Rights, Schools and Communities in Minority Contexts: 1986-2002

Toward the Development of French through Education, an Analysis

Angéline Martel

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES
CANADA
COMMISSARIAT AUX LANGUES OFFICIELLES

CONTENTS

Foreword by Dyane Adam 1

Summary 3

Introduction 9

Part One: Context

1.1 Section 23: a constitutional provision 13

1.2 Demolinguistic development of Canada's Francophone and Acadian communities: an overview 20

Part Two: Section 23 Target Student Population

2.1 Methodology 23

2.2 Trends in target student population, 1986-2002 24

2.3 Target student population trends by province and territory, 1986-2002 26

Part Three: Student Population and Schools

3.1 Trends in student population and French schools for all programs Canada, 1986-1987 to 1997-1998 27

3.2 Retaining student populations in Canada 27

3.3 Changes in French-language schools and their student populations, by province and territory, 1986-1987 to 1997-1998 29

Part Four: Assessment and Avenues for Action

4.1 Hypotheses for language planning: the remedial vision 35

4.2 Issues in everyday life 38

4.3 Who are the key players? 43

4.4 Avenues for concerted action 44

Conclusion 47

References 49

Appendix A: Tables 1 to 10 51

Appendix B: Tables 11 to 22 — Summary of Statistical Indicators by Province and Territory 59

Appendix C: Tables 23 to 25 — Target Student Population, by French Spoken at Home and Knowledge of French, by Province and Territory 71

Appendix D: Proposals 75

Appendix E: Section 23 of the *Canadian Charter of Rights and Freedoms* 77

LIST OF TABLES

Table 1: Population with French as mother tongue (FMT) and population speaking French in the home (FLH), Canada excluding Quebec, 1951-96

Table 2: Population and proportion of persons with minority official language as mother tongue, compared with provincial and territorial populations of Canada, 1986-96

Table 3: Target student population of French-language schools and total school population, Canada excluding Quebec, students aged 6 to 17, 1986-96

Table 4: Target student population of French-language schools, by province and territory, students aged 6 to 17, 1986-2002

Table 5: Schools and actual student populations, all programs and French-language schools, 1986-1987 to 1997-98

Table 6: Retention rate (% of Grade 1 students) in Grade 8 and Grade 12 in French-language schools in majority areas, 1994

Table 7: Student population in all programs, by level of schooling, Canada excluding Quebec, 1991-92 and 1996-97

Table 8: French-language schools and student population in Francophone communities in Canada, by province and territory, 1986-87 to 1997-98

Table 9: Percentages of actual student population, all programs and French-language schools, compared with target student population, 6 to 17 years of age, 1986, 1991 and 1996

Table 10: Language planning hypotheses: recovery action plan, 2000-2010

Table 11: Summary of statistical indicators, Canada excluding Quebec

Table 12: Summary of statistical indicators, British Columbia

Table 13: Summary of statistical indicators, Alberta

Table 14: Summary of statistical indicators, Saskatchewan

Table 15: Summary of statistical indicators, Manitoba

Table 16: Summary of statistical indicators, Ontario

Table 17: Summary of statistical indicators, New Brunswick

Table 18: Summary of statistical indicators, Nova Scotia

Table 19: Summary of statistical indicators, Prince Edward Island

Table 20: Summary of statistical indicators, Newfoundland and Labrador

Table 21: Summary of statistical indicators, Yukon

Table 22: Summary of statistical indicators, Northwest Territories

Table 23: Target student population with knowledge of French or who speak French at home, by type of family, 0 to 4 years and 5 to 17 years, Canada excluding Quebec, 1996

Table 24: Percentage of target student population, 0 to 4 years, by type of family, language spoken at home and knowledge of French, by province and territory, excluding Quebec, 1996

Table 25: Percentage of target student population between 5 and 17 years, by type of family, language spoken at home and knowledge of French, by province and territory, excluding Quebec, 1996

FOREWORD

French language schools are one of the key elements in the development of Canadian linguistic duality, which is our goal. As the reader knows, this duality is one of the foundations of our country. Recognized in the *Canadian Charter of Rights and Freedoms* and spelled out in the *Official Languages Act*, the rights and obligations inherent in linguistic duality oblige Canada to rectify the historical erosion of Francophone communities and to enhance their vitality. The Office of the Commissioner of Official Languages recognizes the essential role played by French-language schools in minority situations in revitalizing Canadian linguistic duality.[1]

The success of French-language schools can be measured by their ability to attract, retain and educate their target school populations. The right to education in the language of the minority, granted by section 23 of the Charter, defines this target population. While it is clear that the parents of this minority have a moral responsibility to carry on their linguistic and cultural heritage and to have their children educated in these schools, it is also clear that the true responsibility lies today with the French-language school boards. The acquired rights impart to them a key role in the establishment of the necessary preconditions for the school to be able to fulfil its mandate. A recent Supreme Court decision in the Beaulac case stated clearly that, for the official language minorities to develop, they must be provided with the necessary resources. It is therefore up to the school boards to obtain these funds from the various levels of government.

The study carried out by researcher Angéline Martel for the Office of the Commissioner of Official Languages aims to zero in on the problems confronting the eligible students, that is, the target school populations as defined by the right that the Charter grants to parents to have their children educated in the minority language[2]. Those responsible for education in French are increasingly preoccupied with attracting this target population. The reader should be aware that in half of all cases the target school populations of today have lost this constitutional right to minority language education for their own children and for the succeeding generations! We are therefore making an in-depth assessment of all the issues that are at stake here for the future of the French fact in Canada.

Angéline Martel's study has two objectives: to analyze the current level of success in attracting the French-language target school population, and to identify mechanisms to attract more of this clientele. On the one hand, the study assesses the current situation in terms of the existing population and the number of schools and measures the likely effect of these trends. On the other hand, it makes assumptions and suggests courses of action for new language planning to fulfil the mission of French-language schools.

We believe that an as-yet untapped pool of students will be attracted to French-language schools when, enlightened by data such as those we have disclosed in this study, the governments and officials responsible for education in French take the appropriate

1 This is what we emphasized to those attending the French-Language Early Childhood Summit in our address entitled "The Mission of Providing Instruction in the Language of the Minority", in Toronto on January 29, 2000. The text of this speech will be found at the following Internet address: http://www.ocol-clo.gc.ca/00002_a.htm.

2 The study, is also available on line at http://www.ocol-clo.gc.ca.

measures to achieve their objective. The Office of the Commissioner also recently published a study entitled *Motivations for School Choices by Eligible Parents outside Quebec*, which presents the main factors likely to attract the target school populations to French-language schools.[3]

We are convinced that the importance of raising the awareness of parents who hold education rights in the minority language must continue to be emphasized so that they make a wise choice for the future of their children. Furthermore, we must strengthen the school as a receptive environment and a centre of excellence connected to its community. The future of French Canada depends on it.

Dyane Adam
Commissioner of Official Languages

3 The study entitled *Motivations for School Choices by Eligible Parents outside Quebec*, carried out for the Commissioner by Circum Network Inc., is available at the following Internet address: http://www.ocol-clo.gc.ca/motiv_e.htm.

SUMMARY

1. Demolinguistic evolution in Canada, 1951-1996

The implementation of section 23 has had a significant impact on Francophone and Acadian communities in Canada. Before examining this, however, it is important to understand the linguistic profile of the Francophone communities outside Quebec.

The census data covering the years 1951 to 1996 (table 1) for the population whose mother tongue is French and those who speak French at home in Canada (excepting Quebec) show that:

- The French-mother-tongue (FMT) population increased considerably. Between those two years it grew by 34.4%.
- Proportionally, given the substantial increase in Canada's total population (115.8%), the FMT population is continually shrinking. While it represented 7.5% of the population of Canada where the majority was Anglophone in 1951, this proportion had fallen to 4.5% in 1996. The factors that explain this downward movement are, among other things, the larger percentage of Anglophone immigration, interprovincial mobility that is unfavourable to Francophone and Acadian communities, language transfers, decreasing fertility rates, an aging population, and intermarriage.
- If we compare the number of people with French as their mother tongue with the number of people who speak it at home, we find that the index of linguistic continuity decreased between 1971 (73%) and 1996 (63.8%).

However, the demographic weight of the FMT population varies greatly among the provinces and territories. Table 2 gives a statistical profile, grouping the provinces and territories by category. It can be seen that the situation in New Brunswick, with a minority representing 33.2% of the total population in 1996, differs considerably from that of Newfoundland, with 0.4%, and from those of the intermediate (4% to 10%) and low (1% to 3%) categories. It should be kept in mind that, given the heterogeneous nature of the Francophone communities, the implementation of section 23 involves challenges specific to each region.

2. Changes in the target school population, 1986-2002

Our study gives an overview of the pool of students who, in keeping with the spirit of section 23(2)(a), should be attending minority French-language schools. This longitudinal[4] study is spread over 10 years (1986, 1991 and 1996 censuses) and is extended to 2002 using projections. The target school population is calculated on the basis of the number of children with at least one parent who reported French as his or her sole or dual mother tongue. For the purposes of this study, the pool of children between six and 17 years of age was considered the target school population, while children between birth and five years of age were used for the projections to 2002.

The young people making up the target school population are:

- of French mother tongue;
- of English mother tongue;
- bilingual, of French, English or other mother tongue.

They have attended:

- a French-language school;
- an English-language school; or
- an immersion school.

National profile

There has been a decline in the target school population between 1986 and 2002 (table 3). It decreased by approximately 39,000 young

4 For the 1991 data, see an earlier study entitled *Official Language Minority Education Rights in Canada: From instruction to management/Les droits scolaires des minorités de langue officielle au Canada : De l'instruction à la gestion.*

people over the course of 10 years (1986-96). This decline seems likely to continue for 2002 (-8,904 students).

Table 3 provides comparative data for the total school population, which does not follow the same trend. Rather, it increased by about 10% between 1986 and 1996.

Several factors account for this decrease in the target student population in the Francophone and Acadian communities:

- a fertility rate lower than that of the Anglophone-majority provinces;
- an age pyramid in which the proportion of those under 15 years of age has decreased considerably in relation to the same group in the total population;
- the cumulative effects of low rates of instruction in French;
- a very low level of francophone and acadian community demographic resourcing through immigration.

Profile by province and territory

The situation varies considerably from one province or territory to another, as seen in table 4. Gaps are widening between some provinces or territories where there are sharp drops in the target school populations (Saskatchewan -30%, Prince Edward Island -20%, Newfoundland and Labrador -19%, and New Brunswick -18%) and others where there are increases (Yukon +73% and Northwest Territories +26%).

3. Changes in schools and school populations, 1986-1998

To bring into sharper focus the situation that section 23 of the Charter seeks to correct, this section presents the changes that took place in the schools and their populations between 1986 and 1998. These statistics were compiled on the basis of the information provided by the provincial and territorial Education ministries. They were then verified with the Francophone and Acadian community associations.

French is taught in schools of different types, which we have divided into two categories:

- French-language schools (the preferred category under section 23), in which French is the language of instruction and administration; these generally bring together a part of the target school population;
- all programs that provide "instruction in the minority language," namely French. These include French-language schools (those in the first category), dual-stream schools (partly target school population and partly majority students), bilingual schools, and schools in which some courses or programs are offered in French.

National profile

An analysis of the trends in French-language schools and enrolment numbers for the period between the 1986-87 and 1997-98 school years (table 5) reveals the following:

- enrolment in French-language schools increased at the end of the 1980s, followed by a period of relative stability;
- the number of schools increased from 1986-87 to 1992-93, then decreased to the level reached in 1990-91, giving a net increase of 9.4%;
- French-language schools represent an increasing proportion of all the educational institutions providing instruction in the French language;
- enrolments in French-language schools increased by 2.9% between 1986-87 and 1990-91 and tend to decrease from 1995-96;
- the proportion of the student population that learned French in French-language schools grew from 88.3% in 1986-87 to 95.7% in 1997-98.

This development is interesting, given that during this period there were many school mergers leading to school closures.

Another way of gauging the vitality of French-language schools is to examine their ability to retain their enrolled students throughout their school careers. Table 6 sheds light on this aspect by giving a breakdown of school enrolments in all programs with instruction in French, by level, comparing school enrolments between the 1991-92 and 1996-97 school years.

Although such a transverse calculation of data does not take into account phenomena such as migration or changes in the age pyramid, it has the advantage of showing the levels at which students leave the schools. For both periods chosen for our comparison, three levels stand out clearly: between grades 1 and 2; between grades 8 and 9; and between grades 11 and 12.

The attrition between grades 1 and 2 seems to indicate that the students and their parents have decided not to stay in the French-language school after a "tryout" for a year. This phenomenon calls into question the quality of the welcome extended by the school. The loss of students between grades 8 and 9 coincides with the transition from primary to secondary school and could indicate that the choice of language of instruction is related to the language of post-secondary education or a possible career choice. The attrition between grades 11 and 12 seems to confirm the above assumption. The transitions that we have just referred to represent pivotal points that merit special attention from the language planning perspective.

Table 6 also indicates that school enrolments at the primary level declined appreciably between 1991-92 and 1996-97, while secondary-level enrolments showed a significant increase. This "aging" of the student body seems to suggest that the school system is successful in retaining high school students.

Profile by province and territory

Table 8 gives a detailed profile of changes in school numbers and their enrolments by province and territory. It can be seen that the provinces and territories with the most marked increases are those with the smallest Francophone populations: British Columbia, Alberta, Saskatchewan, Newfoundland, Northwest Territories and Yukon. Section 23 seems to have played its role effectively here. On the other hand New Brunswick has the poorest performance over the period covered from the point of view of the number of schools (-41) and their enrolments (-10.5%).

4. Overview and courses of action

The purpose of this study is to evaluate the extent to which implementation of section 23 has made it possible to correct the historical difficulty of educating the youth of Canada's minority Francophone and Acadian communities in their own language and the ground that still needs to be covered.

Summary from 1986 to 1996

French-language schools are attracting a constantly growing percentage of the target school population (table 9): 45% in 1986, 51% in 1991, 54% in 1996. The increase is larger if we include all types of schools providing instruction in French: 50% in 1986, 53% in 1991, 57% in 1996.

Two conclusions arise from an analysis of these data:

- The Francophone and Acadian communities saw an increase in the number of Francophone students, thanks to the French-language schools; this increase remains limited, however, since barely half the target school population has been reached (54.4% in 1996).
- School enrolment for all French-language programs taken together decreased significantly for the study period (from 136,903 to 133,370), but there is an increase

in enrolment for the French-language schools (from 123,027 to 126,718), which seems to point to a process of structural francization thanks to these schools.

Two trends can interfere with the statistical analysis: the decline in the target school population (from 271,914 in 1986 to 232,942 in 1996), and the increase in school enrolments of French-language schools (from 123,027 in 1986 to 126,718 in 1996). To have a clearer idea of the impact of French-language schools over a 10-year period, the study (table 9) compares the enrolment for 1996 with the target school population for 1986. Such a calculation offsets the incremental factor and shows that there is still a 1% growth in the attraction of the target population.

The data reported in this study reflect the results of the implementation of section 23 of the Charter in terms of the school structures established in the Francophone and Acadian communities and the stabilization of school enrolments achieved. They indicate the necessity to review the approach, strategies and measures to implement section 23, because the efforts of the last 10 years have not been sufficient to reclaim a significantly larger percentage of the target school population.

Assumptions for the future

On the basis of the data analyzed, we have developed a set of assumptions for reclaiming students based on different school enrolment scenarios. The assumptions are broken down by province and territory category, based on the demographic weight of the Francophone and Acadian communities (table 9).

Thus, we can advance the following hypotheses with regard to reclamation:

- with a Francophone population of more than 33%

  New Brunswick: 95% of the target school population, which represents an additional enrolment of 7,664 young people

- with a Francophone population of about 5% with a critical mass

  Ontario: 75% of the target school population, which represents an additional enrolment of 17,676 young people

- with an intermediate Francophone population of about 5%

  Manitoba: 50% of the target school population, which represents an additional enrolment of 5,785 young people

  Prince Edward Island: 50% of the target school population, which represents an additional enrolment of 524 young people

  Nova Scotia: 50% of the target school population, which represents an additional enrolment of 3,533 young people

- with a small Francophone population of between 1% and 3%

  Northwest Territories: 25% of the target school population, which represents an additional enrolment of 140 young people

  Yukon: 25% of the target school population, which represents an additional enrolment of -1 one young person!

  Alberta: 25% of the target school population, which represents an additional enrolment of 6,438 young people

  Saskatchewan: 25% of the target school population, which represents an additional enrolment of 3,520 young people

  British Columbia: 25% of the target school population, which represents an additional enrolment of 5,204 young people

- with a marginal Francophone population of less than 1%

  Newfoundland: 30% of the target school population, which represents an additional enrolment of 360 young people.

These hypotheses are used to develop a 10-year plan for reclaiming the target school population. They are realistic in that the following contextual elements have been taken into account:

- The reclamation period extends over 10 years.
- The year 2010, the year scheduled for the plan's conclusion, is the 28th anniversary of the adoption of the Charter.
- Unlike the situation during the past 30 years, over the next 10 years the French-language minority communities will have at their disposal a variety of language planning tools, including school governance, French-language schools, technological networking of schools, and special funds earmarked for the implementation of language planning.
- The French-language minority communities are more aware than ever before of the importance of concentrating their energies on the school, of contributing to its success, and of using it to impart vitality to the community.
- Both the community development measures implemented within the context of the Canada-Community agreements and the efforts to boost Francophone numbers through immigration should boost the vitality of the Francophone communities.

The anticipated impact of these measures to boost school enrolments is considerable. The Francophone school population increases by approximately 50,000, which is comparable to the total Francophone enrolment for New Brunswick in 1996 (45,000). These will be so many more children with education rights in the minority language who will pass these rights on to succeeding generations.

Challenges to be met

The vitality of the Francophone and Acadian communities depends on their ability to continue to educate their young people appropriately in French. This is the mission of the French-language school and the role of language planning over the next 10 years. This task involves several players.

- In the first instance, the political leaders at the federal, provincial and territorial levels are responsible for ensuring the coordination of specific language planning measures and the allocation of adequate resources at both the school and pre-school level.
- French-language school boards must work together in developping an implementing an effective action plan to recruit and educate their target school population so as to ensure, in cooperation with the two other levels of government, the achievement of the aim of section 23.
- The leaders of the Francophone and Acadian communities must draw up concerted action plans at the national and local levels.
- Education professionals are the ones who have to ensure the quality of the instruction provided in French.
- Families must play a role in preserving the language and culture passed on to them.

These stakeholders will have to come to terms with several key and at times delicate questions.

Better relations with the majority

Section 23 has enabled the communities to assert their rights, but at the cost of lengthy political and legal struggles that have at times left their mark on the relations between the majority and minority communities. The atmosphere of confrontation that has been evident will have to be counterbalanced by an approach more focused on strengthening Canadian nationhood. Globalization has the dubious effect of promoting homogeneity of content, leading to movements by a variety of cultures to assert themselves. From the global point of view, however, Canada itself is a minority, or more precisely a mosaic of minorities, and its strength lies in each of its components being able to make its contribution. We have everything to gain by creating a synergy among the efforts of all the minority communities in Canada.

A school at the centre of the community

Recently, the Supreme Court decision in favour of the parents of Summerside recalled the importance of schools in the development of minority communities. The aim of our study is to show the importance of strengthening the community population base through the target school population. The school serves as a community centre, and viewing it in this way encourages the parents of the target population to give it their support.[5] It must be sustained by a feeling of belonging to the community and a desire to contribute to it in return. Future community development strategies must not neglect the role of the school but follow the example of the school-community centres that have already given new life to a number of minority communities throughout the country.

A school that welcomes non-Francophone students from the target population

The target school population forms an integral part of the next generation of the Francophone and Acadian communities of Canada. Clearly, the inclusion of non-Francophone students in French-language schools raises fears based on the danger of anglicization. It should be kept in mind, however, that most students in the target school population (72%) already know French. For some students their knowledge of French seems to be derived from attendance at immersion schools, but for the younger ones the parental influence is the determining factor. Ways must be found to build on this acquired knowledge and strengthen it in the context of French-language preschool or extracurricular activities. A warm welcome must also be extended to Anglophone parents.[6] Community organizations will have to join with the schools to facilitate the transition of the target student population from its predominantly Anglophone environment to the Francophone school environment.

