



ONTARIO PUBLIC
SCHOOL BOARDS'
ASSOCIATION

Leading Education's Advocates

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OPSBA Template re: Trustee Pregnancy and Parental Leave Policy

Policy Statement/Objective:

To establish a policy for a public school board trustee to take a pregnancy or parental leave.

Background Information:

Trustees play an important role as they are the only publicly elected official with the direct responsibility for the education of children. Trustees hold an "office" and are not employees of the school board and do not receive unemployment benefits typically associated with board staff who take similar leaves. Democratically elected local school board trustees are elected every four years and serve a four year term. As mandated in the *Education Act*, a trustee must be physically present in the meeting room of the board for at least three regular meetings of the board in each 12-month period beginning December 1 (November 15 starting in 2022 and different for Trustees who take office mid-way through a year). In addition, a trustee cannot miss three consecutive regular board meetings unless authorized by resolution of the board. Furthermore, at every meeting of the board a Chair of the Board (or his or her designate) must be physically present in the meeting room of the board unless a board's electronic participation in meetings policy permits otherwise (see Regulation 463/97).

All boards have policies in place to allow for electronic participation in meetings if a trustee is unable to attend in person. Attendance at board and committee meetings can be in person or through electronic means subject to limitations in Ontario Regulation 463/97 (Electronic Meetings).

Board members must be present at a board meeting (either physically or electronically) in order to vote on a motion. Proxy voting is never allowed.

The presence of a majority of all the members constituting a board is necessary to form a quorum. Because a trustee is on a pregnancy or parental leave does not change this requirement for a board. The trustee is still a member of the board.

The *Education Act* was amended in May 2017 to require school boards to allow a trustee to take a pregnancy or parental leave for up to 20 weeks without authorization from their board. The result is that the seat of the member who takes a parental or pregnancy leave would not be declared vacant if they missed three consecutive regular board meetings during the 20 week time period.

Specifically, the amendments state the requirement of “*every school board to adopt and maintain policies with respect to pregnancy leaves and parental leaves of members of the board. Section 228 of the Act currently sets out circumstances where a member of the board’s seat becomes vacant. A new subsection 228 (2.1) is added to provide that s.228(1)(b) does not apply to vacate the office of a member of a board who is absent for 20 consecutive weeks or less if the absence is the result of the member’s pregnancy, the birth of the member’s child or the adoption of a child by the member.*”

Boards may also consider updating their Procedural By-laws.

Key Dates:

- The 2018-2022 Term of Office begins on December 1, 2018 and ends on November 14, 2022
- The 2022-2026 Term of Office will begin on November 15, 2022 and end on November 14, 2026.

Definitions

Trustee: An individual who is a member of the Board within the meaning of the *Education Act*.

Board and committee meetings are not the only time commitment for trustees. Other responsibilities include:

- Attending community meetings as a representative of the school board
- Communications - Responding to the concerns of parents and others (i.e. telephone calls or e-mails, meeting requests and queries from constituents)

Trustee Leave Notification Considerations:

- The Trustee will notify the board as soon as reasonably possible to inform it regarding an upcoming leave.
- The Trustee will indicate the purpose for the leave: trustee pregnancy, birth of member’s child or the adoption of a child by the member.
- The Trustee will provide an expected date the leave is to begin and conclude provided the leave does not exceed 20 consecutive weeks and begins no later than the date of a third consecutively missed regular board meeting.
- The Trustee will provide relevant medical documentation (this could include medical certificates confirming pregnancy, proof of birth date, or adoption agency statements).
- Trustee Honoraria for base and enrolment amounts continue to be provided during the leave period. (If the member is a chair or vice-chair of the board will the member continue in that position? How will the honoraria for those positions be handled?)
- Relevant Trustee expenses will continue to be reimbursed (i.e. cellphone, computer).
- The Trustee will continue to receive board-related material and have access to information during the leave.
- The Trustee will also consider the following:
 - Whether or not she/he will continue to participate in board/committee meetings either in person or via electronic means;
 - How she/he intends to notify her/his community about their leave and how the community will be supported during the leave;

Reference Documents:

- *Municipal Elections Act*
- *Education Act*
- Other relevant Board policies/procedures/by-laws

Board Letterhead - Draft Trustee Pregnancy and Parental Leave Form:

To be completed by the Trustee taking a pregnancy or parental leave at least six weeks in advance of the leave, if possible. The completed form should be given to the Chair who will notify the Director of Education and the Board of Trustees. All information documented below is to be kept private and confidential and filed in the Director of Education’s office and accessible only to the trustee, Chair, Director and relevant board staff.

Last Name:		
First Name:		
Area Represented:		
Type of Leave: Trustee pregnancy, birth of child or the adoption of a child.		
Expected Leave Duration:	From: (year/month/day)	To: (year/month/day)
Applicable Medical Documentation:		
Notes regarding Trustee participation during leave: <ul style="list-style-type: none"> • Participation level in board/committee meetings either in person or via electronic means? • The amount of information and communication to receive from the board (i.e. board meeting packages); • Method for community notification? • Details regarding how the community will be supported during the leave? • Name and information details for alternate trustee contact 		
Other relevant information:		

Trustee Signature:

Chair of the Board Signature:

Date: