

## BD- 2050 Electronic Meetings and Trustee Meeting Attendance Policy

**Approval Date: 2025**

**Review Date: 2026**

### 1. Purpose

To support the integrity of the elected office of the Trustee, to encourage rich dialogue and respectful debate, and to ensure education is visible and operating within the standards established by the province, Trustees are expected to attend Board Meetings, Committee of the Board (Standing Committee) Meetings (that a Trustee is a member of), and Committee of the Whole meetings in-person unless otherwise approved under *Regulation 463/97 Electronic Meetings and Meeting Attendance*, or, in the case of regular Board Meetings only, are absented by Board motion under the section 228(1)(b) of the Education Act..

### 2. References and Related Documents

#### External

- Education Act, Section 228(1)(b) \*
  - Applies to regular public Meetings of the Board only
- Education Act, Section 228(1)(e) \*
  - Currently applies to regular public Board Meetings and regular Committee of the Whole Meetings (public and private)

*\*Legal note: It is not clear in law how the two sections of the Education Act – s.228(1)(b) and (e) – are read together given the new wording of Regulation 463/97. Statutory interpretation requires that both be given meaning. Section 228(1)(e), read with the Regulation, says that if a Trustee is not physically present for a regular board meeting or regular committee of the whole meeting, and an exemption to attend electronically has not been granted then the trustee's seat is vacated.*

*However, s. 228(1)(b) provides that a board by resolution can authorize a Trustee to be absent from a regular meeting of the board but not a regular meeting of the committee of the whole board.*

*A reasonable interpretation of how these two paragraphs of the Act can be read together is to say that if a Trustee is not in attendance at a regular meeting of the board at all because of an unavoidable reason, then a board could authorize this absence. There is a risk that a court could find otherwise and therefore a trustee should govern themselves accordingly.*

- [Ontario Regulation 463/97 Electronic Meetings and Meeting Attendance](#)
  - Applies to public Board Meetings and to Committee of the Whole Board Meetings in relation to:
    - the reasons a Trustee can request electronic access to a meeting, and,
    - that failure to attend a meeting may result in a Trustee vacating their seat.
  - Applies to Committee of the Board (Standing Committee) meetings in relation to:
    - the reasons a Trustee can request electronic access to a meeting.

Note that failure to attend a standing committee meeting does not result in a Trustee vacating their seat under this regulation
- [OPSBA Guide to Good Governance](#)

#### Internal

- [TLDSB Organizational By-Laws](#)
- [BD-2045 Trustee Code of Conduct Policy](#)
- [BD-2051 Board Roles and Responsibilities Policy](#)
- [BD-2120/ BD-2021 Privacy and Information Management and Access to Information Policy and Procedure](#)

### 3. Terms and Definitions

**Board Meetings:** Public Board Meetings are the formal ways that Trustees gather to discuss governance issues and make policy decisions. Board meetings are held in accordance with TLDSB By-Laws, and are accessible to the public to attend in-person as observers, or to view via electronic means.

**Chair's Council:** The Chair's Council is comprised of three people: The Chair, the Vice-Chair, and the Past Chair (or Chair's Council Trustee Alternate). Chair's Council meets at minimum during the week prior to each regular meeting of the Board and any scheduled Committee of the Whole Meeting, and, in consultation with the Director of Education, discusses meeting agendas prior to their publication.

**Committee of the Board (Standing Committee):** A committee established to address Board matters as described in the committee's Terms of Reference and as outlined in the board By-laws. The membership of a Committee of the Board (known in TLDSB as a Standing Committee) is limited to a set number of Trustees only as outlined in TLDSB's By-laws. TLDSB Standing Committees include the Finance and Administration Committee, Program and Planning Committee, and Governance and Policy Committee.

**Committee of the Whole:** Committee of the Whole Board Meeting is a meeting called to conduct Board business that does not fall under the mandate of a Regular Board Meeting Agenda or the mandate of an existing Committee. The Committee of the Whole structure is typically also used when Trustees need to conduct In-Camera business under section 207 of the *Education Act*.

**Designate:** An individual engaged by request in a specific purpose, office, or duty. In reference to this procedure, an individual who has been requested to carry out specified functions of the Chair or Director in order to meet a requirement (e.g., attend a physical meeting location in the Chair or Director's stead).

