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

Bill 94: An Act to, in particular, reinforce laicity in the education network and to amend various legislative provisions

April 2025

Introduction

The Quebec Provincial Association of Teachers (QPAT) is the union federation representing the 8,000 teachers working in Quebec's English-language public schools. Through this brief, QPAT presents to the committee its position and recommendations regarding Bill 94, *An Act to, in particular, reinforce laicity in the education network and to amend various legislative provisions*.

The introduction of Bill 94 came as a surprise to us. While we expected additional provisions aimed at strengthening secularism, the scope of the bill appears to be much broader than this single issue. Not only will several of the bill's provisions further constrain the limited professional autonomy and flexibility teachers enjoy, but will also increase their already heavy workload. By increasing bureaucratic accountability of teachers, the government is once again proving that it does not trust them and that it only wants them to do what they're told.

What is even more concerning is the pretext used for the adoption of the bill, the report relating to the situation at Bedford School, which, in our opinion, in no way justifies the introduction of such significant amendments to the Education Act.

On the one hand, QPAT considers that the school service centre (SSC) could have managed the situation at Bedford School within existing frameworks. As far as we are concerned, it is primarily the SSC's inaction that is responsible for the deterioration of the situation, not a legislative vacuum. The exceptional situation at one school among more than three thousand schools in the province, as unacceptable as it may seem, in no way justifies the imposition on the entire network of such measures or restrictions. These will unnecessarily and substantially impede the autonomy of teachers and add to their responsibilities.

If we were cynical, we might believe that the Bedford School case provided the perfect excuse for the government to impose on teachers what it had long wanted to impose. However, as we are not, we will consider Bill 94 to be an overreaction that goes beyond the scope of an anecdotal event. Regardless, we are fairly certain that the proposed provisions will increase the burden on teachers and call into question their status as professionals.

In this brief, we will address most of the components of the bill, while paying particular attention to the elements that are likely to affect, directly or indirectly, the teachers we represent, both in terms of their professional autonomy and their daily work. Our comments will therefore focus on six main themes: the existence of sufficient frameworks in the current system, the infringement upon teachers' professional autonomy and the addition of more responsibilities, the annual evaluation of teachers based on a best practice guide, as well as the tightening of secularism in schools and its possible impacts

on staff recruitment. We will conclude by addressing separately the creation of an Educational Services Quality Committee.

QPAT believes that the introduction of this bill and its provisions only have a tenuous connection to the events that initiated it. They will have a disproportionate impact on teachers and the education system in a context of teacher shortages, which actually calls for greater recognition of the teaching profession.

Bedford School: a worrying situation that could have been managed within existing frameworks

As mentioned in the introduction, the reason given by the Minister for the introduction of Bill 94, namely the report on Bedford School and investigations in 17 other schools, does not, according to QPAT, justify the inclusion of such major amendments to the Education Act. The existing frameworks would have allowed the administration of the SSC concerned to intervene in the Bedford case.

In fact:

1) Sections 96.12, 96.1 and 110.9 of the Education Act currently give the principal the power to ensure the quality of educational services and to manage staff.
2) School boards (SBs) have an obligation to ensure the quality of educational services under section 207.1 of the Education Act.
3) The complaints mechanism provided by the *Act respecting the National Student Ombudsman* already provides a procedure allowing parents and students to have recourse in relation to services to which they are entitled.
4) A procedure is provided for in the Education Act (sections 26 and 29) allowing a complaint to be filed directly with the Minister, giving the latter the power to initiate an investigation and take action if the result of the investigation concludes that there has been serious misconduct on the part of the teacher.
5) Finally, the Code of Ethics, which must be implemented by SSCs and SBs, has the effect of further regulating the quality of educational services provided by school staff, and particularly by teachers.

