Access to Justice in English in Quebec

SCHOOLS, RIGHTS, AND COMMUNITY

MINORITY LANGUAGE EDUCATION RIGHTS IN QUEBEC

Report and Recommendations

November 25, 2026

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Lead authors

This report was prepared by TALQ's Access to Justice team:

Daniella Akat, Legal and Policy Researcher

Elena Kennedy, Access to Justice Project Manager and Senior Legal Researcher

Me Gerry Sklavounos, Jr., Senior Advisor, Legal Affairs

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For media and other questions:

Media: Geneviève Grenier (genevieve.grenier@talq.ca)

Other: Elena Kennedy (elena.kennedy@talq.ca)

01. EXECUTIVE SUMMARY

This report examines access to official language minority education in Quebec through the lens of section 23 of the Canadian Charter of Rights and Freedoms, and how English-speaking communities experience that right in Quebec today. Educational institutions are one of the main vectors of transmission of culture and identity to the next generations.

Section 23 is the cardinal constitutional guarantee that structures the vitality, continuity, and institutional strength of Quebec's English-speaking community.

Section 23 is often understood narrowly as a right held by certain parents to have their children educated in English. This report will properly frame the right as grounded in the jurisprudence of the Supreme Court of Canada: section 23 is a collective, remedial, and unifying right. Its purpose is not only to provide instruction in a minority language, but to ensure the preservation and development of minority language communities as living, evolving, social, and cultural entities. In this sense, education is about cultural transmission, continuity, and community survival.

The English-speaking community of Quebec has developed within a distinct educational trajectory. From the denominational school system, in which non-Catholic and immigrant populations were largely integrated into Protestant (and later English-language) institutions, emerged a model of education grounded in diversity and pluralism. This history continues to shape how the community understands inclusion, secularism, and the role of schools as institutions that belong to, and are governed by, the community itself.

Our research methodology includes an investigation of the issue along three main lines of inquiry: a review of the legal and policy framework; outreach to obtain the opinions of organizations and legal experts on how these rules work in practice; and firsthand population sentiment obtained by a representative survey of 1,006 English-speaking Quebecers.

This report finds that, despite strong constitutional protection, the practical exercise of section 23 rights is increasingly constrained. Barriers include lack of awareness and access to information, administrative complexity, lack of access to English-language schools, and persistent inequalities. More significantly, recent legislative developments (including Bills 40, 21, 94, 84, 96, and the proposed constitutional framework under Bill 1) reflect a broader shift toward an attempt to interpret section 23 asymmetrically: narrowing its scope in Quebec while preserving protections for French-speaking minorities in other Canadian provinces and territories.

These legislative developments affect not only access to schooling, but the core components of section 23 identified by the Supreme Court: management and control, institutional completeness, and community vitality. They influence who can teach, how institutions are governed, who feels welcome within them, and how education connects to postsecondary pathways and community life. They also risk weakening the relationship between the English-speaking community and the federal government, which serves as the constitutional guarantor of minority language rights.

The perception in the community would suggest that the pressure of these combined measures is having an impact on parents as they determine what the course of action is for their child's future. This is particularly evident in the case where minority language rights exist but are not being exercised for fear that the quality of French language instruction or professional prospects might be limited or compromised in the current state of affairs. This could represent as many as 30% of rightsholders who are making a strategic decision to have their children attend French schools.

The impacts extend across generations. Schools function as community anchors, particularly in parts of Quebec with small English-speaking populations; as such, their weakening has consequences for identity, belonging, economic opportunity, and demographic sustainability. Further, the detrimental impacts of restrictions on English-language education are compounded for vulnerable groups, including newcomers, racialized communities, and students with disabilities.

This report argues that current trends affecting English-language education must be understood as part of a broader shift with implications for the

future vitality of the English-speaking community in Quebec. Section 23 does not merely protect a language of instruction. It protects the conditions necessary for a minority community to exist, to reproduce itself, and to contribute to the broader Canadian project, which is fundamentally bicultural and pluralistic in nature.

The results of this Project's population survey suggest that the risks identified are materializing. In the survey commissioned for this report, 78% of parents of eligible students responded that their children attended English-language schools. This percentage masks regional variability. In the Montreal region, 82% of eligible children attended an English-language school in 2021. However, in some regions, as few as one-quarter (25%) of eligible children attend an English-language school. Since these children will likely lose their rights under section 23, this gap risks causing a long-term decline in the vitality of regional English-speaking communities.

For minority language educational schools to continue to thrive and ensure the vitality of the English-speaking community of Quebec, its educational institutions will have to do more than survive; they will have to compete. This competition lies in the strengthening of their French immersion program in order to reassure those parents seeking a smooth integration into a professional environment dominated in large part by the French language, and into the majority community, in spite of the evident advantage of personal bilingualism.

02. INTRODUCTION

"Language is more than a mere means of communication; it colors the meaning of expression. It is a means by which people express cultural identity."

– The Right Honourable Robert George Brian Dickson, *Mahé v.* Alberta (1990)

Minority language schools are the most significant institutions of minority language communities throughout Canada: they are the glue that holds communities together and ensure their protection and vitality. They are the most important way to ensure the preservation, transmission, and reproduction of the community's culture across generations.

TALQ received funding from the Department of Justice Canada's Access to Justice in Both Official Languages Support Fund to research how English-speaking Quebecers understand their rights under the *Canadian Charter of Rights and Freedoms* (the "Charter"), and how their rights are faring. As the Access to Justice in English in Quebec team began its work, its initial research and consultations with community stakeholders revealed that section 23 provides the central organizing principle behind the existence of the English-speaking community.

Section 23 is the cardinal right of the English-speaking community, and as such it became the focus of this project.

A BRIEF HISTORY OF DENOMINATIONAL EDUCATION IN QUEBEC

The fear of the extinction of minority language communities weighed heavily on the drafters of the Charter. As a result, section 23 was included in the Charter to protect the right to minority language education. Before the Charter came into force in 1982, each province decided on its own what the language of instruction would be in public schools.[1] There was no Canada-wide guarantee that children could study in a minority official language. The French-speaking and English-speaking minorities across the country often had to fight to keep their schools open, or to have any schooling at all in their language.

Quebec's education system was historically split between a Catholic and a Protestant system.[2] At the time, segregation was deemed advisable. The *Constitution Act, 1867* reflected a balancing act between two objectives: to unify the Canadian federation, and to give provinces jurisdiction over matters impacting their identity, including education. It gave provinces jurisdiction over education, while also providing constitutional protection for denominational (Catholic or Protestant) schools. However, for much of its history, the Catholic system did not accept non-Catholic students, meaning that most non-Catholic immigrants integrated into the English-language Protestant system.[3] As a result, Protestant schools became a linguistic and cultural catch-all compared to the French-language Catholic system.

In Quebec, there has long been a fear that French would lose ground in a North American environment dominated by English. In response, the National Assembly adopted the *Charter of the French Language* (Bill 101) in 1977.[4] Bill 101 made French the official language of Quebec, governed its use in work and most public services, and required most children to attend French-language schools. These changes had a major impact on the English-language school system. Over time, enrolment in English public schools declined sharply as more families were directed into French schools or left the province altogether.

Seeking to secularize education, between 1995 and 2005, Quebec switched from the denominational system to a linguistic system.[5] The historical diversity of the Protestant system remains at the heart of Quebec's English-language schools today.

POLITICS OF EDUCATION AND THE ENGLISH-SPEAKING COMMUNITY

Jurisdiction is at the heart of educational policy conflicts in Quebec. While provinces and territories have exclusive jurisdiction over education, the protection of minority language communities is a federal concern due to section

23 as well as the Official Languages Act. In a time when Quebec is seeking to expand its areas of jurisdiction, the English-language community of Quebec is increasingly vulnerable to the infringements of its rights.

The Quebec government has pushed towards the adoption of an asymmetrical application of section 23. That would mean advances for French-language education in provinces outside Quebec would not translate to advances for English-language education within Quebec.[6] The proposal to apply the entirety of section 23 in an asymmetrical manner is troubling, and it is difficult to understand how it could be implemented without a constitutional amendment, which would require approval by the federal legislature as well as a substantial number of provinces.

Bill 1, which includes the proposed Constitution of Quebec, would weaken the relationships between organizations of Quebec's English-speaking communities and the federal government. This relationship is key to obtaining adequate funding and support for English-language institutions.

THE WAY FORWARD

A series of recommendations was elaborated based on the findings in this report. These recommendations are aimed at three main groups: the Quebec government, the federal government, and the institutions of the English-speaking community. These actors will have to collaborate to bridge the gaps identified in this report and to ensure the long-term vitality of English-language education in Quebec.

RESEARCH METHODS

The research for this report was multidisciplinary, seeking to understand both the legal and policy framework and the lived experience of minority language education stakeholders. The research methods were organized around three main lines of inquiry:

1. **Legal analysis**

TALQ's Access to Justice team conducted a full legal and policy analysis of the framework governing minority language education in Quebec. TALQ commissioned an independent legal opinion by Alexeev Avocats to answer remaining questions of constitutional law.

2. **Population survey**

In collaboration with Léger, TALQ's Access to Justice team developed a survey questionnaire to understand:

a. English-speaking Quebecers' perceptions of the impact of recent provincial legislative reforms on their rights and sense of belonging in Quebec; and
b. Why English-speaking parents choose particular school systems for their children (English-language or French-language; private or public), notably to understand why parents are choosing to exercise – or to not exercise – their section 23 rights.

