

MINORITY FRANCOPHONE SCHOOLS IN BRITISH COLUMBIA
PAST, PRESENT, AND FUTURE

by

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Abstract

Canada has two official languages: French and English. Each province must allow for an educational program in both languages where the number of students warrant such programs. Although minority language schools exist in all Canadian provinces, some provinces are so overwhelmingly English that the Francophone school programs struggle constantly to survive and threaten to become extinct. Yet a vigilant group of parents and partisans work incessantly to maintain these minority language school programs. This thesis will examine why these schools exist in British Columbia and whether or not they can promote the Francophone minority language and culture in the overwhelming Anglophone environment.

Bilingual Canadian wonder that more Canadians are not bilingual. Some Canadians are dedicated to educating their children in their official minority language while others do not understand why Canada is officially bilingual. Yet, to take the example of just one province, British Columbia is and remains an Anglophone province. A Francophone parent would, I shall argue, be doing her child a great disservice to insist on schooling in Francophone minority programs.

Family is only part of a child's world. The media, friends, neighbors, the stores, the community centers and the people that surround us make up our language and culture. In British Columbia, the language is English and the cultures are as diverse as the people who are part of them.

The purpose of this study is to investigate and present an historical, religious, political and economic analysis of the reasoning behind the existence of Francophone minority language schools and programs in British Columbia, and to evaluate whether or not it is possible for these programs and schools to fulfill their mandate.

My initial sentiments were biased in favor of Francophone minority programs and though I still believe that official minorities have an unquestionable constitutional right

to their schools and to the administration of these schools, I no longer believe that these schools and programs alone can provide a rich ethnic sanctuary that could permit the minority language and culture to flourish.

In fact, I no longer believe that it is in the student's best interest to attend these schools and programs. The students can only be crippled by their lack of knowledge of English and by their limited exposure to the Francophone world.

I visited two of the three homogeneous Francophone schools and four Programme cadre programs in the mainstream Anglophone and French immersion schools in BC. I interviewed and videotaped students, parents, teachers, language education experts and attended conferences and meetings, examined pertinent historical, political, legal and pedagogical data, and concluded (not surprisingly) that language and culture are expressions of our everyday lives. My research strategy thus combined elements of historical, legal, sociological, and socio-linguistic method, relying both on direct observation and reference, and on considerable secondary literature.

I conclude that one can teach the French language, but unless it is expressed and alive as part of our world, it is but a code with limited value. One cannot teach the Francophone culture. One either lives it (or a limited part of it) in a setting that must exclude the majority, thereby confining the world around and restricting opportunity, or one quickly becomes assimilated.

Providing community schools where minority language is strictly enforced and reinforced at home is only the beginning. To date these ethnocentric shelters are not available in British Columbia. Perhaps the recently acquired right to administer some of the Francophone programs by the Francophone minority will empower the Francophone minority in B.C. and provide higher academic standards, a more attractive image of the minority language and culture and force the Francophone community to assume a sense of identity and belonging.

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Dedication

This thesis is dedicated to Michel and Gabrielle who keep surrounding me with love, understanding and laughter.

CHAPTER ONE

Introduction

On October the 30th of 1995, Quebec voted once again in a referendum whether to separate the province from the rest of Canada and to give it an independent status. The NO vote won by a narrow 1%. Premier Lévesque had lost such a vote in 1980 but some of Quebec's people still hoped and may always hope for Quebec to separate from the rest of Canada (Lévesque, 1986).

The new aspect of this referendum was that Quebecois were no longer the only discontented voices in Canada. They were and are joined by multicultural Canadians from everywhere in the country who wish to reword the Constitution and thus to see acknowledged their distinct differences. Canada's Native population is, for instance, assuming an identity separate from other Canadians, and protesting in Parliament, in courts of law, and in public for the control of its affairs and territories.

From the Atlantic to the Pacific, some Canadians no longer want to be directed by leaders in the nation's capital. Others believe in a united Canada, capable of accommodating the many languages and cultural differences, the great distances, and the different political opinions of numerous leaders. This fundamental political fact has significant consequences for the bilingual-bicultural policies of the 1960s, 1970s, and the 1980s and 1990s.

Although it was once assumed that all Canadians would benefit from assimilation to the Anglophone language and majority way of life, Canadians are now proud to consider their country multilingual and multicultural. Yet Canada is still officially a bilingual country with French and English as the selected official languages.

Though English has long been the dominant language through most of Canada, in Quebec the assimilation process from French to English has slowed and Francophones are once again proud to assume a separate identity. This in turn has prompted

Francophones from across Canada to claim rights as the official minority and attempt to reverse the assimilation process by educating their young in the official minority language.

Today, many Canadians wonder why Canada was ever considered to be a bilingual nation and what this bilingualism can mean to Canadians. This thesis will first examine Canada's bilingual history, then political and legal rights to a minority education, and finally, the motivations and some of the realities behind Francophone minority schools and programs in British Columbia.

Background of Study

Although Canada is officially a bilingual country, the marriage between the two "founding" peoples (Oliver, 1993) has never been easy. The French and the English have historically disagreed over social values but in the past, the disagreements were more of a "religious rather than linguistic" (Creighton, 1970) nature.

Since the 1960's, the argument has become more of a recognition of differences between the two languages and cultures.

Most Canadians still do not understand why Canada is officially bilingual. Oliver (1993) best explains the reasoning behind the law with his interpretation of the B&B Commission in his article The Impact of the Royal Commission on Bilingualism and Biculturalism on Constitutional Thought and Practice in Canada:

The reason why Francophones were quite different from any other language and cultural group in Canada (except Anglophones) is that Francophones constitute a "society". The word "society" designated a complex of organizations and institutions sufficiently rich to permit people to lead a full life in their own language....only English-and French-language groups had "distinct societies," complete or nearly complete societies. Only English and French Canada could therefore be required to give recognition to one another as "equal partners" in Canada (p.320).

In order to ensure that the French and the English in Canada could realize their equal partnership, the *Canadian Charter of Rights and Freedom* included laws that would protect the official minorities. More specifically, Article 23 of the Charter was created to allow the official minorities to be educated in their official languages.

The Francophone minority throughout Canada has benefited from this law and though most Francophone communities have had to struggle against disinterested governments and voters in order to actualize their rights, the Supreme Court of Canada now forces the provincial governments to provide for Francophone minority schools and

Francophone administration of these schools (Bastarache, 1992; Foucher, 1990; Julien, 1991). Newfoundland is the only province still defying this law (see Appendix A).

The reason Francophone minorities amidst overwhelming English surroundings would want to educate their children in the official minority language is not clear.

Lambert (1991) analyses Taylor's chapter (1991) and reflects that:

Sometimes they want to maintain an ethnic identity as a means of redress against perceived injustices in the past. If this form of maintenance is found effective, the group (e.g., French Canadians in our era) can profit from their ethnicity to gain political, linguistic, and economic control of a sector of a nation; they can also use brinkmanship so as to have their way or else threaten to unconfederate themselves through separation (p.232).

Although the mandate behind the Francophone schools and programs is to provide education for the official minority in their official language and culture, there is no teachable definition of one's culture that is not stereotypical. In a recently published document by Prin Communications (1993), a distinguished group of Francophones have attempted to describe the Francophone culture as:

Pour les francophones, la qualité de vie est une priorité...Ils accordent autant d'importance à la réussite économique qu'aux valeurs sociales, égalitaires et démocratiques....La culture française est une culture de réflexion et d'organisation sociale...Chez eux on retrouve passions et convictions...Ce sont des êtres engagés qui aiment le risque, la compétition et la réussite....Les francophones se veulent accueillants et tolérants mais ils insistent pour que leur différences soient reconnues et respectées...La culture française se vit avec les sens; c'est une culture "empirique". Elle est expressive dans le geste et la parole par l'humour, les arts et les loisirs (p.16).

These statements could describe many cultures and not all Francophones could identify with these definitions. Although it is difficult to teach a minority language in a majority setting, it becomes impossible to teach a culture without expressing subjectivity, some ethnocentricity, or without referring to a specific time and place.

Statement of the Problem

The purpose of the present study is to find why Francophone minority programs exist in British Columbia, and whether it is possible for the Programme cadre to fulfill its mandate and provide quality education in French and teach the Francophone culture. Le programme cadre de français is the name under which all Francophone minority education programs are found.

This thesis will reflect on questions such as Canada's bilingual identity, the presence of Francophone minority schools in BC., the reasons parents would want to send their children to Francophone minority schools and programs in BC., their willingness to fight their provincial governments in Courts to attain their rights. It will also examine questions such as do other provinces have similar problems to those in BC, and can the Francophone minority schools and programs teach the Francophone culture?

Significance of the Problem

Over the past 17 years, the Association des parents francophones de la Colombie Britannique (APFCB) has, on several occasions (see Appendix B), threatened Court action against its provincial government in order to compel respect of rights under Article 23 of the *Canadian Charter of Rights and Freedom*. After 17 years of deliberations, the APFCB and other members of the Francophone community will finally be granted authority over some of the Francophone educational programs (see Appendix C).

The APFCB has hired several researchers (Savas, 1989a, 1989b, 1989c, 1990; Xatruch, 1990) over the last few years to examine different aspects of the Francophone minority schools. Some have asserted the Francophone population's likely participation in Francophone minority programs (Xatruch, 1990), while others have provided brief

historical and political views of the Francophone community in B.C. (Savas, 1989a, 1989b, 1989c,1990).

This research was intended to complement the existing research and to provide a critical analysis of the Francophone programs in British Columbia for those who question their validity. It poses general questions and presents answers based on a literature review, research findings, and my observations.

CHAPTER TWO

Research on French First-Language Education in Official Minority Settings

This literature review is a brief outline of the research pertaining to French first-language education in a minority setting. Chapters Four and Five of this thesis offer extended reviews of some of the historical and political studies on official bilingualism and official minority language laws in Canadian education.

Reynolds (1991) exposes the limits of quantitative research on bilingualism and second language learning, concluding that:

The research prior to 1962 has been repeatedly criticized as methodologically inadequate and I fear we are not much better off today; even sophisticated techniques like regression analysis, factor analysis, path analysis, etc., do not compensate for inherently trouble-prone designs. In addition, this body of research is plagued by procedural shortcomings, problems with the definition of bilinguality, and the dangers of selection artifacts and effects occurring with the manipulations. (p. 159).

The little research there is on French first-language education in a minority setting tackles too many unanswerable questions and suffers from unequal sampling, inappropriate groups and lack of control over teachers, schools, economic background to name only a few.

Further, the design of quantitative research on French first-language education as an official minority project, or French as a second language teaching and learning in a official minority setting, overlook such essential issues as the political, emotional, historical, and cultural aspects of the question. According to Reynolds (1991) there simply are no acceptable designs for quantitative research in this field.

Researchers such as Carey (1984, 1991), Cummins, (1981), Landry, et al. (1991), and Vinet (1989) present limited data on the cognitive effects of learning in a

Francophone minority setting. The results are unanimously in favor of providing more effective ethnolinguistic vitality to the programs. This research is in some degree flawed because it applies natural science methods to schooling, thus neglecting political, religious and other emotionally charged issues.

Researchers (Martel, 1991; Bastarache, 1992; Foucher, 1990a, 1990b, 1991; Julien, 1991; Savas, 1989a, 1989b, 1989c, 1990; Xatruch, 1990) have presented legal and political arguments in favor of the management of Francophone minority schools by the Francophone minority. Also Martel (1991), Mougeon and Heller (1986), Murphy and Netten (1993), Savas (1989a, 1989b, 1989c), and Xatruch (1990) offer descriptions of programs in various areas, and of the social and historical development of these programs.

In British Columbia, (Gallant, 1991; Landry, 1991; Savas, 1989a, 1989b, 1989c, 1990; Vinet, 1989; Xatruch, 1990) are the only researchers to have examined the Francophone minority situation in education. Several published and unpublished documents from the Association des parents francophone de la Colombie Britannique (A.P.F.C.B., 1991), the provincial government (Gallant, 1991), the federal government (Boudreau & Drolet, 1992), and other interested groups (Prin Communications, 1993) have touched on this matter.

The most insightful list of references comes from a BC Ministry publication (1994), which synthesizes research on French first-language education in minority settings. The document is too brief to be revealing but the references are useful.

This thesis complements these works by presenting a synthesis based on historical and political research, interviews, observations, and experience as a teacher, a researcher and a University instructor of language didactics.

CHAPTER THREE

Research Methodology

The research in this thesis is historical and sociological in character, but in balance with direct personal observation in various social settings. It is important to remember that all research is sampled, limited and in some degree biased. The present study is no exception.

My initial goal was to provide a synopsis of the history, developments and goals of the Francophone minority schools and programs in British Columbia in order to justify their existence. I soon found that formal interviews or questionnaires were unlikely to produce uncalculated responses. As a teacher, I began researching by videotaping students in classrooms. As a researcher under contract, I videotaped parent meetings and APFCB meetings and students and teachers as inconspicuously as I could. I also had many phone conversations with interested parties, travelled back and lived in Quebec, and returned to live in B.C. I was granted private conversations and insights from researchers, parents and members of the APFCB who wished to remain anonymous. Finally, I read and reread research on Francophone minority schools.

The beginning of the research summarizes the history of Canada in order to better understand the history of bilingualism in Canada. It also examines the history of Francophones in B.C. and how Francophone schooling came about. Chapter Four takes a historical approach to research.

Chapter Five examines political and legal aspects of Francophone minority schooling in British Columbia. It studies more specifically the contents of Article 23 of the Canadian Charter of Rights and its importance to the Francophone minority community.

Chapters Six considers the motivation factor behind the Francophone minority schools and programs. It presents a summary of comments from parents, teachers, students and members based on interviews and observations.

Chapter Seven presents a glimpse of Francophone minorities in other provinces.

Chapter Eight examines the present situation of the Francophone minority in British Columbia. It also provides an analysis of coming changes in the administration of Francophone minority schools and comments on whether these changes will weaken or strengthen the Francophone minority educational programs in B.C. This chapter is based primarily on public letters between interested parties and government documents and on interviews and conversations with the APFCB.

Chapter Nine began as a chapter set on underlining the importance of teaching Francophone culture in Francophone minority schools and programs. After much reflection, reading and field observation, this theory was dismissed as will be discussed in this chapter. I have concluded that it is impossible to teach culture and fraudulent to attempt to do so.

CHAPTER FOUR

Brief History of the French and the English in CanadaPart 1The First European Colonies in Canada

Brunet (1968) shows that from Canada's founding in the early 17th Century until 1760, Canada was a unilingually French country. This statement perhaps best reveals the roots of the Canadian conflict. The fact that the Natives had occupied Canada for several thousands of years was overlooked, and the colonization by the French in Eastern Canada did not presuppose a French conquest of the whole of Canada.

For the 17th and 18th Centuries, the French did reside and develop their colony mainly in what is known as Quebec and the Maritimes. Only a few enterprising young adventurers such as Radisson, La Verendrye and Grossiere (Brunet, 1968) travelled and settled through the North and the West.

The extreme cold winters and hot humid summers, the distance and isolation from their homeland, the constant attacks from the British in America and the resistance of the Natives to the Jesuites and to Catholicism tested the settlers constantly. Yet as long as France was protecting its colony, the French succeeded in cultivating good farmland along the St Lawrence River and villages and towns appeared all along the North Atlantic Coast (Brunet, 1968).

From Nouvelle France to New England

The French forced Louis the 15th to abandon the colonies in New France. This move inspired George the 6th to send his British troops to invade the colonies in 1756. In 1763, the Treaty of Paris delivered New France and its 65,000 Francophones to the English. (Bennett, 1986). French Canadians would consider France a foreign power from

then on. Natives who had occupied the land for thousands of years were dismissed and ignored, or forced to assimilate.

Acadia and Quebec had been populated by the French since 1608 and had developed their own distinctive collectivity as French Canadians (Brunet, 1968). The English, the Irish and the Scots had to learn to get along amongst themselves. They did not always agree politically and socially, and their discord and the overwhelming French population probably favored a more tolerant acceptance of the French community (Creighton, 1970).

When the time came to unite as a country, Canada was declared bilingual but remained bicultural, influenced far more by religious values than linguistic diversity (Oliver, 1993). As Creighton (1970) explains, the numbers necessitated that although the French and the English learn each others' languages, the cultures remained distinct.

The Maritime Francophones were not as numerous as in Quebec and after the English conquest many of the Francophone Acadians were shipped away to the United States or returned to France (Bennett, 1986). The Acadians did not forget the invasion of what had become their home and many later returned to reestablish their old communities. All of these events may help to account for the determination of Francophones in BC, whose collective memory, however unconscious, extends backward to the conquest and post-conquest periods, and the traumatic events of those days.

Religion in Upper and Lower Canada

Initially, religion was probably the most important difference between the two dominant nations (Brunet, 1968). It distinguished the French from the English more than their languages and other aspects of their cultures. This was most evident in Parliament where the Irish and the Scots united with the French to form an imposing Catholic dominion (Creighton, 1970). Together they numbered over 40% of the population which strongly resisted the Protestant influence.

The resistance to the Protestant way of life was felt hardest in matters of education. The Protestants could afford and attached great value to education while most of the Catholics were left to till the fields. This situation was advantageous to the Protestants as they inevitably enjoyed the rewards that an educated populace will reap. The Catholics soon fell behind in political and economic leadership yet the lack of education probably favored a slower rate of assimilation to the English way of life as most of the French simply continued in their agrarian parent's footsteps and knew or aspired to little else.

For many generations it was the clergy who greatly influenced Quebec's future. Brunet underlines the dominance of the clergy well into the beginning of the 20th century. The Church demanded that devotees be patient under English dominance.

A Bilingual Canada is Formed

Brunet (1968) claims that Canada's bilingual identity developed more out of necessity than out of mutual respect. The French were led by the English, but the English were leading a vast majority of French that were impossible to ignore. In order to negotiate, one had to be bilingual (Brunet, 1968). Yet the differences between the cultures were evident. Religion, language, way of life, and priorities clashed (Bliss, 1966; Brunet, 1968; Creighton, 1970).

The Act of Quebec in 1774 confirmed that Quebec would have a different judicial system (Bennett, 1986). The distinct system still exists and is part of Quebec's uniqueness. The Constitution of 1791 which united Upper and Lower Canada, promised equal representation of the French and the English in government (Brunet, 1968).

Canada was formed with both nations enjoying status in Parliament (Creighton, 1970). This marriage continued until some of the Quebecois refused to fight for the British and participate in the American War of Independence in 1776 (Brunet, 1968). The refusal ignited the true sentiment of independence for the French Canadians in Quebec.

From then on, an awareness of political and cultural differences has increased though it has taken centuries to asseverate.

In 1841, England officially declared the two provinces of Canada were to unite. English was the language selected for the parliament and for the courts of law (Creighton, 1970). The conversion to the English way of life was to be slow but there was little doubt that it would be successful (Bennet, 1986; Bliss, 1966; Brunet, 1968; Creighton, 1970). In fact, according to Brunet (1968), a Quebecois historian named Ferland wrote in 1853 that three-quarters of the people in the city of Quebec spoke English and that the clergy could perform their sacraments in English. This was almost certainly false but the claim is interesting to consider.

The majority of the population in Quebec was French-speaking and never considered the threat of assimilation. According to Brunet (1968), the Quebecois language had filled with English words that made the dialect almost incomprehensible to others but themselves.

In the Confederation of 1867, Quebec joined Nova Scotia, New Brunswick and Ontario. It was promised in the British North American Act, article 133, that either French or English could be used in Parliament and in courts of law (Bliss, 1966). Federal negotiation and the Quebec legislature had to provide services in both languages (Creighton, 1970).

Attempts to Assimilate Into One Language and Culture

Despite the Conquest, Lord Durham allowed the French to continue to speak their language and to practise the Catholic religion (Brunet, 1968). The intent was to slowly assimilate the French to an English way of life (Bennet, 1986; Bliss, 1966; Brunet, 1968; Creighton, 1970).

The schools were an effective assimilation tool (Bennett, 1986). If young Canadians were schooled in English, they would invariably adopt the English language and

mentality (Brunet, 1968). The process would not be as traumatic as was segregated schooling for the Natives, but in the long term would probably be as effective.

Hence, most provinces joining Canada provided only English public schools (Brunet, 1968). The French in Quebec and in the other Canadian provinces were generally educated by the Catholic church. Donations from parishioners funded classrooms, books and teachers. According to Savas (1989a), the churches had to pay government taxes and the parishioners had to pay taxes for the English public school system on top of financially supporting their French schools. This made for very few and very poor French schools.

When Manitoba joined Canada in 1870, its substantial French population, like other French Canadians, realized that the Constitution did not protect the French school system (Blay, 1987). This was especially true for Francophones outside Quebec. English soon became the dominant language in the Canadian school.

In 1890, Ontario could teach in French only to those who spoke no English. In Nova Scotia, French, as a language of instruction, had been completely eliminated from the curriculum since 1864. In 1902, the province changed its law and allowed the curriculum to be taught in French from grades 1 to 4. From 1892, Alberta, Saskatchewan and the NorthWest Territories were forbidden by law to teach in French as language of instruction. Alberta and Saskatchewan permitted French to be taught in some Elementary schools from 1905 (Canada C.O.L., 1990).