A linguistically vibrant school

The young people of the minority community come from linguistic backgrounds that include bilingualism and vernacular variants of French. While the school does indeed have a mandate to impart a French language that is rich and subtle, it should also show respect and appreciation for the varied language skills of the students, including vernaculars and other languages, not just English. Once again, the context of globalization gives a competitive advantage to people who can communicate between cultures. Canada's future bilingual and multilingual Francophones should take advantage of this. Moreover, the parents of the target school population are clearly interested in language learning and wonder about the ability of the French-language school to promote it.[7]

Early childhood services

The minority Francophone communities have already expressed a clear need to have early childhood services. Such services, in particular preschools, are essential in reintegrating young children of the target school population into the Canadian Francophonie. The National Commission of Francophone Parents and the Commissioner's Office have insisted on this since 1989[8]. Canada has already made a commitment to a National Children's Agenda, and this plan will have to take into account the constitutional obligations of governments to the official-language minority communities.

5 This is one of the findings of the study entitled *Motivations for School Choices by Eligible Parents outside Quebec*, op. cit.

6 Ibid.

7 Ibid.

8. Annual Report 1989, p. 175-176.

Language planning,[9] that is, the creation of a more equitable situation as regards the status and use of two or more languages, is based in Canada on the provisions of the *Canadian Charter of Rights and Freedoms*, proclaimed in 1982. Section 23 of the Charter spells out the minority language educational rights. Canadian citizens whose mother tongue is English or French and who reside in a linguistic minority community are entitled, thanks to the Charter, to have their children educated in the language of the minority.[10]

This study focuses on the specific school situation of minority Francophone communities. It describes the state of affairs that needs to be corrected, setting out objectives with regard to the target school population and proposing measures to attain these objectives.

Current data show that only about half the target school population (that is, children born of parents who have French as their mother tongue according to section 23(2)(a)) is enrolled in French-language schools. The challenge is therefore to attract to these schools a substantial part of the target school population, to reinvigorate the minority Francophone communities.

The scope of section 23 gives a first indication of the problem.[11]

This section of the Charter is exceptional in several respects. It is linked to one of the central values chosen by Canadian society, namely linguistic duality. Moreover, this is a constitutional provision not subject to the notwithstanding clause; that is, the provincial and territorial governments cannot avoid it.

Canadian citizens whose mother tongue is French and who live in minority communities enjoy three types of rights with regard to instruction:

1) the right to have their children educated in French;
2) the right to have their children educated in French-language schools; and
3) the right to manage such schools (school governance).

A great deal has been said about the remedial character of these rights. Their formulation encourages the development of new educational systems that provide a more adequate response to the need to preserve and develop Francophone communities. It is therefore not surprising that the communities were quick to take advantage of these rights, resorting to political and legal action to obtain the desired changes.

Decisions were rendered by the courts in New Brunswick (1983), Ontario (1984), Alberta (1985), and again in Ontario (1986). In 1987, three decisions were handed down in British Columbia, Alberta and Ontario. In 1988, it was the turn of Nova Scotia, Saskatchewan and Prince Edward Island. Another decision was rendered in Nova Scotia in 1989. In 1990 there were two decisions: in Manitoba and in the Supreme Court of Canada in *Mahé et al.* v. *The Queen* (Alberta). In 1991, another decision was handed down in Saskatchewan. In 1993, the Supreme Court of Canada again delivered a judgment, this time for Manitoba. In 1996, it was the turn of British Columbia and, again, Prince Edward Island. In 1998, the Court of

9 Language planning is generally recognized as having three stages: a description of the initial situation, a description of the changes to be made, and a choice of the measures intended to remedy the situation.

10 Section 23 recognizes two other eligibility criteria: the fact of having received one's primary school instruction in the minority language, or the fact of having a child who has received or is receiving primary school instruction in the language of the minority. However, this study is focused on the criterion of the mother tongue (first language learned and still understood) of at least one of the parents. The criterion of English as the mother tongue (section 23(1)(a)) does not, however, apply in the case of the Anglophone minority in Quebec.

11 In 1998, the Office of the Commissioner of Official Languages published an exhaustive study on this question, entitled *School Governance: The Implementation of Section 23 of the Charter*. This document is found at the following Internet address: http://www.ocol-clo.gc.ca.

Appeal handed down a judgment in Prince Edward Island, followed by a decision from the Supreme Court in January 2000.

As a result of these legal proceedings and community action, minority Francophone communities acquired essential tools for their development. The tools in question were education programs, schools and school boards serving most of the communities.

Three Supreme Court decisions represent important legal benchmarks for the implementation of educational rights:

- *Mahé et al.* v. *The Queen* (1990) 1 S.C.R. 342, 68 D.L.R. (4d.) 69 (S.C.C.);
- Reference re *Public Schools Act* (Manitoba) (1992) 1 S.C.R. 212, 133 N.P.A. 88;
- *Arsenault-Cameron* v. *The Government of Prince Edward Island* (2000) 1 S.C.R.

In the text below, the first chapter deals briefly with the demolinguistic evolution of the minority Francophone and Acadian communities in Canada between 1951 and 1996, presenting a broad picture of the backdrop to section 23. The second presents a profile of the target school population (the pool of young people – the eligible children – under the terms of section 23(2)(a)) and the changes it has undergone between 1986 and the present, with projections to 2002. The third chapter supplements the preceding section by describing changes in the number of schools and the school population between 1986 and 1998. The fourth makes some assumptions and suggests plans of action aimed at renewing language planning in minority-language education in Canada.

The educational and community development of French in a minority situation in Canada is largely the result of the enactment and implementation of section 23 of the *Canadian Charter of Rights and Freedoms*. The legacy of this section, examined in this report, permits us to say that, after almost two decades, Francophone and Acadian communities find themselves at a crossroads, at a crucial moment in the implementation of the Charter. It is clear that not everything is "for the best" in the "best of all possible worlds" and that the issues and actions require a closer review. This is our objective. It is our hope that the data and proposals contained in this report will lead to a fundamental re-examination and the subsequent development of a language planning program as part of a coordinated effort.

It will become immediately obvious in this report that section 23 was one of the most important milestones in the history of Francophone and Acadian communities in Canada. In particular, court judgments, including three from the Supreme Court of Canada,[12] have confirmed that the Canadian duality is part of the political landscape and affirmed the right of Francophone and Acadian communities[13] to develop through the creation and management of French-language schools. The actions of individuals and communities that led to cases being brought before the courts have had an impact on education within the communities themselves.[14] Relationships between the minority communities have changed: unconvinced governments have been obliged to recognize the rights and needs of Francophone and Acadian communities; the communities themselves have taken control of their future by creating community structures; educational structures have been changed due

12 *Mahé et al.* v. *the Queen* (1990) 1 S.C.R. 342, 68 D.L.R. (4th) 69 (S.C.C.), Reference re: *Public Schools Act* (Man.) (1992) 1 S.C.R. 212, 133 N.R. 88 and *Arsenault-Cameron* v. *the Government of Prince Edward Island* (2000) 1 S.C.R.

13 Section 23 of the Charter deals with the "Francophone minority or the Anglophone minority". However, we have used the expression "Francophone and Acadian communities" or "Francophone communities" to be more sociologically accurate, as well as "French language population" when referring to language statistics.

14 For an analysis of the role of rights and rights-based claims in education, see Martel (1999). For a description of the actions surrounding the claims based on section 23, see Martel (1991 and 1993), Dubé (1993) and Julien (1993).

to the widespread arrival of provincial or regional school boards.[15]

These are all positive developments revealed by the qualitative evaluation of the advances brought about by section 23. Furthermore, a quantitative evaluation reveals additional advances. In fact, our data show that this section has contributed to the increase in the number of French-language schools (+47 schools) and in student populations (+2.3%) since 1986. It must be added that the increase in the number of French-language schools does not necessarily come from the creation of new schools, but in large part from the conversion of mixed or bilingual schools into French-language schools. As for student population in these schools, it grew rapidly until 1992-93, but has been declining ever since.

Therefore, the implementation of section 23 is far from complete, and a second examination is required. Section 23 has not yet been able to stem the erosion of the target student population, which has been declining steadily ever since we began compiling data in 1986.

The available data reveal just the tip of an iceberg composed of major human issues that reflect various aspects of minority life:

- the relationship with the majority;
- the community's role;
- inclusion of non-Francophones in the target student population;
- family units, especially exogamous families;
- bilingual identity in a French-language school; and
- level of language skill.

15 When the Charter was enacted in 1982, only the Acadian community in New Brunswick had Francophone school boards. Today, such school boards can be found, or are in the process of being established, in every province, with the exception of New Brunswick, where school boards have been abolished for all schools, be they Francophone or Anglophone. Amendments to the *School Act* provide for the establishment of Distinct School Boards in the fall of 2001.

The main challenge facing Francophone minority communities for the next decades will be to transform the advances won today into a solid foundation. These communities will above all need to clearly develop implementation objectives for section 23 so that, through concrete language planning, new advances will finally allow this section to achieve its full potential. In doing so, new community frames of reference are required:

- A change towards the conviction that action regarding section 23 should focus on new language planning[16] regarding its "remedial" role. This requires planning based on student population objectives for French-language schools, development strategies and measurement of expected results.
- A change from the view of the law as a strategic tool[17] that levels the playing field between minority and majority communities through their governments (recently on the issue of school governance in Canada) towards the view of the law as a prospective tool for language planning. A proactive vision should thus emerge of cultural, intercultural and linguistic heritage development of the minority communities that focuses on concrete recovery, particularly through this key institution, the school.

16 Many definitions of the concept of language planning have been proposed. For a summary, see Cooper (1989) and Maurais (1987). For the purposes of this paper, we have chosen the definition given by Corbeil (1996), which specifies the steps: "Language planning involves three distinct phases: describing the competitive situation between languages that is no longer socially acceptable and for which a change is proposed, called the starting situation; defining the modifications required to create a new sociolinguistic situation, called the target situation, which involves a consensus being reached within the population on the status and the fields of use of the languages that are present; and finally, selecting the steps to be taken to evolve from the starting situation to the target situation, defining at the same time language planning objectives and strategies." (our translation)

17 The role of rights in modern societies, particularly in Canadian society, is becoming increasingly important. The rights declared are increasingly being perceived and drafted to be lifelines for minority communities that wish to retain and develop their cultural heritage, including their language.

- A paradigm shift from concerns based on predictions of short-term or long-term assimilation toward those promoting life in a minority situation, particularly minority life in the school setting. This promotion may be based on an understanding of the intercultural relationships that, today, characterize the situation of each world community, be they large or small, since in the context for globalization, any given group will always be a minority in relation to another and conditions of cohabitation always present problems.

In order to be viable, new linguistic planning is based on a starting situation that must be remedied. The basic steps in documenting this process include: evaluation of the situation, the nature of legal provisions, the given process of minority language planning based on rights, and particularly education rights, and their results. It is within this framework, and also that of the implementation of section 23 of the *Canadian Charter of Rights and Freedoms*, that we present this study of schools in Francophone and Acadian (minority) communities in Canada living outside Quebec (1982, see Appendix A). It is also in this framework that we carried out our research[18] (Martel 1991; 1994; 1993a; 1995a; 1995b).

In the first section, the study gives two contextual descriptions:

1. a description of section 23, its promises and the resulting structural changes needed to better understand the scope of law-based language planning; and
2. a review of the linguistic situation and the evolution of Francophone and Acadian communities, by province and territory, by mother tongue and language spoken at home.

In the second section, we examine the main indicator of change, namely the number of rights holders making up the target student population. Section 23 of the Charter rests on a key condition in paragraph (1)(a):[19] the mother tongue of a parent who is a Canadian citizen, that is, the first language learned and still understood at census time. The term "target student population" therefore describes the children of these parents. The term "rights holders" is also used to designate these children. It must be noted that we have thus modified the terminology used in our 1991 study in order to take into account the change in meaning of the expression "rights holder." In fact, since 1995, "rights holder" has been used, in certain circumstances, to describe parents holding rights given to them by section 23. In the context of education-based language planning, when we refer to the pool of rights holders, we more particularly use the expression "target student population." In contrast, when we discuss children as individuals, we retain the expression "rights holder."

In the third section, we analyze the growth of services (schools) for and their utilization (student population) by Francophone and Acadian communities, as well as retention rates.

In the fourth section, we cross-reference the data on target student population with those on actual student population. We then present hypotheses on the recovery of the target student population in order to establish new rights-based language planning.

Finally, we present the major issues underlying our study by presenting real-life situations. This allows us to identify the players and offer courses of action for language planning for the coming decades.

18 I wish to thank Estelle Magny, Jean-François Lachance and François Pelletier for their assistance in collecting and tabulating the data.

19 Two additional, less important, conditions are the parents' primal language of instruction, paragraph 23(1)(b), and the language us to raise the child at home, paragraph 23(2). For a more detailed description, see Martel (1991: 24).

1.1 Section 23: a constitutional provision

For a better understanding of the statistical changes, and in order to prepare for language planning that is solidly based on entrenched rights, let us begin by examining the constitutional context of section 23, its effects, and the legal precedents relating to the matter under study.

1.1.1 Constitutional context of section 23

Section 23 expresses one of the values Canadian society has adopted in connection with its very specific nature, that is, a linguistic duality based upon the concept of "two founding peoples," one speaking English and the other French.

Proclaimed in 1982, Section 23 of the *Canadian Charter of Rights and Freedoms* is what is called a non-exception clause; provincial and territorial governments may not opt out.[20] This confirms the State's responsibility for the French and English language communities. It protects them to the extent that it allocates different or additional rights besides the right to freedom from discrimination. Under the title *Minority Language Education Rights*, it essentially gives three types of education rights to Canadian citizens whose mother tongue is French[21] or English if residing in a minority community:[22]

1) the right to have their children educated in the minority language ;
2) the right to have their children educated in French-language schools;
3) the right to administer these institutions.[23]

These rights apply at the primary and secondary school levels, because they are publicly funded. The first type of right addresses education in the language of the minority. The other two make it possible to create school structures belonging to the minority: school buildings as well as administrative structures.

Section 23 differs on two levels from the general spirit of the *Canadian Charter of Rights and Freedoms*. First of all, it is more specific than the other sections, most of which relate to basic rights and freedoms that are recognized internationally.[24] This does not, however, mean that it is clear and free from ambiguity. On the contrary, we (Martel, 1995b) have found numerous ambiguities in this section, particularly in connection with definitions (concerning those entitled to the rights: only Canadian citizens, residents of a province or territory, parents, members of a linguistic community, persons who have received primary school instruction), those of an operational nature (type of education, methods, minority institutions, public funds, where numbers warrant), and those of a contextual nature (role and wishes of stakeholders, political compromise, bringing rights in line with reality). It is therefore totally understandable, desirable even, for there to be controversy concerning its interpretation, given the multitude of ambiguities and the various contexts for application of this section.

20 Section 59, however, exempts Quebec from 23(1)(a).

21 The expression used in section 23 to describe mother tongue is the one used by Statistics Canada: "first language used and still understood." This applies to the parent. Two other eligibility criteria may apply as well: "have received their primary school instruction in Canada in English or French," and "have a child who is, or has been, in primary school instruction in the minority language."

22 For Francophone communities, this applies to all Canadian provinces and territories with the exception of Quebec. We use the expression "majority-Anglophone Canadian provinces" for them.

23 For a more detailed analysis of this section and its impact between 1982 and 1990, see Martel (1991).

24 In 1990, the Supreme Court itself acknowledged that section 23 constitutes an exception in the Charter: "Another important principle that must be kept in mind in finding a response is that language rights are fundamentally different from other Charter rights." *Mahé* v. *Alberta, supra*, p. 365.

Section 23 is also distinct because of its "proactive" nature. This clause encourages the creation of a new educational system that will better respond to the requirements to maintain and develop a minority community.[25] That is why, in 1982, section 23 augured well for the institutional emancipation of the minority Francophone and Acadian communities. It fostered the development of school structures organized by these communities, and for these communities. In its promissory function, section 23 breathed a breath of hope into the minority Francophone and Acadian communities, which made considerable use of it in their discourse, in their demands, and in their community and court actions, as we shall see below. It gave rise to the concept of the relief measure in legal discourse.

1.1.2 Effects: structural change

Social movements cannot be forced by decree, however, nor are they totally predictable. This is the case for the outcome of the adoption of section 23 in 1982. In fact, it led to the minority Francophone and Acadian communities making more active use of the rights than ever before. Whereas in the past they had, to all intents and purposes, been excluded from constitutional rights and from provincial education rights, from then on they focused their efforts principally on their new rights in order to realize their educational plans. This use of rights legislation represents a true social movement of demands, encouraged by some of the tangible results that have been attained: unprecedented gains as far as policy and laws are concerned, increased services, a larger student population.

Bolstered by the institutional and legal supports for the principle of duality, the Francophone and Acadian communities have thus made liberal use of the legal system.[26] They make use of it both as a negotiating strategy and as an intermediary between themselves and the provincial governments. There has been resistance from the provincial governments, who maintain their belief in homogeneity in all forms. This attitude is also shared by the voting public. Consequently, there have been increasing numbers of legal decisions, first of all in New Brunswick (1983), followed by Ontario (1984), Alberta (1985) and another in Ontario (1986). In 1987, three decisions were brought down, in British Columbia, Alberta and Ontario. In 1988 came Nova Scotia, Saskatchewan and Prince Edward Island. Nova Scotia had another in 1989. There were two in 1990, one in Manitoba and the other in the Supreme Court of Canada in *Mahé et al.* v. *Her Majesty the Queen* (Alberta). In 1991, there was another case in Saskatchewan. Another Supreme Court of Canada judgment, in 1993, was for Manitoba. In 1996 came British Columbia and again Prince Edward Island. In

25 In 1990, the Supreme Court, in *Mahé* v. *Alberta* (1 S.C.R. 363) clearly indicated this proactive aspect of section 23 by repeating what it had said in 1984 in *Attorney General of Quebec* v. *Quebec Association of Protestant School Boards*, [1984] 2 S.C.R. 66, at p. 79: "This set of constitutional provisions was not enacted by the framers in a vacuum. When it was adopted, the framers knew, and clearly had in mind the regimes governing the Anglophone and Francophone linguistic minorities in various provinces in Canada so far as the language of instruction was concerned.... Rightly or wrongly ... the framers of the Constitution manifestly regarded as inadequate some — and perhaps all — of the regimes in force at the time the Charter was enacted, and their intention was to remedy the perceived defects of these regimes by uniform corrective measures, namely those contained in section 23 of the Charter, which were at the same time given the status of a constitutional guarantee."

26 In so doing, they are supported by federal funding under the Court Challenges Program, which provides financial support for legal proceedings, particularly under section 23. In times of ideological uncertainty, this program was under question, when not done away with completely. This was the case in 1992, when the negative feelings engendered by the defeat of the Charlottetown accord laid open to question the very survival of the dualist ideology in Canada. The program was restored in 1994. Between 1985 and 1990, the amount of $928,190.37 was spent on section 23 cases. Between April 1, 1994, and March 31, 1999, the figure was $1,490,146.24.

1998, there was an appeal court decision on Arsenautlt-Cameron in Prince Edward Island, upheld by the Supreme Court of Canada in January 2000. These are merely the tip of the iceberg as far as the numerous challenges by minority Francophones are concerned.[27] These legal actions have had results, moreover.[28] Judicial decisions are bringing about changes to legislation in all provinces and territories.

The enactment of section 23 has also allowed Francophones living in majority-Anglophone provinces to achieve gains they had never been able to achieve previously in the areas of curriculum, French-language schools, and school board administration within the departments of Education. First of all, enactment of section 23 has resulted in the official separation, at all levels, of education for the minority from education for the majority (i.e. immersion).[29] For example, in 1982, Alberta and the territories did not officially distinguish between the two types of education. As well, the provincial and territorial governments are launching a vast operation to design curricula for first-language education in French. Some of these programs have a cultural orientation and are reserved solely for minority children. These are French, social studies and history. Others are translations of English-language curricula used in the province, such as mathematics, physics, natural sciences, physical education and music.