Léger fielded the survey to a representative sample of 1,006 English-speaking Quebecers in February 2026.

> Leger is the largest Canadian-owned full-service market research firm. An online survey of 1,006 Quebec residents ages 18+ who are most comfortable speaking English or using English when interacting with Quebec public services was completed between February 5 to 20, 2026, using Leger's online panel. Leger's online panel has approximately 500,000 members nationally and has a retention rate of 90 per cent. A probability sample of the same size would yield a margin of error of +/- 3.1 per cent, 19 times out of 20.

3. **Stakeholder interviews**

TALQ's Access to Justice team conducted interviews with key stakeholder organizations, including school boards, a parent association, and other organizations in the minority language education sector, as well as organizations that represent impacted minority populations, including Black English-speaking Quebecers and religious minorities. The results of these interviews were anonymized to allow the interviewees to speak freely. The interviews were complemented by a review of reports published by these and other stakeholder organizations in order to corroborate interviewee's statements or to fill in gaps in our research.

SECTION 23:
MINORITY LANGUAGE EDUCATION RIGHTS

THE CARDINAL RIGHT OF OFFICIAL LANGUAGE MINORITY COMMUNITIES

PURPOSE OF SECTION 23:

Section 23 emerges from concerns about the potential erosion of official language minority communities and reflects a recognition of the importance of cultural identity, community, and self-determination. The provision has three purposes: it is preventive, remedial, and unifying. It is the cornerstone right of minority language communities in Canada.

MINORITY LANGUAGE SCHOOLS MUST PROVIDE:

- Where numbers warrant, a stand-alone minority language school that is managed and controlled by the minority language community.
- Substantively equivalent education that is not meaningfully inferior to what children in the majority language system receive.

SECULARISM AND SCHOOL MANAGEMENT

A number of laws in Quebec, including Bills 21, 40 and 94 have directly impacted minority language schools' ability to recruit personnel and the minority-language community's right to manage and control their educational institutions.

SECTION 6: MOBILITY RIGHTS

Section 33 allows governments to pass laws that will apply even if it violates certain Charter rights. But section 33 cannot be used to weaken or cancel section 23. Thus, it remains a powerful constitutional protection for minority language communities.

SECTION 33: THE NOTWITHSTANDING CLAUSE

Section 23 is closely linked to mobility rights in section 6 of the Charter.
Minority language education rights help ensure that families can move provinces or territories without sacrificing their linguistic identity.

SECTION 23 APPLIES TO:

1. Parents whose first language learned and still understood is the minority language (this provision does not apply in Quebec).
2. Parents whose primary schooling in Canada was in the minority language.
3. Parents who already have one child in minority-language schooling.

SECTION 23 DOES NOT APPLY TO:

1. Non-citizens of Canada.
2. Parents whose own primary language is neither English nor French.
3. Grandchildren of rightsholders (grandparents' attendance may be relevant to eligibility in some circumstances).

03. MINORITY LANGUAGE EDUCATION RIGHTS

INTRODUCTION

The legal protections that allow Quebec's English-speaking community to maintain its own schools flow from section 23 of the *Canadian Charter,* which protects minority language instruction, secures the management and control of minority institutions, and supports the cultural vitality of the communities they serve. This section expands on the section 23 legal architecture: who holds the right, what governments owe, how minority schools are governed, and how recent Quebec legislation on laicity and the notwithstanding clause is testing the limits of that constitutional protection.

SECTION 23: NATURE, PURPOSE & JURISDICTION

Nature and Purpose

Section 23 must be understood in the terms articulated by the Supreme Court of Canada: as a right concerned with language, management and control, and the vitality of minority language communities. It is not a neutral or technical provision. It is a remedial guarantee, designed to address historical injustices, prevent assimilation, and ensure the continued existence of official language minority communities across Canada.

This section provides the legal framework surrounding section 23 and answers basic questions of jurisdiction and the definition of rightsholders. It also reveals that section 23 is a collective right that structures the relationship between education, community institutions, and national identity.

Jurisdiction

General jurisdiction over education is within the exclusive powers of each province or territory.[7] However, the right to minority language education is found in section 23 of the Canadian Charter, and provincial or territorial minority language education regimes must be consistent with section 23 of the Charter.[8] Provincial discretion over education policy is subordinate to the Charter.[9] Minority language rights are also supported by federal commitments under the Official Languages Act to advance learning opportunities in the minority official language and to enhancing the vitality of linguistic minority communities, which can include supporting minority language education.[10] The Canadian government also provides funds for minority official language education across Canada. Therefore, the realization of these rights depends on cooperation between federal, provincial, and territorial governments.

TO WHOM DO SCHOOLS BELONG?

Who is a "Rights Holder"?

Section 23 gives this right to a specific group of people called rightsholders. Section 23 only applies to Canadian citizens,[11] specifically Canadian citizens who are parents. Within that group, it identifies three main categories of people who can claim minority language education rights for their children:

1. **Parents whose first language learned and still understood is the minority language.** These are Canadian parents whose mother tongue is English or French, and that language is the official-language minority in the province where they live.[12] This provision does not apply in Quebec.[13]
2. **Parents whose primary schooling in Canada was in the minority language.** These are Canadian parents who received their primary school instruction in Canada in either English or French, and who now live in a province where that language is the minority language.[14]
3. **Parents who already have one child in minority language schooling.** Section 23(2) protects continuity. If a Canadian parent has a child who has received or is receiving primary or secondary education in English or French in Canada, then all their other children have the right to receive instruction in that same language.[15]

Who is Not a "Rights Holder"?

Section 23 rightsholder categories are deliberately limited. Non-citizens of Canada, including those with a temporary status, refugees, and permanent residents do not qualify as section 23 rightsholders, even if they speak an official-language minority at home. Parents whose own

primary language is neither English nor French are not protected by section 23 as rightsholders. For example, speakers of Indigenous languages or other languages are not protected by section 23 but may be protected elsewhere within the Charter.[16] Finally, the rights also do not benefit grandchildren or "all descendants," only "children".[17] These limits do not mean that non-rightsholder families can never access minority language schools. Provincial or territorial governments and school boards may still decide to admit some non-rightsholder children as a matter of policy, discretion or in pursuit of one of the purposes of section 23.[18] However, those families do not have the constitutional guarantee that section 23 provides to rightsholders.

The collective right of a community

Both provincial and federal courts have made it clear that section 23 is a collective right of the minority language community, not just an individual right of parents and children in certain categories.[19] In a practical sense, voting in English-language school board elections is open to all members of the community. In a broader sense, section 23 protects the entire community by ensuring cultural transmission and community preservation, and as such is crucial to maintaining the rights and well-being of all English-speaking Quebecers.

EDUCATIONAL SERVICES UNDER SECTION 23: BEYOND CLASSROOM TEACHING

Over the years, the Supreme Court of Canada has tried to answer a simple question: **what, in practice, are minority language schools supposed to provide?**

First, the Court said that section 23 works on a "sliding scale."[20] When there are only a few children, government must at least offer some instruction in the minority language. On this scale, once "numbers warrant" under section 23(3) of the Charter, the community is owed at least basic instruction in its language.[21] The Supreme Court has rejected any rigid or mathematical threshold for determining whether numbers warrant a given level of services.[22] But within that limit, the Court stresses that when pedagogy and cost pull in different directions, pedagogical needs must carry more weight.[23]

Recently, the Supreme Court has simplified the "sliding scale" method and established a presumption that a homogenous minority language school is justified when a comparable amount of majority language students have access to a school in the majority language, at the provincial level[24]. To determine the appropriate level of services required, Courts weigh demographic trends, potential enrollment, travel distances, facility capacity pedagogical needs, community vitality and the risk of assimilation.[25]

Second, the Court has been clear that these schools must offer an education that is **not meaningfully inferior** to what children get in the majority-language system.[26] In determining this, the Court asks if "reasonable rights-holder parents [would] be deterred from sending their children to a minority language school because it is meaningfully inferior to an available majority language school".[27] To judge this, the Court looks at the whole experience: buildings, class sizes, travel time, sports, clubs, extracurricular activities, cultural life,[28] This kind of evaluation is called "**substantive equivalence**," the idea that section 23 schools give minority communities the tools they need to achieve a genuinely equal education in their own language, rather than replicating majority models on a smaller scale.[29]

Minority language schools should offer an educational experience equivalent to that of the majority-language schools. This should include things like competence of teachers, the curriculum, the infrastructure, and the cultural and social opportunities that foster daily use of the minority language and strengthen cultural identity.[30]

Third, the Court has stressed that **time matters.**[31] Delay can effectively deprive an entire generation of children of their rights and increase the likelihood of assimilation which would reduce or cease the number of students that "warrant".[32] Courts have said that governments have a positive obligation to act promptly and practically, using their resources to "do whatever is practical" to preserve and promote minority language education.[33]

> Section 23 is not just about having any school in the minority language. What matters is whether the minority language school offers a genuinely comparable opportunity for linguistic transmission, cultural vitality, and student development.

