



February 8, 2016

M. Maxime Perreault  
Édifice Pamphile-Le May  
1035, rue des Parlementaires  
3e étage, Bureau 3.15  
Québec (Quebec) G1A 1A3  
[cce@assnat.qc.ca](mailto:cce@assnat.qc.ca)

M. Perrault,

Please accept this letter as the summary of the attached brief presented on behalf of the Lester B. Pearson School Board Council of Commissioners.

We believe that this Bill does not propose any measures to achieve the stated objectives of the legislation. It certainly does not even begin to address student success nor does it touch on the inequities of the school taxation system. It focuses on modifying structures that will destabilize the education sector, similarly to the health sector, and will no doubt have a negative impact on students' success in their educational journey.

We are further concerned about the loss of whole segments of our territory's tax paying population's democratic rights as well as the loss of the Anglophone minority's constitutional rights to manage and control an important pillar of the education sector, the school board.

The basis for the proposed abolition of school board elections was the poor turnout at previous and November 2014's elections but in fact the inaction of the government(s) ensured that the voter turnout would be poor, even allowing for the higher voter turnout in the English boards. The Ministry of Education and Director General of Elections did little to ensure electoral lists were accurate and placed the burden to improve the lists on an uninformed and poorly advised community as well as on the

candidates standing for election. They certainly did not provide adequate management or funding for a proper election process or even allow school boards to properly fund the process. In general, they did not deal with the issues that were brought to their attention in the past and during the last election that made the election process flawed at best. Notwithstanding all of this and the obstacles placed in their way, Anglophones still managed to produce voting turnouts equal to or greater than those in the most recent provincial by-elections.

The bill not only suggests but ensures that a majority of the taxpaying community will be completely disenfranchised unless, and only if, parents allow for elections of the community representatives. This will result in a classic taxation without representation scenario. The constitutional rights of the Anglophone community to control and manage its institutions is not limited to parents of our community but is a right belonging to each and every member of the Anglophone community in the territories of the English school boards, with or without children in the school system.

Finally, while the Minister and the government may comfort themselves with the thought that it should be parents who control their children's education, they do so with little or no evidence that the parents on the new School Council will be qualified, motivated to or have any incentive to manage an entire school board, especially with no compensation. The very fact that they are parents suggests that many evening meetings each month would take them away from their children.

The English community, and more specifically the Lester B. Pearson School Board, will continue to do its part and more to ensure that all students who graduate from our schools are able to work, live, play, and stay in a French Quebec. We need the government to work with us not against us, and allow us the chance to grow and flourish in Quebec. In return we reaffirm our continued commitment to ensure our students are bilingual upon graduation and more than able to be good and productive citizens of Quebec. Our brief includes some recommendations for a bill to do this.

On behalf of the Lester B. Pearson School Board and its Council of Commissioners, we would welcome an invitation to attend the public hearings relating to this consultation and answer any questions you may have.

Yours truly

A handwritten signature in black ink, appearing to read 'S. Day' or 'Suanne Stein Day', written in a cursive style.

Suanne Stein Day  
Chair

- cc. Chairs, English School Boards
  - Quebec English School Board Association
  - Chairs, French Schools Boards on the Island of Montreal
  - Lucie Charlebois, MNA, Soulanges
  - Yvon Marcoux, MNA, Vaudreuil
  - Geoffrey Kelley, MNA, Jacques Cartier
  - Martin Coiteux, MNA, Nelligan
  - Carlos Leitao, MNA, Robert-Baldwin
  - Francois Ouimet, MNA, Marquette
  - Robert Poeti, MNA, Margeurite Bourgeois
  - Jacques Daoust, MNA, Verdun



## Consultation on Bill 86

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

### **BRIEF**

Submitted to:  
The National Assembly  
Committee on Culture and Education

By:

Suanne Stein Day, Chair, on behalf of the Council of Commissioners

The Lester B. Pearson School Board  
1925 Brookdale Avenue  
Dorval, (QC) H9P 2Y7  
Tel: 514-422-3000 Fax: 514-422-3001  
Email: [ssteinday@lbpsb.qc.ca](mailto:ssteinday@lbpsb.qc.ca)

The Lester B. Pearson School Board (the "Board") is the largest English school board in Quebec serving a geographical territory from Verdun in the south center of Montreal to the Ontario border. In the 2015-2016 school year there were approximately 21,000 students registered in the Board's Youth sector, served in forty (40) elementary and thirteen (13) secondary schools. In addition, there are over 9,000 individuals registered in the Adult Education and Vocational Training sectors of the Board. These individuals represent in excess of 4,000 ETPs. There are three (3) Adult Education Centres plus two (2) Adult Education Satellite Centres, five (5) Vocational Training Centres with one (1) additional Vocational Satellite centre.

