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

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

Introduction

The Quebec Provincial Association of Teachers (QPAT) is the union federation that represents the 8,000 teachers working in Quebec's English-language public schools. In this brief, QPAT presents its position and recommendations to the commission regarding Bill 23, *an Act to amend mainly the Education Act and to enact the Act respecting the Institut national d'excellence en éducation.*

From the outset, we were able to ascertain that this unexpected bill cast a wide net, affecting school governance, continuing education, distance teaching, and the expansion of the Minister of Education's powers, in addition to proposing the adoption of a bill enacting the creation of a new *Institut national d'excellence en éducation* (INEÉ). We also wish to express our surprise regarding the tabling of the bill without, to our knowledge, any prior consultation or discussion being held with the system's partners. At first glance, the bill also raises many concerns among our members in light of the changes proposed in it. On the one hand, it is clear that we are witnessing an increase and additional centralization of the Minister's powers of direct intervention and, on the other hand, greater decentralization of the responsibilities of teaching staff and school teams regarding the academic success of students, without addressing systemic issues that have, for years, been the source of the problems experienced within our public education system. Whether we are talking, in particular, about the critical shortage of learning support services, the fundamental issue of class composition, or the inequity within our public education system, these are all factors that have contributed for years to the deterioration of the working conditions of Quebec teachers, in the context of an unprecedented staff shortage likely to worsen in the coming years.

In this brief, we will address most of the components of the bill, while paying special attention to the elements that risk affecting, directly or indirectly, the professional autonomy and daily practice of the teachers that we represent. Our comments will focus on five major themes: the creation of a national institute of excellence in education, continuing education, data collection and results-based management, the increased powers of the Minister, and distance teaching.

Regarding the governance of educational institutions, QPAT had the opportunity to provide comments and recommendations as part of the review of Bill 40. While it recommended maintaining school democracy and Quebec's English-language school boards, QPAT's position also suggested implementing several measures that would help improve their operation, as well as increasing participation in school democracy to make it more representative. While we have no intention, in this brief, of expanding on this point, we wonder about the idea of allocating more powers to the Minister to manage service centres and school boards. As well, it is more than likely that this provision, which will certainly be interpreted as additional interference in the management prerogatives of English-language school boards, will invite court challenges under section 23 of the *Canadian Charter of Rights and Freedoms*. We will be expanding on this further on in the section dealing with the increase in the Minister's powers.

Before addressing the above-mentioned themes one by one, we wish to express our disbelief at the tabling of such a piece of legislation that, far from helping stem the crisis within our education system, risks exacerbating it. The measures proposed in it clearly reveal a flagrant lack of knowledge, on the part of the government, of the daily challenges facing the education players and the call for help expressed, in particular, by teachers through the union demands made during the current round of negotiations. Despite everything, we wish to participate in a constructive way in these consultations. We hope that the viewpoint of the teaching staff will be heard and that our government will show openness to making the necessary amendments to the bill.

Creation of the *Institut national d'excellence en éducation* (INEÉ)

When the idea of creating a national institute of excellence in education was first introduced in 2017, QPAT participated actively in the consultations that were held at the time. Despite QPAT's skepticism about the need to create such an institute, we took part and submitted several recommendations regarding the mandate and mission of the said institute and its composition. It appears evident to us that the

creation of INEÉ constitutes the core element of Bill 23 in what will become an instrument whose influence risks being a determining factor in a number of education decisions, regarding the government's policy directions on the initial training and continuing education of teaching staff. This is why we decided to address it first and in more depth.

As the organization representing English-sector teachers in Quebec, QPAT has always encouraged research into all areas of knowledge and recognized the importance of the transfer of the knowledge stemming from the research, including that of education. We value the scientifically rigorous conduct of research into all fields of education, involving pedagogical practices as well as at a more systemic level.

Before addressing the various elements included in the act related to the establishment of INEÉ, we assert once again that, given the fact that agencies already exist whose mission is to deal with educational issues from the standpoint of research into the current ecosystem, the creation of such an institute is, in the opinion of QPAT, unnecessary in Quebec. The idea that the existence of a similar agency in the healthcare field could serve as a basis for transference to the education field indicates a lack of recognition of the fundamental differences that exist between the two sectors. The creation of such an institute, as presented in the bill, would have the effect of further reducing the professional autonomy of teachers without, in our opinion, having positive effects on the academic success of students.

Abolition of the *Conseil supérieur de l'éducation*

We were surprised to discover that the creation of INEÉ would result in the abolition of a large part of the *Conseil supérieur de l'éducation* (CSE), dedicated to addressing educational issues related to the (youth) school system, which is a major source of concern for QPAT. Founded in the 1960s in the wake of the Parent Report, the CSE has always been an agency independent from the Minister, providing advice on, among other things, changes to the basic school regulations

and on the *Regulation respecting teaching licences*, in addition to independently initiating focus groups on specific educational issues deemed relevant by its members, and publishing reports that, in some cases, may be critical of the policy directions taken by the Ministère or the decision-making of the Minister. In our opinion, its abolition would constitute a loss for our education system in general, as well as a loss of pedagogical expertise developed over the years, which allows for the expression of often relevant and sometimes divergent points of view regarding education in Quebec. If the creation of INEÉ, as stated in the bill, is aimed, among other things, to fill the void created by the abolition of the CSE, INEÉ's lack of independence, as well as the more limited nature of its mission, lead us to seriously question its ability to perform this essential function filled over the years by the CSE.

Abolition of the *Comité d'agrément des programmes de formation à l'enseignement* (CAPFE)

We were equally surprised to realize that the creation of INEÉ would also result in the abolition of CAPFE, another autonomous and independent agency created in 1992, which has been the official agency under the *Education Act* since 1997. As part of its mission, CAPFE examines and accredits teacher training programs, recommends to the Minister training programs aimed at obtaining teaching licences, and advises the Minister on the definition of the qualifications required of elementary and secondary-level teaching staff. Over the years, CAPFE has also continually ensured the quality of university teacher training programs through visits to universities.

INEÉ's role in this area, as set out in the bill, reads as follows:

6. giving, at the Minister's request, an opinion on the determination of the qualifications required of teachers at the preschool education level or the elementary or secondary school level to obtain a teaching licence;

7. giving, at the Minister's request, an opinion on teacher training programs for preschool education and for elementary and secondary school education.