**Electronic Means:** The provision of electronic access to a Board, Standing Committee, or Committee of the Whole meeting for a Trustee means that any Trustee(s) joining the meeting electronically must be able to visually see and hear all other Trustees in attendance, that members must be able to visually see, and hear the Trustee(s) joining the meeting electronically, and that two-way simultaneous and timely communication occurs to allow full participation in the meeting.

**Electronic Access;** The provision of electronic access to a public Board, Standing Committee or public Committee of the Whole meeting for members of the public requires that the public must be able to visually see and hear all members of the proceedings. Two-way communication is only required in the case of a pre-approved delegation.

**In-Camera:** Meeting that occurs in private session (closed to the public) for reasons as outlined under section 207 in the *Education Act* or to protect confidentiality of legal opinions, legal advice and solicitor-client privilege.

**Statutory Committees:** Statutory Committees have specific membership and attendance requirements defined in their respective regulations. These Committees include Audit Committee, District School Council/ Parent Involvement Committee, Special Education Advisory Committee, Supervised Alternative Learning (SAL), Committee for Suspension Appeals and Expulsion Hearings, and Director's Performance Appraisal Committee.

**Student Trustee:** A student representative as elected by the G7 Student Senate, who participates in and reports at public Board Meetings with the goal of bringing student voice to the board table.

**Trustee:** An elected representative. Trustees are not employees of the school board but are considered office holders under provincial legislation. The role of the Trustee is to manage and oversee effective, accountable, and transparent governance of the school board. Trustees are not responsible for the day-to-day operations of the Board.

## 4. Procedure

In alignment with the Board By-laws, the *Education Act*, and *Regulation 463/97* the following Procedure outlines the requirements for Electronic Means, Electronic Access, and Trustee attendance at regular or special public Board Meetings, all Committee of the Board (Standing Committee) meetings, and all Committee of the Whole meetings.

### 4.1 Requirements for physical presence at regular or special public Board meetings, Committee of the Board (Standing Committee) meetings, and Committee of the Whole Board meetings.

Under the *Education Act* there is a requirement for Board meetings, Committee of the Whole Board Meetings, and Committees of the Board (Standing Committees) meetings to be open to the public (unless closed pursuant to s. 207 of the *Education Act*), and O. reg. 463/97 requires that the meeting rooms for *regular* Board meetings and those committees be open to permit physical attendance by members of the public. The Regulation also requires there to be a minimum number of Trustees in attendance in-person at the meeting location along with the Director of Education or their Designate.

- a) Minimum number of Trustees required to attend regular public Board Meetings, including a regular Committee of the Whole Board meeting, in-person:
  - i. The Chair of the Board or their Designate shall be physically present in the meeting room of every regular Board Meeting and each regular meeting of a Committee of the Whole Board, and,
  - ii. At least one other Trustee must be physically present in the meeting room for each regular Board meeting and each regular meeting of a Committee of the Whole Board.

- b)** Minimum number of members required to attend a regular Committee of the Board (Standing Committee) meetings in-person:
  - i. The Chair of a Committee of the Board (Standing Committee) or their Designate shall be physically present in the meeting room of every regular meeting of a Committee of the Board (Standing Committee), and,
  - ii. The Committee of the Board (Standing Committee) Chair or their Designate may both participate by Electronic Means, if approved in accordance with section 4.2, 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.
- c)** Director of Education requirement for attendance at public regular Board Meetings, regular Committee of the Whole Board Meetings, and Committee of the Board (Standing Committee) Meetings
  - i. The Director of Education or their Designate shall be physically present in the meeting room of every regular meeting of the Board and each meeting of a Committee of the Whole,
  - ii. The Director of Education or their Designate shall be physically present in the meeting room of each Committee of the Board (Standing Committee) meeting.
- d)** Requirement for attendance at other meetings (meetings not subject to *O. Reg 463/97: Electronic Meetings and Meeting Attendance* requirements)
  - i. Requirements related to Trustee member attendance at Statutory Committee meetings is outlined in the applicable regulation for each Statutory Committee.
  - ii. Requirements related to Trustee member attendance at advisory committee meetings or ad hoc committee meetings shall be determined as part of each committee's terms of reference.
- e)** Exception for school board closures

If all schools of the board are 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 is not required in accordance with that Regulation. All Trustees and Student Trustees may participate electronically as of right and without complying with 4.2(a) and (b), above. In those circumstances, the meeting room of the Board, Committee of the Whole Board, or a Committee of the Board (Standing Committee) will not be open to permit physical attendance by members of the public.