The Board has also created an International Learning Centre and Residence which houses a variety of language programs, an international, multi-language, pre-school for three & four year olds, as well as up to one hundred (100) live-in students from more than twenty (20) countries. Our Vocational programs have fourteen hundred (1400) international students, representing an additional 800 ETPs. The board has been instrumental in bringing Quebec to the forefront of global education in markets such as China and India.

Finally, the Board is responsible for three (3) Social Affairs schools in Verdun, LaSalle and Pointe Claire. The Administrative Centre of the Board is located in Dorval.

The Council of Commissioners is comprised of the Chair of the Board elected by universal suffrage, twelve (12) elected community representatives plus four (4) representatives of the Board's parents and two (2) representatives from the senior level student population.

The Lester B. Pearson School Board has been one of the top performing Quebec school boards every year since 1998. The success rate has always been in excess of 80% and in 2014-2015 the success rate was **87.3%** ranking the Board 2<sup>nd</sup> in the province. The provincial average was, at the time 77.7% (73.8% for public schools) and the average on the Island of Montreal was 76.0%. In fact, it well exceeds the OECD rate of 73% in over 60 countries. The Board has operated in a fiscally responsible and efficient manner with most operating deficits being covered by accumulated surpluses which we were permitted to use.

Our position on Bill 86 is clear. While we are in no way opposed to change, we find the proposed legislation is completely unnecessary. The basic premises of allowing the schools and parents increased say in the decision making process of the Board is already being met in our Board. As examples we would direct you to recent reversals of the Council of Commissioner's decisions to close two (2) of our schools and the fact that our parent population's presence on all school and board level committees is already ensured. We find the bill to be overbearingly bureaucratic, unacceptably subjective, unfairly restrictive, and detrimental to the constitutionally-guaranteed rights of the English school community.

The other premise for the proposed legislation is to ensure that the focus of the Board and the schools is on student success. Unfortunately, we see nothing in the bill that addresses the overriding concern of all stakeholders in the education sector to ensure and/or increase student success. As mentioned previously our Board, as do most of the English School Boards in the province, boast success rates in excess of the provincially and internationally mandated targets. The legislation, while purporting to address the improvement of student success, is directed more at the modification of structures and the centralization of powers at the Ministry level; not the decentralization of powers to the schools and parents. In fact, while the title of the bill implies a decentralization of powers, a close review of the text demonstrates an unconscionable power grab by the Minister of Education, Superior Education and Research ("MEESR"). Furthermore, we see nothing in the bill to address the unacceptable inequities in school taxation between French and English school boards outside of the Montreal region.

We also have several additional objections, concerns and questions about much that is contained in the bill:

- The proposed legislation is supposed to allow more direct input by the school and parent communities in the decision making process yet by having the Parent Commissioners resign from Parent Committees and Governing Boards, you are removing the direct links that make them effective at the Council of Commissioners. Our Parent Commissioners can only effectively represent their communities by being in direct consultation with their peers on these bodies. Parents will not be directly choosing or electing the Parent Commissioners. Parents only choose their delegate to the Parents' Committee. Since different schools have different numbers of parents, this may result in Parent Commissioners not really representing much of the community. If a Parent Committee cannot get six members to sit on Council, The Minister will appoint people. So the very impetus that prompted this bill – the low turnout at the school board election, results in proposals that have FAR less people voting for six Parent Commissioners and determining if anyone else will have the right to vote for any members of the new School Council. The vast majority of the community is completely disenfranchised.
- Six (6) Parent Commissioners does not permit a representation of the schools and parents of the entire territory of any English school board and many French boards. In fact, some English school boards cover tens of thousands of square kilometers. Parents in rural and remote areas will not likely be prepared or able to commit to several evening meetings each month on a volunteer basis. Clearly, only the communities closest to the school board's head office will be able attract parent volunteers who may have to attend meetings there five or more times a month. Indeed at Lester B. Pearson School Board there were

times when it was difficult to attract even a second Parent Commissioner, especially one to represent parents of elementary school children given that by their very nature, they have small children at home. Further, keep in mind that the most successful schools have very low turnouts at their Annual General Meeting of Parents. Even when those events are coupled with Meet the Teacher evenings, parents do not stay to vote their Governing Board and Parent Representatives.