We should also point out that French-language school boards have been created across the country, with the exception of New Brunswick. Through them, the minority Francophone communities have, to all intents and purposes, gained control of their educational system on an equal footing with the majority.[30]

If the main focus of the past two decades has been on issues relating to the powers of administration and control exercised by Francophone communities over educational institutions, a new era is looming on the horizon: the era of planning toward "sustainable development."

1.1.3 Jurisprudence relating to the issue

The unprecedented legal gains for the Francophone and Acadian communities owe their initial impetus to the dual framework set out initially in the 1984 Ontario reference: a broader and more liberal interpretation of constitutional rights (dynamic interpretation) and the intention by the legislator to make amends for an historic wrong. This takes the form of the choice of a dualist ideology through the adoption of a teleological view of constitutional interpretation. While emphasizing the fact that the courts must interpret section 23 with caution, the Supreme Court voiced an

27 For a description of the efforts expended and the difficulties encountered by certain Francophone communities in connection with the interpretation and application of section 23 rights, see Martel (1993a and 1993b), Dubé (1993) and Julien (1993), among others.

28 We should point out that the trend to seek legal redress triggered by the enactment of section 23 is not specific to the relationship between Francophone minorities and the Anglophone majority. Mandel (1989) and Knopff and Morton (1992) argue convincingly that the *Canadian Charter of Rights and Freedoms* has, overall, ushered in a new era in Canadian policy. Henceforth, it is measured against constitutionality; discussions take place and decisions are often reached according to the new constitution, and dispute resolution in the courts is now legitimate and possible. This approach has dual consequences. From the legal point of view, care must be taken to ensure that judgments are not isolated from political ideology. From a political point of view, it consolidates a level of power that is a counterbalance to those of governments.

29 A program for children of the majority in order to teach them French as a second language. Its main characteristic is the teaching of French via certain subjects in the curriculum, generally, social studies, arts, physical education and mathematics.

30 For a full description of the legislation in each province and territory on this matter, see OCOL (1998).

opinion along the same lines in 1990.[31] The letter of the law and its ambiguity are not therefore a major obstacle. On the contrary, the letter of section 23 is imbued with a dualist ideology aimed at "righting historic wrongs"[32] and thus at promoting educational projects by minority Francophone and Acadian communities. It is therefore within the national context and the historical context of each community that section 23 is called upon to remedy the conditions which have caused and continue to cause the erosion of the Francophone and Acadian communities.

Among the more than 20 decisions since 1982, the key ones are certainly the Supreme Court decision *Mahé* v. *Alberta*,[33] the Reference re *Public Schools Act*, Manitoba[34] and *Arsenault-Cameron et al.* v. the *Government of Prince Edward Island*.[35] It is therefore from these judgments as well as section 23 itself that we are taking the legal notions relating to this study: target student population, the concept of community, and the nature of the educational institutions providing instruction to the minority.

31 "Careful interpretation of such a section is wise; however, this does not mean that courts should not 'breathe life' into the expressed purpose of the section, or avoid implementing the possibly novel remedies needed to achieve that purpose." Mahé v. Alberta, ibid, p. 365. In 1993, a similar opinion was expressed: "The constitutional history of this conceptual distinction can be traced through the jurisprudence on language rights to the following statement by Wilson J. in Reference re Bill 30, An Act to amend the Education Act (Ont.), [1987] 1 S.C.R. 1148, at p. 1176, that 'it must still be open to the Court to breathe life into a compromise that is clearly expressed.' The Court in Mahé, at p. 365, accepted the distinction between language and other legal rights and noted the difference in origin and form of the two rights, holding that while positive obligations were placed on governments to alter or develop major institutional structures, prudent interpretation of the section is wise."

32 See note 13, supra.

33 See note 1, supra.

34 See note 1, supra.

35 See note 1, supra.

1.1.3.1 Target student population

The expressions "target student population" and "rights holder" are not in the text of the legislation or the court decisions. These refer, according to the context, to "the children intended by section 23," "to the children of parents belonging to a minority language group," "minority students" or "total number of persons who might potentially make use of this service."

Since 1982, the concept of rights holders refers particularly to those students who could take advantage of section 23 rights. This concept shows one particular dimension of section 23: its "proactive" role, for it is on the basis of this pool of potential students, the target student population, that the courts base their interpretation of the notion of "where numbers warrant" and the educational authorities base their decisions whether to provide services, as we shall see in the next section.

Although the word "parent"[36] does not appear in section 23, it is clearly the parents who are eligible (paragraphs 23(1) and 23(2)) and their children who benefit from their eligibility. In using the parents as the means by which children are entitled to educational services, section 23 fosters the transmission of the minority language from one generation to another, and consequently its collective preservation.

Section 23 clearly defines the categories of parents to which it confers rights. We distinguish two types of criteria set out in section 23. The first are general in nature, and each must be met, and the second are linguistic in nature, and eligibility is confirmed by the presence of just one of these.

The first general criterion for eligibility relates to Canadian citizenship. Subsection 1

36 The text refers to "citizens of Canada" who have "the right to have their children receive... instruction."

refers to citizens of Canada as being the only ones with section 23 rights. A second general criterion stipulates that the rights are conferred upon citizens who reside in a province of Canada.[37]

The language criteria address three separate categories of individuals. First of all, parents "whose first language learned and still understood is that of the minority" have section 23 rights conferred upon them. When the Charter was adopted in 1981, moreover, Statistics Canada defined mother tongue in this way.[38] The definition given to mother tongue is a precise one, which in essence refers to the language in which the individual was first socialized.

A second language criterion in subsection 23(1)(b) addresses the language in which the parent received primary school instruction. Thus the parent who was educated in the minority language at the primary level in Canada has the right to have all of his or her children educated in the language of that minority.

Finally, subsection 2 gives a third language criterion, stating that section 23 also applies to parents of whom any child has received or is receiving primary or secondary school instruction in the language of the minority. This is the sole criterion that directly bears on a minority child. That child's rights, however, are conferred via the parent.

37 Although not specifically referred to in section 23, the governments of the Northwest and Yukon territories have enacted legislation on French language instruction under section 23. In this study we treat them on equal footing with the provinces.

38 The definition of mother tongue was changed by Statistics Canada in the 1986 census. The directives allowed more than one mother tongue to be declared. In response to question 6 — "What is the language first learned and still understood?" — respondents could select one or more. In the section on methodology, we address the impact of this wording on the interpretation of section 23.

1.1.3.2 The concept of community

The concepts of target student population (children) parents and relate to the individual and collective nature of section 23. It confers individual rights in that each parent meeting its criteria may take advantage of the services offered: education, school and school administration. One of the most important aspects of this section, however, relates to its collective function in connection with the term "linguistic minority." Thus the minority community is the true beneficiary of the rights conferred by section 23. Moreover, the Supreme Court stated clearly in 2000 that "focussing on the individual right to instruction at the expense of the linguistic and cultural rights of the minority community effectively restricts the collective rights of the minority community." At least two elements prove this on the operational level: the groups represented by the target student population and by the communities required to administer their schools.

The potential size of the target student population, which we quantify in this study, is partly what determines what services will be offered under what conditions. This is the group involved in the concept "where numbers warrant." This number was determined according to a sliding scale by the Supreme Court in its decision in Mahé et al:

> Section 23 should be viewed as encompassing a "sliding scale" of requirement, with subs. (3)(b) indicating the upper level of this range and the term "instruction" in subs. (3)(a) indicating the lower level. The idea of a sliding scale is simply that section 23 guarantees whatever type and level of rights and services is appropriate in order to provide minority language instruction for the particular number of students involved.
>
> ...
>
> In our view, the relevant figure for section 23 purposes is the number of persons who will eventually take advantage of the contemplated

programme or facility. It will normally be impossible to know this figure exactly, yet it can be roughly estimated by considering the parameters within which it must fall — the known demand for the service and the total number of persons who potentially could take advantage of the service.

The numbers warrant provision requires, in general, that two factors be taken into account in determining what section 23 demands: (1) the services appropriate, in pedagogical terms, for the numbers of students involved; and (2) the cost of the contemplated services.[39]

Thus the pool of persons eligible for section 23, which we refer to here as the target student population, is of crucial importance in considerations of whether service should be provided. It is equally crucial for the minority Francophone communities, for it represents great development potential. Moreover, in the context of language planning, we also propose a percentage of this target population which might constitute a proposed hypothesis in the recovery plans for the coming years.

This group, the target student population, is part of a larger one: the minority community.[40] The three Supreme Court judgments make a strong case for the minority community concept by establishing it as a defining parameter of section 23 — membership in a community by virtue of having French as the mother tongue or of having received instruction in French — and as its objective — maintenance and development of the minority community.

In 2000, the Supreme Court confirmed the minority community's power to administer and control decisions affecting its development. It states as follows:

> As for the degree of management and control that is mandated, the Court held that section 23 rights holders must have control over "those aspects of education which pertain to or have an effect upon their language and culture" (p. 375). Exhaustive specifics cannot be given, principally because of the sliding scale of rights and the need to adapt modalities to the particular circumstances of each province or territory.

In practice, this concept of community within the context of control and administration of schools raises the question of who is entitled to vote and take part in this administration. The question remains to be formally clarified, but the Supreme Court has already pronounced in *Mahé et al.* v. *Alberta* in 1990:

> The persons who will exercise the measure of management and control described above are "s. 23 parents" or persons such parents designate as their representatives. I appreciate that because of the wording of section 23 these parents may not be culturally a part of the minority language group. This could occasionally result in persons who are not, strictly speaking, members of the linguistic community exercising control over minority language education. This would be a rare occurrence, and is not reason to lessen the degree of management and control given to section 23 parents.

Section 23 therefore creates an inclusive community of reference which in part overlaps those created by minority associations. Section 23 has a hand in their development.

1.1.3.3 Types of school program

The three rights conferred under section 23 are interrelated. Thus the right to instruction awarded to rights holders must be offered in the

39 *Mahé* v. *Alberta*, supra, p. 366.

40 It is noteworthy that, in this connection, the Supreme Court has gradually changed the terms of reference. In 1990, it spoke of linguistic minority, adopting the terminology of section 23, while 10 years later it chose "minority language community."

institutions themselves, that is the schools (second right), over which the minority has a right of administration (third right).

What kind of institutions are these? Normally, several types of service are offered, including:

- mixed schools – Francophones and Anglophones in one school;
- bilingual schools – 50% of the time in French and 50% in English;
- special programs – a course in French given along with another, such as history;
- French language schools – a separate building for rights holders.

Over the years, the conventional thinking has been to consider French-language schools as the best institutions for maintaining and developing minority communities, but are there legal references to back this up? In 1993, the Supreme Court stated as follows:

> As a space must have defined limits that make it susceptible to control by the minority language education group, an entitlement to facilities that are in a distinct physical setting would seem to follow. As Twaddle J.A. held in the court below (at p. 112):
>
> > To be "of the minority" ("de la minorité"), the facilities should be, as far as is reasonably possible, distinct from those in which English-language education is offered. I do not question the importance of milieu in education. In the playground and in extracurricular activities, as well as in the classroom, French-speaking pupils should be immersed in French. The facility should be administered and operated in that language, right down to the posters on the wall.
> >
> > Such a finding would also be consistent with the recognition that minority schools play a valuable role as cultural centres as well as educational institutions. While this Court in Mahé did not explicitly refer to distinct physical settings in its discussion on schools as cultural centres, it seems reasonable to infer that some distinctiveness in the physical setting is required to successfully fulfil this role. In my view, the overall objectives of section 23 expressed in the reasons in Mahé as a whole support such a conclusion.
> >
> > [...]
> >
> > However, both Monnin C.J. and O'Sullivan J.A. recognized that the concept of a right to "distinct physical setting" does not automatically translate into a right to facilities that are entirely separate.(Reference 1993, p.15-16).

Thus, among the types of institution meeting the conditions set by section 23, French-language schools constitute the most *viable* solution to meeting the objective of maintaining and developing a minority community. This is why, in the rest of this study, we distinguish between French-language schools and other types of institution.

Moreover, the subject of distinct institutions is equally fundamental to the development of a community. One excellent example of this is *Arsenault et al.* v. *the Government of Prince Edward Island*, which was heard in the Supreme Court. In it, the community of Summerside called for the establishment of a school so that their children might receive instruction in French within their community, thus providing the community with a focal point. The precedents set by other communities, for example Charlottetown with the creation of the Carrefour-de-l'Île, leave open the possibility of the community reconstituting around a new school.[41] Moreover, in 2000, the Supreme Court gave ample emphasis to the role a school can play in building a minority community:

> It is clearly necessary to take into account the importance of language and culture in the context of instruction as well as the importance of official language minority schools to the

41 See A. Martel, *Expert Witness Report*, 1996.

development of the official language community when examining the actions of the government in dealing with the request for services in Summerside. As this Court recently explained in Beaulac, at para. 25,"[l]anguage rights must in all cases be interpreted purposively, in a manner consistent with the preservation and development of official language communities in Canada. A purposive interpretation of s. 23 rights is based on the true purpose of redressing past injustices and providing the official language minority with equal access to high quality education in its own language, in circumstances where community development will be enhanced.

In order to serve such a community-building role, however, the conditions must be appropriate: separate access to the school, feeling of belonging, and so on. The best arrangement is a French-language school belonging to the minority community. These are important considerations in the creation and development of the institution the school constitutes.

1.2 Demolinguistic development of Canada's Francophone and Acadian communities: an overview

Before analyzing the repercussions of section 23, it would be worthwhile to summarize the overall linguistic situation of the minority Francophone and Acadian communities. This will make it possible to determine the major trends, particularly for the period covered by the study, 1986-2002, because the development of the target student population is also subject to general trends.

First, let us look at the respective weight of the Francophone and Acadian communities, all age groups, compared with the total populations with French as mother tongue, French spoken in the home, and indicators of the continuity of French. This is illustrated, for Canada minus Quebec, in table 1 and for each province and territory in table 2.

See table 1 on page 51.

It can be seen that, in general, the number of persons with French as their mother tongue has increased in just short of 50 years (1951[42] to 1996). The total increase is 248,375, and the percentage increase, 34.4%. There is a more rapid increase for the period 1951-71 and a slight decrease between 1971 and 1981.

However, the increase in the population with French as their mother tongue is clearly far lower than the total population increase in the provinces with an Anglophone majority, which recorded a 11.5 million, or 115.8%, increase.

The proportion of the population with French as mother tongue is decreasing; in 1996 it constituted only 4.5% of the total population of the majority-Anglophone provinces, whereas the figure in 1951 was 7.25%. This "minoritization" is the result of a number of factors.

On the one hand, the population of the majority-Anglophone provinces is increasing more rapidly than that of the French minority because of massive immigration to Canada.[43] For example, the immigration figure for majority-Anglophone provinces between 1961 and 1996 was 3,365,510, whereas the total population increase was 8,504,009. It therefore constitutes 39.7% of the population increase over 35 years. At the same time, the number of immigrants to Canada outside of Quebec with knowledge of French has been constantly on the decrease since 1971.[44]

42 The year 1951 constitutes an important milestone in that it offers an opportunity to examine changes over the past 50 years.

43 For immigration statistics, see http://www.statcan.ca/english/census96/nov4/table1.htm.

44 Marmen and Corbeil (1999, table 5.4) report on immigration to three major Canadian centres: Montreal, Toronto and Vancouver. In the 1971 census, 5.9% of immigrants to Toronto had a knowledge of French (only official language, or both official languages), while the percentage for Vancouver was 5.3%. In the 1996 census, 4.7% of immigrants to Toronto had a knowledge of French (only official language or both official languages), while the percentage for Vancouver was 4%. Incidentally, immigration is becoming "territorialized"; these percentages are increasing for the city of Montreal, rising from 47.7% in 1971 to 68.9% in 1996.

On the other hand, the population of the Francophone and Acadian communities has not increased sufficiently to maintain its proportion, because of factors addressed in this section or elsewhere in the text. These include lack of interprovincial mobility, language transfers, a more marked drop in fertility than in the majority group, population aging, exogamy, etc.[45]

Interprovincial mobility from Quebec has traditionally favoured the Francophone communities. For example, between 1966 and 1986, some 48,500 Francophones were added to the ranks of the minority Francophone communities (Harrison and Marmen, 1994). This trend seems to have reversed, however, since 1986, with a greater number of Francophones from majority-Anglophone provinces settling in Quebec: 5,200 more between 1986 and 1991, and 1,200 more between 1991 and 1996 (Marmen and Corbeil, 1999). The only province to have a positive Francophone migration figure was British Columbia; a large number of Francophones have migrated there: 5,475 from Quebec between 1991 and 1996, as well as 735 from other provinces and territories. Yukon also receives a significant percentage of interprovincial Francophone immigration (+9.8% of the population between 1986 and 1996).

There has been a decrease of 57,443 (8.5%) in the number of people using French in the home since 1971. Table 1 shows the changes over time in this portion of the Francophone and Acadian communities. It will be seen that the indicator of retention of French, that is, the number of persons whose first language learned was French and who primarily use French in the home as compared with the number reporting their first language learned as French, is also on the downturn. It was 73% in 1971 and 63.8% in 1996.

The demographic weight of the population declaring French as its mother tongue does, however, vary a great deal from province to province and territory to territory in Canada. This is shown in table 2. It will be seen that minority community conditions differ a great deal between New Brunswick, with 33.2% of the population reporting French as mother tongue, and Newfoundland, with 0.4%. Between the two there are provinces with a medium-sized minority population (4%-10%) and those with a low one (1%-3%). Thus we can already propose the hypothesis that changes in the target student population, the schools and the actual school population will be affected by the community context, since the quality and quantity of services differ, as does the degree to which structures are established.

See table 2 on page 52.

First and foremost, these statistics describe a situation that is far from encouraging as far as the development of Francophone and Acadian communities in majority-Anglophone provinces is concerned.

As will be seen below, section 23 is still too timid in its approach to this situation. The trends are too slow in registering an impact, and more incisive actions are required.

45 For a summary, see appendix B.

PART TWO: SECTION 23 TARGET STUDENT POPULATION

2.1 Methodology

Despite the slight change in terminology to which we referred in the introduction — using "target student population" for the community of rights holders within the language planning perspective — we are employing the same methodology as in our 1991 study.[46] Note that the term "eligible clientele" was used in that study.

Generally, it is hard to assess the effectiveness of a right in any empirical way, because such an assessment requires both demolinguistic data based on constant variables and a sufficiently long historical perspective to be able to determine reliable statistical trends (Martel, 1991). In the case of Canada's minority Francophone and Acadian communities,[47] we are able to meet these two requirements. We are therefore able to carry out a longitudinal study of the changes over the past 10 years, including three census years: 1986, 1991 and 1996. Based on the 1996 census data, we are also able to make projections for 2002.

Using tabulations specially compiled by Statistics Canada,[48] we can first calculate the target student population. This concept, derived from section 23, groups together children[49] who have at least one parent who is a Canadian citizen and whose mother tongue is French. The tables also include, for children constituting the target student population (or "rights holders") each child's age group — 0-5 years, 6-11 years, or 12-17 years — the latter two generally corresponding to primary and secondary school levels. This variable was particularly useful in enabling us to establish a projection for the number of children who would become eligible for education in French in the year 2002 by taking into account those now aged 0 to 11 years.

We should point out that the calculation is relatively conservative because, as in our 1991 study, we take into consideration only those children with a parent who had reported French as sole or dual mother tongue. Statistics Canada allows a mother tongue reported to be one of one, two or three. Section 23 does not require the mother tongue to be the only language. In order to be conservative, however, we have not included those reporting a triple mother tongue. We have, however, demonstrated in our previous study (1991: 83) that, while conservative, these figures do provide a relatively accurate picture of the reality.

From a descriptive point of view, the target student population consists of children with one or both parents whose mother tongue is French, whether this is the only mother tongue or one of two, and it makes up a widely diversified clientele under section 23. It comprises children at the primary level (generally ages 6 to 11) and at the secondary level (12 to 17) who:

- have French as their mother tongue;
- have English as their mother tongue;
- have both French and English mother tongues;
- have a mother tongue other than French or English;
- are attending a French school;
- are attending an English school;
- are in immersion.

