

# *CONSEIL SCOLAIRE ACADIEN PROVINCIAL ACT*



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# FRENCH FIRST LANGUAGE EDUCATION IN NOVA SCOTIA REQUIRES LEGISLATION THAT RESPECTS SECTION 23 OF THE CHARTER, IS SEPARATE AND INDEPENDENT

<p>1</p>	<p><b>The context</b></p> <p>In 2018, the Department of Education and Early Childhood Development (<b>EECD</b>) reformed the English language education system, notably by replacing elected school boards with centralized regional centres. However, EECD did not put forward a plan for the French first language education system, despite the growth of the CSAP and the advancement of Acadian and Francophone rights. In March 2018, the Minister of Education announced that <a href="#">“For the first time, there will be separate legislation for the CSAP, reflecting the cultural and linguistic rights of Acadians and Francophones.”</a></p>
<p>2</p>	<p><b>The purpose of section 23 of the <i>Charter</i> and the protection it confers</b></p> <p><a href="#">Section 23 of the <i>Charter</i></a> obliges Nova Scotia to ensure that Acadians and Francophones have access to a network of well-situated schools that offer education that is substantively equivalent to that which is offered in English language and immersion programs. Adopting a <i>CSAP Act</i> would assist in ensuring that this obligation is respected. The CSAP must manage and control its schools and programming, while respecting, of course, provincial standards set out by the EECD.</p>
<p>3</p>	<p><b>The current situation</b></p> <p>Since 2018, two statutes have regulated French first language education: the <a href="#">Education Act, 2018</a> and the <a href="#">Education (CSAP) Act, 1995/96</a>. Neither statute is <i>Charter</i>-compliant. This is problematic. The CSAP is working hard to ensure that it is overseen by a single, <i>Charter</i>-compliant, separate and independent statute. In May 2021, the government agreed that such a statute should be passed and, to that end, a working group of key players was formed, including a) a representative from the Prime Minister’s office, b) the Minister of EECD, his deputy minister and right-hand person, c) the Minister of Acadian Affairs and Francophonie, her deputy minister and right-hand person, and d) the CSAP. This working group considered several concrete proposals. None of them were rejected, several were accepted, but others remain unanswered by EECD.</p>



4	<p><b>The obstacle</b></p> <p>The public service is opposed to the idea of a <i>Charter</i>-compliant separate and independent Act to regulate French first language education because it is trying, at all costs, to create a uniform system over which it has complete control. However, Acadians and Francophones have the right to be treated differently and this must occur if the CSAP is to succeed in transmitting the French language and its cultures to future generations. The fears raised by the public service are smoke screens that have been dispelled time and time again in legal opinions provided to the government, signed by retired judges, including two former Supreme Court of Canada judges.</p>
5	<p><b>The solution</b></p> <ul style="list-style-type: none"> <li>• Adopt legislation for French first language education that is compliant with the <i>Charter</i>;</li> <li>• That is separate and autonomous (i.e., there would be two education frameworks in Nova Scotia: (i) an act and regulations that oversee education for the majority exclusively, and (ii) an act and regulations that oversee education provided only by the CSAP); and</li> <li>• That is neither subordinate to, nor dependent on the legislative framework for English language education (i.e., that would include all provisions required to oversee education provided by the CSAP).</li> </ul>
6	<p><b>The importance and scale of the project</b></p> <p>There is no better way to preserve and promote the French language, Acadian and Francophone communities than to adopt legislation that ensures the vitality and survival of the CSAP. Passing the requested legislation would redress the injustices of the past, recognize the struggles and endurance of generations, and anchor the history and protection of the Acadian and Francophone communities in the fabric of the province.</p>
7	<p><b>Conclusion</b></p> <p>CSAP legislation that is <i>Charter</i>-compliant, separate and independent will enhance the distinct and collective heritage of the Acadian community, which has fought long and hard to have its children educated in its language and cultures, will reduce assimilation and be celebrated.</p>

## FREQUENTLY ASKED QUESTIONS

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#### Why is the CSAP asking for its own legislation?

