



Ontario Catholic School
Trustees' Association

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TO: Chairpersons and Directors of Education
- All Catholic District School Boards

FROM: Patrick Daly, President

SUBJECT: Bill 68 Modernizing Ontario's Municipal Legislation Act

On May 30, 2017 the government of Ontario passed Bill 68 – Modernizing Ontario's Municipal Legislation Act, 2016 received Royal Assent is now law. This amends several acts including the Municipal Act, the City of Toronto Act, the Education Act and the Municipal Conflict of Interest Act that impacts school boards.

Key amendments that impact school boards include:

- Require Trustees to declare any financial interest at any meeting that may conflict with his or her duties and file a written statement of the members financial interest at that meeting or as soon as possible after the meeting.
- Require boards to establish a “registry” of statements and declarations of interests of Trustees that would be available for public inspection.
- Prohibit a Trustee from using his or her office to influence a decision or recommendation being considered by board staff, if the member has financial interest in the outcome of the decision or recommendation.
- An elector, an Integrity Commissioner of a municipality or a “person demonstrably acting in the public interest” is entitled to have a judge determine whether a Trustee has acted contrary to the Municipal Conflict of Interest Act.
- Judges have new discretion to consider reasonable measures taken by Trustees to prevent contravention of the Municipal Conflict of Interest Act, including consultation with an Integrity Commissioner, when determining the type of penalty to be imposed in the event of contravention.
- Corresponding to the above discretion to take mitigating factors into account, judges may now impose penalties short of outright removal for Trustees found to have contravened the Municipal Conflict of Interest Act. Such lesser penalties would include reprimand and a suspension lasting up to 90 days.
- The term of office is now from November 15 in the year of a regular election (this will be implemented in 2022).

- Section 170 of the Education Act is amended to require every school board to adopt and maintain policies with respect to pregnancy leaves and parental leaves of members of the board. Section 228 of the Act currently sets out circumstances where a member of the board's seat becomes vacant. A new subsection 228 (2.1) is added to provide that a vacancy does not occur where the member is absent for 20 consecutive weeks or less if the absence is the result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

OCSTA's submission to the Standing Committee on Social Policy and its advocacy with the Ministry of Education and Municipal Affairs led to the following changes in the legislation:

- Revisions to the definition of who may apply to a judge to allege that a school board Trustee did not file written conflict of interest statements. Only electors of a given municipality or a "person demonstrably acting in the public interest" are entitled to have a judge determine whether a Trustee has acted contrary to the Municipal Conflict of Interest Act.
- A transition period for the new start of term of office in 2022.
- An amendment to the Education Act to adopt parental leave policies.

If you require further information please contact me or Steve Andrews, sandrews@ocsta.on.ca.