## **4.2 Trustee attendance at meetings (in-person or via electronic attendance as approved under O. Reg 463/97)**

- a)** In-person attendance
  - i. all Trustees *must* be present in person for Board Meetings (regular or special), Committee of the Board (Standing Committee Meetings; regular or special), or Committee of the Whole Board Meetings (regular or special) unless authorized to attend via Electronic Means in line with section 4.2 (b) and (c) and section 4.4.
  - ii. Failure to attend a regular public Board Meeting or regular Committee of the Whole meeting in-person, or, by Electronic Means (with approval) may result in the Trustee vacating their seat.
  - iii. A Trustee absence from a regular *Board Meeting only* may be approved by Board motion in alignment with section 4.3.

**b) Electronic attendance**

O. Reg 463/97 Electronic Attendance at Meetings specifies that Trustees may **only** participate in a Board Meeting, Committee of the Board (Standing Committee) Meeting, or Committee of the Whole meeting via Electronic Means for one of five specific reasons:

- i. The distance from the Trustee's primary place of residence within the area of jurisdiction of the board to the meeting location is 125 kilometres or more;
- ii. Weather conditions do not allow the Trustee to travel to the meeting location safely;
- iii. The Trustee cannot be physically present at a meeting due to health-related issues;
- iv. The Trustee has a disability that makes it challenging to be physically present at the meeting; or,
- v. The Trustee cannot be physically present due to family responsibilities in respect of:
  - The Trustee's spouse;
  - A parent, step-parents, 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 assistances; or,
  - A person who is dependent on the Trustee for care of assistance and who considers the Trustee to be like a family member.

Trustees must request, through the Chair of the Board, permission to attend a meeting via Electronic Means in alignment with section '4.4(a) *Process to request electronic meeting attendance.*'

A Trustee who is approved to participate in a meeting through Electronic Means in accordance with Ontario Regulation 463/97 is deemed to be present at the meeting.

**c) Request for electronic participation *can be denied* if approval results in the minimum Trustee in-person attendance threshold (as outlined in section 4.1) not being met:**

- i. 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 their Designate, being physically present in the meeting room.
- ii. 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.
- iii. The Chair shall not approve a request for a Trustee who is a Chair of a Committee of the Board (Standing Committee) other than the chair of the Committee of the Whole Board, to participate by Electronic Means in a regular Committee of the Board (Standing Committee) Meeting unless their Designate is physically presented in the meeting room and if both the Chair of the committee and their Designate have been approved by the Chair of the Board to participate by Electronic Means, then at least one other member of the committee, who is also a Trustee, is physically present in the meeting room.

**d) Weather**

There is no allowance for the entire Board of Trustees to participate in a regular Board Meeting or regular Committee of the Whole Meeting electronically under 4.2(b)(ii) due to weather conditions.

If the minimum threshold for members attending in-person under section 4.1 cannot be met due to weather conditions, the meeting should be cancelled with as much notice to the public as possible.

**e) Exceptions for Student Trustees**

Student Trustees may participate in any Board Meeting, Committee of the Whole Board Meeting, or Committee of the Board (Standing Committee) via Electronic Means and are not required under O. Reg 463/97 to obtain advance permission, nor is their reason for electronic participation limited to the reasons outlined in the regulation.

**f) Exceptions for school board closures**

See 4.1(e).

**g) Confirmation of Trustee attendance via roll call**

- i. Every Board Meeting, Committee of the Whole Board Meeting, or Committee of the Board (Standing Committee) Meeting shall include on the agenda an item entitled 'roll call' wherein the presiding officer shall identify who is present in-person, who is absent, who is present via Electronic Means as approved under O. Reg 463/97, and in alignment with this policy, and, in the case of a Board Meeting only who is absent via approved board motion under section 228(1)(b) of the *Education Act* and section 4.3 of this policy.
- ii. If a motion to approve the roll call is passed; the motion serves as confirmation that the electronic and in-person attendance and absences have been accurately stated by the presiding officer.
- iii. If a Trustee has requested to be absent at a current or future regular Board Meeting in alignment with section 228(1)(b) of the Education Act and section 4.3 of this policy, an additional motion related to requests for approval of current or future absences can be brought forward for consideration under the roll call section of the agenda.