In 2018, the province reformed the education system by abolishing English-language school boards. As a result, the Department of Education and Early Childhood Development (EECD) now directly manages and controls English language and immersion schools under the *Education Act, 2018*. Unlike the majority, the Acadian and Francophone community has the constitutional right to manage and control its schools, staff and educational programs. For this reason, the Minister of EECD at the time accepted the CSAP's request to be regulated by its own legislation – i.e., a *Conseil Scolaire Acadien Provincial Act* (“CSAP Act”) – a *Charter*-compliant act, separate and independent from the *Education Act, 2018*.

#### Why is the CSAP asking for its legislation to be compliant with section 23 of the *Charter*?

Since the creation of the CSAP in 1996, the *Education Act* has never truly implemented the rights of Acadians and Francophones and has not accounted for Court decisions that have broadened the scope of section 23. Moreover, for several years, the CSAP has noted an erosion of the powers of management and control that it must exercise under the *Charter*. *Charter*-compliant legislation would codify the rights and advances made over the past 25 years. It is time for the legislative framework overseeing French first language education to affirm these rights, to recognize the limitations that section 23 imposes on EECD officials, and to provide the CSAP with the tools it needs to ensure that the French language and its cultures are passed on to future generations.

#### Why is the CSAP asking for its legislation to be separate from the *Education Act, 2018*?

The CSAP is asking for its legislation to be separate from the *Education Act, 2018* to strengthen the place of Acadians and Francophones in the education system. A separate *CSAP Act* that complies with the *Charter* would require the public service to account for the particularities of French first language education, including the protection and the development of the Acadian and Francophone community. This would result in substantive equivalence between the linguistic majority and minority within the school system, which would be overseen by two statutes: (i) one act and its regulations would oversee English language and immersion education exclusively, and (ii) one act and its regulations would oversee French first language education only.



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### **Why is the CSAP asking for its legislation to be independent from the *Education Act, 2018*?**

The CSAP is asking for legislation that is independent from the *Education Act, 2018*, meaning legislation that is neither subordinate to nor dependent on the legislative framework for English language and immersion education. Why? Because this would ensure substantive equivalence between the two schemes. The *CSAP Act* and its regulations must include all the required provisions to allow the CSAP to provide education. Otherwise, the *CSAP Act* would be an empty shell that would neither protect nor develop the Acadian and Francophone community.

### **Why does the public service oppose the project?**

The public service never wanted to fulfil the promise of distinct legislation for the CSAP. Instead, it recommends the adoption of an incomplete statute that would be subordinate to the *Education Act, 2018*. For example, it maintains that several provisions should only be found in the *Education Act, 2018*, that the *Education Act, 2018* should also apply to the CSAP and that it should take precedence over the *CSAP Act*. The type of legislation recommended by the public service would maintain the status quo (dating back to 1996); would be ignored and would only have symbolic value.

### **What progress has been made since 2018?**

The CSAP and the EECD discussed several draft bills in 2018 and 2019. No bill has been tabled or finalized. After several broken promises and renewed commitments, the CSAP participated in six meetings of a high-level working group established to study the contents of the bill in May and June 2021. This working group included a) a representative from the Prime Minister's office, b) the Minister of EECD, his deputy minister and his right-hand person, c) the Minister of Acadian Affairs and Francophonie, her deputy minister and her right-hand person, and d) the CSAP.

### **What is the outcome of the 2021 working group?**

The proposals discussed by the working group were intended to lead to the preparation of a document containing instructions for the legislative drafters responsible for drafting the bill. Despite some progress during the discussions, the CSAP has neither received the instruction document for the drafters, nor a response to some of the proposals that the working group considered.

### **What explains the delay in tabling the bill?**

The CSAP does not know. The CSAP does not have a clear answer from the province. Despite repeated promises by the last two EECD Ministers and the continued efforts of the CSAP, the public service is trying to prevent the *CSAP Act* from becoming reality.