For these reasons, QPAT believes that the provisions included in Bill 94 go beyond what is necessary in the current circumstances and will only increase bureaucracy while unnecessarily burdening teachers and school principals. This is why we have clearly requested that these proposals be set aside so that they can be discussed, as appropriate, with teachers and that Bill 94 be limited to issues of secularism. Let us be clear: the Bedford School case is an isolated incident. In our opinion, it is only the incompetence and lack of action of one SSC that has led to the adoption of a piece of legislation that will affect the entire network without resolving anything.

A major infringement on the professional autonomy of teachers and the addition of more responsibilities

Bill 94 proposes amendments to sections 19, 22, and 96.21 and proposes new sections 22.0.0.1 and 459.5.0.1 to the Education Act, which significantly limit how teachers can carry out their work. These changes continue the process, initiated by the government through Bills 40 and 23, of undermining teachers' professional autonomy while increasing their responsibilities and accountability. Moreover, this will further erode the status of teachers as professionals.

The proposed amendments to section 19 indicate that teaching methods and means of evaluation must now comply with numerous elements, including the educational project, the Basic School Regulations (BSR), the programs of study, and the content in the broad areas of learning, while being consistent with democratic and Quebec values. The proposed amendments to section 22 involve adding to the responsibilities and obligations of teachers, notably by requiring that teachers respect the same elements listed in section 19. According to QPAT, these amendments are not only unnecessary, but above all, interfere in various aspects of teaching that should be discussed with the teachers themselves.

Teaching is provided so that students can learn and the level of learning is verified through evaluation. These concepts are specific to learning and teaching, and are not part of the educational project. Making teaching and evaluations consistent with the educational project is illogical by its definition and role, because the latter aims to provide a general framework for how schools operate, not to enforce a specific set of pedagogical practices or approaches.

Allowing the educational project to dictate, guide, or constrain the teaching and evaluation methods used by teachers with students goes well beyond its purpose. It also gives the Governing Board (GB), the majority of whose members are not teachers and have no pedagogical expertise, the power to determine or strongly influence the choice of teaching methods and pedagogical approaches. The educational project and the GB have no role in teaching and evaluation approaches, but the proposed additions to sections 19 and 22 will be interpreted by some members of the GB and the community as an open door to imposing certain approaches on teachers. It is completely unacceptable to grant non-teachers, by law, the prerogative to intervene in the teachers' field of expertise. Teachers have the training and expertise to instruct and evaluate, not members of the GB.

As for the BSR, it governs certain structural elements, such as the number of hours taught, subject-time allocation, the structure of report cards, and graduation requirements. While some of these elements naturally impact the choices teachers make in teaching and evaluating students, we believe it is superfluous to refer to them in sections 19 and 22. If a teacher has 50 hours to teach a program instead of 150 hours, they will clearly make choices that reflect this reality. For other elements of the BSR, it does not make

sense to refer to teaching methods and evaluation. Even the section that deals with evaluation is not really about evaluation, but rather about the mechanisms for communicating information related to the evaluation carried out by teachers. Essentially, it tells us that there are three report cards, that the passing grade is 60%, and also provides the format of the report cards. Teachers are already required to provide information in a timely manner. Not only is there no benefit in adding this reference, as it is redundant, but it can also needlessly create confusion.

Another problematic element is the notion of conformity of teaching and evaluation methods to Quebec values. On the one hand, although we, as an organization, fully support the principle of equality between women and men as well as the neutrality, particularly religious and ideological, of the services offered in our educational institutions, it is difficult for us to determine what is meant by "other Quebec values". Aside from the specific examples of equality between women and men and that of secularism[1], what are these values? Who decides what they are? In a context where we live in a free and democratic society that promotes, among other things, openness to a diversity of ideas, and in which everyone, regardless of their origins or socio-economic and family background, is free to adhere to their own values, it seems risky to expect teachers to take into account in their teaching a value system that is not defined.