The purpose of this list is to indicate the very wide variety of characteristics among those

---

46 For a precise description of the methodology, consult pages 60 and 61 of that study.

47 Our 1991 study also addressed the Anglophone community in Quebec. Given the number of changes there have been in the Quebec school system in recent years, including the creation of the linguistic school boards, we preferred to wait and see what the outcome of the changes will be.

48 Tables PO3272 for 1986 and 93F0022XDB96008 for 1996.

49 In this study we analyze the data on the target student population according to two general criteria plus the first one on language: parental mother tongue. These cover the great majority of the target group. We do not have any uniform national data on parents according to language of primary school instruction (23(1)(b)), nor on those who have a brother or sister who has received instruction in the minority language or is currently receiving such instruction (23 (2)). For a detailed description, see the previous section.

constituting the target school population. Francophone and Acadian community schools will therefore have to tailor their programs accordingly as well as provide special programs.

As for the schools and their populations, our calculations were made according to the same criteria as our 1991 study. The data were obtained from the provincial and territorial departments of Education and double-checked with the Francophone and Acadian community associations. As for the various types of school, we divided these into two, as we did in our 1991 study:

- section 23 schools; i.e., the French-language schools.[50] These are schools in which French is the language of instruction and administration.
- all those schools classified as "all programs," which in one way or another provide instruction in the language of the minority: French. These schools do not necessarily represent the best way to respond to section 23 requirements, but our calculations make it possible for us to trace their development as institutions. These can be of four types:
  - French-language;
  - mixed, with both target student population and majority students;
  - bilingual, offering a variable number of hours in French, generally 50%; or
  - offering a few courses or programs.

As we shall see, there is a trend toward doing away with mixed and bilingual schools in favour of French-language schools.

50 Here we are adopting the standard terminology. In our 1991 study, we called these "homogeneous schools." The advantage of that term is that it indicates that the school accommodates the section 23 student population, but its disadvantage is that it suggests that these schools are indeed homogeneous. The previous definition of target student population indicates how very heterogeneous the grasp of the language is.

2.2 Trends in target student population, 1986-2002

Table 3 shows the changes in the target student population from 1986 to 1996. The main trend is clear. The target population has decreased at a significant rate. There were 12,879, or 4.7%, fewer students in 1991 than in 1986. Between 1991 and 1996, the downward trend was even more accentuated: a drop of 26,093 or 10.1%. In 10 years, this represents a total decline of 38,972 or 14.3%. A projection to the year 2002 indicates (since the children aged 0 to 5 years will then be in primary school and the 6-to-11-year-olds in 1996 will be in secondary school) that numbers will fall to 224,038, a decline of 8,904, or 3.8%. This would be the slowest decrease since 1986, considering that it is over six years and not five census years.[51]

If, moreover, these figures are again compared with those for the entire population of the minority Francophone and Acadian communities, it can be seen that the 14.3% drop in the 6-to-17-year-old target student population between 1986 and 1996 took place within the context of a 2.5% increase in the population with French as its mother tongue over those same 10 years (table 1).

How can this constant decrease in the target student population be explained? Table 3 first of all shows that the drop in the target population is not attributable to a drop in total student population in the majority-Anglophone provinces and territories. On the contrary, the total student population from grades one through 12 rose 10% over the 10 years from 1986 to 1996, while there was a 14.3% decrease in the target student population over those same years.

See table 3 on page 52.

51 This projection to the year 2002 involves six years because our calculations are for the age group that in 1996 was 0 to 5 inclusive (which is six years).

But total student population did not increase everywhere. The 10% increase is primarily due to an increase in Ontario (+10.8%), which not only has a large population but also has the largest proportion of its population in school. School population is also increasing in other provinces and territories: Northwest Territories (+35.8%), Yukon (+34.2%), British Columbia (+27.7%), Alberta (+17.8%) and Manitoba (+1.2%). However, between 1986 and 1996, it decreased in Newfoundland and Labrador (-23.6%), New Brunswick (-10.8%) and Nova Scotia (-4.2%).[52]

The drop in the target student population can be explained by two main factors. The fertility rate among Francophones outside Quebec was 1.57 between 1991 and 1996 — lower than the rate of 1.70 in majority-Anglophone provinces. The fertility rate among Francophones outside Quebec has been lower than the rate for provinces with Anglophone majorities since 1981, when the rate was 1.76 for both populations (Marmen and Corbeil, 1999, p. 63).

Also, the age distribution of Francophone communities has changed over the years. In 1971, the proportion of Francophones outside Quebec under 15 years of age and the proportion over 65 were comparable to the proportions of these age groups in majority-Anglophone provinces: 27.1% of Francophones outside Quebec were under 15 and 8% were over 65, and these figures were 29.5% and 8.6%, respectively, for the population as a whole. In 1996, 14.3% of the population having French as its mother tongue was under 15, while 21.1%[53] of the total population was under 15 (Marmen, 1997).

Much of the drop in the target student population can be attributed to non-transmission of the language at home. With a language continuity index of about 70% since 1971, the target student population is expected to drop even more sharply. The school definitely plays a role in this transmission and, clearly, measures that ensure the transmission of French must continue to be implemented, because the right to instruction in French will be lost if French is no longer used as a mother tongue by the target student population or as a language of instruction.

Since 1996, the census data have shed new light on the pool of children that French-language schools are to recruit and instruct. One question helps determine how many individuals can speak French even if it is not the language that is most often spoken at home. Table 24 (appendix C) shows a comparison, within the target student population, between people who speak French at home and those who can "conduct a conversation" in French (the latter includes the former).

The number of young people who can speak French (167,870) is significant, representing about 72% of the target student population (232,942). Also, the number of young people who can speak French is markedly higher than the number who speak French at home. This figure is interesting because it highlights a previously neglected recruitment potential: young people from exogamous families (where one parent has French as his or her mother tongue (FMT)) who can speak French, even though they are probably not attending French-language schools. This number is particularly high among young people aged 5 to 17 (62,220 can speak French, and 17,190 speak it at home). Therefore, some 45,000 young people have learned French elsewhere, many of them probably in immersion schools. It is therefore reasonable to think that some of these young people could easily be integrated into the French-language school population.

In the 0 to 4 age group among exogamous families (one parent with FMT), 10,530 children, about 60% of the 17,395 children who are not yet attending school, speak French at

52 For a detailed breakdown by province, see appendix B.

53 For more details, see appendix B.

home (see table 24). This means that the remaining 40% can speak French even before they go to school, which is a clear advantage in terms of their integration into a French-language school.

2.3 Target student population trends by province and territory, 1986-2002

This overall picture must, however, be supplemented with more details on the trends in the provinces and territories where the Francophone and Acadian communities are in the minority because, as we saw in table 2, the context in which section 23 is applied is not the same in all the provinces and territories. These details are provided in table 4.

See table 4 on page 53.

Table 4 confirms the widening gaps among provinces and territories. The largest drop in target student population was in Saskatchewan (30.5%), and the largest increases were in the two territories as a result of migration, particularly from Quebec. However, even provinces with a high concentration of Francophones, such as New Brunswick, or with a large number of Francophones in absolute terms, such as Ontario, experienced significant drops, of 18.7% and 13.6%, respectively.

The projection for 2002 shows that the trend is expected to be reversed in Ontario, where the target student population would reach 118,056 children, or an increase of 0.7%.

Appendix C (tables 25 and 26) provides information on target student population (the number of rights holders aged 0 to 4 and 5 to 17 years) for each province and territory, broken down according to their knowledge of French. These complementary data provide a clearer picture, based on other studies, of the proportions of rights holders who can speak French and who speak it at home.

PART THREE: STUDENT POPULATION AND SCHOOLS

3.1 Trends in student population and French schools, for all programs, Canada, 1986-1987 to 1997-1998

Table 5 shows the development of schools and student populations in Francophone and Acadian communities between the 1986-1987 and the 1997-1998 school years.

Note that all schools have shifted toward a homogeneous structure. The number of French-language schools increased from 499 in 1986-1987 to 546 in 1997-1998, a 9.4% increase, in spite of school board amalgamations that resulted in school closings. This category represents 79.2% of schools serving Francophone and Acadian communities in 1986-1987, while it accounts for 86% in 1997-1998.

The trend was also noted in French-language school student populations, which increased from 123,027 students in 1986-1987 to 126,622 in 1997-1998, a 2.9% increase. These student populations accounted for 88.3% of student population in all programs offered to children in Francophone and Acadian communities in 1986-1987, while they accounted for 95.7% in 1997-1998.

See table 5 on page 53.

But what proportion of total student population do Francophone student populations represent in majority-Anglophone provinces and territories? Table 5 shows that these student populations are increasingly becoming "minoritized," as is the French mother tongue population (table 1). In 1986-1987 they accounted for 4.1% of student population, but dropped to 3.5% by 1996-1997.

3.2 Retaining student populations in Canada

Are these student populations the same at all levels of schooling? Are rights holders primarily in the school systems of Francophone communities? To better understand the trends in French language education, we can analyze the retention rates from one level of schooling to the next.

Frénette and Quazi (1997) regard retention rate as the school's ability to retain the contingent of students that begin their education there. This ability depends essentially on two factors, namely, "the school's ability to retain students' and parents' attention and commitment and, second, the ability of the system to offer educational services at higher levels, since the existence or absence of French-language institutions at these levels influences decisions taken at a lower level." (our translation)

These researchers analyzed the retention rate for a cohort of students, using Grade 1 as the base year. They then calculated, as percentages, the proportion of students still in the French school system in Grade 8 and in Grade 12. This study provides longitudinal data.

The results of this study are summarized in table 6.

See table 6 on page 54.

In 1994, close to 80% of those who had started Grade 1 finished high school in the school system of the Francophone and Acadian communities in Prince Edward Island, New Brunswick and Ontario. In some other provinces, school services at the secondary level were not very well developed at that time, especially in Newfoundland, British Columbia and Saskatchewan. These data indicate that the completion and enrichment of the school system for Francophones should be a priority.

Our data shed light on another aspect of the retention of students in minority Francophone schools. Table 7 shows the distribution of students in all programs (including French-language and mixed schools) by level. We can compare these student populations, from 1991-1992 to 1996-1997.

The comparison of student populations for a single year is, however, only an initial indication of retention of these students, since these data do not reflect the age pyramid created by birth rates or other factors, such as migration. These data are for one point in time rather than a period of time.

See table 7 on page 55.

We can make a number of observations on the basis of table 7. The first pertains to the level at which students leave the minority Francophone school system. There are three key moments in this regard: between Grade 1 and Grade 2, in general between Grade 8 and Grade 9, and between Grade 11 and Grade 12.

The loss of primary school students between Grade 1 and Grade 2 is not a statistical distortion. In Ontario, student population is lower in Grade 2 than in Grade 1, 2.9% lower in 1991-1992 and 7.8% lower in 1996-1997. The same pattern is also noted in other provinces: New Brunswick (-3% in 1991 and -1% in 1996), British Columbia (-8% in 1996), Alberta (-11.5% in 1996-1997), Manitoba (-7.6% in 1991-1992 and -2.4% in 1996-1997), Newfoundland (-32.4% in 1991-1992 and -37.1% in 1996-1997), Nova Scotia (-2% in 1991-1992 and -5% in 1996-1997) and Prince Edward Island (-36.5% in 1991-1992, but slightly higher in 1996-1997). Saskatchewan is the only province that remained relatively constant between 1991-1992 and 1996-1997, with slight increases in student populations between Grade 1 and Grade 2.

At the end of high school, the drop in student population from Grade 11 to Grade 12 can be explained by the fact that many students do not return to school after passing the age of compulsory school attendance (15 years in general). The drop in student population from Grade 11 to Grade 12 is even greater though, considering that a good many students take more than one year to complete Grade 12, which inflates the student population figures for that grade.

Although the drop in student populations after Grade 1 and Grade 11 is fairly generalized, the drop between primary and secondary levels varies from province to province, although a shift was noted between 1991-1992 and 1996-1997. In 1991-1992, the drop was noted between Grade 7 and Grade 8 and between Grade 8 and Grade 9, whereas in 1996-1997, it was primarily between Grade 8 and Grade 9 and between Grade 9 and Grade 10. In Ontario, for example (as in British Columbia and Alberta), there was a significant drop in student population between Grade 6 and Grade 7 (-3.3% in 1991-1992 and -3.5% in 1996-1997), and again between Grade 7 and Grade 8 (-6.6% in 1991-1992 and -5.6% in 1996-1997). In New Brunswick, the drop was noted between Grade 10 and Grade 11 (-3.6%) in 1996-1997 and between Grade 8 and Grade 9 in 1991-1992 (-7.5%), with an increase between Grade 6 and Grade 7 (+11.3%) in 1991-1992 and between Grade 7 and Grade 8 in 1996-1997 (+5.9%).

Table 7 also shows that the Francophone proportion of the secondary school student population increased between 1991-1992 and 1996-1997, while the proportion in the primary student population dropped, except for Grade 1. The students enrolled in Francophone communities were thus a bit older in 1996-1997 than in 1991-1992, meaning that they remained in the school system a bit longer and more of them completed high school there. But their numbers dropped at the primary level, after Grade 1.

The causes of this drop in student population at the primary level therefore merit further consideration, through a study of how well the services met parents' expectations.

3.3 Changes in French-language schools and their student populations, by province and territory, 1986-1987 to 1997-1998

As we have seen, it is helpful to distinguish between provinces and territories, as in table 8, which shows the developments in the French-language system for even numbered years between 1986-1987 and 1997-1998.

Table 8 essentially shows that the provinces and territories with smaller populations benefited the most from the creation of new schools where none existed before. The increase in the number of schools and in student populations is striking in British Columbia, Alberta, Saskatchewan, Newfoundland, the Northwest Territories and Yukon.

See table 8 on page 56.

We shall now interpret these data, by province and territory, in light of the preceding data pertaining to target student populations. Appendix B summarizes the data.

British Columbia has had a French-language school board since November 2, 1995, which, since July 1, 1999, has served the entire province. This was achieved after numerous court battles. This intense legal activity mobilized the Francophone population to demand services where there were very few. There is also a large population that has migrated from Quebec to this province. Student population in French-language schools accordingly increased by 135.3% from 1986-1987 to 1997-1998, with the opening of two French-language schools and a student population of 840 in 1997-1998. There were also about 15 new mixed schools, with a student population of 1,635 in 1996-1997. As is often seen in the development of services, the province's target student population initially attended mixed schools. Thus 5.8% of the target student population were in French-language schools in 1996-1997, and 11.6% more were in mixed schools. The drop in the target student population between 1986 and 1996 was among the largest in Canada (5%). Families of rights holders who made up the target student population are more endogamous (65.3%) than the national average (35.1%), although French is spoken in proportionately fewer of these families (in 48.1% of endogamous families vs. 85.5% for the national average). Finally, the increase in Francophone student population must be seen in the context of a provincial increase in student population: the province's student population increased by 27.7% between 1986 and 1996 while the population as a whole grew by 28%. The French mother tongue population also increased by 10,910, or 23.8%, between 1986 and 1996, but became somewhat more "minoritized," as they represented 1.6% of the population in 1986 compared with 1.5% in 1996.

In Alberta, the legal action and steps taken by Francophones have also been very intense in the last 20 years, especially with the Supreme Court decision in the Mahé et al case. Alberta currently has four school boards and three school authorities.[54] This intense activity raised awareness of the importance of French-language schools so much that, between 1986-1987 and 1997-1998, the number of schools increased from two to 17 and student population from 526 to 2,246, a 326% increase. In 1996-1997, the province already had 13 French-language schools and a student population of 1,527. In 1996, 7.9% of the target student population attended French-language schools, while 6.7% attended the 13 mixed schools. In spite of the impressive progress, the

54 A regional authority is a legal entity with powers and roles similar to those of a school board. This authority is however subject to the considerable power the Minister holds in law. Transitional provisions authorize the Minister to appoint at least three Francophones who will be among the first members of each regional authority (Office of the Commissioner of Official Languages, 1997, p.120).

data suggest more than anything a bringing-up-to-par in a province that in 1982 did not distinguish between French immersion programs and education for the Francophone minority. That leaves over 85% of rights holders who make up the target student population attending majority schools, however, although this number dropped by 8.6% in 10 years. The French mother tongue population dropped slightly, by 955 people, or 1.7%, between 1986 and 1996. At a time of growth in the province's total population, the Francophone community accounted for 2.1% of the population in 1996, and 2.4% in 1986.

In Saskatchewan, nine school boards and their corresponding Francophone regions were created in 1995. These school boards were governed by a provincial general council. In 1999, this model was reviewed to make way for a provincial "Francophone school division" and 12 local "school boards." In 1996-1997, the 12 French-language schools were declared "écoles fransaskoises." There were three of them in 1986-1987. The student population in these schools also grew a great deal, from 166 in 1986-1987 to 879 in 1996-1997, a 429% increase. In 1996, only 12% of the target student population attended écoles fransaskoises. As we have seen, the target student population suffered the greatest decrease in all of Canada: 30.5% in 10 years (from 10,722 to 7,449). Families of rights holders were 73.7% exogamous, as compared with the national average of 53%. Moreover, only 3.1% of children speak French in exogamous families. The endogamous families account for 18.4% of families in the target student population, and 42.6% of children in those families learn French, compared with a national average of 85.5%. But the offer of service was not without difficulties, as seen in the case of Zenon Park school,[55] and the target student population in Saskatchewan is subject to the same trends as the Francophone population in general, provincial student population and total provincial population, all of which are in decline. In 1986, the French mother tongue population in Saskatchewan was 23,720, representing 2.3% of the province's total population. In 1996, the Francophone population was 19,900 and accounted for 2% of the province's total population. The province's population also dropped by 3.3% in 10 years (from 1,009,627 in 1986 to 976,615 in 1996).

In Manitoba, the Franco-Manitoban community has perhaps reached a turning point in its history, and new challenges await it with respect to education: devising its organizational structure and setting its objectives on the basis of a shared vision, over and above local and regional interests. Since January 1994, a provincial Franco-Manitoban school division, comprising four regions,[56] has managed education in the Francophone communities for the entire province. This is a major challenge considering that rural and urban interests are very different. This new institution therefore requires Franco-Manitobans to acquire a new social and educational dynamic, with a high level of development, as seen in the case of Saint-Claude school.[57] The Franco-Manitoban school division manages the 23 French-language schools and the six mixed schools. The French-language schools account for 29.7% of the target student population, or 4,477 students, while the mixed schools account for 4.6%, or 697 students. Although the student population in French-language schools increased by 38% between 1986-1987 and 1996-1997, the target student population dropped, as seen in table 4, by 15.2% (from

55 See section 4.2, Issues in everyday life.

56 Urban region (Winnipeg and surrounding area), Eastern region, Western region and Southern region.

57 See section 4.2, Issues in everyday life.

17,754 to 15,056) in 10 years. This drop must be seen in the context of an increase in exogamous family units (from 55.3% in 1986 to 61% in 1996). Thus, in 1996, 9.5% of rights holders making up the target student population from exogamous families spoke French as a mother tongue. This represents an improvement over 1986, when 6.5% of the target student population in exogamous families spoke French. In endogamous families (30.2% of families in 1996), 69.5% of the target student population speaks French as their mother tongue. These data must also be seen in the context of overall growth in the provincial population (by 3.5% to 1,100,295 in 1996). This corresponds to an increase in total student population (by 1.2% from 219,184 in 1986 to 221,747 in 1996) and a drop in the province's total Francophone population (by 12.3% from 51,775 in 1986 to 49,100 in 1996). Thus, the Francophone population, in spite of significant progress, is in even more of a minority, dropping from 4.9% of the population in 1986 to 4.5% in 1996.