MANAGEMENT AND CONTROL & FREEDOM OF RELIGION

In Quebec, an increasing number of laws have been adopted in the name of laïcité and neutrality, including. Bill 21 (*Act respecting the laicity of the State*), Bill 94 (*Bill 94, An Act to, in particular, reinforce laicity in the education network and to amend various legislative provisions*) and **Bill 9** (*Act respecting the reinforcement of laicity in Quebec*). These measures interfere with the English-speaking community's constitutionally protected right to management and control over its educational institutions under section 23, notably by restricting the hiring of school staff. These laws put pressure on the three core purposes of section 23 (prevention, remediation, and unification) by affecting the ability to recruit and retain enough teachers to sustain section 23 schools and by limiting the management and control that minority communities can exercise over their own institutions.

As recognized in Mahe v. Alberta, section 23 protects not only instruction in the minority language, but also the collective authority of minority communities to shape the cultural and institutional environment of their schools. In Quebec, English-language school boards exercise this management and control on behalf of a highly diverse minority community composed of individuals from varied cultural, linguistic, and religious backgrounds. This diversity is not incidental to the English-speaking community's identity; it is rooted in the historical role of Quebec's Protestant school system, which functioned for decades as a catch-all system for immigrant and minority communities who did not belong to the French-language Catholic sector.

As a result, English-language schools developed a longstanding tradition of religious, cultural, and ethnic pluralism that became an integral component of the English-speaking community's institutional culture and identity.

By prohibiting teachers and other school personnel from wearing religious symbols, this legislation imposes a state-defined model of secularism that constrains the ability of English-language school boards to recruit personnel who reflect the pluralistic character of the community they serve.

> These restrictions created by laws aiming to reinforce laicity diminish the community's capacity to preserve and transmit its own cultural values and traditions through its institutions, and they undermine the multicultural and inclusive environment that forms part of the community's cultural identity protected by section 23.

Secularism and State Neutrality

The Supreme Court has also clarified the meaning of secularism and state religious neutrality. Secularism does not mean hostility to religion or its exclusion from public life. Secularism means that the state must rule out "any attempt to use the religious views of one part of the community to exclude from consideration the values of other members of the community."[34] State neutrality is achieved when the state neither favours nor hinders any particular religious belief or non-belief, and when it shows respect for all positions towards religion, including having none.[35]

The English-speaking community of Quebec's view of secularism differs from that proposed by the Quebec government. For the English-speaking community, secularism does not mean a public sphere devoid of religious symbols; rather, it requires that religion does not dictate government practices or outcomes. The community has long embraced multiculturalism and diversity as essential to the preservation and transmission of its culture. [36] This distinctive approach was recognized by Justice Blanchard in the trial judgement in a challenge to Bill 21: "les commissions scolaires anglophones et leurs enseignants.es ou directeurs.trices accordent une importance particulière à la reconnaissance et célébration de la diversité ethnique et religieuse" ("the English-language school boards and their teachers or directors attach particular importance to the recognition and celebration of ethnic and religious diversity").[37]

Imposing a uniform model of secularism on English-language schools undermines this pluralistic character, reduces individual choice, and disproportionately disadvantages English-speaking members of religious and cultural minority groups.[38]

MOBILITY RIGHTS (SECTION 6)

Section 23 is closely linked to mobility rights in section 6 of the Charter. The Supreme Court has described section 23 as having a unifying purpose. Minority language education rights help

ensure that families can move between provinces and territories without sacrificing their linguistic identity.

More specifically, section 23(2) is designed to "provide continuity of minority language education rights, to accommodate mobility and to ensure family unity."[39] Its title, "Continuity of language instruction," captures that if a child has begun their education in one official language, they can continue their education in that language when it is the minority language in their new province. Additionally, once one sibling is receiving minority language education, the other siblings are entitled to the same,[40] reinforcing the idea that families should not be split between school systems or linguistic barriers.

This unifying intention was outlined at the onset of the creation of section 23 of the Charter. Then-Minister of Justice Jean Chrétien explained that citizens should be free to take up residence in any province or territory in Canada without fear of discrimination.[41]

English-speaking minorities would hesitate to move to Quebec, and French-speaking minorities would hesitate to move elsewhere in Canada, if they could not educate their children in their own language. He stated that minority language education rights are "fundamental to what Canada is all about" and warned that "without a guarantee of minority language education rights, there can be no full mobility rights."[42] This reflects a conception of Canada in which there is "one Canadian citizenship, not ten provincial citizenships,"[43] and where both mobility and minority language communities are supported through the constitutional guarantee of section 23.

THE NOTWITHSTANDING CLAUSE (SECTION 33)

Section 33 of the Charter—often called the notwithstanding or override clause—allows Parliament or a provincial or territorial legislature to pass a law that will apply even if it violates certain Charter rights. Section 33 can be used to temporarily exempt a law from the application of section 2 (fundamental freedoms) and sections 7–15 (legal rights and equality rights). It cannot be used to override democratic rights (sections 3–5), mobility rights (section 6), or language rights (sections 16–23). When a government uses section 33, courts cannot strike down that law for breaching the listed rights. The override lasts for up to five years, but it can be renewed.[44]

From the beginning, section 33 has been politically and legally controversial.[45] It was a political compromise during the creation of the Charter in 1982: a way to reassure provinces that elected legislatures would still have some final say in exceptional cases, even with a strong Charter and active courts.[46]

To date, the federal government has never invoked the notwithstanding clause. Several provinces such as Ontario, Saskatchewan, Yukon, Alberta, and Quebec have all used it.[47] Quebec opposed the new Charter and did not sign the *Constitution Act 1982*; however, Quebec has developed a distinctive practice of using this override. Quebec first applied a blanket override to all its laws in the early 1980s,[48] and more recently has attached section 33 to specific laws such as Bill 21 in 2019, and **Bill 96** (*An Act respecting French, the official and common language of Québec*) in 2022. Quebec has used the override again in legislation expanding laicity rules in the education network through **Bill 94** (*An Act to, in particular, reinforce laicity in the education network and to amend various legislative provisions*) in 2025.

Alongside section 33 of the Canadian Charter, section 52 of the Quebec *Charter of Human Rights and Freedoms* functions as a kind of internal override clause.[49] It allows the National Assembly to state that a law will apply "despite" the Quebec Charter. In practice, this means the National Assembly can enact laws that operate "despite" both the Canadian Charter and the Quebec Charter.

> The notwithstanding clause cannot be used to weaken or cancel minority language educational rights under section 23. Even when other rights are overridden, section 23 remains a powerful constitutional protection for minority language education and for community control over minority schools.

CONCLUSION

These principles demonstrate a fragility that requires vigilance from official language minority communities. There is a jurisdictional tension between the federal government's fiduciary obligations under s. 23 of the Charter and provincial government jurisdiction over education. In the absence of reasonably negotiated agreements, legal avenues will

remain relevant. Recent provincial legislation does risk undermining certain section 23 rights and the preservation and development of the community itself.

NEW LAWS IMPACTING

ENGLISH MINORITY SCHOOLS



Bill 21: Act respecting the laicity of the State

The purpose of this Act is to prohibits public employees, including teachers, from wearing visible religious symbols while exercising their function. It also requires people providing or receiving public services to do so with their faces uncovered.

2019



Bill 96: An Act respecting French, the official and common language of Québec

The purpose of this Act is to strengthen French as the province's official and common language by tightening language requirements in education, public services, and workplaces. It also restricts growth in the English education system by increasing French requirements for students.

2022



Bill 84: An Act respecting integration into the Québec nation

The purpose of this Act is to elevate national integration as a pillar value in Quebec society, along with the protection of the French language and secularism.

2025



Bill 40: An Act to amend mainly the Education Act with regard to school organization and governance

The purpose of this Act is to revise the organization and governance structure of school boards, school board of directors composed of parents, community representatives and school service centre staff members.

2020



Bill 94: An Act to, in particular, reinforce laicity in the education network and to amend various legislative provisions

The purpose of this Act is to reinforces laicity in the education system by banning visible religious practices in schools and restricting rules on religious accommodations by requiring faces to be uncovered within schools by anyone entering a school.

2025

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04. NEW LAWS IMPACTING ENGLISH MINORITY SCHOOLS

Under section 23, English-speaking communities have a right to meaningful management and control of their own school system, a right recognized by the Supreme Court of Canada. However, recent legislation adopted by the National Assembly has reopened the debate about how far that right really goes, and what role minority language schools should play in Quebec's education system.

BILL 40: WHO RUNS MINORITY LANGUAGE SCHOOLS?

On February 8, 2020, the Quebec government adopted **Bill 40 (*An Act to amend mainly the Education Act with regard to school organization and governance*)**. The stated goal was to "modernize" school governance by reducing bureaucracy and making schools more efficient. In practice, Bill 40 replaced elected school boards with **school service centres (*centres de services scolaires)***,[50] abolished the pay for boards of directors,[51] and restricted who can sit on the boards of English-language service centres and who can hold leadership roles.[52] Bill 40 also gave the **Minister of Education more power** to set objectives and targets for the administration, organization or operation of school service centres;[53] narrowed who can vote in school elections;[54] and limited how school budgets can be used.[55]

English School Boards Opposition

English school boards and community organizations strongly opposed Bill 40. For the English-speaking minority, school boards are more than just administrative bodies; they are **community institutions** that allow the minority to manage and control its own schools, as protected by section 23 of the Charter. They argued that section 23 is not only about individual parents, but about the collective life of the English-speaking minority, and that Bill 40 amounted to **"death by a thousand cuts"** for their management and control.[56]

English School Board Court Challenge

The Quebec English School Boards Association (QESBA) challenged Bill 40, arguing that it violated the constitutional rights of the English-speaking community to manage and control its minority language schools.[57]

In 2023, the Quebec Superior Court agreed with the English school boards. The Court found that key parts of Bill 40 were **unconstitutional** as they applied to the English system.[58] They held that Bill 40 interfered with the English community's right to **choose its own representatives, weakened the powers** of those representatives and that these limits on management and control under section 23 were **not justified**.[59] As a result, Bill 40 now applies **only to the French-language school network**. English school boards continued to operate under the old model.

