



**DURHAM DISTRICT SCHOOL BOARD**

**NOTICE OF MEETING (REVISED)**

**GOVERNANCE AND POLICY COMMITTEE  
PUBLIC SESSION**

Chair: Kelly Miller  
Vice Chair: Mark Jacula

**DATE:** Wednesday, January 29, 2025

**TIME:** 7:00 p.m. (or immediately after adjournment of the Special Board meeting taking place at 6:30 p.m.)

**LOCATION:** Hybrid

**ATTACHMENTS:** Agenda

**Copies to:**  
All Trustees and Student Trustees  
Director of Education  
All Superintendents

**AGENDA - GOVERNANCE AND POLICY COMMITTEE MEETING**  
**Wednesday, January 29, 2025**  
**7:00 p.m.**

		PAGE
1.	<u>Call to Order</u>	Verbal
2.	<u>Land Acknowledgement</u>	Verbal
	<p>The Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with the territories upon which our school board and schools are located. Today, this area is home to many Indigenous peoples from across Turtle Island. We acknowledge that the Durham Region forms a part of the traditional and treaty territory of the Mississaugas of Scugog Island First Nation, the Mississauga Peoples and the treaty territory of the Chippewas of Georgina Island First Nation. It is on these ancestral and treaty lands that we teach, learn and live.</p>	
3.	<u>Declarations of Interest</u>	Verbal
4.	<u>Motion to Approve Agenda</u>	Verbal
5.	<u>Minutes</u>	
	(a) DRAFT Minutes of the Governance and Policy Committee Meeting of December 11, 2024	1 – 4
6.	<u>Recommended Actions</u>	
	(a) Draft Accessibility Policy (Superintendent Heather Mundy)	5 – 23
	(b) Clarification and Implementation of Trustee Attendance Requirements (General Counsel Patrick Cotter)	24 – 37
7.	<u>Information Items</u>	
	(a) Board Member Code of Conduct – Complaints Protocol Flowchart (General Counsel Patrick Cotter)	38 – 40
	(b) Bylaws – Filling Trustee Vacancies (General Counsel Patrick Cotter)	41 - 48

8. Other Business

Verbal

9. Adjournment

Verbal



**DRAFT Minutes – Governance and Policy Committee Meeting  
Wednesday, December 11, 2024 6:00 p.m., Hybrid**

**1. Call to Order**

Trustee Kelly Miller, Committee Chair, called the meeting to order at 6:02 p.m.

Members Present: Trustees Michelle Arseneault, Tracy Brown, Emma Cunningham (virtual), Donna Edwards, Mark Jacula, Stephen Linton (virtual, arrived 6:14 p.m.), Carolyn Morton, Shailene Panylo, Christine Thatcher, Student Trustees Kayla Hoare, Nitishan Poopalasundaram, Shampavi Vijayakumar

Regrets: Trustee Deb Oldfield

Staff Present: Director of Education Camille Williams-Taylor, General Counsel Patrick Cotter, Senior Manager Dervla Kelly

Recording Secretary: Gillian Venning

**2. Land Acknowledgment**

Trustee Kelly Miller gave the Land Acknowledgement: the Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with home to many Indigenous peoples from across Turtle Island (North America). We acknowledge that the Durham Region forms a part of the traditional and treaty territory of the Mississaugas of Scugog Island First Nation, the Mississauga Peoples and the treaty territory of the Chippewas of Georgina Island First Nation. It is on these ancestral and treaty lands that we teach, learn and live.

**3. Declarations of Interest**

There were no declarations of interest.

**4. Approval of Agenda**

MOVED by Trustee Mark Jacula

THAT THE AGENDA BE APPROVED.

CARRIED

**5. Minutes**

**(a) Draft minutes of the Governance and Policy Committee meeting of October 30, 2024**

MOVED by Trustee Tracy Brown

THAT THE DRAFT MINUTES OF THE OCTOBER 30, 2024 GOVERNANCE AND POLICY COMMITTEE MEETING BE APPROVED.

CARRIED

**6. Recommended Actions**

**(a) Revised Board Member Code of Conduct – Complaints Protocol**

General Counsel Patrick Cotter provided an overview of the report, which proposes amendments to the Complaints Protocol of the Board Member Code of Conduct to ensure alignment with legislative changes regarding use of Integrity Commissioners' that will come into effect on January 1, 2025. The General Counsel summarized the proposed amendments.

Discussion took place and Trustee questions were answered. It was confirmed that to support understanding of the revised complaints protocol, staff will present a revised draft flowchart at the next meeting of the Governance and Policy Committee for discussion.

MOVED by Trustee Michelle Arseneault

THAT THE GOVERNANCE AND POLICY COMMITTEE APPROVE THE RESVISION TO THE COMPLAINTS PROTOCOL AS NOTED IN APPENDIX A TO ENSURE ALIGNMENT WITH THE NEW LEGISLATIVE FRAMEWORK WHICH TAKES EFFECT ON JANUARY 1, 2025, AND THAT THE MATTER PROCEED TO THE BOARD OF TRUSTEES FOR CONSIDERATION AT ITS NEXT MEETING.

A motion was moved, which took precedence:

MOVED by Trustee Michelle Arseneault

THAT SECTION 4.0 OF THE REVISED CODE OF CONDUCT BE FURTHER AMENDED TO:

THIS COMPLAINT PROTOCOL DESCRIBES THE PROCESS FOR ADDRESSING BREACHES OF THE CODE OF CONDUCT. THE COMPLAINT PROTOCOL IS INTENDED TO ENSURE THAT THERE IS AN OPPORTUNITY TO RESOLVE COMPLAINTS AS FAIRLY, EXPEDITIOUSLY AND MEANINGFULLY AS POSSIBLE.

CARRIED

MOVED by Trustee Tracy Brown

THAT SECTION 4.1.1 OF THE REVISED CODE OF CONDUCT BE FURTHER AMENDED TO:

A PERSON RESIDING WITHIN THE JURISDICTION OF THE DURHAM DISTRICT SCHOOL BOARD MAY BRING FORWARD AN ALLEGED BREACH OF THE CODE OF CONDUCT BY SUBMITTING TO THE INTEGRITY COMMISSIONER A PROPERLY COMPLETED COPY OF AN INQUIRY REQUEST FORM LOCATED ON THE DDSB WEBSITE.

The above foregoing motion was amended:

MOVED by Trustee Shailene Panylo

THAT SECTION 4.1.1 OF THE REVISED CODE OF CONDUCT BE FURTHER AMENDED TO:

ANY PERSON RESIDING WITHIN THE JURISDICTION OF THE DURHAM DISTRICT SCHOOL BOARD AND ANY DURHAM DISTRICT SCHOOL BOARD STAFF MEMBER MAY BRING FORWARD AN ALLEGED BREACH OF THE CODE OF CONDUCT BY SUBMITTING TO THE INTEGRITY COMMISSIONER A PROPERLY COMPLETED COPY OF AN INQUIRY REQUEST FORM LOCATED ON THE DDSB WEBSITE.

The above foregoing motion was further amended:

MOVED by Trustee Stephen Linton

THAT SECTION 4.1.1 OF THE REVISED CODE OF CONDUCT BE FURTHER AMENDED TO:

ANY PERSON AT LEAST 18 YEARS OF AGE RESIDING WITHIN THE JURISDICTION OF THE DURHAM DISTRICT SCHOOL BOARD OR WHO IS A PUPIL, OR PARENT/GUARDIAN OF A PUPIL OF THE DURHAM DISTRICT SCHOOL BOARD, OR ANY DURHAM DISTRICT SCHOOL BOARD STAFF MEMBER MAY BRING FORWARD AN ALLEGED BREACH OF THE CODE OF CONDUCT BY SUBMITTING TO THE INTEGRITY COMMISSIONER A PROPERLY COMPLETED COPY OF AN INQUIRY REQUEST FORM LOCATED ON THE DDSB WEBSITE.

CARRIED

MOVED by Trustee Michelle Arseneault

THAT THE GOVERNANCE AND POLICY COMMITTEE APPROVE THE REVISIONS TO THE COMPLAINTS PROTOCOL AS NOTED IN APPENDIX A AND AS FURTHER AMENDED IN THIS MEETING TO ENSURE ALIGNMENT WITH THE NEW LEGISLATIVE FRAMEWORK WHICH TAKES

## 4

EFFECT ON JANUARY 1, 2025, AND THAT THE MATTER PROCEED TO THE BOARD OF TRUSTEES FOR CONSIDERATION AT ITS NEXT MEETING.

CARRIED

MOVED by Trustee Donna Edwards

THAT STAFF RETURN TO THE COMMITTEE AT ITS NEXT MEETING WITH A REVISED DRAFT FLOWCHART THAT WILL BE POSTED WITH THE COMPLAINTS PROTOCOL TO SUPPORT EASE OF USE AND TRANSPARENCY.

CARRIED

## 7. Information Items

### (a) Bylaws – Public Question Period

General Counsel Patrick Cotter provided an overview of the report, which outlines the legislative and policy requirements related to public participation at the DDSB in response to an October 21, 2024 Board resolution seeking information around defined rights to public participation. The resolution was adopted in response to proposed revisions to the sections of the Bylaws applicable to Public Question Period. It was noted that DDSB's Public Concerns and Engagement Procedure will be amended to align with requirements as outlined in Policy/Program Memorandum 170.

Trustees expressed an interest in exploring the possibility of facilitating townhall-style public meetings. Discussion took place around considerations that would need to be addressed in order to facilitate such meetings and it was noted that reviewing related practices in other boards would be an ideal starting point.

### (b) Board Motions: November 20, 2023 to November 4, 2024

Senior Manager of Public Affairs Dervla Kelly provided an overview of the annual report, which summarizes all motions of a material nature moved by the Board of Trustees in public during the second of its four-year term, covering the period of November 20, 2023 to November 4, 2024.

There were no trustee questions.

## 8. Adjournment

MOVED by Trustee

THAT THE MEETING ADJOURN.

CARRIED

The meeting adjourned at approximately 7:30 p.m.

## DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

**REPORT TO:** Governance and Policy Committee

**DATE:** January 29, 2025

**SUBJECT:** Draft Accessibility Policy

**PAGE:** 1 of 4

**ORIGIN:** Heather Mundy, Superintendent of Education, People and Culture

The Durham District School Board recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

The Durham District School Board is committed to providing learning and working environments that centre human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive and free from all forms of discrimination, oppression, harassment and harm.

### 1.0 **Abstract**

The purpose of this report is to provide the Governance and Policy Committee with a draft Accessibility Policy for consideration. The draft policy is included as Appendix A and is intended, alongside DDSB's Accessibility Procedure and Human Rights Policy and Procedures, to support DDSB in upholding its legislated responsibilities and commitments as outlined in the Multi-Year Strategic Plan (MYSP), Accessibility Plan, Inclusive Student Services Special Education Plan, and related initiatives. Development of the draft policy considered feedback collected through a consultative process with relevant staff, unions and federations and committees. This report is provided to the Committee for consideration and approval. It is recommended that the Governance and Policy Committee approve the proposed policy and recommend that it be adopted by the Board of Trustees at its next meeting.

### 2.0 **Background**

On January 5, 2024, a Durham District School Board (DDSB) Accessibility Procedure was created that meets requirements under Ontario's accessibility laws [for example, the Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Human Rights Code (the "Code")] and the DDSB's [Human Rights, Anti-Discrimination and Anti-Racism Policy](#) (the "Human Rights Policy") and related procedures.

On March 31, 2024, the Governance and Policy Committee passed a motion for staff to consult with partners in developing an accessibility policy and to report back to the Governance and Policy Committee.



### 3.0 Analysis

- 3.1 The proposed Accessibility Policy is expected to support the DDSB to:
- Better fulfill its responsibilities and obligations under the AODA and the Code;
  - Disrupt ableist structures, policies, practices, and rules to enhance accessibility and address individual and systemic accessibility barriers;
  - Uphold principles of dignity and respect; and
  - Maximize integration, independence, and participation for DDSB students, staff, and community members.
- 3.2 The proposed Accessibility Policy, together with the Accessibility Procedure and the Human Rights Policy and related procedures, outline the DDSB's commitments and responsibilities to:
- Enhance and promote accessibility and anti-ableism; and
  - Identify, prevent, and address ableism and all forms of discrimination and discriminatory barriers based on ability, disability, and neurodivergence (and intersectional discrimination) in DDSB services, employment, and learning and working environments.

### 3.3 Consultation

The proposed Accessibility Policy was shared with the Special Education Advisory Committee, Accessibility Working Group, Administrative Council, DDSB Ontario Principals Council and our federations/unions (CUPE 218, ETFO and OSSTF).

Date	Consultation	Feedback Received
December 12, 2024	Draft Policy shared by email with union representatives CUPE, ETFO, OSSTF	No changes proposed
January 9, 2025	Draft Policy shared by email with DDSB Ontario Principals Council	No changes proposed

January 9, 2025	Draft Policy shared and presented at Special Education Advisory Committee Meeting	Add definition for ableism Add links to relevant procedures Clarify language (all feedback incorporated)
January 9, 2025	Draft Policy shared with Accessibility Working Group	Add information related to policy implementation (feedback incorporated in the Accessibility Procedure)
January 14, 2025	Draft Policy shared with Administrative Council	Add information on confidentiality, data collection and communication (all feedback incorporated)

Accessibility-related feedback previously gathered through the 18-month community consultation processes for the Human Rights Policy has also been incorporated into the proposed Accessibility Policy.

#### **4.0 Financial Implications**

N/A

#### **5.0 Strategic Links**

The Accessibility Policy aligns with the guiding principles of the Multi-Year Strategic Plan (MYSP). The Accessibility Policy supports the MYSP Priorities: Igniting Learning, Connections and Well-Being.

#### **6.0 Communication Plan**

The Accessibility Policy will be shared with all staff and added to the DDSB website on the Accessibility and Human Rights webpages and the Policy and Procedure database. The Accessibility Policy will also be referenced in the DDSB's Accessibility Plan, Inclusive Student Services Special Education Plan, and related initiatives.

#### **7.0 Conclusion/Recommended Action**

It is recommended that the Governance and Policy Committee approve the draft Accessibility Policy attached as Appendix A, and that the matter proceed to the Board of Trustees for consideration at its next meeting.

## 8.0 Appendices

Appendix A – Proposed Accessibility Policy (for approval)

Appendix B – Accessibility Procedure (for reference)

Report reviewed and submitted by:



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Heather Mundy, Superintendent of Education, People and Culture

**PERSONNEL****Accessibility****1.0 Rationale**

- 1.1 The Durham District School Board (“DDSB”) adopts this policy to promote and uphold accessibility and to prevent accessibility barriers in all DDSB learning and working environments.
- 1.2 Providing accessible services, service delivery and employment are necessary to meet the mandate of the DDSB and to create and foster a culture of care where students and employees can thrive and have a sense of safety, well-being, engagement and belonging.
- 1.3 The DDSB adopts this policy to:
  - a) Better fulfill its responsibilities and obligations under and the Accessibility for Ontarians with Disabilities Act (AODA), Regulation 191/11: Integrated Accessibility Standards, Ontario’s accessibility laws, and the Ontario Human Rights Code (“the Code”); and
  - b) Identify, prevent, and address ableism, discrimination, and discriminatory barriers based on ability/disability and neurodivergence (and intersectional discrimination) in DDSB services, employment, and learning and working environments.
- 1.4 Systemic ableism and disability-related discrimination are deeply entrenched and operate in society, institutions, structures, and policies, including in educational institutions and the DDSB. Students and staff who are neurodivergent or who have diverse abilities and disabilities continue to confront numerous barriers in school and at work, and these barriers negatively affect their education and employment.
- 1.5 The DDSB recognizes the:
  - a) Broad and evolving definition of “disability” under the AODA, the Code, and case law, and increasing understanding of diverse abilities, neurodiversity and the social model of disability;
  - b) Stigmatization and negative biases, attitudes, perceptions, assumptions, and stereotypes based on ableism, disability, diverse abilities, and neurodivergence, including and not limited to assumptions about functional limitations, low expectations, learning disabilities, differences in behaviours, social interactions, cognitive processing, communications, etc.);
  - c) Unique accessibility barriers (for example, attitudinal, physical, architectural, information/communication, or technological barriers) for neurodivergent people, or because of mental health challenges, addictions and disabilities that may be “invisible”, episodic, temporary, or permanent;

- d) Inequitable and disproportionate educational and employment experiences and outcomes, including and not limited to discipline, access to programs, assessments, services, supports, transition planning, activities, events, transportation, etc.;
- e) Bullying, harassment, and discrimination [including intersectional discrimination because of accommodation needs and/or based on neurodivergence, disability, different abilities, and other prohibited grounds of discrimination under the Human Rights Policy (for example, another type of disability, ancestry, race, sexual orientation, gender identity, gender expression, creed/religion, socioeconomic status, etc.) and which may affect accessibility and accommodation needs and plans; and Individuals may experience disability-related barriers differently (in other words, not everyone with the same type of disability may have the same accessibility or accommodation needs).

1.6 The DDSB is committed to:

- a) Addressing ableism and discriminatory accessibility barriers related to the medical and functional models of disability (including through professional development and learning);
- b) Recognizing and affirming neurodiversity and the social model of disability;
- c) Meaningfully engaging with people/communities with who are most impacted by systemic ableism and to learn more about their lived experiences;
- d) Teaching and learning about the diverse identities, histories, accomplishments, strengths, talents, and experiences of neurodivergent peoples and people with different abilities and disabilities;
- e) Supporting inclusive and accessible services, employment, and learning and working environments for DDSB community members; and
- f) Accommodating accessibility needs in accordance with the AODA, the Code, and the DDSB's Human Rights, Anti-Discrimination and Anti-Racism Policy (the "Human Rights Policy") and Human Rights Inclusive Design and Accommodation Procedure (the "Accommodation Procedure"), to the point of undue hardship.

1.7 The DDSB recognizes the roles and responsibilities it has to support teaching and learning about accessibility and anti-ableism, and to take intentional action consistent with laws and this policy, including and not limited to:

- a) Promoting accessibility and anti-ableism;
- b) Identifying, preventing, addressing, and responding to ableism and accessibility barriers for students, staff and community members when accessing DDSB services, employment, and learning and working environments (including the duty to accommodate under the Code, the Human Rights Policy, and the Accommodation Procedure);
- c) Learning and building capacity about how to apply accessibility principles to all aspects of DDSB services, employment, and learning and working environments; and
- d) Providing a mechanism for students, staff, and community members to report accessibility issues and concerns and to raise accessibility complaints.

## 2.0 Policy Objective

- 2.1 A key objective of this policy is to embed anti-ableism, accessibility, human rights, Universal Design for Learning (UDL) and inclusive design principles to all aspects of DDSB services, employment and learning and working environments. These include:
- a) Disrupting ableist structures, policies, practices, and rules to address individual and systemic accessibility barriers;
  - b) Upholding principles of dignity and respect; and
  - c) Maximizing integration, independence, and participation.
- 2.2 This policy is to be interpreted and applied in accordance with the DDSB's commitment to promoting and upholding Indigenous rights and human rights in all of its learning and working environments. This includes anti-colonial, anti-discriminatory and anti-racist approaches and actions to provide services and employment that are safe, welcoming, respectful, inclusive, equitable, accessible and free from discrimination and harassment consistent with the DDSB's Indigenous Education Policy, Human Rights Policy, Safe and Respectful Workplace and Harassment Prevention Policy, and related procedures.
- 2.3 This policy must also be read together with the:
- a) [Human Rights, Anti-Discrimination and Anti-Racism Procedure](#);
  - b) [Human Rights Inclusive Design and Accommodation Procedure](#);
  - c) [Human Rights Roles, Responsibilities and Accountability Framework](#) (the "Accountability Framework");
  - d) [Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure](#);
  - e) [Complaint Procedure – Human Rights, Safe and Respectful Workplace and Harassment Prevention](#); and
  - f) [Code of Conduct](#).

