

COMMITTEE OF THE WHOLE

Tuesday, September 10, 2024 | 5:30 PM

AGENDA

1.0 Call to Order

1.1 Land acknowledgement

We would like to open this meeting by acknowledging the traditional territories of the Anishinaabe, on which all schools of the NNDSB are situated. The Board Office is specifically located on the traditional territory of the Nipissing First Nation. We value the cultures, histories and relationships with the Indigenous People of Turtle Island. We are grateful to be gathered here today.

1.2 Attendance

Confirmation of Quorum

1.3 <u>Declaration of Conflict of Interest</u>

2.0 Approval of the Agenda $\sqrt{}$

<u>Motion</u>: That the agenda for the Committee of the Whole meeting of September 10, 2024 be approved.

3.0 Review of Previous Minutes $\sqrt{\sqrt{}}$

<u>Motion</u>: That the minutes for the Committee of the Whole meeting of June 11, 2024 be approved.

Motion: That the minutes for the Special Committee of the Whole meeting of July 15, 2024 be approved.

4.0 Business Arising

- 4.1 Communications report to Trustees from Director Myles $\sqrt{}$
- 4.2 Strengthening School Board Governance and Accountability Regulatory Reforms to Support the *Better Schools and Student Outcomes Act, 2023*√
- 4.3 OPSBA correspondence to Minister of Education August 14, 2024√

5.0 New Business

- 5.1 Notice of Motion Environmental Sustainability Committee √ (J. Fuscaldo)
- 5.2 Terms of Reference for Environmental Sustainability Advisory Committee $\sqrt{}$
- 5.3 Environmental Policy board report √

6.0 Adjournment

Motion: That on September 10, 2024 we do now adjourn at ____ pm.

Minutes of the Committee of the Whole- Public session of the Near North District School Board held June 11, 2024



963 Airport Road North Bay, ON P1B 8H1

Phone: 705.472.8170

Website: www.nearnorthschools.ca

Ashley St. Pierre, Chair

Craig Myles, Director of Education

The June 11, 2024 **Committee of the Whole Public Session** of the Near North District School Board was held in person at the Head Office and via a Zoom video and/or teleconference.

Trustees Present:

Ashley St. Pierre, Chair

Howard Wesley Caren Gagne ®

Bill Steer

Chantal Phillips

Jeanie Fuscaldo Julie Bertram

Louise Sargent

Shane Hall

Albany Benson, Student Trustee

Dora Chen, Student Trustee

Administrative Staff Present:

Craig Myles, Director of Education

Melanie Gray, Superintendent of Education ®

Gay Smylie, Superintendent

Seija Van Haesendonck, Superintendent of Business

Timothy Graves, Superintendent ® Deb Bartlett, Communications Officer Maureen Egan, Executive Assistant

Glenn Morrison, Manager IT

Other:

Staff, Union partners, media, community partners

Regrets: n/a

® attended remotely via Zoom video or audio conference

1.0 Call to Order

Chair St. Pierre called the Committee of the Whole meeting to order at 4:30 pm.

1.1 Land acknowledgement

Vice-Chair Wesley read the declaration aloud.

1.2 Attendance

Attendance indicated that 11 trustees were present, including the two Student Trustee.

1.3 Declaration of Conflict of Interest

Trustees Hall, Wesley and Steer declared conflicts of interest with agenda item 2.0 closed session re negotiations.

2.0 Closed Session

Motion: CW 24-06-01, L, Sargent/C.Phillips

That the Committee move into Closed Session in order to discuss items pertaining to *The Education Act* R.S.O. 1990, c.E.2 section 207(2)(d) – Negotiations, and section

Minutes of the Committee of the Whole- Public session of the Near North District School Board held June 11, 2024

207 (e) - Litigation. - CARRIED

3.0 Approval of the Agenda

Trustees were referred to the agenda included in the agenda package.

Motion: CW 2024-06-02 S.Hall/J.Bertram

That the agenda for the Committee of the Whole meeting of June 11, 2024, be approved. - CARRIED.

4.0 Review of Previous Minutes

Motion: CW 2024-06-03 C.Phillips/S.Hall

That the minutes for the Committee of the Whole meeting of May 14, 2024 be approved. – CARRIED.

5.0 Business Arising - n/a

6.0 New Business

6.1 Notice of Motion Ministry Guidance on Community Request to Save McDougall Public School

Trustees were referred to the Notice of Motion filed by Trustee Bertram contained in the agenda package. Trustee Bertram provided introductory comments noting that trustees are responsible for identifying the needs of the community and that she feels the new build is not large enough and that we need to consider future increased enrolment in the area. She would like to open communication with the Minister to address this. Trustee Fuscaldo provided her rationale for supporting the motion. Trustee Wesley also provided his support wanting more accountability to the public. Trustee Steer not in support of the motion and suggested it go to the PS Build Committee for a fulsome report. Trustee Sargent supported the motion and provided comments on edupods and clarified that they are not the dated portables used years ago. Trustee Bertram clarified that the intent of the motion is to open communications with the Ministry and the voices of the stakeholders.

Director Myles noted that the Ministry decided based on data previously provided and agreed by the previous board. The Ministry will want in depth details to support reviewing the area and agreed with the suggestion of it going to committee for further work. Trustee Bertram agreed to revise the motion to create an ad hoc committee then bring to the Board. Consensus reached to strike an ad hoc committee.

Motion: CW 24-06-04 J. Bertram/J. Fuscaldo

That the Board strike an ad hoc committee to gather data on the McDougall Public School area and provide a report to the Board before the end of June 2025. – CARRIED

6.2 Notice of Motion Disposition and Sale of Widdifield SS

Trustees were referred to the Notice of Motion filed by Trustee Fuscaldo contained in the agenda package. Trustee Fuscaldo provided introductory remarks on the motion explaining that for financial responsibility reasons it is important that the NB

Minutes of the Committee of the Whole- Public session of the Near North District School Board held June 11, 2024

Consolidation committee meets to determine whether Widdifield can be sold in order to use proceeds for current needs ie Chippewa track.

Trustee Steer suggested the Board receive a report from senior staff. Trustee Gagne felt Widdifield should be maintained for future use. Trustee Hall agreed that this item should go to the NB Consolidation Committee.