The Quebec government appealed, but the Quebec Court of Appeal upheld the Superior Court decision, reinforcing that English-speaking communities have strong constitutional protection over the way their schools are governed.[60] The Supreme Court of Canada heard the case between March 23 and March 26, 2026;[61] at the time of writing, the judgment is being drafted.

BILL 21, 94: WHO CAN TEACH AT MINORITY LANGUAGE SCHOOLS?

The perspective of English-language school boards is rooted in the history of English-language Protestant schools, a history which values inclusion and diversity. The resulting view of secularism is one that reflects a multiculturalism model more than the Quebec government's integrationist model.

Religious Symbols and Laicity

On June 16, 2019, Quebec adopted **Bill 21 (*Act respecting the laicity of the State*).** The law **prohibits public employees,** including teachers, principals, police officers, prosecutors, and judges, **from wearing visible religious symbols while exercising their functions**.[62] It also requires people providing or receiving many public services to have their faces uncovered.[63] Bill 21 included a grandfather clause, allowing employees who already held their jobs before March 27, 2019 to keep wearing religious symbols, but only if they stay in the same position. Bill 21 is protected by the notwithstanding clause, which makes it very difficult to challenge under freedom of religion, expression, or equality.

In ***Hak c. Procureur général du Québec (2021),*** several individuals and organizations – including teachers, students, civil liberties groups, and school boards – challenged Bill 21.[64] One key issue was whether Bill 21 violates section 23 minority language education rights by **leading to the negation of hiring, retention and promotion policies in minority language schools.** [65] The Superior Court of Quebec ruled that Bill 21 did lead to that negation,[66] and that the bans on religious symbols and face coverings are inoperable to English-speaking schools because they infringe upon linguistic minority rights protected by section 23 of the Canadian Charter.[67]

This decision was challenged before the Court of Appeal of Quebec in February 2024, and the Court confirmed that the notwithstanding clause in both the Canadian Charter and the Quebec Charter was properly invoked, and as such the Court cannot review claims based on freedom of religion, expression, or equality, nor does Bill 21 impact English-language schools' ability to provide instruction in English.[68] English school boards and other parties have now been granted permission to appeal to the Supreme Court of Canada, which will decide, among many things, whether Bill 21 infringes section 23.

Restructuring Education Through Laicity

On October 30, 2025, Quebec adopted **Bill 94 (*An Act to, in particular, reinforce laicity in the education network and to amend various legislative provisions*),** to reinforce laicity in the education network by making various amendments to the Education Act and the Act respecting private education, as well as align schools with Bill 21.[69]

Bill 94 applies widely to **people working in and around schools**, including teachers, support staff, daycare workers, professionals, coaches, and even volunteers. Among other things, it requires that students and anyone in a school in contact with students have their face uncovered at school,[70] prohibits using school premises for religious practices, such as visible prayer,[71] tightens rules on religious accommodations,[72] and emphasizes that public schools are grounded in Québec values and state laicity, and promotes French as the only common language in the public system.[73] It also extends the prohibition on wearing a religious symbol to school personnel.[74]

Bill 94 also invokes the notwithstanding clause, blocking many challenges based on freedom of religion, expression, and equality.

Leaders from QESBA and the English Montreal School Board (EMSB) have described Bill 94 **as an unjust expansion of Bill 21 that targets vulnerable people and contradicts core values of inclusion.** [75] Civil liberties groups have also condemned the law and are considering possible legal responses.[76] For English-speaking communities, these measures raise pressing questions about who feels welcome to work and learn in minority language schools, and how far section 23 can protect the community's ability to shape its own institutions.

BILL 84: NATIONAL INTEGRATION AND IDENTITY

On May 28, 2025, the National Assembly adopted ***Bill 84 (An Act respecting integration into the Québec nation),*** which aims to establish Quebec's national integration model.[77] This approach is intended to counter withdrawal into specific ethnocultural groups.[78] This bill aims to elevate national integration as a pillar value in Quebec society, along with the protection of the French language and secularism. It calls upon everyone to adhere to and to contribute to the "common culture".[79] The bill promises a national policy and further regulations. The national policy is currently

being drafted under a process that is not open to the public.

BILL 96 AND OTHER RESTRICTIONS ON POSTSECONDARY EDUCATION

CEGEPs

On June 1, 2022, Quebec adopted Bill 96 (*An Act respecting French, the official and common language of Québec*), which, among other things, set "limits on the duration and renewal of the exemption that allows certain children to not receive instruction in French", particularly surrounding college-level educational institutions. [80] This mainly affected English-language CEGEPs and students who study in English.

The law places a cap on the total number of students who can attend English CEGEPs: their overall enrolment **cannot exceed** either **17.5% of all CEGEP students** in Quebec or their share of total CEGEP enrolment from the previous year, whichever is lower.[81] This has the effect of freezing or reducing access to English CEGEP spots over time.

Bill 96 also increases French-language requirements for students. Francophone and allophone students enrolled in English CEGEPs must pass a standardized French exam and complete three core program courses in French to obtain their *diplôme d'études collégiales*. [82] English "rightsholder" students must either complete two French courses plus three core program courses in French, or five French courses in total.[83] In the French CEGEP network, the law limits the proportion of students who can be in English-language *Attestation d'études collégiales* programs to 18.7% of all students.[84]

Taken together, these measures **restrict growth and enrolment in the English CEGEP system** and make French a larger part of the path to graduation for students who choose English-language postsecondary education.

Other postsecondary institutions

The Government of Quebec has also increased pressure on universities and is proposing to expand French-language requirements to vocational schools.

For universities, Bill 74 restricts international student enrolment.[85] Moreover, the provincial government has implemented new rules, upheld in court, that increase tuition for international and out-of-province students. [86] These rules disproportionally impact English-language universities.

For vocational and professional schools, the Government of Quebec recently tabled, on June 4, 2026, a bill that would bring these postsecondary educational institutions under the umbrella of the Charter of the French Language.[87] This extension would increase institutional pressure on programs that serve as key pathways to skilled employment, particularly for students who are not oriented toward, or who face barriers in, more academically focused postsecondary routes. At the time of writing, this bill has died on the order table, but could be reintroduced in the future.

These rules for postsecondary institutions create additional pressure on the English-language educational continuum. If vocational or professional educational institutions, CEGEPs, and universities become more difficult to access in English, then students may be discouraged from attending primary or secondary schooling in English, for fear of being ill-prepared for their postsecondary training in French.

BILL 1: QUEBEC'S CONSTITUTIONAL PROJECT

On October 9, 2025 Quebec introduced Bill 1, (*Québec Constitution Act, 2025*). This bill encompasses three different pieces of legislation, including the proposed *Constitution of Québec*. Bill 1 is wide-ranging in scope and does not directly regulate education. Yet, one new rule would have a major impact on English-speaking education. The bill would prohibit many publicly-funded organizations, such as English-language school boards, from contesting laws. School boards, for instance the English Montreal School Board, have been instrumental in defending the rights of English-speaking Quebecers by contesting legislation that infringes upon them. Moreover, members or directors of a body would be held liable for funds used to contest laws. At the time of

writing, Minister Simon Jolin-Barette announced amendments to the prohibition of the use of public funds for contesting legislation, but debate is ongoing.[88]

This bill is part of a larger constitutional project that threatens to undermine the rights of English-speaking Quebecers. The government has repeatedly assured the English-speaking community that their rights will not be affected. Yet, the Bill restricts collaboration with the federal government:

- The Quebec government can order departments and designated bodies to "refuse any sum transferred by a federal institution in connection with the initiative." [89] For example, municipalities could be forced to reject affordable housing funding from Ottawa, and English hospitals could be forced to refuse healthcare funding or funding for English-language services. The government can also suspend existing agreements.[90]

- Departments and designated bodies can be prohibited from participating in federal parliamentary proceedings, regulatory consultations, or similar activities. [91] For instance, English school boards, which regularly participate in such discussions, could be barred from doing so.

- New restrictions are introduced on the sale of lands to the federal government.[92]

Bill 1 shows a lack of prioritization of the rights of minorities who rely on their relationship with the federal government to obtain funding or to have their interests heard.

At the time of writing, Bill 1 has died on the order paper, meaning that it will not pass during this legislative session. This bill, or a similar one, could be reintroduced in the future.

CONCLUSION

These legislative measures reveal a coordinated attempt to narrow the English-speaking community's constitutional right to manage its educational institutions. Bill 40 contests who governs minority schools; Bills 21 and 94 constrain who may teach in them. Bill 84 redefines the cultural framework around them; and Bill 1 threatened the community's capacity to defend itself in court. Bill 96 limits who may study in English at CEGEPs; and a recent proposal threatened to expand language restrictions to vocational schools.

