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**ONTARIO REGULATION 313/24**

made under the

**EDUCATION ACT**

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Amending O. Reg. 463/97

(ELECTRONIC MEETINGS AND MEETING ATTENDANCE)

**1. Section 1 of the English version of Ontario Regulation 463/97 is amended by striking out “shall be” and substituting “is”.**

**2. (1) Paragraph 2 of subsection 3 (1) of the Regulation is amended by striking out “the member or student trustee to hear and be heard by all other participants in the meeting” at the end and substituting “all persons participating in the meeting to communicate with each other simultaneously and instantaneously”.**

**(2) Section 3 of the Regulation is amended by adding the following subsection:**

(4) Despite paragraph 1 of subsection (1), the policy shall include provisions permitting the board to refuse to provide a member with electronic means of participation in a meeting of the board, a meeting of a committee of the whole board or a meeting of any other committee of the board, unless the member has approval under subsection 7 (5) or where to do so is necessary to ensure compliance with section 6 or subsection 7 (8).

**(3) Subsection 3 (4) of the Regulation, as made by subsection (2), is amended by striking out “or subsection 7 (8)” at the end.**

**3. Paragraph 2 of subsection 4 (2) of the Regulation is amended by striking out “members of the public to hear and be heard by all other participants in the meeting” at the end and substituting “all persons participating in the meeting to communicate with each other simultaneously and instantaneously”.**

**4. Sections 5 to 7 of the Regulation are revoked and the following substituted:**

**Meetings to be open to the public**

**5. (1)** The board shall ensure that the meeting room of the board or of a committee of the board, as the case may be, shall be open to permit physical attendance by members of the public at every regular meeting of the board or of the committee of the board.

(2) For the purposes of subsection (1), the meeting room of a committee of the whole board is the meeting room of the board.

(3) Subsection (1) does not apply where a meeting is closed to the public in accordance with the Act.

**Committee meetings, member attendance**

**6. (1)** The policy shall require that the chair of a committee of the board or their designate be physically present in the meeting room at every regular meeting of the committee of the board, except a committee of the whole board.

(2) Despite subsection (1), the policy may provide that the chair of the committee or their designate may participate in a meeting of the committee of the board by electronic means if another member of the committee, who is also a member of the board, is physically present in the meeting room.

**Board meetings, member attendance**

**7. (1)** The policy shall require that all members of the board be physically present in the meeting room of the board at every regular meeting of the board and every regular meeting of a committee of the whole board.

(2) Despite subsection (1), the policy may provide that a member of the board may participate in a meeting described in that subsection by electronic means instead of being physically present if the member receives written approval under subsection (5) before the meeting begins.

(3) If a member of the board proposes to participate in a meeting described in subsection (1) by electronic means, the member shall submit a request in writing and the reasons for the request to the chair of the board before the meeting begins.

(4) If the member of the board making a request under subsection (3) is the chair of the board, the chair shall submit the request and reasons to the vice-chair of the board, or if the board has no vice-chair, to another member of the board.

(5) The chair, vice-chair or other member, as applicable, may approve a request if they are satisfied that one or more of the following circumstances exist:

1. The member's primary place of residence within the area of jurisdiction of the board is located 125 kilometres 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 in respect of,
  - i. the member's spouse,
  - ii. a parent, step-parent or foster parent of the member or the member's spouse,
  - iii. a child, step-child, foster child, or child who is under legal guardianship of the member or the member's spouse,
  - iv. a relative of the member who is dependent on the member for care or assistance, or
  - v. a person who is dependent on the member for care or assistance and who considers the member to be like a family member.

(6) The chair shall not approve a request under subsection (5) if approving the request would result in fewer than one member of the board, in addition to the chair of the board or their delegate, being physically present in the meeting room.

(7) The vice-chair or other member of the board shall not approve a request under subsection (5) unless the chair's designate will be physically present in the meeting room.

(8) If there is a policy described in subsection (2), it shall provide that,

- (a) the chair or designate shall be physically present in the meeting room of the board for at least half of the meetings of the board during each 12-month period beginning November 15, 2022; and
- (b) subject to subsection (9), a member of a board shall be physically present in the meeting room of the board for at least three regular meetings of the board during each 12-month period beginning November 15, 2022.

(9) If a member of a board is elected or appointed to fill a vacancy on or after November 15, 2022, the member shall be physically present in the meeting room of the board for at least one regular meeting of the board for each period of four full calendar months that occurs during the period beginning on the day the member is elected or appointed and ending the following November 14.