Director Myles appreciated the wording of the motion advising that it is a multi-layered item that requires much work and study and includes other properties in the area. Consensus reached to amend the motion.

Motion: CW 24-06-05

That the Director provide a report to the Board at the June 2025 Committee of the Whole regarding the feasibility of moving forward expediently with the sale and disposition of the property located at 320 Ski Club Road North Bay formerly known as Widdifield SS after the North Bay Consolidation Committee meets. - CARRIED

7.0 Motion to Adjourn

Motion: CW 24-06-06 J.Bertram/S.Hall

That we do now adjourn at 6:23 pm. – CARRIED.

Minutes of the Committee of the Whole- Public session of the Near North District School Board held July 15, 2024



963 Airport Road North Bay, ON P1B 8H1

Phone: 705.472.8170

Website: www.nearnorthschools.ca

Ashley St. Pierre, Interim Chair

Craig Myles, Director of Education

The July 15, 2024 **Committee of the Whole Public Session** of the Near North District School Board was held in person at the Head Office and via a Zoom video and/or teleconference.

Trustees Present:

Ashley St. Pierre, Chair Howard Wesley ® Bill Steer C.Gagne Chantal Phillips ® Louise Sargent Shane Hall ®

Regrets:

Jeanie Fuscaldo Julie Bertram

Administrative Staff Present:

Craig Myles, Director of Education
Gay Smylie, Superintendent
Seija Van Haesendonck, Superintendent of Business
Timothy Graves, Superintendent ®
Deb Bartlett, Communications Officer
Maureen Egan, Executive Assistant

Other: n/a

Regrets: Mel Gray, Superintendent

® attended remotely via Zoom video or audio conference

1.0 Call to Order

Chair St. Pierre called the Committee of the Whole meeting to order at 11:20 pm and apologized for the delay.

1.1 Land acknowledgement

Vice-Chair Wesley read the declaration aloud.

1.2 Attendance

Attendance indicated that 7 trustees were present

1.3 Declaration of Conflict of Interest nil

2.0 Approval of the Agenda

Trustees were referred to the agenda included in the agenda package.

Motion: CW 2024-07-01 C.Gagne/B.Steer

That the agenda for the Special Committee of the Whole meeting of July 15, 2024, be approved. - CARRIED.

2.0 Report from the DPA Committee

Chair St. Pierre explained that the Ministry expectation for us to provide information to all trustees regarding the appraisal process and Director's performance plan on or before August 15, 2024. Presenting now avoids the necessity of calling another meeting during the summer months and expedites the process in accordance with Ministry timelines.

Director Myles to explained the evaluation cycle that was provided in the agenda package. He also noted that NNDSB was well ahead of this work and therefore had little to change in the framework. Chair St. Pierre asked trustees to provide comments and/or feedback to her by August 1, 2024.

3.0 Closed Session

Motion: CW 2024-07-02, B.Steer/L.Sargent

That the Committee move into Closed Session in order to discuss items pertaining to *The Education Act* R.S.O. 1990, c. E.2 section 207(2)(b) – Disclosure of financial information in respect of an employee. – CARRIED (staff were excused for this portion with the exception of the Director and the Executive Assistant)

4.0 Adjournment

Motion: CW 24-07-03 L.Sargent/S.Hall

That we do now adjourn at 11:59 am. - CARRIED.

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BOARD REPORT

Title:	Executive Summary Report Requested May 14, 2024, Regarding Communications to
Contact:	the Near North District School Board (NNDSB)Board of Trustees Director Craig Myles
Date Submitted:	Sept 10,2024
Mandate:	To report upon the management of communications to the Board of Trustees since the inaugural meeting November 2022
Executive Summary:	The Communications investigation, and report were completed after concern was expressed at the May 14, 2024, Near North District School Board (NNDSB) Board meeting regarding communication protocols. Trustees expressed concern that communication from communities or community members addressed to the Board of Trustees or to the Parry Sound Build committee were being withheld from the Board of Trustees. Trustees brought forward a letter they felt should have been shared according to BL112 (1) and (2) of the NNDSB Governance manual. "All correspondence, which is addressed to the NNDSB Board of Trustees and received by the Chair, the Vice-Chair or the Secretary to the Board shall be forwarded to all Board members. 2. All correspondence received by the Board in the manner outlined in section 1 shall be entered into the public record as being received." Discussion, including the protection of privacy led to a general consensus that the use of the word ALL was problematic for several reasons, and should be brought to the attention of the By Law Committee for clarity. In an earlier discussion via email, Trustees had also brought forward a list of community letters, for which a request was made to investigate how the letters had been managed. "The foundation of a positive working relationship between the board and the Director of Education is clarity on roles and responsibilities. The engine that drives the relationship from that point is open, direct, two-way communication based on mutual trust". The Director of Education is the chief executive officer and chief education officer of the school board. At the same time, they are Secretary to the Board of Trustees, "The Director of Education is the sole employee who reports directly to the board of trustees, usually through the chair or their delegate. All school board staff report either directly or indirectly to the Director of Education." https://ontarioschooltrustees.org/. As such, the director is in the unique position to determine which correspondences that are ad