Home to the largest Francophone minority community in Canada, Ontario has undergone major changes since section 23 was passed. First of all, its educational structures have changed. Although the number of school boards in the province has decreased, French-language boards have increased. There are now four district boards for French-language public schools[58] and eight district boards for French-language Catholic schools.[59] The national trend of changing the type of educational institution was especially evident in Ontario, where French-language schools increased in number from 313 in 1986-1987 to 363 in 1996-1997. This represents 16% growth, while mixed schools decreased from 38 to 25 in the same period. With the advent of district boards to serve the Francophone population, there was a new wave of school openings. French-language student population rose by 3.5% (from 72,555 students in 1986-1987 to 75,096 students in 1996-1997), while student population in mixed schools dropped from 4,857 in 1986-1987 to 1,493 in 1996-1997. French-language schools serve 64.1% of the target student population, and mixed schools serve another 1.3%. The number of families of rights holders that make up the target student population is a bit below the national average for endogamous families (32.6% versus 35% nationally) and, of course, above the average for exogamous families (54.3% versus 53% nationally). In these schools, the target student population learns French at a rate close to the national average: 83.9% in endogamous family units (85.5% nationally) and 14.5% in exogamous families. These figures must be seen in the context of the growth of the province's Francophone population between 1986 and 1996 (from 484,265 to 499,690, or +3.2%) and a 10.8% increase in student population (from 1,674,553 in 1986 to 1,854,651 in 1996). But the province's population grew by 16.9% overall (from 9,101,690 in 1986 to 10,642,790 in 1996), leaving Francophone communities in more of a minority, as their proportion of the total population dropped from 5.3% to 4.7%.

When section 23 was proclaimed, New Brunswick was without a doubt the province in the best position to foster the growth of Acadian communities. School boards had just been created along linguistic lines (majority or minority) so that Francophones could manage their educational institutions throughout the province and were better able to redress any

58 The North Eastern Ontario District School Board, the Northern Ontario School Board, the Central Southwestern School Board, the Eastern Ontario Public School Board.

59 The Grandes Rivières District Catholic School Board, the Franco-Nord District Catholic School Board, the Nouvel-Ontario District Catholic School Board, the Aurores boréales District Catholic School Board, the Southwestern Ontario District Catholic School Board, the Central Southern District Catholic School Board, the Eastern Ontario District Catholic School Board and the Central Eastern Ontario District Catholic School Board.

problems identified, such as that of mixed schools. Fairly quickly, the schools in the Acadian community all became French-language schools. But 20 years later, other changes have taken place. In a province where school governance was highly centralized at the Department of Education, the network of school boards has been reduced to two entities: one Francophone and the other Anglophone. The community management entities are now advisory structures: parent advisory committees at the school, parent advisory committees for the five school districts, and the Francophone provincial school board. In 1996-1997, all schools in the Acadian community were French. There were 115 of them, representing a 23.3% drop since 1986-1987. There was also an 8.2% drop in student populations, from 43,737 in 1986-1987 to 40,144 in 1996-1997. But overall provincial student population also dropped by 10.8% (from 140,804 in 1986-1987 to 125,618 in 1996-1997). The target student population dropped very significantly, by 18.7%. The students in this target student population spoke a bit more French in 1996, however, than they did in 1986. There was a 0.5% increase, from 80.8% of the target student French mother tongue population in 1986 to 81.3% in 1996. The breakdown of families in the target student population is very important for our purposes. In 1996, 62.6% of families of rights holders who make up the target student population were endogamous, while 23.5% were exogamous and 12% were single-parent families. In these families, 97.5% of the target student population spoke French in endogamous families, 34.5% in exogamous families and 86.4% in single-parent families. These proportions have risen significantly since 1986, when 94.8% of the target student population in endogamous families and 26.3% of those in exogamous families had French as a mother tongue. The province's French mother tongue population also rose by 2% between 1986 and 1996, while the province's overall population rose by 2.8% (709,445 in 1986 to 729,625 in 1996). The province's Francophone population is also older than the general population: 17.7% of the Francophone population was under 15 years of age, and 11.7% was over 65 years, while 19.8% of the province's population was under 15 and 7.3% was over 65 years of age.

In Nova Scotia, a provincial Acadian school board, with the same responsibilities as the English-language school boards, has been responsible for French-language education since 1996. For a long time, communities in Nova Scotia have been divided on their preferred type of school: French-language schools or mixed schools (French and English languages) and bilingual schools (less instruction in French). In this context, one notes that in 1996-1997 there were 11 French-language schools, whose student population rose by 51% between 1986-1987 and 1996-1997. The number of students rose from 1,959 to 2,811. These schools serve 29.1% of the target student population, representing an increase of 10.5 percentage points between 1986-1987 and 1996-1997, when they served 18.6%. For their part, the mixed/bilingual schools (nine in 1996) had 1,450 students, or 15% of the target student population. The proportion of the target student population in mixed/bilingual schools dropped by 1.1 points between 1986 and 1996. The target student population dropped by 7.7% between 1986 (10,516) and 1996 (9,701). But the proportion of this target population that speaks French increased by one point, from 36% in 1986 to 37% in 1996. To better understand these data, let us consider family breakdown. In Nova Scotia, a high percentage of families is exogamous (63.8% in 1996, a 6.4 point increase since 1986). In these exogamous families, only 7.8% of rights holders representing the target student population have French as their mother tongue. Although the target student population in endogamous families dropped by 7.1 points from 1986 to 1996 (from 35.1% to 28%), they speak more French at home, increasing from

72.5% of the target student population in 1986 to 82.3% in 1996. These data must be considered in the context of a native Francophone community that is increasing slightly in size, by 1.4% between 1986 to 1996 (from 35,810 to 36,310). This population is older than the provincial population, however: 18.1% were over 65 years in 1996, while only 12.5% of the provincial population was in this age group. Conversely, the Acadian population has half as many people under the age of 15: 10.9% in 1996 versus 20% for the province as a whole. While the Acadian population is growing slowly, there was a net decrease of 1,010 people over the 10 years through migration to other Canadian provinces. The community is also more "minoritized" in a province whose overall population has increased by 3.1% in 10 years; its proportion of the total population therefore dropped from 4.1% in 1986 to 4% in 1996.

Historically, the Francophones and Acadians of Prince Edward Island have survived as a result of their school network. They had 43 schools at the turn of the century. In this province, the consolidation of schools and school boards in the early 1970s had dramatic consequences. While the consolidation of student populations in the Évangéline region, with its school board, promoted community development in this region, it had the opposite effect on small communities, which in losing their school lost an essential survival tool. We gathered documentation on the development of François-Buote and Carrefour-de-l'Île-Saint-Jean schools, which eloquently records the development of a community centre.[60] In 1996-1997, there were two French-language schools and no mixed/bilingual schools in the province. The French-language schools serve 652 students,[61] a 31.1% increase between 1986-1987 and 1996-1997. They offer instruction in French to 36% of the target student population. The target student population also dropped by 20.5% between 1986-1987 and 1996-1997 (from 2,280 to 1,813). In Prince Edward Island, 26.3% of families of rights holders making up the target student population are endogamous, a drop of 5 points since 1986 (from 31.3%). In these families, however, 94.7% of the target student population learned French in 1996: a 35 point increase since 1986, when 59.6% of the target population learned French in the home. In 1996, 65.9% of rights holders making up the target student population were from exogamous families; only 7.6% of this student population had French as a mother tongue, a drop of 2.4 points since 1986. These data must be considered in the context of a 3.3% drop in the French mother tongue population in the province, from 5,920 in 1986 to 5,720 in 1996. Moreover, 4.5% of the Francophone population (255 people) left the Island for other Canadian provinces. The Island's total population grew, however, by 5.7% in 10 years, from 125,650 in 1986 to 132,855 in 1996. Overall, the French mother tongue population became more and more "minoritized," representing 4.7% of the population in 1986 and 4.5% in 1996.

Since 1986, Newfoundland and Labrador has made major strides in French-language education. In 1997, a provincial Francophone school board was created. There was not a single French-language school at the time, but there were two mixed schools. In 1996, there were two French-language schools and three mixed/bilingual schools. A provincial school board has since been created. The student populations in French-language schools (143 students in 1996-1997) and in mixed schools (100 students) account for 27.1% of the target student population (16% and 11.1% respectively). The target student population was 898 students, a 19.6% drop since 1986, when the number was 1,117. The families of rights holders making up the target student population

60 See Martel, Expert Witness Report in the case of Noëlla-Arsenault-Cameron et al v. the Government of Prince Edward Island, 1996.

61 There were 2,226 in 1899.

were very often exogamous — 74.1% in 1996, an increase of 3.9 percentage points since 1986. The target student population very rarely learns French in exogamous families (5.8%). Yet this percentage has risen by 2.3 points since 1986. The proportion of endogamous families also rose from 16.5% in 1986 to 17.3% in 1996, but the target student population learns French at home less often: 74.1% of the target student population in 1996 versus 78% in 1986. These data must be considered in the context of an 8.6% drop in the French mother tongue population between 1986 and 1996. Part of this drop can be attributed to migration from Newfoundland and Labrador to other Canadian provinces. There was a drop of 470 people or 19.3% in 10 years. But these decreases are also part of the overall picture in Newfoundland and Labrador, whose population dropped by 3.7% in 10 years, while student population dropped by 23.6% from 1986 to 1996.

In Yukon, there were two mixed schools in 1986, with 36 students. In 1996-1997, Émilie-Tremblay French-language school had 96 students in new premises (since 1995). A Francophone school board was elected in December 1995 to manage this French-language school. It served about 25.8% of the target student population (372 in 1996). This represents a 73% increase from 215 students in 1986. In Yukon, in 1996, one-tenth of families of rights holders making up the target student population were endogamous; 87.5% of the target student population from these families learned French. By contrast, 74.7% of the target student population were in exogamous families, and 19.45% of these children learned French at home. In Yukon, there were 1,170 native speakers of French in 1996. This figure, equal to 3.8% of the territory's population, has grown because of increased interprovincial migration from the province of Quebec.

In the Northwest Territories, a school board was established to manage Alain St-Cyr French-language school and Nakasuk mixed/bilingual school. In 1986, there were no programs for Francophones. In 1996-1997, 56 students attended the French-language school, from Grade 1 to Grade 9, or 9.7% of the target student population, while there were 25 students at Nakasuk school, or 4.3% of the target student population. The target student population had also increased by 26% since 1986, from 459 to 579. The families of rights holders making up the target student population were 75.9% exogamous; 5.9% of the target student population in these families were learning French. By contrast, 17% of families in the target student population were endogamous, and 63.2% of this target student population were learning French. These data represent a French mother tongue population equivalent to 2.2% of the territory's population.

4.1 Hypotheses for language planning: the remedial vision

We have drawn up an assessment of the changes in the target student population and actual student population in minority Francophone and Acadian schools since 1986. In this part of the report, we attempt to gauge the situation accurately at the dawn of the new millennium and then offer some hypotheses about remedial action. We can then consider our hypotheses about the percentages of the target population the schools will attract over the next decade within a framework that takes into account the quality and complexity of life in a minority community (issues and daily occurrences). We then target a number of stakeholders and suggest possible avenues of concerted action.

We intend to highlight the need for language planning based on the objective of section 23, namely to remedy historical wrongs. The main question that we ask is: after almost 20 years, has section 23 satisfied the expectation that historical wrongs would be remedied? We answer this question in two parts: first by assessing the remedial measure and then by stating hypotheses concerning remedies for the next decade.

4.1.1 Assessment of a remedial measure

If section 23 is playing its remedial role, the target student population will be stable or will increase, and more and more young people will go to French-language schools. To what extent do the numbers in French-language schools and in all educational programs in the Francophone and Acadian communities coincide with the target student population between six and 17 years of age under section 23(1)(a)?

The data in table 9 show that, in general, the actual student population (French-language schools and all programs) made it possible between 1986 and 1996 to recover a certain number of children who come from Francophone minorities.

See table 9 on page 57.

Concerning the correspondence between the actual student population in French-language schools and the target student population under section 23(1)(a), row a in table 9 shows that French-language schools in Canada provided education to 123,027 young people from grades 1 to 12 in 1986, to 129,778 in 1991 and to 126,718 in 1996. This education was extended to a greater proportion of the target student population in 1991 and 1996 than in 1986: 51% in 1991 and 54.4% in 1996 compared with 45% in 1986.

An initial observation needs to be made. With the help of French-language schools, the Francophone and Acadian communities apparently increased the number of French speakers, but this increase remained limited because only half the target student population was reached (54.4%).

A second observation also needs to be made. With the help of the French-language schools, a process of structural francization is under way. However, the process remains theoretical since it is not possible statistically to measure the quality or effectiveness of these schools with regard to knowledge of the French language.

The above observations about the number of students at French-language schools are even more significant if we consider the numbers for "all programs" (including French-language, mixed or bilingual schools, and programs in English-language schools) in relation to the target student population.

The population in "all programs" in comparison with the target student population (row b in table 9) increased by 6.9 percentage points between 1986 and 1996. In 1986, 50.35% of the target student population were receiving instruction in programs designed for the Francophone minority, whereas in 1996, 57.25% were doing so. We should note, however, that the population in "all programs"

declined from 136,903 in 1986 to 133,370 in 1996, which means that there were 3,533 or 2.6% fewer students.

We find therefore that the population in "all programs" decreased while that in French-language schools increased.

In short, the calculations we have just made show that:

- French-language schools provided instruction to a greater proportion of the target student population in 1991 and 1996 than in 1986.
- The "all programs" sector provided instruction to approximately 3 percentage points more of the target student population in 1991 than in 1986 and there is a new increase of 4.29 percentage points in 1996.

These data indicate that the education system that was created following enactment of section 23 might help to reverse the historic trend toward assimilation and, on the contrary, serve to "recover" part of the school-age population. This enables the system to actually function in a remedial capacity, and the establishment of structures (schools, school boards, departments of Education, parent committees, etc.) is the first step toward a remedy that is not yet fully reflected in the actual numbers.[62]

These data are based, however, on two changes: the change in the target student population and the change in the actual student population. The target student population declined (from 271,914 in 1986 to 259,035 in 1991, or 4.7%, and then to 232,942 in 1996, or 6.7%), while the actual student population in French-language schools increased. This had the effect of statistically cancelling out the real profile of the student population.

If the reader wishes to have a better understanding of the impact made by the increase in the population attending French-language schools over a 10-year period, we can compare the numbers attending these schools in 1996 with the target student population in 1986 (271,914). This figure is shown in the "Hypothesis" column in table 9. It appears that the number of students in French-language schools in 1996 was nevertheless equivalent to 46.6% of the target student population in the 1986 pool, an increase of 1.35 percentage points.

If we again compare the actual student population in all programs with the target student population in 1986 (which had declined in 1996), there is a very slight decline (from 50.35% in 1986 to 49.04% in 1996), which represents, in minority demolinguistic terms, at least a stabilization of the population.

4.1.2 Remedial hypotheses for the next decade

We note that while this first period in the implementation of section 23 helped to create educational systems managed by and for the minority Francophone and Acadian communities, it has not yet yielded sufficiently pronounced results in terms of recovering the target student population for French-language schools.

Thus, the new schools, new school boards, special units within the provincial and territorial departments of education, the introductory classes, the federations of Francophone parents and the Commission nationale, the teachers' associations and program projects, to give only a few examples, are all vessels that still need to be filled by recovering a substantial proportion of the target student population. Table 10 provides a number of hypotheses about this recovery. We hope they are realistic and encouraging, because they are a fiction that must guide reality. Each community will add its own concerns and then change and adapt these

62 We cannot attribute the statistical changes solely to the enactment of section 23, although it has undoubtedly played a major role. Other factors were also at work: birth and death rates, exogamous and endogamous marriages, migration, etc.

hypotheses accordingly. The ultimate objective of the exercise should take concrete form in a *national recovery plan.*

Each province or territory is unique, and the main difference is still the demographic weight of each Francophone or Acadian community in comparison with the total population of the province or territory. This is why table 10 refers to table 1 and takes the following demographic situation as its starting point: a large to intermediate community or a small to minimal one. These data show that, with few exceptions, the curve of the target student population going to French-language schools actually follows the demographic curve shown here.[63] In large communities (New Brunswick) or intermediate communities with very large populations (Ontario), the percentage of the target student population attending French-language schools is above the national average (54.4%): 86.2% for New Brunswick and 64.1% for Ontario. However, the Francophone community in British Columbia, accounting for 1.5% of the total population of the province, has 5.8% of the target student population registered at French-language schools.[64] There are some exceptions: the community in Newfoundland and Labrador shows great vigour since a greater proportion of the target student population is registered: 16% out of a Francophone population of 0.4%. The same is also true in Yukon.

Having made these observations, we must ask the following question. What would be a realistic target that could be used as a guide for a second stage in the implementation of section 23 in each province and territory over a 10-year period (2000-2010)?

In table 10, columns B and C show the demographic weight of the Francophone minority in each province and territory and the target student population that their French-language schools have succeeded in attracting in 1996. Column D shows our hypothesis, for each category of province and territory, about the percentage of the target population that the schools ought to be able to attract over the next 10 years. Column E shows the specific target population that the French-language schools in each province and territory will need to attract in order to achieve this objective.

The targets that we propose in applicable figures vary as follows: 95% for New Brunswick, 75% for Ontario, 50% for the provinces with medium populations (Manitoba, Prince Edward Island, Nova Scotia), and 25% for the provinces and territories with small Francophone populations (Northwest Territories, Yukon, Alberta, Saskatchewan, British Columbia). As far as Newfoundland and Labrador is concerned, its vitality can be seen by the establishment of a target average of 30% in applicable figures.

To ensure greater precision, we have calculated the target student population (the number of rights holders) to be recovered on the basis of the target student population in 1996. Our data also show losses in the target student population between 1996 and 2002. This target student population must therefore also be recovered. Overall, such an exercise in recovering the target student population means that a total of 50,843 additional students could go to French-language schools.

See table 10 on page 58.

These hypotheses are used to formulate a plan for recovering the target student population over the next 10 years. They are designed to be realistic to the extent that the following situational factors are taken into account:

63 See tables 11 to 22 in appendix B for further details.

64 A further 11.6% go to mixed schools. See table 12.

- The recovery period extends over 10 years.
- The year 2010, the date scheduled for the end of the plan, will be the 28th anniversary of the adoption of the Charter.
- Unlike the situation over the last 30 years, the Francophone minority communities will have many tools for linguistic development over the next decade, including management of their own schools, French-language schools, technological networking of institutions, special funds for language development.
- Preschool institutions will also probably be established to recover youngsters who already know French, and efforts will be made to recover students in the target population who are in immersion programs.
- Francophone minority communities will be more aware than ever of the importance of uniting their efforts around the school, helping it to do well, and using it to foster a vigorous community.
- Community development efforts under the Canada-Communities agreements and efforts to acquire new Francophones through immigration will have a combined effect on the vitality of Francophone communities.

This recovery plan is expected to have a considerable effect. The Francophone school population will increase (approximately 50,000) by a number comparable to the school population in New Brunswick in 1996 (45,000). What is more, students entitled to minority language education will hand down that right to future generations.

4.2 Issues in everyday life

Before focusing further on the role of each party or stakeholder in the implementation of the second phase of section 23, it is helpful for us to consider everyday life in Francophone and Acadian communities. We do so here with the help of individual stories that illustrate issues the new language planning should take into account. The stories of Francophone communities, as actually lived on a daily basis, are very instructive and help to flesh out the statistical assessment provided above. We will therefore now relate six stories that summarize the issues that emerged in our study.

4.2.1 Relations with the majority

Let us look first at the relations between the Anglophone majority and the Francophone and Acadian communities. These relations have not always been harmonious, as can be seen in the example of Zenon Park school in Saskatchewan. The Conseil scolaire fransaskois, created in 1997, ran into some serious difficulties arising from the fact that it did not have suitable school facilities in which to deliver its French-language program. The ministerial order that created the Conseil scolaire de Zenon Park failed to transfer any school facilities to it. Negotiations were undertaken with a school board (Tisdale 53rd school district) about the possible transfer of a facility, but they proved unsuccessful. As a result, the Conseil scolaire had to deliver its program in temporary premises located in a former convent in need of renovations (some of which were done). Since this convent did not have a gym, the Conseil scolaire asked to be given access, one night a week, to the gym in the school that had been the subject of the negotiations with the Tisdale 53rd school district. This request was refused, and no valid explanation was provided. Furthermore, it appears that 50% of the funding for the original construction of the gym was provided by Canadian Heritage, formerly called the Department of the Secretary of State of Canada (Office of the Commissioner of Official Languages, 1998, p. 116).

