AGENDA: 6:30 pm – immediately following Special Board at 5:30 pm

REVISED

1. Call to Order
2. O Canada
3. Farewell to Student Trustee Rezvan
4. Profiling Excellence
   - Ontario Public School Boards’ Association (OPSBA):
     - Stephanie Hrynkiw – nominee for the Jack A. MacDonald Award of Merit
     - Sandra Binns – recipient of the 2019 Award of Excellence
   - Students:
     - DVSS Girls Senior Basketball Team - Silver Medalist at 2018-19 OFSAA Girls AA Basketball Championship
       - Kaylee Allan, Jenna Button, Taylor Cumming, Ruby Gubekjian, Olivia Mathews
       - Grace Opsteen, Megan Spenler, Julia Sylvester, Sara Vogel, Jane Wright
   - Staff:
     - DVSS Girls Senior Basketball Coaches – Silver Medalist at 2018-19 OFSSA Girls AA Basketball Championship
       - Nick White
       - Josh Douglas
       - Shanien O’Neill
       - Jasmina Kucil
     - HWDSB Annual Checker’s Tournament Organization
       - Nick Trikoupis – Ancaster Meadow
       - Bill Forrester – Ancaster Meadow
       - David Del Conte – Cathy Weaver

5. Approval of the Agenda
6. Declarations of Conflict of Interest

Reports from Trustee Special Committees:
7. Program Committee – June 3, 2019
8. **Finance & Facilities – June 4, 2019 and June 13, 2019** (provided at meeting)
9. **Human Resources – June 11, 2019**

Reports from Staff:
10. **Trustee Vacancy – Ward 3**

Reports from Legislative Committees:
10.1. **Special Education Advisory Committee – June 12, 2019**

11. Resolution Into Committee of the Whole (Private Session) as per the Education Act, Section 207.2

   *(b) the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian*

**Meeting Resumes in Public Session**

12. Report from Committee of the Whole (private) – June 17, 2019

13. Oral Reports from:
   A. Student Trustees’ Report – Local Activities & Ontario Student Trustees’ Association (OSTA) Report
   B. Director’s Report
   C. Chair’s Report

14. Adjournment

Meeting times and locations are subject to change. Please refer to our website for the latest information.

[http://www.hwdsb.on.ca/trustees/meetings/](http://www.hwdsb.on.ca/trustees/meetings/)
The committee held a meeting from 5:31 p.m. to 7:06 p.m. on June 3 2019 at 20 Education Court, Hamilton, ON, in Meeting Room 340D with Trustee Penny Deathe presiding.

Members present were: Trustee Penny Deathe (Chair), Dawn Danko, Becky Buck, Kathy Archer and Cam Galindo. Also in attendance: Trustee Carole Paikin Miller and Trustee Christine Bingham (electronically)

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ACTION ITEMS:

A. Grade One French Immersion Application Process Update

Staff provided the background of the HWDSB French as a Second Language Programming discussing the two FSL programs – Core French which commences in Grade Four and French Immersion beginning in Grade One. Staff emphasized that the goals for both programs continue to be maximizing the number of students engaged in FSL and having those students move successfully towards Graduation.

Staff identified that growth over the past 5 years within HWDSB in the FSL population required a need for a Centralized Application Process for French Immersion. The Centralized Grade One French Immersion Application Process was implemented for the 2017-18 school year and in 2018-19 a Random Selection Process was incorporated to offer home school and out-of-catchment placements while recognizing the Board Motion that ensures, where space exists, siblings entering French Immersion attend the same school as their sibling. Discussion was had regarding a review of both the timelines and grandfathering of siblings.

On the Motion of Trustee Galindo, the Program Committee recommends: That staff seek feedback regarding the proposed timelines and the sibling provision for those enrolling in French Immersion. That this information be shared with the French as a Second Language Advisory Committee and a report be brought back to Program Committee in the Fall of 2019.

The motion CARRIED on the following division:
In Favor (4): Trustees Galindo, Danko, Buck and Deathe
Opposed (1): Trustee Archer

Trustee Archer indicated that she was not in favor of motion without consulting all impacted parents, as the suggested process will not ensure all voices will be heard.

On the Motion of Trustee Galindo, the Program Committee recommends:

1. The timelines for Grade One French Immersion Application Process, accepted by the Board on November 21st, 2016 be amended to start on the first school day in December and conclude on the third Monday of January;
2. Grade One Families will be offered placements no later than the last day of school in February; and
3. Explore the implications of extending the on-line application process to grades two to eight to enable management of accommodation pressures.

CARRIED UNANIMOUSLY

Staff committed to scheduling an update on the Core French Program which will include data for 2019-20 Program Committee.
MONITORING ITEMS:
B. Digital Devices Update
Staff provided a report in follow-up to the April 8, 2019 Program Committee. Staff identified the device being incorporated in each of Elementary (Grades 4-8) and Secondary (Grades 9-12) and provided details as to the number of units being deployed for each. In addition, staff identified that at the Secondary level students will be given the opportunity to return the device assigned to them if they determine they have an adequate digital tool they can effectively utilize.