other opinion in order to ensure compliance with the Education Act, Union agreements, Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and Freedom of Information and Protection of Privacy Act (FIPPA)regulations and other regulations as appropriate before referring correspondence to the Board of Trustees. Acting as the Secretary of the Board, the Director endeavours to ensure that any correspondence addressed to NNDSB Chair or Board of Trustees regarding governance, or business related to a committee of the Board of Trustees is forwarded to the Chair for dissemination and or the chair of a committee of the Board according to the communication protocol. Any correspondence that is vexatious, anonymous, misdirected, or frivolous in nature is managed individually according to the context and may be discussed with the appropriate, individual, department, Supervisory Officer, the Chair or individual Trustee as appropriate. Any correspondence that pertains to board departments, program or schools is directed accordingly and managed by appropriate staff. The above protocols are in line with Ministry of Education Policy program Memorandum (PPM) 170 which states, "School Boards must develop and comply with a protocol that sets out standards for acknowledging and responding to parent inquiries." Further to this directive, NNDSB has aligned and established protocols, which clearly set standards for communication for all stakeholders and rightsholders. In answering this request to report upon correspondence to the Board of Trustees and or the Parry Sound Build Committee, a thorough search was completed in order to locate all letters brought forward including, as requested, those addressed to the Board of Trustees and or the Parry Sound Build Committee. In addition to a number of letters brought forward by the Board of Trustees, the search uncovered three additional Municipal correspondences from April 4th and May 2 of 2023 and Feb 12, 2024, which are not addressed to the Board of Trustees or the Parry Sound Build Committee but are also included in the full report in the interest of full transparency. In the two cases where staff were unsuccessful in locating a questioned correspondence, a thorough search was completed and it was determined that the correspondence has not been sent to any of the following usual points of receipt: NNDSB general information email, the former Chair, the Director of Education, or the former Executive Assistant. It is assumed that correspondence was either not sent or was sent to another recipient of which NNDSB is unaware. This can only be tracked by connecting with the appropriate source who would be responsible to send the correspondence.

Research confirms only one letter not sent by a municipality, since the November 2022 inaugural meeting of the current Board of Trustees was addressed to the Board of Trustees. There was debate as to whether the letter in question must be protected under the Freedom of Information and Protection of Privacy Act (FIPPA) regulations. Said letter was received through the staff communication protocol which was set in 2020 and is aligned with the established Parry Sound Build communication protocol, which was set in 2021. The school principal received and forwarded the letter to the appropriate staff for management and protection of privacy according to the protocol. The letter was not considered as an item to be forwarded to the Board of Trustees as it was felt that it should be managed operationally out of an abundance of caution for privacy concerns and regulations. In June 2021, after extensive consultation over many years including significant staff consultation, communication protocols were put in place for any further questions regarding the Parry Sound Build. NNDSB Staff were



informed of the general protocol in 2020 as well as receiving instruction regarding the Parry Sound Build protocol in 2021. Thereafter comments and questions from staff about the build were expected to be referred to their immediate supervisor. Any and all communication from staff has been correctly directed through the staff communication protocol for answer from their employer. For all intents and purposes, it was felt the letter had been managed appropriately and that MFIPPA and FIPPA guidelines were being followed. Because the letter simply repeated concerns that had previously been heard and addressed in several staff consultation meetings, and because the letter was received by the SBO who sits on the Parry Sound Build committee, it was not considered to be new and or unaddressed information. Thus, privacy could be protected without withholding emergent information.

The letter in question was received by the appropriate executive staff and managed operationally through the staff communication protocol, thus providing an abundance of caution in regard to Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Ontario Regulation, Freedom of Information and Protection of Privacy Act (FIPPA). Legal counsel supported the NNDSB position because the sharing of the letter contravened privacy. It is reassuring that the process followed and the management of the letter due to privacy concerns was supported by legal who subsequently provided the board with a redacted version that was circulated to the Board of Trustees June 11, 2024.

All other letters addressed to or forwarded, or carbon copied (cc'd) to Near North District School Board (NNDSB) and not the Board of Trustees and or were addressed to the Director of Education, or individual trustees, were forwarded to the correct staff and or trustee(s) including the Chair of the Parry Sound Build Committee.

The full report shows that NNDSB finds no other evidence of correspondence from community and or community partners addressed to the Board of Trustees or to the Parry Sound Build Committee from Nov 2022 to present date. Furthermore, the

Parry Sound Build Committee from Nov 2022 to present date. Furthermore, the secretary of the Board and board staff acted according to protocol, sharing all correspondence not addressed to the Board of Trustees but deemed important to the Board of Trustees. The former were shared through the Chair of the Board and/or the appropriate committee chair or single Trustee as appropriate.

SUMMARY OF CORRESPONDENCE RECEIVED SINCE NOVEMBER 2022:

- i) One Letter was felt to be protected under the Municipal and Ontario Freedom of Information and Protection of Privacy Acts which say, "A head may refuse to confirm or deny the existence of a record if disclosure of the record would constitute an unjustified invasion of personal privacy." R.S.O. 1990, c. F.31, s. 21 (5). MFIPPA S. 14 (5) FIPPA S. 21 (5) and; "A head may refuse to disclose a record where, (b) the head believes on reasonable grounds that the record or the information contained in the record will be published by an institution." R.S.O. 1990, c. F.31, s. 22. MFIPPA S. 15 and FIPPA S. 22. Upon advice of legal counsel, a redacted version of this letter has since been shared with the Board of Trustees June 11, 2024.
- ii) Four emails received by NNDSB staff through the NNDSB information email that were addressed to the chair but not regarding the Parry Sound build and not addressed to the Board of Trustees were forwarded to the sitting Chair.
- iii) Several phone calls and two vexatious emails regarding a single trustee, that were not addressed to the Board of Trustees, not regarding the Parry Sound build and not anonymous were immediately brought to the attention of the trustee in



question as per MFIPPA and FIPPA regulations and out of an abundance of caution to protect and support the Trustee. iv) A multitude and variety of ongoing emails and mail addressed generally to NNDSB including items such as but not limited to: partner questions, parent questions and concerns, product pitches, contests, charity events, association news, thank you letters, finance invoices, contracts, receivables, grants, human resources contracts, certifications, policies and agreements, capital and facilities, proposals, outlines, tender information, invoices, program partnership memorandums, curricular opportunities and grant applications, and Ministry of Education memos are disseminated to the appropriate staff on a daily basis. Through the appropriate communication protocol. In addition, attempts to compromise the NNDSB system network are vetted and managed appropriately and not forwarded to safeguard organization. After a thorough and lengthy investigation into this issue, it is evident that the board and or board staff have acted appropriately according to established communication protocols. For the full report and conclusions, please make a request through Recommendations the Director's office

Memorandum To: Chairs of District School Boards

Directors of Education

Secretary/Treasurer of School Authorities

From: The Honourable Todd Smith

Minister of Education

Kate Manson-Smith

Deputy Minister of Education

Date: July 30, 2024

Subject Strengthening School Board Governance and

Accountability - Regulatory Reforms to Support the Better Schools and Student Outcomes Act, 2023.