Until 1870, Manitobans had been allowed to teach in French in the Catholic School Board but this was overruled in 1916 and only English was taught (Blay, 1987). British Columbia joined Canada in 1871 and though it counted more than 10,000 francophones, they had no access to a French education (Savas, 1989a). Some members of the governments were determined to assimilate the population outside Quebec to the English language and culture (Bliss, 1966; Brunet, 1968; Creighton, 1970).

Reactions to Assimilation

Blay (1987) writes that French Canadian families across Canada were beginning to recognize that their children were permanently adopting the dominant language and culture. Franco-Manitobans were the first to react and from 1955, Manitoba allowed French to be used as the language of instruction in certain schools from grades 1 through 12. Other provinces have slowly followed suit though some still struggle with the notion of including French as fulltime language of instruction in the curriculum (Bastarache, et al., 1986).

Canadian French borrowed many English words and was often pronounced with an English accent (Brunet, 1968). According to Brunet (1968), French was not taught in schools but Francophone Catholic families spoke French at home and continued to do so. Until the middle of the 20th Century, assimilation was never quite successful. The influence of the media, urbanization and access to travel now causes assimilation in fewer than two generations (Blay, 1987; Carey, 1991; Landry, et al., 1991).

Yet along with this introduction of the media came a global awareness of the importance of cultural and language differences. The differences suddenly became significant assets to individuals, families and groups. They also triggered a regrouping of many different cultures including the Canadian Francophones (Oliver, 1993).

Quebec likewise participated in this global emancipation with its own quiet revolution (Lévesque 1986). Quebecois began to take pride in their language and culture and educated their young to a higher standard of French. Many divorced themselves from the Catholic doctrine and prepared important reforms in their schools and in their homes (Lévesque, 1986).

To Learn French Becomes an Asset

In the late 1960's, researcher Dr Wallace E. Lambert in Montreal claimed that learning French was in fact favorable to the young Anglophone's intellectual

development (Reynolds , 1991). These results greatly influenced society's reaction to French language and culture. It became apparent that mastering two languages was an asset and a reflection of one's higher education and intellectual potential as stated by Penfield "The bilingual brain is a better brain; you'll see." (Reynolds, 1991. p.238).

From 1963 to 1971, the federal government subsidized a Commission of Enquiry to investigate Canada's bilingual and bicultural aspects (Oliver, 1993). The resulting B & B report in 1967 ultimately brought about many changes which included equal access to public service jobs and the opening of French schools in Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick and Nova Scotia. Prince Edward Island was the last province in 1980 to offer French language instruction to its Francophone population (Canada C.O.L., 1990).

A bilingual Francophone from Montreal, Pierre Elliot Trudeau was elected Prime Minister of Canada in 1968 (Bennett, 1986). He was to remain head of the country for more than 17 years. Trudeau is held responsible for many of the changes in today's Canada. In 1971, he declared Canada to be officially bilingual (Bennett, 1986). It was not until Trudeau's government of the 1970's that a bilingual Canada, with French and English having been selected as the "two founding races" (Oliver, 1993, p.316) and the official languages of Canada, could Canadians could hope for an education in either of the two official languages throughout the country.

English Canadian had little to gain from a bilingual Canada (Bennett, 1986), but the Francophone community was to begin a campaign reclaiming their rights to equality, recognition, and a French education for their children (Bastarache, et al., 1986). Francophones thought the survival of French minority culture depended entirely on the availability of a French education (Blay, 1987; Carey, 1991; Landry, et al., 1991; Savas, 1989a). Furthermore, research determined that even a bilingual education would not be an acceptable compromise since it led to assimilation to the English language and culture (Cummins, 1981).

The Bilingualism and Biculturalism report determined the status of the French and of the English in Canada (Oliver, 1993). However, it took ten years to study consequent modifications in the Constitution, the justice system and Canadians attitudes toward bilingualism. The B&B inquiry instigated many changes for Canada.

The *Canadian Charter of Rights and Freedom*, now to become a powerful tool in the defense of French minority rights was made law in 1982 (Oliver, 1993). Among other guarantees, the Charter legally assures the minority right to an education in either of the official languages (Bastarache, et al., 1986).

Large amounts of Federal funds were spent to promote bilingualism and were made available to the provinces to abet the new policies. State policy encouraged provinces to open French Immersion Schools; a program aimed at educating young Anglophones in French (Lambert, 1991).

The French Immersion Influence on a Bilingual Canada

The goal in French Immersion was to reproduce a Francophone environment for the Anglophone children. It was hoped that they would adopt a second language without losing their English (Lambert, 1991). Carey (1991) argues that reproduction of the dynamic of a language and culture is not possible and therefore students cannot become entirely bilingual. French Immersion was nevertheless more acceptable to the English than having to create minority language schools in order to promote a bilingual Canada.

The French Immersion concept had been conceived for the English majority and was accessible to the Anglophone majority. There are many controversial results with the French Immersion program (Reynolds, 1991) but as it stands, it is the only Canadian educational program capable of promoting both French and English language learning to individual students (Carey, 1991).

Lambert's French Immersion education had been tried and tested in Montreal's English community (Carey, 1984). Students selected for French Immersion were usually

from a favorable socio-economic background and were surrounded by strong Francophone ethnolinguistic vitality (Carey, 1991).

Anglophone parents encouraged bilingual education and recognized the need to develop the ability to communicate in both official languages especially in overwhelmingly French speaking Quebec (Reynolds, 1991). This in turn motivated students to communicate with their Francophone neighbors. The program did not always have the same success in Anglophone communities (Carey, 1991).

Another reason the widespread success of the French Immersion program was Canada's Prime Minister, who believed in financially supporting and encouraging these programs (Oliver, 1993). Trudeau was a hero to Canadians of the 70's. He had become an international figure whose eloquence and charisma impressed many voters. Trudeau represented wealth, power and above all, intelligence (Bennett, 1986). These qualities evoked respect from the Anglophone community who had too often thought their Francophone rivals to be less than able to understand Western Canada.

French Immersion in Canada covered the curriculum taught in mainstream Anglophone schools (Carey, 1984). The program also received much funding for schools, teachers and materials through Federal transfer payments. Participants felt themselves part of a privileged family who cared a little more for their education.

Yet the promise of yielding bilingual Canadians has usually not been realized outside Montreal. French Immersion has often failed to produce bilingual Canadians as first intended (Carey, 1991). Elsewhere in Canada the aim is to achieve functional bilingualism, which is that the students have been exposed to French and may remember some of the language if they ever use it in the future (Carey, 1984). This limited success outside Montreal is due to the fact that there is little or no ethnolinguistic vitality to motivate and sustain the learner's newly acquired language (Carey, 1991; Landry, et al., 1991).

Quebec Assumes a Separate Identity

In the beginning of the 20th Century, the French Quebecois realized that part of their independent identity would come from eliminating English words from their vocabulary and educating the populace to an international standard of French (Brunet, 1968). An effort that has produced the intended results though the English influence is still heard if not read (Lévesque, 1986).

In 1974, a Quebec majority voted that only French would be the official language in that province (Lévesque, 1986). The move was initiated in order to avoid any assimilation to English. Trudeau's dream of a bilingual Canada found its greatest resistance in Quebec. Empowering the French in Quebec by empowering the French throughout Canada resulted in a sudden wish, for some Quebecois, to completely separate from the rest of Canada (Oliver, 1993).

According to Oliver (1993), Trudeau believed in a bilingual Canada but he did not agree with the B&B on the issue of duality. Where the B&B considered that "...effective public recognition of two languages must be coupled with recognition of a French society in Quebec, thus permitting a duality based on an equilibrium of contexts in which two peoples are alternately majority and minority." (p.323), Trudeau recognized that this duality would only separate the French and the English into separate territories instead of uniting under a bilingual Canada.

Bill 101 adopted in Quebec in 1977 (Lévesque, 1986) claimed that French was to be the only language in use in the Quebec parliament and in businesses throughout the province, greatly damaged the relationship between the English and the French Quebecois and between the Quebecois and the rest of Canada (Oliver, 1993).

The New Canadian Charter of Rights

The *Canadian Charter of Rights and Freedom* was adopted in 1982 (Canada C.O.L., 1990). Among other new laws, Article 23 of the Charter guarantees that Canadians can

be educated in either French or English anywhere in Canada (Bastarache, et al., 1986). The only stipulation is that the number of students warrant minority education programs (Bastarache, et al., 1986).

Although the law guarantees these minority language schools throughout Canada, the provinces have been slow and reluctant to provide moneys and classrooms for such programs (Bastarache, et al., 1986).

In most cases, the parents have had to struggle against their provincial government and at times resort to the judicial system in order to open their French classes. According to Foucher (1990b), Article 23 which guarantees the official minority language speaker a right to an education in the official minority language throughout Canada, can be interpreted in too many ways.

The many possibilities of interpretation have halted or slowed the development of minority language schools all over the country. The Provincial governments hesitate to invest in an unpopular program and the growing resentment between the French and the English due to a resurrection of ethnocentricity is crippling the intended applications of Article 23 (Bastarache, et al., 1986).

Part II

The History of Francophone Education in British Columbia

When British Columbia joined the rest of Canada in 1871, there were over 10,000 Francophones in the province (Savas, 1989a). This number was not considered sufficient to justify establishing French schools. In fact British Columbia was the only province in Canada to decide not to fund a Catholic separate school system as the other provinces had done. The French population lived mainly scattered throughout the province though a Francophone community had erected in Maillardville. The few French schools were operated by the Catholic Church and it took more than 100 years for the French community to appeal for funds from the provincial government to open French schools (Savas, 1989a).

In 1964, Maillardville British Columbia became the first community of this province to request separate schools funded by the government (Savas, 1989a). When their propositions were ignored, the parents and the school staff from two French schools went on strike for over one year. The government then decided it would pay for school books. It was not the intended outcome but the important consideration was that the French community united for the first time to bring its grievances to Victoria (Savas, 1989a).

From 1966, the Ministry of Education in British Columbia had promised to modify its laws in order to allow for publicly funded French schools in this province. It took 13 years for Francophones in B.C. to witness this promise. The government did allow for French instruction classes to open in their English schools in 1979 (Savas, 1989a). Although this situation still accommodates most of the French education programs, the parents and associations involved have often stated that it is an unacceptable compromise (Savas, 1989a).

Influencing Changes

The growing pride in assuming one's ethnicity echoed in Quebec as the quiet revolution. As a result, the Francophone community throughout Canada was once again turning to its Francophone heritage. It disassociated from the Catholic church and became more politically involved (Savas, 1989a). This detachment was most evident in the campaign for French schools where the clergy and devotees insisted that Catholicism was an integral part of French education (Savas, 1989a).

Throughout Canada the clergy had much power over the last few hundred years in all aspects of the devotees life including education. The Church found the divorce extremely difficult to accept (Savas, 1989a).

Alberta did keep its French schools under the Catholic School Board (Julien, 1991) but the French in British Columbia have since conducted political negotiations completely independent of the Catholic School Board.

In spite of efforts from the French community in B.C., French schools were relatively nonexistent and threatened to become extinct. With a few exceptions, most Canadian provinces were promoting only an English education (Blay, 1987).

In 1977, the Francophone community was surprised to hear the government of B.C. announce the establishment of the Programme cadre de francais (Savas, 1989a). Where the number of Francophone students warranted, eligible families could send their children to classes in which all subjects are to be taught in French.

According to Savas (1989a), Roger Rioux had been commissioned by the Francophone community to develop an outline for a French educational program in British Columbia. Although his research was published in March of 1976, Rioux noted that the government's decision to open the French program was probably more of a reaction to Quebec's election of the Parti Quebecois (Savas, 1989a).

Savas reflects that the provinces reacted against the leader of the Quebec Separatist Movement Premier René Lévesque and his reciprocity propositions in dealing with

minority language rights. The Mahé verdict in the Supreme Court of Canada (Julien, 1991) also forced the provinces to study the possibility of providing Francophone minority schools administrated by the Francophone minority (Bastarache, et al., 1986; Julien, 1991).

From 1980, the groups responsible for opening, promoting and maintaining the Programme cadre has been a collection of diligent parents members of the APPCF Association des parents du programme cadre de francais (Savas, 1989a). In 1991, the group changed its name to l'Association des parents francophones de la Colombie Britannique whose mandate is to promote the Programme cadre de francais and the minority's rights to a quality education in French (A.P.F.C.B., 1991).

Another of the responsibilities of the APFCB is to convince Francophone families to send their children to a French program. This proved to be difficult for several reasons. The most important is probably that the governments did not want these Francophone schools because they represented problems and costs, their consultants said they would not work and the minority schools had a drab history (Savas, 1989a). Had the governments provided the schools, teachers and materials, convincing Francophone parents to send their children to these schools would have been easier (Bastarache, et al., 1986).

The new program also lacked credibility and intrigue for many Francophone parents as some had moved from Francophone communities in order to learn English, find work and were eager to assimilate to their new geography (Martel. 1991). Others were from mixed marriages of French and English or another ethnicity and were themselves assimilated to the English language and way of life (Bastarache, et al., 1986). In fact many parents accepted and often encouraged assimilation believing that their children would adapt better in the predominantly English speaking society (Bastarache, et al., 1986).

The media had infiltrated every aspect of life in even the most remote areas of the world with its message that the English language and culture was associated with power, a sense of belonging and pride. It was very difficult for the APFCB to counteract this growing trend in the minority Francophone community, farthest from the Quebec Francophone majority, and convince the people that to educate their children in French would also provide a sense of power, belonging, and pride (Savas, 1989a).

There were other problems. The Programme cadre classes were very small with different academic levels and a great linguistic disparity within in each classroom (Vinet, 1989). It was difficult to agree on who would have access to the program. On the one hand, the numbers were needed to open classes but the inexperienced teachers often found themselves with French speaking Francophones or Francophones who spoke little or no French and Anglophones who had somehow gained access to the Francophone programs and yet were learning French as a second language (Vinet, 1989).

The French minority classroom was a new concept with little research to guide its development. A translated curriculum was the only teaching tool (A.P.F.C.B., 1991). Books were often from Quebec or France and therefore did not reflect the language and cultural realities experienced by the minority of this province and teachers often left the program discouraged after one or two years (Xatruch, 1990).

The First Programme Cadre Classes in B.C.

In 1978-79, the Fédération des francophones de la Colombie Britannique was responsible for informing parents of the impending French program. In its opening year in 1979, the Fédération was satisfied with registrations of 250 students in 9 school districts (A.P.F.C.B., 1991).

A minimum of 10 students per class was required to justify the opening of a French class. The next two years were spent establishing the APFCB and making sure that the program would continue (A.P.F.C.B., 1991).

Although the Programme Cadre still exists in 1996, it is far from thriving. The FFC and the APFCB have had to confront their provincial government in order to compel observation of their rights to Francophone schools and to the administration of those schools, as guaranteed by the *Canadian Charter of Rights and Freedom*.

There have been threats of taking the provincial government to the Supreme Court (see Appendix B). This usually provokes some changes but also allows much delay and little success. There was a pending court date for December 1995 where once again, the APFCB was accusing the provincial government of ignoring Constitutional laws under Article 23 of the Charter. This date has been postponed following the announcement of the delegation of autonomous authority for the Francophone community over some of its schools beginning in September 1996 (see Appendix C).

Other provincial governments have been taken to Court by their Francophone community (Bastarache, et al., 1986). Most of the Francophone associations involved have welcomed a measure of success. In cases such as Alberta's Mahé vs the provincial government (Julien, 1991), there have been ascertainable successes.

Yet some of Canada's Francophone associations have only found the procedure to be an expensive, lengthy and often an unsuccessful attempt at agreeing on the interpretation of an unspecific Article 23 of the Canadian Charter (Bastarache, et al., 1986).

One of the ironies is that the governments are willing to spend their tax payers money to defend themselves against some of their tax payers wishes. The governments argue that their consultants agree that Catholic Francophone minority schools resulted in lower linguistical and reading comprehension for the students (Carey, 1991).

In spite of the changes in government, financial restraints and cutbacks in education, and to quiet the Francophone minority, a unilingual Francophone school did open its doors in September of 1983 (A.P.F.C.B., 1991). Ecole Anne Hébert in Vancouver welcomed Francophone students and teachers. This school and other Francophone program schools had problems with transportation for the students. They also needed

classrooms and establishments and extra teachers for students whose French was inadequate. These demands were unanswered (Savas, 1989a).

In 1986, the APFCB began a preliminary study that would take its government to court in virtue of the Article 23 of the Charter of Rights. That same year, another Francophone school Ecole Victor Brodeur opened its doors in Victoria (A.P.F.C.B., 1991).

As the years progressed, many new problems would surface to compound existing issues. Transportation was still inadequate, substitute teachers were often Anglophone, the linguistic and academic disparities were too great for one classroom and the quality of pedagogy was at an unacceptable level (Vinet, 1989). An important problem to consider is that most Programme cadre classes in nonhomogeneous Francophone schools have too few students and therefore find themselves with several academic levels in one classroom. For instance, a teacher might have to prepare lessons for grades 1 to 4 and sometimes more. Not only are teachers not trained for this reality, but with other compounding problems, the situation is often too difficult and the teachers transfer to easier conditions (Vinet, 1989).

In 1987, the government did respond to some of these issues with Project of law 39 which promised to address many of these concerns (Savas, 1989b). The APFCB continued to prepare its court case with a document entitled: *Opération loi scolaire* (Savas, 1989). The same year the Association opened a third school, Ecole André Piolat in North Vancouver (A.P.F.C.B., 1991).

In 1988, the provincial government hired an advisory committee to investigate the possibility of better promoting the Programme cadre and of establishing school boards intended only for the Francophone schools and programs (A.P.F.C.B., 1991). It was discovered that school boards administered by Anglophones were often lacking interest, concern and motivation for the Francophone programs. Many found the programs to be a nuisance with unattainable needs (Savas, 1989c).

The APFCB has complained that funds intended for the Programme cadre were redirected to the Immersion programs. The parents involved with Programme cadre wished to manage their own schools and in 1989, they lodged legal proceedings against the government of British Columbia and two school boards (A.P.F.C.B., 1991).

In view of the lengthy 1990 Mahé court case in Alberta (Julien, 1991), the Supreme Court of Canada declared that if the number of students warranted Francophone schools and programs according to the Article 23 of the Charter, parents belonging to the linguistic minority have a right to administrate and control the teaching establishments frequented by their children. In certain circumstances, an independent school board may also be created or the minority must as the least be represented in the existing school board (Julien, 1991).

Following this publication, the government of British Columbia decided that it would form a research committee and study the APFCB's proposals more attentively (Gallant, 1991). The court challenge was dropped by the APFCB (A.P.F.C.B., 1991).

In May of 1991, the government received its committee's research entitled the Gallant Report (Gallant, 1991). It took 9 months for the study to be made public and by then a new government was in power promising also to carefully analyze the proposals found in this report. It would be interesting to consider how much Gallant was paid for this research and many other eruditions that seem to collect dust.

In September 1991, the Programme cadre in British Columbia was offered in 23 school districts to over 2,300 students (A.P.F.C.B., 1991). The new provincial government promised changes but the popularity of linguistic minority rights was fading at the Federal level. In February 1992, the B.C. government announced its desire for public input on the minority school issue (see Appendix E).

It deliberated until June of that year and promised an imminent decision. The decision was to delay further the implementation of autonomous governing of Programme cadre by the Francophone community. In fact no action was taken until 1995.

In 1995, the APFCB threatened once again to take the provincial government to Court. In response to this, the provincial government of British Columbia changed its policy and has promised to provide the APFCB, from September 1996, authority over certain Francophone schools and programs (see Appendix C). This authority is not law and does not cover all Francophone programs, but the APFCB considers this move a giant step in their 17 year struggle for autonomous control over their schools.

The struggle for better schools, equal rights and a respect of the Article 23 continues to dominate the discussions. In this time of political unrest where the country is now threatening to separate and where the chasm between the Francophones and the Anglophones of Canada has never been so great (Oliver, 1993), the Francophone population outside of Quebec seems to have been forgotten.

In matters of education, only a favorable interpretation of article 23 can insure the survival of Francophone schools (Bastarache, et al., 1986). It will be difficult to favor a linguistic minority's interpretation of Article 23 of the *Canadian Charter of Rights and Freedom* or to strive for equity within a biased political system.

The schools are ground for a continuous political argument and tug of war between Canada's official nations and will never be resolved (Bennett, 1986). Another irony to note is that Quebec and France argue that the Francophone minority schools cannot work (Carey, 1991) hence have never supported the Francophone minority's plight..

CHAPTER FIVE

The Rights to Minority Language Schools Under Article 23.Where does Article 23 Come From

In every country of the world we find many different languages and cultures yet few officially claim to be bilingual, trilingual or multilingual. Most countries would like to assimilate their population to a dominant language and culture and discourage ethnic diversity (Siegel, 1991).

For reasons ranging from the administration of its economic, from governmental, educational and communication problems, it is more logical and less costly for a government to unite its country under one language and culture. This might discourage conflicts of a racial, religious or intolerance nature, but in some cases, it has also provoked them (Siegel, 1991).

When the Constitution of Canada was drawn in 1867, it was decided that Canada would conduct its affairs in two official languages: French and English (Brunet, 1968). The arrangement was to be beneficial for both cultures but the reality was that equal recognition and respect have been impossible to achieve (Oliver, 1993). The minorities are simply too outnumbered wherever they may be (Martel, 1991) with the possible exception of New Brunswick.