Staff will provide an update in the Fall on the progress of device deployment along with an inventory of current devices in schools. A report on the 21st Century Learning Strategy will be brought in the Winter 2020 and will include information learned from students, staff and parents.

Respectfully submitted,
Penny Deathe, Chair of the Committee
COMMITTEE REPORT

Presented to:  Board  Date of Meeting: June 17, 2019
From:  Finance and Facilities Committee  Date of Meeting: June 4, 2019

The committee held a meeting from 5:32 p.m. 8:58 p.m. on June 4, 2019 at 20 Education Court, Hamilton, Ontario in Room 340D with Trustee Dawn Danko presiding.

Members present were: Trustees Christine Bingham, Dawn Danko, Alex Johnstone (electronically) and Paul Tut. Trustees Becky Buck, Penny Deathe and Cam Galindo were also in attendance. Student Trustee Cameron Prosic was in attendance.

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ACTION ITEMS:
A. Surplus Carry-Forward – School Budgets and Other Initiatives
Annually Schools have the opportunity to carry forward, for one fiscal year, a year-end surplus equivalent to a maximum of 10% of interchangeable budgets. Requests to carry forward any surplus in excess of 10% or an amount equal to or greater than $25,000 must receive Board approval.

On the motion of Christine Bingham, the Finance and Facilities Committee RECOMMENDS: that the requests for school budget surplus carry forward into the 2019/2020 school year be approved and that the balance remaining at August 31, 2019 from funding for Major Capital Projects and Other Initiatives; if any, be transferred to working reserves on a temporary basis.

CARRIED

MONITORING ITEMS:
B. Capital Projects Update Report
Staff provide a quarterly monitoring report to trustees regarding the status of capital projects and reviewed the summary of all capital projects in their various phases. The summary is categorized by the project’s source of funding and project initiative. Several projects are waiting Ministry Approval to Proceed and staff are in regular communication with Ministry Capital Analysts regarding the process and anticipate that all projects will be on track if we receive the approvals in a timely manner.

C. Secondary Field Strategy
A review of current and proposed secondary fields was presented and whether they were natural or artificial turf. Trustees asked staff to bring back additional information relating to costs of natural fields vs artificial fields, rationale for the 4 sites selected for artificial turf, number of sport teams that have had to relocate their game due to natural turf being unusable, true cost of rentals and also asked for input/consultation with community, students and physical education department heads.

D. 2019-20 Budget Development
Key dates and timelines were reviewed. The technical papers have been received and staff have recalculated the grants which allowed for additional funding to be added back resulting in an overall balanced budget position.

Respectfully submitted,
Dawn Danko, Chair of the Committee
<table>
<thead>
<tr>
<th>Name of School</th>
<th>Carry forward Requested</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elementary</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adelaide Hoodless</td>
<td>$8,180</td>
<td>School requires additional technology (ipad kits) for the classroom next year and due to timing of the order, vendor cannot deliver until September 2019. Requesting carryforward to ensure funding available for this order</td>
</tr>
<tr>
<td>Collegiate Avenue</td>
<td>$22,490</td>
<td>The school is deferring expenditures on resources, equipment and furniture until the students of Green Acres, Collegiate Avenue and RL Hyslop are combined at the new facility. This will ensure adequate funding is available to cover unexpected expenses at the new amalgamated school</td>
</tr>
<tr>
<td>Green Acres</td>
<td>$15,000</td>
<td>The school is deferring expenditures on resources, equipment and furniture until the students of Green Acres, Collegiate Avenue and RL Hyslop are combined at the new facility. This will ensure adequate funding is available to cover unexpected expenses at the new amalgamated school</td>
</tr>
<tr>
<td>R.L. Hyslop</td>
<td>$10,000</td>
<td>The school is deferring expenditures on resources, equipment and furniture until the students of Green Acres, Collegiate Avenue and RL Hyslop are combined at the new facility. This will ensure adequate funding is available to cover unexpected expenses at the new amalgamated school</td>
</tr>
<tr>
<td>Sir Isaac Brock</td>
<td>$12,750</td>
<td>Orders for equipment and learning resources were placed in Spring 2019 and due to vendor difficulties cannot be filled until September 2019. Requesting carryforward to ensure funding available for these orders.</td>
</tr>
<tr>
<td><strong>Total Elementary</strong></td>
<td>$68,420</td>
<td></td>
</tr>
<tr>
<td><strong>Secondary</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glendale</td>
<td>$72,500</td>
<td>The school has been undergoing major renovations over the last year with the Learning Commons, Science Labs and the Auditorium. The school has deferred the purchase of resources, equipment and furniture until these renovations are complete or near completion which is expected for fall 2019. The school is currently in the process of purchasing items required for the Learning Commons however expect delivery delays to September 2019.</td>
</tr>
<tr>
<td>Name of School</td>
<td>Carry forward Requested</td>
<td>Rationale</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Sir John A. Macdonald</td>
<td>$25,000</td>
<td>The school is deferring expenditures on resources, equipment and furniture until the students of SJAM and Delta are combined and in the new Bernie Custis School. This will ensure adequate funding is available to cover unexpected expenses at the new amalgamated school.</td>
</tr>
<tr>
<td>Total Secondary</td>
<td>$97,500</td>
<td></td>
</tr>
</tbody>
</table>
COMMITTEE REPORT (Public)

Presented to: Board  Meeting Date: June 17, 2019

From: Human Resource Committee  Meeting Date: June 11, 2019

The committee held a meeting June 11, 2019 - from 5:30-7:30 p.m. at 20 Education Court, Hamilton, Ontario, with Penny Deathe presiding.