Increasing School Board Transparency - Regulatory

Reform to O. Reg. 463/97

As you are aware, the *Better Schools and Student Outcomes Act, 2023* (the "Act") received Royal Assent on June 8, 2023. The Ministry of Education (the "ministry") is moving forward with regulatory reforms that **strengthen school board governance and accountability**. The ministry is also moving forward with amending O. Reg. 463/97: Electronic Meetings and Meeting Attendance to **promote and enhance accountability, transparency, and public confidence** in the education system. The ministry has consulted with key sector partners through various channels to inform the development of the regulations.

The regulatory reforms will:

- Establish consistent provincial standards for trustee conduct;
- Establish a transparent and consistent process for resolving code of conduct complaints, led by a third-party investigator known as an Integrity Commissioner, as well as establishing qualifications for Integrity Commissioner;
- Provide a financial sanction that Integrity Commissioners could impose when a determination is made that a trustee has breached the code of conduct; and
- Establish new requirements for in-person trustee attendance at board meetings to enhance accountability and transparency.

Further information on each initiative is provided below, including effective dates of the regulatory reforms.

<u>Strengthening School Board Governance</u>

<u>Trustee Code of Conduct Regulation</u>

Ontario Regulation 246/18: Members of School Boards – Code of Conduct has been revoked and replaced with a new Minister's regulation Ontario Regulation 312/24 that sets out a mandatory code of conduct which will provide a consistent standard for trustee conduct in all boards across the province. The mandatory code of conduct is intended to support effective governance and leadership so boards remain focused on the successful delivery of provincial education priorities.

The regulation provides for boards to add additional provisions to the code of conduct that reflects their local needs, provided that the additional content cannot contradict the mandatory provisions set out in the regulation.

Boards will be required to revise their current trustee codes of conduct and related policies to reflect the new regulatory requirements by **August 28**, **2024**.

Effective Date: July 29, 2024

This regulation can be found on the e-Laws website by searching for Ontario Regulation 312/24 (O.Reg 312/24). Please note that it may take up to 48 hours for the regulation to become available on e-laws.

Strengthening School Board Accountability

Integrity Commissioner-Led Investigation Regulation

The provisions in the Act establishing the investigation process for resolving trustee code of conduct complaints, will be proclaimed on January 1, 2025. To support these provisions, Ontario Regulation 306/24: Integrity Commissioners and Process for Alleged breaches of the Code of Conduct, has been filed and will come into effect on the same date. It sets out the rules and procedures for a clear, consistent and efficient Integrity Commissioner-led investigation process which will ensure that code of conduct complaints are addressed by experienced and impartial individuals.

The regulation will establish qualifications for Integrity Commissioners appointed by school boards to investigate code of conduct complaints. Provisions under the Act, once proclaimed, will require school boards to appoint Integrity Commissioners from a roster of candidates established by the ministry. If a roster has not yet been established, school boards will be required to appoint an Integrity Commissioner that has the qualifications set out in regulation.

Effective Date: January 1, 2025

This regulation can be found on the e-Laws website by searching for Ontario Regulation 306/24 (O.Reg 306/24). Please note that it may take up to 48 hours for the regulation to become available on e-laws.

Honoraria Sanctions Regulation

A provision in the Act that provides authority to specify the maximum amount by which a

trustee's honorarium may be reduced as a sanction for breaching a school board's trustee code of conduct, will be proclaimed on January 1, 2025. To support this provision, O. Reg. 357/06: Honoraria for Board Members will be amended to include a maximum amount that a trustee's honorarium may be reduced as a sanction for breaching the code of conduct. This amendment is intended to act as a deterrent against future code of conduct breaches.

Specifically, the sanction would allow an integrity commissioner to reduce a trustee's honorarium by a maximum of 25% of a trustee's combined base and enrolment amount for the year of the term of office in which the breach occurred.

Effective Date: January 1, 2025

The amendments to the regulation can be found on the e-Laws website by selecting "source law" and searching for Ontario Regulation 311/24 (O.Reg 311/24). Please note that it may take up to 48 hours for the regulation to become available on e-laws.

Increasing Transparency

Electronic Meetings and Meeting Attendance Regulation

The ministry is moving forward with amendments to O. Reg. 463/97: Electronic Meetings and Meeting Attendance to promote and enhance accountability and transparency and fairness by adding new exceptions to the in-person presence requirement that apply to trustees. The changes to the regulation will take effect in two phases.

Beginning July 29, 2024, new exceptions to the physical presence requirement will take effect. These changes include expanding eligibility for all trustees to attend a regular board meeting electronically where:

- 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 September 1, 2025, all trustees will be required to be 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 inperson attendance applies. Failure to attend in person as required would result in the trustee's seat being vacated pursuant to clause 228(1)(e) of the *Education Act*.

The amendments to the regulation are intended to provide flexibility to address the impact of physical attendance requirements on geographically large, northern, and rural boards. They also recognize the importance of public access to board and committee meetings, with trustees attending in person to promote and enhance accountability, transparency, and public confidence in the education system.

Effective Dates: July 29, 2024 September 1, 2025

The amendments to the regulation can be found on the e-Laws website by selecting "source law" and searching for Ontario Regulation 313/24 (O.Reg 313/24). Please note that it may take up to 48 hours for the regulation to become available on e-laws.

Thank you for your ongoing collaboration and support to ensure the successful implementation of these important initiatives which will enhance effective, accountable and transparent governance. We look forward to our continued partnership as we work together to support success for every student.

