



**Quebec Provincial Association of Teachers**  
**l'Association provinciale des enseignantes et enseignants du Québec**

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**QPAT Brief on Bill 86, An Act to modify the organization and governance of school boards to give schools a greater say in decision-making and ensure parents' presence within each school board's decision-making body**

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## **Introduction**

The Quebec Provincial Association of Teachers (QPAT) presents this brief to respond to Bill 86, *An Act to modify the organization and governance of school boards to give schools a greater say in decision-making and ensure parents' presence within each school board's decision-making body*. QPAT represents 8,000 teachers in Quebec's English school boards.

Bill 86 is an enormous proposal that would significantly change educational structures and redistribute powers. However, the proposed changes in the act would have a deleterious effect on student learning and remove democratic rights. Taken as a whole, the proposed changes seem to be a heavy, convoluted and likely damaging solution to problems that are either non-existent or that could be addressed differently.

## **The impact on student learning**

Bill 86 will have a deleterious effect on student learning for the following reasons:

- A narrow educational project that emphasizes a limited idea of school success
- The erosion of the professional autonomy of teachers
- The burden of added responsibility for governing boards
- The loss of pedagogical leadership and educational equity due to the impact of new structures and the new organization of the distribution of resources
- The reduced skill set of vocational education students
- The excessive power granted to the minister who is too removed from the impact of such decisions

## **A narrow educational project that emphasizes a limited idea of school success**

Bill 86 proposes to drive school management further along the path of results-based management. This drive began with the establishment of the educational project in 1998 and the school success plan in 2002. However, if those elements required schools to engage in some reflection about their situation and what could be done to improve the overall experience of students in schools, the introduction of management and educational success agreements (MESA) in 2008 created an obsession with school success and an obsession with measuring success in a very specific way: the graduation rate. The inclusion of graduation targets in each school board's partnership agreement created a trickle-down effect into schools and centres through the MESAs. The result has been the creation of a culture of data obsession; that narrow data has been used to drive pedagogical decision-making.

High graduation rates are certainly a desirable outcome and the use of data to help a school or a school board understand its situation is important, as QPAT has indicated in the past. However, the partnership agreement and MESAs have created a situation where the only questions being asked are "How can we improve our graduation rate? How can we make that number higher?"

The number has become the focus at the expense of the overall learning process of students. This has led to practices that have had a negative effect on the learning of students.

In a thirst for data, school boards have demanded that schools administer and correct an ever-increasing number of tests. This takes away from class time for teaching and learning activities and compels teachers to spend time on preparation for these tests. In addition, younger and younger students are being presented with extremely lengthy and complex testing situations, which is a source of unnecessary stress for them. This excessive testing does not enhance student learning and only reinforces the mindset that the only thing that matters is getting the numbers higher.

The near exclusive focus on graduation rates has also led certain milieus to undertake practices that are designed to increase the number of students who graduate, but that are not necessarily in the best pedagogical interest of the students, such as diluting expectations. In the long run, this diminishes student learning.

Another cost of this approach is the erosion of the overall mission of the school. It has been long held that the role of the school is to instruct, to qualify, and to socialize. The results-based management approach that the MESA has inserted into the system has been ostensibly concerned with student success, but this success has come to be defined solely as the graduation rate. The focus on the graduation rate has come at the expense of the instruction and of the socialization elements of the school mission.

In light of the foregoing, given that Bill 86 seeks to turn the educational project into an even more explicit version of the MESA, it is apparent that the school's role will be further focused on the targets that will be imposed on it. The trends and patterns that started with the MESA will become further entrenched with a continuation of the negative consequences outlined above. These trends must stop in order to allow for a broader vision of what a school's role is and to foster a larger view of student learning. The educational project, in its current form, allows for all the members of a school community to participate in developing a global view of the school's role and aspirations. Its new version would limit this discussion to a predetermined set of elements that are likely too specific to be of interest for many members of the community or beyond their capacity or competence to deal with.

In this context, QPAT recommends that:

- The school's educational project should remain the same and not take on the results-based management approach of the MESA;
- The MESA and partnership agreements in the current law should be removed.