Consider, for example, the various political parties represented in the National Assembly. While they share certain common values, they also advocate a number of values that differ from those of other parties and that form the basis of their political platforms. It is unrealistic to expect teachers to have a uniform understanding of, and adherence to, these so-called Quebec values, when Quebecers themselves, whether from the same family or ethnic origin, do not necessarily share a common set of values. Determining a single set of acceptable values to which teachers must adhere in one way or another is, paradoxically, anti-democratic. Reference to Quebec values only leaves room for ambiguity and confusion and could open the door to arbitrary discretion in the application of the law. Once again, a situation similar to that of Bedford School must be addressed on a case-by-case basis and lead to targeted interventions. School principals and SBs already have ample scope to intervene in such situations.

The idea that teaching and evaluation must be consistent with the programs of study, whether it be activities, programs of study, or broad areas of learning, is at least consistent with existing notions, since the programs of study are what have always been taught and evaluated. That said, these additions pose two problems. First, the programs are revised periodically, and the terminology can change. Broad areas of learning is a term that has been used since the beginning of the century, when new programs were introduced. The proposed changes risk complicating the legislative process in that, each time the

[1] The subject of secularism will be addressed elsewhere in this document.

programs are amended, the Education Act will have to be amended to reflect them as well. This opens the door to an unnecessarily cumbersome process.

The second and more crucial issue is that this element is not only unnecessary, but, more concerning, adds elements to the law that should be discussed with the teachers themselves. The teachers' collective agreement, which was last renewed in 2024, already contains provisions that oblige teachers to prepare their lessons within the framework of "authorized program guidelines" and to assess students "according to the system in effect."[2] Given that these clauses have existed for many decades, the obligation for teachers to present approved content and evaluate the achievement of learning levels accordingly is already clearly established. Enshrining it in law is therefore redundant. Worse, as mentioned above, it also removes the right to discuss at the bargaining table the way in which their profession is practiced, by imposing it through a legislative process that takes very little account of their perspectives. The loss of teachers' rights to negotiate elements related to their profession will have the effect of taking away a significant part of their professional autonomy by imposing new standards on them without having consulted them beforehand.

Obligation to submit annual instructional planning: an unnecessary increase in the workload of teachers

The proposed amendments to section 96.21 and the proposed introduction of section 22.0.0.1 establish the obligation for teachers to submit annual instructional planning to the administration, which will have to verify its compliance with the same elements that the law proposes to add to section 19. As with the proposed additions to sections 19 and 22, these amendments are unnecessary and only add another layer of needless paperwork, without achieving the intended objective. The administration already has the prerogative to ask each teacher for details related to their planning when deemed necessary. Teachers already provide general information to parents each year regarding evaluation, which implicitly includes the content that will be covered. Adding to the Education Act the requirement to submit instructional planning to the administration will only create more paperwork for teachers and the administration. Furthermore, it will become an exercise in futility, taking away valuable time from school teams that should be devoted to preparation and coordination at the start of the school year, particularly for early career teachers who have not yet experienced the reality of a full school year.

The reality of teaching is that it is difficult for teachers to produce detailed instructional planning for an entire year at the beginning of the school year, not knowing what their student groups will look like and how they might have to adapt the plan to them. This is

[2] Provincial Agreement concluded between the Management Negotiating Committee for English Language School Boards (CPNCA) and the Quebec Provincial Association of Teachers (QPAT) 2023-2028, articles 8-1.02 and 8-2.01 a) and h). https://cpn.gouv.qc.ca/cpnca/en/negociations/collective-agreements/teachers-2/

also impossible for teachers who are only informed on short notice of the courses they will be teaching at the beginning of the school year. More importantly, this obligation will do nothing to address the problem that Bill 94 claims to address. It is hard to imagine that the small group of teachers concerned at Bedford School, who caused the introduction of this bill, would have indicated in their instructional planning that they intended to teach content that goes against the *Quebec Education Program* or existing programs.

