

MINUTES OF PROCEEDINGS OF THE
ENGLISH MONTREAL SCHOOL BOARD

A Special Board Meeting of the English Montreal School Board has taken place on Thursday, May 26, 2022, at 7:30 P.M. in the Laurence Patterson Room, 6000 Fielding Avenue.

Commissioners Present

Me Joe Ortona, Chair
Mr. Agostino Cannavino, Vice-Chair
Mr. Mario Bentrovato, Commissioner
Ms. Maria Corsi, Parent Commissioner – via TEAMS
Ms. Sophie De Vito, Commissioner – via TEAMS
Mr. Jamie Fabian, Commissioner
Mr. Julien Feldman, Commissioner – Joined the meeting at 7:35 p.m. via TEAMS
Ms. Ellie Israel, Commissioner
Mr. Joseph Lalla, Commissioner
Mr. Pietro Mercuri, Commissioner
Ms. Mubeenah Mughal, Parent Commissioner – Joined the meeting at 8:02 p.m. via TEAMS
Mr. Mario Pietrangelo, Commissioner
Mr. Tony Speranza, Parent Commissioner
Mr. Daniel Tatone, Parent Commissioner – via TEAMS

Commissioners Not Present

Mr. James Kromida, Commissioner

Administrators Present:

Mr. Nicholas Katalifos, Director General
Mr. Jack Chadirdjian, Assistant Director General, Administration Division
Ms. Pelagia Nickoletopoulos, Assistant Director General, Education Division
Me Nathalie Lauzière, Secretary General

Ms. Julie René de Cotret, Director, Student Services
Ms. Angela Spagnolo, Director, AEVS
Me Magda Sokol, Director, Legal Services
Mr. Mike Cohen, Manager, Communications & Marketing
Ms. Brigida Sellato, Consultant, Secretariat General

4 members of the public were present

1. Confirmation of Proper Notice of the Meeting

Me Nathalie Lauzière confirmed that notice of this meeting was given.

2.	<p><u>Adoption of the Agenda</u></p> <p>IT WAS MOVED BY MR. PIETRO MERCURI AND UNANIMOUSLY RESOLVED THAT the agenda be approved, as presented.</p> <p>Vote: 12-0-0, Adopted (Mr. Julien Feldman and Ms. Mubeenah Mughal not present for the vote)</p> <p style="text-align: right;"><u>Resolution # 22-05-26-2</u></p>
3.	<p><u>Question Period</u></p> <p>Questions from Mr. Chris Eustace were addressed by the Chair, Mr. Joe Ortona:</p> <p>1. Are there any expenses from EMSB school taxpayers associated with this Court Challenge against Bill 96?</p>
	<p>At 7:35 p.m. Mr. Julien Feldman joined the meeting.</p>
	<p>On a motion by Mr. Tony Speranza the meeting went In Camera at 7:38 p.m.</p> <p>Vote: 8-4-0, Adopted (Mr. A. Cannavino, Mr. M. Bentrovato, Mr. J. Fabian and Mr. J. Lalla against, Mr. J. Feldman and Ms. M. Mughal not present for the vote)</p> <p>The meeting returned from the In Camera session at 8:16 p.m.</p>
4.	<p><u>Court Challenge Against Bill 96</u></p> <p>WHEREAS the National Assembly enacted Bill 96, <i>An Act respecting French, the official and common language of Québec</i>, on May 24, 2022;</p> <p>WHEREAS the English Montreal School Board (EMSB) actively supports the protection of the French language in Québec, including by providing strong French immersion programs that support its students in graduating as fully bilingual Quebecers;</p> <p>WHEREAS measures to protect the French language in Quebec cannot violate the constitutional rights of Quebecers;</p> <p>WHEREAS the EMSB believes that Bill 96 violates the English-speaking community’s right to management and control of its educational institutions under s. 23 of the <i>Canadian Charter of Rights and Freedoms</i>;</p> <p>WHEREAS the EMSB believes that Bill 96 violates the rights of Quebecers to legislation of equal authority in English and French and to use either English or French in the courts under s. 133 of the <i>Constitution Act, 1867</i>;</p> <p>WHEREAS the EMSB believes that s. 133 of the <i>Constitution Act, 1867</i> cannot be unilaterally modified or restricted by the National Assembly, including by way of unilateral amendment to the <i>Constitution Act, 1867</i>;</p> <p>WHEREAS the Council of Commissioners of the EMSB is the elected body representing the English-speaking community on the EMSB territory in Montreal;</p> <p>IT WAS MOVED BY MR. PIETRO MERCURI THAT the EMSB Council of Commissioners mandate the legal firm, Power Law, to institute on its behalf the appropriate legal proceeding to contest the validity of Bill 96, based notably on s. 23 of the <i>Canadian Charter of Rights and Freedoms</i>, s. 133 of the <i>Constitution Act, 1867</i> and <i>Part V of the Constitution Act, 1982</i>;</p>