## **The erosion of the professional autonomy of teachers**

Teachers plan their pedagogy in a variety of ways. They want to develop activities and programs in their classes and organize field trips, for example. Teachers do these things in order to enhance the students' learning experience, taking into consideration things such as the curriculum and the relevance to the students. Teachers require, both as individuals and as a group, the professional autonomy necessary to develop and propose activities and to implement programs. Teachers are the experts in these areas and when those who do not possess such expertise attempt to impose something different from what the teachers have proposed, it has less merit. It may not fit with the program or it may contradict the teacher's original intent. In any case, by overriding the proposal made by a teacher or a group of teachers and modifying it, it reduces or negates the intended impact on the learning experience for students.

The Education Act currently allows the governing board to approve proposals for activities or the implementation of the Basic School Regulation (BSR) presented to it that have been developed by the staff. The governing board has oversight on these areas and ensures that proposals are fully thought out and well presented while at the same time respecting the expertise of the teachers. This is an appropriate balance that provides a way of implementing pedagogically sound proposals in a way that is transparent to the school community.

Bill 86 would change this balance. By proposing that the governing board adopt rather than approve these elements, it allows for the governing board to make unilateral amendments to the proposals and then vote upon them. In other words, members of the governing board who are not pedagogical experts could ensure substantial changes to the proposals that distort or undermine the pedagogical intentions of what was originally developed. This could put teachers in a position of being required to implement a pedagogical practice that they never would have proposed in the first place. The governing board should not be in a position to impose such matters.

As indicated above, Bill 86 would dramatically change the nature of the educational project to make it target and result oriented. Given that articles 19 and 22 of the Education Act frame the rights and responsibilities of teachers within the context of the educational project of the school, this means that an educational project that sets out certain targets would restrict the pedagogical choices of teachers to that target or specific objective. In other words, a teacher could be compelled to teach in a certain way or by using a certain approach in order to satisfy reaching a certain target as opposed to being able to make the choice of instructional methods or pedagogical approach based on what the teacher thinks will give his or her students the best learning situation. What article 19 proposes to add by recognizing the teacher as a pedagogical expert is more than taken away by binding the act of teaching to the educational project. This would narrow the choices available to teachers and limit their professional autonomy further.

In order to protect the professional autonomy of teachers, QPAT recommends that:

- The governing board continue to approve rather than adopt the matters where approval is presently the case;
- The reference to the educational project in articles 19 and 22 be removed.

### **The burden of added responsibility for governing boards**

Since their introduction nearly 20 years ago, governing boards have had an ever-expanding set of responsibilities. Over the years, the school success plan, the MESA, the anti-violence and anti-bullying plan, to name but a few, have added heavily to their work. Bill 86 proposes to add yet more elements to this list, such as the power to adopt rather than approve certain elements, as indicated above, and the responsibility to make formal comments regarding the principal's performance and for a member to participate in the selection of a principal.

The reality with many governing boards is that there is a limited pool of interested candidates, both from parents and from staff. Turnover can be high. Parent members, while generally of goodwill and filled with good intentions, can lack a global perspective on the school and can focus too much on their own child's reality. Training can be infrequent and inaccessible. Some schools and centres, for these reasons among others, do not have a governing board. Some milieus report just beginning to be capable of handling the current responsibilities, others are still attempting to cope. In other places, governing boards that had a significant level of capability lose it when there is significant turnover and have to start the building process over. In short, it is clear that the degree of capacity of governing boards varies from school to school and even within a school over time. Given all this, governing boards are not universally adept at handling the responsibilities they already have. Adding more would exacerbate problems that already exist.

As indicated in the previous section, parents lack expertise in the pedagogy that goes on in a school and the governing board should therefore not have the power to adopt rather than approve certain elements directly related to pedagogical proposals. They also lack the expertise needed to adopt the proposed new version of the educational project, since it would be filled with targeted results and specific objectives that require an understanding of the pedagogy needed to meet them that they do not have. Consequently, the responsibility of the governing board should not be changed in this way.

