childcare programs take account of each child’s specific needs and allow children to reach their full potential. They have also discussed the need for early learning and childcare to recognize the valuable contribution made every day by highly competent and dedicated early childhood educators and care providers who offer children enriching experiences in a healthy and stimulating environment. The departments agreed to meet again in early 2005 to conclude an agreement. They anticipate a busy schedule, leading to the development of a final agreement and the allocation of resources starting in the 2005-2006 fiscal year. The new initiative will build on the success of the federal-provincial-territorial multilateral framework on early learning and child care of 2003, which gives the provinces and territories the primary responsibility for this matter.⁽⁹³⁾

While the provinces and territories support the principles of section 23 of the *Charter*, the Minister of Social Development notes that, before a consensus can be reached with his provincial and territorial counterparts, there are still difficulties to be resolved with respect to official languages and the new early childhood initiative for Francophone communities in a minority setting.

(90) Government of Canada, *The Next Act: New Momentum for Canada’s Linguistic Duality, The Action Plan for Official Languages*, Ottawa, 2003, p. 57.

(91) Fédération des communautés francophones et acadiennes du Canada, *Brief submitted to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 2.

(92) Centre for Interdisciplinary Research on Citizenship and Minorities, University of Ottawa, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 5.

(93) Canadian Intergovernmental Conference Secretariat, News Releases, 2 November 2004 and 11 February 2005.

C. Investing in Early Childhood: A Worthwhile Social Investment

The empirical evidence over thirty years has shown that the preschool period is critical for a child's future, which makes this the ideal time to invest in human capital. The research clearly illustrates that cognitive, social and emotional development reaches its peak in the first three years of a child's life.⁽⁹⁴⁾ Failing to invest in early childhood in minority communities irreversibly weakens our human capital. Half of all children already start out in life at a disadvantage because the development of their language, culture and identity are to a large extent neglected. In the new economy, investing in human capital is the key to innovation and creativity.⁽⁹⁵⁾

Not including the early childhood centres in Quebec, just 8% of Canadian children currently have a place in an accredited childcare centre. Francophones in minority settings are even worse off, although their needs are great. For example, half of them assimilate before the age of five and do not attend French-language school. The CNPF has suggested a model based on Quebec's family policy. In addition to the emphasis that is placed on quality, two other key elements present in the Quebec preschool initiative must be emphasized. Firstly, the Anglophone and First Nation minorities receive equivalent services. It goes without saying, therefore, that Francophone communities across Canada should be on an equal footing with other communities when it comes to receiving services from their governments. Secondly, in Quebec, parents manage the early childhood centres, with professional guidance and ongoing education. For Francophone parents in minority settings, it would also be desirable for the communities to manage the early childhood and family centres themselves. The management of early childhood and family centres is even more important than primary and secondary school governance because the children involved are even younger and more vulnerable.⁽⁹⁶⁾

The establishment of early childhood and family centres is based on the principle of providing a complete range of integrated services. "Integrated" is the key word here: the school serves as a focal point in partnership with the community, and language skills are the basis for success in all subjects.⁽⁹⁷⁾ This is the rationale underlying the following four requests.

(94) Ghislaine Pilon, President, Commission nationale des parents francophones, *Presentation on the national childcare system to the Standing Senate Committee on Official Languages*, Ottawa, 14 February 2005, p. 2.

(95) *Ibid.*, pp. 3, 6.

(96) *Ibid.*, p. 4.

(97) Canadian Teachers' Federation, *Brief of the Standing Senate Committee on Official Languages*, Ottawa, 14 February 2005, p. 21.

1. Emphasis on Early Childhood Development

Public policies should foster an integrated approach to health, learning and social development in minority settings, focusing on assistance to families in the child's first months and years of life. Another important point is that the integrity of the French-language character of early childhood services must be protected.⁽⁹⁸⁾ At the same time, care must be exercised not to exclude exogamous and Anglophone parents. Ways must be found to include these parents and francization tools must also be developed.

2. Creation of Early Childhood and Family Centres

Early childhood and family centres would provide family intervention and include a variety of services for children, such as educational daycare, resource centres, preschool, playgroups and early detection of learning or language difficulties. It is essential that early childcare and education services be firmly linked with the French-language school in order to increase their scope and ensure their stability, long-term viability and accessibility.⁽⁹⁹⁾

It is also essential that early childcare and education centres be attached to French-language schools. With high-quality services in French available and accessible to the entire minority-language community, children would have an equal chance of attaining academic performance within the normal range of the majority in Canada. By virtue of its protected status under the Constitution, the French-language minority school would provide greater stability and access, and would thus be the best structure for the development of early childhood services. Offering these services at the school would also promote continuity. Education must be seen as a continuum from early childhood to the post-secondary level. Early childhood reception and education services offered in French are very likely “the point of entry to French-language school. This continuity is essential, as it would facilitate the transition to school and would also expose parents to a French-language school sooner and better prepare the child.”⁽¹⁰⁰⁾

(98) *Ibid.*

(99) Ghislaine Pilon, President, Commission nationale des parents francophones, *Presentation on the national childcare system to the Standing Senate Committee on Official Languages*, Ottawa, 14 February 2005, p. 4.

(100) Canadian Teachers' Federation, *Brief to the Standing Senate Committee on Official Languages*, Ottawa, 14 February 2005, pp. 6 and 20; Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Opening Statement to the Standing Senate Committee on Official Languages*, Ottawa, 14 February 2005, p. 5.

Recommendation 2:

That federal policies and programs for early childhood take into consideration the needs of parents, in order to promote their children’s full development and French-language learning beginning in early childhood at home.

3. Access to Federal-Provincial-Territorial Agreements

Above all, Francophone communities in a minority setting must benefit from the federal/provincial/territorial agreements. As Pierre Desrochers, President of the Fédération des conseils scolaires francophones de l’Alberta (FCSFA), noted, “the focus and objectives of these agreements should be based more on services for early childhood development.”⁽¹⁰¹⁾ The federal government must provide equitable funding for Francophones in each jurisdiction. Governments must consider Francophone communities as priority locations for immediate action. The Minister of Social Development is currently negotiating agreements with the provinces and territories to establish a national childcare system. This is a very important initiative for all communities in a minority setting.⁽¹⁰²⁾

The partners in Francophone communities are poised to negotiate with their government. They are demanding an equal share of funding so that it is specifically earmarked for the development of Francophone communities, on a stable and lasting basis. Excellent solutions have been found with respect to health care with the Société Santé en français, and in other areas such as the economy and human resources by the Comité national de développement des ressources humaines de la francophonie canadienne and the economic and labour development network.⁽¹⁰³⁾ Accordingly, the agreements signed between governments must include specific provisions that will allow Francophone communities in a minority setting to develop childcare services in their language. They must very clearly reflect governments’ commitments to official-language communities in a minority setting.⁽¹⁰⁴⁾

(101) Pierre Desrochers, President, Fédération des conseils scolaires francophones de l’Alberta, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Edmonton, 23 October 2003.

(102) Ghislaine Pilon, President, Commission nationale des parents francophones, *Presentation on the national childcare system to the Standing Senate Committee on Official Languages*, Ottawa, 14 February 2005, p. 4.

(103) *Ibid.*

(104) Fédération des communautés francophones et acadiennes du Canada, *Brief submitted to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 2.

4. Establishment of Early Childhood Networks

There is an urgent need for governments to support the bringing together of the various partners interested in the development of the French-language minority (institutions, professionals, educators, communities and governments) and afford them the ability to network, share information and promote French-language early childhood development in their province or territory.⁽¹⁰⁵⁾ The CNPF is very concerned about the lack of resources for francization and the revitalization of Francophone communities in a minority setting starting in early childhood. It noted, “As a society, we cannot continue to sustain these systems without a preventive approach directed to the youngest segment of the population.”⁽¹⁰⁶⁾

Recommendation 3:

That the federal government:

- a) **include a language clause in all of its protocols and agreements to ensure that Francophone communities in a minority setting benefit fully from early childhood initiatives; and**
- b) **expand the protocols and agreements on minority-language education to include preschool services as part of the continuum of French minority-language education.**

Nota: After the conclusion of the public hearings, the Committee learned that five federal-provincial agreements on early learning and child care have been signed. However, the Committee has not yet conducted an analysis of them.

(105) Ghislaine Pilon, President, Commission nationale des parents francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(106) *Ibid.*

CHAPTER IV – PRIMARY AND SECONDARY EDUCATION

A. The Current State of French-Language Education in a Minority Setting

Today there are 31 French school boards in nine provinces and three territories that manage nearly 700 French schools attended by some 150,000 students.⁽¹⁰⁷⁾ In March 2003, the federal government announced its Action Plan for Official Languages, which included an additional investment of \$381.5 million over five years for education in the two official languages, from which \$209 million was allocated for Francophone and Anglophone minority-language education.⁽¹⁰⁸⁾ While the Action Plan noted that impressive progress had been made in terms of the number of French-language educational institutions in Francophone minority settings, it highlighted two main concerns expressed by Francophone minorities during the consultations: the recruitment and retention of eligible school populations, and the quality of instruction in French in the face of increasing needs.⁽¹⁰⁹⁾

Despite the tangible improvements regarding access to education in French and school management, the Committee heard evidence and learned of studies showing that there are still obstacles to be overcome. In the words of Madeleine Chevalier, President of the FNCSF, “the current status of our education system is worrisome. In short, we might say that it is on life support. We are far from achieving the community vitality set out in the *Official Languages Act*.”⁽¹¹⁰⁾

1. Recruitment and Retention of Students

It should first be remembered that the Action Plan for Official Language calls for enrolment in French-language schools to increase to 80% of students eligible under s. 23 of the *Charter* by 2013. This objective was mentioned by a number of witnesses, who emphasized the difficulty in recruiting and keeping minority French-speaking students at both the primary and

(107) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 1; Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(108) Government of Canada, *The Next Act: New Momentum for Canada’s Linguistic Duality, The Action Plan for Official Languages*, Ottawa, 2003, pp. 25-26.

(109) *Ibid.*, pp. 17-20.

(110) Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

secondary levels. Pierre Eddie, a teacher at the École Maurice-Lavallée in Edmonton said, “A study by our board found that in our schools, we probably had 15% of the available Francophone client population, which means that many Francophones are not in our schools. [...]”⁽¹¹¹⁾ Marc Gignac, Director General of the Fédération des parents francophones de la Colombie-Britannique (FPFCB), explained that “student recruitment and retention are quite a challenge. First, we have to reach the potential clientele, then convince them to register in our schools. [...] We currently see significant erosion of the clientele from the sixth grade on. This is due in large part to the fact that it is very hard for our schools to compete with the large Anglophone secondary schools that offer a full range of services, courses and extra-curricula activities.”⁽¹¹²⁾ Saskatchewan also has a problem with retaining students. Denis Ferré, from the Division scolaire francophone in Saskatchewan (DSFS), concluded, “Our greatest challenge in that area comes when children move from elementary to secondary school. In Saskatchewan, that happens in grade 8 or the start of high school. Our retention rates, especially in urban areas, are about 60% to 65%. So we lose 35% of our students.”⁽¹¹³⁾

The witnesses called attention to the connection between the quality of education in a minority setting and the ability to attract students. According to Mr. Ferré, in Saskatchewan, “that loss [of students] can be explained by comparing our schools with neighbouring schools. Students have told us some reasons why they switched: the size of the schools and groups, infrastructures, nice buildings, gymnasiums. Although it is difficult to accept, these losses are part of reality. Students have a right to an education in adequate facilities in order to achieve the best results.”⁽¹¹⁴⁾ As for British Columbia’s schools, Mr. Gignac said, “Quality is thus necessary if we want to sell our product. That quality is based in part on the number of students registered in the schools, since funding is allocated in proportion to that number. [...] So we have to be creative and offer students a high-quality product which nevertheless reflects our reality and interests them.”⁽¹¹⁵⁾

(111) Pierre Eddie, Teacher, École Maurice-Lavallée, Edmonton, Alberta, as an individual, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Edmonton, 23 October 2003.

