



Title: **ELECTRONIC MEETINGS AND MEETING ATTENDANCE**
Adopted: November 2022
Revised: December 2024
Authorization: Regulations 463/97 and 313/24: Electronic Meetings and Meeting Attendance
Education Act Sec. 207, 228

POLICY

It is the policy of the Bloorview School Authority that the Board of Trustees will follow Ministry of Education guidelines regarding electronic meetings and attendance at meetings.

BACKGROUND

1. *Regulations 463/97 and 313/24: Electronic Meetings and Meeting Attendance* of the Ontario Education Act requires that the Authority have a policy regarding electronic meetings and attendance at those meetings.

GUIDING PRINCIPLES

2. Trustees play a key leadership role in ensuring that school programs and services remain responsive to the diverse communities they serve and within the standards established by the province.
3. Effective and visible governance ensures that the education system remains accountable to the people of Ontario.

REGULATIONS

4. At the request of any trustee, the Board shall provide the trustee with electronic means for participating in meetings of the Board (regular or special) or of a committee of the Board, including a Committee of the Whole Board (regular or special).
5. If a trustee proposes to participate in a meeting described in section #4 by electronic means, the trustee shall submit a request in writing, and the reasons for the request, to the Chair of the Board before the meeting begins.
6. If the trustee making a request under section #5 is the Chair of the Board, the Chair shall

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submit the request and reasons to the Vice-Chair of the Board.

7. The Chair or Vice-Chair may approve a request if that person is satisfied that one or more of the following circumstances exist:
 - the distance from the trustee's primary place of residence to the meeting location is 125 kilometres 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 it challenging to be physically present at a meeting; or,
 - the trustee cannot be physically present due to family responsibilities in respect of:
 - the trustee's spouse;
 - a parent, step-parent, or foster parent of the trustee or the trustee's spouse;
 - a child, step-child, foster child, or child who is under legal guardianship of the trustee or the trustee's spouse;
 - a relative of the trustee who is dependent on the trustee for care or assistance; or,
 - a person who is dependent on the trustee for care or assistance and who considers the trustee to be like a family member.
8. The Chair shall not approve a request for a trustee to participate by electronic means in a regular Board meeting or regular committee of the whole Board meeting if the request would result in fewer than one trustee of the Board, in addition to the Chair of the Board or designate, being physically present in the meeting room.
9. The Vice-Chair or other member of the Board shall not approve a request for the Chair of the Board to participate by electronic means in a regular Board meeting or regular committee of the whole Board meeting unless the Chair's designate will be physically present in the meeting room.
10. The chair of a committee of the Board, other than the chair of a committee of the whole Board, or designate shall be physically present in the meeting room of every regular meeting of a committee of the Board. The committee chair or designate may participate by electronic means, if approved in accordance with section 7, and provided that at least one other member of the committee, who is also a trustee of the Board, is physically present in the meeting room.
11. If the requirements of Sections 5-10 are not met, the Board shall refuse to provide a trustee with electronic means of participating in those meetings and the trustee must be physically present in the meeting room.
12. The Chair of the Board or designate shall be physically present in the meeting room of the Board for at least half of the meetings of the Board during each 12-month period beginning

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November 15, 2022. **[to be revoked On September 1, 2025]**

13. A trustee shall be physically present in the meeting room of the Board for at least 3 regular meetings of the Board during each 12-month period beginning November 15, 2022 (and pro-rated for trustees elected or appointed to fill a vacancy on the Board in accordance with ss. 7(9) and ss.11(2) of Ontario Regulation 463/97). **[to be revoked On September 1, 2025]**.
14. A trustee who participates in a meeting through electronic means in accordance with Ontario Regulation 463/97 is deemed to be present at the meeting.
15. The electronic means provided for in section 4 shall permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously.
16. Effective September 1, 2025, if a trustee fails to be physically present at a regular meeting of the Board or a regular meeting of the committee of the whole Board unless their request to attend electronically is approved as set out above and in accordance with Ontario Regulation 463/97, the trustee's seat is vacated. (s.228(1) (e) of the *Education Act*)
17. A trustee vacates their seat if they absent themselves without being authorized by resolution of the Board entered in the minutes, from three consecutive regular meetings of the Board (s.228(1)(b) of the *Education Act*).
18. The Director of Education/Supervisory Officer or their designate must be physically present in the meeting room for each meeting of the Board and each meeting of a committee of the Board, including a committee of the whole, except when the Authority school is closed pursuant to section 19 below.
19. If the Authority school is closed under an order made in accordance with Ontario Regulation 463/97 then the requirement for the physical attendance at any meetings by a trustee or the Director of Education/Supervisory Officer is not required in accordance with that Regulation and all trustees may participate electronically and without complying with section 5 above. In those circumstances, the meeting room of the Board or a committee of the Board will not be open to permit physical attendance by members of the public.
20. Except those committee meetings from which the public has been excluded, the meeting room of the Board or of a committee of the Board, as the case may be, shall be open to permit physical attendance by members of the public at every regular meeting of the Board or of the committee of the Board, regardless of whether one or more trustees participate at such meetings electronically, unless the Authority school is closed, as described in section 19 above.
21. The Board shall provide members of the public with the ability to connect electronically to a meeting of the Board or of a committee of the Board. The electronic means used shall permit the public to hear the meeting, and where permitted by the Board (example, a delegate), to participate in a meeting. All participants in the meeting shall be able to communicate with each other simultaneously and instantaneously.
22. At all meetings at which a trustee participates by electronic means, it is the responsibility of those trustees to comply with the requirements of the *Municipal Conflict of Interest Act*, including, in the case of a meeting that is closed to the public, to disconnect from the electronic participation for so long as is necessary in order to so comply.
23. The Board shall ensure that appropriate processes are put in place to ensure the security

