

EXTRACT FROM THE MINUTES OF A SPECIAL MEETING OF THE COUNCIL OF COMMISSIONERS OF THE ENGLISH MONTREAL SCHOOL BOARD HELD IN THE CITY OF MONTREAL ON THE SECOND DAY OF JUNE TWO THOUSAND AND TWENTY

Resolution Seeking to Intervene to Obtain an Exemption From Bill 40

WHEREAS the National Assembly introduced a bill to reform the province's public education system entitled An Act to amend mainly the Education Act with regard to school organization and governance ("Bill 40") on October 1, 2019;

WHEREAS the English-speaking community in Quebec has expressed grave concerns with the effects of Bill 40 on the English-language minority's power of management and control protected by s. 23 of the Canadian Charter of Rights and Freedoms;

WHEREAS the National Assembly gave assent to Bill 40 on February 8, 2020;

WHEREAS Bill 40 provides for the election of the members of the boards of directors to the new English-language school service centres on November 1, 2020;

WHEREAS the Quebec English School Boards Association ("QESBA") has launched a constitutional challenge to Bill 40 on May 15, 2020 filed jointly with Lester B. Pearson School Board and Mr. Adam Gordon, Chair of the Sir Wilfrid Laurier School Board Parents' Committee, as co-applicants;

WHEREAS, until a judgment on the merits is rendered, the application of Bill 40 will have significant harmful effects on s. 23 rightsholders' management and control;

WHEREAS the QESBA and its co-applicants have also applied for an exemption for all English-language school boards from Bill 40 until a final judgment on its constitutionality is rendered;

WHEREAS the English Montreal School Board ("EMSB") wishes to be exempt from Bill 40 before a final judgment on its constitutionality is rendered;

IT WAS MOVED BY MR. J. LALLA AND MR. J. FELDMAN AND UNANIMOUSLY RESOLVED THAT the EMSB expresses its full support for the QESBA and its co-applicants' challenge to Bill 40's constitutionality.

IT WAS FURTHER UNANIMOUSLY RESOLVED THAT the EMSB also expresses its full support for QESBA and its co-applicants' application to obtain an exemption from Bill 40 for all English-language school boards in Quebec before a final judgment on its constitutionality.

IT WAS FURTHER UNANIMOUSLY RESOLVED THAT the EMSB wishes to benefit from any exemption from Bill 40 granted by the courts in order to protect the power of management and control for s. 23 rightsholders residing in its territory before a judgment on Bill 40's constitutionality is rendered.

IT WAS STILL FURTHER UNANIMOUSLY RESOLVED THAT the EMSB authorizes the administration to mandate, if necessary, external lawyers to file a declaration of intervention in order to become a co-applicant in the constitutional challenge to Bill 40 and benefit from any exemption granted by the court from Bill 40 before a final judgment on its constitutionality is rendered.

VOTE: 13-0-0. Adopted

Resolution #20-06-02-4.2

CERTIFIED that the foregoing is a true and correct extract from the Minutes of a special meeting of the Council of Commissioners of the ENGLISH MONTREAL SCHOOL BOARD held on June 2, 2020.



A handwritten signature in blue ink, appearing to read "N. Lauzière", is written in a cursive style.

Me Nathalie Lauzière, Secretary General
English Montreal School Board
June 2, 2020