(112) Marc Gignac, Director General, Fédération des parents francophones de la Colombie-Britannique, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Edmonton, 24 October 2003.

(113) Denis Ferré, Director of Education, Division scolaire francophone, Saskatchewan, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 22 October 2003.

(114) *Ibid.*

(115) Marc Gignac, Director General, Fédération des parents francophones de la Colombie-Britannique, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Edmonton, 24 October 2003.

In light of these comments, the Committee emphasizes the need for adequate resources to ensure high-quality education that will make it possible to recruit and keep students from the Francophone communities in a minority setting in French-language schools. Unfortunately, the quality and quantity of education resources that are necessary for the development of Francophone communities are simply lacking at this time.

2. Shortage of Human, Material, Physical and Financial Resources

Witnesses representing schools stressed the need for access to school supplies, to human resources and to equitable funding if results are to be equivalent to those obtained by the linguistic majority. As Madeleine Chevalier, President of the FNCSF, summarized, “[French-language schools] cannot offer a range of programs of study, specialized services and equipment comparable to what is offered in rival English-language or immersion schools. Their infrastructure is often outdated or inadequate. They lack teachers and administrative staff.”⁽¹¹⁶⁾ The importance of financial resources was described by Gérard Auger, Director General, Division scolaire franco-manitobaine (DSFM), who said that distribution of funds for Manitoba’s school boards “is not fair. We cannot meet the requirements of section 23, the duty we have to perform in Manitoba.”⁽¹¹⁷⁾

In a national survey of Francophone teachers conducted by the CTF, 93.7% of respondents stated that there are challenges specific to teaching in French-language schools. In short, maintaining French in a linguistic and cultural environment that does not promote it and the lack of adequate resources represents the biggest challenge. The daily struggle against assimilation, the lack of continuity in spoken French in the school, the home and the community, and the low motivation for students to use French due to the predominance of English, render the role of teachers burdensome. Teachers identified the following difficulties: teaching load too heavy and too diversified, a lack of educational resources, the English-dominant setting, the lack of qualified staff (e.g. math and science specialists, psychologists, speech therapist), the lack of physical facilities, the lack of access to training, and a negative image of school.⁽¹¹⁸⁾

Many other witnesses also complained of the lack of human, financial and educational resources for Francophone communities in a minority setting. Professor

(116) Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(117) Gérard Auger, Director General, Division scolaire franco-manitobaine, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

(118) Canadian Teachers’ Federation, *Brief to the Standing Senate Committee on Official Languages*, Ottawa, February 2005, p. 7.

Pierre Foucher stressed the higher cost and greater scarcity of educational materials, such as textbooks in French, CD-ROMs and films in French, and the fact that most of these educational tools come from Quebec and are not adapted to the specific needs of the French-speaking communities in other provinces and territories. Like the CTF, Professor Foucher also mentioned the need for ongoing training and professional development of teachers, the need for specialized resources in French, and the need for adequate physical facilities.⁽¹¹⁹⁾

With regard to human resources, Nicole Bujold, Principal of the École Maurice-Lavallée in Alberta, explained that “[u]nder the provincial mandate, professionals must frequently travel throughout the province to work in the 24 Francophone schools. It is hard for us to recruit bilingual or Francophone experts in those areas.”⁽¹²⁰⁾ In Manitoba, Yolande Dupuis, President of the DSFM, pointed out, “First, there is the shortage of professionals available to provide services in French in specialized fields such as speech therapy, occupational therapy and so on. That shortage represents a serious recruitment problem for us. It is essential that our teachers have access to an initial and continuing training program that meets their needs.”⁽¹²¹⁾ The CIRLM likewise recommended initial and ongoing training of education professionals and the implementation of a teaching system specifically for the Francophone minority context.⁽¹²²⁾

In terms of financial resources, Denise Moulun-Pasek, President of the ACREF, noted that greater financial support is needed soon, adding that “[i]t is urgently necessary that political and financial support be provided for the national training of staff in minority schools, failing which student recruitment and retention efforts will be in vain.”⁽¹²³⁾ Lise Charland, Director General of the ACREF, reiterated those needs: “The message we have for you [...] is that the minority community has reached a level of maturity that will now enable it to go further. To go further, we need more money. We must receive more recognition than we have in the past

(119) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Status Report and Future Considerations: Section 23 of the Canadian Charter of Rights and Freedoms*, Briefing Paper for the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 10.

(120) Nicole Bujold, Principal, École Maurice-Lavallée, Edmonton, Alberta, as an individual, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Edmonton, 23 October 2003.

(121) Yolande Dupuis, President, Division scolaire franco-manitobaine, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

(122) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 20.

(123) Denise Moulun-Pasek, President, Alliance des responsables, des enseignantes et des enseignants en français langue maternelle, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 7 March 2005.

so that we can act. [...] And it's important that we act, if we want to improve the performance of our students and ensure that linguistic duality remains a source of pride for everyone."⁽¹²⁴⁾

3. Achieving Equivalent Results

The Committee points out that the reason why an increase in resources for education is so essential for Francophone communities in a minority setting is that much remains to be done to achieve substantive equality in comparison with the results obtained by the linguistic majority. Raymond Théberge, from the Collège universitaire de Saint-Boniface (CUSB), noted a “diversity of programs that exist from one province to the next [and] a significant difference in the results obtained by the two official language groups.”⁽¹²⁵⁾ A study published by Statistics Canada on 22 March 2004 showed that, on average, “students in French minority-language school systems performed at lower levels in reading than their counterparts in English school systems.”⁽¹²⁶⁾ The reading performance of Francophone students was particularly low in Nova Scotia, New Brunswick, Ontario and Manitoba. An evaluation report prepared for the Department of Canadian Heritage and referring to conclusions reached by the Council of Ministers of Education, Canada, also indicated that students in the minority education system performed at a level below the average achieved by those in the majority system.⁽¹²⁷⁾

The Committee considers that it is vital for governments to work in close cooperation to identify the factors to which these differences in performance can be attributed, and to introduce necessary changes to guarantee access to programs of equivalent quality. The challenge confronting minority-language school boards is twofold: enrolment must be increased while the quality of the instruction programs offered must be improved.

It is not solely a matter of obtaining sufficient resources so that education in Francophone communities in a minority setting may move ahead. Daniel Boucher, President and Executive Director, Société franco-manitobaine (SFM), explained: “We also want to reinforce

(124) Lise Charland, Director General, Alliance des responsables, des enseignantes et des enseignants en français langue maternelle, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 7 March 2005.

(125) Raymond Théberge, Director, Centre d'études franco-canadiennes de l'Ouest, Collège universitaire de Saint-Boniface, Manitoba, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

(126) Statistics Canada, “Study: Student reading performance in minority-language schools,” *The Daily*, 22 March 2004.

(127) Department of Canadian Heritage, Corporate Review Branch, *Evaluation of the Official Languages in Education Program, Final Report*, prepared by Prairie Research Associates (PRA) Inc., Ottawa, 25 June 2003.

what we have. That takes resources. [...] We have taken a step back in the past few years. Assimilation has done some damage. It is important to have adequate resources to do a certain amount of catching up.”⁽¹²⁸⁾ These comments remind the Committee that section 23 of the *Charter* has a remedial nature. According to the Supreme Court of Canada, “[i]t is not meant to reinforce the *status quo* by adopting a formal vision of equality that would focus on treating the majority and minority official language groups alike [...]. The use of objective standards, which assess the needs of minority language children primarily by reference to the pedagogical needs of majority language children, does not take into account the special requirements of the s. 23 rights holders.”⁽¹²⁹⁾

In light of the evidence provided by witnesses who have appeared since 2003, and considering the goal of substantive equality described in section 23, the Committee strongly urges the federal government and provincial and territorial governments not to forget their education obligations and to allocate to the Francophone communities the resources they need to provide a education of equivalent quality. We owe it to the young Canadians living in French-language communities in a minority setting.

4. Avenues to Pursue

The CTF requested resources of all types: human resources, particularly in rural settings and in the areas of special education, guidance, psychology and speech therapy; educational resources, such as educational software in French and materials written in French at the outset rather than translations from English; physical facilities that are of adequate size and that fit the needs of teachers and students; and financial resources in the form of equitable funding to ensure that Francophones receive the same quality of education and equal opportunities for success as Anglophones have across the country. The CTF also requested training and professional support for teachers, such as courses on pedagogy for the minority, access to professional development activities, and more mechanisms for the exchange of resources among schools at the regional, provincial and even national levels.⁽¹³⁰⁾

In order to revitalize the education system for Francophone communities in a minority setting, the FNCSF suggested a strategy comprising six avenues for action:

(128) Daniel Boucher, President and Executive Director, Société franco-manitobaine, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

(129) *Arsenault-Cameron v. Government of Prince Edward Island*, [2000] 1 S.C.R. 3, 2000 SCC 1, para. 31.

(130) Canadian Teachers’ Federation, *Brief to the Standing Senate Committee on Official Languages*, Ottawa, February 2005, pp. 8-9.

identification, recruitment and retention of eligible school enrolment; school infrastructures; recruitment, training and retention of employees who are competent in French; early childhood services; school programs and educational resources; and linguistic and cultural training and guidance.⁽¹³¹⁾ In terms of funding, FNCSF President Madeleine Chevalier added, “We are also seeking a complete reassessment of the budget in order to include the investments required by this strategy. [...] The federal government to which you make your recommendations must also increase its funding for various priorities: in terms of human resources development in the education sector; establishment of school infrastructures; support for the leadership shown by school boards and community organizations; support for early childhood; support for the technical networking of schools and communities; and support for the socio-cultural component of teaching young Francophones.”⁽¹³²⁾

With regard to the school system in minority-language communities, the CIRCM suggested setting up a Francophone education project that would meet the development needs of French-speaking Canada, including program content, type of instruction, resources used in the classroom and teacher training. The CIRCM also stressed the need for the active involvement of all partners in the education system – administrators, teachers, parents, and students – in this extensive reflection process and in creating the necessary synergy to achieve the anticipated goals. Finally, the Centre recommended the provision of adequate funding for this initiative, and the developments to which it would necessarily lead, so that French schools can adequately perform their mission.⁽¹³³⁾

One comment that has been repeated time and time again by school boards, teachers, parents’ associations, post-secondary institutions and research organizations is that Francophone communities in a minority setting simply need more resources. In order to recruit students, retain them once they have entered the French-language school system, and provide them with the level of education that is equivalent to that received by the Anglophone majority, Francophone communities in a minority setting must have adequate educational, human, material, physical and financial resources. On this issue, the Committee notes the following comments made by the Supreme Court of Canada:

(131) Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(132) *Ibid.*

(133) Centre for Interdisciplinary Research on Citizenship and Minorities, University of Ottawa, *Brief to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 5.