**h) Determination of meeting schedules**

- i. Regular public Board Meeting schedules are approved by Trustees at the annual general meeting in December each year and posted on the TLDSB website.
- ii. Special Board meetings or special Committee of the Whole Board Meetings are convened as required and advance notice is shared on the TLDSB website.
- iii. Committee of the Board (Standing Committee) Meeting dates are posted on the committee's page of the TLDSB website and communicated directly to Trustee committee members following the Board approval of Trustee membership on committees in September of each year.

**4.3 Request for absence from a regular Board Meeting as approved by Board motion (applicable only to public regular Board Meetings) under the Education Act s. 228(1)(b))**

When a Trustee is unable to attend a regular Board Meeting, notice of non-attendance and the reason for non-attendance should be provided to the Chair of the Board and Director of Education as soon as reasonably practical in the circumstances.

The Chair of the Board will advise the Board of Trustees at the Board Meeting that the Trustee is absent from of the reason for their non-attendance, or advise the Board of Trustees at the next regular Board meeting, if the circumstances warrant it.

In accordance with s. 228(1)(b) of the Education Act, when a Trustees is absent from a regular Board Meeting, the Board of Trustees shall pass a motion authorizing or not the Trustee's absence and the motion shall be recorded in the minutes of the meeting. This motion is usually passed at the meeting that the Trustee was absent from or at the next regular Board Meeting, if the circumstances warrant it.

The motion will be considered and passed or defeated by Trustees in alignment with the TLDSB By-laws for Rules of Meetings of the Board (By-law 6) and for Voting (By-law 7).

Trustees shall have regard for the following factors when considering a motion to authorize a Trustee absence:

i. Duties of a Trustee:

- Trustees are considered public office holders; in taking the oath of office, Trustees are committing to the public to uphold their duties, which include participation in Board Meetings. Any absence approved by Board motion should align with the values of the Board and the duties of the Board and individual Trustees.

ii. Implications for a Trustee being absent from a regular Board Meeting

If a Trustee is absent from a regular Board Meeting, the minutes of a meeting will reflect the result of the Board motion to authorize or not the absence.

Note:

- There is no allowance for Trustee participation in a meeting via electronic (or any other alternate means) for any reason other than those specified under Regulation 463/97.
- The board has no authority under section 228(1)(b) to authorize a Trustee absence via motion from any Committee of the Whole Board Meeting or Committee of the Board (Standing Committee) Meeting.

iii. Process for reporting an absence and consideration of circumstances when passing a motion:

- In the event of emergency or unavoidable circumstances (Examples may include but are not limited to a traffic issue, an accident, an emergency medical situation etc.), often the nature of the emergency will necessitate that the notice to the Chair of the Board will be last minute. As soon as practical, a Trustee should advise the Chair of their absence, and the reason for the absence, to permit the Chair to request during roll call that a motion be moved to authorize or not the absence.
- In the event of a personal or exceptional circumstance (Examples may include but are not limited to a wedding, graduation, scheduled surgery etc.), typically, these events would be known in advance. A notice to the Chair and Director must be presented in time to allow for to be discussed at the Chairs Council Meeting wherein the agenda for the next Board Meeting is being set, such that the motion can be formally added to the Public Board Meeting agenda.

iv. Consideration of Trustee absence by Board:

- A Trustee who is reporting an absence from a regular Board Meeting, advises the Chair and the Director of Education as soon as practical of the pending absence. The Chair of the Board may consult Chairs Council in relation to notices of absence as required.
- The Chair reports the absence along with the reason for the absence to the Board of Trustees during roll call. A motion that states that 'that Trustee [name] shall be absent from the public meeting of the Board for on [date] in alignment with s. 228(1)(b) of the *Education Act* "can be brought forward.
- The motion will be considered, and passed or defeated by Trustees in alignment with the TLDSB By-laws for Rules for Meetings of the Board (By-law 6) and for Voting (By-law 7).