We consider that this wording in no way enables INEÉ to examine, systematically and continuously, the teacher training programs offered by our universities, as was the case with CAPFE (note that all members of CAPFE resigned immediately after the tabling of the bill). We also question the lack of independence of INEÉ's *advisory committee*. On the one hand, the committee would not have the power to accredit programs but simply to give an opinion on them. On the other hand, the committee would only fulfill these functions at the Minister's request. Furthermore, we are concerned that, based on our interpretation of the bill, the Minister could theoretically approve a teacher training program unilaterally without even asking the advice of INEÉ. In this way, the bill eliminates the only independent agency responsible for ensuring the quality of university teacher training, which could call into question the quality of programs leading to the obtainment of a teaching licence. This would have the effect of further undervaluing a profession that, on the contrary, has a pressing need to be appreciated. Are we entering the era of discount diplomas in education? The question deserves to be asked.

The limitations of education research

Before addressing the mission and composition of INEÉ, as we articulated during the consultations that were held in 2017, QPAT believes that it is important to look at the scope and limitations of education research. We will begin by addressing its limitations, since identifying and recognizing them should enable the government to better define the role and mandate for which such an institute should be responsible.

It goes without saying that, for any research to be credible, it must be the result of an applied rigorous methodology. Regardless of the rigour to which a specific education research is subjected, it is nonetheless important to recognize that, in this field, research has certain limitations.

More specifically, as in every field of human sciences, all education research is conducted:

- In a specific context;
- With a given client group;
- In a given setting;
- Over a period that can vary (months, years, decades);
- Using a more or less large or diversified sample;
- With the caveat that society is in constant evolution, as the context rapidly changes from one era to another. This implies that what was true in 1990 may be much less so today.

It is also crucial to recognize that, unlike research in the pure and applied sciences, it is impossible to control all the variables in education research. We are dealing with human beings whose diversity and characteristics render any research more complex. This reality makes the direct transfer of research results (evidence-based data) into practice all the more difficult, assuming that the results will necessarily lead to the emergence of evidence-informed practices, i.e., ones that are applicable in all settings and contexts.

Even when it comes to meta-analysis, it is important to verify the validity of the process, focusing on the methodology, nature and context in which the research, which is part of it, was conducted. This leads us naturally to deal with the issue of the scope and extent of the use of evidence-based data in school settings.

Given these identified limitations, QPAT asserts that education research must be approached with caution; the results of the research can serve as inspiration, as a base for exploring new avenues, as food for thought, or as a way to interpret trends about practices that are likely to have a greater or lesser impact on students' learning.

What we must avoid is using the so-called evidence-based results of this research to impose or generalize practices in school settings. We insist on the fact that teachers, given their expertise, are always the best placed to determine the most appropriate approaches based on the specific characteristics and needs of their

students. These findings, which we hope that you will share, should influence the vision of the institute's role and mandate.

As we articulated during the consultations in 2017, QPAT considers that the creation of a national institute of excellence in education should be based on four elements:

- Firstly, the notion that education research must be based on a broad vision and must consider all facets of the system and not only pedagogical practices;
- Secondly, while recognizing its value and importance, the fact that education research has limitations that are intrinsic to it and that must be understood and recognized by everyone;
- Thirdly, the notion that the objective of the research or use of so-called evidence-based data should be to inspire pedagogical discussion and thinking and not to identify or impose simple and absolute education solutions;
- Finally, that such an agency be autonomous and independent to guarantee its impartiality regarding the choice of issues to examine and the recommendations to produce, and decisions about the selection of research to be put forward.

<u>Problems with INEÉ's mission (Chapter II, section 5)</u>

Several aspects of INEÉ's mission, as stated in the bill, are problematic for QPAT:

- On the one hand, the fact that INEÉ has as its mission "*identifying priority issues that would benefit from its work*" (para. 1) is not a problem in itself, but the fact that it must do this "*in collaboration with the Minister*" is especially problematic. In our opinion, the institute's lack of independence and autonomy in the choice of themes casts doubt on the impartiality and credibility of INEÉ, which could become a political instrument rather than a

neutral institute whose mission would be to promote and make education research accessible.

- As mentioned in paragraphs 3 and 4, the institute's mission would not only be "*identifying best practices*," but also "*fostering implementation of its recommendations, mainly by developing and disseminating practical training activities, in particular for the benefit of school staff, or other knowledge transfer tools that promote pedagogical practices and methods proven by scientific research to be effective.*" For the reasons stated above, the government is wrong in thinking that communities will benefit from blanket training designated as effective by the institute. The intent here is obvious.
- Paragraphs 6 and 7 state the elements of the mission related to teacher training and the definition of the qualifications required of youth sector teachers. The fact that these functions are only performed at the Minister's request and not systematically, without INEÉ's advisory committee being independent of the Minister, is problematic. These functions should be performed by an independent and autonomous agency, as was the case with CAPFE, to guarantee that the evaluation and accreditation of teacher training programs are done systematically, impartially and independently, and free from any political interference, to ensure the quality of the university teacher programs.
- Paragraph 8 states that another element of its mission is "*recognizing the content of certain continuing education activities.*" Once again, we believe that the government is wrong in entrusting whatever agency with approval of the content of training activities to the detriment of the professional autonomy of teachers who are, in our opinion, because of their expertise in the field, best placed to determine their professional development needs based on their reality. As such, the bill runs counter to the provisions adopted not that long ago under Bill 40. We are concerned that such a provision will lead to the imposition of standardized and universal education training based on current pedagogical methods, especially since

INEÉ's dependence on the Minister could encourage him to dictate the training that he himself would deem most appropriate. We are talking here about a real step backward.

Recommendations of QPAT regarding INEÉ's mission

As mentioned above, the use of so-called evidence-based data and the results of research in practice settings should primarily serve to inspire communities and enhance discussions and thinking about practices and school organization. To be credible, INEÉ must be completely independent and autonomous.