Sincerely,

Todd Smith Kate Manson-Smith Minister Deputy Minister

c: President, Association des conseils scolaires des écoles publiques de l'Ontario (ACÉPO)

Executive Director, Association des conseils scolaires des écoles publiques de l'Ontario (ACÉPO)

President, Association franco-ontarienne des conseils scolaires catholiques (AFOCSC)

Executive Director, Association franco-ontarienne des conseils scolaires catholiques (AFOCSC)

President, Ontario Catholic School Trustees' Association (OCSTA)

Executive Director, Ontario Catholic School Trustees Association (OCSTA)

President, Ontario Public School Boards' Association (OPSBA)

Executive Director, Ontario Public School Boards' Association (OPSBA)

Executive Director, Council of Ontario Directors of Education (CODE)

President, Association des enseignantes et des enseignants franco-ontariens (AEFO)

Executive Director and Secretary-Treasurer, Association des enseignantes et des enseignants franco-ontariens (AEFO)

President, Ontario English Catholic Teachers' Association (OECTA)

General Secretary, Ontario English Catholic Teachers' Association (OECTA)

President, Elementary Teachers' Federation of Ontario (ETFO)

General Secretary, Elementary Teachers' Federation of Ontario (ETFO)

President, Ontario Secondary School Teachers' Federation (OSSTF)

General Secretary, Ontario Secondary School Teachers' Federation (OSSTF)

Chair, Ontario Council of Education Workers (OCEW)

Chair, Education Workers' Alliance of Ontario (EWAO)

President of OSBCU, Canadian Union of Public Employees – Ontario (CUPE-ON)

Co-ordinator, Canadian Union of Public Employees – Ontario (CUPE-ON)

Executive Director, Association des directions et directions adjointes des écoles franco-ontariennes (ADFO)

Executive Director, Catholic Principals' Council of Ontario (CPCO)

Executive Director, Ontario Principals' Council (OPC)

Education Manager, Association of Iroquois and Allied Indians (AIAI)

Director of Education, Nishnawbe Aski Nation (NAN)

Executive Director, Grand Council Treaty #3 (GCT#3)

Education Director, Grand Council Treaty #3 (GCT#3)

Director of Education, Chiefs of Ontario (COO)

Executive Director, Tungasuvvingat Inuit (TI)

Acting Director of Employment & Education, Tungasuvvingat Inuit (TI)

President, Metis Nation of Ontario (MNO)

Director of Education and Training, Metis Nation of Ontario (MNO)



Electronic Meetings and Meeting Attendance Regulation

August 14, 2024

To: The Honourable Todd Smith

Minister of Education

Kate Manson-Smith
Deputy Minister (Education)

Dear Minister Smith and Deputy Minister Manson-Smith:

The memo sent to Chairs and Directors of Education on July 30 has created much discussion at OPSBA and within our member boards. We shared with ministry staff our concerns that August 28 would be a challenging deadline for boards to meet and amend their code of conduct policies. As an association, we have created and shared an updated code template to support their local work and have encouraged boards to do their best to meet the prescribed deadline.

While we do have more questions and concerns regarding the Integrity Commissioner-led investigation process and will be discussing further with our members this Fall, this letter focuses on the other regulation included in the memo – Electronic Meetings and Meeting Attendance.

OPSBA appreciated being consulted when the Ministry of Education was considering changes to amend this regulation. Our focus during those consultations was supporting our member boards and trustees in terms of providing more flexibility, particularly for our northern, rural, and remote trustees who have large geographic jurisdictions and sometimes, more severe weather.

However, as we have begun to analyze the impacts of the recent memo and the regulation, we have many questions and concerns that must be shared. The consultation document we responded to earlier this year contemplated a transition and phased approach with a final change to be effective **November 15**, **2026** – the beginning of the next trustee term of office.

Why was the **November 15, 2026** date not considered when the final regulation was written? Why did the ministry choose next September 1, 2025, as the date when the regulation is to be fully effective?

In the following paragraphs, we set out some serious concerns about this regulation and the potential adverse impact on the sector and the public with whom our boards engage. Principally, the rush to apply the new rules will put up additional barriers for the public to engage fully in a local policy-making process. Longer term, we believe that these rules have a dampening effect on local democracy as they put up additional barriers for those seeking elected office who must also work full-time or have other serious obligations that do not always fit perfectly with a board schedule.



We have reviewed the ministry's initial memo (dated July 30, 2024) and the regulation and have discussed with senior staff and our legal counsel. We have also heard from many boards, including chairs, about the regulation and its impacts. We know we will hear from many more as individuals (trustees and school board staff) return from vacations and prepare for the upcoming school year.

Below we have summarized our initial list of questions and concerns and would appreciate support from ministry staff in providing clarity and answers that can be shared with us and the sector.

- The regulation states that effective July 29, 2024, boards are to amend their policies to require that all members are to be physically present for regular board meetings and committee of the whole meetings. Boards must follow their by-laws for approving any new or amended policies. This board-level process usually involves a committee of the board meeting to prepare the draft policy, seeking legal advice where necessary on the policy, and then bringing the policy to the full board of trustees for approval. It is worth noting that this is a public and transparent process that provides the opportunity for local communities to engage with the work of their board. There is no timeline in the regulation to do this and there are no consequences for not doing it. As well, as of September 1, 2025, the regulation is amended to require the physical presence in those specified meetings whether or not the board has a policy, and a breach of the regulation would result in a trustee vacating their seat.
 - Why put boards to this work i.e., why have a transition period? Why not have the physical presence requirement come into effect on September 1, 2025, or as we had suggested earlier, the beginning of the next term for trustees? It would be much less confusing for boards and allow boards the proper amount of time to amend their policy to comply with the regulation. Most boards embed the legal requirements from the Education Act or regulations in their policies to make it easier for trustees to comply with their legal obligations. This new requirement for physical attendance may also see boards amend their calendar for meeting times. Boards need time to consider this. Local communities need time to understand the changes to trustee meetings in order to engage with them most effectively.
- The regulation also states that boards may now amend their policies to include the five exceptions. But, if they do this and change their policy, the regulation then states that chairs (or designates) are to be physically present for at least half of the regular board meetings during a 12-month period beginning November 15 each calendar year, AND even trustees who are approved to participate electronically have to be physically present for at least three regular board meetings during a 12-month period beginning November 15. To further confuse trustees these requirements are not in place for committee of the whole. However, the regulation also states there are no consequences if these are not met. Then on September 1, 2025, whether they changed their policy or not, Boards are



required by the regulation to follow the approval process for exceptions to physical attendance for both regular board and committee of the whole meetings.