In 1982, the Federal government in an attempt to reiterate and modify the original agreements of the Charter, recreated the *Canadian Charter of Rights and Freedom* (Bastarache, et al., 1986).

The objective was for an easier and clearer interpretation of Canadian laws . It was also designed to further protect the rights of the Canadian minorities (Martel, 1991). The new Charter is the official guide to Canadian law. Among these laws are included language rights in Articles 16 through 20 and 23 of the Charter (Martel, 1991). This

chapter will examine the contents of Article 23 which deals specifically with laws regarding education in either of the official languages.

A Brief History of Article 23

From the British North American Act of 1867, Canada was declared bilingual with French and English as the official languages (Bennett, 1986). The English had conquered but the French were too numerous and powerful to ignore. Article 133 of the Act, stipulated that either French or English were to be spoken in Parliament or in courts of law but that all written material read or published in parliament must be printed in both official languages (Bliss, 1966; Canada C.O.L., 1990). More than 100 years later the Charter was rewritten in order to insure the continuity and better understanding of the original document.

Article 23 evolved from the Laurendeau-Dunton report of 1968 (Oliver, 1993). This report recognized the difficulties faced by minorities in matters of education, but it proposed that only bilingual areas in Canada should have a right to an education in either official languages (Bastarache, et al., 1986).

In 1969, in light of the recommendations in the Laurendeau-Dunton report, the Federal government printed a book entitled: *The Constitution and the People of Canada* which was a first formulation of language rights in educational matters (Bastarache, et al., 1986). This was the first document which dealt with education in the minority language. It included the suggestion that the number of students should warrant the creation of minority language education programs.

Trudeau's Bilingual Canada

When Bill 101 was adopted in Quebec, which among other stipulations limited access to English minority schools, Prime Minister Trudeau felt that a specification of who could have access to minority education programs should be included in the new

Charter. (Oliver, 1993). Trudeau did not want access to minority schools to be limited to children whose parents were educated in the minority language (Oliver, 1993).

Through Article 23, Trudeau envisioned the possibility for all Canadians to move anywhere in Canada and continue to be educated in either of the two official languages (Bastarache, et al., 1986). He was proud to live in a bilingual country and believed in the necessity for all Canadians to recognize and accept their Canada as officially French and English. Federal funds were made available to promote this bilingualism (Bastarache, et al., 1986).

Trudeau was a internationally educated man in both France and England, who had a rare mastery of both the French and the English languages (Bennett, 1986). Trudeau did not foresee that empowering the Francophone in Quebec would lead many of the Quebecois to a feeling of ethnocentricity and a wish to separate from Canada (Oliver, 1993) He was not in touch with the limited world view of working class Canadians. Much of the country had long since adopted an English way of life and did not consider the French language and culture to be part of their lives.

French Canada was Quebec and the rest of Canada was English in the eyes of most Canadians (Oliver, 1993). In fact Trudeau goal of an open-minded bilingual nation has backfired and caused irreparable alienation between Canada's two official nations (Oliver, 1993). Both have felt obligated to welcome the other and neither feels that their rights have been respected.

Reiterating that Canada is officially French and English has sparked many arguments from the Native Community and from Canada's other ethnic minorities who would also wish for official status (Kallen, 1986). This chasm has only widened as the world faces greater economic difficulties. When the population is losing money, jobs and security, it is delusive to expect the majority to recognize the minority's rights which can only be interpreted as a costly proposition (Kallen, 1986).

Many Anglophones all over Canada do not understand the bilingual title of Canada nor are they familiar with the Charter. There continues to be much resistance to the Francophone cause from the overwhelming English population and from Canada's many other ethnic groups (Oliver, 1993). This is especially true for Francophones outside Quebec. They must often appeal to the Supreme Court in order to access their legal rights.

Yet until there is change to the Charter, there remains two official languages in Canada. The English population has increased much more rapidly and have benefited from a greater number of English speaking immigrants than the French (Bennett, 1986). Some Canadians now feel that the numbers justify a change to a unilingual English country or at the least, that the Francophone claims to equal treatment be ignored.

This may be justifiable but the laws still officially recognizes the French and the English as equal partners in Canada and until that is legally changed, minorities have the legal advantage (Bastarache, et al., 1986). In fact the Rights stipulated in the Charter are not territorial or collective and cannot be limited to a certain area of Canada or group of Canadians (Bastarache, et al., 1986). The laws refer to all Canadians wherever they may be.

Canada's *Official Language Act* states that it will insure the respect of both French and English as the official languages of Canada (Canada C.O.L., 1990). It also claims to protect with equal effort the rights and privileges of French and English usage in Parliament, in the judicial system and in communications with the public. The Act promises to encourage the development of either of the official minorities and to clearly state the powers and obligations of Federal institutions in official language matters (Bastarache, et al., 1986).

According to this Act, both French and English are recognized with equal power at the Federal government levels (Bennett, 1986). This is realized in the Federal offices, but because Canada is such a vast country with 10 provinces and 2 territories which in many

aspects govern themselves independently of the federal objectives, the Official Language Act often conflicts with the provincial reality (Bennett, 1986).

New Brunswick is the only province which declares itself officially bilingual. While it tries to implement the laws on bilingualism, the other provinces are sometimes creating laws that are not compatible with the *Official Languages Act* or the *Canadian Charter of Rights and Freedom* (Bastarache, et al., 1986).

In spite of the Federal government's effort to promote bilingualism, the true promoting factors such as education and the media are governed by the provinces. When the failure at The Meech Lake Accord, the Charlottetown Accord (Oliver, 1993) and the result of the latest Quebec referendum are studied, Canadians recognize that the provinces, in response to the voting public, seem to have the power to veto whatever arrangement the Federal government may be trying to prescribe.

The Contents of Article 23

According to Foucher (1986), if a minority language is not taught, promoted and encouraged, children will be assimilated to the majority language in less than two generations. The assimilation rate is 85% in B.C. and 75% in the rest of Canada (Carey, 1991). Recognizing that most provinces have not promoted the official minority languages, the Federal government included specific laws in the Charter of Rights and Freedom to empower the minorities.

Article 23 of the Charter was specifically designed to allow changes in the educational systems throughout Canada. Bastarache (1990) adds: "La cour dit aussi qu'il faut se rappeler le caractère réparateur de l'article 23 et reconnaître que celui-ci ne peut avoir but de maintenir le statu quo: il faudra faire ce qui est nécessaire pour réparer les injustices du passé et empêcher qu'elles ne se reproduisent." (p.14). Hence, this law was designed to not only create possibilities for the future, but to some Francophones, it was also contrived to atone for damages committed in the past.

It should be mentioned that the minority in Quebec is English speaking. Since the revival of the Francophone community in the late 60's, there is no longer a threat of assimilation from the French to the English language and culture. In fact many would argue that the opposite is true especially with the new immigrants to Quebec (Weeks, 1980).

In reality, the rest of Canada and the United States are so overwhelmingly English speaking that the English minority has a very different argument than the French (Lévesque, 1986). In most provinces, the Francophone community is not found in a specific neighborhood or community. It is scattered here and there and often found to be the third, or fourth etc. minority when population is the factor (Minister of Industry, Science and Technology, 1992).

Article 23

Article 23 of the *Charter of Rights and Freedom* extends a certain guarantee that Canadians can be educated in either official languages anywhere in Canada. This may not be wise but it is law. Yet the court cases have revealed several problems with this law. For instance, many questions have yet to be specified. One of the most important questions is 1. How many students must there be to warrant the opening of minority language school programs? Other unanswered questions include: 2. Who should provide minority language schools? and 3. Who should administrate minority language schools?

The Numbers Issue

Some Francophone communities have found temporary solutions to some of these questions, others have had to recourse to the Supreme Court. After 17 years of attempt at a peaceful settlement, the APFCB in British Columbia had decided to take the provincial government to court to resolve the issues (see Appendix B).

Article 23 of the Charter is the only legal recourse for the Francophone minority to realize its rights under the Constitution. Yet Bastarache (1992) has written: "Le recours judiciaire est un moyen bien imparfait pour établir un système scolaire pour la minorité. Il est surtout utile pour bloquer une législature provinciale mal intentionnée. L'utiliser pour initier lois, règlements et mesures administratives, c'est se buter à un problème quasi-insoluble." (p.3).

The first question that has never been clearly answered is the numbers issue. Where numbers warrant is often quoted in the Article yet it was stipulated that the answer to that question would be different throughout Canada and that each area could answer the question individually (Bastarache, et al., 1986). There are several problems with this stipulation. On the one hand the provinces who did not wish to encourage French programs could decide that the number of students concerned did not warrant the programs (Bastarache, et al., 1986).

This has imposed great stress on the Francophone Associations. They have had the responsibility to make sure that their rights were respected by opening the Francophone programs and they have had to actually publicize the programs and convince a reticent public that these French programs are worthwhile (Leblanc, 1990).

The argument is that it would be much easier to introduce French education if the schools were established and the programs existed rather than be obliged to gather a potential number of students for a potential program to open (Xatruch, 1990).

This is especially true because the Francophone minority programs are competing with the already established neighboring English schools in overwhelming English majorities (Bastarache, et al., 1986).

Bastarache, et al., (1986) claim that according to the Minister of Justice, the numbers condition could have been left out of the Article without affecting its judicial strength and this condition should be based on impartiality. In his chapter, Foucher states that the sufficient numbers to warrant the French program : "...s'avère fort difficile d'application.

A partir de quel chiffre le nombre devient-il suffisant?...il est clair que la suffisance du nombre ne doit pas servir de prétexte pour nier un droit." (p.304).

Foucher further adds that : "Lier l'existence du droit à la présence d'un nombre, c'est détruire l'aspect liberal, réparateur et égalitaire de l'article 23." (p.287). In fact the numbers warrant issue is far from being resolved. If all those who have a right to minority education are to be considered as potential students, then many Francophone schools would open in each province (Savas, 1989c).

These schools would also be administrated by the Francophone community as documented in the Mahé case (Julien, 1991). Yet the Francophone Associations are still taking their provincial governments to the Supreme Court of Canada in order to force their governments to respect the law (Bastarache, et al., 1986). This reality in itself reflects the extent to which a bilingual and bicultural and now multicultural Canada is improbable (Kallen, 1986).

The right to an education is an undisputed constitutional law. In fact it is against the law to deprive a child from an educational program that is recognized by the province. On the other hand, it is ineffective to open a school or a class with only a small group of students.

When other rights are compared, such as the right to equality, there are no special numbers or petitioners who benefit (Bastarache, et al., 1986). It seems inconsistent to have to justify a minimum number of claimants in order to sanction a constitutional right. Either the right exists or it does not however efficient it may be.

According to the Minister of Industry, Science and Technology (1992), the number of young Francophones in each province who speak French would justify French schools administrated by Francophones.

Number of Francophone children ages 5 to 19

<u>British Columbia</u>	3,090
<u>Alberta</u>	5,470
<u>Saskatchewan</u>	1,610
<u>Manitoba</u>	6,660
<u>Ontario</u>	74,435
<u>New Brunswick</u>	51,465
<u>Nova Scotia</u>	3,830
<u>Prince Edouard Island</u>	730
<u>Newfoundland</u>	350
<u>Yukon</u>	80
<u>North West Territories</u>	140

As these numbers reveal, the Provinces and Territories cannot deny the Francophones their schools or the right to administrate these schools. It is only to be hoped that the Francophone children would actually attend the schools. Perhaps a clearer definition of who these numbers are would be in order.

It is perplexing to determine whether the numbers refer to the amount of potential Francophone students or to the sum of children signed up for a potential program (Bastarache, et al., 1986)). This numbers clause and the vagueness by which it was conceived, has denied many minority Francophones to experience the intended outcome of Article 23 (Bastarache, et al., 1986). Many are still waiting for pedagogically sound Francophone schools and for others, assimilation will have completed its process by the time the issue is resolved (Blay, 1987; Julien, 1991).

Providing Minority Language Schools

The dispute concerning who is to procure the minority language schools is directly related to the numbers issue (Bastarache, et al., 1986). According to the Article, if the numbers warrant, the minority has a right to its own schools financed by the provincial government (Bastarache, et al., 1986). Assuming the numbers are existent, the debate becomes whether or not there is an interest for separate French schools.

In all provinces where a minority language education program is offered, a number of minority programs are offered in majority language schools at either the French Immersion or the English public schools (Martel, 1991). In these schools, one or several classroom are set aside for the French program. This situation has obvious difficulties (Savas, 1989c; Xatruch, 1990).

A significant section of the Laurendeau-Dunton report underlines the need for minority language schools (Bastarache, et al., 1986). It explains that in order for a minority group to aspire to equality, it must be able to maintain its linguistic and cultural identity.

When a minority lives in an overwhelming majority language setting, it is very difficult if not impossible for the minority to preserve their vocabulary, their expressions and the thought patterns that are unique to their language (Carey, 1991; Landry, et al., 1991). The problem is worse for children who will constantly hear the majority language at play, at home, in the neighborhood and in the medias (Landry, et al., 1991).

The progressive loss of the cradle language is inevitable unless there is an establishment where the language is the teaching medium and where it is valued and socially desirable (Landry, et al., 1991; Carey, 1984). In a minority school setting, it becomes possible to adapt the program in order to promote the minority's cultural identity. The need for minority language school cannot be emphasized enough (Landry, et al., 1991). Is it not astonishing to witness so much effort in creating them (Bastarache, et al., 1986).

Carey (1991) writes that it is essential that children have access to an environment that promotes an ethnolinguistic vitality in order to insure the command of their language and pride in their culture. Carey (1991) goes on to state that:

"...majority language children have the advantage from early childhood of much greater opportunities for communication in that language, including access to all of the media...minority speakers...frequently experience a restricted social range of opportunities for communication and information processing in their minority first language in society...minority language children...must find avenues in which they can maximize their communication in that language in order to enrich prior knowledge, socialization, reading comprehension and academic achievement." (p. 967).

The minority language teaching establishment become an fundamental priority for minority education as it becomes one and perhaps the only location where the children can express themselves in the minority language and where different forms of expression in one's cradle language and culture can be entertained (Bastarache, et al., 1986; Landry, et al., 1991).

It may also be the only place where many of life's experiences will be valued in the minority language and culture (Carey, 1984). Once again it seems apparent that minority schools are a rudimentary tool to achieve the intended goal of Article 23 yet the numbers warrant clause has crippled its application.

Who Administers Minority Language Schools and Programs

If the number of minority students guarantee a minority program and if these programs can unfold in designated minority schools, the only uncertainty to address is who will administer these schools (Bastarache, et al., 1986). The issue would not exist if the provinces provided financing and appointed the Francophone parents and associations to administrate the schools and funds, but such is not the case (Savas, 1990). In fact, in most cases Francophone programs are directed by English school districts who often have little understanding or sympathy for the French programs (Leblanc, 1990).

Francophone associations have long argued that they should be managing their own schools (Martel, 1991). Yet it was not until the Mahé vs Alberta case in the Supreme Court of Canada that in March of 1990 (Julien, 1991), that the provincial government was forced to acknowledge that under Article 23 of the *Canadian Charter of Rights and Freedom*, the minority has a right to administer their schools. The only stipulation is that the numbers warrant a separate school district or representation in an existing school board (Julien, 1991).

Again the numbers in question have never been determined. The office of the Commissioner of official languages (Canada C.O.L., 1990) has published the following text:

" The Supreme Court of Canada rules that, where the numbers warrant, Section 23 of the Canadian Charter of Rights and Freedoms gives parents of the linguistic minority a right to manage and control educational institutions attended by their children. In some circumstances, depending on the number of pupils in question, an independent school board may be justified. In other circumstances (such as in this specific case relating to Edmonton), it may be sufficient for the linguistic minority to be represented on an existing school board." (p. 40).

According to this explanation, it would have been reasonable to expect all Canadian provinces to have complied and endorsed changes in their policies. In fact in December of 1992, the British Columbia Ministry of Education and the Ministry Responsible for Multiculturalism and Human Rights released a news letter entitled Francophone School Governance Planned For BC.

In this letter, Minister of Education Anita Hagen is quoted as stating:

" It is clear that we have a constitutional obligation to provide for francophone governance based on the 1989 Mahé v Alberta decision in the Supreme Court of Canada. Most Canadian provinces have already implemented francophone school governance or are in the process of examining legislation with a view to do so. Our plan is consistent with what is happening across Canada...The government of British Columbia is planning to establish a single francophone school district and board of trustees to govern minority language education in B.C. by 1995, subject to federal government funding." (see Appendix D).

It is apparent that the Supreme Court of Canada supports the interpretation of Article 23 of the Canadian Charter and will force the provincial governments to uphold the law (Julien, 1991). In the example of Article 23, the question becomes what was the intended purpose.

On the one hand, it is clear that the Federal government wished to impose equal rights for both French and English Canadians. On the other hand, including a clause that would allow these rights to become effective only if the numbers warranted seems to contradict the very essence of the law. If the law is designed for the protection and benefit of a minority, restrictions should not apply. A minority is either a minority or it is not. It either exists or it does not. The intentions of Article 23 were praise worthy but as many good intentions, the implementations of this particular law have been difficult if not unrealistic.

It is absurd for a group of citizens to have to take its provincial government to court in order to guarantee that a Federal law be respected. Yet the reality is that governments would rather be taken to court and lose a court battle in order to implement a law rather than lose votes (Bastarache, et al., 1986). Perhaps the popularity of the program is to blame.

Minority programs are not at all popular with a majority population which inevitably identifies these with a loss of their tax dollars at no benefit to them. In fact there is little or no support for recognition of the official minorities as all Canadians seem to identify with many other minorities which they believe to be as worthy of status. Many Canadians do not understand why Canada is French and English and certainly do not see the benefits of spending their tax dollars toward empowering the official minority (Oliver, 1993).

The other concern is that all provinces are experiencing tremendous education cutbacks and financial difficulties. It is then strenuous to find the money needed to implement minority education rights. Much of the English population wonders why the

Francophone minority will not accept existing French Immersion programs as an alternative possibility.

The provincial governments have also introduced official minority language courses in their Elementary, Intermediate and Secondary schools. Bursaries are available for teachers who wish to better their knowledge of the official minority language in order to teach it.

The reality in British Columbia is that most of these minority language teachers do not speak French or understand the French culture. In fact some are forced to teach French much against their will. It is therefor comprehensible that these alternatives are not at all satisfactory to the Francophone population who wish for their language and culture to be preserved as much as is possible and believe it can only accomplish this in an homogenous Francophone setting with interested Francophones administrating the program (Carey, 1991; Landry, et al., 1991; Savas, 1990; Xatruch, 1990).

CHAPTER SIX

Motivating Factors Behind Minority Language SchoolsCanadian Unity: The Federal Government Motivation

As long as Canada remains bilingual and protects its official minorities, it will be better positioned in its unity battle (Oliver, 1993). That is to say that if Canada were to become unilingual English, Quebec would have a stronger argument for independence as the minorities would quickly be assimilated to the English language and Quebec would have to separate if it were to remain Francophone (Lévesque, 1986).

One of the problems with this is that many Anglophone families have been in Quebec for centuries and will never accept to assimilate to the Francophone language and culture. In fact, they have already begun a strong campaign to protect their claims as Anglophone Quebecois. Another problem is that the one million Francophone outside Quebec who make up Canada's official minority would never forgo their rights (Bastarache, et al., 1986).

Hence, the Federal government must continue to promote its bilingual policies. Though some of these laws seem absurd and are not popular with the provinces, eradicating them would trigger terrible hostility from the official minorities.

The Federal government's motivation behind the creation of these official language laws, including the minority language education laws in the Charter, are easy enough to understand. The Federal government wanted to protect the rights of the Anglophone minority in Quebec and promote Canadian unity, but in doing so it had to insure the same protection for Francophone minorities outside Quebec (Oliver, 1993). Although Canada has two official minorities, the need for protection of these two minorities cannot be compared (Bastarache, et al., 1986).

The ethnolinguistic vitality for the English exists everywhere in North America (Carey, 1991). In fact English has become the global language spoken in most international economic and political transactions. French on the other hand seems to be loosing popularity as fast as English is gaining ground. Consequently, Europe's Economic powers are no longer deliberating in French but in English as of 1995 (CBC News, 1995, Fall).

Quebec politics have sent too many Canadians into an anti-Francophone state of mind. Many Canadians fear that Quebec will separate from Canada and send the country into a deconfederation state (Careless, 1986).

Canadians in general do not really understand why some Quebecois wants to separate. They only see their country falling apart or spending money on issues that can only lead to chaos instead of economic gain. The concept of additive bilingualism (Lambert, 1991) is now accepted but the choice of the language to learn is debated.

In fact because Western Canada is closely linked to the Far East, most Westerners would rather see their children learn an Asian language instead of French or they simply believe that English is sufficient (Carey, 1991). Hence there is dwindling support for French both politically as an official language, and pedagogically to be learned as a second language.

The 1995 referendum in Quebec indicated that although Canadians understood very little about the motives behind the vote, they were aghast at the possibility of losing the province (CBC News, 1995, October). As the leaders of the separatist movement indicated, there is no logical explanation for wanting to separate. Lévesque (1986) describe this political cause as is a profoundly emotional matter.

Some of the people in Quebec simply do not feel part of the Anglophone actuality in the rest of Canada. Many believe that their distinct identity is being blended into the Anglophone melting pot (Lévesque, 1986). Others are claiming territory forfeited decades ago without consent (Oliver, 1993).

