

Exploring the Use of Procedural Policy Instruments in the Development and Implementation of French Second Language Policy in New Brunswick and Nova Scotia

Sara Mitchell

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School of Political Studies
Faculty of Social Sciences
University of Ottawa

Abstract

From 2006-2008, both New Brunswick and Nova Scotia proposed changes to their French second language (FSL) policies and programs. In observing the cases, it becomes clear that government officials made use of policy instruments to both implement policy and navigated the policy process.

This work builds off existing literature that seeks to understand the instrument selection process, as well as the impact of policy tools on the policy-making process and more specifically, on the actors involved directly and indirectly in it. Using a framework that incorporates components of Contextual Interaction Theory and elements of procedural policy instrument scholarship, the project endeavours to identify what instruments were used to develop and implement FSL policy in New Brunswick and Nova Scotia, as well as to comprehend why the tools were selected.

The dissertation relies on document analysis and semi-structured interviews conducted with government officials and stakeholders to determine that instrument selection is based on the actors' cognitions, motivations, and available/accessible resources. Furthermore, legitimacy plays an integral role in the selection of instruments. Government policymakers are faced with varying degrees of legitimacy, as expressed by actors indirectly involved in the policy process. Inevitably, these actors react to policy content and the policy process, which leads to sometimes contentious interactions.

The current research expands on the educational policy literature by using a lens that accounts for the role of instruments in the policy process and provides a nuanced understanding of how the actors' interactions shape and influence policy-making. It makes an original contribution to the policy instruments literature by developing a framework that accounts for the selection criteria used by both policymakers *and* stakeholders when choosing policy tools and resources.

This dissertation contributes to the discipline of public administration and the field of public policy primarily by expounding the explanatory value of policy instruments regarding what they can tell us about the policy process, policy-making and policy outcomes. It does this by looking at how it is actors both directly and indirectly involved in the policy process interpret policy instruments and shows how government's policy-making capacity is constrained not only by the resources available to it but by the resources accessible to actors indirectly involved in the policy process. Looking at the reciprocal nature of tool selection and tool implementation helps to explain policy-making and outcomes, as well as accounts for the roles of actors both proximately and peripherally involved in the process.

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Acronyms and Abbreviations

ACPI: Association canadienne des professeurs d'immersion
CASLT: Canadian Association of Second Language Teacher
CEC: Citizens for Educational Choice
CMEC: Council of Ministers of Education, Canada
COL NB: Commissioner of Official Languages for New Brunswick
CPF: Canadian Parents for French
CPFNB: Canadian Parents for French New Brunswick
DEC: District Education Council
ED: (Department of) Education
EFI: Early French immersion
FJFNB: Fédération des jeunes francophones du Nouveau-Brunswick
FSL: French second language
GNB: Government of New Brunswick
GNS: Government of Nova Scotia
NATO: Nodality, authority, treasury, organization(al)
NBACL: New Brunswick Association for Community Living
NSLTA: Nova Scotia Second Language Teachers' Association
NSSBA: Nova Scotia School Board Association
OCOL: Office of the Commissioner of Official Languages
OLEP: Official Languages in Education Protocol
OLM: Official language minority/minorities

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1. Introduction to the Research Project

Canadian provinces have been implementing French second language (FSL) policies and related programs in their school districts for the past forty years. While this was due in part to federal initiatives related to bilingualism, stakeholders played an important part in pursuing FSL learning opportunities in their provinces. This ‘tradition’ of stakeholder involvement in FSL policy is still in force in both New Brunswick and Nova Scotia.

In 2006, the New Brunswick government proposed sweeping changes to their FSL programs, including the elimination of early French immersion (EFI) and the introduction of a universal French program starting in grade 5 (“Public Comment invited on the review of French second language programs and services”, Communications New Brunswick [CNB], 2008). The government, school districts, as well as stakeholder groups and members of the public largely disapproved the proposed policy changes. Not only were the changes viewed unfavourably, but also the tactics used by the government during their decision-making and policy formulation processes were argued by stakeholders as being deliberately implemented to make government’s proposed decisions appear well founded and optimal for the future of the students enrolled in New Brunswick FSL programs. Dicks (2008) found that it was parents who proved to be the most powerful group during the FSL policy process, and they were able to fulfill that role by relying on the “three n’s...knowledge, networking and ‘not taking no for an answer’”, to make their claims and successfully pursue the cause of ensuring early access to FSL (21). The case culminated with the parents relying on the resources accessible to them and challenging the Government of New Brunswick in provincial court. The court ruled that the Department of Education should revisit the consultation process and allow for more transparent and inclusive consultation with the public concerning the direction of the FSL programs in the province.

Nova Scotia's FSL policy has been under revision since 2008 and the most notable change since its onset relates to the removal of a clause allowing students to be exempt from core French. Like math or English, core French is required for students in grades 4-9, and the removal of the exemption aims at reinforcing the fact that the program is mandatory. The public reaction was "quiet", although the public has not remained silent on the FSL issues present in individual school districts. In November 2006, the Annapolis Valley Regional School Board announced it would be considering the consolidation of its immersion programs due to a teacher shortage ("Valley may consolidate French immersion," 2006, B4). The reduction in immersion programs would mean less access to FSL opportunities, as well as possible transportation difficulties since FSL would be available in fewer schools, which would require students to commute longer distances to access the FSL programs. Parents and a local MLA expressed their displeasure (Fairclough, 2006, B2). The final decision was to maintain their existing programs. In Halifax, it was proposed that the parents of immersion students who attended out of jurisdiction schools should pay an annual fee of 200\$ to allow their child to remain in school for a supervised lunch period (Lipscombe, 2008, B1). The plan was rejected, and the free lunch program remained in place.

In both Nova Scotia and New Brunswick, the governments used specific tools throughout the policy-making process, which elicited a variety of responses from the stakeholders external to or indirectly involved in the policy process. For example, in both provinces, consultation was relied upon to formulate policy. In New Brunswick, some stakeholders were displeased with the level and accessibility of those consultations and responded by using other resources at their disposal to take action and voice their concerns about the government's proposals. In Nova Scotia, the longstanding consultative practices with the province's FSL consultants led to

relatively collaborative and cooperative interactions. In both cases, it was noted that the capacity of the actors to respond to both policy and policy processes, as well as the way in which they responded, affected the policy process and the tactics used by the government.

These two cases, therefore, presented an opportunity to provide an analytical account of instrument use about FSL policy development. Most importantly, the cases provided an avenue for an exploration of policy instruments that accounts for the role of the actors both directly and indirectly involved in the policy process, regarding their capacity to influence, as well as respond to instrument selection and the policy itself.

Although policy-making is generally viewed as a “process of interaction among governmental and non-governmental actors” (Ripley and Franklin, 1987, 1), a significant portion of the instrument literature often tends to firstly, study tools in and by themselves with the purpose of understanding/explaining policy implementation (e.g. Bardach, 1977; Rist, 2010). Secondly, the research examines the reasons why tools are selected and implemented on “targets” as a way to control, manipulate and steer actors (e.g. Elmore; 1987; Elmore and McDonnell, 1987; Schneider and Ingram, 1990; 1993; 1997), as well as what effect this has on the population or managed networks (e.g. Klijn, 1996; Klijn and Koppenjan, 2007).

While the second area of study is useful in furthering our understanding of how tools are usable in multiple ways to affect different groups of actors, it largely ignores the interactive component of the policy-making process. There is a smaller body of literature that examines instrument use as it relates to managing the policy process itself, inclusive of the actors indirectly involved in it. However, if policy-making is indeed a product of governmental and non-governmental interaction, why does the policy instruments research not reflect the role of the latter group adequately? Certainly, some argue that the stakeholders’/the public’s position on

policy influence the chosen types of instrument, but there is a dearth of research demonstrating how non-governmental actors are affected by, influence, and respond to the choice of the instrument beyond looking at how a policy network's characteristics potentially affect instrument selection.

The research centered on studying the instruments from a "technical" vantage point purports that in looking at instruments, we can understand the way policy is operationalized, particularly as far implementation is concerned (Bardach, 1977; Howlett, 1991; Linder and Peters, 1989). Furthermore, we can learn more about the manner in which the government governs. For example, the preference for certain instrument types might reveal information about government priorities, its relationship with the governed and its overall governing style. By overlooking the role of actors located outside the policy-making process when studying instruments, we miss an opportunity to understand how government governs when faced with an interactive policy process. Filling this perceived gap is a goal of the current research project.

Based on the above, it is argued that at present, with the benefit of the existing literature, we are only receiving a part of the instruments "story." Borrowing from previous research on implementation, it is argued that the implementation of instruments is characterized by "multi-actor processes" (Bressers, 2001). Therefore, when studying policy instruments, it is important to ask what selection criteria is used to choose policy instruments with a view as to how actors indirectly involved in the policy process "receive" and respond to instruments.

Accordingly, the dissertation has three aims. Firstly, it addresses a problem found in the policy instruments literature. The second-generation research that examines instruments selection preoccupies itself with determining the specific variables/factors policymakers consider when choosing tools (e.g. Linder and Peters, 1989; Salamon, 2002). While this research aim

purportedly provides insight into how government governs and functions, especially as it pertains to policy implementation, it leads to conclusions that ignore the diversity of contexts that shape the policy-making environments. Assuming that actors always consider specific factors, such as tool visibility or financial implications when choosing instruments, risks overlooking the reality that different policy-making contexts require different considerations for instrument selection. In the current context, legitimacy is argued to be one constant parameter policymakers consider when choosing tools. This aspect should be studied further to understand its impacts and full effects.

Secondly, the policy instruments literature is limited in another area, because when looking at actors, it limits the discussion primarily to the policymakers' imposition of tools on "target" populations in order to shape the perception of the targeted groups (Schneider and Ingram, 1990, 1997) without understanding how or even if the targets react to the tools and the ways in which this happens. The above mentioned and other, more recent, studies on instruments, such as that by Lascoumes and Le Galès (2004, 2007), account for the effects of tools on more than just policy implementation, by focusing on how the instruments impact actors and the ways they are used to manipulate actors. The importance and significance of the above research are acknowledged, but as will be shown in the coming chapters, the dissertation intends to consider actors indirectly involved in the policy process as having more agency than is typically acknowledged in the existing research and to offer a different view of what a tool encompasses.

Thirdly, the dissertation also addresses a gap in the educational policy literature and specifically, in the (FSL) language education policy research. It provides an empirical account of FSL policy-making processes in New Brunswick and Nova Scotia, emphasizing the role of

actors engaged in the policy process. The current state of the educational policy literature tends to treat provincial policy-making activities as a strictly top-down endeavour or looks at the stakeholders' activity contained at the district level. Examining the FSL issues in both of the proposed cases provides a contrast regarding actor participation in provincial policy-making activities, allowing for an account of policy-making that reflects the *people/groups* who steer the policy-making activities. It is common knowledge that stakeholders matter to the FSL policy process. For example, the role of stakeholders and parents in New Brunswick was confirmed in the literature by Dicks (2008), along with Dicks and Culligan (2009). In a later piece, Cooke (2010) overviews some of the tactics used by parents during FSL policy-making changes in New Brunswick. By using the instruments approach, insight into the specific ways the government can attempt to manipulate the education/languages education policy arena(s) is gained, as are the responses these attempts elicit.

Achieving the research aims necessitates the examination of specific themes and their related issues. This includes developing knowledge about the actors involved in the policy process, the tools and resources at their disposal, as well as what criteria actors use to select instruments. Understanding the latter requires a concerted focus on the place and role of legitimacy. A specific set of questions addresses this aspect, and the questions are provided in section 1.3. Before delving into the questions, it is important to provide additional relevant context to the two cases under study.

1.1 Context of the Study

The Education System and Policy-Making in Canada

Educational policy-making has long been under the control of Canadian provinces, as legislated in section 93 of the Constitutional Act of 1867. The provinces opted for a separation of

the system in two jurisdictions, with the provincial governments assuming responsibility for running the education system in its entirety. Local authorities are responsible for providing schooling and affiliated services to their area's population (Fleming and Hutton, 1997). The individual provinces adopted the Provincial School Acts¹, and the Acts elaborated on issues such as school board structure and how the dispersal of authority among the departments of Education and the school boards takes shape. The acts also gave almost exclusive authority to provincial governments to determine the number, size and even curriculum of local boards (Fleming and Hutton, 1997).

Governing of the educational system occurs at three levels (Lessard and Brassard, 2005): the provincial education departments, the school boards, and individual schools. Additionally, there is a set of "community-based" actors who are active to varying degrees in the educational policy-making (Honig, 2006, 12; 16; Scott, Lubienski and Debray-Pelot, 2008, 249-251), including actors who are active in groups outside of the three sectors listed above (although they may be active in more than one sector). Their involvement in policy-making includes, for example, consultation at the school board level (Winton, 2010).

The provincial policy sets standards, which school boards must adhere to, and the provincial legislation establishes the power, authority and autonomy school boards retain (Shields, 2007; Wallner, 2014). School boards view their role as principally involving policy-making that meets local needs (Newton and Sackney, 2005). Overall, the degree of decentralization present in the provincial school systems is under continuous debate. Although decentralization, characterized by the increased responsibility attributed to school boards, is present, Karlsen (1999) emphasizes that the decentralization in education is not a uniform

¹Although Quebec's education system was originally structured by the Constitution Act, this changed after the province was exempt from s.93 of the Act in 1997 (Fleming and Hutton, 1997).

process. Levin (1997) states that sometimes decentralization employs tactics that are nominally different from the older “centralized” ways (as quoted in Karlsen, 1999). Some scholars even perceive the trend in educational governance to have returned to centralization, highlighting that this occurrence is attributable to the negative way school boards are perceived due to their lack of accessibility to the public, lack of efficiency, etc. (Galway et al., 2013). Ultimately, the trend towards accountability is describable as “decentralized centralism” (Karlsen, 1999); local authorities retain some power, but the provincial government orchestrates how much power they retain.

The education sector in Canada underwent a major transition in the mid-to-late 1980’s, due to the government and the public’s increased questioning of the effectiveness of public school programs (Fleming, 1991, 183). As a result, accountability was required among all parties involved in the education sector (Levin, 2005). According to Levin (2005), the five areas examined in relation to education reforms were: 1) education financing 2) governance structures; 3) student testing; 4) curriculum; 5) teacher status (65). For example, major changes to funding arrangements were made during the 1990’s and newer policies reflected the rules implemented by the provincial governments, which limited the funding local authorities could receive in addition to that which came from the provincial department of education (Garcea and Munroe, 2011). At the core of the changes to the public education funding was a need for greater accountability by the provincial governments for their spending (Ungerleider and Levin, 2007). In the school districts, the changes in funding manifested mainly in the reduction of extra-curricular or special programs, decreased spending on instructional support and facility maintenance and increased numbers of students in individual classrooms (Ungerleider and Levin, 2007 415).

Regarding governance structures, one of the most notable changes during the 1990's was the adoption of local school councils in Canadian provinces, the so-called parent advisory councils (PACs) (Ben Jaafar and Anderson, 2007; McKenna and Wilms, 1998). During the 1990's, the Canadian provinces legislated and established the councils for two reasons. The first reason relates to accountability, and the dissatisfaction parents felt about poor school performance across Canadian provinces (Levin and Young, 1998; McKenna and Willms, 1998). Secondly, decreases in funding led to initiatives giving greater responsibility to school principals and allowing parents to have more input into school-related issues (McKenna and Willms, 1998). Parental advisory councils can contribute to discussions of mandatory policy/statutes/regulations at the school level since there is some leeway regarding how schools implement these (McKenna and Willms, 1998).

In addition to specific areas where accountability efforts were targeted, McEwen (1995) points to an increase in tools used specifically to support accountability measures. Included among these are opinion surveys, public reports and evaluations (McEwen, 1995).

Based on the above, it is known that while school boards are responsible for governance in their respective districts, the provinces develop and implement policies and tools to manage their activities. Much of the existing research looks at this through an accountability lens. It is also known from the above that stakeholders are engaged as well (Shariff, 2006; Winton, 2010). These works help to explain the state of the educational system across Canada, as well as how policy-making is approached when considering issues related to accountability. One of our research goals is to provide an account of how policy-making occurs at the provincial level in the educational sector. The five areas of reform give the impression that educational policy-making

is a top-down endeavour provincially. It is also, at least at times, a horizontal one at the school board level.

This may characterize policy-making as far as accountability-related policy issues are concerned but there was uncertainty concerning whether or not this applied to other areas, particularly language education policy. Do specific policy areas undergoing “reforms” in the educational sector do so in the same decentralized-centralized manner? Focusing on FSL policy will help to provide an account of how actor interactions influence policy-making and make an empirical contribution to the educational policy literature.

Linguistic Education in Canada

According to Cummins (2005), language policies and programs in Canada usually address one of four areas: 1) First Nations (also called Aboriginal/Indigenous) languages; 2) heritage or international language programs, which teach students languages other than the official languages and/or Aboriginal languages; 3) programs that serve official language minorities (i.e. French first language outside of Quebec and English first language in Quebec); 4) French immersion programs (165-166). Concerning the first three areas, it is evident that they are areas of stakeholder action, characterized by actors seeking to assert their rights to access education in their Indigenous/heritage/first language.

Regarding First Nations languages, the education policies in Canada have often failed to adapt to specific cultural content addressing the Aboriginal life and customs, including cultural values and language (Abele, Dittburner and Graham, 2000, 8). The opportunities Aboriginal youth have to learn and maintain Indigenous language(s) are the subject of scrutiny (McCarty and Wyman, 2009). What has manifested are “policies and attitudes... that have actively

repressed Aboriginal languages or, at least, have made adults feel that their language is at best useless or at worst a deterrent to education and employment” (Burnaby, 1996, 25).

After systematic exclusion by the state in discussions concerning education and linguistic rights, Aboriginal peoples are increasingly attempting to reclaim their identity by ensuring access to education and linguistic opportunities that promote Aboriginal culture. British Columbia, Alberta, Manitoba, and Saskatchewan, as well as the three territories, have made a concerted effort to establish a curriculum that promotes Aboriginal languages and culture (Burnaby, 2008, 14; Ricento and Cervatiuc, 2010, 26). The federal government was also encouraged to rectify the language loss that occurred due to the establishment of residential schools by developing policies to protect and promote language-learning opportunities in schools (Majhanovich, 2010, 133, Ricento and Cervatiuc, 2010, 28).

Not all experiences have been positive, and problems with policies remain (May and Aikman, 2003, 141). This is due in part to a lack of policy content that emphasizes community control and immersion education in Aboriginal communities (De Korne, 2010). Overall, there is a disconnect between policymakers and indigenous language instructors. Burnaby (2008) emphasizes that policymakers can play an essential role in ensuring that the indigenous languages are successful by fighting “institutionalized discrimination” (31).

A similar disconnect can be found within heritage language policy, although the disconnect, in this case, exists between the federal level policy and the provincial level educational sector. Some provinces do offer heritage language learning opportunities (e.g. British Columbia and Alberta), and the programs are meant to enhance personal development, maintain ties to cultural roots, maintain or develop new language skills and benefit intellectual development (Cummins, 1993). Determining whether these goals are met requires examining

how accessible the programs are. The opportunities to learn a heritage language are affected by factors such as: (in)adequate enrollment, a lack of consistency in provincial course offerings and an absence of policy or legislation ensuring access to heritage language learning opportunities.

While the federal policies are concerned with accommodating, within reason, immigrant groups and their linguistic needs (Conrick and Donovan, 2010, 340-341; 343), this is limited when it concerns education. For example, Mady (2012) claims that although the federal Multiculturalism Act (1988) guarantees linguistic rights, there is no guarantee minority non-English or French language speakers can pursue language education opportunities in their primary language (75). Furthermore, there is no offering of funding to provide heritage language learning opportunities (Ricento and Cervatiuk, 2010, 29). Federal Acts, policies, and Charters aim to protect rights of minority groups even if it affects a sector that falls under provincial/territorial jurisdiction, but it is largely absent from issues concerning the education sector. This lack of protection makes rights claims more challenging and likely limits action in pursuit of language learning opportunities at the district or provincial-level. In contrast to this are official language minority (OLM) populations, who have made substantial use of resources such as provincial and federal courts to implement language-learning opportunities in the Canadian provinces.

Much of the activity centered on (OLM) Francophone populations in Canada is part of what Cardinal (2007) describes as “the third generation” of federal language policy-making. It is understood to include the 1988 implementation of the new inception of the Official Languages Act, including an additional part guaranteeing federal civil servants the right to work in either official language, as well as expressing the government’s commitment to ensuring French and

English's full recognition in society and supporting linguistic minority community development (Cardinal, 2007, 95).

The Official Languages in Education Program reached official status during this time and the Secretary of State received the mandate to implement official language programs (Hayday, 2005, 170). The Official Languages in Education Program provides funding to provincial governments to assist with paying for the "additional expenditures" associated with providing minority language education and second official language education programs and services. The agreements are bilateral, and the Council of Ministers of Education (CMEC) determine the general protocols guiding the agreements (CMEC) (Ménard and Hudon, 2007).

Official language minorities have protection and the right to access education in their primary language. Section 23 of the Charter of Rights and Freedoms guarantees that groups can both receive their education in an official minority language and maintain their educational facilities, so long as numbers warrant it (*Minority Language Education Rights*, Office of the Commissioner of Official Languages [OCOL], 2011).

Riddell (2004) claims the Courts have supported measures allowing official language minority groups to maintain their educational facilities and to obtain schooling in their primary official language within individual provinces. In fact, Hayday (2005) writes that the "wide interpretation" of "where numbers warrant" has resulted in provinces setting up educational institutions for small populations over the years (173). It could be said that it would be in the provinces' interests to avoid the legal battles that ensue from violation of a linguistic groups' Charter rights, particularly because historically, the federal government has supported official language minority groups through annual funding grants and even started a Court Challenges Program to offer financial resources to pursue litigation pertaining to language rights (Epp,

2000, 61). However, legal battles have nonetheless occurred. A survey of the available literature highlights that the Charter was the stepping-stone for the establishment of independent French school systems in the majority of provinces and territories. There have been six major court cases and decisions outside of Quebec that are connected to the successful implementation of French education programs in Canadian provinces (Epp, 2000, 61). In Quebec, section 73 and subsection 73.1 of the Charter of the French Language (Bill 101) outlines the criteria parents must meet for their children to receive their education in English. Many of the court cases in the province aim at determining whether Bill 101 violates the rights of individuals wanting to send their children to English school (cf. Woerhling, 2005).

Although immersion is included among the four areas addressed by language-focused education policy, the following chapter will address the topic. When situating FSL among other educational policy and language education policy literature, it becomes evident that for those seeking FSL educational opportunities, access to French second language learning is perceived to be a right. In Quebec, where parents sought French learning opportunities for their Anglophone children, it presents as a matter of fully accessing economic/employment opportunities in the future, thus allowing children to participate fully in society. In New Brunswick, it presents in the same light, as well as described as allowing students to be immersed in New Brunswick's bilingual culture in a meaningful way.

Although learning French as a second language is perceived as a right, it is not a guaranteed one, as is potentially the case for an OLM group. OLM-oriented language education policy is steeped in rights-based discourse, no doubt in large part due to the Charter. Policymakers are tasked with formulating education policy that not only keeps in line with Charter requirements but must also adhere to some form of "stakeholder model" (Shariff, 2006).

This refers to the test/guidelines used by the Canadian courts to ensure both laws and policies do not contravene to the stakeholders' rights while simultaneously ensuring that those who may be losing rights are not unduly harmed (Shariff, 2006, 480). When policies do not adhere to such guidelines, conflict arises. While the courts are a viable arena to secure rights for many stakeholders, the key difference with the cases of FSL is that access to a second language is not a guaranteed right. As will be seen later, this scenario presented in New Brunswick, where the Court stated the claimants had no Charter right to access immersion.

Unlike heritage language learners who receive no federal funding from OLEP-type programs, the idea that certain FSL opportunities should be guaranteed might relate to the fact that there is an awareness that the federal government provides money to ensure the implementation of FSL programs. Furthermore, the dynamic is different than that of Aboriginal languages rights seekers, who must often contend with the federal government, as well as provincial educational policymakers, when trying to secure language learning opportunities. While many areas of language education policies are potential subjects of study with regards to the place of policy instruments and their interplay with the actors driving the policy process, FSL proves to be a solid starting point to further our understanding of educational policy-making via an instruments lens because the locus of activity is at the provincial and local levels. In short, efforts can be concentrated on the levels where policy is "typically" made and where actors are "typically" active.

The cases of New Brunswick and Nova Scotia are well-suited to this research project. Both provinces provide examples of well-established FSL programs that stakeholders advocate for in various ways. New Brunswick and Nova Scotia both underwent policy changes and it was felt that as a starting point for understanding instruments, periods of change would offer the

opportunity to see how some of the ways actors from within government and outside of it interact, how the policy process is navigated and how policymakers try to mitigate this with instruments. When selecting the two cases, the intention was foremost to look at the applicability of instruments in times of “intense” change (New Brunswick) and during a period of change that is less “drastic” (Nova Scotia). “Intense” change indicated a complete overhaul of the FSL program in New Brunswick, as compared to the one change to the guidelines concerning the admissibility to Nova Scotia’s FSL programs. The intention was to build a foundation upon which a contrast with works that have, for example, less variance regarding degrees of policy is possible. The intense and moderate cases are potential points of contrast for future research. The intensity of change, as well as the different contexts, such as New Brunswick’s bilingual status and Nova Scotia’s powerful school boards, work well with the idea that actor interactions are contextual. There are similarities and differences between the two provinces that are conducive to an exploratory approach examining instrument selection, legitimacy and the role of secondary actors in connection with instrument choice.

Theorizing the Policy Process and Conceptualizing Policy Instruments

Throughout the research project, reference is made to the various “stages” (i.e. agenda-setting, formulation, decision-making, implementation, evaluation) of the policy process. It is not presumed that the policy process should or does unfold in a linear manner, as is suggested by earlier works (e.g. Brewer and deLeon, 1983; Laswell, 1956). The stages approach is used to provide context to the discussion of “what occurs when” during policy-making.

As mentioned, actors and their interests drive the policy process. Understanding the policy process as an “interaction process,” whereby the activities and interactions of actors shape

the process, is optimal. As Peters (2002) argues, stakeholders internal and external to the government and their respective interests spearhead changes in policy. The power dynamics and consequent relationships between government and non-government stakeholders also influence the process and policy development(s) (Peters, 2002, 553). It is proposed that actors exist in a network together. Following Ball's (2008) lead, for the purpose of the research project, the term "network" is a "descriptive and analytic term" (749).

The proposals put forth by the Contextual Interaction Theory (CIT) are subscribed to for this dissertation, to provide a clearer conceptualization of what shapes the actors interests and, therefore, their interactions. It is proposed that the actors' characteristics, namely their motivations, cognitions, and resources will shape interactions and "provide the capacity to act" (de Boer and Bressers, 2011, 66). There is some overlap with the notion that ideas are drivers of the policy process because knowledge and values are considered part of actor characteristics. Cognition speaks to actors' beliefs not only about what is right and what steps should be taken to implement policy, but also to the ways they perceive policy, its content and the processes used to design public policy.

Regarding public policy, how a policy concept and problem is understood by actors is shaped by context and "heuristic cues" (e.g. experience, what those understanding the problem perceive to be common sense) (Jones et al., 2006). Actors use their points of reference, or frames, to understand policy problems. In general terms, frames are "schemes of interpretation" and it is through frames that "groups of individuals give meaning, organize experiences and inform actions" (Djuin, 2009, 140). Based on the above, it should not come as a surprise that actors will perceive the same policy problems differently (Zito, 2011). This is because actors create their constructs of the world, which entails "selecting some things as relevant...and

discarding or ignoring others” (van Hulst and Yanow, 2009, 10). The latter indicates that there is the potential for conflict when “rival frames” emerge (Rocheftort and Donnelly, 2013, 194). The policy process is “occupied” by groups of actors who interpret policy through their frames and compare or informally measure them against others’ framing of policy issues. To borrow from Rein and Schon (1994; 1996), actors implement frames that are rhetorical in nature and aim to support arguments related to policy design and they also apply “action” type frames, which propose the courses of action to take, to see a policy implemented.

The conceptualization of the policy process used for the dissertation is one that relies on viewing it as characterized by and subject to interpretation by the actors who are directly and indirectly involved in the process. A policy and its related content are more than simple documents that offer directives and the tactics used to develop policy are more than an avenue for an individual to provide input into it. There is a deeper meaning embedded in each of these, conveying messages that are interpreted by actors. Using Yanow’s (1996) example, policies and policy practices can be understood as “instrumentally rational” (e.g. a solution to a problem) but are in actuality forms of “expression,” validating certain “values, beliefs, and feelings...” (22-23). The “readers” of the policies, such as stakeholders, in turn, assess the meanings of those policies (Yanow, 1996). It is argued that stakeholders evaluate the trustworthiness of both policy and proposed actions and determine whether or not the latter are “legitimate”. To summarize, government policymakers and elected officials are at the forefront of policy-making but policy-making itself is to be understood as being a product of actors, all of whom bring their interpretations of policy issues to the “table”, engaged in interactions with one another.

Defining Legitimacy

The concept of legitimacy is referenced multiple times throughout the dissertation, and it is, therefore, imperative to provide the reader with the conceptualization utilized for the project. The scholarship on legitimacy treats the concept from an empirical, or normative, perspective (Hinsch, 2008, 40). In general terms, political legitimacy in the empirical sense is conceptualized as “recognition of the right to govern” (Coicaud, 2002, 10). It encompasses citizens recognizing and “endorsing” the state (Gilley, 2006, 502) through their consent to its authority (Beetham, 1991a, 42). These approaches find their roots in Weber’s concept of legitimacy² and tend to examine what legitimate authority in fact is.

According to Banghoff and Smith (1999), the normative material presents legitimacy as a form of representation. A legitimate polity is one in which “representative institutions” express the “will of (its) subjects” (4). Normative studies of legitimacy engage questions about what fosters or creates legitimacy by, for example, looking at what makes for a “proper relationship between the ruler and the ruled” (Banghoff and Smith, 1999, 4). While the above describes the broad approaches to defining and comprehending legitimacy, our work takes a decidedly more focused approach.

Legitimacy can relate to citizens’ trust in government’s authority to govern, but can also concern their trust in government’s policy decisions (Hanberger, 2003). Citrin and Muste (1999) emphasize that trust is put in the wider political system by citizens and when said trust is diminished, due to ineffective policy, for example, it can disrupt the polity. Trust in this case relates to political trust, the definition of which is in-line with Hetherington’s (1999), who in turn

² Weber’s well-known typology includes legal-rational authority, which is premised on the idea that laws and procedures hold authority; traditional authority, which supposes that traditions and norms embody the highest forms of authority; charismatic authority, which is based on the idea that authority is held by a person due to their “exceptional” qualities (Beetham, 1991b, 36).

builds off of Stokes' (1962) and Coleman's (1991) conceptualizations. The author explains that political trust is "...the degree to which people perceive that government is producing outcomes consistent with their expectations" (Hetherington, 1999, 9). In this study, the outcomes of policy decisions and the processes that produce those outcomes relate to trust. The term "de-legitimacy" denotes a lack of political trust. Legitimacy is, therefore, representative of trust. Trust is inwardly focused, meaning that it concerns the individual and whether or not policy processes and content align with their beliefs. Legitimacy focuses outwardly and directs itself towards the government and its behaviour. For example, a government's behaviour may be viewed as de-legitimate if it undertook actions that did not adhere to the rules and norms by which policy processes typically take place.

The concept of legitimacy is further refined by looking at Wallner's (2008) work, which offers a nuanced discussion of legitimacy/legitimization and with which there is agreement here. The author proposes that the conferment of substantive and procedural legitimacy on a policy by stakeholders and members of the public depends on whether the criteria for each "form" of legitimacy are met. Substantive legitimacy refers to instances where the "substance" or content of the policy is in-line with the views of stakeholders and the public, whereas procedural legitimacy refers to the policy process being viewed as acceptable by stakeholders and members of the public (Wallner, 2008, 424). When stakeholders perceive substantive content and/or processes to be in-line with their views, legitimacy is present.

As will be discussed in section 1.2, interest in understanding stakeholders' levels of trust in both cases, what they did or did not trust (e.g. a combination of decisions and/or processes) and what reactions this may have caused, are points of interest. This entails recognizing that there is a normative component to legitimacy. Namely, that actors have many perspectives not

only from which they gauge whether or not a decision or process is trustworthy, but also concerning what makes a decision trustworthy. This applies to policymakers and stakeholders.

Conceptualizing Policy Instruments

At a basic level, instruments are the tactics used by government officials/policy-makers to “reach a policy objective” (Salamon, 2002). These tactics are tangible and intangible resources available to the government. They include information and financial tools, as well as organizational and authority-based resources (Hood, 1983; Howlett, 2005, 2011). Furthermore, it is understood that tools are substantive or procedural in nature. Substantive instruments are implemented to change the “production, distribution and delivery of goods and services to society” and can affect “mundane goods and services”, such as the availability of a school recreation program (Howlett, 2009, 25). The procedural approach recognizes actors as assembled within a policy network, which itself can be structurally complex and involve multifaceted relationships among actors. Policy tools are applied to manage these relationships, invite and restrict actors to partake in policy-making and steer the direction of the policy process(es). This manner of understanding instruments reinforces the idea that the way specific policy tools are utilized will cause particular effects that are not limited to either affecting goods and services *or* to impacting the targets of tools. The distinction between substantive and procedural tools highlights the different ways government can affect those on the receiving ends of tools while providing a starting point for understanding tool selection.

The above represents what tools are and what they are utilized for, but it should be acknowledged that the definition used for the dissertation also implicitly recognizes that tools are not simply selected because of the function they serve, nor are they value-neutral. This is

because tools are chosen with an underlying purpose of regulating behaviour and relationships and because they are “received” by actors, who interpret them according to their worldviews. If consultation is used as a tool, it is not simply a form of value-neutral engagement that serves to gain input from citizens for policy development. For example, it can be calibrated to be inclusive and exclusive of certain groups, and those who are invited to partake may view the consultation as untrustworthy because of the way it is being conducted and, therefore, refuse to participate. The government may or may not try to implement a different form of consultation that is more in-line with actors’ perceptions of what a legitimate form of consultation in fact is. The conceptualization of tools used for the purpose of this dissertation also requires recognizing that while the government has control over what tools are implemented, other actors can indeed influence what tools are opted for by the government.

It was found that educational policy and, specifically language education policy, are prime examples of how tools are usable for multiple effects. For example, vouchers are used to provide children with access to certain schooling opportunities (Hannaway and Woodroffe, 2003) and consultation can be used to include parents in the decision-making processes regarding the direction of policy (Dicks, 2008). The cases in this study are demonstrative of the tools’ effects and show how the actors’ interactions impact policy-making processes and their outcomes. The next section expands the main areas of interest for the current research by providing the study’s major and the secondary research questions.

1.2 Research Questions and Objectives

The project’s underlying major research questions ask: What are the roles of the actors in FSL policymaking processes and what place do policy instruments occupy in the FSL

polycymaking process? More precisely, the current research project aims at clarifying what instruments are selected for FSL policy-making, as well as why they are chosen. Within this analysis, further understanding of the place of legitimacy in relation to instrument selection occurs. Additionally, comprehension of how actor interactions are shaped by tools and what responses they may elicit among actors indirectly involved in the policy process was sought. Provided below, are series of questions that address these research interests in turn. The empirically-oriented primary and secondary research questions are driven by the goal of developing an empirical account of the policy-making processes in both cases, mainly by accounting for actors and the instruments they use to mitigate the policy process. The theoretically-oriented research questions are meant to develop knowledge about instrument selection. Specifically, the questions aim to garner an understanding of how and why instruments are selected with a focus on the role of actors in the process.

1) Who participated in the FSL policy-making processes in New Brunswick and Nova Scotia during the 2006-2008 period?

1.1) What types of actors participated?

1.2) What was the proximity of actors to the centre of the policy-making process?

The purpose of these questions is to develop empirical knowledge by identifying and describing which actors/groups partook in the policy-making processes during the evaluation and reformulation of FSL policy in the respective provinces. It was previously stated that actors are at the centre of the policy process. Actors are argued to be either proximate or peripheral regarding their relationship with the government and by extension, their input into policy-making manifests accordingly (Howlett, 2011). Specifying who participated gives an idea of what *types* of actors are engaged in the process, a first step in allowing for an exploration of whether a certain type of participant has more influence on the policy process than other participants do.

For example, does a particular participant have better access to certain resources, allowing them to respond more “effectively” to the government? Organizing actors according to their *proximity* to the government is useful for exploring how their position in the policy sector, coupled with instrument/resource use, might influence the policy process while also taking into account other contextual factors.

2) What policy instruments were implemented during the FSL policy-making process in New Brunswick in Nova Scotia?

2.1) Are the tools nodality, authority, Treasury or organizationally-based resources?

2.2) What selection criteria did policymakers use when choosing policy instruments?

The second set of empirical questions sought to identify the procedural policy instruments implemented by provincial government during periods when the FSL policy-making was undergoing evaluation and reformulation, primarily at the provincial level of government. As previously stated, “procedural” instruments are tools that are aimed at affecting the policy process (Howlett, 2011).

Distinguishing between procedural and substantive instruments allows for better insight into why instruments are selected. The purpose of this study was also to determine if instruments invite or restrict actors from partaking in the policy process. The identification and classification were undertaken using a generic taxonomy of policy instruments that highlights the resources the government draws upon when selecting a particular instrument. Categorizing instruments by what resources governments utilize demonstrates that specific tools are used in multiple ways and to differing effects. For the purpose of the analysis, there is an avoidance of the presumption that, for example, one tool always evoked a specific reaction or behaviour among actors indirectly involved in the policy process.

Sub-question 2.2 contributed to the development of theoretical knowledge in answer to the question of: “What are the factors that influence government’s choice of instruments?” Choosing instruments that will be perceived as legitimate or that make the policy process appear legitimate, in order to create cooperative relationships among actors, was thought to be one consideration and further in-depth analysis addressing this is provided in chapter 5.

3) How did peripheral government and non-government actors, along with the general public, respond to instruments?

3.1) How did they perceive instruments and what motivated their response?

3.2) What tactics did they use in response to instruments and to what effect?

Giving agency to the actors indirectly involved in the policy process occurs when asking the first two questions. The purpose was to gain an understanding of how actors interpret instruments and if/how this had any bearing on their actions and interactions with policymakers engaged in the policy process. This helps with the assessment of the effects of instruments on secondary actors in a nuanced manner.

Sub-question 3.2 had the empirical objective of identifying what resources the so-called “secondary actors” used when navigating the policy-making process. Secondary actors are the individuals or groups of individuals who play no direct role in the policy-making process. The resources available to all actors help determine the interactions that will occur among them during policy-making. Classifying the resources along similar lines as to how policy instruments are organized helped determine whether they responded to the proposed policy changes and/or the tools used by the government. It also showed how actors responded to the proposed policy changes. By looking at the effects of the actors’ use of certain tactics an understanding of how they do or do not influence the policy process and its trajectory is cultivated.

4) What role did legitimacy play in the policy process?

4.1) How did legitimacy factor into government officials' selection of policy instruments?

4.2) How did peripheral actors legitimize policy and to what effect?

This is a series of theoretically-oriented questions and the primary question sought to show how legitimacy is understood by government and non-government actors and how it affected the policy process. Sub-question 4.1 sought to investigate further the idea that policymakers selected instruments meant to maintain/increase legitimacy among the actors involved even indirectly in the policy process. Because the process is defined by the interactions and relationships actors engage in, the dissertation aimed to investigate whether or not policymakers changed their approach to instrument selection when faced with secondary actors contesting their policy proposals and/or instrument choices. This requires understanding the motivations and perceptions of policymakers mentioned earlier.

Sub-question 4.2 aims to address the levels of trust peripheral actors had in the policy decisions of the government and how they expressed that trust or lack thereof. The purpose was to determine what actors viewed as being legitimate in the policy-making process, and how that related to and influenced any further action they decided to take. Taken together these questions developed the areas of interest mentioned at the beginning of this section and added to the larger contributions to knowledge.

1.3 Contributions to Knowledge

The exploratory case studies under analysis in this dissertation contribute to both the educational/language education policy research and add to the existing literature addressing policy instruments. Regarding the former, two accounts of policy-making that contrast one another are provided, which gives insight into the development of policies in differing

circumstances. The controversial nature of the changes in New Brunswick and the “political” nature of the FSL issue, along with the appropriation and implementation of resources to combat decisions and instruments that were viewed as being untrustworthy, resulted in vocal minorities influencing the policy process. In Nova Scotia, the tools used by the government were much more inclusive, also creating room for participation among those who worked “on the ground” in school districts. Participants view this participatory solution as a legitimate way to operate and lays the groundwork for further studies on policy-making and policy instruments in the educational sector. Furthermore, it gives a place for the actors involved in policy-making, which is only tangentially addressed in the FSL literature and primarily examined at the school board/district level in the wider educational policy literature. Clearly, as the cases indicate, the relationships and interactions between and among actors matter at the provincial level too.

The dissertation also contributes to the field of public policy by applying a conceptual lens that widens the scope of the instruments research. The two cases highlight that, for example, reliance on information-based tools is preferred in the FSL policy realm. It also examines how actors indirectly involved in the policy process respond to policy-making and why. This is important because it captures - as mentioned above- “the reality of policy-making.” The actors’ interactions and their relationships are drivers of the policy process, and the instruments/resources are used to mitigate this driving force.

The study contributes to a body of literature that usually treats the actors indirectly involved in the policy process as being the recipients of tools, without allowing the space to uncover precisely, how they react during the process and to what end. Furthermore, it is argued that, similar to the various conceptualizations of government instruments, stakeholders draw upon resources to respond to or even to counteract instruments and/or policy content they deem

lacking legitimacy. These research aims are achieved by following a specific trajectory detailed below.

1.4 Dissertation Outline

Chapter 2 offers a comprehensive review of FSL-related literature in the Canadian context. This includes examining how FSL became a program of study across the country. Much of this work looks at pedagogical issues, although there is research that addresses controversial aspects of FSL policies/programs and their implementation. The above highlights the value placed on research in the FSL sector while simultaneously demonstrating that certain aspects of FSL policy are controversial. Additionally, the overview of the implementation of FSL policies across Canada emphasizes that the FSL movement was stakeholder driven, with the main group behind the push for immersion remaining active across Canadian provinces to date. In conducting a review of the literature, it becomes evident that FSL is not studied from a public administration perspective or lens, much less from an instrument perspective.

Chapter 3 is dedicated to explaining the conceptual framework used for the dissertation. It expounds upon the major developments in instruments research and provides an analysis of the usefulness of these approaches regarding whether or how they address the place of all the interests involved in the policy-making process.

Chapter 4 focuses on methodology, and the research project's underlying epistemological and ontological roots are explained. The data collection and data analysis methods are detailed and remarks on the study's accuracy and ethical considerations round off the chapter.

Chapter 5 presents the project's findings and discusses the results. It demonstrates that the actors at the centre of the policy process view the proposed policies and tools implemented

by the government as legitimate or de-legitimate and act in accordance with these perceptions. In New Brunswick, the governing of the education system centers on the Minister, with a preference for information-based tools to justify policy change and to influence actor participation in the policy process. Authority-based tools are influential, as well. The public response to policy decisions and government policy tools relied heavily on resources that were information and organization-based. The approval of Nova Scotia's subtle changes by those directly involved in the delivery of services to schools within the various boards across the province mattered as well. The education system is governed in a "hands off" manner and this, coupled with the way in which the tools are utilized to include actors in the policy process, is amenable to legitimacy. The chapter also analyzes the perceptions and motivations of actors, allowing for the interactive component of the policy-making process to come through.

Chapter 6, the final chapter, provides a summary of the results and their implications, followed by; study limitations, recommendations for future research and concluding remarks.

2. French Second Language: An Overview of the Literature

FSL research is divided into three main areas of focus, with each area addressing a number of issues. There is work that looks at FSL in a historical context, as well as undertakings that assess FSL programs' effectiveness, and studies that critically examine FSL policies and programs.

The chapter starts with a short discussion on the types of FSL programs that are typically implemented in schools, to provide additional context to the dissertation. The chapter continues with an overview of FSL program implementation across Canada, to demonstrate FSL programs were borne by language politics and that stakeholders had an influence over their implementation. The federal government legitimized/institutionalized French and English in the form of policies, legislation, acts and regulations and the provinces offered FSL opportunities to their students. The current analysis highlights that the implementation of FSL was in part a product of actors' pursuit of second language programming while simultaneously showing that the decision to legitimize language and provide language learning opportunities was and continues to be calculated and political in nature. FSL's institutionalization coincided with a large body of work that has become the basis of "mainstream" or "traditional" education studies. This type of research seeks to understand the outcomes of learning French as a second language, the process by which it occurs and also focuses on sociolinguistics. A more recent body of work emerged, some of which stems from critical education studies. Within it, work that is policy-oriented and concentrates on how a specific "clientele" is affected by FSL policies, is found. This includes, for example, Allophones and students with learning disabilities. Through this lens, an understanding of how policy affects the population at the "receiving end" of the policy is gained, but little is known about how the policies come to fruition and what tactics the

government may use to ensure that policy is developed in such a way that it maintains control over the process and the actors involved in it. This is where the literature will benefit from an examination of the role and place of instruments in relation to the FSL policy.

2.1 FSL Programs and Implementation in the Canadian Context

FSL Programs

At the elementary and secondary school levels, French immersion (FI) is a bilingual program in which “students who speak the language of the majority of the population receive part of their instruction through the medium of (French) second language” (Genesee, 1987, 1). A program is considered French “immersion” when at least 50% of the instructional time throughout the year is in the second language and a variety of courses beyond language arts are instructed in French (Genesee, 1987; Genesee and Gandara, 1999, 666). Early French immersion (EFI) usually begins in grade 1, although sometimes it starts in senior kindergarten as is the case in some Ontario school boards; middle or delayed immersion typically starts in grade 4; late FI begins in grade 6 or 7.

Core French has multiple entry points and was developed to provide students with an average of 120 instructional hours a year (or, 40 minutes a day) of French education (Lapkin, Hart and Harley, 1998). In this instance, French is taught as a subject, and the goal is for students to develop a minimum of basic understanding of the language and to develop basic conversational skills.

A more recent iteration of FSL is Intensive French (IF), a program that was piloted in Newfoundland and Labrador in the late 1990’s (Netten and Germain, 2005). It is, as its name indicates, an intensified program offered to students who are part of a core French program in

grades 5 or 6 (Netten and Germain, 2005, 184). Students are exposed to approximately 300 hours (in contrast to approximately 90 hours in other programs) of instruction aimed at developing “language competence”. While the subjects taught by specialists (e.g. mathematics and music) are given in English, the intensive semester is focused extensively on learning the French language. Therefore the instructional time for English language arts and other subjects is reduced by 50 percent (Netten and Germain, 2005). These programs illustrate the growth and change of FSL programming, which was once offered in a very limited capacity only in Quebec.

The Path to FSL Implementation across Canada

The majority of the research on the implementation of FSL programs in Canada is situated in a wider context of bilingualism in the country. Early actions aimed at implementing FSL programs in individual provinces were focused on immersion. Its adoption in Quebec and other parts of Canada was a result of community group involvement, support from the Commissioner of Official Languages and individual school district employees (Conrick and Regan, 2007; 111; Genesee, 1987, 11).

The desire for the integration of French instruction into English schools at the provincial level was correlated with the emergence of the Quiet Revolution in Quebec during the 1960’s (Genesee, 1987; Genesee and Lindholm-Leary, 2007). The Quiet Revolution is a complex movement with deep socio-political roots and consequences. The Quiet Revolution will only be briefly mentioned in this review. The movement was spearheaded by “a new middle class of Québécois intellectuals... who rejected traditional Catholic values in favour of secularism and statism...” and “...accelerated the modernization, bureaucratization and influence of the state and built structures to cope with the demands of mass education and the welfare state”

(Dickinson and Young, 2008, 306). A central issue permeating the discourse of the Quiet Revolution was language (Dickinson and Young, 2008; McRoberts, 1999). French language in Quebec became symbolic of the province's fight for recognition, independence, and language maintenance was viewed as crucial to the survival of Quebec's civil society (Dickinson and Young, 2008).

It may come as unexpected that the Quiet Revolution is related to bilingual education. A group of Anglophone parents in Quebec are said to have been discontented with linguistic divides and tensions and felt that their children's lack of French language education would stymie their ability to function fully socially and economically if they desired to remain in the province (Genesee and Lindholm-Leary, 2007; Rebuffot and Lyster, 1996). The Quiet Revolution led to the implementation and increased presence of Francophone institutions in Quebec and consequently, a larger labour market for Francophones emerged (Heller, 2003). To participate in the labour market, Anglophones in the province required adequate French skills. Parents were hesitant to enroll their children in all-French schools and at the same time, French schools expressed concern about receiving a large number of English speaking students (Lyster, 2008, 4). Arguably, the best-known example of the country's first immersion programs is the one pioneered in 1965, in St.Lambert, Quebec³. Subjects were taught in French by "native French speakers", with instructional time increased yearly and the overall goal was to produce individuals who would be highly functional in the French language (Lambert, 1974). The program was not viewed favourably by the school board officials who were to be responsible for it, but the influence of the members of the public was strong enough that the board succumbed to public pressures and up-kept the program (Genesee, 1995, 123).

³ There are two known pre-1965 immersion programs, as well. One was implemented in 1958 in a suburb of Montreal and the other was implemented in a private Toronto, ON area school (Alberta Education, 2013).

The spread of FSL to other provinces is argued to be broadly attributable to the Royal Commission on Bilingualism and Biculturalism, established in 1963 (Kissau, 2005). The Commission was set up by then Prime Minister Lester B. Pearson in large part to address and explore the unequal status of Francophones in Canada, as brought to the Commission's attention by the actions and events that transpired during the Quiet Revolution (Conrick and Regan, 2007, 35-36). Among the recommendations of the Commission was to ensure that the official language minority groups could access education in their first language. Additionally, it was recommended that all Canadians be privy to learning a second official language through the implementation of second language programs in public schools. The reasons for this development were threefold.

Firstly, younger students were thought to be stronger candidates for optimal second language acquisition. Secondly, having Canadian children learn a second official language was argued to not only promote linguistic duality but also foster a positive relationship between the two main linguistic groups in the country. Thirdly, students learning a second official language increased the potential for one day attaining a bilingual public service (Hayday, 2005).

Another outcome of the Commission on Bilingualism and Biculturalism's recommendation was the establishment of the Office of the Commissioner of Official Languages. The Commissioner's role is akin to a "linguistic ombudsman", and the office's duties include addressing areas where the federal government fails to meet the public's needs with regards to their official language rights (Bostock, 1980, 418). At this point, exposure to French in many Canadian classrooms was limited to a 20 minute per day lesson and increased interest in immersion programs was becoming prominent (Hayday, 2005, 66; Roy, 2008, 398).

In 1977, the Commissioner of Official Languages agreed to meet with a group of parents at the Parents Conference on French Language and Exchange Opportunities to discuss some of the issues they faced when trying to access second language opportunities (Canadian Parents for French, June 1977, 1-2). From this meeting, Canadian Parents for French was established and remains at the forefront of the movement to adopt French immersion in schools across Canada (Conrick and Regan, 2007). Parental involvement is by no means exclusive to this period. As seen in New Brunswick, it was a major driving force behind the movement to save FSL and early immersion (Dicks and Culligan, 2009).

The initial funding from the federal government supported second-language learning and continues to this day under the Official Languages in Education Program, which provides funding for first and second language education as negotiated in individual agreements between the federal government and the provinces.

By the 1980's all provinces and territories were offering some form of second language French instruction (Ridell, 2004) and it continues to be the case today. All Canadian provinces offer mandatory or optional FSL programs. In Quebec, English as a second/additional language (ESL/EAL) is offered to the majority of students, whereas FSL is offered on a smaller scale to the population attending English schools. The majority of provinces' Ministries and Departments of Education have policies or guidelines addressing the types programs offered, student eligibility/admissibility criteria, teacher certification requirements, and transportation. Appendix 1 provides a table with a general overview of each provinces' FSL policies and the programs offered, as found on provincial Department/Ministry of Education websites.

Because of the wide-scale implementation of FSL programs, it appears as though access to FSL learning opportunities is a "given" and that there are few barriers to access. The wider

FSL research seems to reflect this too. For example, the implementation of FSL programs across the country coincided with an increased study of the respective programs' efficiency regarding second language acquisition. The earlier models of second language acquisition focused on (learning) outcomes and products. They were followed by research looking at (learning) processes. An overview of this research is offered below, beginning with the outcome-oriented research and followed by an overview of the processes-focused and sociolinguistics material.

2.2 Studying FSL: From Outcomes, Processes and Sociolinguistics to Policy-Oriented Research

As stated in the introduction to this chapter, the FSL research can be divided into two broad categories. The first category focuses on evaluating the quality of FSL programs by looking at their curricular content and studying the effects of FSL programs on first languages, the way that the second language is acquired, as well examining sociolinguistic variables. The second category of work is critical of current policies and their effects on students who access or who may wish to access FSL learning opportunities.

Outcomes

The outcome-oriented research seeks to assess whether or not immersion programs produce results that are beneficial to students enrolled in the programs. Early works found that generally, students' first language was not adversely affected due to their enrollment in immersion programs (cf. Barik and Swain, 1977; Genesee, 1987; Swain and Lapkin, 1982). "Generally" is meant to emphasize the general trend because variations in the results can be found when the different types of immersion programs are examined. Genesee (1987) found that students in partial (i.e. 50 percent of instructional time in French), middle/delayed and late

immersion were not behind their peers in terms of English language developmental outcomes (43). Students in early full immersion were behind a comparable group in literacy skills, including reading, writing and spelling but were on par with them regarding communications and listening skills (Genesee, 1987 43).

The question on what type of environment is conducive to students acquiring the highest level of French was addressed by Barik and Swain (1977) who found that, firstly, children in full immersion fared better in overall French language acquisition and secondly, students in immersion had stronger French skills than those enrolled in “bilingual education” (e.g. Core French type programs). Although it is the program the majority of students taking FSL are enrolled in; Core French is not examined with the same frequency as immersion. A pivotal point for core French came after the release of the Canadian Association of Second Language Teacher’s commissioned *National Core French Study* (Calman and Daniel, 1998; LeBlanc, 1990). The study focused on language acquisition and proposed a new model of FSL learning (Canadian Association of Second Language Teachers, 1990).

Other studies, including Lapkin, Hart and Harley’s (1998) comparative study of core French models in Ontario schools, compared the achievements and attitudes of students enrolled in two specialized models of core French, against the students partaking in the “regular” core French program. The first model was a half day, ten-week model while; the second, a 5 month, 80 minute a day program and; the third was the standard 10 month, 40 minutes a day course (Lapkin, Hart and Harley, 1998, 6). It was found, among other conclusions that students who take half-day French have better French reading and writing skills than the 40 minute a day program and students enrolled in the 80 minute a day program outperformed the standard program students in reading skills (Lapkin, Hart and Hartley, 1998, 20). In addition to the

outcome-oriented research, there is the process-focused research, which seeks to understand how language acquisition occurs and what strategies learners apply to acquire language skills (de Courcy, 2002, 120-121).

Processes

The process-based research tends to explain how a second language is acquired, but there is little agreement as to how this occurs. The studies on processes not only look at how students learn, but also at how FSL is taught. It is from the process perspective that the FSL programs seen implemented in classrooms are developed and took final shape. It would be an entire project in itself to elaborate on all of the proposed second language teaching methods, so only a brief overview is provided below.

Lyster (2004) specifies that second language teaching is often based in one of three dominant theories; Cognitive Theory, form-focused instruction or interactional hypothesis. Cognitive Theory has its basis in psychology and places importance on the role of meaning, knowing and understanding (Skeehan, 1998). Form-focused instruction reinforces the use of pedagogical tools and activities to “draw students’ attention to language itself” and promote grammar, vocabulary and more (Lightbrown and Spada, 1999). Interactional approaches promote the idea that at the core of the FSL learning process is a relationship between teacher and learner that is highly dependent on inputs and outputs (Conrick and Regan, 2007. 118).

“Comprehensible inputs” are enough for students to acquire effectively a second language. Language should be presented using teaching methods that render the language easily understood by the student (Krashen, 1985, 1994). Others argue that the inputs are indeed integral to the learning process but must be accompanied by outputs as well (Lightbrown and Spada,

1999; Swain, 1995). Swain's (1995) study of immersion demonstrates how students must actively communicate with others in the second language instead of simply being a "listener" and receiving information from their instructor. Interactional hypothesis, as described by Lyster (2004), explains the specific "conversational moves" or strategies learners engage in to better their language acquisition and development (322). Even though it is evident that the research tendencies mentioned point toward explaining how a second language is learned through several lenses, a uniform, universally acceptable version has not been agreed upon yet.

Safty (1991) writes that the discussions of the benefits of early versus later entry points for learning French is well-established in the literature and forms one of the "major theoretical foundations on which French immersion... is based" (473). It has long been established by researchers that overall French skills among EFI students are superior to students enrolled in late immersion programs (Genesee, 1981; Swain, 1978; Wesche, Toews-Jenzen and Macfarlane, 1996). There are certainly exceptions to this, as demonstrated by Genesee (1981) who found in one study that the skills and performance of the students enrolled in a two-year late immersion program matched those of the EFI students. Students are said to have the cognitive maturity to better appropriate and learn the language (Genesee, 1994).

Cognitive abilities are also examined in the research investigating how students with special needs/exceptionalities/learning difficulties acquire French as a second language (cf. Genesee; 2007; Genesee and Jared, 2008; Majhanovich, 1993; Paradis et al., 2003; Rousseau, 1999). Typically, the research is on French immersion programs and takes into consideration students with language impairments, and those who are at risk for problems with reading whereas "other" types of disabilities are less frequently considered, if at all (Genesee, 2007). With adequate intervention, students with varying abilities are argued to have the potential to

benefit from and be successful in immersion programs (Arnett, 2010; Cummins, 1983; Genesee, 2007; Leonard, 1998).

The studies mentioned above demonstrate that researchers have mostly focused on evaluating the quality of FSL programs largely regarding their curricular content (cf. Genesee, 1987; Genesee 1998; Swain and Lapkin, 1982). Research debating and critically analyzing existing programs, particularly from the standpoint of educators, research institutes and governments, holds an important place in creating a strong link between research, policy and practices (Stern, 1986). This type of research was not only pushed for by parents (e.g. the outcomes focused research) but it also informed the beliefs that actors participating in the process hold about FSL. Regarding the former point, Conrick and Regan (2007) write that parents were a driving force behind the outcome-focused research. It came from a desire to see if their children were benefitting from immersion programs. Parents wanted to determine if overall academic performance improved and if their children's first language skills would be hindered in any way by learning a second language. Furthermore, they sought clarification on the comparative issue of which program produced better results. Specifically, parents asked whether or not their child's French skills were significantly better in comparison to them attending a program with less French instructional time (Conrick and Regan, 2007, 115). The issue continues to this day and highlights a phenomenon still present in matters related to immersion and other FSL programs. Parents, who have a stake in said programs, rely on research/information to guide them in formulating their opinions about what works and what does not.

In the case of New Brunswick, defenders of immersion and early immersion, in particular, relied on arguments related to language acquisition to try and keep early immersion as part of the provincial curriculum. The optimal age for second language acquisition was a central

focus. The main question being asked was: “Is earlier better for learning French as a second language?”

Studies of FSL continued to focus on language acquisition and were situated in sociolinguistics. In terms of FSL in Canada, examples of studies that look at the sociologically based variables related to language learning and teaching, include studies that consider, for example, gender and cultural factors (cf. Kissau, 2006; Kissau and Turnbull, 2008), the interplay among socio-economic, physical, political and cultural factors and how they affect the learning contexts of students (cf. Roy, 2008) as well as the factors that lead to “diglossia”⁴ in FI classrooms (cf. Tarone and Swain, 1995).

Along with investigations on the manner in which a second language is acquired and the best ways to promote learning, researchers entertained questions about the benefits of learning a second language. Many explanations are given to explain the benefits of learning a second language. Rebuffot (1993) states that bilingualism is conducive to developing strong mental flexibility, intellectual growth stemming from learning in a bicultural environment, superior abstract thinking skills and better verbal capabilities in both languages. “Cross-cultural skills and awareness” are offered as advantages of bilingualism (Berg, 2007, 43). This leads to “divergent problem-solving” skills stemming from “different ways of seeing things and naming one’s reality” and benefitting both individual and society (Berg, 2007, 43). Economic benefits are also a consideration when examining the “positives” associated with bilingualism and enrolling in FSL programs. In this sense, French-English bilingualism leads to competitive advantages in a globalized economy and allows individuals to immerse fully in the so-called “Information Age” (Berg, 2007; Genesee and Cloud, 1998). The gains accrued by learning FSL demonstrate how

⁴ Diglossia refers to a situation “in which one language is used for formal functions and another language for informal functions.” (Potowski, 2007, 15)

additional languages have cognitive benefits but also have social, cultural and economic advantages.

What these studies capture is “the complex social and political context of language policies” (Tollefson, 2002, 4). The benefits of learning French have wide-ranging implications, such as economic success and overall capacity to function “well” in society. Many of these same ideas were appropriated by the stakeholders fighting to maintain or re-establish FSL programming in schools, as well as by advocates for inclusion. In reviewing the literature on outcomes, it is shown that parents wanted to ensure the implemented programs were serving their children’s best interest. Determining the optimal environment for FSL learning initiated a body of research that is used at the provincial level to inform policy and delineate such matters as instructional time, for example. The process- focused research was also responsible for informing best-practices and in reviewing this literature, it becomes clear that it holds the potential to inform perceptions about who should be learning French as a second language. Even if this material is incorporated into policy, what it does not account for is the fact that additional variables affect who accesses FSL programs and some of the challenges that arise. The policy-oriented material attempts to address this.

Critical Evaluations of FSL Policies and Program Implementation

Issues pertaining to accessibility are a main area of focus in policy-oriented research. The barriers that Allophones and students with exceptionalities face, as well as the challenges that groups from lower socio-economic brackets encounter are central to this kind of research. There is a tendency to focus on federal policies and initiatives, with some focus on provincial policy content as well (Kissau, 2005; Mady, 2007; Mady and Turnbull, 2010). The federal policies are

language policies and not educational ones although initiatives exist to encourage the implementation of second language learning programs, as is evidenced by the Official Languages in Education Program (OLEP) mentioned earlier. OLEP not only provides funding for official language minorities to learn in their first language, but it also offers financial resources for second language learning programs for the majority language speakers (Ménard and Hudon, 2007, s.2a).

Specific populations, including Allophones, students with exceptionalities and students from lower socio-economic backgrounds, are a focus of the studies on FSL policies. Much of this work also looks at how accessible FSL programs are, based on the experiences of these populations, which in turn informs the public's views about the programs. Funding is also a parameter often considered to influence the public opinion regarding FSL programs.

As mentioned, a portion of the research sheds light on the challenges Allophones face when learning French as a second language. It is noted that one of the key features of federal language policies addressing bilingualism was that initially they were conceived to, in part, promote national unity among the two "principal" linguistic groups (Carey, 1997). Mady and Turnbull (2010) highlight that what has emerged are federal language policies and agreements such as those found in Canadian Heritage's *Roadmap to Linguistic Duality* that resulted in Allophones learning English in parts of Canada where English is the majority language, without any guarantees that they will have access to FSL opportunities. In the case of a federal agreement like OLEP, funding is directed toward teaching an Allophone student the English language for example, but no extra provisions are made to ensure the student can firmly grasp French (or vice versa) (Early, 2008, 199). If Allophone students do want to learn a second language, it is not prioritized, and there are no resources in place to help ensure they learn it

properly. Secondly, students who want to reach their full potential and see FSL learning as part of that goal are hindered because they are not given the opportunity to do so.

This limits Allophone's ability to adopt the bilingual component of Canadian identity if they should so desire to. Additionally, it limits the inclusion of Allophone immigrants in the conceptualizations of the Canadian identity that includes French and English linguistic duality. Discussions of provincial policies in this sense look at inclusionary and exclusionary criteria regarding the Allophones' participation in FSL programs (Mady, 2007, 734-747; Mady and Turnbull, 2010, 7-15).

Educational policies are strictly under provincial jurisdiction, but criticism is directed at the federal government's lack of implementation of policies related to "language acquisition and spreading." Such policies put mechanisms in place to encourage FSL learning among Allophone students in the Canadian provinces (Mady, 2007, 733). The desire to access FSL programs among Allophone immigrants is present as FI in particular is seen by parents as an investment that will benefit their children not only in terms of their future employment opportunities within Canada, but also allow them to be multilingual and access international work opportunities (Dagenais and Jacquet, 2001; Dagenais, 2003). While the desire to learn is there, there are few provisions in place to ensure this occurs.

As examined in the section addressing second language acquisition, discussions on the way in which students with exceptionalities learn FSL are present in research. Some studies focus on the role of policy in ensuring access to French programs. Mady, Black and Fulton (2010) provide an overview of every Canadian FSL policy with an emphasis on whether they protect children with exceptionalities from being excluded from FSL. Theirs is the only study found to make a case for formalized provincial policies ensuring equitable access. The authors

reinforce the idea that program implementation and accessibility are driven by what is found in formalized provincial policies.

Students with learning difficulties are excluded from FI in particular, and the question of who should be exempt from FSL programs is also considered. Both of these issues were emphasized in Nova Scotia and New Brunswick. For example, in New Brunswick, it was found that students with special needs were underrepresented regarding their enrollment in FI programs leading to increased numbers of students with difficulties being placed in the core English program (Willms, 2008, 92). Nova Scotia is the only province among those with compulsory French to prohibit any exemptions from the FSL programs (Arnett, 2013).

Attitudes toward specific FSL programs are shaped by policies and government legislation, which determine how accessible educational opportunities are for students with exceptionalities. FI is cited as a program that excludes students with learning disabilities because provincial policies and legislation guarantee access to French programs like Core French, but not to FI programs (Hutchinson, 2002). This contributes to the perception of FI as a program catering to the “academic elite” (Mady and Arnett, 2009).

The issue of exemptions also speaks to the way policy can shape attitudes about FSL; the idea that FSL is not for all students is perpetuated by policies that make the case for exemption (Arnett, 2013). Wise (2011) makes the argument that the stakeholders’⁵ silence regarding a lack of “inclusionary practices” in FI programs is tantamount to a “conspiracy”. This silence has created FI programs that remain in the hands of “English-speaking academic elite from higher socioeconomic backgrounds” (178). Wise (2011) takes this point further by elaborating on how it may be beneficial to some stakeholders to maintain their silence about any perceived

⁵ Wise (2011) defines stakeholders as including government officials, parents and educators.

discrepancies regarding who partakes in FSL programs. In these instances, parents benefit because their children in FI remain in a program that encourages high academic standards without the cross-representation of students of differing abilities, who may affect the “quality” of the learning environment. Furthermore, teachers benefit due to the high presence of advanced or high achieving students and are not faced with managing the needs of students who may require more attention and resources. Finally, politicians and government officials are credited with up-keeping quality FI programs (Wise, 2011, 183-184). To challenge the elitist status of the program might tarnish FI’s reputation.

The issue of class or socio-economic status and enrollment in FI was first considered by Olson and Burns (1983) (Hart, Lapkin and Swain, 1998). At the time, the Canadian Federal Government assumed that parents based their decision to enroll their child in an FSL program in response to the idea of maintaining national unity. Olson and Burns (1983) discovered that this was not the case (3). The researchers studied FI programs in North York, Ontario and observed that the programs were available in areas traditionally considered “affluent.” No transportation (i.e. bussing, which is subject to provincial policy) to these districts was available for students in areas where families were in a lower socioeconomic bracket (Olson and Burns, 1983). Conclusions from the study were twofold. Firstly, FI programs were deemed “elite” in large part because of the way they were implemented and made inaccessible to students without transportation. Secondly, FI was viewed as a political issue. School boards were required to navigate the interests of parents desiring to establish and maintain FI programs in their boards while simultaneously dealing with teachers in English programs who were concerned that their jobs might be abolished as more students enrolled in the FI stream (Olson and Burns, 1983, 5). Olson and Burns are criticized for using a small sample to generalize about an entire program

(Lamarre, 1997), and FI programs were later shown to be diverse regarding class and ethnocultural background (Hart and Lapkin, 1998).

More recently, as part of making the case for a universal French program offering intensive French to all grade 5 students, Willms (2008) examined the make-up of EFI classrooms in New Brunswick. He determined that the students from the highest socio-economic bracket compose half of the population of EFI classrooms and were twice as likely to be enrolled in EFI as compared to those in the middle socio-economic group⁶. Children in the lowest socio-economic group were “half as likely to enroll in EFI” (3). Dicks (2008) rejects Willms’ claims by pointing out that there is little evidence to support the assertion that EFI is inherently exclusionary. Rather, the public policies and social/economic forces affecting accessibility to such programs should be examined (Dicks, 2008, 3-4). In her study on FI in the Ottawa region, Makropoulos (2008) found that students came from a “variety of class backgrounds” and class “dynamics” informed both the EFI “selection process,” as well as the reasons why they felt EFI was a “suitable program choice” (59).

To summarize, the nature of the programs should not be subject to scrutiny. Instead, the parameters, or lack thereof, put in place by public policies, along with the wider socio-political context, should be addressed when investigating program access.

The subject of funding informs discussions examining what influences the general population’s attitudes towards FSL in Canada (Kissau, 2005). Here, criticism was aimed at OLEP- type policies. Cuts in funding to FSL programs by the Federal Government are viewed not only as lessening the availability of or access to FSL learning opportunities but are also seen as reinforcing the idea that learning French as a second language is unimportant (Kissau, 2005,

⁶ It should be noted that Willms (2008) also examines gender, ability, behaviour and special needs differences among students enrolled in the EFI programs.

2;4). It is acknowledged that running successful FSL programs requires a commitment by school boards to provide the necessary but “substantial” resources. However, the willingness of school boards to commit to making FSL a priority was affected by the cost/resource considerations (Calman and Daniel, 1998, 283).

The questions of funding and costs are further complicated by the lack of accountability for or reporting on spending of combined OLEP and provincial funds by school boards in some provinces (Kissau, 2005; Wise, 2011). Additionally, it is argued that some school board officials’ negative attitudes towards the French language, as well as the notion that French education programs are not as valuable as other programs are, means FSL program implementation in individual boards is not ideal (Kissau, 2005; Safty, 1992). While bilingualism was embraced as part of schools’ “official discourse”, it was repeatedly shown that French is marginalized (Lapkin, Mady and Arnott, 2009). Lapkin, Mady and Arnott (2009) use evidence from Richards’ 2002 interviews with core French teachers to show that the minimal time allotted for the teaching of core French daily, alongside the fact that core French teachers have few resources or access to their classrooms, means French is simply not taken seriously in the schools.

What the above studies demonstrate is that policy matters in the realm of FSL. As shown in the discussions about Allophone access to French learning opportunities, a lack of policy ensuring access to FSL was viewed as adversely affecting Allophones, although whether or not such a policy could have come to fruition is debatable, given the provincial jurisdiction over schooling. The power of policy is further seen in the discussions on inclusion. By not amending the policy to ensure it is inclusionary, schools continued to keep students from accessing FSL programs. The research that focuses on policy also speaks about the effects the lack of access to learning opportunities and the availability of programs can have on the population. It also

provides evidence that the legitimacy of the policies and subsequently the programs they produce is questionable.

What the policy-oriented research highlights is that FSL is still a contentious arena. In the provinces, the intersection of educational organizations (Departments, boards, schools) with organizations and actors *that have educational interests* (e.g. stakeholder groups) is a real occurrence. Safty (1992) highlights how educational organizations are ultimately “human organizations” and their administration is the product of social and political processes. The many needs and demands of both individuals and the broader organizations they work in may not always be compatible (Safty, 1992, 392). This is the case within school districts or individual schools (e.g. the needs of teachers conflicting with the demands of the administration), and it is argued here that this extends to the stakeholders who only peripherally participate in educational organizations. When policy does not meet the needs of individuals and/or the demands of the educational organizations external to the provincial government, conflict arises. In fact, to be implemented, policy necessitates the legitimacy of stakeholders (Cooper, Fusarelli and Randall, 2004; Wallner, 2008). The above applies to FSL policy to varying degrees as well.

With FSL, the “top-down” approach to planning can result in unanticipated consequences for some groups (Baldauf, 1994, 83). Unintended outcomes mean that language education policies are open to resistance from the “bottom-up” (Shohamy, 2006, 51). The position that FSL policy-making can create unintended outcomes is taken here. It is also proposed that unintended outcomes can lead to stakeholder action within the policy domain. This idea is reflected in some of the work assessing the policies and accessibility to FSL. Furthermore, beliefs inform language-related policies and as Spolsky (2004) claims, when these policies are “managed” in a

way that breaches the beliefs held to be true by the wider community, it creates problems in so far as to the usefulness of and the adherence to the policy.

The case studies of New Brunswick and Nova Scotia demonstrate that FSL policies are largely discussed in terms of best practices. Stakeholders advocated for and responded to changes not only by citing what programs are optimal for learning, but also by framing their responses citing personal/family values. The ethnic, cultural, religious and socio-political values that individuals associate with language influence their attitudes about learning languages, as well as how the related policies are viewed (Cenoz and Gorter, 2010; Spolsky, 2004). FSL is not exempt from this phenomenon (Byrd Clark, 2012, 144; Swain and Lapkin, 2005).

The above points to the reality that behind policy-making and policy implementation are actors with beliefs and ideas about what policy should contain. Although policy documents may appear “benign”, their contents are argued to create effects that are reflective of the ideologies and beliefs of those with policy-making authority (Shohamy, 2006, 53). Spolsky (2009) argues that communities have their own “policies” on language that do not take the shape of formal policies. When these clash with formal policies, it is possible policy-related issues emerge. The exclusive nature of languages in education policy are cited as one reason clashes may occur (Shohamy, 2006), which may be an explanation to the question why policy-making in Nova Scotia is viewed as less contentious compared to New Brunswick.

In reviewing the language education policy-related material, no research that incorporates a formal discussion on instruments was found. Spolsky (2009) and Shohamy (2006) acknowledged that mechanisms are used to manage policies and influence how they are put into practice. Shohamy (2006) focuses on the latter part and refers to mechanisms that encompass

testing, as well as various rules and regulations. It is proposed that this speaks to the substantive instrument component of FSL policy but ignores the policy-making component.

While the educational policy literature discussed substantive instruments, there is an absence of discussions of substantive or procedural policy tools in the language-focused education beyond the above-mentioned discussion on testing. The provincial government implements FSL policy in ways that affect the populations who partake in FSL programs and by extension, involve and sometimes interact with multiple actors indirectly in the process. What we know from the current research is that the provincial policies related to FSL are imposed on the school boards, but there is no discussion about what effects this has. For example, it is not known if policies are imposed and only cause a reaction from stakeholders after their implementation or if there is an ongoing interaction between government and non-government actors during policy formulation and if so, how is this managed through the use of tools. Using a procedural policy instruments approach will help to understand the specifics of how policy is developed and demonstrate that FSL policy is best understood through a lens that accounts for who is involved in the process, how the government navigates the process and to what effect.

3. Theory and Analytical Framework

3.1 Introduction: An Overview of Policy Instruments

Countless definitions of policy instruments are found in the literature. Therefore, a universal definition of what constitutes a policy instrument is not available (Eliadis, 2005; Vedung, 1998). One common understanding of tools is that they are integral to policy design (Doern and Phidd, 1992; Hood, 1983; Prince, 2005).

Salamon and Lund (1989) provide flexible parameters for a basic level definition of what a tool is: "... a method through which government seeks a policy objective..." further defined by what it is *not*: a) a policy program; b) a policy proper; c) an administrative tool used by government agencies for the purposes of its own regulations, such as internal management procedures and/or d) the broader "end functions" of government such as any economic management that is a result of a given policy (29). Instruments are used by governments to try to ensure "compliance, support and implementation of public policy" (Doern and Phidd, 1983, 110). In a similar spirit, Bressers and O'Toole (1998) opt to define tools as a "mechanism used in policy matters" to guide policy execution, shape how policy proposals are received during formulation and to determine whether or not policymakers' intentions will be realized (217). Succinctly, tools "are forms of public action...that address public problems and pursue public purposes" in a variety of ways (Trebilcock, 2005).

Instruments are also understood as "the set of techniques by which government authorities wield their power in attempting to ensure support and effect or prevent social change" (Vedung, 1998, 21). Notions of authority and power are by extension associated with the concept not only because it is those with decision-making authority in the government who can implement instruments but because the instruments themselves are embedded with power

dynamics and meanings that hold the capacity to manipulate social relations when implemented (Bemelmens-Videc, 1998, Lascoumes and Le Gales, 2007). The “nature” of public policy is argued to be rooted in the idea that it influences people and enables people “to do things they might not otherwise do” (Schneider and Ingram, 1990, 513). In sum, tools are available to governments to exert “their influence over the economy and society” (Linder and Peters, 1989, 35).

The range of topics examined within the policy instruments literature include, although not exclusively, the identification of instrument types, determining the rationale for instrument choice, and looking at the effects of tools on the policy process. Innumerable case studies are found in the instruments literature, and they use an inductive approach to determine how instruments are implemented in many policy sectors.

In reviewing the literature, it was found that it is typically grouped into three spheres (Hood, 2007; Simard and Lascoumes, 2011), which themselves are subdivided into various components or “generations” (Eliadis, Hill and Howlett, 2005; Howlett, 2005; Simard and Lascoumes, 2011). When reviewing the instruments literature, it was noted that the groupings of instruments are not clear cut. Vedung (1998) even claims that it is impossible to establish one way of compartmentalizing the instruments research (21-22) and much of the existing work is said to cross the boundaries of each overarching classificatory schema (Hood, 2007; Howlett, 1991, 2011). What one author classifies as a resource-based approach, another might classify as a choice-based approach⁷. Furthermore, others like Hood (2006, 2007), add an “instruments as institutions” conceptualization⁸. The literature is presented here in a manner that recognizes three

⁷For example, Hood (2007) and Howlett (1991, 2011) state that Dahl and Lindlom’s (1953) early work on tools is seminal in terms of advancing the instruments scholarship but Howlett categorizes it as being part of the “choice/continuum” approach, whereas Hood does not.