- Again, why have boards debating whether or not to put the exemption process into a policy when the regulation is going to mandate it on September 1, 2025? They could then take the proper time to amend their policy to comply with the regulation. Boards will need to consider and agree on what is a disability? What are health-related issues etc.? The Chair and Vice-Chair will need this guidance to have consistent decision-making. The policy will need to have this information contained in it.
- The regulation states that after September 1, 2025, all trustees must be physically present at all regular board meetings and all committee of the whole meetings, unless one of the exceptions is granted by the chair of the board. The exception request is to be sent in writing, received, and approved in writing, "before the meeting begins." There is no leeway or latitude on this.
 - o What if a request is denied? There is no appeal process for this. And, if the request is denied and the trustee cannot attend either in person or electronically, the new regulation together with s.228(1)(e) results in the trustee's seat being vacated after missing only one meeting? What if a trustee was planning to attend in person but experienced a reasonable reason for being delayed en route to the meeting i.e., unusual traffic issues due to flooding, accident, protests, etc. In this case it is unlikely an exception could be granted in time or before the meeting begins besides the fact that traffic issues do not fall with one of the exceptions. Is it the ministry's intention that a trustee's seat be vacated in these circumstances? Shouldn't the Chair have discretion to approve the exception at any point in time in order to deal with these unique circumstances? Vacating a seat for a single absence is an unnecessarily harsh consequence that is unlike the rules for any other elected official or member of a similar governing board.
- In addition, the July 30, 2024, memo states effective September 1, 2025, all trustees will be required to be physically present for "every meeting" of the committee of the whole and the regulation states "every <u>regular</u> meeting" of a committee of the whole.
 - Can we have clarification on whether the intent is for the requirement to apply to "every meeting" or "every <u>regular</u> meeting"?
- The regulation does not allow for those trustees who have full-time employment and cannot always attend a meeting in person (their work hours, out of town business meeting requirements) or allowing the person to arrive after the meeting begins. This seems very unfair and negatively impacts trustees with work commitments who have previously been able to both work and perform their trustee duties.
 - How can these trustees be supported? Why has the ministry added an additional barrier to seeking and participating in elected office as a Trustee?



- Regarding the five exceptions:
 - If a trustee meets the primary distance exception, can they ask for an exception to be granted for the entire school year instead of prior to each meeting?
 - We have the same question for a trustee that has a health concern or physical disability – can exceptions be granted for more than one meeting?
 - If there is a severe weather or travel warning, can a board chair proactively allow for exceptions?
- The exceptions, if approved, still require a trustee to participate electronically. If they fail to attend even one meeting the seat is considered vacated.
 - Why is there no allowance for a trustee with a legitimate reason to miss a meeting or a reasonable number of meetings? (i.e. major family commitment such as a wedding, hospitalization, or illness/ailment that would prevent the trustee from functioning and performing their duties as a school board trustee for a limited time period.)

Other:

- Now that attendance at regular board meetings is mandatory (physical or electronic) and
 if a trustee misses just one meeting pursuant to s.228(1)(e) when would s.228(1)b) A
 member of a board vacates his or her seat if he or she, absents himself or herself
 without being authorized by resolution entered in the minutes, from three consecutive
 regular meetings of the board, ever take effect?
- The Education Act allows trustees to take a pregnancy or parental leave for up to 20 weeks without authorization from the board and s.228(1)(b) does not cause them to lose their seat. How does the regulation apply to this? The way the regulation is currently worded they would have to attend the specified meetings in person or at the very least electronically unless they are granted an exemption by the Chair.
 - To be consistent with the intent of s.228 shouldn't a trustee described in s.228(2.1) be automatically exempt from attending those meetings for 20 weeks either in person or electronically?
- How does the regulation affect student trustees? They are not members within the
 meaning of the Education Act. The regulation s.3(1) states the policy shall provide that if
 a student trustee requests to participate by electronic means it shall be granted.
 - Is it the Ministry's intention that student trustees are not required to ever attend in person or that they have no minimum number of regular board meetings that they must attend either in person or electronically?



- We have heard from trustees who have future planned travel, work, and family
 commitments. They are struggling to have clear direction as to what they can and cannot
 do. Implementing these new requirements in the middle of a term of office is unfair to
 elected trustees who are now subject to rules they were not aware of in 2022.
- This new responsibility for school boards and chairs has been passed on without any support and guidance from the Ministry of Education.

OPSBA strongly requests that Ontario Regulation 463/97 be revoked, re-written, and reissued with an effective date of no earlier than November 15, 2026.

We would appreciate an opportunity to meet and discuss the issues outlined above as soon as possible.

Sincerely,

Kathleen Woodcock OPSBA President

Karben Woodeock

Stephanie Donaldson OPSBA Executive Director

Monaldson

CC.

Ana Sajfert, Director of Stakeholder Relations & Strategic Communications Rachel Osborne, Assistant Deputy Minister (Acting), Education Equity and Governance Secretariat (Education)



Title:	Notice of Motion- Development of an Environmental Sustainability Advisory Committee
Contact:	Trustee Fuscaldo
Date Submitted:	September 10 2024
Mandate:	In alignment with NNDSB Bylaw 102, Trustee Fuscaldo provided notice to the Secretary of the Board, Director Myles, requesting an item be placed on the agenda for discussion during the September Committee of the Whole meeting.
Background:	Whereas the environmental challenges facing our society are increasingly pressing, including but not limited to climate change, pollution, habitat destruction, and resource depletion; and
	Whereas, as an organization, it is our responsibility to acknowledge and address our impact on the environment, and to actively work towards sustainability and environmental stewardship; and
	Whereas the development and implementation of a comprehensive Environmental framework for guiding our actions and decisions towards minimizing our environmental footprint and promoting sustainable practices; and
	Whereas the creation of an Environmental sustainability advisory committee through partnerships, measurable goals and outcomes will improve our efficiency, and foster a culture of responsibility and innovation within NNDSB.
Defining committee purpose and intended goals/Looking ahead	On May 14, 2024, the NNDSB Board of Trustee's accepted the working document, Draft NNDSB Environmental Responsibility policy Which was then forwarded to the bylaw review committee. On June 17 th , 2024, the Bylaw review committee was advised by Special Advisor Jourdie that the policy presented, which is similar to the policies used by TDSB, and YDSB, is a good example of what an accurate board policy statement should be.





The Environmental sustainability advisory committee should finalize and oversee the Environmental Policy as well as the DRAFT TOR Environmental committee, prior to coming back to the board for final approval.