Many communities have experienced similar events. Consequently, some of the avenues of concerted action presented at the end of this report will deal with this problem.

4.2.2 *Role of French-language schools in rebuilding the community*

Another story, that of the school in Saint-Claude, Manitoba, shows how important parents feel it is to (re)build their communities. After numerous appeals, the Francophone parents of Saint-Claude established a small private Francophone school in 1997 (about 20 to 25 students from kindergarten to Grade 8), alleging that the bilingual program managed by the Anglophone school board (La Montagne) did not do enough to maintain French and that busing to the neighbouring French-language school, Notre-Dame-de-Lourdes, would not enable their community to survive. The founding of the private French-language school caused some financial worries, but it proved the viability and vitality of a small school with dedicated parents, a small school that became the focal point for rebuilding the community. In 1998, the Commission scolaire franco-manitobaine took the Saint-Claude school under its management and provided funding. Small minority communities very often find that the rebuilding of Francophone social life depends on the establishment of a flourishing school that gradually becomes the community centre. Attention must be paid as well to the development of these small communities.

4.2.3 *The language outside the school*

Schools have a role to play in the transmission of the French language and culture. However, this language and culture must also be part and parcel of daily life. Take a specific situation. Jean-Paul Marceau,[65] his wife Catherine and their two children (Candy, 15 years old, and Matthieu, 10 years old) live in Alberta. They speak French at home, and the children go to a French-language school. But when Candy's friend, Frédéric, comes to eat with them, they all feel very uncomfortable. Frédéric goes to the French-language school as well, and has since Grade 1. However, he says that he doesn't speak French outside of school. He understands French well, and can speak it of course, but he has some difficulty in communicating. He does not always have everyday words on the tip of his tongue. He often says that he does not know how to swear or express his feelings in French because, for him, it is a formal language spoken at school. Frankly, he feels more comfortable in English. This situation illustrates the importance of family and community in the acquisition of solid skills in a language. There are many effects of a situation like this: the choice of a language that will make everyone feel welcome and comfortable in Francophone families; the language that will be spoken in the home that Frédéric establishes some day; and the ability of schools by themselves to pass down the French language.

4.2.4 *Integrating non-French-speaking target students*

There are many problems with integrating the target student population into French-language schools. The principal of one school, Ulysse LeBlanc, says:

> Here in New Brunswick, about one rights holder in five does not go to a French-language school. We should integrate these children, of course. They would bolster our Acadian communities. However, I meet a lot of resistance from parents who are afraid that the integration of rights holders into the French-language schools would diminish the quality of the French spoken there. It is true that these rights holders do not generally speak French. They have to be taught the language, and we do not want our schools to become immersion schools.
>
> What to do? In a preventive spirit and with the cooperation of the "Réseau d'appui à l'intégration des ayants droit au système

65 All names have been changed to preserve privacy.

éducatif francophone", consisting of about 20 organizations and the New Brunswick Department of Education, we have considered some avenues of concerted action: research activities to get a good fix on the situation, support services for parents to prepare their children for French-language schools, summer camps for preschool children, re-francization programs at school, inclusion of cultural aspects in the instruction, and language monitors at school.

We think that, with some perseverance, we should be able to take a reasonable percentage of rights holders into the Francophone system without reducing the quality of French-language education in New Brunswick.

4.2.5 Exogamous family units

During my travels, I had the privilege of hearing the public testimony of Jeanne, who shared her views in St. John's, Newfoundland, about the statistics on exogamous families. This is what she said:

I am "exogamous" and didn't even know it. The word itself doesn't matter much, but I lived in a mixed marriage without realizing what that would mean for my children and me. I spoke English with my spouse. When children came, it was much easier just to speak English. The issue didn't even arise.

When my youngest started school, I heard about the new French-language school. I looked into it and got some literature. I talked about it with my husband, who was very reluctant. I felt alone. But deep down, I was nostalgic for my mother tongue. I am originally Acadian, and I wanted my children to speak French to my parents.

I spoke with other parents at the French-language school. My youngest little guy was a bit afraid of the French school. He has problems: he is dyslexic. I started speaking French with him when he was four years old. And despite the opposition of my husband, I put him into the French-language school.

Now I am divorced. It is as if recovering my language and culture led to a dead-end. My youngest, John Arthur, is doing well in the French-language school.

My experience leads me to say that exogamous couples should be supported from the beginning of their marriage. They have to realize the importance of sharing their languages and cultures. When you use only one language, English, one parent always suffers.

I am prepared to contribute my experience and help young parents. One or the other shouldn't have to suffer, and you should learn to live without being forced to get a divorce to keep your language.

Jeanne is not alone. The support she suggests should be available on the community level.

4.2.6 Future concerns of young people

Now let us look at the case of Amelia, a Grade 8 student in Ontario. Young people have their own concerns about the development of French educational systems, especially about the future for which this education is preparing them and whether it is in keeping with their own identities. Amelia says about herself:

Yes, my name is Amelia Lachance. My friends tell me I am lucky that my name is Lachance (i.e., "luck" in French). When I think about my life, I feel that "yes," I am lucky. My parents worked hard to get us a French-language school in our area. I like my school and my family. But now I'm trying to tell them about my worries.

My future is at stake. Should I continue at a French-language school in Grade 9? I want to be a doctor. Can I do it in French? What part will French play in my life? Can my school teach me the sciences as well as an English school could? I want to go the University of Toronto. In English.

I know they say that everything you have learned in one language transfers to another, that I will not lose out on anything, and to the contrary, I will be enriched. But will this enrichment be enough to enable me to succeed and be as good as the others in English later on?

Yes, going to school in French has enabled me to be bilingual. But that's just it. I am a "bilingual." Not a Francophone, because often being a Francophone means that you do not like English and our friends who speak English. I am bilingual and expect to remain so. They say I live in something they call the "intercultural" zone. That's a big word, but I like it.

I am comfortable in both languages. That doesn't mean I don't sometimes feel out of place in either French or English. Rather, I feel comfortable everywhere, but never entirely.

What is the best way to secure my future? Is there a better way? No, I think there are only individual solutions. Everybody has to choose. But at least I am lucky enough to be able to choose.

Amelia's concerns are all legitimate. They are part of the new values. While education in French is improving and extending as far as university and even beyond, young people face concerns that are being newly expressed, in particular, bilingual identities that they value.

These situations highlight issues pertaining to relations with the Anglophone majority, the role of the community, integration of the target student population, mixed marriages, language skills, and the identity of young people. For each of these issues, we suggest avenues of action for associations and organizations that work in the field of French-language education in accordance with section 23 of the Charter.

4.3 Who are the key players?

As we have seen, things are not simple, and the desire to recover target students for French-language schooling has all kinds of ramifications. The future development of French Canada will probably depend on these target students. Minorities will tend to become smaller and smaller in a society that is quickly globalizing, but French Canada has potential reserves: the target student population. Half of these reserves, however, are lost to the majority since, nationwide, about 50 percent of the target student population is being educated in the English-language school system, because of only partial implementation of section 23 of the Charter, and this pool of students grows smaller year after year.

What should be done to ensure that these target students stay, ideally forever, part of the Francophone and Acadian communities of Canada? Above all, how can all those involved work together to further the inroads that minority schools are making with these target students? Before suggesting some avenues of concerted action, let us look at who the key players are in the second phase of implementing section 23. They belong to three categories: the political class, education professionals, and family units.

4.3.1. The political class

A new language plan derived from section 23 depends, first of all, on the political will to do everything possible to achieve in full the remedial objectives of this section. The government of Canada (its agencies and departments) is an important player in this regard, as it has been in the past. Basically, it needs to respond to the requests and needs expressed by Francophone and Acadian communities.

The Francophone and Acadian communities have created powerful political groupings that regularly demand their rights. It will be important for them to agree together that their demolinguistic future will be affected by what

the target student population does, especially those children who leave French-language schools. Methods should be quickly adopted to determine some co-operative strategies that can start yielding results before 2002.

School board members bear a considerable responsibility as well. Their position, role, and activities derive directly from section 23. It is therefore essential for them to express their support for the main objective of this section.

Furthermore, the majority population needs to participate in this work as well. As can be seen in the Zenon Park case, understanding and support from the majority are essential to ensure harmony.

4.3.2 Education professionals

Education professionals bear the main responsibility for a renewed implementation of section 23, whether they are school principals, chairs of school boards, teachers, teachers' aids, bus drivers, Department of Education officials, program designers, university professors, etc. Why? First of all, it is their responsibility to be familiar, each in his/her own way, with the teaching conditions and everyday life in French-language schools. Second, they are in the front lines. Finally, their knowledge and ability to act bestow on them enormous credibility with the community and political authorities. They are the real leaders in a renewed implementation of section 23.

4.3.3 Family units

Insofar as parents and young people are concerned, their choices and responsibilities are first and foremost individual in nature. This must be noted and respected. The primary responsibility of the family unit is to ensure that its members flourish, and decisions are generally made with this in mind. We should recall the case of Amelia in the previous section. The choice of a school by and for the youth and the choice of the language or languages spoken in the home depend on a number of factors.

There are at least two ways, though, in which the Francophone and Acadian communities can take action. First, given equal quality and services, these communities owe it to themselves to make sure that people understand the importance for their community of going to a French-language school. Going to an immersion school can be a valid option, but if the quality is the same in the eyes of the parents, going to a French-language school also helps the Francophone or Acadian community as a whole. This is an added responsibility.

In addition, awareness campaigns can ensure that people understand the importance of preserving a certain linguistic capital within the family unit. We will return to this in the next section. Family decisions must be informed decisions, and people need to consider the riches that flow from passing down two or even three languages.

4.4 Avenues for concerted action

Activities to recover the target student population for French-language schools must be aimed either directly at the students involved or at various complementary contextual factors. We propose here a number of activities, in full knowledge that only a vibrant community can profitably accommodate a large target student population.

4.4.1. Relations with the majority

Beginning with the social context, let us look at relations with the majority. There have been many negotiations over the last 20 years concerning the law and section 23 of the Charter. This has greatly benefited the Francophone and Acadian communities, as we report above in section 1.1. Recourse to the law and the courts, in both talk and action, has helped to transform the educational infrastructure so that it can accommodate

management and control over educational facilities everywhere in Canada. Not to forget the pedagogical effects, this has reinforced the credibility of Francophone communities and forced the Anglophone majority to have more respect for them. Within the Francophone communities themselves, the rights conferred by section 23 have engendered a new pride and provide an incontrovertible basis for the communities (Martel, 1999c). In other words, section 23 has helped to equalize the positions of power in society.

Nevertheless, the gains made through the legal and judicial systems have also created a climate of confrontation between the majority and the minorities — a climate that is necessary initially but unproductive in the long run. It will be very difficult to encourage the target student population to go to French-language schools, especially students whose mother tongue is not French, unless there is an atmosphere of calm acceptance between the two groups.

The time may have come to launch some awareness campaigns among the majority.

The main argument could be as follows: the vitality of a democracy is judged by the way it treats its minorities. The majority can well understand the trend toward community development, for it is not homogeneous itself. It consists of small communities that attempt to survive and flourish in the current context of the globalization of trade and societies. A certain importance needs to be attached, though, to the big difference between a majority and a minority. For a majority, the merging of a community into a larger one (involving a certain acculturation) does not immediately result in the loss of a language and the associated cultural heritage. However, this is the case for the members of a minority who, in losing their community, also lose their main support.

The role of communities will be "problematized" even more over the next few decades, whether they are in the minority or the majority. In this way, minorities are our laboratories for living conditions in a world that is going global.

4.4.2. Role of the community

The media coverage of the case of the Summerside community in Prince Edward Island that went before the Supreme Court helped enormously to sensitize the population to the importance of schools for community development. We reported above, in section 1.1.3.2, on the importance of schools for community development. We also described the target student population as a potential extension of the school community.

The role of the school as the centre of the community must be constantly emphasized. This means that the next decade may well be the decade of small schools — those schools that are helping to rebuild communities that have crumbled away over the years. The strongest communities have generally obtained their schools since the advent of the Charter. However, what has been gained must now be consolidated in small communities. The vitality of a minority depends on the vitality of all its units, whether large or small.

The school should increasingly play the role of community centre. Several school-community centres have been built across Canada. These centres bring associations, businesses and the school all together. They contribute to the flowering and consolidation of community life. They enable community members of all ages to meet, from daycare age to senior citizens. These community centres provide a development concept for both small and larger communities.

Our consideration of the matter leads us to think that the role of schools, both small and large, should be strengthened over the next decade as a development tool for Francophones living in a minority situation. It will be important, though, to ensure that schools, while

providing one centre of attraction, do not become the only institution passing down the French language and cultural heritage. The school can be key, but as we saw in the story of Jean-Paul Marceau and his family, in order to flourish, French must be lived on a daily basis in other spheres than just school.

4.4.3 Accommodation of target students who do not speak French

There is no doubt on the legal level that the target student population is potentially part of the Francophone community. Difficulties arise, however, when we consider ways to integrate this population into the school system.

The testimony of a school principal from New Brunswick (section 4.2) exemplified the fears about target students who do not speak French. The first step is to reassure the Francophone and Acadian communities about this. It seems certain that the demographic future of the French-speaking communities will depend on their ability to integrate this target student population. Furthermore, the right to education in French in section 23 includes the right to recover or preserve one's original language and pass it down to one's children, even if this is done at school.

There is good reason, though, for the fears of Francophone communities about the target student population, because of the real danger that French-language schools will be anglicized through the integration of non-Francophone individuals. How can this portion of the target student population be francized in order to preserve what has been gained and further improve on it? We think that three kinds of activities are important. First, households must be sensitized to the importance of passing the language down. We deal with this in section 4.3.6. Second, institutions and activities for acquiring French must be established before students enter French-language schools. They can be of various kinds, as shown by the case of New Brunswick (section 4.2): summer camps, daycares, the twinning of households, activities involving young people and seniors, sports, etc. Above all, it is important for community organizations to join forces to integrate this portion of the target student population. In unity there is strength.

4.4.4 Schools

Life in a minority environment encourages bilingualism. Some see bilingualism as the border area between two positions, one negative and one positive. Others see this border area as the beginning of assimilation. It represents a loss of competence in one language. Still others see bilingualism as enriching or developing a dual ability. Many children in Francophone and Acadian communities are raised along these borders, and our figures show how fragile these borders can be. It is easy to lose your ability in the non-dominant language, in this case, French. The question that arises is therefore: "How can this situation be turned toward constant and progressive enrichment, toward mastery of two languages, or even three?"

Schools play an important part in maintaining the minority language, as well as in the influence that the language learned at school has on the language spoken at home. The school is able, therefore, to make a major contribution toward perpetuating the language at a key time when the family is gradually losing its role as leader and protector of the minority language.

In view of these two factors — bilingualism and the role of the school — there is certainly good reason to continue informing parents about the importance of education in the minority language. The Commission nationale des parents francophones and other organizations that are partners with the Projet national are always concerned about this, as can be seen in their numerous activities and action plans.

In order to encourage the development of an ability to communicate competently in French, two conditions must be met. Teachers, school administrators and school boards must encourage the use of a rich, nuanced language, because in order for a language to be a tool of communication in a minority situation, it must be richer than the dominant language, since it is naturally weakened by contact with the dominant language. This rich and necessarily formal language must be further enriched, however, by valuing the vernacular, the somewhat relaxed language spoken in the community and, possibly, by children when they enter school. Members of minority communities often think that they speak "bad" French. The part played by all the varieties of a language needs to be demystified, because minority communities will be proud of their language and want to learn the more formal variety of it in school only if the status of their spontaneous, informal, sometimes slang version is enhanced.

As previously mentioned, schools are not the only institution that passes down the French language. French must be part of everyday life and everyday activities, whether leisure, consumption, or business, to name just a few examples.

To complement these activities, would there not be good reason to provide an extra language-awareness program, also in school? Programs like this have already been implemented in the European Community.[66] The concept of language awareness is well suited to minority situations. Objectively valuing French and languages in general encourages attitudes and ideas that lead to behaviours that favour an enriching use of languages, including French.

A language-awareness program could sensitize people to verbal and non-verbal communication, how languages work (language levels, such as language at school, with friends and in public), the difference between the written and spoken language (different writing systems), strategies for learning languages (one's own linguistic biography, learning methods, suggestions for learning effectively), etc. Francophone and Acadian communities could develop their own language-awareness programs adapted to life in a minority situation. They would be a tool to enhance the community, giving priority to French but including other languages as well. This program would inspire gradual, widespread awareness among the population of Francophone and Acadian minority communities.

It is important as well to value the cross-cultural development of Francophone students and the natural emergence of bilingualism in minority environments. The skills needed in the current globalization of trade and society are no longer those valued in Francophone circles. People living in minority environments naturally develop skills in negotiation and conciliation, understanding of power relationships, openness to the points of view of others, inclusiveness, the relativity of values, and curiosity about the cultures of other people. In a competitive world, these skills often lead to a loss of independence and self-respect. This is assimilation in the fullest meaning of the word: loss of self. However, cross-cultural skills will be needed more and more in a world in which everybody will always be in a minority. We feel that French-language schools should have courses on cross-cultural practices that highlight their contribution to our contemporary societies.

4.4.5. Family units

As Jeanne's story showed, life in exogamous families requires particular awareness of the importance of the intergenerational transfer of

66 For a description of such a program, see "Entretien entre DiversCité Langues et Michel Candelier," February 1999, at http://www.uquebec.ca/diverscite

French. Just as a bank account provides capital for a couple setting up a household, a language is cultural capital that should not be squandered.

From the standpoint of passing the French language along from one generation to the next, what policies and practices should be adopted to provide support for families? Apart from all that has been done by the various Francophone associations, we think that three more things could be done to help family units.

We would like, first, to make two suggestions for exogamous families. As Heller and Lévy (1994) pointed out, in order for exogamous families to provide an environment in which French is passed down, this language must be "an important economic and social resource for at least one parent, if not both. It must be a source of strength and self-development in their own lives." To encourage this, brochures should be prepared for the relevant family units outlining the advantages of knowing French. However, an information campaign cannot by itself make up for the difficulties of life in a minority situation. This awareness campaign should therefore be supplemented by support groups and social contacts, perhaps between endogamous and exogamous families.

In addition, we need to value families in which two languages are spoken. It would be interesting therefore to explore interculturalism, which people in exogamous families often practice. Interculturalism can be not only a source of daily practices; it can also provide professional, personal and psychological skills that are useful to society, such as negotiation skills, tolerance and perseverance.

The purpose of these two suggestions is to provide support for exogamous families, but they could also be useful for endogamous families. Every family unit should be helped in some way to develop its own linguistic policy. Single-parent households should get extra support. The number of exogamous families is increasing over time. In these families, one parent has French as a mother tongue, and this is a considerable advantage.

In French Canada, the family unit is where a single or multidimensional feeling of belonging is established. This feeling of belonging will strongly affect the survival and development of minority Francophone and Acadian groups. The question that now arises is to what extent and under what conditions these groups, in all their diversity, can support a feeling of belonging within family units, while dealing in an open and positive way with the competition from English. The future of the Francophonie may well lie in the value we place on these linguistic and cultural border areas.

CONCLUSION

In 1982, when the *Canadian Charter of Rights and Freedoms* took effect, and with it the right to minority language instruction as set out in section 23, there were no French-language schools in half of Canada's provinces. It is thus understandable that the Supreme Court of Canada saw the mission of French schools as being to remedy the historical and progressive erosion of the minority communities and to promote their growth and development across Canada.

Now we see the pool of rights holders, whom we regard as the target student population for French-language schools, as the key to redressing the historical erosion of minority Francophone communities.

A statistical analysis of the progress and changes was required in order to quantify developments since the Charter came into effect and to plan actions for the coming decade.

This is why we have sought through this study to provide Francophone communities, and in particular those responsible for their education, with the tools to develop a form of language planning. In accordance with the Supreme Court of Canada, which in 1990 enshrined the term "where numbers warrant," we have proposed what we consider to be realistic ways of recovering the target school student population.