In this context, and given what was previously said, QPAT considers that INEÉ's main role should be to:

- Draw up an inventory of education research, extract the research that is based on solid evidence, and make it accessible and understandable to teaching professionals and other stakeholders from the field so that they can easily access it and have full confidence in its accuracy.
- Clarify the limitations of the disseminated research by specifying the context in which each research study has been conducted.
- Promote more independent education research and quality research in Quebec in tandem with the organizations that are part of the existing ecosystem.
- Draw up an inventory of and promote research that deals not only with pedagogical practices but that also focuses on more systematic issues, i.e., internal or external factors that influence learning conditions and academic success (class composition, ratios, socioeconomic environment, school segregation, results-based management, use of technological tools, etc.). Research should serve to inspire not only practitioners but also the policies of the Ministère, as well as the policy directions of school board administrators. For example, the work of the institute could serve as a basis to evaluate and review the Quebec Education Program (QEP), adopted in 2000, whose content and policy directions were wrongly claimed to be backed by so-called evidence-based data.

- Include a diversity of research from several jurisdictions, beyond Quebec and Canada, and ensure its accessibility.
- Serve more as a reference base than an instrument used by the Ministère or school boards to impose pedagogical practices or methods. In other words, the work of the institute should in no way limit the professional autonomy of teachers in their pedagogical choices.
- Assert, unequivocally, that evidence-based data cannot lead to the adoption of standardized methods that apply in all settings.
- Even best practices are often implemented without thinking about the consequences of their implementation or considering the context. The institute could play a role in educating and raising awareness among administrators, in the service centres and school boards and in schools, so that these very real excesses are avoided.

Composition of INEÉ:

For INEÉ to be able to fulfill the mandate and role entrusted to it, special attention must be paid to its composition. To avoid such an institute becoming an instrument used by the Ministère or administrators to impose certain approaches, and to ensure that the work done by INEÉ is objective and impartial, it is vital that it be completely independent and autonomous.

In reading the bill, it is obvious that INEÉ would become an agency that is completely dependent on and controlled by the Minister. In addition, under section 8, INEÉ is administered by a board of directors consisting of nine members, only one of whom is a teacher. Under article 12, INEÉ establishes two committees:

- A **scientific committee** (section 13) whose composition "*must reflect the scientific disciplines related to the elements of its mission, that is, educational services for preschool education and for elementary and secondary education."* Nothing indicates that a teacher can be part of this committee.

- A **teacher training program advisory committee** (section 14) that "… *must be composed in equal parts of persons from the fields of preschool education and elementary and secondary school education and persons from the university education sector*". Once again, there is nothing to indicate that teachers would be part of the committee, contrary to CAPFE, which guaranteed the presence of at least four teachers.

In the opinion of QPAT, INEÉ should be comprised of members drawn, in equal part, from the university and school system communities. The presence of a sufficient number of teachers would also be essential.

To ensure the truly independent character of the institute, the method of selecting its members should be similar to that of agencies, such as the *Conseil supérieur de l'Éducation* or other provincial committees that strive to be independent, i.e., following the recommendations of various partners, groups or associations.

Dangers and excesses tied to the use and promotion of so-called evidence-based data in the settings:

Over the years, we have witnessed the emergence of a number of decisions that, while claiming to be supported by evidence-based data, have given rise to the imposition or promotion of questionable practices or the adoption of education directions or policies that did not prove successful:

- Implementation of the 1997 education reform that relied on a pure consequence-based approach while experiencing failures affecting our students' acquisition and consolidation of basic knowledge. The promotion of a social constructionist pedagogy did not prove successful either, especially for our most vulnerable or at-risk students.
- Adoption of results-based management, derived from industry and applied wrongly to the education field, that in addition to not having a positive effect on real success rates and student graduations, instead impaired the students' learning and lead to many evaluation excesses (manipulation of marks, among others).

- Imposition, by some school boards on their teachers, of participation in *Professional Learning Communities* (PLC) to drive the implementation of evidence-informed practices, which is contradictory, as you should know, to research into PLC.

This example shows the kind of contradictions that we can face following some administrators' overly zealous desire to achieve success target rates and artificially improve academic success.

The use of so-called evidence-based data must be avoided at all costs to advance approaches that fail to meet the reality test. We need to distance ourselves from the temptation to commit to blanket approaches that do not correspond with reality or the context in all settings.

It is essential that we thank our teachers who, despite the more or less successful methods and changes in education, as professionals concerned with the success and learning of their students, have in large part contributed to mitigating these deficiencies by adopting a more balanced posture and diversity of pedagogical approaches adapted to the needs of their students.

In conclusion:

We hope that the creation of INEÉ is not a way for the Ministère to say to us that the improvement of education practices is THE determining factor in the success of students, underestimating the impact of other determinants of academic success.

This is why it is important for the Ministère and the institute to recognize that, beyond pedagogical practices, several factors have a determining influence on success and academic perseverance, especially in the case of our most vulnerable (or at-risk) students. It will be difficult to make progress in these areas if the following elements continue to impede the work of our teachers:

- The lack of professionals, and of other specialized resources, which results in major delays in the identification and delivery of services causing an accumulation of backlogs in basic material for some students;
- The increasingly onerous and diversified composition of classes, which represents undue hardship that jeopardizes the quality of education services, for both regular students and ADHD students, and which is an additional stress factor that significantly affects the working conditions of the teaching staff;
- The implementation, for several years, of a results-based management approach to education, which to date has had no positive effect on academic success and has contributed to putting major stress on our students, teachers and administrators, while having a negative impact on our students' learning and consolidation of basic knowledge.

Continuing education – Profound questioning about the professional autonomy of teachers

In amending section 22.0.1 of the *Education Act*, Bill 23 gives school service centres and administrators the prerogative to impose continuing education activities on teaching staff contrary to what prevailed following adoption of Bill 40, namely that the Minister at the time clearly asserted that teachers were responsible for determining which continuing education activities best met their needs. More specifically, section 22.0.1 of the *Education Act* granted teachers a certain latitude in the choice of training activities that would be recognized, based on the needs and interests identified by them. The proposed amendment to the section of Bill 23 eliminates in large part this latitude. By referring to sections 259 and 260 of the *Education Act*, the proposed amendment to section 22.0.1 grants to school service centres and administrators control of the professional development of the teaching staff, especially by limiting what is recognized. The effect is to significantly limit their autonomy in choosing professional development activities. In addition, new section 457 of the *Education Act* further reduces the control and choice that

teachers have by attributing them to the Minister, school service centres, school administrators or even the new *Institut national d'excellence en éducati*on (INEÉ).

