

December 2021

Inform-Ed.ca

Academic and research perspectives on issues relevant to and in support of public education in Canada



Analysis of Bill 64: Conceptualizations of Students and Schooling

(Paper presented at The University of Manitoba Faculty of Education, Webinar, June 24, 2021)

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Preamble

In acknowledging the discovery of the 751 unmarked graves near the Cowessess First Nation, the 215 unmarked graves previously announced and the untold number of graves yet to come, I want to draw a line between policy and our current reality. That is, that residential schools, these graves, the ongoing colonial and systemic racism are the effects and outcomes of legislation. As former TRC Commissioner Murray Sinclair explains, as children in residential school were learning that they were inferior, non-Indigenous children were learning they were superior, that the settlers saved and civilized Indigenous peoples. In addition, school curriculum was void of the Canadian genocidal policies, including the forced removal of children to residential, day schools and industrial schools. This is in part why legislation—like Bill 64—matters. Legislation, and the subsequent policies and curriculum become the narratives the government chooses to tell—and not tell.

Getting Oriented

The present Education Review follows other neoliberal and conservative reforms from across the country. The Education Review commission was struck in 2019, the consultations ensued, and the commissioners provided their report to the government in the spring of 2020. After a small interruption called COVID-19, the government released the commissioners' report, their response (which was titled, *Better Education Starts Today*, or *BEST*), and the accompanying legislation, *Bill 64*. Although the Education Minister, Cliff Cullen, refers to the BEST Report often—and even though it is highly problematic in its own right—the analysis that I will share is focused only on Bill 64 since that is what is tabled to become legislation.

Critiques

There is an endless number of critiques to be made about Bill 64, some of which my colleagues in previous webinars have talked about. There has also been widespread criticism from the Manitoba Teachers' Society (MTS), Manitoba School Boards Association (MSBA), Manitoba

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Association of Parent Councils (MAPC), various municipalities and local school boards, First Nations, researchers (including those who have been presenting in this webinar series), and so on. These critiques have focused on the proposed restructuring of the education system, which includes the abolition of school boards and locally elected trustees and the creation of an appointed Provincial Authority Board. There are also criticisms about the lack of democratic and local decision-making; centralized and partisan control over programming, finances, and teachers; the undermining of teacher unions and of local, collective bargaining; structural racism; and more. I urge you to find out more about these and other issues. In this presentation, I am going to take a deeper dive into Bill 64 in order to analyze the ways in which the Bill constructs—or portrays—students and the subsequent implications for education.

Assumptions

Before I dig into the analysis, I want to articulate the functions of education as described by Gert Biesta. The first, *qualification*, is to provide students with particular knowledge, skills and dispositions; some might call this curricular content. The second function of schools, *socialization*, is to teach kids how to be with others in our particular communities and our society. What does it mean to learn about, work with, engage with and understand the differences of others and how do children learn to understand, negotiate and value these relationships? The third, *subjectification*, is to learn how—in relation to knowledge and relationships with others—does the student become a subject in their own right. In other words, who does the student get to be and become? Education then, according to Biesta (2013):

is not just about how we can get the world into our children and students; it is also—and perhaps first of all—about how we can help our children and students to engage with, and thus come into, the world. (p. 5)

Constructions of the Child in Bill 64

What my analysis reveals and what I will demonstrate is that through the use of language, intention, and silences in Bill 64, the student is constructed as compliant and homogenous, and the subsequent approach to education is a standardized, one-size-fits-all approach which fails to reflect the functions of education.

Compliance

Although the preamble of Bill 64 states that, “Parents and students are encouraged to be *active partners* in the student’s education” (Legislative Assembly of Manitoba, 2021, p. 3, emphasis added), there are no indications after that statement of students being given any active role or partnership in their education. The Bill plainly states—reminiscent of what you might see posted in a school hallway in the 1950s—that students will attend “punctually and ready to learn” and that they will behave, comply and contribute to the school community—although there is no mention of what that contribution might look like (Legislative Assembly of Manitoba, 2021, pp. 37-38).

The student is devoid of rights except for the right to attend school (mentioned one time in the preamble), but that “right” is contingent and in a constant state of being revoked throughout the

Bill with persistent references that threaten the suspension and expulsion of students. Whereas the student's right is mentioned one time, suspension and expulsion are mentioned at least 12 and 16 times respectively, not including in headings or in references to teachers.