⁸ Hood (2006) proposes that recent “governance paradigms” have led to adoption of “institutional forms” as instruments, including public-private partnerships or public corporations (470). In contrast, Lascoumes and Le Galès (2007) also use the “instruments as institutions”

spheres while also acknowledging this may not be how others approach it and that there is sometimes overlap between the spheres. The classifications are adopted from Hood (2007) and include the “generic-approach”, the “choice-based approach” and the more recent “sociological/instruments as institutions approach”.

The main interest of the dissertation is to understand what instruments were chosen during FSL processes, why they were chosen and what response they generated among the actors indirectly involved in the policy processes. Addressing these issues and related questions require determining whether and how the existing instruments research, with its various models, frameworks, and proposals, is well-suited to exploring the aforementioned questions. Instruments are examined from a viewpoint that, firstly, considers the place of actors and their role as selectors, implementers, and recipients of the instruments. Secondly, it is maintained that tools are used to navigate the actors involved to various degrees in the policy process.

3.2 Three Approaches to Policy Instruments

In the following sections, the various conceptualizations of instruments will be addressed, beginning with the “maximalist” approach and segueing into work that proposes to elucidate why instruments are chosen and the effects of their implementation. Early scholarship sought to identify the instruments available to the government, which progressed into research that sought to take an inventory of the instruments in a way that recognized that policymakers usually chose from a finite set of tools, which are used with some regularity. This expanded into a body of work that explored the reason these instruments were selected and focused on identifying and

approach. They claim that an instrument is a “particular type of institution, a technical device with the generic purpose of carrying a concrete concept of the politics/society relationship and sustained by a concept of regulation” (8).

understanding macro and micro-level selection criteria. The interest in understanding the effects of tools on those they were imposed upon was considered and resulted in work increasingly interested in revealing the power dynamics embedded in tools.

3.2.1 Generic Approaches

Maximalist and Minimalist Approaches

The earlier approaches to instruments are rooted in the “maximalist and minimalist” inventories of instruments. The “maximalist” approach simply chronicles all existing or possible instrument choices in a given sector. This characterized early instruments scholarship (Vedung, 1998). Kirschen (1964) is cited as providing one of the earliest maximalist classifications of tools (Howlett, 1991, 2005, 2011; Linder and Peters, 1989; Vedung, 1998). His work considers economic policy specifically and the author compiles a comprehensive list of instruments including expenditure, revenue, interest rates, trade and price controls, etc., as part of a case study analyzing how economic policies are implemented in nine countries, via the use of tools (Kirschen, 1964). Vedung cites the work of Chelf (1981) as another example of maximalist work, as he compiles a list of fourteen possible instruments used in policy-making in the United States. This approach served a purpose in the early instrument literature when little was known about what was at the disposal of governments attempting to implement policy (Howlett, 2011, 45). The benefit of such an approach is to assist in tool identification in the case of an uninvestigated or minimally investigated policy area. Beyond this, there is limited applicability.

From this point, the instrument research looked to pare down the existing exhaustive list of tools, which led to numerous classifications. Increasingly, the preference among researchers was to develop minimalist, sometimes called “generic,” categories of tools including “two or

three narrower types under which all specific kinds of policy instruments can be classified” (Vedung, 1998, 22). These represent broad governing resources policymakers depend on, typically for policy implementation. Most, if not all, authors give some indication as to why instruments are chosen too.

Resource-Based/Generic Taxonomies

Among the earlier works that chronicled instruments available to the government was Dahl and Lindblom’s (1953) study, which examined the traditional and alternative “politico-economic techniques” available for policy problem solving. They proposed that traditional techniques of government can be placed on a spectrum, along with a range of alternatives going from, for instance, the least intrusive to most the intrusive. For example, they examine government ownership, including full, partial, joint and privatized options (Dahl and Lindblom, 1953, 10). The degree of influence of the government spans from compulsory and voluntary arbitration to information dissemination⁹ (Dahl and Lindblom, 1953, 12). The authors put forth the idea that tools are selected due to the rational calculation and controlled processes engaged in by policymakers when solving policy problems. This is among the first work that looks at the reasons why tools were chosen, although its reliance on rational choice and the limited view of instruments makes it outdated.

Lowi’s (1972) work is cited as an attempt at paring down an inexhaustible list of policy types and related actions on the part of the government (Howlett, 1991, 2011; Woodside, 1986). The author’s works led to the establishment of a framework in which four policy types were identified, each involving some form of government action. The reasoning behind tool selection

⁹ For a synopsis of their continuum of instrument choice, see Dahl and Lindlom (1953) “Politics, Economics and Welfare” pp. 10-17.

is that certain policy types require specific tool types to implement the policy and the work mentioned above focused on the technical aspects of the tools. Governments require various levels of coercion depending on the policy area they are participating in, as well as who or what they are targeting (i.e. remote or immediate coercion; individual targets or the wider environment) (Lowi, 1972). The policy types, according to the author, include distributive, constituent, regulative and redistributive policy (Lowi, 1972, 300). Distributive policies rely on subsidies and tariffs; constituent policies tend to be implemented by parties and can include propaganda; regulative policies can rely on tools that regulate the production or distribution of goods and services; redistributive policy tools might include social security and progressive income tax, for example (Lowi, 1972, 300). Overall, Lowi's approach was one that presented a limited view of policy typologies, as well as a limited inventory of tools. Furthermore, it presented instruments as always causing specific outcomes, which limits the discussion of how additional contextual factors might, for example, affect policy implementation and outcomes. Anderson's work remedies this shortcoming.

Anderson proposes four sets of government tools. The four main resources are market-based mechanisms, structured options, biased options and regulation (Anderson, 1977, 56). Market-based mechanisms do not depend on government interference and allow for greater individual freedom (56-61). Biased options use incentives or deterrents to push individuals towards "the desired ends of public policy", under the auspices of it being voluntary (56). Anderson (1971, 1977) built a basic set of "policy instrumentation" but much of his research is centered on determining the variables affecting the "range of policy equipment available in any polity" (1971, 130). The way legitimacy is valued in the polity and society, along with the historical development and "extant power relations" can all affect instrument availability and

choice (Anderson, 1971). It is argued that this is among the first studies that consider how external variables affect instrument choice and demonstrates an early consideration of how policymakers incorporate factors like legitimacy when deciding on the choice of instruments.

Bardach (1977) argues that implementation can be controlled by selecting from deterrence, incentives, prescriptions or enabling tools (Bardach, 1977, 114-121). For example, an enabling tool provides resources to actors to help them implement policy goals that they, along with policymakers, view as favourable (Bardach, 1977, 110). A prescriptive tool prescribes to a target population how they should view the policy decisions of the government and can be used in conjunction with a deterrent tool (Bardach, 1977, 110-112). In this case, the tools are thought to be a set of resources the government has at its disposal when trying to control program implementation. This approach furthered the discussion on the way tools could influence policy implementation. Implementation was achieved by affecting, in part, those who would be on the receiving end of the tools. While this is useful for an early discussion of how tools can target populations, it is limited to discussions of actors as implementers of policy and is applied in a way that speaks mostly about the tools' effects on intentional targets, without discussing the effects on unintentional targets. While Bardach's (1977) approach was developed and applied within U.S context, other approaches emerged and aimed to be applicable in multiple governance contexts. Notably, this includes Hood's (1983, 2007) generic taxonomy of governing resources.

Hood's NATO (nodality, authority, treasury and organization) framework is well-known in the research. Hood (2007) argues that the generic categories span across space and time, allowing us to investigate their role in "different governance paradigms" (Hood, 2007, 135). First and foremost, the NATO scheme represents four basic governing resources, and the schema offers a basic set of tools applied by the government (see Table 1). Secondly, the government's

capacity differs by each governing resource. As Hood (1983) writes, each resource can be “spent in a different way.” This means that the government uses tools for two possible purposes: as “detectors”, in order to assist in the detection of changes in a policy environment and monitor society, or as “effectors”, tools designated to create change in a policy sector and alter society (Hood, 1983, 2007; Hood and Margetts, 2007). In the case of effector tools, their application is either “particular” or “general”. Particular tools are aimed at specific targets (individuals, organizations or items), whereas general applications are “beamed at the world at large and thus apply to whomever it may concern” (Hood, 1983, 17).

Hood (1983) does not purport to offer an all-encompassing list of specific tools available to the government. Instead, he sees the basic tool-kit as helping to make sense of an otherwise endless list of possible tools, as well as combinations of tools that are near-infinite (117-118). The NATO scheme also recognizes that tools are indeed interchangeable in many circumstances. Information and authority resources are argued to be the most relied upon by the government because they do not deplete to the same extent that other tools potentially do. In this case, the classification of tools is based on the resource used (i.e. NATO) and the reason it has been used (i.e. detector/effector). Hood’s approach is different when compared to earlier studies because by looking at the impacts of tools, it recognizes their more nuanced effects. For example, effector tools can provide an opportunity to some groups while restricting others. In focusing on governing resources, the author’s work speaks to the consequences of tool implementation without limiting the discussion to a limited tool range available to the government.

Table 1. NATO Taxonomy

Tool	Description
Nodality	Refers to being situated in an “information or social network” and governments both receive and disseminate information in accordance with their position in these informal and formal information channels. Nodal tools effecting change include bespoke messages (directed at individual informers), including direct notification. Group-targeted messages are aimed at particular groups, but are more “impersonal than bespoke messages”. Broadcast messages are a general application of nodality, using tactics like propaganda and “packaged self-serve messages”. Nodal tools involve some degree of information suppression or direct propagation, as is seen in the examples above.
Authority	Understood to be “one of the defining properties of government,” authority indicates the “legal or official power” to “demand, forbid, guarantee, adjudicate” (Hood, 5). Authority tools effecting change embody various levels of constraints on particular actors or general targets. These include directed, group and blanketed tokens. Directed tokens include certification and blanketed tokens might include open permits. Requisitions are based on “government’s” resource of legal authority (97). Information is obtained by implementing obligations to notify, interrogation and inspections, for example (99-102).
Treasury	Refers to government’s possession of money or other resources with “money-like” properties, which is freely exchanged (Hood, 5). Treasure tools are powerful because they permit the government to purchase favours or better its image among the populace. Customized payments, including contracts and transfers, are options. Conduits rely on third parties to act as the distributors of treasure. Open payments are given by government without regard to the specific recipient, an occurrence Hood himself declares rare (47). This can entail bounties, for example. Rewards are used to detect change. In such instances, the government will rely on treasure tools to engage in an “active proposition” by offering a reward to a potential informant (97).
Organization	Refers to government’s “possession” of people and their skills, along with “buildings, materials, and equipment” (6). These can be arranged and utilized as instruments proper. Individual treatment involves particular application and includes marking, transportation, and processing. Groups may be targeted, through crowd control for example. Finally, at-large treatment targets entire populations through, for example, the provision of services like clearing snow. Varying levels of coerciveness are involved in the implementation of organization tools. Ergonomic detectors rely on organization resources to obtain information about change (102-103). This might mean utilizing trained staff and equipment such fixed scanners, mobile or hidden scanners (102-104).

Adapted from: Christopher Hood (1983). *The Tools of Government*. London: Macmillan.

However, the effector/detector distinction is problematic. This a limited presentation of why instruments are chosen. The idea of “effecting” change, through tool use, is not a novel one, but Hood proposes that tools can also monitor society. The use of nodality tools to detect and

effect change is well-documented, but such a distinction, when looking at authority, treasure and organization tools is not as evident. Detector tools, at their core, are meant to gather information about changes in a policy sector. Based on this, most detector tools can be classified as nodality types.

McDonnell and Elmore's (1987) classification uses management/intervention strategies to guide tool classification (Hood, 2006; Salamon, 2001). This approach represents yet another shift in the instruments scholarship. It started considering in more detail how actors, on the receiving end of tools, could be affected by instruments. McDonnell and Elmore's four-fold classification of instruments includes mandates, inducements, capacity-building and system-changing tools (Elmore, 1987; Elmore and McDonnell, 1987). Each set of tools represents a potential form of government involvement in a policy area, as well as an expected effect of the selected resource (Landry and Varone, 2005, 109).

Mandates encourage compliance by implementing rules and regulations; inducements are conditional forms of compensation that encourage positive performance outcomes; capacity-building tools are monetary investments that develop "material, intellectual and human capacity" and system-changing tools alter goods and service delivery by changing the authority structures in place (Elmore, 1987, 175). Specific tools are located within each grouping and as seen above, each produces specific effects, including effects that are actor/behaviour-oriented (i.e. mandates) and others that are aimed at institutions (i.e. system changing tools). In retrospect, Elmore and McDonnell's approach was innovative because they explored the constraints and supports in the wider policy environment that helped or hindered a successful tool and policy implementation. This extended the conversation about tools to a more detailed consideration of what influences tool selection. What is problematic about this approach is that while it recognizes that contextual

factors, like institutional context or fiscal resources, would impede or help with the implementation of certain instruments, it presents instruments as causing limited effects (i.e. goods and services delivery can only be changed by changing institutional structures/processes, but ostensibly not by mandates).

Vedung's (1998) approach presents "carrots", "sticks" and "sermons" as three potential resources policymakers can choose from and represents a model that attempts to address a gap found in earlier models. It presents instruments as encompassing both behavioural and coercive components. Tools have "action content", which dictates to the recipients of instruments how to act/behave, and they also carry "authoritative force," which is the degree of force the government is willing to use "to achieve compliance" (Vedung, 1998, 34). Carrots imply tools that are often financial/economic in nature. Sticks refer to rules, regulations, and directives that may or may not be legally binding and are meant "...to influence people... to act in accordance with what is ordered in these rules and directives" (Bemelmans-Videc, Rist and Vedung, 2003, 10). Finally, the basis of sermons is information/exhortation and they influence actors by communicating persuasive arguments and rhetoric ((Bemelmans-Videc, Rist and Vedung, 2003, 11). This particular threefold classification is said to be based on the "authoritative force" dimension of tools (Vedung, 1998, 34), with carrots, sticks and sermons each representing the various levels of constraint the government is willing to impose on those it is governing, which includes the central civil service, the local civil service or the citizens (Vedung, 1998, 34, 36). This approach captures both the reasons why instruments are selected and what resources are relied upon by policymakers, although it arguably misses capturing organizational resources.

A shift to a more concerted focus on how tools affect actors, and their behaviour is seen in the work of Schneider and Ingram (1990, 1997), who provide a solid example of a generic

approach that considers more in depth the reasons driving tool selection. They argue that policy tools are selected based on the behavioural characteristics of the instruments. Specifically, tools are relied upon to influence the target population(s)' actions or inactions and do so by guiding their behaviour through the application of instruments. Each type of tool is thought to contain the capacity to influence behavior. The authors observe that people do not address or try to better social, economic or political problems for several possible reasons (Schneider and Ingram, 1990, 514). For example, they may believe they are not lawfully permitted to act in a policy area; they may not have the incentives or capabilities to take action; they may be in opposition to the values affiliated with policy processes or outcomes; uncertainty about the problem may be present, and this causes a lack of clarity as to how to deal with the policy problem (Schneider and Ingram, 1990, 514). Four main types of resources are available to affect actor behaviour and remedy inaction.

Authority tools refer to the tactics, such as simple statements, used and backed by legitimate government authority to influence other government agents or target populations. Incentive tools use positive and negative tactics to encourage compliance with or support for a given policy or policy aim. The authors cite sanctions, contracts, and economic development as examples. Capacity tools provide target populations or government agency officials with the resources to make decisions or take actions that will contribute to policy goals. Included are training and educational opportunities provided by the government. Symbolic and hortatory statements are meant to influence target populations and other policy actors by appealing to the values and opinions of said actors. Learning tools are used for situations where the government is uncertain about policy actors' tendencies in relation to a given policy sector. It is assumed that

learning tools will help them acquire new information that will teach them about a policy realm and consequently influence behaviour (Schneider and Ingram, 1990, 514-522; 1997, 93-97).

The behavioural approach emphasizes the role tools play not only in the general “policy design” scheme, but also pays close attention to how the populations targeted by the policy and, more specifically, by the political actors involved in policy-making, are “socially constructed.” Social construction, in this case, refers to the population as having “shared characteristics that distinguish a target population as socially meaningful” and are attributed to “specific, valence-oriented values, symbols and images to the characteristics” (Schneider and Ingram, 1993, 335). As such, policy is geared toward benefitting groups that are socially constructed as “deserving” and potentially punishes groups socially constructed as undeserving or “deviant”.

Schneider and Ingram (1990) promote the idea that, as an independent variable, tools cause impacts that are political in nature (527). While earlier approaches to instruments viewed tools as primarily correlated to policy implementation outcomes in and of themselves, the authors elaborate on the manner in which tools can affect government-societal relationships. Furthermore, they look at why policymakers choose tools by accounting for the population they are imposing them on and by extending our understanding of tools as having the capacity to shape the behaviour and the perceptions of actors. This approach is appreciated because it acknowledges the role of actors and captures the ways in which actors can be consciously manipulated and legitimized by the tools implemented on behalf of decision-makers. It is argued that the categories of tools are arguably not straightforward. For example, limiting incentive tools to contracts, sanctions, etc., seems problematic because a capacity-tool could very easily be used as a form of incentive.

The research focused on building taxonomies not only chronicles what types of instruments are available to government. There is some overlap with the work that delves more deeply into the reasons behind the choice of instruments and the variables affecting instrument availability. The research often puts the focus on the contextual factors related to instruments choice. Policy instruments scholars seek to understand what policymakers take into consideration when choosing tools. This type research has expanded to include works that consider tool selection to be driven by policymakers' need to manipulate and control actors, or simply to manage networked systems of governance.

3.2.2 Choice-Based Approaches

Within the choice-based approaches, Howlett (2005) identifies two typologies of instruments scholarship rooted in economics and political science. The “economics- based” approach looks at the relationship between government and business. It focuses on the ways tools are utilized by the government to intervene in the market to prevent market failures and/or ensure positive economic results for both the government and society through the adoption of economic policies (Howlett, 2005, 31; Trebilcock and Hartle, 1982, 31-33). Simply put, much of this work is prescriptive and concentrates on how instruments should be used to manage the economy by relying on “modes of classical regulation” or by implementing “alternative regimes” (Breyer, 1979). Instead of concentrating on the political implications stemming from the application of tools, the focus is almost exclusively on how problems with current economic policy or methods of regulation can be overcome. For example, Breyer (1979) analyzes the traditional mechanisms used as part of regulatory programs, including disclosure requirements, standards setting and, historically-based price setting. He proposes alternatives to the latter tools

to help alleviate market defects (Breyer 1979, 561). Market-based incentives, bargaining tools and new areas of taxation are proposed as remedies to some of the problems arising from common modes of regulation (Breyer, 1979).

Contrasting the economics-based approach is the approach rooted in political science. A key difference between the two approaches lies in the emphasis on discovering the “political rationale to instrument selection” (Howlett, 2005, 32). Much of this earlier work still focused on economics and related policy, but the investigations sought to unearth the reason behind a choice of instruments. The dissertation also adopts a “political science approach” and the research coming out of the discipline, as well as related disciplines and sub-disciplines, will be further reviewed.

As suggested by Howlett (2005), the political science approach to instruments can be conceived as being composed of two generations. A significant amount of work from the first generation of instruments scholarship advocated for the selection of certain instruments, to implement the “right” policy choice. For example, Bardach’s (1977) research presents four tool types that always serve the same purpose and are meant to help ensure smooth policy implementation. Much of this work was focused on prescribing economics-based tools and evaluating whether or not they upheld free market values (Howlett, 2005). Within the second generation of instrument research, context is a key consideration. In such research, the influence of context (social, political, etc.) on tool choices and mixes is examined (e.g. van Nispen and Ringeling, 1998; Bemelmans-Videc, 1998). As Craft (2011) highlights, this is evidenced by work that looks at how the political context necessitates tools which embody different degrees of coercion (e.g. Doern and Phidd, 1992; Prince, 2010) Also, the concept of tools being used for the

purpose of network management is part of the second generation body of work (e.g. Bressers and O'Toole, 1998; Eliadis, Hill and Howlett, 2005; Salamon, 2002).

In summary, the second generation of instruments research focuses largely on determining how context such as the wider social, economic and political environments, influence tool selection and it also recognizes that multiple instruments are relied upon by policymakers. Furthermore, in the second generation, tools are understood to be mechanisms that can steer networks of multiple actors engaged in the policy sector and process.

Instrument scholars offer many explanations regarding the reasons behind instrument choice (e.g. based on cost-benefits, specific tools for specific policy types, the coercive nature of tools, detect/effect change). Doern and Phidd (1983, 1992) are among the early scholars who focused on understanding instrument choice. They claimed that instruments could be placed along a continuum, with each representing varying degrees of coercion. According to the authors, five types of governing instruments are visible in a liberal democratic polity and include: 1) exhortation; 2) expenditure; 3) taxation; 4) regulation and, 5) public enterprise (Doern and Phidd, 1983). The decisions to apply instruments are made by gauging the level of coercion needed to govern (Doern and Phidd, 1992, 111). Coercion in this sense refers to legitimate coercion, as applied by the state.

Tools are placed along a continuum from least coercive to most coercive. Exhortation aims at compliance by encouraging actors to engage in voluntary actions (the least coercive action being self-regulation), whereas regulation involves “setting rules of behaviour backed up directly by sanctions (penalties) of the state” (the most coercive being public ownership) (Doern and Phidd, 1992, 97). The middle ground consists of “public expenditure”, which involves extracting funds from “taxpayers” and subsequently distributing the funds among the population

(Doern and Phidd, 1992). This model emphasizes the idea of legitimacy by putting forth the idea that in liberal democratic states, governments prefer to select tools that are less coercive in nature since the least amount of government intervention is regarded as optimal by members of the polity. The model's shortcoming relates to its definition of coercion. The government's perception of what coercion is and the populace's definition of coercion may not always be in sync. Not all groups will perceive "coercive" tools in the same manner. For example, one form of government intervention may be perceived as highly coercive by a group that is adversely affected by it, whereas another may benefit and view the intervention positively. This state of fact highlights that tools are not neutral and are implemented in ways that are intended to, for example, impact the population in various ways.

At that point in the evolution of the research on the topic, Woodside (1986) also emphasized the idea of instrument choice and argued that the tool selection process considers the "political power of the clientele" of a given policy. The instrument itself can be calibrated accordingly as well. Instruments, therefore, retain different possibilities regarding their coercive power and effects. Some argue that considering coerciveness to the exclusion of other variables when making an instrument choice is short-sighted (e.g. Trebilcock and Hartle, 1982).

Trebilcock and Hartle (1982), for example, state that instrument selection takes into consideration: 1) the domestic and international legal constraints and, 2) the electorate and the need to benefit "marginal" voters (i.e. those voters who are not necessarily in full support of the dominant political party) while deflecting costs onto "infra-marginal" voters (those who are committed to the dominant party); and, the need to emphasize to marginal voters the benefits of policy outcomes without imposing exuberant costs on other voters.

There was an emergence of literature that made a concerted effort to look at more than the one or two variables traditionally used to describe the general intention behind instrument selection. Linder and Peters (1989, 1998) provide a well-known framework incorporating several criteria used to evaluate and select instruments. The authors provide a sample set of instruments that can be chosen, such as loans, cash grants and fines, as well as prohibition, public promotion, and certification. A set of eight attributes is considered by policymakers when selecting instruments. For example, the complexity of the operation, levels of public visibility, adaptability of the policy across users, the level of policy intrusiveness, relative costliness and precision of policy targeting are instrument selection criteria (Linder and Peters, 1989, 56). Considerations of how heavy a reliance on the market is required are gauged too, along with the chances of failure. Peters (2000) re-evaluated this approach and determined there are seven dimensions considered during selection: 1) direct influence vs. indirect influence; 2) visible vs. invisible 3) capital intensity vs. labor intensity; 4) automatic vs. administered 5) universal vs. contingent; 6) information vs. coercion; 7) forcing vs. enabling (39). The attributes were later “reduced” to four basic ones: resource-intensiveness, targeting, political risk and constraints on state activity (Linder and Peters, 1989, 47).

Linder and Peters’ (1989) consideration of the multiple variables possibly affecting instrument choice is thorough and speaks to the reality of tool selection being influenced by macro-level systemic, meso-level organizational and micro-level individual factors. Systemic variables include political culture and national policy style. Organizational variables include patterns of recruitment, policy communities, and clientele. Some meso-level variables related to the specific policy issue are considered too, such as existing constraints and resource limitations. Finally, micro-level approaches consider individual variables such as professional roles and

cognitive factors (Linder and Peters, 1989, 50). Linders and Peters (1989, 1998) are among others who expand on the so-called multidimensionality of tools.

Salamon (1981) sought to discover how tools affect the effectiveness and efficiency of programs implemented by the government, as well as what influences tool selection. His approach emphasizes the idea that tools are used to “carry out government action”, therefore, they are seen as “the distinguishable means by which government operates” (Salamon, 2002, 3; Salamon and Lund, 2002, 34). Tools include direct government, grants, loan guarantees, tax expenditures, social regulation, and corporations (Salamon, 2002). Further investigation by Salamon sought to understand the nature of particular tools; why is a tool utilized; how does it work and who is responsible for its implementation; how are the tool and/or policy affected by the act of “operating” it? (Salamon, 2002).

Tools contain several dimensions: the type of activity government is involved in (outright money payments; provisions of goods and services; legal protections; restrictions/penalties), the delivery mechanism used (direct provision or indirect provision, including for-profit or private non-profit businesses), the “degree of centralization of control” the tool entails (contingent in part on the delivery mechanism) and the degree of “automaticity” (How much administrative involvement does the tool require? Does it operate on its own or require continuous administrative intervention?) (Salamon and Lund, 2002, 34-39).

The impact of tools is studied regarding their propensity to attract political support, program effectiveness, administrative feasibility, efficiency, and equity (Salamon and Lund, 2002, 41). This viewpoint considers institutions, understood as “represent(ing) a range of available instruments for providing public services or government policy” (Hood, 2007, 133). The challenge for the consideration of so many attributes and selection criteria is that

operationalizing these hypotheses proves to be challenging. Salamon and Lund (2002) admit to the shortcomings of their framework (42). Multidimensionality makes comparison especially challenging, and it is difficult to capture an exhaustive/accurate list of attributes considered during tool selection (Salamon, 2002, 21).

Among the most recent approaches to instruments, the “instruments as institutions” approach is found. It is associated primarily with the works of Lascoumes and Le Galès (2004, 2007), who view authors like Linders and Peters (1998), as well as Salamon (2002) as offering preliminary understandings of instruments, including how they are utilized by those governing to affect the governed (Le Galès, 2011, 150).

3.2.3 Instruments as Institutions

This approach criticizes the “functionalist” nature of the majority of instruments based approaches (Lascoumes and Le Galès, 2004, 2007; Simard and Lascoume, 2011). Functionalist approaches are pre-occupied with determining “what instruments” will solve policy issues and they also presume that the government reaches from an unchanging toolkit to pick its instruments (Kassim and Le Galès, 2010). The functionalist approach presumes that tools are selected based on how effective they will be in helping with policy implementation. The more recent works with functionalist leanings debate the value of, and seek out, “new” policy instruments to replace the older ones that are less efficient because they are unsuited to new forms of governance. There is also a tendency to present tools as selected solely for network management (Kassim and Le Galès, 2010, 4). Based on the above, some of the second-generation instruments scholarship opens itself up to criticism, including the work that makes the claim that policymakers always select specific instruments to produce particular network arrangements.

In contrast to the functionalist approaches, the “instruments as institutions” view presents instruments as forms of power that produce specific effects by “orienting relations” between the government and the governed (Le Galès, 2011, 143). “Public policy instrumentation” is the focal point. It involves determining why one (or more) instruments are selected over others and what consequences these create (Lascoumes and Le Galès, 2007, 8). The authors differentiate between instruments, techniques, and tools. Instruments are considered social institutions and techniques are the mechanisms that “operationalize the instrument” while a tool is found within a technique and provides it with context (Lascoumes and Le Galès, 2007, 8). For example, a law is a technique, but a clause in that law would be a tool.

This approach expressly rejects the idea that the tools of government are neutral but are understood as having their own impacts, including the ability to affect the “mode of governance” that is dominant (Le Galès, 2011, 151). Furthermore, as Kassim and Le Galès (2010) emphasize, instruments have the capacity to “empower” specific groups to the detriment of others. Instruments generate a particular type of relationship between those governing and those governed, largely by supporting or “renewing” legitimacy in specific ways. For example, legislative and regulatory instruments create a relationship in which the state acts as a guardian, and this is considered legitimate because elected officials are thought to uphold the interests of the general public. Economic and fiscal instruments create a relationship characterized by a “redistributive state”, and this is viewed as legitimate because it promotes “socio-economic efficiency” (Le Galès, 2011, 152). As a result, power is solidified or shaped by those governing, often under the auspices of the instruments benefiting the governed. The perspective offered by Lascoumes and Le Galès (2004, 2007) view tools as imbued with power, which is evidently different from approaches that present tools as neutral. This is a compelling approach to

instruments. The argument that tools “uphold” or promote legitimacy, as is it is commonly understood or accepted by those governed, is especially interesting. It gives primacy to the notion of relationships fostering legitimacy, instead of linking tools with legitimacy directly. As will be seen below, this understanding of tools, along with the other two overviewed, make viable arguments about the instruments and their relationship to public policy.

3.2.4 Discussion

The chapter offered a description of many of the major approaches to instruments and highlighted a number of their merits and flaws. In overviewing the existing approaches, it becomes possible to identify the many merits and flaws of the various conceptualizations of policy instruments. As Hood (2007) points out, there is value in all of the major approaches to instruments because they fundamentally ask different questions and unearth varying, but equally useful information. The strengths and weaknesses of the various approaches will be looked at more closely.

Concerning the first point of interest of the dissertation, dealing with instrument identification, many taxonomies were encountered when familiarizing ourselves with the existing instruments literature. The earliest models presented groupings of tools that were quite limited regarding how they were defined. Many of these have their roots in economics, but later approaches have grouped tools according to, for example, their coercive nature and the behaviours/responses policymakers wished to elicit. For example, Elmore and McDonnell’s (1987) classifications broadly speak to intervention strategies, which themselves are aimed at influencing actors’ actions and are also aimed at institutions and their authority structures. Vedung (1998) incorporates coercion into his classification.

For the purpose of this study, a taxonomy that avoids classifying tools in a manner related solely to presumed actor behavioural response and/or conceptualizations of coercion is preferred. The former overlooks the context within which instruments are implemented, which may impact how tools are received and the effects they have. The latter, as previously mentioned, addresses earlier conceptualizations of coercion that presume that certain tool types will always evoke particular responses/behaviours and overlooks the idea that tools are not neutral. For tool identification, there is an appeal to Hood's work and specifically to his taxonomy of generic resources. Simply put, Hood (1983) allows us to synthesize existing resource-based models (Howlett, 1991). It allows for a straightforward tool identification and also permits researchers to observe tools in a way that does not require them to become preoccupied with fitting them into a classificatory system that is arguably unclearly delineated or limited/ing, such as the ones previously seen. For example, conceptualizing a tool that might provide both capacity and incentives to actors is challenging under the Ingram and Schneider approach.

Hood's taxonomy captures the general resources available to policymakers at any given time while recognizing that not all resources are accessible to the government in a given circumstance (Shroff et al., 2012). It is argued that it overlooks some of the features relative to governing, which as will be argued in the following section, is remedied by Howlett.

Concerning the second area under study in the dissertation, which is instrument selection, the existing research demonstrates a definite progression concerning discussions on how tools are selected. The instruments research focused on implementation, especially in its earliest inception, tends to present tools in a "neutral" manner and the selection process is viewed as a rational one. This is evident, for example, in Lowi's (1972) work. Tools match the policy type in question and are meant to implement it effectively and efficiently. As Clivaz (2009) shows, the

later research (referred to as the “policy design” work), tends to present the policy tool as a dependent variable, whereby the selection process is the point of focus, and the choice of instrument depends on various influencing factors. The specific criteria utilized by policymakers to choose instruments spans a wide range, as seen when overviewing authors like Salamon. Much of this work speaks to the idea of context, as mentioned in the introduction to this chapter. As Howlett (2005) points out, the “cultural norms” and “political arrangements” in a given society can influence instrument preferences.

Common to the discussion of what motivates policymakers to choose instruments is the idea of legitimacy and more specifically, the desire by policymakers to maintain legitimacy within the polity. Based on the material overviewed, there is implicit support in this research project for the idea that legitimacy is a prime motivator driving instrument selection. There is a general understanding that legitimacy is viewed as coming from both policymakers and the public, and each directs it towards the other. The government is in part concerned with legitimizing policy itself and does so by appealing to a wider “coalition sufficient to justify the adoption of the policy” (Peters, 2005, 355).

The challenges that are presented by the discussions on legitimacy in the literature, specifically as it relates to instrument selection, are similar to those found in the discussions on coercion in models like Doern and Phidd’s. The conceptualization of legitimacy is static. For example, Doern and Phidd’s approach gives the impression that legitimacy relates to levels of state intervention and does not capture the nuances that shape actors’ perceptions of legitimacy.

Regarding instrument selection, Salamon (2001) for example, puts some emphasis on legitimacy as one tool selection criterion and argues that without legitimacy, a program “cannot make headway” (1649). The author presents legitimacy, or lack thereof, as primarily related to

the new governance paradigm, in which the government delegates program implementation to institutions outside of the government. Accordingly, citizens are said to increasingly question “where their tax dollars go and what they receive in return” (Salamon, 2001, 1673-1674). In this case, legitimacy is arguably conceptualized as the government accountability to its citizens, specifically as it relates to citizen’s views on what constitutes “proper” government spending. Again, this appears to be a narrow view of legitimacy.

As a counterpoint, authors like Issalys (2005) delve into how instrument selection itself is legitimated from the vantage point of those involved in the process (Issalys, 2005). Actors bring their perspectives and use selection criteria based on principles and values, which affects the type of “public action” chosen by the government (Issalys, 2005, 173). Lascoumes and Le Galès (2007) link different legitimacy “types” with different instrument types, showing that, for example, “incentive” tools promote perceived legitimacy by seeking the direct involvement of the targeted actors in a given policy realm.

It is maintained that policymakers select instruments that they believe will uphold the legitimacy of their policy decisions and try to create cooperative or sometimes collaborative relationships that are conducive to reaching their goal of policy implementation. This requires manipulating legitimacy within the policy sector and among actors indirectly and directly involved in a given sectorally-based policy network. Furthermore, those who confer legitimacy on the policies and instruments of the government can have, in doing so, an effect on the policy process. This is an area investigated further in the dissertation since it factors into the interactive component of policy-making.

This leads to the third area of investigation, which is how tools affect their recipients. Immense value is found in the proposition put forth by Bemelmens-Videc (1998) and Vedung

(1998) that the government maintains coordination of the policy process but the stakeholders “co-own instruments” and at some point they will be in contact with them (i.e. they indirectly guide their selection, are consulted during policy design or even implement a policy and “handle” a policy instrument).

The consideration of actors in the early research on tools is nominal at best. Authors like Doern and Phidd, as well as Trebilcock and Hartle, do pay attention to actors and put some emphasis on the idea that appealing to citizens outside the policy-making realm is a consideration of the decision-makers and influences the selection of tool types. For example, Trebilcock and Hartle emphasize the need to gain the favour of marginal voters. It is not until the works of Ingram and Schneider that the actors external to the policy-making process are considered in more depth. They also elaborate on the role of policymakers and the power they hold as they target and shape the ways the population is viewed, as well as how it receives the benefits of an implemented policy. Most recently, works like those produced by Lascoumes and Le Galès, offer room to investigate how instruments dictate power dynamics by, in part, creating perceived legitimacy among actors. The authors propose that an instrument “constitutes a condensed and finalized form of knowledge about social control and ways of exercising it” (Lascoumes and Le Galès, 2007, 11). For the purposes of the dissertation, there is acknowledgment and agreement with the idea that the government can exert control and shape its relationships with actors with tools. Included among these tools are ones that are more inclusive of actors excluded from the policy process, which is reflective of newer “forms” of governing. There is also an agreement with the idea that legitimacy is cultivated in specific ways based on the tools used. What is missing, much to the detriment of “fully” understanding instruments, is an exploration of how the imposition of tools is received by those indirectly involved in the

policy process. Furthermore, in instances where actors push back against policy and/or instruments, it would be of value to ask ourselves why and how they do this. This is not to say that the actors are without constraints if they take action, but it is worth exploring to gain a nuanced understanding of how tools, in fact, function and how they affect the policy process.

The intention of the dissertation is to capture elements of all three approaches to instruments within a newly created conceptual framework. This is achieved by the development of a conceptual framework that incorporates elements of Howlett's research on procedural policy instruments and contextual interaction theory. The following sections overview the two above-mentioned approaches.

3.3 Procedural Policy Instruments and Contextual Interaction Theory

When developing the analytical approach, the aim was to adopt a straightforward, uncomplicated method of classifying instruments that allowed for better comparative possibilities across space and time. An understanding of what influenced tool selection was sought, and it is believed that it was likely that those responsible for selecting instruments were motivated by a number of potential factors and also based their tool selection decisions on what resources were available to them. Furthermore, it was important to incorporate an exploration of the role that actors' legitimacy played in the instrument selection process. As is seen throughout the tools research, this factors into instrument choice. Based on this, it was found that Howlett's approach to understanding tools, along with Contextual Interaction Theory, are two viable ways to explore instruments in the cases under study.

Procedural Policy Tools

The key to understanding Howlett's approach is the conceptualization of instruments as being substantive or procedural. Howlett (2000; 2005; 2009; 2011) distinguishes between substantive and procedural tools and highlights the utility and purpose of both in policy design. Substantive instruments are implemented to change the "production, distribution and delivery of goods and services in society" and can affect what the author calls "mundane goods and services," such as the availability of a school recreation program (Howlett, 2009, 25). Further to this, substantive tools alter individual behaviours and activities. For example, this can be achieved by providing avenues to encourage volunteering or changing perceived negative behaviours like smoking among the general population (Howlett, 2009).

Procedural tools contrast substantive tools regarding the way the instruments affect policy. "Production, consumption and distribution processes" and related behaviours are affected indirectly, if at all (Howlett, 2009, 26). Instead, tools are utilized to affect the behaviours of policy actors who partake indirectly and directly in the policy process. The procedural approach recognizes actors as assembled within a policy network, which itself can be structurally complex and involve complex relationships among actors. Policy tools are applied to, in part, invite and restrict actors to partake in policy-making and steer the direction of the policy process(es).

Distinguishing between the two broad approaches proves to be beneficial to our understanding of tools and the policy process. In the case of substantive instruments, we are provided with an avenue to understanding how, for example, governments can apply tools to exert varying degrees of control over not only the provision of public and private goods and services but also over those who provide and/or consume the goods and services. As will be shown in more detail in the following section, procedural approaches bring to light the

sometimes subtle ways in which tools are utilized to navigate and shape policy processes to meet the government's ends and its policy objectives.

Procedural tools are mostly associated with the work of the second generation policy instrument literature. To see policy activity as limited to formal organizations and formal organizational structures provides only a limited view of the relationships that are navigated as part of policy design (Knoke and Kaufman, 1990; Knoke, 1994). Overall, tools have an impact on the behaviours of actors involved in the policy process (Howlett, 2011; Klijn et al., 1995). Examples of how procedural tools affect policy process activity include; changing the policy positions of actors, influencing network formation, promoting network self-regulation and changing how and if actors can access the government. (Howlett, 2011, 26).

Howlett (2005; 2011) credits a number of earlier works for creating the opportunity to differentiate substantive from procedural tools, even if such research was not explicitly framed in those terms (e.g. Bressers and Klok, 1988; Gunningham et al., 1998; Schneider and Ingram, 1990, 1997). These bodies of work recognize that traditional, usually economics-based instruments, are used alongside different mechanisms aimed at altering behaviours and assisting in policy design. Some examples include the early work of Bressers and Klok (1988) focuses on substantive instruments but also acknowledges the importance of information formulation and dissemination as affecting the actors' positions in a given policy sector and their participation in them.

Weiss and Tschirhart (1994) looked at public information campaigns (PIC) as policy instruments. The authors wrote that PICs are "one way that government officials deliberately attempt to shape public attitudes, values or behaviours in the hope of reaching some desirable social outcome" (82). Tools' effectiveness in meeting policy aims lie in the officials' abilities to

produce campaigns that accomplish four tasks including the creation of a favourable social context that lends support to policy aims (Weiss and Tschirhart, 1994, 85). The authors also found implications for democratic governance. Namely, they found that while PICs often appear to have a positive impact on civil society (e.g. by educating the public about health concerns), sometimes PICs are applied as a form of manipulation and control to meet government policy aims (Weiss and Tschirhart, 1994, 103).

The studies of procedural-type tools often look at specific instruments. For example, funding as a restriction or invitation to participate in hearings such as tribunals or commissions is investigated (Cairns, 1991; Jenson, 1994). Bulmer (1993) studied a range of seven instruments, including treaties and political agreements within the context of the European Union and determined that instruments like “supranational treaties” affect governance and give more authority to commissions in their development and proposal of legislation (365). Peters (1992) recognized that government re-organization is a way of re-arranging relationships and power dynamics within administrative organizations. These studies are useful because they provide evidence of tools being used to manipulate government-societal and intra-governmental relations. This work is built upon by Howlett to develop a model that serves to identify instruments used in different policy sectors and to determine why they are selected and to what effect.

Howlett’s Model of Procedural Policy Instruments

Howlett proposes (2000, 2005) that a complete model of instrument choice is required when looking at the rationale for instrument use. When investigating such rationale, procedural and substantive instruments can be further differentiated from one another. In the case of

procedural tool use, the central premise is that the inclination to change the policy process is linked with the “amount” of legitimacy conferred on the policy processes, as determined by policy actors (Howlett, 2005, 44). More precisely, the choice of instrument is primarily dependent on the presence of both systemic and sectoral legitimacy. The latter refers to the amount of legitimacy present in a given policy sector, whereas the former refers to legitimacy located in the larger political system (Howlett, 2005, 44).

Howlett’s model is based on the idea that legitimacy is so vital to the policy process because the process has become one that increasingly includes multiple actors, many of whom are indirectly involved in the policy process but who nonetheless influence it. The research points to the impact stakeholders and the public have on policy and policymakers through their bestowment or absence of legitimacy. It also emphasizes that the tools used should be in-line with the stakeholders’ and the public’s ideas about how the policy process should take place.

Communities of Actors

Howlett offers a particular conceptualization of the organization of actors in policy networks, as well as their role in the process. Howlett’s conceptualization of a network finds its roots in the subsystem research and shares commonalities with the “networks as mode of governance” research. The concept of a subsystem typically presents policy-making as occurring within a realm occupied by government and non-government actors, whose roles are clearly delineated (Freeman and Stevens, 1987). Subsystems research views networks as “a way of describing complex relationships in particular policy areas that will assist in understanding outcomes” (Atkinson and Coleman, 1992, 158). As will be seen below, Howlett has his own conceptualization about who partakes in the policy process network.

The “networks as mode of governance” approach puts forth the idea that networks are another system of governance, much as the markets and traditional forms of hierarchical/command-control governing are considered to be (Borzel, 1998, 260). As such, networks are understood to be a present-day phenomenon, reflecting the way relationships are in the polity, as opposed to networks offering an “analytical perspective” (Borzel, quoting Mayntz, 1993, 5). The “inter-organizational nature of the politico-administrative world” has led to changes in how government steers the increasingly complex policy-making process (Hanf and O’Toole, 1992, 160). Networks are interconnected relationships in which all players use resources to reach ultimately mutual policy goals (Kenis and Schneider, 1991). Scharpf (1999) explains how, within this networked context, the steering process relies heavily on cooperation. Power in the newer conceptualization of the networked context is arguably best thought of as having the “power to” maneuver the network, as opposed to (the government and public managers) having “power over” groups and stakeholders (Agranoff and McGuire, 2001, 318). Howlett’s (2011) breakdown of actors accounts for the latter by distinguishing between core and peripheral actors, each with influence but core actors having the power to manage the network proper.

Howlett presents “four distinct communities” composed of “policy advisors”, who partake in policy design (see Table 2). This is an extrapolation of earlier work, which in turn, branches off work by Pross (1992). It presents two main groups of actors as co-existing in a subsystem (Howlett, 2002; Howlett and Ramesh, 1993, 2003). There are discourse communities, whose members, “have some knowledge of the policy issue in question and collectively construct a policy discourse...” and issue networks “who partake in exchanges with each other” in relation to policy issues (Howlett, 2002, 248). Howlett (2011) expands on this in later work on

policy design (2011) and provides a detailed classification of sectorally specific actors who would be the equivalent of the actors present in issue networks.

In this instance, the communities include “core actors, public sector insiders, private sector insiders, and outsiders” who can be considered either “proximate or peripheral” regarding their position to the policy-making process (Howlett, 2011, 33). Proximate actors are typically policy-oriented decision-makers or those who are considerably involved in policy design. These actors are involved in developing “operationalizable policy objectives” and can influence what policy instruments are selected to do so. Peripheral actors are located on the outskirts of policy design and contribute their ideas and knowledge at what is called a “higher level of abstraction” and inform what are known as “general abstract policy aims and general policy implementation preferences”.

Table 2. Four Communities of Policy Advisors

Actor Type:	Proximate	Peripheral
Government	Core actors, including: Executive government staff Central agencies and task forces Professional governmental policy analysts.	Public insiders, including: Commissions, committees Research councils, scientists and international organizations.
Non-government	Private sector insiders: Consultants Political party staff Pollsters	Outsiders: Public interest groups Academics Think Tanks Media International NGOs

Adapted from M. Howlett. (2011). *Designing Public Policies: Principles and Instruments*. Abingdon, Oxon: Routledge. 34.

The specific policy goals and targets, as well as the instrument selection/calibrations ultimately, rest with core actors. The members of the public are considered too and are viewed as contributing to the policy process at the “high level of abstraction” (Howlett, 2011, 34). Howlett (2011) purports that the formulation and implementation of policy are the central focus of design

and instruments, although tools are visible at other stages of the policy process too. Having established who and what the actors are, Howlett’s model of instrument choice can be examined in more depth.

Taxonomies of Instruments

As stated above, Howlett builds off of the rationale(s) for substantive and procedural policy instruments to develop his models of instrument choice. He begins by developing two distinct resource-based taxonomies that borrow heavily from Hood’s classification of policy instruments. Each relies on the specific governing resources written about earlier (i.e. nodality, authority, treasury and organization). Table 3 highlights his substantive taxonomy. Howlett also adopts Hood’s taxonomy and presents instruments in terms of their capacity to encourage or discourage actor behaviour/participation (called positive and negative purpose) with the overall intention being to build support for and implement policy (see Table 3.1)

Table 3. Taxonomy of Substantive Policy Instruments

Governing Resource				
	Nodality	Authority	Treasury	Organization
Alter social-actor behaviour	Advice; training	Regulation; user charges; licenses	Grants; loans; tax expenditures	Bureaucratic administration; Public enterprises
Monitor social-actor behaviour	Reporting registration	Census taking; consultants	Polling; Police reporting	Record keeping; surveys

Adapted from Howlett, M. (2005), “What is a Policy Instrument?”, *Designing Government: From Instruments to Governance*, 36.

Table 3.1. Taxonomy of Procedural Policy Instruments

Governing Resource				
	Nodality	Authority	Treasury	Organization
Positive Purpose	Focus groups; education; information provision	Advisory group creation ; treaties and political agreements	Interest group creation; research funding	Conferences; institutional reform
Negative Purpose	Propaganda; information suppression; denial of access	Banning groups and associations	Eliminating funding	Administrative delay and obfuscation

Adapted from Howlett, M. (2000; 2005; 2011), “Managing the “Hollow State”: Procedural Policy Instruments and Modern Governance”, Canadian Public Administration, 43(4), 420.

The author argues that both procedural and substantive instruments fall along a spectrum indicating the level of government involvement in the policy process. In the case of substantive tools, government involvement in the policy process refers to the degree to which it is involved in the provision of goods and services. The tools it uses to provide said goods and services would “match up” with the nature of the good or service it is providing. A voluntary service would have lower government involvement. It would rely on, for example, information provision to report on the service and leave it up to the citizens to use it or not. A compulsory service would require a high level of government involvement and might require organizational tools to instill direct provision.

In the case of procedural tools, low de-legitimacy means that state involvement in “manipulating” the policy is low and might require managing networks. High levels of de-legitimacy would require mandatory government involvement and could rely on tools such as institutional reforms to re-legitimize policy and processes.

Based on this (see Table 4), Howlett proposes that low levels of sectoral and systemic de-legitimacy would lead to the selection of information based tools to legitimate the policy

processes already in place (Howlett, 2000, 423). The author claims that the restructuring of policy networks would be required in cases of high sectoral and systemic de-legitimacy, resulting in the use of institutional manipulation (Howlett, 2000, 422-423). A high level of sectoral de-legitimacy and a low level of systemic legitimacy might require the use of funding resources to, for example, boost the capacity of groups that might help to re-legitimate policy at the sectoral level. The opposite levels of de-legitimacy may rely on the use of advisory inquiries to “distance sectoral processes from...systemic legitimation concerns.” (Howlett, 2000, 423).

Table 4. Model of Procedural Instrument Selection

		Level of systemic de-legitimization	
		HIGH	LOW
Level of sectoral de-legitimization	HIGH	Institutional manipulation	Funding manipulation
	LOW	Recognition manipulation	Information manipulation

Adapted from Howlett, M. (2000), “Managing the “Hollow State”: Procedural Policy Instruments and Modern Governance”, *Canadian Public Administration*, 43(4), 412-431

In a more recent approach, Howlett maintains his use of Hood’s basic taxonomy of instruments but also adopts elements of Linder and Peters (1989, 1998) and Peters (2000) frameworks to develop a model of tool selection that claims to be more nuanced and helps us to understand program specific tool selection. He claims tool selection is based on evaluations that consider visibility, the level of intrusiveness, cost and automacity (level of administrative control) as choice criteria. Considering these four criteria will lead to the choice of specific tools from the broader groups of governing resources. Accordingly, the tools will be “calibrated” in

such a way that they would meet the policy target in question. The idea that governing resources embody various degrees of resource intensiveness is a viable one but what is missing from it is an understanding of how target populations are affected by tools and to what effect. This, along with the above, covers the model of instrument choice presented by Howlett. The manner in which it has been applied in the research will now be expounded.

Current Applications

It was previously established that the knowledge about provincial level educational policy-making processes in the Canadian context is limited and that the existing work on FSL policy is focused on how FSL policy is implemented with regards to its effects on specific populations, such as Allophones and students with learning disabilities. It was also established that educational and language education policy-making are high stakes policy areas and that stakeholders do in fact play a role regarding their influence on them. Given this, it is argued that a tools-based approach would benefit the research on FSL policy-making. This is because of its ability to cultivate information regarding how the policy process is affected when the government is trying to develop and implement policy in an environment where stakeholders are present and active and whereby their legitimization has concrete effects on policy development and outcomes. Since it has been established that legitimacy is needed, it is fair to conclude that the government must foster it and does so by making use of the set of resources at its disposal. Specifically, the Howlett approach allows for this investigation.

Evidence of its use is found in research applications looking at certain policy sectors and works investigating the prevalence or use of certain instrument types. Howlett (2009) looks at government communication as a policy tool. He develops a typology of four modes of

government communications that are used either at the “front end” of the policy process, or the “back end”. He finds that during agenda-setting and formulation, governments rely on substantive tools like notification instruments as well as procedural ones such as general information disclosure or prevention (Howlett, 2009, 27). The implementation and evaluation depend on substantive tools like information campaigns and procedural tools like data collection and release (Hood, 2009, 27).

Craft (2011) also looks at both procedural and substantive communication tools used by electoral agencies in Canada, research that is connected to his earlier work with Howlett and Zibrik (2010). Craft (2011) found that all electoral agencies use substantive tools to engage in mass communication with the electorate to engage voter participation. This entails relying on, for example, mail outs, television, and radio. Procedural tools are used by electoral agencies to form collaborative relationships with, for example, agencies that work with specific populations the agencies may wish to target and inform about voting opportunities (Craft, 2011, 6). He finds that these instruments are used to implement strategies that will encourage voting. His work includes, for example, an analysis of policy tools that are amenable to network management in the environmental policy sector and provides a breakdown of the tools that have been or can be successful depending on whether a network is closed or open (Howlett, 1999). While this examines electoral issues, other work focuses on environmental policy.

Howlett and Rayner (2004) study shellfish aquaculture policy and focus on the role of advisory committees, an authoritative tool, and it is determined this is the most commonly used procedural instrument in the policy sector because of high levels of systemic de-legitimization. The environmental policy sector and procedural instruments come to the fore in other works as well (Howlett, 2001a; 2001b). Howlett (2001a) looks at the role of the courts in upholding

Aboriginal land rights in British Columbia, and he describes the tools that the courts prescribed to ensure Aboriginal inclusion and finds, for example, that although consultation was recommended, there were no guidelines given to ensure proper consultation occurred. The author also examines the tools used to manage changes in the environmental sector, which he proposes must be implemented to change both the actors and the ideas that infiltrate the environmental sector. He finds that certain tools will encourage or discourage behavior. For example, to discourage change and prevent occurrences like the actors' policy learning, the government might implement censorship (Howlett, 2001b, 318).

Among the most recent applications are the use of the model to identify what tools are used to better the "food environment in schools" (Shroff et al., 2012). More specifically, the authors examine what policy instruments were used by legislators in the US from 2001-2005 to influence the food types sold in schools as part of obesity prevention initiatives. A series of bills were overviewed for evidence of tools usage, and the researchers found a range of procedural tools, along with substantive tools (except substantive organization tools). Examples of procedural tools include using federal funding to develop a symposium in California that would invite members of various communities to partake in an "urban community health forum". They also found evidence in a bill from Arizona of an organizational tool. A review was to be established, allowing parents and students to review food and beverage contracts to gauge their suitability for schools and students (Shroff et al., 2012, 225-226).

Discussion: Applicability to the Research Project

Like several other analytical frameworks and models of policy instruments, Howlett's consideration of procedural and substantive instruments will benefit from being applied to additional cases and different policy sectors. This, in itself, is one of the main contributions of the present dissertation. Moreover, Howlett's model allows one to capture accurately and organize who participates in the policy process. It is possible that his conceptualization of policy networks opens itself up to criticism, a point Howlett (2002) himself notes, as subsystem approaches have been criticized for their descriptive components and lack of consistency across applications (cf. Borzel, 1998; Dowding, 1995). Conceptually, the present study takes a view that is in agreement with the networks as mode of governance approaches, which acknowledge that networks are managed by, for example, those with political power but are also subject to the influence of non-traditional policy actors. Howlett recognizes this by purporting that core proximate actors will retain instrument selection power. Furthermore, in classifying actors according to the previously mentioned parameters, it is possible to uncover how the presence of certain actor types indirectly involved in the policy process factor into our understanding of instrument selection. This allows for a more detailed account of how the "location" of delegitimacy can affect instrument choice.

The nodality, authority, treasury and organization (NATO) categorization is used here as a device to identify tools and build empirical knowledge about the cases under study. By categorizing tools according to what governing resources they utilize (i.e. nodality, authority, treasury and organization), it is possible to gain a clearer picture of how governments' use of those resources, as "embodied" in tools, impacts policy processes.

The NATO schema avoids the over-complexity of a model like Salamon's (2002), who attributes multiple dimensions to tools that are supposedly considered when their selection occurs. While Hood (1983) captures the possibility that governing resources, along with their tools, can be used to both effect or detect change, Howlett's interpretation of the NATO schema accounts for both procedural tools and substantive ones. This is not an unimportant distinction. It is argued that it is a valuable distinction because it represents policy-making as it occurs in reality. Not all situations require tools that navigate actor relationships, nor do all selected tools target the delivery, etc., of goods and services. Furthermore, it is possible that a mix of instruments is used in a given policy sector. This approach gives insight into instrument selection and provides a first step in answering the question of "why" tools are selected.

Additionally, it is appropriate to use the approach to understand further how actors external to the policy-making process respond to tools. It also provides a way to compartmentalize the resources available to them, although it is proposed that these resources are either ones that they generate themselves, or that they use resources provided to them to their advantage. Information-based tools, for example, might be used to reach the wider public to alert them to a perceived policy/policy process-related problem. An authority tool could involve drawing on an existing resource, such as the courts, to try to halt a policy. A treasury tool could encompass fundraising to combat a particular policy. In looking at this aspect, an understanding of how actors' interactions factor into the policy process is furthered.

The "why instruments are selected" question is taken further by Howlett in two manners. Firstly, the idea of legitimacy is at the forefront. As established in the introduction to the dissertation, legitimacy is conceptualized as a form of trust in the "processes and procedures" relied upon by policymakers during policy-making (Howlett, 44, 2005). Howlett (2005) adds that

when “de-legitimacy” occurs, actors’ focal points are not only the “substantive content of government actions” (i.e. policy/proposals/decisions) but shift to include “a critique of the processes by which these actions are determined” (44). Secondly, an understanding of how the actions and reactions of actors’ external to the policy process factor into instrument choice, was sought. We believe they confer legitimacy on both policy and processes. The latter includes. Additionally, it is possible to determine if government policymakers try to use tools viewed as legitimate to support unfavourable policy decisions and increase the legitimacy of those decisions. Understanding the above required delving deeper into the motives driving instrument selection, as well as looking at the information actors believed to be true regarding policy, tools, and their place in the policy process.

Howlett’s model has a predictive component integrated into it, as seen earlier in Table 4. Depending on the levels of legitimacy at the systemic and sectoral levels, government intervention will be “low” and accordingly require minimal manipulation of the policy process, or “high” and necessitate more manipulation of the policy process. The present study’s goal is not to predict instrument selection, but this does not diminish the value of Howlett’s conceptualization of tools. It serves as a guide to help with the study of instruments. More precisely, it provides a basis from which we can understand what tools are chosen and why. For example, it demonstrates that instruments are chosen for either a substantive or procedural purpose, and it highlights that in the case of the latter, the government has a set of resources at its disposal from which to draw on and manipulate the actors involved in a network and the wider policy system. It also lays the groundwork for understanding how legitimacy affects instruments choice. Levels of legitimacy beget certain instrument choices. What is missing is a framework

for understanding how relationships among actors are steered by instrument choice, including how legitimacy factors into this.

The use of a model like Howlett's in conjunction with an approach that incorporates cognitive approaches like Bressers and O'Toole's theory will allow for an investigation of this relationship and its impact on policy processes.

Contextual Interaction Theory

Bressers (2004, 2007) and Bressers and O'Toole (2005) present Contextual Interaction Theory (CIT) and argue that it falls in-between strictly quantitative and qualitative approaches, although they claim it can be applied for use in studies that rely solely on interpretive, qualitative methods. Typically, it is applied to the field of environmental policy (e.g. Alexander, 2012; Bressers, 2004; de Boer and Bressers, 2011; Minang et al., 2007). Alexander's (2012) research is focused on the redevelopment of contaminated properties and uses a network management approach to understand why, despite common policy tools, some projects fail while others succeed. As part of the focus of the study, the author looks at how actors' cognitions can be changed when new tools are introduced.

Bressers (2004) looks at sustainable development policies and programs in the Netherlands, the emergence of which is connected to the outcomes of the United Nations Conference on Environment and Development. What he finds is that "consensual" agreements in the name of sustainability can be made between government and industry, but there are challenges related to implementation. Bressers (2004) looked at the motivation, and informational levels present among implementers and targets and attempted to predict whether or

not implementation would be successful. He found that these, along with additional contextual variables like degrees of power, do indeed affect success.

Minang et al. (2007) examine community forestry policy in Cameroon and its compatibility with the “clean environment mechanism”, which was then slated to be implemented as part of the Kyoto Protocol. They proceed to determine what instruments have been applied to ensure national policy reflects the criteria set forth in the clean environment mechanism. Based on this, the type of implementation process is predicted (a cooperative/uncooperative implementation process might emerge, for example).

De Boer and Bressers (2011) present a study of the policies related to the “re-naturalization” of the Regge River in the Netherlands and apply CIT to it. In doing so, they develop knowledge about the implementation processes. For example, the re-naturalization process was done in stages to mitigate its complexity and challenges (de Boer and Bressers, 2011, 220-221). They found that implementation sought to “align the motives, cognitions and resources of the actors” and reviewed the strategies undertaken to ensure this alignment. The work demonstrates the interplay among governance structures, implementations processes, the actors’ characteristics and strategy when undertaking and implementing the river project.

These studies show that CIT emphasizes the roles of actors in the policy process and reinforces the idea that at the “heart” of policy processes are human beings and their organizations. They are engaged in “interaction processes” in a given policy arena, and these interactions lead to policy/program outputs (Bressers, 2007, 6-7). The theory primarily aims to explain implementation processes as they relate to multiple levels of governance. More specifically, the theory seeks to understand why and how the interactions between “implementers” and “targets” shape the interaction processes.

After surveying the implementation literature, it was determined by CIT scholars that the interactions leading to implementation are affected by three main actor characteristics (sometimes called variables): motivation, cognition and resources (see Table 5) (Owens, 2008). Additional factors identified as being influential on the interaction processes are all correlated to the three aforementioned characteristics. Bressers (2007) determines that there are many “contextual factors” that affect the three main actor characteristics, but the author also asserts that the three main actor characteristics affect these other contextual factors. Large-scale factors include, for example, the wider cultural, political, economic and technological contexts. Structural factors are related to governance and include network types, as well as levels of government involved in implementation. Finally, the “specific inputs” affecting actor characteristics include factors like instruments. To re-iterate, proponents of CIT maintain that policy processes and implementation are products of a confluence of factors, at the core of which actors and their characteristics are found.

Table 5. Actor Characteristics

Characteristic:	Motive	Cognition	Resources
Description:	What drives actors. Can include external pressures, internal goals, and values, self-effectiveness assessments.	Information held to be true. Includes actors’ frames of reference, observations and interpretations of reality.	Provides power and capacity to actors, or restricts it. Uses a variety of available resources.

Adapted from: C. de Boer and H. Bressers, (2011). *Complex and Dynamic Implementation Processes: Analyzing the Renaturalization of the Dutch Regge River.*: Enschede-Noord, Netherlands: University of Twente.

Motives, cognition, and resources affect implementers and targets, along with the types of interactions in which they engage. Typically, three types of interactions occur: 1) cooperation; 2) opposition; 3) joint learning (Minang et al., 2007). Active cooperation refers to situations whereby all actors pursue policy implementation. Passive cooperation occurs when one set of actors pursues implementation but does not meet any opposition. Forced cooperation occurs

when one group coerces others into cooperating for implementation purposes. Opposition occurs when one set of actors actively tries to prevent another from implementing. Joint learning means that actors did not have sufficient information to pursue implementation and, therefore, must seek additional information before implementation is pursued. It should be noted that while policy implementation is largely the point of focus in CIT, the theory can be applied to look at the policy process as a whole and is particularly useful in trying to understand the interactions of actors throughout the process (Bressers, 2004; 2007).

Discussion: Applicability to the Research Project

CIT is used in this dissertation to extend the idea that legitimacy affects instrument selection. What it allows us to do is to explore the “give and take” recognized as being an important part of instrument selection and implementation (van der Doelen, 1998). CIT provides an added layer to the conceptual framework that can be applied when studying instruments. Firstly, it is believed that when taken together, the actors’ motives, cognitions, and resources can explain instrument selection. Legitimacy is a core component of cognition and a key motivator of actors’ actions. Secondly, it is argued that policy process is an interactive one, which is driven by actors’ engaged in relationships with one another. CIT helps us frame relationships in a manner that is more precise than Howlett’s. Howlett provides a solid way to show “where” actors are active in the process in terms of what type of actor they are. CIT helps us to refine the idea that tools are used to manipulate network. We can conceive of the actors’ configurations as relationships, with tools shaping their interactions and their relationship types. Earlier it was stated that the dissertation sought to investigate how legitimacy drives instrument selection, and CIT proves complementary to these questions.

CIT proves to be an interesting and salient part of the model of procedural instruments used here because it helps to uncover and explore, in more detail than is possible with the Howlett model alone, the nuances of instrument selection as determined by actor interactions and vice versa. Howlett's proposition that government's perception of legitimacy will lead to certain types of instruments being chosen over others is indeed a strong argument. But when applying a procedural approach, which relies heavily on the presumption that networks of policy actors exist and influence the processes, one would expect to see a stronger explanation of the roles of the various actors and their interests, as well as their potential impact on instrument selection.

CIT is well suited to education policy, and language education policy in particular because the process involved in the development of FSL policy is "complex" and "dynamic" and involves multiple actors. As mentioned earlier, language education policy affects a great deal of individuals who are actively or passively affected by the policy being put in place (Tollefson, 2002). CIT allows for the recognition that while instruments may be implemented in a "top-down manner," the ways in which "bottom-up" or "horizontal" relationships affect their selection, can nonetheless be studied (de Boer and Bressers, 2011, 65). Having established the role of both Howlett's approach and CIT, attention can be turned to a final discussion of how various components of the theories apply to the research project.

3.4 Conceptual Framework

Here, a final summary of the framework is offered before turning to concluding remarks. Figure 1 provides an illustration of developed conceptual framework. The figure is meant to show that government policymakers use cognition to choose instruments and one of their considerations when choosing instruments are existing levels of legitimacy.

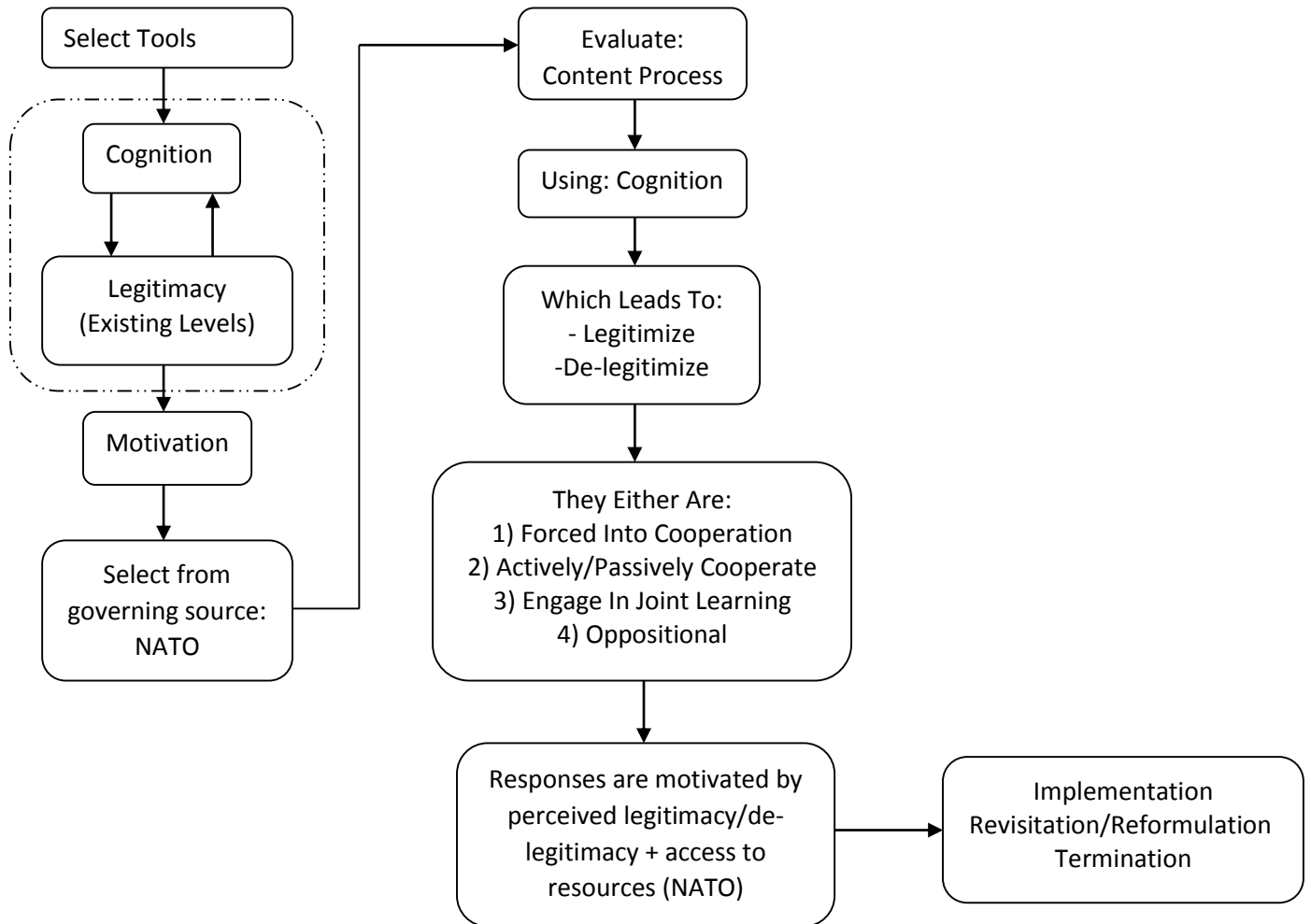
Government policymakers are motivated to choose among available (NATO) governing resources. Regardless of the interaction type this leads to, peripheral actors and the attentive public assess the policy content and/or related information, as well as the policy process. In doing so, they perceive the aforementioned as legitimate or de-legitimate. Unless they have been forced into cooperation, they can cooperate or oppose government policy or processes by which policy was developed. Responses are not only motivated by legitimacy/de-legitimacy but by perceived access to resources, which give actors power and capacity.

In this research, periods of policy change are used as points of departure, and it follows a similar path to the one portrayed in Figure 1. It should be stressed that the above depiction of the instrument selection process is meant to help envision and understand what is involved in instrument selection. It is not proposed that the selection process unfolds in a linear fashion. Figure 1 helps us to understand what makes up the process but recognizes it deviates from the trajectory illustrated by the model. Ultimately, it is applied as a heuristic device to help us address the major themes and research questions: who participated in the policy process, what tools were used, what the role of legitimacy is and how “peripheral” actors respond to the government. The connection to the broader themes is expounded below.

Figure 1. Conceptual Framework

CORE GOVERNMENT ACTORS

PERIPHERAL ACTORS/ATTENTIVE PUBLIC



Firstly, Howlett's approach to policy instruments was used to decipher what instruments were utilized and assisted with determining who actors were and how they were configured. Secondly, key proposals from both Howlett and CIT were used to analyze tool selection and effects on the policy process.

1) **Tool Identification**

For tool identification, the NATO schema adapted by Howlett was used. Using the proposed sets of governing resources as a guide (nodality, authority, treasury and organization), assisted in answering the question of "what tools were utilized" in the FSL policy processes in New Brunswick and Nova Scotia. While the research was focused on procedural tools, the role of substantive ones was acknowledged because, for example, it became evident that sometimes a failed substantive tool led to the implementation of a procedural one.

The conceptualization of procedural and substantive tools allows for the capturing of the reality of FSL policy-making. In both New Brunswick and Nova Scotia, actor participation was both invited and restricted at the same time through the use of tools. For example, information gathering tools were used to invite participants to contribute their opinions about changes to FSL in New Brunswick, but the government implemented the tool with minimal "advertising" about its availability and thus limited the potential for participation. In Nova Scotia, the establishment of a branch dedicated exclusively to FSL in the Department of Education provided FSL consultants with a forum to be included in the policy-making process by having the branch director regularly meet with them and conveying their input to government policymakers. A tools-based approach demonstrates how policymakers used specific tactics to drive policy processes, and this specific classificatory scheme does not obscure the fact that *how* tools are implemented can affect policy and the interactions among those situated in a network.

This also relates to the sub-question looking at what resources actors indirectly involved in the policy process utilize. A similar categorization as the NATO schema helps to develop empirical evidence related to the actors indirectly involved in the policy process responses to government actions/tactics.

2) Actor Configuration

The Howlett approach offers a straightforward way to determine and organize who participates in the policy process. Rather than simply labeling actors as “directly or indirectly” involved in the policy process, the types of role actors occupy can be specified. Immediately, it is possible to see the applicability to the education sector, where in terms of provincial policy, peripheral “outsiders” contribute to policy discussions by providing information on a broad scale. For example, academics in the FSL debate in New Brunswick were consulted to provide information concerning what they felt the optimal program is. In doing so, they addressed both the general policy aims (i.e. establishing a “new” French second language policy and related programs for New Brunswick students) and how this could be met (i.e. what programs should be implemented to provide the “best” learning opportunity for students”). Regarding FSL, in New Brunswick “insiders” such as consultants were commissioned to produce reports including recommendations prescribing tangible ways to meet policy objectives. They also provided recommendations as to the way that some peripheral actors could be included in policy design and did so by encouraging the use of certain tools.

In Nova Scotia, FSL consultants have long occupied the role of peripheral insider and stakeholders work with them as peripheral outsiders. Of the models surveyed, the discussion on who are applying tools and who are the recipients of tools remain largely abstract. Certainly, not all frameworks seek to understand how tools affect target populations, but in the present case

multiple actors participated in the policy process, and tools were not utilized only to affect goods and services. By organizing actors in the proposed manner, it was possible to determine what tools were used to manipulate the policy network and processes.

3) Selection Criteria

The idea that policymakers select instruments to maintain or promote the legitimacy of policy decisions is a pertinent one. Legitimacy is an important consideration for officials' selection of instruments. To understand the selection criteria in a nuanced manner, it is imperative to look at the motives and cognition of, as well as the resources available to, the actors involved in instrument selection. Legitimacy was, as mentioned, a major driver and is part of cognition. Also, the idea of relationships can not be ignored, since as mentioned, it is believed the policy process is characterized by the actors' relationships. The relationships among actors were related to legitimacy because instrument selection was undertaken to promote or maintain legitimacy, as based on existing relationships.

4) Recipients' Perceptions

While many discussions on instruments and legitimacy speak to policymakers' selection of instruments, it is worth examining the motives and cognitions of actors external to policy-making, as well as the resources available to them, to understand how they affect the policy process. As stated above, legitimacy was considered an important factor in this regard, as well. The perspectives of the "recipients" of tools are rarely accounted for in the instruments work, and this study aimed to explore it.

The proposed conceptual framework helped to capture contemporary policy-making processes, inclusive of policy instruments. Firstly, the framework provides a reliable taxonomy of governing resources from which officials choose and recognizes that policy instruments can

be used for two major purposes, either substantively or procedurally. This is important because it encompasses the full spectrum of instrument implementation purposes. The habit of classifying instruments as either affecting goods and service implementation or affecting actor behavior can be avoided. Instead, instruments can be understood as having the capacity to be applied in a way that affects both. Secondly, it brings legitimacy to the forefront. Touched on by other models, it was seen as a driving force of instrument selection here. A conceptual lens that encourages us to look at actors' motives and cognitions helps to unearth other factors that influence instrument selection. Credence is also given to the actors on the receiving end of the instruments, which is imperative to understanding instrument use and its relationship to policy-making. Finally, the use of relationships to define interactions is an accurate way of presenting the interplay among actors involved to varying degrees in the policy process. The project results will provide a better understanding of how legitimacy influenced instrument selection and what other factors applied.

Chapter 4 explains the research methodology used for the study. This includes a discussion of the research paradigm, as well as a re-iteration of the research aims and objectives. The project design is explained, including an explanation of the selection of the cases under study, as well as why semi-structured interviews and documents were the chosen sources of data. Data analysis methods are also discussed. Before the concluding remarks, the criteria used to ensure the quality of the study, as well as an overview of ethical considerations, are discussed.

4. Methodology

The chosen research methods were informed by an overarching paradigm. As Mackenzie and Knipe (2006) state, the research paradigm sets the “intent, motivation and expectations for the research”. The paradigm “represents a *worldview* that defines, for its holder, the nature of the "world," the individual's place in it, and the range of possible relationships to that world and its parts...” (Guba and Lincoln, 1994, 107). Establishing the research paradigm necessitates focusing on ontological and epistemological perspectives as well as discussing the methodological approach derived from the latter positions (Guba and Lincoln, 1994).

Ontological considerations account for how the researcher perceives the “nature of the world” (Marsh and Furlong, 2002, 18) and as such, it guides our ideas of what can be known about it (Guba and Lincoln, 1994, 108). Epistemology refers to the researcher’s position concerning what is “knowable” about the world and how such knowledge can be gained. Taken together, this situates us within a general methodological approach (Marsh and Furlong, 2002, 18-19).

The research paradigm, in this case, is best described as post-positivist, and the understanding of post-positivism used for the dissertation is in-line with that presented by Miller (2000). Ontologically speaking, post-positivists traditionally take a realist position and argue that there is an objective truth that exists separate from the individual (Miller, 58, 2000). Miller (2000) proposes that post-positivism can, in fact, recognize that multiple realities exist from the vantage point of different social actors. Furthermore, post-positivism can help us to understand how it is that the “process of social construction” is sometimes patterned and predictable. This truth can be sought by asking questions that alternately rely on interpretation and fixed conceptualizations of reality (Haverland and Yanow, 2012). The driving force behind the

research project's questions are in-line with the post-positive emphasis on 'problem-setting', as opposed to focusing on problem-solving type questions like we would see in a positivist inquiry (Ryan, 2006). The goal was to open up the area of interest with a view to what it would reveal, for example, about the nature of tool selection and potential roles of factors like legitimacy.

