



Quebec Provincial Association of Teachers

L'Association provinciale des enseignantes et enseignants du Québec

QPAT Brief on Bill 40

An Act to amend mainly the Education Act with regard to school organization and governance

November 2019

Introduction

The Quebec Provincial Association of Teachers (QPAT) is a union federation representing the 8,000 teachers who work in Québec's English public schools. In this brief, QPAT presents its position and recommendations in connection with Bill 40, *An Act to amend mainly the Education Act with regard to school organization and governance*.

Several other bills have been tabled in recent years (Bills 88, 86 and 105), and QPAT has made a number of recommendations designed to improve democracy in schools, the functioning of the council of commissioners and governance of schools in general. Among other things, it has recommended that school elections be held at the same time as municipal elections, that compulsory training be organized for school board commissioners, that their roles and responsibilities be clarified, and that the general public be made more aware of the importance of school elections and the related issues. QPAT believes these recommendations, aimed at improving school democracy and school board governance, should have been implemented before taking steps to abolish the school boards.

The experience of other Canadian provinces in this regard provides some information on the impacts of this type of policy. A 2006 report on the evolution of school policies in New Brunswick (*Les politiques d'éducation du Nouveau Brunswick de 1990 à 2006*, C. Lessard, J. Verdy, A. Carpentier, September 2007) showed that the abolition of that province's elected school boards in 1996 did not in fact have the positive effects that had been anticipated. Ultimately, the findings of another report published in January 2000 by the Lord government (*Let's Discuss Public Education Governance*) led to the reconstitution of the locally elected district education councils that had been abolished just a few years before. The findings in question were as follows:

- Decision-making power too far removed from the local level and concentrated in the Minister's hands.
- A restrictive electoral process.
- Questions regarding constitutionality.
- A heavier administrative burden for school staff.
- Lack of clarity concerning roles and responsibilities.
- Communication problems.

Although the situation in Québec is not the same as in New Brunswick, the changes proposed in Bill 40 are similar enough to those introduced by that province's 1996 reform to be of relevance here.

In the current context, QPAT feels that a structural overhaul such as this is unnecessary, and strongly doubts that it will help improve student learning or the functioning of schools, if that is

the goal. As for the other measures proposed in the bill, which affect teachers as professionals, we feel that they do nothing to assert the value of the profession; on the contrary, they will challenge the professional autonomy of teachers even further.

If the Government wishes to make education a priority, as it claims, it should focus instead on injecting sufficient resources into the system, eliminating the irritants that continue to undermine the mission of public schools, and asserting the value of the teaching profession by recognizing teachers' expertise on a daily basis and respecting their professional autonomy in their areas of responsibility.

In spite of its concerns and scepticism, QPAT has nevertheless undertaken the serious task of studying the various proposals contained in the bill and is now submitting recommendations for improvements. However, it considers that the deadline imposed by the Government for adoption of fundamental changes such as these, which are likely to have a significant impact on our education system, is much too short. A longer period would allow all education sector stakeholders to consider the issues in depth, and would enable the Government to adopt a law that better reflects the interests of Québec's student population.

Composition and functioning of the boards of directors of school service centres

QPAT notes that Bill 40 proposes to maintain a universal suffrage electoral system for the English sector, with an element of regional representation in the different parts of the territory served by the service centres. This provision addresses some of the concerns of the English education community. However, the composition of the service centres' boards of directors and the proposed governance model are worrying and would, in QPAT's opinion, result in a loss of democracy, representation and equity between schools. In this section of our brief, we will set out QPAT's concerns in connection with the proposals made in the bill, followed by a number of recommendations.

Concerns:

- The fact that there could be anywhere between 8 and 17 parent representatives in the English school service centres is positive from the standpoint of regional representation. However, we are concerned by the fact that the voting powers of parent representatives will differ from one centre to another, in that this group will have voting parity in some centres but will outnumber the other voting members in others, giving them a disproportionate amount of power over the decisions made by the board of directors. To ensure that the power held by parent representatives is the same in all the centres, QPAT suggests that the notion of parity between parents and other voting representatives

should be introduced, in order to allow a broader range of people to sit on the board of directors and avoid situations in which a specific group holds a block of votes that would give it absolute control over the decisions made.