(10) Subsection (9) does not apply for a period described in that subsection if, at any time during the period, all schools of the board are closed pursuant to an order referred to in subsection 10 (1).

**Board and committee meetings, director of education attendance**

8. The policy shall require that the director of education of the board or their designate be physically present in the meeting room for each meeting of the board and each meeting of a committee of a board, including a committee of the whole board.

**No failure to be physically present, s. 228 of the Act**

9. For greater certainty, the failure to be physically present as required by a policy referred to in subsection 7 (8) does not constitute a failure for the purposes of clause 228 (1) (e) of the Act.

**School closures**

10. (1) On and after November 15, 2022, despite a policy of a board respecting electronic meetings, the requirements under section 6, subsection 7 (1) and section 8 for persons to be physically present at meetings, and the requirement under section 5, do not apply for the period described in subsection (2) of this section, if all schools of the board are closed under an order made by,

- (a) the Minister under section 5 (1) of the Act;
- (b) a medical officer of health or the Chief Medical Officer of Health under section 22 or 77.1 of the *Health Protection and Promotion Act*;
- (c) the Lieutenant Governor in Council under paragraph 5 of subsection 7.0.2 (4) of the *Emergency Management and Civil Protection Act*; or
- (d) the Lieutenant Governor in Council under clause 4 (1) (a) of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

(2) The period referred to in subsection (1) starts on the day the order is made and ends 60 days after the order ceases to apply.

(3) On and after November 15, 2022, despite a policy of a board respecting electronic meetings, the requirements under subsection 7 (8) for persons to be physically present at meetings do not apply for a period described in that subsection if all schools of the board are closed for a total of two or more months during that period under an order mentioned in subsection (1).

#### **Transition**

**11. (1)** Subsections 7 (8) to (10) and 10 (3) apply, with necessary modifications, for the period that begins November 15, 2024 and ends September 1, 2025.

(2) For greater certainty, if, in accordance with subsection (1), subsection 7 (9) applies to a person, the person shall be physically present in the meeting room of the board for at least three regular meetings of the board during the period described in subsection (1), subject to subsection 7 (10).

**5. (1) Subsection 6 (1) of the Regulation, as remade by section 4, is amended by striking out “The policy shall require that the chair of the committee or their designate” at the beginning and substituting “The chair of the committee or their designate shall”.**

**(2) Subsection 6 (2) of the Regulation, as remade by section 4, is amended by striking out “the policy may provide that”.**

**6. (1) Subsection 7 (1) of the Regulation, as remade by section 4, is amended by striking out “The policy shall require that all members of the board” at the beginning and substituting “All members of the board shall”.**

**(2) Subsection 7 (2) of the Regulation, as remade by section 4, is amended by striking out “the policy may provide that”.**

**(3) Subsections 7 (8) to (10) of the Regulation, as made by section 4, are revoked.**

**7. Section 8 of the Regulation, as made by section 4, is amended by striking out “The policy shall require that the director of education or their designate” at the beginning and substituting “The director of education or their designate shall”.**

**8. Sections 9 and 10 of the Regulation, as made by section 4, are revoked and the following substituted:**

#### **School closures**

**9. (1)** On and after September 1, 2025, the requirements under sections 6, 7 and 8 for members to be physically present at meetings, and the requirement under section 5, do not apply for the period described in subsection (2) of this section, if all schools of the board are closed pursuant to an order made by,

- (a) the Minister under section 5 (1) of the Act;
- (b) a medical officer of health or the Chief Medical Officer of Health under section 22 or 77.1 of the *Health Protection and Promotion Act*;
- (c) the Lieutenant Governor in Council under paragraph 5 of subsection 7.0.2 (4) of the *Emergency Management and Civil Protection Act*; or
- (d) the Lieutenant Governor in Council under clause 4 (1) (a) of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

(2) The period referred to in subsection (1) is determined as follows:

- 1. If an order is made under subsection (1) before September 1, 2025 and continues to apply on that date, the period starts on September 1, 2025 and ends 60 days after the order ceases to apply.
- 2. If an order is made under subsection (1) on or after September 1, 2025, the period starts on the day the order is made and ends 60 days after the order ceases to apply.

**9. Section 11 of the Regulation, as made by section 4, is revoked.**

#### **Commencement**

**10. (1) Except as otherwise provided in this section, this Regulation comes into force on the day it is filed.**

**(2) Subsection 2 (3) and sections 5 to 9 come into force on September 1, 2025.**

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