



## Ontario Catholic School Trustees' Association

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### MEMORANDUM

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

**FROM:** Beverley Eckensweiler, President

**SUBJECT:** **Changes to Regulations re: Electronic Board Meetings**

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On Thursday March 19, 2020 the Ministry of Education announced regulatory changes to Ontario Regulation 463/97 under the *Education Act* to allow for school boards to be able to continue to meet during mandated school closures in response to the COVID-19 pandemic.

The regulatory amendments will enable school board meetings to be conducted exclusively via electronic/virtual platforms until 60 days after the expiration of a provincial order to close all publicly-funded schools (currently April 5, 2020).

Specifically, Ontario Regulation 463/97 was amended such that:

- Section 5 and subsection 5.1(2), which require that certain members of a board (e.g., Board Chair, Director of Education) be physically present at meetings, will not apply when schools are closed as a result of an order made under the *Education Act*, the *Health Protection and Promotion Act* (HPPA) or the *Emergency Management and Civil Protection Act* (EMCPA). In these circumstances, a board will be able to meet exclusively by electronic/virtual means.

The addition of references to orders made under the HPPA or EMCPA was required as part of these regulatory amendments as these statutes, in addition to the amendments to the *Education Act*, set out authority to order school closures in specific circumstances.

- Section 6, which requires that board meetings be conducted to permit physical attendance by members of the public except where the Act permits the meeting to be closed (e.g., to discuss matters of litigation), would not apply during school closures by an order issued under a specified provincial law. However, in these circumstances, **boards must, as required by the *Education Act* (see Section 207), continue to make board meetings open to the public.** Boards must therefore determine alternative methods for allowing public

access to board meetings (for example, through teleconference, webcast, or videoconferencing).

The regulatory amendments also provide for a transitional period to return to normal procedures with respect to holding meetings in person following the expiration of an ordered school closure. The suspension of the requirement for physical attendance at board meetings set out in sections 5, 5.1(2), and 6 under Ontario Regulation 463/97 will continue for 60 days after an order made under a specified provincial law for school closures has expired. Please note that the 60-day period would start on the day after the provincial order expires and would be counted as 60 **calendar** days.

Please do not hesitate to contact Steve Andrews ([sandrews@ocsta.on.ca](mailto:sandrews@ocsta.on.ca)) or Nick Milanetti ([nmilanetti@ocsta.on.ca](mailto:nmilanetti@ocsta.on.ca)) if you have any questions or concerns.