In our opinion, this addition demonstrates a flagrant lack of confidence by the government in teachers, as well as a lack of respect and recognition of their professionalism. What is being proposed in Bill 23 reinforces the provisions of Bill 40 by removing from teachers an additional part of their professional autonomy. Worse yet, what concerns us the most is that this policy direction of Bill 23 is based once again on a false premise, namely that it creates the impression that the Minister attributes a large part of the failures of our education system to the lack of continuing education undertaken by teachers. In other words, the responsibility for the problems in education points, once more, at the teaching staff, without the systemic issues being directly challenged.

As part of the study into Bill 40, QPAT had denounced the same attitude on the part of government. We considered at the time that the government was identifying the lack of professional development as problematic, without addressing substantive issues in education. It was an easy solution to a false issue to assert publicly that the challenges in our education system would be magically solved by the imposition of a number of hours of mandatory professional development.

Instead, as we asserted during the consultations, the reality is quite different. For QPAT members, continuing education is a key element of their development as professionals. A survey conducted with these members in winter 2018 confirmed that the vast majority of them were committed to their professional development. When we talk about training received in school boards, participation in pedagogical conferences, consultation of pedagogy reference documents, or professional interactions with colleagues, our members are regularly engaged in a diversity of activities that contribute to the development of their professional skills. As additional proof of our members' commitment, for several decades QPAT has organized an annual two-day conference that offers more than 80 pedagogical training workshops, as well as plenary sessions by and for teachers. Each year, half of our members from across Quebec take part in this conference.

The survey results also enabled us to identify a certain number of obstacles to professional development, as reported by our members:

- Difficulty accessing a variety of continuing education offers in English;
- Imposed wall-to-wall training that fails to meet their needs or interests (whether by administrators, school boards or the Ministère);
- Lack of time;
- Lack of funds to participate, especially for teachers in remote regions.

In light of these findings, QPAT estimated that the regulation proposed in section 456 imposed professional development requirements that were, in our opinion, unnecessary, as well as restrictive. The changes proposed in Bill 23 further undermine their professional autonomy by adding a layer. In removing the prerogative of teachers to choose the pedagogical approaches or training that correspond best to their needs and those of their students, and ignoring the need expressed countless times by the teachers to exercise more control on their professional development, we increasingly turn teachers into technicians who must follow pedagogical formulas imposed from on high instead of true professionals, while continuing to further place on their shoulders the responsibility for their students' academic success – without taking into consideration the real issues affecting their working conditions.

If adopted as is, Bill 23 would theoretically enable the Minister to impose on teachers, either himself or through INEÉ, professional development activities that he considers important based on his priorities. It is this control, either direct or indirect, imposed by those who are furthest removed from the daily reality of teachers, that risks causing the latter to opt out of their professional development while stoking cynicism in the process and development activities and, more broadly, continuing to further devalue the teaching profession.

Using INEÉ as a tool to dictate pedagogical approaches and methods through mechanisms included in the amendment to section 22.0.1 and new section 457 is contrary to the basic principles of the professionalism and autonomy of teachers.

Rather than going that route, the government should help create conditions that give teachers more time to take part in these activities and that encourage a choice of activities that better meet their needs while respecting their professional autonomy. These possibilities should be relevant to teachers who must exercise more control over the choice and time of training, allowing them to take full advantage of their professional development.

Recommendations:

The amendments proposed to section 22.0.1 of the *Education Act* must simply be removed.

Data collection and results-based management (RBM): Do we value numerical targets or the quality of our students' learning?

Over 20 years have already passed since RBM was implemented in the education field: firstly, in 2002, with the adoption of Bill 124 when François Legault was Minister of Education and expanded, in 2008, with the adoption of Bill 88, and then again, in 2016, with the adoption of Bill 105 and the introduction of the *Commitment-to-Success Plan* (PEVR). Over the past 20 years, successive Ministers of Education have asserted that students' success is their priority. In their desire to improve the situation, the ministers, regardless of the party in power, have repeatedly used the *Education Act* to impose additional accountability mechanisms, strengthening RBM and increasing the centralization of ministerial powers while further decentralizing responsibilities to the communities without addressing systemic problems. To date, this approach has failed to produce any notable improvement in the academic success of Quebec students. This state of affairs is reminiscent of the apocryphal definition of insanity attributed to Albert Einstein: "Insanity is doing the same thing over and over again and expecting different results!"

It seems clear to us that Bill 23 continues in the same vein by proposing to further strengthen an approach that, up to now, has not worked. In fact, it proposes to add section 215, which requires that an *annual management and accountability*

agreement be entered into between the Minister and the school boards or school service centres.

This agreement contains, in particular:

1. the national indicators determined under section 459.1;

2. the policy directions, objectives or targets that must be taken into account in preparing the school service centre's commitment-to-success plan in accordance with section 459.2;

3. the terms governing the coordination of the entire strategic planning process that are prescribed under section 459.3;

4. the objectives or targets relating to the administration, organization or operation of the school service centre that are determined under section 459.5.4;

5. the measures recommended or required by the Minister under section 215.2;

6. the ministerial policy directions and priorities applicable to the school service centre; and

7. any other objective, target or priority specific to the school service centre for the duration of the agreement.

The agreement must set out, with regard to the objectives, targets, priorities and policy directions referred to in subparagraphs 4, 6 and 7 of the second paragraph, the means to be implemented to follow up on them and the main indicators to be used in reporting to the Minister on the results.

This new instrument introduces an additional bureaucratic accountability level to the *Commitment-to-Success Plan* (PEVR) of school boards and service centres. With the addition of paragraphs 6 and 7, it also increases the Minister's powers to impose policy directions that do not take into consideration the specific realities of the settings.

The excesses of a management approach that is unsuited to education

As QPAT asserted during the preceding consultations, the experience of the past 25 years shows that the application of such an accounting system, derived from the business world, cannot be successfully transferred to the reality of education. Recent research on this subject tends increasingly to confirm that the results-oriented culture – the accounting approach in education – with its propensity toward ever greater performance, fails to produce the desired results and, instead, has the opposite effect on the success of all students.

To get back to basics, we have come to define success or academic success by an increase in graduation rates, as well as success rates. These measurements have become central without regard for what should really count, namely the quality of learning achieved by students. In addition, we use these indicators to compare the performance of schools and school service centres, exacerbating unhealthy competition within our system without taking into consideration external factors that influence academic success, such as differences in socioeconomic status, class composition, the sufficiency and quality of support resources, etc.