- The replacement of elected commissioners by a majority of parents from the school communities is fraught with difficulties. With all due respect to the parents of our schools, it is a fact that in many instances not all parents are objective. Understandably, many are most concerned about their own child's situation and school. Lester B. Pearson School Board has been fortunate to have many wonderful committed Parent Commissioners over the years who have clearly looked out for the interest of **ALL** students. However, we have all known parents at every level of governance who were there for personal agendas or very localized agendas in order to support or to refute a particular position affecting their own child or the school their child attends. These people may be hard to identify until it is too late and they are a destructive force in governance.
- Teachers and administrators in the present structures have been given release time to compensate them for sitting on Governing Boards. Will teachers and administrators on the new School Council (and, we assume, some of the standing committees and sub-committees), be given the same release time to compensate them for their time? If so, how will this compensation be viewed by others on the new School Council who are to receive no stipend or compensation at all.
- Under the present legislation the evaluation of school and centre administrators is done by their superiors. The bill provides for the evaluation of the administrators by the Governing Boards. Given that the teachers and support staff of the schools participate on Governing Boards they will be in a position of having to evaluate their immediate supervisor, having a possible direct impact and effect on the administrator's career. This will undoubtedly unduly and unjustly inhibit the supervisory capability of the administrator for any staff member participating on the Governing Board.
- Similarly, parents on Governing Boards are required to evaluate the Principal. The only thing they could possibly evaluate is the Principal's participation in Governing Board meetings. Most parents do not know or understand the full role of the Principal and furthermore have no insights on how they are performing the vast majority of their job. The Principal's hands may be tied as disciplining a child could result in a poor evaluation

affecting his/her career. Again, with all due respect to parents, their view of their own children is not always objective.

- We believe that many teachers will not choose a career in administration because of the effects of this bill and that would be highly detrimental to our schools. In fact, we have already seen a record number of senior administrators leave the profession since this bill has become public and their association is suggesting that Bill 86 is undoubtedly one of the reasons.
- The bill provides for no stipends for the members of the new School Council who may be asked to put in significant hours per month. We question how the Minister believes that the Boards will be able to attract interested, available and competent members when presently at Lester B. Pearson School Board, Commissioners put in 10-20 hours a week in meetings, reading, dealing with correspondence and preparing for meetings. Once the new members of the School Council are appointed or elected, how will their presence at the many meetings be assured. It is not unknown that at many community boards there are committed community members and many who feel simply receiving the minutes are enough to justify their membership and to keep themselves informed.
- The bill does not provide for the Community reps on the English school boards to be Anglophones and they do not even have to be part of the local community. Will they effectively serve the school board's community? Who will be their constituents besides the companies or organizations or the Minister who nominate them?
- Presently the duly elected Commissioners are accountable to all of their constituents not simply the parents. Today, every constituent, and every region of the school board has a democratically elected representative on the council. It is clear to all constituents who they should call with their concerns. Given the proposed structure set out in the bill, when a constituent has an issue with the school board or the school who are they going to call to assist them or to answer to them.
- By having a group of Principals deciding on budget you are neglecting to take into account the communities these administrators serve. What will ensure that schools not represented on this committee, who may have some initiatives planned for the upcoming year, that they will get the funds they need.
- Presently at our Board all of our standing committees have one or more administrative liaisons present at all meetings. The bill proposes that the Human Resources Committee is not allowed to have any school board employees on it. Who then will bring the



information needed to make decisions to the committee and who will respond to the questions of the members of the School Council?

- The Minister is retaining the option to undertake most of the decision making power in any school board. Presently not only does the Minister control the pedagogy, the facilities and the operations of the school boards, but with this bill the Minister is granted the additional powers to force mergers of boards, to force the merging/sharing of functions within school boards, to veto the hiring or firing of the Director General, to decree all rules and regulations for every element of any school board elections. The Minister will decide the method of elections. While there has been much discussion of online voting and it being based on 15% of parent votes, these facts are not in the bill. It MAY be online. It MAY be based on 15% of parent votes.
- The above mentioned discussion presents another concerning situation where a single segment of the community population (public school parents) will decide if all school tax payers have the right to vote. 65% of the population will be disenfranchised if they do not decide in favour of elections for the community representatives. Needless to say, all of the above will also result in taxation without representation for a large part of the Quebec population.
- Last, but certainly not least, is the constitutional problem of 'differential democracy' created by the Bill; whereby taxpayers in one region may have the right to vote while those in another region may not have such a right.

The bill presents many other anomalies and concerns in its proposals such as:

- A Governing Board can only go in camera on the recommendation of the Principal.
- The Parents Committee may, if they choose, divide the school board territory into 5 divisions for the purpose of electing Parent Council Members. Given the size of many of the English school boards this is quite a territory to run in – larger than any municipal or even provincial wards.
- Parents who are elected to Council may not sit on a Governing Board, but a Principal who is elected to Council may still sit on the Governing Board.
- The school board's Executive Committee, a valuable level of decision making at our Board, has been eliminated and in fact forbidden for no apparent reason.
- The Audit Committee and Human Resources Committee require that a member have experience in financial and HR matters respectively. How is the new School Council to

ensure that it has such qualified as part of its makeup? Are they members of the Council? What if no such experience exists within the council? In the case of HR, the bill specifically says no employee shall be a member, so it is assumed that the Council must source an outside person for this committee.