Epistemologically, traditional post-positivism embraces the idea that knowledge is gained through our understanding of causal relationships, as determined by scientific-type methods. In such an instance, the project would require envisioning instrument choice and outcomes in terms of independent and dependent variables. Instead, the relationship among instrument choice, the impact on recipients and further instrument selection is viewed as taking the shape of a loop, whereby multiple spheres of influence are present and feed into one another. In addition to the aforementioned, a positivist approach requires a separation between the researcher and data sources (Miller, 2000, 60). The adherence to a strict post-positivist epistemology is uncommon (Adam, 2014) and in the present case, a "modified objectivist" standpoint was adopted (Guba, 1990). This includes recognizing that knowledge is accrued and understood via the viewpoints offered by the "social actors" engaged in "meaning-making activities" and that "value-free inquiry" is not possible (Hesse-Biber and Levy, 2011, 5; Miller, 2000, 60). According to the above postulate, a rejection or avoidance of positivist scientific methods takes place, and instead, knowledge is accrued through methods that allow for social actors' various realities to come through, while maintaining a place for the researcher to be reflexive on their biases (Lather, 1991). Consequently, one accepts that there is no way to know absolute truth. O'Leary's (2004) stance has been adopted, which is that post-positivism need not take on a strictly causal approach, but can also be inductive and exploratory.

Regarding the present research on policy instruments, it starts from a place that views some policy tool related factors as reality. Namely, that actors choose from a specific set of governing resources and that legitimacy/de-legitimacy influence the choice of instruments. Additionally, it is believed that CIT helps us understand the “process” of social construction with regards to how instruments are viewed, chosen and why. Specifically, exploring cognition allows for the development of insights into how the actors’ conceptualization of instruments is construed, whereas motivation and resources are argued to be two factors that influence and lead to both the instrument selection and the responses to instruments. Howlett’s initial work sought to predict how levels of legitimacy and de-legitimacy are linked with types of instrument choice/resource manipulation. The goal of the dissertation is not to “test”. Instead, these linkages are explored while also remaining open to account for other factors related to instrument choice. The research design reflects this and Table 6 exemplifies the connections between the research questions, the themes they explore, the analytical framework and the methodology.

Table 6. Situating the Research

Theme	Research Question	Analytical Framework	Methodology
Actors/interests involved in policy process	Who are the actors partaking in the policy process?	Howlett's four communities of policy actors.	Purposive and emergent sampling. Semi-structured interviews and documents (newspapers) to identify participants.
Government and non-government actors' participation in the policy process. Types of actions undertaken by the different groups.	What roles do proximate and peripheral government and non-government actors play in the policy process?	CIT: cognition, motives, and resources	Semi-structured interviews with questions aimed at determining actors' involvement in the process. Document analysis of government communications, social media, newspapers, and stakeholder group press releases.
Procedural policy instruments. Generic approach to instruments.	What instruments were selected and used during the FSL policy process?	NATO schema	Semi-structured interviews asking how actors were invited to partake in the policy process and what the process involved. Analysis of media and government communications, cross-referenced with NATO schema.
Instrument choice/selection approach.	Why are instruments selected during the FSL process and how do they influence the policy process?	CIT: cognition, motives, and resources. De-legitimacy and its effects on instrument choice. The impact of instruments on relationships (CIT) and vice versa.	Semi-structured interviews looking to explain the rationale about why certain methods of participation were chosen. Participants asked if they approved, disapproved and how they responded.

4.1 Research Design

An in-depth study of two FSL-related cases was opted for. Case studies entail engaging in detailed empirical descriptions of a social phenomenon and doing so relies on an assortment of data and data collection procedures (Merriam, 1998; Stake, 1995).

The case studies developed in the research project not only describe the phenomenon but also attempt to provide an explanation as to how or why the phenomenon occurs based on the researcher and the participants' construal of events (Merriam, 1998). Yin (2013) writes that case studies are a solid approach to answering "how" and "why" questions when examining contemporary events in particular. As previously stated, "how" and "why" questions were at the centre of this research project. For example, understanding how legitimacy affects government instrument selection, as well as whether social actors perceive tools to be legitimate or illegitimate, are major points of focus. "What" questions are also said to be amenable to a case study (Yin, 2013), a question that was asked about tool identification. Furthermore, the degree of accessibility case studies potentially allow, is considered a merit. A case study allows the researcher to access individuals, materials and environments in a way they would not necessarily access when using other methods (Donmoyer, 2002). This is particularly useful for research in under-explored areas such as the current study. This is a sentiment supported by Eisenhardt (1989), who proposes that case studies are useful for knowledge development in newer research areas, including areas "for which existing theory seems inadequate" (548). Attention will now be turned to the specific features of the present work's case study design. The parameters of the cases are given, along with the reasons for case selection.

Case Definition

Case definition ensures that we are in fact studying a phenomenon and are not focused on an abstract topic or concept instead (Yin, 2014, 32). The “social units of analysis” (Miles and Huberman, 1994, 26) in the present study are government organizations and non-government stakeholder groups. A large part of the case study’s purpose is to represent the “abstraction” or wider topic/concept/idea one wants to understand. The phenomenon under investigation in this research project is best conceived of as a process. Specifically, it is the process of legitimization and its impact on instrument selection, as well as responses to instrument selection.

Baxter and Jack (2008) recommend binding the case and clearly establishing what is beyond the scope of the research. According to Stake (1995), this can be readily accomplished by instituting spatial and temporal boundaries. The current study was limited to the 2006-2008 period, a decision based on practical considerations (e.g. accessibility of information and access to potential participants) and because it was the most recent of several periods in which FSL programs were undergoing changes in the two provinces. This provides a valuable opportunity to gain insight into the use of instruments throughout the policy process. Geographically, this study is limited to New Brunswick and Nova Scotia. They share similarities and differences that are suitable for comparison. Specific organizations were limited to FSL related stakeholder groups and government divisions with FSL and/or policy analysis as part of their mandates. For an initial study of the phenomenon, this allowed for the undertaking of a thorough analysis.

School board level-policy-making was not investigated in-depth, and the interviews were limited to those involved directly and indirectly in provincial policy matters. “Direct” involvement refers to the inclusion of curriculum specialists and policy advisors working in

government departments of education. “Indirect” involvement refers to the inclusion of stakeholder groups and district/board learning specialists.

Case Selection

Multiple case studies were opted for, for the dissertation, because they promote analysis within and across settings (Baxter and Jack, 2008, 550). The sampling approach used is best described as a combination of purposive and intensity sampling (Patton, 1990).

Purposive sampling aims at selecting cases that are “information-rich for study in depth” (Patton, 1990, 169). “Information-rich” indicates that the case will provide information that speaks to the issues at the centre of the investigation (Patton, 1990, 169). Seawright and Gerring (2008) confirm that purposive sampling ultimately proves conducive to the “inferential process” necessitated in a qualitative case study approach.

Intensity sampling is closely related to deviant or extreme sampling. The latter indicates that cases are chosen based on their exemplification of an unusual or exceptional event or situation (Patton, 1990, 169-170). Intensity sampling looks to select cases that demonstrate a discernible degree of intensity about the phenomenon under investigation (Patton, 1990, 170).

Speaking to the idea of purposive sampling, the cases in the present study were chosen in part because they offer a number of similar and different avenues to explore instrument selection, legitimacy, and the interplay between both. Firstly, both provinces underwent policy changes, as delineated below. Appendix 2 contains the policies from each province.

FSL Policy Changes in New Brunswick and Nova Scotia

For a timeline of major events related to FSL in both provinces, see p. 116.

New Brunswick:

In New Brunswick, the 1969 Official Languages Act ensured the right to second-language educational opportunities in the province. Although the amended 2002 Official Languages Act does not make the same assurances, it continues to be the case that FSL and ESL/EAL are mandatory for primary and secondary school students province-wide¹⁰. Bill 88, *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*, was implemented in 1981 and amended in 1990. It protects the rights of both officially recognized linguistic groups and “their right to distinct institutions,” including educational ones.

Second language instruction was integrated into schools cross-provincially by the early 1970s (Hayday, 2005, 83) and has since undergone multiple reviews, evaluations and changes. From 2006-2008, New Brunswick offered multiple FSL programs to its students. During the 2006-2007 and 2007-2008 school year, core French was mandatory from grades 1-10; intensive French was offered in select schools in grade 5; early French immersion was offered in select schools beginning in grade 1; late French immersion began in grade 6; optional French was offered in grades 11 and 12.

In July 2007, the New Brunswick Department of Education announced it would be conducting a review of FSL programming in the province. This stemmed from a commitment made in the department’s educational plan, which was connected to creating an inclusive environment and improving proficiency levels among graduates (When Kids Come First, 2007).

¹⁰ The Act was most recently amended in 2013 (COL NB, 2013).

The review process involved consultation with the public and key stakeholders and served as the basis for the Minister of Education, Kelly Lamrock, to revamp the FSL system. Among the decisions made was the elimination of Early French immersion and the adoption of universal intensive French beginning in grade 5 (“Improvements being made to French second-language programs and services”, CNB, 14/03/2008).

Discontent was widespread, and stakeholder groups eventually fought the decision in court in June 2008, claiming they had Charter rights granting them access to FSL education and that the consultation period undertaken by the government was inadequate. The former was dismissed, but the latter upheld and the Minister was left to decide to re-visit the consultation period, which he did.

After additional consultation, including web-based consultations, open houses in the school districts, a roundtable discussion, and an informal advisory committee meeting, a decision was announced on August 5th, 2008. The “new revised model” was made public and proposed unique programs. A Universal K-2 program would be implemented, with students being exposed to French culture and short language-based lessons. A grade 3 immersion entry point or an English Prime option would be available (English Prime resembling core French). Pre-intensive French would be offered to the latter students in grade 4, with Intensive being offered in grade 5. Students wishing to enter late immersion could do so in Grade 6 and non-immersion students would continue in a program called “English Prime with Post-Intensive French.” Finally, all streams would end in grade 10, with optional French available after that. Further to this, the Minister announced he would implement a ministerial advisory committee to “develop the new French modules” for select programs and to help with a bilingual learning environment policy

(CNB, 05/08/2008). Nova Scotia has not undergone the degree of change that New Brunswick has. The following sections outline the evolution of FSL in Nova Scotia.

Nova Scotia:

In Nova Scotia, the province's development and implementation of FSL programs were school-board based, with notable efforts to implement FSL classes beginning in 1973 and expanding in the mid-1970's (Hayday, 2005, 87-88). Nova Scotia offered mandatory core French in grades 4-9; intensive French (optional and an unofficial project) was piloted in select districts for grade 6 students; early French immersion was offered in select schools beginning in kindergarten; late French immersion began in grade 7 and was found in select schools; extended Core French, which is from grades 7-12, was also given (*Orientation Document for Atlantic Canada Core French Curriculum*, Nova Scotia Education and Culture, 1998).

Before the exemptions, a notable board-based revision to FSL programming took place in the province. In November 2006, the Annapolis Valley Regional School Board announced it would be considering the consolidation of its immersion program due to a teacher shortage ("Valley may consolidate French immersion," 2006, B4). The amalgamation of immersion programs into a select number of schools would mean that transportation challenges might arise. When looking further into the Annapolis Valley school board's proposed changes, it was found that parents were presented as the stakeholders who vocalized their displeasure, along with a local MLA (Fairclough, 2006, B2). The final decision was to maintain their current programs.

Another change related to a lunch policy that was initiated in the Halifax Regional School Board. It was proposed that the parents of immersion students who attended out of jurisdiction schools pay an annual fee of 200\$ in order to allow their child to remain in school for a

supervised lunch period (Lipscombe, 2008, B1). This too would apply to children who lived within walking distance but stayed at school during the lunch period.

In terms of provincial-level policy related activity, the exemption criterion was most often mentioned as the main shift in policy, as indicated in the FSL coordinator interviews. The interview results will be discussed in more detail in the following chapter, but the main aim of the exemption policy was to permit no longer students from leaving mandatory core French from grades 4-9. This practice had previously been permitted, as outlined in the province's program policy.

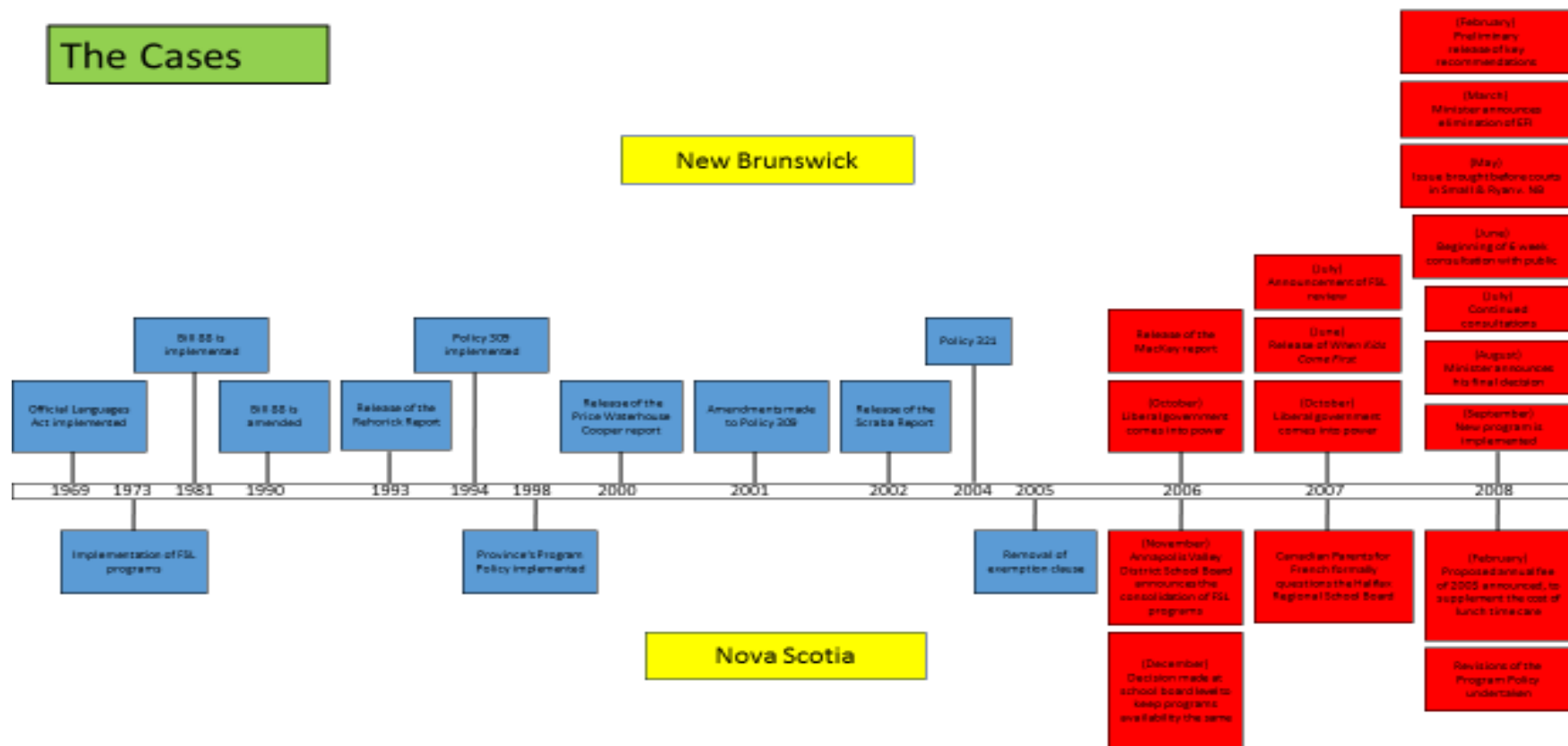
Regarding this case selection, the introduction of an amended policy allows for the study of the tools used throughout policy processes. The periods of change also allowed for an investigation centered on the role of legitimacy and how its presence, or lack thereof, related to instrument choice. The idea of legitimacy is generally treated in the instruments literature and the current cases provided the opportunity to refine the concept by, for example, looking at whether or not legitimacy was directed at policy decisions, processes and/or instruments and how this may have affected instrument choice. The degrees of change speak to intensity sampling. The more extreme changes in New Brunswick and the less radical changes in Nova Scotia both provided insight into how the substantive and procedural components of policy affected the actors' reactions to it under different circumstances/contexts. Since the secondary actors' responses to tools are understudied, this is considered to be highly useful. Additional reasons for the case selection relate to how both provinces have governance structures and boards/districts that share a number of similarities, with some notable differences. Notable differences between the structures at the departmental level are twofold as shown in Appendix 3, which contains two tables, one of which outlines the organizational structures and governance duties of the two

provinces' Departments of Education and another, which does the same for the provinces' boards/districts.

Firstly, the New Brunswick Department houses dual (Francophone/Anglophone) sectors, whereas Nova Scotia does not. Secondly, Nova Scotia has its own FSL services branch. In New Brunswick, the responsibility for the FSL portfolio belongs to two learning specialists, one responsible for FSL/Intensive and Post Intensive French and the other in charge of FSL/French Immersion/English as an Additional Language (*Departmental Structure, Education and Early Childhood Development New Brunswick [EECD NB], 2014*). Their responsibilities are primarily to develop curriculum, provide PD and assist the district learning specialists. In the case of Nova Scotia, the French Second Language Services division (part of the Public Schools branch) has as part of its mandate the development of policy related to courses/programs and services (*French Second Language Program Services: Goals and Objectives, Education and Early Childhood Development Nova Scotia [EECD NS], 2014*). Nova Scotia's schools are governed by boards, and New Brunswick's schools are governed by District Education Councils (DECs). More details are provided in Appendix 3.

In choosing the cases, their apparent similarities and differences were viewed as amenable to investigating how, for example, structural variables and policy-making environments affect instrument choice, as well as the roles of actors in the policy process. For example, as evidenced, DEC's and boards share a number of features. As will be seen in the results section, the reality of their roles and functions is quite different. Having outlined information about the cases and reasons for their selection, the next section will focus on data collection procedures.

The Cases



4.2 Data Collection

Interviews and documents formed the basis for the analysis of the research topic. A description of how sources were collected follows. Firstly, the semi-structured interview process is explained. After this, document collection procedures are explained.

Primary Data Sources: Semi-Structured Interviews

Thirty-nine individuals participated in semi-structured interviews. Appendix 4 offers a simple breakdown of the participants by province and sector, as well as general reasons for their selection.

Interviews were determined to be the method most amenable to generating data in a manner that coalesces with the research paradigm. Kvale (1996) proposes that conducting interviews allows for the “mining” of “uncontaminated” material based on the participant’s experiences (3). Semi-structured interviews were opted for, for the purpose of the primary data collection. Semi-structured interviews:

“are designed to have a number of interviewer questions prepared in advance but such prepared questions are designed to be sufficiently opened that the subsequent questions of the interviewer cannot be planned in advance but must be improvised in a careful and theorized way” (Wengraf, 2001, 5).

Standing in contrast to structured and unstructured interviews, the semi-structured approach allows for an in-depth opportunity to explore and probe an interviewee’s perceptions, understanding, and insight into the topic(s) under investigation (Carruthers, 1990, quoting Borg and Gall, 1983, 442). Researchers are cautioned about the restrictions of structured interviews because of their limited applicability to inductive research projects, since those investigating adhere to a set of questions and do not explore beyond them (Cachia and Millward, 2011). It is

also argued a structured approach leads to a greater risk of the researcher imposing his or her views on the participant(s) and accordingly, on the data received (Mason, 2004, 1020).

Unstructured interviews are best-suited to open-ended narratives and prove to be challenging in circumstances where specific themes are being used as a guide. This is because unstructured interviews are arguably unamenable to focusing attention on pre-specified issues and less detail is produced on the concepts/themes under investigation (Carruthers, 1990; Klenke, 2008). The semi-structured approach was most conducive to the type of data that was sought. The method allows participants to contribute information while allowing for the flexibility required to study fully the themes central to the research questions being asked (Mason, 2004, 1020).

The interview-based data collection process entailed the development of an interview guide containing general topics and the suggested questions intended for the participants (see Appendix 5 for the interview guides). Following Kvale's (1996) lead, the guide was developed in a manner that took into consideration both thematic and dynamic dimensions. The thematic dimension refers to the idea that questions should be "related to the topic of the interview, to the theoretical conceptions at the root of an investigation, and to the subsequent analysis." (Kvale, 1996, 129). The dynamic dimension refers to structuring questions in a way that promotes an open, comfortable interaction between the interviewer and the participant (Kvale, 1996, 129). Table 7, on page 121, shows the connection between the questions and the analytical framework. The questions promoted a dynamic dimension by allowing for personalized answers and spontaneous responses, an important part of creating an interactive rapport with the participants (Kvale, 1996, 129-131).

Sampling was purposive. The initial sampling process can be labeled “stakeholder sampling”, defined by Palys (2008) as identifying “” and it is argued to be particularly useful for policy analysis and evaluation studies (697). This does not mean that the sampling was fully determined ahead of the interview. It began with the most prominent stakeholders, as established by media reports, government communications and personal knowledge of the cases. The confirmation of who was involved in the policy environment was obtained based on participant recommendation. The definition of stakeholder was broad enough to be conducive to emergent sampling, meaning that new participants and participant types were acknowledged and incorporated as the data collection progressed.

The “snowball” technique, whereby participants identify other potentially relevant participants, assisted with the identification process (Guba and Lincoln, 1985, 202). As such, we were able to establish “an escalating set of potential contacts” (Atkinson and Flint, 2004). The interview process commenced with a list of 18 potential participants and from that group, 14 individuals agreed to be interviewed and approximately 12 unique recommendations were made. Additional participants were identified by the researcher. The saturation point occurred after three rounds of interviews, whereby no new potential interview participants were identified and all previous suggestions had either participated or declined participation. Therefore, the investigation ceased when no new information was produced, based on the sample that was accessible. This is in accordance with the recommendation that selection occurs to the “point of redundancy” (Guba and Lincoln, 1985, 202).

Table 7. Interview Questions and their Relationship to the Analytical Framework

Question topic/theme	Howlett model	Contextual interaction theory
<p>Introductory: Meant to allow the participant to provide information about him or herself. Also allowed for further exploration beyond what was originally thought to be an interviewee’s area of expertise. For example, some participants occupied dual roles as association members and government employees.</p>	<p>Allowed us to understand “who” actors are, to be later classified according to their roles as peripheral or proximate actors.</p>	
<p>The FSL process: Related questions drew out information about policy content, what participants knew about the process and about any changes the policy has undergone in recent years.</p>		<p>Gain insight into actors’ cognition and motives for participating (or not) in the FSL policy process. The intent was also to investigate any linkages between actor cognitions and their overall view of the policy.</p>
<p>Actors and their linkages: Meant to determine how actors were connected to one another in the policy sector.</p>	<p>See if tools were used to invite actors to participate or exclude them from the policy process.</p>	<p>Determine relationship types.</p>
<p>Legitimacy and de-legitimacy: The questions sought to gain a more detailed understanding of how government officials and non-government stakeholders viewed one another.</p>	<p>To understand how legitimacy factors into instrument selection, it was important to understand how legitimacy was perceived by actors and what kind of relationship this leads to, as well as what types of tools might be affiliated with a relationship characterized by legitimacy or de-legitimacy.</p>	<p>Determine if legitimacy affects the types of relationships that exist among actors (collaboration, joint learning)</p>
<p>Policy tools: This set of questions was geared towards developing an understanding of what tools were used for FSL policy-making, as understood by policy actors indirectly and directly involved in the process</p>	<p>Government policy tools identified using the NATO schema.</p>	<p>Resources used by all actors identified.</p>

Because the aim was to understand FSL policy and policy-making at the provincial level, participants working in policy and FSL curriculum development in the Nova Scotia and New Brunswick Departments of Education were purposively selected. These government officials were involved in the policy process and tasked with formulation and worked with the Minister

and Deputy Ministers on agenda-setting, decision-making, and evaluation. Their perspectives gave insight into tool identification and selection, as well as the perceived reasoning behind some of the tactics utilized throughout the process.

District (in New Brunswick) and Board (in Nova Scotia) FSL learning specialists/consultants were also interviewed. These individuals were Department employees who worked in school districts to help manage and implement FSL policy and programs. The FSL coordinators were selected because they are tasked with implementation of policy on the ground-level. They worked with school boards, government officials and other stakeholders. Their viewpoints provided information about the policy process itself, what effects tools had on both program implementation and in terms of how they are involved in policy processes.

Provincial stakeholder groups who have an interest in FSL related matters were also contacted to request their participation. Stakeholder groups responded to the tools utilized by government and their experiences offered information about how groups excluded from or peripherally involved in FSL policy reacted to the instruments government used.

Researchers were consulted because it became evident they were relied on, in some instances, to consult with the government and the school districts on FSL issues. Not only did their work critically assess FSL programs, but some of it assessed implementation of programs in the province. They provided the evaluations of programs, government processes, and associated tools.

In these cases, one- on-one interviews allowed subjects to speak candidly without the influence of other participants. Potential participants were contacted via an email that included a brief description of the project, along with what their participation would entail (Appendix 6). A

consent form was also provided, again explaining the details of the project and the participation requirements (Appendix 7).

Respondents who declined did so after the first contact. Non-respondents and those who declined invitations were primarily from the school board/district education councils; two consultants spearheading the FSL recommendations in 2006 in New Brunswick; one researcher from the University of New Brunswick; four FSL consultants and five stakeholder group members. In total, fifty-eight participants were contacted, and thirty-nine agreed to participate.

The entire interview process took approximately sixteen months (question formulation, contacting potential participants, scheduling and conducting interviews). Three visits were made to New Brunswick and Nova Scotia during this period to conduct in-person interviews. Interviews entailed meeting with the participants at a place of their choice, the sole request being that it was in a closed off room to ensure privacy. It was requested that the interview subjects block off an average of 60 to 90 minutes to participate.

Because of scheduling challenges, some interviews were conducted via telephone. Studies of telephone use in qualitative data collection present both positive and negative features. While some concerns are irrelevant to the study (e.g. absence of telephone coverage or lack of access to a telephone), a potential for distraction in one's surroundings may be increased, and there is an absence of visual cues when conducting an interview by telephone (Garbett and McCormack, 2001; Novick, 2008). Distractions are not exclusive to telephone interviews and are present during in-person interviews as well (Sturges and Hanrahan, 2004). Missing visual cues or the "loss of nonverbal data" is a possibility during telephone interviews but as Novick (2008) points out, this is not information that is relevant to all types of research and is not necessarily used by the researcher (395). In the present study, observations of physical

surroundings were not part of the data collection methods. Many of the same changes in tonality and pauses that occur in an in-person interview can also be present in the telephone interview and lead to prompting by the interviewer in an attempt to explore further.

Additionally, Holstein and Gubrium (2003) highlight how telephone interviews can be a suitable replacement for in-person meetings, particularly when attempting to speak with people who have work-related scheduling issues, for example. In this study's case, the majority of FSL consultants/learning specialists travel across their school districts to visit local institutions and provide professional development. Therefore, they were only available for short periods of time and limited days throughout the school year. Interest groups are managed by one individual or have one provincial representative, also limiting their availability to meet. Similarly, government employees frequently had limited availability due to work commitments and obligations, as well as their management of shifting priorities. In these instances, the telephone interview proved to be a fitting alternative.

Thirty-six of thirty-nine interviews were audio recorded. Audio recordings capture the "descriptive data" provided by the interview subject with precision and can be referred to for clarification or confirmation of data, if need be (Carruthers, 1990). Recording the interview also allows for the researcher's full attention to be focused on the interview and interview subject, without the potential to distract through ongoing note taking.

One participant had a preference for a non-recorded interview, during which notes were concurrently taken and field notes used immediately post-interview to ensure relevant information was captured. A transcript was sent to the participant approximately four weeks after the interview and this person highlighted any errors and answered any questions related to the content of the transcript. The individual was sent a revised transcript and approved the version

used for analysis. Two participants answered a series of questions via email exchange. One was not permitted to participate in an in-person or telephone interview, and the other agreed to answer questions via email only, without further explanation. Each received an amended set of questions related to their organization's stance on FSL and related issues. Questions were based on the existing set of semi-structured ones but were shortened and broken-down. The individuals readily clarified any information they provided in a written exchange during a post-interview follow-up.

Field notes were written post-interview to highlight particularly relevant information and record any issues and ideas not previously considered, as brought forth by the participant. The combination of both contributes to the trustworthiness of the data. Some notes were taken during the interview to highlight salient points, but this was typically undertaken post-interview so as to minimize potential distraction to the participant.

To complete the section on data collection, attention will be turned to documents as secondary data type.

Secondary Data Sources: Documents

The study relied on document analysis to enhance understanding and increase empirical knowledge of the two selected cases. Analyzing documents, in this case, allowed for the gathering of background information on the cases proper and provided complementary data to that collected from the interviews. Additionally, it enabled the tracking of shifts and developments related to FSL policy in the provinces. Finally, document analysis helped to see if the interview findings and the information contained in the documents shared common features and conclusions. Along with the document analysis' capacity to generate additional interview

questions and avenues to explore, these four outcomes are considered methods that benefit the research (Bowen, 2009).

Advantages associated with document analysis include the ready availability of many documents, the “stability” of the document (i.e. they are unchanging, unless updated and in those instances comparisons can be made between old and new documents) and the fact that documents offer broad coverage of events over time (Bowen, 2009, 31). As per Yin (1994, 2003, and 2013) and Bowen (2009), documents are tracked and easily accessible for referencing by the researcher and others who may want to consult and verify them.

The collected data focused on the 2006-2008 period. Earlier documents were included when referenced in newer ones or if recommended by the participants. Some later documents were reviewed if they chronicled previous events and/or provided relevant information.

The process began with establishing the search criteria, as derived from the major themes and research objectives. This helped determine where to search for documents and what types of documents to collect for later interpretation. Examples of some of the major search terms included: French Second Language (FSL) in New Brunswick/Nova Scotia; French Second Language (FSL) Policy/Programs (in New Brunswick/Nova Scotia); French Immersion New Brunswick/Nova Scotia. Mirroring the criteria used for the purposes of the interviews, it was decided that the chosen documents should provide information about: 1) the FSL policy processes in New Brunswick and Nova Scotia; 2) identifying the actors involved in the FSL process and their roles; 3) any position statements or responses to proposed changes and 4) policy tools.

Approximately eighty-five documents were analyzed. Multiple sources of information were evaluated. This included government issued and commissioned reports, policy statements,

as well as press releases/communications, stakeholder group press releases and informational reports/studies, research institute reports, and newspaper archives. Appendix 8 lists the documents reviewed, as well a description of the document's contents and reasons for its selection/usefulness for the research project.

The search started with government websites (see Appendix 9 for complete list). The purpose was to firstly, become familiar with the contents of FSL policy in both provinces and to develop an overview of policy development and changes until 2008-2009. Documents searched for and reviewed included: policies, program information e-pamphlets, government commissioned reports and improvement plans.

A search of national and provincial stakeholder group websites followed. Appendix 9 also contains a list of the organizations, along with their mandate and the reasons for selecting the organizations for search purposes. The majority of the groups directly or indirectly address FSL as part of their mandates/missions. The organizations were also recommended by interview participants, confirming their relevance.

The Second Language Research Institute at the University of New Brunswick's database was also thoroughly searched to retrieve documents, and the information analyzed provided supplementary data on FSL programs.

The newspaper survey provided a solid timeline of events and background information. The articles examined were from 2006-2009. These specific newspapers were selected because they offer a thorough representation of what was occurring cross-provincially in relation to FSL. The chosen newspapers are concentrated in select cities or major regions of each province and offer coverage of not only what is happening in those cities and surrounding regions while also providing information related to provincial level activities. Newspaper searches included using

key terms such as ‘FSL’, ‘French Second Language’, ‘immersion’, ‘core French’, ‘Policy 309’ (in New Brunswick), and ‘FSL policy’, to locate relevant articles. The articles added to the interviews by providing further context and depth, particularly by providing many statements from the Minister of Education and stakeholder groups, who used the media as a form of communication and information dissemination. Seven daily newspapers were reviewed. Table 8 lists the newspapers and number of articles found in New Brunswick, and Table 8.1 provides the same information for Nova Scotia. Appendix 10 provides a list of each article reviewed, along with key words/ideas stemming from each. It should be noted that the discrepancy in the number of articles is attributable to the scope of changes experienced in New Brunswick versus Nova Scotia.

Table 8. New Brunswick Newspaper Articles

Newspaper	Number of Articles
Acadie Nouvelle (cross-provincial)	37
Daily Gleaner (Fredericton)	62
Telegraph Journal (Sain John)	54
Times and Transcript (Moncton)	73

Table 8.1 Nova Scotia Newspaper Articles

Newspaper	Articles
The Chronicle Herald (Halifax)	13
Daily News (Truro)	4
The Post (Cape Breton)	1

In general, there are challenges related to document analysis. Among them are incidences of insufficient detail, in which documents are not geared toward answering the questions being asked and therefore only provide a limited amount of information applicable to answering the research question (Bowen, 2009, 31). The documents reviewed do not speak directly to policy instruments therefore, some documents relied more heavily on personal inferences about what types of instruments were present during policy processes, as guided by the analytical

framework. Each selected document was reflected on and summarized, after which its applicability was re-assessed. The data collected for document analysis was undertaken in a systematic manner, using common search terms and themes to find materials offering information on the policy process, tool use, how secondary actors were included or excluded in the process and how government restricted or invited participation through the use of tools. Having discussed both data types and collection procedures in sufficient detail, an examination of the data analysis and interpretation processes can be undertaken.

4.3 Data Analysis and Interpretation

As Denzin and Lincoln (1998) emphasize, the empirical materials derived from the qualitative research process are not easily pieced together but rather they undergo interpretations that are carefully constructed (29). As such, it is sometimes described as an art and science (Corbin and Strauss, 2008). This indicates that creativity is required when implementing procedures to tackle “analytic problems” and a “scientific” approach regarding systematically developing knowledge grounded in the data is also needed (Corbin and Strauss, 2008).

For the present study’s data analysis, an inductive analytical approach was used, which was aligned with the descriptive and exploratory goals associated with qualitative research (Guest, MacQueen and Namey, 2012, 7). The specific mode of analysis is discussed in more detail below, followed by a brief discussion on the steps involved in the analytical process.

4.4 Grounded Theory as a Method of Analysis

When assessing the research paradigm and overall research objectives and goals, it was determined that the principles put forth by grounded theorists meshed well with the modified

objectivist position adopted here. Accordingly, a grounded theory approach was used. Grounded theory offers a coherent and reliable way to undertake the task of examining data, as well as generating themes and theoretical ideas (Charmaz, 2006; Corbin and Strauss, 2008; Crotty, 1998).

In their initial work on grounded theory, Glaser and Strauss (1967) emphasized that a major strength lies in its capacity to rectify some of the shortcomings of other qualitative analytical approaches. More specifically, the authors highlight that qualitative work often produces theoretical assumptions derived from inconsistent analysis, which have a “dubious fit and working capacity” in relation to the research project’s aims (4-5). A grounded approach proposes the use of comparative analysis to generate theory (Glaser and Strauss, 1967). When one is engaged in constant comparison, they can compare information within a source, within a group of similar sources or across different source types (Boeije, 2002). When key categories grounded in the data have been identified, comparison helps to develop their dimensions and properties/characteristics.

The Corbin and Strauss method was selected because their provision of guidelines was useful. Following their course of action allowed for the analysis to be structured so it could be conducted in a thorough and consistent manner. The scholars’ later (2008) approach emphasizes that there is some flexibility with how the techniques are implemented, which was found to provide a balance between a more free-form approach like Glaser’s (1992) and Strauss and Corbin’s earlier method (1990).

The analytical process began with the interview transcription. Interviews were transcribed by the researcher over a forty day period. Since the text itself was going to be analyzed, verbatim transcripts were produced (Kvale, 1996, 166). The inclusion of instances

denoting pauses, voice tone, and demonstrations of emotional conveyance such as laughter, were excluded. As Kvale (1996) rightfully points out, such inclusions are relevant for disciplines like psychology, where the aforementioned may be integral to the investigation (166). Interview transcription underwent corrective listening, which entails re-listening to a transcript in part or in its entirety to compare first and subsequent versions of the written transcript to correct any errors and cross-check for accuracy. The analytical process involved several stages, some of which occurred simultaneously.

This dissertation approached the initial analysis keeping three questions at its forefront.

- 1) What instruments were used during the FSL policy processes?
- 2) Why were the instruments selected and how did they affect the policy process?
- 3) What is the role of secondary actors (e.g. who are they, how do they participate in the policy process and to what effect)?

Nvivo qualitative software was used to analyze the interviews and the documents.

Analysis of the interviews occurred first, as they were the primary source of information. The analysis of the documents followed. They underwent the same process as the interviews. The codes identified in the interview coding served as initial frames for the document coding.

Analysis began with the open coding of interviews. Open coding is a first step used in grounded theory. The purpose of coding is to “take raw data and elevate it to a conceptual level (Corbin and Strauss, 2008). This is done by “breaking apart” data into smaller segments (e.g. paragraphs, sentences, phrases) and labeling them so as to capture their meaning.

Appendix 11 contains the initial codebook, with 222 codes and offers a description and examples of how text segments were coded. Using code names that merely described the contents of the texts was inadequate for the purposes of thorough analysis. Instead coding captured concepts representing, for example, events or actions. Some of the material coded was

descriptive, but the use of notes captured the nature of the described material (for example, if it was a process). In line with Corbin and Strauss (2008), the idea that “concepts are the unit of analysis” remained at the forefront of the analytical exercise.

Axial coding was engaged in next. Axial coding, although sometimes treated as a process separate from open coding, is done in conjunction with it. Axial coding is an ongoing process. The purpose is to “reassemble” the data that have been taken apart during the initial coding phase. Corbin and Strauss (2008) state that what we are doing is linking concepts together. A central phenomenon (i.e. category) is expanded upon by linking “lower-level” concepts with it (Corbin and Strauss, 2008). Here, a sense of “context” and “process” is developed, which gives deeper meaning to the phenomena. Context refers to the “micro and macro level conditions...that give rise to problems or circumstances (Corbin and Strauss, 2008). Process is a response to context. Process is integral to explaining the phenomenon under study, as it ultimately provides the “how” behind it (Corbin and Strauss, 2008). By examining context, we are determining additional “structural” variables that affect the phenomenon under investigation and gain insight into what contributes to process.

There was a paring down of the original set of codes. In some instances, this reduction was simply a matter of eliminating repetitive concepts. For example, there was the merging of two codes labeled “implementation challenges”, since they addressed similar content. In other instances, stand-alone codes were moved under “parent nodes”. The purpose was to capture the main ideas offered to by participants in relation to the questions asked of them. The result of this re-organization of codes was a codebook containing twenty-six parent nodes with sixty-one child nodes, each representing one dimension of the parent node (see Appendix 12 for codes and examples). This allowed for the preliminary definition and development of the relationships

between categories and within categories. Axial coding was undertaken with the help of Scott's (2004) Conditional Relationship Guide. Corbin and Strauss encourage in-depth investigation of the main categories established and claim that doing so requires asking "what, when, where, why and how" questions about each main category. In doing so, we also understand the outcomes (e.g. consequences) that stem from the phenomena in question. As Scott (2004) succinctly puts it, the "when, why and where" questions help us to develop the context of the category, whereas "how" helps us to elaborate on process and consequences. Appendix 13 offers examples of the conditional relationship guide.

Following axial coding, there was selective coding. One of the major aims of selective coding is to integrate the findings. Integration is described by Corbin and Strauss (2008) as "the process of linking categories around a core category and refining and trimming the resulting theoretical construction." Sometimes referred to as "third level coding", the purpose is to provide an, even more, thorough understanding of the process and context by which a phenomenon occurs. It produced major research propositions that emerged during the coding process.

"Memoing" was engaged in throughout the analytical process. Memos are the notes the researcher takes when engaging in the analytical process and are used throughout analysis (see Appendix 14 for examples). A researcher uses memos for a range of reasons. These include generalized memos about specific documents, memos used to capture relationships and to compare data, to develop categories' process and context, as well as to "build a storyline" (Corbin and Strauss, 2008). As Corbin and Strauss (2008) emphasize, without memos it would likely be impossible to retain all of the connected ideas, abstractions, lines of questioning and reasoning that come to the fore when analyzing the material. Furthermore, memos can be used to demonstrate our thought patterns and substantiate our findings when needed. Memos allowed us

to hypothesize about concepts and their relationship to one another, as well as to note further questions and to capture interpretations of the material. Taken together, the rigorous implementation of the Corbin and Strauss (2008) method, along with several other measures, led to a study that is trustworthy.

4.5 Trustworthiness: Credibility, Transferability, Dependability, and Confirmability

Determining the trustworthiness of a qualitative study is essential if the research findings are to be seen as having merit (Guba and Lincoln, 1985, 290). Determining the soundness of a qualitative study requires implementing measures that are different from those used in quantitative studies (Seale, 1999). The criteria used to determine whether a qualitative study is trustworthy, along with notions of validity, can vary (Cho and Trent, 2006; Creswell and Miller, 2000; Marshall and Rossman, 2006).

The present project used Guba and Lincoln’s (1985) suggested route, as will be explained in the followed sections. They use credibility, transferability, dependability and confirmability as their selected criteria. Table 9 outlines the trustworthiness criteria, along with the steps that researchers can take to meet it. It is argued this approach is one that delineates the notion of trustworthiness in a clear manner amenable to producing research that reflects reality.

Table 9. Trustworthiness Criteria

Criteria	Suggested steps to take
Credibility	<ul style="list-style-type: none"> - Field-based activities, including prolonged engagement; persistent observation; triangulation - Peer debriefing - Negative case analysis - Referential adequacy - Member checks
Transferability	- Thick description
Dependability	- Dependability audit
Confirmability	- Confirmability audit
Ensuring all of the above	- Reflexive journal

Adapted from: Y.S. Lincoln and E.G. Guba, (1985). *Naturalistic Inquiry*. Beverly Hills: SAGE, 328.

As Guba and Lincoln (1985) state, the qualitative researcher is tasked with providing a representation of reality that adheres to participants' worldviews. To ensure credibility, triangulation was utilized to obtain information from multiple sources (interviews and a range of documents) to compare information, corroborate findings and produce evidence that was complementary to or deviate from the existing evidence. This helps to assess the validity of, for example, a piece of evidence when compared to another that speaks to the same points (Guba and Lincoln, 1985, quoting Diesing, 1972).

Prolonged engagement was also undertaken. The process of data collection and engagement with the material was pursued until saturation was achieved. The research continued in a thorough manner, remaining open to receiving information that was counter to the initial ideas about potential findings. Research pursuits did not cease when evidence was found to support some of the pre-established ideas about policy instruments and policy processes. Following Guba and Lincoln's (1985) lead, the process was undertaken for a long enough period to ensure trust was built with participants. Thirdly, member checks were engaged in by having participants clarify statements during the interview process and transcription. The few participants who requested a copy of the transcripts were provided with them.

Transferability speaks to the possibility of transferring working hypotheses from one context to another (Guba and Lincoln, 1985, 123-124). In short, the inimitability of certain factors in a given situation (or cases, in this research) means generalizations in the scientific or positivist sense are ineffectual (Guba and Lincoln, 1985, 123). What was strived for instead were hypotheses that are transferable from one context to another fitting context. Part of what determines a comparable, "fitting" context, is achieved by engaging in a thick description of the cases (Guba and Lincoln, 1985, 125). Whether or not transfer is possible depends on the "degree

of similarity between sending and receiving (or, earlier and later) contexts” (Guba and Lincoln, 1985, 316). What helps determine transferability comes from the researcher’s production of a “thick description” that allows other researchers to explore the possibility of transfer. This tenet was upheld by producing a thorough description of each case and highlighting specific features that would help others determine the degree of transferability. This included, for example, providing context about the governance structures in place, an overview of FSL programs in the provinces and their development over the course of recent years, the types of policies put in place, etc. The analysis was approached with some theoretical guidance and the information unearthed is best thought of as working hypotheses as opposed to firm conclusions.

The dependability of the study refers to how consistent research findings are in relation to the data produced (Fink, 2000; Miles and Huberman 1994). Maintaining a record of how the research was conducted, along with a thorough explanation linking evidence to conclusions, helped maintain this. The research was supervised, ensuring a thorough and consistent process was maintained.

Confirmability refers to the keeping of an audit trail, which is in essence, record keeping. This allows for the verification of the research process and findings. There is raw data, in the forms of interview recordings and field notes that can be used to confirm the data and findings. Process notes can also be looked at to check methodological components (e.g. rationale, procedures, and strategies) (Guba and Lincoln, 1985, 319). “Instrument development information” can also be verified, which includes original and final versions of the interview guide, information letters and adaptations of these sent to participants, as well as interview schedules and electronic records indicating points of contact with various potential and actual participants, as well as their responses to the interview requests. Related to the discussion of

trustworthiness is the matter of ethics. Maintaining standards of ethics was necessary to retain the trust of research participants and the integrity of the project.

4.6 Ethical Considerations

Spencer et al. (2003) provide a set of criteria that researchers can consider when evaluating their work and the work of others. This assists in determining whether or not ethical principles were fully considered during the research process. Their guidelines include minimizing harm to participants, demonstrating how consent was obtained, providing evidence of how the study was presented to participants, maintaining privacy/ anonymity and showing how data was kept confidential (Spencer et al., 2003, 15). At the core of the ethical considerations is demonstrated sensitivity to research contexts and participants. In following these guidelines, we minimize risk to participants, uphold their rights and fulfill our obligations to conduct fair and equitable research that reduces the potential to cause harm to participants. It should be noted that this research project was approved by the University of Ottawa Office of Research and Integrity. The five guidelines have been adapted below, and it is demonstrated how each criterion was met.

The research project was considered “minimal risk” and accordingly, the ethical principles implemented reflect this. The priority was to ensure that participants were respected, felt they could participate freely and could trust that their personal information, as well as the information they provided through personal communications, would be kept secure and confidential.

The principles of voluntary participation and informed consent were maintained. The participants were made aware that they could opt out of the study at any time or ask that certain

pieces of information be excluded from the study. Along with this, participants were given full information regarding the project and could choose to participate based on this, fulfilling a major requirement of informed consent (Bryman, 2008; Cohen et al., 2000). Secondly, participants' right to privacy was maintained by following Diener and Crandall's (1978) recommendation that researchers remain aware of the sensitivity of the information they receive; the level of privacy afforded by surroundings in which research takes place; how information obtained in the research is disseminated and who has access to it. Anonymity was and continues to be maintained by refraining from using personal identifiers when communicating about participants, either verbally or in writing. Data was/is protected and kept confidential.

With regards to informed consent, upon first contact participants were given an invitational letter containing a brief description of the research project along with a lengthier document containing information as to what their participation would entail and why they were selected. As previously stated, the invitational letter can be found in Appendix 3.

The majority of individuals who agreed to participate did so without requesting further information about the research project. Some language consultants forwarded the information to their employers to confirm that they would be permitted to participate. Also, two participants in New Brunswick required permission from a Deputy Minister, and this entailed personally contacting the Deputy Minister via e-mail and explaining the project, along with providing an explanation as to why the two individuals' participation was requested. Because executive directors of government divisions were contacted first to request their participation in interviews, their permission was sought to contact employees directly and ask them to consider partaking in the project. It was found that this provided reassurance to potential participants that they were not participating in a project that was not approved by their executive director. Two school

boards in Nova Scotia required filling out application forms requesting permission to conduct research. They were provided with the informational letter, consent forms, and sample interview questions as per their requests/requirements.

The participants received a letter containing information about the project. Contact information for the researcher, supervisor and the Protocol Officer for Ethics in Research were provided. No inquiries about the project were received. Those being interviewed in-person were asked to sign a hard copy of the consent form, which was sent in advance of the interview via email. Those participating in telephone interviews either scanned the form and sent it via email or mailed it in.

Further following Spencer et al.'s (2003) guidelines, the project was presented to the participants in the study setting much as it was in the informational letter and consent forms. They were told that the study was being undertaken for a dissertation and that it also stemmed from personal interest, as the researcher had worked for the New Brunswick Department of Education as a policy analyst. It was explained that the purpose was to gain insight into how FSL policy is made, who was involved in policy and other FSL related activities and to hear their opinions on FSL related policies in the province. Participants were given the opportunity to ask questions before the interviews commenced.

The three aforementioned tenets of privacy, as put forth by Diener and Crandall (1978), were kept at the forefront of the interactions with participants and guided the way information was received and "handled".

Remaining aware of the sensitivity of the information received played an important part the project. As discussed by Christians (2000) in his examination of different approaches to ethics in the social sciences, the most evident way to harm a participant in social science research

is “the disclosure of private knowledge considered damaging by experimental subjects” (quoting Reiss, 1979, 73). In the case of this project, for example, a participant who spoke about the personal hardship endured as a result of FSL related politics, was encountered. This forced a consideration of whether the inclusion of such information was not only relevant but if its incorporation would be harmful to the participant and applied in a context other than the one intended by the participant. Ultimately, it was decided to omit the information. Additionally, if a participant asked that a piece of information not be used, this was respected at all times and noted in the transcript.

Privacy was also preserved by ensuring participants’ identities remain anonymous. Their names, places of work, organizations they are members of and their positions in the workplace/organizations are not found on any transcribed documents or in any interview schedules/tables provided in the dissertation. Quotes are not attributed to specific participants either.

Because the departmental divisions dealt with are small in numbers, participants were generally aware that their colleagues were being contacted. No confirmation of who was spoken with or contacted was provided to participants and participants’ awareness of others’ participation was considered to be a result of their voluntary communications.

Some participants sought reassurance that their identities would be protected. When asked, it was verified if the descriptor to be used to describe their position was acceptable (e.g. “employee of the Department of Education Curriculum Branch,” “stakeholder group board member,” “university-based FSL researcher”). The majority of participants did not express concern about this. When recommending potential participants, they were asked if it could be stated that the researcher had spoken with them. All those who provided additional contacts

confirmed this was acceptable. While one alternative to this is to ask the interviewee if they can contact the potential participant on your behalf (Seidman, 2013), it was determined that this would create additional work for the participants who had already given their time.

Speaking to Diener and Crandall's (1978) criteria, the research setting was private, and information was obtained in an environment best able to assure the interview was undertaken in a confidential manner. Participants were informed that the interview would take place in an enclosed space, such as an office. They were given the option to select a place that was not only convenient for them, but ensured that the interview was private and could not be heard by other individuals. Most opted to meet at their place of work, either in their personal offices or a conference room. Those who did not meet in the workplace offered to conduct the interview at their place of residence or met at a local university where a room was booked. Those partaking in telephone interviews spoke from home or their offices

As stated above, anonymity was preserved by removing personal identifiers from transcripts and any document appearing in the dissertation. The consent forms contain names, contact information, organizational affiliations and positions within organizations, but these are kept in a secure location. Transcripts use number coding to identify participants and the numbers are also found on the consent forms. Copies of transcripts are found on a password-protected laptop and a USB key, kept with the consent forms. These measures were explained to participants in the consent form.

Regarding information dissemination, interviewees were informed that the information they provided would be used for the research project and that only the researcher and project supervisor would be able to access this.

Adhering to the ethical protocol is of paramount importance to the research project. The aim here was to implement as many measures as possible to minimize harm to participants. Although this is a minimal risk study, there are important considerations such as preserving the participants' identities and ensuring that their information, as well as the data they provide, is kept confidential. Although a few obstacles were presented, mostly about participant awareness of others partaking in interviews, responses were kept confidential, no confirmation of who else was participating was given, and participants could remove themselves from the process of their own volition. It can be told with confidence that ethical guidelines were followed and in-line with University requirements.

The purpose of the preceding chapter was to describe and explain the research methodology. This was done by discussing the research paradigm, which established the nature of the study. Following this, research objectives were reviewed. A focus on case studies ensued and the definition and selection of the cases were given. Data collection methods, along with the justification for their selection, were provided. The analysis of the data was given attention following this, including an overview of the grounded theory method and an in-depth explanation as to how it was carried out. The chapter ended with a discussion of trustworthiness and ethics. The intention was to provide considerable information about the research paradigm adopted by the researcher and its connection to the chosen methods. Specifically, the goal was to convey the suitability of the selected case study method, the reasoning behind the data collection sources and procedures, as well as how this was tied together with a consistent method of analysis. Furthermore, it was shown that the study was upheld by trustworthiness and ethical considerations.

5. Research Findings and Analysis

Actor configuration, policy instruments and stakeholders' resources, selection criteria and recipients' perceptions of tool are the four areas requiring investigation, as determined at the outset of the research project. Legitimacy was to be explored in relation to the last two themes. Regarding the first theme, since the policy process is an "interactive process," a simple breakdown of "who" participates in the FSL policy process is discussed with a view to actors' proximity to the policy process/policy-making. The second theme relates to policy instruments and stakeholder resources and identifying the instruments/resources utilized in both cases. Following this, there is an analysis of the third theme, selection criteria, and finally, there is delineation of how non-government actors perceive instruments and what motivates them to respond.

5.1 Actors' configuration

The identification of actors (see Table 10 for an overview) is primarily descriptive but it was soon discovered that when classifying actors according to their "proximity" to the policy process, we could unveil additional information about the roles they occupy. This provides context for the reader and is a step that helps to understand who drives the FSL policy process and partakes in it. It gives insight into the relationships between actors that co-exist in a policy subsystem.

New Brunswick

As discussed earlier, proximate government actors are those with varying degrees of decision-making authority (Howlett, 2011, 33). They also "consume policy analysis" to make policy decisions. In this case, this includes the Minister, Deputy Ministers and Assistant Deputy

Ministers. They do not each retain the same decision-making authority. The Minister retains the highest degree of decision-making authority, and in terms of policy, has the final say on the implementation of policy. This is usually based on the advice of the Deputy Minister.

As will be discussed, the Minister drives the FSL decision-making process. Deputy Ministers in New Brunswick are described as retaining decision-making authority related to departments' budgets and the management of the Department, including staffing decisions/approvals (Bouchard, 2014 114). Advising the Minister involves helping him or her prepare to meet with media (and in New Brunswick the strategic communications branch in Education reports directly to the Deputy Ministers), assisting with preparations when encountering interest groups and generally helping the minister "avoid any missteps" (Bouchard, 115). Assistant Deputy Ministers are described as "providing strategic direction in support of public policy" (Overview-Assistant Deputy Minister, Government of New Brunswick, 2014), which would place them in an advisory role, as opposed to one oriented towards decision-making.

Within the same quadrant as the Minister and deputy/assistant deputy minister, we find professional "governmental policy analysts." They are "intermediaries," who take the information they receive from "proximate non-government" and "peripheral government" actors and render it accessible to decision-makers, who then utilize it during their assessments and evaluations of policy problems (Howlett, 2011, 33).

Table 10. Actors Involved in the FSL Policy-making Process in New Brunswick and Nova Scotia

Actor Type:	Proximate NB	Proximate NS	Peripheral NB	Peripheral NS
Government	<p>New Brunswick</p> <p>Core actors:</p> <p>The Minister Deputy Ministers Assistant Deputy Ministers</p> <p>Professional governmental policy analysts:</p> <p>Policy and Planning Division: Policy and Legislative Affairs Executive Director, Director, Assistant Director and Policy Analysts</p>	<p>Nova Scotia</p> <p>Core actors:</p> <p>Minister Deputy Minister</p> <p>Professional governmental policy analysts:</p> <p>Corporate Policy branch: Executive Director Director Manger Policy analysts/officers</p>	<p>New Brunswick</p> <p>Insiders:</p> <p>Curriculum Development and Implementation Branch, FSL consultants, Director District Education Councils</p>	<p>Nova Scotia</p> <p>Insiders:</p> <p>School Boards: Program Directors French Second Language Services division: Director Consultants (Core French, FI)</p>
Non-government	<p>New Brunswick</p> <p>Private insiders:</p> <p>Consultants Jim Croll and Patricia Lee</p>	<p>Nova Scotia</p> <p>Private insiders:</p> <p>N/A</p>	<p>Outsiders:</p> <p>Teachers FSL consultants</p> <p>Stakeholder groups: Canadian Parents for French, French for the Future, Nova Scotia Second Language Teachers' Association, Canadian Association of Second Language Teachers, Association des professeurs d'immersion, Nova Scotia School Board Association</p> <p>Media: The Halifax Chronicle Herald, The Cape Breton Post, The Truro Daily News</p>	<p>Outsiders:</p> <p>Teachers FSL consultants Stakeholder groups: Canadian Parents for French, French for the Future, Nova Scotia Second Language Teachers' Association, Canadian Association of Second Language Teachers, Association des professeurs d'immersion, Nova Scotia School Board Association</p> <p>Media: The Halifax Chronicle Herald, The Cape Breton Post, The Truro Daily News</p>

			<p>Association des enseignantes et enseignants francophones du Nouveau-Brunswick (AEFNB) Fédération des jeunes francophones du Nouveau-Brunswick (FJFNB), Parents for Fairness, Anglo Society of New Brunswick</p> <p>Reseachers from: The Second Language Research Institute (University of New Brunswick)</p> <p>Canadian Research Institute for Social Policy (University of New Brunswick)</p> <p>Memorial University</p> <p>Université de Montreal</p> <p>Dalhousie University</p> <p>Université de Moncton</p> <p>Media: Fredericton Daily Gleaner, Saint John Telegraph Journal, Moncton Times and Transcript, l'Acadie Nouvelle, CBC New Brunswick</p>
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Adapted from M. Howlett. (2011). Designing Public Policies: Principles and Instruments. Abigdon, Oxon: Routledge. 34.

In the case of FSL in New Brunswick, government policy analysts who find themselves in the Policy and Planning Division of government occupied this role. The Policy Branch focuses on policy development and legislative proposals, works with stakeholders to help them understand and implement policy, manages a variety of Acts (e.g. Protection of Privacy, Right to Information), and assists with school governance issues. It also ensures that departmental plans are implemented (*Departmental Structure*, EECD NB, 2014). Regarding policy, analysts' roles include "interpreting, developing and advising on policy" and all the policy analysts interviewed tended to describe this information being relayed to "senior management."

In addition to policy analysts, two consultants were identified who, as proximate non-government actors, provided the "basic scientific, economic and social scientific data upon which analyses are often based on and decisions made" (Howlett, 2011, 33). This refers to the two commissioners hired by the government to conduct a review of FSL programming in New Brunswick. On July 23, 2007, Minister Lamrock announced that provincial FSL programs would undergo a review, naming Jim Croll and Patricia Lee as the review Commissioners. Croll, a professor emeritus, formerly taught high school and worked at the University of New Brunswick's Faculty of Education until 2002. Lee was described as "an advocate for education", having "served for many years on both the district and provincial home and school executives" ("Review of French-second language and programming launched", CNB, 2007). They were to:

"engage students, parents, teachers, educators and identified stakeholders in a review of the current models of French second-language instruction, and to make recommendations designed to assist the anglophone sector in developing French second- language programs that will be in the best interests of all students."
("Review of French-second language and programming launched", CNB, 2007).

FSL in New Brunswick also involves peripheral government actors who provide information regarding policy and policy content in particular. Although this grouping of actors includes, potentially, research councils and government-based committees, in this case, the Educational Services division (Anglophone) occupied this space.

In New Brunswick, responsibility for the FSL portfolio belongs to two learning specialists who work under the Curriculum Development branch as part of the FSL unit. One specialist is responsible for FSL/Intensive and Post Intensive French, and the other is in-charge of FSL/French Immersion/English as an Additional Language (*Mandates*, EECD NB, 2014). Their responsibilities are primarily to develop curriculum, provide PD and assist district learning specialists. Whereas the policy analysts and commissioners are actively supportive of the education minister, due to their adherence to the tasks they are required to undertake, the learning specialists primarily have relationships with those located in the various districts.

District education councils (DECs) are in this same category. They are subject to the regulations put forth in the Education Act and are also considered a form of local government, which is why they were placed in the peripheral government quadrant. New Brunswick DEC members are elected by the public every four years. The DEC roles include hiring, directing and evaluating the superintendent and developing education plans for their district (*New Brunswick Education: A Shared Responsibility*, Department of Education New Brunswick [ED NB], 1998). Furthermore, they develop their district policies, which are based on the provincial ones and differ only if they are “more prescriptive or comprehensive than a provincial policy” (*New Brunswick Education: A Shared Responsibility*, ED NB, 1998, 3). (For a complete list of DEC duties see the New Brunswick Education Act, s.36.9.)

The final quadrant contains actors considered to be non-government outsiders. Their role is somewhat less influential in that they try to sway the government in their favour by providing information about their positions and policy, but this does not necessarily factor in to decision-making (Howlett, 2011, 33-34). Their influence is a “higher level of abstraction”, and they influence, if at all, “general abstract policy aims” and make their “implementation preferences be known” (Howlett, 2011, 34). Howlett (2011) makes the claim the “general public” exists separate from outsiders but states they too can influence policy at a “higher level of abstraction”. Among the actors located in the outsider sphere, are FSL consultants who work in the individual districts. One participant (21) described the position as:

So as a learning specialist for French, which I did for three years, we worked... We were sort of the link between the Department of Education and the schools to ensure that programs were rolled out. That schools had the resources that they needed.

Based on this description, the roles of FSL consultants are to ensure implementation of programs and provide substantive resources at the local level. Another consultant (Participant 36) expanded on the role and stated:

A lot of the day to day things are answering teacher questions about either programming or resources. Things to get in the class, sent to support teachers, and doing some observations, providing feedback, also doing any PD. And then I would also do anything that involves the realm, if there are any exemptions, transfer requests to go out of immersion, I would do all of the parent information sessions and register them for the program.

When surveying the data, there was evidence of many additional outsiders partaking in the policy process. Government officials presented the idea that vocal minorities were at the forefront of the FSL movement. Both newspaper articles and the public consultation results supported this notion, as well. Because multiple participants pointed to their presence, this led the researcher to interpret that this was of importance.

For example, Participant 32 indicated:

Mind you it's like that with FSL. You have to remember the silent majority..there were very strong groups that wanted it to go back to grade one.

According to one participant (28), the two most “vocal” groups were:

There were two major organizations that were opposed to... or, that were the most vocal, I guess. And that was Canadian Parents for French and Citizens for Educational Choice.

CPF promotes second language learning opportunities in general (for example their annual public speaking contest is open to students in Core, immersion and post-intensive French in New Brunswick) and also focuses on immersion opportunities specifically (e.g. evidenced by their offering of an immersion camp and by providing “information services for parents seeking research data about French immersion” (Canadian Parents for French, “What is CPF?”, online). They also support the “full range of entry points” to FSL, as part of their position statements. Citizens for Educational Choice was a group formed during the height of the FSL review. A former member explained:

It was really an ad hoc group that disappeared the minute the issue disappeared. We never held meetings, we never held board meetings, we never appointed positions. But it was a way to coalesce the various groups around the problem into a single...into a single group.(P22)

CEC too dedicated much of its focus to immersion. For example, their key document “Be Bilingual in this Place” dedicates the majority of the report to debunking myths about immersion and addresses streaming, an issued connected with immersion programs (Be Bilingual in this Place, 6, 10). Streaming is the practice of selecting “higher ability children” to enter into French immersion (Worsick, 2003, 1)

In addition to the above groups, there was some indication that a vocal minority was present in the Acadian community and that they viewed the decisions of the government as

problematic. Interestingly, only one participant (34) mentioned the Francophone and/or Acadian communities as a group when discussing vocal minorities, but did not elaborate on their role:

But what was really curious is there was a contingent of very powerful Acadians who, it's almost like they attempted... they were insulted, or hurt by people doing this.

Additional information came from surveying media reports. Among the additional peripheral actors identified were the Association des enseignantes et enseignants francophones du Nouveau-Brunswick (AEFNB) and the Fédération des jeunes francophones du Nouveau-Brunswick (FJFNB). Additionally, the presence of the Canadian Association of Second Language Teachers (CASLT), French for the Future, the New Brunswick Association for Community Living (NBACL) and the Association des professeurs d'immersion (ACPI) were noted, along with the English and French teacher's unions. Appendix 7 provides their mission statements/purposes.

Additional participants included academics/researchers. The Second Language Research Institute is based at the University of New Brunswick. Its activities include "FSL/ESL teacher preparation, research, professional development, bilingual program evaluation, and policy analysis" (Second Language Research Institute, "About us", 2014). One participant emphasized:

Our mission is really to support educators, second-language educators and to... pre-service and in-service. So we support them in different ways. We support them directly through courses to pre-service teachers and to pre-service teachers of French and English, mostly... So it's PD essentially.

Other academic/researcher participants included Doug Willms, a director of the Canadian Institute for Social Policy located at the University of New Brunswick. The Institute's goals are "aimed at improving the education and care of Canadian children and youth, contributing to the training of social scientists in quantitative research methods, and supporting low-income countries in their efforts to build research capacity in child development". Joan Netten and

Claude Germain, the two scholars who pioneered the Intensive French program also participated, as did Wayne MacKay, the author of the MacKay Report on Inclusion¹¹.

Nova Scotia

Many of the same types of actors found in New Brunswick are involved in the policy-making process in Nova Scotia. There are additional actors who are active in government and fewer actors involved as peripheral outsiders. Although the provinces governance structures may share some similarities, the roles of government and non-government actors related to provincial policy-making activities are dissimilar on some levels. It became apparent that the role of actors was characterized as being active at the local level. It was found that the school boards occupy an important place in the educational sector too.

In Nova Scotia, a minister is responsible for ensuring the carrying out of (political) priorities of the department and he or she retains authority over matters that relate to these priorities. The role of the deputy minister is to manage the financial, human resource and service delivery components of their departments (Bouchard, 2014, 68). The premier appoints them directly, on advice from his or her deputy minister. Deputies are subject the minister's authority and there is an expectation that they are to provide non-partisan advice on departmental matters. Furthermore, they are subject to the Premier's direct authority and must help ensure the minister is staying in line with government's priorities and overall direction.

¹¹ The MacKay Report on Inclusion (2006) is a document that reviews the state of New Brunswick's educational system regarding levels of inclusivity among students with special needs, as well as ways to improve the system and render it more inclusive of students of differing abilities. Issues pertaining to FSL were addressed. This, for example, included examining if programs like early immersion are inclusive of all students, regardless of ability.

The Corporate Policy branch is part of the group of proximate actors who provide policy-relevant information to the deputy minister and by extension minister. They undertake the formulation of policy and have a similar relationship to the proximate core government actors as the policy analysts in New Brunswick do.

The French Second Language Services branch is involved with policy development concerning content that addresses curricular matters. They are considered a part of the peripheral government quadrant because they work with proximate actors on issues related to policy, but the bulk of their work is with the boards and FSL coordinators. The branch is dedicated to developing and evaluating all of the FSL programs. Additionally, it helps the government negotiate financial assistance agreements with the federal government and manages “language and cultural initiatives” (NS Education and Early Childhood Development, “French Second Language Program Services”).

As for school boards, they are part of the local government but maintain independence from the provincial government in terms of their operation. For FSL, board program directors are peripheral non-government actors who play a role in providing information to policymakers in provincial government. Program directors (alternately called Directors of Programs and Services) are the “heads” of educational services in their respective boards and are responsible to superintendents. Their tasks include overseeing duties related to school operations such as managing summer school programs, providing and managing a budget related to educational services and developing and managing professional development for all staff in the district (Annapolis Valley Regional School Board, 2014; Chignecto Regional School Board, 2014; South Shore Regional School Board, 2013).

FSL coordinators are board-based, provide professional development throughout their

boards, and manage the various FSL programs implemented in their regions. The description of their roles presents them mainly as providing program support, support to teachers and working with the Department:

So we've got a variety of teachers and programs and I look after them. I do all the professional development, I organize other services. We have professional learning communities... And I also help with HR, simply because when we do hire a teacher we want to make sure that they have a certain level of proficiency. (P14)

...keep abreast of curriculum initiatives that come down from the Department of Education. Make sure that teachers are kept abreast of changes that do come about...we work in close collaboration with teachers in the classroom, visit classrooms quite a bit through the year...observations, feedback, discussions...those kinds of things. (P19)

Mostly...well, first and foremost, to ensure that the teachers were following policy...Like I would look after the professional developments for the teachers...And also, any initiatives that were coming from the Department. I would, you know, follow those up and do any appropriate PD and of course, a big role was the liaison between the Department of Education and the regional school board. (P29)

There was no detection of the presence of proximate non-government actors in the case of FSL, but multiple peripheral outsiders were identified. Teachers are among them.

Canadian Parents for French has an active provincial branch. Organizations like French for the Future, CASLT and ACPI also have a presence and provide support to professionals. The Nova Scotia Second Language Teachers Association (NSSLTA) is also active. It is a part of the wider teacher's union and represents, informally, English as an additional language and FSL teachers. Another unique actor is the Nova Scotia School Board Association. Similar to the DEC Council in New Brunswick, this association represents the interests of school boards across the province and participants mentioned them as being an important lobbying group. The Association's mission statement indicates they provide direct support to the province's school boards by offering professional development and by implementing strategic initiatives. The aim is to help school boards operate effectively. The NSSBA also "facilitates" school board-based

non-teaching staff's benefit and pension plans (Nova Scotia School Board Association, "The NSSBA", 2012). They provide support to the school boards but remain outsiders.

Finally, there is a media presence, but one focused on board-based issues since it is where most FSL issues present. The surveying of three local daily newspapers highlighted information about FSL-related events in the province.

Actor Proximity to Policy-making Process

New Brunswick

When overviewing the material and deciphering "who" partakes in the policy process, there was a repeated return to the idea that while many actors partook in the policy process, the Minister of Education in fact dominated it¹². The Minister was "at the helm" of the policy process and authoritatively maintained that role. In order to remain at the helm, he retained control over the process and asserted his authority by adhering, selectively, to the existing research on FSL and related topics. The "supportive role of others", like policy analysts and the DEC's, also allowed the Minister to maintain his position.

Below, there is support for the idea that the Minister retained control over the policy process. Control over the policy process was attributable, in part, to the departmental structure. While, in New Brunswick, the deputy and assistant deputy ministers play an advisory role, it was determined that this presumed role may not have played out in reality. This is highlighted by a government official, who described the Minister as being:

...very hands-on minister...very hands-on... With the deputies, as well.

¹² Appendix 15 contains the categories we developed in relation to the major research questions asked. This follows Corbin and Strauss' (2008) proposed method.

From an advisory standpoint, the Minister was putting his beliefs about FSL at the forefront, thus retaining personal control over the direction policy was to take. Two participants explained this to a further degree:

I talked to him a couple of times and I'm sure he was a good man, but he saw it as that... The French program was taking away too much from the English program. And that it had become an elitist program. (P35)

And the minister wanted to eliminate streaming. He felt that an inclusive environment was healthier...and he was going to get it (P28)

This highlights how his policy decisions were based on personal beliefs. Another participant indicated that it was common knowledge that the decision rested with the Minister:

But, so most people knew that in the end it was his decision. (P34)

There is no evidence to demonstrate that these decisions stemmed from advice given by other advisors, reinforcing the idea that the Minister retained control over the process.

Some of the roles occupied by other actors helped the Minister retain his authority and control. Again, this is partially due to the structure of the education department and the rules and regulations that dictate roles and responsibilities. These actors (specifically policy analysts) are “task-oriented” and “dutiful.” As such, they were supportive of the Minister. By saying “supportive,” it is not implying that the actors are in agreement with the Minister and/or his decisions, but that they are providing employment related support. In doing so, the Minister retains the capacity to move ahead with his agenda at the forefront of the policy process.

Policy analysts, in this case, viewed their roles as related to supporting the Minister, all the while recognizing that what he did with the information was at his discretion. They harboured two sets of beliefs but their motivation came from their need to perform the tasks for which they were responsible “dutifully”. Government officials had two frames of reference, which helped shape beliefs. One was work-based/influenced and the other was based on personal

experience outside of the workplace. This does not discount the possibility that work frames of reference influence personal beliefs or vice versa. What was found was that the government officials were able to put their personal beliefs aside, or suppress them, and put their work-related beliefs (i.e. beliefs about their work purpose) at the fore. As such, they were supportive of the minister, which helped him with decision-making, or perhaps more accurately, did not interfere with the decisions he wished to make. The interviews with multiple policy analysts demonstrate this. All provided their personal beliefs about FSL without prompting, for example:

I have, my kid was one of the first in the grade 3 start. I came from grade 1 French immersion, I did the whole thing; I was pleased with it. Like I, wanted them to focus on... Fix their English, get their English up and then... I love that you're introducing... I love that my daughter is coming home and even though she's in English, and saying 123-4567 (numbers spoken in French). (P33)

And I would go to the extreme to make sure that they do (learn both languages) because we live in New Brunswick and if you want a job in New Brunswick, a good job, I think you need to be bilingual. To me, that's the bottom line of that.(P26)

I don't think there's enough data to make any conclusions (about streaming). It's one of those things where you can choose the grade one entry point and the evidence shows. We had the evidence. We already knew what grade one could accomplish.(P28)

The first comment demonstrates the normative component of the actors' cognition, by highlighting the belief that the new program helped their child with their English, while providing enough exposure to French. The second comment displays the individual's cognitions: that bilingualism begets opportunity and that their motive for enrolling their child was to provide economic opportunity. Finally, the participant conveyed that the nodality-based resources at their disposal support an earlier entry point, but that there is an absence of data to support the position concerning streaming, which was a point used by the Minister to discredit the current FSL programs.

Although they held these beliefs and were motivated toward certain actions in their personal lives, work-oriented beliefs motivated the government officials to provide supportive roles to the minister by providing the resources and information needed to make decisions:

...to explain to these guys, "this is why this one right now requires your attention. And if you choose not to, then this is what's going to happen. If you still choose not to, I'm just going to go back over here and you let me know when you want to do whatever." Because that's my job as a policy person, like (redacted) always said, truth to power. That's the one thing at the end of the day... Truth to power. And mitigate risk and provide... problem solve. Provide options. (P27)

The interpretation of the above is that to perform one's task "dutifully" is to provide objective information to those with decision-making capacity. This is in-line with Howlett's presentation of the role policy analysts occupy in the policy process. This structure allows Ministers and their deputies to retain decision-making authority. The idea that information provision is a key duty is further explained below:

We go in with, you know, "these are your options on how we can deal with this problem that we're trying to fix in your policy, tell us the direction that you are most comfortable with as a government, with us going down the road." Then we would go with do all the work and come back with the final product saying "here's what it is, are you comfortable with all of it before we post it and make it live?" (P33)

Based on their credentials, the two commissioners spearheading the report seem to be the "types" of individuals who would increase perceived legitimacy among those external to the research process, because of their background in education, as well as due to the fact that one of the individuals is active in the "education community". As such, it could help bolster the credibility of the report, which in turn would support the Minister in his FSL related decisions. As will be seen in the coming sections, this did not occur.

Learning specialists contribute to policy discussions but in a limited manner. One consultant stated that "typically" they:

...would probably be brought up to speed at some point and that there are ...windows in here and if its something you feel strongly about, when it does come up, you make your point. (P39).

Unlike with the previous actors overviewed, the chance to contribute means an opportunity to voice an opinion, as opposed to solely providing what is presumably objective information. Interestingly, the 2006-2008 period of change shows that one FSL specialist decided to remove herself from her role at the Department because she questioned and did not want to be associated with the initial decision regarding the changes to FSL. The participant explained that:

I went back into a classroom for the year that they reviewed because I didn't want to have anything to do with it. So I was back in my classroom, and I just left and just stayed out of it.

This is notable because it shows that the review was viewed negatively. The participant demonstrates an aversion to the tactic utilized by officials. The fact that the discontent was directed at the tool is supported by the fact that she came back to work post-review when the final decision about FSL was still undecided:

...So I came back in the middle of all this even though things were chaotic and what programming was going to be offered wasn't totally clear.

It was not as though she left because she did not like the proposed changes to FSL programming.

It was because she did not agree with the review. In fact, she states:

I think some of the thinking was that grade 5 would allow students to start first in their first language, become winners at their first language before introduction of the second language...

I don't necessarily embrace that particular belief. I think they were people who thought that they were doing the very best for the children by doing that and they thought that that would help them in the future. I personally don't agree with that aspect but that's okay.

It also demonstrated the capacity of the actor in question to adhere to her beliefs and take action that she felt warranted. The participant's actions were a way she adhered to her beliefs about the FSL changes and avoided participating in a government review that lacked, from her perspective, procedural legitimacy. This also meant one less obstacle for the Minister to pursue the decision-making path he had embarked on.

When trying to understand the roles of the DEC's in the FSL process, information highlighted their public support of the decisions made by the government. In this instance "supportive" indicates agreement with the decisions of government. Some DEC's were reported to support the changes because, for example, children in rural areas would be on an even playing field with students in more populous areas, who typically had access to more French programs due to their higher numbers (Moncton Times & Transcript, 21/03/2008, A9).

It is known from the Croll-Lee report that only two DEC's participated in their study, but the reasons why they did not participate in greater numbers could not be found. The roles of the DEC's in the policy-making process at the provincial level are largely consultative with the degree of inclusion determined at the department level:

After the sort of inter-departmental and internal consultation, we go to our superintendents and districts. The district education councils. And we get a feel... Get a sense of where they are at. Sometimes they are involved earlier in the process. It really depends on the issue. Sometimes they're not even involved until the end because it does not necessarily affect them. (P28)

There is additional evidence of limited DEC and provincial department cooperation. According to one expert on school board governance in the Maritimes:

In New Brunswick, there are no school boards, and they have councils which have very little decision-making authority for policy (P05)

Furthermore, DEC's can develop their own district policies, which are based on the

provincial ones and differ only if they are “more prescriptive or comprehensive than a provincial policy” (*New Brunswick Education: A Shared Responsibility*, ED NB, 1998, 3). The overall role of DEC’s in policy-making is limited and regarding FSL, there were displays of support and some indications of a lack thereof.

Most district level consultants described their relationship to the Department as being with the Department curriculum experts. The FSL consultants frame the role as one that is centered on districts and is about service provision at this level. Although they are clearly immersed in the day-to-day activities related to FSL, there is no routine seeking of their input. The norm is that the FSL consultants do not participate in the policy process. One consultant stated:

I think we should be (consulted on policy). Are we on the FSL? No one's ever consulted with us. No one's ever consulted with me on that.