From a compassionate point of view, the situation has been described as a child discovering its distinct identity and wanting to leave home (CBC Forum on Referendum, Quebec, 1995, October). Others are saying that all provinces are distinct, that Canada has a long history which has always included Quebec, and that Quebecois should simply stop griping (Oliver, 1993).

The problem is that if Quebec separates, so ends a bilingual Canada. The one million Francophone outside Quebec would find themselves without any political, financial and legal support. They would face eighteen million Anglophones, Natives and other cultures who would quickly break the fine thread that keeps the Francophone community outside Quebec together (Oliver, 1993). Complete assimilation to the English world would be swift and successful.

The only hope for the Francophone minority is to gain as much power and status as possible before changes are accepted, and claim and solidly implement the rights that are accessible now. Rights that might give the Francophone minority a better chance for survival in the future unless of course, these rights be revoked.

As it stands, the Federal government does have a legal obligation to insure that the present laws are obeyed (Bastarache, et al., 1986). In fact the Francophone community is well positioned to negotiate for their rights if the Federal government wishes to promote a united if not bilingual Canada.

Parents of the Francophone Schools

In researching who are the people responsible for the Francophone schools, we find some Francophone parents to be actively involved at every level (A.P.F.C.B., 1991). These parents want Francophone schools for their children. Some believe that these schools would permit their children to evolve within the Francophone language and culture (Savas, 1990; Xatruch, 1990).

These parents are willing to fight hard for their schools and are probably responsible for their existence. Moreover, they want to administrate these schools and create a very ethnocentric environment for their children (Savas, 1989a, 1989b, 1989c, 1990; Xatruch, 1990).

Although these Francophone parents have met nothing but rejection, dismissive attitudes, court challenges and glimpses at their constitutional rights to a minority education for their children, they toil incessantly to defend these rights. In their chosen Anglophone environment, this minority within a minority does not choose to assimilate and fully benefit from assimilating to the majority in power (Carey, 1991). Yet the Francophone parents diligently pursue their goal of erecting Francophone public schools that they would administer (A.P.F.C.B., 1991).

Their motivation factor is a difficult one to broach. Not unlike the Quebec separatists, these parents want to produce a world where their language and culture are carefully guarded. Yet in order for assimilation to slow down, the climate of these community schools would have to be almost entirely isolated and restrictive. As Kallen (1986) points out:

...the long-accumulated evidence from the study of ethnic relations clearly demonstrates that maintenance of ethnic distinctiveness requires geo-ethnic segregation and restriction on participation in public life, while the development of national consciousness and commitment requires extensive ethnic interaction through full and equal participation in public life...(p.548).

The community schools would have to provide a quality education in French and extracurricular activities in French (Landry, et al., 1991). It would also provide a climate where French is held as a language and culture equal if not superior to the English majority. Otherwise the motivation to assimilate is too powerful to overcome.

These Francophone community schools would have to supply all of the ethnolinguistic vitality necessary, including Francophone only schooling and

extracurricular activities in addition to a Francophone home and public life, if the Francophone minority child is expected to maintain a Francophonie existence (Carey, 1991; Landry, et al., 1991).

The obvious question is why should these Francophone minority parents want to create such superficial environments for their young. They will unanimously answer that they hope to preserve their language and culture (A.P.F.C.B., 1991; Prin Communications, 1993; Savas, 1989a; Xatruch, 1990). Yet if Francophones outside Quebec were so troubled about raising their children where the French language and culture are still valued without effort, why leave Quebec or communities and countries where it is so?

Some certainly left for economic or political reasons, others to find adventure, yet some still yearn for the Francophone world. Perhaps nostalgia for one's inherent language and culture are convincing enough reasons to desire to recreate the lost environment for their children but is it desirable or possible to do so?

One of the major considerations that seems to elude the Francophone minority is to determine which culture they are to restore. There is no clear definition of who is the composite of the Canadian Francophone minority. In British Columbia it is composed of a few Canadian Francophone families who claim to have preserved some Francophone language and culture through the years, expatriates from around the world, Acadians from the Maritimes and Quebecois who have recently arrived with their empowered predilections. It is an assortment of the international Francophonie.

It would be easy enough to agree that an international standard of French should be selected as the code to teach, but which culture within which dialect, if any should be promoted, becomes an weighty issue. One wonders which culture is referred to when the Francophone minority claims to battle for preservation of its language and culture as their primary motivation for Francophone minority schools.

Motivation and Legal Rights

Legally, and as long as the numbers warrant, the official minority parents have undisputable rights to educate their children in Francophone schools with a Francophone school district (Bastarache, et al., 1986; Canada C.O.L., 1990; Julien, 1991). Yet the adversities they are willing to experience in order to have those rights actualized is beyond comprehension.

Rewards include lengthy and expensive court cases, and the reputation of being perceived as the constant complainers by the Anglophone majority and others of the Francophone minority. Only in the name of a cause resembling that of a religious nature would parents be inspired to endeavor to such predilections.

These parents cannot benefit from the eventual erection of Francophone minority schools since their children are often assimilated by the time the schools are opened (Leblanc, 1990). In fact many of the most active parents have had to send their children to English schools because assimilation had won over their children. In many areas there are simply not enough students to provide busing or residential schools. Yet parents are willing to fight and wait for eventual Francophone classes.

In some cases, there may be future benefit to reap. There is a pending liable suit against the government of BC. The APFCB hopes to collect \$4,000,000 in damages for causing assimilation by neglect (see Appendix B). This Court action does not discourage the parents and they continue their propensity with zeal.

There are several possibilities for such devout commitment. Some parents do believe that they would like to preserve their Francophone heritage or culture (A.P.F.C.B., 1991; Prin Communications, 1993; Savas, 1989a; Xatruch, 1990). In British Columbia, this is almost if not impossible.

Assuming that culture could be taught, teaching one particular culture would be fraudulent and teaching many would be irrelevant to the objective. Children would have to be locked in houses with no access to TV and other forms of media, no neighborhood

friends and visitors that would expose them to the cultures that surround them less they be assimilated.

Francophone parents wanting to preserve their Francophone language and culture have arrived from all parts of the Francophone world and would like to see their children maintain a Francophone identity. Yet once they have removed themselves from their Francophone world, recreating this community is impossible. One simply cannot recreate a culture. The other quandary is that there is no identity particular to the Francophone in British Columbia. There is no Francophone ghetto or distinct society in BC.

The Francophones in British Columbia are from everywhere and live scattered all over the province. The only common bond, for those who remember, is an anglicized French language or code understood in part in its international form. The cultures belonging to these Francophones are carried over from everywhere in the world and are all as different and unique as the individuals who identify with them. Consequently, there is much disagreement and in-fighting as to which culture will be preserved.

The Francophones from Quebec might understand each other a little better than they would understand the Acadians or the expatriates, but when their neighborhoods were left behind, consequently was their inherent language and culture forlorn. To recreate these is impossible and to reinvent them problematic in a minority context.

The only possible solution is to redefine the Francophone British Columbian within the realities of an amalgamation of Francophones from around the world who have nothing in common culturally, and who live in an inexorably English realm. The concept of prolonging the parent's inherited cultural identity is therefor unattainable. Perhaps the motivation for Francophone minority schools is strictly an opportunistic or an economic matter.

Economic Opportunity

Another motivation for the Francophone parents to so diligently defend the cause for Francophone minority schools and their administration is for the economic opportunities these provide. People who might otherwise be out of work are finding government funds in a official minority cause.

As long as there is a minority and as long as there are rights that need to be fulfilled, these Francophones are able to find employment. This is not as fraudulent as it appears. These people would most likely be out of work and perhaps solicit more costs from the governments if they did not work for the Francophone minority. Many would wallow in the helplessness of unemployment instead of becoming incredibly empowered by their work.

There is a noble element to striving for a cause that commends the proliferation of one's language if not one's culture. It also serves to give many a purpose in life. In fact, one might argue that while there are those who eagerly wait for the day British Columbia will offer quality Francophone community schools that are governed by the Francophone community, others might not wish for controversies to be resolved too quickly as they would lose their jobs.

When all of the people involved in associations, court cases, research, offices and so on are considered, many would be looking for work or at the least, for a cause to follow if the official minorities were to be granted all of their rights. Parents are often preparing to create jobs for themselves in the schools and in the administration of these Francophone minority schools as they continually argue for the right to manage these schools. A right that does not apply to the English public schools, but the government defends the argument by stating that it is allowing for the preservation of the minority.

Francophone Children Motivation Factors

Children usually have little or no political motivation for attending the Francophone programs. They are registered because their parents have decided that this is the best program for them. In fact, at the elementary and intermediate levels, most children have been encouraged to frequent the Francophone program whether they want to or not. Some have had to travel one or two hours a day on a bus or in their parent's car in order to attend (Xatruch, 1990). The distance problem seems to be the most influencing factor in determining the levels of motivation.

If the children could attend a Francophone school in their neighborhood, they would spend less time travelling and would have more chance of being in the program with their neighborhood friends. The children find it difficult to attend a school or program that does not include their local friends. The distance to these schools or programs also makes it difficult if not impossible for the children to participate in extracurricular activities. Many are not in Francophone schools but French Immersion or Anglophone establishments which offer English activities.

In the younger school years, children are more willing to follow their parent's wishes than in the later years (Boudreau & Drolet, 1992). In fact the drop-out rate increases as the levels progress and students develop autonomy (Boudreau & Drolet, 1992). This is also due to peer pressure. The younger children tend to value their parent's choice far more than the older ones. Even at the intermediate levels, children become much more conscious of a need to belong to the majority in power. They are far more influenced by the media and by a compulsion to feel accepted by their peers (Boudreau & Drolet, 1992).

Since Francophone minority schools have very little and often no ethnolinguistic vitality (Carey, 1991; Landry, et al., 1991), the children feel left out of the community. Some view the Francophone schools as a form of punishment and hope for the day when they are old enough to choose the Anglophone schools (Boudreau & Drolet, 1992). This

scenario is even worse in the English or Immersion schools that include a Francophone class.

In this case, the children feel altogether ostracized and again look forward to transferring into the Anglophone class with their friends. They do not want to be identified as the Francophone youth because they see no distinction in that association. Like most minority children, they usually see embarrassment and shame (Boudreau & Drolet, 1992).

In High school, the drop out rate is tremendous (Boudreau & Drolet, 1992). Some teenagers have finally been given authority to select the program of their choice and quickly leave the Francophone schools to be with their Anglophone friends. Others are concerned that there are no academic programs in French in British Columbia beyond the secondary level. They may not want to attend College or University in another province and choose the Anglophone preparation to post secondary education (Boudreau & Drolet, 1992).

There is a small group of Francophone youth in British Columbia who feels that it does not quite belong to the Anglophone majority. It is a subversive group that holds on to available resources such as the Francophone youth centers, the annual Francophone youth camps and games, and a group that plans studies in Francophone majority communities. Again we reiterate that this is a very small group from the teenager Francophone population (Boudreau & Drolet, 1992).

It is difficult to access accurate data on dropout rates from the Francophone minority schools because none of the research specifies whether or not these dropouts are permanent, or transfers to Anglophone programs or Immersion, or whether the students return to the Francophone programs at a later date or in other provinces (Boudreau & Drolet, 1992).

Hence, there is little or no Francophone ethnolinguistic vitality (Carey, 1991; Landry et al., 1991) in British Columbia and this is directly reflected on the children of

Francophone parents who, generally speaking, hardly care for a Francophone education (Boudreau & Drolet, 1992). The situation will have to change dramatically before we can enroll Francophones into schools as enthusiastically as the Anglophones register in the Immersion and Anglophone programs.(Boudreau & Drolet, 1992; Landry, et al., 1991)

CHAPTER SEVEN

Highlights of Official Minorities in Other ProvincesCanada

All Canadian provinces, the Yukon and the North West Territories now offer Francophone minority education programs (Canada C.O.L., 1990). In fact, all provinces and territories also allow for these schools to be administrated to an extent by the Francophone communities. The only exceptions were British Columbia and Newfoundland (see Appendix A).

In view of the agreement reached in July of 1995 between the provincial government of British Columbia and the Association des parents francophones de la Colombie Britannique (see Appendix C), Newfoundland will be the only province to refuse some form of Francophone minority administration for its Francophone schools.

The struggle for the Francophone population to administrate its own schools has been a long and tedious process. Although the right to this autonomous governance is implied in the *Charter of Rights and Freedom* (Bastarache, et al., 1986) and has been sustained by the Supreme Court of Canada (Julien, 1991), each province's Francophone minority has had to debate the issue at length in order to be acknowledged. An overview of the Francophone minority situation in each of the provinces facilitates a better understanding of the Francophone minority's contentions.

Newfoundland

Newfoundland is considered to be the most Anglophone province in Canada (Canada Minister of Industry, Science, and Technology, 1992). According to the 1991 census, only .42 % of the population claimed to belong to the Francophone community (Canada Minister of Industry, Science and Technology, 1992). In spite of these numbers, there are

1,555 children who would have a right, under Article 23 of the Charter, to attend Francophone minority schools (Info-Parents, 1992, February). Yet Francophone minority classes have not opened in Newfoundland until 1991.

The Francophone minority education programs welcome minority Francophones under their Article 23 description, but because it has taken so long to receive approval for these minority programs, most children are now assimilated to the Anglophone majority population. Popularity for the official minority schools is very low. As stated by Murphy and Netten (1993):

" Of the 121,772 students enrolled in primary, elementary and secondary schools in Newfoundland and Labrador during the 1992-1993 school year, 258 were enrolled in French first-language classes (Province of Newfoundland, 1992-1993). This small group of students comprises only 0.002% of the province's total student body...francophones are concentrated in three areas isolated from each other by geography." (p.85).

The program would need a great campaign, special language classes for those would need to learn French and administration of the program from parties who are genuinely interested in promoting Francophone minority education programs (Murphy & Netten, 1993).

In 1991, the minority Francophone parents in St John's Newfoundland challenged their provincial government in Court in order to obtain their right to administrate their schools (Info-Parents, 1992, February). The government responded by hiring a government committee to examine possible models of self governance for the Francophone minority schools. This is an effective delay tactic adopted by many provinces.

In 1996, the Francophone parents of Newfoundland are still waiting for this project to be realized. Some Newfoundlanders claim that their biggest challenge is to convince their Premier that there is in fact a Francophone minority in their province (Info-Parents, 1992, February):

Prince Edward Island

In all, 4.1 % of the population in Prince Edward Island declares itself to speak French (Canada Minister of Industry, Science, and Technology). Of these numbers, 2,505 are children who have the right under Article 23 of the Charter to a Francophone minority education (Info-Parents, 1992, February). Minority Francophone parents of Prince Edward Island did not unite to form a Federation until 1991. Perhaps because the province had already included Francophone minority programs in their education agenda since 1980 (Canada C.O.L., 1990).

Since Prince Edward Island is situated at close proximity to New Brunswick, it has benefited from the influences of the only bilingual province in Canada. Prince Edward Island is not in measure to compare its Francophone minority programs to those of New Brunswick but it has allowed the minority to administrate its own schools since 1989 (Info-Parents, 1992, February). It was the third province in Canada to do so. P.E.I. has not treated its minority with either remarkable generosity or disdain. Many provinces have simply been worse.

Nova Scotia

Nova Scotia considers 3.7 % of its population to be of Francophone minority (Canada Minister of Industry, Sciences, and Technology, 1992). Within that percentage, there are 11, 875 children who, under Article 23 of the Charter, have a right to a Francophone minority education (Info-Parents, 1992, February). This province has also instigated a great number of activities in order to continue the process of Francophone education development. In 1991, the province opened a community center school named " le Carrefour de Grand-Havre" (Info-Parents, 1992, April).

This school is designed to include the progression of the provincial curriculum, a meeting place for the Francophone community, an extra curricular center, and an all purpose francophone minority activity center. The province has also created Francophone

minority summer camps for children ages 9 to 15 in order to encourage interesting Francophone activities for its clientele. The hope is to revitalize the Francophone minority in Nova Scotia (Info-Parents, 1992, February).

In 1992, the Francophone community projects included recognition of the Pomquet school as an Acadienne school, working toward the creation of another community school in the Sydney area and eliminating prejudice against smaller Francophone communities. The Inverness area did not elect an acadian representative in their 1991 elections which does not allow for a Francophone or Acadienne interest. (Info-Parents, 1992, February). These slow assimilation conquests must be guarded closely in order to prevent history from repeating itself.

Though Nova Scotia has granted Francophone school administration for its Francophone schools in 1993 (see Appendix A), it has a great problem to overcome. Nova Scotia recognizes and finances its Acadian schools but these are not representative of all of the Francophone minority. Bastarache (1986) reflects that the Acadian problem in Nova Scotia is not very different than the secular problem in the rest of Canada. Some would have Acadian schools under a separate system than the Francophone minority schools as some Francophones would rather have the Francophone minority schools remain separate Catholic schools instead of joining the public school system.

New Brunswick

New Brunswick is a special province for the Francophone minority outside Quebec. It is the only province which declares itself officially bilingual. From the 1991 census 32.6 % of the population has stated it is Francophone (Canada Minister of Industry, Sciences, and Technology, 1992). From this number, 68,845 children have a constitutional right to Francophone minority schools and 47,137 actually attend the minority schools (Info-Parents, 1992, February).

The province has a unique school system which seems to work adequately within the constitutional framework. The first noticeable difference is that children must understand the language of instruction of their schools before they are admitted (Info-Parents, 1992, February). Every other province provides language classes for those students who are not proficient enough to attend the regular programs.

New Brunswick was also the first province in 1981 to implement the Francophone administration rights for its Francophone minority schools (see Appendix A). According to Xatruch (1990), this system has been quite successful in the last 25 years and deserves mention. It is composed of 15 Francophone and 26 Anglophone school districts. The territory is divided into two separate linguistics entities comprised of a Francophone and an Anglophone region. When there is an election, the voter will select a councillor for the the region they wish to represent. They do not vote for a particular language representative.

There are several examples of linguistic harmony in New Brunswick that seem to reflect the population's acceptance of its bilingual identity (Info-Parents, 1992, February). Taxes are collected province wide and not in linguistic divisions, and school elections are held along with municipal elections at the same time throughout the province. New Brunswick's Lieutenant Governor selects the number of councillors for each of the school districts and these must always represent an odd number of 7, 9, 11 etc. (Xatruch, 1992).

Since school council and their territories are divided into linguistic entities, the Francophone minority administrative capacities are identical to those of the Anglophone majority. Yet because this system is centralized, it could weaken its minority if the Francophones lost access and representation at the Ministry level (Xatruch, 1992).

It is important to note that according to the 1991 census (Canada Minister of Industry, Science, and Technology) New Brunswick has the closest balance of representation between its Francophone and Anglophone population in Canada. While 64.2 % declare to be Anglophone, 32.6 % state that they are Francophone and 3.2 % from

other language groups. If the minority school programs and the administration of these schools seems to work favorably for all groups involved in New Brunswick, the experience cannot be transferred to other provinces where the gap between the numbers is far greater. Territorial elected representation for the minority would be nonexistent in most cases.

Quebec's Uniqueness

Though most Canadians tend to forget, there exists an ethnolinguistic robust Anglophone minority in Canada. In fact, 81 % of Quebecois claim to be Francophone while only 8.7 % are Anglophone (Canada Minister of Industry, Science, and Technology, 1992). Yet the Anglophone minority problems in Quebec cannot be compared to those of the Francophone minority throughout Canada (Oliver, 1993).

The most obvious difference is that the province of Quebec considers itself a minority within Canada. It has assumed this official minority status and wishes to be recognized as a distinct society from the rest of Canada (Lévesque, 1986). Quebec is viewed as a Francophone province struggling to preserve its separate identity to the rest of Canada. Since the Francophone population of Quebec feels somewhat threatened by the North American Anglophone dominance, it hardly pays much attention to its anglophone minority (Oliver, 1993).

It was not until the 1995 referendum that the Anglophone minority in Quebec realized the threat of a potential separation from Canada. The community is beginning to regroup and demand recognition as an official minority (CBC News, 1995, November).

In fact until recently, this Quebec Anglophone minority controlled most of the province's financial power (Brunet, 1986). It had never considered itself a minority in need of protection. There is no evidence that the Anglophone minority in Quebec would ever become assimilated to the Francophone majority but it might be forced to establish elsewhere if it wanted to keep its Anglophone identity.

The conflict is that the Anglophone minority has lost much of the exclusive financial and governing power it once enjoyed (Lévesque, 1986). The reason this conclusion does not receive much sympathy is because people do not generally defend the wealthy. This minority would also be welcomed as Anglophones in the majority anywhere else in Canada. The fact that many of these families have been in Quebec for several hundreds of years seems to elude some of the more extremist Francophone separatists (Oliver, 1993).

The Anglophone majority in Canada understands little of the concerns of the Anglophone minority in Quebec. The majority government in other provinces has often neglected its Francophone minority (Bastarache, et al., 1986). According to the Foucher chapter (Bastarache, et al., 1986) this neglect has guided some of Quebec's Francophone governments to justify their lack of concern for its Anglophone population. Laws were drawn by the separatist governments which greatly restricted the use of English in business and government (Canada C.O.L., 1990). Other laws designed to halt assimilation limited entry into Anglophone schools and exposure to Anglophone media (Weeks, 1980).