[T]he quality of education provided to the minority should in principle be on a basis of equality with the majority. This proposition follows directly from the purpose of s. 23. [...] It should be stressed that the funds allocated for the minority language schools must be at least equivalent on a per student basis to the funds allocated to the majority schools. Special circumstances may warrant an allocation for minority language schools that exceeds the per capita allocation for majority schools.⁽¹³⁴⁾

Recommendation 4:

That all levels of government coordinate their policies to guarantee that Francophone communities in a minority setting have sufficient human, material, physical and financial resources, in order to recruit and retain students and achieve a quality of education that is equivalent to that of the linguistic majority.

B. Federal Initiatives in Minority-Language Education

1. Official Languages in Education Program

Created in 1970 under the Official Languages Support Program of the Department of Canadian Heritage, the Official Languages in Education Program (OLEP) is one of the largest education programs. Through the OLEP, the federal government transfers funds to the provincial and territorial governments to support them in the delivery of minority-language education and second-language instruction programs.⁽¹³⁵⁾ One of the cornerstones of the OLEP is the Protocol for Agreements Between the Government of Canada and the Provincial Governments for Minority-Language Education and Second-Language Instruction (the Protocol), signed by the Department of Canadian Heritage and the Council of Ministers of Education, Canada (CMEC). Covering a five-year period, the Protocol establishes the basic parameters of the federal investment and the financial framework for each provincial and territorial jurisdiction.

Using the Protocol as a basis, the Department of Canadian Heritage negotiates bilateral agreements with each provincial and territorial government. These describe the

(134) *Mahé v. Alberta*, [1990] 1 S.C.R. 342, p. 378.

(135) Department of Canadian Heritage, Corporate Review Branch, “Detailed Description of the Official Languages in Education Program (OLEP),” Appendix A to *Evaluation of the Official Languages in Education Program, Final Report*, prepared by Prairie Research Associates (PRA) Inc., Ottawa, 25 June 2003.

minority-language and second-language activities funded by the federal government and identify the contribution of the provincial and territorial governments to these activities. Each province and territory has core funding to which the federal government may add by funding activities through supplementary contributions. The bilateral agreements are concluded following the preparation of a five-year action plan, which is developed in each province and territory and submitted to the federal government. The action plan describes the activities to be undertaken, the expected results, the performance indicators and the investments (both provincial-territorial and federal) in the area of minority-language education and second-language instruction. To receive federal government assistance, the provinces and territories must commit to investing in the OLEP.

The previous Protocol expired on 31 March 2003 and although an agreement in principle was signed on 12 April 2005, the Protocol itself has still not been signed. The signing of the Protocol will pave the way for the negotiation and signature of bilateral agreements between the Department of Canadian Heritage and each provincial and territorial government. It is not until the Protocol is signed that the negotiation of the bilateral agreements with the individual provincial and territorial governments may begin.

2. Action Plan for Official Languages

Under the 2003 Action Plan for Official Languages, the federal government invested a further \$381.5 million (over five years) in addition to the existing \$929 million in official languages instruction. This new fund encompasses the amount of \$209 million for Francophone and Anglophone minority-language education.⁽¹³⁶⁾ The 2003-2004 Annual Report of the Department of Canadian Heritage indicates that the funds provided in the Action Plan would be used to offer quality education to the linguistic minority and to provide an education of equivalent quality to that received by the majority in a variety of investment sectors: promotion of access and integration; quality of programs and cultural enrichment in the school setting; teaching staff and support services; improved access to post-secondary studies; and promotion of research on teaching in a minority setting and dissemination of knowledge.⁽¹³⁷⁾

(136) Government of Canada, *The Next Act: New Momentum for Canada's Linguistic Duality, The Action Plan for Official Languages*, Ottawa, 2003, pp. 25-26.

(137) Department of Canadian Heritage, *Official Languages, Annual Report 2003-2004*, Vol. 1, *Results of the Official Languages Support Programs*, Minister of Public Works and Government Services Canada, pp. 11-13.

C. Federal Financial Support

Although the Committee is pleased to see the new investments in minority-language education, witnesses raised a number of points regarding the funding of federal initiatives, including disparities between the provinces in the distribution of resources, the instability of funding from one year to the next, the need to recognize certain sectors within the agreements (such as early childhood education), the need for a long-term federal commitment to community development, the need for a permanent funding program exclusively for Francophone minority education, the challenge of obtaining matching funds from the provinces and territories, and confusion about the various sources of funding.

1. Access to the Education Agreements

Education agreements are not intended solely for the Francophone communities in a minority setting; they also cover the Anglophone minority in Quebec, and French and English second-language programs. The Francophone communities would like to see an equitable allocation of federal funds for education in the two official languages. Ghislaine Pilon, President of the CNPF, explained, “[W]e would like to have access to federal, provincial and territorial agreements. Francophone communities in a minority setting must be a priority beneficiary of these agreements. The federal government must ensure that equitable funding is reserved for Francophones in every jurisdiction. Governments must consider Francophone communities as priority locations for immediate action.”⁽¹³⁸⁾

It also appears that inadequate financial support from the federal government may lead to competition among Francophone communities in minority settings. With regard to the negotiation of federal provincial agreements, Raymonde Gagné, President of the CUSB in Manitoba, said that “the various beneficiaries of the community compete with each other. So when a costly project is funded in one particular year, the other beneficiaries have to tighten their belts. Such competition amongst us is not desirable. To the contrary, we should be supportive of each other rather than be forced to compete with one another.”⁽¹³⁹⁾ The Committee also notes that, from the standpoint of certain provinces, the distribution of funds may appear inequitable. An evaluation of the Official Languages in Education Program prepared for the Department of Canadian Heritage showed that, in 2001, almost two-thirds of core funding for the minority-

(138) Ghislaine Pilon, President, Commission nationale des parents francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(139) Raymonde Gagné, President, Collège universitaire de Saint-Boniface, Manitoba, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

language population went to Ontario and Quebec, and the rest was shared among the remaining provinces and territories.⁽¹⁴⁰⁾ The allocation of funding to programs for minority-language education versus second-language instruction has also been a bone of contention among the provinces and territories.

To ensure that the entire Francophone community in the minority setting is able to benefit from the education agreements, they should perhaps be broadened to allow access by more members of the community, such as the Fédération nationale des conseils scolaires francophones. The Committee is well aware that the task of distributing limited funds is not always an easy one, but suggests that a certain amount of resentment and competition could be reduced by the use of funding mechanisms that are more transparent and more equitable. Of course, making federal money more accessible would also require increased and more stable funding.

2. Adequacy, Complexity and Stability of Funding

Despite the additional funds in the Action Plan for Official Languages, there appears to be insufficient federal funding to meet the educational needs of the Francophone minority. The Honourable Ron Lemieux, Manitoba's Minister of Education and Youth, said, "The OLE program has experienced constant reductions in federal contributions since 1991-1992. As a result, Manitoba has had to assume a larger share of the costs associated with minority-language and second-language programs and has had to cut back on funding provided to the CUSB and non-government organizations."⁽¹⁴¹⁾ Denis Ferré, of the DSFS, explained that "the \$2 million under the Official Languages in Education Program agreement is not enough to meet our goals. Our imagination has its limits. We would need \$1.5 million to \$2 million more to meet our goals. [...] For us, this contribution represents, in a way, 50 cents on the dollar. The funding issue is thus crucial."⁽¹⁴²⁾

In addition to the insufficiency of financial resources, the Committee notes that the agreement renewal process creates inequalities in funding levels from year to year. For 2003-2004, as a new agreement had yet to be negotiated, the provinces were granted temporary

(140) Department of Canadian Heritage, Corporate Review Branch, *Evaluation of the Official Languages in Education Program, Final Report*, prepared by Prairie Research Associates (PRA) Inc., Ottawa, 25 June 2003, Table 10.

(141) The Honourable Ron Lemieux, Minister of Education and Youth, Manitoba, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

(142) Denis Ferré, Director of Education, Division scolaire francophone, Saskatchewan, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 22 October 2003.

funding. In 2003, according to witnesses from the western provinces, that funding was smaller than in previous years, which impeded the implementation of some development projects. There was no financial stability for education in the Francophone community. The Committee also notes that the issue of matching funds is a difficult one. The provinces have to make a commitment to provide additional resources in order to benefit from federal funding. This situation places a heavy burden on the provinces, since they have to ensure the continued operation of projects started with the federal contribution. In some provinces, there is no guarantee that the provincial government will provide the required financial support during the negotiation of the next education agreement.

Moreover, the Committee notes that there are a number of funding sources for education whose goals and associated criteria are not always clear. Marc Gignac, of the FPFCEB, said that “there is currently a lot of confusion about these various funding programs, their allocation criteria and the bodies responsible for managing them. In British Columbia, the Conseil scolaire francophone has a lot of trouble planning its actions, as it does not really know how much funding will be allocated to it. And once it knows, we’ll nearly be at the end of the school year. That’s why we think it would be wise for the federal government to study the possibility of creating a permanent funding program exclusively for Francophone minority education.”⁽¹⁴³⁾ The Committee believes that the Department of Canadian Heritage should exercise prudence in setting specific criteria that will determine how the funds will be allocated among the various jurisdictions. The Committee also asks the government to ensure greater consistency in the funding formulas, which change from year to year and from one department or agency to the next. Finally, the roles of the administrative bodies should be described in greater detail for the linguistic minority communities.

All of the witnesses heard since 2003 acknowledged the importance of the federal contribution in supporting minority-language education. They did, however, stress the importance of the federal government’s long-term commitment to these programs. Community representatives are asking for increased and more diversified federal funding, not only to ensure that the obligations of section 23 of the *Charter* are fully implemented, but also to guarantee the sustainability of the services currently being delivered. In order to meet the current needs of French schools, the Committee is of the view that funding for education in French in the minority setting must be increased to a level that is adequate and stable enough to prevent further erosion of the Francophone and Acadian communities. The specific needs of Francophones must

(143) Marc Gignac, Director General, Fédération des parents francophones de la Colombie-Britannique, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Edmonton, 24 October 2003.

be recognized through the establishment of a federal-provincial-territorial agreement on permanent and long-term funding to ensure access to quality education.

D. Process Surrounding the Education Agreements

In the fall of 2003, the Department of Canadian Heritage released the results of an evaluation of the OLEP.⁽¹⁴⁴⁾ In short, the evaluation recommended that Canadian Heritage improve its accountability practices and make the agreements and action plans negotiated with the provinces and territories more accessible to Canadians. With respect to federal support for minority-language education specifically, one of the recommendations in the evaluation report called on Canadian Heritage to ensure that federal spending in the area of minority-language education is more clearly focused. Moreover, the evaluation revealed shortcomings in terms of the slowness of the management process, the uncertainty raised by short-term funding, delays in negotiations, the lack of transparency in funding decisions, conflicts of interest and the need to clarify the roles and responsibilities of each party.