Recovering this student population, however, requires the series of measures put forward in the appendix entitled "Proposals."

We truly hope that this study will inspire thought and action.

REFERENCES

COOPER, R. 1989. Language Planning and Social Change, New York, Cambridge University Press.

CORBEIL, J.-C. 1996. L'aménagement linguistique dans la structure et la culture politiques d'un pays, étude de cas : les politiques linguistiques au Canada, in *DiversCité Langues*, Online, vol 1, no 1, 23 pages. Available at http://www.uquebec.ca/diverscite.

DUBÉ, P. 1993. Une étude de cas portant sur la genèse et les résultats de la judicalisation des droits scolaires : le cas Bugnet en Alberta, in *The Canadian Modern Language Review/La revue canadienne des langues modernes*, 49 (4), 704-715.

FRENETTE, N., and S. QUAZI. 1994. *L'effectif et la rétention des élèves dans les écoles de langue française de langue minoritaire au Canada, 1980-1994*, at http://www.oise.utoronto.ca/~nfrenette/Francophonie/CNPF.html.

HARRISON, B., and L. MARMEN. 1994. *Languages in Canada*, Ottawa, Statistics Canada.

HELLER, Monica, and Laurette LÉVY. 1994. Mariages linguistiquement mixtes : les stratégies des femmes franco-ontariennes, *Langage et société*, 67, 53-88.

JULIEN, R. 1993. The Evolution of Francophone Schools: The Case of Alberta (1982-1993), in *The Canadian Modern Language Review/La revue canadienne des langues modernes*, 49 (4), 716-733.

KNOPFF, K., and F.L. MORTON. 1992. *Charter Politics*, Scarborough, Nelson Canada.

MANDEL, M. 1989. *The Charter of Rights and the Legalization of Politics in Canada*, Toronto, Wall & Thompson.

MARMEN, L., and J.-P. CORBEIL. 1999. *Language in Canada: 1996 Census*, Ottawa, Canadian Heritage and Statistics Canada.

MARMEN, Louise. 1998. Overview of the Situation of Official Language Minorities, Paper presented at the symposium organized by Statistics Canada.

MARTEL, Angéline. 1999a. *Langue, famille et droit éducatif. Les ayants droit francophones selon l'article 23 de la Charte canadienne des droits et libertés*, Winnipeg, Commission nationale des parents francophones. Available at http://www.cnpf.ca.

MARTEL, Angéline. 1999b. *Droits éducatifs et langue. Évolution des ayants droit francophones de l'article 23 de la Charte canadienne des droits et libertés*, Winnipeg, Commission nationale des parents francophones. Available at http://www.cnpf.ca.

MARTEL, Angéline. 1999c. Heroes, Rebels, Communities and States in Language Rights Activism and Litigation, in Miklos Kontra, Tove Skutnabb-Kangas and Robert Philipson (Eds.), *Linguistic Human Rights*, Budapest, Central European University Press.

MARTEL, Angéline. 1996. *Expert Witness Report in Noëlla-Arsenault-Cameron et al. v. the Government of Prince Edward Island.*

MARTEL, A. 1995a. Droit constitutionnel et rapports de pouvoir : les droits scolaires des francophones minoritaires du Canada avant 1960, in *Canadian Journal of Law and Society/Revue canadienne droit et société*, 10, 1, 25-63.

MARTEL, A. 1995b. Les droits constitutionnels des minorités linguistiques en matière d'éducation sont-ils solides?, in *Ottawa Law Review/Revue de droit d'Ottawa*, 27 (1), 59-97.

MARTEL, A. 1994. Évolution des services et des droits éducatifs des minorités, in C. Poirier (Ed.), *Langue, espace, société*, Quebec City, Les Presses de l'Université Laval, pp. 239-275.

MARTEL, Angéline. 1993a. Processus initié par la promulgation de l'article 23 de la Charte canadienne des droits et libertés : les revendications scolaires de la minorité de langue officielle française, in D. Schneiderman (Ed.), *Language and the State: The Law and Politics of Identity/Langue et État : droit, politique et identité*, Edmonton, Centre d'études constitutionnelles, pp. 377-412.

MARTEL, Angéline. 1993b. Compétition idéologiques et les droits scolaires francophones en milieu minoritaire au Canada, in *The Canadian Modern Language Review/La revue canadienne des langues vivantes*, 49 (4), 734-775.

MARTEL, A. 1991. *Official Language Minority Education Rights in Canada: From Instruction to Management/Les droits scolaires des minorités de langue officielle au Canada : de l'instruction à la gestion*, Ottawa, Office of the Commissioner of Official Languages.

MAURAIS, J. (Ed.). 1987. *Politique et aménagement linguistiques*, Paris, Le Robert.

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES. 1998. *School Governance: The Implementation of Section 23 of the Charter*, Ottawa, Minister of Public Works and Government Services Canada.

VANDYCKE, R. 1989. L'activisme judiciaire et les droits de la personne : émergence d'un nouveau savoir-pouvoir, in *Les Cahiers de droit*, 30 (4), 927-951.

APPENDIX A

Table 1

Population with French as mother tongue (FMT) and population speaking mainly French in the home (FLH), Canada excluding Quebec, 1951-96

	1951	1961	1971	1981	1986*	1991*	1996*	Change 1951-96 (%)
Total population minus Quebec	9,953,748	12,979,036	15,540,545	17,714,450	18,776,865	20,183,735	21,483,045	+ 115.8
French as a mother tongue (FMT)	721,820	853,462	926,400	923,600	945,860	976,415	970,205	+ 34.4
French spoken in the home (FLH)			675,955	666,785	669,316	636,635	618,522	- 8.5**
Indicator of continuity in % FMT/FLH			73.0	72.2	70.8	65.2	63.8	
Percentage French mother tongue/total population	7.25	6.58	5.95	5.21	5.0	4.84	4.5	

Source: Brian Harrison and Louise Marmen. 1994. *Languages in Canada*, Statistics Canada, and Statistics Canada, 1999 at: http://www.statcan.ca/english/Pgdb/People/Population/demo18a.htm.

*Figures after distribution of multiple responses for purposes of comparison with previous years.

**Change between 1971 and 1996.

Table 2

Population and proportion of persons with minority official language as mother tongue, compared with provincial and territorial populations of Canada, 1986-96

	1986*			1996*		
Proportion** French-speaking	Province/ territory	Minority population	Minority/ total in %	Province/ territory	Minority population	Minority/ total in %
Considerable: approx. one-third	New Brunswick	237,570	33.5	New Brunswick	242,410	33.2
High: approx. 10%	Quebec***	678,785	10.4	Quebec	621,860	8.8
Intermediate: approx. 5%	Ontario	484,265	5.3	Ontario	499,690	4.7
	Manitoba	51,775	4.9	Manitoba	49,100	4.5
	PEI	5,920	4.7	PEI	5,720	4.3
	Nova Scotia	35,810	4.1	Nova Scotia	36.310	4.0
Low: 1 to 3%	NWT and Yukon	2,040	2.7	NWT and Yukon	2,590	2.7
	Alberta	56,245	2.4	Alberta	55,290	2.1
	Saskatchewan	23,720	2.3	Saskatchewan	19,900	2.0
	British Columbia	45,845	1.6	British Columbia	56,755	1.5
Minimal: less than 1%	Newfoundland-Labrador	2,670	0.5	Newfoundland-Labrador	2,440	0.4
Total Francophones		**945,860**	**5.0**		**970,205**	**4.5**

Source: B. Harrison and L. Marmen (1994) and Statistics Canada (1999).

*Figures after distribution of multiple responses for purposes of comparison with previous years.

** Typology given in Martel (1991: 64) has been modified slightly.

*** English as mother tongue. Quebec is included for comparison purposes

Table 3

Target student population of French-language schools and total school population, Canada excluding Quebec, students aged 6 to 17, 1986-96

	1986	1991	1996	Change 1986-96 (%)
a) Target student population	271,914	259,035	232,942	-14.3
b) Total student population	3,466,697	3,617,306	3,811,677	+10.0
Target student population/ Total student population	7.8	7.2	6.1	

Sources: a) Statistics Canada special customized tabulations for the 1986, 1991 and 1996 censuses.
b) Statistics Canada.

Table 4

Target student population of French-language schools, by province and territory, students aged 6 to 17, 1986-2002

Provinces and territories	1986	1991	1996	2002*	Change 1986-96 (%)
British Columbia	14,815	15,188	14,075	13,692	-5.0
Alberta	21,093	21,508	19,280	19,027	-8.6
Saskatchewan	10,722	9,975	7,449	6,029	-30.5
Manitoba	17,754	16,366	15,056	13,828	-15.2
Ontario	135,612	127,979	117,127	118,056	-13.6
New Brunswick	57,331	53,894	46,593	40,719	-18.7
Nova Scotia	10,516	10,214	9,701	9,168	-7.7
Prince Edward Island	2,280	1,918	1,813	1,725	-20.5
Newfoundland-Labrador	1,117	1,186	898	754	-19.6
Northwest Territories	459	524	579	615	+26.1
Yukon Territory	215	282	372	426	+73.0
Total	**271,914**	**259,035**	**232,942**	**224,038**	**-14.3**

Source: Statistics Canada special customized tabulations for the 1986, 1991 and 1996 censuses.
* Recall that this projection spans six years because we calculate the age grouping that in 1996 is 0 to 5 inclusive (six years).

Table 5

Schools and actual student population,* all programs and French-language schools, 1986-87 to 1997-98

	1986-87	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	Change 1986-87 to 1997-98 (%)
a) Schools										
French	499	547	555	556	554	554	562	545	546	+9.4
All programs	630	664	668	669	668	665	668	651	646	+2.5
% French/ all programs	79.2	84.9	83.1	83.1	82.9	83.3	84.1	83.7	86	+5.3 points
b) Student population										
French schools	123,027	129,461	129,778	130,836	129,819	129,645	128,781	126,718	126,622	+2.9
All programs	139,322	137,500	137,175	137,765	137,096	136,880	134,585	133,370	132,253	-5.1
% French schools/ all programs	88.3	94.2	94.6	95.0	94.6	94.7	95.7	95.0	95.7	
c) Student population										
Canada, excluding Quebec	3,466,977	3,472,238	3,617,306	3,702,708	3,720,668	3,748,851	3,793,757	3,811,677		+9.9
% of all programs/ total student population	4.1	4.0	3.7	3.7	3.7	3.7	3.5	3.5		

Source: Provincial and territorial departments of Education and Statistics Canada.

*School year, June data.

Table 6

Retention rate (% of Grade 1 students) in Grade 8 and Grade 12 in French-language schools in majority areas, 1994

	Grade 8 (%)	Grade 12 (%)
Newfoundland-Labrador	106.3	0.0
Prince Edward Island	88.9	84.8
Nova Scotia	77.1	52.0
New Brunswick	97.3	87.3
Ontario	84.9	80.6
Manitoba	102.6	62.2
Saskatchewan	43.3	17.3
Alberta	116.9	57.2
British Columbia	63.2	23.3

Source: Frenette and Quazi, 1994.

Table 7

Student populations* in all programs, by level of schooling, Canada excluding Quebec, 1991-92 and 1996-97

Level	Student populations and percentage 1991-92	Student populations and percentage 1996-97	Change 1991-92 to 1996-97 (%)
Grade 1	12,403 (9.2)	12,376 (9.4)	+0.2 point
Grade 2	12,009 (8.9)	11,409 (8.7)	-5 points
Grade 3	12,083 (8.9)	11,345 (8.7)	-6 points
Grade 4	12,008 (8.9)	11,205 (8.5)	-6.7 points
Grade 5	12,124 (9.0)	11,280 (8.6)	-7.0 points
Grade 6	11,768 (8.7)	11,550 (8.8)	-1.8 points
Grade 7	11,932 (8.8)	11,296 (8.6)	-5.3 points
Grade 8	11,255 (8.3)	11,117 (8.5)	-1.2 points
Grade 9	10,562 (7.8)	10,600 (8.1)	+0.1 point
Grade 10	10,257 (7.6)	10,278 (7.8)	+0.1 point
Grade 11	10,124 (7.5)	10,162 (7.7)	+0.1 point
Grade 12**	8,572 (6.4)	8,443 (6.4)	+0.2 point
Total	**135,097**	**131,061**	

Source: Provincial and territorial departments of Education.

*Students whose grade was not known were excluded (except those in British Columbia from Grade 1 to Grade 3 in 1991-92, who were equally distributed among these three years), as were students in hospital and those over 21 years of age attending high school. These students are included in table 6 because they are in Francophone minority programs.

**Excludes pre-university in Ontario.

Table 8

French-language schools and student population in Francophone communities in Canada, by province and territory, 1986-87 to 1997-98

Province or territory	1986-87	1988-89	1990-91	1992-93	1994-94	1996-97	1997-98	Change 1986-87 to 1997-98 (%)
British Columbia								
Schools	2	3	4	4	4	4	4	+2
Student population	357	478	693	716	803	809	840	+135.3
Alberta								
Schools	2	3	6	10	10	13	17	+15
Student population	526	943	1,474	1,775	1,811	1,527	2,246	+326
Saskatchewan								
Schools	3	3	9	10	10	12	12	+9
Student population	166	266	683	843	909	879	845	+409
Manitoba								
Schools	15	15	15	17	20	23	23	+8
Student population	3,230	3,170	3,285	3,672	3,897	4,477	4,456	+38.0
Ontario*								
Schools	313	331	350	356	361	363	364	+51
Student population	72,555	76,186	76,441	77,303	76,629	75,096	75,200	+3.7
New Brunswick								
Schools	150	152	148	142	132	115	109	-41
Student population	43,737	45,396	44,432	43,686	42,248	40,144	39,164	-10.5
Nova Scotia								
Schools	12	12	10	12	11	11	11	-1
Student population	1,959	1,990	1,777	2,067	2,457	2,821	2,964	+51
Prince Edward Island								
Schools	2	2	2	2	2	2	2	0
Student population	497	507	554	608	631	652	623	+25.4
Newfoundland-Labrador								
Schools	0	1	1	1	2	2	2	+1
Student population	0	47	61	62	137	143	136	
Northwest Territories								
Schools	0	0	1	1	1	1	1	
Student population	0	0	17	28	37	56	56	
Yukon								
Schools	0	0	1	1	1	1	1	
Student population	0	0	44	76	86	96	92	
Total								
Schools	**499**	**522**	**547**	**556**	**554**	**545**	**546**	**+47**
Population								
Student	**123,027**	**128,983**	**129,461**	**130,836**	**129,645**	**126,718**	**126,622**	**+2.3**

Source: Provincial and territorial departments of Education.

School year, June data.

* For Ontario and for the purposes of comparison with previous years, the Grade 12 student populations exclude pre-university as of 1990.

Table 9

Percentages of actual student population, all programs and French-language schools, compared with target student population, 6 to 17 years of age, 1986, 1991 and 1996

	1986	1991	1996	Hypothesis: actual student population, 1996/target student population, 1986 (%)
a) Actual student population/ target student population (%)	(123,027 / 271,914) 45.25	(129,778 / 259,035) 51.01	(126,718 / 232,942) 54.39	(126,718 / 271,914) 46.6
b) Population in all programs/ target student population (%)	(136,903 / 271,914) 50.35	(137,175 / 259,035) 52.96	(133,370 / 232,942) 57.25	(133,370 / 271,914) 49.04

Sources: Special Statistics Canada tabulations for target student population in the 1986, 1991 and 1996 censuses. Provincial and territorial departments of Education for student population and schools.

Table 10

Language planning hypotheses: recovery action plan, 2000-2010

A Province/ territory	B Population, French mother tongue/total population * 1996 (%)	C Target school population in French- language schools ** 1996 (%)	D Hypothesis of pertinent number: % of target population in French-language schools in 2010	E Number of rights holders to be recovered by French-language schools: 2000-2010
New Brunswick	Large: one third			
	33.2	86.2	95	7,664
Ontario	Intermediate: about 5% with a very large population			
	4.7	64.1	75	17,676
	Intermediate: about 5%			
Manitoba	4.5	29.7	50	5,785
Prince Edward Island	4.3	36.0		524
Nova Scotia	4.0	29.1		3,533
	Small: 1% to 3%			
NWT	2.2	9.7	25	140
Yukon	3.8	25.8		-1 (!)
Alberta	2.1	7.9		6,438
Saskatchewan	2,0	12,0		3,520
British Columbia	1.5	5.8		5,204
Newfoundland-Labrador	Minimal: less than 1%			
	0.4	16.0	30	360
Total		**54.4**	**76.2**	**50,843 students**

* See table 1.

** Cross-referenced to tables 4 and 8.

APPENDIX B

Table 11

Summary of statistical indicators, Canada excluding Quebec

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	499	545	+9.2
Student population in French-language schools	123,027	126,718	+3.0
Number of bilingual or mixed schools	131	106	-19.1
Student population, bilingual or mixed schools	16,295	6,651	-59.2
Target student population (TSP)	271,914	232,942	-14.3
Actual student population of French-language schools/TSP, in %	45.3	54.4	+9.2 points
Student population, bilingual and mixed schools/TSP, in %	6.0	2.9	3.1 points
TSP by family type[2]			
Endogamous families, in %	41.8	35.1	-6.7 points
Exogamous families, in %	47.4	52.5	+5.1 points
Single-parent families, in %	10.5	12.4	+1.9 points
TSP, French mother tongue, endogamous family, in %	82.7	85.5	+2.8 points
TSP, French mother tongue, exogamous family, in %	13.2	13.1	-0.1 points
TSP, French mother tongue, single-parent family, in %	50.5	49.9	0.6 points
Francophone communities			
Francophone population[3]	945,860	970,205	+2.6
Population under 15 years of age, in %		14.3	
Population over 65 years, in %		13.6	
Total population, in %	5.0	4.5	-0.5 points
Net migration of Francophones between 1986 and 1996[4]		-6,615	-0.6
National context			
Total population (excluding Quebec)	18,776,865	21,483,045	+14.4
Population under 15 years, in %[5]		21.1	
Population over 65 years, in %		11.6	
Student population, excluding Quebec (Grade 1 to Grade 12)[6]	3,466,697	3,811,677	+10.0

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

Table 12

Summary of statistical indicators, British Columbia

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	2	4	+100.0
Student population in French-language schools	357	809	+126.0
Number of bilingual or mixed schools	34	49	+44.1
Student population, bilingual or mixed schools	1,168	1,635	+40.0
Target student population (TSP)	14,815	14,075	-5.0
Actual student population of French-language schools/TSP, in %	2.4	5.8	+3.4 points
Student population, bilingual and mixed schools/TSP, in %	7.9	11.6	+3.7 points
TSP by family type[2]			
Endogamous families, in %	16.9	65.3	+48.4 points
Exogamous families, in %	69.9	28.8	-41.1 points
Single-parent families, in %	13.2	5.9	-7.3 points
TSP, French mother tongue, endogamous family, in %	33.9	48.1	+14.2 points
TSP, French mother tongue, exogamous family, in %	5.0	5.6	+0.6 points
TSP, French mother tongue, single-parent family, in %	16.3	13.9	-1.6 points
Francophone communities			
Francophone population[3]	45,845	56,755	+23.8
Population under 15 years of age, in %		7.6	
Population over 65 years, in %		15.8	
Provincial population, in %	1.6	1.5	-0.1 points
Net migration of Francophones between 1986 and 1996[4]		+9 835	+17.3
Provincial context			
Total population	2,883,375	3,689,760	+28.0
Population under 15 years of age, in %[5]		19.9	
Population over 65 years, in %		12.2	
Student population (Grade 1 to Grade 12)[6]	483,253	616,891	+27.7