Question: *Have you ever been invited to partake in discussions surrounding policy proper?*

Participant 36 responded: *Not that I know of.*

The norm is that FSL consultants typically do not participate in the policy process and remain external to policy-making activities that do not involve implementation tasks. As will be discussed in more detail, this was not for lack of trying.

The powerful vocal minorities’ (namely CPF and CEC) roles in the policy process were to counter the policy decisions of the government, and they were able to accomplish that based on their capacity to generate resources. The role of other actors was limited. Evidence of one other group, described as prominent “Francophone Nbers” was found, who wrote the Minister a letter supporting the movement to preserve immersion (Pollack, 2008, A4). There were several concerns expressed in the letter regarding the decision to eliminate EFI and restructure the current programs. The AEFNB and FJFNB released statements criticizing the decisions

(“Élimination du programme d'immersion”, 2008, 6; Gagnon, 2008, 8). Further concerns about employment uncertainty and the possibility of receiving an influx of Anglophone students into the Francophone district without the opportunity to adequately prepare were also found (“Élimination du programme d'immersion,” 2008, 6; Doiron, 2008, 4).

CASLT, French for the Future, NBACL, and ACPI along with the English and French teachers' unions had limited involvement. Reference to another group called Parents for Fairness, who supported the changes, was noted, but there was no success with attempts to locate additional information other than what was found in the media. The Second Language Research Institute was involved in providing information to the government in various capacities and later partook, along with the academics mentioned earlier, in the stakeholder roundtable to offer their expertise on the various available FSL programs.

Nova Scotia

It became apparent that the role of actors was characterized as being active at the local level. It was found that the school boards occupy an important place in the educational sector. School boards are the centre of activity as it relates to FSL (and other) policy-making activities. While provincial policy is important and all FSL consultants claimed they adhered to it, it is expected and accepted that boards will adapt to their local needs. This happens, in part, because the Minister willingly plays a less direct role regarding his or her involvement in policy. Additionally, governance structures allow the French Second Language Services branch to have a more hands-on role in terms of their input into policy. Because of this, FSL consultants in the boards have direct input into policy-making practices. There is a “deference” to local needs,

which is another process by which activity remains at the local level. Stakeholder groups, and CPF in particular tend to focus their activities at the local/regional level.

When discussing the role of the Minister and senior management in the Department of Education and Early Childhood Services, participants came back to the idea that the Minister and the department's role was one oriented to budget management. For example, when trying to determine how involved ministers and deputies were with policy, one participant gave an example of an occurrence:

The Minister's going to cut the budget...or the treasury board is going to cut the budget for School boards...Now last year they decided "your budget cut's a certain percent and we want a good portion of that to come out of administration." That was more directive than normal. The Minister was politically saying "we're going to cut educational budgets and the first things that's going to get hit is administration." (Participant 05)

The fact that the participant had indicated that the decision to target the administration was "more directive" shows the minister as having the capacity to occupy a role that is more "hands off" or indirectly involved in determining how priorities are implemented. There is some level of choice involved in the degree to which the minister or his/her representatives immersed themselves in steering policy and policy implementation. Later, the same participant explained:

The Minister and the Deputy mostly...The Minister and his or her staff will decide that reading scores or math scores for grade 8s are low in the province or aren't where we want them to be...or the Minister wants something done about the math scores. So, we're putting in the budget some money for math mentors, for teachers to work with teachers, to bring up the math scores.

Other than those kinds of things, where they want things to happen, where they want math scores to get better, they want literacy scores to get better, they want schools to get accredited, etc....they want school improvement planning to happen, they want PD communities in schools.

What this indicated was that the Minister and staff exercise control by, firstly, controlling the budget and secondly, by indicating what priorities they want addressed by the boards. It was also

stated:

Other than those kinds of things, which happen...the boards have full authority.

Another participant debated the last point, regarding the board's authority, at least over certain issues. This person explained that while the Department appeared hands off, there were ways in which they can exert control directly over the boards:

Generally, because the province does two things when it gets excited about an issue. It either mandates we do something, legislatively. Or it provides an earmark funding arrangement...a conditional grant. So we're free to not accept or do what they want, but then we don't get the money either.

Of course, the tendency is they introduce a conditional grant and then reduce and leave us to deal with constituents who have grown accustomed to particular level of service. (P07).

To summarize, based on this and the comments listed above, it is understood that the Minister chooses to make an issue a priority and has the capability to control the direction it takes, including its implementation. The evidence shows this is done by manipulating budget implementation in the boards. Additionally, the boards feel the fallout from this strategy.

In addition to the Minister's role, the presence of a French second language services branch served as a link by which the boards maintained a strong position in terms of policy development and input into program-based decisions. The branch is involved in policy directly:

Our part of the department is responsible to develop and recommend to our Minister any policies or priorities that we may have that might affect French second language. (P08)

A director explained that during the consultation process regarding the changes to the provincial program policy:

So next Monday I will be meeting online with the coordinators from the boards. I've done, I've done the last changes and I want to think at this point in time they've already received copies of that in preparation for next week. So we're spending an hour online to review the final changes.

From that point on, I'm ready to present the revisions to the Program Directors in February. Hopefully to get the green light, everything has been addressed in terms of the boards, and I will be moving forward here at the Department to have that policy go eventually to be signed off by the Deputy Minister and the Minister. (P08).

This statement shows that the boards factored into the policy-making process. Firstly, consultants give their input and secondly, it is only brought back to the Department once the program directors approve it (i.e. give it the “green light”). This places some significance on the input and acceptance of the policy by the board’s administration. Overall, the involvement of the French Second Language Services branch is a participatory one.

Considering the above, along with some of the other commentary related to FSL and general practices of the department, it is seen that in Nova Scotia, school boards maintain such a strong presence in the educational sector because they are permitted to have one and because it is politically convenient and useful for the minister to maintain this arrangement. The role of peripheral actors is, therefore, an important one. The school boards, as seen above “have a say” in policy and the FSL coordinators do too.

It is known that the FSL coordinators participate in the process by collaborating with the French Second Language Services branch. The latter has the development of curriculum as one of their responsibilities, so it is unsurprising the branch consults with FSL coordinators on curriculum issues in the policy. Furthermore, the comments above show that the coordinators provide input on an already existing policy document. For example, Participant 29 said they were “given drafts” and “picked it apart” and Participant 14 stated they provide commentary, such as suggestions about the addition or removal of information from the policy.

Although mentioned as being important stakeholders by multiple participants, ultimately groups like CASLT and the NSLTA played a limited role in policy related activities at the local

level. In the case of CASLT, activities are federally- focused and in the case of the NSLTA, its provincial activities are mainly to provide PD opportunities to teachers. For example, in the case of the latter organization, it was stated that:

I don't know that it has that much power, unfortunately. It's an Association under the union, as the industrial arts teachers Association, or the retired teachers Association. So, it's an Association under the union that meets two or three times a year. Their biggest responsibility is organizing the conference day in late October.
(P31)

In terms of its proximity to the policy-making process, CPF maintains a relationship with the French Language Services branch and the school boards. Their role regarding their activities and influence relating to FSL policy is limited. When asked to describe their relationship with the department, an affiliate of CPF stated:

We're pretty open and transparent relationship. Within the Department of Education, there is a department for...I think it's called French and Acadian Language Services...we have a very open relationship with them, I can call them ask them for information. And they fund our summer camp program. So, I find it's a very good relationship. But there's still sort of a ceiling to what I can achieve.
(P04)

The French Second Language Services branch confirmed they have a positive relationship with the organization:

Certainly, we value the inputs or suggestions from an organization like CPF. As I mentioned, you know we contact them and we provide support to them and they support us as well, with the activities they arrange for kids, their summer camps, etc. We have a close connection to providing opportunities for students, so that's very that's a, very important relationship. (P08)

In summary, findings show that in both provinces actors occupy similar roles in the policy process, with some key and important differences. For example, the ministers of education in both provinces are at the centre of policy-making processes, but in Nova Scotia, the minister's minimal participation in FSL policy related matters appears strategic and upholds a deference to

the local/community needs. In New Brunswick, consultants and other actors are limited in terms of their capacity to participate in policy matters, whereas in Nova Scotia it is commonplace. Peripheral outsiders direct their attention to local/board-based matters in Nova Scotia and New Brunswick, during times of policy change perceived to be problematic; these actors attempt to partake in policy formulation and influence decision-making.

5.2 Policy Instruments

Addressing the question of instrument selection criteria requires determining what tools are utilized. In the case study, it became apparent that the government relies on a variety of resources in relation to FSL policy. The selected tools, along with their description is detailed further.

New Brunswick

The original intent of the development of the study was to examine the tools implemented by the provincial government, but it became clear as the research process unfolded that that federal government implements tools aimed at provincial governments and that stakeholder groups factor in to the wider discussion of the FSL policy process.

Federal Government Tools

The Department of Canadian Heritage offers funding/grants to provincial departments of education and interest groups through the Enhancement of Official Languages Program, which contains a second-language learning component. (Canadian Heritage, Official Language Support Programs, 2014). Included in this is the OLEP funding previously written mentioned.

Table 11. Federal Government Policy Tools

Authority	Treasury
Agreements/regulation (substantive)	Interest group funding (substantive)
	Departmental funding/transfer payment (substantive)

Provincial Government Funding

New Brunswick is the recipient of OLEP funding, and the amount is established in an agreement between Canadian Heritage and the Council of Ministers of Education, Canada. Working together, they develop multi-year Protocol Agreements for Minority Language Education and Second-Language Instruction (*Official Languages in Education Protocol*, CMEC, 2014). The intention for the money is to support the strategic priorities of provincial and territorial governments, which are collaboratively developed with the federal government. Funds go to areas like teacher training and the promotion/implementation of immersion programs, or “additional strategies” that support a pan-Canadian action plan for official languages (*Protocol for Agreements*, CMEC, 2005).

The provinces are responsible for developing their action plans, which explain the anticipated spending of funds to support official and second language learning. The provinces can transfer funds from their regular projects to complementary projects, but cannot do the opposite. Governments report the spending of funds publicly, for the purposes of maintaining accountability. This provision of a transfer payment, a treasury tool, is substantive in nature because it allows departments of education carry out language educational programs and

activities. What proves to be interesting is that it relies on another governing resource of government, authority. While the agreements are said to be developed collaboratively, an assessment of the protocols indicates evidence of what was interpreted to be a form of incentive regulation, whereby funding is contingent on provinces adopting certain strategies and remaining accountable to federal government for them.

Interest group funding

Canadian Heritage engages in “cooperation with the non-governmental sector” and among its funding initiatives is a one-time grant provided to organizations who undertake an activity/project focused on knowledge-building and dissemination, as well as improving the “methods and tools” used to teach a second language. Canadian Parents for French NB receives “program funding” as part of its operating budget. This is a “straightforward” substantive tool, in that it amounts to promoting/enabling the production of a service, by subsidizing an organization’s operating costs or funding a special project.

Table 12. Provincial Government Tools New Brunswick

Nodality	Authority	Treasury	Organization
Research reports	Public consultation (web consultations, open houses)	n/a	Croll and Lee Commission/review
Government communications (substantive/procedural)	Ministerial advisory committee		Administrative delay/obfuscation (affidavit, FOI)
FSL review websites			
Use of media/propaganda			

Nodality

The tools categorized under this theme indicate that the government typically used them as a source of communication. Each was brought to attention during the participant interviews and when overviews of the documents.

Research reports

The government relied on research reports to provide information to the public about FSL programs and the reasons for changes. The Mackay report and the Commissioner of Official Languages in New Brunswick (COL NB) report communicated information to the public about the state of affairs regarding inclusion and second language instruction in the province. Procedurally-oriented implementation of the research reinforced the Minister's position on issues like inclusion and streaming, which counteracted the propositions put forth by outsiders wishing to demonstrate the Minister's plan was problematic.

The Croll-Lee report was, as already stated, used to support every proposed FSL change except one (the Bilingual Learning Environment policy). The contents of the report were repeatedly questioned. There will be no dispute about whether it is an accurate or "true" depiction of the results, but the analysis found that it did lean in favour of the elimination of EFI. For example, the section dealing with intensive French contained only quotes supporting the program. Furthermore, an overview of the teacher's responses to a question gauging their support for intensive French only contains 76% of participants responses, which all indicate varying degrees of support or "I don't know" as an answer. This leaves to question if the remaining 24% did not support the program. This restriction of information tacitly indicates a restriction of participants, demonstrating that the shifting of evidence, in the form of information, occurs to support the wider FSL agenda. Other issues include the discussion of EFI. A footnote from the Commissioners stated:

On a web site which the Department of Education created and publicised in order that the Commission might receive feed-back from parents and other interested stakeholders, of the over 450 responses, the majority of respondents wrote in defence of the Early Immersion program. Interestingly, a great many of these respondents also identified themselves as belonging to an association and their theme was vitriolic opposition to the Commission's supposed recommendation to cancel Early Immersion. Unfortunately, an overwhelming majority of these responses failed to provide any constructive thoughts as to how the Commission, and consequently the Department of Education, might proceed in order to effect positive changes to our existing programs. (Croll and Lee, 2008, 38).

What the above points to is the way in which the calibration of tools occurs, to manipulate the perceptions of those who access them. There was an obvious attempt to discredit the opposition by criticizing their ability to “provide any constructive thoughts”. In doing this, the negative perception of EFI supporters carries over from the report to the broader policy domain, wherein the depiction of all supporters of EFI is that they are “vitriolic” and unable to contribute to the “positive” change. Relying on this report is one way the Minister supported his beliefs and excluded the opinions/viewpoints of others by discrediting them as valuable participants in the policy process.

Government communications

The Department of Education used government communications throughout the FSL policy process. They informed the public about agenda-setting, policy formulation, decision-making and implementation. Upon making the decision to re-evaluate through additional consultation, the government once again relied upon communications to invite the public to partake by contributing their views, which is used for decision-making purposes.

The first set of communications meant to make participants aware of the decision to establish a review and presented it as an endeavour destined to contribute to the development of FSL programs that were “in the best interest of students”. It also contained a link to a website

where members of the public could submit their input about FSL, in accordance with the terms of references provided (“Review of French second language programming services launched,” CNB, 2007). Communication and invitation to participate was limited to this one release. No information that explained how their participation would be used was located. Only a limited audience, composed of potential participants who kept up to date with government affairs, received what is seemingly an “open” invitation to participate.

There was a request made for the public’s participation, via a follow-up communication, released at the start of the 2007-2008 school year. According to this communication, the Commission was “seeking comments on how second-language instruction is being provided within the Anglophone school system” and it contained slightly more detail about how the comments would inform the process. The release explained that input on “current models of FSL” would be used to “assist the Anglophone sector” in formulating a program that meets students’ best interests. Additional details were offered, and a letter was sent home to parents to encourage their participation. Teachers also had their own website whereby they could contribute (“Comments sought to help strengthen French second-language and programming services”, CNB, 2007). This particular communication expanded the opportunity for participation. This type of action on the part of government is also indicative of, at least in appearance, the desire to have an interactive and collaborative relationship with other actors.

On February 29, 2008, the government released a statement requesting the public contribute, via email or telephone, their feedback on the Croll-Lee report, which was now publicly available. No link to the report was located in the release, nor was there a synopsis of findings (“Public Comment invited on the review of French second language programs and services”, CNB, 2009). Although some “progress” in reaching out to potential participants was

achieved with earlier efforts, yet another restriction presented due to the neglect on the part of the government to offer direct links to the sources of information for which they sought public commentary. Similar restrictive behaviour was evident in the communication.

Upon the completion of the second consultation/feedback period, the government issued a communication stating that its provision of initial feedback on the report would be restricted to the media, specifically members of the Legislative Press Gallery (“Department of Education response to French second-language report,” CNB, 2008). Following this event, a public announcement was made, via Communications New Brunswick, outlining what the new program would look like, along with background information about the report (“Improvements being made to French second language programs and services”, CNB, 14/03/2008). In this instance, the communication tools were substantive in nature. They were explaining how the new service would be offered and dictated what the programs were and how they would be offered to “consumers” in the new school year.

The next set of communications addressed the third and final round of consultations on FSL. These announcements followed the court decision and offered a new invitation to partake in decision-making by engaging in a new set of public consultations. A link was provided to the public consultation website, which listed the rules and regulations pertaining to participation and furthermore, provided a link to a document/discussion paper related to the FSL debate. This document as will be discussed, outlined the issues and talking points for the public to consider when submitting their input to the government (“Comments encouraged on French Second Language programming,” CNB, 2008). Coupled with announcements made in newspapers, what appears to be a “sincere” effort to reach peripheral actors was made.

While no mention of the open houses were made here, the following communication announced that the stakeholder roundtable would be underway, to demonstrate the extensive consultation and consideration was being undertaken (“Stakeholder consultation on French second language programming, CNB, 2008). Finally, it was communicated that the grade 3 entry point was the chosen one and details about the new programs and initiatives were offered. The communication links the consultations directly with “improved programming” (“Consultation results in improved French second language programming”, CNB, 05/08/2008).

Based on the above, it becomes evident that the government relied on communications to direct actors toward participation in the policy process. Communications were used as a procedural tool, but in some instances, their use was substantive in nature, to provide information to direct and indirect consumers of services (i.e. parents and students). Whether or not it serves as an effective means of communications is debatable, considering a judge ruled it was insufficient because the form of communication had limited reach. In some instances, the government reached out to news services to encourage participation and provided additional means of information, such as through websites, as seen in the next section.

FSL review websites

The initial FSL review site, implemented for the July-October 2007 consultation period underscored the goal of 70% of New Brunswick graduates being proficient in French. It also linked this with the government’s educational plan and wider “Charter for Change”. A section for participation, which included access to results already submitted, was included. There was the inclusion of “documents section”, as well. The documents section contained the terms of reference for the review, a copy of Policy 309, the news release announcing the invitation to comment, and a copy of the educational plan. Bios of the commissioners were on the site too.

The second site, put up after the court decision, contained the rules guiding whether or not the submissions were going to be publicly available (for example, participants needed to state they did not want their submissions made public). In addition, there was a link to a discussion paper, which focused on the specific questions participants should try to answer.

The above are considered procedural tools because they shaped the access to the policy process. Primarily, it necessitated web access and the information contained on the websites is understood as “manipulating” the actors’ by their contents. For example, the inclusion of a discussion paper was one way of framing the discussion and influencing actors’ views on how a new FSL policy and related programs should look. For recipients of the tools, this could potentially give the impression that government was trying to provide a transparent, convenient/accessible mode of participation. Furthermore, it gave the opportunity for a sizeable segment of the population to partake without forcing them to, for example, displace themselves and attend a meeting. As mentioned earlier, there was a reliance on the media to disseminate information about the opportunity to participate too.

Media

The media was a source of information dissemination for the government. Firstly, it served as a way to invite the public to partake in the decision-making process. On June 14th, the Minister released a statement to local newspapers, inviting the public to comment on the FSL changes and provided the avenues potential participants could take to submit their input (e.g. Lamrock, 2008, A11). In doing so, he was addressing the previous issue noted by the courts; that there was no effort to reach adequately out to the public. This is a procedural tool because it invited a breadth of actors to participate indirectly in the policy process.

Secondly, it was a way for the government to manipulate potentially the perceptions and views of outsiders. The minister used the media to assert his position on the issue of FSL and made it known that he was prepared to do what was perceived to be beneficial to New Brunswickers, even if it did not work politically in his favour to do so:

...I took it on because I'm prepared to lose elections by doing tough things" It's been worth it. We're finally talking about something that needed to be talked about.

Prior to the public release of the decision in August 2008, the Minister partook in an interview with a local daily newspaper and spoke about the upcoming FSL decision in a manner that praised the public's input and emphasized the "ground level" (i.e. local, school level) desire for change (i.e. inclusivity):

-At this point we've had about 1,400 e-mails through the website, through the stakeholder's meeting and a lot of follow-up conversations with the people who participated there. We have heard some people make some very, very constructive suggestions, and I've got to say I'm glad we did this.

-There are a number of ways we could move forward - (educators) were very clear, 'We are ready to move in a number of different directions if you need us to.

'If we have instruction on Aug. 5, we are ready to have a model of some kind of immersion; we're also ready to have classrooms that are relatively equal''!For the most part, the system will be ready for the children entering Grade 1 on Sept. 1, regardless of what government decides.

The Minister also emphasized the public support for the arts and trades, which was one aspect the educational plan sought to improve. He used this to counter the negativity associated with his "fast-paced" decision-making. He also demonstrated that a supportive, consensus-driven environment surrounded the arts and trades, but that this was not the case for FSL:

With the art and music and trades back in, people said, 'Glad you moved quickly''! And on this one (FSL), I think we moved faster than our ability to develop consensus.

Furthermore, he took the opportunity to present himself in what appeared to be a "relatable" way. He acknowledged the issues with the decision-making process:

I think in some cases I've made some mistakes along the way. I think that one is I made a decision too quickly without sharing the problem with people. It's something that happens when you're a minister. You have access to information, and you spend all day thinking about this stuff.

You forget sometimes that just because I've had two years to hear new things and have new thoughts - that's not other people's experience.

This type of release differed from others that framed those opposed to the changes as “vocal minorities” and potentially harming the majority. The Minister was also accused of “misleading” the public on CBC radio, in an interview, which took place on May 16th, 2008. Joseph Dicks, a director of the Second Language Research Institute stated, among other points, that the Minister provided a biased view of FSL programs and misrepresented the evidence provided by reputed researchers and educators such as Dr. Fred Genesee and Dr. Dicks himself. Here, the Minister arguably attempted to shape the views of actors as well. Another participant, who was at the forefront of the FSL movement to prevent the changes, claimed the Minister used CBC to disparage him, and his organization, publicly:

If you could find some old radio clips of him, it would be very interesting, because he attacked us as elitist and that we didn't have the best interest of all the students in mind. We were only thinking about our kids. He was referring to us as the elite even though, you know, the majority of the people in our group were just, you know, regular working-class people. I know in Saint. John the makeup of the French immersion classes were not elitist. He would say things on the news about me personally that were not true.

Unfortunately, efforts to retrieve the radio clips from CBC were unsuccessful. From a procedural instruments standpoint, the above is a form of propaganda. In this case, the message was viewed by the participants/stakeholders as having negative effects, although information about the exact aims/intentions of the Minister cannot be known. It does appear to be a way in which the Minister shapes the perceptions of outsiders regarding one another. He also used the media as a way to rectify the damage associated with a rushed decision-making process, while

reinforcing the willingness to do what is right for the people of New Brunswick. Attention now turns to authority tools.

Authority

Authority tools entail extending “preferential treatment...to certain actors” and potentially involve “mandating certain procedural requirements in the policy-making process” so that it incorporates certain viewpoints (Howlett, 2011, 93). Evidence of two authority type tools used during the FSL policy-making process was found. This included the public consultations and the establishment of a ministerial advisory committee.

Public consultations

The public consultations took several forms. There were three consultations extended to the public and each sought feedback during different periods. All were seeking input into the decision-making process, which would inform what was to be implemented. The consultations appeared to be a direct way for the members of the public to provide feedback about FSL programs. The manner in which the invitation was extended varied. In the first and second instances, there was a request made for feedback from the public via government communication and as one participant described, in reference to consultations in February/March 2008:

So then we have, you know, the whole consultation process, by people not even being aware that there's been a decision made. Except for people who were really like sort of in the know and kind of aware government. The majority of the population that this affects probably aren't keeping up to read about, you know, provincial... (P25)

This sentiment was upheld by the court findings as well.

There was some evidence that the tool was calibrated to include parents and teachers, which is unsurprising given that FSL in the classroom impacts children and teachers in a direct

manner. This was seen with the directed letter sent to parents inviting them to partake and the web portal set up for teachers. The Croll-Lee report states 450 parents and 1800 teachers responded (Croll and Lee, 2008, 7, 20). The last public consultation was also presented as open to all members of the public. This time, there was the provision of a document containing specific points and areas the government was seeking input on. This demonstrates an overlap with nodality tools.

The document *Putting our kids' achievement first* indicated the areas where the government was seeking input, including how people believed students could improve their French skills and even spoke to the issues pertaining to improving physical education in the province. In doing this, the discussion of FSL became part of a wider conversation about systemic issues in the New Brunswick educational system. Furthermore, in asking questions like “what programs do we need in New Brunswick to give all kids an opportunity to acquire strong French second-language skills” and “How can parents and the community support kids in learning a second language”, outsiders are framed as being an important part of the “solution” to the FSL problem.

The public consultations also targeted and advised parents to participate in open houses. There was suspicion they were implemented in such a way to make it difficult to access, also to show the capacity to calibrate tools precisely. One government official indicated that the Department made their best effort to accommodate the districts and that some factors hindering participation would have been out of their control:

We added some communities that maybe weren't there initially, but people felt that you've got to talk to those, you know? So, you know, we were open, planned to have them, you know? The time of the year may have been a little bit difficult for some of them ...where basically, I think there was, there may have been the threat of a snowstorm that night. People didn't want to get out. (P26)

In addition to this, it became evident that parents feel overwhelmed by the decision-making process:

There were meetings that were happening all over the province, and they were sort of set up, with stakeholders coming. You know, parents were invited, and the various people from the district were invited. And again, that's where some of the ignorance of the parents come out because a lot of them were just saying "you tell us what the best point of time to start is." You know? So we're sitting in a meeting where parents were to give input, and they were saying "no, you just tell me when is the best time for my child to start French?" (P30)

This sentiment links with an embedded sense of "consultation fatigue" in the polity:

We talk about a particular process and that it was like should, you know, we should organize a consultation and then what we hear... Warning bells from senior management that there's a consultation fatigue out there. (P28)

Those parents who did participate were able to direct their discontent to someone during these open houses and one FSL consultant explained:

But part of that, before the decision was made, there were public sessions to which I had to attend. But it really wasn't...it wasn't decided and it wasn't my decision. And these people were just really, really rude about it. And, you know, I would say thank you, take notes and I can remember one day, at one meeting, they would just would send one person after another to me and sit and start and I would say great, thank you very much. It's not my decision, I will take whatever you say.

Prior to this, the participant made a comment, which could be indicative that the open houses served to make it appear as though select members of the public thought FSL consultants had input into decision-making:

They had these sessions and we had one contingent of parents from Sackville, professors and professor's wives, or professors and professor's husbands, from Mount Allison, that were... Were highly belligerent, highly condescending but in the end, it really wasn't our decision. Like I say all these things, but you have to understand that never, at that... Once the decision was... Never were we actually conferred to say yes, or no.

Overall, the open houses proved to be a targeted way to include populations to participate in the policy process by means other than the web consultations. They were not successful, regarding

turn out, but could be one way the government was able to demonstrate it had made an effort at being inclusive. It also provided a way parents could express their support or lack thereof, without directing it at government but instead, directing at the districts.

Stakeholder roundtable/Ministerial advisory committee

The formation of a ministerial advisory committee provided an avenue for input on FSL policy. It was a product of the stakeholder roundtable, which took place in July 2008. Both of the tools relied on authority as a governing resource. Although the details of the selection process are not known, it is known that the Minister had an influence on determining who would participate. When asking one participant who worked on the FSL file about the advisory committee selection process, he stated:

It was mainly some of the more vocal critics. So they were brought into a smaller group to sort of work at some details.

However, when asked about the Minister's specific role, he indicated he was not privy to this information:

That, I don't know. I don't know how the decision was made. But yeah, there are about 10 or 15 people, or so.

Participant 32, who speculated it was either the minister or deputy minister who selected the participant but that she could not confirm because she "was not part of the process", expressed a similar sentiment earlier.

In selecting, in some capacity, the members of the roundtable and the advisory committee, the Minister was placing value on certain participants' inputs. There is an indication that the issue was in the hands of the minister, with no visible external input. Furthermore, the purpose of an advisory committee is "partially if not fully co-optive in nature and intended to align the ideas and actions of the regulated group and the government...". Some evidence of this

was found when looking at Participant 28's description of the process, whereby he stated that using the experts was one way of showing the participants how difficult a decision the Minister faced. While this may not be cooptation, it is indicative of trying to manipulate policy actors in such a way to "sympathize" with the minister.

When conducting the analysis, there was no evidence of substantive or procedural treasury tools being used during the FSL policy process. Typically, substantive financial tools target actors and their production, consumption and delivery of goods and services. Stakeholders did indicate that their groups had been subject to financial manipulation in the past, but it was not related to the review process. Procedural financial tools manipulate interest groups involved in policy processes. It may entail funding the creation of new ones or using funding to manipulate the actions of a group (Howlett, 2011). No evidence of this was found. The last category, organizational tools, will now be examined.

Organizational

The Croll and Lee review is an organizational tool. The public consultation component of the review was examined earlier because it was a standalone tactic implemented for the purposes of allowing the public partake in the policy process. This highlights the complexities of tools, as well. Specifically, it shows the usage of a combination of tools to achieve policy goals. The review is an organizational tool because government used its organizational capacity to establish a commission and hired commissioners of its choosing to conduct the review. Reviews typically garner "support for government initiatives, by being inclusive of public input and appearing to be at arm's length from government. In this instance, there was suspicion that the process was not at arm's length, as revealed by CEC to the media when discussing the right to information request.

Administrative delay/obfuscation

Two instances of administrative delay, or attempts at delay, were found. Howlett labels this as an organizational tool. It is such because it depends on the use of internal procedures, for example, to affect actors' involvement in the policy process. Furthermore, it can use staffing/personnel to cause delay.

In this case, the deputy minister's filing of an affidavit is one way in which the government attempted to halt the court case, citing it as being in the name of the common good. Furthermore, the Ombudsman reported that the government delayed the provision of the information to its office, which it had office requested as part of their investigation.

There was evidence of nodality, authority, and organizational resources being implemented throughout the FSL policy process. Upon closer look, these tools served the purpose of manipulating actors who were primarily located in the "peripheral" quadrant of the policy network. A consistent use of nodality tools occurred throughout the process. On their surface, they are understood as tools meant to convey information about the state of FSL, as well as a tool to encourage a range of actors to participate in the policy process by communicating with the government about their positions on FSL. This is a relatively unobtrusive tool that is utilized when legitimacy does not appear to be hindering moving forth with policy and reaching implementation. Upon closer investigation, the contents of the tool are shaped to create certain effects. For example, the dismissal of "pro" EFI groups as incapable of providing valuable input into the FSL discussions shapes the perception of them and has a tangible effect on this particular group of actors by limiting the value of their contributions. Communications were limited to government releases, except some instances of newspaper announcements by the Minister and

commissioners. Furthermore, the sometimes limited information they provided about how to participate proved to be restrictive to actors.

The FSL review sites presented information in a manner that made it appear “user-friendly” and inviting to those who wished to participate. The site and its contents seemingly conveyed that it was providing unbiased information and an easy mode of participation. Given that the site appeared after the court decision, this seems like a way to gain the favour of those who questioned and actively pushed back against the initial decision to eliminate EFI.

Interestingly, the media was used for a “negative” purpose, which was to paint those in opposition to any proposed changes as a self-interested vocal minority. Recognition that those groups were valuable was later extended by authority tools, which led to public consultations and then to the stakeholder roundtable and ministerial advisory committee. This conveys a message about who is important to the decision-making process and shows an attempt at gaining favour and creating a cooperative relationship. Organizational tools were used as what can best be perceived as an attempt to halt or delay proceedings that would have led to further de-legitimization of the government.

Nova Scotia

When analyzing the data, there was evidence of the use of nodality, authority, organizational and treasury tools. For example, treasury tools are used substantively to “entice” boards and schools to implement initiatives. There is reliance on consultation, an authority tool, as well. The scope of the change was not as drastic, which is one of the reasons tools were discussed with a view to how they are typically implemented. As undertaken with New

Brunswick, provincial tools and stakeholder resources are examined. Federal tools are the same as in New Brunswick, so the description will not be repeated.

Table 13. Provincial Government Policy Instruments Nova Scotia

Nodality	Authority	Treasury	Organizational
Surveys	Consulting	Funding special programs	Reorganization of divisions/branches
Restriction of information		Budget cuts (meetings/consultations)	

Nodality

Surveys

There are two instances where surveys were used to gather information about FSL programs were discovered. Specifically, surveys are one way to make decisions about FSL programs. Firstly, an official employed by the French Second Language Services branch explained that he did a survey targeted to parents and students to gather information about whether or not to reduce the number of credits required for French immersion. This was an effort undertaken with the help of CPF:

So I did a survey of parents and students to find out from them, and I did this through CPF. With their executive people, their chapter administrators and that the question was “should we reduce the number of required credits for our French immersion students to access an immersion certificate?”

This shows evidence of active collaboration through the use of a nodality-based resource. The participant went on to state that the results of the survey helped to inform decisions about the immersion certification:

So I took that information and we looked at that and it was obvious and clear to us that that’s not an option they wanted us to consider. So we had the discussions, we had that same question asked...

The participant was asked to further explain the statement “we had the discussions” and he went on to say:

I meet on a regular basis throughout the year with the coordinators and consultants of French Second Language from the boards; we meet regularly.

This showed that in addition to using parental and student input to make decisions, there was also consultation with the FSL coordinators, indicating yet another actively collaborative relationship. When the participant was asked to explain the survey parameters, his response was:

It wasn't a great sample that I could gather, but at least I ran it through that organization, who had access to all their chapters.

The inclusion of the “peripheral outsider” served the purpose of reaching potential respondents. Regardless of the sample size being small, the value placed on the inclusion of specific actors can be seen. The “at least” component indicated that the perception that actors are being included has some importance.

This survey was an example of an information gathering tool. It is a substantive tool because it was seeking to gain information about a current program, which in turn potentially affects how that program is delivered. Upon further analysis, it is evident the survey was implemented in a strategic manner, which related to its degree of inclusivity. The ultimate goal of this tool approximates what Howlett (2011) describes as “the collection of information” to make “evidenced-based” policy decisions (118), which similarly to New Brunswick, are regarded as having merit. Another example was provided by the same individual:

I'll give you an example of consultation. I send out surveys, in fact, I just sent them out yesterday, to my pilot project teachers, to the students involved, to the coordinators and to school directors...how do you say directeur? Administrators. And I do this every year in May to get feedback from them. It's those types of consultations that take place, to targeted groups and then when I get the information back, that's when I analyze and coordinate everything, and I'll know. I can say “in Nova Scotia; this and this happened, and this is the feedback we got about it.”

This reaches multiple types of stakeholders and offers them the opportunity to give input to the department directly. The framing of “consultation” is very specific. There is more evidence of attempts at collaboration and tool calibration, as well. Actors other than core government actors, in this case, undertake tool implementation. Ultimately, the release of information depends on the individual managing the data. It offers the department a way to monitor the boards and keep track of their achievements, as well.

Restriction of information

When conducting the analysis, it became apparent that select information was removed from the soon to be finalized provincial FSL policy. This pertained to the core French exemption previously found in the policy until its re-formulation. The assessment used to make the decision as to whether or not an exemption is allowed is based on four considerations, including a consideration of both the history of the student’s first and French language acquisition skills and their strengths and weaknesses related to language acquisition. Additionally, the basis for the decision relies on “formal or informal assessment information” (NS EECD, 1998). The decision to discontinue exemptions stemmed from the fact that no other mandatory courses (e.g. math, English lessons) permit exemptions:

It's kind of contradictory because how can you have an exemption? For a compulsory course? There isn't... so there was contradiction there, and we want to remove that and simply make core French in terms of any decision by program planning team, it would be the same process and procedure as other programs.

By no longer permitting exemptions, all students had an opportunity to learn French:

From a student perspective, we shouldn't take away the opportunity for those students (making reference to an earlier comment about students with “cognitive deficiencies”)...for all students, including those students, to take away that opportunity of them having, at least, a knowledge of the second language. (P06)

As such, no mention of this change in the policy was made, nor was there any public

announcement made about the change. One FSL coordinator explained:

If I remember correctly it's not a piece of information that is in the new policy because it is supposed to be a fait accompli. (P09)

He went on to confirm, after consulting a draft of the policy document: ...*No, no there's nothing about exemptions. Because it is just understood.*

Furthermore, there were no communications to the public about the decision:

And I kept telling the director and the consultants "there needs to be..." what we call the Nova Scotia PNI... press news information release, I think that's what it called? From the Department of Education in informing schools that officially, exemptions are no longer allowed in our schools.

The news release archives were surveyed, and there was no success in finding any information about the exemptions. Mentions of the exemption policy were absent from the media. The education plan in place under the Progressive Conservatives in 2005 (Learning for Life II: Brighter Futures Together) was examined for mention of exemptions. While exemptions are not mentioned, there is a statement saying that the education plan addresses "accessibility so more students can access FSL programs and continue learning French through high school" (Learning for Life, 2005, 4). The New Democrat's took power in 2009 and because the dates of exemption elimination are unclear, a review of the education plan took place, to see if exemptions were mentioned. The same was repeated for the Department accountability reports, from 2006-2012. In both instances, there was no mention exemptions or related procedures.

It was determined that the exemptions, or the removal of exemptions, was a substantive tool used to affect the way that the core French program was delivered. The restriction of information is a procedural tool. This restriction occurred within the policy, as well as publicly in the form (or lack thereof) of communication about the decision. The participants indicated that generally, the policy gives them the ability to justify themselves to parents if the parents question

certain practices, for example. By not having any information related to exemptions in the policy, they can readily substantiate their claims the no exemptions ‘rule’. It was felt that the restriction of information, in this case, allowed for a degree of manipulation of select stakeholders by shaping their views of the decision discontinue exemptions. Evidence of authority tools being utilized was also found.

Authority

Consultations

The consultations are an example of a procedural authority tool. Consultations, in this case, refer to the meetings that occurred between the FSL board-based coordinators and the department. The present study confirms that the coordinators agree about the degree of consultation they partake in, regarding policy matters. Specifically, they provide feedback and inputs on curriculum related components. Almost all of the consultants expressed degrees of satisfaction with their inclusion. Furthermore, implementation was ongoing for quite some time:

I’ve been in this administrative position for the last 21 years and from day 1 there was always a strong family bond if you will. Between the French section at the Department and the coordinators and the consultants across the province. (P06).

I can remember 20 years ago when I was in a similar role, and we were looking at the French programming policy on a provincial level, it was common practice to consult the consultants and coordinators. (P09)

Based on these and other assertions, the relationship between coordinators and the French second language branch was considered to be “amicable,” cohesive and collaborative. The meetings occurred with regularity and did not only cover policy-related matters. They were characterized as:

We have at least four meetings, used to be a few more, before the cuts, and our meetings were cut, but we used to meet for... probably five times a year, where Friday was with the government. With the Department of Education. And Thursday was our consultants', our colleagues' meeting, without the Department of Education. So on Thursday...was like a professional learning community of people at our level...And they would send me agenda items and the agenda items were where we could really hash things out. Or we brought speakers in, or we brought publishers in, like things that we wanted to explore further in our group. (P19)

These meetings are implemented because the department allows for it by providing the budget to do so. A department-level consultant explained:

There's a meeting three times a year with department personnel and FSL coordinators and consultants. These are usually full day meetings and with the agendas developed by both groups. (P24).

The information shows these are collaborative efforts since the agenda is set by board coordinators and by department employees. Overall, the structure of the consultations allow for cooperation.

While the above depicts regular consultation and input into decision-making by the coordinators, the content of the interviews demonstrated that not all decision-making involves them. When asked how they participated in the exemption aspect of policy change, coordinators stated that the Department imposed this decision. This contrasts what participants said when asked to describe their typical levels of participation in the policy process. For example, Participant 31 stated:

It was just imposed upon us. We were told that this is the way it's going to be, and you have to send that message out to your teachers.

A similar sentiment was expressed by Participant 09:

...students were no longer to be exempted from core French from grades 4 to grade 9. That came down like a bomb in some schools. It was word-of-mouth, but nowhere is that in text... In text format.

This shows that coordinators were excluded from the process, although this typically is not the case in so far as decision-making inputs are concerned. A department official described the approach taken as:

And so we really tried to educate the administration that it should be essential for all students and certainly that they have the right to learn French as a second language. (P24)

Although the decision may have been “imposed” on the boards, there was some effort to try and demonstrate to board administrations what prompted the decision.

The removal of exemptions was supported by the consultants, so excluding them from the decision-making process was not necessarily due to them disagreeing with it. For example, there was support for the decision and its implementation:

I can't say anything negative... It was incremental. We put it in incrementally. Just because a student is having a difficult time, does not mean that they should not be in French. Because once you take a student data French in grade 7, well it's going to be a heck of a lot harder in grade 8 and grade 9... I haven't had a whole lot of negativity. (P14)

The update to the program policy was also described as having an effect on the beliefs about FSL/core French:

It is a compulsory subject and I think people are now getting the message that it is a compulsory subject. It's a core subject from 4 to 9. And it's not an option. (P19)

Theoretically, if the belief is that the changes are positive and that they will have a positive effect on how the programs are perceived, actors will perceive the decision-making process as trustworthy. To summarize, the government relies on resources based in authority to implement consultations with the board coordinators. In doing so, they decide what part of the decision-making process coordinators are included in. The board coordinators view the consultations positively, for the most part.

Treasury

Conditional funding

One instance of a substantive treasury tool is conditional project/program funding. One participant indicated that the department provides boards with conditional grants, which can sometimes be used to fund FSL related initiatives. As seen earlier, the participant (07) explained that if the board wants to receive the funds, it must comply with the conditionalities that accompany it. An FSL consultant with the Department stated the following when describing the initial resistance to participation in new core French programming:

Everybody's on board now, but when we started the project four years ago we said "we'd like to invite you, we'd like to fund schools and if your board would like to participate, we've got some resources, we've got some support...would you like to participate?" (P02)

This statement indicates that funding and resources are one way to attract participation and steer the direction the board takes, which in this instance includes the provision of a new program to the board's students. These are examples of substantive tools because they affect directly the implementation of the service (i.e. FSL program) and gain support for it.

An example of a procedural treasury tool is the reduction of funding allotted for the annual meetings of FSL coordinators. Budget cuts have affected the boards. These led to decreased numbers of meetings between the coordinators, meetings where policy is discussed among other issues. One consultant indicated they were cut because of budget, but budget cuts occurred without an explanation:

The fact that meetings have been cut, that was a direct directive to us. Nobody asked us how effective those meetings were and what was done. I don't know if they even knew. Yet they kept the PLC (professional learning communities) committee meeting...(P19)

They still discuss policy, but the cuts were viewed as having effects on coordinators abilities to communicate. One participant indicated an increased reliance on technology and did not appear to view this form of communication favourably:

And I mean, we've had virtuals that started the conversation, and I guess that was okay but, it didn't accomplish...It's better than a memo... Because they can elaborate and they can speak and...But when it becomes a two-way conversation with five or six other people... That's where the drawback, I have not found it great all. I'm not even as engaged because, I know this sounds weird, but I've got my desk. Whereas right now, this is what I'm doing. If we were doing it on the phone I probably would have the emails popping.

Another also expressed:

I'm not a technology person to begin with, but for somebody who likes to talk... I have my microphone attached to my headset and I'm sitting there thinking "okay, this is really worth saying? Will this microphone work, etc? Am I going to mess up etc?" My wish would be to just have a really... How shall I say this? Opportunity to meet face-to-face meetings and that's becoming more difficult because it is expensive to get all of us together. To go to such a place like Halifax. (P14)

Not all participants indicated a preference for face to face meetings, but what the above indicates is an indirect effect of the budget cuts, which is perceived as some as less effective modes of communication. Organizational tools are the last category to be examined.

Organizational

The department is structured in such a way that it has a dedicated branch that serves the purpose of fulfilling obligations related to FSL education in the province. Previously, the French Second Language Services branch fell under the umbrella of the Acadian and French Language Services division. This changed in 2007 when the former became a sub-branch of the Public Schools division. Evidence shows that the "collegial" relationship and cooperative efforts predates the establishment of an FSL services branch. This led to the conclusion that a cohesive environment between policymakers and implementers is not the result of re-organization. It is the

use of staff, which Howlett (2011) considers a procedural tool, in the fostering of relationships that lead to “trust” and reduces the possibility of conflict that serves as an instrument. The consultants at the department occupy a role that, in part represents the interests of the boards and the meets the department plans and priorities.

The data showed evidence of a variety of different tools, each relying on specific governing resources. In the case of Nova Scotia, the government may occasionally use tools to implement decisions in a way that is not inclusive of FSL consultants, but there is an overall sense of satisfaction with policy content and practice (in no small part due to the fact they contribute to policy content with regularity). The importance of relationships and interactions in connection with a stable policy process is also seen. Tools are regularly used (i.e. consultation, organizational tools/staffing) to maintain and nurture those relationships leading to cohesive policy-making. Having established who participates and how, as well as what instruments are used during the policy process, selection criteria can be examined.

5.3 Selection Criteria and Recipients’ Perceptions of Tools

New Brunswick

As analysis ensued, it became apparent that there are multiple selection criteria utilized to choose tools. Insight into tool selection is gained by looking at the actors’ motives and cognitions.

It is evident that instruments are used to solve policy problems. When discussing the policy process with participants, and specifically with government officials, they repeatedly came back to the idea that fundamentally, the policy process is about finding solutions to the challenges that present as problems:

So either, we discover that there's a problem or someone mentions that you know, it might come on the radar of the deputy minister or someone else. And say "look, we've got a problem here. And we need to address it." Okay? So typically, what we do after the problem's been identified or given to us as a priority, we do some research into what we're currently doing in the province.(P28)

They present as urgent situations:

Or policy things just, just...something has caught fire, oh my God... And sometimes literally something has caught fire, and then it becomes "oh my God, how we how do we deal with that?..." (P27)

Say a priority would arise, as a result of maybe an incident that took place. We'll just say that there's something has transpired in a district and we found that we are... We don't have anything to really inform them on how to, to handle that situation...So that would kind of...move up through the ranks and so on. (P27)

They also come out from platform commitments:

Or they come out of government platform commitments and so once we get the "okay, you need to do something about this problem" because that's usually why policy comes to be...

Then there's government has come in and on their platforms have said, you know, "we're going to ensure that all schools can be used by the community for any purpose." And so that will then become a policy direction that we want to work on (P33)

Finally, policy can take the shape of a directive from the Minister him or herself:

Or it could be a minister who comes in and has something that for him, is really important, and so he wants a policy and basically the policy is anything ...

In all of these instances, there are issues present, and solutions are required.

The approach to FSL is no different from this. As a result, for the solving of problems to take place, an active engagement in a process geared toward fixing these issues must occur. FSL was one area the government was committed to improving. This was part of the Liberal government's wider platform, which is described in their 2006 Charter for Change document. Reviewing the Charter shows that fulfilling the recommendations of the MacKay report was on the list of government priorities. In fact, it was the first commitment listed among several

educational ones “1. Endorse and implement the recommendations and timelines outlined in the MacKay Report.” (Charter for Change, 2006, 12).

Following this, the commitments included improvements in areas related to learning disabilities, special needs services and class size reduction (Charter for Change, 2006, 12). The commitments translated into specific goals, as found in the province’s educational plan. FSL was framed as problematic, before the review, based on suspicions of streaming and classroom composition issues, as well as due to missed proficiency targets. The Minister presented the streaming issue as:

...creating classrooms, where some children are in a classroom where there are very few special needs and some, are in a crowded classroom where there are a number that no teachers can manage. (Dunville, 2007, A1).

The “reality” of streaming is debated. As seen in the PricewaterhouseCoopers report, the idea that it exists is very real, but proof of its existence is not as well-supported. Some participants presented it as reality:

So, I'm not sure who, you know, where that they one day decided “let's look at the entry points.” I think it was from years and years of frustration over the streaming and the lack of success of kids who did not choose immersion. (Participant 21)

I think streaming is just inevitable with French immersion. Whether you want it to be or not, in one sense. (P30)

Other participants saw it as an issue, real or not that the Minister heavily relied upon to justify his position:

It was really clear from the outset that French immersion was seen as a divisive and a streaming and streamed elite program. They had that vision before they went into it. So it was like a self-fulfilling prophecy. (P11)

The minister, what he was also trying to accomplish and what pressure he had from other groups in society, was that there was a streaming issue. So there was a perception, whether or not it was real, I don't remember. I'm pretty sure the data showed that the class composition in FSL programs was quite different than in the regular stream. (P28)

Whether or not the research supports its existence and impact, the policy and new programming was required to address streaming. Proficiency was also listed as a key problem, as early as January 2007. The Minister publicly spoke to the province's low scoring oral proficiency results and indicated that less than half of students could meet program goals, such as the intermediate level of French proficiency (Dunville, 2007, A1). Proficiency is a key component of policy 309, both regarding student achievement and teacher proficiency, as indicated by the policy and as reinforced during interviews with some FSL consultants and experts, who spoke to it when interviewed:

Because 309 relates specifically to proficiency... (P11)

309 looked at time-on-task, looked at proficiency levels of teachers, proficiency levels of students and...and the time that was spent for various program, which program was going to be recognized and delivered. (P03)

A policy that ensures the effective delivery of French second language programs, that ensures that there's... It monitors that students are offered the right percentage of time of instruction in French, that teachers are qualified to teach French as far as their proficiency. (P21)

In this case, proximate government actors demonstrate that there are serious deficiencies in the FSL programs in the province. The perceived problems ranged from exclusionary practices to proficiency targets being missed. Furthermore, there was reinforcement of the idea that FSL is problematic. This occurred because of its framing as such in the media and its inclusion in government education plans and political platforms. Regarding "motives", it was gauged from the data that one motive driving proximate government actors appeared to be simply finding a solution to the FSL problem. In doing so, addressing the issue of inclusivity was and the majority of students would be better off. It was also observed that the education minister's "internal goals and values" related to the overarching motive of problem-solving. As seen earlier, he was at the

helm of the process and the common belief was that it was his personal desires that were driving for policy change and implementation of a new FSL program.

To solve this problem, the government relied on multiple tools, with two instrument types dominating. Firstly, the basis of the selections was an existing tradition of using consultation and conducting FSL reviews led by external consultants. Secondly, the government relied heavily on nodality tools and research reports in particular to prove their points.

As concerns the idea of a “tradition of consultation”, when describing the policy process government officials spoke of a tendency to use consultation with some frequency. When describing the policy process, the typical step taken after initial research was consultation:

After that, we draft a bilingual, of course, and so that goes to senior management and maybe some internal, or inter-governmental partners, for consultation.

Following this:

After the sort of inter-departmental and internal consultation, we go to our superintendents and districts. The district education councils. And we get a feel... Get a sense of where they are at.

After that, we widen the consultation, okay? Then we include external stakeholders and partners. So that will be, you know, community organizations, youth organizations, not-for-profit...who else would be involved? The teachers' associations, parents, so basically anybody who is a partner or stakeholder and of course, depending on the issue, right?

Typically, there is consultation with content experts, and DECs and other parties may receive an embargoed copy to review. The above shows that consultation is not only used frequently but its calibration is specific. The order in which individuals/groups are consulted is arguably demonstrative that other government officials input is prioritized, followed by DECS and then peripheral stakeholders. Selection is potentially driven by the desire to use an inclusive instrument but it can also be *selectively* inclusive and prioritize certain inputs over others.

When examining the FSL process, Participant 28 indicate it differed from a typical policy process because of the high number of participants. Consultation was nonetheless relied upon, following an established tradition of doing so with FSL and also when addressing other issues¹³. Choosing consultation helps with buy-in and aims to create an inclusive process. Citizen engagement was the focus of a number of responses and participants indicated that different types of engagement assisted stakeholders with buy-in:

I just wish we could do that so much more often because it would just help us out with buy-in, sometimes... It just provides you with such a different perspective on things. (P27)

“Buy-in” indicates that non-proximate government actors view the tactic as legitimate and specifically, it helps gain approval for policy decisions. Legitimacy comes from not only partaking in a process but also seeing evidence of one’s input reflected in the “final product.” Additional insight into additional motives for tool use is also gained. In selecting a tool that involves engagement, those who participate will appropriate what they have contributed to and will not dissent. Additionally, it indicates that those invited to participate are the ones whose approval matters.

Along with the Croll-Lee review, the government had previously undertaken four other reviews. One pertained specifically to FSL and the other pertained to the primary and secondary educational sector.

The 1993 *French Second Language Learning in New Brunswick Schools: Paradigms, Challenges and Strategies* report was undertaken, in part, to address “...the perception that there is little consistency across the province in the delivery of FSL programs”. Sally Rehorick, the report’s researcher, investigated three main areas. The first pertains to developing guidelines for

¹³ Widespread consultation was cited as being used for transportation policy (Participants 26, 28), school closures (Participants 26, 27, 33) and during budget discussions (Participant 28).

FSL program delivery, which were to be adhered to by all districts cross-provincially. Secondly, a consultative process to engage parents and receive their input about immersion programs was to be developed. Thirdly, assessment models to test proficiency were to be studied and recommendations made on which were optimal (Rehorick, 1993). A notable outcome of this report was the development and implementation of Policy 309 (Rehorick et al., 2006, 36). A range of actors (parents, teachers, Superintendents, etc.) were consulted to gain their perspectives about what their expectations were regarding FSL programs and what expectations they had for future programs.

The Conservative government mandated the 2000 PricewaterhouseCoopers *French Second Language Program Evaluation* and it relied on a series of six questions to assess the strengths and weaknesses of programs. Results were based on a series of consultations with actors including teachers, FSL consultants, stakeholder group members, etc. Government responded to the report in a communication and stated whether they agreed or disagreed with the recommendations and provided evidence as to how they intended to improve upon each. For example, the government agreed with the recommendation for additional assessment and stated they would work with districts and teachers to “introduce” more assessment strategies (DOE NB, 2000, 1-2). When reviewing the public consultation results, there were instances where respondents used the report either to support the maintenance of early immersion or to demonstrate that there was room to explore alternative FI entry points.

Earlier, there was mention of the 2002 Scraba report. This report was part of wider consultation activities that took place after what were overall disappointing results from the Program for International Student Assessment (PISA), which New Brunswick students participated in (DOE NB, 2002). Educators were interviewed for the study. The issues that came

up during consultations included: streaming; the dominant perception was that to be considered in compliance with Policy 309, it was simply a matter of spending enough time on task and not about learning quality; core classes were too large (Scraba, 2002, 23-24). Many of these same issues presented during the 2006-2008 FSL review. Findings emphasized that the FI program was “badly managed” (60), inclusion practices were poor in Core French and that:

“The problem is not early or late immersion, nor is it immersion per se. The problem is the real and perceived inequities within schools and within the school system for parents, children, and teachers.” (Scraba, 2002, 64).

The Connecting Care and Challenge: Tapping our Human Potential/Inclusive Education: A Review of Programming and Services in New Brunswick (frequently referred to as the MacKay Report, or the MacKay Report on Inclusion), was released in January 2006. This was a catalyst for improving FSL. The review was originally commissioned by the Conservative Government, as part of their Quality Learning Agenda (QLA) (MacKay, 2006, 13).

The QLA emphasized the need for inclusion and accommodation as one of the areas where the Department of Education required improvement (Quality Learning Agenda, 2003, 30). FSL was one of many points of focus in this report. Among the findings was that French immersion programs “concentrate higher numbers of students with exceptional needs and general learning difficulties in the English programs.” (MacKay, 2006, 137). According to the consultation undertaken, it was stated that there was some evidence of streaming in schools, whereas other findings indicated that it was a lack of support services in FI that led to less diverse classrooms (MacKay, 2006, 137). Recommendations included that the Minister commission an FI-specific study to look at how it impacts inclusion (MacKay, 2006, 269).

This report was followed by a release by the Office of the Commissioner of Official Languages New Brunswick. The 2005-2006 report highlighted several issues with the French

immersion programs in New Brunswick. After receiving multiple complaints about a lack of provincial progress regarding FSL, the Commissioner undertook consultations to garner “a true picture of the situation” (FSL situation) (Office of the Commissioner of Official Languages NB, 2007, 36). Notable findings included a lack of cohesive implementation and adherence to Policy 309 across the province and insufficient human resources in the districts to deliver and monitor FSL programs (Office of the Commissioner of Official Languages NB, 2007, 38). Concerns about whether federal FSL funding was in actuality used to fund programs and initiatives were expressed (COL NB, 2007, 38).

Following the initial responses to the reports, the Department of Education released its education plan. Department committed to producing its research report, as part of one of the actions listed as part of Commitment #7. Notably, the intention was to:

Appoint a commissioner to review French Second Language (FSL) programming in New Brunswick with a mandate to consult widely and report by January 2008 on policy options examining three fundamental questions:

- How can we best structure FSL instruction to meet acceptable standards?
- How can we ensure equal access to FSL instruction in all New Brunswick communities without jeopardizing every child’s right to have a classroom conducive to learning?
- How can we best use community-based learning and extra-curricular learning opportunities to expand ways for students to use and maintain their second language? (When Kids Come First, 2007, 25).

The resulting *Comprehensive Review of French Second Language Programs and Services within the Anglophone Sector of the New Brunswick Department of Education* (referred to as the Croll-Lee report) focused on success rates, levels of streaming and the financial dimension/costs of each program were of the main focus in the report. Results pointed to a high proportion of funds going to French immersion students, although they represented only 19% of all students enrolled in French programs. The overall lack of sustainability of then current programs was emphasized (Croll and Lee, 2008, 8). Quotes, opinions and the ideas of

stakeholders were included throughout the report to demonstrate support or lack thereof for the various programs. For example, the perception of school and district-level administrators and teachers was that Core French “must go”, that “there is little incentive for students to continue beyond grade 10” and that “teachers need management skills”. In the case of Core French, all published comments presented unfavourable views of the program. This process was repeated for each program and issue, including streaming.

At the end of the study, there is a series of 18 recommendations. The most controversial recommendations were Recommendations 1-3. The first states “That all French Second Language programming for Anglophone New Brunswick children begins at Grade 5 with Intensive French.” and followed up with a series of sub-categories explaining how this should be done, including amending policy 309 to reflect the change and ensuring teachers receive the appropriate training for Intensive French (Croll and Lee, 2008, 76-77). Recommendation 2 stated that the only immersion program to be available in the province would be late immersion, to start in Grade 6. Finally, the third recommendation was to “continue to develop” an Enriched Core program, and to offer post-Intensive French in grade 6.

Clearly, the issues raised in the reviews before Croll-Lee overlapped with many of the issues raised in the latter report. What is different about the Croll-Lee report is the emphasis on immersion itself, and EFI in particular, as being fundamentally problematic. In doing so, the dissemination of the information believed to be true by proximate and non-proximate government actors takes place and can potentially shape the cognitions of actors on its receiving end. While the previous reports were not publicly stated as being problematic, in terms of the research methods applied, Croll-Lee became a target because of its for poorly implemented qualitative and quantitative methods. The skewing of results and the Minister’s adherence to the

report demonstrate the above-mentioned notion of disseminating a certain type of information that supports the minister's cognition. Accordingly, a connection between the chosen instrument and one of the possible motives for instrument selection was drawn; opting to select an instrument that is well-regarded and has not been questioned in the past, but is nonetheless easily calibrated to uphold the information believed to be true at the proximate government actor level.

To summarize, problem-solving is a general motive driving instrument selection, and FSL was presented as a problem to be solved. It became clear upon further investigation that government officials relied primarily on consultations, reviews, and nodality tools. There was some indication that these were viewed as trustworthy instruments. Consultation meant buy-in from the public and a greater chance of support for decisions. Communications conveyed to the public how they could participate in the policy process, be it through web consultations or by writing directly to the Department of Education but were also meant to convey that the public's input would lead to optimal policy outcomes, a sentiment echoed earlier when the comments made by government policy analysts were examined. This was linked with the government's decision to do what was "in the best interests of students" and the invitation was one way participants could help achieve what was "best". Furthermore, the second round of web consultations helped to legitimize the decisions of government, while discrediting some of the more powerful vocal minorities.

For example, the public consultation results had submissions stating:

-I would suggest that the predominant voices in this current public debate would represent those community members who have "voice, influence, power." They are vocal and they are heard. I would tend to believe that they are few.

-I fully support your decision to replece (sic) early French immersion. I sincerely hope your final decision will be based on the sound pedagogy on which this decision was originally made and that you will not be influenced by a very vocal

minority who want to retain a privileged system for their children. Equality means equal opportunity for all which the revised system will create.

- I am very impressed that this government would make a decision based on research, on what is best for all students in New Brunswick rather than for political reasons as has been the trend in the past. To the Minister I would say, "Please keep up the good work and do not let a minority of vocal people manipulate you into making a decision that you know, based on research, is not most beneficial for all students in New Brunswick schools!"

Both the belief that a powerful vocal minority was “running the show” is displayed above, as is the idea that research is viewed as a legitimate tool to be used for the basis of decision-making.

Past reviews and the reports made publicly available were generally well-regarded and supported. Stakeholders and members of the wider public repeatedly cited them for their value. Additionally, the value of past research motivated the pursuit of policy change. For example, when addressing the need for the Croll-Lee review, the Minister drew from the MacKay report and stated it was necessary “Because the French immersion courses are insufficiently inclusive, core English courses often have serious class- composition problems.” (Llewellyn, 2007, A1).

Ultimately, the Minister upheld the Croll-Lee report and its purported value. While the other reports highlighted the need for change, the contents of Croll-Lee were presented as “sound” evidence that supported specific types of change. All of the recommendations were based on the Croll-Lee report. For example, “Making Grade 6, following Grade 5 Intensive French, as the sole entry point to French Immersion.” stems from recommendation 1 of the report, which proposes: “That all French Second Language programming for Anglophone New Brunswick children begins at Grade 5 with Intensive French.” and recommendation 2, which states “That Late Immersion, beginning in Grade 6, be adopted as the sole French Immersion program for Anglophone students in New Brunswick” (Croll and Lee, 2008, 76-77). The

statement from the government the ‘grandfathering out’ of all students from the current programs is mirrored in recommendation 4 of the report.

Interestingly the consultation process, along with the quality of the Croll-Lee report that appears to have caused a significant portion of the backlash. ‘Vocal minorities’ most evidently demonstrated this. The problems with the implementation of the consultation process led to an uncooperative relationship and re-visitation of tools in the face of de-legitimacy. It was found that although stakeholder groups expressed dissatisfaction with the decision to eliminate EFI and change the FSL programs, they contested by targeting the tools utilized by government, to support their claims.

Actors Perceptions of Tools

New Brunswick

As mentioned, actors external to the policy-making process displayed a lack of trust in both the decisions of government/policy content and in the ways government implemented tools. Participants expressed a negative view of the process. For example, Citizens for Educational Choice expressed unhappiness with the process when discussing the Croll-Lee review and levels of participation:

"It's the process that's the problem, not the interest level " (from O’Toole, 2008, A1)

There is some indication that the distrust toward the process began during the Croll-Lee report.

One stakeholder group member described it as:

After we went in, we were doubly concerned that they were setting the stage for the removal of French immersion at which time we sort of started to take a different approach in dealing with the... Because we felt like if we didn't start to

communicate right away about how... about our fears, that they were just going to come in and remove it entirely. (P20)

The perceptions of the stakeholders, in reference to the implemented tactics, were that the government had predetermined what decisions it was taking regarding FSL and that the calibration of tools intentionally aimed to support those decisions. For example, one participant (11) indicated:

I did get a call from someone at UNB, when it first started coming out saying, “you know, I know this report is bogus, I know that Croll and Lee, but if you ever say that I said that, I will deny it.” So then I knew that it was a lot deeper than we originally even thought.

Another explained:

In one of the most contentious moves with that, I said it was a fix. That the commission was a sham and that they were... it wasn't a real study, but it was just... they were just building a justification for removal of French immersion. That it was a fact. (P20)

The media demonstrates that there was a belief that the process was faulty. Citizens for Educational Choice presented what they interpreted to be evidence supporting the notion that the report was the product of a “pre-determined conclusion” to eliminate early French immersion (O’Toole, 2008, A1). The group made a right to information request and argued the emails revealed the commissioners were looking for “specific pieces of data” to make the case for the streaming that's been going on,” (O’Toole, 2008, A1). The Ombudsman’s Report (2008) also emphasized that there was evidence of a “lack of consultation,” “undue haste” and problems with the “independence of the review.”

In connection with this, the government was also viewed as untrustworthy:

...But at the same time, the messages were out there to be careful. And in fact in the emails and communique, they were definitely feeling not great about that. (P11)

Because, it looks like, and parents felt, that the Department of Education had actually paid Croll/Lee to write a certain report. (P35)

After Croll-Lee had become freely available, the public attempted to respond by providing information refuting the report's recommendations, targeting its faulty statistics. One participant (03), an FSL consultant and a stakeholder group member, stated:

I remember when the changes came for example, (stakeholder group name redacted) offered the government to provide them with research and it was, it was really not even listened to. They sent a letter saying, you know, what you are saying is not accurate, and we want to show you that the majority of the research is not, you know...

Not only does this demonstrate the lack of trust in the research and a lack of its legitimacy from the stakeholders' perspectives, but it also highlights how the government restricted the participation in the process. In his capacity as an FSL consultant, he also met with Croll-Lee and indicated:

You know when I met with Croll when they were doing the study for the grade 3, I provided them with a binder... It was a 3 ½ inch binder, of research. And I don't think it was read.

Participant 35 corroborates this by explaining:

I mean, I knew when I first read it, that it was off but I didn't realize to what extent until they really delved into it and actually, you know...it just seems like then Croll and Lee went into hiding and wouldn't answer any questions.

Additionally, the participants believed officials ignored the intent behind the information they provided:

But it was obvious in the interview that what we had to say was not valued, and we came out... In the little bits that did come out, it was like anything we said, it was because we had an agenda. Okay? (P11)

In this case, if the consultation had appeared “authentic”, they would not have felt discredited themselves:

I think that, you know, that we never would've fought real discussions about how to deliver French better. We would have participated in any discussion we felt were legitimate. But what we really saw was this was sort of a sham process and it was really, you know, it was designed to appear as though the public were being consulted. And for us, it was worse than not being consulted. It was worse than, you know, in terms of our sort of buying into the decision it was... We felt not only like we were... that they attempted to manipulate us, but really we felt completely marginalized and really explicitly attacked also.

Other stakeholders put forth a similar proposition:

One researcher explained:

And we were consulted by the two commissioners. They interviewed us. Our voice was lost...But, nonetheless we were consulted. So I can't say we were not. But it was obvious in the interview that what we had to say was not valued, and we came out... In the little bits that did come out, it was like anything we said, it was because we had an agenda. (P11)

Another individual explained that they had been included in the stakeholder roundtable but:

...that kind of felt like an after-the-fact thing. You know, “okay I'm in so much hot water now I have to do something,” It didn't... Although we did get to express our opinions, it didn't feel all that genuine. (P35)

Although providing a manner by which to participate and interact with the government, the implementation of the consultative tools was viewed as lacking legitimacy throughout the process, especially due to its calibration:

It seems to me that it was, those advisory committees or reviews or whatever, didn't call upon too many actual teachers. I think they were, sort of, people at higher echelons. (P34)

This speaks to the restriction of actors and the limiting of the participants.

A public consultation respondent spoke about the renewed effort to consult and in doing so highlights that the first attempt was problematic (i.e. supporting a pre-conceived outcome):

It is my sincere hope that instead of approaching this consultation as a necessary political process to achieve a predetermined outcome, the Minister surprise us with a genuine intention to collaborate and work with experts and stakeholders.

Evidence of the lack of trust presented during a conversation with a government official who compared the 2007-2008 consultations with the latest set undertaken by the Conservative government conducting their review of the entry point:

There was a massive amount of distrust towards the government. It was badly mishandled and there was certainly a lack of consultation and certainly a lack of any kind of transparency... I think many people felt like they had just been trampled on. At least those people who wanted French. Maybe the other people felt that it was great.

I think that the consultations that this government was doing... the public consultations that people were invited to. The public input that was you know, they invited input, there was an attempt at transparency and I think that that was a good move because it really sounded like they were welcoming... Welcoming the inputs, welcoming the ideas, welcoming any suggestions and that that would be dealt with... That they would be thrown into the mix. (P26)

Further evidence speaking to government's "problematic" calibration of the public consultations was uncovered, specifically relating to whom government targeted for participation and how it imposed limitations on their capacity to participate.

An official who handled a legal dimension of the FSL case presented the participatory opportunities as being "controlled" by the government. For example, when discussing the opportunity to provide feedback on the Croll-Lee report in March 2008, the individual stated:

I think we indicated some of the email exchanges there was sort of an indication that they had said to people "I don't want to talk about it now, but you'll have an opportunity to talk about it later". The opportunity to talk about it later, like they released the Friday before March break in this province.

Again, this indicates that the government was manipulating the opportunity for stakeholders to provide feedback, and targeted parents in particular since spring break can disproportionately affect their availability. The open houses held in school districts provides

further evidence of this. They were to provide opportunities for parents to discuss the FSL changes and immersion. A statement taken from the Moncton Times and Transcript (O'Toole 2008, A7), which quotes a spokesperson for Citizens for Educational Choice, emphasizes this:

According to Freda Burdett...the timing of the sessions could not have been worse. Besides being scheduled over the summer, when many people are away, the Saturday session was scheduled for a long weekend, when even more people are unavailable, Burdett said. With the high price of gas, she added, people in rural areas were at a disadvantage when it came to getting their voices heard.

Further examples of government's response to stakeholders' pushback followed the court case pursued by stakeholders. Post-decision, the minister made concessions and considered other sources of research/information when making final decisions about FSL in preparation for implementation of new programs in the fall of 2008. The motivation here appeared to be that he wanted to rectify what the public deemed to be a rushed decision-making process:

The government has acknowledged it moved too quickly in implementing the French second language reforms, Lamrock said.

It became clear that they were motivated to act for two main reasons. As established above, issues with procedural legitimacy abounded. It was also found stakeholders' need to uphold their "internal goals and values" related to FSL motivated them to act on FSL issues, especially when the information they held to be true was countered by governments' proposed policy changes.

When the questions of "how did actors perceive instruments" and "what motivates them to respond to instruments" were asked, the reality that actors interpret the policy content with a view to how it matches their framing of FSL could not be ignored. Interview participants captured this.

The mixed support and levels of trust came in part from whether or not the decisions and actions of government line up with the actors' beliefs and values:

You know, it's one of those things where you believe one or the other and if the government doesn't go the way you, what you believe, you're going to lose trust. (P21)

If they are in agreement with the statement, then it's the most legitimate, most viable, only solution that they could see ever, ever being out there. If they disagree with what you say, then you are a bunch of civil servants, you don't know anything, "who are you to tell me... Those politicians down there..." You get the hand waving and all that kind of stuff. So it really, it so depends on the person's point of view. (P26)

In New Brunswick's case, peripheral actors perceive FSL opportunities as a right. While access to FSL education is no longer a right, as was once the case in New Brunswick, the perception that it should be because the province is officially bilingual was nonetheless present:

-If the government is legislating that we are, then I think we should do everything in our power to make sure our kids are bilingual from the time they can talk. (P35)

-As one parent said to me, I didn't make this province bilingual. So the least you can do is provide the education for my kids. So they can participate fully in whatever's going on in this province. You know? But he seemed to be... Took the whole criticism of what he wanted to do personally, I think. (P33)

-Unless I am mistaken this is an officially bilingual province. A province that enforces its bilingualism policy through legislation. Yes that's (sic) right official bilingualism is the law! f it is illegal to not provide service in French than it must be down right criminal for our government to eliminate our childrern's (sic) best chance at meeting the minimum requirements of the Official Languages Act. (Public consultation results)

It is clear from the above that the government's proposals and the minister's in particular "violated" the belief that FSL education is a right. According to the participants, inhabiting a bilingual province means that its residents should have access to bilingual education. The desire for it to be mandated was further expressed:

So yeah I think it, if you want to have a bilingual population you've got to mandate it. You can't just... You can't count on the local communities to do it because some don't care about it as much. (P20)

The idea that bilingualism is a right is also connected to the perceived cultural realities that characterize New Brunswick. One respondent explained:

You know, if both parents are Anglophone they feel that sense of “my children have to learn French.” Most people, I think, really want their children to learn French and because we are culturally bilingual in this area. I know that there's a lot of us who really believes that New Brunswickers need to be bilingual in order to participate in all of the Maritimes, or New Brunswick's culture.

Removing the opportunities to be bilingual constituted a perceived violation of rights because they hinder the capacity to immerse fully oneself in New Brunswick's culture and by extension, into society.

Additionally, the idea of choice comes into focus here. Parents are decision-makers when it comes to their child or children's experience. Participant 16 discussed the role of parents in relation to FSL and explained:

Because, at the end of the day, it's their decision and they know best for their child, and it's a difficult decision. To put their child into a particular program or not.

Participant 30 indicated:

But I find a lot of the times that the parents, even before I present, have already made their mind up. They know what programs they want.

Both the elimination of EFI and the implementation of a universal program was sometimes presented as limiting a parent's right to choose the best route for their child's education:

-I read pretty much everything that's been written about the new plan Mr. Lamrock wants to put in effect but what I don't see or read about is the right for the children or parents to choose. My son is terrified to go to school next year because he doesn't want to hear about learning in french. He finds it hard enough to follow and keep up in english that he not ready to learn a new language. I do agree something needs to be done about the numbers but can we do that without putting more stress on our children and also without loosing the right to make our own chose in what language our own children should be learning. (Public consultation results)

-One last comment, I believe (sic) that there has to be choice. For the life of me, I can not understand why a parent would not want to provide their child with the possible benefit and gift of two languages (sic) when they finish school, but ultimately, that is a parent's choice to make and that choice should be left intact. (Public consultation results)

The employability factor was yet another common perception encountered when engaging the stakeholders: FSL opportunities create future opportunities for students. The prevalent idea here was that the FSL program leads to bilingualism, which can provide advantages when seeking employment:

-So a lot of people that want their kids in FSL do so because they realize... Not only the learning opportunity. It's an economic opportunity. At the end of the day, you're going to have a child who has access to, in New Brunswick, the civil service in both languages. He will be able to function anywhere in Canada in both official languages and, you know, it's a huge economic advantage.

-They are Anglophones and they've successfully gone through French immersion and they come out at the other end and they are able to function, you know. Get a job as bilingual. (Participant 26)

When discussing inclusion and the issue of students with disabilities, a former association president explained:

In fact in some ways, they needed to be bilingual more than students without learning disabilities because it would open up a lot of job opportunities that they would need to have opened because there are some limitations to what they would be able to do.

Although there were actors who both supported and disagreed with the proposals of government, it is evident that select groups actively pursued countering government's decisions. There will first be an examination of the selection criteria and actors' responses to instruments in Nova Scotia.

Selection Criteria and Peripheral Actors' Perceptions of Instruments

Nova Scotia

The themes for this category emerged in such a way that they spoke simultaneously to the selection criteria driving the instrument selection and the peripheral actors' responses to tools. Therefore, a discussion of the two will take place in conjunction with one another. When deciphering why instruments are selected in the FSL process and what influence they have on the policy process, a few issues were noted. Firstly, there is a tradition of consultation in Nova Scotia. Secondly, governance structures and the "responsibilization" of the boards means instruments are used mainly to reinforce larger scale government priorities.

A tradition of consultation is present in the educational policy sector in Nova Scotia and is present when concerning matters related to FSL. This is a longstanding occurrence regarding FSL policy-making and the wider relationship between the department and the board-level coordinators. The school boards, as seen above "have a say" in policy and the FSL coordinators do, as well. When conducting interviews, all but one coordinator confirmed that they participate in policy-making activities:

Yes. Absolutely. They gave us, you know, drafts. We got to see the draft policy; we got to take it home look at it, pick it apart, offer suggestions. (P29)

There was always that openness of question and answer and if the Department was thinking of, you know, moving in certain directions in regards to those strategies they wanted to implement....there was always that opportunity for feedback. We were always questioned on it. (P06)

And of course, the director of the French division and the consultants are constantly interacting with us to get feedback about what is contained in the policy because sure, there are program guidelines that are set by the Department of Education, but we know what works in schools. (P09)

As for the actual policy and writing... We have inputs. For the policy that's coming out, we just look at that and we looked at it as a group, all the consultants and coordinators and the department people. We would say, "we think this should be in", or, "we think you should take this out" and we did have some time to spend on that as a big group. (P14)

Notably, the above commentary shows that consultation means acquiring feedback from consultants on the policy documents, prior to meetings. This limits the type of contributions that FSL consultants can make. There is an awareness that policy approval remains with the department:

Like I remember sitting in those meetings, at those roundtable meetings at the Department, and the department consultants would say to us "well, here's "X" policy, "Y" policy, "Z" policy, but we have to have approved by the minister first". So we are meeting with the minister, and the minister has to approve it.

So to talk about how they make decisions in policies... We've had a lot of input. So that would have been an item on an agenda. And our Thursday group might have reviewed it first and hashed out any concerns without the Department there, right? Not that we wouldn't say it openly to them, but it just gave us another venue and then we would bring it and voice the concerns collectively. (P19)

The above comment indicates that not only FSL consultants proffer feedback, but that the calibration of consultation leads to quarterly meetings that create a space where FSL consultants have an impact because they can act collectively. The one individual who stated they were not consulted on policy explained they had been consulted on "curriculum lines", but "Curriculum documents are not necessarily policy" (Participant 31). This led to a review of previous interviews and it was noted that some participants emphasized that they provide feedback on curriculum guidelines specifically. For example, while explaining that they were in fact consulted on policy, Participant 06 said:

I personally have worked collaboratively with Department officials in terms of curriculum development, you know so, we had a voice there.

Based on the above, participants likely partake in policy consultations, with a focus on

curriculum guidelines. The present study shows that the FSL coordinators participate in the process by collaborating with the French Second Language Services branch. The latter have the development of curriculum as one of their responsibilities, so it makes sense that the branch consults with FSL coordinators on curriculum issues in the policy.

When discussing policy-making practices with an individual in corporate policy, the participant elaborated on the process:

...policy takes different shapes and forms and doesn't always look the same. But, but I think that we have certain principles with regards to policy development that we tend to follow in each case.

