

MINUTES OF PROCEEDINGS OF THE
ENGLISH MONTREAL SCHOOL BOARD

A Reconvened meeting of the English Montreal School Board was held in the Charles Bancroft Board Room, 6000 Fielding Avenue, on Wednesday, September 4, 2019 at 7:30 p.m.

Commissioners Present

Ms. Angela Mancini, Chairman
Mr. M. Antal, Commissioner
Me Joe Ortona, Vice-Chairman
Mr. Julien Feldman, Commissioner
Mr. Norm Gharibian, Parent Commissioner - (participation by telephone)
Mr. Joseph Lalla, Commissioner
Ms. Sylvia Lo Bianco, Commissioner
Mr. Pietro Mercuri, Parent Commissioner
Ms. Mubeenah Mughal, Parent Commissioner
Mr. Andrew Ross, Parent Commissioner
Mr. Bernie Praw, Commissioner
Mr. James Kromida, Commissioner

Absent

Mr. Rosario Ortona, Commissioner
Mr. Agostino Cannavino Commissioner
Me Patricia Lattanzio, Commissioner

Present:

Ms. A. M. Matheson, Director General
Ms. E. Alfonsi, Deputy Director General, Education Division
Me N. Lauzière, Secretary General

1	<p><u>Continuation of the recessed meeting from September 3, 2019.</u></p> <p>IT WAS MOVED BY MR. B. PRAW to move In Camera at 7:39p.m.</p> <p>VOTE: 8-0-0, ADOPTED (Ms. S. Lo Bianco, Mr. J. Feldman, Ms. M. Mughal and Mr. M. Antal not present for the vote. <u>Resolution #19-09-04-1</u></p>
	<p>Ms. S. Lo Bianco joined the meeting at 7:45p.m.</p> <p>Mr. J. Feldman and Mr. M. Antal joined the meeting at 7:51p.m.</p> <p>Ms. M. Mughal joined the meeting at 8:20p.m.</p>
	<p>IT WAS MOVED BY MR. B. PRAW to go out of Camera at 10:00p.m., all were in favor.</p> <p>VOTE: 11-0-0, ADOPTED <u>Resolution #19-09-04-1.1</u></p>
	<p>2.2 <u>The EMSB seeks answers from Courts</u></p> <p>WHEREAS section 23 of the <i>Canadian Charter of Rights and Freedoms</i> confers on the representatives of the English-speaking minority of Quebec the exclusive authority to make decisions relating to the minority language instruction and facilities (<i>Mahé v Alberta</i>, [1990] 1 SCR 342);</p> <p>WHEREAS the Supreme Court has held that management and control over educational facilities by representatives of the official language minority is vital to ensure that the minority language and culture flourish (<i>Mahé v Alberta</i>, [1990] 1 SCR 342);</p> <p>WHEREAS the English Montreal School Board (EMSB), made up of elected representatives of s. 23 rightsholders in the EMSB’s territory, exercises their right to management and control;</p> <p>WHEREAS the EMSB has achieved tremendous success rates for its students over the past decades and promotes bilingualism in the schools of its territory;</p> <p>WHEREAS the prime goal of EMSB is the success if its students;</p> <p>WHEREAS the EMSB has an active legal challenge before the Quebec Superior Court pertaining to the forced transfer of two of its schools by Order-in-Council in June 2019 pursuant to s. 477.1.1 of the <i>Education Act</i>;</p> <p>WHEREAS Minister Roberge has announced the Government of Quebec’s intention to abolish all school boards and is expected to table a bill to that effect in the coming weeks;</p> <p>WHEREAS the abolishment of the EMSB will have a significant negative impact on the <i>Charter</i> protected rights and the vitality of Quebec’s English-speaking minority;</p> <p>WHEREAS the abolishment of the EMSB will lessen the quality of English education;</p> <p>WHEREAS the Government has been informed that the abolishment of school boards is likely contrary to s. 23 of the <i>Charter</i>;</p> <p>WHEREAS the <i>Charter of the French Language</i> states that school boards are recognized school bodies;</p> <p>WHEREAS it is important that the Courts pronounce themselves on the matters of the forced transfer of EMSB schools, the constitutionality of s. 477.1.1 of the <i>Education Act</i> and the protection of school board governance under s. 23 of the <i>Charter</i>;</p> <p>WHEREAS EMSB believes it is important that the English-speaking community, including all school boards and the Quebec English School Boards Association (QESBA) act in solidarity on these matters.</p> <p>IT WAS MOVED BY MR. J. LALLA AND MR. J. ORTONA, AND UNANIMOUSLY RESOLVED</p>

THAT the EMSB take the necessary measures so that the Courts pronounce themselves on the forced transfer of EMSB schools, the constitutionality of s. 477.1.1 of the Education Act and the protection of school board governance under s. 23 of the *Charter*;

THAT the EMSB fund such litigation, while encouraging other English school boards, the Quebec English School Boards Association, and other representatives of the English-speaking community to participate in its funding;

THAT the EMSB initiate and participate in fundraising efforts for such litigation, and encourage other English school boards, the Quebec English School Boards Association, and other representatives of the English-speaking community to do the same;

THAT the EMSB encourage Minister Roberge to seek a reference before the Quebec Court of Appeal on the question of the protection of school board governance under s. 23 of the *Charter* to avoid a drawn-out debate and in order to limit expenses, as of this moment and even after the Bill is tabled;

THAT the EMSB send a copy of the present Resolution to the Minister's Office, QESBA, QCGN, APPELE and all English school boards in Quebec, among other organizations, and share it on social media.

VOTE: 8-0-3, ADOPTED (Mr. M. Antal, Ms. S. Lo Bianco and Ms. A. Mancini abstained, Mr. Feldman was absent for the vote)

Resolution #19-09-04-2.2

3. Adjournment

IT WAS MOVED BY MR. J. LALLA AND RESOLVED THAT the meeting adjourn at 10:03p.m.

VOTE: 11-0-0, ADOPTED

Resolution #19-09-04-3

Signed in Montreal,

Ms. Angela Mancini, Chairman

Me Nathalie Lauzière, Secretary General