

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 offices of the Board on Wednesday, December 20, 2023, at the hour of 8:00 a.m. The following persons were present:

COMMISSIONERS: W. Gifford, Chair
M. E. Beaulieu (online)
M. O'Brien (online)
K. Ward
D. Hunt (online)
R. Mundle (online)

PARENT COMMISSIONER: K. Mackenzie
J. Bizeau (online)

DIRECTOR GENERAL: D. Simoneau (online)
ASSISTANT DIRECTOR GENERAL: J. Bradbury; Assistant Director General
and Director of Adult and Vocational
Education (online)
SECRETARY GENERAL: D. Gauthier

OTHERS: S. Ward; Director of Finance
M. Hayes-Dow; Director of Information Technology, School
Organization and Transportation
C. Denommée

ABSENT: M. Syvret-Caplin, J. McWhirter, G. Hayes, D. Bourgoûin,
K. Dickson, R. Stewart, R. Di Tanna sent their regrets

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

1. **CONFLICT OF INTEREST**

No conflicts were declared at this time.

2. **APPROVAL OF THE AGENDA**

C23-12-077

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

3. BILL 96 CONSTITUTIONAL CHALLENGE

WHEREAS Bill 96, An Act respecting French, the official and common language of Québec, was assented to on June 1, 2022.

WHEREAS the same day the English Montreal School Board brought an application to challenge the constitutionality of numerous provisions of Bill 96 and the Charter of the French Language.

WHEREAS the English Montreal School Board's constitutional challenge to Bill 96 has been joined with the constitutional challenges of other parties and is progressing through the court system though, like all constitutional challenges, it is expected to be a lengthy process.

WHEREAS amendments to the Charter of the French Language that came into force on June 1, 2023, would require that English language school boards communicate with key institutions of the English-speaking community, such as the Quebec English School Boards Association, in French exclusively.

WHEREAS on September 29, 2023, the Office québécois de la langue française provided the English Montreal School Board with an interpretation of provisions of Bill 96 and the Charter of the French Language, which would effectively require that most internal written communications at the English Montreal School Board be conducted in French.

WHEREAS such an interpretation would also require that most written communications between commissioners of English-language school boards be conducted in French.

WHEREAS such an interpretation would also require that most written communications between English-language school boards be conducted in French.

WHEREAS the Québec Court of Appeal in its decision on the stay of Bill 40 recently reaffirmed that section 23 of the Canadian Charter prevents the province from interfering "with the linguistic and cultural concerns of the minority";

WHEREAS implementing provisions of Bill 96 and the Charter of the French Language, as interpreted by the Office québécois de la langue française, would fundamentally alter the linguistic culture.

WHEREAS implementing provisions of Bill 96 and the Charter of the French Language, as interpreted by the Office québécois de la langue française, would detract from the needs and priorities of the nine English language school boards, their students, parents and the broader community it serves.

WHEREAS all of these effects would lead to irreparable harm for the English-language community.

WHEREAS the Quebec English School Boards Association and all nine English school boards obtained a stay of Bill 40 in 2020, which was confirmed by the Québec Court of Appeal, based on the irreparable harm that implementing Bill 40 would cause to the English-speaking community, while waiting for a decision on the merits of the challenge.

C23-12-078

IT WAS MOVED BY K. Mackenzie that the Eastern Shores School Board become an intervenor in the constitutional challenge put forward by the English Montreal School Board.

IT WAS FURTHER RESOLVED THAT the Eastern Shores School Board Council of Commissioners mandate the legal firm, Power Law, to institute on its behalf the appropriate legal proceeding.

CARRIED

4. **ADJOURNMENT AT 8:10 A.M.**

C23-11-078

It was moved by K. Ward that, there being no further business, the meeting adjourns.

CARRIED

Secretary General

Chairperson

DRAFT