The practice of engaging partners was emphasized. The official twice describes it as a “key part of the process”. Regarding cognition, it is evident that they believe engagement with actors should be a priority when developing policy. The participant also offered examples of ongoing consultations that help with the identification of issues/agenda-setting:

We have with regular consultations, ongoing consultative forums with some of our partners. Like for example, we bring the Superintendents of School Boards together with our Deputy Minister once a month. So, we have monthly meetings; we have regular ongoing forums for discussion. We also have a memorandum of understanding with the Nova Scotia School Boards Association and as part of that we have regular, I think it's twice a year meetings with that group where they meet with the Minister...so ongoing issues can be discussed and talked about in that forum. So we do have regular forums where we meet with our partners and then certainly on top of that, we have ad hoc meetings.

Following this, Participant 01 describes consultation with non-government stakeholders, including the “French Parents Association” or the elected school boards. The process is further described as involving continued rounds of consultation, whereby a “green paper” is potentially drafted, sent out for feedback and then re-worked. The consultation process is “issue dependent”:

So as I said what we often do is have consultations on major issues where we know that something that needs to be done, so as part of the consultation we would have targeted consultations with our key partners, as well as maybe involving the broader public. It would depend on the issue and the nature of it and the scope of it.

Therefore, the general practice with FSL is to engage in targeted consultation. This means that, based on the information received, the tendency is to leave the consulting up to the French Second Language Services branch, who then meets with the board coordinators and Program Directors on policy matters.

As Participant 08 explained, they will get input from the coordinators and from the Program Directors, who give final approval before the draft is brought back to the Department. The participant was asked if they were responsible for writing the policy and he stated he provided written content, but the final policy was developed by Corporate Policy. Further to this, there is a practice of consulting with members of the public and the administration, as seen with Participant 08's description of the surveys utilized to obtain their feedback. In these instances, the nodality and authority tools were used during policy formulation (e.g. the ongoing revision of the province's FSL programs) and for program evaluation (e.g. credits needed to graduate with an immersion certificate, year-end assessments). This points to the idea that, as in New Brunswick, tools that accrue information by gathering stakeholder input are perceived as legitimate. It also shows that certain stakeholders' are valued more than others are. While multiple mentions of groups that participants were active in were encountered, there was repeated mention of CPF collaborating with the Department of Education. CPF and individuals at the department-level confirmed this. When asked to describe their relationship with the department, an affiliate of CPF stated:

We're pretty open and transparent relationship. Within the Department of Education, there is a department for...I think it's called French and Acadian Language Services...we have a very open relationship with them, I can call them ask them for information. And they fund our summer camp program. So, I find it's a very good relationship. But there's still sort of a ceiling to what I can achieve. (P04)

The French Second Language Services branch confirmed they have a positive relationship with

the organization:

Certainly, we value the inputs or suggestions from an organization like CPF. As I mentioned, you know we contact them, and we provide support to them, and they support us as well, with the activities they arrange for kids, their summer camps, etc. We have a close connection to providing opportunities for students, so that's very that's a, very important relationship. (P08)

Overall, a tradition of consultation is longstanding in the department, and the continued practice of inclusion in policy decisions creates satisfaction with the arrangement. This serves as a reminder that consultation is not a given. The decision to remove the exemptions from the policy and its cessation as a practice were imposed on coordinators. Overall, the consultative processes implemented by proximate and peripheral government actors were viewed positively. Evidence of this repeatedly came to the forefront during interviews with participants. One aspect of the discussion that stood out was the approving or “positive” manner FSL coordinators spoke about their relationship the French Second Language Services branch, as well as about the consultations on policy. When discussing policy revisions, one participant (19) stated:

And I truly feel that the department listens to us. They take the time. Like we really hash things that with them. We are truly a very collaborative group, where they do listen to what we have to bring and to really feel part of the decision-making with them.

Another explained:

...it's been very collegial all the years that I've been involved. (P06)

One respondent described their relationship with the French Second Language Services branch as:

I found it to be excellent. Really, they were always... Generally, you know, within reason, they were very accessible, they were very knowledgeable. (P29)

Consultants from the branch also emphasized that they try to be cooperative and collaborative too. This reinforced that it is a mutual effort, and a common goal among the parties

is to create “legitimate” and “authentic” collaboration. In one instance, cooperation was even presented as non-optional:

And that’s the really good and unique thing about this province...we try to work in a respectful way to support other learners, to support different needs in different areas. It just, I mean, it just makes sense. For cooperating on the school board level, we need to be cooperating on the school level...as long as the reasons are legitimate and it’s an “I can’t” and not an “I won’t”, then we work to find out ways that we can change it to an “I can”. (P02)

Further analysis showed that the responsabilization of the school boards is another influential factor that impacts instrument selection. By deferring to the school boards and minimally interfering with their policy-making and implementation activities, there was, during the period under study, a cohesive and collaborative policy environment in place. There appears to be little need to use instruments that might coerce actors to behave in certain manners. This discussion necessitates recognition of governance structures since it is these that allow for the community of policy actors to be managed in such a way that the boards take responsibility for policy. One participant (05) explains, when discussing a comparison of Nova Scotia and New Brunswick:

The boards have considerable authority. They are elected boards. The superintendents are elected by the boards and report to the boards, much more of a loosely coupled relationship between the superintendents and the Deputy. On the other hand, the relationship between the superintendents and the Deputy’s staff and the superintendent’s staff is very collaborative and collegial compared to New Brunswick. So what that means then, to answer your question...the policies, I don’t think came from the Department down to the regions any more than they...they didn’t go from the regions up to the Department either.

The participant (05) goes on to explain:

So I think it's more of a collaborative relationship that says we "need a policy on whatever it is"...so (redacted) or one of the French immersion consultants with the authority or probe from their super saying "we need a new policy, we need to update the policy on French immersion", then it happens in these joint meetings. They kick drafts back and forth. Someone forms a committee to write a draft; they could have regional consultants on it...It's a joint activity to write a policy, which then becomes a draft policy, a policy of the Department of Education. All program policies are from the Department, but the boards have a lot to say about them. They have a lot of input before they're approved. That's true about most policies that come out of the Department.

There is room for the initiatives to come from the bottom up and while the department can impose policy and requirements on the boards, the evidence points to this not being the case. It is known this is sometimes a matter of strategy, undertaken by the Minister and deputies to avoid assuming responsibility for certain situations. It was explained that the Minister does not want to be associated with certain issues and is "happy" to leave them the hands of the boards.

The participant used school closures as an example:

And the Minister doesn't want the question, politically. The Minister of Education, she is really quite glad that she can say to an angry constituent "I'm sorry. I had no authority, that's the school board's authority. (P05)

A great deal of flexibility is given for the purposes of policy implementation, although an example given by a participant, which falls outside of the studied timeframe shows that the potential to control what is implemented at the board level is there:

...the new Minister decided we'll do away with read and recovery. She didn't like it. Okay, she's the Minister. A lot of people liked the Read and Recovery, but she didn't...my point is that we moved quickly with her staff to develop a replacement program for it that came primarily from several of the school boards. "What do you have in place that we could quickly implement before fall because the Minister has decided that Read and Recovery is being put out?"

Furthermore, the close ties between the board administration (e.g. superintendents) and the deputies mean there is room for cooperation and building common ground. Participants in Nova

Scotia reinforced the power of the superintendent, offering examples of support and of using their authority to prevent FSL program implementation:

There was a wonderful program called intensive French going on in grade 6 and it was offered for the province, and one time it came up, and I was working in that school as a consultant. So a board approached the super said "this is a wonderful program, why don't you try it?" and he said "no, no new initiatives." And it ended just like that. (P15)

And the person that was there was a superintendent...and the issue was being driven by the person in charge of the school boards, to curtail the program by saying that it was a matter of necessary cutbacks and for immersion programs, in our schools. And, so then you go to another a school board where all of a sudden the supers are on board. So it really depends on the way they see it. Whether they see the value of FSL... (P05)

This also brings to the forefront the idea that implementation of programs, by those with the authority to approve them, depends on whether their cognition is in-line with what is proposed.

Provincial government retains the power to impose potentially controversial decisions regarding FSL on boards, but it has not. There will be no speculation as to why this is. The only evidence found that shows the province directly affecting FSL policy implementation is the budget cuts. Furthermore, those cuts have created effects felt by board coordinators and their activities. The majority of action pertaining to FSL is locally-based because the province does not appear to have a reason to involve itself otherwise. Therefore, it is not concerned with using instruments aimed at boosting legitimacy. There is an acknowledgement that trust needs to be maintained by the government and that there are ways to do this. A department official explained that legitimacy is required from the public:

We need to support, there's no doubt about it, we need there to be a certain trust coming from all stakeholders...that our decisions are very much based on what's best for students... it's very important, and that's why it's really important for the Department of Education, and all levels of government to communicate clearly the goals and the priorities, the findings, the results, how are students are doing, all that sort of information. (P24)

The participants indicated that trust was present between the members of the public and the

boards, as well as department:

I think they trusted the opinions of the school board, and that being the elected school board. (P14)

This participant, an FSL coordinator, was referencing trust from parents.

Another coordinator, when asked if trust existed between parents and the school boards and department, explained:

Yeah. I would say that they really do (trust). Like I mean, when you go to those parent information sessions, like and they listen as if it's the gods' truth. Are you preaching to the converted? Probably. Because they have an interest to begin with. But they put a lot of trust in the programs, in thinking that we know exactly what we're doing. (P19)

This sentence echoed an idea encountered in New Brunswick. Specifically, people feel that if what they are presented with parallels their cognitions, they will accept it as legitimate. A board member participant supported this idea:

I think there's a general high level of trust. Someone's parents don't like a particular decision; then they think we're all terrible. (P07)

Not all participants agreed trust is present. One stated:

They (parents) are very skeptical, and they don't trust government very much. Whether it's with education or anything else, I don't think. (P29)

The above came from an FSL coordinator and reinforces the idea that different school boards will produce different levels of trust. In this particular school board for example, there were cuts to immersion programs and challenges accessing the available ones.

In summary, the responsabilization of the boards means that authority is vested in them to make and implement policy decisions with flexibility, including decisions relating to FSL. It also means that although stakeholders have cooperative relationships with the Department, activity will almost exclusively take place at the local level. CPF's activities are not limited to the types of activities mentioned in the above interview excerpts. The organization has assisted with other

issues in the province as well. Three instances of change were noted in the province and of them involved interventions from the provincial branch CPF. For example, before the exemptions, the Annapolis Valley Regional School Board announced it would be consolidating its French immersion programs because of a teacher shortage (“Valley may consolidate French immersion”, 2006, B4).

When looking further in to the Annapolis Valley school board’s proposed changes, it became evident that parents were presented as the stakeholders who vocalized their displeasure, along with a local MLA (Fairclough, 2006, B2). The final decision was to maintain their current programs.

To conclude, it was found that generally, there is trust directed at the boards, which means that the boards can continue with their activities. For the most part, the Department of Education remains at an arm’s length from the boards. When it does engage, it relies on consultation type tools to foster collaboration and cooperation in policy-making. It is not required to do consultation and can avoid it all together, as was the case with the exemptions. A discussion of what resources stakeholders have at their disposal will be undertaken next.

5.3.1 Stakeholder Resources

New Brunswick

Based on the evidence, an influential group of vocal minorities must have the means available to vocalize their discontent. This means there is a distinction between a minority that vocalizes its dissatisfaction and a “powerful vocal minority.” Powerful vocal minorities have the capacity to implement resources that potentially affect the policy process. In some circumstances, stakeholders made use of government’s tools to espouse their positions. This

includes participating in the roundtable discussions, for example. They were also able to use resources that existed independently of government's tools and appropriated them to their advantage. For example, this entailed making use of the Courts and the media. Finally, they generated their own resources to try to vocalize their views and affect policy and programs. This included starting a letter writing campaign and organizing protests.

It is to be noted that having access to these resources does not mean that stakeholders will automatically have "success" with them. For example, partaking in the roundtable discussions necessitated being invited. Releasing a statement in the press is dependent on being published. This would indicate that the degree of power a vocal minority can in part be dictated by the opportunity they are given to participate. However, it would be inaccurate to assume that this indicates stakeholder groups, and vocal minorities, in particular, are without influence. As one participant (22) described their role and participation in the FSL process:

People began to protest the government and people began to...there was a letter writing campaign, and then people begin protesting in person. And after, the minister realized for political reasons that they had to change path and that their policy wasn't going to fly, they contacted me and also contacted several other of the... of the organizers of the... I don't want to call it the movement... but of the issue. And they had us come in into a large group.

The group's presence and actions forced the government to rethink their actions and forced them to rethink their relationship. Below, there is an examination of the ways actors were able to respond to government's decisions about FSL and this demonstrates that they were able to actively de-legitimize by targeting the tools relied on by the government.

As discussed earlier, the analysis uncovered that the stakeholders take action by making use of resources that are already established, such as those accessible through government. Alternately, they generate their sets of resources. They use these to try to influence how other

actors such as government are viewed, as well as to establish or re-position themselves in the policy process.

Table 14. Stakeholder Resources Self-Generated New Brunswick

Nodality	Treasury	Organization
Research reports	Fundraising	Collaboration/interest group formation
Letter writing campaigns and petitions		
Social media		

Nodality

Research Reports

Several attempts were made at correcting the perceived misinformation found in the Croll-Lee report. Two researchers from UNB Saint John released, on March 10th 2008, a 31-page report overviewing the faulty methodology and problematic statistical analysis used throughout the Croll-Lee Report. In the release by Diana Hamilton and Mathew Litvack, the “flawed math” used to determine, for example, the rates of declining enrollment in late French immersion and enrollment rates in early French immersion, were criticized for not being representative of attrition rates (Hamilton and Litvack, Response to the Croll and Lee Comprehensive Review of Second Language Programs and Services Within the Anglophone Sector of the NB Department of Education, 2008).

Researchers from the Second Language Research Institute of New Brunswick gave a similar assessment and released a position statement directed at the commissioners of the Croll-Lee report. It focused on the “importance” of choice; the pros and cons of various programs;

accessibility to programs; testing/proficiency/outcomes (Dicks and Kristmanson, 2007). In their statement *Reaction to the Report of the French Second Language Commission to the Minister of Education New Brunswick*, two of the Institutes' professors demonstrated how attrition rates were incorrectly calculated and explained how/why the proficiency levels provided in the report were misleading (Dicks and Kristmanson, 2008, 2-3). Furthermore, the qualitative component of the Croll-Lee report underwent scrutiny. The use of subjective language to describe participants' and the importance of their views, as well as the inclusion of only negative or positive commentary when addressing specific program types, was problematic (Dicks and Kristmanson, 2008, 3-4).

One supportive report was found. Doug Willms released an article entitled *The Case for Universal French Instruction* (published in *Policy Options/July-August 2008*). The article emphasized that not only was streaming according to ability a real occurrence in the system, but a socio-economic divide was present too. Students who find themselves part of a "higher" socio-economic demographic tend to be who is found in immersion programs.

It was not only "experts" with academic backgrounds, who produced research. CPF's new President assembled and released a document entitled *Beyond Hysteria: The Facts about FSL and the Lamrock Plan*, which outlined counter-arguments and evidence supporting the maintenance of EFI in the province and Citizens for Educational Choice released *Be Bilingual in this Place*, which overviewed myths about immersion and counterarguments to the changes proposed by government. In this instance, the reports targeted citizens.

While initial attempts at providing information countering the report "failed," in that it the two commissioner ignored the information, stakeholders were able to make use of other avenues to express de-legitimacy actively towards the tools utilized by government and discredit

them. Much as government showed a preference for nodality-tools to justify their position on FSL, peripheral actors did the same.

All of the resources were developed with the intention to correct perceived misinformation and to convey arguably more accurate representations of “the facts”. The Minister communicated the changes to the program without acknowledging any of the above reports that outlined problems with the Croll-Lee report. He dismissed questions about his lack of acknowledgment of alternative research:

"Let's be clear what they (Croll-Lee) recommended. They recommended that instead of having 23 per cent of kids having an effective French education, knowing that does not get us to 70 per cent of bilingual kids, that instead of starving the system of resources, they recommended that 100 per cent of kids have access to intensive French," (Jardine, 2008, A8).

What this points to as well is government counteracting those who dissent by painting those who want to programs that are of benefit to a “minority” of the student population as harming the majority.

Letter Writing Campaigns and Petitions

Letter writing was one way in which stakeholders responded to the decisions of government. Earlier in the answer to question 1.2, it was seen that letter writing was undertaken as a way to provide alternative information to the Minister and to protest the decision to eliminate EFI and instill a universal entry point.

Subsequent attempts at countering the findings included responses from Claude Germain and Joan Netten, the researchers who developed the Intensive French program. They re-iterated the program should not replace core French but was, instead, one way to enhance it. Furthermore, they saw Intensive French as a “means to increasing enrolment in immersion programs” (Netten and Germain, Letter to Premier and Minister, 2008). When questioned why

he ignored the analysis that refuted the Croll-Lee report's claims, the Minister responded, in another display of "ignoring the research":

"It's just quibbling over numbers," Lamrock said. "No matter how you work the data, the research shows not enough students are graduating able to speak French." ("Researchers dispute immersion report", 2008, A5)

In addition to these, the Canadian Association of Second Language Teachers (CASLT) and the Consortium of Canadian Universities Advising the Canadian Association of Immersion Teachers sent letters to Premier Shawn Graham and/or Minister Lamrock.

CASLT exhibited support for the implementation of intensive French and highlights it is not a replacement for EFI. The organization emphasizes:

Our Board of Directors and membership includes well known researchers and educational experts from across Canada. We have consulted many for reactions to the recent report provided by the Commissioners. Our experts believe that this report is quite biased, selecting elements of research to provide a skewed interpretation of results...

The emphasis on experts is common in the letters sent to elected officials regarding the FSL/immersion matter. The Consortium began their letter with:

As university educators actively involved in French second language research, teacher education, program development and evaluation, we are jointly writing this letter to express our grave concerns about certain proposed changes announced pursuant to the recent "Review of French Second Language Programs" in New Brunswick.

Not only do these letters exhibit what are perceived to be factual problems with the review results and suggestions as to what "better" FSL programs can look like, the emphasis on the information coming from those considered to be experts arguably highlights that the knowledge they supply is to be taken as accurate and viable.

The president of French for the Future released a letter addressing the population of New Brunswick offering support to those who were “dismayed” at the decision, while also underscoring the issues like a lack of resources that lead to problems with FSL programs. Additionally, letter writing campaigns were a resource that vocal minorities encouraged others to use. Canadian Parents for French actively urged parents to reach out to their MLAs, as well as the Minister of Education and Premier to express their concerns over the proposed changes to FSL. This happened on two occasions. The first relates to the initial consultation period beginning in 2007. The President of CPF asked members to write to the Minister and request he keep “the best programs” in New Brunswick. The President stated:

I believe they are at risk of elimination, since CPF NB cannot get a statement from the Minister of Education that they will remain intact and that he will improve them.

This also indicates the Minister was restricting information and the letter writing campaign was a reaction to this. Later, during the summer review in June-July 2008, CPF provided a template that the public could use as a guide when writing elected officials.

Date Dear MLA's, MP's, Premier's, and Minister of Education,

(use the same letter for all of them if you wish) I am writing to let you know of my deep concern for the future of French Immersion in New Brunswick.

(paragraph where parents insert their own story – of their child or children's success) I am a parent from Saint John New Brunswick who elected to enroll my son in Early French Immersion. Although he initially struggled due to learning disabilities which was particularly challenging due to the complete lack of methods and resource support available for kids in this program, we kept him in the program and he is now thriving in grade 7. At grade 7 he is able to speak French with francophone citizens from across the province, is proud of his ability to speak French and feels he is part of the bilingual fabric of our Province.

(optional paragraph – can be kept or changed to suit the position of the parents) While I support the long overdue enhancements to Core French, I feel strongly that French Immersion options are an important part of our education system. In particular, I support the maintenance of Early Immersion which is proven to produce the highest learning outcomes. I would strongly urge you and your party to work hard to ensure that French Immersion remains a part of our education system.

Canadian Parents for French “Sample Letter”

Furthermore, the organization released a statement encouraging parents to comment on the report during the June-July 2008 consultation period. Interestingly, in the release, members of CPF were advised that because the Croll-Lee report dismissed early immersions supporters as “members of an association,” those who submitted answers and sent letters were encouraged not to reveal the fact they were CPF members. Those writing letters were provided with a list of problems with the report and possible solutions.

The letter writing campaign was a nodality resource meant to communicate information to a targeted group (the Premier, Minister of Education and MLAs) about alternative positions and views on FSL and immersion in particular. They also targeted their membership of vocal minorities. It was found that CPF was encouraging a calibration of the resource to reduce the visibility of the group and diminish the possible dismissal and discrediting of their letters.

The provincially circulated petition served a similar purpose¹⁴. It was a way to allow citizens to express their discontent and communicate their position to government and was immersion focused. The petition was posted on a website called care2, which is a site where individuals can post petitions (indicating an overlap with the social media resource category).

The purpose of the petition was:

The current Early French Immersion Program is under review and the government of New Brunswick is strongly considering removing the program from our schools. We the undersigned strongly support the Early French Immersion program because IT GIVES OUR CHILDREN THE BEST EDUCATION IN FRENCH AS THEIR SECOND LANGUAGE.

Of the 5000 requested signatures, 1750 were received. The petition was attributed to a “group of concerned parents”.

¹⁴ Care2, *Save Early French Immersion*. Retrieved on July 12, 2015 and available from: <http://www.thepetitionsite.com/1/SaveEarlyFrenchImmersion/>

Social Media

As stated earlier, social media was one way in which stakeholders organized to take action and served as a channel through which actors disseminated information. For example, stakeholders turned to the social networking site “facebook” and set up pages to provide information about FSL related events and keep citizens up to date on occurrences related to the FSL changes. Citizens for Educational Choice established a page entitled “Save Early French Immersion in Canada’s “Bilingual” Province”¹⁵ and it served as a hub where interested citizens could virtually gather. One group member stated: “When I started a Facebook group, within two days I had like 3000 people.” and that it served as a means of far-reaching, efficient communication:

I was able to mass message everybody in the group. So, you know, it was a self-generating mailing list. And once you have that mailing list, once you have a list of, I have a list here of 3000 people who think that that's a bad policy. Well, let's see what we can do with that list. So that's really what it was.

One other facebook group created during the same timeframe was located. “Early Immersion in New Brunswick”¹⁶ had fewer members (209) and provided links to relevant research, public meetings, and media. “Concerned parents” managed the group.

Other websites included the blog maintained by Diana Hamilton and Matthew Litvack, who posted to their weblog “Immersion Delayed is Immersion Denied.” These are the researchers who produced one of the reports refuting the claims of Croll-Lee, released in March 2008. The site contains information about early French Immersion and posts include links to media reports, opinion pieces and a compilation of relevant research. “La Maison” (now a

¹⁵ Citizens for Educational Choice, Save Early French Immersion in Canada’s Bilingual Province. Retrieved on July 12, 2015 and available from: <https://www.facebook.com/groups/24822020474/>

¹⁶ Retrieved on July 12, 2015 and available from: <https://www.facebook.com/pages/Early-French-Immersion-in-New-Brunswick/22342892800>

password protected site), billed itself as a “clearinghouse of information about the fight for options in K-12 education in New Brunswick” and provided relevant documents about FSL, information about events, links to a petition and encouraged people to write to their MLAs.

It is accurate to describe these sites as nodality tools/resources because of their focus on providing information. In this instance, the resource relied upon is used like how the government would implement it, which is to communicate “knowledge or information to target groups” (Howlett, 2011, 115). Overall, efforts to show that the government’s decisions and actions were lacking legitimacy meant its tools were subject to scrutiny by stakeholders. For example, the Croll-Lee report was presented as problematic. While these efforts may have discredited government’s decisions in the eyes of citizens, the capacity to affect government’s actions were limited. In fact, the government countered by attempting to further re-iterate that “vocal minorities” were co-opting policy discussions. This was an idea supported by both the Minister and the Premier, who used the media as a tool to publicly criticize their actions and emphasize that the minority’s pursuits were to the detriment of the majority. For example, it was publicly stated:

"Understand that it is very common when people don't feel they've gotten their point across on the political question that they then try and throw everything procedural they can at it," he said. "It's normal. It's part of the process too."

Other resources include treasury/financial one, as is seen directly below.

Treasury

This section addresses how fundraising efforts were undertaken by stakeholders to provide support to the individuals undertaking the court case.

Fundraising

Some information about fundraising activities related to supporting the court case was found. One participant explained that CPF provided indirect financial support to help pursue legal action:

Because we basically contacted all our members and all of our members across Canada and said, if you want to contribute to this, you can make donations to pay the legal costs, which turned out to be about \$10,000. So, without the contact... Without our Canadian Parents for French contacts in New Brunswick and across Canada, I mean, we had people that sent \$2000. You know? And then we had people who sent 5\$, but overall, without that, we couldn't have done it because we had to pay the legal costs.

We couldn't take Canadian Heritage funding. Take the government's... So we had to raise that ourselves, and we had to be open and transparent and say this is what this money is for. When you give us this money, it's going to pay a lawyer to sue the provincial government.

The above also indicates that CPF has a general awareness of its position of power and its capacity to take action. CPF has existed on a national level for 37 years (CPF “Our History”) and its ongoing activities include lobbying “provincial government for equal access to FSL learning opportunities” (Interview, Participant 12). In short, it is a group that is well-established and has clout. A fundraising effort was undertaken by soliciting donations through the Citizens for Educational Choice website ¹⁷, where individuals could donate directly to the legal fund and sufficient funds were raised.

This served as a way to provide the means by which stakeholders could take action. From a government standpoint, financial instruments encourage or discourage action that government sees as desirable. In this case, stakeholders encouraged others to provide the financial means so that action could be undertaken.

While above looked at the tools developed and used by stakeholders, further evidence of the

¹⁷ Citizens for Educational Choice. Retrieved on July 12, 2015 and available from: <https://www.facebook.com/events/13717860501/>

resources they utilized are found below.

Table 15. Stakeholder Resources Pre-Existing New Brunswick

Nodality	Organization
Research reports	Judicial Review
Public consultations	Ombudsman’s Office
Freedom of Information	
Media	

Nodality

Multiple nodality type resources were used by stakeholders. Research reports substantiated arguments, freedom of information was used to accrue evidence and the media was used as a source of communication too.

Research Reports

Examples of how previous research was used include a reliance on government commissioned research to support the stakeholder groups own findings. For example, Citizens for Educational Choice relied on Scraba to demonstrate that there had long been a call for more inclusive practices and increased resources to assist with FSL programs. In one opinion piece featured in the Fredericton Daily Gleaner, the executive director of Canadian Parents for French, highlighted a “lack of support for both inclusion and French immersion. In other words, poor management of the system, not the system itself.” (Keith, 2008, B8).

Several public consultation respondents referred to the report (and others) to demonstrate the arguments put forth in Croll-Lee were faulty:

-Firstly, I would like to acknowledge the amount of misinformation that exists. It worries me that so many people are misinformed. Regardless of what side of the debate you are on, we need to look at facts and proof before pointing the accusatory finger. I have spent the past 3 months reading all the reports (MacKay, Croll-Lee, Rehorick, Scraba), interviewing teachers, parents, analyzing statistics available on Gov't websites and nowhere do I see any proof that the EFI program is causing poorer test results for core students.

-From the Scraba Report: Recommendations to the Minister: "Keep the programs that work." "Ensure everyone is confident the protocol will be effective, and all key voices have been heard."

-All sides have agreed that EFI works. There is no debate on that issue so why cancel a program that works because another program does not. Address the reason the other program does not work. if that is streaming then address that problem by curbing streaming by allowing kids with difficulties to stay in the EFI program.

As to the second point from Scraba above... well I think it goes without saying that the current Minister ignored the point completely.

The web consultations proved also to be a way by which actors communicated their beliefs/opinions/viewpoints on FSL program changes in the province. The consultations allowed the “unorganized” silent majority to express themselves and counter the positions of the “powerful vocal minorities.” Expressions of support for change included:

I am very impressed that this government would make a decision based on research, on what is best for all students in New Brunswick rather than for political reasons as has been the trend in the past. To the Minister I would say, "Please keep up the good work and do not let a minority of vocal people manipulate you into making a decision that you know, based on research, is not most beneficial for all students in New Brunswick schools!"

The current system is unsustainable, caters to a vocal minority, and allows mainstreaming away from the core English (sic) programs, not only from a monetary perspective but from social contact perspective, leaving the english program to bear the burdon of challenges that the elite-ist EFI program refuses to accomodate, claiming for itself a status of exclusion which it neither deserves nor warrants based on it's failure to produce the outcomes of bilingualism that it is supposed to achieve.

The above highlights not only support for evidenced-based policy-making, but expressly targets vocal minorities for their “elitism”.

An additional six-week consultation period was initiated, along with a roundtable discussion whereby selected stakeholders could offer input and a group of researchers presented their views on FSL to inform the stakeholders about the various options for future program implementation. In this instance, the government still relied on tools that were generally thought to be viewed as legitimate but were calibrated it in a way to widen the scope of inclusion, as well as refine it. Opportunities were afforded to the public, as well as to select proximate and peripheral non-government actors who participated in the roundtable discussion. Expressions of support regarding the roundtable discussions were found. One FSL consultant described her participation in the process “positively”:

I did go to two or three sessions that we would go to Fredericton for the day, and it was an actual roundtable, and you had your turn to speak and present your opinion. It was great to be part of that. I really enjoyed it because... At the end of the day, I knew what I wanted, and I knew what my opinion was but just to feel like, well, this is a great discussion.

According to one government official, this permitted the Minister to demonstrate that he did base his decision on research but that it was a difficult decision given the breadth of options:

The minister stood up and said, “So, I hope you can tell we have three or four credible experts in the field of FSL and four different opinions on how to do things. And this is when I'm faced with. Having to pick among equally credible theories.” Right? So it's not an easy decision. (P28)

Although the Minister attempted to show his decisions were taken based on “sound science”, the final decision regarding FSL, which selected a grade 3 entry point not found anywhere else, was thought to be a compromise not mired in research:

And that is, at the end of the day, what they picked was an option that didn't come from any expert, right? So it was a grade 3 entry point, and the intensive French would also have a pre-intensive French portion (P28)

And the grade three entry point was just kind of a compromise between grade 3...starting in grade 3 and starting in grade 6. It's like pulling a number out of a hat. (P30)

There was pressure not to go back to grade 1. So the minister basically said, "well, I'll do a compromise. Boom, grade 3. So we'll pick grade 3". And that's our understanding of how the decision was made. (P16)

Furthering this point, one participant (27) explained:

There's emphasis on evidence-based decisions. There's emphasis on research. There's emphasis on all of those things, but then, actual practice is contrary to that.

Regardless of the criticism directed at the grade 3 entry point, it was implemented in a manner that was passively cooperative. In addition to consultation, the right to information requests were resources depended upon by peripheral actors.

Right to information

Right to information requests are another example of a pre-existing tool that stakeholders used. In this case, one member of CEC indicated that:

We did it...we did it because we knew... we did it because we knew something was amiss with this whole process. Things were being swept under the rug, and we wanted to find it.

I can't really remember the details of it, but I know what we found, it wasn't great. At all, for the Minister and his staff.

Upon looking for further details, evidence shows that the right to information produced what the group believed was proof that the Croll-Lee report was skewed toward eliminating EFI from the start. Details were revealed in the Fredericton Daily Gleaner:

An e-mail sent by Croll on Nov. 8 at 6:54 a.m. reads: "I'm putting together the portion of the report dealing with 'streaming.'

"So far, we have a bunch of anecdotal material which Faith has dug out of our interviews but, that is good as colour following the presentation of data... and that's the rub - data."

The e-mail goes on to discuss specific pieces of data the report's authors needed to "make the case for the streaming that's been going on," including the number of

identified special needs children in Grades 1 and 2, and the number special needs.
(O'Toole, 2008, A1)

The above is a synopsis of the email, so the conclusions to be drawn are limited. The quote pertaining to the “rub” may be indicating that the data was not supportive of where the reviewers wanted to go with the streaming argument. In that instance, stakeholders were using the evidence to communicate their position to the wider public. This proves to be an example demonstrating the stakeholders’ abilities to utilize a resource available to them, in order to try to demonstrate that the government’s decisions were a product of collusion. It was at this point that the government relied on administrative delay and obfuscation. The stakeholders also made use of media to communicate with the wider public.

Media

Regarding the media, CPF had several op-eds published in daily New Brunswick papers. For example, opinion pieces supporting the need for informed choices regarding FSL and supporting early immersion were published (Lee, 2007, B8; Keith, 2008, C8; Keith, 2008. B8). The piece concerning informed choices also reached a wider audience by being published in both the Saint John Telegraph Journal and the Moncton Times and Transcript.

The two researchers from UNB Saint John who released the document refuting the claims of the Croll-Lee report also had opinion pieces published in daily newspapers re-iterating, in short form, their findings and the implications of these (“Flawed Report, Flawed Conclusions” in the Saint John Telegraph Journal, 2008, A5 and “Immersion precoce: il faut des explications” in l’Acadie Nouvel, 2008, p.10). Another example of media use came from a group of “prominent (Francophone) NBers”, who wrote an open letter published in the Saint John Telegraph Journal on July 19, 2008 (included here because it is an example of media use). The letter is directed to Anglophones and “applauds them” for “their various initiatives” to keep early immersion in

place. They go on affirming that the issue is important to the province's "political and economic future" and asks that the government take more time to make a decision, a request refused by the Minister. The newspapers also served as a source through which citizens could both express support and lack thereof by submitting letters to the editor.

Organizational

When conducting the analysis, it was clear that the judicial review and the Ombudsman's office served as organizational resources that were accessed by stakeholders. While organizational tools from the government's perspective are meant to "activate or mobilize network actors to support government issues" (Howlett, 2011, 76), in this case, it was interpreted that the resource had two possible outcomes.

Firstly, by pursuing a review stakeholders can both discredit the government actors/officials and gain credibility and support for their own positions. Two parents, who worked with Citizens for Educational Choice, applied for a judicial review of the decision to eliminate EFI. The aim was to "at least, force a delay in the elimination of early French immersion and allow researchers and French second-language experts to come forward with a better solution for the streaming issue." (Dunville, 2008, A5). On May 28th, 2008, two parents supported by Citizens for Educational Choice launched a court case against the province. The parents asked the "court to quash the decision of the Minister of Education of New Brunswick to phase-out the Early French Immersion Program for Anglophone elementary students" (Small & Ryan v. New Brunswick (Minister of Education), 2008, s.1). They claimed that there was a lack of consultation (or, the absence of procedural fairness) and that the removal of immersion was a violation of Charter rights.

A decision was rendered on June 11th, 2008. The presiding judge, Justice H.H. McLellan found that the Charter argument did not stand because it did not cover -in that case- immersion

as a linguistic right. It was found that the Department and Minister had not adequately invited commentary from the public, as based on the Minister's use of two news releases to the exclusion of any other means of reaching out to the public (Small & Ryan v. New Brunswick (Minister of Education), 2008, s.24-29). As previously stated, it is known that the Minister decided to re-visit consultation for an additional six weeks, after which he could make a decision at his discretion.

Using this resource was potentially risky, especially given the fact that it was undertaken by vocal minorities whom the Minister and the Premier had depicted as trying to impact negatively the majority of students entering the 2008-2009 school year. By winning the case, they potentially further established themselves as powerful vocal minorities, but their power was limited by government's decision-making capacity. Although the affidavit filed to try to restrict the stakeholders from taking action failed, the Minister was responsible for making the decision regarding whether the government should engage in further consultation.

The Ombudsman initiated the review after receiving over 350 complaints from the public. The Ombudsman's attention was brought to the issues with the FSL consultation process because:

This went to the formal investigation because there was lots of concerns. I mean obviously, as indicated in the report, the volume of it was significant. We've never seen anything before or after, the amount of people that complained. (P25)

Upon determining there was room to investigate based on individuals' claims that "... that they had been aggrieved by this decision..." (Participant 25), the Ombudsman conducted his investigation. The issues investigated included the lack of consultation, the pace at which implementation of new programs was going to occur, and the failure to consider evidence (Report of the Ombudsman, 2008, 2-3). According to the Ombudsman:

I do not believe that efforts were in keeping with the spirit of the legislation, as the disclosure was ill timed, did not show good faith, and did not meet the level of cooperation reasonably expected to facilitate the type of investigation envisioned under the Act. I note that despite assurances on June 3, that all documentation was in my hands as of that date, I continue as of June 16, 2008, to receive documents from the department. (Report of the Ombudsman, 2008, 3)

A participant confirmed the right to information process is generally challenging, but that:

I think it is difficult from a right to information perspective on government side to make sure that they've traced every email that's gone out to about particular subjects. But there was concerns about the information. It was long and coming. I think it's actually referred to in the report, we wouldn't necessarily say it was their best effort at getting stuff to us.

The findings of the Ombudsman were dismissed. While this is a resource available to stakeholders, its success is debatable. The Ombudsman has the power to make recommendations but not enforce change. Furthermore, as demonstrated in the above quotations, the government was able to retain control over how the Ombudsman was able to carry out the investigation by, at least for a time, restricting information.

Ultimately, the poorly executed reviews and resulting research reports, along with the failed attempts at consultation, proved to be a catalyst for action. A lack of trust in the process and decisions led to vocal minorities taking action, by gathering their financial resources, with the help of supporters, and making use of the courts. While the vocal minorities' desire to have access to French was not upheld by the courts because their Charter claim was invalid, the decision-making process was viewed as inadequate. The government did try to cause some delays by implementing administrative delay/obfuscation tactics, and the only visible consequences were a delay in the Ombudsman's office receiving their information on time. The focus will turn to Nova Scotia, which provides a contrast regarding the policy-making process, instrument selection and the way in which stakeholders receive and react to policy tools.

Nova Scotia

Stakeholders Resources

When conducting the analysis, it was evident that stakeholders relied on pre-existing resources and generated their own. In the Nova Scotia case, the tools appear to be what is relied on in the “everyday” activities of stakeholders, as well as when faced with challenges.

Table 16. Stakeholder Resources Self-Generated Nova Scotia

<u>Nodality</u>	<u>Authority</u>
Information request	
Consultation	

Nodality

As previously discussed, consultation is regularly used by the Department of Education’s policy division and the FLS branch. Collaborative efforts between stakeholders and board-based FSL consultants are commonly used too. Other examples of nodality tools include the example of CPF’s questioning of the Halifax board on its French programs. They submitted a series of questions to the board, who in turn responded to them in a public document. Points addressed by the board included demonstrating its commitment to FSL, having an organizational structure that clearly delineated roles and responsibilities for employees who deal with matters related to FSL, and using all funding opportunities available to it (HRSB, 2007, 1-5). The individual interviewed from this organization did not mention this as one of the FSL related initiatives with which they had been involved. Instead, the information came from a search.

There was some evidence of attempts at consultation. While professionally-based organizations provide opportunities to other educators, such as professional development, their attempts at consulting with the Department of Education to provide them with information about FSL related matters were made evident. Groups like the NSLTA indicated such consultation is

possible if the individual initiating it has the “pull” to do so. Another member (Participant 15) indicated that offers to assist the department, and meet with the minister, by offering expertise on policy directions were dismissed:

I gave her my information in case she wanted to consult. But I never heard from her. I'm assuming that 1) they weren't interested and 2) they have too many other things on their plate.

Organizations like CASLT tried to meet with the minister to provide information about what was happening with FSL on a national-level but:

The last time we met for instance, the minister was surprised... We had to tell them what was going on in her own department. There was an initiative being done by the director of French second language programs, who's doing some wonderful work to rejuvenate the core French programs in grades 7,8,9. And she wasn't even aware that this was going on and that there were experimental classes...So, whether they can always be consulted... It depends upon where they put their first interest and what's put on/ what the premier puts on what they have to do. So it's often a knee-jerk reaction.(P15)

Consultation initiatives coming from the bottom-up are therefore controlled by ministerial/departmental authority. The efforts are made, but the receptivity is dependent on departmental priorities.

Table 17. Stakeholder Resources Pre-Existing Nova Scotia

Nodality	Treasury	Organization
Media	Shared funding	Education critic

Nodality

Media

Media is one resource that is utilized to provide information to parents about issues related to FSL. In this case, it is not the organization releasing information through the media, by formulating an opinion piece for example. Rather, the organization circulates a piece generated by the media.

I'm always trying to look for positive pieces. Like today on the CBC, there was a piece on bilingual kids develop better English skills. Which, you know, we've known for years, this is not new news. But when it's in the news, parents suddenly sit up and pay a bit more attention.

This also speaks to the place of the media and its ability to influence the public. Furthermore, it demonstrates a concerted effort on the part of a prominent stakeholder to cultivate positive views about FSL. Arguably, this mirrors efforts by the government to shape the attitudes of members of the public with communicative, often nodality-based instruments.

Other stakeholders brought the “power” of the media to attention. There also seems to be a mutual understanding that the media is a source by which to convey a message strategically. The individual offering the comment below was focused on the budgetary aspect of policy, but it was important to include it because it reinforces the notion that the media is a tool accessible, to varying degrees, to stakeholder and government officials:

I once went to a meeting with the superintendents and the Deputy, and we walked out on the Deputy Minister with the TV cameras running because we were taking a stand against the budget cuts. He said, “I know you have to do this,” behind the scenes. “You do what you have to do, and I’ll do mine.” (P05)

It is a key source of information for people. When one participant was asked where individuals receive their information about FSL, the response was:

Well, in the media. Of course, there's stuff that occurs there in terms of some private surveys, such as those who monitor the public school system and do their own surveys regarding the questions that they want to ask. There's also individuals who focus on educational issues and write articles on these issues and report information to the general public in an editorial form or whatever.

There is a “downside” to the reliance on media as well:

Sometimes when you read comments, I'm trying to think, where people writing their comments to the newspapers or whatever online and so on. Sometimes if you read those, you see that there's some, there's some misconceptions about what French immersion is. What core French is. What the goals of core French are. All of these sorts of things. And I do think, and where those things come from... It can come

from miscommunication, it can come from perceptions, it can come from a number of things. Usually like I said, around an issue. I find, I don't find at a provincial level, there's much positive information that comes out when it's not around an issue. (P04)

The above reinforces the idea that not only does the media shape perceptions, but serves as a source whereby individuals can express their beliefs and perceptions. The comments come from individuals occupying different positions as well. One is a stakeholder group official, and the other works for the Department of Education but both express similar viewpoints. The stakeholder group official explained they are contacted by the media to give an opinion on events, when changes in the educational system occur:

I know when there's any proposed changes at the school board level or in New Brunswick, we're certainly in the news for a couple of days...requests for interviews and whatnot. We're sort of like a blip on their landscape every now and then. (P04)

While this person can use data generated by the media to support their cause, the media retains control in contacting them when they see fit regarding certain issues. In summary, the media is a resource that can be used to disseminate information and also receive it.

Treasury

Shared funding

Instances of sharing funds to help board-based FSL coordinators organize and put on events together with CPF were uncovered in the data:

Like they contacted me back in the summer, or spring, saying there was a circus troupe coming from France and could we work together to make it happen? We paid half; they paid half, we made it happen. (P19)

Two other FSL coordinators mentioned that CPF worked with them to put on a career fair to demonstrate to students how learning French can help them with their career options. This is a shared event too. CPF is expected to demonstrate how it works with both departments of

education and educators to remain accountable and continue to receive its current funding. Collaborative activities, made possible by cost sharing, is, therefore, unsurprising.

Organizational

The education critic is an organizationally-based resource that was relied upon twice, as was brought to attention by a stakeholder. One occurrence relates to the school lunch policy initiated in Halifax.

Participant 08 explains:

We sent a letter to the Education Critic and explained what the issue was and asked if he could help us in any way...I had a meeting with the Education Critic, and he told me what he could possibly do and what he was willing to do. And, that worked out well. (P08)

The education critic at the time, Liberal Leo Glavine, framed the policy as one that was affecting parents and a product of problematic provincial legislation and school board based challenges (Jones, 2008). At the time, one individual was running the Halifax Regional School Board because of the dissolution of the previous board. Ultimately, a decision resulted in the banning of lunch fees.

When asked to describe the second instance of using the education critic, Participant 04 explained:

We have a school board here that is trying to implement a maximum cap for an incoming primary program. And they want to eliminate a program...they wanted to eliminate a class that doesn't meet that maximum cap. So, I brought a brief to the province about two years ago saying that this is undermining the program in that school board and how across the province we have so few schools, that if you start pulling a few, you're going to start seeing negative growth. You're going to start seeing a lack of students in the program. And that didn't really get their attention at all.... And that did get me a response from the Minister level, but the response was "you know, the school boards have "x" amount in their district and we can't specify to them that they can't do this

When asked how the critic aided with the situation, we were told:

It was brought into Parliament...the legislature, and what was it that the Minister was going to do to help support these parents? But, yea, that one wasn't that successful (P04)

In the lunch program case, the Halifax board managed to circumvent lunch fee regulations, which were implemented under new legislation. The board implemented a program to offer childcare to assist parents with before and after school care (called the Excel program). The Halifax board made the decision to run the Excel program as a non-profit, allowing it to charge for lunch supervision. The province responded by amending the Education Act and re-working the legislation regarding lunch fees. The result was a ban on all lunch fees, with no room for interpretation, as had previously been the case. Then Minister Karen Casey stated the fee placed an “unreasonable burden to place on families” (NS ED, 06/11/2008). There was room for provincial involvement in this case and the number of parents affected would go beyond those students attending out of region schools for immersion. In the case of the enrollment issue, it was a budgetary management issue, and that fell outside the jurisdiction of the Department of Education. The lines of authority were therefore maintained. The Board ultimately made the decision to retain its programs. Interestingly, this occurred in a region described by one participant as:

...the valley area is closely linked to Acadia. It sees itself, a very broad generalization, as an educational priority...families do. And, quite, if you see French immersion as being quite valuable, especially in the Wolfville area, around Acadia...those university families who come from all parts of the world or Canada. And down in the Annapolis area, it's close to Digby, which is quite French...so the valley area is quite a mix. (P05)

This would be a high priority region for French so accessibility to immersion programs would have been important to a number of its inhabitants.

Overall, interest group based stakeholders cooperate with FSL coordinators and the boards, but risk the possibility of falling out of favour if they do not extend cooperation beyond specific schools or if they try to dictate how “things are done.” Most stakeholder power is vested in CPF, and other groups have minimal interaction with government. The unfavourable perception of times of change means a reliance on resources to try to change the course of decision-making. In the case of the school lunch policy, for example, resources were somewhat influential, but the biggest impact on the policy trajectory was likely due to government’s amendment of the Education Act. When other resources are utilized, it is usually to help with implementing events or disseminating information.

5.4 Summary of Findings and Analysis

The cases were divergent on a number of levels, particularly as it pertains to cognitions, motivations and resources/tools. Tables 18- 19 summarize the findings.

Table 18. Summary of Research Findings New Brunswick

Proximate core government actors:	
Minister of Education, Deputy Ministers	
Cognition: Information held to be true: Universal French will promote inclusivity and increase proficiency among students. Those against the decision to change were a vocal minority.	
Legitimacy: Legitimize decisions and decision-making processes so as to implement policy De-legitimize vocal minorities	
Motives: Internal goals and values: Personal desire to see new French program in place, to support cognition; Extrinsic motivation: Benefit the “silent majority”/students; Self-effectiveness assessment: Will only achieve implementation if inclusive tools are utilized.	
Tools: Nodality: Research reports, government communications (substantive/procedural) FSL review websites, use of media/propaganda Authority: Public consultation (web consultations, open houses), ministerial advisory committee Organizational: Croll and Lee Commission/review, administrative delay/obfuscation (affidavit, FOI)	
Relationships: Initial decision-making: Actively collaborative with proximate government, non-government actors and select peripheral government and non-government actors (DECs, stakeholder groups) Post-review; Oppositional and Joint-Learning Implementation: Passively collaborative	
Proximate Non-Government Insiders	
Commissioners	
Cognition: Information held to be true: Changes to FSL are viable and upheld by sound evidence.	
Legitimacy: Procedural legitimacy; tools selected produce “sound evidence” thus promoting substantive legitimacy	
Motives: Extrinsic motivation: Presumed external pressure to produce favourable results supporting changes	
Tools: Implementers of organizational and nodality tools, calibrated to support policy change	
Relationships: Actively collaborative with all actors	
Peripheral Government Insiders	
FSL learning specialists	District education councils
Cognition: Information held to be true: Later entry point not optimal	Cognition: Frames of reference: Rural communities, inclusivity; Information held to be true: Rural communities would benefit; all students would benefit from accessing French;
Legitimacy: Substantive de-legitimacy: does not agree with changes; procedural de-legitimacy: chaotic process	Legitimacy: Substantive legitimacy: approval of changes; Procedural de-legitimacy: Process as problematic, government downplaying court decisions
Motives: Internal values: In not participating, one does not contribute to a “chaotic” process or potentially harm FSL in a way that goes against one’s cognition.	Motives: Extrinsic motivation: expectation that students in their districts will benefit from changes; Interval values; process counters what is viewed as the “right” way to undertake process

Tools: Motivated to ignore implemented tools; capacity to restrict oneself from participation.	Tools: Minimal participation in consultations; capacity to restrict oneself from participation
Relationship(s): Actively collaborative with peripheral non-government actors (FSL consultants); passively collaborative with core proximate government actors	Relationships: Passively cooperative with core proximate government actors.
Peripheral Non-Government Outsiders	
FSL consultants	Stakeholder Groups/Researchers
Cognitions: Information held to be true: Bilingualism is a right; changes needed	Cognitions: Information held to be true: Bilingualism is a right; Earlier is better, process problematic
Legitimacy: Substantive-Mixed; Procedural; Participants legitimized process and policy changes; non-participants de-legitimized process	Legitimacy: Substantive and procedural de-legitimacy
Motives: Extrinsic motivation; fulfilling employment obligations	Motives: Internal values: Driven by belief that FSL opportunities should be accessible to all; Internal Goals; Demonstrate “poor quality” of evidence used for decision-making; Extrinsic Motivation; Self-effectiveness assessment; Pressure to demonstrate that EFI and immersion is viable and beneficial to all students Accessibility to resources allowed for targeting of government’s tools.
Tools: Invited participants to use authority-based tools Resources: Substantive resources at local level; providers of nodality resources (research, reports)	Resources (self-generated): Nodality: Research reports, letter writing campaigns/petitions, social media Treasury: Fundraising Organizational: Interest group formation Resources (pre-existing): Nodality: Research reports, public consultations, FOI, media Organizational: Judicial review, Ombudsman
Relationships: Actively collaborative with proximate government actors and proximate non-government actors upon invitation.	Relationships: Initial policy changes: Actively collaborative upon invitation with proximate government and non-government actors Post-review: Oppositional with proximate core government actors Implementation: Passively cooperative

Table 19. Summary of Research Findings Nova Scotia

Proximate core government actors	
Minister of Education, Deputy Ministers	
Cognition: Information held to be true: Budget-oriented activities are the major activity of proximate core government actors; FSL is best left to the boards.	
Legitimacy: Maintain legitimacy by maintaining the status quo (responsibilization of the boards).	
Motives: Extrinsic motivation: Adherence to governance structures; Self-effectiveness: Deference to experts	
Tools: Authority: Consulting Treasury: Budget cuts Organization: Re-organization of boards	
Relationships: Minimal interaction with peripheral non-government actors; actively collaborative with peripheral government actors.	
Proximate government actors	
Policy analysts:	
Cognition: Engagement and consultation are fundamentals for policy-making	
Legitimacy: Uphold procedural legitimacy	
Motives: Internal values; citizen engagement is a key to successful policy-making; Extrinsic motivation; accountability to citizenry	
Tools: Consultation	
Relationship(s): Actively collaborative relationship with core proximate government actors and peripheral government actors (for FSL)	
Peripheral Government Insiders	
FSL Services Branch (Directors and Consultants)	School Boards
Cognition: Information held to be true: Exemptions are unnecessary in CF; engagement is important	Cognition: Conditional authority
Legitimacy: Recognition that procedural legitimacy helps with substantive legitimacy	Legitimacy: N/A
Motives: Extrinsic Motivation; Program Director approval at school board level; Self-effectiveness; Collaboration is optimal way to create policy	Motives: Extrinsic motivation: meeting parental needs; satisfy department-level requirements;
Tools: Help implement consultation	Tools: Mitigated by financial tools
Relationship(s): Actively collaborative with peripheral non-government actors (FSL consultants, CPF).	Relationships: Passively and actively cooperative with core proximate government actors

Peripheral Non-Government Outsiders	
FSL consultants	Stakeholder Groups/Researchers
Cognitions: Information held to be true: Bilingualism as opportunity; Exemptions are beneficial; Exclusion from decision re: exemptions problematic	Cognitions: Information held to be true: Bilingualism as opportunity
Legitimacy: Substantive legitimacy; procedural de-legitimacy re: exemptions	Legitimacy: Substantive and procedural de-legitimacy but aimed at school boards.
Motives: Internal goals; “champions of bilingualism”; Self-effectiveness; general view that participation in consultation will allow them to be heard and considered	Motives: Internal values: Driven by the belief that FSL opportunities should be accessible to all; Self-effectiveness assessment; Accessibility to resources allowed for targeting of school board’s actions.
Tools: Make use of authority-based tools	Resources (self-generated): Nodality: Information requests, consultation Resources (pre-existing): Nodality: Media Treasury: Shared funding Organization: Education critic
Relationships: Actively collaborative with proximate government actors and proximate non-government actors upon invitation.	Relationships: Actively collaborative with peripheral government actors and FSL consultants, limited interaction with core proximate actors.

CIT demonstrates that the actors’ interactions are drivers of the policy process and that policy implementation is a product of not only interactions but of the interplay among the actors’ cognitions, motives, and resources. Instrument selection is one way to drive policy, but the selection process is “filtered” through cognitions, as well as determined by accessibility to certain resources. The ongoing relationships between actors are shaped by the context produced by the three factors above and wider contexts influence the relationships as they too affect motives, cognitions, and accessibility to resources. This work focused on the micro-level contexts that affected actor interactions, although as is evident in the cases, it would be problematic to ignore the ways structural context, which includes governance structures, created and contributed to the shaping of interactions. A consideration of legitimacy helps to refine the proposals put forth by CIT, as it is a prime motivator considered by policymakers when shaping

the policy process. Additionally, stakeholders legitimize and de-legitimize policy, as well as policy processes and react accordingly. For example, in New Brunswick, it was also found that stakeholders were better able to make a case based on the de-legitimacy they felt about the processes used by the government. The stakeholder used the resources available to them to target the interactions among the various parties assembled in a given policy sector. In turn, this created or contributed to new relationship dynamics.

Actors and their configurations:

New Brunswick

Determining who participated in the FSL policy process using the fourfold quadrant put forth by Howlett (2011) allows us to think about actors regarding their roles in the policy process. It also gives insight into the relationships actors maintain during the policy-making process by allowing us to visualize proximity to one another and by extension, the policy process. In terms of the existing relationships, the primary interest is in understanding the relationships between government policymakers, specifically core actors, and those located in the “peripheral outsider” quadrants. The relationship peripheral insiders and outsiders have with core actors is based partially on rules and norms, but it would appear that in the New Brunswick FSL case, the Minister’s personal beliefs about FSL influenced how the relationships were shaped. There was little, if any, evidence of him taking the more traditional route of receiving advice on policy from a deputy minister.

In New Brunswick, actors fulfill the roles expected of them, as per the definitions offered by Howlett. The government of New Brunswick states that the role of a policy analyst is to “interpret” and advise on policy and the analysts themselves described their tasks as encompassing the dissemination of information to senior management who, in turn, use it to

make decisions. This held true even during the review process, where analysts served as receivers and disseminators of information. Participant 28 explains:

And he (the Minister) wanted everything to come into the Department. Come in to the Department through email, you can voicemail, you can send us snail mail letters and then we had a series of open houses at the district offices in different schools. So we took those results and made sense of it and basically provided the Minister information having to do with different sides of the arguments.

The notion of “making sense” highlights the interpretive component, whereas the provision of information pertaining to “both sides of the arguments” indicates a striving for objectivity. A similar sentiment was echoed by another policy analyst, who explained that their role was to be supportive of the commissioners tasked with developing a review meant to inform the decisions of officials:

Back in 2007, there was a commission on French second language, and I was their research associate for the commissioners for that... The first group, like the commissioners, I guess I was with them when they met with the stakeholders, and they met with them on an individual basis. I just happened to be there to take the notes and get the information.

This again parallels the role of policy analysts as explained by Howlett. They are intermediaries and are engaged in what is describable as active cooperation, whereby the actors pursue policy implementation. While analysts may not be actively seeking implementation, their cooperation is linked with implementation, through their participation in policy formulation and evaluation. The relationship between core actors and proximate non-government actors exhibits similar characteristic. In partaking in the review, including its design and carrying it out, the commissioners maintained an actively cooperative relationship with government policymakers. This too is in-line with the framing of their role by Howlett, who presents the role of proximate non-government actors as providing the data upon which decisions are made. The desire to help them achieve implementation is evidenced in their public announcements linking their results

with needs for policy and program change (e.g. opinion pieces in the Fredericton Daily Gleaner and Moncton Times and Transcript in February 2008).

FSL learning specialists are indirectly linked with policy decision-makers. They provide insight into the operations at the district/school level. Although typically they have a limited relationship with core actors (which have been described in the dissertation as a limited interactive relationship), in the case of FSL, there was evidence of what can be described as passive cooperation. While it may appear that the relationship was one mired in opposition, the fact that the consultant removed herself from the situation to avoid participation in the review means that the process continued without any opposition (or support) on her part. Similarly, the DEC's have a less clearly delineated relationship with the core actors. It is simultaneously described as actively cooperative and oppositional. This highlights the complexities that emerge during actor interactions as well.

Actors located on the periphery displayed a range of support for the decisions of government. Consultants typically do not interact with core actors although an actively cooperative relationship was sought with a select few. Those expected to deliver the service/program shaped by policy seem to have no say in the policy content itself. Stakeholder groups were initially actively cooperative, but this quickly turned to opposition.

Nova Scotia:

The Nova Scotia case highlights the additional contextual variables that affect interaction processes. These are also present in New Brunswick but are quite evident in Nova Scotia's case. It was found that "regionalism" and the governance structures in place in Nova Scotia determine

the relationships core proximate actors will have with peripheral government actors and outsiders. New Brunswick participants spoke to this to a lesser degree.

Regionalism was a common theme throughout the interviews. Issues mentioned included declining enrollment, which is sometimes due to migration from areas that have suffered economic hardship. This can lead to the cancellation of certain FSL programs if numbers are insufficient. One coordinator explained:

And we do have declining enrollment. We're living in an area where we have lots of challenges. I don't know if you're familiar with the (redacted) area that we have (redacted) closures and what's happening is 1) people aren't having children like they used to but 2) a lot of our young people, former students of mine, they get their degrees and or they get a trade and off to Alberta they go... (P14)

Based on these types of issues, there is an understanding that boards should be given some flexibility to implement policy to meet the needs of their communities. One department employee explained:

The Department of Education that set the priorities and the direction, now the priorities are set in a more general way and what that will look like in every board is a little bit different. For example we have some boards in the province that are predominantly rural communities. And so their needs, and with high rates of decline at the moment ...of enrollment at their schools. So when we look at program delivery or professional development, we have to take into consideration. That we have some boards who do have challenges in that area. That the Halifax board doesn't see... (P24)

Regional variables are therefore taken into consideration, as is their effect on implementation. The above points to the idea that policymakers recognize that their facilitation of “joint decision-making” is an important consideration for policy-making in rural communities (Reimer and Bollman, 2010, 43). Overall, there is allowance made for the boards to “take the lead” and for the department to receive input from them.

We're taking more of a lead here at the Department from our school boards? And so, I guess one of the things that we are...we're being asked at the Department level is to be better listeners and respond to more of the directions being ... coming from boards setting priorities. (P24)

This relates to the role of governance structures, which came forth during the conversations with participants and was examined with a view to some of the wider literature on the governance of New Brunswick and Nova Scotia's educational systems.

While the educational systems are comparable in terms of their structure/tiers, their governance leads to a situation in which decision-making is more centralized in New Brunswick and less so in Nova Scotia. It was clear in the interviews that the relationships between the DEC's and the department in New Brunswick are much more strained than is the case with the boards and the department in Nova Scotia. Although structured to allow for more community impact, the DEC's struggle to maintain this (Galdway et al., 2013, 8). New Brunswick abolished its school boards in 1996, with the aim of implementing new, parent-led councils "at the school, district and provincial" levels. School-based councils were established. Their members in turn elected district-based parent councils to work on their region's issues and finally, those parents elected a group to operate at the provincial level (*Let's discuss public education governance*, Legislative Assembly of New Brunswick [LEG NB], 2000). The purpose was to ensure that parents retained authority over education and focused on "governance tasks" as opposed to more administrative duties, as was the case with previous school boards (Fleming, 1997). The government re-evaluated its decision in 2000, due to the criticisms aimed at the system. These included decision-making processes being "concentrated in the hands of the minister" and removed from the local level, and the election process being perceived as undemocratic (*New Brunswick Education: A Shared Responsibility*, LEG NB, 2000). In 2001, district education councils were established but allegedly, some of the same issues are still present.

The situation in New Brunswick could be reflective of what tends to be the trend in educational governance, which is that the provinces retain greater authority over policy and other matters and consequently, erode the authority of the school boards (Galdway et al., 2013).

The province's decision to revisit FSL was not a new occurrence, as demonstrated by the many reviews that occurred before the commissioners' undertaking of the task in 2007. Even prior to the review, a directive was issued by the Minister that schools offering intensive French would be able to drop grades 1-4 French in the upcoming school year, which shows that ministerial involvement was not a new occurrence in the realm of FSL (Jardine, 2007, A4). In contrast, there was no evidence of this type of involvement from ministers or the department in relation to FSL in Nova Scotia.

When considering the above, it was asked what implications this had for the interactions between actors, beyond determining where actors directed their resources (i.e. stakeholder aiming at the department/Minister and vice versa in New Brunswick; stakeholders aiming at the Boards, while also being on the receiving ends of tools from the department in Nova Scotia). It was found that Nova Scotia approximates a "typical Canadian educational system," which has not centralized decision-making in the same manner as New Brunswick. This "typical" system is one wherein the provincial department and the boards "create norms" and there is participation in the system by members of the community (Lessard and Brassard, 2005, 7). The levels of participation and interactions in Nova Scotia appear to be a continuation of what has been a longstanding way of governing and in fact, the cooperation between boards and the Department is said to be on the rise (as evidenced by Participant 24' comment above). Both embody decentralized centralization, although centralization dominates in New Brunswick.

Policy Instruments:

CIT presents resources in a limited manner. It views resources as taking the shape of “money, skills and time”, which is argued here to be too narrow a view of what is accessible to actors. The usage of Howlett’s taxonomy is argued to be a more nuanced view of what resources entail, as well as how they provide the power and capacity to influence. The tools used by various actors throughout the policy process will not be re-listed. Examining tools through the analytic framework highlighted that in New Brunswick, the government policymakers selected tools that sought to maintain systemic legitimacy, while boosting sectoral legitimacy. They did this by trying to appeal to what they perceived the vocal minorities wanted to see implemented regarding “valid participatory mechanisms.”

In both cases, there was reliance upon a mix of substantive and procedural tools in the educational sectors. In Nova Scotia, substantive tools were seen more frequently. For example, the restriction or removal of information aimed to change the way the program was implemented, specifically regarding who accesses it. The government remained at arm’s length and because the decisions it made regarding FSL appeared to impact the program indirectly (i.e. budget cuts), there was more legitimacy present. That which did present was directed at the school boards by the one group that was repeatedly considered the most influential and powerful in the province. The case also provides further evidence that the types of resources accessed and utilized by stakeholders have differing abilities in terms of what best approximate coercive power. For example, their reliance on the education critic had more influence than directly confronting the Halifax school board about their FI program progress. The provincial government’s indirect implication in the school lunch policy is also a reason that there was a re-visitation of the policy.

Unsurprisingly, there were more instances of procedural usage in New Brunswick because of the extent of the policy changes underway. What became quite evident as the research project unfolded was that procedural tools were often used in conjunction with substantive nodality tools. Furthermore, procedural tool substantiated and helped legitimize nodality tools that depended on research. This relates to cognition.

Selection Criteria:

De Boer and Bressers (2011) emphasize that motivations are shaped by not only personal goals and values but also by “external pressures” and perceived “self-efficacy,” which is a concept the authors borrow from Bandura (1986) and Bandura and Adams (1977). Simply put, if a person feels they are “self-effective” in a given circumstance (i.e. capable), they will actively cope with their situation (Bandura and Adams, 1977, 288). De Boer and Bressers (2011) rightfully link this with resources, claiming that the resources actors have will also affect the perception of how powerful they are (70).

Motives and Cognition: New Brunswick:

Proximate core government actors were motivated on different levels. Participants pointed to FSL related decisions as being connected to the “personal” position of the minister, which was also how the minister represented the decisions when making use of media. Extrinsic motivation appears to have come from an eventual desire to appease the “silent majority”. Pressures were felt from stakeholders and eventually felt from the provincial court, with the latter undeniably driving the decisions to re-visit the policy process. The use of tools, calibrated to be more inclusive of additional stakeholders, indicates that self-effectiveness was viewed as a matter of implementing the “right” tools to forge ahead with the policy formulation and decision-

making. Support was received from policy analysts, who appeared motivated by internal goals related to fulfilling their role as “dutiful civil servants.” The commissioners also provided support. It was repeatedly pointed out throughout the course of the interviews, with the exception of one participant, that they were acting on external pressures to uphold the goals of the minister, which resulted in producing a report that was allegedly skewed in favour of drastic changes.

Cognition is, as has been indicated, is “information held to be true”. The interactions between actors and their frames will, therefore, affect how information is interpreted (de Boer and Bressers, 2011, 71). Cognition is a personalized phenomenon, in that the actor(s) are interpreting information through their own lens. In the case of FSL in New Brunswick, the core proximate government actors, and the Minister especially, espoused the idea that changing the program would benefit most students, by increasing proficiency and being more inclusive. He received support from other proximate government actors, which included policy analysts. Although they demonstrated two predominant “sets” of beliefs, one about FSL and one about their tasks as public servants, their actions link with the ideas that manifest from the latter. Proximate non-government actors’ (the two commissioners) own public support of their research and findings indicate that the information they disseminated is thought to be high quality and true. Based on the results, it was determined that the dominant “cognition” among core proximate actors, which is connected to instrument selection include firstly, the overarching notion that instruments are selected to problem-solve since policy the process is believed to be a problem-solving process.

It was previously seen that FSL is a problem that requires solving and that instruments were thought to help in the production of solutions to policy problems. Based on the research findings, it became evident that mechanisms are picked to allow for a modicum of actor

participation in policy formulation, with the expectation that this would lead to the acceptance of officials' decisions regarding FSL. The research findings showed that the calibration of instruments allows for specific actor participation and restriction of others in policy formulation and indirectly in decision-making.

Secondly, there is a belief that research-based nodality tools are trustworthy and legitimate. Wiseman (2010) explains that “evidence-based” policy-making is indeed a preferred method of politicians and policymakers in the education sector, in no small part because it is considered a legitimate approach (2). Government’s dependence on “experts” to produce “research-based” knowledge for policy purposes in the education sector is not surprising, given it is a tool used to produce “efficient and effective” policy (Head, 2008, 2), which itself an aim of the accountability-driven educational sector. It was stated earlier that the Croll-Lee report was a separate tool from the commission itself (an organizational-based resource). When used in conjunction with one another, the dominant belief seemed to be that the commission produced solid, evidence-based results fit for decision-making.

Thirdly, it is recognized that consultation with the public increases legitimacy because it leads to buy-in, but there is an awareness that it must be carefully calibrated to reflect outsiders’ views in decision-making.

One participant explained that:

If you have people who are engaged in a process and they are empowered through that process, so their opinions matter. They see themselves reflected in the final product, whatever it is, a document or program, an initiative. Then they're much more likely to be willing to take ownership and to also agree, to be on board with whatever it is you're proposing because they are part of it. (P28)

Consultation in and of itself is a valued method of participation that most participants agreed is and should be used to inform policy. While there was a long history of consultation to

varying degrees on FSL-related matters, this particular round of consultations links to major changes in programming. What appeared to be problematic in New Brunswick was the implementation of consultations. In New Brunswick, there was a lack of what Castle and Culver (2006) refer to as the “pull of preferences from citizens” (142). The calibration of consultations means they are unable to retrieve adequately the information necessary for citizens to inform decisions. In order to produce legitimate consultation, this is a necessity, along with consultation taking place in a “timely fashion” in relation to decision-making (Castle and Culver, 2006, 142). In the case of New Brunswick this did not occur.

Motives and Cognition: Nova Scotia

When looking at the FSL-related actions of government, it was a challenge to determine the specific “motivator” that rendered it so core actors maintained a distance from the FSL policy-making process. Maintaining political legitimacy is one potential reason elected officials will not involve themselves in certain policy decisions although they are capable of doing so. One participant (05) gave an example of a recent change to FSL pedagogy, whereby the Minister decided she no longer wanted a “read and recovery” program in place and ordered that a new program be developed and implemented in time for the upcoming school year. Based on this, the potential for involvement in policy decisions related to FSL is there but it is exercised infrequently.

This idea is taken slightly further here and it is argued that core proximate actors are extrinsically motivated to maintain the status quo (e.g. allowing the boards to maintain their independence), although it was pointed out by some participants that the minister and/or deputies can be driven by internal goals/preferences. Policy analysts maintain partnerships with actors,

whose extrinsic motivation is the expectation that actors from a variety of “locations” will be engaged in policy processes, a phenomenon presented as linked to internal values.

It was explained on multiple occasions that in Nova Scotia, the minister puts his or her effort into budget allocation and directives are issued. These are either general orders or specific instructions concerning budget implementation directives. If they desire to, they retain the power to target specific issues and areas of interest. FSL is therefore simply an area that is believed to be best left to the boards. Other proximate government actors demonstrated the belief that they serve as intermediaries between the citizenry and those in decision-making positions at the Department of Education.

Recipients’ Perceptions:

Motives and Cognition: New Brunswick:

The learning specialist appeared to be motivated on two levels. Firstly, this person held the belief that the proposed changes were not the ideal course of action and the lack of participation in the process is indicative of a self-effectiveness assessment de-motivating the learning specialist from participating. The learning specialist interviewed, who is among the peripheral government actors, displayed that she was both in disagreement with a later entry point and unsupportive of the idea of a review. In contrast, many DEC’s demonstrated instances of extrinsic motivation, which is related to promoting the well-being of their districts.

Stakeholders in support of FSL clearly demonstrate the relationship between cognition and motives. Internal values related to the belief that FSL opportunities should be accessible to all, is what drove them. They had a goal of showing the “poor quality” of evidence used for decision-making. Furthermore, they wanted to ensure that EFI and immersion, in general, were available, viable and beneficial to all students. They could be effective only if they accessed

resources that permitted them to target government's tools. Peripheral non-government actors clearly showed a range of thoughts, ideas, and beliefs about FSL and the policy process, as did members of the attentive public. Among them was the belief that earlier is better, regarding FI in particular. Additionally, due to personal experiences and perceptions of how one can be a full "participant" in New Brunswick's society, there exists a prevalent perception that bilingualism and access to educational opportunities that render one bilingual are a right.

Motives and Cognition: Nova Scotia

When discussing FSL with the FSL branch and its employees, they made it clear they were motivated by multiple factors. Extrinsically, there appeared to be pressure to produce policy that program directors at the board level approved of, and there was expressed recognition that to effectively assist with policy formulation, there needs to be consultation with relevant partners and FSL consultants, in particular. The peripherally located FSL branch also views engagement as an integral part of the process. Individuals at that level supported the removal of exemptions from core French but as seen, did not consult with the board-based FSL consultants. While a limited amount of information regarding the board's positions, ideas, etc., pertaining to FSL was obtained, it was explained that while FSL may be a matter dealt with by the boards, it could be steered by the Department. Authority is, therefore, conditional.

There was an awareness among FSL coordinators that their roles and the level of cooperation that characterizes their relationship with each other and the department is exceptional. Inclusion in policy and program discussion has long been in place, and the overall impression from participants is that their input is in fact utilized when making decisions. This creates an incentive to maintain collaborative and cooperative relationships. Their internal values

manifest as an awareness that they are the “champions” of bilingualism in their provinces, and this pushes them to ensure program implementation and accessibility occurs. Furthermore, they are aware that they will be effective in so far as they take advantage of the opportunities provided to them to partake in consultations on FSL program policies. FSL consultants unsurprisingly presented FSL opportunities as advantageous and as providing opportunity, a sentiment echoed by all stakeholder group members encountered. Consultants are, with the exception of one individual interviewed, in agreement with the implementation of exemptions because FSL learning opportunities should be accessible to all, regardless of learning difficulties that might present. They saw the lack of resources to support the students who struggle in various FSL programs as problematic and not the program itself causing the problems.

Resources: New Brunswick and Nova Scotia

When the overview of the resources available to stakeholders was divided, the project presents them as being “self-generated” and “pre-existing”. This was not an arbitrary distinction. The intention was to comprehend if certain resources proved to be more powerful and give more capacity to actors over others. It was found that “success” in terms of affecting the policy process was contingent on being able to capitalize on pre-existing resources and especially the courts. Their ability to do so shifted the nature of the interactions among certain groups of actors.

When over-viewing the resources that non-core actors have at their disposal, it is evident that FSL consultants in Nova Scotia make use of what is available to them, specifically in the form of consultation. This proves to be one continues one way that they can maintain some proximity to decision-making. Groups like CPF access resources that empower them and provide them with a stronger “presence” through the support the resources provide. Namely, this includes the education critic.

Common to both groups is the reliance on nodality-type resources to produce support for their positions on issues. Peripheral actors need research to state their case and to, at the very least, make inroads with policymakers. As Laforest and Orsini (2005) demonstrate, evidence-based research production does not rest solely in the hands of government actors. To be considered a “valid” actor in the policy process, non-government groups must emulate practices that emulate an evidence-based approach. This supports the preference among stakeholder groups to produce their evidence when debating the positions of Departments of Education and school boards. The two cases show that stakeholders treat evidence similar to how policy analysts do. They produce information that seeks to be neutral and propose the ‘best courses’ of action for policymakers to take.

Legitimacy:

As iterated several times, legitimacy and de-legitimacy seemingly stem from compatible and incompatible beliefs, ideas, etc., which are labelled under the “cognition” component of interactive processes.

It is reasonable to propose that de-legitimacy and legitimacy and their associated actions are related to whether or not actors share common values and ideas about what shape policy should take and how it should be developed. When undertaking the analysis, it was repeatedly written in the project memos that actors’ values and perceptions did not match up, which led to de-legitimacy. It is believed that legitimacy serves as a bridge between cognition and motives. What this means is that the perceptions of legitimacy will factor in to whether or not actors take action, as well as how action is taken. As such, it influences actors’ interactions.

The premise put forth by Howlett proposes that, depending on the “amount” of legitimacy present systemically and sectorally, policymakers will choose instruments to manage

actors, their relationships and their participation in the policy process. Initially, it was found that the selected instruments were demonstrative of what can best be described as a miscalculation and poor calibration. For example, implementing a commissioned review is indicative of the government potentially being faced with high levels of sectoral and systemic de-legitimacy, which is not farfetched considering FSL is a “high stakes” issue in New Brunswick. Having used what was purported to be a “sound” method to gather information, it was presumed that the results would be viewed as legitimate, and the research report would maintain that legitimacy. This was used in conjunction with nodality tools, such as government communications, which invited participation but were likely to be viewed only by those who, as one participant described it, “kept on top” of this type of information. This preference speaks to the legitimacy of nodality tools, particularly because when calibrated to invite participants into the process. Ultimately, the tool produced results that countered a certain segment of the population’s beliefs about FSL, which in turn was a motivator to act.

This speaks to an issue brought forth by Roberts (2004), who emphasizes that while the public sometimes views the outcomes produced by a mechanism of citizen participation as problematic, the process engaged in by officials is targeted too. The author states matters of the process include, for example, “...who participates and how, sponsorship, facilitation, leadership, decision-making...” (Roberts, 2004, 332). When these are lacking or do not uphold the participatory process, it is less likely the wider public will accept the outcomes (Roberts, 2004, 332). In the New Brunswick case, the government initially sought active collaboration and the result was an oppositional relationship with the population that had the power and capacity to react.

A much higher level of satisfaction in Nova Scotia was encountered in Nova Scotia. As determined by the research findings, the government clearly has the final say on policy, before its implementation in the districts. It exhibits a preference for “hands off” network management, which allows it to maintain its control from a distance. With FSL, there has been what appears to be little de-legitimacy aimed at the government, in part because it maintains the status quo regarding its policy practices. Based on the input received, it further appears that proximate government actors know that procedural legitimacy helps with substantive legitimacy. Accordingly, much like New Brunswick, there is a tradition of consultation in place both related to FSL and related to other educational policy-making practices. This, coupled with the responsabilization of the school boards, points to the fact that consultative practices are implemented to put the onus on board-based actors and departmental FSL experts to design policy.

In the case of New Brunswick, what emerged were instances where both the substantive content of the policy proposals were viewed as de-legitimate, and the processes by which decisions were made were seen as de-legitimized, as well. Not all viewpoints supported this, but the oppositional relationships among peripheral non-government and proximate government actors stemmed in part from this de-legitimacy. In terms of the substantive content lacking legitimacy, the appropriation and dispelling of evidence is what contributed to the aforementioned incompatible beliefs. Head (2008) argues that politicians will use their political knowledge to understand and present evidence. When applying such a lens, the use of evidence is for “persuasion and support rather than about objective veracity” (Head, 2008, 5). It is argued here that this applies to more than politicians and policymakers and extends to interest groups,

experts, etc., who have their “knowledge mandates,” a term borrowed from Adams (2004). Differing knowledge mandates can result in substantive de-legitimacy.