The Committee membership shall consist of two Trustee's, the director of Education or designate, one indigenous community representative, as well as at least 3 external community partners and organizations, to ensure a comprehensive and inclusive approach.

Through reviewing reports relevant to NNDSB, such as the "Energy Management plan" The Green Energy Act, Ontario Regulation 397/1, 2009 Microsoft Word - Energy Conservation and Demand Management Plan template - English (nearnorthschools.ca) and further thorough research, consultation, review, and analysis, collaborate with community partners to inform the development of an organizational Environmentally Responsible framework and future strategic goals across all sectors.

The Environmental Sustainability Advisory Committee will seek input from FNAC, student senates, other board committee's and other stakeholders at minimum annually.

The Mandate of the Environmental Responsibility committee shall encompass, but not be limited to, the following key areas:

- Conservation of natural resources, including water and energy. Waste reduction, recycling, and responsible disposal practices.
- Preservation /creation of biodiverse and protection of ecosystems across NNDSB owned properties.
- Integration of environmental considerations into procurement, operations, and decision-making processes.

Promotion and partnership regarding environmental awareness and education among employees, stakeholders, and the wider community

The Environmental sustainability advisory committee may provide the NNDSB Trustee's on an annual basis, a progress report on the implementation of its progress and recommendations.

Resolution:

Be it resolved that a Near North District School Board Environmental Sustainability Advisory Committee be established.

Near North District School Board

Environmental Sustainability Advisory Committee - ESAC

Terms of Reference – Draft September 2024

1. Purpose

The NNDSB Environmental Sustainability Advisory Committee is established to identify and discuss issues of environmental sustainability and climate change as they relate to the NNDSB by facilitating ongoing engagement and feedback from students, parents/SACs, community advocacy groups, nonprofit organizations, members of the public, staff etc.

2. Membership

The following shall be full members of the Environmental Sustainability advisory committee with full voting rights,

- a) Two Trustee's who also sit on the Bylaw Review committee.
- b) The director of education (or designate)
- c) One Indigenous community representative,
- d) A minimum of 3 additional representatives,
 - The committee is open to students, parents, community advocacy groups, non-profit organizations, members of the public, municipal and provincial staff, NNDSB staff, etc.
 - Committee members must disclose any potential conflicts of interest and recuse themselves from discussions and decisions where a conflict of interest exists.
 - External organizations who may have pecuniary interests and/or partnerships with the board may participate as nonvoting members only.
 - At the last meeting of the school year, the committee will review its composition of regularly attending members and recruit community representatives as needed. For example, groups with a vested interest in an environmental issue(s).
 - The committee may invite other parties to attend for an information or resource capacity. These guests will not have voting rights.

3.Committee Chair

- The NNDSB will appoint one Trustee as Co-chair and the committee selects one Co-Chair from the community member representatives (annually unless otherwise decided by ESAC).
- The Co-Chairs will have equal status regarding agenda setting, meeting management, and role as the ESAC spokesperson.
- The Co-Chairs will mutually agree upon specific division of responsibilities.
- If the Community Co-Chair is unable to fulfill the term, the ESAC can appoint a new community representative for the remainder of the oneyear term. The position will be advertised through various NNDSB channels.
- If the Trustee Co-Chair is unable to fulfill the term, ESAC can request that the Board appoint a new Trustee Co-Chair.

4. Specific responsibilities of the committee / members include:

- Develop and recommend best practices for environmental policies and strategies.
- Monitor & Review compliance with environmental legislation and regulations.
- Identify opportunities and barriers to reducing the environmental impact of the NNDSB and make recommendations.
- Promote environmental awareness and education within the NNDSB.
- by engaging with staff and stakeholders to raise environmental awareness.
- Monitor and assess NNDSB's environmental performance.
- Foster partnerships with external stakeholders to enhance environmental outcomes.

5. Quorum

Quorum is achieved with the majority of committee members present.

6.Meetings:

- The Environmental Committee will meet quarterly, or more frequently as required.
- Meetings will be scheduled at the beginning of each year, and additional meetings may be called by the Co-Chairs as needed.
- Members may request or submit any items to the co-chairs for inclusion in upcoming agendas.
- Sub-committees/Working groups will be established as required, with scope of work established by the ESAC.
- Members have the option of attending virtually or in person at the Board Head office.
- Meetings are open to the public.
- Notice of meetings and agenda will be posted on the Board Website and shared via usual communication channels

7. Decision Making

Where possible, decisions should be made by consensus. When votes are necessary, a simple majority of those present will be sufficient.

8. Reporting and accountability

- The Environmental sustainability Advisory committee does not exercise any power over decision making within the board.
- The committee co-chairs are responsible for ensuring the agenda and minutes are prepared in accordance with the Near North district school board bylaws.
- The Committee will prepare and present an annual report summarizing the committee's activities, achievements, and recommendations. This report will also include an assessment of the NNDSB's environmental performance and progress towards its sustainability goals.
- The recommendations of the Environmental Sustainability advisory committee will be given full consideration by the Board, and the board will confirm its response to any advice or recommendations provided to it by the ESAC by way of motion.

 Minutes for the committee will be approved at the following committee meeting. Once approved they will be added to the next board agenda as an information item.

9. Administration:

The NNDSB will provide the necessary resources and support to enable the Environmental Committee to fulfill its responsibilities effectively. This may include access to relevant data, staff support to assist ESAC Co-Chairs with agenda development, minutes, coordination of meetings

10. Review and amendments

Once adopted; the ESAC Terms of Reference will be reviewed annually to ensure they remain relevant and effective. Any amendments to the Terms of Reference must be approved by the committee then by the Board of Trustees through motion.



