



TEXTE ANGLAIS

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Loi modifiant la Loi sur
l'instruction publique et la
Loi sur les élections scolaires

Quebec Provincial Association of Teachers

l'Association provinciale des enseignantes et enseignants du Québec

For School Governance with Fair Accountability and Respect for the Role of Teachers

**Brief presented to the Parliamentary Commission on Bill 88,
An Act to amend the Education Act and the Act respecting
school elections**

May 2008

The Quebec Provincial Association of Teachers (QPAT) is pleased to have the opportunity to make comments on Bill 88, An Act to amend the Education Act and the Act respecting school elections. QPAT represents 8000 teachers in English public schools in Quebec.

QPAT has carefully considered the issues. The current brief serves to identify our positions as well as to explain and qualify them.

QPAT is opposed to an accountability mechanism based on attaining pre-determined targets.

The draft version of Bill 88 makes results the only basis for accountability. What concerns us about this language is best illustrated by examining the educational system which currently places the greatest emphasis on student test results: the United States educational system.

The culture of results-based testing in the United States holds the educational system in an iron grip. The widely held belief is that students will learn better if the system is pressured into producing results on certain tests. It is surely ironic, however, that the system which engages in the greatest amount of testing in order to compare the results from different schools and boards is one of the least high ranking when compared with other western nations. Recent educational results, such as the 2006 PISA, show that Quebec students, who are not subject to high stakes result-oriented testing, outperform students from the USA by a wide margin, as well as outperforming students from Germany, the United Kingdom, and France.

School boards should be held to account for the decisions they make, not for results of their students. The reason for this is that there are many factors well beyond a school or school board's control in the results obtained by students. Using national targets assumes a homogeneous population and de-contextualizes the students' learning environment.

There are outside factors which will have an impact on the ability of students to perform. For example, school boards and schools have absolutely no impact on a child's cognitive, physical or emotional development during the first five years of life, and yet this period of time is critical in establishing a child's interest and ability for reading, learning and socializing. Any lag in a child's development during this time is bound to have an impact on their learning in school. School boards and schools which have students who

have been better nurtured and stimulated at home will inevitably have an easy time attaining a pre-set national target. This provides an illusion of greater success, but fails to appreciate the different nature of the situation. One can make the same analysis with respect to other factors, such as socio-economic background, level of education of the parents and number of books in the home, elements with which success in school is clearly positively correlated. Again, school boards and schools have no control over any of these factors, and yet they would be expected to attain uniform targets despite pre-existing differences.

We do believe that school boards and schools should be accountable for their decisions, since they have control over them. School boards and schools have the ability to examine how and why they choose to allocate resources in certain ways. School boards and schools should have to make public the reasons for their decisions in the allocation of resources and the expected outcome of those decisions. This will force school boards and schools to examine their practices without having to respond to the pressure of artificially imposed national standards. We propose making the quality of the decision-making process the basis of accountability.

Bill 88 fails to guarantee that school boards will have the resources necessary to meet their new obligations.

Bill 88 proposes a structure where school boards must meet certain expectations based on a partnership agreement with the Minister. However, no process is established to carefully examine whether or not enough resources are available and in place to make those expectations attainable. There needs to be such a process in order to ensure that school boards have the capacity to meet the expectations placed on them.

Bill 88 gives new powers to school boards and principals and allows for greater consultation of governing boards and parents but fails to recognize the role of teachers.

The proposed amendments in Bill 88 create mechanisms (partnership agreements, management and educational success agreements, consultation of parents and governing boards for allocation of a school board's financial resources) which will result in decisions being made without any consideration for the input of teachers. In a context where Bill 88 would provide school boards and principals with more power and governing boards

and parents with more opportunities to be consulted, it is regrettable that the Bill fails to make any mention whatsoever of teachers. As the individuals responsible for the implementation of any orientation, teachers need to be involved in a meaningful way in any process which will have an impact on what they are expected to do.

Further, we are concerned that the nature of these mechanisms could result in conflict or contradictions with the collective agreement. Our collective agreements give teachers the ability to recommend or decide upon certain matters, particularly in the area of the special education committees. We do not want the new mechanisms proposed in Bill 88 to allow for decisions which would contradict what is in collective agreements. A clarification to this effect in the Bill would be important.

The role of an ombudsman, including the obligation to dismiss frivolous complaints, must be clearly defined. The complaints mechanism must not curtail teacher autonomy.

The complaints mechanism proposed in Bill 88 does not clearly indicate the scope of acceptable complaints. The role of the ombudsman and the scope of admissible complaints must be defined in the Education Act. Further, part of an ombudsman's responsibility should be the obligation to dismiss frivolous complaints. Failure to include these conditions could lead to many different policies and practices from school board to school board, which would lead to an inconsistent interpretation of similar issues across the province.

Teachers must not be subject to frivolous complaints which call into question their judgement in their classroom. Unfortunately, there is a minority of parents who call into question the teacher's integrity and seek to undermine the teacher. These parents must not be given any way to legitimize these kinds of attacks by using a complaints mechanism. Any complaint received should be limited to an examination of the rights of a student to receive the educational services provided by the school board. Students have a right to receive appropriate services, they do not have a right to receive certain marks, sit in certain spots, come late to class, etc. These kinds of issues, which relate to typical decisions made by a teacher, should not be in the purview of an ombudsman nor allowed within the complaints mechanism proposed by the Bill.

The co-opted commissioners do not clearly represent any constituencies. Their selection is open to possible nepotism and conflict of interest. There should be no co-opted commissioners.

The co-opted commissioners proposed are meant to be people from the community who will somehow complement the council of commissioners. The selection criteria are ambiguous: it is not clear what would qualify an individual for this position. Further, it is not clear who they represent and to whom they are accountable, whereas all the other commissioners clearly represent certain constituencies. Given that the elected commissioners already come from the community, we do not see the extra benefit of co-opted commissioners. Finally, the selection process for co-opted commissioners as proposed easily allows for an individual with a conflict of interest to become such a commissioner. For these reasons, we recommend that there be no co-opted commissioners.

QPAT welcomes the provision for the training of commissioners.

This provision reflects what we proposed at the Forum in February 2008. We expect that it will help commissioners in their work and it is certainly necessary given the greater responsibilities Bill 88 proposes for them. However, a mechanism needs to be set up that will ensure that training programs are implemented.