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and confidentiality of electronic participation in proceedings held during meetings that are closed to the public. Members of the public who participate through electronic means do not participate in any proceedings that are closed to the public under clause 207(2)(b) of the *Education Act* (*subject matter under consideration involves the disclosure of intimate, personal or financial information in respect of a trustee of the Board or member of a committee, an employee or prospective employee of the Board or a pupil or their parent or guardian.*

24. The Ontario Public School Boards Association has provided some helpful tips for Boards and individual trustees (see Appendix A)

HELPFUL TIPS FROM OPSBA

Trustee Considerations

1. According to Section 228 (1) (b) and (e) of the Education Act, A member of a Board vacates his or her seat if the member,
 - is absent without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the Board:
 - is not physically present in the meeting room of the Board for at least three regular meetings of the Board in each 12-month.
2. A reasonable interpretation of how sections 228(1)(b) and (e) can be read together is to say that if a trustee is not in attendance at a meeting at all because of an unavoidable reason, then a Board could authorize this absence.
3. If a trustee has knowledge of an upcoming event (i.e., wedding, funeral, medical procedure) that would prevent them from attending a regular meeting of the Board in person, the trustee should consider informing the Board, in writing, the dates for which they would be absent and possibly the reason for the absence, taking into account any personal information.
4. The trustee should send this information in writing to the chair (or any other person designated by the Board) in advance of the applicable regular Board meeting.
5. As a courtesy, trustees should provide this information in advance of any agenda planning meeting and share with any assigned Authority staff that deals with trustee/Board matters.
6. If a trustee is taking an authorized leave, they should consider plans as to how to cover their trustee duties. This could include assigning another trustee as the interim contact.
7. Trustees have the onus to track their attendance at regular Board meetings to ensure they have not violated [s. 228(1) (b)].
8. Trustees should provide as much notice as possible and respect any Board agreed-upon deadlines for requests to be submitted.

Chair/Vice-Chair Considerations

9. If the Chair is seeking an authorized absence, they should send the absence request and rationale to the Vice-Chair and Authority staff.
10. The Chair or Vice-Chair should respond to formal requests within the agreed-upon timelines.
11. The Chair and Vice-Chair should keep a record of all requests along with their decision and ensure at least one trustee together with the Chair of the Board (or designate) are physically present in the meeting room of the Board for a regular meeting of the Board or COTW and that the chair of a committee or designate or another trustee who sits on the committee will be physically present in the meeting room.

Board Considerations

12. Identify trustees who have a primary residence that is 125 km away from the location of the Board or committee meetings.
13. Collect any known or on-going exceptions and consider approving a long-term exception for the duration of the identified time period.
14. Establish timelines for trustees to submit their request and the Chair to approve. Similar to requesting an authorized absence, consider having this information known in advance of the agenda planning meeting would be helpful.
15. Determine a process to support trustees submitting their request past the agreed upon timeline.
16. If an authorized absence is being sought due to an emergency (unexpected illness, stuck in traffic, accident, etc.), the Board should consider developing a process for how these requests will be addressed in the same manner as above.
17. The trustee who experiences the emergency should do their best to share their requested absence in a timely manner.
18. Where technically possible, consider a process for submitting a request to attend a meeting electronically with an auto-reply so that the trustee submitting the request is assured that their request has been received.
19. Communicate the process, template, and agreed upon timelines with all trustees.
20. The attendance by electronic means should be recorded in the minutes of the meeting. A trustee who participates in meetings electronically is deemed to be present at the meeting.
21. Once a written request is provided regarding the trustee's absence request, the Board should then pass a motion/resolution at each affected meeting (either authorizing or not the absence) at the regular Board meeting.
22. The authorization is a resolution (motion) that should be voted on by the Board in public session.
23. The authorized absence should be entered in the public minutes.
24. Unauthorized absences should be tracked by Authority staff and entered into any meetings as an absence. This is counted as a missed meeting. If a trustee is approaching missing three consecutive regular Board meetings, that trustee should be made aware of the potential consequences. This should be sent to their attention in writing.