- v. Notation in minutes regarding a request for absence approved by board motion:
  - If a motion to approve the absence is put on the table and is passed, the motion should be included in the minutes of the meeting for which the Trustee is approved to be absent in the roll call section, stating that the absence was approved by board motion in alignment with section 228(1)(b)
  - If the motion to approve the absence is put on the table and defeated, the notation will be made in the minutes that the motion to approve the absence under 228(1)(b) was lost and the Trustee will be marked absent during roll call if they are not in attendance in-person at the affected meeting.
- vi. Responsibility for Trustees to monitor their own attendance

It is the responsibility for each individual Trustee to consider their attendance in alignment with the potential implications for vacating a seat and as outlined in legislation and this policy.

#### **4.4 Considerations for Electronic Meeting Attendance**

- a) Process to request electronic meeting attendance for reasons listed under section 4.2(b)
  - i. Submission of Request in Writing
    - If a Trustee proposes to participate in a meeting via Electronic Means (including a Board Meeting, Committee of the Whole Board Meeting or Committee of the Board [Standing Committee] meeting) for a reason as described in section 4.2(b), the Trustee shall submit a request in writing and the reason for the request to the Chair of the Board before the meeting begins.
    - If the Trustee making a request under section 4.2 is the Chair of the Board, the Chair shall submit the request and reasons to the Vice-Chair of the Board before the meeting begins.
    - Unless for emergency circumstances related to 4.2(b)(ii), (iii), or (v) Trustees should provide their written request with as much advance notice as possible such that there is time to arrange for Electronic Means for participation.
  - ii. Review of Request
    - The Chair may approve a request if they are satisfied that one or more of the circumstances identified in section 4.2(b) exist and section 4.1 (Requirements for Physical Presence) will be complied with.
    - The Chair or Vice Chair, as applicable, may consult with the members of Chairs Council as required.
    - The Chair or Chairs Council may provide feedback to or ask for clarification from the requesting Trustee in advance of the meeting regarding the reason for the request.
    - In relation to health or medical circumstances, any questions asked should respect an individual right to confidentiality and privacy under MFIPPA, and the protection of personal health information under PHIPPA.



iii. Response to request in writing

The Chair or Vice Chair will respond, in writing, to the Trustee advising whether the request to attend via Electronic Means has been approved.

- If the absence is approved, if the Trustee attends via Electronic Means at the impacted meeting, during roll call the Chair will direct that the minutes will reflect that the Trustee is present in alignment with Regulation 463/97, OR,
- If the absence is not approved and the Trustee does not attend in person, during roll call the Chair will direct that the minutes will reflect that the Trustee is absent.

**b) Standing Exceptions**

The Chair has the ability to approve in writing, upon request from a Trustee in writing, a standing exception for electronic participation if one of the listed exceptions is a permanent or long-term circumstance for the Trustee.

- For example, if a Trustee lives more than 125km from a specified meeting location, the Chair can approve that every time a meeting is held at that location, the Trustee will have the option for electronic participation.

It is the responsibility of the affected Trustee, for each meeting that occurs in the timeframe that the standing exception is approved for, to advise the Chair whether they are planning on attending the meeting in person or whether they require access via Electronic Means arranged.

**c) Required technology and infrastructure for access to the meeting**

- i. TLDSB provides Trustees with technological equipment such as a Chromebook, headphones, a laptop camera, and a mobile device. *It is the responsibility of the Trustee to check that the equipment is accessible and in working order prior to the commencement of any meeting that they have applied to participate in via Electronic Means.*
- ii. Assistance with connection or equipment set up can be provided by the Technology Services Department with fair notice.
- iii. TLDSB provides Trustees with means for home internet access, as well as access to a mobile device that includes data and hotspot capabilities. While it is the responsibility of the board to ensure that a platform to join a meeting via Electronic Means is available and functioning in a manner that meeting participation is possible for Trustee(s) who have been approved to attend electronically, it is the responsibility of the Trustee who has requested to attend electronically to ensure that the location they are attending from has stable and available internet access that will allow for the Trustee to hear and to be heard, and see and be seen at the meeting.

**d) Expectations for Participation in Electronic Meetings**

Any Trustee approved to participate in a public Board Meeting, Committee of the Board (Standing Committee) Meeting or Committee of the Whole Board Meeting via Electronic Means shall ensure that they fully participate in the meeting by:

- Leaving their laptop or mobile device camera on so they can be seen by other Trustees and members of the public;
- Participating in the voting process by clearly raising a hand if they support the motion being called for vote;
- Providing reports, posing questions, and participating in discussion as they would if they had attended the meeting in-person.