The rights of parents are broader yet also fail in their aims of being the “active partner” that was encouraged in the preamble. The rights of parents are stated as entitled “to be informed of the attendance, behaviour and academic achievement” (Legislative Assembly of Manitoba, 2021, p. 8), consult with the teacher about academic achievement, have access to student's files, be informed of discipline and behaviour policies, and to accompany the child to the board when an expulsion decision is being made.

In addition, there are numerous policies that the Bill authorizes the Provincial Education Authority Board to develop—a board that is largely comprised of the Minister's appointees. These policies are all related to controlling the student and include: student promotion (i.e., passing and failing policies); students at risk (i.e., what to do with “disinterested” students), discipline and behaviour management policies; and suspension and expulsion policies. The Bill seems to assume that students are constantly on the verge of defiance. By contrast, there are no policies that the Board is required to develop in regards to, say, anti-racism, reconciliation, decolonization, children's rights, rights of indigenous peoples, equity, eco-justice, to name a few.

While the student is not allowed to meaningfully participate and the parent has a right to be informed and consulted about academic and behavioural issues, the principal, school community councils, provincial advisory council, regional director and provincial education authority are to be informed of students “achievement and learning outcomes” so that these outcomes can be monitored, analyzed, evaluated and shared. In other words, all assessment data on students is collected, reported up the chain, and monitored—again, by largely non-elected and government-appointed officials, most of whom are not necessarily educators or educational experts.

All of this—a system that minimizes meaningful engagement, that seeks compliance and control through behaviour management policies, and that privileges quantifiable and standardized data as a way to track students—is an oppressive form of surveillance that actively detracts from meaningful teaching and learning. This kind of surveillance reinforces compliance to a pre-established norm; and in determining who is conforming to that norm, it also identifies who is not conforming—or who is *ab-normal*.

This kind of surveillance—what Foucault (1975) would call a panopticon—is a means of exercising power: it seeks out, pathologizes, and punishes difference or defiance.² This approach to education—one built on compliance and surveillance—counters decades long research about the importance of student agency, engagement, relationships, ethics of care, meaningful assessment, and so on.

² This surveillance is enacted on teachers and principals as well—I will discuss this topic in another opportunity.

Students as Homogenous

Within Bill 64, difference and diversity as not a central organizing concept nor is it considered a source of strength within our society—indeed it is barely acknowledged and when it is, it is constructed as a deviation from the norm and something to be “accommodated”, which means to make adjustments so as to more closely align with the norm rather than adjusting the norms to be more inclusive.

Diversity is identified in the preamble of the Bill as something that needs to be respected within the learning environment. It is also noted in the section requiring the Authority Board to develop Respect for Human Diversity policy, which is a requirement of the Manitoba Human Rights code (Legislative Assembly of Manitoba, 2021, p. 120). However, the policy to be developed is required to include only two things: 1) that teacher and staff training about bullying (which is a grossly narrow lens for considering student misbehaviour); and 2), that schools are to “accommodate the establishment of student groups” (p. 121) that promote equity such as gay-straight alliances (GSAs). In this structure, there is an othering of varying sexual orientations and gender identities, left up to kids to advocate for, establish and seek inclusion themselves.

There is no mention of the diversity of the students who attend schools in Manitoba; the multitude of languages that students come to school speaking (urban school divisions, for example, have families speaking over 40 different languages); that students vary in race, culture, ethnicities, religions and family structures; that they might be newcomers or refugees; or that they might be one of 11,000 children in care. There is no mention of varying socio-economic factors, the need to address poverty, or that school would be a place where students with all of their differences would be a central tenant—indeed an organizing principle—of our education systems.

Another example of the omission of diversity is in regards to inclusion of students with special needs. Whereas *inclusion* is stated as a fundamental element of a democratic society in the preamble of the Bill (Legislative Assembly of Manitoba, 2021, p. 34), it is not mentioned anywhere else in the document. “Appropriate educational programming”, which consumes 12 pages in the current Public Schools Act, has been reduced in Bill 64, to just one sentence: “The provincial education authority must provide appropriate educational programming in every school in a regional catchment area” (Section 56, p. 76). Problematically, however, Bill 64 shifts the responsibility of appropriate educational programming from the local school board and principal to the Provincial Education Authority board.