An education system does not gauge production by consistent inputs. It deals with students who are human beings from varied family and socioeconomic backgrounds, who present a diversity of characteristics that are unique to them, and who evolve in a classroom setting (class composition) that varies from one school to another. Attempting to use simplistic measurements to compare their performance leads invariably to valuing the measurement rather than the overall learning process. In this context, with the pressure to reach targets set by the Ministère, it becomes tempting to take shortcuts to produce results that meet expectations, instead of ensuring that the learning process is rich and meaningful for students.

If adopted as is, Bill 23 will exacerbate this reality instead of improving the academic success of students and further fuel competition and the excesses that flow from it.

Examples of excesses tied to RBM:

- Pressure put on teachers to constantly improve the success rate;
- Implementation of more control measures, such as the multiplication of intervention plans, and increased micromanagement on the part of school administrators;
- Increased competition between students and teachers with, as consequences, stress, anxiety, opting out and dropping out;
- The burden of success that rests mainly on the "teacher effect", without taking into consideration the conditions required for success;
- Loss of recognition of the teacher's authority;
- Graduation rates and test results of the Ministère that become the sole indicators of the quality of teaching;
- A utilitarian vision of education moving away from what is its real mission, namely the development of educated and informed citizens who are open to the world.

As QPAT has asserted many times in recent years, the focus should be more on the conditions to be put in place to ensure that what students are learning is of quality, by examining all the factors that have an impact on learning, rather than solely on students' results and graduation rates.

Centralization of data and micromanagement:

References to data collection are not a problem in themselves but, from the moment that we plan on using this data in decision-making in education, it is vital to ensure that they are relevant, valid, complete and understandable. Whether it is teachers in the classroom, school administrators or directors general of school boards or service centres, or the Minister of Education, everyone needs

information and quality data, which should not be limited to a few simplistic indicators, to assist them in making decisions.

Below is a list of potential, relevant indicators to collect for decision-makers in education, leading to a thorough analysis of external and internal environments, and allowing for the establishment of objectives and the implementation of conditions that take into greater consideration the characteristics and reality of each of these settings:

▪ *The socioeconomic context of the territory and its repercussions on the education plan (increase or decrease in the population, average education level of the parents, etc.);*

▪ *Services offered by agencies able to support education in the territory where the educational institution is located and its administrative region (municipalities, other educational institutions, regional consultation authority on school perseverance, integrated health and social services centre, Carrefour jeunesse-emploi, local development centre, etc.);*

▪ *Forms of collaboration with agencies and partners who can support education on the territory of the school service centres and its administrative region (municipalities, other educational institutions, regional consultation authority on school perseverance, integrated health and social services centre, Carrefour jeunesse-emploi, local development centre, etc.);*

▪ *Public and private offer of pedagogical services (early childhood, preschool 4 and 5 years old, elementary, secondary, adult education, professional development, higher education) on the territory of the school service centre, its administrative region and neighbouring administrative regions;*

▪ *Total budget available for the school service centre;*

▪ *Number of educational institutions by level of education;*

▪ *Condition of the buildings;*

▪ *Number of teaching and support staff providing direct or indirect service to students based on the job category, type of position, etc.;*

▪ *Number of students by level (1st, 2nd, 3rd, etc.) or by sector (general youth education, general adult education, personal development) ;*

▪ *Proportion of children who begin school without presenting with vulnerability factors;*

▪ *Rate of success on the writing test, in the language of instruction, from 4th grade at the elementary level;*

▪ *Proportion of students entering the secondary level at least one year behind;*

▪ *Number of students needing the services of a professional;*

▪ *Specific needs of adult students;*

▪ *Rate of success on the standardized tests of the Ministère de l'Éducation;*

▪ *Rate of qualification and obtainment of a diploma based on the student's sex, linguistic status, socioeconomic background and specific characteristics (disabled or special needs student or student with learning difficulties, first-generation immigrant student, etc.);*

▪ *Annual rate of students leaving without a diploma or qualification (dropout rate) based on the level (1st, 2nd, 3rd, etc.), student's age, sex, language status, socioeconomic background and particular characteristics (disabled or special needs student or student with learning difficulties, first-generation immigrant student, etc.)*.

These indicators are taken directly from the *Guide* of the Ministère de l'Éducation du Québec to help implement the PEVR. We deliberately drew from the Ministère's document, updated in February 2021, to show that, despite the content of these documents derived from the policy directions of the Ministère, the indicators or measurements that were retained or taken in consideration by the Minister himself, and by several service centres or school commissions, are generally limited to graduation rates and success rates on exams, which do not present the whole picture of what is achieved in schools and service centres.

The introduction of provisions in the bill that deal with education information – a system similar to that of the Ministère de la Santé et des Services sociaux – which opens the door to access to the data of service centres and school boards, schools, as well as information about staff, is of great concern to us. QPAT wonders about

the need to implement such a system and about the objective behind it. We are especially concerned about the type of information that will be collected by the Ministère and about the increased intervention power of the Minister.

Recommendations of QPAT:

Section 25 of Bill 23, which creates new section 215 of the *Education Act*, must be withdrawn.

The Ministère de l'Éducation must take into consideration indicators that better reflect the range of learning that students acquire and move away from the use of the obtainment of diplomas and other similar measurements that concentrate solely on results.

An unprecedented increase and centralization of the powers of the Minister

As mentioned in the introduction, it is clear, from reading Bill 23, that the Minister is assuming intervention powers and greater responsibilities that are unprecedented in the history of Quebec, which is troubling and concerning on several levels.

On the one hand, section 2 of the *Act respecting the Ministère de l'Éducation, du Loisir et du Sport* is amended with the addition of new responsibilities conferred on the Minister. His mission would include:

2.1. Seeing to the quality and improvement of the educational services provided by educational institutions and, to that end, assessing the quality of those services;

> *6. ensuring monitoring of students' educational path and, in particular, identifying its determinants so as to positively influence it, identifying difficulties as well as the interventions capable of fostering educational success, measuring the effectiveness of those interventions and monitoring the evolution of certain specific trends; and*
>
> *7. fostering education system resources management and planning based on, among other things, knowledge of students' needs and, to that end, collecting the information necessary to assess those needs and to make that assessment.*

Given his greater responsibilities, the Minister could insert himself into the daily management of the service centres or school boards, especially in the organization of services and the interventions to be put in place for the students' success, in contravention of the provisions of the collective agreements and legal frameworks in place.