These procedures further outline the DDSB's commitment to prevent all forms of discrimination and ableism, and to promote accessibility in DDSB learning and working environments.

## 3.0 Definitions

- 3.1 In this policy,
1. "Ableism" is belief systems and attitudes about neurodivergent people and people with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism may be conscious or unconscious, and may be embedded in institutions, systems, or the broader culture of a society. It can limit the opportunities of neurodivergent people and people with disabilities and reduce their inclusion in the life of their communities. Ableist attitudes are often based on the view that disability is an "anomaly to normalcy," rather than an inherent and expected variation in the human condition.

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2. “Accessibility” is a general term for the degree of ease that something (for example, a device, service, physical environment, and information) can be accessed, used, and enjoyed by neurodivergent people and persons with disabilities. The term implies conscious planning, design, and/or effort to make sure something is barrier-free to neurodivergent people and people with disabilities. Accessibility also benefits the general population, by making things more usable and practical for everyone.
3. “Customer” refers to any person who uses the services of the DDSB.

Key human rights and accessibility terms used in this procedure are defined in the Human Rights Policy’s Glossary of Terms (Appendix of the Human Rights Policy)

## 4.0 Policy

- 4.1 This policy applies to DDSB employees, trustees, students, parents/guardians, volunteers, permits holders, contractors, customers, and other members of organizations not related to the DDSB but who nevertheless work on or are invited onto DDSB premises or utilize DDSB services.
- 4.2 If a provision of the AODA, an accessibility standard or any other regulation under AODA conflicts with a provision of another statute or regulation, the provision that provides the highest level of accessibility to person with disabilities will prevail.

### **Integrated Accessibility Standards: Inclusive Design and Proactive Prevention**

- 4.3 The DDSB delegates responsibility to the Director of Education to develop appropriate procedures (refer to the Accommodation Procedure and the Accessibility Procedure) and plans (for example, the Multi-Year Strategic Plan, Accessibility Plan, Inclusive Student Services Special Education Plan, etc.) that set out how the DDSB will:
  - a) Adhere to the Integrated Accessibility Standards;
  - b) Proactively promote anti-ableism and accessibility;
  - c) Prevent discrimination and discriminatory barriers based on ability, disability, and neurodivergence; and
  - d) Accommodate individual accessibility needs in a timely manner and to the point of undue hardship.

### **Responsibilities and Accountability**

- 4.4 All DDSB community members have a responsibility to contribute to and support safe, welcoming, equitable, respectful, accessible, and inclusive learning and working environments and to:
  - a) Treat other DDSB community members with dignity and respect;
  - b) Promote and uphold accessibility; and
  - c) Meet duties, responsibilities, and accountabilities for accessibility as outlined in this policy, the Human Rights Policy, and the Accountability Framework.

- 4.5 Employees shall, within the scope of their responsibilities, authority, and influence, incorporate and apply accessibility principles to:
- a) Comply with the AODA accessibility standards for service, employment, transportation, public spaces, and information and communications;
  - b) Address barriers and support accessibility and quality participation for students, employees, and community members with diverse abilities/disabilities and who are neurodivergent. For school-based staff, this also includes applying UDL principles to teaching and learning and school/classroom practices; and
  - c) Contribute to shared organizational roles and responsibilities for promoting and upholding accessibility.

## **Requesting Accessibility-Related Accommodation**

- 4.6 DDSB community members may request accessibility-related accommodation under the Code, Human Rights Policy, and this policy using the Accommodation Procedure.

## **Accessibility Issues, Concerns, and Complaints**

- 4.7 DDSB community members may report an issue or concern, or make a complaint about accessibility, using:
- a) *For students:* the [Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure](#);
  - b) *For staff:* the [Complaint Procedure – Human Rights, Safe and Respectful Workplace and Harassment Prevention](#);
  - c) *For community members accessing DDSB learning and working environments:* the [Code of Conduct](#).

## **Protection from Reprisal**

- 4.8 DDSB community members will not be subjected to reprisal or threat of reprisal for raising accessibility issues, concerns, or complaints, or for requesting accommodation under the AODA or the Code.

## **Confidentiality**

- 4.9 Except as may be permitted or required by law, the confidentiality and privacy of personal information related to accessibility-related needs, issues, accommodation requests, and complaints shall be maintained.

## **Trends Analysis**

- 4.10 The Director of Education and designates shall develop processes to collect and analyze accessibility-related data to identify and address potential systemic accessibility barriers or trends, in accordance with the Human Rights Policy, procedures, and Accountability Framework.



## Communication

- 4.11 This policy and related procedure shall be posted on the DDSB's website together with any supporting accessibility-related resources.

## 5.0 Evaluation

- 5.1 This Policy may be reviewed and updated as may be deemed necessary or appropriate, but it shall be reviewed at least every 5 years.

## 6.0 Reference Documents

### 6.1 Policies

- [Indigenous Education Policy](#)
- [Human Rights, Anti-Discrimination and Anti-Racism Policy](#)
- [Safe and Respectful Workplace and Harassment Prevention Policy](#)
- [Use of Service Animals in Schools Policy](#)
- [Code of Conduct](#)

### 6.2 Procedures

- [Indigenous Education Procedure on Classroom Practices – Teaching and Learning](#)
- [Human Rights, Anti-Discrimination and Anti-Racism Procedure](#)
- [Human Rights Inclusive Design and Accommodation Procedure](#)
- [Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure](#)
- [Human Rights Roles, Responsibilities, and Accountability Framework](#)
- [Complaint Procedure-Human Rights, Safe and Respectful Workplace and Harassment Prevention](#)
- [Accessibility Procedure](#)
- [Use of Service Animals in Schools Procedure](#)

### 6.3 Other Documents (Legislation, Provincial Regulations, etc.)

- [Ontario Human Rights Code](#)
- [Accessibility for Ontarians with Disabilities Act, 2005](#)
- [Integrated Accessibility Standards Regulation](#)
- [Web Content Accessibility Guidelines](#)
- [Ontarians with Disabilities Act](#)
- [The Education Act](#)
- [Development of Proposed Kindergarten to Grade 12 \(K-12\) Education Standards 2022 – Final Recommendations Report](#)
- [Ontario Building Code](#)
- [Blind Person's Rights Act](#)
- [Service and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act](#)
- [DDSB Accessibility Plan](#)
- [DDSB Accessibility Guide](#)
- [DDSB Special Education Plan](#)

**Appendix:**

None

**Effective Date:**

YYYY-MM-DD

**Reviewed and Amended:**

YYYY-MM-DD

**Reviewed without Amendment:**

YYYY-MM-DD



# PROCEDURE

## STUDENTS, EMPLOYEES AND COMMUNITY

### Accessibility

#### Adopted under the Human Rights, Anti-Discrimination and Anti-Racism Policy

##### 1.0 Objective

- 1.0 The Durham District School Board (“DDSB”) adopts this policy/procedure to promote and uphold accessibility and to prevent accessibility barriers in all DDSB learning and working environments.
- 1.1 Providing accessible services and employment are necessary to meet the mandate of the DDSB and to create and foster a culture of care where students and employees can thrive and have a sense of safety, well-being, engagement and belonging. This procedure will set out how the DDSB will meet accessibility needs in a timely manner and to the point of undue hardship.
- 1.2 The DDSB adopts this procedure to better fulfill its obligations and responsibilities under, Ontario’s accessibility laws, including the Ontario Human Rights Code (the “Code”) and the Accessibility for Ontarians with Disabilities Act, S.O.2005, c.11 and the corresponding Ontario regulation 191/11, Integrates Accessibility Standards, as amended (the “AODA”), the Education Act, R.S.O, 1990, c. E.2 and its regulations, as amended (the “Education Act”), and other applicable legislation, and in so doing recognizes that accessibility principles and anti-ableist approaches, actions and initiatives are required to:
- Comply with AODA accessibility standards for customer service, employment, transportation, design public spaces, and information and communications,
  - Establish and maintain a Multi-Year Accessibility Plan (“MYAP”), which outlines its strategy to identify, prevent and remove barriers to persons with disabilities in relation to each area identified in the section above, and review and update the MYAP at least one every five years in consultation with person with disabilities. The DDSB will post the MYAP and progress updates on its website and make available in accessible format upon request.
  - Demonstrate the DDSB’s commitment in actively removing barriers and increasing accessibility and participation for all members of its community and maintain compliance through this procedure.
  - Support equitable access, opportunities, experiences and outcomes for students, employees and community members with different abilities, disabilities and neurodivergent traits.
- 1.3 If a provision of AODA, an accessibility standard or any other regulation under AODA conflicts with a Provision of another statute or regulation, the provision that provides the highest level of accessibility to person with disabilities will prevail.
- 1.4 This procedure must be read together with the Human Rights, Anti-Discrimination and Anti-Racism Policy (the “Human Rights Policy”), the Human Rights Anti-Discrimination and Anti-Racism Procedure (The “Human Rights Procedure”), the Human Rights Inclusive Design and Accommodation Procedure (the “Accommodation Procedure”), and the Human Rights Roles, Responsibilities and Accountability Framework (the “Accountability Framework”)

- 1.5 The DDSB recognizes the roles, responsibilities, and accountabilities it has to:
- Promote accessibility and anti-ableism
  - Identify, prevent, and address ableism and accessibility barriers for students, staff and community members when accessing DDSB services, employment, and learning and working environments.
  - Respond to and/address accessibility barriers (including the duty to accommodate under the Code)
  - Learn and build capacity about how to apply accessibility principles to all aspects of DDSB learning and working environments
  - Provide a mechanism for students, staff, and community members to report accessibility issues/concerns and to raise accessibility complaints.
- 1.6 A key objective of this procedure is to embed anti-ableism, accessibility, Universal Design for Learning and inclusive design principles to all aspects of DDSB services, employment and learning and working environments. These include:
- Disrupting ableist structures, policies, practices and rules to address individual and systemic accessibility barriers
  - Upholding principles of dignity and respect
  - Maximizing integration, independence, and participation
- This is in keeping with the DDSB's commitment to providing learning and working environments that centre Indigenous rights, human rights, and equity and that are safe, welcoming, respectful, equitable, inclusive, accessible, and free from all forms of discrimination, oppression and harm.
- 1.7 This procedure is to be interpreted and applied in accordance with the district's commitment to promoting and upholding Indigenous rights and human rights in all its learning and working environments. This includes anti-colonial, anti-discriminatory and anti-racist approaches, and actions to provide services and employment that are safe, welcoming, respectful, inclusive, equitable, accessible, and free from discrimination and harassment consistent with the, DDSB's Indigenous Education Policy, the Human Rights Policy, the Safe and Respectful Workplace and Harassment Prevention Policy and related procedures.
- 1.8 This policy applies to DDSB employees, trustees, students, parents/guardians, volunteers, permits holders, contractors, customers, and other members of organizations not related to the DDSB but who nevertheless work on or are invited onto DDSB premises or utilize DDSB services.