1. Delays

A number of witnesses have been critical of the delays associated with the negotiation of agreements under the OLEP. The FCFA, for example, wrote, “The last agreement expired on 31 March [2003], and has not yet been renewed. The FNCSF has made representations at all levels calling for renewal of the agreement... So far, despite the FNCSF’s representations, neither renewal of the agreements nor consultation of the school boards is a sure thing. For the FCFA du Canada, it is clear that this situation represents a weakening rather than a strengthening of OLEP. A new agreement must be signed as soon as possible. [...]”⁽¹⁴⁵⁾

The Committee notes that the last two protocols signed between the Department of Canadian Heritage and the Council of Ministers of Education, Canada (CMEC), for 1993-1994 to 1997-1998 and 1998-1999 to 2002-2003, set out broadly similar strategic priorities and support categories. However, the last protocol was signed two years after its intended coming into effect. Most of the bilateral agreements with the provinces and territories were signed in 2000-2001, when half the cycle of five fiscal years covered by the Protocol had elapsed. As a result, the action plans associated with the agreements covered only three of the

(144) Department of Canadian Heritage, Corporate Review Branch, *Evaluation of the Official Languages in Education Program, Final Report*, prepared by Prairie Research Associates (PRA) Inc., Ottawa, 25 June 2003.

(145) Fédération des communautés francophones et acadiennes du Canada, *Brief to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 3.

Protocol's five fiscal years, that is, 2000-2001 to 2002-2003. We think that such delays are difficult to justify, and are not the hallmark of efficient program management. Even taking into account the fact that provisional measures can be adopted to maintain current funding when a new protocol and bilateral agreements are still under negotiation, such a situation can be a source of uncertainty and instability in planning activities within the school systems affected by the agreements.⁽¹⁴⁶⁾ It is also important to note that, once the provinces and territories have passed their budgets, additional time elapses before Francophone school boards receive their funding. In the Committee's view, the federal and provincial governments must act with due diligence in negotiating education agreements. They must make sure that the application of provisional measures takes place within the framework of a more clearly defined and less unsettled process.

Most of these comments are nothing new. In October 2004, the Commissioner of Official Languages tabled her annual report for 2003-2004.⁽¹⁴⁷⁾ With regard to minority-language education, the Commissioner was concerned that negotiations to renew the protocol and bilateral agreements of the Official Languages in Education Program were dragging on. These delays result in slowdowns in investments and affect outcomes to the detriment of Anglophone and Francophone communities. The Commissioner stated that the negotiations should lead to timely and firm commitments by both levels of government on priorities and expected results that will improve minority-language education.

2. Transparency

During the public hearings held in western Canada, Pierre Desrochers, President of the FCSFA, explained, "As regards the federal, provincial and territorial agreements, both our knowledge of them and their transparency leave a great deal to be desired. [...] As regards the negotiations, we are completely in the dark. We have no idea where we are at. Announcements are made about funding. Parents think that the money exists, but that is not the case. Perhaps the funding will be available for 2004, 2005 or 2006. We simply do not know. The announcements are made long before any funding appears. I imagine this is because of the negotiations between the various orders of government."⁽¹⁴⁸⁾ The FCSFA went on to say that "the Federation and its

(146) See Department of Canadian Heritage, Corporate Review Branch, *Evaluation of the Official Languages in Education Program, Final Report*, prepared by Prairie Research Associates (PRA) Inc., Ottawa, 25 June 2003.

(147) Office of the Commissioner of Official Languages, *Annual Report 2003-2004*, Ottawa, October 2004.

(148) Pierre Desrochers, President, Fédération des conseils scolaires francophones de l'Alberta, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Edmonton, 23 October 2003.

members are often mystified by the lack of information available about the allocation and overall distribution of OLEP funding. It is hard to know whether Alberta is well served or not, as we do not know what is contained in the bilateral agreements with other provinces.”⁽¹⁴⁹⁾

The Francophone community in the minority setting as a whole is demanding greater transparency in the negotiation of new agreements. The role of the community in the negotiation process is poorly defined and there is a glaring lack of information about the regional distribution of funds and resources. Some of the witnesses also mentioned that the regional employees of the Department of Canadian Heritage, who are responsible for administering the OLEP agreements after they have been negotiated, seem poorly informed about the negotiation process under way. Other witnesses mentioned that it was difficult, if not impossible, to meet with the federal ministers responsible for education and official languages, or with senior officials, in order to discuss the issues. Direct access to officials in Ottawa and in the regions during the negotiations on the OLEP agreements might well facilitate the exchange of ideas and make the federal government more responsive to the Francophone community’s needs. Moreover, it has been said that it would be to the federal government’s benefit to clarify the roles and responsibilities of the two levels of government and to centralize information on the bilateral agreements and the action plans prepared by the provinces and territories to make it more accessible to those involved. In light of these observations, the Committee suggests that the federal government consider launching a national awareness campaign to promote the purpose of its contribution to minority-language education.

3. Consultation with the Francophone Minority

A number of witnesses pointed out gaps in the consultation mechanisms in the education agreements. The use to which these mechanisms are put varies according to the government of the day and they do not allow the interests of the community to be considered consistently. In the words of Daniel Boucher, President and Executive Director of the SFM, “The OLEP is negotiated between two governments. We respect that. On the other hand, although there has been more openness in recent years, we have always criticized, to a certain degree, the fact that the two governments do not necessarily consult the community and the school system more particularly on its very specific needs.”⁽¹⁵⁰⁾

(149) Fédération des conseils scolaires francophones de l’Alberta, *Brief to the Senate Committee on Official Languages*, Edmonton, 23 October 2003, p. 6.

(150) Daniel Boucher, President and Executive Director, Société franco-manitobaine, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

To address the lack of consultation, a number of witnesses called for the establishment of a mechanism for tripartite agreements allowing school boards to sit directly at the bargaining table. The Committee believes that school board representatives are in the best position to understand and express the needs of the Francophone minority. Denis Ferré, representing the DSFS, said, “we are the only Francophone school division in the province. So it should not be too complicated to include us in the negotiations. A school board is a legitimate level of government.”⁽¹⁵¹⁾ Similarly, Yolande Dupuis, President of the DSFM, said, “we must be at the bargaining table on the OLEP because we are in the best position to make known our needs and our views on the best ways to meet them.”⁽¹⁵²⁾

Not only do the school boards want to be consulted in the negotiations on the education agreements, but as Bernard Roy said on behalf of the Association des parents francophones (APF), “[w]e would like to be at the bargaining table. We could then make our demands and describe the situation we are dealing with.”⁽¹⁵³⁾ Raymonde Gagné, President of the CUSB, added that even a tripartite process should be “in cooperation with the minority official-language community,” as the “community itself, through its authorized representatives, is not involved in the process whatsoever.”⁽¹⁵⁴⁾ Expressing the view that all too often they have to fight to gain access to funds that are intended for them, both community organizations and school boards said they should have input into the allocation of funds.

The Committee notes that, for the linguistic minority, section 23 guarantees a degree of management and control in terms of their children’s education. The Supreme Court of Canada has stated: “Such management and control is vital to ensure that their language and culture flourish. It is necessary because a variety of management issues in education, such as curricula, hiring and expenditures, can affect linguistic and cultural concerns.”⁽¹⁵⁵⁾ Moreover, “minority language groups cannot always rely upon the majority to take account of all of their linguistic and cultural concerns. Such neglect is not necessarily intentional: the majority cannot

(151) Denis Ferré, Director of Education, Division scolaire francophone, Saskatchewan, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 22 October 2003.

(152) Yolande Dupuis, President, Division scolaire franco-manitobaine, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

(153) Bernard Roy, Association des parents francophones, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 22 October 2003.

(154) Raymonde Gagné, President, Collège universitaire de Saint-Boniface, Manitoba, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, 21 October 2003.

(155) *Mahé v. Alberta*, [1990] 1 S.C.R. 342, p. 372.

be expected to understand and appreciate all of the diverse ways in which educational practices may influence the language and culture of the minority.”⁽¹⁵⁶⁾

In light of these comments, the Committee has concluded that members of the Francophone community in a minority setting must have greater involvement in the negotiation of education agreements and in the distribution of funding, in particular because these aspects of the process are so closely tied in with their identity. Francophone school boards should be entitled to directly participate in the process of negotiating the education agreements and, in this way, also be the voice of the community associations and lobby groups. To reiterate the words of the Supreme Court of Canada: “The participation of minority language parents or their representatives in the assessment of educational needs and the setting up of structures and services which best respond to them is most important.”⁽¹⁵⁷⁾ “Empowerment is essential to correct past injustices and to guarantee that the specific needs of the minority-language community are the first consideration in any given decision affecting language and cultural concerns.”⁽¹⁵⁸⁾

Recommendation 5:

That the federal government and its partners develop a new framework for the administration of the Official Languages in Education Program for the purposes of:

- a) providing equitable and stable funding for education to Francophone communities in a minority setting;**
- b) reviewing the process of negotiation of the protocol and the involvement of the Council of Ministers of Education, Canada;**
- c) ensuring the direct participation of French-language school boards in the negotiation of education agreements;**

(156) *Ibid.*

(157) *Reference re Public Schools Act (Manitoba)*, s. 79(3), (4) and (7), [1993] 1 S.C.R. 839, p. 862.

(158) *Arsenault-Cameron v. Government of Prince Edward Island*, [2000] 1 S.C.R. 3, 2000 SCC 1, para. 45.

d) separating minority-language and second-language programs in the negotiation of education protocols and agreements; and

e) respecting the deadlines for the renewal of the protocol and bilateral education agreements.

4. Accountability and Reporting

Like other witnesses who appeared before the Committee, the FCFA wrote: “Like the federal government, the Francophone and Acadian communities want to know what the investments in education, provincially and territorially, have achieved. However, federal-provincial agreements traditionally contain few accountability mechanisms. The use of federal funding to implement measures to help French-language minorities thus depends on the political will of individual provincial and territorial governments, an unsatisfactory state of affairs.”⁽¹⁵⁹⁾ Similarly, Yolande Dupuis, President of the DSFM, said: “We recommend that the Government of Canada acquire the means to achieve its statutory and constitutional obligations in education, by linking cash transfers to the provinces to full performance of the obligations set out in section 23 of the *Canadian Charter of Rights and Freedoms*.”⁽¹⁶⁰⁾

In the same vein, Professor Pierre Foucher made the following suggestion: “What if a public, accessible accountability mechanism were put in place to compel the provinces to account for their actions? Perhaps some thought could also be given to providing direct federal funding to minority-language school boards, where the onus would be on the school boards themselves, not on provincial governments, to be accountable for any actions taken.”⁽¹⁶¹⁾ Professor Foucher went on to say that the “federal government must also ensure that federal-provincial education agreements do not serve as a signal for provincial inaction. It seems that in certain provinces, governments refuse to fund various aspects of French-language instruction, maintaining all the while that they are waiting for the federal government to intervene.”⁽¹⁶²⁾

With regard to accountability, the OLEP evaluation mentioned above suggested that the Department of Canadian Heritage improve its reporting practices. The evaluation report showed that there are significant variations among provinces and territories as regards the

(159) Fédération des communautés francophones et acadiennes du Canada, *Brief to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 2.

