



AD-HOC POLICY REVIEW COMMITTEE
Report No. 24-104

12 September 2024

REVISIONS TO POLICY P.018.GOV ELECTRONIC MEETINGS OF THE BOARD AND COMMITTEES

Key Contact: Janice McCoy, Executive Officer of Corporate Services, Ext# 8310

PURPOSE:

1. To review and approve the proposed revisions to [Policy P.018.GOV Electronic Meetings of the Board and Committees](#) (The Policy).

STRATEGIC LINKS:

2. Enabling the Board to meet the changing requirements of the Ministry regulations will support the Board's commitment to effective governance which is a key feature within the Social Responsibility pillar of the 2023-2027 Strategic Plan.

CONTEXT:

3. The ministry has made amendments to [O. Reg. 463/97: Electronic Meetings and Meeting Attendance](#) to promote and enhance accountability, transparency, and fairness by adding new exceptions to the in-person presence requirement that applies to Trustees. The changes to the regulation will take effect in two phases, as outlined below.

On July 29, 2024, as part of the first phase of revisions, new requirements for what Boards must include in their electronic meetings policy took effect. These changes include an expectation that all Trustees will attend regular Board meetings and Committee of the Whole meetings in person, unless they request and receive approval from the Chair to participate electronically based on the one of the following criteria:

- The distance from the Trustee's primary residence to the meeting location is 125 kilometers or more;
- Weather conditions do not allow the Trustee to travel to the meeting location safely;
- The Trustee cannot be physically present at a meeting due to health-related issues;
- The Trustee has a disability that makes attending meetings in-person more challenging; or

- The Trustee is unable to attend in person due to family responsibilities.

Effective immediately, the Board policy must include a requirement that all Trustees are physically present for every regular meeting of the Board and every meeting of the Committee of the Whole in each year of the term of office, unless one of the exceptions to the requirement for in-person attendance applies. Failure to attend in person as required by meeting attendance regulations may result in the Trustee's seat being vacated according to clause 228(1)(e) of the *Education Act*. In addition, the revised regulation requires that any Board member elected or appointed after November 15, 2022 is required to be physically present at at least one regular Board meeting for each period of four full calendar months. This is different from the requirement in place for trustees elected or appointed prior to November 15, 2022 (the date applicable to the start of the current Board's term of office), which is to attend in person for at least three regular meetings in each 12 month period beginning November 15, 2022.

The second phase of the implementation of the Regulation takes effect on September 1, 2025. At that time, many of the provisions which are currently required to be in Board policy, where one exists, will be revised so that they become standalone requirements, regardless whether there is a policy on electronic participation in place. For example, effective September 1, 2025, the requirements related to in person attendance for Board members, Chair of Board committee (other than Committee of the Whole) and the Director, will become standalone requirements rather than mandatory elements of a policy. As a result of the phased implementation, staff will undertake to review the policy again in the spring of 2025 to determine what, if any, additional revisions may need to be made to comply with the Regulation.

As the necessary updates to the Policy process, it is important to note that the Ontario Public School Boards' Association (OPSBA) has expressed concern regarding the revised regulation and is currently working with legal counsel to provide an overview of what is required of boards and when. While OPSBA has requested that the regulation be revoked, rewritten, and/or aligned with the start of the next term of office, the necessary changes must still be implemented and actioned as soon as possible to ensure compliance in the interim.

KEY CONSIDERATIONS:

4. Key Changes:

A review of the Policy against the regulation has revealed some gaps and wherever possible, specific language from the regulation has been added or, in some cases, substituted for existing language, in order to provide certainty in terms of compliance with the regulation.

- Policy Title:
 - Reflecting the scope of the policy
- Guiding Principles:

- Iterating the Board’s commitment to transparency and accountability for Board and committee meetings
- Policy:
 - Reflecting the requirement for all Trustees to participate in person for regular Board meetings and COW
 - Reflecting the requirement for committee chairs (or designates) to participate in person for all committee meetings
 - Reflecting the requirement and iterating the Board’s commitment to public participation in meetings, both in person and electronically. This includes ensuring that meeting rooms are open to the public and that virtual meeting links are shared
 - Iterating the limitations of public participation in closed meetings
 - Reflecting the requirement for the Director (or designate) to physically attend Board meetings, committee meetings, and COW
 - Iterating the requirement for and importance of simultaneous and instantaneous communication for electronic meetings
 - Reflecting the allowance for Trustees to participate electronically, if granted written permission, according to mandated exceptions
 - Outlining the requirement of the Board to have at least one member of the Board (in addition to the Chair) participate in person at all regular Board meetings and COW meetings
 - Reflecting the right of the Board to deny a member of the Board electronic participation in meetings in some circumstances
 - Reflecting the allowance of committee chairs (or designates) to participate in committee meetings electronically if another committee member who is also a member of the Board is present in person
 - Updating dates, regulation codes, and citations
 - Outlining the expectations for Trustee in-person meeting participation to allow for reasonable attendance expectations for newly elected and appointed members
 - Minor grammar and phrasing revisions, for clarity
- References:
 - Updating relevant dates, regulation codes, and citations
- Policy Definitions:
 - Aligning definitions to current standards
 - Including a definition for Mandatory School Closure period to provide clarity on how the attendance requirements are affected during periods when all schools are closed.

5. Electronic Participation Standards:

In keeping with the intent of the regulation to enhance public trust and transparency the draft policy includes, for consideration and discussion, a set of standards or expectations for trustees while participating electronically:

If eligible for electronic participation, the participant must ensure that:

- They have a private and secure location to participate, free from distractions or interruptions that could compromise confidentiality or the integrity of the meeting. A headset should be used for electronic participation in closed meetings.
- They promptly exit the meeting or mute their audio and video if an interruption occurs and only rejoin when they can participate without further disruption.
- They notify the Chair or meeting facilitator immediately if they experience technical difficulties that prevent them from participating fully, so alternative arrangements can be made if necessary.
- They are clearly identified by name, with their camera on at all times

6. Advisory Committees and Electronic Participation

As outlined in the context section, staff have also shared their concerns with OPSBA regarding the regulations' applicability to advisory and other Board committees. As the Policy contemplates the committees of the Board, clarity on this matter will be an important element of further revisions.

RESOURCE IMPLICATIONS:

7. There are no resource implications for proposed revisions to the policy.

COMMUNICATION/CONSULTATION ISSUES:

8. As the proposed revisions are in response to the changes to the regulation, consultation is neither required nor possible.

RECOMMENDATION:

THAT Policy P.018.GOV Electronic Meetings of the Board and Committees and Meeting Attendance, attached as Appendix B to Report 24-104, be approved.

Janice McCoy
Executive Officer of Corporate Services

Pino Buffone
Director of Education and
Secretary of the Board

Appendices

Appendix A: [Standing Policy](#)

Appendix B: Revised Policy P.018.GOV

Appendix C: [O. Reg. 463/97: Electronic Meetings and Meeting Attendance](#)