

CANADA

PROVINCE OF QUEBEC

EASTERN SHORES SCHOOL BOARD

The special meeting of the Council of Commissioners of Eastern Shores School Board was held at the Administrative Office of the Board at 40 Mountsorrel, New Carlisle, Quebec on Thursday May 28, 2020 at the hour of 10:0 a.m. The following persons were present:

COMMISSIONERS: W. Gifford Chairperson  
M. E. Beaulieu (Telephone-conference)  
K. Eldridge, Vice-Chair (Videoconference)  
M. Chesser (Videoconference)  
G. Briand (Telephone-conference)  
D. Bourgouin Telephone Conference)  
R. Mundle (Videoconference)  
K. Dickson (Videoconference)

PARENT COMMISSIONER: K. Mackenzie (Videoconference)  
C. Carney (Videoconference)

DIRECTOR GENERAL: H. Wood  
ASSISTANT DIRECTOR GENERAL: S. Ward; Director of Finance  
INTERIM SECRETARY GENERAL: M.A. Cooke

OTHERS: T. Renouf; Superintendent of Services

ABSENT: L. Martin, J. Davies, M. Clarke, D. Martin, G. Hayes

Mr. Gifford, Chairperson, called this special meeting of the Council of Commissioners to order and welcomed everyone present.

1. **APPROVAL OF THE AGENDA**

C20-05-565

It was moved by K. Mackenzie that the agenda for this special meeting of the Council of Commissioners of Eastern Shores School Board be approved.

CARRIED

2 **BILL 40**

2.1 **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<sup>st</sup>, 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<sup>th</sup>, 2020;

**WHEREAS** Bill 40 provides for the election of the members of the boards of directors of the new English-language school service centres on November 1<sup>st</sup>, 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, Chairman 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 rights-holders' 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 Eastern Shores School Board wishes to be exempt from Bill 40 before a final judgment on its constitutionality is rendered;

C20-05-566

**IT WAS MOVED BY** Commissioner D. Bourgouin **AND RESOLVED THAT** the Eastern Shores School Board expresses its full support for the QESBA and its co-applicants' challenge to Bill 40's constitutionality;

**IT WAS FURTHER RESOLVED THAT** the Eastern Shores School Board 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 RESOLVED THAT** the Eastern Shores School Board 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 rights-holders residing in its territory before a judgment on Bill 40's constitutionality is rendered;

**IT WAS STILL FURTHER RESOLVED THAT** the Eastern Shores School Board shall mandate 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.

CARRIED

3. **QUESTION PERIOD**

No items.

4. **ADJOURNMENT at 10:16 A.M.**

C20-05-567

It was moved by C. Carney that, there being no further business the meeting adjourn.

CARRIED

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Secretary General

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Chairperson