Article 23 of the *Canadian Charter of Rights and Freedom*, was designed in part to protect the Anglophone minority in Quebec that seemed destined to comply to restricting language laws imposed by the separatist provincial government (Oliver, 1993). The unforeseen consequence was that the Francophone minorities throughout Canada would demand the same Federal protection when it faced its Anglophone provincial governments (Bastarache, et al., 1986).

It must be stated that the Anglophone community in Quebec has roots that date far back and usually enjoyed sound financial security (Brunet, 1986). This minority has always considered education to be a priority and of all communities in Canada, it boasts of sending the most graduates to University (CBC News report, 1995, November).

The Anglophone minority in Quebec has always had a separate school system from the Francophone system. It is the Quebec Association of Protestant School Board which has always been and continues to be financed by public funds. The benefits available to the Anglophone schools are exactly the same as those of the Francophone schools. The only great downfall was the adoption of the *French Language Charter* in 1978 by Premier Lévesque (Canada C.O.L., 1990). This restriction was altered by Article 23 of the Canadian Charter in 1982 which rendered the law 101 unconstitutional (Bastarache, et al., 1986).

It is to be noted that in the latest Constitutional debates, the Anglophone minority in Quebec and the Francophone minorities elsewhere seem to have been overlooked (Oliver, 1993). If Quebec were to separate, the Anglophone minority in Quebec would be forced to assimilate or leave, and the Francophones in the rest of Canada would no longer enjoy the country's bilingual constitutional identity (Oliver, 1993). There would be no need for official bilingualism and the laws protecting the official minorities would soon dissolve with much of the country (Careless, 1986).

Ontario

According to the 1991 census (Canada Minister of Industry, Sciences, and Technology, 1992), Ontario has a population of 10,084,885 people of which 75 % consider themselves to be Anglophones and 464,040 declare themselves to be Francophone. The percentage of minority Francophone is 4.6 %. There are approximately 165,695 students who would be eligible to attend Francophone minority schools and over 60% did attend in 1990 (Info-Parents, 1992, February).

Xatruch (1990) reports that the Ontario School Board has divided its minority language education policies into three separate sections: Territory, Representation, and Administration. The territory is a model referred to in any school board that harbors

minority education programs. These may be as small as one class and include both official languages (Xatruch, 1990).

The representation is established during enumeration where voters must choose to vote for one of the two official language groups. In order to vote, one must have the right to vote in school elections and belong either to the minority or the majority language groups. In the case of the minority, the voter must qualify under article 23.1 or 23.2 of the Charter (Xatruch, 1990). School council members are elected strictly on their language representation. In order to qualify for minority representation, the member must vote solely for the minority group and have the right under article 23 to send their children to minority schools.

The administration details of the Ontario schools is established within each school board. Since 1986 when the right to administer minority schools by the official minority was granted (see Appendix A), each school board must share its responsibilities between the official majority and minority. The distribution is usually based on competence which often leads to great confusion (Xatruch, 1990). When it is established that competences are of equal value, there are lists drawn indicating the specific responsibilities of each group (Xatruch, 1990).

The Association française des conseils scolaires de l'Ontario is constantly attempting to convince the provincial government that financial reforms in education are essential if school administration is to improve. They are busy trying to create Francophone minority school boards where these are nonexistent and demanding fairer distribution of funds between the public and Catholic schools (Info-Parents, 1992, February).

Manitoba

The difficulties of implementing the rights acquired in Article 23 of the Charter are similar in Manitoba. A number of cases dealing with education have been deliberated

since the province entered confederation yet Manitoba did not win administration of its minority schools by the minority until 1994 (see Appendix A).

The greatest challenge for the Manitoban Francophone parents involved was to acquire the right to administrate their own Francophone minority programs (Blay, 1987). As in other provinces where the majority is so overwhelming, the minority education programs were lost in the Anglophone school boards. Parents worried that the admission criteria, the quality of education, the percentage of French actually spoken and the language competence of the teachers and students were at an unacceptable level (Blay, 1987).

Although qualifying students would have a legal right under article 23 to attend the Francophone minority schools, their language levels would require them to attend remedial language classes and activities (Info-parents Volume 4, No 3., 1992).

There are 20,740 children in Manitoba who would be allowed to frequent Francophone minority schools under article 23 of the Charter (Info-Parents, 1992, February). Only 25 % of these students presently attend the minority programs. The others are registered in the province's Anglophone school system (Info-Parents, 1992, February).

As in each of the other provinces, the number of students actually registered in the Francophone minority schools determines the administration and financial needs (Bastarache, et al., 1986). Yet the Francophone minority believes that this system is insufficient in resolving administrative and financial requirements necessary to the conversion of the assimilated populace.

Saskatchewan

There are over 12,110 children in Saskatchewan who could, under article 23, attend Francophone minority schools. Their families compose the 2.1% of the province's Francophone minority population (Info-Parents, 1992, February). These numbers cannot

have great influence at the government level but when the new government was elected in 1991, it allowed the Association provinciale des parents fransaskois to intervene at the education level (Info-Parents, 1992, February). This small victory encouraged Francophone minority parents to hope for their right to administrate their programs to be law as early as 1992. This right did not become law until 1994 when the Supreme Court ruled in favor of Mahé in the Alberta court case (see Appendix A).

According to (Info-Parents, 1992, February), the Francophone minority in the province of Saskatchewan is also trying to establish partnership in education with the existing system and developing a detailed cultural dossier for its school population. In the midst of these expansions, the minority is facing economic hardships that threaten the outcome of these programs (Info-Parent, 1992, February).

Alberta

Alberta has witnessed the most interesting and active developments pertaining to the Francophone minority (Julien, 1991). In March of 1990, the Supreme Court of Canada declared that the Francophone minority parents had a constitutional right to administrate the Francophone minority education programs if the number of students warranted a separate administration system (Canada C.O.L., 1990).

The government of Alberta had been taken to court by Mahé, who represented the Francophone community, because they refused to allow the Francophone minority to administrate its own education programs (Julien, 1991). After much deliberation, the Supreme Court of Canada judged that the government of Alberta was acting unconstitutionally when it decline to empower the Francophone minority in matters of self governance of their schools (Julien, 1991).

The Court did however stipulate that the number of students must warrant self administration and that if this was not the case, some form of representation of the

Francophone minority must be made available within the existing Anglophone school boards (Canada C.O.L., 1990).

Foucher (1990) in an address to the Commission nationale des parents francophones states that since the Mahé judgment from the Supreme Court, the Francophone minorities in Canada have a constitutional right to Francophone schools. Foucher further explains that the Court has declared that a language cannot be disassociated from a culture and that Francophone schools must become locations where cultural values are transmitted.

The Francophone schools must also be readily identifiable as such to the Francophone community and, where the numbers warrant, the Francophone minority must be allowed to send their children to Francophone schools that they themselves administrate (Foucher, 1990).

Foucher (1990) declares that Canadians must understand the spirit with which Article 23 was established. The interpretation of Article 23 must link language and culture, repair damages incurred in the past and allow Francophones to fully exercise their constitutional rights. All matters pertaining to numbers, school or classrooms must be resolved within the context of past Court cases since the Mahé case does not answer these questions in particular (Foucher, 1991).

In view of these deliberations, the Francophone community prepared a detailed report recommending where the new Francophone school boards should be established. They expected these school boards to open in 1992 but had to wait until 1994 to witness their first implementation (see Appendix A). Although the province's Francophone minority has many projects for expansion, it is aware that though the deliberations were in favor of Mahé, Alberta is also Don Getty's and Preston Manning's province. Both are described as two trouble makers who hold little sympathy for the Francophone minority according to its minority (Info-Parents , 1992, February).

Yukon

The Yukon has a total population of over 27,000 inhabitants (Canada Minister of Industry, Sciences, and Technology, 1992). There are 255 of these who are eligible for Francophone minority education programs yet only 77 children attend Francophone minority classes (Info-Parents, 1992, February). The number of students participating in the minority program has increased but the Francophone community considers itself far from any significant progress.

The Yukon official minority is presently looking at expanding its daycare program in the hopes of determining children's education in French right from the start. The Francophone minority is also looking into developing French literacy programs (Info-Parents, 1992, February). The Yukon Francophone minority was granted the right to manage its education programs in 1990 (see Appendix A) which has encouraged the community to continue to offer the Francophone programs in spite of the small number of participants.

North West Territories

According to the 1991 census (Canada Minister of Industry, Sciences, and Technology, 1992) the total population of the North West Territories is of approximately 57,645 people. There are only 615 of these who are legally entitled to Francophone minority education programs under article 23 of the Canadian Charter of Rights (Info-Parents, 1992, February). Of the 615 students, only 37 are registered in Francophone minority education programs. The Yellowknife Francophone community must regularly threaten Court action if it wants to maintain the little access it has to minority education (Info-Parents, 1992, February).

The only hope for the small community was that the newly elected government would keep its promise to develop Francophone minority programs and in 1994, the government of the North West Territories granted that its Francophone minority

programs be administrated by the Francophone community (see Appendix A). This community is also looking into acquiring a daycare center for its young Francophone population (Info-Parents, 1992, February).

All possibilities considered, the situation is quite grim for the Francophone minority in Canada. The overwhelming English majority make it impractical if not impossible for this minority to grow. In fact in some communities, the numbers are so few that it becomes ridiculous to try to resist assimilation. It is to be hoped that the younger generation of Francophones who are forced to isolate themselves in their parent's Francophone minority world will not suffer the long term effects of being marginalized and of lacking the full benefits of a majority education.

It is perhaps sad to witness assimilation but it is also a parent's choice to live in a minority setting. Providing an ethnolinguistic environment that would allow a minority to flourish is a contradiction in terms. A minority child will always suffer the consequences of being a minority. These range from discrimination, self doubt, the inability to express oneself in one's cradle tongue and culture, and the feeling that one simply does not belong.

To promote these situations is unfair and damaging to the young. The only solution is for the Francophone family to move to a Francophone society or allow assimilation to occur and encourage and empower the child by participating fully in their new environment, and let a new identity emerge.

CHAPTER EIGHT

Present Situation for the Francophone Minority in Matters of Education in B.C.British Columbia

British Columbia is the third province in Canada in terms of population with 3,282,065 citizens (Canada Minister of Industry, Sciences, and Technology, 1992). Of this number, there are approximately 38,000 who declare themselves to be Francophone and over 17,000 children eligible for the Francophone minority education programs. Yet there are only 2,300 students registered in the Programme cadre. The other students all frequent French Immersion programs or the main stream Anglophone schools (Info-Parents, 1992, February).

All children registered in the Francophone minority programs are said to participate in the Programme cadre de francais. Some of these programs are found in one particular classroom of an Anglophone school while others share the school with the French Immersion programs. There are three schools in B.C. considered to be homogenously Francophone designed for minority students under Article 23 of the Charter (A.P.F.C.B., 1991).

Many families would have liked to benefit from a minority language school but the realistic outcome of these programs is generally mediocre (Landry, et al., 1991). Children do not speak fluent French and their English is not as it would be if it were their first language. There is definitely a situation of subtractive bilingualism (Carey, 1991).

Most of the Francophone parents believe that if the Francophone schools and programs were administrated by the Francophone community, it would have a much better chance at providing a more qualified teaching staff, a preferred admission selection, a closer control of the way funds are spent for the program and an overall improved environment for the students (A.P.F.C.B., 1991).

In 1995, B.C. and Newfoundland were the only provinces which did not boast of self management for their minority programs (see Appendix A). In July of 1995, the provincial government of B.C. signed a declaration that promised to transfer administrative authority from some of the existing school districts to the Francophone community (see Appendix C).

There are several restrictions that apply. First of all, the administrative authority is not as valid as a bill of law and can be recalled at any time. Under Article 23 and the Supreme Court decision in *Mahé*, the Francophone minority clearly have a right to complete control and protection of that control under the provincial law (Julien, 1991). A new government could quite easily retract this administrative authority at any time and leave the Francophone minority with no authority at all.

Another important setback is that this bill only entitles self governance to a limited area. In fact several school districts with Francophone minority programs will still be administrated by the Anglophone school boards (see Appendix C). Although the directors of the Association des parents francophones de la Colombie Britannique view this change as a great victory, it clearly does not reflect the Supreme Court interpretation of the *Mahé* case.

It took over 17 years for the Francophone minority to gain this small promise though they are legally entitled to far more (Foucher, 1990). In fact all previous studies by and for the provincial governments including (Gallant, 1991) detailed a need for a minimum of three school districts for the Francophone community of British Columbia. There have been many Court threats and the British Columbia government has managed to arrest the Court appeals as long as it granted some kind of temporary solution (see Appendix D).

In 1995, the Francophone parents were ready once again to bring their government to Court for two major lawsuits (see Appendix B). The first was that the government was unconstitutional by refusing to permit the Francophone minority to administrate their own schools and the second was a liable suit for over \$4,000,000 dollars in damages to

the Francophone parents whose children were assimilated to the Anglophone majority (see Appendix B). The parents blame the government for lack of adequate minority language education and mediocre Francophone programs.

The first lawsuit will be dropped due to the latest compromise accepted by the APFCB and the provincial governments, but the second lawsuit will determine a first Court appearance in the Spring of 1996. According to the APFCB, these funds are to be distributed to future Francophone minority education programs.

There are several issues that the Francophone minority wish to resolve thanks to their new administrative authority. In a study conducted by both the APFCB and the provincial government, results concluded that the funds intended for the Programme cadre were often spent elsewhere in the school district.

For instance, some school boards were claiming salaries for teachers under the Programme cadre who were either teaching the French Immersion program or the mainstream English program. Other discretions such as materials, books, conferences etc. were claimed for the Francophone minority programs and actually spent for other groups.

The Francophone community hopes that by administrating their own funds, such discrepancies will no longer occur, and the Programme cadre will fully benefit from the moneys destined to them. The Anglophone school districts have mixed feelings about sharing their authority.

On the one hand, they are generally encumbered by the Francophone programs which cause unhappy teachers, students and parents. Dealing in a language many of the present administrators do not speak has made communication very difficult for the people involved. On the other hand, the Programme cadre provided provincial and Federal funds that will be sorely missed in these times of educational restraints.

Another of the problems to address is that the Francophone community does not necessarily agree on who should administrate this new authority. They also have no

specific guideline as to curriculum content nor do they agree on what the content should be.

Some would prefer a more international standard of French with schools offering an international baccalaureate and high academic standards, while others want public schools accessible to all. As in all other provinces, there exists a constant debate as to who should have access, what are the minimum numbers, locations, administration, academic standards etc are constantly debated.

The real problem is that Francophones in British Columbia are few and they are from all over the world and do not have a common culture. They undoubtedly have a legal right to Francophone minority schools administrated by themselves, but they live in an Anglophone community and are not themselves regrouped as a Francophone community. There exists no ethnolinguistic vitality essential for such programs to flourish.

Such debates provide jobs, but children cannot gain as much from Francophone minority programs as they would in the mainstream Anglophone schools. Research (Carey, 1991; Landry, et al., 1991) has proven that if the students have to spend time learning the targeted language, they are not learning subject content as quickly as their Anglophone peers. In fact, in all subjects, students responded better in the majority language (Carey, 1984, 1991; Landry, et al., 1991).

B.C. Francophone schools and programs have important linguistic disparity (Vinet, 1989) and much time must be spent teaching French. They are also composed of students from many places around the world. To teach each of their cultures would be impossible and to dismiss them would make the programs irrelevant.

The French language as a code can be taught to a certain extent as it is in the Immersion and mainstream programs but it becomes nothing but an exercise in memory if it is not expressed constantly as means of mutual assertion. This is impossible to achieve in an overwhelmingly Anglophone majority setting. The conclusion of this thesis reflects on the issue of teaching cultures.

CHAPTER NINE

ConclusionsProblems With Teaching Francophone Minority CultureWhat is Culture

The Webster's New Collegiate Dictionary (1981 Edition) defines culture as : "...the integrated pattern of human behavior that includes thought, speech, action, and artifacts and depends upon man's capacity for learning and transmitting knowledge to succeeding generations...the customary beliefs, social forms, and material traits of a racial, religious, or social group." (p. 247). Alvarez (1986) wrote that one must find culture in the language itself. " Ce n'est pas un ajout, un ornement qui viendrait se superposer au language. Le language est culture." (p.80). Leblanc (1990) writes: "Culture is the general context and way of life. It is the behaviors and beliefs of a community of people whose history, geography, institutions, and commonalities are distinct and distinguish them to a greater or lesser degree from all other groups." (p.44).

These definitions are vague and cover a lot of territory yet it is agreed that the word culture is one of those words that is often used to express many different meanings for many different purposes that are seldom questioned.

Everyone wants to belong to a culture but few really understand the meaning of the word. Canada is considered bilingual but multicultural (Canada C.O.L., 1990). Yet as Kallen (1986) reports: " Entering the 1980s the prospects for true multiculturalism...are a long way from realization. Indeed, in the thralls of the present constitutional debate, we are witnessing just the opposite, i.e., a disturbing trend towards ethnic and regional fragmentation." (p.548).

Problems With Defining Culture

In all political talk we speak of maintaining or expressing or valuing one's culture (Oliver, 1993). In fact this obsession has become the status quo. We defend political arguments by stating that our cultures must be respected, yet few could define their culture without stereotyping a community's behavior that no longer exists.

In fact most people never consider their cultures to include the world that immediately surrounds them. They prefer to return to a golden past, a period or country where their ancestry were in small communities that were more readily identifiable. Yet culture is an ever growing and developing expression of our lives.

In a time where there was far less movement in a community, it was easier to identify some common behavior specific to that group. We could better recognize traits and comportments that seemed unique to a specific society.

When we define cultures, it is in fact common to return to other times, reflect on what was, and transfer the egocentric interpretations of our imaginations to our own lives. We do this because culture is an abstract concept. We use the word culture to define who we are yet we are ever changing, in constant motion and unique as individuals in a global community.

In every society of the world there are those who are friendly, those who are loud, those who are adventurers, those who are sedentary, there are lovers, loners, writers, hunters, leaders and followers. In fact defining a particular group of people only reduces the individual experience to a cliché. Every stereotype that we will impose on ourselves can be claimed by others in many parts of the world. Behaviors are similar if not identical for most humans and only the communicative code is unique to an area.

Behavior is not redundant and therefore cannot be categorized in any way. Two individuals have never thought the same thoughts or lived the same lives and our attempts at packaging these belittles our own experience. The only apparent similarity

between a group of individuals to the exclusion of others is the expression or language and dialect used to communicate within that circle.

The more a dialect becomes regional, the more it becomes exclusive. Hence we can assume that those who share this dialect are also living in close proximity and perhaps share other common traits. Having stated this, we can examine the possibilities that would encourage definitions of similar traits in a particular group of people.

Can a Culture be Moved

A culture is very much identifiable to a specific geographical area and time. That is to say that a community which has lived in close proximity for a length of time with little intervention from other cultures can share some common behavioral traits for a time.

Culture, by definition, is influenced by factors such as the local weather, the geography, the geology, the size of the community, the length of time the community has existed, the community's makeup, the local economy, exposure to other cultures, common religion, common ancestry, common goals, common recipes and individual expression in all art forms.

Hence, once individuals leave a particular culture, they can no longer be part of that culture as the community that shares these common behavioral traits is no longer with them. We know that isolation of a culture no longer exists. We often presume to know our ancestor well enough to describe their culture or their behavior. Perhaps it is easier to understand and accept our own and our community's culture or behavior if we can compartmentalize the lives of its components. It becomes inevitably racist and bigot to do so.

The Great Paradox

The great paradox of our times is that the more the world becomes accessible to all through media and travel, and the more this global community aspires to the English

American way of life and agrees to speak English for political, economic, and environmental discussion, the more people search to find a distinct cultural identity to this global culture. Many wish for simple answers of religions and rituals that would justify their existence and ease their troubles.

The human animal is once again obsessed with recovering an ethnocentric identity and often reinvents disappeared cultures and languages in order to do so. In unearthing these, the interpretation of the findings is left to the imagination of the individual. Some beneficial collective interpretations can be accepted and a group with a strong and lengthy past can begin to assume power from this imagined golden past. There are several obvious problems with this.

The first is that people's lives are forever changing and their behavior cannot be captured as an end product transferable to any time or place, nor should other's lives become a guide to someone else's life. Another difficulty is that few facts can be considered in interpreting cultures hence much nostalgia and imagination are evoked and definitions become biased. People create in their minds, imagined communities where behaviors respond to their needs and assume that if they could recreate this environment, their lives would be content.

Another of the more serious problems in defining cultures occur when, in order to survive, these new and old cultural communities unite under a superficial definition, adopts an ethnocentric way of thinking and becomes less tolerant and sometimes hateful of other ethnicities. Culture adoption or ethnocentric identification allows people to experiment in behavior without becoming outcasts.

However cultures are created, they are responsible for providing great diversity and beauty in the world. Yet, though some of these experiments impel individuals to achieve great progress and splendor, it has also cultivated violent and shocking communities who believe themselves responsible to cleanse the world of the unpure or the infidel.