Annual evaluation of all teachers: an unrealistic process that will lead to inequity

The proposed addition to section 96.21 and the proposed addition of section 459.5.0.1 will require school principals to evaluate all teachers each year according to a best practice guide determined by the Minister. This evaluation aims to measure a teacher's contribution to the educational project, to support the teacher and to assist them in their professional development. In our opinion, the application of the proposed evaluation process is completely unrealistic and will lead to inequities due to the impossibility of applying it thoroughly to all teachers. Furthermore, it is proposed to evaluate teachers according to a best practice guide that has not been the subject of any discussion or consultation with the teachers themselves.

There is a management right and a long-established practice that allows employers to evaluate teachers, which QPAT does not question. SSCs and SBs must be able to determine whether an employee meets the criteria to qualify for priority of employment lists as well as to obtain a permanent position. Evaluations can also help teachers identify areas of their teaching that can be improved. This evaluation is usually based on the *Reference Framework for Professional Competencies for Teachers*, the latest version of which was published by the Ministry of Education in 2020 under Minister Roberge. This reference framework was developed following a rigorous consultation process involving teachers, among others, and also forms the basis for the development of university teacher training programs. What process will be implemented to develop this guide to best practices? Will the Minister himself determine its content? And on what basis? These questions are worth raising.

The idea of evaluating all teachers every year is, in our opinion, completely unrealistic and will result in a process devoid of meaning. It is clear to QPAT that, in the current context, school principals will not have the time or capacity to evaluate all teachers rigorously and fairly. Currently, school principals focus on evaluating teachers who are new to the profession or who are new employees at the SSC or SB. Despite the more limited number of teachers, they often find it difficult to effectively complete these tasks due to a lack of time given all their obligations. A rigorous evaluation involves numerous observations during the school year as well as frequent and regular feedback given to the teacher concerned. As an example, in a school with 30 teachers, conducting at least three observations and three follow-up meetings or discussions would mean a total of 180 teacher interactions annually for evaluations alone, and this is in addition to the

routine interactions that already take place in the day-to-day running of a school. Therefore, we argue that introducing such a process is completely unrealistic. As a result, we anticipate that school principals will have to find methods to streamline the work, such as simple checklists, thereby evading any rigorous evaluation process and resulting in the addition of yet another layer of unnecessary bureaucracy. A streamlined and rushed evaluation process will be neither consistent nor fair to the parties involved. Paradoxically, the evaluation will have no real value or validity, and would ensure that teachers who are in real need of support and follow-up would not be adequately supported or appropriately helped by their school principals.

The idea that teachers will be evaluated based on their contribution to the school's educational project equally makes no sense and is highly problematic. The school's educational project defines the orientations, objectives, and targets to be achieved in order to support students' educational success. It is a comprehensive statement of the aspirations of the entire education community for the school. Also, this responsibility is not only shared by teachers, but also by other staff members, parents, community representatives, and secondary school students, as well as by the school principal, despite not voting. Evaluating teachers on this basis will result in placing the responsibility for implementing the educational project solely on their shoulders, which goes against the very spirit of the educational project.

Furthermore, assessing contribution to the educational project, given the growing emphasis on the use of numerical targets, will imply that student achievement could be used as the basis for evaluating a teacher's performance. This holds individual teachers accountable for failures and limitations beyond their control and completely decontextualizes the work they do. This approach could lead to either grade inflation, increased use of standardized tests, outright cheating in reporting results, or a combination of all three. In any case, the quality of education and the value of learning will be affected, as teaching and evaluation will be guided by the achievement of numerical targets rather than by teachers, as professionals, choosing the best pedagogical approaches to improve student learning.[3] QPAT has regularly denounced this accountability approach based on Results-Based Management (RBM) and its negative effects on student learning. This bill will reinforce this approach rather than move us away from it, and once again draw our attention away from the objective we should be pursuing in the interest of all Quebec students.