- The fact that the centres' boards of directors would be composed mainly of volunteer parents is also a matter of concern. Based on the experience of the school governing boards, the pool of parents willing and able to take on this type of responsibility is extremely small. Parents' attendance rate at the general meetings of most schools is fairly low in most cases, and this raises the question of representativeness.
- In addition, under the terms of Bill 40, the pool of parents who are qualified to be candidates for seats on the boards of directors is equally small. A seat on the board of directors comes with a significant workload and responsibilities. Limiting eligibility to those parents who sit on governing boards will create a situation in which it will be extremely difficult to fill the seats on the boards of directors. QPAT suggests that eligibility be broadened to include all parents, first to prevent these problems, and second to allow more parents to be nominated for election.
- QPAT also believes that the amount of the proposed meeting attendance allowance is insufficient, does not compensate sufficiently for the time that must be devoted to governance activities, and is therefore unrealistic. While QPAT understands that the Government does not wish a seat on a board of directors to become a gateway to a career, the fact of making it entirely volunteer-based will limit the pool of qualified candidates to those people who are in a position to forego employment. Clearly, a limited group such as this will not reflect the prevailing views and situations in the area covered by the service centre. In addition, it would be more appropriate to acknowledge the value of the work done by these people; a level of compensation that is too low sends a message that the work is neither important nor of value.
- As it currently stands, Bill 40 explicitly states that employees, managers and other representatives of associations representing the employees of a school service centre are not eligible for a seat on the board of directors. If this provision is interpreted in its broader sense, it would exclude, without valid reason, a whole set of experienced and knowledgeable potential candidates who could make a positive contribution to the board's deliberations.
- Despite the fact that Bill 40 provides for the presence of staff representatives, QPAT believes it is somewhat incongruous for an educational services organization not to include community representatives with education-related expertise. Over the years, many councils of commissioners have benefited from the expertise of retired teachers or school principals who have been able to make valuable contributions. Moreover, other categories of people with education-related expertise, such as university researchers for example, are also excluded. QPAT believes the bill should take the importance of this

expertise into account by creating a new category composed of community representatives able to bring education-related expertise to the boards of directors.

- In addition, the bill leaves little room for the adult education and vocational training sectors. QPAT feels they should be represented on the boards of directors, especially as the number of students in those sectors is increasing.
- To ensure that the community representatives are broadly representative of the population covered by the school service centre, and to maintain parity with parent representatives on the board of directors, community representatives should not be people who would also qualify in another category. In other words, a community representative should not be the parent of a current student or a member of the service centre's staff. This is essential to ensure that they are independent of the other representatives.
- Although QPAT has recommended placing limits on the length of terms of office in the past, and believes those recommendations were justified, a three-year term is very short if we consider that a person needs roughly one year simply to learn what the position entails, and may hesitate to undertake major projects that might not be completed in the last year of the term. This would leave only one year to implement major initiatives or projects. A four-year term of office would offer a two-year period between the first and last years to prepare and complete projects, and a maximum of two terms would ensure that the board of directors is regularly renewed.
- Lastly, if more candidates qualified for the position of Chair and Vice-Chair, the boards would have more people to choose from. In QPAT's view, there is no reason to limit these positions to parents only, and to close them to the community representatives who are likely to have a certain amount of experience and expertise with meeting procedures and the management of this type of body.
- Accordingly, QPAT strongly doubts that the proposed governance structure will improve democracy within the school boards. In addition, we question the extent to which the new governance structure will allow candidates to adopt a broader viewpoint and take the interests of all students into account.

QPAT's recommendations:

- 1. Bill 40 should establish parity between parents and all other members with voting rights.**
- 2. The number of community members should be increased to achieve parity without reducing regional parental representation.**
- 3. Eligibility requirements for parents wishing to sit on the boards of directors should be extended to include all parents of children attending a school in the service centre's**

district, and should not be limited to those who are already sitting on the governing board of a school.

4. Every member in good standing of an association, whether or not he or she represents that association, should be eligible to represent the category of personnel concerned.
5. A community representative with education-related expertise should be added to the list of members of the board of directors.
6. A community representative with expertise related to the adult education and vocational training sectors should be added to the list of members of the board of directors.
7. The amount of the proposed meeting attendance allowance should be increased significantly, to provide more appropriate compensation for the time required to prepare for and attend meetings.
8. The term of office should be increased from three to four years, with an upper limit of eight years or two consecutive terms.
9. Parent representatives and community representatives should be eligible for the position of Chair and Vice-Chair of the board of directors of a service centre.
10. The Ministère de l'Éducation et de l'Enseignement supérieur should provide the necessary resources to inform and support the members of service centre boards of directors.