In the FSL case in New Brunswick, the beliefs about what policy decisions should entail were far apart between the government and the powerful vocal minorities. Secondly, although the government privileges research-based knowledge, the process by which knowledge was accrued was viewed as faulty. Select stakeholders tried to counter this by producing research that relied on “sounder” methods, and when that failed, they gained capacity by making use of the courts. Further attempts at producing “successful policy” made use of resources that involved public input, to help substantiate policy decisions, which Howlett and Ramesh (1993) point out is relatively commonplace.

Taken together, four major propositions related to actor configurations, instrument choice, stakeholder responses to instruments and legitimacy, were determined. It was found that centralized-decentralization is an overarching factor that determines instrument selection, that there is a clear preference among policymakers to select nodality-based tools, that outsiders seek authentic participation in policy formulation, and that procedural de-legitimacy proves to be a stronger influence on instrument selection than substantive de-legitimacy.

6. Conclusion: Major Propositions, Contributions to Knowledge, Limitations, and Recommendations

At the outset of the dissertation, it was stated that its purpose was to contribute to the research on policy instruments by using an actor-centered approach that accounts for the ways actors' interactions matter to instrument choice. The goal was to examine how actors react to tools, to show that instrument implementation is part of a "reciprocal process". Additionally, the project was meant to contribute to the existing research on educational policy-making and more precisely, the research on language education policy. This was to be accomplished with an empirical, analytical account of the policy-making process, which was to be examined through an instruments "lens". Another aim was to expand the understanding of FSL policy and policy-making processes.

The following sections examine the contributions to knowledge by looking at how the project complements the existing instruments research and the realm of educational/language education policy studies. A discussion of the research's wider implications for the discipline of public administration and field of public policy, as well as practical implications takes place, as well. The chapter begins with an overview of several major themes emerging from the research, as per the grounded approach used for the study.

6.1 Major Propositions

- 1) What is the proximity of actors to the centre of the policy-making process? Proximity to the policy-making process is determined by decentralized-centralization, which influences instrument selection.**

Initially, the research project sought to understand what proximity various actors had to the government and by extension, what this meant for their influence on the policy process. When looking at the context (developing grounded theory categories with a view to "when, why,

where”) and process (developing categories with a view to “how”), the activities of ministers pointed to their decision-making capacity being shaped by what is referred to as “decentralized-centralization” in the education system.

Karlsen (1999) refers to this as a phenomenon that gives the impression that power and authority devolved to a local base when in reality the decision to allocate power to local-level boards and districts is centralized. This allows central authorities to retain power while placing the burden on local boards to “perform” and provide services. For example, Nova Scotia’s responsabilization of the boards is demonstrative of a “typical” educational system because of its practice of decentralization. Upon closer inspection, it became clear this strategy is deliberately cultivated to allow the Department to determine what issues and aspects of policy-making it wishes to maintain control of and which it will “give up” to the boards. The utilization of tools maintains the strategies, and this includes the conditional grants distributed in Nova Scotia. During the period of policy change in New Brunswick, it became evident that tasking the individual districts with holding forums on FSL placed a “burden” on the consultants to gather information from sometimes emotional and frustrated parents who directed their dissatisfaction at the districts, without knowing or acknowledging that the decisions were being made in a “top-down” fashion. Although an examination of tool selection at what amounts to a micro-level (e.g. specific criteria used when choosing tools) is what was undertaken, there is evidence of a contextual variable that has some influence on instrument choice in the educational sectors in both provinces. Navigating decentralized-centralization necessitated using tools that speak to what Weiler (1990) notes is a challenge in educational systems. A system that in the least purports itself to allow room for “local and regional cultures and traditions” is also faced with upholding a “centrally defined learning agenda or curriculum” (Weiler, 1990, 438), which as it

was found, can lead to tensions and backlash when the two counteract one another. In New Brunswick, for example, a commitment to inclusion and improving French performance was found in the centrally defined learning agenda and was met with fears that an eradication of early French options would damage a student's chance of gaining even part-time employment in an area that is predominantly Francophone (local/regional culture). In Nova Scotia, the tools needed to assure that these local needs were met/addressed were implemented (e.g. consultation with locally-based FSL consultations).

2) What policy instruments are implemented? There is a clear preference for tools that are nodal in nature, although procedural consultative tools mired in authority are relied upon too.

The use of nodality tools and especially research reports are generally viewed as important for the implementation of a 'legitimate' policy. References were repeatedly made to the importance of research by the full range of participants. As indicated in the previous chapter, the emphasis put on research pointed to a preference for evidence-based policy-making and provides additional information about the selection of tools, revealing information about cognition. A preference for instruments that support evidence-based policy-making is appealing because of its "intuitive (and) common-sense logic" (Marston and Watts, 2003, 144). As the authors succinctly state, it would be exceptional to encounter actors who do not approve of policy being developing based on the "best available evidence" (Marston and Watts, 2003, 144). Not only are information-based tools low cost (financially and personnel wise) (Howlett, 2011, 122) but they can also be relatively easily calibrated to legitimate certain actors while penalizing and restricting others. This strategy was evidenced by the use of media in New Brunswick, which the Minister in turn used to question the motives of dissenters and discredit them.

As previously established, consultation was used to provide buy-in for policy decisions.

3) How do peripheral government and non-government actors, along with the wider public, respond to instruments? Outsiders seek meaningful participation in policy formulation activities. Procedural tools calibrated to be inclusive are legitimated.

When speaking with the participants, there was evidence of a range of attitudes regarding the tools government uses to engage them in policy-related activities. In New Brunswick, there was an awareness among many “outsider” actors that their participation in the policy process and especially in activities meant to inform decision-making had limited impact on policy outcomes. It was expressed by policy analysts that they knew that the inclusion of actors in policy discussions was integral to the “acceptance” of policy decisions. Conversely, the participants felt that their inclusion paid “lip service” to engagement, but their input was limited in scope. Participants in Nova Scotia were more optimistic about the impact of their input. There was further de-legitimacy of the research-based approaches used by the New Brunswick government. FSL itself is a well-studied subject, and a breadth of literature exists about its various inceptions, benefits, challenges, etc., but as the cases show, there is little consensus about what “good” research is.

Fundamentally, this speaks to the place of cognition in the policy process and the actors’ perceptions of policy and policy processes, inclusive of tools. Cognition is the process through which a situation is interpreted (de Boer and Bressers, 2011, 67) and it entails both normative and factual components (Iida, 2006). For the vocal dissenters, the evidence, as presented by government officials, was “wrong” in part because it did not uphold the objective, neutral practices associated with “good” research. This translated to backlash against both the policy content, based on the inadequate and insufficient evidence used to inform it, and the process by which it was developed. Additionally, the policy proposal put forth by the government officials clashed with their values and beliefs about FSL. Included among these was the notion that

learning French enhanced one's ability to immerse themselves in New Brunswick's culture, for example. The expectation among outsiders is that policy should be developed using "sound evidence" while simultaneously reflecting normative beliefs.

In Nova Scotia, pushback from peripheral stakeholder groups demonstrates that actors targeted school board policy-based decisions and relied on their set of evidence to discredit the position of the school boards. Furthermore, there were appeals to reverse policies that limited children's access to FSL and immersion specifically by relying on arguments that spoke to the hardships and burdens unduly placed on families trying to access dwindling FSL opportunities. The case also points to the importance of inclusion of actors in the policy process. For example, the research findings demonstrated that evaluations of programs undertaken by the provincial FLS branch in tandem with CPF, as well as surveys that sought the opinions of local-level actors, were deliberately undertaken with a view to validating the tool through inclusion. All FSL consultants, except one, expressed satisfaction with their level of participation. "Authentic" participation or, at least, the perception that an effort is made to include actors and use their input in policy and program decisions is of utmost importance. Seeing one's factual and normative cognition reflected in the policy legitimates the policy, but authentic inclusion leads to in the very least, passive collaboration. This is likely the case because at the sectoral level in both provinces, there is a tendency to consult with a range of stakeholders when policy changes are proposed. There is clearly some variance in the degrees of consultation, as pointed out by participants who described the breadth of the consultative process as dependent on the issue under examination. This preference extends itself to the systemic level, to varying degrees as well. For example, the Government of Nova Scotia has a unit dedicated to promoting and providing opportunities for citizen engagement. This creates an expectation of inclusion among

stakeholders and when this does not occur, it can lead to backlash. It is not presumed this is the case for every issue or policy sector, but the cases showed that there is an openness in the educational sectors in both provinces, albeit degrees of openness that varied at times because of the governments' influence over how open or closed processes would be.

- 4) **What is the role of legitimacy in the policy process? Legitimacy is inextricably linked to policy instrument choice. When policymakers select instruments without considering their impact on “procedural” legitimacy, actors with capacity may attempt to discredit the decision-making and implementation.**

When it is stated that there is an inextricable link between legitimacy and policy instruments choice, it indicates that policymakers are always contending with legitimacy issues when selecting instruments. Their cognitive paradigms, which contain ideas about how to “construct policy options and assess design alternatives” are geared towards “program-level operationalization (e.g. developing policy to be implemented) and as such influence “policy means” (Howlett, 2011, 35-36). They are motivated to, on a most basic level, find solutions to policy problems. However, these core actors are not operating independently of the “world views and ideologies” outsiders impose on the policy “landscape” (Howlett, 2011, 26). A consideration of these worldviews (which was earlier defined as encompassing normative and factual components) and its linkage to instruments that support those worldviews seem to lead to actively collaborative relationships. Interestingly, in the case of Nova Scotia, the adherence to policy paradigms can be linked with using instruments that were longstanding, reliable and well-viewed by actors. In New Brunswick, the Minister’s adherence to the normative component of his cognitive paradigm (personal beliefs about FSL) links to a clash with the stakeholders.

The process used to inform policy decisions was lacking legitimacy and in the case of New Brunswick, it served as a way to force core actors to re-calibrate tools and rethink the policy-making process. Legitimacy is, therefore, more than substantive. Authors like Scharpf (1999)

view output/substantive legitimacy as connected to policy outcomes that produce positive results for citizens, but also recognize the presence and place of input/procedural legitimacy, which relates to the procedures by which decisions are linked with citizens' preferences. The debate is not whether citizens seek outcomes that benefit them. What the research seems to demonstrate is that if the process supports outcomes, it makes policy that is more readily accepted. It is not argued that decisions and processes are only legitimate if all stakeholders perceive it as such. Instead, the cases are meant to show that when the legitimization of stakeholders, especially those with the resources to pushback against unfavourable policies and procedures, is overlooked by the government, problems can ensue. In looking at legitimacy from this perspective, there is a better understanding of what is communicated to citizens, regarding the procedures used to link political decisions to citizens' preferences.

6.2 Contributions to Knowledge

The dissertation contributes to knowledge by expanding on the FSL, as well as educational policy, research. It also broadens conceptualizations of policy instruments and has implications for the wider public policy research. Additionally, the project has practical implications.

Contributions to Knowledge: Educational Policy-Making

The dissertation intended to, in part, explore educational policy-making at the provincial level. The existing research that looks at policy-making tends to focus on the ways provincial policy-making has changed, due in part to the demands made by the public, to see evidence of the public school programs' effectiveness (Fleming, 1991). Furthermore, the research focuses on

administrative reforms and the “new organizational forms” that changed the educational landscape by introducing specific tactics, which in turn shaped the relationships between “principals and their agents” and reasserted “provincial control over curriculum” (Skogstad and Wallner, 2012, 244). In these instances, institutions are at the forefront and directly and indirectly shape policy-making and the policymakers’ actions, inclusive of the tactics utilized to increase accountability between schools, school boards and/or provincial education departments. The present study acknowledges that governance structures invariably have an effect on educational policy-making, but by focusing on the interactive nature of the policy process with a view to how it is actors and their ideas influence the process, including tool selection, we can capture what can be best described as the micro-level policy-making processes. As seen earlier, when studying the education sector from a policy perspective, there is a tendency to look at stakeholder involvement in local-level (school board and school-based) issues or there is a focus on how provincial (in Canada) institutions like departments of education affect school boards through their various actions and policy implementation. It is not denied that stakeholders centre much of their activity locally, nor that provincial educational institutions take courses of action that affect boards/district. Neither one of these lenses captures what the roles of actors are in relation to provincial policy-making. It was maintained that the literature treated the role of actors and their interactions within the realm of educational policy-making as insignificant or even non-existent.

The account provided in the present study highlighted this is not the case. When actors were first organized according to their proximity to the policy process, it allowed for the visibility of the wide array of actors/groups who could potentially influence the policy process. The interviews made it apparent that the actors’ influence varied. For example, stakeholders’

influence over the tactics imposed on them by provincial-level policymakers was due to their own resources. By using a conceptualization that recognized actors' cognitions and the importance of their perceptions of the policy process, the idea that they are constantly interpreting policy, its contents and the procedures used to develop policy, there is substantiation of idea that actors develop policy according to their own frames. The evaluations of FSL policy by stakeholders in New Brunswick demonstrate this. They measured the proposed policies against the beliefs they held about FSL and the economic opportunities it provided, their beliefs concerning the province's culture and their experiences as former FSL students. They asked themselves if government's proposals were conducive to upholding their beliefs. Their evaluations of the implemented tools occurs in a similar manner. In New Brunswick, participants evaluated the quality of the Croll-Lee report based on methodology and inclusiveness in the qualitative component of the research study. In Nova Scotia, there was an understanding that most issues related to FSL can be traced back to funding cuts, about which boards and its employees could do little. These perceptions translate into action. This entails pushback against policy proposals, or even a coming together of stakeholders, as seen in both cases. If education is a sector in which people have a stake and policies affect these people, we are remiss in not looking at how they partake in the policy process. In using a policy instruments lens, we can understand the process in more depth.

There is a wide body of work that looks at the use of tools to implement wider initiatives and policies, as well as to what effect. This includes the research on student assessments/testing, which acknowledges that assessments direct how teachers teach (Volante, 2005) and establish relationships between teachers and the provincial department of education, whereby the former must demonstrate their effectiveness as teachers to the latter (Skogstad and Wallner, 2012).

Overall, they help to ensure accountability among and between multiple parties (Ben Jaafar and Earl, 2008; Mazzeo, 2001; McEwan, 1995; Nagy, 2000). Similar evaluations can be seen in the works on funding (e.g. Garcea and Munroe, 2011; Ungerleider and Levin, 2007) and teacher certification (e.g. Ben Jafaar and Anderson, 2007; Levin, 2005). In terms of understanding educational policy and policy-making, this research accounts mainly for how government's wider ideas (e.g. about accountability, efficiency, etc.) are put into practice through policies and tools. Knowledge about the determinants of educational policy at the provincial level is also gained.

The existing literature demonstrates that government maintains control over what is implemented in schools by engaging in decentralized-centralism and that it uses specific tactics to do so. Going beyond these discussion to look at how the tactics are used during policy formulation and decision-making processes allows us to see what the role of actors external to government have in the policy-making process, giving them a place beyond that of "implementers" on the ground level. Furthermore, we may be inclined to simply assume that stakeholders who seek participation in educational matters only use the local school level as a point of access. The cases showed that instruments use occurs in different ways, in order to restrict and enable access to provincial policy-making activities. This gives more perspective on the function of tools in terms of their use as a shaper of the policy process and extends knowledge concerning the role of stakeholders in educational policy-making. This acknowledges that actors' capacity to access the policy-making process is not only a result of government "allowing" them to access it. It also depends on whether they feel the current system is legitimate and on their access to resources, which provide them with the capacity to partake the process if they should so desire.

Contributions to Knowledge: FSL Policy

Overviewing the FSL literature showed it is typically studied in one of three ways. It is placed within a historical context, it is examined for pedagogical perspective, or FSL policy and its impacts are studied. We know from the first body of work that FSL has long been considered more than just a subject of study, but has been viewed as opportunity for individuals to participate fully in the economic and cultural dynamics present in certain provinces and especially initially in Quebec (Genesee and Lindholm-Leary, 2007; Rebuffot and Lyster, 1996). The research that studies the cognitive dimensions of and sociolinguistic variables affecting FSL learning is clearly of value to educators with a mission to implement best practices regarding language acquisition. Additionally, a familiarity with this type of research gives stakeholders an advantage because it allows them to make use of the evidence-based knowledge privileged by the government, as seen in New Brunswick.

In terms of the “critical” examinations of FSL policy and programs, when reviewing the research on FSL policy, it became apparent that it largely differs from the commonly studied languages in education policies in the Canadian context because FSL policies and related pursuits are not concerned with securing minority-language rights. For the most part, provincial educational policies related to language seem to be influenced by either federal statutes and/or initiatives and programs. With FSL, this manifests in limited FSL opportunities for Allophone students, for example (Carey, 1997; Early, 2008; Turnbull, 2010). It is notable that although “other” educational policies dealing with language issues were studied in depth and with a view to how language learning opportunities were secured provincially (e.g. by utilizing the courts), there was a limited amount of policy-oriented research looking at FSL. Considering that provincial policies are the way FSL language learning opportunities are obtained and

implemented, understanding their development provides us with knowledge about FSL in a way that further highlights that it is more than a subject in and of itself.

Existing research emphasizes that policy has implications for specific a population, such as students with learning disabilities (e.g. Mady, Black and Fulton, 2010). That research, along with that which studies how issues like funding affect FSL at the school board level (e.g. Kissau, 2005; Safty, 1992), provide important information about policy implementation and its after effects. While we, therefore, have knowledge about how agenda-setting takes place and how current policy implementation (or lack of policy) affects programs, we very little know about FSL policy-making, its development and what this means regarding issues such as access to learning and implications for the population. It was uncovered during the study that those charged with implementation respect the policies. FSL consultants acknowledged that they paid attention to and did their best to adhere to the criteria found in their provinces' policies. Multiple FSL consultants explained that the content of policy, provided them with what is describable as a "protective mechanism" against parents who might question certain aspects of the program or disagree with teaching methods, for example. Overall, there was criticism of the content itself when it was linked with "negative"/unfavourable outcomes regarding program availability. What was of focus in many of the interviews was the policy formulation or implementation processes, instead of the policy content itself. In both New Brunswick and Nova Scotia, the interview participants explained that there were regional variances within the province that not only shaped attitudes about French but also related to the way policy was implemented in those different areas. In Nova Scotia, the interview participants stated that policies were adapted at the school board level to meet local needs, whereas, in New Brunswick, this was not presented as happening with the same frequency. While studies such as Mady, Black and Fulton's (2010)

evaluate policy content and link a lack of policy guidelines with issues such as “disabled” students’ limited accessibility to French, it was discovered that policy content matters but the networks of actors involved in their implementation should be a point of focus as is highlighted by the above.

Listening to those involved in FSL policy formulation, decision-making, and implementation explain how policy is developed, reveals how their ideas/frames provide meaning to the policy. By looking at the process with a view to this, we can understand FSL policy and its related programs as a process that begins well before the implementation of a final policy product. In looking at these dynamics, we can understand where challenges arise with FSL policy or what leads to a more readily accepted policy. For example, in Nova Scotia, the process includes a longstanding practice of inclusive consultation with FSL consultants, who represent their individual school districts, as well as their needs. In New Brunswick, there is limited consultation with Department consultants and no consultation with district ones. In studying the process, the factors contributing to a policy problem, as well as what makes policy that is less disputable upon implementation, are revealed.

The focus on instruments complements the above and enriches our understanding of FSL policy. From an empirical standpoint, identifying the instruments used and describing them provides a thorough account of what shapes FSL policy, regarding both the process and its delivery “on the ground.” While interview participants did not think of these tactics as tools per se, the forms of action implemented had bearing on how the policy was received. In New Brunswick, this was most evident in the expressions of discontent directed at the consultation process. In Nova Scotia, the inclusiveness of the consultations led to their praise. Perceptions of inclusiveness mattered.

In summary, although the existing work on implemented policies and programs insinuates that policy-making matters, the present study examines how this is so and what role those involved directly and indirectly in policy-making play in the process. This is useful to those who want an understanding of the FSL policy-making process in its entirety for further understanding why certain policy outcomes occur and to what effect. This is a goal of the studies of educational policy that are more critically-oriented, including studies of French as a second language. While there are solid accounts of how other languages in education policy come to fruition and the processes involved with this, it is absent from the FSL research, which was found to be surprising considering it is evidently an important policy issue.

Contribution to Knowledge: Conceptual Lens

Hood (2007) asserts the existing methods of understanding instruments (i.e. generic, resource-based and instruments as institutions) fundamentally address distinctive issues/questions and therefore, each provides unique perspectives on the use, impact and place of policy instruments in relation to policy-making activities. On their own, each classification provides valuable information. Resource-based approaches help us to pare down an otherwise interminable number of instruments available to the government, for example (Vedung, 1998). The choice-based approaches help to understand the multidimensional nature of instrument selection and the “instruments as institutions” approach in the most recent works assists us in understanding that tools serve to “orient” the relationships between the governing and the governed (Lascoumes and Le Galès, 2007, 7, Le Galès, 2011). These approaches need not be mutually exclusive or counter each other. This dissertation’s major contribution to the study of instruments lies in the development of a conceptualization that considers and amalgamates the

three approaches to instruments, resulting in a view of instrument selection that acknowledges that choosing tools is about more than a consideration of its “functionality.”

As mentioned in Chapter 3, the distinction between substantive and procedural instruments captures the realities of tool selection and implementation in contemporary governance. By identifying tools along those lines, we can understand one overarching reason instruments are selected, and we avoid presuming that tools only serve one purpose (i.e. to either affect goods and services or to help navigate and shape the policy process). The division of tools within each taxonomy reinforces the notion that tool calibration achieves specific purposes. Furthermore, we come to understand tools as being used for multiple purposes (e.g. procedural complementing substantive tools), which is believed here to speak to the idea that the policy process is characterized by actors and their interactions. While it may appear that an instrument simply aims to, for example, change how a service is delivered, we cannot overlook that this is not always the case. The same applies to the policy process, wherein an attempt at policy-making often requires considering actors and the interactions that may or may not take place.

The reliance on a generic taxonomy proved to be beneficial because it provided a balance between the sometimes overly stringent lines within which we classify tools and the long outdated approach that aims simply at chronicling all the tools implemented in a given policy situation. It is transferable from case to case since all governments, even at various levels within one government, have these resources at their disposals to varying degrees. The classifications are not only applicable to, for example, only liberal democratic states, as seen in some earlier models. It is possible to use the taxonomy in multiple ways. For example, on its own, it can help serve as a guide to use when gaining a preliminary understanding of what tools are used in a given policy sector/situation is required. It also assists in establishing patterns of instrument use.

As it was shown in the cases under study, nodality tools were frequently relied upon and this allowed for a further detailed investigation into why this was the case.

One of the most appealing features of Howlett's conceptualization of policy instruments was the association between procedural instrument selection and legitimacy. Although not the only model that considers legitimacy as a selection criteria, the notion that certain resources would be drawn from as a way to manage the levels of de-legitimacy policymakers might face was an attractive one. It was determined that for example, anticipated or actual levels of de-legitimacy tended to fall along the lines presented by Howlett. When faced with systemic and sectoral de-legitimacy, the government selected organizational tools. When levels of de-legitimacy were high among peripheral outsiders, the government opted to use its authority to include them in the policy process as valuable actors, although they were originally "painted" in a negative light, which in essence backfired against the policymakers. As will be discussed below, there is room to improve on this approach.

As previously stated, it was felt that CIT allowed for a thorough understanding of instruments selection, as well as how it affects actor relationships. Although future work can look at the wider context and additional structural factors that potentially affect interactions, the current study's parameters focused on how instruments are selected, affect interactions and to what effects. By looking at cognition, we determine the ways in which actors understand policy problems, ways to solve them and how. As it was shown, the motivation to act (or not act) depends on what is prioritized by actors and if they can access the resources that provide them with varying levels of power. The link between cognition, motives and resources is clear. Furthermore, it allows the room to explore the ways in which all actors respond to instruments and attempt to affect the policy process. The primary focus of the investigation was the

relationship between core government actors and “other” groups of actors, but CIT is applicable to help account for various relationships among and between actors. For example, we can look at how groups of peripheral actors interact and whether or not they influence the policy process.

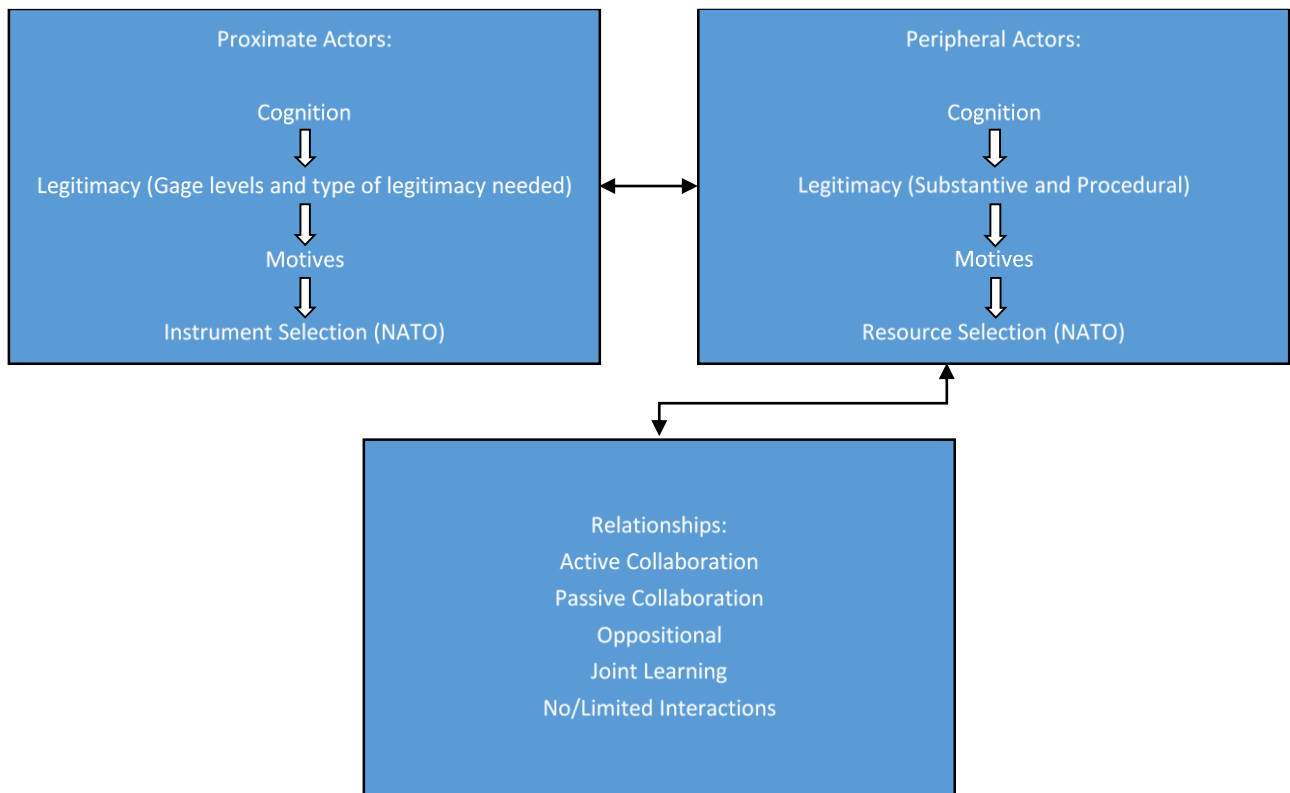
After completion of the analysis and the emergence of results, a finalized framework was developed, and it is argued that it can guide the analysis of tool selection and influence in the policy process (see Figure 2). What the figure below intends to show is a basic interaction that occurs among actors. Proximate and peripheral actors are used for the purpose of exemplification. It is meant to display that proximate actors with instrument selection authority begin with a set of beliefs, which inform how they perceive the existing levels of legitimacy, as well as possible levels of de-legitimacy in the face of changes. This, along with motives (internal goals and values, extrinsic motivations and self-effectiveness evaluations) push them toward instrument selection. Those affected by instruments are influenced by their cognitive processes and interpret the policy and policy processes, resulting in substantive or procedural de-legitimacy.

The cases in the study showed that when substantive and procedural legitimacy occurred, passive and/or active collaboration results. This can mean policy implementation. When procedural and/or substantive de-legitimacy occurred, passive collaboration or oppositional relationships emerged. This depended on the “dominant” motives and the access to resources. What the research found was that the actors had more “success” when targeting the procedural “activities” policymakers. The process does not necessarily stop once a new relationship is established or an already established one is maintained. As seen, oppositional relationships led to a renewed interactive process, which eventually led to passive collaboration and the

implementation of new FSL policy in New Brunswick. Nor should it be presumed that actors will interpret relationships in the same way.

The analytical framework elevates existing conceptualizations of instruments to reflect the policy process in what is argue here to be an accurate way. It provides a precise answer to the question of “what influences instrument selection” while allowing for straightforward tool identification that is applicable in various contexts

Figure 2: Analytical Framework: Understanding Instrument Selection



Contribution to Knowledge: Public Administration and Public Policy as Understood through the Two Cases

This dissertation contributes to the discipline of public administration and field of public policy by primarily expounding the explanatory value of an instruments approach regarding what

it can tell us about the policy process, policy-making and policy outcomes. It specifically does this by looking at how it is actors both directly and indirectly involved in the policy process interpret policy instruments. Furthermore, the framework is applied to a field to which neither Howlett's model, nor CIT, has been applied. It expands applicability beyond the environmental sector, which is where the majority of existing works are concentrated. This makes a macro-level contribution to the discipline of public administration by showing how government's policy-making capacity is constrained not only by the resources available to it but by the resources accessible to actors indirectly involved in the policy process.

At the outset of the dissertation it was stated that the study of instruments within the field of public policy is argued to help scholars understand policy implementation (Bardach, 1977; Howlett, 1991; Linder and Peters, 1989), show how actors' behaviours can be affected by tools (Elmore and McDonnell, 1987; Ingram and Schneider, 1990; 1997) and more recently, to show how it is the networks of actors are managed through tool use (Klijn and Koppenjan, 2007). Each of these approaches tells us something about how government governs and speaks to the idea that government "achieves public purposes" through tool use (Eliadis, Hill and Howlett, 2005, 5). The study of public policy and the analysis of policy benefits from looking at instruments since examining the tools shows us, for example, how policy problems are addressed and solved.

The dissertation presents an alternative to common applications and conceptualizations of instruments, and its major contribution is in its inclusion of an analysis of the policy process that recognizes that actors indirectly involved in the policy process interpret and respond to instrument selection and tool implementation. As scholars like Yanow (1996) emphasize, while policy/policy-related measures can outwardly be perceived as a response to problems,

government's actions may, in fact, be "expressive acts" (23) and as such, it should follow that the tools used as forms of actions can be viewed as "expressive acts" by those on their receiving end.

Currently, when studying instrument selection and implementation in relation to public policy, studies of tools tend to "stop" at the point in which instruments are implemented and used to affect actor relationships and if they do address tools' effects, it is from a vantage point that policymakers/elected officials retain all power in terms of instrument selection and any related outcomes. Alternately, scholarship that looks at the role of stakeholders is often situated in social movement theories, like political process theory (cf. McAdam, 1996; Tarrow, 1994) and resource mobilization theory (cf. Jenkins, 1983; McCarthy and Zald, 1977; Tilly, 1978), where focus is exclusively on how actors indirectly involved in the policy process have the capacity to reach their goals by making use of the resources and opportunities available to them.

However, there is a notable body of instrument scholarship that speaks directly and indirectly to the fact that tools are subject to interpretation. Authors using the instruments as institutions approach not only reject functionalist approaches to tools but demonstrate that instruments carry the power to create and shape relationships between the governing and the governed, consequently empowering some groups over others (Kassim and Le Galès, 2011; Lascoumes and Le Galès; 2004, 2007; Simard and Lascoumes; 2011). Ensuring that the general populace interprets tools as 'legitimate' is the goal in of government's in such cases. What has been proposed in this dissertation is that while overall, the power dynamics at play in the policy-making process may be largely "controlled" by decision-makers, actors indirectly involved in the policy process are sometimes able to respond to tools and can shift power dynamics in a nuanced way.

Our cases showed that tools are first, “expressive acts”, reinforcing the idea that they are used to shape actors’ interpretations of the policy process. This is evident in both cases. In New Brunswick, policymakers continually framed tools as upholding a solution to the “problem” of FSL. For example, FSL was a problem to be resolved and research-based tools supported its very problematization. Furthermore, policymakers present the solutions to the problem of FSL as stemming from the research undertaken by government consultants. In Nova Scotia, FSL was an issue best left to the experts working on the “ground” in school boards. Their inclusion in the consultations supports this position. The cases under study show that actors filter instruments through their own frames and interpret them to be supportive or unsupportive of what amounts to their “rhetorical” and “action” frames.

Secondly, we utilized an approach that can be adapted to other cases to understand what shapes the policy process and policy outcomes. By engaging in interviews with actors representing different proximities to the policy process, we were able to and can in the future, comprehend the policy process without overlooking the influence actors traditionally ignored in the instruments literature have on the policy trajectory. For example, in the case of New Brunswick, actors’ interpretations and capacity to mobilize resources had an impact on the policy outcomes and program implementation, specifically in that the stakeholders mobilized to push back against government’s decisions and tools and what resulted was the implementation of a program that was a middle-ground between what elected officials and stakeholders wanted.

A key component of the study of public administration is looking at how government functions in its capacity to operationalize its decisions and deliver services. In this study, it was demonstrated that understanding the aforementioned can be achieved by looking at not only who is involved in the policy process, but at how tools are used throughout the policy process to

shape relationships to foster an environment conducive to policy implementation. The policy instruments literature shows that an administration's ability to operationalize its decisions is constrained by the limited number of resources available to it at a given time (e.g., Hood, 2007; Howlett, 2011; Ingram and Schneider, 1990; 1997). The research, for the most part, limits the discussion of instruments to implementation stage (Howlett, 2011). It was shown that tools create, or try to create, cooperative relationships at the formulation stage, in order to inform decision-making. In doing so, decisions are more readily accepted. To understand policy-making processes fully requires looking at actors, their interpretations, and levels of legitimization of policy and processes, as well as how they use tools to navigate the process. In doing so, we come to understand that public policy-making power dynamics are influenced in sometimes very nuanced ways but in recognizing these nuances, we acknowledge that all types of actors have some form of agency in the process and when they do not, it becomes clearer as to why this is the case.

Practical Contributions to Public Administration and Public Policy

It became apparent during the research process that educational policymakers in New Brunswick and Nova Scotia exhibit the belief that policy should be founded on solid research and should also incorporate, to varying degrees, stakeholders' input. When explaining their respective policy processes, both provinces' policymakers spoke about the steps taken to ensure that stakeholders were consulted on some level. This was primarily undertaken after policy drafts were completed and the purpose was to receive feedback about the practicality and feasibility of the proposed policy and/or policy changes. During the discussions with policymakers, it was also evident that there are numerous contextual factors that potentially or in actuality affect their

capacity to use the tools that promote consultative activities. In New Brunswick, this included ministerial control over policy goals and in Nova Scotia, budget cuts meant less opportunity for input on the part of FSL consultants.

In an ideal situation, every time policy undergoes changes, policymakers would be able to engage in the “right” types and amount of consultation. This would entail ensuring that consultation is meaningful and thorough and that all interested parties were offered the chance to give their input. In actuality, factors such as those listed above make this, simply put, impossible to achieve. Coupled with the many perceptions of what engagement should look like, policymakers face a challenging task when implementing tools of engagement. There are models that help with identifying stakeholders¹⁸, as well as government branches and/or initiatives dedicated to ensuring citizens have access to tools that help them contribute to policy. The potential for an addition to these analyses and initiatives is seen. Educational policymakers can use a schema like the NATO one to chronicle the specific instruments used by government when formulating and implementing policy.

In New Brunswick, there was a common sentiment expressed by interview participants that the tools used to consult during the FSL process aimed to give the impression some form of engagement had occurred, but they believed the tools did not have “real” impact on policy outcomes. Included in this assessment by participants were the school-based consultations, which were regarded as problematic due to their scheduling and lack of clarity as to what participants were contributing. An evaluation of such a tool and the perceptions of it, post-implementation, could be useful for its future implementation. There need not be extensive consultation about such a tool (as was indicated during the interviews, consultation fatigue is a

¹⁸ For example, stakeholder analysis can be used to identify stakeholders, chronicle their influence, their actual or potential support for policy outcomes, etc. (Brugha and Varvasovsky, 2000, 241).

real occurrence), but scans of newspapers or opening lines of communications with stakeholders could serve as ways to understand their perceptions. Additionally, using the classification to track stakeholder resources could be useful in anticipating their potential reactions to implemented tools, as well. In sum, it could be possible to pre-determine what is required to ensure that stakeholders trust tools and potentially diminish oppositional relationships and forge actively collaborative ones. This arguably deepens the sense of accountability between provincial-level education officials and those located in at the district, school, and community levels.

Like all studies, this project faced certain limitations. These pertained to data collection issues, as well as in relation to the method of analysis. To uphold the tenets of trustworthiness, these will be addressed below.

6.3 Study Limitations

Study limitations related to interviews, documents and the use of case. Below an explanation of how these issues and obstacles are addressed is provided.

Interviews

The interviews were limited by two factors: the participant recruitment and the telephone interviews. School district and board members were contacted regarding their participation, but several obstacles were encountered. In Nova Scotia, seven board members were contacted, and three responses were received. Two participants indicated they did not feel they would be the appropriate individuals to partake in FSL related research and this, along with the non-responses, led to the belief that the inclusion of Board members was unwarranted at the time. When contacting one stakeholder group that represents school boards in Nova Scotia, their

communications director explained that after consultation with their president, they felt they could not speak to the issues under investigation. In New Brunswick, the district education councils underwent restructuring due to a reduction in the total number of districts, an initiative only finalized in July 2012. There were numerous shifts in Council membership, rendering it challenging to locate and contact members. Government officials also revealed in their interviews that they did not work with board members, mostly due to governance structures that limited contact between the provincial level government and the DECs.

While the inclusion of Board and District Council members would have provided additional information about policy implementation in districts, it was not felt that overall, this research project was unduly affected by their exclusion. Since provincial processes were the point of focus and the Boards and Councils are district based, honing in on provincial level actors allowed for the acquisition of information concerning the target level of analysis. FSL consultants bridge the gap between the province and districts, giving a preliminary insight into how policies are implemented in the districts and what role tools might play in this. Future research could examine in more detail how tools affect multiple levels of government, including locally-based school districts. As future studies develop, school board representatives could be accessed in order to develop knowledge in terms of their role in policy.

Documents

Accessibility to documents can sometimes be problematic (e.g. documents can be withheld) (Yin, 2003, 2013). Biased selectivity occurs if documents come from one particular organizational unit and reflect only one stance on an issue (Bowen, 2009). Atkinson and Coffey's (2004) lead was followed, and documents were viewed as representations of

information, and they were dictated and directed by, for example, organizational convention. Consideration of the viewpoints of those both in support of and in opposition to FSL provincial programs was undertaken, although the former was more much less visible.

In this research, accessibility was occasionally difficult in terms of obtaining some government documents (e.g. unpublished/in progress policies or policy procedure manuals). In two instances this was remedied by the interview participant reading directly from the policy document or speaking to the document, providing the information verbally.

Finally, as Yin (2013) cautions, the researcher must be aware that documents are not verbatim or literal recordings of events, nor are they completely unbiased regarding the information they present. These challenges were continually reflected upon when selecting, and later interpreting documents. The latter point was addressed by using the documents in context. When substantiating points using evidence from a stakeholder group, the evidence was used to represent that particular group. When corroborated by other stakeholder group's perspectives, a more generalizable finding was built. However, caution was exuded to avoid using document-based evidence to presume anything about another group's position. For example, the government's opinion on a particular stakeholder group can only be understood as the government organization's view.

Case Studies

Case studies are sometimes criticized for their lack of generalizability, and this is especially true with projects that examine a small number of cases (Flyvbjerg, 2006). The type of knowledge produced by a case study is arguably perceived as "context-dependent" and therefore not as valuable as more "general" and "context-independent" knowledge (Flyvberg, 2006, 221).

It is recognized that the approach used in this dissertation will benefit from further application to other cases, in order to see if the “propositions” uncovered during the present study are common in other policy sectors and to see if the conceptual framework is relevant in other cases, as well. The application of the framework to other provincial educational districts would be useful because it would allow us to see if similar cognitions, motivations and resources affect FSL policy implementation elsewhere. In doing so, we can build the case for the role of legitimacy being one motivator for instrument choice and also start to build a model of resources relied upon by stakeholders who are the ‘recipients’ of the tools. To re-iterate, the uniqueness of individual cases renders it so that “generalizability” in the positivist sense is not attainable. Furthermore, along with “generalizability”, the reliability and validity of case studies are occasionally questioned (Merriam, 2009). It is maintained that the aforementioned are features of triangulation and better suited to quantitative studies. It was shown that we adhered to the principles of “trustworthiness” by engaging in actions that upheld the credibility, transferability, dependability and confirmability of this qualitative study.

6.4 Recommendations for Future Work

1) Accounting for additional structural variables and interactions in the wider political context

Bressers (2004, 2007), along with de Boer (2011) acknowledge that in addition to the interplay of motivation, cognition, and resources, the wider economic, social and political contexts that affect actor characteristics when studying processes, can be considered.

Additionally, the structural context related to the makeup of networks and instruments can influence characteristics. These can be considered and used to build directly off of this research project by considering, in more depth, how for example, the cultural context might affect FSL

policy-making and/or how specific features of governance, such as its different “levels and scales,” might affect the process. In doing so, a greater understanding of the interaction processes can emerge. The same can be argued for looking at how interactions among and within groups might affect the policy processes.

2) Expanding the application of the analytical framework to address additional issues in the educational sectors in Canada

Eventual application of the conceptual framework to other policy issues in the educational sector could prove to be useful. For example, examining other areas of interest and issues like bullying, nutritional and search and seizure policies could allow for the further application of the framework to see if similar tools are used in areas across the educational sector. Contrasting these policies with other less high-stakes policies could help build further understanding of the roles of tools in the educational policy sector. For example, if an area is uncontested, does the government opt to maintain the status quo with instruments and how so? What happens if stakeholders try to ‘protest’ policy developments when the majority of the population is on board with the government policies?

3) Expanding the application of the analytical framework to address issues in educational sectors in other national contexts

Applying the framework to other countries affords further opportunity further to affirm its value, by determining its capacity to help us understand instrument selection in different educational contexts. In the United States for example, there is a federal education department, which declares that one of its purposes is to “complement” the “efforts” of the state departments of education and local school systems. It also develops education programs and initiatives to which all states must adhere. The US is also characterized by strong community involvement in education-related activities at the local level and much like Canada, develops policy at the state

(equivalent to our provincial) level and implements them within individual boards (Honig, 2006, 12; 16; Scott, Lubienski and Debray-Pelot, 2008, 249-251). It could be seen if legitimacy is accounted for in the same way, in the face of additional actors involved in the sector, as well as how this influences instrument selection and interactions.

4) Applying the framework to other policy contexts

Eventually, the application of the framework could be expanded to other areas, such as health, where the tiers are similar to the educational system. For example, how do instruments affect the relationships between the province, regional health authorities, individual healthcare centres and communities? The framework is adaptable and, therefore, it is possible to implement it in the study of other sectors. Doing this would also allow for the making of a stronger case, regarding the framework's usefulness and provide a different view of the policy process in these sectors.

Having determined the study limitations and where future studies might be directed, the concluding remarks follow.

6.5 Concluding Remarks

As stated, the research project aimed to understand, in part, the role of tools in the FSL policy-making process in New Brunswick. There was an awareness that the existing language-education policy literature dealt mainly with the challenges certain populations faced when trying to access language learning opportunities. FSL proved to be a viable way to gain insight into educational policy at the provincial level while still allowing room for the unique circumstances each province faced when developing a language focused educational policy to come through.

The existing literature presented provincial policy-making in the educational as taking the shape of “decentralized centralization” and much of the activity and interactions that occurred within educational sectors reflect this, as do governance structures. Many of tools implemented by the educational policymakers served to demonstrate accountability to citizens, not only by showing that the province was managing education in an effective and efficient manner, but that the schools were doing the same. Furthermore, the recognition that the actors at the local and district levels wanted input into their school systems and policy resulted in the creation of, for example, parental advisory committees. This research shows how the interactive component of policy-making cannot be overlooked, in so far as educational policy-making is concerned.

The intention behind the dissertation was to elucidate who participates in the FSL policy-making processes of New Brunswick and Nova Scotia, as well as how. To do this, an exploration of what instruments were used during the process, how selected occurred, and to what effect, was undertaken and these questions were adequately answered. Using a procedural policy instruments approach, in combination with contextual interaction theory, proved to fit the purpose.

Overall, the relationships among actors and their influences on one another, be it through provincial government’s use of instruments or stakeholders use of resources, were captured. Active cooperation signifies the presence of legitimacy, but as demonstrated by the two cases, this requires a concerted effort by the government to maintain that type of interaction, which necessitates a careful consideration of tools by the government. Otherwise, de-legitimacy and the potential turmoil it brings can present.

Since the policy process is an interactive one, it is curious that the reactions and actions of the stakeholders directly and indirectly involved in the policy process are overlooked in

commonly used models and theories of policy instruments. By including them as a “routine” part of the interactive process and as potentially able to access resources of their own, so-called secondary actors are given their rightful place in the policy process and instruments scholarship.

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APPENDICES

APPENDIX 1-Provincial French second language policies

Province:	Alberta
Policies:	No official policy, instead the province offers Programs of Studies, which are guidelines related to FSL programs offered.
Programs:	1) Early French Immersion 1-12; Late French Immersion 6-12 2) Core French 4-12; Core French 10-12
Optional:	1) Yes 2) Yes
Policy Content:	The programs of studies outline the purposes of the programs (personal enhancement, bilingualism or functional French; increased work opportunities); philosophy behind each program; specific outcomes at each grade the student participates in the program. Eligibility and availability are the school board's decision.

Province:	British Columbia
Policies:	1) Language Education Policy (2004) 2) French Immersion Program Policy (1996)
Programs:	1) Core French; Aboriginal Languages; American sign language; German;Italian;Japanese;Korean;Mandarin;Punjabi; Spanish. 2) Early French Immersion K-12; Late French Immersion 6-12
Optional:	1) No, all students in grades 5-8 must learn a second language. Core French is offered as a default when no other programs are available. 2) Yes
Policy Content:	1) Information about exemptions (LFI students enrolled in the grade 6 program, students with learning difficulties; ESL students); directives to school boards (can develop own second language curricula, subject to approval); procedures related to the policy (mostly pertaining to Francophone, ESL and Aboriginal students). 2) Purpose (benefit social and cognitive development; become bilingual; career opportunities); eligibility (K-12 students at prescribed entry points, subject to availability in a school/district); funding (provincial and federal funding, if district qualifies); related procedures (program content information, transportation provisions, learning materials, teacher qualifications, principal qualifications)

Province:	Manitoba
Policy:	<ol style="list-style-type: none"> 1) Curriculum Policy for the French Immersion Program (2008) 2) Lignes directrices concernant l'enseignement du français de base (2004)
Programs :	<ol style="list-style-type: none"> 1) Basic French (multiple entry points) 2) French Immersion K/1-12; 4-12; 7-12 3) Intensive French 5-8
Optional:	<ol style="list-style-type: none"> 1) Yes 2) Yes 3) Yes
Policy content:	<ol style="list-style-type: none"> 1) Outlines the legal reasons as to why FI is accessible in Manitoba; provides the basic instructional guidelines (pedagogy, foundations of the FI approach, instructional organization); focuses specifically on implementing FI programs (resource and planning needs, staff qualifications, special needs students). 2) Basic overview of what basic French entails, as well as specific guidelines regarding instructional methods, professional development, time on task. Addresses roles and responsibilities of school boards/districts and Manitoba Education.

Province:	New Brunswick
Policy:	<ol style="list-style-type: none"> 1) Policy 309 (2009, under review)
Programs:	<ol style="list-style-type: none"> 1) Universal English, with "French learning experiences" K-3 2) Early French Immersion grades 3-10; Late French Immersion grades 6-10 3) English Prime, with Intensive French grades 3-6 4) English prime with post-intensive French grades 6-10 5) Blended Program (open to any student who achieves an intermediate level, or higher, of proficiency)
Optional:	Immersion is optional, but Universal English and English Prime with French from grades 3-10 are compulsory.
Policy Content:	Describes requirements/standards (what programs are available, time on task for each FSL program), provincial certification processes and assessments, teacher qualifications, availability of programs based on enrollment, guidelines for District Education Councils wishing to implement programs in their respective districts.

Province:	Newfoundland/Labrador
Policy:	No official policy
Programs:	<ol style="list-style-type: none"> 1) Primary Core French grades 1-3 2) Core French (Elementary 4-6; Intermediate 7-9; Senior 10-12) 3) Intensive Core grade 6 4) Expanded Core grades 10-12 5) Early French Immersion K-12 6) Late French Immersion 7-12
Optional:	All FSL programs are optional
Policy Content:	N/A

Province:	Nova Scotia
Policy:	<ol style="list-style-type: none"> 1) Program Policy for French Second Language Programs (1998, under revision)
Programs:	<ol style="list-style-type: none"> 1) Core French grades 4-9 2) Intensive French (pilot program, grade 6) 3) Early French Immersion K-12; Late French Immersion grades 7-12 4) Integrated French grades 7-12
Optional:	<ol style="list-style-type: none"> 1) No 2-4) Yes
Policy Content:	<p>Contains objectives of FSL programs in NS (effective communication in French, appreciation for NS' cultural heritage, personal development, technological competence). Outlines the various programs available in schools (program descriptions).</p> <p>Lists what the Department of Education, regional school boards, teachers and principals are responsible for. Addresses special needs services, exemptions, and teacher competency.</p>

Province:	Ontario
Policy:	<ol style="list-style-type: none"> 1) The Ontario Curriculum: French as a Second Language; Extended French 4-8; French Immersion 1-8 (2001) 2) The Ontario Curriculum, Grades 4-8: Core French (1998) 3) The Ontario Curriculum, Grades 9-10: French as a Second Language, Core, Extended and French Immersion (1999) 4) The Ontario Curriculum, Grades 11 and 12: French as a Second Language, Core, Extended and French Immersion (1999) 5) Ontario Schools Kindergarten to Grade 12: Policy and Program Requirements (2011)
Programs:	<ol style="list-style-type: none"> 1) Core French 1-12 2) Extended French 1-12 3) Early Immersion 1-3; Middle Immersion 4-8; Late Immersion 9-12
Optional	French from grades 4-8 is compulsory, and students can take any of the three programs offered to satisfy the requirement. High school students require one FSL credit to graduate.
Policy Content:	<ol style="list-style-type: none"> 1-4) Referred to as curriculum policy. Outlines exemptions (if a student wishes to take Native as a First Language, for example), requirements to accommodate exceptional students; expected achievement levels by grade; specific skills to be addressed (reading, writing, oral communication). 5) Outlines compulsory nature of FSL courses.

Province:	Prince Edward Island
Policy:	<p>No official policy on FSL. One Minister's Directives and an administrators' guide are used as guidelines for FSL programs.</p> <ol style="list-style-type: none"> 1) Minister's Directive: Language Proficiency Required to Teach in French/English as a Second Language 2) Education Handbook for School Administrators 2012-2013
Programs:	<ol style="list-style-type: none"> 1) Core French K-12 2) Intensive French Grade 6 (on hold) 3) Early Immersion kindergarten; Mid Immersion grade 4; Late Immersion grade 7
Optional:	<ol style="list-style-type: none"> 1) Core French is mandatory from grades 4-9. 2) No 3) No
Policy Content:	<ol style="list-style-type: none"> 1) Advises school boards on the requirements they must impose on teachers wishing to teach ESL/FSL (acceptable tests, proficiency levels, teachers must demonstrate intention to engage in PD). 2) Elaborates on what the responsibilities of the Department's French Division is responsible for, including program/curriculum development of all FSL programs and their administration.

Province:	Saskatchewan
Policy:	1) Official policy and practice guidelines are found in the Handbook for Administrators: French Second Language Programs (2005)
Programs:	1) French immersion K/1-12 2) Core French grade 1-onward 3) Intensive French grades 5/6
Optional:	All FSL programs are optional in Saskatchewan.
Policy Content:	This is a comprehensive guide offering explanations of what each of the three programs entails (time on task, instructor qualifications; expected student outcomes); directives for school administrators (how to ensure program success; providing support services); resources for communities wanting to implement FSL programs; pedagogical approaches.

APPENDIX 2- New Brunswick and Nova Scotia's FSL Policies

DEPARTMENT OF EDUCATION
MINISTÈRE DE L'ÉDUCATION

POLICY STATEMENT 309 309

DIRECTIVE

SUBJECT: French Second Language Programs

OBJET : Programmes de français langue seconde

EFFECTIVE: April 21, 1994

PRISE D'EFFET: Le 21 avril 1994

REVISED: October 25, 2001

RÉVISÉ : Le 25 octobre 2001

AUTHORITY: Section 6 - Education Act

AUTORITÉ : Article 6 - Loi sur l'éducation

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Note: In this revision, this policy has undergone only minor changes that reflect current practice or that ensure it is consistent with amendments made to the *Education Act*.

Notez : En ce moment, cette politique a seulement subi quelques petits changements pour exprimer la pratique courante ou pour s'assurer que la politique est compatible avec les modifications à la *Loi sur l'éducation*.

BUT

PURPOSE

This policy establishes guidelines for the provision of French Second Language programs in New Brunswick Anglophone school districts.

La présente politique indique une orientation de la prestation des programmes de français langue seconde dans les districts scolaires anglophones du Nouveau-Brunswick.

POLICY

POLITIQUE

1. Mission statement

The following is the French Second Language Programs Mission Statement:

That all New Brunswick students will have the opportunity to acquire proficiency in French.

1. Énoncé de principe

L'énoncé de principe des programmes de français langue seconde se lit comme suit :

Que tous les élèves au Nouveau-Brunswick aient l'occasion d'acquérir de la compétence en français.

2

2. Definition of Programs

The following are the three French Second Language programs in New Brunswick:

The *Core French Program*, available in all schools from grade 1 to grade 12; The *Early French Immersion Program*, offered from grade 1 to grade 12; and The *Late French Immersion Program*, offered from grade 6 to grade 12.

The *Core French* program is offered in all schools for one period of instruction each school day. The program shall be characterized by instruction in the French language with a view to developing oral competence in that language.

French Immersion programs are alternate approaches to learning the second official language, ones in which the second official language is used as the medium of instruction.

The initial phase of a *French Immersion* program shall be characterized by a concentration of instruction in French. This will enable students to function in all curricular areas early in the program.

The second phase of a *French Immersion* program shall be characterized by the gradual increase of instruction in English.

3. Curriculum

The curriculum for French Second Language programs is prescribed by the Minister of Education under the authority of the Education Act.

2. Définition des programmes

Les trois programmes de français langue seconde au Nouveau-Brunswick sont les suivants.

Le *Programme de français de base*, disponible dans toutes les écoles de la 1^{re} à la 12^e année; le *Programme d'immersion précoce en français*, offert de la 1^{re} à la 12^e année; et le *Programme d'immersion tardive en français*, offert de la 6^e à la 12^e année.

Le programme de *français de base* est offert dans toutes les écoles pendant une période d'enseignement de chaque journée scolaire. Le programme se caractérise par l'enseignement en français et vise le développement de la compétence orale en cette langue.

Les programmes *d'immersion en français* constituent d'autres approches à l'apprentissage de la seconde langue officielle où celle-ci est utilisée comme langue d'enseignement.

L'étape initiale d'un programme *d'immersion en français* se caractérise par l'accent mis sur l'enseignement en français. Ceci permettra aux élèves d'utiliser assez tôt la langue seconde dans toutes les matières du programme d'études.

La deuxième étape d'un programme *d'immersion en français* se caractérise par le recours progressif à l'enseignement en anglais.

3. Programme d'études

Le programme d'études des programmes de français langue seconde est prescrit par le ministre de l'Éducation en vertu de la Loi sur l'éducation.

- a) a rural community with only one school;
- b) a village or small town with a small number of schools; or
- c) a large neighbourhood within a large town, city or school district.

- a) communauté rurale dotée d'une seule école;
- b) village ou petite ville doté(e) d'un petit nombre d'écoles; ou
- c) secteur considérable à l'intérieur d'une grande ville ou d'un district scolaire.

The following factors shall be taken into account when planning for the implementation of *French Immersion* programs:

- a) parental preferences;
- b) the number of students to be enrolled in the community at the grade level of implementation;
- c) transportation costs, where these may be affected by students being bussed from one area of the district to another; and
- d) resources

In order to assess the viability of and desire for *French Immersion*, the superintendent shall ensure: That parents have the opportunity to indicate their preferences with regard to French Second Language programs in their community. This will be achieved by distributing information to all parents with children in either Kindergarten (for Core French and Early Immersion) or in Grade 5 (for Late Immersion). The information shall include a brief description of the three French Second Language programs and factors involved in making a choice, and shall provide a means for parents to indicate their preference.

Les facteurs suivants entreront en ligne de compte lors de la planification de l'implantation des programmes d'*immersion en français* :

- a) les préférences des parents;
- b) le nombre d'élèves de la communauté à s'inscrire à l'année d'implantation du programme;
- c) les frais de transport, là où ceux-ci pourraient être affectés par le transport d'élèves d'une localité du district à une autre; et
- d) les ressources

Afin d'évaluer la viabilité d'implantation de l'*immersion française* et le désir qui existe à cet égard, la direction générale s'assurera : que les parents aient l'occasion de faire part de leurs préférences relativement aux programmes de français langue seconde dans la communauté. À cette fin, de l'information sera distribuée à tous les parents d'enfants à la maternelle (pour le programme de français de base et de l'immersion précoce) ou en 5e année (pour l'immersion tardive). L'information comprendra une brève description des trois programmes de français langue seconde et des facteurs dont il faut tenir compte en faisant un choix, et fournira aux parents un moyen d'indiquer leur préférence.

ii) That parents have access to a handbook on FSL programs approved by the Department.

iii) That consultations on French Second Language programs are held (for example, through information meetings), to assist parents in making informed choices.

The superintendent shall make a decision on the implementation and/or continuation of a *French Immersion* program and shall inform the Department of Education of this decision.

Members of a community may appeal a decision to the Minister of Education.

8. Time-on-task:

When implementing French Second Language programs, a school district shall respect the following guidelines:

Core French Program:

The *Core French* program shall comprise a minimum total of 1300 hours of instruction in French, grade 1 to grade 12.

The *Core French* program is offered in all schools for one period of instruction each school day.

Normally, one period of instruction shall be:

grade 1 to grade 5 inclusive: 30 minutes minimum
grade 6 to grade 8 inclusive: 40 minutes minimum
grade 9 to grade 12 inclusive: one period for one semester/year

ii) que les parents aient accès à une description complète des programmes de français langue seconde approuvés par le ministère.

iii) que le district scolaire tienne des consultations sur les programmes de français langue seconde (par exemple, des réunions d'information), pour permettre aux parents de faire un choix éclairé.

La direction générale prendra une décision quant à l'implantation et/ou à la prolongation d'un programme d'*immersion en français* et fera part de sa décision au ministère de l'Éducation.

Les membres d'une communauté peuvent faire appel de la décision au ministère de l'Éducation.

8. Temps d'enseignement

Lors de l'implantation de programmes de français langue seconde, un district scolaire se conformera aux lignes directrices suivantes.

Programme de français de base

Le programme de *français de base* comprendra un total minimum de 1 300 heures d'enseignement en français, de la 1^{re} à la 12^e année.

Le programme de *français de base* est offert dans toutes les écoles pendant une période d'enseignement de chaque journée scolaire.

Normalement, une période d'enseignement sera :

1^{re} à 5^e année inclusivement : un minimum de 30 minutes
6^e à 8^e année inclusivement : un minimum de 40 minutes
9^e à 12^e année inclusivement : une période pendant un semestre de l'année.

The *Core French* program is compulsory from grade 1 to grade 10 for all students who are not enrolled in one of the two French Immersion programs.

All High Schools shall offer the opportunity for students to continue their studies in French in grade 11 and grade 12.

French Immersion Programs

The *Early French Immersion* program shall comprise a minimum of 6600 hours of instruction in French, grade 1 to grade 12.

The *Late French Immersion* program shall comprise a minimum of 3750 hours of instruction in French, grade 1 to grade 12.

The *minimum* percentage of instruction in French for each of the *French Immersion* programs shall be as follows:

Early French Immersion

- Grades 1 - 3: 90%
- Grades 4 - 5: 80%
- Grades 6 - 8: 70%
- Grades 9 - 10: Each school shall, as determined by the superintendent, offer either:
 - a) 70% in Grade 9 and 30% in Grade 10; or
 - b) 50% in both Grade 9 and Grade 10
- Grades 11-12: 25%

Le programme de *français de base* est obligatoire de la 1^{re} à la 10^e année pour tous les élèves qui ne sont pas inscrits dans un des deux programmes d'immersion en français.

Toutes les écoles secondaires de deuxième cycle offriront aux élèves l'occasion de poursuivre leurs études en français en 11^e et 12^e année.

Programmes d'immersion en français

Le programme d'*immersion précoce en français* comprendra un minimum de 6 600 heures d'enseignement en français, de la 1^{re} à la 12^e année.

Le programme d'*immersion tardive en français* comportera un minimum de 3 750 heures d'enseignement en français, de la 1^{re} à la 12^e année.

Le pourcentage *minimum* d'enseignement en français pour chacun des programmes d'*immersion en français* sera :

Immersion précoce en français

- 1^{re} à 3^e année : 90 %
- 4^e et 5^e année : 80 %
- 6^e à 8^e année : 70 %
- 9^e et 10^e année : tel que défini par la direction générale, chaque école offrira soit :
 - a) 70% en 9^e année et 30% en 10^e année; ou
 - b) 50% aussi bien en 9^e année qu'en 10^e année
- 11^e et 12^e année : 25%

Late French Immersion

Grades 6 - 8: 70%

Grades 9 - 10:

Each school shall, as determined by the superintendent, offer either:

- a) 70% in Grade 9 and 30% in Grade 10; or
- b) 50% in both Grade 9 and Grade 10

Grades 11-12: 25%

9. Evaluation

Assessment at the provincial level of French Second Language student learning will be conducted by the Department of Education. This will include assessment of oral, reading and writing proficiency of the students.

The superintendent shall ensure that students who have participated in the Oral Interview at the end of Grade 12 receive an assessment of their level of achievement as described in the New Brunswick Second Language Proficiency Scale.

10. Certificate of French Immersion

The Minister of Education shall award a "Certificate of French Immersion" to all students who successfully complete all of the requirements of one of the prescribed programs. The certificate shall indicate which program the student has completed, together with his or her level of proficiency as measured through the Oral Interview at the end of Grade 12, and as described in the New Brunswick Second Language Proficiency Scale.

Immersion tardive en français

6^e à 8^e année: 70%

9^e et 10^e année :tel que défini parla direction générale, chaque école offrira soit :

- a) 70% en 9^e année et 30% en 10^e année; ou
- b) 50% aussi bien en 9^e année qu'en 10^e année

11^e et 12^e année : 25%

9. Évaluation

L'évaluation du degré d'apprentissage en français langue seconde des élèves au niveau provincial sera entreprise par le ministère de l'Éducation. Elle comprendra l'évaluation de la compétence des élèves à l'oral, à l'écrit et en lecture.

La direction générale s'assurera que les élèves ayant participé à l'entrevue orale en 12^e année reçoivent une évaluation de leur niveau de compétence tel que décrit selon l'échelle de compétence en langue seconde du Nouveau-Brunswick.

10. Certificat d'immersion en français

Le ministre de l'Éducation décernera un "Certificat d'immersion en français" à tous les élèves qui satisfont aux exigences des programmes prescrits. Le certificat indiquera le programme que l'élève a terminé, ainsi que le niveau de compétence obtenu à l'oral lors de l'entrevue en 12^e année et déterminé selon l'échelle de compétence en langue seconde du Nouveau-Brunswick.

ORIGINAL SIGNED BY
ORIGINALE SIGNÉE PAR

MINISTER - MINISTRE

APPENDIX

*New Brunswick Second
Language Oral Proficiency Scale*

INTERMEDIATE:

Able to satisfy routine social demands and limited work requirements. Can handle routine work-related interactions that are limited in scope. In more complex and sophisticated work-related tasks, language usage generally disturbs the native speaker. Can handle with confidence, but not with facility, most normal, high-frequency social conversational situations including extensive, but casual, conversations about current events, as well as work, family and autobiographical information. The individual can get the gist of most everyday conversations but has some difficulty understanding native speakers in situations that require specialized or sophisticated knowledge. The individual's utterances are minimally cohesive. Linguistic structure is usually not very elaborate and not thoroughly controlled; errors are frequent. Vocabulary use is appropriate for high-frequency utterances, but unusual or imprecise elsewhere.

ANNEXE

*Échelle de compétence orale en
langue seconde du Nouveau-
Brunswick*

INTERMÉDIAIRE

Peut satisfaire aux besoins de vie sociale quotidiens et aux besoins de travail limités. La portée de son interaction au travail est limitée et routinière. Dans des tâches plus subtiles liées au travail, l'usage de la langue gêne généralement le locuteur natif. Fait preuve d'assurance, tout en éprouvant des difficultés, dans la plupart des situations de conversation sociale courante de haute fréquence, y compris celles à bâtons rompus portant sur l'actualité, le travail, la famille et les renseignements autobiographiques. Peut suivre la plupart des conversations familières mais éprouve des difficultés à comprendre les locuteurs natifs dans des situations qui demandent des connaissances spécialisées ou de la subtilité. Les propos ont un minimum de cohérence. La structure linguistique est normalement peu compliquée et pas tout à fait maîtrisée; les erreurs sont fréquentes. L'usage du vocabulaire dans les propos de haute fréquence est juste, mais souvent insolite ou imprécis à d'autres moments.

INTERMEDIATE PLUS:

Able to satisfy most work requirements with language usage that is often, but not always, acceptable and effective. The individual shows considerable ability to communicate effectively on topics relating to particular interests and special fields of competence. Often shows a high degree of fluency and ease of speech, yet when under tension or pressure, the ability to use the language effectively may deteriorate. Often shows strength in either grammar or vocabulary, but not both. Comprehension of normal native speech is typically nearly complete.

INTERMÉDIAIRE PLUS

Peut satisfaire à la plupart des besoins de travail avec usage de la langue souvent, mais pas toujours, acceptable et efficace. Démontre une assez grande habileté à communiquer efficacement autour de thèmes portant sur des sujets d'intérêt particulier et des domaines de compétence. Fait souvent preuve d'aisance, mais la capacité d'utiliser la langue efficacement se détériore lorsque sous pression ou face à des contraintes. Démontre souvent une forte compétence en grammaire ou en vocabulaire, mais pas les deux. La compréhension du discours du locuteur natif est presque complète.

ADVANCED:

Able to speak the language with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on practical, social, and professional topics. Nevertheless, the individual's limitations generally restrict the professional contexts of language use to matters of shared knowledge and/or international convention. Discourse is cohesive. The individual uses the language acceptably, but with some noticeable imperfections; yet errors virtually never interfere with understanding and rarely disturb the native speaker. The individual can effectively combine structure and vocabulary to convey his/her meaning accurately. The individual speaks readily and fills pauses suitably. In face-to-face conversation with natives speaking the standard dialect at a normal rate of speech, comprehension is quite complete.

AVANCÉ

Peut parler la langue avec suffisamment de précision syntaxique et lexicale pour prendre vraiment part à des conversations formelles et familières portant sur des sujets pratiques, sociaux et professionnels. Néanmoins, l'usage de la langue dans les domaines professionnels se limite généralement au connu et/ou aux conventions internationales. Le discours est cohérent. L'utilisation de la langue est acceptable mais comporte toutefois certaines imperfections, erreurs qui n'empêchent presque jamais la compréhension et gênent rarement le locuteur natif. Les structures et le vocabulaire sont agencés de sorte que le message soit exprimé correctement.

Program Policy

for

French

Second Language Programs

June 1998



FRENCH SECOND LANGUAGE PROGRAMS

BACKGROUND

The world is no longer a collection of isolated regions and cultures. It is a huge collective of interactive and interdependent communities. Learning another language, if not several other languages, has almost become a necessity or at the very least, a desire, for many people. (Le Lien, Vol. VII, No. 3 Second Language Education Centre May 1995.)

Research has shown that learning a second language enhances students' general cognitive and communicative skills. Other benefits cited by researchers include improved reading and research skills and increased insight, not only into the target culture but also into one's own culture. It has also been shown that mastery of a second language can make it easier to learn a third and a fourth language.

French is the natural second language for many Canadians to learn because it is so widely used and accessible throughout the country. Availability of texts and references for the Francophone market in this country, and access to French-speaking teachers, to French media, and to role models and activities in Francophone communities make it possible to offer viable French programs. In addition, knowledge of Canada's second official language helps students to better understand the history, development, and politics of their country.

French is a relatively easy language for English students to learn. There are close historical ties between the two languages—their alphabets and sentence structure are similar and many English words come from French or from Latin, a common root for both languages.

PURPOSE

The purpose of this policy is to provide Nova Scotia school boards, schools, and teachers with direction regarding the delivery of French second language programs.

MISSION STATEMENT

The Acadian and French Language Services Branch of the Department of Education and Culture is committed to providing educational services in French as a first language and French as a second language that foster students' full personal development.

GOALS OF FRENCH SECOND LANGUAGE PROGRAMS

French second language programs are intended to contribute to the development of the knowledge, skills, and attitudes described in the *Essential Graduation Learnings*.

French Second Language Programs are designed to enable **all** students to

- ▶ communicate effectively in French using the listening, speaking, viewing, reading, and writing modes (communication)
- ▶ demonstrate a better understanding of their own and others' cultural heritage and identity with particular emphasis on "French-speaking communities" (citizenship)
- ▶ demonstrate preparedness for further learning, particularly where French is the language of instruction (personal development)
- ▶ work and study purposefully, both independently and in groups (personal development)
- ▶ solve problems individually and collaboratively (problem solving)
- ▶ express their ideas and feelings using various art forms (aesthetic expression)
- ▶ locate, evaluate, adapt, create, and share information using a variety of sources and technologies (technological competence)

DEFINITION OF FRENCH SECOND LANGUAGE PROGRAMS

Nova Scotia offers four French second language programs:

- ▶ Core French (grades 4–12)
- ▶ Extended Core French (grades 7–12), following Core French grades 4-6
- ▶ Early French Immersion (primary–grade 12)
- ▶ Late French Immersion (grades 7–12), following Core French grades 4-6

Core French, Extended Core French, and French Immersion programs are designed to accommodate all students.

Extended Core French and Immersion programs are offered to those students in Anglophone schools who wish to develop a greater degree of competence in French. These programs represent a long-term commitment on the part of the board.

POLICY

Program Implementation

Roles and Responsibilities of Partners

All education partners will work together to provide French second language programs that allow students to develop to their full potential.

Department of Education and Culture

The Department of Education and Culture, Acadian and French Language Services Branch, is responsible for providing leadership and orientation for French second language programs in Nova Scotia public schools.

In the context of this mandate, the Acadian and French Language Services Branch shall

- develop and recommend to the Minister of Education and Culture, policies and priorities in all areas affecting French second language education
- promote and plan French second language education
- establish the goals, outcomes and learning standards of French second language programs
- evaluate and recommend appropriate support materials for French second language programs
- provide initial in-servicing for the implementation of new French programs
- recommend funding through Special Project grants for projects that support the approved French second language programs
- assist the Minister of Education and Culture in negotiating all federal assistance programs aimed at promoting the use of the official languages in education

Regional School Boards

The regional school boards have the overall responsibility for the direction and administration of French second language programs in the system.

Therefore, each school board shall

- ensure that its schools adhere to the Minister's policy concerning French second language education
- designate administrative responsibility for French second language programs at the superintendent or assistant superintendent level
- initiate and evaluate French second language programs in the system
- provide assistance to teachers in the appropriate approaches and strategies of instruction for French second language programs
- provide for the effective and efficient management of all Minority Language and Special Project funds

Principal

The principal of a public school is the educational leader of the school and has overall responsibility for implementing and administering French second language programs and courses in the school.

Therefore, the principal shall

- ▶ implement and co-ordinate the French second language programs and courses in the school as prescribed in the *Public School Programs* document
- ▶ create and maintain an appropriate and effective learning environment for French second language programs
- ▶ provide the curriculum guidelines and the recommended resources
- ▶ identify and provide professional development needs for staff involved in French second language programs
- ▶ assist the school board with the selection of qualified staff
- ▶ assist in evaluating the performance of staff involved in French second language programs
- ▶ ensure regular communication with parents about French second language programs and policies

Teacher

The French second language teacher in a public school shall

- ▶ implement French second language programs and courses as prescribed in the *Public School Programs* document
- ▶ implement teaching strategies that foster a positive learning environment and help students achieve the outcomes of French second language programs
- ▶ maintain a professional competence regarding current pedagogical practices for French Second Language learning
- ▶ maintain a professional competence regarding the subjects taught in French

Program Description

Basic Principle of all Programs

All teaching in French second language programs shall be in French.

Core French Program

Core French shall be offered in all Anglophone schools in Nova Scotia from grade 4 through to grade 12. Core French is a program where French is studied and taught in regularly scheduled instructional periods. The program is compulsory for grades 4–6 students.

From September 1997, Core French will be a required course for all junior high students beginning grade 7 for the first time. This requirement will extend to grade 8 in September 1998 and grade 9 in September 1999. Where offered, Mi'kmaq or Gaelic will fulfil this requirement.

Time allotment will be as prescribed in the *Public School Programs* document.

Extended Core French Program

Anglophone school boards may offer an Extended Core French Program that starts in grade 7 and ends in grade 12. The Extended Core French Program includes a French course **and** a social studies course taught in French in each grade level.

At the senior high school level, time allotment will be as prescribed in the *Public School Programs* document.

The social studies courses shall be as prescribed in the *Public School Programs* document.

Early French Immersion Program

Anglophone school boards may offer an Early French Immersion Program that starts in grade primary and ends in grade 12.

The percentage of instruction in the French language is apportioned as follows:

P–Grade 2	90 - 100%
Grades 3–6	80 - 85%
Grades 7– 9	60 - 70%
Grades 10–12	minimum of nine credits taught in French

The percentage of instruction in French varies in grades primary to 6 due to the availability of specialists, e.g. music teachers, physical education teachers, or other specialists who do not speak French. Formal English instruction is introduced in grade 3, hence the reduction in the percentage of instruction in French from grades 3 to 6.

In order to obtain the **French Immersion Certificate** students in senior high school early immersion must

- ▶ successfully complete the French Language Arts course in grades 10, 11, and 12
- ▶ successfully complete, each year, a minimum of two courses where the language of instruction is French (excluding Core French)
- ▶ for students beginning grade 10 in September 1996, successfully complete during their high school career, a total of nine courses where the language of instruction is French. This represents 50 percent of the number of credits required for graduation.

The courses offered in the Early French Immersion Program will be as prescribed in the *Public School Programs* document.

Late French Immersion Program

Anglophone school boards may offer a Late French Immersion Program that starts in Grade 7 (following Core French in grades 4–6) and ends in grade 12.

The percentage of instruction in the French language is apportioned as follows:

grades 7–9	70 - 75%
grades 10–12	minimum of nine credits taught in French

In order to obtain the **French Immersion Certificate** students in senior high school late French immersion must

- ▶ successfully complete the French Language Arts course in grades 10, 11, and 12
- ▶ successfully complete, each year, a minimum of two courses where the language of instruction is French (excluding Core French)
- ▶ for students beginning Grade 10 in September 1996, successfully complete during their high school career, a total of nine courses where the language of instruction is French. This represents 50 percent of the number of credits required for graduation.

The courses offered in the Late French Immersion Program will be as prescribed in the *Public School Programs* document.

GUIDELINES

Program Implementation

Roles and Responsibilities of Partners

Department of Education and Culture

It is the responsibility of the Department of Education and Culture to provide leadership and orientation for French second language programs in Nova Scotia public schools. In this context, the Department of Education and Culture should consult and/or seek participation of the regional school boards in program development and the establishment of policy and outcomes. It should also maintain regular, open lines of communication with the regional school boards.

Regional School Boards

It is the responsibility of regional school boards to provide leadership and to administer French second language programs in the system. In this context, each regional school board should assign a second language co-ordinator to supervise French second language programs as well as to organize, and conduct classroom visitations, teacher consultations, and in-service training. They should also ensure the hiring of staff qualified to teach in French second language programs and assign bilingual student services personnel to address the program and other requirements of French second language students with special needs.

Principal

It is the responsibility of the principal to provide leadership in the implementation and administration of French second language programs and courses in the school. In this context, a principal should ensure that sufficient teaching time is allocated to allow students to reach the learning outcomes of French second language programs and provide a classroom that allows teachers to create an environment that will promote, support, and facilitate the learning of French. The principal should also work toward creating a school environment that supports French second language learning. S/he should provide opportunities for teachers of French second language programs within his/her school to meet with one another or with French teachers from other schools in order to conference and generally support one another. Finally, s/he should provide opportunities for French second language teachers to attend professional development sessions where French is the working language.

Teacher

It is the duty of the French second language teacher to teach French second language courses as prescribed in the *Public School Programs* document and to implement teaching strategies that permit students to reach the required learning outcomes. In this context, teachers should participate in professional development opportunities related to their assigned areas of teaching, encourage students in the pursuit of learning French as a second language, communicate with parents and provide leadership in the school community.

Program Description

Core French

Research and good practice has shown that Core French should be scheduled for a minimum of 40 minutes a day from grades 4 to 12 inclusively. This amount of time is required for the learner to achieve a reasonable level of second language communicative ability. It is recommended that wherever it is reasonably possible, a specific classroom be designated for teaching French in order to create and maintain an atmosphere facilitating French second language learning. As well students should have access to currently authorized teaching materials as well as to a variety of supplementary resources, including authentic documents and technology.