> The cumulative effect of these new laws is a sustained pressure on section 23's guarantees for English-speaking Quebecers.

05. IMPACTS ON THE ENGLISH-SPEAKING COMMUNITY ACROSS GENERATIONS

INTRODUCTION

An important component of the Project's research involved conducting interviews with educational organizations and stakeholders with knowledge of English-language education in Quebec.

The discussions captured a varied but consistent set of concerns. Organizations described the regulatory and budgetary pressures faced by English-language schools, as well as the accessibility barriers faced by parents and students. They perceived legislative reforms and budget cuts as cumulative forces that increasingly threaten access to English-language education. Published reports and briefs referenced in this section both substantiate the stakeholders' perspectives and help address gaps in understanding.

ELIGIBILITY CERTIFICATES AND UNDERSTANDING OF RIGHTS

Stakeholders noted that eligibility restrictions and recent legislative reforms have undermined access to, and sustainability of, English-language education. The process for obtaining an eligibility certificate is opaque and poorly understood by parents. Many families do not understand their rights.

Organizations in the education sector stressed that parents must be given access to clear information, and that the government processes for obtaining certificates should be streamlined.

IMPORTANCE OF SCHOOLS FOR THE BROADER COMMUNITY

Especially for English-speaking communities, schools provide more than just instruction. They are anchors, serving as community centres and cultural hubs that are essential to community vitality. This is especially true for rural regions, where the English-language school may be the only space that the local English-speaking community has.

Culture and Belonging

Stakeholders spoke of the impacts of education policy on questions of belonging. Many parents choose English-language schools for reasons beyond just language; indeed, English-speaking parents are highly committed to ensuring that their children learn both English and French. Yet, many parents perceive English-language schools as a way of preserving and transmitting the values and culture of the minority group. Some parents see English-language schools as more community-based, collaborative, and responsive to children's needs.

COMPOUNDING BARRIERS: DISCRIMINATION AND DISABILITIES

Stakeholders described how language-based education restrictions can intensify existing inequalities faced by racialized, immigrant, religious-minority, and disabled students. These barriers affect students' ability to access culturally responsive support, integrate into Quebec's education system, and pursue postsecondary education and employment opportunities. Participants also emphasized that limiting access to education in English may have broader social and economic consequences for both the English-speaking community and Quebec as a whole.

Discrimination and Compounded Barriers

Several interviewees highlighted compounded vulnerabilities among English-speaking racialized, immigrant, and religious-minority communities. Black English-speaking students and parents reported systemic barriers and a lack of support. Stakeholders called for tailored programming and improved complaint mechanisms. Additionally, the Commission des droits de la personne et des droits de la jeunesse warned of potential gender-based discrimination due to restrictions on religious symbols for certain government functions. [93] These restrictions undermine the English-speaking community's right to management and control of their schools, which includes the right to make hiring decisions that align with English-language schools' long-standing commitment to diversity.

Newcomers, allophone students, and students arriving from other provinces also face particular challenges integrating into Quebec's education system. Recent measures, including Bill 96, have added to these difficulties by limiting access to English-language postsecondary education. Stakeholders noted that these changes may discourage students from choosing English-language institutions and make Quebec less attractive to newcomers.[94] Some school leaders have supported stronger French instruction, but also called for more flexibility for new immigrants and second-language learners during their first two years in school.

Discrimination and bullying were cited as an additional pressure leading parents away from public English-language schools. Religious-minority stakeholders cited increasing incidents of religion-based bullying and discrimination. For example, in the Jewish community, with a strong network of Jewish private schools, rising incidents of antisemitism are leading some parents to choose private schools over English-language public schools. While some schools were noted to have responded appropriately, all English-language school boards must ensure that their schools are adequately equipped to handle these situations.

Overall, stakeholders stressed that language-based educational restrictions compound pre-existing issues of discrimination based on race, religion, and immigration status, resulting in layered forms of exclusion for some students.

Students with Disabilities

These barriers are especially serious for students with disabilities. Between 2001 and 2016, the number of students with special needs in Quebec's English-language public schools rose by 112.3%, compared with 59.9% in French-language schools. [95] Accommodations do not automatically transfer between levels of study; thus, there is a discontinuity of support which destabilizes students' education and can block them from postsecondary education.

Students with disabilities may also face greater difficulty meeting French-language requirements, which can further limit access to postsecondary education. Under the Charter of the French Language, children with serious learning disabilities can be granted an exemption allowing them to attend school in English. However, in practice, this exemption is very difficult to obtain, and parents do not have access to the information and resources needed to complete the request. Access is made even harder by shortages of qualified professionals, such as psychologists and speech-language specialists, who are needed for assessments and support. These shortages are especially severe in remote regions, where recruiting English-speaking professionals is often a challenge.[96]

Stakeholders also expressed concern that restricting access to education in English could have wider consequences. The Ordre des orthophonistes et audiologists (order of speech-language pathologists and audiologists) du Québec expressed concern that mandating exclusive French use in schools could disadvantage bilingual and non-French-speaking students, recommending an exemption for professional activities requiring other languages[97].

ACCESS TO POSTSECONDARY EDUCATION AND EMPLOYMENT

Stakeholders emphasized that education restrictions can diminish postsecondary educational opportunities. English-speaking youth, especially outside major urban centres, pointed to limited local access to postsecondary institutions, language tensions, difficulty finding work in their field, and lower wages. Despite often being highly bilingual and educated, English-speaking youth continue to face higher unemployment and lower incomes than French-speaking youth, leading many to leave Quebec in search of better opportunities.[98]

Any difficulties accessing education will impact students' access to postsecondary education and to employment. Fluency in English is a strength for Quebec and many participants were concerned that restricting access to education in English would have labour-market and economic consequences for Quebec.

FRENCH MINORITY LANGUAGE EDUCATION IN CANADA: PARALLELS AND DISTINCTIONS

Section 23 of the Charter protects the educational rights of both official language minority communities (OLMCs) in Canada. Its importance is the same for both OLMCs: minority language education rights are described as the cornerstone (pierre angulaire) of francophone and Acadian communities across Canada. They are not only institutions of instruction; they are spaces that foster the vitality of minority language

culture while preparing graduates to function in both official languages.

French-language schools outside Quebec play a role comparable to that of English-language schools in Quebec. Similarities in the importance include the cultural component of section 23 – and, relatedly, the importance of the minority language community's right to management and control of their schools.

The challenges facing French OLMC education also parallel those described above for English OLMCs:

- Chronic underfunding;
- Governance and legal disputes when provincial governments fail to respect school boards' right to management and control of schools;
- Teacher and staff shortages;
- Infrastructure deficits;
- Insufficient and unequal federal funding.

Distinctiveness of the French OLMC educational context

Historically, French-language minority education was suppressed in many provinces, such as by Ontario's Regulation 17. These policies were aimed at national homogeneity, forcing French-speaking communities into a long-standing "struggle for the school."[99] The 1982 Canadian Charter of Rights and Freedoms shifted this landscape via section 23, which constitutionalized minority language education rights. The Mahe v. Alberta (1990) Supreme Court decision granted minority communities the right to management and control on a "sliding scale," thereby securing the institutional autonomy necessary to establish independent French school boards nationwide.[100]

Gaps in the educational continuum are more prominent; while access to early childhood education in the minority official language is difficult across Canada, Quebec has many English-language postsecondary institutions, whereas opportunities for French postsecondary education in other provinces are limited. Students may be discouraged from attending primary and secondary schools in French if they plan to pursue postsecondary education in English.

Quebec's exception and impact on French-speaking immigrants outside Quebec

Under section 23(1)(a), citizens of Canada whose first language learned and still understood is English or French have the right to an education in that language. However, this section does not apply in Quebec. Thus, French-speaking immigrants to Canada outside Quebec can have the right to send their children to school in French. Barriers to French-language education have broad impacts on integration and the vitality of French-language minority communities.

Conclusions for minority-language education in French outside Quebec

The full realization of French language minority education rights under section 23 remains hindered by systemic challenges. These challenges directly parallel those of Quebec's English-speaking minority. While English-language education in Quebec benefits from some advantages (less language precarity, more postsecondary institutions), these are concentrated in the Montreal region. In Quebec regions, issues such as community and language preservation; gaps in the educational continuum; and lack of minority language schools and educational resources directly parallel the challenges faced by French OLMCs.

The Assemblée de la francophonie de l'Ontario recently embarked on a project, les États généraux, to revitalize the connections among franco-ontarians and to understand the challenges faced in these communities. This endeavour parallels the outreach efforts made by TALQ in this report to connect with stakeholders across the province. As per the Director General of the AFO: « Nommer la fragilité, c'est sortir du déni. Et sortir du déni est la condition préalable à la transformation. » ("To name fragility is to move beyond denial. And moving beyond denial is the prerequisite for transformation.")[101]

CONCLUSION

The perspectives shared by stakeholders and the research reviewed in this section show that English-language schools are more than places of instruction. They are community institutions that support cultural continuity, social inclusion, and economic participation. This is especially true for rural English-speaking communities.

Participants emphasized that barriers to English-language education can have cumulative effects, particularly for students who already face disadvantages related to disability, race, religion, or immigration status. Barriers in primary and secondary education limit access to postsecondary education and to employment.

The identified issues therefore have individual lifelong impacts as well as socioeconomic implications.