Changes to the composition and powers of governing boards

Since they were first created, the main mission of the governing boards has been to give a strong voice to parents in the school's general policies, while ensuring that it is counterbalanced by the expertise of the school's personnel. In QPAT's view, some of the amendments proposed in Bill 40 would represent a significant step backwards in terms of recognizing the expertise and professional autonomy of teachers, and would also add to the workload of school team members while reducing their weight in the decision-making process. QPAT is also concerned more generally by a shift towards greater decentralization, which in our view is likely to exacerbate inter-school inequity.

Concerns:

- By giving parents more votes than all the other members with voting rights, Bill 40 reduces the relative weight of school staff members in the decision-making process, therefore creating an imbalance of power that is likely to render discussion, collaboration and consensus more difficult. This will have the impact of significantly reducing the influence of teachers' representatives in the decision-making process, thereby contradicting the

Government's stated intention of asserting the value of the teaching profession. QPAT believes that restoring a balance between the votes of parents and those of school staff would help maintain a framework more conducive to good school governance.

- Maintaining a balance between the votes of parents and those of school staff members is equally important in determining the role of the community representative. Since Bill 40 proposes that the community representative should be given the right to vote, it should also state, expressly, that the community representative must not be the parent of a child currently attending school. In addition, to ensure greater representativeness and to uphold the principle of parity, the community representative should be appointed by a vote of all the members of the board of directors with voting rights.
- Bill 40 proposes a new section enacting a specific power that would allow the governing board to advise the school principal on any matter likely to facilitate the proper operation of the school. QPAT believes this provision is so general and subjective in nature that it is likely to create a significant additional workload for the school teams, which will be forced to consider a plethora of proposals in addition to their existing tasks. Moreover, this provision is likely to open the door to even more special projects. The governing board has clearly defined powers in numerous areas of responsibility. QPAT believes that section 78.1, in its current form, adds no positive, clear or precise element to the mission of the governing board and should therefore be removed.
- A certain number of small schools in the English sector are particularly concerned by the limited numbers of parents and school staff members available to sit on the governing board. In some cases, because of the mandatory minimum numbers, almost all staff members are required to sit on the governing board every year. This leads to fatigue and lack of renewal. More flexibility is required for small schools in terms of the number of members on their governing boards, especially since the number of members set by section 42 will be 12 rather than a maximum of 20. Section 44 could resolve this problem by changing the ceiling level for a small school to 100 students instead of 60, since this number still corresponds to what is generally considered "small."

QPAT's recommendations:

- 1. Parity should be maintained between parent representatives and staff representatives on governing boards.**
- 2. The community member of the governing board should not be the parent of a student currently attending the school, and should be elected by all the other members of the governing board.**
- 3. Section 78.1 should be removed.**

- 4. The possibility of reducing the number of representatives on the governing boards of small schools should be made available to schools with 100 students or less, instead of 60 students or less as is currently the case.**

Creation of a *commitment-to-student-success* committee

QPAT feels that the creation of the *commitment-to-student-success* committee is one element of the bill that may be positively received, provided some clarifications and changes are made. The committee gives the people with the most expertise in working with students – i.e., the teachers and school principal – an opportunity to play a key role in preparing a student success plan that is both well thought-out and realistic. However, it must also take into account the fact that success is not measured only by simple statistics (e.g., success and graduation targets). To ensure that the committee does its job, teachers’ representatives and school principals should form the majority and be appointed by their respective associations, so that the plan’s content and direction truly reflect their expertise.

Although the first, second and fourth functions set out in section 193.7 seem obvious for a committee responsible for preparing a commitment-to-success plan, the third one – to promote educational practices based on research – appears, in QPAT’s opinion, to go beyond the scope of a committee such as this. The question of education research is a difficult one. Each research study takes place in very particular conditions, and the findings from different studies of the same subject, whether they are similar or different, are specific to the context in which they were obtained, making them difficult to transfer to other contexts. Education research has also been used on numerous occasions to justify the application of “trendy” ideas and approaches, in school boards and schools alike. In some cases these ideas have been adopted enthusiastically at first, until it became clear that they were impossible to apply in their entirety in every situation, and were in fact totally inappropriate in some situations. Often, subsequent research contradicts the findings on which these new practices were based. All these different conclusions, interpretations and nuances become clear over time and make it impossible to give simplistic, universal recommendations.