Recommendations:

Lester B. Pearson School Board is absolutely open to change when that change is in the best interests of our students and our community. We strongly recommend that the government consider the following to in fact make a positive difference while leaving in place the present structure and methods of election of the members of the Council of Commissioners:

- While we don't believe it is necessary to increase the number of parents currently on the Council, we have no objection to increasing their presence. However, the government should consider that many elected commissioners on the present councils are parents and either currently have children in our schools or recently had children in our schools.
- We believe it is essential that Parent Commissioners remain members of their Governing Boards and Parent Committees to retain the links to their network across the territory. For larger territories, we believe that a Council would benefit by having Parent Commissioners from all the various regions of the board.
- We believe that Parent Commissioners should have the vote at Council and at all Council committees
- We believe that it is important to maintain an Executive Committee at School Boards. While we see no need to offer additional compensation to Executive Committee members, this additional level of decision making allows us to maintain fiscal responsibility without making Council meetings unduly long.
- We believe that it's absolutely necessary to have school board elections for all of the other commissioners of the present Council of Commissioners or the new School Councils and that there should be at least six – ten elected commissioners per board based on the size of the school board territory and the number of students in the board. The territory should be equitably split so that every constituent can vote for a representative.
- We believe that the Chair should be elected by the new Council as he/she was in the past. It is unreasonable to ask an individual to run an election campaign over territories as large as some of our school boards are. At LBPSB, the Chair had to run a campaign across eight provincial ridings and four federal ridings. Reaching out to constituents on a personal level

was absolutely impossible and while election rules allowed for considerable funding, obtaining funding that was not eligible for tax credits was not feasible.

- we believe that school board elections should either be twinned with municipal elections, as is successfully done in other provinces or that elections be held on-line with telephone voting capabilities for those not comfortable with computer voting. Provinces that twin elections with municipalities have registered higher voting turnouts than those without.
- We believe that the government must adequately fund school board elections and provide the controls over the elections as per other levels of government.
- We believe that Council members should continue to receive a stipend. We believe that all council members of all school boards in Quebec should receive the same stipend; and that the Chairs and Vice-Chairs receive appropriate responsibility allowances. It is very unclear why Council members of larger school boards get a larger stipend. We do not believe that the amount of work required to do the job varies with the number of students in the board.
- We believe that budgets should continue to be voted on at the Council level and allocated to schools in a fair and equitable manner considering the strategic plan of the school boards and the educational projects of the schools. Budget rules should be far more flexible reflecting government goals while allowing the school boards the ability to decide how best to meet those goals.
- We believe that fiscal success should be a factor in determining budget rules. Those school boards who consistently meet their approved budgets and eliminate or minimize deficits should be given the incentive and opportunity to continue to do so, while those boards with recurring and increasing deficits are incited to improve. LBPSB is proud that the vast majority of our revenues go straight to our classrooms each year.
- We believe that administrators should continue to be allocated to schools and be evaluated by the very qualified senior and executive management of the school board. We see no value in allowing Governing Boards or parent representatives a role in administrative evaluation.
- We believe that all Council committees must retain administrative liaisons with the appropriate departments to provide information and to answer the questions of the council members so that truly informed decisions can be made by the Council.

- We believe that teachers, staff and administrators do not belong in school board governance but can add substantially to governance by being part of key standing committees and this should be required across the province.
- We believe that the government should consider a provincial school taxation model based on what is currently done on the island of Montreal. All school boards on the island are managed by a regional entity, the Comité de Gestion de Taxe Scolaire de l'île de Montréal. The Comité is an extremely efficient organization that has eliminated the need for tax management and collection ~~and~~ at the five on-island school boards. Tax rates are consistent for all boards, French and English. The Comité also provides other services, reducing the costs to our boards, such as group purchasing plans for many products from cleaning supplies to office and school supplies and insurance and legal services. All this is done at a fraction of what it would cost each school board. Alternatively, we would suggest that municipalities, who have the tax collection processes in place, be called upon to collect school taxes and remit them to the provincial government, based on equitable rates across the province.
- The Minister of Education, with all due respect, most often does not have a pedagogical background nor a background in managing government structures. All decision making that affects school boards, schools and student success must absolutely have school board input. Proper consultation should take place for all decisions.

We believe that Bill 86 is an outright attempt to further centralize powers within the Minister's office, where decisions will be made without consultation and without the knowledge of the consequences of their actions. We further believe that, as has often happened in the past, the results of this bill will further ghettoize the English community as decisions made for all will hit the Anglophone communities harder.

The English community, and more specifically the Lester B. Pearson School Board, will continue to do its part and more to ensure that all students who graduate our schools are able to work, live, play, and stay in Quebec by continuing to provide our students with a leading-edge, world-class education. We need the government to work with us, in our current, albeit possibly improved structures, and allow us the chance to grow, and in return, we commit to do all that is required to ensure the success of our students.