The experiences of official language minority communities across Canada demonstrate the importance of strong minority-language educational institutions. Supporting the long-term vitality of Quebec's English-speaking community requires not only access to education in English, but also policies that recognize and strengthen the broader role that these institutions play.

POPULATION EXPERIENCE

SURVEY OF 1,006 ENGLISH-SPEAKING QUEBECERS

UNDERSTANDING OF RIGHTS

64% **DID NOT UNDERSTAND** THEIR MINORITY LANGUAGE EDUCATION RIGHTS UNDER SECTION 23 OR HAVE NEVER HEARD OF THEM

Only **34% said that they understand** minority language education rights under section 23 well, while **49% said that they do not understand** them well, and **15% responded that they have never even heard of such rights**. Women and respondents over the age of 55 were more likely to report a weaker understanding.

PERCEPTION OF INEQUALITY, RIGHTS & BELONGING

71% SAID THAT RECENT CHANGES TO LANGUAGE & EDUCATION LAWS & POLICIES HAVE MADE THEIR LIVES **LESS EQUAL** COMPARED TO FRENCH SPEAKERS

This concern was even stronger among women and respondents aged 55 and over.

45% SAID THAT THEIR RIGHTS HAVE BEEN NEGATIVELY IMPACTED IN THE LAST 5 YEARS

45% said that their rights have been negatively impacted in terms of their family's future in Quebec and their ability to access to health and social services.

Women were more likely to report a negative impact on access to health and social services. **Men** were more likely to report a negative impact on access to education.

37% REPORTED THAT THEIR SENSE OF BELONGING IN QUEBEC WEAKENED
18% SAID IT STRENGTHENED

REASONS FOR SELECTING SPECIFIC TYPES OF SCHOOLS

ENGLISH SPEAKING PUBLIC SCHOOLS

- #1 WANTING CHILD TO LEARN ENGLISH & BE EDUCATED IN ENGLISH
- #2 PREPARING CHILD FOR FUTURE EDUCATION
- #3 SUPPORTING THE ENGLISH SPEAKING COMMUNITY

ENGLISH SPEAKING PRIVATE SCHOOLS

- #1 SCHOOL'S STRONG ACADEMIC REPUTATION
- #2 PREPARING CHILD FOR FUTURE EDUCATION
- #3 PREPARING CHILD FOR CAREER OUTSIDE QUEBEC

FRENCH SPEAKING SCHOOLS

- #1 WANTING CHILD TO LEARN FRENCH
- #2 FUTURE OPPORTUNITIES WITHIN QUEBEC
- #3 CULTURAL ALIGNMENT WITHIN FAMILY

REGIONAL VARIABILITY IN CHOOSING ENGLISH LANGUAGE EDUCATION

22% of children eligible to attend an English-language school did not choose to attend.

However, **outside Montreal**, the proportion of eligible students who attend an English language school varies between **25% to 97%.**

68% **OPPOSE** THE GOVERNMENT'S **RESTRICTIONS** ON STUDENTS WHO CAN ATTEND QUEBEC POSTSECONDARY INSTITUTIONS FROM THE REST OF CANADA OR ABROAD

"All education in primary schools should be bilingual. Learning two languages is an asset."

"It's not by limiting access to English education that you promote the French language, but rather by promoting bilingualism and promoting the culture."

"English is an international language as such, it would be detrimental to the Quebec student not to learn English. Forcing Quebecers to only speak French restricts them from dealing with the rest of Canada and internationally."

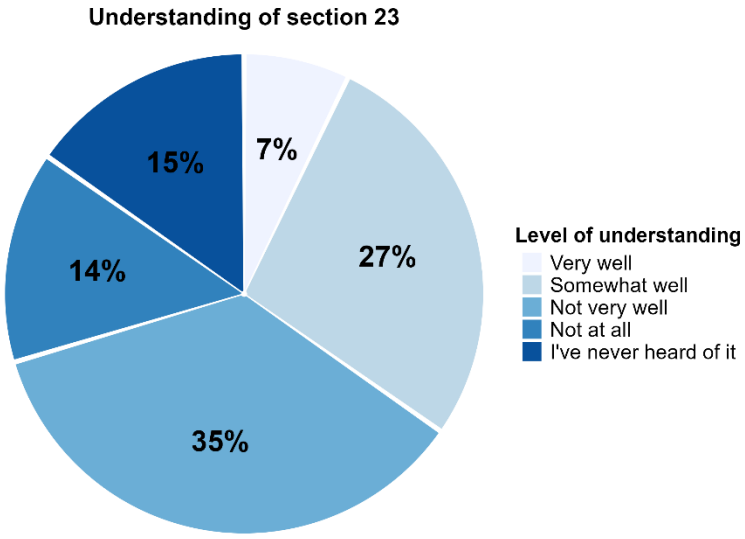
INTRODUCTION

Minority language education rights are guaranteed by the Canadian Constitution, while recent legislation adopted by the Government of Quebec tests the limits of these rights. Yet, the ultimate measure of community vitality lies in how English-speaking Quebecers themselves experience those rights in daily life. **To capture that lived dimension, TALQ commissioned Léger to conduct a survey of 1,006 English-speaking Quebecers**. The findings illuminate how recent legislative reforms are felt across the community: in family decisions about schooling, in perceptions of belonging, in views on governance, and in confidence about the community's future in Quebec. The results on attendance of students eligible for English-language instruction were corroborated and supplemented by data from the 2021 Census by Statistics Canada.

UNDERSTANDING EDUCATION RIGHTS & PERCEPTIONS OF INEQUALITY, RIGHTS, AND BELONGING

Understanding Minority Language Education Rights

One of the clearest findings is that many English-speaking **Quebecers do not feel they understand minority language education rights well**. Only 34% said they understand minority language education rights under section 23 well, while 49% said they do not understand them well, and 15% said they had never heard of it. Women and respondents aged 55+ were more likely to report a weaker understanding.



Once respondents were shown a brief explanation of section 23, a **majority (55%)** said it should be applied equally across Canada. In comparison, 19% said it should be applied more favourably to English speakers in Quebec. This suggests that knowledge may be low, but support for the principle of minority language protection remains strong once the right is explained.

Perceptions of Inequality, Rights & Belonging

The survey points to **broad concern about the direction of recent education and language reforms.** 71% of respondents perceived that recent changes to language and education laws and policies have made life less equal for English speakers compared with French speakers. This concern was even stronger among women and respondents aged 55 and over.

This high sense of inequality may explain why almost half (45%) reported that their rights related to access to health and social services and their family's future have been negatively impacted in the past five years, as well as why more than 1-in-3 (37%) reported that their sense of belonging in Quebec has weakened. These findings suggest that recent changes have affected the broader relationship between Quebec's

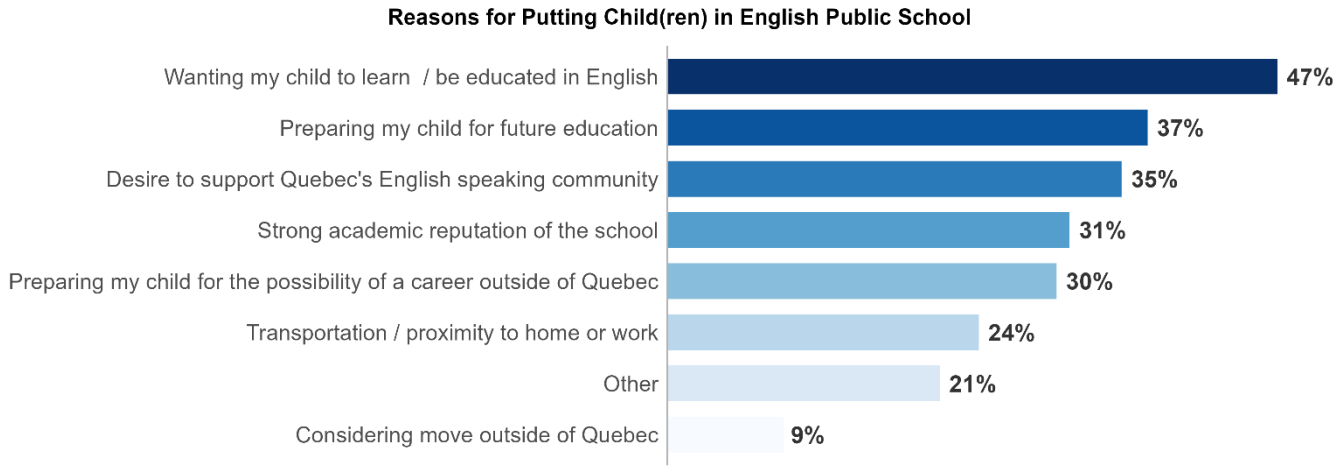
English-speaking community and the province. A weakened sense of rights protection may impact community vitality and retention.