In QPAT’s view, the third element of the committee’s mandate is also problematic because it constitutes a direct challenge to the professional autonomy of teachers in selecting pedagogical tools and approaches. The promotion of a set of practices constitutes a value judgment made by a group of people seeking to tell others that they should act in a specific way. As we saw earlier, one single method will never be appropriate for all situations, or even for most of them. Any attempt to promote a single method will directly affect the professional autonomy of teachers, who should, on the contrary, be free to use their own professional judgment to choose an

approach that is appropriate to their particular context and to the needs and characteristics of their students.

QPAT's recommendations:

1. **That the number of teachers is equal to the number of school principals.**
2. **That the teachers and school principals, together, make up at least two thirds of the committee.**
3. **Those teachers and school principals are appointed by their respective associations.**
4. **That the third proposed function of the committee (promotion of educational practices based on research) be removed.**

General comments on Bill 40 concerning the changes affecting the teaching profession

In addition to the proposed changes to school governance, Bill 40 contains some significant amendments to the Education Act affecting not only the professional autonomy of teachers but also their status as teaching and pedagogical professionals. For years, QPAT has said that the value of the teaching profession should be asserted, the professional autonomy of teachers should be acknowledged, and the central role played by teachers in the public education system should be recognized. Over time, however, many ministerial decisions and policies have called teachers' professional autonomy into question by limiting their choice of pedagogical approaches and teaching materials, the use of their professional judgment when evaluating their students, and their freedom to identify their own professional development needs.

First, the adoption of successive reforms over the years, imposed from the top down without taking teachers' opinions into account, have not only been counterproductive for the system as a whole, but they have also helped to devalue the profession by relegating the role of teachers to one where they simply carry out orders. Second, the fact that results-based management is still explicitly maintained, among other things in the school boards' *commitment to success plans* and in the schools' *educational projects*, not only continues to divert attention from the element that should be a priority – student learning – but also places needless, counterproductive pressure on school teams, primarily teachers, to attain success and graduation targets. If we combine this with the ever-present phenomenon of competition between public and private schools, which has led to the growth of selective special programs, then we have all the ingredients that are needed to perpetuate an unhealthy cycle. QPAT believes that competition and the results-based management approach are the main factors underlying grade manipulation, the promotion of “trendy” pedagogical approaches and the imposition of

standardized training by school boards, all of which directly affect the professional autonomy of the teachers we represent.

Symbolic Recognition of Pedagogical Expertise

In QPAT's view, the addition of a clause to section 19 of the Education Act, recognizing that teachers have "key educational expertise," is symbolic only, and has no real impact in terms of reinforcing the professional autonomy of teachers. Recognition of this expertise will change nothing, unless it is accompanied by unequivocal respect for professional autonomy in the three major areas mentioned earlier:

- The choice of the pedagogical approaches to be used, based on the needs and characteristics of the students
- Respect for the professional autonomy of teachers in the evaluation process
- Identification of teachers' professional development needs

Given that the reference to the *educational project* is maintained in section 19, the added clause does nothing to reinforce the professional autonomy of teachers. QPAT therefore makes the following recommendations to ensure that teachers' status as experts is given concrete recognition.

QPAT's recommendations:

- 1. Eliminate the reference to the "educational project" in the first paragraph of section 19.**
- 2. Use wording that clearly acknowledges the professional autonomy of teachers in these areas (e.g., the Roberge amendment to Bill 105, 2016).¹**

Amendments to the Education Act with respect to evaluation and grade repetition:

In QPAT's opinion, the addition of a paragraph to section 96.15 of the Education Act constitutes a serious challenge to the professional autonomy of teachers as it applies to the evaluation of learning.

¹ The Roberge amendment to Bill 105 (rejected) reads as follows (free translation from the original French): "Within the scope of the education programs and the provisions of this Act, and in the respect for their individual professional autonomy, judgment and expertise, teachers are entitled to decide on the management of the group(s) of students entrusted to them, to choose the appropriate procedure for preparation and presentation of their courses, as well as their teaching materials and evaluation tools, and to perform the interventions they deem appropriate."