The introduction of section 459.4.1 also adds to the power of the Minister, which, potentially, could also contravene the provisions of the teachers' collective agreement by opening the door, once again, to micromanagement on the part of the Minister:

- *The Minister may evaluate students' needs in connection with their educational success. For that purpose, the Minister may determine the tools, targets and indicators enabling the detection of risk factors for students' school success and may, if the Minister considers it useful, analyze the situation of certain students or groups of students.*

- *Where, under the first paragraph, the Minister finds that certain students or groups of students present risk factors jeopardizing their school success, the Minister may inform the school service centre concerned and discuss with it the measures to be taken. The Minister may, if he considers it necessary, advise and support the school service centre in order to foster the school success of those students*.

Even more concerning, the bill, by adding section 459.7 to the *Education Act*, goes so far as to grant veto power on decisions taken by a service centre:

- *If the Minister is of the opinion that a decision made by a school service centre is not consistent with the targets, objectives, policy directions and directives he has established in accordance with this Act, he shall inform the school service centre.*

- *The school service centre has 15 days to give the Minister the reasons for its decision. Where applicable, it shall also inform him, within that period, of its intention to overturn, entirely or in part, that decision and of the decision it intends to make*.

- *If the school service centre does not give reasons within the prescribed period or if the reasons given or the decision it intends to make are not to the Minister's*

satisfaction, the Minister may then annul, entirely or in part, the school service centre's decision and make the decision that, in his opinion, ought to have been made in the first instance.

- *This section applies, with the necessary modifications, where the Minister is of the opinion that a decision should be made to ensure that the school service centre complies with the targets, objectives, policy directions and directives he has established*.

Following media pressure and access to partial data, a Minister might be tempted to intervene directly in the school settings, as a micromanager, to overturn the decisions of the service centres or school boards or to impose measures. Once again, we wish to draw everyone's attention to the fact that many of these decisions are made in collaboration with staff or with teachers in accordance with the provisions of the collective agreement. Such interference would run completely counter to the spirit of what was negotiated and entered into by all the parties, including the representatives of the Ministère, in successive negotiating rounds for years.

The adoption of Bill 40 in 2020 already allowed for an unprecedented concentration of power in the hands of the Minister and his inner circle, as well as in the hands of the directors general of the school service centres by further centralizing intervention powers in the Minister's hands. Bill 23 enhances the powers of the Minister. We are greatly concerned about the additional opening that this bill provides to direct intervention or interference by the Minister in spheres of activity that fall under the school boards or service centres, teachers, school teams or joint committees, either under the collective agreement or the *Education Act*. This trend toward micromanagement will necessarily result in undermining the independence of the communities and professionals who work within them and, potentially, lead to authoritarian excesses on the part of the Minister.

Distance teaching: conditions that should be negotiated and not imposed

At the outset, given the many pedagogical and organizational issues posed by online or distance teaching, and given that research in the field is only in its infancy, QPAT believes that this teaching method should only be implemented, at this stage, in emergency situations, as an emergency measure, or in exceptional cases. In addition, given that the use of digital platforms to support online teaching entails many issues related to the image rights of both teachers and students and the right to privacy, as well as teacher-student interactions on digital platforms, it is vital that clear parameters be negotiated so that all the players involved have the required protections. QPAT is therefore of the opinion that, for the reasons stated above, discussions about the methods and parameters of distance teaching must be held at the negotiating table and should not be unilaterally imposed by a bill or the adoption of a regulation.

The proposed amendments to section 459 of Bill 23 allow not only the government to regulate and impose distance learning services based on the terms and conditions that it specifies, but the scope of the amendments is also broadened to include specific services to the youth sector network. These changes are worrisome since they potentially call into question the students' learning conditions and teaching conditions, ignoring the many challenges posed by online teaching, for both students and teachers, particularly as experienced during the pandemic.

<u>Inequalities and systemic challenges that undermine teaching and learning:</u>

While, at first glance, distance teaching would seem to be a viable solution for providing education services in certain cases, there remain inequalities and systemic challenges that indicate the opposite. The inequalities, such as poverty, limited access to technology, limited access to stable Internet connections, limited parental support, or limited access to supplementary support services are

examples of impediments to quality teaching and are a permanent reality for many students in Quebec. Bill 23 amends section 459.5.3 and includes the management of distance teaching services in a broader sense that consists of going from the use of a specific pilot project to experimentation with distance teaching to enable it to be studied for quality. This broader change extends to include specific services in the youth sector from which students with varied support needs could benefit.

The way in which services are organized in Quebec's English education network presents, in the context of distance teaching, additional challenges for teachers regarding support to special needs students. The fact that there far fewer specialized classes and that full inclusion is a current practice in most of the English school boards, adds a layer of complexity for most teachers of so-called regular classes. While the approach to inclusion is based on rights and is aimed at bringing together regular students and a range of ADHD students in the same group, this way of organizing services forces teachers to respond to a wider range of academic levels and needs in the same class deemed "ordinary." Teachers are confronted with a greater diversity of needs and disabilities, where students at risk, problem students or those with learning difficulties, disabilities or behavioural problems can all coexist in the same class. Given all this, it is unrealistic to expect that regular classroom teachers will be able to provide quality one-on-one support to their ADHD students through distance teaching.

The pandemic gave teachers ample time to experiment with distance teaching and to experience its shortcomings, while continually trying to provide quality education services to their students. During the pandemic, students at risk, disabled students, and students with learning difficulties or behavioural problems or impairments were unable, most of the time, to access the supplementary support services that they needed to achieve academic success. In 2020, 2,704 teachers from the English education sector answered a survey conducted by QPAT on emergency distance learning. Regarding supplementary support services to students, only 16% of them indicated that professional support services had been put in place and were accessible to ADHD students who were distance

learning. In the same survey, when teachers were asked about the review process of the individualized education plan (IEP) for students learning in the context of distance teaching, 30% indicated that the IEP had not been updated, and 33% indicated that they did not know if the IEP had been updated since they did not have access to the latter. In addition to problems accessing supplementary and adaptation services or accessing IEP to meet the needs of students, teachers also reported the following problems related to technology:

· A need for more tools and access to sufficient technology tools for teachers and students, since the equipment is outdated;

· Poor Internet connection and/or increased costs (increase in bandwidth consumption at home, requiring the need to upgrade Internet access);

· A need for technical support accessible to teachers and parents;

· The need for appropriate technology for students and tools that correspond to the students' needs (tablets may be suitable for kindergarten students but not for Cycle 3, i.e., grades 5 and 6 students who need portable computers).