[3] The most glaring examples are seen following the No Child Left Behind policies in the United States, where fear of negative results led to situations such as system-wide cheating in Atlanta due to fear of poor results. See, for example, The Washington Post, " How and why convicted Atlanta Teachers Cheated on Standardized Tests ", published April 1st, 2015 https://www.washingtonpost.com/news/answer-sheet/wp/2015/04/01/how-and-why-convicted-atlanta-teachers-cheated-on-standardized-tests/

Finally, as mentioned above, the Minister's intention to create a guide to best practices is highly problematic. On the one hand, this poses a problem for the reasons stated above, namely that a professional skills framework already exists and should be sufficient, and because teachers have not been consulted on the matter. On the other hand, the question of what constitutes best practices, who will identify them, and on what basis, is crucial. As QPAT has stated in the past during consultations on the creation of the *Institut national d'excellence en éducation*, there can be no universal understanding of what constitutes best practices in education. Research findings can be useful for inspiring practice, but not for identifying best practices that are universal. Precisely because each research study was conducted in a specific context, it is not possible to identify practices that apply to all students in all contexts.[4] It is the responsibility of teachers, as professionals, to draw inspiration from research findings and adapt them to the context of their students, rather than simply applying a cookie-cutter approach. Creating a best practice guide would amount to standardizing practices, removing from teachers the ability to determine the most appropriate teaching approaches for their students, the composition of their classes, or the reality of their schools. This significantly undermines the teacher's professional autonomy.

Strengthening secularism

Bill 94 expands the ban on the wearing of religious symbols in schools by adding section 258.0.4 to the Education Act. This expansion affects all staff members who work in schools and/or provide direct service to students. The only exceptions are bus drivers for a transit company or the holders of a bus transport permit.

The provisions included in the bill aimed at strengthening secularism in schools also raise questions for us. Once again, the case at Bedford School demonstrates that it was not the wearing of religious symbols by teachers that led to the abuses identified in the report. In our opinion, as mentioned above, these abuses could have been avoided or managed within the current frameworks. We will not dwell on the subject since our position regarding the secularism of the State was clearly stated in the brief submitted by QPAT as part of the special consultations related to the tabling of Bill 21 (attached).

With regard to this measure, we reiterate QPAT's position on the ban of religious symbols for teachers. QPAT is fully in favour of the secular nature of educational institutions and the neutrality of the services provided there, but does not consider that banning religious symbols for workers, unless there are security concerns, will strengthen the secular nature of institutions. As proof, we have no example to date of a school staff member wearing religious symbols having been involved in a proselytizing effort. It is worth noting

[4] Refer to the QPAT brief on Bill 23: an Act to amend mainly the Education Act and to enact the Act respecting the *Institut national d'excellence en éducation*, June 2023, available at https://qpat-apeq.qc.ca/wp-content/uploads/QPAT-brief-on-Bill-23-June-1-2023-SR.pdf

that none of the teachers involved in the unfortunate events at Bedford School wore religious symbols.

Without improving anything, these additional measures will, in our opinion, have the effect of excluding more of our fellow citizens from the job market, further exacerbating the shortage (hindering recruitment) in certain job categories, particularly among our early childhood educators.

The addition of section 258.0.5 extends the obligation for all staff working in an educational establishment to work with their faces uncovered. QPAT does not oppose such a measure.

In conclusion

The current wording of section 19 already requires teachers to manage their classes in accordance with the school's educational project, and section 22 already requires teachers to act fairly with their students and respect human rights. Not only are these sections already more than sufficient to govern the proper conduct of teachers, but they would have been more than sufficient, along with other provisions of the law, the collective agreement, and case law, to effectively manage the exceptional and inappropriate situation that occurred in one particular school. The poor management of this situation was not linked to a legislative vacuum or the lack of tools available within the current frameworks, but rather to the inaction of the competent authorities in the circumstances. Adding provisions to the Education Act will not ensure better management of this type of situation. It will have the effect of creating more confusion and sending a contradictory message that will further devalue the teaching profession. In a context of a shortage of teaching staff that will continue in the coming years, Bill 94 risks further distancing potential quality candidates from the teaching profession.