The Chair must ensure that any Trustee attending a meeting via Electronic Means is offered the opportunity to meaningfully participate.

**e) Declarations of Conflict of Interest and electronic participation in meetings**

At all meetings at which a Trustee, including a Student Trustee, participates by Electronic Means, it is the responsibility of those Trustees to comply with the requirements of the *Municipal Conflict of Interest Act* as they would if they were in attendance at the meeting in-person, including to disconnect from the electronic participation for so long as is necessary in order to so comply.

**f) Security and confidentiality of Electronic Means of participation in an In-Camera meeting**

The Board shall ensure that appropriate processes are put in place to ensure the security and confidentiality of electronic participation in proceedings held during meetings that are closed to the public, including ensuring Student Trustees 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).

#### **4.5 Unauthorized Trustee absences from Board Meetings**

**a) Unauthorized absence under O. Reg. 463/97**

Effective September 1, 2025, in accordance with Ontario Regulation 463/97 if a Trustee fails to be physically present at a regular Board Meeting or a regular Committee of the Whole Board Meeting *unless their request to attend electronically is approved the Trustee's seat is considered vacated*.

**b) Unauthorized absences from a public meeting of the Board under the *Education Act***

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) of the *Education Act*).

Any requested absence under section 228(1)(b) of the *Education Act* must be approved by Board motion in alignment with section 4.3 of this procedure. Note that section 228(1)(b) applies to public Board Meetings only and not Committee of the Whole Board meetings.

#### **4.6 Public versus In-Camera Meetings**

In accordance with s.207(1) of the *Education Act*, all meetings of the Board and all meetings of committees of the Board, including Committee of the Whole Board shall be open to the public, *except* when a meeting of a committee of the Board, including a Committee of the Whole Board, is closed to the public in accordance with s.207 (2) of the *Education Act*. A meeting of the Board or of a committee of the Board, including a Committee of the Whole Board may be closed to the public in accordance with s. 207 (2.1) of the *Education Act*

**a) In-Camera (private) meetings**

Closed session meetings are also referred to as 'In-Camera' meetings and may only be called as need arises to discuss matters listed under s. 207(2) or (2.1) of the *Education Act*

- i. the security of the property of the TLDSB;
- ii. the disclosure of intimate, personal or financial information in respect of a member of the Board or committee, an employee or prospective employee of the TLDSB or a pupil or parent/guardian;
- iii. the acquisition or disposal of a school site;

- iv. decisions in respect of negotiation with employees of the TLDSB;
- v. litigation affecting the TLDSB;
- vi. Breach of the BD-2045 Code of Conduct that involves matters above; or
- vii. Ombudsman Investigation respecting TLDSB.

A committee of the Board, including a Committee of the Whole Board may meet In-Camera to receive or discuss legal advice or a legal opinion that is subject to solicitor-client privilege.

#### **4.7 Public Access to Public Board Meetings, Standing Committee Meetings, and Committee of the Whole Meetings**

- a) Access for the public in-person or for electronic viewing
  - i. Public Board Meetings, public Committee of the Board (Standing Committee) meetings, and/or public Committee of the Whole Board Meetings must be open for the public to attend as observers in-person at the designated meeting site as listed on the agenda (unless schools are closed as outlined in 4.1(e)) and via electronic viewing wherein members of the public can see and hear the proceedings via a link or platform provided.
  - ii. Unless attending as part of an approved delegation, members of the public are not participants in public Board Meetings, public Committee of the Board (Standing Committee) Meetings and/or public Committee of the Whole Board Meetings and there is no requirement for the provision of two-way communication via Electronic Means.

#### **5.0 Appendices**

5.1 Summary Overview & Flow Chart related to Trustee Attendance at Board, Standing Committee, and Committee of the Whole Meetings

If you require this information in an accessible format, please contact Communications Services at [info@tldsbc.on.ca](mailto:info@tldsbc.on.ca)

## **Appendix 5.1: Summary Overview & Flow Chart related to Trustee Attendance at Board, Standing Committee, and Committee of the Whole Meetings**

### **Education Act Section 228.1(b)**

228 (1) A member of a board **vacates** his or her seat if he or she...