Concerns:

- First, the added paragraph legitimizes grade manipulation by school principals, and in doing so, it opens up a Pandora's box that will ultimately increase the number of requests for grade reviews from students and parents.
- Second, the root of the problem, once again, has not been addressed. The results-based management approach that is still the core element of the school boards' *commitment to success plans* and the schools' *educational projects*, combined with the growing numbers of selective special programs, are the main factors that continue to fuel this type of abuse.
- Although the added paragraph contains the terms "exceptionally" and "reasonable grounds," and mentions consultation of the teacher, QPAT believes these aspects are open to interpretation and is of the view that the Minister should instead propose amendments to the Education Act that will truly strengthen the professional autonomy of teachers in the area of evaluation, and that will recognize their exclusive competency and professional judgment in that area.

QPAT's recommendations:

- 1. Completely remove the paragraph that has been added to section 96.15.**
- 2. Add a paragraph that clearly asserts the exclusive competency and professional judgment of teachers in the area of evaluation.**

Concerning the amendments to sections 96.17 and 96.18 of the Education Act relating to the readmission of students in preschool or elementary school for an additional year, which adds the requirement to consult the teacher first, QPAT is clearly not opposed to this addition, and will not be making any recommendations in this area.

Provisions concerning the professional development of teachers

For QPAT members, ongoing training is a fundamental element of their development as professionals. A survey of QPAT members, conducted in the winter of 2018, confirmed that the vast majority of teachers are committed to their professional development. They regularly engage in a broad range of activities to help develop their professional skills, including training provided by school boards, attendance at educational conferences, consultation of reference documents on the subject of teaching, and professional discussions with their colleagues. In addition, QPAT has organized a two-day convention for the last several decades, offering more than 80 training workshops as well as keynote sessions given by and for teachers. Each year, the event is attended by roughly half of our members from throughout Québec.

Based on the survey results, we were also able to identify a number of obstacles to professional development, as reported by our members:

- Difficulty accessing ongoing training in English
- Wall-to-wall mandatory training that does not address their needs or interests
- Lack of time
- Lack of funds to attend training, especially for teachers in remote regions

In light of this, QPAT believes that the regulation proposed in the amendment to section 456 would impose continuous education requirements that are both restrictive and of no use. QPAT reiterates the fact that the teaching profession is already structured by the Education Act, regulations regarding teaching qualifications, the basic school regulation and the collective agreement, among other things. Rather than imposing an additional regulation, the Government should work to create conditions that will give teachers more time to take part in these activities and that will provide a selection of activities better suited to their needs, with due respect for their professional autonomy. These choices should be relevant to teachers, who should have more control over the choice and timing of training, thereby allowing them to benefit fully from their professional development activities, instead of turning it into a bureaucratic exercise that will be perceived as an obligation with no added value for teachers.

QPAT's recommendation:

- 1. Remove the third paragraph added to section 456 of the Education Act.**

Conclusion

At the risk of repeating itself, QPAT believes the timeline established by the Government for the adoption of a bill that will have such significant impacts for our public education system is much too short. QPAT believes it would be far more beneficial for society in general, and for the quality of our public education system in particular, to hold a broader, more open consultation. This would ensure that the process leads to the identification of more consensual solutions while showing respect for the education community and school staff members.

The most important function of the school boards is to ensure equality of opportunity in education among all schools and centres by dividing resources and organizing services fairly. QPAT is very concerned by the fact that changes to the governance structure may have a detrimental effect on this. If the Government continues in this direction, it will have to make sure

any replacement structure is able to guarantee the same level of equity as is currently offered by the school boards.

QPAT has long demanded real recognition for teachers' expertise, along with respect for their professional autonomy. Both these elements have continually been called into question. In a context where the Education Act is once again being amended, we had hoped for some concrete measures to remedy this situation. Unfortunately, the changes proposed in Bill 40 are a source of disappointment and concern. QPAT feels, at best, that they give only symbolic recognition to teachers' status as experts, and that, in addition, these amendments will weaken their professional autonomy instead of strengthening it.

In closing, we hope this exercise has been useful and that the Minister and his Government, when adopting the Bill, will consider the many recommendations made on behalf of the members we represent.