Extended Core French

The establishment of the Extended Core French Program represents a long-term commitment on the part of a regional board. In grades 7–12, French Language Arts courses should be designed to support the students’ language needs in the respective social studies courses. It is recommended that wherever it is reasonably possible, the same teacher be responsible for both French and social studies at each level. This will facilitate an integrated, interdisciplinary program organization based on the natural affinity between these two courses and on their connected learning outcomes, as suggested in the *Public School Programs* document. The total amount of time allotted for the Extended Core French (French and social studies) should be equal to the total amount of time allotted for English Language Arts and social studies in the English program. In order to create and maintain an atmosphere that supports and facilitates French second language learning, it is recommended that wherever it is reasonably possible, a specific classroom be dedicated to the Extended Core French teacher. Students should have access to currently authorized teaching materials as well as to a variety of supplementary resources, including authentic documents and technology.

Early and Late French Immersion

The aim of French immersion programs is to enable students to become functionally bilingual. It is therefore recommended that schools maintain the highest percentage of instruction time in French. At the elementary level, all instruction should be in French with the exception of English Language Arts and those courses taught by specialists who cannot speak French. The recommended subjects taught in French for grades 7, 8, and 9 are French Language Arts, Social Studies, Mathematics, Science, and Personal Development and Relationships. A variety of courses can be offered along with the required French Language Arts courses in French immersion programs at the senior high level. Students’ needs and interests, as well as available expertise should be considered in determining which courses to offer in French at this level. In order to create and maintain an atmosphere that supports and facilitates French Second Language learning, a specific classroom should be assigned to the French immersion teacher. Students should have access to currently authorized teaching materials as well as to a variety of supplementary resources, including authentic documents and technology.

Staff Requirements for all French Teachers

All French second language teachers should have an excellent command of written and spoken French and a working knowledge of English. Further more they should have knowledge and training in current second language and/or immersion teaching methodologies, a concentration in the subject areas taught and training in the use of appropriate methods and strategies for the grade levels and subject areas in question.

Special Needs Services

Students with special needs are capable of learning another language. Most learning difficulties are not language-specific. Students can acquire strategies to overcome these difficulties in a

French or an English setting. Once acquired, these strategies can be transferred to either setting when the student is shown the connections. Likewise, behavioural or social difficulties have nothing to do with the language of instruction. In view of this, schools must provide the human and material resources to meet special needs requirements of students in French programs. One of the important elements in ensuring a positive and satisfactory experience for a student with special needs is open and friendly communication between teachers and parent(s)/guardian(s).

All students should have equal access to special services where available. For schools offering French immersion programs, it is preferable to provide special needs services in French. However, in instances where the French service is not possible, a close working relationship among the immersion teacher, the unilingual learning specialist, and the parent(s)/guardian(s) is critical.

Exemptions from Core French

A variety of teaching and evaluation strategies and appropriate program modifications should be made within the French classroom to accommodate a wide range of learners. It is only when the student experiences a continued lack of success despite these accommodations that an exemption should be considered.

The decision to exempt students from French must be made on an individual, student-by-student basis. A consensus about whether an exemption is to be granted should be reached by the school program planning team consisting of, at a minimum, parent(s)/guardian(s), the principal, the Core French teacher, the home room teacher, and a school or district student services representative and, where appropriate, the student.

The team should consider any relevant information about the student including:

- history of first language acquisition
- history of French language acquisition
- learning strengths and weaknesses
- formal or informal assessment information

The process can be initiated at any time for individual students—elementary, junior, or senior high, depending on the student’s needs. Statistics on the number of exemptions are to be submitted to the Director, Acadian and French Language Services.

Transferring from French Immersion to the English Program

French immersion does not cause learning difficulties. **Any decision to change the placement of a student must be in the best interest of the student, not of the program, the parent(s)/guardian(s), or the teachers.** Switching from an immersion program to the English program can have a negative impact on the student’s self-esteem. It is important to realize that a student leaving French immersion will not automatically overcome his or her learning difficulty

The decision to remove a student from the immersion program should be a program planning team decision involving the student, the immersion teacher, the learning specialist(s), the principal, and the parent(s)/guardian(s). The decision to remove a student from an immersion program must not be made lightly or hastily.

There is general agreement that students with special needs should stay in French immersion if they are achieving, and if adequate support services are available. French immersion offers many benefits to students with learning difficulties. Research has shown that the ability to speak French may significantly enhance a student's self-esteem. The pedagogical approaches used, such as contextualizing, respecting and linking prior knowledge, valuing different ways of knowing and doing, are well suited to the needs of students with learning difficulties.

As in the English program, curriculum in immersion programs can be adapted to meet the varying needs of all students. Teaching practices must include a variety of strategies that correspond to the learning styles of all students. Depending on the nature of the concern, modifications may need to be made to the program.

However, there are times when a transfer **should be considered**:

- if leaving the program would give the student access to critical services.
- if the child is not achieving and the program planning team is convinced that this situation will not exist in the English program.

For further information regarding the policies and guidelines for special education, teachers and school officials should consult the *Special Education Policy Manual, 1996*.

Transferring from Extended Core French

The same considerations and process as that described for students in a French immersion program should apply to transfers from Extended Core French to the English program.

Local Pilot Courses

Approval is required to offer a French program or course that is not described in the *Public School Programs* document. Approval is also required to use textbooks and other related teaching materials not included in the authorized lists.

Schools wishing to offer local pilot courses should follow the procedure as outlined in the *Public School Programs* document.

APPENDIX 3- Organizational Structures, Roles, and Responsibilities

Note that this reflects the organization structure in place from 2006-2009 when the sector was managed by the Department of Education. In 2010, it became the Department of Education and Early Childhood Development. Additional branches include Early Childhood Development and a Performance Excellence Process Branch.

Provincial organizational and governance structures

New Brunswick Departments/Divisions/Branches/Units¹⁹	Roles and Responsibilities
Minister	Department head makes funding decisions and develops a 3-year educational plan.
Deputy Minister (Anglophone) and Assistant Deputy Minister/Sous-ministre (Francophone) and sous-ministre adjoint(e)	DM and SM are responsible for the budget, managing departmental operations and program development. ADM is head of Anglophone Educational Services and SMA is head services éducatifs francophones
Strategic Communications	Responsible for making public aware of departmental decisions regarding policies, programs an services.
Policy and Planning (unit); Policy and Legislative Affairs (branch); Corporate Data Management (branch)	The Policy branch focuses on policy development and legislative proposals, works with stakeholders to help them understand and work with policy, manages a variety of Acts (e.g. Protection of Privacy, Right to Information), and assists with school governance issues. It also ensures that departmental plans are implemented. Corporate Data is responsible for gathering and managing student and staff related information and statistical data.
Educational Services (Anglophone)/ Secteur des services éducatifs francophones	The Educational Services division (Anglophone) and the Secteur des services éducatifs francophones oversee multiple branches, including curriculum development/implementation, assessment and evaluation, and student services. The Curriculum Development and Implementation Branch is tasked with formulating and

	implementing programs in individual schools and assisting with/monitoring their implementation. Learning specialists within the district are responsible for the development of curriculum documents, which provide information on learning objectives, teaching strategies, etc.
Corporate Services	Provides support in areas related to human resources, transportation and facilities, finance and information technology.
Nova Scotia Departments/Units/Branches	Roles and Responsibilities
Minister	Department head makes funding decisions and develops a five year educational plan.
Deputy Minister	Responsible for budget, managing departmental operations and program development
Acadian and French Language Services	Manages federal official language initiatives, negotiates funding agreements between federal and provincial government, responsible for French first language education.
Early Childhood	Responsible for development services and early childhood centres.
Public Schools	The Public Schools operational unit shares features in common with the Educational Services Division in New Brunswick. It “designs, develops, implements, and evaluates programs, courses, services, related policies and resources including student and teaching resources to support implementation, for the public school system, correspondence studies, and on-line learning.” (EECD NS, 2014). It has many divisions, including one dedicated to FSL called the French Second Language Services division. It should be noted the latter division was formerly managed by the Acadian and French Language Services operational unit, until 2007 (EECD NS, 2010). The Acadian and French Language Services Branch continues to operate as its unit.
Corporate Policy	The Corporate Policy branch is composed of Policy and Planning and Information Management. Its mandate includes providing

	“advice and support in policy, planning, legislation, research...to all areas of the Department” (GNS Education and Early Childhood Development, 2014). It also, among other tasks, manages the Department’s library, data records and oversees issues relating to “access and privacy” (GNS Education and Early Childhood Development, 2014).
Corporate Services	Manages facilities, finance, IT and data.

District Education Councils and School Boards

New Brunswick district education councils	Nova Scotia School Boards
Number: (Before 2012) 9 Anglophone and 5 Francophone	Number: 7 Anglophone and 1 French
Elections: Every four years.	Elections: Every four years
Responsibilities: Hiring, directing and evaluating the superintendent (GNB Department of Education, 1998). Develop their own district policies, based on provincial ones.	Responsibilities: Hiring, paying and monitoring superintendents. Education plan development, ensuring adherence to provincial programs of study, data collection. Permitted to formulate and implement board-based policies that are in-line with provincial ones.

APPENDIX 4-Interview Participants

New Brunswick Participants

Participant	Purpose	Completed
FSL coordinators	Tasked with implementation of policy on the "ground level". Work with school boards, government and stakeholders. Selected from districts that have "strong" FSL programs.	5 FSL coordinators total 1 of whom is also a CASLT rep
Government officials	Tasked with policy formulation and some implementation. Work with Minister and Deputy Ministers on agenda-setting and decision-making, some evaluation.	8 officials total 1 Executive Director Policy and Planning 2 Directors Policy and Planning 1 Senior Policy Analyst Policy and Planning 1 Policy Analyst Policy and Planning 1 Acting Legal Counsel for Ombudsman's Office 1 Analyst for Commissioner of Official Languages (NB) 1 Curriculum Development Specialist
Stakeholder groups	Heavily involved in the response to tools utilized by government to control policy network.	6 group members total 1 current Executive Director for major stakeholder 1 former Executive Director for major stakeholder 1 past President for major stakeholder 1 current board member for major stakeholder and former head of FSL related movement 1 Director of stakeholder group 1 representative for stakeholder group

Researchers	Participated in policy process	2 researchers total 1 from New Brunswick-based consortium 1 from New Brunswick university
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Nova Scotia Participants

Participants	Purpose	Completed
FSL Coordinators and School Board Officials	Tasked with implementation of policy on the "ground level." Work with school boards, government and stakeholders. Selected from districts that have "strong" FSL programs.	6 officials total 5 FSL coordinators 1 corporate secretary for school board
Government Officials	Tasked with policy formulation and some implementation. Work with Minister and Deputy Ministers on agenda-setting and decision-making, some evaluation.	5 officials total 1 Manager Corporate policy 1 Director French Second Language Services Branch 2 Consultants FLSCB, 1 who is also a CASLT member and one was a former SL coordinator.
Stakeholder Group Members	Heavily involved in the response to tools utilized by government to control policy network.	5 group members total 1 ED CPF 1 Director FF 2 NSLTA (President and Past President) 1 Director NSSBA
Researchers	Involved in educating school boards about governance, FSL researchers.	2 researchers/academics total 1 governance and immersion expert. 1 FSL methodology professor Acadia University.

APPENDIX 5-Sample Interview Guides

Semi-Structured Interview Guide

Questions for government officials

The interview will examine French Second Language policymaking; the interactions between government officials and non-government stakeholders during the policymaking process; the ways support was garnered for proposed policy changes

Organizational roles and responsibilities

- 1) Describe your organization and its general purpose.
- 2) What is your position in the organization?
- 3) What is your role/are your responsibilities in the organization?

French Second Language Policy

- 1) Can you describe the FSL policymaking process?
- 2) Can you provide a brief overview of the province's FSL policy/policy contents?
- 3) What changes has the policy undergone in the last five years? Why were changes proposed?

Questions related to actors and their linkages

- 1) Which organizations/organized interests responded to the proposed FSL changes?
- 2) What was the relationship your division/department/branch had with said organizations prior to the proposed changes? Would you say you worked closely with them at any point/on an ongoing basis?
- 3) How important are these organizations in the decision-making process, specifically with regard to policymaking?
- 4) What is the role and significance of the general population in the decision-making process, specifically with regards to policymaking? (Keep as secondary questions-For example, are they involved directly and/or indirectly in the process (if at all)?

Questions related to de-legitimacy/legitimacy?

- 1) How important are the stakeholders and the general public opinions regarding the policy proposals made by government?
- 2) How much would you say they are taken into account? How is that done?
- 3) Do you feel that stakeholders and the general public felt the FSL proposals were acceptable? What indications were present that showed legitimacy (trust in the decisions of government officials/policy-makers) was/was not present?

- 4) What factors, besides government actions, might affect the views stakeholders, and the general public have on FSL policy

Questions related to **policy tools** and **tool selection**

- 1) What means were used in the FSL policy process to gain support for the changes? How were they implemented? For what purposes?
- 2) Do you think these were successful? How did these affect the policy process?
- 3) How can trust of stakeholders and the general public be gained?

Are there any questions – topic that I should have asked/covered?

End with clarifications, additional information and recommendations concerning who else to speak with. Remind participants they will be asked to review transcript.

Semi-Structured Interview Guide

Questions for non-government stakeholders

The interview will examine French Second Language policymaking; the interactions between government officials and non-government stakeholders during the policymaking process; the ways your organization responded to the changes.

Organizational roles and responsibilities

- 1) Describe your organization and its general purpose.
- 2) What is your position in the organization?
- 3) What is your role/are your responsibilities in the organization?

French Second Language Policy

- 1) Can you describe the current provincial FSL policy?
- 2) What changes to the policy have you observed?
- 3) Can you give your thoughts on the current FSL policy?

Questions related to **actors and their linkages**

- 1) How did your organization respond to the proposed FSL change (related to FSL section question 3)?
- 2) What was the relationship your organization had with the Department of Education **prior** to the proposed changes?
- 3) Describe your relationship with government officials from the Department of Education **during** the FSL policy-making process (worked closely, loosely associated, etc.)?

- 4) How would you describe your current relationship with government?
- 5) Do you work with other non-government stakeholder and/or members of the public in relation to FSL? Who are they ? How would you qualify the relationship?

Questions related to **de-legitimacy/legitimacy**

- 1) How important is it that stakeholders and the general public legitimize/trust the policy proposals made by government?
- 2) If legitimacy is not present, what are examples of the ways political trust can be gained?
- 3) Do you feel that FSL policy proposals/changes are legitimate? Why or why not?
- 4) What were some of the ways that government worked with non-government stakeholders and the general public to gain your trust in the case of FSL policy. Do you feel this was successful?

Questions related to **policy tools and tool selection**

- 1) What do you think was the strategies used by the government officials to gain the support of your organization?
- 2) Did these affect you and your perceptions of legitimacy directed toward government officials and their policy proposal?
- 3) Were these an effective (or ineffective) way of gaining the trust of stakeholders and the general public? Please elaborate.
- 4) Do you think these affected the policy process and policy outcomes? How?

Are there any questions – topic that I should have asked/covered?

End with clarifications, additional information and recommendations concerning who else to speak with. Remind participants they will be asked to review transcript.

APPENDIX 6- Sample Letter of Information to Participants

Letter of Information-Procedural Policy Instruments and French Second Language Policy

University of Ottawa

Date

Dear **(participant)**,

This letter is an invitation to consider participating in a study I am conducting as part of my doctoral degree at the University of Ottawa's School of Political Studies, under the supervision of Professor Nathalie Burlone. I would like to provide you with more information about this project and what your involvement would entail if you decide to take part.

We will be investigating the ways government and non-government actors worked together throughout the formulation and eventual coming to fruition of French Second Language education policy and/or policy changes. I would like to include your department/organization as one of several to be involved in the study. I believe that because you are actively involved in the management and operation/research/policy and planning branch of your department/organization you are best suited to speak to the various issues.

Participation in this study is voluntary. It will involve an interview of approximately 60-90 minutes in length to take place in a mutually agreed upon location. All information you provide is considered completely confidential. Your name will not appear in any dissertation or report resulting from this study, however, with your permission anonymous quotations *may* be used. I would like to assure you that this study has been reviewed and received ethics clearance through the Office of Research Ethics and Integrity at the University of Ottawa.

In order to further discuss the research project and to schedule an opportunity to meet, I will contact you by telephone within the next two weeks. If you have any questions, please do not hesitate to contact me by email at email@uottawa.ca or by telephone at (xxx) xxx-xxxx.

I very much look forward to speaking with you and thank you in advance for your assistance with this project.

Sara Mitchell

PhD Candidate
School of Political Studies
Faculty of Social Sciences
University of Ottawa
(xxx) xxx-xxxx
email@uottawa.ca

Nathalie Burlone

Associate Professor and Project Supervisor
School of Political Studies
Faculty of Social Sciences
University of Ottawa
(xxx) xxx-xxxx
email@uottawa.ca

APPENDIX 7- Sample Consent Form

Consent Form

Title of Project: Procedural Policy Instruments and the Policy Process

Sara Mitchell

PhD Candidate
School of Political Studies
Faculty of Social Sciences
University of Ottawa

Nathalie Burlone

Professor and Project Supervisor
School of Political Studies
Faculty of Social Sciences
University of Ottawa

Invitation to participate: I am invited to participate in the above-mentioned project, undertaken by Sara Mitchell at the University of Ottawa, who is working under the supervision of Professor Nathalie Burlone.

Goal of the Research Project: To become familiar with how the French Second Language policy process unfolds. To gain insight into the education policy process. To comprehend and analyze the interactions between government officials and non-government stakeholders in the formulation and implementation of French Second Language policy in the province.

Participation Requirements: My participation involves engaging in one 60-90 minute telephone or in-person interview with the researcher, at a date and time that suits my convenience. The aim of the interview is to respond to questions related to the above-mentioned research goals. The interview will be audio recorded. At my discretion, I can refuse that audio recording takes place.

Risks to Participant and Voluntary Participation: I am aware that I can withdraw my consent to participate at any time, without penalty, by advising the researcher verbally and/or in writing. Any information obtained by the researcher up until the point of my withdrawal from the study will not be used to inform the final report. By signing this form, I am not waiving my legal rights or releasing the researcher and/or involved institutions from their legal and professional responsibilities.

Benefits: My participation in the research project will contribute to a better understanding of the manner in which government officials and non-government stakeholders interact to formulate public policy. Additionally, I will be adding to a body of knowledge concerned understanding the place of policy instruments in the policy process.

Confidentiality and Anonymity: I have been informed by the researcher that the information I provide will be kept completely confidential and used only for the purposes of the research project. The interview will take place in an enclosed space, unless I indicate otherwise, so as to ensure my answers will not be heard by individuals who are not involved in the research project. Only the researcher and project supervisor will have access to the information provided. The researcher will keep my identity anonymous by ensuring my name or other personal identifiers do not appear on any research report. I am aware that with my permission my answers will be audio recorded and that excerpts will potentially be used in the final report. Any quotations used will be anonymous. If needed for quotations, I am

aware the researcher will send, by mail or by password protected PDF file, the transcript of my interview for my review, before the material is used in the final report.

Data storage: Data will be retained for a period of five (5) years. All written records and audio recordings on compact disk will be kept in a locked filing cabinet, in the thesis supervisor's locked office. Any electronic/typewritten data will be stored on a password protected laptop, as well as a password protected USB memory stick. Paper copies of data will be shredded after the conservation period is complete. Electronic data (including information stored on compact disc) will be securely deleted.

With full knowledge of the foregoing, I, _____, agree of my own free will, to participate in this study.

YES _____ NO _____

I agree to have my interview audio recorded.

YES _____ NO _____

I agree to the use of anonymous quotations in any dissertation/report that comes of this research.

YES _____ NO _____

If I have any questions about the study, I may contact the researcher or her supervisor

This research project has been reviewed and received ethics approval through the Office of Research Ethics and Integrity at the University of Ottawa.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research, University of Ottawa, Tabaret Hall, 550 Cumberland Street, Room 159, Ottawa, ON K1N 6N5, by phone at 613-xxx-5841 or email at ethics@uottawa.ca

X

Participant Name Date

X

Researcher Name Date

APPENDIX 8-Documents List

New Brunswick

Government documents

General information (program descriptions, information booklets, background information)

Document Type: Information Chart
Title/Authors: Comparative Table, Government of New Brunswick (Department of Education).
Date Published: August 2008
Purpose for Dissertation: Summarizes key differences between past programs and new FSL program offerings. Was an information tool distributed to the public (chart with no explanation of the key differences, simply states what the former and current programs are called). Useful for case study.

Document Type: Information sheet
Title/Authors: An Improved French Second Language Model for a Quality Education System. GNB, ED.
Date Published: August 2008
Purpose for Dissertation: Briefly describes what the new FSL programs will resemble. Useful for case study. Information tool distributed to the public online.

Document Type: Background paper
Title/Authors: Revised FSL Model: a Background Paper. GNB, ED.
Date Published: August 5 th , 2008
Purpose for Dissertation: Useful for case study. Describes the changes to the programs, as compared to previous inceptions. Explains the shape the programs will take from kindergarten to grade 12, as well as individual subjects will be “affected.” Information tool used distributed on the website.

Document Type: Statistical Report/Survey
Title/Authors: Grade 12 Exit Survey: What’s on your Mind? , Policy and Planning Division. GNB, ED.
Date Published: 5 separate documents (2007-2011 inclusive)
Purpose for Dissertation: Useful for case study. This is a public report, made available on the GNB website and also demonstrates the type of information government provides the public

Document Type: Information brochure
Title/Author(s): Making the Choice on Learning French. GNB, ED.
Date Published: unavailable
Purpose for dissertation: Details as to what the various programs available to students are. Product of a (financially) collaborative effort between the federal and provincial governments. Exemplifies use of treasury tool and authority tools. Use of multiple tools.

Policy and other legislative documents

Document Type: Legislative document
Title/Authors: Education Act, Government of New Brunswick.
Date Published: 2001
Purpose for Dissertation: Useful for case study and provides information regarding governance structures (i.e.: rights and responsibilities of DEC's, Minister of Education's relationship to DEC's, voting structure of DEC's, etc) and language (instructional language, two official languages being represented by different divisions within the Dept. of ED). S.40-41 outline the powers of the Minister over the DEC.

Document Type: Education Policy
Title/Author(s): Policy 309: French Second Language Programs. GNB, ED.
Date Published: Revised July 2009
Purpose for Dissertation: Useful to inform case study. Outlines what is implemented in the forms of programs in the NB Anglophone school district.

Annual Reports (accountability reports, yearly overviews of education plans)

Document Type: Annual Report
Title/Authors: Annual Report 2005-2006, Commissioner of Official Languages for New Brunswick
Date Published: March 2007
Purpose for dissertation: Report given to me by COLNB, to explain their position on FSL in the province. Gives the organization's insight into the state of FSL, as well how the Commission(er) foresees the promotion of bilingualism taking place in the classroom (as well as external to it).

Document Type: Government document (outlines 5 year education plan)
Title/Authors: When Kids Come First: A Challenge to all New Brunswickers to build Canada's Best Education System. GNB, ED.
Date Published: June 5, 2007
Purpose for Dissertation: Gives context to why FSL changes were proposed, how the issues were framed (large scale issues of self-sufficiency and wanting NB to achieve it by 2026; literacy issues, poor PISA rankings within and external to Canada. Micro level issues such as inclusivity, learning opportunities and instructional issues).

Document Type: Accountability Report
Title/Authors: An Accountability Report on the Targets of When Kids Come First 2007. GNB, ED.
Date Published: December 2007
Purpose for Dissertation: Demonstrates how this report, released via internet to the public, frames the FSL issue. Its mention in the report is negligible and emphasizes the general goal of ensuring that 70% of high school graduates are able to function effectively (i.e. reach intermediate proficiency) in their second language as the major commitment they are dedicated to.

Document Type: Background information on proposed FSL changes
Title/Author(s): Backgrounder-FSL, Shannon LaBrecque http://educationinnb.wordpress.com/documents/backgrounder/
Date Published: 2008
Purpose for Dissertation: Demonstrates how information about proposed changes was disseminated to the attentive public. Shannon LaBrecque set up a facebook page to make available information about the changes, its flaws and made a call for members of the public to write letters to the Education Minister's office.

Document Type: Annual Report
Title/Author(s): 2007-2008 Annual Report, Office of the Commissioner of Official Languages for New Brunswick
Date Published: October 2008
Purpose for Dissertation: Demonstrates OCOLNB reaction/perception of FSL and related policy in the province, as well as the recommendation the Office makes to government. The report from this year addresses the issue of education under the heading "dealing with institutions", as opposed to the promotion of second language heading (perception). There is mention of how OCOLNB used OCOL's federal Act and position to justify its intervention in the beginning stages of the Croll-Lee Report (fed versus provincial policy)

Document Type: Accountability Report
Title/Authors: An Accountability Report on the Targets of When Kids Come First 2008. Gnb, ed.
Date Published: March 2009
Purpose for Dissertation: Demonstrates how this report, released via internet to the public, frames the FSL issue. Its mention in the report is negligible and emphasizes the general goal of ensuring that 70% of high school graduates are able to function effectively (i.e. reach intermediate proficiency) in their second language as the major commitment they are dedicated to.

Document Type: Accountability Report
Title/Authors: An Accountability Report on the Targets of When Kids Come First 2009. GNB, ED.
Date Published: February 2010
Purpose for Dissertation: Demonstrates how this report, release via internet to the public, frames the FSL issue. Its mention in the report is negligible and emphasizes the general goal of ensuring that 70% of high school graduates can function effectively (i.e. reach intermediate proficiency) in their second language as the major commitment they are dedicated to. The 2010 report's content is very similar to that found in the 2009 report.

Government Research Reports (program assessments and recommendations, including commissioned reports)

Document Type: Research Report
Title/Authors: French Second Language Learning in New Brunswick Schools: Paradigms, Challenges and Strategies, Sally Rehorick, French Second Language Teacher Education Centre (now the Second Language Research Institute at UNB)
Date Published: December 1993
Purpose for Dissertation: One of the first major reports reviewing the programs and techniques used by FSL teachers in New Brunswick. Its recommendations are argued to be used to inform the first inception of Policy 309. Many of the recommendations made during this period address issues that are similar to what are identified as “problems” with FSL in its current state.

Document Type: Research Report
Title/Authors: French Second Language Program Evaluation, PricewaterhouseCoopers
Date Published: September 15, 2000
Purpose for Dissertation: The report is often used by policy actors (both, directly and indirectly, involved in policymaking) to justify their position about what FSL program to implement. The report shows that early immersion is the optimal program, but the grade 6 entry point is in fact favoured by some. The department first consulted with stakeholders it identified as key and developed their own questions, which PricewaterhouseCoopers then used as the basis of the research report. Consultation and the question development are procedural tools.

Document Type: Research Report
Title/Author: Schools Teach-Parents & Communities Support-Children Learn-Everyone Benefits: A Review of the New Brunswick Education System Anglophone Sector. Elana Scraba.
Date Published: April 24, 2002
Purpose for Dissertation: Often quoted in the research and used as evidence that the FSL programs in the province are problematic.

Document Type: Research Report
Title/Author: Connecting Care and Challenge: Tapping our Human Potential/Inclusive Education: A Review of Programming and Services in New Brunswick. By: A. Wayne MacKay
Date Published: January 2006
Purpose for Dissertation: Although this report covers the topic of inclusion throughout the NB education system, it does touch on FI specifically. It is used by groups, like CPE (see: http://www.cpfnb.com/reports/McKay%20Report/Press%20Release,%20MCKAY%20REPORT,%20Inclusive%20Education.pdf) to legitimize their position that Immersion needs to be inclusive. Government used the report to back up their claims that the current FI programs were not inclusive and needed to be revamped. Report commissioned by the government, use of information tool. Government also used the report to legitimize their decision to commission the a study (p.99 Croll Lee).

Document Type: Research Report
Title/Author(s): Quality Learning in French Second Language in New Brunswick: a Brief to the Department of Education, Sandra Rehorick, Joseph Dicks and Paula Kristmanson (for the then Second Language Education Centre)
Date Published: April 2006, not released publicly until November 2007.
Purpose for Dissertation: The results of the report were originally kept from the public until the document was leaked in 2007. Public outcry led to it being published by the Department of Education (need Department's view of this). Demonstrates government's ability to restrict access to its tools (in this instance, an information tool). Use of authority tool (hiding info). The report's findings and recommendations stand in contrast to the 2007-2008 proposed changes to eliminate EFI.

Document Type: Research Report
Title/Authors: Report of the French Second Language Commission: A Comprehensive Review of French Second Language Programs and Services Within the Anglophone Sector of the New Brunswick Department of Education, Patricia Lee and Dr. James Croll
Date published: 18/02/2008
Purpose for dissertation: Key report, was the catalyst for changing FSL entry point in NB and used as a substantive instrument, to try and justify changes to the service being provided to NB

students. Might demonstrate that procedural tools can be used as a reaction to substantive ones? The consultation process itself was a procedural tool (specific participants were invited to contribute their thoughts on the current programs and what they thought would be the best approach to FI. One on one consultations, web consultations with members of the public, focus groups and questionnaires for teachers were used).

Document Type: Report

Title/Author(s): Report of the Ombudsman into the Minister of Education's Decision to Modify the French Second Language Curriculum, Ombudsman and Child and Youth Advocate

Date published: June 2008

Purpose for Dissertation: Highlights flaws in government decision makers policy process. The recommendations have implications for implementation. Deeply critical of the agenda-setting, as well as formulation processes and deeply critical of how the Department of ED handled the evaluation component of the formulation process (highlights how the process is not linear too. Evaluation can occur at multiple stages of the process). Members of the attentive public expressed distrust in the decisions of government and contacted the Ombudsman, who in turn evaluated the policy and decision-making process. The Ombudsman states that its role is to review administrative action, the cornerstone of which is "the adoption, formulation or application of general public policy" (3). Ultimately, the provincial government (specifically the Department of ED) rejected the recs of the Ombudsman and carried on with its consultations, etc. (evidence of authority tools).

Document type: Government Report

Title/Author(s): Report of the French Second Language Task Force

Date of Publication: February 2012

Purpose for dissertation: Depicts the use of procedural instruments by government actors at the evaluation stage of the policy process. The creation of a "task force" and public consultations (nodality tools). Additional actors invited into the process to determine the viability of what was implemented. The report itself highlights the de-legitimacy expressed by members of the attentive public towards not only decision-makers but the policy content and programs implemented as a result of the policy.

Government communications (statements, press releases)

Document Type: Communication

Title/Authors: Department of Education Response to the Recommendations of Pricewaterhouse Coopers on FSL Programs, Department of Education (Government of New Brunswick)

Date of Publication: unavailable

Purpose for Dissertation: Evidence of substantive tools (tangible steps government is taking to change how programs are implemented, thus affecting the service directly). Demonstrative of government's authority insofar as implementing program changes.

Document Type: Government Communication/Press Release
Title/Author(s): Review of French Second Language and programming services launched. GNB Communications Dept (obtained in a search of 419 archived press releases by GNB). http://www.gnb.ca/cnb/news/edu/2007e0941ed.htm
Date Published: July 23, 2007
Purpose for Dissertation: Shows government's attempt at legitimizing its course on FSL.

Document Type: Government Communication/Press Release
Title/Author(s): Comments sought to help strengthen French second-language and programming services. GNB Communications. http://www.gnb.ca/cnb/news/edu/2007e1182ed.htm
Date Published: September 19, 2007
Purpose for Dissertation: Tool example. Use of consultation.

Document Type: Communication
Title/Authors: Terms of Reference for a Review of French Programming in New Brunswick, Department of Education, Government of New Brunswick
Date of Publication: July 3, 2007
Purpose for Dissertation: Provides information about the agenda-setting phase of the proposed changes to policy 309 (i.e. justifying the reasons for the changes).

Document Type: Press Release/Communication
Title/Author(s): Public comment invited on the review of French second-language programs and services. GNB Communications. http://www.gnb.ca/cnb/news/edu/2008e0264ed.htm
Date of Publication : February 28, 2008
Purpose for Dissertation : Use of tool (consultation), interestingly, there is no mention of where to obtain the Croll Lee Report citizens are being asked to comment on, nor what the feedback will be used for.

Document Type: Government Communication
Title/Author(s): Public comment invited on the review of French second-language programs and services, Department of Education (Government of New Brunswick)
Date Published: February 29, 2008
Purpose for Dissertation: Evidence of procedural tool (public consultation), an invitation to participate released on government website, with two-week consultations taking place during spring break, thus limiting actor participation.

Document Type: Government Communication
Title/Author(s): Response to French-second language report, Department of Education (Government of New Brunswick)
Date Published: March 13, 2008
Purpose for Dissertation: The communication is evidence of government using a procedural tool for agenda-setting (controlling who has access to information dissemination about the information that will be used to formulate policy changes-the Croll-lee Report).

Document Type: Government of New Brunswick press release/promo
Title/Author(s): Backgrounder on French Second Language, Government of New Brunswick
Date Published: March 14, 2008
Purpose for Dissertation: Provides brief background information FSL changes and is useful for the case study section of the dissertation. Also demonstrates the way in which the program changes were presented to the public (i.e. how these were framed).

Document Type: Government News Release
Title/Author(s): Improvements being made to French Second Language programs and services, Department of Education (Government of New Brunswick)
Date Published: March 14, 2008
Purpose for Dissertation: Gives an idea of how government framed the policy changes (re-formulation of the policy and subsequent program changes will lead to reaching proficiency targets. Will reduce streaming and leave room to focus on literacy improvement among students, since it is one of the subjects NB students rank last nationally in. Calling it “Universal Intensive French” and making it so that ALL students take French in Grade 5 also addresses the inclusivity issue.

Document Type: Government Communication (Fed)
Title/Author(s): Statement from the Commissioner of Official Languages – Reform of French Second Language programs in New Brunswick. Graham Fraser, OCOL. http://www.ocol-clo.gc.ca/html/release_communique_14032008_e.php
Date Published: March 14, 2008
Purpose for Dissertation: Reaction from the wider political sphere. Points to the power of the provinces with regards to education.

Document Type: Press Release/Government Communication
Title/Author(s): Comments encouraged on French Second Language programming. GNB Communications. http://www.gnb.ca/cnb/news/edu/2008e0896ed.htm
Date Published: June 13, 2008
Purpose for Dissertation: Exemplifies tool use. Need to legitimize.

Document Type: Press Release/Government Communication
Title/Authors: Stakeholder consultation on French second-language programming. Communications GNB. http://www.gnb.ca/cnb/news/edu/2008e0997ed.htm
Date Published: July 7, 2008
Purpose for Dissertation: Describes legitimization, tools of consultation.

Document Type: Press Release/ Government Communication
Title/Author(s): Consultation results in improved French second-language programming. GNB Communications. http://www.gnb.ca/cnb/news/edu/2008e1124ed.htm
Date Published: August 5, 2008
Purpose for Dissertation: Outlines action plan for new FSL program.

Document Type: Press Release/Government Communication
Title/Author(s): Students benefiting from revamped French Second Language program. GNB Communications. http://www.gnb.ca/cnb/news/edu/2009e1107ed.htm
Date Published: August 12, 2009
Purpose for Dissertation: Tool to promote government's decision (under recent Minister Roland Hache)

Document Type: Press Release/Government Communication
Title/Author(s): More New Brunswick students taking an interest in learning French. GNB Communications. http://www.gnb.ca/cnb/news/edu/2009e1400ed.htm
Date Published: September 23, 2009
Purpose for Dissertation: Discussion of newly implemented programs, reminder that it is successful .

Document Type: Press Release/Government Communication
Title/Author(s): Canadian Parents for French donates activity kits to anglophone schools. GNB Communications. http://www.gnb.ca/cnb/news/edu/2009e1975ed.htm
Date Published: December 11, 2009
Purpose for Dissertation: Shows cooperation, substantive instruments. Stakeholders place in FSL implementation.

Document Type: Government of New Brunswick press release
Title/authors: Province launches new parent information campaign on revamped French Second Language programs, Government of New Brunswick
Date of Publication: 19/02/2012
Purpose for Dissertation: evidence of information tool. Product of federal-provincial cooperation, joint funding initiative (treasury tools).

New Brunswick:

Stakeholder Documents

Associational reports

Document Type: Associational report
Title/author(s): The State of French Second Language Education in Canada 2006, Canadian Parents for French (national)
Date of Publication: 2006
Purpose for Dissertation: Document recommended by CPF's researcher Joan Hawkins. Outlines enrollment trends by province and offers an evaluation of various FSL-related variables in each province in Canada. Gives what the provinces have to say about specific issues (some accountability and policy related matters measures) and also how CPF interprets the variables (i.e. are goals being met, are provinces committed to FSL implementation and promotion, etc.)?

Document Type: Associational report
Title/author(s): Improvements and Barriers to Equitable Access to FSL Programs, Canadian Parents for French (national)
Date of Publication: 2008
Purpose for Dissertation: Purpose for Dissertation: Documented recommended by Joan Hawkins of CPF. Offers some of the key barriers to FSL and immersion program enrollment by province. Speaks to the specific barriers in place in NB and NS. Interesting to note that in NS, the barriers mentioned rarely came up when talking to FSL consultants, other stakeholders or government officials.

Document Type: Associational report
Title/author(s): Be Bilingual in this Place, Citizens for Educational Choice
Date of Publication: 2008
Purpose for Dissertation: Highlights stakeholders' response to proposed FSL changes in New Brunswick. Highlights the actors that government decision makers must navigate regarding the networks of actors involved in the policy process. Criticizes use of procedural instruments and proposes new ones. Expresses de-legitimacy and demonstrates how members of the attentive public can influence instrument selection.

Document type: Research report
Title/author(s): An Alternative Plan for FSL in New Brunswick, P. Kristmanson, and J. Dicks
Date published: May 7, 2008
Purpose for Dissertation: Oft-cited in the literature as evidence to counteract the LFI proposal made by government. Useful to summarize reaction the public/stakeholders had to the decision and the willful ignoring by government of the suggestions made by stakeholders to alleviate the problems with the current EFI program (actor restriction, a key feature of procedural instruments).

Document Type: Presentation/Lecture (presentation of research)
Title/author(s): The Power of Persuasion: Parents, Political Decision-Making, and the Future of French Immersion, Joseph Dicks (also see Bilingual Education Policy and Parental Empowerment, Joseph Dicks and Karla Culligan, a Presentation at the University of Utrecht, the Netherlands, July 10, 2009, available from: http://www.unbf.ca/L2/Research/current/documents/JoeKarlaISB7_July10.pdf)
Date Published: July 2009
Purpose for Dissertation: Dr. Dicks is a leading researcher in FSL programs and is the Director the Second Language Research Institute at the University of New Brunswick. He, as well as his colleagues, were quite active in refuting the Department of Education's claims that LFI is, in fact, better than EFI. This presentation provides insight into how members of the attentive public become stakeholders and are arguably able to influence policy and decision-making. Instrument literature would dictate that policy decision-makers in this instance did not restrict their access, as evidenced by public consultations, etc. Dr. Dicks' presentation, in fact, shows that parents were invited into the decision-making process, whereas researchers, etc., were restricted.

Document Type: Research Report
Title/author(s): Review of Ministry of Education Policies Affecting Equitable Access to FSL, Callie Mady, Glenda Black & Kathryn Fulton
Date Published: June 11, 2010
Purpose for Dissertation: Purpose for Dissertation: Overviews the existing provincial policies pertaining to FSL.

Document Type: Associational report
Title/author(s): The State of French Second Language in Canada, Canadian Parents for French
Date Published: October 15, 2010
Purpose for Dissertation: Purpose for Dissertation: Although largely focused on 2009 onward, the document lists the achievements and obstacles provinces face in relation to FSL.

Discussion papers/commentary

Document Type: Policy Brief
Title/authors(s): The Case for Universal French Immersion, Dr. Douglas J. Wilms
Date published: April 28, 2008
Purpose for Dissertation: The Wilms brief was one of the few that came out in favour of universal French immersion, a position in line with the government of N.B.: Dr. Wilm's is a social policy expert and Canada Research Chair, and the brief demonstrated that universal French was inclusive and equitable, compared to EFI. Later, Dr. Wilms was included among the various stakeholders consulted Task Force commissioned by the Conservative government to study which entry point was best for FI. The brief was not without controversy, many

experts felt that Dr. Wilm's was not best suited to speak to the issues because of his academic background (he was not an FSL expert). The government used his brief as a tool to support and champion their position while further denying the claims of actors who felt it was not a viable research report. The Institute for which it was written has a mandate that aims to, among other issues, improving the education and care of Canadian youth. Government's reliance on Dr. Wilm's report to support own position further reinforced that the FSL issue was one of equality of opportunity for all students and would help remedy what was arguably seen as unequal access to French and the promotion of streaming, etc. At the end of the report, there is focus put on how the reform will likely improve literacy skills for all NB students, thus taking the emphasis on early vs. Late second learning and framing it so that the issue becomes more a matter of improved literacy for all (regardless of socioeconomic status, ability, etc.).

Document Type: Discussion Paper
Title/authors: Government Renewal: Discussion Paper, Department of Education and Childhood Development (Government of New Brunswick)
Date Published: September 2011
Purpose for Dissertation: Explains governance structures and relationships among various actors (government, districts, education councils, etc). Useful for case study and understanding who partakes in policymaking and who is accountable to whom.

Public Consultation Results

Document Type: Public Record
Title/authors: Comments from the public on proposed FSL changes
Date Published: 2008
Purpose for Dissertation: Shows the public's opinion on FSL. Is a tool used by government to invited members of the public to partake indirectly in informing the policy. Several rules are put in place that regulate the commentary, demonstrating government's control over the process and use of tools in a semi-restrictive manner.

Communications (press releases, statements, news releases letters and responses to government)

Document Type: Position Paper
Title/Author(s): Inclusive Education: A Review of Programs and Services in New Brunswick. CPF NB (Jane Keith and Robert Bernier)
Date Published: May 2005
Purpose for Dissertation: Shows stakeholder groups response to government-commissioned reports on inclusion, inclusive of FSL. CPF lists this response in conjunction with the MacKay report on their web page.

Document Type: Communication
Title/authors: French Advisory Committee: An Idea Whose Time has come, Walter Lee (Pres. CPF NB)
Date of Publication: 2007
Purpose for Dissertation: Evidence of a procedural tool, suggested by stakeholders (put in place a committee to monitor implementation of policy 309). If government chose to implement this tool, it would, in fact, be a procedural one, as they would be permitting certain actors to monitor policy implementation. I was informed an advisory committee was indeed implemented but dismantled after government lost interest. In this case, the advisory committee was put in place to monitor implementation of the new FSL programs.

Document Type: Brief/Response to GNB ED
Title/Author(s): Brief on Systemic Barriers to Implementing Inclusive Education in New Brunswick. New Brunswick Association for Community Living
Date Published: June 2007
Purpose for Dissertation: Although the brief is largely a response to the NB government's plan on inclusive education, on a wide scale, there is some focus on FSL issues.

Document Type: Press Release
Title/authors: Press Release, Canadian Parents for French (National Chapter)
Date Published: October 31, 2007
Purpose for Dissertation: Exemplifies how stakeholders react to proposed policy (and consequently, program) changes.

Document Type: Letter
Title/authors: Letter to all supporters of Early and Later Immersion programs, Walter Lee (President CPF NB)
Date published: November 16, 2007
Purpose for Dissertation: Sample reaction to proposed changes. Call to members of the attentive public to access decision-makers.

Document Type: Letter
Title/authors: Letter to the Minister of Education, Cathie M. Hurley (Assistant Dean, Faculty of Business Administration, UNB)
Date Published: November 17, 2007
Purpose for Dissertation: Sample of a member of the attentive public's response to proposed changes

Document Type: Associational Statement
Title/author(s): A Response to Minister Lamrock's Justifications for His FSL Plan, Citizens for Educational Choice
Date of Publication: 2008
Purpose for Dissertation: Shows reaction of stakeholder groups, specifically of a stakeholder group formed in response to proposed policy changes. Response issued to members of the attentive public criticizes tools used by government officials.

Document Type: Research Institute Position Paper/Response
Title/author(s): Position Statement to the Commissioners of the Review of French Second Language Programs in New Brunswick, Dr. Joseph Dicks, and Dr. Paula Kristmanson, for the Second Language Research Institute (UNB)
Date Published: January 2008
Purpose for Dissertation: Provides information about the reaction researchers', who were ultimately excluded from the policy network, had to offer about the government's proposed decision to make changes to FSL in N.B.: The L2RIC is very active in providing services to school districts, through PD and consultations, yet were excluded at the policy decision-making level, regardless of their expertise in FSL programs.

Document Type: Research Institute position paper
Title/authors: Reaction to the Report of the French Second Language Commission to the Minister of Education New Brunswick, Dr. Joseph Dicks, and Dr. Paula Kristmanson
Date of Publication: February 28, 2008
Purpose for Dissertation: Reflects the counter position to that of government. Shows flaws of the report issued by the Minister criticizes their procedural tool. Ultimately, these actors were restricted from participation in the policy domain/network.

Document Type: Newsletters
Title/Author(s): ACPI's monthly (approximate) newsletters
Date Published: 2008 (March, April, May, June)
Purpose for Dissertation: ACPI's newsletter is such that it offers resources for teachers and links to news articles, events, etc., relating to immersion. The newsletters' inclusion in the dissertation is because it demonstrates how this particular stakeholder group remains neutral regarding its reaction to decisions of government. Instead, they link to news items or other associations responses to FSL related events. The One exception is the joint letter they sent to the Minister of ED under the heading "Consortium of Canadian Universities...".

Document Type: Letter
Title/authors: Open Letter to the Honourable Kelly Lamrock, Minister of Education, Province of New Brunswick, the Consortium of Canadian Universities Advising the Canadian Association of Immersion Teachers
Date published: March 5, 2008
Purpose for Dissertation: Reaction to the program changes proper.

Document Type: Letter
Title/author(s): Letter to the Minister of Education NB
Date of Publication: March 2008
Purpose for Dissertation: Demonstrates experts' response to the Ministers' decision. The Croll Lee Report heavily cited Netten and Germain's IF pilot program and the report inferred from Netten and Germain's approach that EFI should be replaced with IF.

Document Type: Letter
Title/authors: Letter to the Premier of New Brunswick, Dr. Joseph Dicks
Date of Publication: March 8, 2008
Purpose for Dissertation: Response to the instruments used by government to gain support for FSL policy and program changes.

Document Type: Associational Letter to members
Title/author(s): CPFNB Letter to Parents, Walter Lee (CPF NB President)
Date of Publication: March 8, 2008
Purpose for Dissertation: Demonstrates stakeholder group reactions to government tools and proposed policy/program changes.

Document Type: Association statement/response
Title/authors : FSL: Report of the French Second Language Commission, Canadian Association of Second Language Teachers
Date of Publication: March 14 th , 2008
Purpose for Dissertation: Response to proposed changes to FSL in New Brunswick. CASLT is an organization that is consulted by government to do professional development in schools and is funded, in part, by Canadian Heritage. They are a large stakeholder group but were not consulted during the consultation period by the Department of Education. Arguably, they were excluded/restricted from accessing the policy network.

Document Type: Press Release
Title/author(s): Canadian Parents for French, New Brunswick disappointed and alarmed with Education Minister's announcement to eliminate Early French Immersion, CPF New Brunswick
Date of publication: March 14, 2008
Purpose for Dissertation: CPF is a major stakeholder involved in advocacy in NB (and funded by Canadian Heritage), and this relays their reaction to the announced changes. They cite their lack of involvement in the decision-making process as problematic, which is evidence of their having been excluded from the policy network.

Document Type: Response by statisticians to the Croll/Lee Report
Title/author(s): Response to the Review of French Second Language Programs and Services in New Brunswick, Dr. Diana Hamilton, and Dr. James Litvak
Date of Publication: March 15 th , 2008
Purpose for Dissertation: Attempt to discredit the instrument used by government. Government's lack of response to the report indicates their power to restrict their access to the network. Made available to members of the attentive public. The two researchers are biology professors, with expertise in statistics. The authors point out that those who criticize the report are seen as having a "special interest" or "agenda", and are thus discredited. Evidence of decision-makers' attempts to shape how groups are viewed regarding their interests (i.e. biased), thus dismissing their viewpoints on the subject matter and restricting their access to the policy networks. Overall, a useful document to show the problems with the Croll-Lee report and to demonstrate why members of the public/stakeholders were dissatisfied with the decision-making process related to FSL in N.B.:

Document Type: Response to FSL changes
Title/author(s): Beyond Hysteria: The Facts about FSL and the Lamrock Plan, compiled by Alison Menard, for FSL ACTION
Date Published: March 22 nd , 2008
Purpose for Dissertation: Provides an overview of the many associational and researchers' responses to the proposed changes to FSL, making it a useful guideline. Reflective of stakeholders'/members of the public responses to the change. Contains approximately 18-20 pages of letters to various NB newspaper editors, showing reaction of the attentive public (notably, this is the viewpoint of the side that is against the proposed changes).

Document Type: Response to FSL changes
Title/author(s): The New Brunswick Government's Decision to Scrap its Early French Immersion Program. Anne Kothawala, President French for the Future.
Date Published: March-May 2013.
Purpose for Dissertation: Stakeholder expressing de-legitimization.

Document Type: Judgment rendered
Title/author(s): Small and Ryan v. New Brunswick (Minister of Education), Justice Hugh McLellan
Date of Publication: June 11, 2008
Purpose for Dissertation: Members of the attentive public, as well decision-makers involved in policy making, can use the Courts to influence policy. Judicial review in this instance is a tool (is it? Since it was used by members of the attentive public, is it really considered a tool?) and it was used procedurally, in order to request government allow, in part, more participation on the part of the attentive public and stakeholders indirectly involved in the policymaking process, to partake in contributing to policy formulation. Shows evidence of both networked

and legal governance, two of the four modes of governance Howlett claims are present in most democracies.

The Minister's decision to implement LFI for the upcoming school year was quashed by the Court because of a lack of proper/adequate review of the issues. However, the decision to study the subject further, as well as what methods of study should be used, was left up to the Minister. Demonstrates, once again, the power of decision-makers when formulating/implementing policy. Results of this led to the implementation of several tools (public consultations, task force creation, etc.). Ultimately, up to government to determine what they would implement regarding tools.

Document Type: Research Institute position paper

Title/authors: The Case for Early Immersion: A Response to J. Douglas Willms, Dr. Joseph Dicks for the Second Language Research Institute

Date published: May 5, 2008

Purpose for dissertation: Counters the policy brief published by Dr. Willms and CRISP, which was used as support by government for FSL reforms.

Document Type: Response to Minister

Title/author(s): Response to CBC Radio Interview with Minister of Education Kelly Lamrock, Joseph Dicks. <http://hamlit2008.blogspot.ca/2008/05/response-to-cbc-radio-interview-with.html>

Date Published: May 18, 2008

Purpose for Dissertation: Response to government tool.

Document Type: Response

Title/authors: Response to FSL Review Questions, Canadian Parents for French NB

Date published: Summer 2008

Purpose for Dissertation: Demonstrates how stakeholder group responds to the tool implemented by government (online public consultations) regarding the proposed changes to FSL in the province.

Description: Answers the questions asked by the Department of Education regarding FSL review. Interestingly, the need to adhere to policy 309 is reiterated in the answers by CPF. Shows the importance of policy in education program implementation.

Activism

Document Type: Sample letter/letter template

Title/authors : Sample Letter/Template for parents' letters to politicians (MLA, MP, Minister of Education, Premier), Canadian Parents for French

Date Published: November 15, 2007

Purpose for Dissertation: Demonstrates the response to policy changes by stakeholders

Document Type: Advocacy literature
Title/authors: Chart-CPF Research Resources for Evidence-Based Advocacy Activities, Canadian Parents for French
Date Published: November 26, 2007
Purpose for Dissertation: Demonstrative of stakeholder tactics.

Document Type: Petition
Title/Authors: French Second Language Action Petition, Canadian Parents for French
Date of Publication: N/A
Purpose for Dissertation: Illustrates how members of the attentive public and stakeholders involved indirectly in the policy network push back against the restrictions placed on their access to policymaking.

Nova Scotia

Government Documents

General information (program descriptions, information booklets, background information)

Document Type: Program Description
Title/authors : Orientation Document for Atlantic Core French Curriculum, GNS, ED.
Date of Publication: 1998
Purpose for Dissertation: Outlines core French program and offers comparison to other Atlantic Provinces.

Document Type: FAQ
Title/authors: Parents' FAQs about Intensive French/French Immersion (2 documents). Drs. Joan Netten and Claude Germain
Date of Publication: August 2004
Purpose for Dissertation: As found on the ED NS website. Provides information addressing parental concerns regarding FSL. Indication of NS ED providing information (tools).

Document Type: Program Descriptions
Title/Authors: French Second Language Programs. GNS, ED. Available from: https://fsl.ednet.ns.ca/content/french-programs
Date of Publication: Last update 2010
Purpose: Program description

Document Type: Program Description
Title/Author: Grades 4-12 Core French, Grade 6 Intensive French, and French Immersion. South Shore Regional School Board.
Date of Publication: Updated 2013
Purpose: Only school board document found that speaks directly to exemptions.

Policy and other legislative documents

Document Type: Legislative document
Title/Author(s): Education Act, Government of Nova Scotia
Date of Publication: 1996
Purpose for dissertation: Explains governance structures and roles of the school boards.

Document Type: Policy Document
Title/Author(s): French Second Language Policy, Halifax Regional School Board
Date of Publication: 1998
Purpose for Dissertation: Provides insight into how a school board based policy differs from the provincial one. No mention of exemptions, which is said to be the biggest issue of the day with regards to FSL policy in the province.

Document Type: Policy document
Title/Authors: Program Policy for French Second Language Programs. GNS, ED.
Date of Publication: June 1998
Purpose for Dissertation: This is the policy guiding FSL program implementation. Contains vital information regarding programs, regulations, and rules.

Document Type: Policy document
Title/Author(s): Policy Development and Review Policy, Halifax Regional School Board
Date of Publication: March 11, 2011
Purpose for dissertation: Given to me by the corporate secretary for the HRSB. Outlines how policy is developed and reviewed. Interestingly, it pays little attention to the role of provincial policy in shaping their policy designs beyond stating the policy framework would abide by parameters outlined in the ED Act.

Annual Reports (accountability reports, yearly overviews of education plans)

Document Type: Program Review
Title/Authors: French Immersion Review Committee Report, GNS.
Date of Publication: June 2002

Purpose for Dissertation: Last formal set of provincial recommendations releases regarding FSL in the province. Produced after a series of criticisms were aimed at the HRSB. Authority tool.

Document Type: Accountability Report
Title/ Authors: Accountability Reports 2006-2009. (3 documents) GNS, ED.
Date of Publication: 2007-2010
Purpose: Provides government's interpretation of FSL programs and where improvements have been made.

Document Type: SIP
Title/Authors: French Language Services Plans 2007-2009 (2006 unavailable). GNS, ED.
Date of Publication: 2007-2009 (2 documents).
Purpose for Dissertation: Demonstrates the strong focus the department puts on improving French and Acadian culture. Point of comparison with N.B.: Outlines some of the tools the department uses to achieve this.

Government communications (statements, press releases)

Document Type: Government news release
Title/Authors: Working Group to Better Match Assignments to Teacher Background. GNS, ED. Available from: http://novascotia.ca/news/release/?id=20080114006
Date of Publication: January 14, 2008
Purpose for Dissertation: FI teachers deemed unqualified. Substantive information tools.

Stakeholder Documents

Associational Reports

Document Type: Information booklet
Title/Authors: The Benefits of the French Immersion Program (CPF NS)
Date of Publication: N/A
Purpose: Linked from the ED NS web page, not something one sees in N.B.: Contains statement about benefits of FI for students.

Document Type: Program Review
Title/Author: The Delivery of French Immersion. Dr. Jim Gunn for the Halifax Regional School Board.
Date of Publication: March 2011

Purpose for Dissertation: An overview of the Board's progress and challenges since 1996. Speaks to key issues in FI. Dr. Gunn is an expert on governance structures and correlates the problems with programs to the problems with school board and department governance.

Federal Government Documents

Document Type: Informational Document
Title/Author(s): Enhancement of Official Languages Program, Canadian Heritage
Date of Publication: n/a
<p>Purpose for Dissertation: Purpose for Dissertation: Provides an outline of how Canadian Heritage Useful for dissertation because it reinforces how macro (fed-provincial), meso (provincial-school district) and micro (school district-school level) are disconnected. Policies are in place, but their implementation is arguably faulty.</p> <p>Provides information about the funding structure between the federal government, CMEC and the provinces. Macro-level view.</p> <p>Gives details about how funding can be obtained and how with regards to Canadian Heritage providing money to non-profits. Non-profits (CPF NB) state that they are also supposed to received funding from the Dept. to work on joint projects but do not receive it. When Departments were asked about his, it was denied.</p>

Document Type: Agreement
Title/author(s): Protocol for Agreements For Minority-Language Education and Second Language Instruction 2005-2006 to 2008-2009 between the Government of Canada and the Council of Ministers of Education, Canada. Minister of Public Works and Government Services of Canada
Date of Publication: 2005
<p>Purpose for Dissertation: Outlines the guidelines and regulations pertaining to how Has some explanatory value regarding the relationship between stakeholders and provincial governments. For example, it states that Departments of ED should consult with stakeholders regarding their provincial action plans and that it should be included in their description of their action plan that is given to government. However, it does not specify who stakeholders are, for example. Further, the transferring of funds between programs is at the discretion, for the most part, of provincial governments. Emphasis is on consultation with stakeholders who help to deliver programs such as Odyssey, which are federal initiatives.</p>

Document Type: Interim Report
Title/Author(s): Pan-Canadian Interim Report on Official Languages in Education, Council of Ministers of Education, Canada
Date of Publication: 2008

Purpose for Dissertation: Purpose for Dissertation: Document offers a breakdown of accomplishments and achievements in the individual provinces. Because funding for FSL comes from agreements between the Department of Heritage and individual provinces, provinces are likely "forced" to show their achievements and CMEC also likely would like to show positive assessments of how funds are spent so as to encourage funding maintenance, etc. The NB case only mentions "program improvements" and paints the program changes positively. Emphasis is on pilot programs and how funding has helped to implement them. Mentions funding for "cultural experiences"...formal Experience Culturel was only implemented in 2008 school year, though.

In NS, mention of lessening the dropout rate is made but no links to formalized policy on exemptions. Funding for sociocultural activities, as spearheaded by CPF is mentioned too.

Document Type: Final Report

Title/Author(s): Pan-Canadian Report on Official Languages in Education, Council of Ministers of Education, Canada

Date of Publication: 2011

Purpose for Dissertation: Purpose for Dissertation: National report produced by CMEC on the state of FSL across the country. More specifically, it looks at official language education from 2005-2009 in the various Canadian provinces and territories. Mentions changes to NB programs and entry points in detail and also states they were adopted after "extensive consultation" but does not mention what that entailed. NS section mentions improved enrollment and access to programs, but no mention of exemption restrictions.

APPENDIX 9-Consulted Websites

Government Websites Consulted

<p>New Brunswick</p>	<p>Attorney General (Education Act): http://laws.gnb.ca/en/deplinks?subjectnumber=7</p> <p>Commissioner of Official Languages (publications): http://www.officiallanguages.nb.ca/publications-links-other</p> <p>Communications New Brunswick (news archives): http://www.gnb.ca/cnb/cnbnews/detail-e.asp?ID=20</p> <p>Department of Education:</p> <p>FSL consultation: http://gnb.ca/0000/comm/eng-commP1-f.asp</p> <p>FSL information site (no longer operational, archive offered below): http://web.archive.org/web/20081121094015/http://www.gnb.ca/cnb/Promos/Edu/index-e.asp</p> <p>Policies: http://www.gnb.ca/0000/policies.asp</p> <p>Publications and statistics: http://www.gnb.ca/0000/pub-e.asp</p> <p>Office of the Ombudsman (independent of government, but officer of Legislative Assembly): http://www.gnb.ca/Ombudsman/publications-e.asp</p>
<p>Nova Scotia</p>	<p>Department of Education and Early Childhood Development:</p> <p>French Second Language Services Branch: https://www.fsl.ednet.ns.ca/goals-objectives</p> <p>Policies (Public School Policies): https://www.ednet.ns.ca/document_depot.shtml#publicschoolpolicies</p> <p>Publications (Document Depot): https://www.ednet.ns.ca/document_depot.shtml</p> <p>Government of Nova Scotia (manages news archives): http://novascotia.ca/news</p> <p>Nova Scotia Legislature (Education Act): http://nslegislature.ca/index.php/proceedings/statutes/</p>

Federal	<p>Canadian Heritage:</p> <p>Official Language Support Programs: http://www.pch.gc.ca/eng/1266413216352</p> <p>Office of the Commissioner of Official Languages:</p> <p>Publications and Research: http://www.pch.gc.ca/eng/1358782271442/1358782541079</p>
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Stakeholder Group Websites

National Stakeholder Groups	
<p>Organization: Canadian Parents for French (CPF)</p> <p>Organizational purpose and goals: Promotes and creates French second language learning opportunities for Canadian elementary and high school students. Establishes, along with their provincial branches, activities to promote FSL learning. Includes day camps, public speaking contests, and language-based learning exchanges. Engaged in research, such as the production of annual reports on FSL IN Canada and advocacy by presenting before Parliamentary Committees, provides toolkits for parent advocates.</p> <p>Purpose of search: To locate reports on the state of FSL learning in Canada, and in Nova Scotia and New Brunswick in particular. Documents, as noted in Appendix, include</p> <p>Website: http://cpf.ca/en/</p>	
<p>Organization: Canadian Association of Second Language Teachers(CASLT)</p> <p>Organizational purpose and goals: Aims to advance second language learning across Canada. Provides professional development opportunities, promotes research and best practices. Multi-lingual association, with a focus on FSL as one of many languages. Advocates for the inclusion of and support for second language learning in Canadian schools.</p> <p>Purpose of search: To locate documents about CASLT’s involvement in FSL in Nova Scotia and New Brunswick, particularly in response to proposed changes in the provinces.</p> <p>Website: http://www.caslt.org/index_en.php</p>	
<p>Organization: Association Canadiennes des professeurs d’immersion</p> <p>Organizational purpose and goals: Provides networking opportunities, educational support and research for immersion teachers across Canada. French immersion is a major focus</p>	

Purpose of search: To determine ACPI's level of involvement in FSL related activities in New Brunswick at the height of their proposed changes from 2006-2009. To look for research documents produced and recommended by the Association for furthering our understanding of immersion in Canada, NB and NS.

Website: <https://www.acpi.ca/>

Organization: French for the Future

Organizational Purpose and Goals: Promotes official language bilingualism the value of learning French to students in grades 7-12 across Canada.

Purpose of search: To determine French for the Futures involvement in FSL related activities in New Brunswick and Nova Scotia. Minimal information found. Communications Director contacted but stated there was little available in the form of publications.

Website: <http://french-future.org/en/>

New Brunswick

Organization: Canadian Parents for French New Brunswick

Organizational purpose and goals: Provincial-level branch of the national organization. Promotes and creates French second language learning opportunities for elementary and high school students. Establishes activities to promote FSL learning. Includes day camps, public speaking contests and language-based learning exchanges.

Purpose of search: To locate reports on FSL from 2006-2008. Accessed archived press releases and communications demonstrating organizational position on FSL policy in the province.

Website: <http://www.cpfnb.com/>

Group: Citizens for Educational Choice

Group purpose and goals: A citizen-initiated group that organized against proposed FSL changes in the province.

Purpose of search: To gain a greater understanding of the group's involvement in the FSL process, as recommended by the former head of the group.

Website: <https://www.facebook.com/pages/Early-French-Immersion-in-New-Brunswick/22342892800>

Nova Scotia

Group: Canadian Parents for French Nova Scotia

Group purpose and goals: Provincial-level branch of the national organization. Promotes and creates French second language learning opportunities for elementary and high school students. Establishes activities to promote FSL learning. Includes day camps, public speaking contests, and language-based learning exchanges.

Purpose for search: To find organizational reports and to locate press releases about FSL from 2006-2008.

Website: <http://ns.cpf.ca/>

Organization: Nova Scotia Second Language Teachers Association

Organizational purpose and goals: Branch of the Nova Scotia teachers' union. Provide support to second language teachers across the province and professional development courses.

Purpose for search: To determine French for the Futures involvement in FSL related activities in New Brunswick and Nova Scotia. Minimal information found.

Website: <http://www.nstu.ca/default.asp?mn=1.3.67>

APPENDIX 10- Consulted Newspaper Articles

New Brunswick:

The Fredericton Daily Gleaner

Article Title	Page Number	Publication Date	Key Terms and Ideas
Immersion not making the grade	A1	17 January -07	Immersion; proficiency levels; assessment; future of FSL
French-exam Scores are misleading says Canadian Parents for French VP	A5	25 January -07	Immersion; proficiency levels; assessment; unachievable goals;
Lamrock Proposes three-pronged attack to improve education	A6	8 February -07	Immersion; educational goals; under-resourced classrooms; inclusive education
Government pledges more dollars for immersion	A1	22 March -07	Immersion; inclusive education; streaming; increased funding
French-immersion supporters back report calling for more government promotion	A5	23 March -07	Immersion; OCOL NB; improvement via promotion; funding and dispelling myths; support for inclusive classrooms
Education minister plots changes to French-language instruction	A7	30 March -07	Immersion; intensive French; optional cutting of core; failed programs.
Mandatory intensive French unfair – student’s mother	A3	5 April -07	Intensive French; parental right to choose; IF as an obstacle to students with disabilities; school –level consultation
Schools differ on how to deliver French curriculum	A4	20 April -07	Options; non-uniform across district; merits of individual programs; freedom of choice for schools
School French programs under review	A1	24 July -07	FSL review; information gathering (commissioned report); stakeholder approval; inclusivity, IF; AIM
Parents, students go online to support French immersion classes	A3	4 September -07	FSL review; public consultation; online forum; fear of FI elimination;
Informed choices needed for NB French programs	B8	5 October -07	OP-ED; CPF; Immersion; misreported results; lack of transparency; lack of clarity re: government’s proficiency goals
French immersion cuts not ruled out	A1	31 October -07	FSL review; potential FI cuts; fearful stakeholders; ministerial power exercised (re: short meetings due to timeframe for report completion); (alleged) hostility toward stakeholders

Early immersion program best way to teach French	C8	29 January -08	OP-ED; CPF; defense of EFI; lack of resources to help Immersion students; questioning government's approach
More than half of Grade 10 immersion students struggling	A4	14 February -08	FSL; low success rates; need for improvement; no sweeping changes; on the ground approach
French review in government hands	B10	23 February -08	OP-ED; Commissioners; 18 recommendations; communication/information dissemination before government's comments (reinforces independence?)
School French success rates dismal; Report	A1	27 February -08	FSL review; results; FSL programs failure; consultation; inclusivity; streaming
"We can't do worse," commissioner says	A3	28 February -08	FSL review; mandatory intensive French; alternatives to core and EFI; bilingualism as goal
Writing may be on wall for education programs	A1	28 February -08	FSL review; responses; CPF; OCOL NB; decision-making process; anticipated backlash; criticisms re: eliminating FI
Commissioner warns about axing early immersion	A1	29 February -08	FSL programs; OCOL (fed); public support for EFI; faulty arguments made re: decision to eliminate
Mother of autistic child decries potential French changes	A5	29 February -08	FSL changes; inclusivity; special needs children face obstacles in new programs; Lamrock disputes concerns; conditional support LDANB
Early immersion outperforms other French programs, institute says	A1	1 March -08	Croll Lee report; SLRI; critiques methodology; data interpretation faulty; propagates myths; EFI as a successful program
More French learning required outside classrooms – Advocates	A4	8 March -08	Stakeholders opinions; FI programs not well-supported resource wise; need more chances to learn French outside school
French programs "near and dear" to parents	A1	14 March -08	Political debate; education critic; inclusivity as core argument; parental stake

French changes outrage parent	A1	15 March -08	Bilingualism as opportunity; limited choices; CPF; action to be taken
UNB professor backs decision to cut French in grades 1 to 4; Changes	A3	15 March -08	Doug Wilms; support for change; current programs as fundamentally not worth anything; support from superintendent D18; recognition of emotional nature; BLE
Online site used to fight cancellation; Early immersion axed	A1	21 March -08	Stakeholder resources; social media; organized protests; Minister unsurprised
Profs: data incorrect; “Lamrock stubborn.”	A1	25 March -08	Response to report; faulty methods; misinterpreted data; Minister personally criticizes
Lamrock, ombudsman mum on meeting details	A3	26 March -08	Ombudsman; reacting to complaints from public; restricted meeting; report targeted;
Protestors to picket legislature; French	A1	27 March -08	Stakeholders; resources; diverse group; pooling resources; petitions; letters; in-person protest; inclusive education as reasoning of Minister
Francophone parents worry immersion changes will hurt their children’s education	A1	1 April -08	Ombudsman; faulty research; inadequate consultation; influx of Anglophone students into Francophone system; potentially harmful/assimilation; Ombudsman jurisdiction debatable
Richard to reveal today if he’ll probe immersion cut; Language	A1	3 April -08	Ombudsman; RTI as a tactic; emotional nature of FSL (arguments emotional)
Group studies its legal options; Early immersion	A1	8 April -08	CEC; resources; legal options studied; inadequate consultation; Department refusal to heed Ombudsman
Too late to stop immersion changes – affidavit	A4	29 May -08	Restrictive tactic-affidavit; framed as poor timing; harmful to majority at expense of minority non-FI enrolled students; lack of consultation
French immersion concerns are real, but response is flawed	B8	30 May -08	OP-ED; Fred Genesee; expert; highlights his research was not interpreted correctly; research used to support policy; challenge biases; problems will

			not be solved under Minister's approach
Early immersion changes in N.B. slammed by federal official languages commissioner	A6	30 May -08	OCOL (fed); FSL report; data faulty; PM and Heritage targets; links federal to provincial
Group says emails are proof; Controversial	A1	3 June -08	FSL; pre-determined decisions re: FSL programs; RTI; skewed evidence; streaming
Parents win round; Early immersion revisited	A1	12 June -08	Judicial review; decision quashed; changes delayed; more consultation; sincerity of new consultation questioned
Groups gear up to save early French immersion	A1	13 June -08	CEC; networking; providing alternatives; onus should be on schools, parents, and districts to provide resources; substantive solutions; ISLR
Allow one year for public debate on immersion; In our view: Six weeks is not enough time to study all of the options available to us	B7	13 June -08	OP-ED; dissatisfaction with decision and new consultation period; request delay; politicized issue
E-mail shows French immersion review won't be taken serious, opponents say	A8	14 June -08	DEC action taken; dissemination of information; pre-determined decisions; meaningless consultation
Canadian Parents for French calls for one-year moratorium	A2	17 June -08	CPF; criticizes new consultation; inclusive education
Parents take sides on French immersion changes	A3	19 June -08	Unorganized interests (Parents for Fairness); pro-changes; framed as a quality issue; changes can't wait; rejection of Ombudsman and "dissenters" by Minister
Parents keen to learn about education choices	A1	26 June -08	FSL open houses; consultations; decision-making process; open to new information; role of parents
Parents on pins and needles	A1	30 June -08	FSL open houses; consultations; parents offering information; parental participation; openness
Spelling out changes to our French language programs	A1	5 July -08	Proficiency levels explained
Stakeholders applaud francophone education appointment	A5	5 July -08	Flawed FSL process affecting Francophone commission; emphasis on proper consultation and data
Education minister to host meeting about changes to French education	A4	8 July-08	Communication about stakeholder roundtable; limited

			public participation; consultation
Some education stakeholders don't want to be in spotlight	A1	10 July -08	Restricting access (media); cooperation with stakeholders; promoting openness
Educators look for solutions; French	A1	11 July -08	Restricted participation; limited time; roundtable discussion; experts advocated for; clash of ideas as beneficial
French consultations are almost over, Lamrock says	A1	18 July -08	Minister's decisions (taking time to reflect); challenge to find middle ground; consultations
"New model" for French education by September	A1	26 July -08	Minister in control; decision-making process; stakeholders optimistic/trusting
Cancelling EFI will not address root education issues	B8	1 August -08	OP-ED; CPF; EFI; (pros) mismanaged system; lack of resources; Scraba Report; ways to improve
Lamrock: "I'm prepared to lose elections..."	B8	2 August -08	Personal interview; Minister as making sacrifices; FSL
Lamrock to make decision public today	A1	5 August -08	Optimism; support for Minister (faced with tough decisions); proficiency of focus; want tried and true program
Resources key to making immersion changes work	A3	6 August -08	Lack of resources; elimination of EFI; new entry point; addresses streaming; some improvement seen
Language of compromise; French immersion changes	A1	6 August -08	Balance between bilingualism and equality; grade 3 entry point; support from some experts; inclusion; limited exposure to French in grades 1-2
Once burned, but Lamrock says he won't be shy	A3	6 August -08	Politically committed; risk taking; lost confidence among citizens
Grade 1 students to be exposed to French; Changes	A1	6 January -09	Experience culturel implementation; resources provided; stakeholders see it as limited exposure
Province says program numbers speak for themselves; French	A1	13 August -09	New Minister (Roland Hache); proficiency levels revisited; evaluations questioned; demand for better proficiency from stakeholders

Numbers prove immersion changes working – Hache	A1	24 September -09	Improved test results; new programs praised politically as successful
Tories dragging their feet on immersion campaign promise, says parents group; French	A3	31 May -11	New government; FSL as platform commitment; consultation; entry point revisited; criticisms not fast enough; reliance on experts
Province to review French immersion; Policy	A1	20 October -11	Consultation; advisory committee; re-visiting decisions

The Saint John Telegraph Journal

Article Title	Page Number	Publication Date	Key Terms
Inclusion policy needs reform, more money, says consultant; Don't make plan a scapegoat for challenges in classroom, professor advises	A1	March 16 -06	MacKay report; FSL; streaming
French immersion resources inadequate; Education Minister supports MacKay report but cannot announce money ahead of budget	A2	11 January -07	MacKay report; inclusive education; streaming; limited information released; inadequate resources;
Tools to improve schools ready; Learning Programs available to minister as he looks to revamp New Brunswick's education system	A1	5 February -07	FSL; intensive French; Reading Recovery; inter-provincial lessons; inclusivity
Parent outraged as district cuts immersion class; Education Declining enrolment blamed as program eliminated in Sussex Corner	C6	8 February -07	Immersion; cancellation of EFI; parental discontent; choices limited; previous cuts although waiting list for FI; superintendent targeted for decision
Immersion program has to go, official says; Education Student numbers haven't improved since class was saved once before	C5	9 February -07	Immersion; Cancellation of EFI; insufficient enrollment; superintendent decision-making; limited district resources; parental discontent;
Parents want answers on immersion; Education Issue to be discussed at meeting that is scheduled for Sussex Corner tonight	C8	19 February -07	Cancellation of EFI; where numbers warrant; lack of enrollment; DEC excluded from decision (considered part of super's mandate); lack of parental rights/choices
Village needs French immersion program, MLA says	C7	21 February -07	Cancellation of EFI; Local fight for FI; lack of enrollment; information sessions; parental support/demands

Education official defended	C7	22 February -07	Cancellation of EFI; school meeting; superintendent absent; parental frustration
“Non” to French program; Education Some East Side parents object to forcing students to learn subjects in second language	C1	16 May -07	Intensive French; district-based issues; parental discontent; feel they have no options; threatening action
New French program praised; Education language researcher says statistics show students improved in other subjects	C1	21 May -07	FSL; intensive French; core French; Doug Wilms; Paula Kristmanson; streaming; increasing proficiency levels
Scrapping French immersion a scary idea	A4	1 June -07	OP-ED; FI as emotional; FI as providing opportunity
Dissecting French programs to the core; Learning Five-year education plan to include a commission on French second-language practices	A1	5 June -07	Announcement of commissioned report; failed targets; low proficiency; lack of resources; inclusivity; streaming; CPF; Walter Lee; Kelly Lamrock; overview of current programs
Program won't replace immersion; Education District not explaining new program well, says Canadian Parents for French official	C6	15 June -07	Intensive French; immersion; CPF; fearful parents; IF as a replacement for FI; Joan Netten; earlier versus later
No program sacred; Education French second-language commissioners given free reign to revamp anglophone program	A1	24 July -07	FSL changes; web-based consultations; bilingualism as goal; proficiency; “everything is open”; CPF; lack of support in department and districts
Public defends French immersion online; Education Second language commission told to save, enhance program	A1	4 September -07	Consultation results; 25 respondents; support FI; need more resources; no one-size fits all; SEE Fredericton Gleaner
French programs in N.B. do work	A5	3 October -07	OP-ED; CPF; SEE Fredericton Gleaner
Elimination of early immersion; School group believes the governments FSL commission has the fix in for French immersion	A1	15 November -07	Elimination of EFI; CPF being marginalized by Minister; Croll-Lee faulty/biased; Minister being blindsided by criticism; lack of resources; Joe Dicks
Controversy swirling around French immersion review	A1	16 November -07	FSL review; immersion; Croll Lee report; CPF; fear of bias; set agenda; controversial nature of FSL and inclusion
Language commission asked to tread carefully	A1	17 November -07	Immersion; CPF; Minister criticizes CPF; OCOL NB; OCOL review of FSL policy; insufficient resources; proficiency levels; Scraba Report; Rehorick Report