In a similar pattern, *reconciliation* is noted in the preamble but then also does not appear in the remainder of the Bill. More problematically, reconciliation is described as the way to “ensure the success of Indigenous students”, positioning Indigenous students as having a problem of success rather than a problem of opportunity caused by ongoing colonialism and systemic racism. Reconciliation should be an orienting principle within education for all students, teachers, staff and communities; a concept that should be recognized as Sheila Cote-Meek describes as an “active and meaningful process” (p. xviii) built on relationships. The Truth and Reconciliation Commission of Canada’s (2015) Calls to Action (#62 and #63) urge provincial governments and ministers of

education to work with Indigenous peoples to create curriculum and resources about residential schools, treaties, and Indigenous peoples' historic and contemporary contributions to Canada—all of which is absent in the Bill.

Bill 64 is constructed around an assumed homogeneity of students. It lacks any meaningful acknowledgement of the diversity of our communities; ignores linguistic, racial, ethnic, religious, socio-economic, gender, and ability differences; and minimizes and centralizes planning for students who are differently abled. Indigenous students are simplistically constructed as “unsuccessful”—a problem to be addressed by lip-service of reconciliation. Instead of positioning differences and diversity as the very fabric of our society and the reality of public-school classrooms, Bill 64 constructs difference as a deficiency and devalued—as something to be accommodated to make fit into the already established “norm”. Obviously, this counters research-informed educational practices and ethical orientations to education. Moreover, this homogenous assumption about students does not respect the fundamental principles of education in a social democracy, that is, that education must be for all people in society.

Standardized Schooling

Having illustrated the ways in which students are constructed as needing to be compliant and considered to be a homogenous student body, I want to now consider what this means for assumptions of schooling. Schooling in Bill 64 is considered to be about “educational programming” intended to “achieve learning outcomes.” As I mentioned earlier, “achieving learning outcomes” is referenced dozens of times throughout the Bill, and those outcomes are to be reported, analyzed, monitored, evaluated.

Given the absence of attention to equity, diversity and inclusion, and given that the Bill is organized around a homogenous student—reflective of white, Euro-centric, colonial and patriarchal values—, it seems implicit that the learning outcomes will be reflective of those same principles. Schooling here is a standard and standardized approach, privileging some while actively excluding others. Kids who are Black, Brown or Indigenous; who speak different languages; who have a disability; who are poor; who identify as LGTBTTQ2 will be required to conform to a particular and prescribed way of being in order to achieve success. In other words, for many kids success will mean obfuscating factors integral to their identity. Moreover, the focus on achievement of prescribed outcomes, on the futurity of “success” measured in economic production, reinforces neoliberal narratives of capitalism and globalization.

Failures

The failures of Bill 64 are endless, but what can be said in light of the aforementioned functions of education? In regards to *qualification*, there is definitely a focus on “achieving outcomes” in the Bill, which arguably could be about content or skills. However, given that what is being taught is what can be measured and monitored means that the likelihood of this knowledge being about critical and creative thinking or learning in relation to and with others is unlikely. The perennial questions of curriculum—what is taught, who decides, and to what end—are entirely

absent in the Bill. Curriculum, teaching and learning in Bill 64 is constructed as a technocratic, means-end approach, reflective of neoliberal values of individualism, production and productivity.

With respect to *socialization*, there is no sense in Bill 64 that education has a social function. The ways in which diversity is ignored does not bring children together in their being, but rather seemingly divides them—and us—further. Bill 64 is designed for a homogenous group of students, marginalizing instead of centering difference. The Bill constructs education as an individual and individualistic endeavour with students having no responsibility to or relation with the political and social functions of education.

As far as *subjectification* is concerned, through mechanisms of compliance, control and standardization, there seems to be little space for students to be and become in relation to themselves, to others or to the world. Individual achievement is valued above all else and even then only some achievement will matter—an achievement that might have to come at the cost of one's identity.

A sweeping new education Bill—if designed by progressive leaders, educators, and education researchers—would aim to reflect our current day society, its richness and complexity. It would acknowledge our current understandings of children as agentic and contributors to this world, and as wildly different in their gifts and interests. At the very least, a current-day approach to education would surely include meaningful references (if not policies) about anti-racism, reconciliation and decolonization, multilingualism, eco-justice, an ethical orientation towards inclusion, the rights of children, Indigenous peoples, and people with disabilities.

Conclusion

Bill 64, *The Education Modernization Act* is far from modern (if by that we mean reflective of contemporary understandings of teaching, learning and children), but it is indeed *modernist* in its “inability to comprehend and accommodate human diversity, complexity and contingency” (Dahlberg et al., 2007, p. 22). We must do better to create more truthful narratives in our education system; narratives that honour our present and our past, and all of those on this land we now call Canada.

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