

## **QCGN applauds Appeal Court ruling upholding challenge of school-board law**

### **FOR IMMEDIATE RELEASE**

**Montreal, Thursday, April 3** – The Quebec Community Groups Network is delighted to see that the Quebec Court of Appeal has firmly upheld its position that, under the Canadian Charter of Rights and Freedoms, the English-speaking community of Quebec has the right to manage and govern its schools and maintain its school boards.

“This is a very important case for our community, a case that goes to fundamental rights expressed in the Charter,” said Eva Ludvig, President of the QCGN. “As intervenors in this Bill 40 appeal, we are heartened to see our arguments supported by the Court of Appeal so clearly and hope, of course, that this will settle the question.

“Of course it is up to the parties to decide whether this sound decision will be appealed,” Ludvig said, “but we do note that the Quebec government, which brought this appeal in the first place, is on record as saying the Supreme Court of Canada has no business interfering in matters of Quebec legislation.”

Brought forward in early 2020, Bill 40 fundamentally reshaped how public schools are governed in Quebec. Among other things, it abolished elected school boards and created centralized service centres in their stead. This, English school boards had argued, ran afoul of Section 23 of the Canadian Charter of Rights and Freedoms, which gives Official Language Minority Communities the right to manage and control their educational institutions. The Court of Appeal agreed.

The English school boards obtained an injunction to keep pre-Bill 40 school boards in place, pending a court ruling and then won an August 2023 decision of the Quebec's Superior Court that declared significant portions of Bill 40 unconstitutional. That decision was subsequently appealed by the government.

“The QCGN sought and was granted intervenor status in the appeal,” said QCGN Director General Sylvia Martin-Laforge. “At the heart of our submission was the principle that although Section 23 grants rights to individuals, those rights are inherently collective in nature. That means individuals can only meaningfully exercise their rights to manage and control education by participating in communal structures, such as school boards. We are gratified to see the Court accept that argument so wholeheartedly.”

“The QCGN had reminded the Court that although Quebec has broad authority over education, that authority is not limitless,” Ludvig said. “Provincial education laws must uphold the guarantees of Section 23, and if a law interferes with minority-language rights, the burden is on the province to justify it under Section 1 of the Charter – and that is a high bar to meet. This is why today’s ruling is such a landmark win for our community.”

The Quebec Community Groups Network ([www.qcgn.ca](http://www.qcgn.ca)) is a not-for-profit organization bringing together English-language community organizations and individuals across Quebec. Its mission is to identify, explore, and address strategic issues affecting the development and vitality of English-speaking Quebec and to encourage dialogue and collaboration.

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