## 2.0 Definitions

- 2.1 “Customer” refers to any person who uses the services of the DDSB.
- 2.2 “Goods” are discrete items like books, food, software, etc., provided by DDSB. This Procedure applies to accessing goods, and not to the accessibility of goods.
- 2.3 “Services” are things like education and public washrooms provided by the DDSB services are expected to be accessible.
- 2.4 “Facilities” refers to rooms or spaces used to provide a service if the DDSB. IT does not refer to the physical structure of a building.

Other key human rights and accessibility terms used in this procedure are defined in (Appendix A Glossary of Terms) of the Human Rights Policy.

## 3.0 Procedure

Each employee, as appropriate to their individual role and within the scope of their authority and influence, must comply with this procedure and must contribute to shared organizational responsibilities for accessibility.

The DDSB Recognizes:

- a) The broad and evolving definition of disability under the Ontario Human Rights Code and case law, and increasing understanding of neurodiversity and the social model of disability
- b) Stigmatization and negative biases, attitudes, perceptions, assumptions and traits based on abilities, disabilities, and neurodiversity (including and not limited to assumptions about functional limitations, low expectations, learning disabilities, differences in behaviors, social interactions cognitive processing and communication, etc.);
- c) Unique accessibility barriers (for example attitudinal, physical, architectural, information/communication or technological barriers) for people based on abilities, disabilities, neurodivergent traits, mental health disabilities, addictions and disabilities that may be “invisible”, episodic, temporary and/or permanent.
- d) Inequitable and disproportionate educational and employment access, opportunities, experiences and outcomes for students, employees and community members with different abilities, disabilities and neurodivergent traits;
- e) Individuals may experience disability-related barriers differently (in other words, not everyone with the same type of disability may have the same accessibility needs).

The DDSB is committed to: addressing ableism and discriminatory barriers related to the medical and functional models of disability (including through professional development and learning); supporting inclusive and accessible environments; recognizing and affirming neurodiversity, the social model of disability and individual strengths, abilities and talents; and accommodating disability-related needs in accordance with the Human Rights Policy, and the Accommodation Procedure, to the point of undue hardship.

### 3.1 Training

The DDSB is committed to training all staff and volunteers including all persons who participate in developing the organization’s policies, or who provide goods, services, or facilities on behalf of the DDSB in accessible customer service, other applicable Ontario Accessibility Standards and aspects of the Ontario Human Rights Code that relate to persons with disabilities. Training of our employees and volunteers on accessibility relates to their specific roles, including:

- Purpose of the AODA
- How to interact with and communicate with people with various types of abilities, disabilities and neurodivergent traits including written format to meet accessibility requirements
- How to use equipment or devices that may help with providing services to people with disabilities and neurodivergent traits, as applicable to their roles and responsibilities
- What to do if a person with a disability or neurodivergent traits is having difficulty in accessing DDSB services, employment, or facilities

We train individuals as soon as practicable after being hired and provide training on any new or any significant changes to existing accessibility policies and procedures. These records are available upon request to persons who received the applicable goods or services.

In addition to formal training, each school and system department must develop an implementation plan to meet the objectives and requirements of the Human Rights Policy, the Human Rights Procedure, and this procedure, which includes;

- Embedding accessibility principles into their work and implementing the requirements of the DDSB's Accessibility Plan
- Identifying, preventing, and addressing potential accessibility barriers in schools and classrooms, community engagement, academic and corporate services, and across the organization

### 3.2 Assistive Devices

Assistive devices are tools, technology or other mechanisms that enable a person with disabilities to do everyday tasks and activities. People with disabilities may use their personal assistive devices when accessing our services or facilities. DDSB ensure that our staff are trained and familiar with various assistive devices that are used or made available in the workplace, as applicable to their roles and responsibilities.

Where use of any assistive devices is not possible under the DDSB's policies and procedures alternate arrangements must be considered and made available by DDSB where possible.

### 3.3 Information and Communications

We communicate with people in ways that take into account various abilities, disabilities, and neurodiversity, including, where reasonable;

- Use of accessible and inclusive communication and information formats for students, families, caregivers, and staff
- Use of public web content that is compliant with AODA accessibility standards including Web Content Accessibility Guidelines (WCAG) 2.0 Level AA
- Use of accessible best practices in classroom instruction, presentations, workshops, and meetings, both online and in person
- Provide multiple methods for the public to provide feedback.
- Notify the public about the availability of accessible formats and communication support
- Offering alternative or conversion-ready formats for all public DDSB documents and communications upon request and consulting with the person making such request to determine the suitability of the format or communication support. If DDSB determines that information or communications are unconvertible, it will provide the person requesting the information or communication with (a) an explanation as to why the information or communication are unconvertible; and (b) summary of the unconvertible information or

communications.

- Maintaining an Accessibility section on the DDSB website which contains relevant information, communications and contact information, including the availability of accessible formats and communication supports.

## 3.4 Service Animals

Service animal refers to an animal that is being used to provide accommodation support to a person with a disability, either readily apparent or supported by a letter from a regulated health professional. DDSB welcomes people and their service animals and a separate and specific Policy, Use of Service Animals in Schools, outlines our commitment and requirements and accompanies this procedure.

Where use of any service animal is not possible under the DDSB's Policies and procedures alternate arrangements must be considered and made available by the DDSB where possible.

## 3.5 Notice of Temporary Disruption

In the event of a planned or unexpected disruption to services or a facility for individuals with disabilities, we will notify the community as soon as it is known. Examples of disruption may include:

- An accessibility entrance door button being temporarily out of function
- An elevator shut down for repairs
- Temporary unavailability of a barrier free washroom

Notification includes but is not limited to, information about the reason for the disruption, anticipated duration and description of alternative facilities or service accommodation if any are available. Notification will be posted in a visible area on site, posted on school website or by any other means reasonable (e.g., social media post).

## 3.6 Feedback Process

The DDSB welcomes feedback on how we provide accessible service. Feedback will help us identify barriers and respond to concerns. Feedback may be provided through our public [website](#) and is monitored by the Communications Department and forwarded to the appropriate individuals for review and response where required.

Our Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure further outlines options and accessible ways in which students and families can raise issues and complaints related to accessibility and accommodations.

## 3.7 Procurement

The DDSB incorporates accessibility criteria and features when procuring or acquiring goods, services, or facilities except when it is not practicable to do so. Accessibility requirements are included in service, equipment, and technology procurement processes as part of the Terms and Conditions for all bid documents.

Additionally, emphasis is placed on streamlining the specifications of the purchase requirements to remove barriers where possible, for the procurement of assistive devices for students.

The DDSB will take into account the impact on persons with disabilities when purchasing new equipment, designing new systems or planning a new initiative.

## 3.8 Employment

### Recruitment and Hiring

The DDSB will communicate its commitment to meeting its legal duty to accommodate and will proactively request information about potential accommodation needs during the recruitment process, including through job postings and interview invitations, as well as during the hiring process. We notify employees, job applicants and the public that accommodation can be made during recruitment and hiring processes for the individual to actively participate in any assessment and selection stage, where requested. We consult with the applicants and provide or arrange suitable accommodation once requested.

### Workplace Policies and Supports, Individuals Accommodations Plans and Return to Work Process.

We notify successful applicants and existing employees of policies for accommodating employees with disabilities and how to access employee accommodations through the Ability Management department as part of the Human Rights Inclusive Design and Accommodation Procedure for employees.

We consult with employees when arranging for the provision of suitable accommodation in a manner that considers accessibility needs due to ability, disabilities and neurodivergent traits. We consult with the person making the request in determining the suitability of an accommodation plan for the employee to complete the essential duties of their job and have a written process to develop individual accommodation plans for employees.

### Workplace Emergency Response Information

Where needed, we also provide customized emergency information to help an employee with a disability during an emergency. With the employee's consent, we will provide workplace emergency information to a designated person who will help that employee during an emergency. This includes ensuring the individualized workplace emergency response information transfers with an employee when they move to a different location in the organization.

### Performance Management

In conducting performance management, the DDSB will take into account the specific accessibility needs of employees with disabilities (including individual accommodation plans); for example, accounting for the difference between disability related issues and performance related issues.

### Advancement

When Considering career development and advancement, the DDSB will take into account the specific accessibility needs of employees with disabilities (Including individuals accommodation plans). For example, professional development materials or training will be provided in formats that account for a person's disability.



## Redeployment

In cases of redeployment, the DDSB will take into account accessibility needs (including individual accommodation plans) when redeploying employee with disabilities, For example, factoring in the employee's accommodation plan to select a new job that would suit them.

### 3.9 Design of Public Spaces

The DDSB meets accessibility laws, codes and requirements when designing, building, or making major changes to public spaces. Our public spaces include schools and their grounds including parking lots, outdoor play spaces, gathering spaces on school property both inside and outside, and other board office and central administrative buildings.