IT WAS FURTHER MOVED that a copy of the present resolution be sent to the other English language school boards in Quebec and the Quebec English School Boards Association (QESBA), and that they be invited to join or otherwise support the legal proceeding.

Mr. Jamie Fabian proposed an amendment to include the following in the conclusion of the resolution:

IT WAS MOVED BY _____ AND RESOLVED THAT the EMSB Council of Commissioners mandate the legal firm, Power Law, to institute on its behalf the appropriate legal proceeding to contest the validity of Bill 96, based notably on s. 23 of the Canadian Charter of Rights and Freedoms, s. 133 of the Constitution Act, 1867 and Part V of the Constitution Act, 1982 Following requests to the QCGN, QESBA, the other 8 English School boards, the Regional development network, the Canadian Civil liberties association, EPCA, Quebec federation of home and School associations, The Quebec Bar Association, the Chamber of Commerce, la chambre de Commerce du Quebec, the Quebec order of Physicians, and any other relevant organizations, individuals, and other persons for Joint Action on the lawsuit to share the costs.

Vote: 2-12-0, Motion Defeated (Mr. J. Fabian and Mr. J. Lalla were in favor)

Mr. Joseph Lalla proposed to table the adoption of the resolution:

Vote: 5-9-0, Motion Defeated (Mr. A. Cannavino, Mr. M. Bentreovato, Mr. J. Fabian, Ms. E. Israel, and Mr. J. Lalla were in favor)

Mr. Pietro Mercuri proposed to include in the final paragraph the following:

The Quebec Community Groups Network (QCGN), the Regional Development Network (RDN), the Canadian Civil Liberties Association (CCLA), the English Parents' Committee Association (EPCA), the Quebec Federation of Home and School Associations (QFHSA), the Quebec Bar Association, the Chamber of Commerce, la chambre de Commerce du Quebec, the Quebec Order of Physicians and any other relevant organizations, individuals, and other persons.

Vote: 12-2-0, Adopted (Mr. A. Cannavino and Mr. M. Bentreovato against)

Vote on Main Motion including amendment of Mr. Mercuri

WHEREAS the National Assembly enacted Bill 96, *An Act respecting French, the official and common language of Québec*, on May 24, 2022;

WHEREAS the English Montreal School Board (EMSB) actively supports the protection of the French language in Québec, including by providing strong French immersion programs that support its students in graduating as fully bilingual Quebecers;

WHEREAS measures to protect the French language in Quebec cannot violate the constitutional rights of Quebecers;

WHEREAS the EMSB believes that Bill 96 violates the English-speaking community's right to management and control of its educational institutions under s. 23 of the *Canadian Charter of Rights and Freedoms*;

WHEREAS the EMSB believes that Bill 96 violates the rights of Quebecers to legislation of equal authority in English and French and to use either English or French in the courts under s. 133 of the *Constitution Act, 1867*;

WHEREAS the EMSB believes that s. 133 of the *Constitution Act, 1867* cannot be unilaterally modified or restricted by the National Assembly, including by way of unilateral amendment to the *Constitution Act, 1867*;

WHEREAS the Council of Commissioners of the EMSB is the elected body representing the English-speaking community on the EMSB territory in Montreal;