The governing board would be unable to meet its new responsibility to make formal comments for the purposes of the principal's evaluation. The staff members would not be free to make comments that may be critical, as the principal is still their superior in the school, and the parent members would be ill-placed to make informed comments about the principal's pedagogical leadership as they are not pedagogical experts. This same concern would make it very difficult for a parent member to be involved in the process of selecting a principal of the school.

Bill 86 proposes giving voting rights to non-staff and non-parent members of governing boards, specifically to community representatives. While community representatives can add relevant insight and helpful advice to the voting members of the governing board, they do not have the day-to-day contact with the school nor as strong a connection to the life of a school as staff and parent members do. Consequently, they should not acquire the right to vote.

Finally, governing boards have to focus on a great deal of paperwork, particularly in the strategic planning process. This paperwork should be genuinely simplified and reduced. This would allow governing boards to spend more time examining other issues and to interact with the school board.

In order to allow governing boards to function appropriately, QPAT recommends that:

- The governing board's powers with respect to the educational project and pedagogical proposals remain as they are at present;
- The governing board's voting rights remain as they are at present;
- The governing board and its members not participate in the formal evaluation process nor in the selection process for the principal.

### **The loss of pedagogical leadership and educational equity due to the impact of new structures and organization of the distribution of resources**

In addition to making the school system and school success increasingly driven by the narrow measure of the graduation rate, Bill 86 transforms principals into being managers rather than pedagogical leaders in a school. The creation of new structures, notably the resource allocation committee, will compel principals to spend more time away from schools; the acquisition and management of resources will become their focus, particularly if their evaluation will depend on the results achieved in the new educational project and they need certain resources to have a chance of attaining those results. Inevitably, this will come at the cost of having far less time to interact with students and teachers and support them in the learning process. As things stand now, there are numerous complaints of principals being away from school too frequently to deal with managerial demands. This situation will only be exacerbated by Bill 86.

Bill 86 creates incentives for principals to act out of self-interest rather than pedagogical concern. For example, there is an incentive for the principals who sit on the resource allocation committee to collude and distribute a greater share of the resources to their schools, or to make sure that they get the resources they want first. This incentive is compounded by the fact that their evaluation may depend on the results that are achieved in the educational project. Principals should not be put in this type of situation.

A more subtle way where principals may feel pressure to act out of self-interest arises from the participation of the governing board in the evaluation of principals. If a parent or a group of parents on the governing board want to put in place a project that teachers do not believe in, or

are trying to put pressure on a principal to give their children preferential treatment, this will put pressure on a principal to acquiesce to such demands from parents with some form of power over him or her. It will reduce the ability of the principal to act as a buffer or fair mediator between parents and staff in these types of situations.

The emphasis on being a manager rather than an educational leader is also being seen at the level of the director general of a school board. Increasingly, directors general seem to have backgrounds from professions other than education. While these individuals may be competent managers of the funds that the school boards receive, they lack the understanding of pedagogy and of the learning process within a classroom and a school to properly inform the decisions they make. Consequently, their focus will be making sure that the budget is balanced, without enough sensitivity as to what makes a school or a classroom better. A director general must be responsible for carefully managing the budget that he or she is given, but they must do it with a full understanding of the pedagogical impact of the choices they make, something that they can only do if they have had to run a classroom and a school for an extended period of time. He or she must have this understanding, otherwise pedagogical choices or projects that would enhance the learning experience of students may be overlooked or rejected simply because the director general could not see their value.

School boards will no longer organize services, but will simply provide the support that individual educational institutions request. This notion of subsidiarity will greatly weaken the board's ability to ensure educational equity across its schools. Presently, one of the most positive contributions that a school board makes is creating an environment where all the students in its different schools receive an equitable level of resources and services. In addition, the school board can also ensure that the quality of programs being offered is the same from school to school. This ability to ensure equity helps ensure that all students in every community have the same educational opportunity.

Removing the school board's ability to organize services will mean that individual schools will have greater incentive to compete with each other for resources and students by creating selective projects as opposed to inclusive ones. This type of competition will foster a "beggar-thy-neighbour" mentality, with the end result that certain schools will not be able to offer the same type of learning experience; the variability of the education that students receive will increase. School boards will be far less able to act as a buffer between the competing interests of different schools. Educational equity is essential for a strong public education system; maintenance of this equity is essential in order to provide the greatest learning opportunity for all students with all the positive impacts that ensue.