### 3.10 Support Person or Assistive Service Person

Assistive service person refers to a person who assists or interprets for a person with a disability as the services of the Board are accessed. An assistive service person is distinct from an employee who supports a student in the system. A community member with a disability who is accompanied by a support person or assistive service person may have that person accompany them on our premises.

### 3.11 Self-Serve Kiosks

The Board will incorporate accessibility features when designing, procuring, or acquiring self-serve kiosks.

### 3.12 Accessible School transportation

The Board will provide integrated accessible school transportation, or appropriate alternative accessible transportation services for students with disabilities where integrated services are not possible or not the best option due to the nature of the disability or safety concerns.

### 3.13 Review Process

The Director of Education and designates will review and update this procedure as necessary and appropriate but it shall be reviewed at least every five years.

## 4.0 Reference Documents

### 4.1 Policies

- [Human Rights, Anti-Discrimination and Anti-Racism Policy](#)
- [Use of Service Animals in Schools Policy](#)

### 4.2 Procedures

- [Human Rights, Anti-Discrimination and Anti-Racism Procedure](#)
- [Human Rights Inclusive Design and Accommodation Procedure](#)
- [Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure](#)
- [Human Rights Roles, Responsibilities, and Accountability Framework](#)
- [Complaint Procedure-Human Rights, Safe and Respectful Workplace and Harassment Prevention](#)
- [Use of Service Animals in Schools Procedure](#)

### 4.3 Other Documents

- [Accessibility for Ontarians with Disabilities Act, 2005](#)
- [Ontario Human Rights Code](#)
- [Integrated Accessibility Standards Regulation](#)
- [Web Content Accessibility Guidelines](#)
- [Ontarians with Disabilities Act](#)
- [The Education Act](#)
- [Ontario Building Code](#)
- [Blind Person's Rights Act](#)
- [Service and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act](#)
- [DDSB Accessibility Plan](#)
- [DDSB Accessibility Guide](#)

**Appendix:**

None

**Effective Date**

2024-01-05

**Amended**

YYYY-MM-DD

## DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

**REPORT TO:** Governance and Policy Committee **DATE:** January 29, 2025

**SUBJECT:** Clarification and Implementation of Trustee Attendance Requirements **PAGE:** 1 of 2

**ORIGIN:** Camille Williams-Taylor, Director of Education and Secretary to the Board  
Patrick Cotter, General Counsel

The Durham District School Board recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

The Durham District School Board is committed to providing learning and working environments that centre human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive, and free from all forms of discrimination, oppression, harassment, and harm.

### 1.0 **Abstract**

Recent amendments to the Education Act and the Regulations thereunder set out requirements for trustee attendance at Regular Board meetings and regular Committee of the Whole meetings. These requirements are now reflected in our Bylaws given the updates to the Board's Consolidated Bylaws made on September 3, 2024.

Given the importance of ensuring a common understanding of individual trustees' responsibilities and requirements as to attendance, it is recommended that the Governance and Policy Committee direct staff to prepare and report back to the Committee with a new Trustee Attendance Policy based on and aligned with appendix "D" and "E".

### 2.0 **Purpose**

The purpose of this report is to provide an overview of legislated changes regarding trustee attendance requirements in meetings as it relates to electronic and in person participation and to seek the Committee's direction for staff to prepare an applicable policy.

### 3.0 **Background and Analysis**

On July 29, 2024, the Ministry of Education filed [O. Reg. 313/24](#) under the Education Act which amended [O. Reg 463/97: Electronic Meetings and Meeting Attendance](#). Applicable sections of the Board's Consolidated Bylaws were amended on September 3, 2024.

While the new requirements have already been incorporated into our Bylaws, they will have the force of law as of September 1, 2025. Staff brings this matter forward with a view to trustees having a common understanding and process for compliance, ideally enshrined in a policy prior to September 1, 2025.

#### **4.0 Conclusion/Recommendation**

It is recommended that the Governance and Policy Committee direct staff to draft a Trustee Attendance Policy consistent with the terms included in Appendix D and E.

#### **5.0 Appendices**

Appendix A: Relevant Excerpts from O. Reg 463/97


Appendix B: Relevant Excerpts from Education Act, Section 228

Appendix C: DDSB Bylaws Excerpt

Appendix D: Attendance Requirements Flowcharts

Appendix E: Proposed Implementation Plan of Amendments to O. Reg. 463/97

Report reviewed and submitted by:



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Camille Williams-Taylor, Director of Education and Secretary to the Board



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Patrick Cotter, General Counsel

**O. Reg 463/97 - Key Wording as of September 1, 2025:**

7. (1) All members of the board shall 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), 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.

**Education Act Section 228(1)**

**228 (1)** A member of a board vacates his or her seat if he or she:

(a) is convicted of an indictable offence;

(b) absents himself or herself without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the board;

(c) ceases to hold the qualifications required to act as a member of the board;

(d) becomes disqualified under subsection 219 (4); or

(e) fails to be physically present as required by the regulations made under clause 208.1 (1) (b).

## DDSB Bylaws: Attendance at Meetings

### 5.7 Attendance at Meetings

- 5.7.1 Trustees who cannot attend a board meeting or a meeting of a committee of the board should notify the secretary of the board or designate as early as possible. If it appears that there will be no quorum for a meeting, the secretary shall notify the Chair of the board or the committee, as the case may be, and, at the Chair's discretion, the meeting may be postponed or cancelled and notice thereof shall be delivered to the Trustees as soon as possible.
- 5.7.2 In accordance with section 228(1)(b) of the *Education Act*, a Trustee vacates their seat if they are absent from three (3) consecutive regular board meetings, unless the absence is authorized by resolution of the Board.
- 5.7.3 Trustees shall be physically present for each regular board meeting and regular committee of the whole meeting, unless prior written approval is received from the Chair of the board, to participate electronically in the meeting as a result of one of the circumstances identified in the Provincial regulation for granting such approval, which are set out below. Failure to be physically present at a regular board meeting without obtaining prior approval to participate electronically, constitutes an absence for purposes of s.228(1)(b) of the *Education Act* (which is the requirement that a Trustee vacates their seat if they miss three regular board meetings in a row unless approved by the board).
- 5.7.4 The circumstances for electronic attendance that may be approved by the Chair are as follows:
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.*
- 5.7.5 The Chair shall not approve the request if it would result in fewer than one member of the board, in addition to the Chair or their designate, being physically present in the meeting room.
- 5.7.6 Any Trustee seeking approval to participate electronically in a regular board meeting or regular committee of the whole meeting shall submit the request in writing to the Chair of the board before the meeting begins. The request shall include the reasons for the request. To the extent the request may engage consideration of private and



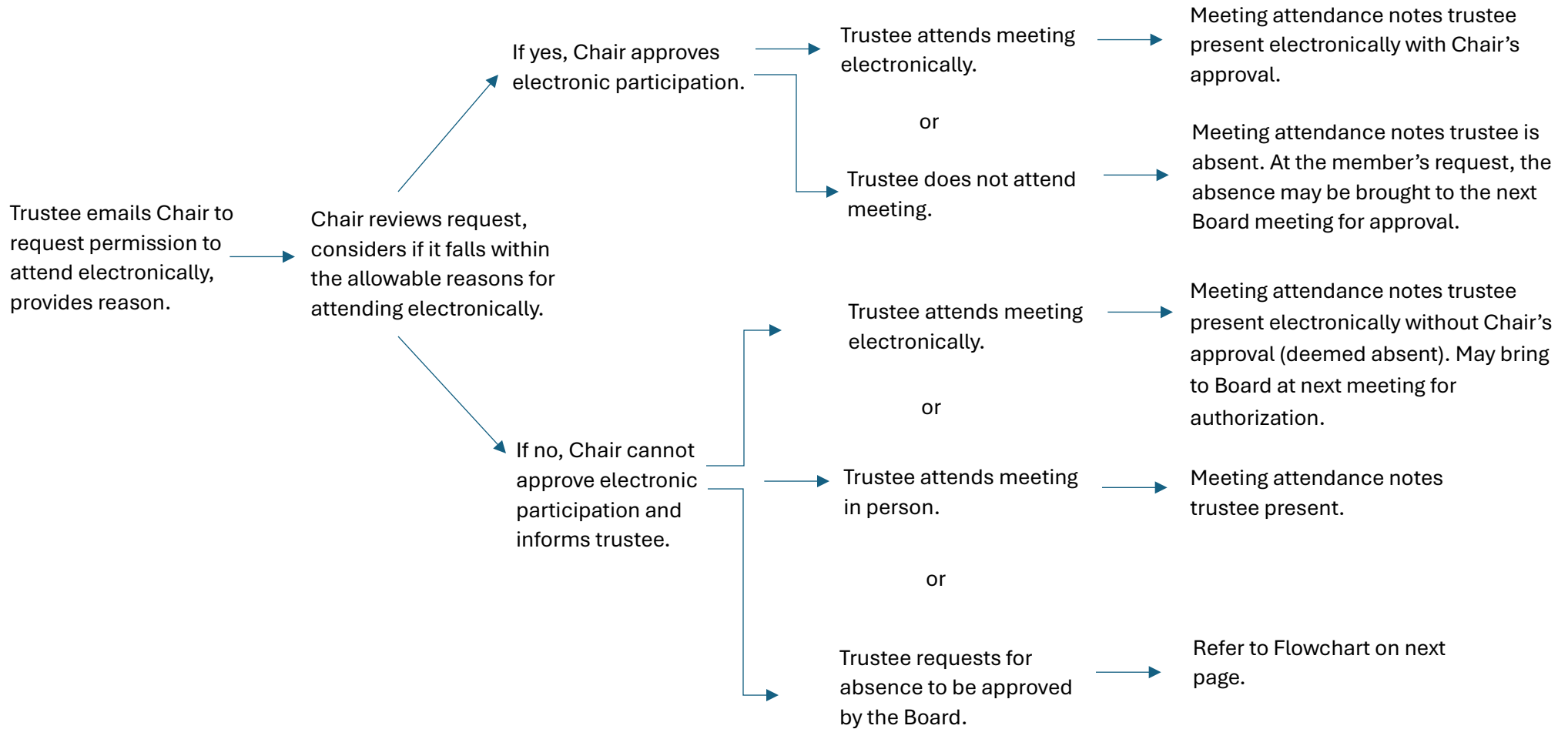
confidential medical information, the Trustee may engage the Trustee Accommodation Policy in submitting the request.