Redefining and Reinventing a Culture

In our ever disrupted and fast moving lives, humans have a growing need to find some kind of identity, of belonging in a world that introduces so many new faces, sounds, smells, tastes, textures and strange behaviors each day. We have therefore attempted to categorize and define ourselves with the convenient word: culture. Somehow, we hope to find ourselves within these definitions. In doing so, we have stereotyped ourselves into predictable guidelines as equal members of a group. In fact these definitions of ourselves or of our cultures are often created by onlookers from other cultures and we have simply agreed that these generalizations are appropriate and beneficial to us. Most of us are continually searching for identity or for a cause.

Hence, the word culture cannot have a definition as it cannot exist. People simply use the word at their convenience to justify their behavior or to criticize other behaviors. One does not belong to a particular culture because the definition of that word would have no common denominator. No two people practise religion the same way nor do they express themselves the same way. Languages may be similar in code form but their uses vary as people vary.

In a broader definition, our culture is a reflection of our lives yet it is impossible to define a culture without stereotyping and generalizing a group of individuals. What makes up a culture is the diversity and the movement of a specific group of people. Though it was probably easier to identify with a culture when there was far less travel and more isolation, today's cultures have become more diverse and far more interesting to research.

How far back do we go to stop the clock and hold an imagined cultural definition of our ancestor. O'neil (1993) claims that all Quebecois have Irish blood. We will never know if this be true but many Quebecois would vehemently deny such a rumor. Do white South Africans who have been in South Africa longer than some of the local black tribes

have less right to claim to belong to the South African culture because of their skin color? Does skin color or religion or geography define us culturally? What culture do the Spanish Americans belong to. Some go back to Spain and others only go as far back as Mexico or South America (Taylor, 1991).

The world is populated by a moving people. The North American Natives were once from the orient and the Europeans are a mixture of all Nations. In fact many of our cultural wars would probably shock our ancestor who were the enemy. Our religions change as fast as individuals change and so do our customs.

Art is probably the most appropriate example of cultural obsolescence as it borrows from all corners of the world yet many artist claim ethnocentric inspiration. We have selected the period that suited us best and described behaviors that are inspiring to us. This has unfortunately sent us on a false road of self identification.

In the name of culture, people have identified themselves with certain religious figures, doctrines, fashions, politics and art of a certain era. Some would return to lands long lost to them. Others create costumes and dances, songs and tales to entice their followers to a time valued to them. All are looking for something that no longer exists and most refuse to admit it. The larger the communities get and the more people lose themselves in the assault of new faces, the more they want to claim to belong to an identifiable group.

Language and Culture

If we look for similar traits in the global community, we recognize comparable physical similarities and then language becomes another common denominator for most people. Although many humans can claim the same territory, it is their language that will make them remarkably different.

This of course is truer if there is no physical apparent difference between people. In British Columbia, the minority is not visible unless it speaks the minority language. Yet

for the Francophone in B.C. the only common trait to other Francophones is a lesser or greater understanding of the minority language. There is no Francophone culture in B.C. that is identifiable as unique to this province, city or community. The only common trait is that we all come from someplace else and so does everyone else.

Although there have been Francophones in British Columbia for over two hundred years, most of the initial settlers have long since assimilated to the overwhelming English majority. The most determined advocates for the Francophone minority cause are often the more recent arrivals from Quebec and other Francophone communities and countries.

They are carrying identities from around the Francophone world and finding that these identities are not necessarily common to other Francophones and cannot be expressed in the same fashion in British Columbia.

The reason is that although the language can be somewhat similar, the similarities end there. The regrouping of these French speakers are from all the corners of the planet that have been colonized at different times by different people. The only other common identity would be the same for any other community. In fact, some Francophones have more in common with the Anglophones than they do with other Francophones. Their individual choices and expressions has moved toward the majority speakers and they have assimilated easily.

Although some of these factors may vary little, like the weather or the geography, others will be in constant movement. It is impossible to isolate one culture from other cultures even in the most remote religious communities in British Columbia for example. These communities must regularly deal with governments, trade their goods and see and hear airplanes and trains. Even the most remote communities in South America, Africa and Asia can now be studied in depth on our television screens.

If the example of the Francophone community is summoned, much of the world assumes that all Francophones love wine, baguette, cheeses and cafe. In fact until Chirac agreed to bomb the South Pacific in the 1990s and other political faux pas, many

Francophones from around the world would gladly have associated themselves with France. The exception was and still is, the Quebecois.

Although some Quebecois would adopt the Parisien accent at will, most identify themselves as completely unrelated to the French from France. This is probably the case because the Francophone Quebecois are not made of natives that have been colonized. They are people from around the world who have assimilated to a provincial version of the French language and continue to define themselves as unique.

If we agree that there are no apparent similarities between the Francophones in B.C., then the only common trait is a level of understanding of the French language. Hence the many of the children who attend Francophone programs and who speak little or no French have little more in common with each other than they do with the Anglophone neighbor. How can we teach the Francophone culture without stereotyping a world that is as foreign to them as any other that is not their own.

Alvarez (1986) writes that "...le language est le guide symbolique de la culture...la culture pour nous est inscrite dans la langue". (p.80). Most people would agree with this statement yet if we take French as an example, we find French speakers on every continent of the world enjoying or detesting many different ways of life. How can one culture represent every French speaker in the world? Does this language culture inclusion apply to those who have studied French and speak it well?

These questions are relevant when we mean to develop a cultural curriculum for our minority schools (Prin Communications, 1993). In British Columbia, the Francophone community is composed of French speakers from all over the world. Not only is the interpretation of the language different but the people who speak it are as different to each other as are the countries, the regions, the communities and the families that speak French. Which culture do we presume to teach the Francophone minority children in B.C.?

An even more important question is can culture actually be taught? Since culture cannot have a precise definition anywhere in the world, and by its own definition is an abstract concept of subjective perceptions of human behavior that are in constant movement, even glimpses into any culture would be mere glimpses into some individual lives at a specific time and place. Anything else would be dangerous and false generalizations.

Assuming that a culture is representative of a group of individuals who speak French throughout their daily lives, we can eliminate a francophone culture from British Columbia as it is nonexistent. Does the Francophone program in B.C. then teach Quebec culture or cultures from Acadia, France, Vietnam, Algeria, Haiti et al? Which Community does it select? Who's perspective does it present? Is the interpretation contemporary or folkloric? Which historical position does it select to teach?

The Ministry of Education in Ontario prepared a text (Ontario Ministry of Education, 1994) to help guide its teachers toward a cultural curriculum. In the opening paragraph, it states that " La culture est une notion difficile à cerner, mais on peut dire qu'il s'agit d'un ensemble complexe qui englobe les connaissances, la langue, les valeurs, les croyances, l'art, le droit, les moeurs et les coutumes propres a un groupe de personne qui partagent certains antécédents historiques." (p.9).

If this statement were examined carefully, teachers would be responsible to teach an infinite amount of knowledge, several levels of a language, a world of values, every individual belief that is included in that culture, art from around the world, laws from the municipality, district, province and country, and morals, customs and habits from all of its members. Would that cover the Francophone Ontario culture?

Children do not associate themselves with abstract notions taken from someplace else. They need to have the freedom to express themselves as members of the active community in which they live. Anything else would be artificial and have little equanimity in their lives. If there exists such a notion as culture, it can only be the

components of behaviors expressed by individuals in their every day lives. It cannot be categorized nor can it be taught. It exists only in so much as it is shared unknowingly in every expression.

In B.C., the Immersion and FSL programs are less fraudulent although ignorant in their approach to the teaching of the Francophone culture because they do not impose it on the children as a way of life they must imitate or aspire to, but their Francophone cultural perspectives are limited and biased.

Their Anglophone cultures are valued by the fact that they are the majority and the Francophone culture simply becomes decorative. It is also beneficial in that as they discover this Francophone culture they realize how dominant their Anglophone culture has become. Discovering other cultures in an artificial way either makes us ethnocentric or regretful. Neither being admirable virtues.

The Programme cadre on the other hand wishes to develop a strong Francophone cultural curriculum that is clearly ethnocentric. It cannot condone the Anglophone culture as it wishes its young to stir clear of it. These Francophone programs not only alienate the children from the culture they actually live in, but in doing so strips them of value for expressing themselves in the world chosen by their parents. If the Francophone culture was so different and great, then why are they here?

Language cannot be culture and culture cannot be language. We would perhaps wish it to be so and perhaps, long ago, it was so. But children will never learn and aspire to a conduct that is exhibited far away and cliché. They want to live here and now and should not be subjected to alienation. If we were to teach them of the Francophone culture in British Columbia, we could only say that it is made up of a few thousand people from a few thousand places with a few thousand notions of the Francophone culture in BC. French is but a code that some of these Francophones understand, the culture is up to the individual.

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Appendix A: APFCB 1995 List of Francophone School Management in Canada

FRANCOPHONE SCHOOL MANAGEMENT IN CANADA

PROVINCE	ACQUIRED	YEAR
<u>BRITISH COLUMBIA</u>	NO	----
ALBERTA	YES	1994
SASKATCHEWAN	YES	1994
MANITOBA	YES	1994
ONTARIO	YES	1986
NEW BRUNSWICK	YES	1981
NOVA SCOTIA	YES	1993
PRINCE EDWARD ISLAND	YES	1989
<u>NEWFOUNDLAND</u>	NO	----
YUKON	YES	1990
NORTHWEST TERRITORIES	YES	1994

FRANCOPHONE EDUCATION REGULATION

PART I INTERPRETATION

Definitions

1. In this regulation:

"Act" means the *School Act*;

"eligible parent" means an individual who, under section 23 of the *Canadian Charter of Rights and Freedoms*, has the right to have his or her children receive primary and secondary instruction in French in British Columbia;

"eligible person" means

(a) an eligible parent, or

(b) an adult individual who, under section 23 of the *Canadian Charter of Rights and Freedoms*, would, if that individual had children, have the right to have his or her children receive primary and secondary instruction in French in British Columbia;

"eligible student" means a child of school age who has an eligible parent;

"Francophone administrative officer" means a person who is employed by a Francophone Education Authority as a director of instruction, a principal or a vice principal;

"Francophone Education Authority" means a corporation established under section 2;

"Francophone educational program" means an educational program, including, without limitation, linguistic and cultural components, provided to eligible students exclusively or primarily in French but does not include

(a) a course in French provided as part of an educational program provided primarily in English, or

(b) a French immersion program;

"Francophone school" means

- (a) a body of eligible students that is organized as a unit by a Francophone Education Authority for educational purposes under the supervision of a Francophone administrative officer,
- (b) the Francophone teachers and other staff members associated with the unit, and
- (c) the facilities associated with the unit;

"Francophone teacher" means a person holding a certificate of qualification who is employed by or otherwise under contract to a Francophone Education Authority to provide French educational programs to eligible students in a Francophone school, but does not include the chief executive officer of a Francophone Education Authority or a Francophone administrative officer;

"prescribed area" means the area referred to in Schedule A on the date of the coming into force of this regulation or such other area as the Lieutenant Governor in Council may prescribe over which a Francophone Education Authority has jurisdiction under this regulation.

PART 2

FRANCOPHONE EDUCATION AUTHORITY

Establishment of a Francophone Education Authority

2. (1) There is established as a Francophone Education Authority a corporation known as the Autorite Scolaire with the articles set out in Schedule B.
- (2) Nothing in subsection (1) prevents the Lieutenant Governor in Council from establishing additional Francophone Education Authorities.
- (3) The Lieutenant Governor in Council may appoint as the first directors of a Francophone Education Authority established under this regulation 5 eligible persons who the Lieutenant Governor in Council considers represent the interests of the eligible persons resident in British Columbia.
- (4) The first directors appointed under subsection (3) hold office for a term of not more than 15 months.
- (5) Membership in a Francophone Education Authority is limited to eligible persons resident in British Columbia.
- (6) Any eligible person resident in British Columbia may apply to become a member of a Francophone Education Authority by

- providing to that corporation a sworn affirmation in the form set out in Schedule C and the corporation must, without charge, accept as a member any qualifying eligible person who so applies.
- (7) The directors of a Francophone Education Authority, other than the first directors appointed under subsection (3), must be elected from the members of the corporation in the manner, at the times and for the terms set out in the articles of the corporation.
 - (8) The minister may appoint a member of a Francophone Education Authority to sit as a director of the Francophone Education Authority
 - (a) in the place and stead of a director who was to have been elected by the members of the Francophone Education Authority resident in a ward, if those members do not elect a director when and as required by the articles, or
 - (b) to fill a vacancy in the board of directors if that vacancy is not filled in accordance with the articles within 60 days after the office becomes vacant.
 - (9) A Francophone Education Authority must employ an individual as the chief executive officer of the corporation.
 - (10) The chief executive officer of a Francophone Education Authority
 - (a) is the corporate financial officer of the Francophone Education Authority,
 - (b) must be bonded as arranged for by the Francophone Education Authority in an amount that the corporation considers adequate, and
 - (c) under the general direction of the directors of the corporation.
 - (i) has general supervision and direction over the educational staff employed by the Francophone Education Authority,
 - (ii) is responsible for the general organization, administration, supervision and evaluation of all Francophone educational programs provided by the Francophone Education Authority, and
 - (iii) is responsible for the operation of Francophone schools in the corporation's prescribed area.
 - (11) A Francophone Education Authority must hold at least one general meeting of members each school year in accordance with the articles and section 91 of the Act, as it applies for the purposes of this regulation, applies to each general meeting held by the corporation.

- (12) A Francophone Education Authority is a public sector employer within the meaning of the *Public Sector Employers Act* and, for the purposes of that Act, is to be included in
- (a) the sector, as defined by that Act, described in paragraph (c) of the definition of "public sector employer" in that Act, and
 - (b) any employers' association established under that Act for that sector.

Jurisdiction of a Francophone Education Authority

3. (1) Subject to this regulation and the enactments referred to in section 17, a Francophone Education Authority has the exclusive right to provide a Francophone educational program to eligible students resident in the prescribed area over which it has jurisdiction.
- (2) Subject to subsection (3), an eligible student who is resident in a prescribed area is entitled to enroll in a Francophone educational program provided by the Francophone Education Authority having jurisdiction over that prescribed area.
- (3) An application to enroll under subsection (2) must include a sworn affirmation of one of the parents of the eligible student in the form set out in Schedule C unless at least one of the parents of that eligible student is a member of the Francophone Education Authority at the time that the application to enroll is made.
- (4) Section 3 of the Act applies to an eligible student except that the educational program in which the eligible student is required to enroll and participate may be a Francophone educational program provided by a Francophone Education Authority and an eligible student who enrolls and participates in a Francophone educational program provided by a Francophone Education Authority and who otherwise complies with section 3 of the Act is deemed to have satisfied the requirements of section 3 of the Act.

Provision of Francophone educational program

4. (1) Subject to this regulation and the enactments referred to in section 17, a Francophone Education Authority must make available a Francophone educational program to all eligible students resident in its prescribed area who enroll in a Francophone educational program provided by the Francophone Education Authority.
- (2) A Francophone Education Authority may provide, in its prescribed area or elsewhere, a Francophone educational program to eligible students referred to in subsection (1).

- (3) A Francophone Education Authority must, for the first school year in which it provides a Francophone educational program to any eligible students, attempt, on terms and conditions the directors consider appropriate, to fill any available teaching positions with individuals who
 - (a) are or were, in the immediately preceding school year, employed by a board to teach Programme cadre de français in the Francophone Education Authority's prescribed area, and
 - (b) are, in the opinion of the directors, qualified and suitable for the available positions.
- (4) A Francophone Education Authority complies with subsection (1) if
 - (a) the Francophone educational program is provided by the Francophone Education Authority,
 - (b) with the agreement of another Francophone Education Authority, the Francophone educational program is provided by that other Francophone Education Authority, or
 - (c) with the agreement of a board of a school district that is outside of a prescribed area, the Francophone educational program is provided by that board.
- (5) A Francophone Education Authority may assign and reassign eligible students to specific Francophone educational programs referred to in subsection (4).
- (6) Subject to subsections (7) and (11), a Francophone Education Authority must not provide an educational program to any person other than an eligible student resident in the prescribed area over which the Francophone Education Authority has jurisdiction.
- (7) A Francophone Education Authority may provide a Francophone educational program to an eligible student who is resident outside of the prescribed area if the Francophone Education Authority first obtains the consent to do so from
 - (a) the parent of the eligible student, and
 - (b) the Francophone Education Authority having jurisdiction over the prescribed area in which the eligible student resides or, if there is no such Francophone Education Authority, the board for the school district in which the eligible student resides.
- (8) Without limiting any of its rights or powers under this regulation, a Francophone Education Authority may enter into agreements with other Francophone Education Authorities or with boards for the purposes of subsection (7).

- (9) A Francophone Education Authority may recognize as part of an eligible student's Francophone educational program an educational activity that is not provided by the Francophone Education Authority.
- (10) Subject to the enactments referred to in section 17, a Francophone Education Authority is responsible for evaluating all of the Francophone educational programs and services that it provides, including services provided under an agreement under section 104 (1) (a) of the Act, as it applies for the purposes of this regulation.
- (11) Subject to the enactments referred to in section 17, a Francophone Education Authority may permit a person who is older than school age but who is the child of an eligible parent to attend a Francophone educational program provided by that Francophone Education Authority in accordance with any terms and conditions specified by the Francophone Education Authority.

Home education

- 5. (1) If a parent of an eligible student wishes to educate that eligible student at home or at a location other than a school or a Francophone school, the parent must provide that eligible student with an educational program and must register the eligible student, on or before September 30 in each year.
 - (a) in accordance with section 13 of the Act, in which case Division 4 of Part 2 of the Act applies, or
 - (b) with a Francophone school that is operating in the prescribed area in which the eligible student resides.
- (2) Despite section 13 (4) of the Act, a parent does not commit an offence if that parent complies with subsection (1) (b).
- (3) If a parent wishes to register the eligible student with a Francophone school in accordance with subsection (1) (b), the Francophone Education Authority having jurisdiction over the Francophone school must ensure that the Francophone administrative officer of the Francophone school registers the eligible student.
- (4) A Francophone school that registers an eligible student under this section must provide the eligible student with access to educational services in accordance with this regulation and the enactments referred to in section 17.

Official trustee

6. (1) The Lieutenant Governor in Council may appoint an official trustee to conduct the affairs of a Francophone Education Authority if, in the opinion of the Lieutenant Governor in Council,
- (a) the Francophone Education Authority is in serious financial jeopardy,
 - (b) there is substantial non-compliance with this regulation or any of the enactments referred to in section 17, or
 - (c) there is substantial non-performance of the duties of the Francophone Education Authority.
- (2) On the appointment of an official trustee to conduct the affairs of a Francophone Education Authority, the directors of the Francophone Education Authority cease to hold office.
- (3) The Lieutenant Governor in Council may remove an official trustee and order that elections be held in accordance with the articles of the Francophone Education Authority or may appoint directors to hold office for the Francophone Education Authority until the next annual general meeting of the Francophone Education Authority.

PART 3**FINANCING OF FRANCOPHONE EDUCATION AUTHORITIES****Financing**

7. (1) Subject to an appropriation being made by the Legislature, the minister may provide to a Francophone Education Authority a grant, determined by the minister, for one or more of the following:
- (a) the establishment, maintenance and operation of the Francophone Education Authority;
 - (b) the maintenance and operation of one or more Francophone schools;
 - (c) the delivery and support of Francophone educational programs.
- (2) The minister must, by grant, provide to a Francophone Education Authority that portion of the money provided for the Francophone Education Authority by the federal government that is identified as being for capital expenditures of the Francophone Education Authority.

- (3) A Francophone Education Authority that receives money under subsection (1) must budget, spend and account for that money in accordance with any directions of the minister provided to the Francophone Education Authority.
- (4) A Francophone Education Authority that receives money under subsection (2) must spend that money for capital expenses.
- (5) The minister may from time to time vary a direction provided to a Francophone Education Authority under subsection (3).
- (6) The Minister of Finance and Corporate Relations may determine the manner and frequency of payments of all grants to a Francophone Education Authority under this section.
- (7) On the recommendation of the Minister of Education, the Minister of Finance and Corporate Relations may withhold or reduce a grant payable to a Francophone Education Authority under this regulation, if
 - (a) the duties of the chief executive officer of the Francophone Education Authority are not being discharged satisfactorily,
 - (b) the Francophone Education Authority has not conducted its affairs in accordance with this regulation and the enactments referred to in section 17,
 - (c) each school building or portion of a school building used by the Francophone Education Authority in the prescribed area over which it has jurisdiction, together with its equipment, has not been established or maintained to the satisfaction of the Minister of Education,
 - (d) the board of directors has not transmitted, within the time provided by this regulation or the enactments referred to in section 17 or, if no such time is provided, in a timely fashion, all reports, statements or returns required by the Minister of Education,
 - (e) the operating expenses of the Francophone Education Authority have been reduced during a strike or lockout as defined in the *Labour Relations Code*, or
 - (f) the Francophone Education Authority has not budgeted or spent the moneys provided to it under this regulation in accordance with subsections (3) and (4).