In a more recent study titled *The Implications of Virtual Teaching and Learning in Ontario's Publicly Funded Schools*, conducted by the Ontario Teachers' Federation (OTF) between 2021 and 2022, 2,247 teachers, 847 families and 86 students participated in surveys aimed at understanding the implications and consequences of virtual teaching and learning.

Overall, the results clearly demonstrated that, compared to in-person teaching and learning, distance teaching and learning did not offer the same opportunities regarding:

- Development and maintenance of positive student-teacher relationships;
- Socioemotional and mental health needs of students;
- Development of positive relationships with peers;
- Students' commitment to learning.

And had negative effects on:

- The well-being of the persons involved (teachers, families and students);
- The academic commitment of students;
- Equity in education (Bayrami, 2022).

Source: Key-Findings-Lisa-Bayrami-The-Implications-of-Virtual-Teaching-and-Learning-in-Ontario's-Public-Funded-Schools-K-12.pdf (otffeo.on.ca)

It is important to note that the findings presented above are also supported by the results of Canada-wide surveys of teachers conducted by the Canadian Teachers' Federation (CTF) in 2020 and 2021.

Source: Canadian Teachers Responding to Coronavirus (COVID-19): Pandemic Research Study (ctf-fce.ca)

Source: "But at what cost?" Teacher mental health during COVID-19: Pandemic Research Report (2022) (ctf-fce.ca)

Inequities and challenges specific to ADHD students in the context of distance teaching

a. Accessibility to supplementary support services is problematic in the context of distance teaching.

b. ADHD students vary not only in age but also in learning ability, but their difficulties, disorders and disabilities also vary in severity.

c. While most students are between the ages of 4 and 17, some are older (e.g., 21-years-old with a severe intellectual handicap).

d. ADHD students may be more affected than other students by a change in routine or classroom structure, especially if there are executive or adaptive function issues or a greater inability to maintain work habits.

e. ADHD students may have a poor self-concept of school, which can cause greater trust issues in a context of distance teaching.

f. Some ADHD students need access to specialized material, equipment or software that they normally have at school to help them perform certain tasks, such as writing, speech synthesis, navigation, reading comprehension, and reading.

g. Some students have hearing, visual, fine motor or global impairments, while others may have chronic health problems (e.g., physical health: diabetes, cystic fibrosis; mental health: anxiety, depression) that affect their adaptation this this type of teaching.

h. Students presenting with characteristics of autism spectrum disorder or adjustment problems are more likely to experience problems in adapting to online teaching.

i. The social learning process is absent from distance teaching and can lead to the students' disengagement and hinder their development of problem-solving and communication skills, especially for vulnerable students.

Recommendations taking into consideration the inequities and challenges associated with distance teaching:

- Section 459 should not be amended to include education services in a broader sense.
- In consultation with teachers, identify and recognize the shortcomings of distance teaching in Quebec:
    - Study the impact of distance education experienced during the pandemic, from the viewpoint of Quebec teachers (students, parents)
- Consult teachers about any decision regarding distance teaching, given that their working conditions and the students' learning conditions must be taken into consideration.

Before changes are implemented, it is vital to identify and recognize the challenges and limitations of distance teaching and the diversity of realities and needs of the

most vulnerable students to avoid further undermining their learning, given the systemic inequities presented above. It is also vital that teachers be stakeholders in all decisions made regarding the implementation of distance teaching, as part of collective agreement negotiations.

Recommendations of QPAT:

- Remove all references to distance teaching in the bill. The parameters and methods of expansion of distance teaching must be negotiated at the negotiating table.

Summary of QPAT's rationale and recommendations regarding Bill 23

Rationale and recommendations regarding the creation of INEÉ:

Rationale:

- **The creation of INEÉ will result in the abolition of the *Conseil supérieur de* l'éducation, a fully independent agency comprised of members drawn from backgrounds with recognized and diversified expertise in education.**
- **The creation of INEÉ will also result in the abolition of the CAPFE, an agency also fully independent from the minister, which is responsible in particular for the accreditation of teacher training programs in universities and is comprised of members drawn, in equal part, from the university and school system communities.**
- **The creation of such an institute, which is dependent on the minister, would significantly undermine its credibility and have the potential of becoming an instrument used by the minister or administrators to impose training or pedagogical practices, directly undermining the professional autonomy of teachers and negating their expertise as practitioners.**
- **Education research has limitations that make it much more difficult to directly transfer the results of the research (so-called evidence-based data) into practice, assuming that the results of the research will necessarily lead to the emergence of evidence-informed practices, i.e., practices that are applicable to all settings and in all contexts.**
- **Considering its intrinsic limitations, the results of the research and the use of so-called evidence-based data in the education field should rather serve to inspire pedagogical discussions and thinking about education instead of imposing simple blanket solutions.**
- **Given their expertise, teachers will always be best placed to determine the approaches and pedagogical practices that are best adapted based on the context in which they are used, as well as the characteristics and needs of their students.**
- **Several aspects of the mission of INEÉ, as stated in the bill, are problematic and will have the effect of substantially undermining the professional autonomy of teachers.**
- **The composition of INEÉ, and in particular of its committees (scientific and advisory), is problematic in that there is no indication that the presence of practicing teachers would be required.**
- **The lack of independence of the advisory committee whose function is to advise the minister, solely at his request, about university teacher training programs, would**

- **In the recent history of Quebec, the use of so-called evidence-based data has led to a number of excesses, the adoption of reforms, and the imposition of training or practices that have done nothing to improve the academic success of students.**
- **The government has still not addressed the issues that truly affect students' success, such as classroom composition, the critical lack of resources to support appropriate and adequate learning, the shortage of qualified teachers tied to the undervaluing of the teaching profession, and the pursuit of results-based management (RBM) in education that has done nothing to improve the success of students.**

Recommendations:

The <u>mission of INEÉ</u> should be limited in the following way:

