

How Quebec Did It

At Confederation in 1867 : Quebec had essentially a dual public school system: a Catholic French language system and a Protestant English-language system. Section 93 of the *British North America Act* made education a provincial responsibility but section 93 paragraphs (1)-(4) protected Quebec, and Ontario, denominational school rights that existed at Confederation.

The Quiet Revolution: The government introduced the *Commission of Inquiry on Education*. The resulting 1964 Parent Report recommended the creation of a department of education and questioned the role of the Catholic Church, which controlled the public school system. Quebec tried since this Report to move to an education system which was linguistically, rather than religiously, based.

In 1984: the Quebec government (PQ) adopted Bill 3 which sought to make the educational system based on language of instruction, rather than religion, but it was declared unconstitutional because it tried to limit, though not remove completely, the jurisdiction of the religious boards.

In 1987: the Quebec Liberals introduced Bill 107 which became the *Education Act*; the final form of this Bill was approved by the Canadian Supreme Court in 1993. It created mainly English and French school systems but some religious boards (both Catholic and Protestant) remained and a particular religion could still be favoured by a school board.

During the late 1990s, there was a report by “The Estates General On Education 1995-1996 The State Of Education In Quebec” whose decision was to “...continue moving toward a non-confessional education system...” **“Two fundamental principles were its guide: equality before the law and non-discrimination.”**

On April 15, 1997: the Quebec National Assembly voted **unanimously** in favour of a resolution to amend the *Constitution Act, 1867* and exempt Quebec from the application of paragraphs (1) to (4) of section 93 of the *Constitution Act, 1867*.

On June 19, 1997: Quebec National Assembly passed Bill 109, which amended the Quebec *Education Act* so that, once the *Constitution Act, 1867* had been amended, all the province’s school boards would, after a transition period, be replaced by French language and English language school boards.

November 18, 1997: the House of Commons voted 204-59 in favour of Quebec’s resolution, the Senate passed the resolution 51-17, and on December 31, 1997. the *Constitution Act, 1867* was amended.

The amendment to the Constitution reads:

“1. *The Constitution Act, 1867*, is amended by adding, immediately after section 93, the following: **93A. Paragraphs (1) to (4) of section 93 do not apply to Quebec.**”

July 1, 1998: All the province’s school boards became French language and English language school boards. The elimination of the religious school system was challenged in the courts but the process was upheld by the Quebec Court of Appeal (*Potter c. Québec*, 2001 CanLII 20663), leave to appeal to Supreme Court of Canada refused.

2005: The process was completed by S.Q. 2005, c.20, s.466.18.3 which stated religion can be taught in Quebec public schools (French or English) but it cannot favour a particular religion.

Sources: Canadian Journal of Education Administration and Policy, Issue #24, February 28, 2005.