- 5.7.7 If the request is being made by the Chair of the board, the request shall be submitted to the Vice-Chair of the board. The Vice-Chair shall not approve a request unless the Chair's designate will be physically present in the meeting room.
- 5.7.8 If the request to participate electronically is denied, the Trustee will be deemed absent but may still participate electronically unless there is a valid cyber security reason for not allowing such participation.
- 5.7.9 Any Trustee request to participate electronically in a regular meeting of the board that is denied by the Chair or the Vice Chair, as the case may be, may be brought to the board of Trustees for consideration and the board may authorize the absence for the under section 228(1)(b) of the Education Act.
- 5.7.10 The Chair or designate must be physically present in the board room for at least half of the meetings of the board for each 12-month period of a term, beginning November 15, 2022. Trustees must be physically present in the meeting room of the board for at least three regular meetings of the board for each 12-month period (year) of a term from November 15, 2023 - November 14, 2024. Commencing November 15, 2022, trustees must physically attend at least one regular board meeting in each four-month period of each year in a term. It is noted that failure to comply with the requirements in this paragraph does not engage the deemed vacancy provisions in the Education Act.
- 5.7.11 The chair of a committee of the board or their designate shall be physically present in the meeting room at every regular meeting of the committee of the board, except a committee of the whole board. The Director or designate shall be physically present in the meeting room for each meeting of the board and each meeting of a committee of the board, including a committee of the whole board.
- 5.7.12 The electronic means shall permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously.
- 5.7.13 The electronic means shall be provided in such a way that complies with the rules governing conflict of interest of members.
- 5.7.14 The Board shall provide members of the public with electronic means for participating in meetings, provided that such participation has been approved by the board. Even if there is no public participation, electronic meetings shall be made available for public viewing.
- 5.7.15 The Board may provide, at one or more locations within its jurisdiction, electronic means to permit any approved participation in meetings by members of the public.
- 5.7.16 Members of the public participating through electronic means shall not participate in any proceedings that are closed to the public. The electronic means being used shall ensure the security and confidentiality of any closed sessions.
- 5.7.17 Student Trustees who are participating electronically are not to participate in any closed session that concerns matters set out in sections 207(2)(b) of the Education Act.

- 5.7.18 Members attending a meeting electronically must advise the Chair when they join the meeting. Members who leave the meeting before adjournment, whether temporarily or permanently, shall advise the Chair.
- 5.7.19 Anyone participating electronically must use the mute function on their device when not speaking. Members attending electronically are expected to keep their camera on during the meeting.
- 5.7.20 When a seat becomes vacant, the provisions of the *Education Act*, and any relevant provision(s) of these Bylaws, shall govern the filling of the vacancy.
- 5.7.21 At the Organization Meeting each year, the Chair will deliver to the Board an annual report of Trustee attendance at meetings of the Board and Committee of the Whole - Standing since the last Organizational Meeting.

**Trustee Attendance Requirements Flowchart – Request to Participate Electronically (Under Purview of Board Chair)**

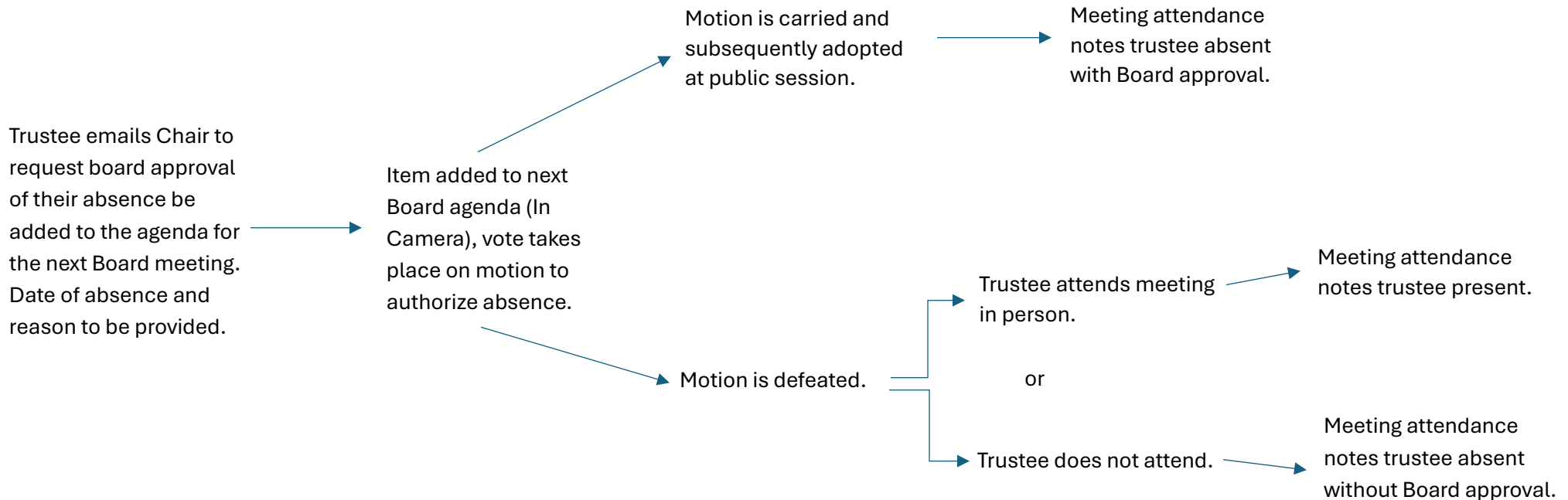
Process if a trustee cannot physically attend a Regular Board, Regular Committee of the Whole-Standing, or Regular Committee of the Whole in Camera\* meeting in person, but is available to attend electronically.



\*Committee of the Whole in Camera meetings are not regularly scheduled under the Board's Consolidated Bylaws, so whether these meetings are regular likely depends on an approved meeting schedule at the annual Organization Meeting.

**Trustee Attendance Requirements Flowchart – Request for Absence (Under Purview of Board of Trustees)**

Steps to be followed if a trustee cannot attend a Regular Board, Regular Committee of the Whole-Standing, or Regular Committee of the Whole In Camera\* meeting in person due to a personal circumstance and either is not eligible or not available to participate electronically. Requests for the Board to consider approving an individual trustee absence should be submitted in advance whenever reasonably possible. In the event of a personal emergency, there may be circumstances where it is not possible to submit an absence request in advance. In the event that a trustee is absent from a meeting and has not communicated in advance with the Chair to request either approval to participate electronically or that the Board consideration a motion to approve the absence, the motion to approve the absence will be added to the agenda of the next Regular Board meeting at the request of the member. In undertaking decisions around submission and approval of requests for absence, the Board is expected to act in good faith.



## DDSB Proposed Implementation Plan of Amendments to Ontario Regulation 463/97: Electronic Meetings and Meeting Attendance

On July 29, 2024, the province made amendments to the Education Act and to the Regulation governing electronic meetings.

DDSB approved amendments to our Bylaws to ensure compliance with these changes. The next step is to develop common understanding as to implementation, given that the consequences around mandatory attendance come into force on September 1, 2025.

In undertaking decisions around the following, the Board is expected to act in good faith.

### **Key Terms**

Term	DDSB	Mandatory
Regular Board Meetings	Regular Meetings of the Board typically take place on the third (3rd) Monday of each month. Quorum is required.	Yes (10 meetings/yr)
Regular Committee of the Whole - Standing Meetings	The Committee of the Whole meets regularly, on the 1st and 3rd Mondays of each month. Quorum is required.	Yes (10 meeting/yr)
Regular In-Camera meetings of the Committee of the Whole	These meetings are typically held before Regular Board and Regular Standing.	Bylaws do not stipulate that these are regular but approved calendar includes them. So unclear if they would fit within the ambit of the mandatory requirements.
<i>Note: The below are provided for context but are not part of the mandatory attendance requirements.</i>		
Special Board Meetings	A meeting which may be called by the Chair or by a majority of the members in addition to regularly scheduled meetings. Quorum is required.  A special meeting is not a “regular meeting” under the Education Act or the regulations thereunder.	NO

Committees of the Board (other than addition to Committee of the Whole)	<p>These are Committees with only trustees as voting members. Quorum is required. DDSB has the following committees of the board:</p> <ul style="list-style-type: none"> <li>- Education Finance</li> <li>- Governance and Policy</li> <li>- Board Self-Assessment</li> <li>- Director’s Performance Review (which is subject to min/max members under the regulation)</li> <li>- Ad Hoc committees that may be established from time to time in accordance with the Bylaw</li> </ul>	NO
Statutory Committees	These have individual membership, trustee representation and quorum requirements that are defined by specific regulation(s).	See specific regulations for each committee
Advisory Committees	<p>DDSB’s has three Advisory Committees: Indigenous Education Advisory Circle, Anti-Black Racism Advisory Committee and Human Rights Advisory Committee and each sets its own meeting schedule and terms of reference.</p>	NO

### **Discussion**

Trustees are required to physically attend “regular” Board meetings, “regular” Committee of the Whole – Standing meetings and “regular” Committee of the Whole in camera (the “Mandatory Meetings”) unless they have the pre- approval of the Chair of the Board to attend virtually, or their absence is approved by resolution of the Board of Trustees. In particular:

- A trustee may be permitted to participate electronically in a Mandatory Meeting, if pre-approved by the Chair of the Board (or the Vice Chair in the absence of the Chair) based on one of the 5 reasons as outlined in the Regulation and the Bylaws.
- The Chair of the Board can only approve (and need only approve) that the trustee be permitted to attend a Mandatory Meeting electronically (if the reason for the request is within the allowable circumstances as outlined in the Regulation). Chair cannot unilaterally approve a total absence of a trustee from a Mandatory Meeting.
- If a trustee is unable to attend a Mandatory Meeting physically or electronically (or electronic participation is not approved by the Chair of the Board), the trustee may seek Board resolution authorizing the absence.
- The DDSB Trustee Accessibility Policy may be engaged as appropriate as it relates to attendance.
- Student Trustees are permitted to participate in any meeting electronically and do not need to have their electronic attendance approved in advance of a meeting.