(160) Yolande Dupuis, President, Division scolaire franco-manitobaine, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

(161) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Status Report and Future Considerations: Section 23 of the Canadian Charter of Rights and Freedoms*, Briefing Paper for the Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 8.

(162) *Ibid.*

content and production deadlines of the action plans. Their understanding of what is required in preparing such plans varies. Often the indicators and criteria in the plans are too broad. The Committee believes that the provincial and territorial governments will have to improve their expertise and devote the necessary resources, in order to measure performance effectively. The evaluation report showed that the federal government had not articulated results or indicators that would enable it to measure the OLEP's performance at the national level. It is thus not possible for the provinces and territories to link their activities and the Program's expected results nationally. A number of witnesses stated that they want to know whether the federal funds given to the provinces for education in the Francophone minority setting have in fact been spent as agreed and have not been allocated to other aspects of education.

The federal government is investing a great deal of money in education programs. It should therefore adopt ways of accounting for the results achieved. The Committee is of the view that greater collaboration between the two orders of government is required in order to clarify respective roles and responsibilities with regard to accountability. In her 2003-2004 Annual Report, the Commissioner of Official Languages also emphasized the importance of progress reports, since measuring results through performance indicators allows the government to continue on course or adjust its goals according to well-defined objectives.⁽¹⁶³⁾ The Committee reiterates the Commissioner's suggestion, as well as the points raised in the OLEP evaluation and in the evidence provided in the context of this study on French-language education in the minority setting. With regard to education agreements, the point is simply that there must be mechanisms that allow a clearer understanding of the expectations, the results and the connections between them.

Recommendation 6:

That the federal government, through the Official Languages in Education Program, implement:

- a) effective accountability and reporting mechanisms to ensure that the allocation of federal funds corresponds to the objectives of the federal government and the expectations of Francophone communities in a minority setting; and**
- b) better evaluation measures to determine whether the expected results have been achieved.**

(163) Office of the Commissioner of Official Languages, *Annual Report 2003-2004*, Ottawa, October 2004, p. 48.

CHAPTER V – POST-SECONDARY EDUCATION

François Allard, President of the RCCFC, recalled that educational institutions have a unique mission and are essential to the preservation and vitality of Francophone communities in a minority setting. French-language cégeps, colleges and universities in the minority setting, like primary and secondary educational facilities, have a twofold mandate, which consists of promoting French culture and Francophone pride and of assuming a leadership role that extends beyond the walls of the institution.⁽¹⁶⁴⁾

This is why it is important for the federal government to support postsecondary education as it supports all other levels of education. As Yvon Fontaine, President of the AUFC, and François Allard noted, although the federal government clearly stated its support for postsecondary education in *Knowledge Matters*,⁽¹⁶⁵⁾ published in 2002, in which it announced the objective that “all qualified Canadians [should] have access to high-quality post-secondary education,” not all the provinces and territories have French-language post-secondary educational institutions. Moreover, the AUFC Action Plan (2005-2010) states that “at the university level there is an absence of a clear and precise strategy in the government’s Action Plan for Official Languages.”⁽¹⁶⁶⁾

A. The Role of French-Language Post-secondary Institutions in a Minority Setting

Post-secondary institutions play a capital role in revitalizing Francophone-minority communities. The AUFC explained that “in the case of the University of Moncton in New Brunswick, 80% of our students come from New Brunswick and 80% of our graduates work in New Brunswick. These statistics demonstrate that when post-secondary students can be trained in the French language in our university institutions there is a good chance that they will contribute to the fabric of that society [translation].”⁽¹⁶⁷⁾ The impact of post-secondary

(164) Réseau des cégeps et des collèges francophones du Canada, *Présentation du RCCFC devant le Comité sénatorial permanent des langues officielles*, Ottawa, 7 March 2005, pp. 2-8.

(165) Government of Canada, *Knowledge Matters: Skills and Learning for Canadians*, Ottawa, 2002.

(166) Association des universités de la francophonie canadienne, *Plan d’action 2005-2010 du réseau de l’enseignement universitaire*, Submitted to the Standing Senate Committee on Official Languages, Ottawa, 21 March 2005, p. 9.

(167) Yvon Fontaine, President, Association des universités de la francophonie canadienne, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 21 March 2005.

Francophone education in a minority setting is as wide as in a majority setting, in that it targets the development of all sectors of society.

B. Particular Issues Facing French-Language Post-secondary Institutions in a Minority Setting

Francophone communities in a minority setting confront particular challenges that must be taken into account through the implementation of objectives for the entire population, as well as other government objectives not clearly defined with respect to official languages. Although some objectives have been formulated in the area of post-secondary education, there are obstacles to overcome.

1. The Need for a Critical Mass

The potential group of students that might attend a Francophone college or university is relatively limited and dispersed over a large geographical area. Because of the small number of French-language institutions (when they exist), Francophones already threatened by rapid assimilation are attracted by Anglophone institutions closer to home. Other phenomena, such as an aging population and a low birth rate, also have a major impact on the recruitment of students by university establishments in these same communities. Post-secondary institutions must also consider the development of recruitment strategies targeting students of French immersion.

For a college or university to ensure the quality of programs it offers, it needs to succeed in reaching a registration threshold, or critical mass, that makes the programs financially viable. This threshold can obviously not be measured in the same way as the one for English-language post-secondary institutions, which have a much larger potential student population. The AUFC proposed some measures to increase the number of student registrations. It is necessary to target recruitment not only within Canadian Francophone communities but also at the international level and within French immersion schools in Canada, whose students are also potential clients.⁽¹⁶⁸⁾

It is also necessary to increase the number of Francophone and bilingual professionals serving Francophone communities in a minority setting who might be prepared to embark on a career in the federal public service. This would increase bilingualism in the federal public service, notably within the region, which is also an objective of the government's Action

(168) Association des universités de la francophonie canadienne, *Plan d'action 2005-2010 du réseau de l'enseignement universitaire*, Submitted to the Standing Senate Committee on Official Languages, Ottawa, 21 March 2005, p. 7.

Plan for Official Languages.⁽¹⁶⁹⁾ Further, it is necessary to increase the number of immigrants to minority Francophone communities, another objective of the Action Plan,⁽¹⁷⁰⁾ through the recruitment of international students likely to integrate in minority Francophone communities.

2. Quality Programs That Respond to the Needs of Francophone Communities in a Minority Setting

The fact remains that professional training in Francophone communities in a minority setting is a challenge. This challenge is not exclusively of an educational nature but is also closely linked to the workplace, which is now more than ever massively Anglophone.⁽¹⁷¹⁾ More specifically, cégeps and colleges must offer quality training that corresponds to the needs of their clientele and the labour market. The Francophone college is a relatively young institution in the Francophone minority setting and has to compete with universities, who have had a much longer period to establish networks in the world of business and industry, and contacts with employers generally. This difficulty is heightened by the fact that the great majority of employers are Anglophone and many of them have to be convinced of the added value of an education in French.

3. A Lack of Post-Secondary Institutions and Adequate Programs

A lack of access to Francophone post-secondary institutions and a poor variety of programs contribute to further losses in the number of students attending Francophone institutions in a minority setting. Many Francophone communities are not currently served by any institution offering education in French. Furthermore, participation by young Francophones in university education is significantly lower than that of young Anglophones. One of the reasons for this is that, aside from New Brunswick and Ontario, programs are limited to general bachelor's degrees in sciences and the arts and to master's programs.⁽¹⁷²⁾

In Canada, as noted by François Allard, President of the RCCFC, there is no cross-Canadian network of French-language colleges, as Francophones do not have equivalent access to post-secondary education in their language, compared to the access enjoyed by the

(169) Government of Canada, *The Next Act: New Momentum for Canada's Linguistic Duality, The Action Plan for Official Languages*, Ottawa, 2003, pp. 53-55.

(170) *Ibid.*, p. 45.

(171) Centre for Interdisciplinary Research on Citizenship and Minorities, University of Ottawa, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 6.

(172) *Ibid.*, pp. 6-7.

Anglophone majority. In 2005, not all provinces offer equal access to college or university training in French at accredited institutions. In provinces where there are no French-language colleges, the organizations offering training in French are not accredited by the respective province. In short, adequate post-secondary programs are not always available to Francophone Canadians. Further, the absence or restricted number of programs offered at the post-secondary level has an impact on the rate of pursuit of studies in French following graduation from high school.

4. Insufficient Financial Support

Insufficient financial support makes it difficult for post-secondary institutions to guarantee that all courses will be offered or that a new program will begin. This causes students to choose Anglophone colleges and explains the growing migration of Francophones toward Anglophone institutions. Further, as much of the Francophone population is dispersed geographically throughout a region, the national academic network will have to rely on new computer and communication technologies in order to offer programs in more remote areas, and transfer information between institutions and students.⁽¹⁷³⁾

5. An Underdeveloped Research Capacity in French

The weakness of French-language university institutions in the field of research is widely responsible for the lack of Francophone involvement in the recent efforts of government to promote research and development in Canada. University research in the provinces and territories where Francophones are in the minority is conducted almost exclusively in English. An institution such as the University of Moncton is still an undergraduate university, and the training programs for scientific researchers at the University of Ottawa are not bilingual (that is to say that they are not offered in French).

This is why the research community, which is mostly funded by the federal government, has failed to develop genuinely Francophone expertise outside the universities of Quebec. In the humanities, the situation is not as dramatic but it was not until 2004 that the Humanities Research Council proposed a modest program linked to the official languages, long after most of the sectoral groups in Canadian society had obtained it. Neither the Canada Research Chairs program nor the program of the Canada Foundation for Innovation, nor even the Millennium Scholarships Foundation, has defined French-language communities in minority settings as a target population.

(173) Association des universités de la francophonie canadienne, *Plan d'action 2005-2010 du réseau de l'enseignement universitaire*, Submitted to the Standing Senate Committee on Official Languages, Ottawa, 21 March 2005, p. 7.

C. A Pan-Canadian Network of French-Language Post-Secondary Institutions in the Minority Setting

The time has come to support the establishment of a well-coordinated, pan-Canadian system of post-secondary education in the French language. Such a system, providing access to a quality college or university education, is absolutely necessary to the economic, cultural and social development of Francophone communities in a minority setting in Canada. Like early childhood education services, post-secondary education is not expressly mentioned in section 23. Nonetheless, there is no doubt that it is an integral part of the education continuum that must make it possible for French-speaking Canada to develop and prosper. There is a need to collectively reflect, by engaging all aspects of French-speaking Canada, on the current state of post-secondary education and academic research in the different regions of the country, and their effect on the development of communities.⁽¹⁷⁴⁾

Recommendation 7:

That the federal government through its foundations and agencies:

- a) strengthen the network of French-language colleges and network of French-language universities in Canada by providing them with sufficient resources to meet their objectives; and**
- b) contribute more to the funding of research programs and to the development of a research capacity at French-language universities in a minority setting.**

(174) Centre for Interdisciplinary Research on Citizenship and Minorities, University of Ottawa, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 7.