- **Draw up an inventory of education research, extract the research that is based on solid evidence, and make it accessible and understandable to teaching professionals and other stakeholders from the field so that they can easily access it and have full confidence in its accuracy.**
- **Clarify the limitations of the disseminated research by specifying the context in which each research study has been conducted.**
- **Promote more independent education research and quality research in Quebec in tandem with the organizations that are part of the existing ecosystem.**
- **Draw up an inventory of and promote research that deals not only with pedagogical practices but that also focuses on more systemic issues.**
- **This should include a diversity of research from several jurisdictions, beyond Quebec and Canada, and ensure accessibility to it.**
- **This should serve more as a reference base than an instrument used by the Ministère or school boards to impose pedagogical practices or methods. In other words, the institute's work should in no way limit the professional autonomy of teachers in their pedagogical choices and should assert unequivocally that evidence-based data cannot lead to the adoption of standardized methods that apply in all settings.**
- **Play a role in educating and raising awareness among administrators, both at service centres and school boards and at schools, to avoid the very real excesses mentioned above.**
- **The provisions of the bill abolishing the CAPFE should be withdrawn, re-establishing the provisions of the current *Education Act*.**

Recommendations regarding the <u>composition of INEÉ</u>:

- **INEÉ should be comprised of members drawn, in equal part, from the university and school system communities. The presence of a sufficient number of practicing teachers will also be essential.**
- **To ensure the truly independent character of the institute, the method of selecting its members should be similar to that of agencies, such as the *Conseil supérieur de l'Éducation* or other provincial committees that strive to be independent, i.e., following the recommendations of various partners, groups or associations.**
- **In addition, to ensure the institute's credibility, independence and impartiality, remove all references to the Education Minister regarding its mission, choices and orientations.**

<u>Rationale and recommendations regarding professional development and continuing education provisions:</u>

Rationale:

- **The amendment to section 22.0.1 of the *Education Act* and the addition of new section 457 have assigned to service centres or school boards, administrators, INEÉ and the Minister the prerogative to impose continuing education or professional development activities, directly negating the professional autonomy of teachers.**
- **Professional development and the choice of training activities should be left to teachers since they are best placed to determine their professional development needs based on their reality and the needs of their students.**
- **The introduction of provisions in the *Education Act* further regulating the professional development of teachers starts from a false premise that the problems experienced in our education system are related to the lack of continuing education among teachers.**
- **Rather, a majority of QPAT members place a great deal of importance on their professional development and regularly participate in continuing education activities.**
- **Imposing compulsory universal training fails, most of the time, to meet the needs of teachers and, instead, becomes a source of demotivation and opting out of their development.**

Recommendation:

- **The amendments proposed to section 22.0.1 of the *Education Act* and new section 457**

<u>Rationale and recommendations regarding the strengthening of RBM and the centralization of data collection:</u>

Rationale:

- **The introduction of a results-based management (RBM) model in education in Quebec since the start of the 2000s has not worked, having failed to produce any improvement in the academic success of our students.**
- **On the contrary, recent research on the subject tends to show that the results-oriented culture associated with it and the accounting approach in education with its propensity toward greater performance while exacerbating competition, fail to achieve the desired results and, instead, would have the opposite effect on the success of all students.**
- **The introduction of section 215, which involves the addition of a new reporting instrument, namely an *entente annuelle de gestion et d'imputabilité* to be entered into by the Minister and the service centres or school boards, only adds an additional layer of bureaucracy that will further aggravate the excesses related to the RBM.**
- **The use of data for decision-making is not a problem in itself, but rather the collection of incomplete or simplistic data or indicators represents a danger, in particular the use of graduation rates and success rates as the sole indicators of academic success, without taking into consideration all the factors that have an impact on the students' learning.**

Recommendations:

- **Section 25 of Bill 23, which creates a new section 215 of the *Education Act*, must be withdrawn.**
- **The Education Minister must take into consideration indicators that more accurately reflect the range of learning acquired by the students and move away from the use of graduation rates, success rates and other similar measures that solely focus on results.**

<u>Rationale and recommendations regarding the unprecedented increase in the Education Minister's responsibilities and powers</u>

Rationale:

- **The provisions of Bill 23, in particular the amendment of section 2 of the *Act respecting the Ministère de l'Éducation, du Loisir et du Sport*, as well as the addition of**

precedent in the history of Quebec, thereby distancing him from his role as minister and transforming him into a micromanager.

- **The exercise of several of these new powers and responsibilities could violate the provisions of collective agreements while calling into question the directions taken by the Ministère and the current legal frameworks. Given that a number of decisions regarding the organization of services to students are taken in collaboration with teachers under the teachers' collective agreement, the power given to the Minister following the adoption of Bill 23 would directly contradict the spirit and letter of the provisions negotiated in good faith by the employer and union parties.**
- **Such power to intervene could also lead to authoritarian excesses by allowing a minister to make arbitrary decisions, influenced by media pressure or based on fragmentary information, without taking into consideration the reality or context of decisions made at the local level.**

Recommendation:

- **Remove all the bill's provisions as a whole that grant the Minister the power to intervene directly in the education settings or to reverse decisions taken in collaboration with the service centres or school boards, in particular section 2 of the *Act respecting the Ministère de l'Éducation, du Loisir et du Sport*, as well as sections 459.4.1 and 457.7.**

<u>Rationale and recommendations regarding the distance teaching provisions of the bill</u>

Rationale:

- **The experience of the COVID-19 pandemic, as well as recent research on the effect of distance teaching on the overall learning and development of pre-school, grade school and high school students, indicate that the teaching method, be it virtual or co-modal, has serious limitations that make it a method that in no way compares to in-person teaching and one that should remain marginal.**
- **Given the many pedagogical and organizational issues posed by online teaching, arising out of the fact that research into the field is only in its infancy, in addition to issues related to image and privacy rights, both for teachers and students, it is vital that discussions about distance teaching methods and parameters be held at the negotiating table and not imposed unilaterally through a bill or the adoption of a regulation.**
- **The specific challenges posed by distance teaching for special needs students make**

- **In this round of negotiations, a demand has already been made by the employer regarding distance teaching.**

Recommendations:

- **All teaching methods or parameters must be negotiated at the teachers' sectorial negotiating table.**
- **Remove all amendments to section 459 that open the door to the imposition and regulation of distance teaching based on the conditions and methods stated by the Minister.**