Recommendation

Given that the amendments concerning sections 19, 22 and 96.21 and the addition of sections 22.0.0.1 and 459.5.0.1:

- Further diminish the autonomy of teachers and unnecessarily add to their obligations and responsibilities
- Add additional tasks for both teachers and school principals, making their daily lives more difficult without improving anything
- Cause confusion and redundancy
- Will not help in any way to avoid a situation that could have been managed within existing frameworks

QPAT recommends the withdrawal of the proposed amendments to sections 19, 22 and 96.21, as well as the withdrawal of the proposed sections 22.0.0.1 and 459.5.0.1. In other words, the withdrawal of sections 5, 6, 7, 15, 27 and 30 of Bill 94 so that

these issues can be discussed within a broader forum on the state of our education system in Quebec.

Educational Services Quality Committee

The bill proposes to add sections 193.10 and 193.11 to establish a new committee for a SSC, the Educational Services Quality Committee, and to formalize its mandate. QPAT questions various elements of this proposal.

Regarding the composition of the committee, two out of five positions are volunteer positions with the stipulation that the individuals cannot be current employees, that one of them has experience as a school principal and that the other has experience as a teacher.

This is vague for several reasons:

- Could they be current employees of another SB?
- Could they be current employees of a private school?
- Given that school principals have generally been teachers, does this mean that both positions could be filled by more school principals than teachers?
- If they are volunteers, what is their relative strength or influence within a committee that is otherwise composed of members appointed by, and accountable to, the director general?
- How can they understand the reality of the SB if they are not familiar with it?

This list of questions is not exhaustive, but sets out the main issues raised by the composition of the committee.

As for the function of the committee, the bill proposes that it be established to assist the director general in ensuring the quality of educational services, to make recommendations to the latter, to provide its opinion on any matter concerning the quality of educational services and to promote best practices in educational services.

The functions of this committee are based on two assumptions: first, that there is a consensus on what quality educational services are and, second, given this consensus, that there is a standardized method for measuring this quality. QPAT disagrees with these assumptions and given this, questions the usefulness of the committee.

Consistent with our previous position, QPAT does not believe in universal best practices in education, that is, practices that are applicable in all contexts and to all students. The fact that in education, the so-called evidence-based data on which these best practices are based derives from research conducted in specific contexts and within specific samples, cannot lead to the definition of standardized practices applicable in all contexts. It is the teachers, through their expertise, who have the ability to determine which approaches are best suited to their school and their students. Since teachers are already

under the pedagogical supervision of their school administration and have access, if necessary, to the resources offered by educational advisors in SSCs or SBs, it seems unnecessary to create such a committee.

Since it is impossible to have a single understanding of the quality of educational services without carefully examining the context in each case, it becomes impossible to measure this quality. Over the past few decades, successive governments have added layers of ill-conceived concepts of measurable targets and objectives and related accountability without necessarily improving the quality of services. QPAT has consistently expressed its strong disagreement with this simplistic approach because it hinders decision-making on appropriate teaching methods necessary to achieve student educational success. This approach cannot be repeated in an attempt to determine what constitutes quality educational services. Since each situation is different, there is no single approach that can be considered. This means that the second assumption in the composition of this new committee does not hold.

If these assumptions are invalid, it is impossible to determine what this committee's contribution will be. QPAT reiterates its disagreement with the notion of promoting best practices, as these are extremely context-specific, as highlighted elsewhere in this brief. Given that there is no clear and universal definition of quality services and best practices, the committee will not be able to carry out meaningful work if it does not possess the necessary tools to examine each situation according to the context, instead of trying to apply universal criteria and tools.

Recommendation

Considering:

- The lack of clarity regarding the expertise of the members of the proposed committee
- The inability of this committee to determine universal standards of quality of educational services
- The inability to determine universal best practices

QPAT recommends the withdrawal of proposed sections 193.10 and 193.11. In other words, withdraw section 24 of Bill 94.