- Quorum requirements are not impacted by the amended regulation.

### Implementation Plan

- The sections of DDSB's Bylaws applicable to Attendance at Meetings were amended as of September 3, 2024 to comply with the new legislated requirements.
- Effective September 1, 2025, the Regular Board meeting agenda template and the Committee of the Whole In Camera Board meeting agenda template will be amended to include Trustee Attendance as a standing item. The Board will consider individual requests In Camera, and adopt the decision in public. This will allow the Board to consider requests for upcoming or past absences of trustees. In the event that a requested absence is not authorized by the Board, the trustee is marked absent and the Board will treat the seat as vacated after three consecutive unauthorized absences of the same type of Mandatory Meeting (e.g., three Regular Board meetings in a row, three Standing Committee meetings in a row).
- To reduce the risk of a trustee vacating their seat due to absence from Mandatory Meeting, every absence of a trustee ought to be considered for authorization by the Board.

### Responsibilities of Individual Trustees Under the Amended Legislation

- If a trustee knows in advance that they will not be able to attend a Regular Board, Regular Standing Committee or Regular Committee of the Whole meeting in person, they must email the Chair of the Board in advance of the meeting, including the reason, to either (1) request electronic participation or (2) request that the Board grant approval of the absence.
- In the event of an emergency and the absence is not planned/accounted for in advance, it must be considered at the next Regular Board meeting.
- Trustees asking to *participate electronically* in either a Mandatory Meeting must submit a request in writing that includes the reason for the request to the Chair of the Board (or to the Vice-Chair of the Board where the request is from the Chair of the Board) before the meeting begins to receive written approval from the Chair of the Board/Vice-Chair of the board to participate electronically. The request must be based on one of these circumstances:
  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,
    - the member's spouse,
    - a parent, step-parent or foster parent of the member or the member's spouse,
    - a child, step-child, foster child, or child who is under legal guardianship of the member or the member's spouse,
    - a relative of the member who is dependent on the member for care or assistance, or
    - a person who is dependent on the member for care or assistance and who considers the member to be like a family member.
- If electronic attendance is denied, the trustee may request that the Board consider authorizing the absence by resolution at its next regular meeting.

**Responsibilities of the Chair of the Board Under the Amended Legislation**

- Be present in person at every Regular Board, Regular Standing Committee and Regular Committee of the Whole meeting.
- Where a request for electronic participation by a trustee is received in advance of a meeting, respond to the request within a reasonable amount of time, ideally at least 24 hours in advance of the meeting, or where extenuating circumstances apply and the request has been received shortly before a meeting commences, the response should be sent as soon as is reasonably possible and before the meeting. When a response is provided, staff (including the Director and the Trustee Coordinator) should be included so that the minutes of the meeting and the trustee attendance records can be accurately maintained.
- Not approve the request for electronic participation of a trustee if it would result in fewer than one members of the Board, in addition to the Chair or their designate, being physically present.



## DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

**REPORT TO:** Governance and Policy Committee

**DATE:** January 29, 2025

**SUBJECT:** Complaints Protocol Flowchart

**PAGE:** 1 of 2

**ORIGIN:** Patrick Cotter, General Counsel

The Durham District School Board recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

The Durham District School Board is committed to providing learning and working environments that centre human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive, and free from all forms of discrimination, oppression, harassment, and harm.

### 1.0 Abstract

At the December 11, 2024 meeting of the Governance and Policy Committee, amendments to the Complaints Protocol of the Board Member Code of Conduct were approved and subsequently adopted by the Board of Trustees in response to legislative changes which came into force on January 1, 2025. While the Complaints Protocol has been amended to provide for the new process, there was further direction from the Committee that staff prepare a flowchart to support ease of use and transparency. The Complaints Protocol Flowchart is attached as Appendix A. Feedback is welcome and subject to addressing any comments or concerns, the flowchart will be posted on the [website](#) along with the Code of Conduct.

### 2.0 Purpose

The purpose of this report is to provide the Governance and Policy Committee with a flowchart that is intended to support ease of use and transparency as it relates to the revised Complaints Protocol.

### 3.0 Background & Analysis

In July 2024, significant changes were made regarding the legislated requirements for Code of Conduct issues involving trustees. There are three significant changes:

- The changes require that all school boards make use of an experienced Integrity Commissioner to investigate complaints. Of course, this was something that this Board has had in place for many years;
- The changes also removed the power of school boards to impose sanctions. Instead, the Integrity Commissioner will impose the sanction (with a right of appeal); and
- Finally, the changes increased the number and severity of sanctions that may be imposed for violations of the Code of Conduct.

**4.0 Communication/Implementation Plan**

The flowchart will be posted on the website along with the Code of Conduct.

**5.0 Conclusion**

The Complaints Protocol Flowchart is noted in Appendix A. Absent any concerns of the Governance and Policy Committee, and following discussion, the Flowchart will be posted on the website.

**6.0 Appendices**

Appendix A – Complaints Protocol Flowchart

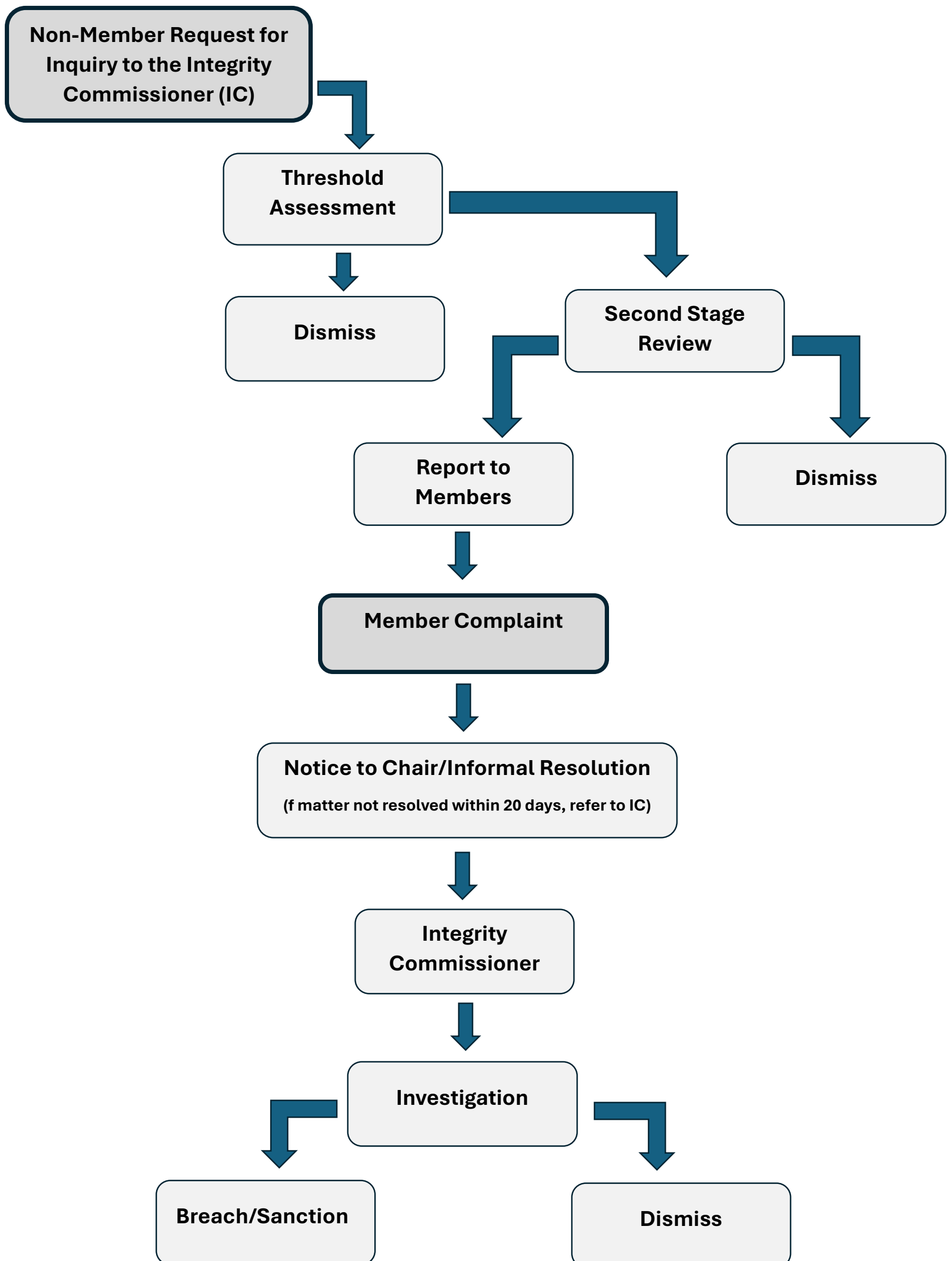
Report reviewed and submitted by:



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Patrick Cotter, General Counsel

## Revised Draft: Complaint Protocol Flowchart



## DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

**REPORT TO:** Governance and Policy Committee

**DATE:** January 29, 2025

**SUBJECT:** Bylaws – Filling Trustee Vacancies

**PAGE:** 1 of 2

**ORIGIN:** Patrick Cotter, General Counsel

The Durham District School Board recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

The Durham District School Board is committed to providing learning and working environments that centre human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive, and free from all forms of discrimination, oppression, harassment, and harm.

### 1.0 **Abstract**

This report provides the current Bylaw language for filling of a trustee vacancy as well as the first draft of a new policy which is being provided to the Committee for information and discussion.

### 2.0 **Purpose**

The purpose of this report is to recirculate the sections of the Bylaws applicable to filling trustee vacancies along with a draft new policy for the Committee's consideration regarding potential to improve and streamline the process.