	May 2024 – NNDSB Committee of the whole
Title:	Environmental Responsibility Policy (working title/document) With excepts from TDSB/YRDSB Environmental Responsibility Policies and Ontario Ministry of Education's Policy Framework for Environmental Environmental Education in Ontario Schools: Acting Today, Shaping Tomorrow
Policy Statement	The Environment Policy commits the Near North District School Board to an ongoing alignment between teaching and learning and the operation of schools to develop whole school ecologically literate communities whose goal is building a healthy, sustainable society. Special emphasis is given to climate change, its mitigation and adaptation. A multi-stakeholder interdepartmental process sets and reviews targets and implementation, as well as documentation and communication of results, as part of offering community leadership in decision making and action that reflects a shared concern for protecting the environment. • The Board recognizes the interdependence of the environment, the economy and society, and the challenge of balancing all three in building a healthy, sustainable future. To achieve this goal, the Board adopts the concept of sustainable development as defined by the United Nations World Commission on Environment and Development as "meeting the needs of the present generation without compromising the ability of future generations to meet their own needs." • The Board acknowledges its responsibility to help prepare students to meet this challenge. Therefore, environmental literacy for all students is integral to the Board's mission to help prepare our students to become responsible members of a democratic society. The Board will develop and support curriculum initiatives across grades and subject areas that lead to this result and ensure that an environmental education component is incorporated into school planning processes. • The Board aims to develop environmentally sound practices consistent with what students are learning in the classroom. In this way, curriculum and board operations become part of a single organization dedicated to learning how to live more sustainably. • To enable and coordinate this learning throughout the organization, the Board is committed to achieving continual, measurable improvements in environmental educational and operational practices within its control.



- be addressed by all sectors of society, and particularly by school boards, because students are the future leaders in building an environmentally sustainable future.
- To respond to climate change, focus shall be on three critical areas as an important basis for planning and decision making: mitigation, adaptation, and education, as follows:
 - climate change shall be mitigated by reducing the Board's greenhouse gas (GHG) emissions that are goal oriented and measurable.
 - activities that adapt to climate change shall be undertaken internally, as well as through partnerships with community agencies such as increasing tree planting.
 - as knowledge and experience of climate change deepen, education essential to our students' knowledge shall continue to be at the heart of the Board's Mission.
- To enable and coordinate this learning throughout the organization, the Board is committed to achieving continual, measurable improvements in environmental educational and operational practices within its control. The Board will develop a focused, results-oriented framework for setting and reviewing environmental objectives, targets, and implementation effectiveness. The framework will set out an annual interdepartmental, multi-stakeholder process reported through the formation of an Environmental Responsibility committee:
 - for identifying priorities.
 - for timely setting of achievable objectives, targets, and indicators.
 - for developing a funding plan to achieve objectives and environmental targets.
 - for developing action plans.
 - for assigning responsibility for implementation.
 - for providing staff development and resources as required; and
 - for monitoring, documenting, reporting, and recognizing results and communicating these to staff, students, parents, and the community.
 - In being environmentally responsible and accountable, the Board offers community leadership in decision making and action that reflects a shared concern for protecting the health of the natural environment on which a healthy economy and society depend.

The Director is authorized to issue operational procedures to implement this policy



Responsibilities		
The Board of Trustees is responsible for:	 setting direction that promotes environmental literacy and environmentally responsible practices in the management of resources, operations, and facilities as reflected in Board policies and the multi-year Plans. receiving and considering reports and related recommendations regarding environmental education and environmental management practices. reviewing the Environmental Responsibility policy in accordance with the priorities in the Trustees' Multi-Year Plan and the approved policy review cycle; and understanding and communicating with members of the community about the Environmental Responsibility policy. 	
The Director of Education is responsible for:	 implementing and operationalizing the Environmental Responsibility policy; and sustaining the direction for environmental education and environmentally responsible practices by. providing leadership that supports environmental education as part of every student's learning and that fosters environmentally responsible management practices, ensuring that appropriate resources are directed toward these priorities, and assigning leadership responsibility for environmental education to a supervisory officer. 	
The senior staff member identified to support environmental education is responsible for	 supporting the goals of the Ontario Ministry of Education's Policy Framework for Environmental Education in Ontario Schools: Acting Today, Shaping Tomorrow. building system capacity by providing leadership to superintendents. ensuring that environmental education addresses the needs of staff and students as they relate to cultural background, language, ability and other aspects of diversity; and ensuring Board appreciation programs include opportunities to recognize responsible environmental leadership at all levels of the organization. 	





Superintendents are responsible for:	 supporting the goals of the Ontario Ministry of Education's Policy Framework for Environmental Education in Ontario Schools: Acting Today, Shaping Tomorrow. building system capacity by providing leadership to principals and managers. ensuring that environmental education addresses the particular needs of students as they relate to cultural background, language, ability and other aspects of diversity. supporting the coordination and integration of professional development opportunities related to environmental education and environmentally responsible practices for all employee groups; promoting collaboration with community, municipal, regional and provincial representatives to advance environmental education and environmental sustainability.
Principals are responsible for:	 promoting and sustaining environmentally responsible classrooms and schools as reflected in the School Improvement Plan. assisting teachers to integrate environmental education across the curriculum and to link environmental knowledge and related skills and activities to program delivery. supporting staff and students in making connections to the principles of responsible citizenship; and providing environmental leadership and learning opportunities for learners, school staff and community members
Teachers and other staff who support students in a school or classroom setting are responsible for:	 providing opportunities for students to acquire the knowledge, skills and perspectives that foster environmental stewardship. using relevant environmental education curriculum resource documents to support curricula as appropriate. increasing student engagement by building student capacity to take action for positive environmental change in their schools, homes, local communities, or at the global level; and striving for continuous improvement in personal and professional growth in the area of environmental education to support student achievement and success.
Parents and students are responsible for:	 taking opportunities to acquire the knowledge, skills and behaviors needed to develop and sustain positive environmental habits in their classrooms, homes and school communities; and working collaboratively with schools to reduce the Board's ecological footprint.
All staff members are responsible for:	Striving for continuous improvement in professional growth to support environmentally responsible service delivery.,





Resources	http://www.edu.gov.on.ca/eng/teachers/enviroed/ShapeTomorrow.pdf
	NNDSB "Energy Management plan" The Green Energy Act, Ontario Regulation 397/1, 2009
	Microsoft Word - Energy Conservation and Demand Management Plan template - English (nearnorthschools.ca)
	Ontario Ministry of Education's Policy Framework for Environmental Acting Today Shaping Tomorrow.pdf - Google Drive
	Environment (tdsb.on.ca)
	Climate Change in Education.pdf - Google Drive