Annual budget

8. (1) On or before March 15 of each year, a Francophone Education Authority must submit to the minister any information that the minister requests respecting revenue or other financial matters.
- (2) The board of directors of a Francophone Education Authority must by bylaw adopt:
- (a) on or before February 28 in a year, the final budget for the Francophone Education Authority for that fiscal year, and
 - (b) on or before April 27 in a year, the preliminary budget for the Francophone Education Authority for the next fiscal year.
- (3) The bylaws referred to in subsection (2) must be in the form specified by the minister and the directors of the Francophone Education Authority must, immediately after adopting a bylaw referred to in subsection (2), send a certified copy of that adopted bylaw to the minister.
- (4) The annual budgets of a Francophone Education Authority referred to in subsection (2) must be in the form specified by the minister and must consist of the following:
- (a) detailed estimates of operating expenses of the Francophone Education Authority for the next fiscal year;
 - (b) detailed estimates of local capital expenses of the Francophone Education Authority for the next fiscal year;
 - (c) detailed estimates of revenue of the Francophone Education Authority for the next fiscal year from all sources;
 - (d) estimates of any surplus operating reserves that the Francophone Education Authority plans to appropriate for the next fiscal year;
 - (e) estimates of any operating deficit that the Francophone Education Authority must fund in the next fiscal year.
- (5) The estimates included in the annual budgets referred to in subsection (4) must not exceed the amount of money provided to the Francophone Education Authority under section 7 plus the local revenues and appropriated operating reserves.
- (6) If a Francophone Education Authority has established a trust fund under section 170 of the Act, as it applies for the purposes of this regulation, any projected deficit in the account for the current fiscal year may be included in the annual budget compiled under subsection (4), unless the terms of the trust fund provide otherwise.

Short term borrowing

9. (1) A Francophone Education Authority must not borrow, except that the Francophone Education Authority may, with the permission of the minister, borrow to meet current operating expenses.
- (2) The Francophone Education Authority must pay out of the money provided to it under section 7 in a fiscal year, any interest charges that are payable in that fiscal year as the result of borrowings under subsection (1).

Designation of expenses

10. The expenses of a Francophone Education Authority must be designated and classified in the records of that Francophone Education Authority in accordance with the requirements of the minister.

Interests in land

11. (1) A Francophone Education Authority may, for educational purposes, including the provision of housing accommodation for eligible students or employees, Francophone Education Authority offices and outdoor activities,
- (a) with the approval of the minister, lease, as lessee, land or land and improvements within or outside of its prescribed area, and
 - (b) subject to the orders of the minister and with the approval of the minister, dispose of a leasehold interest referred to in paragraph (a).
- (2) A Francophone Education Authority, with the minister's prior approval, may enter into an agreement with municipalities or regional districts that are located in or located in part of the Francophone Education Authority's prescribed area or with boards for school districts that are located in the Francophone Education Authority's prescribed area or with other persons for
- (a) the maintenance, operation or joint use of facilities, or
 - (b) contributions to the cost of the maintenance or operation of facilities for the joint use of those facilities by the Francophone Education Authority and one or more of the following that are located in or located in part of the Francophone Education Authority's prescribed area:
 - (i) a municipality;
 - (ii) a regional district;
 - (iii) a board.

- (3) A Francophone Education Authority must not use for a capital expense any money provided to it by the government, other than money identified by the minister as being money provided by the federal government for capital expenses
- (4) A Francophone Education Authority must obtain the approval of the minister before
 - (a) acquiring land or improvements with the money provided to it for capital expenses under subsection (3), and
 - (b) disposing of any land or improvements so acquired.

PART 4

DIRECTORS

Oath of office

12. (1) A person appointed or elected as a director of a Francophone Education Authority must make an oath of office, by oath or solemn affirmation, in the form set out in Schedule D, within the following applicable time limit:
- (a) in the case of a person appointed as a director by the Lieutenant Governor in Council under section 2 (3) or (8), within 45 days after the effective date of the appointment;
 - (b) in the case of a person elected in accordance with the articles of the Francophone Education Authority, within 45 days after the declaration of the results of the election;
 - (c) in the case of a person elected by acclamation in accordance with the articles of the Francophone Education Authority, within 50 days after the declaration of the results of the election.
- (2) Section 59 (2) and (3) of the Act as it applies for the purposes of this regulation applies in respect of the oath referred to in subsection (1) of this section.
- (3) If a person appointed or elected as a director of a Francophone Education Authority does not make the oath required by subsection (1) within the time limit set by that subsection, the office to which that person was appointed or elected is deemed to be vacant and the person is disqualified from holding office as a director until the next election of the directors of the Francophone Education Authority.

Vacancy in office of director

13. (1) If a director of a Francophone Education Authority is continuously absent from meetings of the board of directors of the Francophone Education Authority for a period of 3 consecutive months, unless the absence is because of illness or is with the permission of the board of directors, the office of the director is deemed to be vacant and the person who held the office is disqualified from holding office as a director until the next election of directors of the Francophone Education Authority.
- (2) An office declared vacant under section 83 of the Act, as it applies for the purposes of this regulation, must remain vacant if the decision declaring the office vacant is appealed and no appointment or election to fill the office may be made or held until the earlier of
- (a) the final determination of the matter, and
 - (b) the next election of directors of the Francophone Education Authority.

Articles

14. (1) The articles of a Francophone Education Authority must not be altered other than in accordance with this section.
- (2) The chief executive officer of the Francophone Education Authority must file with the minister a certified copy of each bylaw or resolution that purports to alter the articles of the Francophone Education Authority within 10 days after the passage of the bylaw or resolution.
- (3) The minister may disallow a bylaw or resolution filed under subsection (2) within 60 days after its filing.
- (4) An alteration to the articles referred to in this section comes into force,
- (a) if the bylaw or resolution filed under subsection (2) is approved by the minister, when that approval is given, or
 - (b) if the bylaw or resolution is not approved by the minister, 60 days after the date on which the bylaw or resolution is filed with the minister under subsection (2) unless the bylaw or resolution is disallowed by the minister under subsection (3).

Passage of bylaws and resolutions

15. (1) Bylaws and resolutions not inconsistent with this regulation and the enactments referred to in section 17 may be passed by a Francophone Education Authority and its directors.

- (2) Before it is passed, a bylaw of the board of directors of a Francophone Education Authority must be given 3 distinct readings.
- (3) Subject to subsection (4), at each of the readings of a bylaw, the bylaw must be read in full.
- (4) A reading of a bylaw may, if a written or printed copy of the bylaw is in the possession of each director and is available to each member of the corporation in attendance at the meeting at which the bylaw is to be read, consist of a description of the bylaw by
 - (a) its title, and
 - (b) a summary of its contents.
- (5) The directors must not give a bylaw more than 2 readings at any one meeting unless the directors who are present at the meeting unanimously agree to give the bylaw all 3 readings at that meeting.

Indemnification against proceedings

16. (1) In this section a reference to a director or employee includes a former director or employee.
- (2) The board of directors of a Francophone Education Authority may by bylaw provide that the Francophone Education Authority will indemnify a director or employee of the Francophone Education Authority
- (a) against a claim for damages against a director or employee of the Francophone Education Authority arising out of the performance of his or her duties, or
 - (b) if an inquiry under Part 2 of the *Inquiry Act* or other proceeding involves the administration and conduct of the business of the Francophone Education Authority
- and, in addition, may pay legal costs incurred in proceedings arising out of the claim or inquiry or other proceeding.
- (3) The board of directors of a Francophone Education Authority may, by an affirmative vote of not less than 2/3 of all of the directors of the corporation, cause the Francophone Education Authority to pay
- (a) any sum required to indemnify a director or employee of the Francophone Education Authority if a prosecution arises out of the performance of his or her duties, and
 - (b) costs necessarily incurred.

but the Francophone Education Authority must not pay a fine imposed on a director or employee as a result of his or her conviction.

(4)A Francophone Education Authority must not seek indemnity against a director or employee of the Francophone Education Authority in respect of any action of the director or employee that results in a claim for damages against the Francophone Education Authority, but the Francophone Education Authority may seek indemnity

- (a) against a director or employee if the claim for damages arises out of the gross negligence of the director or employee, or
- (b) against an employee if, in relation to the action that gave rise to the claim for damages, the employee willfully acted contrary to
 - (i) the terms of his or her employment, or
 - (ii) an order of a superior.

PART 5

APPLICATION OF THE SCHOOL ACT

Application of the Act

17. (1) Any orders made by the minister under section 182 of the Act and referred to in Schedule E, any orders in council referred to in Schedule E, any regulations made by the Lieutenant Governor in Council under the Act and referred to in Schedule E, and sections 15 to 21, 24, 25, 26 to 28, 59 (2) to (4), 75 to 83 (1) and (2), 84, 85 (2) to (5), 87 (3) to (5), 88 to 93, 95, 96.1, 99, 102, 103 (1) and (2) (a) to (c), 104, 105, 108 to 112, 115 (1) and (3), 119, 122, 126 (1) (b), 153, 170 (1), (3), (4), (5), (8) and (9), 171 to 180 of the Act apply to a Francophone Education Authority and to eligible students and their parents and for that purpose a reference in those orders, orders in council, regulations or sections to a word or phrase referred to in Column A is to be read as having the meaning shown for that word or phrase in Column B.

Column A

Column B

- | | |
|---------------------------------|--|
| (a) an administrative officer | a Francophone administrative officer |
| (b) an assistant superintendent | the chief executive officer of a Francophone Education Authority |
| (c) a board | subject to subsection (3), a Francophone Education Authority |

(d) children	children who are eligible students
(e) a district	a prescribed area
(f) an educational program	a Francophone educational program
(g) an elector	a member of a Francophone Education Authority
(h) a school	a Francophone school
(i) a school board	a Francophone Education Authority
(j) a school district	a prescribed area
(k) a secretary-treasurer	the chief executive officer of a Francophone Education Authority
(l) a student	a person enrolled in a Francophone educational program provided by a Francophone Education Authority
(m) a superintendent	the chief executive officer of a Francophone Education Authority
(n) a teacher	a Francophone teacher
(o) a trustee	a director of a Francophone Education Authority

(2) Any orders made by the minister under section 182 of the Act and referred to in Schedule F, any orders in council referred to in Schedule F, any regulations made by the Lieutenant Governor in Council under the Act and referred to in Schedule F and sections 4, 6 to 11, 25.1, 96, 97, 98, 100, 101, 103 (2) (d) to (k) and (3), 106 (1) and 191 of the Act apply to a Francophone Education Authority and to eligible students and their parents and for that purpose a reference in those orders, orders in council, regulations or sections to a word or phrase referred to in Column A of subsection (1) is to be read as having the meaning shown for that word or phrase in Column B of that subsection.

(3) The following references to a board are to be read as being references to the board of directors of a Francophone Education Authority:

(a) the references to a board in sections 15 (6) and (7), 78 (1) and (3), 85 (3) and (4), 87 (3) to (5), 88, 89 and 91 of the Act as they apply for the purposes of this regulation;

- (b) the first reference to a board in each of sections 85 (5), 171 (4) and 175 (1) (d) and (2) of the Act as they apply for the purposes of this regulation;
- (c) the second reference to a board in each of subsections (1) and (2) of section 81 of the Act as it applies for the purposes of this regulation;
- (d) the reference to a board in section 11 (3) of the Act as it applies for the purposes of this regulation.
- (4) If, in a provision of an order, an order in council, a regulation or the Act, as that provision applies for the purposes of this regulation, a reference is made to a section of the Act, that reference is, for the purposes of this regulation, deemed to be a reference to that section of the Act as it is to be read under this section.

Accounting procedures under the *School Act*

- 18. For the purposes of this Part, the accounting procedures generally accepted for Francophone Education Authorities in British Columbia are deemed to be the same as the accounting procedures generally accepted for boards in British Columbia.

School medical officer

- 19. A school medical officer appointed for a school district under section 107 of the Act has the same rights, powers and duties in respect of Francophone schools located in the school district as that medical officer has for schools in that district.

Conflicts

- 20. If there is a conflict between this regulation and section 103 (1) of the Act, as it applies for the purposes of this regulation, this regulation prevails.

Schedule A

The prescribed area for the Autorite Scolaire is that portion of the province of British Columbia that comprises the following school districts:

- (a) School District No. 33 (Chilliwack);
- (b) School District No. 34 (Abbotsford);
- (c) School District No. 35 (Langley);
- (d) School District No. 36 (Surrey);
- (e) School District No. 37 (Delta);
- (f) School District No. 38 (Richmond);
- (g) School District No. 39 (Vancouver);
- (h) School District No. 40 (New Westminster);
- (i) School District No. 41 (Burnaby);
- (j) School District No. 42 (Maple Ridge- Pitt Meadows);
- (k) School District No. 43 (Coquitlam);
- (l) School District No. 44 (North Vancouver);
- (m) School District No. 45 (West Vancouver);
- (n) School District No. 61 (Greater Victoria);
- (o) School District No. 62 (Sooke);
- (p) School District No. 63 (Saanich);
- (q) School District No. 65 (Cowichan);
- (r) School District No. 75 (Mission).

Schedule B

ARTICLES

ARTICLES OF _____

PART 1

INTERPRETATION

1. In these articles, unless the context otherwise requires:
 - "address of the authority"** means _____;
 - "auditor"** includes a partnership of auditors;
 - "authority"** means _____;
 - "delegate member"** means a member of the authority elected as a delegate member under Division 2 of Part 3 ;
 - "directors"** means the directors of the authority for the time being;
 - "Francophone ward"** means a ward referred to in the Appendix;
 - "ordinary resolution"** means
 - (a) a resolution passed in general meeting by the delegate members of the authority by a simple majority of the votes cast in person, or
 - (b) a resolution that has been submitted to the delegate members and consented to in writing by 75% of the delegate members who would have been entitled to vote on it in person at a general meeting of the authority; and a resolution so consented to is deemed to be an ordinary resolution passed at a general meeting of the authority;
 - "registered address"** of a member means his or her address as recorded in the register of members;
 - "regulation"** means the Francophone Education Regulation;
 - "special resolution"** means
 - (a) a resolution, passed in general meeting by a majority of not less than 75% of the votes of those delegate members who, being entitled to do so, vote in person,
 - (i) of which not less than 14 days' notice, specifying the intention to propose the resolution as a special resolution, has been given, or

- (ii) if every delegate member entitled to attend and vote at the meeting so agrees, at a meeting of which less than 14 days' notice has been given, or
 - (b) a resolution consented to in writing by every delegate member who would have been entitled to vote on it in person at a general meeting of the authority; and a resolution so consented to is deemed to be a special resolution passed at a general meeting of the authority.
- 2. Words importing the singular include the plural and vice versa.
- 3. The definitions in the regulation and in the *Interpretation Act* on the date that these articles become effective apply to these articles.

PART 2

MEMBERSHIP

- 4. The members of the authority are those individuals who are qualified under the regulation to become members and who have been accepted as members by the authority.
- 5. Every member must comply with these articles.
- 6. The authority must not charge its members any membership dues or other fees or assessments.
- 7. A person ceases to be a member of the authority
 - (a) by delivering his or her resignation in writing to the chief executive officer of the authority or by mailing or delivering it to the address of the authority, or
 - (b) on his or her death.
- 8. Members who are not delegate members are not entitled to attend or to vote at general meetings of the authority but are entitled, in accordance with Part 3, to elect delegate members and directors for the authority.

PART 3

ELECTIONS

Division 1 – Call for Candidates

- 9. The chief executive officer of the authority must, at least 150 days before the date of each annual general meeting, provide notice to all members of the authority of the upcoming annual general meeting and request members who are prepared to stand for election as delegate members or

as directors to declare their intentions within 30 days of their receipt of the notice.

10. Members of the authority, including members who are already serving as delegate members or directors, who are prepared to stand for election as delegate members or directors in wards in which elections for those offices are to be held must, at least 120 days before the annual general meeting, provide to the chief executive officer a written statement, signed by the member, by which the member agrees to stand for election as delegate member or director and identifies the ward in which that member is prepared to stand for that election.

Division 2 – Delegate Member Elections

11. The members resident in a Francophone Ward referred to in Column A are, in the aggregate, entitled to elect from among themselves the number of delegate members shown opposite that ward in Column B.

Column A	Column B
Greater Vancouver Ward	4
Fraser Valley Ward	2
Vancouver Island North Ward	3
Vancouver Island South Ward	2
Okanagan-Columbia-Northern British Columbia Ward	4

12. A delegate member elected under section 11 is entitled to attend and vote at any general meeting of the authority.
13. (1) At least 90 days before the annual general meeting, the chief executive officer must,
- (a) in respect of a ward for which the number of candidates who have declared themselves willing to stand for election as delegate members does not exceed the number of delegate members to be elected in that ward, declare that those candidates are elected as delegate members in that ward, or
 - (b) in respect of a ward for which the number of candidates for delegate members exceeds the number to be elected, mail to each member resident in the ward
 - (i) a ballot paper containing, in alphabetical order, the names of all candidates for delegate members in the ward in which the member is entitled to vote and stating

- the number of delegate members to be elected in that ward,
- (ii) instructions respecting the marking of the ballot paper and of its return to the authority,
 - (iii) a ballot envelope,
 - (iv) a declaration, and
 - (v) a mailing envelope.
- (2) The accidental omission to mail the material referred to in subsection (1) to any member or the non-receipt of the material does not invalidate an election.
 - (3) A member who votes
 - (a) must vote in accordance with the instructions enclosed with the ballot paper, and
 - (b) may vote for any number of candidates up to the number to be elected in the ward in which the member is entitled to vote.
 - (4) The chief executive officer may issue a replacement ballot paper to a member who informs the chief executive officer in writing that the original ballot paper has been misplaced or spoiled or was not received.
 - (5) The chief executive officer may issue a new set of ballot materials to a member who informs the chief executive officer in writing that the original ballot material sent to the member relates to a ward other than the one in which the member is entitled to vote.
 - (6) A member who has voted must
 - (a) place the ballot paper in the ballot envelope and seal the envelope,
 - (b) complete the declaration and sign it,
 - (c) place the sealed ballot envelope and the signed declaration in the mailing envelope and seal the mailing envelope, and
 - (d) deliver, or mail postage prepaid, the mailing envelope to the chief executive officer so that the ballot paper is received by the chief executive officer at least 60 days before the annual general meeting.
14. (1) A ballot paper must be rejected if it
- (a) contains, or is enclosed in an envelope that contains, a marking that could identify the voter,

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- (b) contains votes for more candidates than the number to be elected in that ward.
 - (c) is dissimilar to those issued by the chief executive officer, or
 - (d) is received by the chief executive officer later than the date required under section 13.(6)(d).
- (2) A vote is void if it
- (a) is for a person other than a candidate whose name appears on the ballot paper as printed by the authority, or
 - (b) is ambiguous or unclear as to the candidate voted for.
15. The chief executive officer or a person appointed by the chief executive officer must supervise the counting of votes according to the following procedure:
- (a) each member who votes must be crossed off the voters list and all the ballot papers of a voter who submits more than one ballot paper must be rejected;
 - (b) each voter declaration must be read and the ballot paper of a voter who has not completed and signed the declaration correctly must be rejected;
 - (c) the ballot envelopes containing ballot papers must be separated by ward and mixed to prevent identification of voters;
 - (d) for each ward the ballot envelopes must be opened and the ballot papers removed;
 - (e) valid ballot papers must have all votes that are not void counted and recorded.
16. (1) The chief executive officer must declare elected the candidate or candidates who receive the greatest number of votes, up to the number of delegate members to be elected in each ward.
- (2) If not all candidates who are to be elected in a ward can be determined because of an equality of votes, the chief executive officer must
- (a) write on identical cards the name of each candidate whose election cannot be determined because of an equality of votes,
 - (b) place all the cards into a ballot box.
 - (c) draw from the ballot box by chance the number of cards necessary to make up the required number of delegate members from that ward, and

- (d) declare elected the candidate or candidates named on the card or cards drawn.
17. Promptly after determining which of the candidates have been elected as delegate members for a ward, and, in any event, no later than 45 days before the annual general meeting, the chief executive officer must notify each candidate of the outcome of the election and must provide to the newly elected delegate members
- (a) notice in writing of their election and of their entitlement to attend and vote at the upcoming annual general meeting, and
 - (b) notice of the annual general meeting in accordance with section 28.
18. A delegate member's term of office begins on the date of the annual general meeting in respect of which the delegate member was elected and expires on the day before the next following annual general meeting.
19. If a delegate member ceases to hold that office for any reason before the expiry of the delegate member's term of office, the directors must promptly appoint a member resident in the ward in which the vacating delegate member was elected to replace the vacating member for the balance of the vacating member's term.

Division 3 – Election of Directors

20. The members resident in a Francophone Ward referred to in Column A of section 11 are, in the aggregate, entitled to elect from among themselves one director.
21. (1) Sections 13 to 16 apply with the necessary changes and so far as is applicable to the election of directors.
- (2) Elections held under this Part must not include an election for a director for a ward unless the term of office of the director holding office for that ward will expire on the date of the annual general meeting that follows those elections.
22. Within 15 days after determining which of the candidates have been elected as directors, the chief executive officer must notify the Minister of Education and the candidates of the outcome of the election and must notify the president of the identity of the newly elected directors and the president, or in the absence of the president, the vice president, or in the absence of both, the chief executive officer must, no later than 45 days before the annual general meeting,
- (a) call a meeting of the directors to be held no later than 30 days before the date of the annual general meeting and

- (b) provide or cause to be provided to the newly elected directors
 - (i) notice in writing of their election and of their entitlement to attend and vote at the upcoming directors' meeting.
 - (ii) notice of the directors' meeting, and
 - (iii) notice of the annual general meeting in accordance with section 28.