Lamrocks telling it like it is	A11	8 December -07	OP-ED; progressive social policies needed; FI and inclusion supported by population; FI/inclusion policies are a political Pandora's box; need re-evaluation
Future of French education in province may soon look completely different; Education Minister receives final report from the Commission on French Second Language Education	A1	19 February -08	Croll Lee report; FSL changes; high attrition; missed targets; CPF; lack of resources
Most don't make it; Report French second-language education reform to fix plummeting enrolment, poor test results	A1	27 February -08	Croll Lee report; dissemination of information; EFI; low proficiency in core; CPF; Walter Lee
Language battle; Education Minister will seek public input before responding to French Second Language Review	A1	28 February -08	Croll Lee report; consultation; elimination of EFI; faulty data; CPF; Walter Lee
The Earlier The Better; Education: Top language researcher adds his passionate voice to the growing support to maintain early French immersion	A1	8 March -08	Fred Genesee; Rodrigue Landry; CPF; EFI; earlier is better; benefits in terms of language acquisition and for a culture of duality; dissemination of information
Abandoning early FSL is to abandon high expectations	A7	12 March-08	OP-ED; cost-benefit analysis pro-EFI; resources at core of arguments
FSL report takes center stage toady	A3	14 March -08	FSL; finalized decision-making processes; dissent
IMMERSION EST MORTE; Education: Liberal government moves ahead with contentious changes to early French language study, and reaction is divided	A1	15 March -08	FSL; elimination of EFI; finalized decisions; stakeholders react; official opposition reacts
Disappointment mounts of early end of early French immersion; FSL Parents should press Liberals over	A2	17 March -08	FSL; elimination of EFI; call to action; stakeholder resources; CPF; parental discontent
End French immersion? Here's another modest proposal	A5	20 March-08	Elimination of EFI; comparison to physical education
Parents deserve choice in education	A10	22 March-08	OP-ED; parents as decision-makers; parental agency being eliminated; exodus from province
Lamrock poised to repeat history	A8	26 March-08	OP-ED; bad decision-making process; misinformed decisions as a pattern NB ED

New Brunswick: In danger of losing our language	A5	11 April-08	OP-ED; Croll Lee report; misuse of information (Rehorick report); trying to substantiate claims by any means necessary (Croll Lee “window dressing”).
Strong or just plain stubborn	A11	12 April-08	OP-ED; poor information; faulty research; emotional people as motivated people; Premier inaction
Flawed report, flawed conclusion	A5	21 April-08	OP-ED; Hamilton Litvack response; outline the statistical and factual errors in the Croll Lee report
Parents; group blasts immersion report	A3	29 April -08	FSL; EFI; Croll Lee Report; faulty data and misinterpretation; streaming; SEE Fredericton Gleaner
Seek compromise on French immersion decision	A5	5 May-08	OP-ED; Intensive French ensuring access; French as opportunity; streaming at heart of decisions; vocal minority; compromise needed
The hidden X factor; Reform Education minister claims bilingual learning environments policy will compensate for lack of early immersion	A1	20 May -08	FSL; changes to programs; new policy; BLE; universal access; early exposure to French; OCOL NB criticizes
French second language program reversal could cost \$ 2 M; Deck head	A2	29 May -08	Restriction by DM; affidavit; SEE Fredericton Gleaner
Have your say on French Immersion	A11	14 June-08	Minister’s announcement; consultation; inviting the public; seeking input on how to improve FSL
FSL a wake up call for Premier?	A11	14 June-08	OP-ED; Premier criticized; court case; population being restricted
NO UNCERTAIN TERMS; Immersion Many parents are finally voicing their support for finally killing early French program	A1	17 June -08	FSL; proposed changes; Parents for Fairness; pro-elimination of EFI; agreement with Minister; problematic surveys
Serious flaws in FSL report	A1	19 June-08	FSL; Croll Lee report; faulty data; Ombudsman report; request to stay decision; need for compromise
Immersion divide; Education Early French program segregated children according to social class, says researcher	A1	10 July -08	Doug Wilms; streaming; FSL and socio-economic divide; social justice; school choice

Meeting of minds; Education Opposing sides in French second- language debate laud roundtable discussion	A1	11 July -08	FSL; roundtable discussion; collaboration; stakeholder involvement; information dissemination
FSL experts offer variety of views at stakeholders meeting	A6	11 July -08	FSL; roundtable discussion; stakeholders' involvement; experts providing information; streaming highlighted
Two words that gave, then took away, hope; Education Minister says his idea of a "working group" on French language wasn't exactly what people though	A1	12 July -08	Immersion; roundtable discussion; stakeholders discontent; expectations not met; limited collaboration
Blogger gets icy reception at meeting; Openness contentious discussions on French second language were closed to the public- until activist brought in his computer	A2	12 July -08	CEC; Rob Hoadley; social media; live blogging events; restricted by roundtable participants; live blogging supported by Minister
Ottawa's funding for French education "disappointing."	A3	15 July -08	Federal government; restricted funding; CPF; CMEC; Minister criticizes
"No magic solution"; Language liberals listen to hundreds of people on French second language education and will reveal a plan in two weeks	A1	26 July -08	Minister in control; decision- making process; stakeholders optimistic/trusting; SEE Fredericton Gleaner
Today's the day; Education Province set to announce plan for early French immersion in New Brunswick	A1	5 August -08	Summary of events leading up to decision
N.B. backs off plan to end early French Immersion; program is revamped after wave of protests	A9	6 August -08	EFI; compromise; revised entry-point; listening to the public; Premier responds; Minister responds; too politically risky
More research sought on language education	A3	8 August -08	FSL; Centre for Excellence; research consortium; collaboration
Province urged to ensure success of French program	A1	11 August -08	FSL; program changes; OCOL NB recommendations; SEE Fredericton Gleaner
Taking education into their own hands; Language after changes to immersion program, parents experiment with French homeschooling	A4	11 October -08	FSL changes; parental action; CPF; Jane Keith; parents confused and upset by changes

The Moncton Times & Transcript

Article Title	Page Number	Publication Date	Key Terms
Parents' group pushes for more French programs; Canadian Parents for French ask new N.B. gov't to improve immersion programs	A11	20 October -06	Bilingualism; CPF; Walter Lee; stakeholder group communication
Optimism for language education in N.B.	D7	26 January -07	OP-ED; CPF; Walter Lee; stakeholder communication; need for improvement (takes strong leadership; political will and community involvement)
N.B. a model for all Canada says language commissioner; Graham Fraser says challenge is to match policy to a changing world	A6	1 February -07	Immersion; minority language rights; federal agenda; OCOL (fed)
Gov't vows to beef up French in schools; Education minister will pump in more resources for special-needs kids	A5	22 March -07	FSL improvements; Minister supports inclusivity; lack of resources for inclusivity; OCOL NB critiques
Reaction mixed to school French course changes; Schools can drop core language program in early grades, as long as they start intensive French in Grade 5	A4	3 April -07	FSL changes; intensive French; mixed reactions to optional elimination of core w/intensive
N.B. plans to improve calibre of second-language instruction; Appointment of second language commissioner will be part of strategy	A9	6 June -07	FSL evaluation; focus on proficiency; mention of inclusion; core not meant to be replaced with intensive (education critic Dube); local concerns
N.B. pushes for 70% bilingual grads; Education minister launches review of French second-language programs, aims to have changes in place by Fall 2008.	A1	24 July -07	Announces review; focuses on proficiency; streaming and inclusivity; Minister taking a stand; district supports review (no mention of consultation?)
French second language review prone to delay	D5	14 August -07	OP-ED; past experience with FSL reviews; history of consulting; provides timeline of previous studies and delays
Make informed choices about immersion	D7	8 October -07	OP-ED; Walter Lee; CPF; SEE Fredericton Gleaner and Saint John Times
Minister defends French program review; Kelly Lamrock says focus must be on getting better results for all students	A1	19 November -07	FSL changes; immersion; bilingualism; proficiency rates reviewed; controversial nature of decision

The undertow of language review	D8	24 November 07	OP-ED; Biased question being asked by Minister; supports immersion
Intensive French pilot shows promise; Program touted as a replacement for the failing Core French program in schools across province	A3	6 December -07	Intensive French; Joan Netten; Claude Germain; pedagogy; success of IF
Major changes in store for French immersion; Kelly Lamrock says N.B. far from bilingualism goal and status quo means continued unacceptable results	A1	19 February -08	FSL changes; Lamrock announces review of report; parental choice versus student achievement; bilingualism emphasized; core French as a failure
French programs review identifies problems	D9	23 February -08	Croll Lee report; FSL changes; commissioners communicate; SEE Fredericton Gleaner
French immersion study results scare educators; All signs point to big changes on the way for N.B.'s French Second Language programming	A1	27 February -08	Croll Lee report; anticipated changes; highlights problems with immersion; proficiency; outlines tools used during the report
FSL plan means big changes	A1	28 February -08	Overviews FSL changes; elimination EFI; intensive French; local response; expert review (U de Moncton)
FSL by the numbers	A4	28 February-08	Overviews Croll Lee report
Scrap early immersion, N.B. told; Commission says late immersion, enhanced Core should be sole programs	A1	28 February -08	Croll Lee report; elimination of EFI; overviews successes and failures of current programs; streaming
Gov't to study language report; Minister won't rule out scrapping early immersion	A9	28 February -08	Reactions to FSL changes; stakeholder responses; CPF; OCOL NB; Opposition; immersion as more than a subject
Mom questions recommendations	A4	28 February -08	Parental reaction to elimination of EFI
Immersion overhaul means huge changes for teachers; Training key to proposed FSL overhaul	A1	29 February -08	Changes to FSL; teachers as affected; union response; teacher proficiency problematic; Joe Dicks; no FI means no qualified teachers; opportunity for region (U de Moncton collaboration to teach FSL to teachers)
Immersion report leaves parents wondering "What now?"; debating merits of FSL recommendations is hot topic in N.B.	A1	3 March -08	Parental reaction to proposed changes; pros and cons; parental support required for FI; fears for future of children

Future of immersion program decided today; Education Minister Kelly Lamrock scheduled to release his decision on French Second Language programming this morning	A8	14 March -08	FSL changes; Minister commenting on proposed changes; presents it as being beneficial to the majority, as opposed to current system; education critic reacts
Chapter closes on N.B. school history; Education minister elects to scrap early immersion, start French programs in Grade 5	A1	15 March -08	Confirms elimination of EFI; parents as decision-makers; parental choice eliminated; summarizes changes
Immersion dominates question period; Education minister under fire from Tories	A11	15 March -08	Provincial level-political reaction; logic of Minister's decisions questioned; Francophone system versus Anglophone system (second language approaches)
No easy decisions in FSL changes; education critic says government is "gambling" with children's future	A10	15 March -08	Changes to FSL; labelled as fast-paced decision-making; Minister defends "tough decisions"; reaction from OCOL (fed); official opposition/education critic (Dube)
Changes mean new school system; Implementing changes will mean much work between now and September	A11	15 March -08	Implementation challenges; need for buy in (to embrace changes)
Education changes make N.B. "An Innovator"; Minister says changes to French-language education should help province reach 70% proficiency goal	A10	17 March -08	FSL changes; Minister promoting changes; Joan Netten; intensive French success rates lauded
Parents turn to French schools; District 1 schools fielding calls after early immersion scrapped	A7	18 March -08	Effects of FSL changes; ayant droit; increase in interest in attending French school; pre-existing challenges facing French schools in district; transportation issues
Immersion decision protested	A11	20 March -08	Highlights stakeholders' protest
Change is best route to a bilingual New Brunswick	D7	21 March -08	Structural versus resources-based issue that is at the heart of French; Excerpt from Minister's speech defending decision; pro-structural argument; states resource route would be best option politically; framing
DEC chairs in favour of immersion changes; DEC's say benefits are increased access for rural students, reduction of streaming	A9	21 March -08	Highlights DEC support; some still not certain; benefits rural areas; better focus on literacy and numeracy

Languages guru pans immersion cuts; N.B. Ombudsman may investigate scrapping of early immersion program	A1	21 March -08	OCOL NB; advocacy role for OCOL NB; looks at process involved, not a lobbying act
Researchers dispute immersion report	A5	25 March -08	Croll Lee report faulty; Litvack and Hamilton; faulty statistics; Minister dismisses their review
Minister won't back down; Protests, reports won't change Kelly Lamrock's mind on scrapping early immersion	A3	26 March -08	Stakeholder and opposition actions dismissed; Minister affirms his is a politically tough decision; reinforces system's failures
Parents protest French immersion education changes; Education Minister Kelly Lamrock won't back down on controversial decision	A8	28 March -08	Stakeholder protests; refusal to cooperate with Minister/MLAs; parental discontent; Minister admits information dissemination/communication of decision was not well done
More changes on the way in education system; Minister says eliminating early immersion only part of the equation	A1	29 March -08	Minister ties FSL changes in with wider systemic change
Ombudsman to make immersion decision; Bernard Richard mulls whether to investigate gov't plan to eliminate early immersion	A3	2 April -08	Immersion; Ombudsman; potential investigation; says its about streaming (also been labelled as being about inclusivity/resources/structure)
Probe won't stall immersion changes; Ombudsman to investigate controversial decision to scrap early immersion	A1	4 April -08	Ombudsman; investigation into process/decision-making process; Minister criticism of Ombudsman; refusal to cooperate; implementation
Immersion decision opens can of worms: analyst; Mount A prof says ombudsman within rights to probe gov't decision	A8	5 April -08	FSL changes; political can of worms; Francophone and Anglophone systems affected; correlated to official bilingualism of the 1990s
Immersion report "flawed": academics; U de M researchers say data misrepresented, methodology faulty conclusion erroneous in language report	A6	8 April -08	Croll Lee Report faulty; Rodrigue Landry; data disputed; SEE Fredericton Gleaner
Language guru says N.B. should keep early French immersion "Hopefully no other government in Canada will repeat the mistake they made in N.B.," says Bernard Lord	A9	9 April -08	Federal level reaction; parental decisions as limited; criticizes changes; limits proficiency goals
Immersion not hurting election; As in past there are fewer candidates than seat available on District Education Councils in N.B.	A8	9 April -08	DEC and impact of immersion; disassociation of DEC's from the policy issue

“Silent majority” supports immersion changes; amid opposition to education reform are parents who support gov’t moves	A1	12 April -08	Silent majority; social consequences; presence of streaming (anecdotal); intensive French support (anecdotal)
Schools ready to offer Intensive French: department; About 10 schools will delay the program	A4	15 April -08	Implementation; challenges; intensive French
Parents launch court challenge to immersion decision; Judicial review sought of controversial cut of early immersion	A4	15 May -08	Stakeholder action; use of courts; decision-making process questioned; lack of transparency
Languages report denounces N.B. immersion cut; Commissioner of Official Languages says N.B. has a key role in promoting linguistic duality	C11	30 May -08	Elimination of EFI; OCOL (fed); federal perspective
Decision on French immersion close; N.B. parents aiming to fight Education minister Kelly Lamrock’s retooling of French immersion will hear answer June 11	A10	7 June -08	Court case; decision-making procedures questioned by stakeholders; DM affidavit; attempt at restricting; poor public consultation effort
Immersion changes not properly explained, parents say; Surveys quizzed parents on planned FSL curriculum changes	A4	9 June -08	Parental input; rejection of Minister’s decisions
Immersion changes unfair, judge rules; Education minister pledges more consultation, says changes could still be in place for September	A1	12 June -08	Court decision; re-visit questions; open consultation; stakeholder gains; CPF; Jane Keith
Sackville council asks premier to save immersion; Council calls on premier to halt changes until long-term economic impact can be assessed	A11	12 June -08	Sectoral impact of FSL changes; municipal level discontent
Immersion turmoil leaves teachers in limbo; Education minister says there’s ample time for changes to be in place for September, following consultation period	A1	13 June -08	FSL changes; effects at the school-level; implementation
Ombudsman to release immersion report today; Watchdog’s office reviewed more than 200 complaints about decision to cut early immersion	A7	18 June-08	Ombudsman report; decision-making process critiqued; inadequate consultation period
Watchdog fails Lamrock on immersion changes; Bernard Richard wants N.B. government to wait a year before implementing proposed changes	A1	19 June -08	Ombudsman report; bad public engagement; Minister implementing changes in new school year regardless; full debate requested by stakeholders and opposition

Group calls for moratorium on FSL changes; Groups ask for working group similar to PSE panel, which was asked to study the province's post-secondary system	A11	21 June -08	CPF; request made to rely on experts and research; request for working group; put off implementation
Parents voice FSL concerns; Events offered chance to ask questions and learn about potential changes to French immersion programs	A3	30 June -08	District consultations; information dissemination; parents offered views on FSL; support went both ways
Immersion consultations draw small crowds; About 500 people attend 18 open-house events to discuss early immersion changes	A7	1 July -08	CEC; process is the problem, not the interest level; access is restricted due to scheduling/timing of consultations
Misinformation hurts French debate: prof; Statistician says French second-language debate clouded by inaccurate statistics, anecdotes	A8	9 July -08	Hamilton refutes data; highlights actual numbers and statistics re: class composition; Lamrock emphasizes teachers and principals' views
Minister hosts immersion round table	A6	10 July -08	Explains roundtable; outlines participants
Immersion changes could be delayed: minister; Kelly Lamrock suggests working group could help develop alternatives to controversial changes.	A1	11 July -08	Lamrock statements; proposed working group as option; stakeholders supported
Don't expect formal working group: Lamrock; Education minister wants to meet with several small groups of stakeholders about French immersion plan	C11	12 July -08	Lamrock; proposes informal working groups of stakeholders; decision-making process
Immersion process ready to move on; Education minister seeks balance in finding ways to revamp French instruction	A9	18 July -08	Decision-making process
French community opposes loss of early immersion; Prominent NBers pen letter supporting fight against controversial reforms	A4	19 July -08	Support from Francophone communities; letter writing; Anglophone parents as "fighting the good fight"; support parents and advocacy groups
Cabinet shuffle possible this fall; shuffle likely as government hits halfway point of its mandate	A7	21 July -08	Prediction of consequence of FSL changes
Immersion reforms unveiled today; Following six week of public consultation, gov't to announce changes to French education curriculum	A1	5 August -08	Summarizes the previous decision-making processes

Parents call immersion decision “bittersweet”; Mixed feelings expressed over education minister’s revised plan	A8	6 August -08	New entry point; viewed as compromise; described as a political decisions (as opposed to driven by educational principles); implementation of a ministerial advisory committee
Timeline for introduction of new immersion programs	A8	6 August -08	Outlines implementation
Judge did gov’t “a favour”; education minister, premier say immersion court decision was valuable lesson	A8	6 August -08	Additional consultation painted positively; Minister explains lessons learned
Gov’t urged to abolish immersion; former lieut.-gov. says instead, all children should undergo “enriched, extended” French	A7	7 August -08	Vocal minority mentioned; policy seen as a concession; streaming; pedagogy
Graham to assemble French language committee; Group to advise government on education, health care reforms	A4	15 August -08	Outcomes of FSL policy process (Commission on Francophone Schools)
French program changes going well: minister; Kelly Lamrock also says professional development days are “essential” to improving education system	A4	11 September -08	Minister supports changes to FSL; successful implementation
French changes to take affect; Learning specialist says new system will be interactive	A5	6 January -09	Experience culturel; resources

L’acadie nouvelle

Article Title	Page Number	Publication Date	Key Terms
Francais langue seconde: des programmes pas a la hauteur Le commissaire aux langues officielles du N.-B. remet son rapport	p.7	22 March -07	Overview of OCOL NB’s main report findings; proficiency targets missed; teachers and students both dislike FSL (teaching and taking); intensive French as well-received; myths propagated
Français langue seconde: résultats inquiétants	p.3	5 April -07	Overview of Minister’s findings based on OCOL NB report; proficiency; targets missed
Les enseignants n’ont pas toutes les compétences nécessaires	p.3	28 February -08	Teacher certification challenges; Croll Lee report; unqualified teachers linked with student disinterest; proficiency levels

Le N-B échoue a former des élèves bilingues Les programmes d'immersion du secteur Anglophone ne fonctionnent pas	p.3	28 February -08	Croll Lee report results; FSL programs failing; proficiency targets need to be met; recommendation to eliminate EFI rejected
Français langue seconde	p.11	3 March -08	OP-ED; overview of changes; duality not up for debate; issues take place in a bureaucratic vacuum; total immersion as useful
Le commissaire aux langues officielles condamne la décision	p.3	15 March -08	OCOL (fed); CPF; reject decision; false premises; earlier is better
Pas d'immersion en français avant le 5e année Le ministre de l'Éducation dévoile une réforme du réseau d'éducation anglophone	p.3	15 March -08	FSL changes; elimination FI; later entry point; reaction from stakeholders; education critic (Dube); opposition
Un tintamarre Anglophone pour l'immersion en bas âge. Le programme a été aboli par le ministre Kelly Lamrock	p.3	26 March -08	AFLS; protest; use of Acadian symbols; government mistreatment; Premier paints stakeholders as harassing ; refuses to answer questions on subject
Élimination du programme d'immersion: des parents inquiets	p.6	27 March -08	AFPNB; criticizes changes; early exposure creates respect among linguistic groups; anticipated influx of ayant droits; need resources
Les enseignants francophones condamnent la réforme Lamrock	p.5	28 March -08	AEFNB responds to decision; condemns changes; elimination not a solution; ways to improve
Réforme de l'immersion: les opposants confrontent le gouvernement	p.5	28 March -08	Elimination of EFI; protests; elimination not part of electoral mandate; promise of improvement of ED system
Le danger de l'emballement	p.12	1 April -08	OP-ED; Overviews the debate between linguistic competence versus access to education; vocal minority; accommodation in French system
Immersion: une lutte qui touche les Acadiens	p. 13	1 April -08	OP-ED; Immersion graduates support Acadian culture
Immersion: Graham dit non a l'ombudsman Malgré l'opposition, le gouvernement ira de l'avant avec sa réforme	p.5	4 April -08	Ombudsman report; rejecting Ombudsman recommendation/restriction; CPF; parents being ignored; parental discontent

Question de sous	p.11	7 April -08	OP-ED; Questions logic regarding attrition; streaming and inclusivity-need for resources best solution; finances at the core of decisions to eliminate
Réforme de l'immersion: les parents du Restigouche dissident non	p.2	11 April -08	Protests in northern region re: decision to eliminate EFI; regionalism; French as required for employment and socially
La grosse gageure de M.Lamrock	p.13	25 April -08	OP-ED; Questioning methodology and lack of evidence demonstrating how intensive French will be upkept and goals met by grade 10
Immersion précoce: il faut des explications	p.10	12 May -08	OP-ED; Hamilton And Litvak (see also Gleaner, Transcript and Telegraph)
Immersion: la bataille n'est pas gagnée d'avance	p.4	29 May -08	Outlines court case; cites charter as reasoning for arguments; consulting after the decision cited as problem
Immersion: conclusions commandées à l'avance	p.8	4 June -08	CEC; right to information; emails indicating decision pre-made
Kelly Lamrock se plie au jugement	p.3	12 June -08	Court case; re-visiting consultation; opposition; education critic; poor timing (summer)
Une décision injuste et déraisonnable Le juge Hugh McLellan empêche la province d'abolir unilatéralement le programme d'immersion précoce.	p.3	12 June -08	Court case outcomes; procedural problems; consultation period in February too short; they have a duty to consult and let people be heard
Immersion: une victoire mi-figue mi-raisin pour les parents	p.13	13 June -08	Court case outcome; Croll Lee report faulty; parental discontent
Immersion: les opposants passent leur messages dans Internet Des citoyens en faveur de la réforme n'hésitent pas non plus à donner leur opinion	p.4	4 July -08	FSL changes; web-based consultations; multiple quotations from web-based consultations
Les enseignants dans l'incertitude	p.4	4 July -08	Changes to FSL; outcomes affecting teachers;
Immersion: des spécialistes réunis pour une table ronde	p.6	9 July -08	Stakeholders roundtable; consultation; lists participants and their expertise
Immersion: la réforme Lamrock reçoit un seul appui	p.4	11 July -08	Support for intensive French; Joan Netten; endorsing government; consultation period

Ce que les gens ont dit	p.3	26 July -08	Excerpts of public consultation results
“Je suis heureux que nous ayons fait cet exercice” Le ministre Kelly Lamrock affirme que les consultations sur l’immersion précoce ont été bénéfiques	p.3	26 July -08	Minister reflects in consultation; happy he followed the process; chronicles FSL events
Immersion précoce: Lamrock annoncera sa décision ce midi	p.3	5 August -08	Consultation results; recap of FSL since March 2008 announcement; timeline
“J’ai espoir que le ministre va présenter un plan différent” – Alison Ménard-Agnew	p.3	5 August -08	CPF; stakeholder roundtable; expresses uncertainty about Minister’s willingness to work with stakeholders
Le programme révisé est mieux accueilli	p.2	6 August -08	Ministerial advisory committee; new entry point; more inclusive; experience culturel
Kelly Lamrock met de l’eau dans son vin L’immersion précoce sera offerte a partir de la troisième année	p.3	6 August -08	New entry point announced; compromise; equilibrium; new testing standards; programs explained
Immersion: bataille aux retombées inattendues Des Acadiens saluent l’intérêt que porte la majorité Anglophone au bilinguisme	p.5	7 August -08	FJFNB; APFNB; Anglophones as embracing the “other” culture; media impact on public opinion, sensitive Anglophones and Francophones to bilingualism being the right path
Une même chance pour tous les enfants	p.13	5 September -08	Poor proficiency levels; elimination of EFI offered as solution; outlines controversy created; stakeholders’ reactions; comparison with Quebec Francophones who want to enroll their children in English
David Alward pourfend Shawn Graham	p.3	19 November -08	Official opposition critiques; look to experienced advocates
Langues officielles: un comité guidera le gouvernement	p.7	24 November -08	Official language advisory committee being created; partially due to FSL; outcomes

Nova Scotia Newspaper Articles

The Truro Daily News

Article Title	Page Number	Publication Date	Key Terms
Language debate takes ironic turn	ONLINE N/A	9-April-08	OP-ED; FSL; immersion; streaming; high drop-out rate; informational
New Brunswick government taking second look at second language training	ONLINE N/A	10 July -08	Information; FSL in New Brunswick
Forty-five artists sign letter urging N.B. to preserve early immersion	ONLINE N/A	23 July -08	Francophone support; petition; communication;
N.B education minister not giving up on universal intensive French program	ONLINE N/A	7 August -08	Revised entry point; framing-from a middle-class, Anglophone issue to a language issue; damaged government; compromise

Cape Breton Post

Article Title	Page Number	Publication Date	Key Terms
Vive French education!	ONLINE N/A	15 May-07	Challenges retaining students in French schools; mirrors challenges retaining students in French in English schools

The Halifax Chronicle Herald

Article Title	Page Number	Publication Date	Key Terms
[Halifax's French immersion program is lacking some key elements when compared to those in other school boards in the province, says the national president of ...]	B4	15 June -06	Immersion; HRSB; CPF; suggested improvements;
Valley may consolidate French immersion; Teacher shortage driving plan	B4	15 November - 06	Immersion; staffing shortage; consolidation of programs; lottery system; parental concerns; transportation challenges; elitism
Protect French immersion, MLA urges school board	B4	22 November - 06	Immersion; staffing shortage; consolidation; MLA involvement; transportation issues

Valley's French program won't be changed	B2	15 December -06	FSL; decision-making; non-consolidation; community support
Parents want province to get act together on French programs	B3	22 February -07	FSL programs; HRSB; CPF; board rejection of funding; eliminated FSL coordinator; public submissions on FSL
Cochrane: Bilingualism goal too lofty	B1	28 February -07	FSL proficiency; attrition rates; Minister not communicating; lack of school board initiative
School board sets up snitch line	B2	7 July -07	Board controlled measures; prevent parents from crossing borders to attend French
No such thing as a free lunch hour; Fall River parents rebel against \$200 fee	A1	13 October -07	Links to CPF's use of ED Critic; parents who send children to schools outside their area for FI pay fee for lunch hour
Please, Sir, let us in	A6	16 October -07	OP-ED; Immersion; lunch fees; no options for parents; immersion in limited schools a board based decision
Board: School lunchtime should stay as is	B1	28 February -08	Lunch fee policy; no charge for students attending for French; parental support
Is it important to be bilingual? Mais oui	A11	3 April -08	OP-ED; CPF; CASLT; commentary on NB; bilingualism as opportunity (employment, cultural); need additional opportunities to learn/speak French
Lunch policy OK'd	B2	10 April -08	Lunch policy accepted; French students exempt
Province to ban all lunch fee; But not until '09-10 school year	B2	14 May -08	Policy re-formulation; amended Act; decision reversal

APPENDIX 11-Initial Open Code List and Examples of Open Coding

Contains the original 220 codes used to classify material.

Accountability mechanisms	Celebrating two languages	Political compromise
Actor Characteristics	Bilingual learning environment policy	Lack of transparency
Cognition	Cultural component	Lighting a fire
Anti-francophone	Inexplicable outcomes	Many outcomes, many opportunities
Bilingualism	Convolved governance structures	Ministerial power
Advantages	Active resistance	Parental cognition
Negative perceptions	No help from DECs-stakeholders	Parental dissatisfaction
political nature of language	Cooperation as beneficial	Parental investment
funding problems	Disconnected government	Polarizing nature of FSL
Influence thoughts on FSL	Failed programs	Emotional nature of FSL
Lamrock good	Waste of resources	Political nature of FSL
Misperception	French Second Language Policy	Policy 309, descriptive and prescriptive
Mistrust in government	Policy Change	Policy 309, not a stand alone policy
Not picking up french	New policy	Policy Process as Problem Solving
Policy	Responsible for policy change	Challenges of policy development
Against	Program development	Implementation as an act of trust
Bilingualism is a right	Shapes views on policy	Implementation challenges
Disadvantaged	Thoughts on policy	Limited cooperation
Failed	Anglo-friendly	Lack of information
Futile effort	Bending the rules	Policy process as a learning process
Political	Adherence	Policy Process as Political
Support	Makes life easier	Presence of legitimacy
Processes	Political clout	Increasing legitimacy
Croll-Lee faulty	Student first	Raison d'etre, FSL groups
Unfair	Beneficial	Regionalism
Wanting more	Challenges	Right to learn
Programs	Disconnect	Stakeholder perceptions of tools
Bad outcomes	Empowers	Bad process
Beneficial	Financial benefits	Desperation
Disadvantages immersion	Gratitude	Factual problems
Lack of support	Inclusive	Listening versus consulting
Streaming	Keeps things running	Set up
Taken over by the french	Lack of awareness	Threatening
Motivation	Nature of governance	Challenges
Bilingualism	Perceived changes	Depends on
Legislative obligation	Policy goals	Desire
Opportunity	Policy protects	Disingenuous
Choice	Provincial realities	Fearful
Core beliefs	Reality of policy	Hurtful
Emotional	Restrictions	Inclusive neutral
Experiential	Skepticism	Inclusive positive
Knowledge	Ways to improve	Lacking clarity
Performance	FSL program	Minimal expectations
Reasons to enrol	Critiques of program	No accountability
Rights	Experience culturel	No knowledge
Stakeholder action	Linking culture and language	Personal attack
Unfair	Passing the buck	Reactionary
Resources	Helping with	Restrictive negative
Challenges	Immersed in immersion	Room for improvement
Classroom resources	Jumbled	Uncertainty
Court case	Misconceptions	Who to include
Experts	Parental difficulties	Systemic bilingualism
Impact of tools	Supported	Tactics used, government
Beneficial	Gaining perspectives, Consultation as a tool for input	Tactics used, federal government
Insecurity	Departure	Government strategies (general)
Problematic decisions	Act of trust	Citizen engagement
Futile effort	Challenges with inclusionary practices	Criticisms
Intense	Chip on their shoulder	Government Nodality Tools
Sending a message	Confusing processes	Government substantive tools
Informational	Consultation is not an option	Governmental control
Communication	Degrees of inclusion	Impact of tactics

Consultations	Different needs	Responsive government
Government consultation	Exception to the rule, FSL consultation as unique	Implementation challenges
Cooperative	Exclusionary FSL	
Simplicity	FSL consultation process	
Limited information provision	Relationship building	
Uniformity	Right to participate	
Lack of resources	Selection Criteria	
Legal options	Getting their way	
Media	Vocal minority	
Impact	Improvement	
Money	Parental reaction	
Haves		
Purpose		
Mishandling		
Need-want		
New blood		
Proffering of resources		
Protest		
Social media		
Websites		
Authority and power		

Examples of open coding:

P35: *Yes. Kelly Lamrock held a forum at the Delta Hotel in Fredericton (coded as “government strategies”). And we, (redacted), were included. (Redacted) was there and a bunch of other stakeholders. Doug Willms, and different people. I’m trying to think who else...But that kind of felt like an after-the-fact thing. You know, “okay I’m in so much hot water now I have to do something,” It didn’t... Although we did get to express our opinions, it didn’t feel all that genuine (labelled as “disingenuous government”).*

This segment of the text was coded with, firstly, the label “government strategies”, and was accompanied with a note stating this preliminary indication of the ways government included and excluded actors from participation in FSL policymaking. We also noted that the participant named the then Education Minister as being the one who held the forum, making us question if the perception was that he was at the helm of FSL policy and whether or not this was true.

The second code “disingenuous government” was meant to capture the sentiment that although government uses inclusive strategies, the sense from this stakeholder is that government is not being sincere when doing so. In this case, it was noted that perhaps this

indicates that the quality of government strategies matters (to stakeholders) and that quality might be measured by whether or not stakeholders feel their participation is truly valued. It was noted to keep this question at the forefront as we further went through the material. Later, when re-visiting material by Department of Education employees, it was found that there was some indication that the goal of using consultative strategies was to make participants feel as though they mattered, indicating that the quality of tool should, at least, appear to be genuinely inclusive. At this point, we were unsure of how this factored into our overall “storyline”, but knew it was likely to be important and was to be further developed.

The concept of “disingenuous government” reappeared as we sorted through the material. Other examples include the following statements:

*I certainly heard her say this is not what our intention was. This was in addition to... This was for students that were in English prime program, this was to kind of make that program better. But it certainly wasn't meant to replace. And yet, that was the intent here (disingenuous government). *Because they were going to wipe out, of course, French immersion I think, until grade... Five or six.**

They always, at least, on the very low end of the continuum, they do token consultations with everybody. And that's at the low-end. At the very, very least they always consult some people at all levels (minimal effort). So some teachers, some parents, etc. Some of it is very tokenistic (disingenuous government).

These participants occupied a different type of position than the first and yet offered a similar sentiment. Another individual, who was against the idea of mandatory French, stated:

Well they paint a rosy picture for immersion because they have to. You know? They're saying it's good for the kids, it's good for this, it's good for that. But at the end of the day their numbers say categorically, that it's a failure (disingenuous government).

At this point, it was too soon in the analysis to determine what the implications of these commonly expressed concepts were but we did note questions and ideas about what this meant

in relation to our research questions:

- 1) What does it tell us about what tools were selected (procedural nodality tools are used, but their calibration at this point is measured in degrees of inclusiveness)?
- 2) Why were instruments chosen? (For tokenistic reasons) How did they affect the policy process (by widening the decision-making process, but what does tokenistic inclusion mean for decision-making?)
- 3) Role of secondary actors (kept at a distance, i.e. included with restrictions).

In the early phases, many sections of text were coded with multiple labels, as we were trying to determine the meaning of what was being said and what the primary thought or idea being expressed was. This is not uncommon when trying to work through large amounts of data and grasp the main ideas being expressed (Strauss and Corbin, 1998). Examples include:

I think it's quite evident that parents and the public of New Brunswick have not felt terribly secure, there with the government decisions (insecurity/problematic decisions).

In the above case, we felt that the participant was indicating that the public is uncomfortable with government's decisions, which perhaps indicates the presence of delegitimacy. Simultaneously, it was connected to the decisions of government. Coding the two components separately would have risked losing the concept and arguably resulted in a merely descriptive code.

They felt that before the decision they really hadn't been given the information and they really hadn't been given the opportunity to voice their views on the whole thing (restriction negative/lack of information/limited opportunity).

With this piece of data, we removed the "limited opportunity" code because it felt merely descriptive and left the remaining two. Questions about the meaning of the sentence were engaged. If they had been given information would it have changed their ability to participate? Alternatively, did it matter because the opportunity to participate was missing?

This may seem like an unimportant distinction to make, but there are different meanings that can be derived from the sentence. We did not, at this point, know if the opportunity is connected to the lack of information.

APPENDIX 12- Focused Coding

Vocal Minority Reigns	Core belief-bilingualism is polarizing
Tactics, media	Bilingualism as polarizing
Tactics used, stakeholders	Polarizing nature of FSL
Technology	Political nature of FSL
Protest	Emotional nature of FSL
Offers of cooperation	Negative perceptions
Legal options	Streaming
Informational	Futile effort
Impact of tools	Bad outcomes
Tactics used, provincial government	Advantages
Impact of tactics	Core belief-bilingualism as opportunity
Government substantive tools	Core belief-bilingualism as a right
Government informational tools	Core belief-bilingualism as a cultural value
Expertise	Experience culturel
Accountability mechanisms	cultural component
Tactics used, federal government	Bilingual learning environment policy
Stakeholder perceptions of tools	Core belief- bilingualism has to be cooperative
Who to include	Bilingualism is cooperative
Uncertainty	Cooperation as beneficial
Top down decisions	Convoluted governance structures
Supportive	Connected and cooperative
Room for improvement	FSL policies, not a stand alone policy
Restrictive negative	French Second Language Policy (factual-descriptive)
Reactionary	Failed programs
Personal attack	Exemptions
No knowledge	Disconnected and Uncooperative
No accountability	Raison d'etre, FSL groups
Minimal expectations	Presence of legitimacy
Lacking clarity	Parents' experiences
Inclusive positive	Parental dissatisfaction
Inclusive neutral	Parents are decision-makers
Hurtful	Increasing legitimacy
Fearful	Policy Process as Problem Solving
Disingenuous	Policy Process as Political
Desire	Policy process as a learning process
Depends on	Implementation challenges
Challenges	Core beliefs about FSL policy
Bad process	Challenges of policy development
Threatening	Government unaware
Set up	Gaining perspectives, Consultation as a tool for input
Listening versus consulting	Policymaking as collaborative
Factual problems	FSL consultation process
Desperation	Challenges
Ministerial power	Consultation is not an option

Example of parent and child node coding process:

The concept of the “policy process, political” became a child node of “policy process as problem solving”. This is because references to the policy process as political were in fact addressing how policymakers are tasked with providing workable solutions, in the forms of policies, to politician’s problems or the priorities that are part of a politician’s platform commitment or education strategy. For example, one interview participant stated:

Then there’s government has come in and on their platforms have said, you know, “we’re going to ensure that all schools can be used by the community for any purpose.” And so that will then become a policy direction that we want to work on. Or it could be a minister who comes in and has something that for him, is really important, and so he wants a policy and basically the policy is anything.

APPENDIX 13- Examples of the Conditional Relationship Guide (adapted from Scott 2004, 2008)

Example conditional relationship guide-What instruments were used during FSL policy process?

Category:	Media tactics
Inclusionary and Exclusionary Criteria:	Includes: Data pertaining to tactics media applies Excludes: Data pertaining to others using media as a tactic
What?	NB: Media influences NS: Media provides information
When?	NB: During height of FSL controversy (2006-early 2009) NS: No data found
Where?	NB: Cross-provincially NS: Cross-provincially
Why?	<p>NB: Reports on what's news e.g. The newspapers are going to report what's news. If people are continually writing letters to the editor or people are continually, if there's a large protest or a meeting held or anything like that, it keeps the issue in the paper and it keeps people talking about the issue.</p> <p>Controversy driven e.g. And that's what the media tactic... jumps onto, right? They're never like "look at all these happy parents, right?" And all this, there is actually all these groups who are quite happy with government decision here.</p> <p>Seeks to be interesting e.g. So it takes it in a certain direction and as you know, a lot of times, the media will fuel people's insecurities around some things. And you see it all the time. All kinds of issues. Because it makes a more interesting read. But of course, you know, people who are feeling particularly vulnerable about a certain issue...creates a knee-jerk reaction.</p> <p>NS: Issue arises in a Board Issue arises in other provinces e.g. I know when there's any proposed changes at the school board level or in New Brunswick, we're certainly in the news for a couple of days...requests for interviews and whatnot. We're sort of like a blip on their landscape every now and then. Usually like I said, around an issue.</p>
How?	<p>NB: Holds Minister accountable e.g. we certainly appreciate when they (referring to Districts) let the department know ahead of time because the media will definitely always be coming to the minister to answer on these things.</p> <p>Fair and balanced reporting e.g. I think it was fairly balanced reporting. There were opportunities for debates between Doug Willms and Joe Dicks and there was some healthy discussion there.</p> <p>Surprises e.g. Usually it would hit the paper and then, you know, we get blasted in the media for not having anything, or not really real tangible. That's definitely one way that it would come to our attention.</p>

	<p>NS: Interviews e.g. I know when there's any proposed changes at the school board level or in New Brunswick, we're certainly in the news for a couple of days...requests for interviews and whatnot.</p> <p>Editorials e.g. There's also individuals who focus on educational issues and write articles on these issues and report information to the general public in an editorial form or whatever.</p> <p>Comment forums e.g. Sometimes when you read comments, I'm trying to think, where people writing their comments to the newspapers or whatever online and so on.</p>
Consequences:	<p>NB: Fuels insecurities e.g. So it takes it in a certain direction and as you know, a lot of times, the media will fuel people's insecurities around some things. And you see it all the time. All kinds of issues. Because it makes a more interesting read. But of course, you know, people who are feeling particularly vulnerable about a certain issue...creates a knee-jerk reaction. (Shifts perceptions)</p> <p>Gives a voice</p> <p>Becomes a resource</p> <p>Provides opportunities e.g. It was a little bit hard because the fact that the minister was so, so aggressive, you know, made it tough for us to contend with it. There is a lot of soundbites there, where he was attacking us to the press but, there are also there were a lot of opportunities for parents to write in.</p> <p>NS: Provides opportunity for expression</p> <p>Perpetuates misconceptions e.g. Sometimes if you read those, you see that there's some, there's some misconceptions about what French immersion is. What core French is. What the goals of core French are. All of these sorts of things. And I do think, and where those things come from... It can come from miscommunication, it can come from perceptions, it can come from a number of things.</p>

Example conditional relationship guide- Instrument selection and effects on policy process

Category:	Ministerial Power
Inclusionary/Exclusionary Criteria	<p>Includes: Data that demonstrates the degree of power the education minister, Premiers and deputies retain during the FSL process. Evidence demonstrates how ministers exude their power during FSL policy process.</p> <p>Excludes: Data demonstrating how stakeholders and others affected the power of the Minister (see resourceful stakeholders)</p>
What?	<p>NB: Decisions about FSL lie with Ministers: e.g. So most people knew that in the end it was his decision; But someone has to ultimately say this is how we're going to go. And it would've been, I'm assuming the minister at that time, the</p>

	<p>premier; I realize that the minister of education thought that “I can't have my grade 6 entry point and or one of the lower ones. So I'll compromise and do grade 3.”</p> <p>NS: Final decisions about FSL lie with Ministers; Like, I come down hard on the consultants at the Department of Ed because it's like “hello, when are you going to make some changes here?” Some positive changes. But their hands are tied, to a certain extent. They can only do what their deputy minister or minister approves them to do; So our consultants create the policies but then, it was my understanding, that the policy could not become policy until it was okayed by the minister.</p> <p>Indirect/limited role: I think it's more of a collaborative relationship that says we “need a policy on whatever it is”...so (redacted) or one of the French immersion consultants with the authority or probe from their super saying “we need a new policy, we need to update the policy on French immersion”, then it happens in these joint meetings. They kick drafts back and forth. Someone forms a committee to write a draft; they could have regional consultants on it. (Redacted) from (redacted) could be on it...(redacted) usually is. But (redacted), who used to be a superintendent with me as a colleague...that's how it happens. It's a joint activity to write a policy, which then becomes a draft policy, a policy of the Department of Education. All program policies are from the Department, but the boards have a lot to say about them. They have a lot of input before they're approved.</p>
<p>When?</p>	<p>NB: During agenda-setting: e.g. the government sort of launched this; he had plans to eliminate French immersion; The bilingual learning environment policy is something that came from a minister so that's a good example of something that came directly from a minister.</p> <p>During decision-making: It's floated across and we take people's comments and we nail it down. And at the end of the day, when it's all said and done, you know, by us, then the deputies have a go at it and then the minister would also. Because the minister signs off the...;</p> <p>During formulation: e.g. The minister announced the six-week consultation. Six or eight-week consultation. And he wanted everything to come into the Department. Come in to the Department through email, you can voicemail, you can send us snail mail letters and then we had a series of open houses at the district offices in different schools. So there were officials there with all kinds of information saying “we're here to sort of talk to you and answer any questions you have about the program. Or about the merits of the different approaches</p>

	<p>NS: Decision-making e.g. Like I remember sitting in those meetings, at those roundtable meetings at the Department, and the department consultants would say to us “well, here's “X” policy, “Y” policy, “Z” policy, but we have to have approved by the minister first”. So we are meeting with the minister, and the minister has to approve it.;</p>
<p>Where?</p>	<p>NB: At the Department of Education In Court</p> <p>NS: At the Department of Education</p>
<p>Why?</p>	<p>NB: POLICY PROCESS AS PROBLEM SOLVING POLITICAL PROBLEMS---Political Platform Commitments: Streaming/inclusion e.g. And the minister wanted to eliminate streaming. He felt that an inclusive environment was healthier.; And some people go back to streaming, streaming as one of the main issues and whatnot. I think for Kelly Lamrock it was. And at least that's what he said. And I have no reason not to believe him.</p> <p>Elitism e.g. he saw it as that... The French program was taking away too much from the English program. And that it had become an elitist program;</p> <p>Core French a Categorical Failure e.g. So anyway, the core program was only achieving a 2% fluency rate. Right? Which is terrible. It's a complete waste of resources in a program.; Basically it was like, here's a half hour French a day and it never worked. All it did was frustrated people. Because they never really learned French and didn't really understand why they were doing at. And the parents who had gone through it, were kind of poisoned on the idea of core French.</p> <p>NS: Budget-oriented role e.g. No the biggest ones that come are you know...the Minister's going to cut the budget...or the treasury board is going to cut the budget for School boards...and that's the big...and that's expected in these times of...difficult financial times of trying to balance budgets in provinces.; The Minister says “your budget is cut to x percent, you decide how you're doing it”.; Now last year they decided “your budget cut's a certain % and we want a good portion of that to come out of administration”. That was more directive than normal. The Minister was politically saying “we're going to cut educational budgets and the first things that's going to get hit is administration”.</p> <p>Different priorities e.g. So, we're putting in the budget some money for math mentors, for teachers to work with teachers, to bring up the math scores.;</p>

	<p>Other than those kinds of things, where they want things to happen, where they want math scores to get better, they want literacy scores to get better, they want schools to get accredited, etc....they want school improvement planning to happen, they want PD communities in schools.</p>
<p>How?</p>	<p>NB: Implemented instruments were controlled by Minister e.g. he went into schools and talked to people and I think he did have a few panels...; And each of them gave their presentation and they were all different approaches to FSL. Which is great because then after they were done, the minister stood up and said “So, I hope you can tell we have three or four credible experts in the field of FSL and four different opinions on how to do things. And this is when I'm faced with. Having to pick among equally credible theories.” Right? So it's not an easy decision. And... You could tell... The room really shifted. People understood where decision-making came from. It wasn't from a, you know, pick a decision out of a hat. It was really trying to struggle between which is the best approach, right?</p> <p>Participants selected by Minister: e.g. The ministerial advisory committee was chosen by minister. The minister or the deputy minister. To be honest with you, I wasn't part of that process. And they just kind of took various, as I said, various stakeholders who would have had a vested interest. So like somebody from community living, as an example; SM: And would it have been the minister who decided who partakes? The minister was involved? P28: Oh, yes.</p> <p>Framing of stakeholders: e.g. Yes, Minister Lamrock. He would say things like the president of Canadian parents for French is against an inclusive French language education and you know, he's against French immersion.; The minister at the time expressed an interest in that kind of relationship. But before he started to... Before he entered into, sort of, the political attack mode.</p> <p>NS: Defers to others: e.g. We've had special meetings where we... It's been on the agenda when... We have at least four meetings, used to be a few more, before the cuts and our meetings were cut, but we used to meet for... probably five times a year, where Friday was with the government. With the Department of Education. And Thursday was our consultants', our colleagues' meeting, without the Department of Education.; As for the actual policy and writing... We have inputs. For the policy that's coming out, we just look at that and we looked at it as a group, all the consultants and</p>

	coordinators and the department people. We would say “we think this should be in”, or “we think you should take this out” and we did have some time to spend on that as a big group.
Consequence:	<p>NB: “Arbitrary” decision based on compromise and Disingenuous government e.g. Well, there was such a swell and the court case came about and then there were some more public consultation. And that basically, from the information that we received, “that’s it the decision was made, we really can't go back”. There was pressure not to go back to grade 1. So the minister basically said “well, I'll do a compromise. Boom, grade 3. So we'll pick grade 3”. And that's our understanding of how the decision was made. It wasn't based... No one what told us it was based and we know it wasn't based on, there's no studies that relate to that, it wasn't based on any research that was done... It was an arbitrary decision.; I realize that the minister of education thought that “I can't have my grade 6 entry point and or one of the lower ones. So I'll compromise and do grade 3.”</p> <p>NS: Positively viewed policy process e.g. We've had great input in it. It's been a very collaborative process.; We get more than lip service. It's like truly like “what do you mean by that? What are you thinking?” Like it's, you really...;</p> <p>NS and NB: PERCEPTION OF POLICY PROCESS and DECISION MAKING IN PARTICULAR AFFECTED</p>

Example Conditional Relationship Guide- What is the role of secondary actors?

Category:	Parental decision-making
Inclusionary and Exclusionary Criteria:	<p>Includes: Data related to the concept that the role of parents is to make decisions about their child’s education/FSL education.</p> <p>Excludes: Data pertaining to non-parental stakeholders and non-decision making activities of parents.</p>
What?	<p>NB: Parents are the primary decision-makers regarding their child’s FSL education. e.g. Because at the end of the day, it's their decision and they know best for their child and it’s a difficult decision. To put their child into a particular program or not.</p> <p>NS: Parents are the primary decision makers regarding their child’s FSL education. e.g. When my children started school, like we would sit as parents and have coffee we would chat, “so are you putting your child in immersion?” “Of course, I’m of putting my child in immersion.” And someone else would say “well, no way, I'm not doing that, I want my kid to learn their English first and then pick up a second language later.”</p>

When?	<p>NB: During enrollment times Until later grades</p> <p>NS: During enrollment times Until later grades</p>
Where?	<p>NB: No data specifying where this takes place.</p> <p>NS: No data specifying where this takes place.</p>
Why?	<p>NB: Know best Because, at the end of the day, it's their decision and they know best for their child and it's a difficult decision. To put their child into a particular program or not.</p> <p>Pre-conceived notions e.g. But I find a lot of the times that the parents, even before I present, have already made their mind up. They know what programs they want.</p> <p>NS: Word of mouth e.g. P31: Word-of-mouth.SM: Okay. P31: Parental groups, just sitting and chatting at the soccer Dome, things like that.</p> <p>Preaching to the converted e.g. Like I mean, when you go to those parent information sessions, like and they listen as if it's the gods truth. Are you preaching to the converted? Probably.</p>
How?	<p>NB and NS: Use their experiences e.g. So in the program it's based on if they've gone through immersion or if they went through... We now call it the prime stream, it would have been the core stream. What those experiences would be. So that could be one of the factors.</p> <p>Receiving information e.g. Students don't know what's available to them and parents know very little, unless they had another child go through. The optional French programs require registrations every year and communication of information to parents. The consultant does all of the visits to the classroom. Primary, we don't visit with the parents before they come. We have information nights and the information goes to the daycares and whatnot. With the middle French immersion, the visits are to the grade 3 classroom, so that they are informed and there are also information nights. And the late French immersion, the visits are to the grades six classroom and there are information nights as well.</p>
Consequences	<p>NB: Parents as informants It works well. I would give those sessions to all the schools in the evenings, you know, and parents are invited to come and then they are given direction and information. You know, there's a one-hour discussion. Emotional investment</p> <p>Demanding a say e.g. People, to be fair, people are emotional about it. They are concerned for their kids' welfare because it's their education, they are in a bilingual province, they want them to have a... So I don't... You know, I never took any issue with anybody having an issue with the issue.</p>

	<p>Decision-making capacity limited</p> <p>Pressure on parents e.g. that's where some of the ignorance of the parents come out because a lot of them were just saying "you tell us what the best point of time to start is." You know? So we're sitting in a meeting where parents were to give input and they were saying "no, you just tell me when is the best time for my child to start French?"</p> <p>NS: Parents as valued informants e.g. So do we ask or value the input? Yes. And do we respond to parents when they are of a certain mindset? In that case, yes. Yeah, they overruled really.</p> <p>Establishers of programs e.g. I mean, the whole thing emanates from the interest that parents in the community may have. Through the schools, through the school boards and through the Department. We have an integrated French program which is a combination of, of French language arts course and a...another French course, another course taught in French. And that is also an optional program that is available to boards to offer and does exist here in Nova Scotia.</p>
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APPENDIX 14- Sample Memos

Example: Memo taken for Nova Scotia FSL consultant (Participant 09)

Interestingly, unlike NB, the salaries for the French coordinators/consultants are provided by both the Department and the School Board (which is funded by taxes). SO, this would perhaps explain why it is that the boards have more power in NS? The province in NS contributes to education from its revenues and from the property taxes (set according to the province's directive), whereas, in NB, education is funded exclusively by the province, based on provincial revenues which include a provincial property tax (among others...it's a tax pot, basically). Interestingly, the property tax is not earmarked for education...the province decides how much to take and allocate to education. All this to stay, perhaps because it is municipally funded in NS, there's more control allocated to boards to implement as they may/ Governance structures? Is the power struggle a product of the Department feeling they should have more power because of the way it's funded, but they don't? Doesn't seem anyone indicated this.

Defines the policy similarly to other participants, also emphasizes "the conditions required to offer those programs." Refers to it as a legal document. The idea that the policy cannot be strayed from is brought up, as is the idea that the policy enforces a streamlining of programs. So, we know policy is important, and some of the descriptions are similar to what people said in NB...but why do I get the impression it's less important in NB? Notably he indicates that people on the ground in the schools are probably not aware a policy exists (again...this raises the question of what role policy plays...and helps us to understand the role of educational policy...it serves a purpose at a certain level, for certain people, but it isn't all pervasive).

Implementation and monitoring is with the coordinators/consultants.

Regionalism comes into play because what happens within the district is contingent on the area...for example, transportation...the policies allow for that adaptation at a micro-level and allow the board some power over that.

Notion of policy as protecting comes into play. He gives a good example of reading from policy to a principal. Says it's an "arsenal". Aids with program delivery. Gives example of policy laying out teacher qualifications.

Very collaborative. They meet with the department four times a year and also meet specifically about policy. Mentions web meetings, a potential resource. Constantly seeking their feedback. Longstanding tradition of being consulted. Their EXPERTISE is being sought. Seems like in NS their expertise is valued (plays into Howlett's idea of policy advisors), whereas in NB, they say they go to consultants/departmental curriculum consultant for their expertise, but it's really only the latter who get a say. An additional step missing. FSL consultants consult with departmental curriculum experts, but don't really get to contribute to policy.

Policy as slow moving...as long as it's draft form, it's not being made public. This means that there is no real clout. Could this be a tactic? So consultation is good but so long as there is no end product, it's limited in its usefulness. So...what happens in the department does affect implementation! **NOT COMPLETELY SEPARATE! bUT...THE SCHOOL BOARD POLICY IS ALMOST A BRIDGE** between the provincial policy and implementation. It helps to provide guidelines, but of course, a provincial policy is needed to set those guidelines and captures the reality of the situation (i.e. budgeting...substantive tool).

This participant was one of the most candid about exemptions. Government restricted information and then just enforced no exemptions. Refused to do a press release to make the information widely known...not in the policy because it is supposed to be something that is just done...this needs further exploration...is it because putting it in the policy would indicate that they were allowing exemptions against what should be common practice of disallowing them? He confirms this is the case.

Interestingly, he acknowledges that there can be a public perception that FI and late FI can be elitist, but he does not feel that exemptions are correlated specifically to that (others were not as clear in their perceived reasoning for the no exemptions practice). Links it to a change in teaching style, which is literacy based. Core French is oral, not necessarily written/read and students with difficulties fare better in these types of programs...so why boot them out?

Evidence of French not being valued in same way as other courses (in line with pretty much all stakeholders/FSL consultants' views and the literature). Students exempt from French but not other programs.

Relationship with CPF and other groups is a working relationship.

STAKEHOLDER RESOURCE? SCHOOL BOARD RESOURCE...POSTING POLICIES PUBLICLY FOR REVIEW AND FEEDBACK...PUBLIC, INCLUDING ORGS LIKE CPF, COULD CONTRIBUTE BY PROVIDING FEEDBACK. Longstanding tradition of this...non-existent in NB. But...because FSL programs have been in place for a long time, they don't receive much feedback in general. So, newness/change brings out responsiveness from public (makes sense!).

Feedback from parents directed to the principals (again, makes sense...how many people would target policy/Department of ED if they are unaware of the impact of policy). Gaston makes a good point. Likes the idea of a five-year consultation about programs/policy...but thinks more than that would create consultation fatigue.

Interestingly, there is less discussion of stakeholders' own resources in the NS cases. Maybe because they are more subtle and didn't require resources like was needed in NB.

Starting to feel like procedural tools are actually a good way to look at instruments because it helps capture what's important about the instrument. Restriction/inclusion and tactics are important, but it's ultimately about how they are used. Less technical than some of the discussions regarding substantive tools. Are organizational tools what helps with "proper"/valued implementation of nodality tools?

Major themes:

- 1) Governance structures matter
- 2) Exemptions imposed
- 3) Some ambiguity about the place and importance of policy

Example: Memo taken for New Brunswick FSL policy analysts

The first interview, with participant 26, provided information for further exploration. This participant's answers were much more "macro level" because of her position in government, which was a higher level manager.

1) Consultation is a tool most commonly used by government. Stakeholder consultation is used (Participant 27 says "we're very, very stakeholder-based" when discussing general policymaking processes and lists who is typically contacted). Feels that consultation is not an option and that people should be listened to. That being said, she later goes on to say that by listening to everyone it helps to anticipate problems (better to the skeleton you know). So consultation is a form of information gathering and PREVENTION.

2) Policy process is a form of problem-solving. They are putting out fires, fulfilling Ministerial commitments or adding to existing policy.

3) Implementation challenges: This was brought up in a general sense. Very clear line between who develops policy and who implements (not new to the ED policy literature). Wondering if part of the problem with FSL was that it was one of those policies that had no leeway regarding how it was implemented and therefore there was no getting around it (as is the case with some other policies)?

4) Media impact. Comes back to media quite a bit. This informed our following interviews, where participants were asked about media impact on FSL policy. Nip problems in the bud before they get to media.

5) FSL and the vocal minority. Emphasizes that it is usually a vocal minority who says something about FSL and offers examples of why others aren't active (apathy, the realities of life...not enough time). Why were the vocal minority able to achieve "success"? Their resources?

Participant 28 provided several themes worth capturing and exploring further.

1) The policy process is problem-solving

One of the questions we ask in the research is "why were instruments selected and how did they affect the policy process". Participant 28's answers revealed one oft addressed theme, which is "the policy process is a problem-solving process" (which falls in-line with Howlett's conceptualization of the policy process). This offers an overarching preliminary answer to the question "tools are (maybe) used to solve problems". From this, a question arises and helps when looking at subsequent interviews: "Are tools discussed/framed as being able to solve problems?" The information provided also helped to answer the question of "how did they affect the policy process" by offering an overarching answer: by offering ways to effectively solve problems.

2) Nodality tools prevail

In terms of "what instruments were used", the participant provided insight into what preference government has for tools. In general, and as far as FSL policy is concerned, the participant revealed a preference by government for consultation.

-LL concept: the quality of tool matters. Quality here refers to how it is interpreted by those on the receiving end of the instrument. They want to feel that they are being included in the policy process and not just paid lip service to. Participant confirmed that government maintains control over the instrument by restricting actors' participation or encouraging it. The emphasis on making those involved in consultation FEEL as though they are important, regardless of whether they are truly important. This begins to answer part of the questions of "why instruments are selected" by providing the answer: in the case of nodality tools like consultation, it is done to, in a way, appease those who

feel they should have a say in the policy process. Participant lists stakeholders as last to be consulted, hierarchizes who is a priority (senior management, inter-departmental partners, DECS and then "other" stakeholders). Maybe it was just par for the course that stakeholders were an afterthought? Government CALIBRATES the tool accordingly.

Related to this is the idea of ministerial power. While in the case of FSL, the minister was forced to revisit consultations, he manipulated the consultation in such a way so as to prove that he was not making an arbitrary choice and that he was doing his best to choose although he was faced with tough decisions. This could be perceived as a way to legitimize his actions and decisions.

3) Delegitimacy stems from motives and values not matching up.

It would seem that FSL is conceptualized in two different ways. Firstly, it is an opportunity for students in the province. Secondly, BILINGUALISM is as an integral feature of NB that, by virtue of it being a value, is something students have a right to access FSL learning opportunities. These values are part of an actors' cognition (information they hold to be true) and the perceived de-valuation of bilingualism may contribute to de-legitimacy

Based on this, it prompts further questions: What is the source of de-legitimacy here?

When speaking about issues of trust, the participant emphasized the place of parents and how they are an important consideration in matters relating to FSL. This answer, in small part, *who* is the source of de-legitimacy but when discussing the upheaval in 2006-2008, he attributed this to a vocal minority. Immediately, I asked why it was a vocal minority was capable of impacting the process to such an extent. This led to a fourth theme:

4) Non-government resources and tactics matter

We traditionally think of policy instruments as existing strictly within the realm of government. It would seem that the resources available to stakeholders and/or other non-government actors allow them a degree of influence and ways to tangibly express their de-legitimacy. Participant 28 referred to the court case, which provides an example of this. Further questioning is required here: Are non-government actors expressing de-legitimacy through the use of resources? What impact do these resources have?

Themes that came up but we have yet to classify within the rubric of the study:

-Governance structures affect educational policymaking. New Brunswick is exceptional in that the DECs maintain control over the super and it therefore makes it very challenging for the department to access them.

As we proceeded to Participant 27, we kept the above preliminary themes at the forefront to further our investigation .

We found that that, at the forefront, was the idea again, that:

- 1) Policy process as problem-solving. Politicians' problems versus problems stemming from citizens or the world out there. Two ways to frame the problems.
- 2) Consultation is the primary tool for information gathering in the education sector, but there are genuine and less effective ways to implement them. Also an indication that sometimes it's disingenuous (this is conflicting among respondents), they know people want to feel as though an idea was theirs and

that they are being heard but participants also seem to believe that doing this is useful because people have valuable things to say.

New categories of significance:

Challenges with FSL:

1) Systemic bilingualism: NB has adopted bilingualism as one of its core mandates, but the Department of ED is responsible for ensuring it is accessible through FSL. States there is no cooperation with other departments for example. They bear the "burden" of bilingualism, but it is something that reaches far and wide (for example, labour and training opportunities do not exist) and even the revisiting of the official languages act was disconnected from a discussion of FSL. It would make sense that the opportunity to learn French is perceived to lie with the ED and hence so much anger is directed their proposed changes. If people need it to function (i.e. earn a living, open doors, etc.) when it is logical to view it as a right.

Where does delegitimacy stem from. Confirms there is systemic delegitimacy, which comes from popular culture and people feeling that the values of politicians don't match up with theirs. Sectorally? Seems that in education, people will view things as legitimate if it matches up with their values as well.

Participants provided information specific to FSL. They work on similar issues and brought up similar key concepts/prelim categories.

Participant 32 and 33 provide significant insight into the FSL policymaking process by providing information related to:

- 1) Consultation was indeed the method of choice. There was contradictory evidence regarding the role of the Minister. At one point the participant states that the commissioners were given free reign to develop the study and ask questions they felt pertinent, but who they spoke with was navigated by the minister. One of the big issues groups found was that they had not been consulted.
- 2) Delegitimacy stems from the fact that people feel the decisions made prior to consultation, a sentiment echoed by other participants. Contrasts with the idea put forth in other interviews, which presents delegitimacy on a more systemic level and being related to macro-level issues.

In discussing the Bilingual Learning Environment policy, it becomes evident that the cultural component of FSL is very significant. Tollefson speaks to the role of culture and its impact on perceptions of languages in education policies. Part of the reason people are so passionate about language in education policies is because it affects their sense of identity (bilingual NBer, for eg) This BLE policy seems to try and play in to this sentiment by reinforcing that a bilingual culture can be implemented in schools. Very closely related to the experience culturel component brought into Policy 309. Teaching culture as a consolation prize for taking french away, while trying to play into the sentiments of those who see bilingualism as integral to NB's culture?

At the end of the analysis some emergent main concepts:

What tools (mainly consultative/nodality, but some mention of authority tools like advisory committees)? Stakeholders also have their own resources (letters, the media and the Courts).

Why are tools chosen? In general, to solve problems, which are either political or generated in the districts (this is in line with Howlett's thinking). FSL was a problem because it was not achieving its stated goals NOR was it in line with the minister commitment to inclusion. The motivation is to solve problems. Consultative tools...were they chosen because it's just how they do things at the department?

Maybe. Commissioning a report also seems to be a commonly used nodality tool, as evidenced by several reports undertaken during the last 20 years. How did this impact the policy process? At this point it is minimally visible. It widened the scope of decision-making on the second round.

What is it about FSL that causes such a reaction? The cognition= It is a value. Seen as a right.

Role of secondary actors: Vocal minority reigns.

Delegitimacy: Coming from parents and a vocal minority. Shows that the presence of legitimacy/de-legitimacy is not enough. Actors capacity to voice that de-legitimacy is important.

Relationship: Uncooperative.

Codes and related phenomena that remain ambiguous in their application at this point: The role of governance structures, disconnected government, accountability mechanisms, bilingual education policy

Example: Memo taken for parent node "Tradition of Information Gathering."

And at that point, when it's kind of crystallized in terms of what the current state is, we brief senior management. Let them know what we've found so far. After that we draft a bilingual, of course, and so that goes to senior management and maybe some internal, or inter-governmental partners, for consultation

-Consultation is TENTATIVE.

What we do is we have to also consult with our transportation and infrastructure branch. We have to consult with our HR branch. We should probably consult public safety, the Department of Public Safety, right? The Department of Transportation. Just to sort of get their perspective of the situation.

-Once again, indicates that consultation is TENTATIVE and is NOT MANDATORY (should "probably" consult indicates this). Indicates they are included to offer input but what the impact or outcome of that is is not indicated (**room for further investigation here**). My interpretation is that they're included simply so they can give a little insight into the issues and that's it.

After the sort of inter-departmental and internal consultation, we go to our superintendents and districts. The district education councils. And we get a feel... Get a sense of where they are at.

-Seems to be indicating that their APPROVAL is one form of input that they seek. Are they okay with what is being done so far?

Sometimes they are involved earlier in the process. It really depends on the issue. Sometimes they're not even involved until the end because it does not necessarily affect them. It doesn't affect them as much as...

It was a safety issue. The DEC's were involved from the beginning and it was really important that, you know, we treat the subject with a lot of sensitivity. But something else like, for example, the remuneration level of DEC members. They were consulted but we already knew what they wanted. They had already made it clear to us what they were interested in getting. So really, we

did sort of the process and then towards the end, we sort of went back to them and said here's what we can come up, with based on what you've told us, are you okay with this? And sort of a short back and forth.

After that, we widen the consultation, okay? Then we include external stakeholders and partners. So that will be, you know, community organizations, youth organizations, not-for-profit...who else would be involved? The teachers' associations, parents, so basically anybody who is a partner or stakeholder and of course, depending on the issue, right?

-The ENTRY POINT of participation is determined by how they are AFFECTED by the issue. Who determines this? This requires the analyst (it would seem) deciphering the position of potential consultation partners. They are imposing whether or not they think a potential participant should or should not be included, except when it comes to the DECS. Again, goes back to hierarchization. Seems that the DECS are able to come to them for their problems and they concede. Considering their needs seems to be important. Indicates they are POWERFUL. Although senior management and internal partners are mentioned first, the slightly lengthier amount of time spent describing the DECS may indicate their importance is significant.

Following this, the "other" stakeholders. Describe in very wide terms...makes it seem non-committal in terms of an actual definition of who a stakeholder is. Wonder if this makes it easier to justify who might be restricted/included in the process.

Degrees of consultation are ISSUE-DEPENDENT. Who determines this, again. It's a grey area worth exploring.

Delineates 3-4 sets of potential consultation partners. 1) Internal and inter-governmental partners; 2) DECS; 3) stakeholders.

After that we draft a communication plan. Just so, how we are going to communicate this to the public and then we get a legal opinion at the same time. Just to let us know if we are on the right track, if anything needs to be changed.

-For analysts, consultation is broad. Here, we see consultation involves getting a legal opinion, indicating that legal consequences are an important consideration and legal approval means that the policy is in fact "good"/acceptable. Legal team getting final say indicates that although the motions have been gone through, the legality of the thing is important too.

Then we let senior management know "here is our final document based on all the consultations that we've done."

-The input from the consultations are important for the final result of the policy. **But, is it to simply show they have consulted? Or are they consulted in a meaningful way?**

The sectors, and I always jester downstairs, the second floor people... We are the third floor people... They implement. They take what is in the policy and do it live. They get it out there. So we would identify the subject matter expert. Like for FSL for example, you've gone out there and you've identified the issue, you've done some research and in this case it would be Darlene and Marcel... They would be the subject matter experts... So the subject matter experts...we'll would just go with this example, Darlene, Fiona, Mark... That's our team. So you work with that team to develop the standards, the requirements, the principles...

-Participant 28 did not mention them as being an integral part of consulting during the policy process, but it's clear from this that their role (secondary actors) is about contributing to policy content. If this is the expectation, then perhaps they're not consulted with about merits of different programs, etc., because they are not viewed as occupying that type of role?

And then in some cases, they have networks within the school districts that we can discreetly access to..."if we propose this, how would this work out for you? Is this too prescriptive? Would you need more prescription?" And that sometimes is nice that you can do that because you know, I've never worked in a school. I'm not a teacher, I don't have a background in that.

-They use FSL consultants of their own contacts? Interestingly, the consultants did not indicate they were asked to do this.

So we developed that skeleton draft. Skeleton is... We develop a draft. It can be fairly well-advanced and then you start consulting a little bit wider.

-in-line with Participant 28's description.

I just wish we could do that so much more often because it would just help us out with buy-in, sometimes... It just provides you with such a different perspective on things. So you widen that out and then, once you have a draft to such a state that people here are comfortable with it, senior management has probably at that point been briefed on it, then you would go to stakeholders. And in the case of FSL, using that one again, and in most of our policy situations, the unions-NBTA, sometimes the Federation... The associations and the unions and even some of the TA's, sometimes even the school bus driver, you know, unions, if it's something that would relate to them. Canadian Parents for French, I'm sure you're aware of that group?

-Links participation with legitimization. Stakeholders last in the hierarchy. vague conceptualization of them again.

FSL, we're moving along with some things now, as well, that will implicate the policy again. It's one of those perennial policy changers unfortunately. I should also mention we are also... We are working very closely with the lawyers. To make sure that what we're proposing is consistent with common practice and consistent with legislation regs and doesn't fly in the face of any conventions that are out there. And sometimes you get really far along in a process then they say, "oh, that's what you are thinking? No, you can't do that".

Protects them...keeps things in check.

Memo: Example of memo for Conditional Relationship Guide category “Ministerial Power”

Ministerial power represents a category that came up when discussing the role of the minister in the policy process and in terms, to a lesser degree, of instrument selection. Most of the references were to the minister of education, although a few referenced the Premiers of each province.

In New Brunswick, the role was much more hands on but the information received about NS was slightly more vague, and it looks like this is because as a rule, the boards have more to input and it isn't really a priority for the Minister (whose role is seemingly more budget oriented). This would be seen in NS as a potential reason why consultation (a nodality tool) is deferred to. It doesn't explain the prevalence of but it could explain the effects of tools...limited in terms of the final decision because ultimately, the minister imposed what is perceived to be an arbitrary compromise.

"When?" addresses at what point in the policy process the minister exudes power.

I found the where question a bit challenging...seeing it's importance is difficult. Instead of forcing an answer with evidence, I answered it simply, with the best of my abilities.

"Why?" is meant to address the reasons ministerial power is used. In Nb's case, the minister made a commitment to inclusive education and reducing streaming and the perception that FI in particular is elitist was part of that discussion. We saw from participants that the policy process is problem-solving and this was a problem to be solved.

"How?" is meant to look at the ways in which the minister exercised his or her power. Instrument calibration was the focus, as well as framing of opponents to FSL.

Consequences of ministerial power were that decision made was perceived to be arbitrary and could almost be a way for the minister to hold his ground, without appearing to be a "dictator."

In the case of NS:

The discussion about the minister's power comes down to two things. One, the governance structures in place are different (to be explored in a different context) and two, priorities were different. FSL is just not a priority. The capacity to impact FSL is there; it's just not exercised.

When: In terms of FSL specifically, the minister has final approval.

Why? is power exuded (or not?). Because, as mentioned above, the priorities are different and the role of the minister was described by participants as budgetary and a matter of personal preference.

Consequence of this option to not exude power over FSL and a deference to experts. Linked with tools too. Consultation is not calibrated for ministerial control.

Linked concepts:

Belief that policy process is problem-solving, of which political problems are part of it, leads to minister exuding power over/focusing on specific issues (e.g. platform commitments).

APPENDIX 15- Core Categories

New Brunswick

Who are actors?

Core Category: Minister at the helm

Process	Retaining control	Supportive roles of “others”
Properties	Solely Dual	Dutifully Philosophically
Dimensions	Shaping perceptions of outsiders Deciding about FSL changes Calibrating tools	Support Minister’s decisions Support minister through tasks through work Refusal to partake
Context	During initial proposed policy changes and during re-evaluation	Daily
Consequences	Inadequate consultation Perception of bias No implementation	Assist Minister through information provision Build capacity

What selection criteria do policymakers use when choosing policy instruments? What role does legitimacy play in the policy process and more specifically, in relation to instrument selection?

Core Category: Solving problems with supportive instruments

Process	Policy process as solving problems	Implementing “traditional” consultative and review tools	Adherence to research	Implementing to support decision-making/actions	Re-visitation for legitimization
Properties	Actively	Selectively Openly	Strict Interpretive	Authoritatively Covertly	Openly
Dimensions	Political: platform commitments Stem from minister “Putting out fires”	Targeted to specific populations (open houses, ministerial advisory committee) Aimed at all outsiders	Research-based arguments Supporting select research Ignoring other research Eventual consideration of other sources	Reliance on research Reviews Communications Preventing-affidavit Delaying-RTI	Appear supportive Recognition of failures (use of media)
Context	Throughout policy process	Formulation	When making decisions about FSL	Decision-making Formulation	Re-formulation
Outcomes	Policy implementation	Support/legitimacy or dissent/de-legitimacy	Perception of bias Distrust of decisions by actors	Assert authority Create strained relationships with outsiders Failed attempts	Increased support Suspicion

How do secondary actors' perceive instruments and what motivates them to react to instruments?

Table 14. Core Category: Action-oriented Believers

Process:	Adoption of core beliefs	Recipients of government tactics	Powerful vocal minority	Implement resources
Properties:	Personal Organizational	Information seeking Inclusive Exclusive	Small groups Loud Silencing	-Pre-existing -Government tools -Generated resources
Dimensions:	Earlier is better Streaming is a challenge Universal entry point is optimal Process is problematic Bilingualism is a right Bilingualism is an opportunity Bilingualism is a cultural necessity	Willingly participate Reluctant participants Reject Reject and force re-visitiation Exceptions to the rule (FSL consultants)	Vocal minority Dissenters Silent majority Supporters	Legal Media Consultation Information dissemination
Context:	Organizational Personal experience	During decision-making policy formulation	When policy issues arise and go against beliefs	Contentious policy change
Outcomes/ Consequences:	Motivated to take action Shapes views of other actors	Shapes perceptions of the policy process: Bad process, climate of fear, untrustworthy government, Support. New relationships emerge.	Mobilize and take actions	Participate in and influence the policy process

Nova Scotia

During the study, it became evident that the roles occupied by actors in the policy process were quite different in Nova Scotia than in New Brunswick. We considered that the scope of the changes were different in each province and although their governance structures may share some similarities, the roles of government and non-government actors related to provincial policymaking activities are dissimilar on some levels. In the section dealing with New Brunswick, we addressed actors' roles and secondary actors' perceptions of instruments in two separate sections. In the case of Nova Scotia, the two are treated together because they emerged in relation to one another. Adhering to the Corbin and Strauss (2008) grounded approach, meant we wanted the categories to emerge organically, hence our core category below.

Core Category: Activity centered locally

Process	Minister's role	School boards are a hub	Presence of French Second Languages Services Branch	Coordinators input Incorporated into policy	Stakeholders locally focused
Properties	Indirect	Implementers	Participatory	Participatory	Actively
Dimensions	Minister's role is budget-oriented Some conditions imposed Can be directly involved if he or she chooses	Retain some authority Influenced by minister's actions Policymaking	Included in policy discussions Coordinates with boards Issues directives	Consulted about policy Consulted about curriculum Uncertainty about role	Activities aimed at the boards Involved in PD
Context	Decision-making Setting priorities	Wider educational sector	Policy and program implementation	During revisions	Changes to programs Professional
Outcomes	Responsible school boards	Targeted Implementation with some flexibility	Cooperative policymaking	Collaborative policy outcomes	Limited action

What selection criteria do policymakers use when choosing policy instruments? What role does legitimacy play in the policy process and more specifically, in relation to instrument selection?

Core Category: Inclusion through consultation leads to a supportive policy environment

Process	Tradition of consultation	Responsibilization of the boards
Properties	Selectively	Embedded locally
Dimensions	Input sought on policy content Decision imposition without consultation	Policymaking authority Collaborative relationships with department Collaborative relationships with select stakeholders
Context	Policy formulation Evaluation	Decision-making and implementation
Outcomes	Trust established	Cooperative policymaking Local level activity