CHAPTER VI – TWO THEMES: CONTINUITY AND ACTION

This report has featured two recurrent themes: the importance of continuity in French-language minority education, and the urgent need for action to foster the social and cultural development of the Francophone minority in Canada. Instead of forcing minorities to go before the courts to assert their language rights, an approach is needed that would uphold the objectives of section 23 of the *Charter* and would bring early childhood, primary, secondary and post-secondary education together. Such a strategy requires immediate action from the federal government, the strengthening of existing plans and obligations, and a clearer and more comprehensive national policy on French-language minority education.

A. Continuity: From Early Childhood to the Post-Secondary Level

In a decision rendered on 31 March 2005, the Supreme Court of Canada wrote:

The purpose of the s. 23(2) criteria is to guarantee continuity of minority language education rights and mobility to children being educated in one of the official languages. If children are in a recognized education program regularly and legally, they will in most instances be able to continue their education in the same language. This is consistent with the wording of s. 23(2) and the purposes of protecting and preserving the minority-language community, as well as with the reality that children properly enrolled in minority-language schools are entitled to a continuous learning experience and should not be uprooted and sent to majority-language schools.⁽¹⁷⁵⁾

Although this quote was in the context of English-language education and a move from one province to another, the point about continuity is clear: minority-language children have the right to continuous education and not to be placed in majority-language institutions. The Committee does not see any reason why this objective of a “continuous learning experience” should not apply from birth until post-secondary education is completed. Just as primary and secondary education are explicitly recognized in section 23 of the *Charter*, the Committee considers that early childhood and the post-secondary experience should be part of an integrated approach that is consistent with the “purposes of protecting and preserving the minority-language community.”

The Committee endorses the CIRCM’s summary of the importance of a continuum in minority language education: “To ensure that the Francophone minority can grow,

(175) *Solski (Tutor of) v. Quebec (Attorney General)*, 2005 SCC 14, para. 47.

special measures that are not needed by the Anglophone majority are required: an early childhood education service from the youngest age, primary and secondary schools that do not have to boast of their merits in order to retain students, and post-secondary institutions that fulfil their mandate. By demanding such services that meet their specific needs, the Francophone and Acadian communities in Canada will help to gain political acceptance of their uniqueness in society as one of the essential components of Canadian society.”⁽¹⁷⁶⁾ In other words, the entire educational experience of a young Francophone, from early childhood to adulthood, contributes to his or her development – and thus to the development of the Francophone community as a whole.

Despite the constitutional protection of rights relating to French-language minority education, there are still barriers to overcome, as Rodrigue Landry noted, such as the lack of French-language post-secondary institutions and the limited number of programs, which contribute to low enrolment. At the other end of the spectrum, the CIRLM has indicated that Francophone communities lose a significant portion of their eligible students even before they start school, not only because of lack of access to established educational facilities but also – especially in recent years – because of low enrolment of children of parents with education rights. Another important factor contributing to the loss of young Francophones is the exodus from Francophone areas, which may be the beginning of a vicious circle. People leave an area in search of employment or education opportunities; their loss weakens the community’s economy, which in turn becomes a reason for not returning. Studies that are currently in progress may provide a better understanding of these realities and offer alternatives for enhancing the development of human capital in the Francophone areas that people are gradually abandoning.⁽¹⁷⁷⁾

(176) Centre for Interdisciplinary Research on Citizenship and Minority Studies, University of Ottawa, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 7.

(177) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, pp. 21-22.

B. Government Action Regarding French-Language Education in a Minority Setting

In a case in which Francophone minorities had to fight to have their language rights respected by the government, the Supreme Court of Canada stated: “Neither is the problem rooted in any particular government action; rather, the problem was inaction on the part of the provincial government, particularly its failure to mobilize resources to provide school facilities in a timely fashion, as required by s. 23 of the *Charter*” [emphasis in original].⁽¹⁷⁸⁾ The Court explained why government action is so essential:

Another distinctive feature of the right in s. 23 is that the “numbers warrant” requirement leaves minority language education rights particularly vulnerable to government delay or inaction. For every school year that governments do not meet their obligations under s. 23, there is an increased likelihood of assimilation which carries the risk that numbers might cease to “warrant.” Thus, particular entitlements afforded under section 23 can be suspended, for so long as the numbers cease to warrant, by the very cultural erosion against which s. 23 was designed to guard. In practical, though not legal, terms, such suspensions may well be permanent. If delay is tolerated, governments could potentially avoid the duties imposed upon them by s. 23 through their own failure to implement the rights vigilantly. The affirmative promise contained in s. 23 of the *Charter* and the critical need for timely compliance will sometimes require courts to order affirmative remedies to guarantee that language rights are meaningfully, and therefore necessarily promptly, protected...⁽¹⁷⁹⁾

In a strategy of the FNCSF regarding French education, five affirmative duties of public authorities with respect to French-language instruction are summarized: the duty to correct historical injustices, the duty to offer and promote French-language instruction, the duty to ensure the quality of French-language instruction, the duty to reorganize school structures, and the duty to meet the needs of Francophone communities.⁽¹⁸⁰⁾ The Committee respectfully reminds the federal, provincial and territorial governments of these duties, in keeping with their respective areas of jurisdiction.

Even if the power to enact legislation with respect to education rests with the provinces, the federal government has certain obligations regarding education by virtue of Part VII of the *Official Languages Act*. Moreover, Professor Pierre Foucher argued that while

(178) *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, [2003] 3 S.C.R. 3, 2003 SCC 62, para. 43 (majority of the Court).

(179) *Ibid.*, para. 29 (majority of the Court).

(180) Fédération nationale des conseils scolaires francophones, *Strategy for completing the French language education system in Canada*, Summary of the report of the Steering Committee on the inventory of needs of French-language school boards in Canada, Ottawa, October 2004, p. 6.

section 23 does not modify the constitutional power-sharing structure, it “can in fact be interpreted as including an obligation on the part of the federal government to provide public funds for minority language instruction.”⁽¹⁸¹⁾ Professor Foucher drew the following conclusion: “From a legal standpoint, even though education is a provincial responsibility, federal involvement is not only acceptable from a constitutional perspective, in so far as it is a function of the federal spending power, but may also be a necessary measure by virtue of the Constitution itself.”⁽¹⁸²⁾

1. Governments Rather Than the Courts

When she appeared before the Committee, Madeleine Chevalier, President of the FNCSF, stated, “we consider that the education rights and obligations of official language minorities have now been clearly established by case law. We advocate diligently implementing them rather than continuing to fight before the courts.”⁽¹⁸³⁾ Professor Foucher reiterated these sentiments, noting that “[r]ights holders are faced with either passive or active resistance in several provinces and the time is fast approaching when even the involvement of the courts will no longer prove adequate.”⁽¹⁸⁴⁾ Professor Foucher also stated that “recourse to the courts is not the ideal approach. It ties up considerable resources, time and energy that could better be devoted to furthering minority language instruction either through programs, training of teachers, French-language textbooks and cultural and pedagogical activities.”⁽¹⁸⁵⁾ The CIRCM added that “by bringing the courts into play, we also see a hardening of positions where the other side will move only if the court forces it to do so.”⁽¹⁸⁶⁾

The Committee is therefore in favour of a more active role on the part of governments as regards minority-language education, and greater respect for section 23 of the *Charter*. At the same time, mechanisms are needed to assert claims more quickly and effectively when the minority encounters obstacles to the full realization of its constitutional rights. Without making a specific recommendation in this regard, the Committee wishes to repeat some of

(181) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Status Report and Future Considerations: Section 23 of the Canadian Charter of Rights and Freedoms*, Briefing Paper for the Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 7.

(182) *Ibid.*, p. 7.

(183) Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(184) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Status Report and Future Considerations: Section 23 of the Canadian Charter of Rights and Freedoms*, Briefing Paper for the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 7.

(185) *Ibid.*, p. 6.

(186) Centre for Interdisciplinary Research on Citizenship and Minorities, University of Ottawa, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 7.

Professor Foucher's suggestions: "Should some thought perhaps be given to devising a mechanism that a community experiencing problems in implementing its rights could turn to on short notice to apprise a particular agency of the situation? Should consideration be given to adopting a more expeditious legal recourse than the ones currently available? What about beefing up the Court Challenges Program to that end?"⁽¹⁸⁷⁾ During his appearance, he also mentioned the possibility of appointing someone who could take action when the rights of the Francophone minority are not respected, such as the Commissioner of Official Languages: "Right now, the Commissioner of Official Languages of Canada investigates or intervenes regarding section 23. She intervenes, but technically, that is not her primary mandate. One cannot file complaints with the Office of the Commissioner for the violation of educational rights because she cannot investigate. Her investigations are limited to federal law. Perhaps broaden her jurisdiction or come up with an administrative organization that could intervene rapidly and that could file complaints; there would be an investigation and recommendations would be made rather than having to go through the courts."⁽¹⁸⁸⁾

2. Stronger Federal Government Action

Before discussing the strengthening of federal government obligations regarding French-language education in a minority setting, the Committee would like to emphasize the fact that the rights protected by section 23 of the *Charter* are important for many individuals and that the government's inaction has an impact on the future of their communities. As Pierre Foucher stated:

Inaction causes irreparable harm. The impact is felt by young persons in that they could be getting a better, more relevant, complete and rewarding education than they currently receive. Personnel is adversely affected in that they may lose the energy and enthusiasm that teaching in a minority setting requires (teaching is in and of itself an important, difficult and delicate task and the challenge is considerably greater in a minority environment). School board trustees are adversely affected as well because they are often left to question the true extent of their authority and often find themselves caught in the middle between parents rightfully demanding services and the government telling them to handle the situation without giving them the proper financial resources to do the job. Inaction negatively impacts the community which experiences assimilation and loses members more and more quickly in some locations. Finally, inaction adversely affects our legal system because all those

(187) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Status Report and Future Considerations: Section 23 of the Canadian Charter of Rights and Freedoms*, Briefing Paper for the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 8.

(188) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

who believed in the promises of section 23 have grown disillusioned and have lost faith in the capacity of the *Charter* to provide adequate protection.⁽¹⁸⁹⁾

It is in the context of these social effects, linguistic losses and erosion of French cultural life that the Committee urges the federal government to take whatever action it possibly can, and as soon as possible.

In light of what has been discussed above, it goes without saying that all the witnesses appearing before the Committee have sought to strengthen government obligations for minority-language education. Madeleine Chevalier, President of the FNCSF, stated for instance: “We have noted that school boards, provincial and territorial governments and the federal government are not fully meeting obligations to the Francophone minority as embodied in Part VII of the *Official Languages Act*, the *Charter* and the constitutional principle of the protection of minorities. A shift in direction is therefore urgently needed to correct this situation.”⁽¹⁹⁰⁾ The FCFA said that “the urgency of the needs for human resources, school infrastructures and early childhood development demand government intervention that goes beyond the OLEP.”⁽¹⁹¹⁾ For his part, Professor Foucher pointed to “the need to develop a broad plan for implementing section 23 that is considerably more far-reaching than the measures proposed in the Action Plan for Official Languages.”⁽¹⁹²⁾

These various comments show that Canadian laws and policies relating to French-language minority education – whether Part VII of the *Official Languages Act*, the Official Languages in Education Program, the Action Plan for Official Languages or any other initiative in this regard – must be brought together under a more unified and consistent framework. In addition, the plans, powers and duties currently in effect must be strengthened. As the mission of French-language schools in a minority setting should be considered in the context of community development as a whole, the Minister of Canadian Heritage, who has the mandate under section 43 of the *Official Languages Act* to encourage and support the learning of English and French in Canada, cannot alone guarantee this objective. The additional mandate conferred under section 42 of the Act, which is to encourage a concerted approach by federal institutions

(189) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Status Report and Future Considerations: Section 23 of the Canadian Charter of Rights and Freedoms*, Briefing Paper for the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 9.