WHY FAMILIES ARE CHOOSING ENGLISH-LANGUAGE SCHOOLS & LESSONS FOR SCHOOL GOVERNANCE

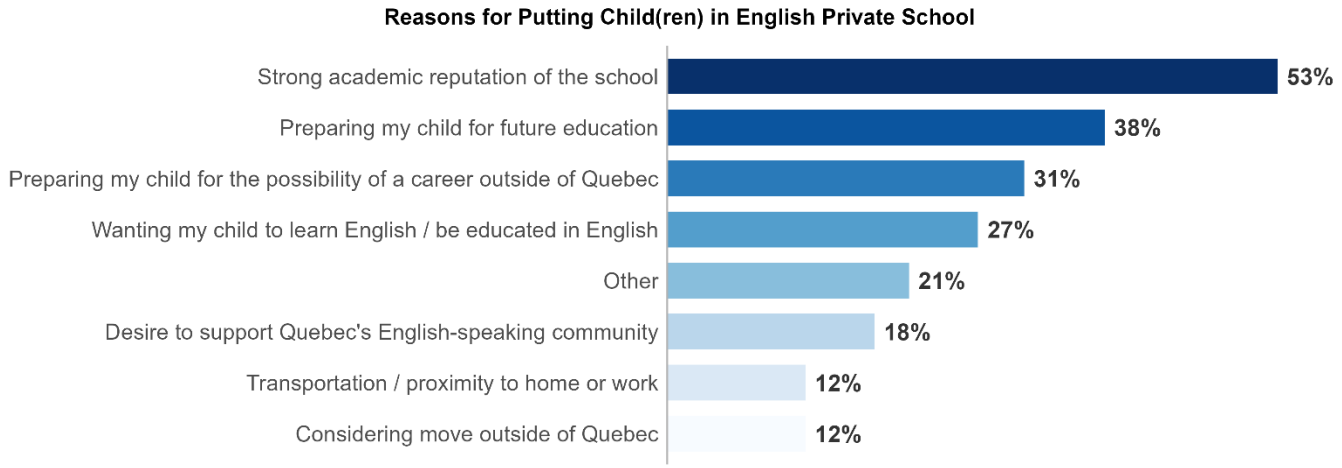
Why Parents Are Choosing English-Language Schools versus French-Language Schools

We conducted a multiselect survey whereby respondents could choose multiple options at once. The survey suggests that school choice is not simply about language preference. Families are weighing **identity, belonging, bilingualism, academic quality, geography, and future mobility** both within and beyond Quebec.

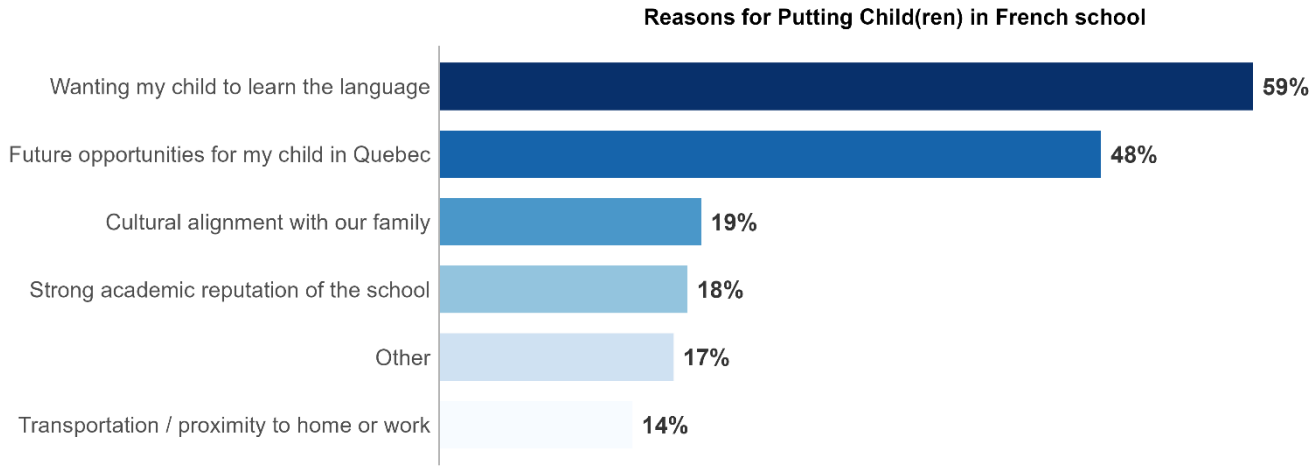
Regarding the choice of an **English public school** for their child(ren), the most common reasons were wanting the child to be educated in English (47%), preparation for future education (37%), supporting Quebec's English-speaking community (35%). The school's academic reputation, the possibility of a career outside Quebec and transportation were additional factors.



For **English private schools,** the top reasons were a strong academic reputation (53%), preparing the child for future education (38%), preparing for the possibility of education or work outside Quebec (31%), and wanting the child to learn or be educated in English (27%). Notably, 8% said that the availability of special education services or support was a factor.



By contrast, among families who chose **French school** even though their child was eligible for English school, the top reasons were wanting the child to learn French (59%) and improve their future opportunities in Quebec (48%). Cultural alignment with the family, academic reputation, and transportation were secondary factors.



Lessons: School Governance & Responding to the Needs of the English-Speaking Community

The quality of minority English-language schools depends heavily on a proper management and control of English-language school boards so that they may increase participation of the broader community in their mission as well as respond to the educational needs and aspirations of the population they serve. English-language schools in Quebec will forever be in competition with French-language schools as they seek to attract and retain students trying to thrive in Quebec. English-language school boards thereby need to manage with this reality in mind. Views on governance were also polled in the Project's survey: results show **meaningful support for English school board autonomy.** Respondents mentioned that hiring teachers (60%), use of budgets (55%), student admission (52%), choice of classroom materials (50%), after-school services (50%), school governance (49%), and curriculum (48%) are areas that should be decided on by English-language school boards. These findings are especially relevant in light of of recent debates and litigation on Bill 40 and community control over minority language institutions.

The Importance of French-Language Education in English-Language Schools

The main reason that parents cited for choosing French-language schools is their desire for their children to learn French. Parents are making the strategic decision to not exercise their section 23 rights, preferring to prioritize their children's learning of French and future opportunities. This finding supports the need for English-language school boards to continue to prioritize their French-language programs, as well as for the federal and provincial governments to support French-language programs. Indeed, as discussed above, English-language schools must offer an education that is not meaningfully inferior to French-language schools (see page #9 of this report). These data make clear that the quality of French-language instruction in English-language schools may be a deciding factor for some parents in deciding whether to avail themselves of their eligibility for minority-language instruction.

REGIONAL VARIABILITY: THE FUTURE OF THE ENGLISH-SPEAKING COMMUNITY ACROSS QUEBEC

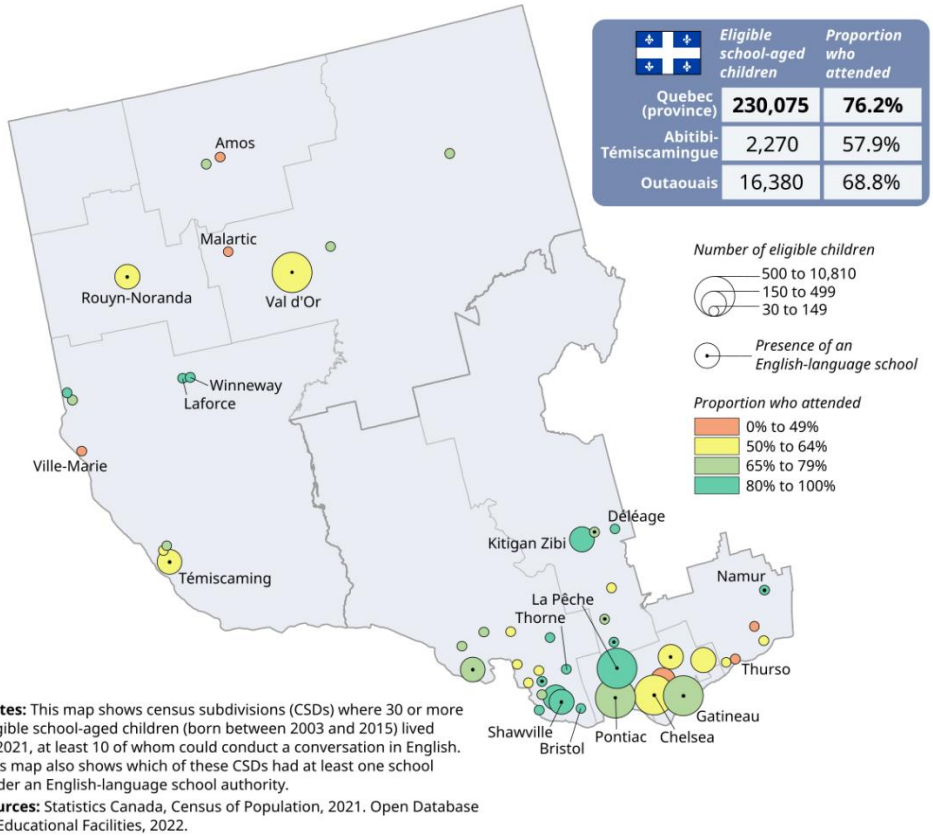
The quality of the management and control of English-language school boards will be determinative of their long-term vitality and survival. This consideration is also of the utmost importance for parents making choices for their child's future. Three-quarters (78%) of parent respondents had children who attended English-language school (including 71% who attended public school). This number mirrors that in the 2021 Census by Statistics Canada, which found that 76.2% of children aged 5 to 17 years who were eligible for instruction in English in Quebec in 2021 were attending or had attended an English-language primary or secondary school in Canada.[102]

It should be noted, however, that this percentage is not the same throughout the territory, and that it masks a high degree of regional variability. **Eligible students in the Montreal region represent 35% of the 230,075 total number of eligible children in Quebec, and 82% of these children attended an English-language school**, according to the 2021 Census. Outside the Montreal region, **the proportion of eligible students who attend an English-language schools varies from 25% (Saint-Jean-de-Matha)** to 97% (Kitigan Zibi).

