

Memorandum To: Directors of Education

From: Nancy Naylor
Deputy Minister

Date: March 19, 2020

Subject Regulatory Changes to the *Education Act* to Address
Procedural Matters of School Board Meetings

I am writing to you to let you know that, yesterday, a regulation to amend Ontario Regulation 463/97 under the *Education Act* was filed with the Registrar of Regulations and these changes are now in effect.

In response to the current public health situation both globally and in Ontario, the provincial government made regulatory changes to allow for school boards to be able to continue to meet during mandated school closures.

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.

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 *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.

For more information on the regulatory amendments, please refer directly to the [Ontario e-Laws website](#).

Thank you for your ongoing support and work to maintain school board operations during these unprecedented circumstances. Your engagement and partnership continue to be crucial to supporting Ontario's students, families, educators, and education system.

Nancy Naylor

cc: Ontario Public School Boards' Association (OPSBA)

Ontario Catholic School Trustees' Association (OCSTA)

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

Association franco-ontarienne des conseils scolaires catholiques
(AFOCSC)

Ontario Student Trustees' Association (OSTA)

Le Regroupement des élèves conseiller.ère.s francophones de l'Ontario
(RECFO)

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