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

Table 13

Summary of statistical indicators, Alberta

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	2	13	+550.0
Student population in French-language schools	526	1527	+190.0
Number of bilingual or mixed schools	15	13	-13.0
Student population, bilingual or mixed schools	1,049	1,282	+22.2
Target student population (TSP)	21,093	19,280	-8.6
Actual student population of French-language schools/TSP, in %	2.5	7.9	+5.4 points
Student population, bilingual and mixed schools/TSP, in %	5.0	6.7	+1.7 points
TSP by family type[2]			
Endogamous families, in %	23.4	17.0	-6.4 points
Exogamous families, in %	67.9	73.3	+5.4 points
Single-parent families, in %	8.7	9.7	+1.0 point
TSP, French mother tongue, endogamous family, in %	56.0	55.4	-0.6 points
TSP, French mother tongue, exogamous family, in %	5.4	4.5	-0.9 points
TSP, French mother tongue, single-parent family, in %	20.7	10.7	-10.0 points
Francophone communities			
Francophone population[3], in %	56,245	55,290	-0.6
Population under 15 years of age, in %		9.1	
Population over 65 years, in %		13.9	
Provincial population	2.4	2.1	-0.3 points
Net migration of Francophones between 1986 and 1996[4]		-200	-0.3
Provincial context			
Total population	2,365,830	2,669,195	+12.8
Population under 15 years of age, in %[5]		23.0	
Population over 65 years, in %		9.2	
Student population (Grade 1 to Grade 12)[6]	438,183	514,566	+17.4

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

Table 14

Summary of statistical indicators, Saskatchewan

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	3	12	+300.0
Student population in French-language schools	166	879	+430.0
Number of bilingual or mixed schools	9	0	-
Student population, bilingual or mixed schools	672	0	-
Target student population (TSP)	10,722	7,449	-30.5
Actual student population of French-language schools/TSP, in %	1.5	12.0	+10.5 points
Student population, bilingual and mixed schools/TSP, in %	6.3	-	-6.3 points
TSP by family type[2]			
Endogamous families, in %	20.2	18.4	-1.8 points
Exogamous families, in %	72.2	73.7	+1.5 points
Single-parent families, in %	7.6	7.8	+0.2 points
TSP, French mother tongue, endogamous family, in %	37.1	42.6	+5.5 points
TSP, French mother tongue, exogamous family, in %	4.1	3.1	-1.0 point
TSP, French mother tongue, single-parent family, in %	7.2	6.8	-0.4 points
Francophone communities			
Francophone population[3]	23,720	19,900	-16.1
Population under 15 years of age, in %		7.0	
Population over 65 years, in %		27.1	
Provincial population, in %	2.3	2.0	-0.3 points
Net migration of Francophones between 1986 and 1996[4]		-1,735	-8.7
Provincial context			
Total population	1,009,625	976,615	-3.3
Population under 15 years of age, in %[5]		23.4	
Population over 65 years, in %		13.8	
Student population (Grade 1 to Grade 12)[6]	196,291	196,405	--

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

Table 15

Summary of statistical indicators, Manitoba

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	15	23	+53.3
Student population in French-language schools	3,230	4,477	+38.0
Number of bilingual or mixed schools	19	6	-68.5
Student population, bilingual or mixed schools	1,981	697	-64.8
Target student population (TSP)	17,754	15,056	-15.2
Actual student population of French-language schools/TSP, in %	18.2	29.7	+11.5 points
Student population, bilingual and mixed schools/TSP, in %	11.2	4.6	-6.6 points
TSP by family type[2]			
Endogamous families, in %	35.1	30.2	-4.9 points
Exogamous families, in %	55.3	61.0	+5.7 points
Single-parent families, in %	9.6	8.7	-0.9 points
TSP, French mother tongue, endogamous family, in %	66.6	69.5	+2.9 points
TSP, French mother tongue, exogamous family, in %	7.5	9.5	+2.0 points
TSP, French mother tongue, single-parent family, in %	28.4	29.5	+1.1 points
Francophone communities			
Francophone population[3]	51,775	49,100	-12.3
Population under 15 years of age, in %		12.6	
Population over 65 years, in %		17.9	
Provincial population, in %	4.9	4.5	-4 points
Net migration of Francophones between 1986 and 1996[4]		-2,845	-5.8
Provincial context			
Total population	1,063,010	1,100,295	+3.5
Population under 15 years of age, in %[5]		22.2	
Population over 65 years, in %		12.9	
Student population (Grade 1 to Grade 12)[6]	200,295	202,693	+1.2

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

Table 16

Summary of statistical indicators, Ontario

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	313	363	16.0
Student population in French-language schools	72,555	75,096	3.5
Number of bilingual or mixed schools	38	25	-34.2
Student population, bilingual or mixed schools	4,857	1,493	-692.0
Target student population (TSP)	135,612	117,127	-13.6
Actual student population of French-language schools/TSP, in %	53.5	64.1	+10.6 points
Student population, bilingual and mixed schools/TSP, in %	3.6	1.3	-2.5 points
TSP by family type[2]			
Endogamous families, in %	39.6	32.6	-7 points
Exogamous families, in %	49.6	54.3	+4.7 points
Single-parent families, in %	10.8	13.1	+2.3 points
TSP, French mother tongue, endogamous family, in %	83.3	83.9	+0.6 points
TSP, French mother tongue, exogamous family, in %	16.3	14.5	-1.2 points
TSP, French mother tongue, single-parent family, in %	51.0	49.2	-1.8 points
Francophone communities			
Francophone population[3]	484,265	499,690	+3.2
Population under 15 years of age, in %		14.7	
Population over 65 years, in %		13.0	
Provincial population, in %	5.3	4.7	-0.6 points
Net migration of Francophones between 1986 and 1996[4]		-7,690	-1.5
Provincial context			
Total population	9,101,690	10,642,790	+16.9
Population under 15 years of age, in %[5]		20.8	
Population over 65 years, in %		11.7	
Student population (Grade 1 to Grade 12)[6]	1,674,553	1,854,651	+10.8

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

Table 17

Summary of statistical indicators, New Brunswick

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	150	115	-23.3
Student population in French-language schools	43,737	40,144	-8.2
Number of bilingual or mixed schools	4	0	
Student population, bilingual or mixed schools	2,349	0	
Target student population (TSP)	57,331	46,593	-18.7
Actual student population of French-language schools/TSP, in %	76.3	86.2	+9.9 points
Student population, bilingual and mixed schools/TSP, in %	4.1	0	
TSP by family type[2]			
Endogamous families, in %	68.8	62.6	-6.2 points
Exogamous families, in %	19.7	23.5	+3.8 points
Single-parent families, in %	11.6	12.0	+0.4 points
TSP, French mother tongue, endogamous family, in %	94.8	97.5	+2.7 points
TSP, French mother tongue, exogamous family, in %	26.3	34.5	+8.2 points
TSP, French mother tongue, single-parent family, in %	81.5	86.4	+4.9 points
Francophone communities			
Francophone population[3]	237,570	242,410	+2.0
Population under 15 years of age, in %		17.7	
Population over 65 years, in %		11.7	
Provincial population, in %	33.5	33.2	-0.3 points
Net migration of Francophones between 1986 and 1996[4]		-2,380	-1.0
Provincial context			
Total population	709,445	729,625	+2.8
Population under 15 years of age, in %[5]		19.8	
Population over 65 years, in %		11.9	
Student population (Grade 1 to Grade 12)[6]	140,804	125,618	-10.8

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

Table 18

Summary of statistical indicators, Nova Scotia

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	12	11	-8.0
Student population in French-language schools	1,959	2,821	+51.0
Number of bilingual or mixed schools	8	9	+12.5
Student population, bilingual or mixed schools	1,696	1,450	-14.5
Target student population (TSP)	10,516	9,701	-7.7
Actual student population of French-language schools/TSP, in %	18.6	29.1	+10.5 points
Student population, bilingual and mixed schools/TSP, in %	16.1	15.0	-1.1 points
TSP by family type[2]			
Endogamous families, in %	35.1	28.0	-7.1 points
Exogamous families, in %	57.4	63.8	+6.4 points
Single-parent families, in %	7.5	8.0	+0.5 point
TSP, French mother tongue, endogamous family, in %	72.5	82.3	+9.8 points
TSP, French mother tongue, exogamous family, in %	8.0	7.8	-0.2 points
TSP, French mother tongue, single-parent family, in %	38.1	25.2	-12.9 points
Francophone communities			
Francophone population[3]	35,810	36,310	+1.4
Population under 15 years of age, in %		10.9	
Population over 65 years, in %		18.1	
Provincial population, in %	4.1	4.0	-0.1 points
Net migration of Francophones between 1986 and 1996[4]		-1,010	-2.8
Provincial context			
Total population	873,165	899,970	+3.1
Population under 15 years of age, in %[5]		20.0	
Population over 65 years, in %		12.5	
Student population (Grade 1 to Grade 12)[6]	161,478	154,594	-4.2

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

Table 19

Summary of statistical indicators, Prince Edward Island

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	2	2	-
Student population in French-language schools	497	652	+31.1
Number of bilingual or mixed schools	-	-	-
Student population, bilingual or mixed schools	-	-	-
Target student population (TSP)	2,280	1,813	-20.5
Actual student population of French-language schools/TSP, in %	21.8	36.0	+14.2 points
Student population, bilingual and mixed schools/TSP, in %	-	-	-
TSP by family type[2]			
Endogamous families, in %	31.3	26.3	-5.0 points
Exogamous families, in %	64.3	65.9	+1.6 points
Single-parent families, in %	4.4	7.8	+3.4 points
TSP, French mother tongue, endogamous family, in %	59.6	94.7	+35.1 points
TSP, French mother tongue, exogamous family, in %	10.0	7.6	-2.4 points
TSP, French mother tongue, single-parent family, in %	0	28.6	+28.6 points
Francophone communities			
Francophone population[3]	5,920	5,720	-3.3
Population under 15 years of age, in %		11.7	
Population over 65 years, in %		19.5	
Provincial population, in %	4.7	4.3	-0.4 points
Net migration of Francophones between 1986 and 1996[4]		-255	-4.5
Provincial context			
Total population	125,650	132,855	+5.7
Population under 15 years of age, in %[5]		21.9	
Population over 65 years, in %		12.1	
Student population (Grade 1 to Grade 12)[6]	24,938	24,782	-0.6

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

Table 20

Summary of statistical indicators, Newfoundland and Labrador

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	0	2	-
Student population in French-language schools	0	143	-
Number of bilingual or mixed schools	2	3	+50.0
Student population, bilingual or mixed schools	68	100	+47.0
Target student population (TSP)	1,117	898	-19.6
Actual student population of French-language schools/TSP, in %	-	16.0	+16.0 points
Student population, bilingual and mixed schools/TSP, in %	6.1	11.1	+5.0 points
TSP by family type[2]			
Endogamous families, in %	16.5	17.3	+0.8 point
Exogamous families, in %	78.0	74.1	-3.9 points
Single-parent families, in %	5.4	8.7	+3.3 points
TSP, French mother tongue, endogamous family, in %	71.4	87.5	+16.1 points
TSP, French mother tongue, exogamous family, in %	3.5	5.8	+2.3 points
TSP, French mother tongue, single-parent family, in %	0	31.3	+31.3 points
Francophone communities			
Francophone population[3]	2,670	2,440	-8.6
Population under 15 years of age, in %		12.1	
Population over 65 years, in %		15.0	
Provincial population, in %	0.5	0.4	-0.1 points
Net migration of Francophones between 1986 and 1996[4]		-470	-19.3
Provincial context			
Total population	568,345	547,160	-3.7
Population under 15 years of age, in %[5]		20.1	
Population over 65 years, in %		10.1	
Student population (Grade 1 to Grade 12)[6]	130,466	99,627	-23.6

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

Table 21

Summary of statistical indicators, Yukon

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	0	1	-
Student population in French-language schools	0	96	-
Number of bilingual or mixed schools	2	-	-
Student population, bilingual or mixed schools	36	-	-
Target student population (TSP)	215	372	+73.0
Actual student population of French-language schools/TSP, in %	-	25.8	+25.8 points
Student population, bilingual and mixed schools/TSP, in %	16.7	-	-16.7 points
TSP by family type[2]			
Endogamous families, in %	6.5	9.6	+3.1 points
Exogamous families, in %	93.5	74.7	-18.8 points
Single-parent families, in %	0	15.7	+15.7 points
TSP, French mother tongue, endogamous family, in %	0	87.5	+87.5 points
TSP, French mother tongue, exogamous family, in %	6.9	19.4	+12.5 points
TSP, French mother tongue, single-parent family, in %	0	61.5	+61.5 points
Francophone communities			
Francophone population[3]		1,170	
Population under 15 years of age, in %		15.6	
Population over 65 years, in %		4.5	
Provincial population, in %		3.8	
Net migration of Francophones between 1986 and 1996[4]		+115	+9.8
Provincial context			
Total population		30,650	
Population under 15 years of age, in %[5]		24.1	
Population over 65 years, in %		4.2	
Student population (Grade 1 to Grade 12)[6]	4,354	5,843	+34.2

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

Table 22

Summary of statistical indicators, Northwest Territories

Indicator	1986	1996	Change 1986-96 (%)
Schools			
Number of French-language schools[1]	0	1	-
Student population in French-language schools	0	56	-
Number of bilingual or mixed schools	0	1	-
Student population, bilingual or mixed schools	0	25	-
Target student population (TSP)	459	579	+26.1
Actual student population of French-language schools/TSP, in %	-	9.7	+9.7 points
Student population, bilingual and mixed schools/TSP, in %	-	4.3	-4.3 points
TSP by family type[2]			
Endogamous families, in %	19.3	17.0	-1.7 points
Exogamous families, in %	77.1	75.9	-1.2 points
Single-parent families, in %	3.6	7.1	+3.5 points
TSP, French mother tongue, endogamous family, in %	81.3	63.2	-18.1 points
TSP, French mother tongue, exogamous family, in %	0	5.9	+5.9 points
TSP, French mother tongue, single-parent family, in %	0	25.0	+25.0 points
Francophone communities			
Francophone population[3]		1,420	
Population under 15 years of age, in %		11.1	
Population over 65 years, in %		4.8	
Provincial population, in %		2.2	
Net migration of Francophones between 1986 and 1996[4]		+20	+1.4
Provincial context			
Total population		64,125	
Population under 15 years of age, in %[5]		32.7	
Population over 65 years, in %		2.9	
Student population (Grade 1 to Grade 12)[6]	12,082	16,407	+35.8

1 See table 5 for schools and student population.

2 Martel, 1999, based on data from the Commission nationale des parents francophones. This target student population figure is for young people between the ages of 5 and 18, and not between 6 and 17, as elsewhere in the present study.

3 See table 1.

4 **Source**: Marmen and Corbeil, 1999, p. 74.

5 **Source:** Marmen, 1997, appendix 3.

6 **Source:** Special Tabulations, Statistics Canada.

APPENDIX C

Target Student Population, by French Spoken at Home and Knowledge of French, by Province and Territory

Tables 24 and 25 provide data about the target student population with knowledge of French in the provinces and territories. The number of young people with knowledge of French is higher, often significantly higher, than the number of young people who speak French most often at home.

Table 23

Target student population with knowledge of French or who speak French at home, by type of family, 0 to 4 years and 5 to 17 years, Canada excluding Quebec, 1996

	0 to 4 years			5 to 17 years		
	Both parents French mother tongue	One parent French mother tongue	Single parent family, French mother tongue	Both parents French mother tongue	One parent French mother tongue	Single parent family, French mother tongue
French spoken at home	23,185	10,530	3,940	75,360	17,190	15,530
Knowledge of French	24,100	17,395	4,755	83,550	62,220	22,070

Source: Statistics Canada, 1996 Census.

Table 24

Percentage of target student population, 0 to 4 years, by type of family, language spoken at home and knowledge of French, by province and territory, excluding Quebec, 1996

	Both parents French mother tongue		One parent French mother tongue		Single-parent family, French mother tongue	
	French spoken at home	Knowledge of French	French spoken at home	Knowledge of French	French spoken at home	Knowledge of French
British Columbia	77.7	80.6	13.7	24.4	8.3	17.4
Alberta	67.7	76.8	11.2	19.1	14.9	19.4
Saskatchewan	66.6	79.4	5.7	15.9	15.6	18.8
Manitoba	79.9	88.9	15.7	24.6	29.4	47.1
Ontario	89.1	93.1	21.9	36.7	50.1	64.5
New Brunswick	98.2	99.1	37.2	50.8	85.2	88.3
Nova Scotia	85.8	91.5	13.7	30.3	28.6	39.3
PEI	84.6	88.5	10.6	27.1	20.0	40.0
Newfoundland-Labrador	88.9	88.9	13.9	19.5	0	0
Northwest Territories	83.3	83.3	18.0	33.3	0	0
Yukon	85.7	100.0	44.4	44.4	0	0

Source: Statistics Canada, 1996 Census. This table is from Angéline Martel, *Langue, familles et droits éducatifs. Les ayants droit francophones selon l'article 23 de la Charte canadienne des droits et libertés*, published on the CNPF internet site (http://www.cnpf.ca/textes1/LangueFamille.html).

Table 25

Percentage of target student population between 5 and 17 years, by type of family, language spoken at home and knowledge of French, by province and territory, excluding Quebec, 1996

	Both parents French mother tongue		One parent French mother tongue		Single-parent family, French mother tongue	
	French spoken at home	Knowledge of French	French spoken at home	Knowledge of French	French spoken at home	Knowledge of French
British Columbia	58.1	74.7	5.6	32.7	13.9	36.9
Alberta	55.4	81.1	4.5	31.0	10.7	40.9
Saskatchewan	42.6	67.1	3.1	26.6	6.8	22.0
Manitoba	67.9	88.5	9.5	45.1	29.5	64.6
Ontario	83.9	95.4	14.5	53.1	49.2	73.5
New Brunswick	97.5	100	34.5	65.8	86.4	93.2
Nova Scotia	82.3	94.3	7.8	38.8	25.2	49.7
PEI	94.7	95.8	7.6	42.4	28.6	60.7
Newfoundland-Labrador	87.5	90.6	5.8	33.6	31.3	56.3
Northwest Territories	63.2	84.2	5.9	24.7	25.0	37.5
Yukon	87.5	100.0	19.4	56.5	61.5	84.6

Source: Statistics Canada, 1996 Census. This table is taken from Angéline Martel, *Langue, familles et droits éducatifs. Les ayants droit francophones selon l'article 23 de la Charte canadienne des droits et libertés*, published on the CNPF Internet site (http://www.cnpf.ca/textes1/LangueFamille.html).

APPENDIX D

Proposals

Proposal 1: In order to integrate the target student population in a calm atmosphere, especially those who do not have French as a mother tongue, that awareness cells be created to reach the Anglophone majority and governments in Canada, using information sheets about: (a) the role of the school in a community, especially a minority community, and (b) the meaning of and rights conferred by section 23.

Proposal 2: That documentation be gathered and disseminated describing cases or stories of communities that have been (re)built around a school, to serve as inspiration to other communities.

Proposal 3: That parents' associations and Francophone school boards place particular emphasis on undertaking activities and founding new small schools in communities that have grown weak.

Proposal 4: That Franchophone and Acadian communities be made aware of the demographic importance of integrating the non-Francophone target student population, especially in provinces where less than 50 percent of the target student population attends French-language schools.

Proposal 5: That structures and activities be created to help students in the target student population learn French before they start school. For example, summer camps, day care centres, twinning of households, activities with young people and seniors, sports, etc.

Proposal 6: That community organizations work together to integrate this target student population and their parents.

Proposal 7: That support cells be created to help, among others, endogamous and exogamous families. Accounts that teach about daily family life should be emphasized.

Proposal 8: That the concept of "interculturality" be the subject of a promotional campaign and that studies dealing with the intercultural practices in Francophone (endogamous, exogamous or single-parent) families (and schools) be conducted and the results disseminated.

Proposal 9: That teachers, school administrators and school boards take care to use rich and subtle language. Those working in the school setting need solid language training to achieve this.

Proposal 10: That sociolinguistic information be disseminated concerning the use of various levels of language, in order to validate the spontaneous language that is spoken in the home and in the community (vernacular) and increase the desire to acquire skill in formal language at school.

Proposal 11: That regular or auxiliary programs be instituted in French-language schools to awaken student interest in languages.

Proposal 12: That studies be conducted which validate the intercultural practices and values of French-language schools.

APPENDIX E

Section 23 of the *Canadian Charter of Rights and Freedoms*

23. (1) Citizens of Canada

(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or

(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and

(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.