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## Why is the mandate letter of the new Minister of EECD Becky Druhan silent on the bill, the CSAP and French first language education?

Ministers' mandate letters set out the government's priorities and the Prime Minister's instructions to his ministers on what must be achieved. The mandate letter received by the previous Minister (D. Mombourquette) entrusted him with the responsibility of passing the *CSAP Act*. With the arrival of the new government in 2021, this project disappeared. Minister Druhan's [mandate letter](#) says nothing about the *CSAP Act*, the CSAP, Acadians, Francophones... or even French at all!

## What can I do to support the CSAP?

Provincial politicians from all political parties must be made aware of the importance of the bill for the future of French first language education. It is also important to communicate that it is unacceptable that the public service has been blocking the bill for years, which is not only contrary to the interests of Acadians and Francophones, but also contrary to the interests of all Nova Scotians. Please communicate, for instance, with your Member of the Legislative Assembly (MLA) to share your frustrations and concerns and raise them within your community.

## Who are some of the key people who can support or influence the project?

### SOME KEY PEOPLE IN THE FEDERAL GOVERNMENT

**Darrell Samson**

Parliamentary Secretary for  
Veterans Affairs  
Associate Minister of National  
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Chair of the Official Languages  
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**Hon. Sean Fraser**

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## SOME KEY PEOPLE IN THE PROVINCIAL GOVERNMENT

Conservative MLAs	Liberal MLAs	NDP MLAs
<p>Hon. <b>Tim Houston</b> (Prime Minister) Pictou East 902-695-3582 <a href="mailto:pictoueastamanda@gmail.com">pictoueastamanda@gmail.com</a></p>	<p>Hon. <b>Iain Rankin</b> Timberlea-Prospect 902-404-7036 <a href="mailto:info@iainrankin.ca">info@iainrankin.ca</a></p>	<p><b>Gary Burrill</b> Halifax Chebucto 902-454-8365 <a href="mailto:garyburrillmla@gmail.com">garyburrillmla@gmail.com</a></p>
<p>Hon. <b>Allan MacMaster</b> (Finance) Inverness 902-258-2216 <a href="mailto:mlamacmaster@bellaliant.com">mlamacmaster@bellaliant.com</a></p>	<p>Hon. <b>Derek Mombourquette</b> Sydney-Membertou 902-562-8870 <a href="mailto:info@mombourquette.ca">info@mombourquette.ca</a></p>	<p><b>Claudia Chender</b> Dartmouth South 902-406-2301 <a href="mailto:claudiachendermla@gmail.com">claudiachendermla@gmail.com</a></p>
<p>Hon. <b>Becky Druhan</b> (Education) Lunenburg West 902-530-5449 <a href="mailto:beckydruhan.mla@eastlink.ca">beckydruhan.mla@eastlink.ca</a></p>	<p>Hon. <b>Zach Churchill</b> Yarmouth 902-742-4444 <a href="mailto:ca@zachchurchill.com">ca@zachchurchill.com</a></p>	<p><b>Susan Leblanc</b> Dartmouth North 902-463-6670 <a href="mailto:susanleblancMLA@bellaliant.com">susanleblancMLA@bellaliant.com</a></p>
<p>Hon. <b>Colton Leblanc</b> (Acadian Affairs and Francophonie) Argyle 902-424-0497 <a href="mailto:MIN-OAA@novascotia.ca">MIN-OAA@novascotia.ca</a></p>	<p><b>Ronnie LeBlanc</b> Clare 902-769-5011 <a href="mailto:info@ronnieleblanc.ca">info@ronnieleblanc.ca</a></p>	
<p>Hon. <b>Tim Halman</b> (Environment) Dartmouth East 902-469-7353 <a href="mailto:timhalmanmla@gmail.com">timhalmanmla@gmail.com</a></p>	<p><b>Lorelei Nicoll</b> Cole Harbour-Dartmouth 902-701-2245 <a href="mailto:info@lorelainicollmla.ca">info@lorelainicollmla.ca</a></p>	
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