In order to promote management practices that favour positive learning experiences for all students, QPAT recommends the following:

- The general level of authority of school boards should be maintained, specifically the responsibility for organizing services on their territory;
- The notion of a resource allocation committee should be removed with the maintenance of a structure that allows every principal to provide equal input regarding the board's distribution of resources;
- The criteria for the profiles of principals should emphasize pedagogical attributes;
- The director general of a school board must have extensive prior experience as a teacher and principal (minimum 10 years combined) with a five-year framework for a full evaluation of their work.

### **The reduced skill set of vocational education students**

Bill 86 proposes to give greater influence to local employers in vocational education centres. They would be involved in the development of a centre's educational project. The centre's mission would include an added responsibility to contribute to economic development either regionally or provincially. This raises serious concerns about the main focus of vocational training.

The role of vocational education centres is to ensure that all the students in the centre acquire a broad base of knowledge in and understanding of the vocation which the students can then adapt to the specific environment in which they work once they are employed. The increased participation of employers in the centre's educational project and the added responsibility of contributing to economic development could lead centres to provide training that is limited according to the needs of a particular local employer, which would lead to students who are trained to perform the work in a particular workplace but who may not have the broad range of skills in the field to be hired by other employers. Students would have their learning compromised as well as their job mobility and potential future earnings.

In addition to this, a centre does not have the capacity to evaluate how it can contribute to economic development. Its role, and its expertise, is to ensure that its students are learning the entire program from experts. It should not be aiming to satisfy the needs of a specific employer or be trying to guess what economic development will take place.

Given this, and understanding that the availability of programs must be broadly responsive to the demand for certain skills, QPAT recommends that:

- The references to the employer in the educational project and to economic development in the mission of the vocational centre should be removed to ensure that vocational education remains a general education in the vocation.

## **The excessive power granted to the minister who is too removed from the impact of such decisions**

One of the strongest themes in Bill 86 is the drive to grant considerably greater power to the minister. The minister would have power over the directors general and the ability to dictate many elements to a school board regarding how it is being run, even down to its administration and operation. He or she would be able to control a board's orientations without even the obligation for it to be agreed to by the school board, which the current partnership agreement at least provides for. These new powers could also be exercised without a specific framework or under specific circumstances.

This is centralization of power is excessive: the minister would be in a position to dictate a number of elements, even to the level of a school. This level of authority should not be granted in such a general manner to an individual who is far removed from the local reality of the impact of such decisions. This distance leads to a lack of sensitivity to and awareness of local situations that could in turn lead to decisions that would hurt the learning environment of students.

The degree of authority that the minister would have over the director general and the school council is also excessive. In effect, the director general is ultimately answerable to the minister, not the school council, and the school council can be suspended by the minister for greater lengths of time than is already the case. The message that this sends is that ultimately the minister has all the real power, leaving far less room for interested parties to interact with their elected representatives at the local level in a meaningful way.

The minister should have extensive powers of oversight. Government transfers to school boards represent enormous sums of money and boards should have to answer fully and completely to the minister for how they spend this money and be in a position to justify and explain fully all their decisions. The minister also should have the authority to intervene in a school board where things have clearly gone wrong, since such a situation could also have harmful effects on student learning. The question here, though, is one of degree and Bill 86 goes too far.

QPAT recommends that:

- The minister have greater oversight over school board finances without micromanaging school board affairs;
- The minister's direct intervention in school board affairs should occur only in exceptional circumstances and within a clear framework.

## **The impact of the changes to school board governance**

The changes to school board elections and governance put forth in Bill 86 reflect a dramatic shift from the current situation. Future elections for most positions would be held by small groups of people; community representatives would be selected either by all voters or by a small group of parent electors. Membership on the new school council would be based on specific categories, be it parents, members of staff or community representatives. These proposed changes seem to be in reaction to the generally low voter turnout for school board elections.