(190) Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(191) Fédération des communautés francophones et acadiennes du Canada, *Brief submitted to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 3.

(192) Pierre Foucher, Professor, Faculty of Law, University of Moncton, *Status Report and Future Considerations: Section 23 of the Canadian Charter of Rights and Freedoms*, Briefing Paper for the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 10.

implementing these commitments, can nevertheless lead the Minister to work with federal partners. In the interest of adopting such a concerted federal approach, a Minister responsible for official languages was appointed to develop a government strategy on official languages.

The federal government accordingly launched its Action Plan for Official Languages in 2003. The Plan provided \$751.3 million in additional funding for community development, an exemplary public service, and education. Education received \$381.5 million of this additional investment, of which \$209 million was allocated to Francophone and Anglophone minority-language instruction. The Plan covers five years and requires commitments on the part of the federal departments and agencies that have received these funds.⁽¹⁹³⁾ As Roger Landry of the CIRLM noted, it is an ambitious plan with worthwhile objectives, but it has significant weaknesses. While the Plan mentions the importance of partnerships and concerted action, it actually encourages community organizations to work alone and target the funds for their respective mandates from the departments that receive a part of the subsidies under the Plan.⁽¹⁹⁴⁾

Revitalization of the Francophone communities in a minority setting poses many challenges to society and individuals. A comprehensive and collaborative partnership is needed between the federal government, provincial governments and community organizations to identify and target priorities and ensure greater coordination and broader coverage for actions designed to enhance the vitality of Francophone and Acadian communities. In the Committee's opinion, another weakness of the Action Plan for Official Languages is that it does not foster a high level of synergy between government and community efforts.

Finally, it is important to implement policies and actions that have a real impact on people's linguistic experience, that is, on their linguistic and cultural socialization. An initiative that has no direct or indirect influence on the lives of minority groups' members is likely to have little effect on the vitality of communities. To foster community revitalization, a comprehensive and collaborative partnership could seek to give Francophone minorities greater control over institutions that contribute to increased Francophone socialization; this might provide them with greater "cultural autonomy." Priority areas include early childhood services, community centres, the media, cultural products and artistic works, health care, public services and businesses, and the linguistic landscape, that is, commercial and government signage.⁽¹⁹⁵⁾

(193) Government of Canada, *The Next Act: New Momentum for Canada's Linguistic Duality, The Action Plan for Official Languages*, Ottawa, 2003, pp. 8, 9 and 75.

(194) Rodrigue Landry, Director General, Canadian Institute for Research on Linguistic Minorities, *Education: The Key to Revitalizing the Francophone and Acadian Communities*, Brief submitted to the Standing Senate Committee on Official Languages, Ottawa, 14 February 2005, p. 11.

(195) *Ibid.*, pp. 11-12.

3. A National Policy

Given the complexity of education programs and the number of individuals involved in such programs, it appears at times that the federal government and the provinces and territories do not conduct their activities in a coordinated manner. The Committee believes that a clearer and stronger national policy is needed, considering the different challenges facing the provinces and territories. As the Minister of Canadian Heritage stated, “We must understand that each province has its needs, and provinces are very different. [For example,] New Brunswick, the only bilingual province, has a different challenge than Saskatchewan or Alberta.”⁽¹⁹⁶⁾ In the Committee’s opinion, these differences do not mean that the federal government should withdraw and let the provinces and territories do what they wish. On the contrary, the federal government, by virtue of its spending power and its responsibility for official languages, should influence policies and practices as much as possible, while respecting the provinces’ and territories’ jurisdiction, in order to ensure that Francophones have more or less the same experience right across Canada.

A national policy is needed that will view education as a continuum from early childhood to the post-secondary level. The FNCSF indicated that “we cannot ignore early services that prepare students, the problem of family illiteracy that conditions students, and the prospect of continuing French-language education at college or university.”⁽¹⁹⁷⁾ There are, however, two major obstacles with respect to early childhood services: the shortage of qualified educators, and the lack of technical training programs for educational childcare. The CTF noted that there are even instances where Anglophone staff had to be chosen because training was preferred over language competency, so that Anglophones were placed in childcare centres supposedly for Francophones.⁽¹⁹⁸⁾ Thought must be given to training professionals in education faculties about the issues surrounding teaching in a minority setting⁽¹⁹⁹⁾ and training teachers so

(196) The Honourable Liza Frulla, Minister of Canadian Heritage, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 21 March 2005.

(197) Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(198) Liliane Vincent, Director, Services to Francophones, Canadian Teachers’ Federation, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

(199) Denise Moulun-Pasek, President, Alliance des responsables, des enseignantes et des enseignants en français langue maternelle, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 7 March 2005.

they are able to transmit the cultural message that is to be conveyed to students.⁽²⁰⁰⁾ This would complete the cycle, establishing the continuum from early childhood to post-secondary education. Post-secondary educational institutions would train Francophone professionals to pass on their knowledge and culture to children of the linguistic minority, who then would complete their education in French.

The importance of concerted action that recognizes the complementary roles played by multiple actors – the federal government, provincial and territorial governments, school boards, post-secondary institutions, community organizations and parents – is a key part of the vision that Francophone communities in a minority setting have of their own education system. The Committee believes that provincial and territorial governments and community organizations must be able to count on a long-term commitment by the federal government to ensure the viability of existing programs.

In a call to action addressed to the federal, provincial and territorial governments, the CTF described the need for synergy and a long-term commitment as follows: “The OLEP and related agreements and their specific terms are very important mechanisms for maintaining and consolidating the French-language education system in minority settings. The Action Plan for Official Languages provides welcome additional resources that can help build the French-language education continuum from early childhood services to the post-secondary level. The challenges require tangible commitments from all levels of government and synergy among all partners in education to provide learning and teaching conditions that truly correspond to the mission of Francophone minority schools.”⁽²⁰¹⁾

The federal government must also show leadership and more effectively pursue its French-language education initiatives in a minority setting, even though the provinces and territories have primary responsibility for education. Raymonde Gagné, President of the CUSB, stated: “We know that education comes under provincial jurisdiction. However, the federal government’s position always focuses on development. The federal government wants to develop and then it withdraws and it is up to the province to keep the programs going [...] If the federal government invests in a recruitment plan, we must ensure that it is maintained.”⁽²⁰²⁾ With

(200) Marc Haentjens, Director General, Regroupement des éditeurs canadiens-français, Fédération culturelle canadienne-française, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 7 March 2005.

(201) Canadian Teachers’ Federation, *Brief presented to the Standing Senate Committee on Official Languages*, Ottawa, [14 February 2005], p. 10.

(202) Raymonde Gagné, President, Collège universitaire de Saint-Boniface, Manitoba, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

regard to French-language education in a minority setting, François Allard, President of the RCCFC, noted that “the federal government has to show the provinces strong leadership in this area.”⁽²⁰³⁾ The Honourable Ron Lemieux, Manitoba’s Minister of Education and Youth, stressed that “Manitoba considers it very important to secure long-term commitment from Canada for the sustainability of all programs that have been developed through support of bilateral agreements. I am sure you have heard from previous witnesses how important that sustainability is.”⁽²⁰⁴⁾

With respect to the relationship between those responsible for official-language education in a minority setting, the CIRCM conducted a study involving Franco-Ontarian education managers. It showed that “they advocate more partnerships on the administrative and educational level.”⁽²⁰⁵⁾ Similarly, the Honourable Gregory Selinger, Minister responsible for French Language Services, Manitoba, said that minority-language education is “a matter of finding an effective and practical partnership” involving school boards, post-secondary institutions and both orders of government.⁽²⁰⁶⁾

As for an appropriate approach in developing a national policy on minority-language education, the Committee refers to comments made by Madeleine Chevalier, President of the FNCSF: “In our opinion, a concerted strategy on the part of community stakeholders, school boards, and the provincial, territorial and federal governments will be the only way to meet this challenge. [...] Given the number of players involved in this strategy, we recommend that permanent coordination mechanisms be established which would include representatives of all school boards, governments and communities. [...] Finally, the action plan should include an accountability framework to ensure its transparency and to promote the attainment of its objectives.”⁽²⁰⁷⁾

(203) François Allard, President, Réseau des cégeps et des collèges francophones du Canada, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 7 March 2005.

(204) The Honourable Ron Lemieux, Minister of Education and Youth, Manitoba, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

(205) Centre for Interdisciplinary Research on Citizenship and Minorities, University of Ottawa, *Presentation to the Standing Senate Committee on Official Languages*, Ottawa, 7 March 2005, p. 4.

(206) The Honourable Gregory Selinger, Minister responsible for French Language Services, Manitoba, *Standing Senate Committee on Official Languages, Evidence*, 37th Parliament, 2nd Session, Winnipeg, 21 October 2003.

(207) Madeleine Chevalier, President, Fédération nationale des conseils scolaires francophones, *Standing Senate Committee on Official Languages, Evidence*, 38th Parliament, 1st Session, Ottawa, 14 February 2005.

Recommendation 8:

That Canada develop a national policy on early childhood and primary, secondary and post-secondary education, which:

- a) includes long-term federal commitments, partnerships with all stakeholders, and an accountability framework; and**
- b) takes into consideration the particular needs of Francophone communities in a minority setting and rights-holders under s. 23 of the *Charter*.**

APPENDICES

APPENDIX A
LIST OF RECOMMENDATIONS

RECOMMENDATION 1:

That the federal government implement:

- a) a national campaign to increase awareness of, and respect for, language rights on the part of all Canadians; and
- b) an information campaign directed to Francophone communities in a minority setting and rights-holders under s. 23 of the *Charter*, regarding their rights to French-language education and the relevant case law.

RECOMMENDATION 2:

That federal policies and programs for early childhood take into consideration the needs of parents, in order to promote their children's full development and French-language learning beginning in early childhood at home.

RECOMMENDATION 3:

That the federal government:

- a) include a language clause in all of its protocols and agreements to ensure that Francophone communities in a minority setting benefit fully from early childhood initiatives; and
- b) expand the protocols and agreements on minority-language education to include preschool services as part of the continuum of French minority-language education.

RECOMMENDATION 4:

That all levels of government coordinate their policies to guarantee that Francophone communities in a minority setting have sufficient human, material, physical and financial resources, in order to recruit and retain students and achieve a quality of education that is equivalent to that of the linguistic majority.