Division 4 – Election Review

- 23. A candidate who is not elected under this Part and who alleges that he or she should have been elected may, not more than 10 days after receiving notice of the outcome of the election, apply to court for an order declaring the applicant to be elected in place of the candidate declared by the chief executive officer to be elected under section 16 or 21, as the case may be.
- 24. The voting papers and other documents of an election must be retained by the chief executive officer for at least 14 days after the date on which the candidates are notified of the outcome of the election or if an application is made to court under section 23 until that application, including all appeals from it, is concluded.

PART 4

MEETINGS OF MEMBERS

- 25.
 - (1) General meetings of the authority must be held in accordance with the regulation at the time and place the directors decide.
 - (2) The directors must set the date of each annual general meeting and must notify the chief executive officer of the date so set at least 180 days before that date.
- 26. Every general meeting, other than an annual general meeting, is an extraordinary general meeting.
- 27. The directors may, when they think fit, convene an extraordinary general meeting.
- 28.
 - (1) Not less than 14 days' notice of a general meeting must be given in writing to each director and to each delegate member at that member's registered address.
 - (2) Notice of a general meeting must specify the place, day and hour of the meeting, and, in case of special business, the general nature of that business.

- (3) The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any of the directors or delegate members entitled to receive notice does not invalidate proceedings at that meeting.
 - (4) All directors and delegate members of the authority entitled to attend and vote at a general meeting may, by unanimous vote at the meeting or by unanimous consent in writing given before, during or after the meeting, waive or reduce the period of notice of the meeting.
 - (5) A director or delegate member may participate and vote in a general meeting by telephone or other means of communication if all participants at the meeting are able to communicate with each other.
 - (6) A director or delegate member who votes at a general meeting in a manner contemplated by subsection (5) is deemed, for the purposes of this Act, to vote in person at the meeting.
29. The first annual general meeting of the authority must be held not more than 15 months after the appointment by the Minister of Education of the first directors of the authority and, after that, an annual general meeting must be held at least once in every school year and not more than 15 months after the holding of the last preceding annual general meeting.

PART 5

PROCEEDINGS AT GENERAL MEETINGS

30. Special business is
- (a) all business at an extraordinary general meeting except the adoption of rules of order, and
 - (b) all business transacted at an annual general meeting, except
 - (i) the adoption of rules of order,
 - (ii) the consideration of the financial statements,
 - (iii) the report of the directors,
 - (iv) the report of the auditor,
 - (v) the election of directors,
 - (vi) the appointment of the auditor, if required, and
 - (vii) the other business that, under these articles, ought to be transacted at an annual general meeting, or business that is brought under consideration by the report of the directors issued with the notice convening the meeting.

31. (1) No business, other than the election of a chair and the adjournment or termination of the meeting, may be conducted at a general meeting unless a quorum is present.
(2) If at any time during a general meeting there ceases to be a quorum present, business then in progress must be suspended until there is a quorum present or until the meeting is adjourned or terminated.
(3) A quorum is 3 delegate members present or such greater number as the delegate members may determine at a general meeting.
32. (1) If, within 30 minutes from the time appointed for a general meeting, a quorum is not present, the meeting must stand adjourned to the same day in the next week, at the same time and place.
(2) If, at an adjourned meeting referred to in subsection (1), a quorum is not present within 30 minutes from the time appointed for the meeting, the delegate members present constitute a quorum.
33. Subject to section 34, the president or in that individual's absence, the vice president, or in the absence of both, one of the other directors present, must preside as chair of a general meeting.
34. The delegate members present at a general meeting must choose one of their number to be chair of the meeting if
 - (a) there is no president, vice president or director present within 15 minutes after the time appointed for the holding of the meeting, or
 - (b) the president, the vice president and all the other directors present are unwilling to chair the meeting.
35. (1) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
(2) When a meeting is adjourned for 10 days or more, notice of the adjourned meeting must be given as in the case of the original meeting.
(3) Except as provided in this section, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned general meeting.
36. (1) No resolution proposed at a meeting needs to be seconded and the chair of a meeting may move or propose a resolution.

- (2) In case of an equality of votes, the chair does not have a casting or second vote in addition to the vote to which he or she may be entitled as a delegate member and the proposed resolution does not pass.
- 37. (1) A delegate member present at a general meeting is entitled to one vote.
- (2) Voting is by show of hands.
- (3) Voting by proxy is not permitted.

PART 6

DIRECTORS AND OFFICERS

- 38. (1) The directors may exercise all the powers and do all the acts and things that the authority may exercise and do and that are not by these articles or by the regulation or otherwise lawfully directed or required to be exercised or done by the authority in general meeting, but subject, nevertheless, to
 - (a) all laws affecting the authority,
 - (b) these articles, and
 - (c) rules, not being inconsistent with these articles, that are made from time to time by the authority in general meeting.
- (2) No rule, made by the authority in general meeting, invalidates a prior act of the directors that would have been valid if that rule had not been made.
- 39. The number of directors must be 5 or such other number as may be set out in the regulation.
- 40. (1) Subject to subsection (2), the term of office of a director is 2 years, beginning on the date of the annual general meeting in respect of which the director is elected and ending on the date of the second annual general meeting following the annual general meeting in respect of which the director was elected.
- (2) The first directors elected by members in the Fraser Valley Ward, the Vancouver Island South Ward and the Okanagan-Columbia-Northern British Columbia Ward are elected for a term ending on the date of the first annual general meeting to follow the annual general meeting in respect of which they were elected and the first directors elected by members in the Greater Vancouver Ward and the Vancouver Island North Ward are elected for a term ending on the date of the second annual general meeting to follow the annual general meeting in respect of which they were elected.

41. (1) If a director ceases to hold that office for any reason before the expiry of the director's term of office, the remaining directors must promptly appoint a member resident in the ward in which the vacating director was elected to replace the vacating director for the balance of the vacating director's term.
- (2) A director appointed under subsection (1) holds office for the unexpired portion of the term of the director he or she replaces.
- (3) No act or proceeding of the directors is invalid only by reason of there being in office fewer than the number of directors required under section 39.
42. If, by the end of a director's term of office, a successor for that director has not been elected in accordance with Division 3 of Part 3, the Minister of Education may appoint a person to hold that office for the term for which a successor would have been elected.

PART 7

PROCEEDINGS OF DIRECTORS

43. (1) The directors may meet together at the places they think fit to dispatch business, adjourn and otherwise regulate their meetings and proceedings, as they see fit.
- (2) At the first meeting of directors held in accordance with section 22 (a), the directors must elect from among themselves a president and a vice president.
- (3) The president is the chair of all directors' meetings, other than meetings of committees of directors, but if, at a directors' meeting, the president is not present within 30 minutes after the time appointed for the holding of the meeting, the vice president is to act as chair of the meeting and, in the absence of both the president and the vice president within that time, the directors present at the meeting must elect from among themselves an individual to act as the chair of the meeting.
- (4) A director may participate in a meeting of directors or of a committee of directors by telephone or other means of communication if all participants at the meeting are able to communicate with each other and a director so participating is for the purposes of these articles and all other purposes, including without limitation, for the purposes of determining whether a quorum is present at the meeting, deemed to be in attendance at the meeting.

- (5) The directors may from time to time fix the quorum necessary to transact business and unless so fixed the quorum is a majority of the directors then in office.
- (6) A director may at any time, and the chief executive officer, on the request of a director, must, convene a meeting of the directors
- 44. (1) The directors may delegate any, but not all, of their powers to committees consisting of the director or directors they think fit.
- (2) A committee so formed must, in the exercise of the powers so delegated, conform to any rules imposed on it by the directors and must report every act or thing done in the exercise of those powers to the earliest meeting of the directors to be held next after it has been done.
- 45. The directors comprising a committee must, for a meeting of the committee, elect from among themselves a chair of the meeting.
- 46. The members of a committee may meet and adjourn as they think proper.
- 47. (1) For the first meeting of directors held immediately following the appointment or election of a director, it is not necessary to give notice of the meeting to the newly elected or appointed director for the meeting to be constituted, if a quorum of the directors is present.
- (2) A director who may be absent temporarily from British Columbia may, by letter, telegram, facsimile transmission, telex or cable, send or deliver to the address of the authority a waiver of notice of any meeting of the directors and may at any time withdraw the waiver, and until the waiver is withdrawn,
 - (a) no notice of meetings of directors needs to be sent to that director, and
 - (b) any and all meetings of the directors of the authority, notice of which has not been given to that director are, if a quorum of the directors is present, valid and effective.
- 48. (1) Questions arising at a meeting of the directors or of a committee of directors must be decided by a majority of votes.
- (2) In case of an equality of votes, the chair does not have a second or casting vote.
- 49. No resolution proposed at a meeting of directors or of a committee of directors needs to be seconded and the chair of the meeting may move or propose a resolution.
- 50. A resolution in writing, signed by all the directors and placed with the minutes of the directors, is as valid and effective as if regularly passed at a meeting of directors.

PART 8**SEAL**

51. The directors may provide a common seal for the authority and may destroy a seal and substitute a new seal in its place.
52. The common seal may be affixed only when authorized by a resolution of the directors and then only in the presence of the persons described in the resolution, or if no persons are described, in the presence of the president.

PART 9**NOTICES TO MEMBERS**

53. A notice may be given to a member, either personally or by mail, at that person's registered address.
54. A notice sent by mail is deemed to have been given on the second day following the day on which the notice is posted and, in proving that notice has been given, it is sufficient to prove the notice was properly addressed and put in a Canadian post office receptacle.
55. (1) Notice of a general meeting must be given to
 - (a) every member who is a director or a delegate member on the day notice is given, and
 - (b) the auditor.(2) Subject to sections 17 and 22, no other person is entitled to receive a notice of general meeting.

PART 10**COPIES OF ARTICLES**

56. On being admitted to membership, each member is entitled to and the authority must, on request, give him or her, without charge, a copy of these articles.

APPENDIX

1. The Francophone wards comprise the following school districts:

Greater Vancouver Ward

- (a) School District No. 36 (Surrey)
- (b) School District No. 37 (Delta)
- (c) School District No. 38 (Richmond)
- (d) School District No. 39 (Vancouver)
- (e) School District No. 40 (New Westminster)
- (f) School District No. 41 (Burnaby)
- (g) School District No. 43 (Coquitlam)
- (h) School District No. 44 (North Vancouver)
- (i) School District No. 45 (West Vancouver)

Fraser Valley Ward

- (a) School District No. 32 (Hope)
- (b) School District No. 33 (Chilliwack)
- (c) School District No. 34 (Abbotsford)
- (d) School District No. 35 (Langley)
- (e) School District No. 42 (Maple Ridge-Pitt Meadows)
- (f) School District No. 75 (Mission)
- (g) School District No. 76 (Agassiz-Harrison)

Vancouver Island North Ward

- (a) School District No. 46 (Sunshine Coast)
- (b) School District No. 47 (Powell River)
- (c) School District No. 48 (Howe Sound)
- (d) School District No. 64 (Gulf Island)
- (e) School District No. 66 (Lake Cowichan)
- (f) School District No. 68 (Nanaimo-Ladysmith)
- (g) School District No. 69 (Qualicum)
- (h) School District No. 70 (Alberni)
- (i) School District No. 71 (Courtenay)

- (j) School District No. 72 (Campbell River)
- (k) School District No. 84 (Vancouver Island West)
- (l) School District No. 85 (Vancouver Island North)

Vancouver Island South Ward

- (a) School District No. 61 (Greater Victoria)
- (b) School District No. 62 (Sooke)
- (c) School District No. 63 (Saanich)
- (d) School District No. 65 (Cowichan)

Okanagan-Columbia-Northern British Columbia

- (a) School District No. 1 (Fernie)
- (b) School District No. 2 (Cranbrook)
- (c) School District No. 3 (Kimberley)
- (d) School District No. 4 (Windemere)
- (e) School District No. 7 (Nelson)
- (f) School District No. 9 (Castlegar)
- (g) School District No. 10 (Arrow Lakes)
- (h) School District No. 11 (Trail)
- (i) School District No. 12 (Grand Forks)
- (j) School District No. 13 (Kettle Valley)
- (k) School District No. 14 (Southern Okanagan)
- (l) School District No. 15 (Penticton)
- (m) School District No. 16 (Keremeos)
- (n) School District No. 17 (Princeton)
- (o) School District No. 18 (Golden)
- (p) School District No. 19 (Revelstoke)
- (q) School District No. 21 (Armstrong-Spallumcheen)
- (r) School District No. 22 (Vernon)
- (s) School District No. 23 (Central Okanagan)
- (t) School District No. 24 (Kamloops)
- (u) School District No. 26 (North Thompson)

- (v) School District No. 27 (Cariboo-Chilcotin)
- (w) School District No. 28 (Quesnel)
- (x) School District No. 29 (Lillooet)
- (y) School District No. 30 (South Cariboo)
- (z) School District No. 31 (Merritt)
- (aa) School District No. 49 (Central Coast(Ocean Falls))
- (bb) School District No. 50 (Haida Gwaii/Queen Charlotte)
- (cc) School District No. 52 (Prince Rupert)
- (dd) School District No. 54 (Bulkley Valley)
- (ee) School District No. 55 (Burns Lake)
- (ff) School District No. 56 (Nechako)
- (gg) School District No. 57 (Prince George)
- (hh) School District No. 59 (Peace River South)
- (ii) School District No. 60 (Peace River North)
- (jj) School District No. 77 (Summerland)
- (kk) School District No. 80 (Kitimat)
- (ll) School District No. 81 (Fort Nelson)
- (mm) School District No. 86 (Creston-Kaslo)
- (nn) School District No. 87 (Stikine)
- (oo) School District No. 88 (Terrace)
- (pp) School District No. 89 (Shuswap)
- (qq) School District No. 92 (Nisga'a)

Schedule C

AFFIRMATION

I, _____, do swear/ affirm that

- (a) I am a citizen of Canada,
- (b) I reside in British Columbia, and
- (c) the following provision or provisions apply:

my first language learned and still understood is French. *[delete if inapplicable]*

I received my primary school instruction in Canada in French. *[delete if inapplicable]*

a child of mine has received primary or secondary school instruction in Canada in French. *[delete if inapplicable]*

a child of mine is receiving primary or secondary school instruction in Canada in French. *[delete if inapplicable]*

SWORN/ AFFIRMED BEFORE ME

at _____, British Columbia,

this _____ day of _____, _____.

A commissioner for taking affidavits
for British Columbia

Schedule D

Oath of Office

I, _____, do [swear][solemnly affirm] that:

I am qualified to hold office as a director in the Francophone Education Authority and meet the director qualification requirements set out in the Francophone Education Regulation;

I have not knowingly contravened the articles of the Francophone Education Authority in relation to my election as a director;

I will abide by the Francophone Education Regulation and the articles of the Francophone Education Authority and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters;

I will comply with the requirements of the Francophone Education Regulation that relate to conflict of interest and, in particular, I will comply with the requirements relating to disclosure of pecuniary and indirect pecuniary interest in a matter.

SWORN/ AFFIRMED BEFORE ME

at _____, British Columbia,

this _____ day of _____, _____.

A commissioner for taking affidavits
for British Columbia

Schedule E

1. - The following ministerial orders apply for the purposes of section 17 (1):
 - (a) Provincial Fees Order, M140/89;
 - (b) School and Student Data Collection Order, M152/89;
 - (c) School Bus Order, M138/89;
 - (d) School District Annual Report Order, M156/94;
 - (e) Student Records Disclosure Order, M14/91;
 - (f) Support Services for Schools Order, M149/89;
 - (g) any order made by minister after the coming into force of this Schedule unless the order expressly states that it does not apply.
2. The following orders in council apply for the purposes of section 17 (1):
 - (a) Board Insurance Order, OIC 1390/87;
 - (b) Board of Examiners Order, OIC 793/94;
 - (c) Designation Order, OIC 2162/86;
 - (d) any order in council made after the coming into force of this Schedule that is expressly stated to apply.
3. Every regulation made under the *School Act* after the coming into force of this Schedule applies under section 17 (1) unless the regulation expressly states that it does not apply.

Schedule F

1. The following ministerial orders apply for the purposes of section 17 (2):
 - (a) Correspondence Education Order, M141/89;
 - (b) Designation of Purpose for Non-instructional Days Order, M122/93;
 - (c) Educational Program Guide Order, M165/93;
 - (d) General Requirements for Graduation from an Educational Program Order, M145/90;
 - (e) Graduation Requirements Order, M205/95;
 - (f) Investigation by Superintendent Order, M151/89;
 - (g) Local Programs Order, M147/89;
 - (h) Permanent Student Record Order, M190/91;
 - (i) Preapprenticeship, Career Preparation and Work Study/ Work Experience Programs Order, M139/89;
 - (j) Provincial Letter Grades Order, M192/94;
 - (k) Required Areas of Study in an Educational Program Order, M285/95;
 - (l) School Board Fees Order, M125/90;
 - (m) Special Needs Students Order, M150/89;
 - (n) Student Learning Assessment Order, M160/94;
 - (o) Student Progress Report Order, M191/94;
2. The following regulations apply for the purposes of section 17 (2):
 - (a) School Accreditation Regulation, BC Reg. 256/94;
 - (b) School Calendar Regulation, BC Reg. 189/93;
 - (c) sections 1, 3 to 7, 9, 10, 12 and 13 of and the Appendix to the School Regulation, BC Reg. 265/89;
3. The Work Study-Work Experience Order, OIC 3147/74 applies for the purposes of section 17 (2).



Province of
British Columbia

NEWS RELEASE

MINISTRY OF EDUCATION AND
MINISTRY RESPONSIBLE FOR
MULTICULTURALISM AND HUMAN RIGHTS
NR37-92

FOR IMMEDIATE RELEASE

December 22, 1992
THIS RELEASE IS
EMBARGOED UNTIL 3 P.M.

FRANCOPHONE SCHOOL GOVERNANCE PLANNED FOR B.C.

VICTORIA-- The Government of British Columbia is planning to establish a single francophone school district and board of school trustees to govern minority language education in B.C. by 1995, subject to federal government funding.

"It is clear that we have a constitutional obligation to provide for francophone governance based on the 1989 *Mahe v Alberta* decision in the Supreme Court of Canada," said Education Minister Anita Hagen.

"Most Canadian provinces have already implemented francophone school governance or are in the process of examining legislation with a view to do so. Our plan is consistent with what is happening across Canada.

"However, our ability to establish a district at this time is contingent on federal support."

In March, 1989, a British Columbia court challenge was launched based on Section 23 of the *Canadian Charter of Rights and Freedoms*. Francophone parents and groups contended that the province and two public school boards had infringed on the right to have children educated in French.

Under the terms of an agreement reached between the Ministry of Attorney General and the plaintiffs, the B.C. Minority Language Education Task Force was formed. (The task force included trustees, school superintendents, secretary-treasurers, principals, teachers, and representatives of the francophone community and the provincial government.)

The task force delivered its report to the Ministry of Education and the report was released to the public for response in February, 1992.

Although the report recommended the establishment of three francophone school boards, the analysis of public submissions and further discussions with representatives of the francophone community resulted in the recommendation for a single francophone board and district.

(More)

BACKGROUNDER
CROSS-CANADA GOVERNANCE UPDATE

Province	Governance	Other Action
Alberta	Pending - Spring 1993	Bill has received second reading
Manitoba	Limited	
New Brunswick	Yes	
Newfoundland	No	Committee set up to make recommendations
Northwest Territories	No	Legal proceedings initiated
Nova Scotia	Yes	
Ontario	Yes	
Prince Edward Island	Yes	
Quebec	Yes	
Saskatchewan	Pending - Spring 1993	Second reading
Yukon Territory	Yes	



Province of
British Columbia

NEWS RELEASE

Province de la Colombie-Britannique

Communiqué

Ministère de l'Éducation et
Ministère responsable du Multiculturalisme
et des Droits de la personne

Pour diffusion immédiate
12 h 00

NR06-92

le 21 février 1992

Diffusion du rapport du Comité spécial sur l'éducation en langue minoritaire officielle en Colombie-Britannique

Victoria - La ministre de l'éducation Mme Anita Hagen rendra public aujourd'hui le rapport du Comité spécial afin de recueillir les commentaires de la population. Ce rapport propose des dispositions afin que la province puisse endosser ses responsabilités constitutionnelles qui sont d'offrir l'éducation en français aux francophones.

Le Comité spécial sur l'éducation en langue minoritaire officielle a été mis sur pied en mai 1990. Il regroupait des membres de la communauté francophone et du gouvernement provincial. Faisant également partie du Comité: des conseillers scolaires, des directeurs généraux, des directeurs et des directeurs adjoints des écoles, des secrétaires-trésoriers et des professeurs. Ces membres ont été choisis en raison de leurs connaissances et de leur expérience; ils ne représentaient pas nécessairement leurs organismes respectifs.

Ce rapport a été présenté au gouvernement provincial en mai 1991, mais aucune mesure ne fut prise par l'administration qui était en fonction à cette époque.

"Chaque province a la responsabilité constitutionnelle de considérer la question de l'éducation en français pour les élèves francophones," affirme Mme Hagen. La Cour suprême du Canada a renforcé cet énoncé lors de l'affaire Mahé c. Alberta en 1990.

"Toutes les autres provinces ont considéré ou ont mis en oeuvre des dispositions afin de respecter leurs obligations. Le Comité spécial a élaboré des recommandations et des directives précises, lesquelles devraient permettre à la Colombie-Britannique d'assumer ses responsabilités."