### 3.0 **Background & Analysis**

On September 25, 2024, staff presented a report to the Governance and Policy Committee that provided an overview of the options and process through which the Durham District School Board (DDSB) fills a vacancy on the Board of Trustees in accordance with applicable legislation and the Bylaws. The report included suggested changes to the applicable sections of the Bylaws, which led to broader discussion of the subject and a subsequent motion to defer adoption of any revisions until such time as the process could be further reviewed and considered.

### 4.0 **Communication/Implementation Plan**

If revisions to the Bylaws or any new policy are adopted, updates will be communicated to all relevant staff, education partners and the broader community. The revised Bylaws will be posted on the DDSB website.

## 5.0 Conclusion/Recommended Action

This report is provided to the Governance and Policy Committee for information. There appears to be room to streamline the process for filling a trustee vacancy, while still providing a robust and transparent process.

## 6.0 Appendices

Appendix A – Section 6 of the DDSB Consolidated Bylaws  
Appendix B – Draft Policy

Report reviewed and submitted by:



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Patrick Cotter, General Counsel



# BYLAWS

## Consolidated Bylaws

### SECTION 6: FILLING TRUSTEE VACANCIES

#### 6.1 The Education Act

6.1.1 Section 221 of the *Education Act* provides for the Board to fill a Trustee vacancy by either:

- i. Requiring the municipality to hold a by-election, or
- ii. appointing a qualified person (as defined in the *Education Act*) to the position, within 90 days of the office becoming vacant. The method of appointment is not specified in the Act.

6.1.2 A by-election may not be held after March 31 in an election year (i.e., within approximately 8 months of a regularly scheduled municipal election). All costs for a by-election are borne by the Board (subsection 7(3) Municipal Elections Act, 1996).

#### 6.1 Vacancy Committee

6.2.1 In the event of a vacancy, the Board shall establish a Vacancy Committee to address the vacancy in accordance with the terms of the *Policy on Filling a Trustee Vacancy*.

6.2.2 All members of the Board are eligible to sit on the Vacancy Committee.

### Filling a Trustee Vacancy - Draft January 29, 2025

#### 1.0 Rationale

- 1.1 From time to time a seat on the Board of Trustees may become vacant. This policy sets out the options and process for filling a trustee vacancy as called for in the Board's Consolidated By-laws and in a manner consistent with the terms of the *Education Act*.

#### 2.0 Policy Objective

- 2.1 The objective of this policy is to set out a concise, fair and transparent policy for filling a vacancy on the Board of Trustees.
- 2.2 This policy is to be interpreted and applied in accordance with the District's commitment to promoting and upholding Indigenous Rights and Human Rights and the Safe and Respectful Workplace and Harassment Prevention policy in all of its learning and working environments.

#### 3.0 Policy

##### 3.1 Options for Filling a Vacancy

- 3.1.1 The Vacancy Committee shall consider and determine the method of filling the vacancy from the following options:

(b) Requiring the municipality to hold a by-election at the Board's expense (this option is not available within approximately 8 months of a regularly scheduled municipal election). If this option is chosen, the Director shall engage and coordinate with the appropriate municipality and shall report to Board as appropriate to keep the Board informed.

(b) Appointing a qualified person (as defined in the *Education Act*) to the position, within 90 days of the office becoming vacant. If this option is selected, the Committee shall select the method of appointment from the following options:

- i. Appointing one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area provided the candidate remains interested, resides in the vacated electoral area and remains a qualified person as defined under the *Education Act*.
- ii. Appointing one of the unsuccessful applicant candidates from the "Trustee Applicant Pool" (defined below) that is from the vacated electoral area and provided the candidate is still interested, resided in the vacated electoral

area and remains a qualified person as defined under the *Education Act*.

iii. Conducting a candidate application and appointment process.

- 3.1.2 In order to facilitate consideration of these options, the Director shall prepare and provide to the Vacancy Committee, an initial report outlining the options and processes for filling the vacancy in accordance with terms of this Policy.
- 3.1.3 If the timing of the vacancy would allow for a by-election, the initial report from the Director shall include the results from the previous election for the relevant electoral area and the estimated costs of a by-election.
- 3.1.4 This initial report shall also advise of any applicants in a Trustee Applicant Pool from the electoral area of the vacancy.
- 3.1.5 If option 2 (b)(i) is chosen, the Director shall reach out to the candidate to confirm interest and confirm that the person remains qualified and, if so, to advise of the appointment.
- 3.1.6 If option 2(b)(ii) is chosen, the Director shall reach out to the candidate to confirm that the candidate is still interested, is still from the electoral area and remains a qualified person as defined under the *Education Act*.
- 3.1.7 If option 2(b)(iii) is chosen, the process outlined in paragraphs 10-24 will apply.
- 3.1.8 Any meetings regarding the consideration and/or implementation of the foregoing options that include discussion of candidates will be held in closed session.

## **3.2 Application Process**

- 3.2.1 If option 2(b)(iii) is chosen, the Vacancy Committee will receive an initial report from the Director addressing the following which the Committee shall consider and adopt as it deems appropriate:
1. The form and content of the position posting and the extent and duration of the posting for applications (eg. the Board's website, social media, advertisements, etc.) and any additional information to be included on the Board's website regarding the nature of the role of School Board Trustee;
  2. The form and content of the application form that applicants will be required to submit;
  3. The deadline for submitting completed application forms;
  4. A weighted assessment matrix for assessing and scoring completed applications which is to be referenced by Vacancy Committee members in reviewing applications to improve fairness and consistency. At the discretion of the Vacancy Committee, the assessment matrix may include weight being given to the electoral area in which applicants reside.
- 3.2.2 The DDSB's Accessibility Policy (ntd: once adopted) shall apply to applicants throughout this process, as applicable.



- 3.2.3 Upon written or verbal indication from an individual that they intend to apply for the position, the following information will be provided to applicants, electronically or in hard copy as the interested party may elect:
- i. The position posting, the application form and the assessment matrix;
  - ii. Durham District School Board Facts Folder;
  - iii. The Consolidated Bylaws including the Member Code of Conduct;
  - iv. Schedule of Board and Committee Meetings;
  - v. Committee Membership List.
- 3.2.4 the application deadline, Vacancy Committee will meet, in closed session, to review any properly completed applications using the weighted assessment matrix in order to prepare a short list of applicants who will be invited to participate in interviews. Only applicants who have submitted complete written applications by the deadline will be eligible to be short-listed. All applicants not on the short list will be so advised by the Trustee Services Coordinator
- 3.2.5 The Vacancy Committee has the discretion as to how many applicants to short list.
- 3.2.6 The Director shall deliver a report to the Vacancy Committee with proposed interview date(s) and the schedule of interviews for the candidates that have been short listed for interviews. The Vacancy Committee, in consultation with the Director, will establish the interview date(s) and schedule.
- 3.2.7 If the Vacancy Committee determines that it will ask questions of the interviewees, then the questions shall be standardized for all interviewees and are to be provided to all interviewees at least two days prior to the first interviews.
- 3.2.8 Interviews shall be conducted at a public Special Meeting of the Board. Should quorum not be present for a Board meeting on the meeting date, those present will constitute a Selection Committee which shall meet, conduct the interviews and make a recommendation to the Board at a meeting of the Board of Trustees (either at the next regular meeting or, at a special Board Meeting, at the discretion of the Chair of the Board). The Chair of the Board or designate shall preside over the meeting(s) during which the interviews are conducted.

### **3.3 *Applicant Interviews***

- 3.3.2 Each candidate invited for an interview shall be requested to address the Board for up to five minutes, and to respond to any standardized questions for up to five minutes.
- 3.3.3 Candidates shall be advised of their right to attend virtually or in-person.
- 3.3.4 Voting shall be by secret ballot. The Director or designate, and two additional staff members designated by the Director, together with one Student Trustee shall count the ballots and shall maintain the confidentiality of the process. The Trustee Services Coordinator will have access to the vote tallies and will assist in collecting and posting the results in accordance with the provisions of these by-laws.

- 3.3.5 On the first ballot, Trustees shall vote for three (3) candidates and any ballot without three names shall be considered a spoiled ballot.
- 3.3.6 The candidates shall be ranked based on the number of votes received (most to least). The top half of the candidates will proceed to the second ballot and their names shall be posted in the Boardroom and on-screen for virtual attendees. In the event that there is more than one candidate tied for the final spot, then all those tied candidates will proceed to the second ballot.
- 3.3.7 On the second and subsequent ballots, Trustees shall vote for only one (1) candidate.
- 3.3.8 Voting shall continue, and on each subsequent ballot, the candidate receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate receives a majority of votes cast (except on the first ballot). In the event of a tie, all candidates tied for the lowest number of votes shall be dropped from the ballot. Any candidate who does not receive any votes will be dropped from subsequent voting.
- 3.3.9 In the event of a tie for the successful candidate, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.

#### 3.4 ***Trustee Applicant Pool***

- 3.4.2 Those candidates that proceeded to the second ballot or further (other than the successful candidate) shall be placed in a “Trustee Applicant Pool” which may be engaged, at the discretion of Vacancy Committee, for filling any further vacancy during the term in accordance with the provisions of section 4(b)(ii) above.

#### 3.5 ***Swearing In***

- 3.5.2 An appointed candidate shall attend at the next convenient Board meeting within the 90-day appointment window to be sworn in.
- 3.5.3 An elected candidate shall attend at the next Regular meeting of the Board following the byelection to be sworn in.

#### 4.0 **Evaluation**

- 4.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but it shall be reviewed at least every 5 years.

#### 5.0 **Reference Documents**

##### 5.1 **Policies**

DDSB’s Consolidated By-laws

##### 5.2 **Other Documents (Legislation, Provincial Regulations, Etc.)**

The Education Act

**Appendix:**

None or

Appendix A: XXXXXXXXXX

Appendix B: XXXXXXXXXX

**Effective Date:**

YYYY-MM-DD

**Reviewed and Amended:**

YYYY-MM-DD

**Reviewed without Amendment:**

YYYY-MM-DD