This map, representing western Quebec as an example, highlights the regional variability in eligible students attending English-language schools:[103]

Map: Number of eligible school-aged children and proportion who attended an English-language school, western Quebec, 2021

Source: Statistics Canada



Notes: This map shows census subdivisions (CSDs) where 30 or more eligible school-aged children (born between 2003 and 2015) lived in 2021, at least 10 of whom could conduct a conversation in English. This map also shows which of these CSDs had at least one school under an English-language school authority.

Sources: Statistics Canada, Census of Population, 2021. Open Database of Educational Facilities, 2022.

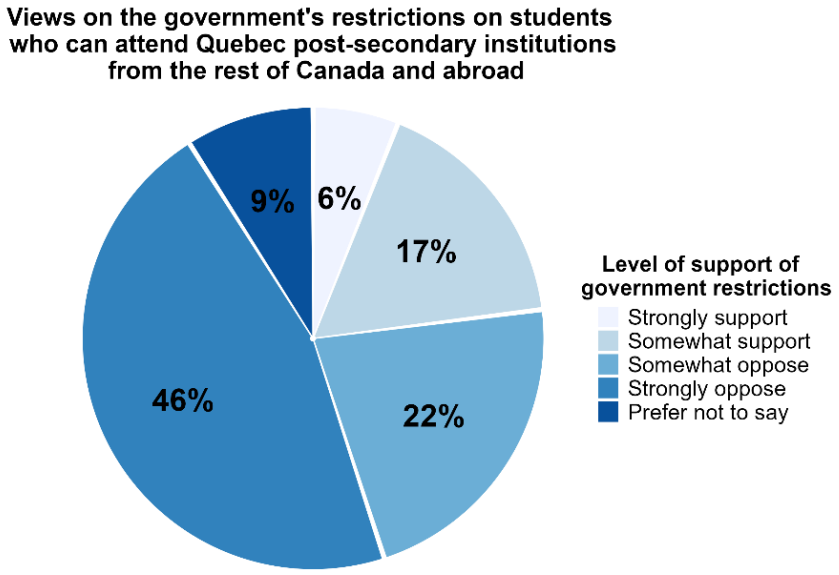
Eligible children who do not attend school in English are likely to **lose the ability to pass on their section 23 rights to their children**. Given the "sliding scale" mechanism behind section 23 (see page #9 of this report), English-language communities in the regions may be at risk of no longer having a sufficient number of English-speaking students to warrant English-language schools.

Thus, there exists a gap in English-language education: a pool of students who could attend English-language schools but instead attend French-language schools. English-language schools cannot assume that rightsholders will choose to attend them. This matter must remain top of mind and the continued strengthening of the French immersion programs in English-language schools must therefore remain a priority.

PRESSURES ON POSTSECONDARY EDUCATION

New rules regarding tuition changes for international and out-of-province students, as well as restrictions on the number of international students who can attend Quebec universities, disproportionately impact English-language universities and put pressure on the English-language educational continuum (see page #).

The Access to Justice survey queried the English-speaking communities' views on the restrictions imposed on universities. **7-in-10 respondents (68%) opposed restrictions** on students who can attend Quebec postsecondary institutions from the rest of Canada and abroad, including 46% who strongly opposed. Only 23% supported these restrictions (9% preferred not to say).



Among respondents who opposed recent government restrictions on students from outside Quebec, the most common reasons were tied to fairness, talent, and reputation. **Over half of respondents opposed the restrictions because they**:

- Saw the restrictions as unfair to applicants who want to study in Quebec (59%);
- Were concerned about losing talented students (59%);
- Thought the restrictions would negatively impact the reputation of Montreal, Quebec, or Canada (57%).
- Were concerned about the impact on the diversity of the student body (53%).

These responses suggest that opposition is not only about protecting English-language institutions, but also about a broader view that Quebec benefits when it remains open and welcoming to students from other provinces and countries.

CONCLUSION

This survey explored two questions that will shape the future vitality of Quebec's English-speaking community: how English-speaking Quebecers perceive their rights, belonging, and place within Quebec society, and how English-speaking parents are deciding in which language they want their children to be educated. While these findings indicate some fragility within the English-speaking community's institutions, they also demonstrate that English speakers' attachment to their community remains strong.

On questions of rights and belonging, respondents expressed significant unease about recent language and education reforms, with many feeling that English-speaking Quebecers are being treated less equally than French-speakers. Support for English-language school board autonomy also remains strong. At the same time, many parents are making strategic school choices based on bilingualism and future opportunities, including choosing French-language schools despite eligibility for English education. These findings suggest that constitutional rights alone are insufficient to sustain community vitality: English-language institutions must remain strong, attractive, and responsive to families' needs in order to preserve the long-term future of Quebec's English-speaking community.

07. CONCLUSIONS

This report has shown that minority language education rights remain a cornerstone of the vitality of the English-speaking community of Quebec. In practice, the contours of this right are shaped by policy choices, institutional practices, and the community itself. The findings point to a growing gap between the strong constitutional protections afforded by section 23 and the conditions under which those rights are exercised in practice. This project's legal analysis, stakeholder outreach, and population data all point to a rising problem:

> English-language education in Quebec is facing increasing administrative, legislative, and social pressures that risk narrowing the scope of section 23 and weakening its core objectives. They signal a broader shift that affects access to education, community governance, and the long-term survival of Quebec's English-speaking community.

Further, many rightsholders lack clear awareness of their legal entitlements and encounter barriers in navigating the systems designed to uphold them. This gap between rights and access undermines the remedial purpose of section 23 and leaves communities less equipped to advocate for themselves.

The consequences are not evenly distributed. Vulnerable groups, including newcomers, racialized communities, rural populations, and students with disabilities, experience compounded barriers that further limit equitable access to minority language education. Without targeted responses, these disparities risk deepening existing inequalities within the English-speaking community.

The findings also point to enduring strengths. English-speaking Quebecers continue to express strong attachment to their institutions, broad support for minority language rights, and a clear understanding of the importance of education to community survival, mobility, and opportunity. Schools remain central as anchors of identity, belonging, and collective life.

The path forward requires coordinated action. Governments, institutions, and community organizations each have a role to play in ensuring that the promise of section 23 is fully realized in both law and practice. This includes improving access to information, removing administrative barriers, safeguarding community governance, and ensuring that new legislative measures are consistent with constitutional guarantees.

> Ultimately, section 23 protects minority communities' freedom to sustain themselves, to transmit their culture, and to participate fully in society. Protecting and strengthening minority language education in Quebec is both a legal obligation and a commitment to the principles of linguistic duality, inclusion, and equity that underpin the Canadian federation.

08. RECOMMENDATIONS

Based on the research conducted and the experiences shared by community stakeholders, we put forward the following recommendations to further the constitutional objectives of section 23 of the Canadian Constitution.

We recommend:

Recommendation 1	That an informational campaign be launched, with the support of the Government of Canada, to ensure that rightsholders are aware of their section 23 constitutional right to access English-language education and that they have a proper grasp of the eligibility criteria, taking particular account of interprovincial mobility and its inherent challenges.
Recommendation 2	That the Government of Quebec, in collaboration with English-language school boards seek ways to alleviate undue administrative barriers and delays in the issuance of eligibility certificates.
Recommendation 3	That the Government of Quebec not limit the ability of English-language school boards to avail themselves of judicial recourses in the defense of the minority language rights of the English-speaking community of Quebec.
Recommendation 4	That the Secrétariat aux relations avec les Québécois d'expression anglaise facilitate an open and ongoing dialogue between the Quebec Ministry of Education and the Quebec English School Board Association to ensure that any legislation is preemptively analyzed for compatibility with the minority language education rights of section 23 of the Canadian Charter of Rights and Freedoms.
Recommendation 5	That the federal and provincial government work collaboratively to create a framework that enables federal funds to reach the education sector with minimal barriers in order to meet the increasingly urgent needs of a strained education system.
Recommendation 6	That the Government of Quebec support actions and campaigns led by English-language school boards to increase the active participation of the English-speaking minority community of Quebec in their institutional and democratic activities.

Recommendation 7	That the Government of Quebec increase support to the English-language school boards as they further enhance their French-language education to ensure that their educational offer remains competitive and attractive to rightsholders seeking to remain and thrive in Quebec.
Recommendation 8	That English-language advocacy organizations monitor legislation, regulation, directives, and budgetary rules for any changes that might undermine or weaken the autonomy of English-language school boards or the English-speaking community's right to manage and control its schools.
Recommendation 9	That the Government of Canada provide material and financial support to English-language advocacy organizations monitoring the vitality of English-language education in Quebec.
Recommendation 10	That the Government of Quebec take into account overlapping factors of vulnerability, namely for racialized minorities, rural populations, immigrants, low-income individuals and students with disabilities, seeking equitable access to English-language educational services.
Recommendation 11	That TALQ initiate and sustain dialogue with French-language advocates to explore synergies and potential collaboration on matters affecting the vitality of minority language communities.

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