- (a) is convicted of an indictable offence;
- (b) absents himself or herself without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the board;
- (c) ceases to hold the qualifications required to act as a member of the board;
- (d) becomes disqualified under subsection 219 (4); or
- (e) fails to be physically present as required by the regulations made under clause 208.1 (1) (b). 1997, c. 31, s. 112; 2020, c. 7, Sched. 9, s. 2.

### **Education Act Section 208.1(1)**

208.1 (1) The Lieutenant Governor in Council may make regulations,

- (b) prescribing the circumstances in which a member of a board is required to be physically present in the meeting room of a board for meetings of the board

### **O. Reg 463/ 97: Electronic Meetings and Meeting Attendance**

Reasons a Trustee can participate in a meeting electronically:

1. The member's primary place of residence within the area of jurisdiction of the board is located 125 kilometers or more from the meeting location.
2. Weather conditions do not allow the member to travel to the meeting location safely.
3. The member cannot be physically present at a meeting due to health-related issues.
4. The member has a disability that makes it challenging to be physically present at a meeting.
5. The member cannot be physically present due to family responsibilities (see procedure or O. Reg for qualifiers)

A request to attend any Board, Committee of the Whole Board, or Committee of the Board (Standing Committee) meeting by Electronic Means (regular, special, public or private) must be made in writing to the Chair of the Board.

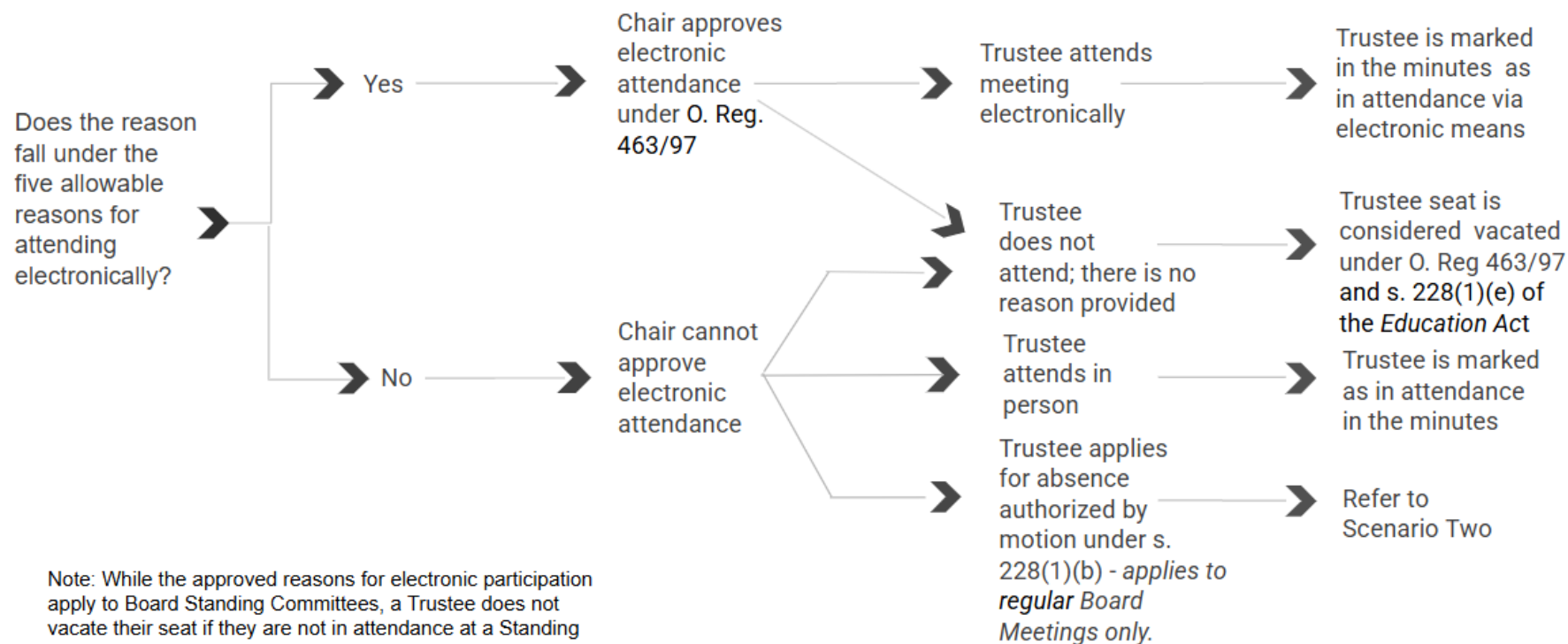
A Trustee's seat is vacated if they fail to attend a regular Board Meeting or regular Committee of the Whole Board Meeting either in-person or via Electronic Means in accordance with s. 228(1)(e) of the Education Act. However, there is an argument that, only in the case of a regular Board Meeting, if the Board of Trustees authorizes a Trustee absence by motion, their seat is not vacated. This argument has not been considered by a court and Trustees, therefore, should govern themselves accordingly.

