



March 27, 2024

Honourable Stephen Lecce
Minister of Education
Mowat Block, 900 Bay Street
Toronto, ON M7A 1L2

Re: Proposed Regulatory Amendments to O. Reg 463/97 Electronic Meetings and Meeting Attendance

Dear Minister Lecce,

At the March 6, 2024 Board meeting of the Halton District School Board (HDSB), the following motion was passed unanimously:

Be it resolved that the Chair write a response to the Minister of Education regarding the proposed Bill 98 Regulatory and Policy Reforms to Support the Better Schools and Student Outcomes Act, 2023 - School Board Trustee Code of Conduct and Integrity Commissioner Process, and Regulatory Amendments to O. Reg 463/97 Electronic Meetings and Meeting Attendance, with copies sent to all Ontario MPPs and School Board Associations, as well as OSTA/AECO.

O. Reg 463/97 Electronic Meetings and Meeting Attendance

Our Board appreciates the time and consideration given by the Ministry of Education regarding electronic meetings and meeting attendance.

We would like to begin by making the following observations regarding current technology:

- During the pandemic, our Board used secure technologies to effectively continue hosting public Board and Committee meetings.
- Post-pandemic, our Board has very successfully continued this practice.
- Trustees are able to fully participate in Board and Committee meetings electronically.
- Members of the public are able to watch public Board and Committee of the Whole Board meetings online - in real time - without being physically present.
- Members of the public are also able to delegate the Board in online meetings.

These restrictive provisions will have an adverse effect on the Trustee candidate pool in the next (and subsequent) elections. Society is increasingly reliant on technology to communicate and participate in their communities. By not allowing for existing technologies to continue to be leveraged in a more flexible manner than what is proposed, it is placing an unreasonable expectation on Trustees and prospective Trustees who are accustomed to the flexibility that technology provides in every other aspect of their lives.

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We recommend greater flexibility in O. Reg 463/97 Electronic Meetings and Meeting Attendance.

We have compiled a list of recommendations regarding the changes proposed regarding O. Reg 463/97 Electronic Meetings and Meeting Attendance in the table appended to this letter.

Sincerely,

Amy Collard
Chair of the Halton District School Board
Burlington, Ward 5 HDSB Trustee

<u>Item</u>	<u>Section / Preamble</u>	<u>HDSB Comments</u>	<u>HDSB Recommendations</u>
Amendment Effective on the Date of Filing	<p>Effective on the date of filing of the proposed amending regulation, the proposed amendment would require each board's electronic meeting policy to include the following four exceptions to the requirements in the regulation for in-person attendance by a trustee (this would include a trustee in the role of a Chair or their designate):</p> <ul style="list-style-type: none"> - The distance from the trustee's primary residence to the meeting location is 125 kilometers or more; (For clarity, "primary residence" must be within the area of jurisdiction of the board.) - 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; or - The trustee has a disability that makes attending meetings 	<p>Whereas the current regulation only stipulates in-person attendance at public meetings of the Board by the Chair or their designate, the proposed amendment applies to <u>all</u> Trustees.</p> <p>We are concerned that this is overly restrictive considering our continued ability to attend and fully participate in all meetings via secure technologies.</p>	<p>Roles and responsibilities for determining whether or not a Trustee has met the criteria for an exception be established in the regulation.</p>
		<p>The proposed amendment would also limit Trustees from participating electronically in public meetings of the Board to only four exceptional circumstances.</p> <p>There are many scenarios - not found in the list of exceptions - which might necessitate electronic participation, including but not limited to:</p> <ul style="list-style-type: none"> - Traffic conditions do not always allow a Trustee to travel to the meeting location safely - a particularly important consideration for Boards located within the GTHA; - Inability to secure childcare/eldercare - placing an undue burden on Trustees that have dependants and family responsibilities; - Unavailability or scarcity of transportation options; - Attending creed-based activities which preclude in person participation; - Attending a funeral or a significant life event; - Attending a conference; or 	<p>In addition to the four exceptions listed in the proposed amendment, we recommend that Trustees be allowed a limited number of discretionary attendances by electronic means each school year.</p>

<u>Item</u>	<u>Section / Preamble</u>	<u>HDSB Comments</u>	<u>HDSB Recommendations</u>
	<p>in-person more challenging may participate electronically, as necessary.</p>	<ul style="list-style-type: none"> - Working in a location more than 125 km from the meeting location; <p>We agree that in-person attendance is preferable, and suggest a more flexible solution that provides a limited number of discretionary attendances by electronic means (e.g. three meetings per school year, or 25% of meetings per school year) in addition to the four listed in the proposed amendment instead of imposing such restrictive and rigorous limitations upon Trustees.</p>	
		<p>We seek clarity on how to operationalize this amendment.</p> <ul style="list-style-type: none"> - Who is responsible for determining whether or not a Trustee meets the criteria for one of the exceptions? - If a Trustee is deemed to not have met the criteria for an exception, will they be barred from attending electronically? - If a Trustee is barred from attending a regular Board meeting electronically, and as a result cannot attend the meeting, will their attendance be recorded as “Regrets”? - If a Trustee is barred from electronically attending three regular Board meetings in a row, and as a result cannot attend the meetings, will they be deemed to have forfeited their seat? 	<p>Clarity needs to be added to the regulation regarding how a Trustee's seat might become vacant due to not meeting the criteria to attend regular Board meetings electronically.</p>

<u>Item</u>	<u>Section / Preamble</u>	<u>HDSB Comments</u>	<u>HDSB Recommendations</u>
<p>Amendment Effective November 15, 2026</p>	<p>A further proposed change would require each board's policy to include a requirement that all trustees (including those in the role of Chair or designate) be physically present for all regular meetings of the board in each year of the term of office, unless one of the exceptions to the requirement for in person attendance applies.</p>	<p>The current regulation states that:</p> <p>“Pursuant to subsection 6.1(1) of the regulation, a trustee (who is not in the role of Chair or designate) must be physically present for at least three (3) regular meetings of the board in each year of their term of office, with limited exceptions. Under clause 228(1)(e) of the Education Act, failure to meet this requirement results in the trustee’s seat becoming vacant.”</p> <p>We note the only change in this amendment proposed to be effective November 15, 2026 (that is not already stated in the amendment that is to become effective the date of filing), appears to be the omission of the reference to clause 228(1)(e) of the Education Act, which states that failure to be physically present for at least three (3) regular meetings of the board in each year of their term of office, with limited exceptions, results in the Trustee’s seat becoming vacant.</p> <p>We seek clarity regarding this omission.</p> <ul style="list-style-type: none"> - Will clause 228(1)(e) of the Education Act remain in force as is, or will it be amended? - If it is to be amended, will the number of regular Board meetings that a Trustees is to be physically present for be changed? - Will the Trustee’s seat become vacant if attendance at the minimum number of regular Board meetings is not met? 	<p>The posting be clarified as to the meaning and effect of this amendment.</p>