RECOMMENDATION 5:

That the federal government and its partners develop a new framework for the administration of the Official Languages in Education Program for the purposes of:

- a) providing equitable and stable funding for education to Francophone communities in a minority setting;**
- b) reviewing the process of negotiation of the protocol and the involvement of the Council of Ministers of Education, Canada;**
- c) ensuring the direct participation of French-language school boards in the negotiation of education agreements;**
- d) separating minority-language and second-language programs in the negotiation of education protocols and agreements; and**
- e) respecting the deadlines for the renewal of the protocol and bilateral education agreements.**

RECOMMENDATION 6:

That the federal government, through the Official Languages in Education Program, implement:

- a) effective accountability and reporting mechanisms to ensure that the allocation of federal funds corresponds to the objectives of the federal government and the expectations of Francophone communities in a minority setting; and**
- b) better evaluation measures to determine whether the expected results have been achieved.**

RECOMMENDATION 7:

That the federal government through its foundations and agencies:

- a) strengthen the network of French-language colleges and network of French-language universities in Canada by providing them with sufficient resources to meet their objectives; and**
- b) contribute more to the funding of research programs and to the development of a research capacity at French-language universities in a minority setting.**

RECOMMENDATION 8:

That Canada develop a national policy on early childhood and primary, secondary and post-secondary education, which:

- a) includes long-term federal commitments, partnerships with all stakeholders, and an accountability framework; and**
- b) takes into consideration the particular needs of Francophone communities in a minority setting and rights-holders under s. 23 of the *Charter*.**

APPENDIX B
GLOSSARY

GLOSSARY

Allophone: in Canada, a person whose first language is neither English nor French.

Anglicization: a process by which English is increasingly used rather than the first language, French.

Assimilation: an intergenerational phenomenon involving the loss of use of the first language and cultural identity of an individual or group, who gradually adopts the language and customs of another group.

Rights-holders: beneficiaries under section 23 of the *Canadian Charter of Rights and Freedoms*; parents who have the constitutional right to have their child educated in the French minority language.

Exogamy/exogamous: a reference to interlinguistic (mixed) marriages or relationships.

Francotrope immigrants: immigrants whose first language is not French but who, due to their education or other cultural affinities, are inclined to use French as their first spoken official language.

Francophone minority or linguistic minority: Francophone communities living in a minority setting in provinces and territories with an Anglophone majority.

Francization/refrancization: the learning of French by adults and children who have lost the use of the language or who never learned it.

Revitalization: a type of intervention that reverses assimilation related to the loss of the French language, in order to enhance the vitality and development of Francophone communities in a minority setting.

Equitable/equivalent results: educational results that are the consequence of substantial equality, which requires that Francophone communities in a minority setting be treated differently, if necessary, according to their particular circumstances and needs, in order to provide them with a standard of education equivalent to that of the official-language majority.

Language transfer: a phenomenon by which an individual adopts another language as his or her first language.

APPENDIX C
LIST OF ABBREVIATIONS

LIST OF ABBREVIATIONS

ACREF	Alliance des responsables, des enseignantes et des enseignants en français langue maternelle
APF	Association des parents francophones
AUFC	Association des universités de la francophonie canadienne
CIRCM	Centre for Interdisciplinary Research on Citizenship and Minorities, University of Ottawa
CIRLM	Canadian Institute for Research on Linguistic Minorities, University of Moncton
CNPF	Commission nationale des parents francophones
CUSB	Collège universitaire de Saint-Boniface
CTF	Canadian Teachers' Federation
DSFM	Division scolaire franco-manitobaine
DSFS	Division scolaire francophone, Saskatchewan
FCCF	Fédération culturelle canadienne-française
FCFA	Fédération des communautés francophones et acadiennes du Canada
FCSFA	Fédération des conseils scolaires francophones de l'Alberta
FNCSE	Fédération nationale des conseils scolaires francophones
FPFCB	Fédération des parents francophones de la Colombie-Britannique
OLEP	Official Languages in Education Program
RCCFC	Réseau des cégeps et des collèges francophones du Canada
SFM	Société franco-manitobaine

APPENDIX D
LIST OF WITNESSES AND BRIEFS
HEARINGS FROM 21 OCTOBER TO 3 NOVEMBER 2003
2nd Session, 37th Parliament
(30 September 2002 – 12 November 2003)

LIST OF WITNESSES AND BRIEFS

21 October – 3 November 2003

Province	Organization	Evidence (date)	Brief
Manitoba	<i>Société franco-manitobaine</i> Daniel Boucher, President and Executive Director	21-10-03	
	<i>French Language Services Secretariat</i> The Honourable Gregory Selinger, Minister responsible Guy Jourdain, Special Advisor	21-10-03	
	<i>Healthy Child Manitoba</i> Mariette Chartier Leanne Boyd, Manager, Policy Development, Research and Evaluation Jan Sanderson, Director	21-10-03	
	<i>Fédération provinciale des comités de parents du Manitoba</i> Hélène d'Auteuil, Director General Diane Dornez-Laxdal, Chair	21-10-03	X
	<i>Division scolaire franco-manitobaine</i> Yolande Dupuis, President Louis Druwé, Assistant Director General Gérard Auger, Director General	21-10-03	X
	<i>Department of Education and Youth</i> The Honourable Ron Lemieux, Minister Guy Roy, Assistant Deputy Minister Jacqueline Gosselin, Director, Direction des services de soutien en éducation	21-10-03	
	<i>Department of Advanced Education and Training</i> The Honourable Diane McGifford, Minister	21-10-03	
	<i>Department of Energy, Science and Technology</i> The Honourable Tim Sale, Minister and Chair of the Healthy Child Committee of Cabinet	21-10-03	
	<i>Collège universitaire Saint-Boniface</i> Raymonde Gagné, President Raymond Théberge, Director, Centre d'études franco-canadiennes de l'Ouest	21-10-03	X
	<i>Conseil jeunesse provincial</i> Aimé Boisjoli, President of the Board of Directors Rolande Kirouac, Director General	22-10-03	
Saskatchewan	<i>Canadian Parents for French (Saskatchewan)</i> Karen Taylor-Brown, Director General	22-10-03	X
	<i>Service francaskois de formation aux adultes</i> Michelle Arsenault, Assistant Director of Adult Education Services	22-10-03	X
	<i>Division scolaire francophone</i> Denis Ferré, Director of Education	22-10-03	
	<i>Association des parents francophones (APF)</i> Bernard Roy, Superintendent of Education and former president of the APF	22-10-03	

Province	Organization	Evidence (date)	Brief
Alberta	<i>Pierre Eddie</i> , teacher, École Maurice-Lavallée	23-10-03	
	<i>Nicole Bujold</i> , Principal, École Maurice-Lavallée	23-10-03	
	<i>Association canadienne-française de l'Alberta</i> Raymond Lamoureux, Director General Ernest Chauvet, President	23-10-03	X
	<i>Fédération des conseils scolaires francophones de l'Alberta</i> Pierre Desrochers, President Gérard Bissonnette	23-10-03	X
	<i>Fédération des parents francophones de l'Alberta</i> Andrée Verghoog, President	23-10-03	
	<i>Institut Guy-Lacombe de la Famille</i> Patricia Rijavec, member of the central region	23-10-03	
	<i>Edmonton Public School Board</i> Wally Lazaruc, Principal Consultant Sylvianne Perry, French Immersion Consultant Betty Tams Gloria Chambers	23-10-03	X
	<i>Faculté Saint-Jean</i> Frank McMahon, Professor France Levasseur-Ouimet, Professor Marc Arnal, Dean	23-10-03	X
British Columbia	<i>Fédération des parents francophones de la Colombie-Britannique</i> Marc Gignac, Director General	24-10-03	X
	<i>Syndicat des enseignantes et enseignants du programme francophone de la Colombie-Britannique</i> Sophie Lemieux, Vice-President	24-10-03	X
	<i>Fédération des francophones de la Colombie-Britannique</i> Yseult Friolet, Director General	24-10-03	X
	<i>Canadian Parents for French (British Columbia and the Yukon)</i>	none	X
National	<i>Department of Canadian Heritage</i> Hilaire Lemoine, Director General, Official Languages Support Programs	03-11-03	

APPENDIX E
LIST OF WITNESSES AND BRIEFS
HEARINGS ON 14 FEBRUARY, 7 AND 21 MARCH 2005
1st Session, 38th Parliament
(4 October 2004 – Present)

LIST OF WITNESSES AND BRIEFS

14 February, 7 and 21 March 2005

Organizations	Evidence (date)	Brief
<i>Pierre Foucher, Professor</i> Faculty of Law, University of Moncton	14-02-05	X
<i>Canadian Teachers' Federation</i> Terry Price, President Liliane Vincent, Director, Services to Francophones Gilberte Michaud, Chair of the Advisory Board on French, first language Paul Taillefer, Member, Advisory Board on French, first language Anne Gilbert, Director of Research, Francophonie and Minorities, CIRCM, University of Ottawa	14-02-05	X
<i>Canadian Institute for Research on Linguistic Minorities</i> Rodrigue Landry, Director General	14-02-05	X
<i>Commission nationale des parents francophones</i> Ghislaine Pilon, President Murielle Gagné-Ouellette, Director General	14-02-05	X
<i>Fédération nationale des conseils scolaires francophones</i> Madeleine Chevalier, President Paul Charbonneau, Director General	14-02-05	X
<i>Fédération culturelle canadienne-française</i> Paulette Gagnon, President Pierre Bourbeau, Director General Marc Haentjens, Director General of the Regroupement des éditeurs canadiens-français Benoît Henry, Director of the Alliance nationale de l'industrie de la musique	07-03-05	X
<i>Réseau des cégeps et des collèges francophones du Canada</i> François Allard, President Linda Savard, Director General Yvon Saint-Jules, Program Manager	07-03-05	X
<i>Alliance des responsables, des enseignantes et des enseignants en français langue maternelle</i> Denise Moulun-Pasek, President Lise Charland, Director General	07-03-05	
<i>Centre for Interdisciplinary Research on Citizenship and Minorities, University of Ottawa</i> Joseph-Yvon Thériault, Director Anne Gilbert, Director of Research Sophie LeTouzé, Researcher	07-03-05	X
<i>Department of Canadian Heritage</i> The Honourable Liza Frulla, Minister Eileen Sarkar, Assistant Deputy Minister, Citizenship and Heritage Hubert Lussier, Director General, Official Languages Support Programs	21-03-05	

Organizations	Evidence (date)	Brief
<i>Association des universités de la francophonie canadienne</i> Yvon Fontaine, President	21-03-05	
<i>Office of the Commissioner of Official Languages</i> Dyane Adam, Commissioner of Official Languages JoAnn Myer, Director General, Policy and Communications Branch Johanne Tremblay, Director General, Legal Affairs Branch Gérard Finn, Advisor	21-03-05	
<i>Department of Social Development</i> The Honourable Ken Dryden, Minister Peter Hicks, Assistant Deputy Minister, Strategic Direction Christian Dea, Acting Director General, Knowledge and Research Robert Coulter, Director, Horizontal Initiatives and International Relations John Connolly, Acting Director, Operations, Community Development and Partnerships Directorate	21-03-05	
<i>Privy Council Office</i> The Honourable Mauril Bélanger, Minister responsible for Official Languages Keith H. Christie, Deputy Secretary Anne Scotton, Director General, Official Languages	21-03-05	