Attendance scenario- attends in person	Action	Outcome
Trustee is able to attend meeting in person	Trustee attends in person	Marked as present in minutes
Attendance scenario- absent without notice	Action	
Trustee <b>does not attend meeting</b> in any format, Trustee does not provide notice prior to meeting, does not make a request for electronic participation under regulation 463/97, and/or does not request for absence to be authorized via motion under the Ed Act s. 228(1)(b) (only permitted for regular Board Meetings). There are not mitigating/ emergency circumstances reported thereafter.	Trustee does not attend	Trustee is considered absent in alignment with section 228(1) of the education Act.
Attendance scenario under O.Reg 463/97	Action	Outcome
Trustee is available for the meeting but <b>cannot attend in person, therefore applies to participate electronically in a meeting for one of the five reasons</b> listed in O. Reg 463/97	<b>Chair approves</b> if aligns with one of 5 allowable reasons	Trustee participates electronically in the meeting and is marked as present via Electronic Means in the minutes

Trustee is available for the meeting but <b>cannot attend in person <u>and</u> applies to participate in a meeting electronically for reasons <u>other than</u> one of the five reasons</b>	<b>Chair cannot approve</b> if the request does not fall under the scope of one of the 5 allowable reasons	Trustee does not attend; absence is recorded in the minutes; seat is considered vacated IF the meeting is a Board Meeting or Committee of the Whole Meeting.  <b>OR</b> If appropriate in line with the procedure the Trustee <i>may opt to request</i> an approved absence by Board motion ( <i>for a regular Board Meeting only</i> ) under s. 228(1)(b) of Ed Act  <b>OR</b> Trustee ends up physically attending the meeting and is marked as present.
<b>Attendance scenario under the Ed Act s. 228(1)(b) - applies to Board Meetings only</b>	<b>Action</b>	<b>Outcome</b>
Trustee cannot attend a regular Board Meeting in person due to a <b>pre-planned circumstance</b> and requests (via the Chair) absence via motion	Trustee advises the Chair in advance of the meeting that they will be absent. a motion to approve the absence (under the Education Act s. 228 (1)(b)) <b>is approved. (applies to regular board meeting only)</b>	Trustee is marked absent via approved motion (under section 228(1)(b) of the education act) in the minutes.
Trustee cannot attend a regular Board Meeting in person due to an <b>emergency circumstance</b> and requests (via the Chair) absence via motion.	Trustee advises the Chair as soon as possible (depending on circumstances) of the emergency and asks that a Designate bring forward a request for an approved absence supported by a motion (under the Education Act s. 228 (1)(b)) <b>and the absence is approved via Board motion. (applies to regular board meeting only)</b>	Trustee is marked absent via approved motion in the minutes. (In the event that a Trustee unexpectedly does not arrive at a meeting and the Chair has not been notified of a planned absence, a notation should be meeting in the minutes stating that the Trustee is absent but pending a motion to approve the absence at the next meeting once the reasons is known.
Trustee <b>cannot attend a regular Board Meeting or regular Committee of the Whole Board Meeting in person for other reasons</b> and requests absence via motion.	Trustee advises the Chair in advance of the meeting that they will be absent. a motion (under the Education Act s. 228 (1)(b), related to the absence <b>is not approved via Board motion. (applies to regular board meeting only)</b>	Trustee is marked absent and the seat is vacated in accordance with s. 228(1)(e).

### Scenario One:

Trustee cannot attend a Board or Committee of the Whole Meeting in person but could be available to attend electronically. Trustee makes a request to the Chair of the Board



### Scenario Two (applies to regular *board meetings only*):

Trustee cannot attend a **regular** Board Meeting in person due to a personal circumstance and either is not eligible OR is not available to attend the meeting electronically.

