

EXTRACT FROM THE MINUTES OF A MEETING OF THE ENGLISH MONTREAL SCHOOL BOARD HELD IN THE CITY OF MONTREAL ON THE FOURTH DAY OF SEPTEMBER TWO THOUSAND AND NINETEEN

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The EMSB Seeks Answers from Courts

WHEREAS section 23 of the *Canadian Charter of Rights and Freedoms* 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 (*Mahé v Alberta*, [1990] 1 SCR 342);

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 (*Mahé v Alberta*, [1990] 1 SCR 342);

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;

WHEREAS the EMSB has achieved tremendous success rates for its students over the past decades and promotes bilingualism in the schools of its territory;

WHEREAS the prime goal of EMSB is the success of its students;

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 *Education Act*;

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;

WHEREAS the abolishment of the EMSB will have a significant negative impact on the *Charter* protected rights and the vitality of Quebec's English-speaking minority;

WHEREAS the abolishment of the EMSB will lessen the quality of English education;

WHEREAS the Government has been informed that the abolishment of school boards is likely contrary to s. 23 of the *Charter*;

WHEREAS the *Charter of the French Language* states that school boards are recognized school bodies;

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 Education Act and the protection of school board governance under s. 23 of the *Charter*;

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.

IT WAS MOVED BY MR. J. LALLA AND MR. J. ORTONA, AND UNANIMOUSLY RESOLVED

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. J. Feldman was absent for the vote)

Resolution #19-09-04-2.2

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CERTIFIED that the foregoing is a true and correct extract from the Minutes of a meeting of the ENGLISH MONTREAL SCHOOL BOARD held on September 4, 2019.



Me Nathalie Lauzière, Secretary General  
English Montreal School Board  
September 6, 2019