These changes damage the democratic process. Rather than propose ways to enhance democratic participation, the Bill seeks to all but eliminate it. Voters who currently have the right to vote for their council of commissioners will no longer be able to do so; universal suffrage for all positions will be lost.

In addition to this, whatever remaining right to vote that will remain for a reduced portion of the school council will depend on a two-step electoral process, where the parents of the school board will have to be consulted about giving the right to vote to all potential electors on the board's territory. It would then have to be determined not only whether the majority of respondents were in favour or not, but also whether or not enough parents responded. This process is not only convoluted, but the notion that a smaller group of people will decide whether or not the broader electorate can have a vote is undemocratic.

There need to be significant changes to the electoral process to improve its democratic value. There are many elections won by acclamation and voter interest must be enhanced. Rather than removing the process, however, there should be significant changes to improve it.

To improve the electoral system and the representation of the population at the council of commissioners, QPAT recommends the following:

- The proposed school council structure with its electoral system should be withdrawn;
- The election of the council of commissioners should have the following elements:
  - Universal suffrage as currently exists for all regular commissioner positions;
  - Term limits with a maximum of two terms being served by a commissioner;
  - The right to vote for parent commissioners;
  - Limited honorarium payment for commissioners with maximum honoraria that are far lower than existing levels, including for the chair, taking into account the size of the school board;
  - Simultaneous elections with municipalities;
  - Adequate financing for elections from MEES;
  - Mechanisms for broad distribution of electoral information;
  - Training provided by MEES regarding the responsibilities of council members on an ongoing basis.

## **Conclusion**

It is difficult to see how the changes to the Education Act proposed in Bill 86 will do anything to enhance student learning. The changes are largely structural, and do not give sufficient attention to the reality of a classroom. By promoting an ever smaller view of what a school should be achieving and by undermining teacher autonomy, combined with the creation of even more competition between schools and greater educational inequity between students, Bill 86 will leave schools less able to promote broader learning for all students. Given this and the loss of democratic processes within the bill, QPAT recommends that Bill 86 be rethought to account fully for the objections, concerns and recommendations made in this brief.

## **Summary of recommendations**

With regards to Bill 86, QPAT recommends the following:

1. The school's educational project should remain the same and not take on the results-based management approach of the MESA;
2. The MESA and partnership agreements in the current law should be removed;
3. The governing board continue to approve rather than adopt the matters where approval is presently the case;
4. The reference to the educational project in articles 19 and 22 be removed;
5. The governing board's powers with respect to the educational project and pedagogical proposals remain as they are at present;
6. The governing board's voting rights remain as they are at present;
7. The governing board and its members not participate in the formal evaluation process nor in the selection process for the principal;
8. The general level of authority of school boards should be maintained, specifically the responsibility for organizing services on their territory;
9. The notion of a resource allocation committee should be removed with the maintenance of a structure that allows every principal to provide equal input regarding the board's distribution of resources;
10. The criteria for the profiles of principals should emphasize pedagogical attributes;
11. The director general of a school board must have extensive prior experience as a teacher and principal (minimum 10 years combined) with a five-year framework for a full evaluation of their work;
12. The references to the employer in the educational project and to economic development in the mission of the vocational centre should be removed to ensure that vocational education remains a general education in the vocation;
13. The minister have greater oversight over school board finances without micromanaging school board affairs;

14. The minister's direct intervention in school board affairs should occur only in exceptional circumstances and within a clear framework;
15. The proposed school council structure with its electoral system should be withdrawn;
16. The election of the council of commissioners should have the following elements:
  - Universal suffrage as currently exists for all regular commissioner positions;
  - Term limits with a maximum of two terms being served by a commissioner;
  - The right to vote for parent commissioners;
  - Limited honorarium payment for commissioners with maximum honoraria that are far lower than existing levels, including for the chair, taking into account the size of the school board;
  - Simultaneous elections with municipalities;
  - Adequate financing for elections from MEES;
  - Mechanisms for broad distribution of electoral information;
  - Training provided by MEES regarding the responsibilities of council members on an ongoing basis.