Members present were: Trustees Penny Deathe (Chair), Alex Johnstone, Carole Paikin Miller and Becky Buck.

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INFORMATION ITEMS:

A. Employee Strategic Wellness and Absence Management Plan

Jamie Nunn, Superintendent of Human Resource Services, and Lori Steacy, Manager of Employee Support and Wellness, provided the committee with an overview of the development of the Employee Strategic Wellness and Absence Management Plan. The HWDSB contracted a consultant to provide an assessment of HWDSB’s current absence management program in the summer of 2018. The assessment provided 10 recommendations that became the foundation to develop our Employee Strategic Wellness and Absence Management Plan. The plan is designed to improve our current absence program to:

- Implement a well-defined absence management-training program for all absence stakeholders that promotes consistency and confidence for any “people managers” involved in managing attendance.
- Improve the culture surrounding attendance by supporting employees when absent. This is accomplished by reaching out in a consistent manner and asking, “how the HWDSB can support the employee” and consistently implement the polices and procedures.
- Develop a comprehensive wellness program (supported by strong mental health options) for all HWDSB employees.
- Reduce absence rate for our employees.

Respectfully Submitted,
Penny Deathe, Chair of the Committee
TO: BOARD
FROM: Manny Figueiredo, Director of Education
DATE: June 17, 2019
PREPARED BY: Heather Miller, Officer of Trustee Services
RE: Trustee Vacancy, Ward 3

Recommended Action:

That the Trustee vacancy in Ward 3 be filled by either:

Option 1: Municipal By-Election
a) That the City of Hamilton be authorized to initiate a by-election under the Municipal Elections Act to fill the public school board trustee vacancy in accordance with Section 221(2), Optional Election, of the Education Act.
b) That staff be authorized to promptly notify the Clerk of the City of Hamilton of the Board’s decision as outlined in Section 221(3) of the Education Act.

Or

Option 2: Appointment Process
a) That the public school trustee vacancy in Ward 3 be filled using an appointment process, in accordance with Section 221(1)(a), Vacancies, of the Education Act.
b) That staff be authorized to recommend an appointment process, similar to the process used to fill the 2013 school board trustee vacancy in Wards 9 & 10
c) That the appointment process be completed by August 29, 2019
d) That the process and estimated timelines for filling the public school trustee vacancy in Ward 3 be presented to the Board of Trustees for consideration

Background:

All vacancies on the board are required to be filled, under the Education Act, unless the vacancy is within one month of the next Municipal Election [s. 224(a)]. The Board of Trustees will have 90 days to decide how to fill the vacancy whether it be by appointment or by holding a by-election.

Filling a Vacancy: By-Election
A resolution can be passed by the board to fill a vacancy by by-election which is held in accordance with the Municipal Elections Act, 1996.
Once the board has decided to hold a by-election, the municipal clerk is in charge of conducting the by-election. The board is not responsible for determining the dates for nominations or election date. The clerk will set the nomination day within 60 days after the resolution is passed by the board for a by-election and the voting day will take place 45 days after nomination day.

The city clerk has indicated that should a resolution for a by-election be passed and communicated to the City on June 18th, 2019, Nomination Day would be set as August 6th (49 days after receiving the resolution) and Election Day would be September 20th, 2019.

According to the Municipal Elections Act, subsection 7 (2), municipalities bear the cost of a regular election, but local boards bear the costs of by-elections. The City Of Hamilton estimates the cost for the by-election for Ward 3 to be approximately $100,000.

As outlined in Section 65 of the Municipal Elections Act, the clerk shall conduct the by-election in a similar manner as the regular election.

Filling a Vacancy: Appointment.
The Board may pass a resolution to fill the vacancy by appointment within 90 days of the position becoming vacant (by August 29, 2019). The person being appointed must be eligible to serve on the Board and be willing to accept the appointment. The legislation does not set out any criteria and it is up to the Board to determine how they will decide whom to appoint.

The Board may decide to:
• Appoint the candidate who came in second in the last election
• Invite any interested persons to apply for the position
• Offer the appointment to a member of the community

Interim Support for Trustee-related Matters
If a parent or member of the community wishes to discuss a concern with a trustee, they may reach out to Alex Johnstone, Chair of the Board, until a new local trustee is in place.

Attachments:
Appendix A: Excerpt from the Education Act: Part VII: Board Members – Qualifications, Resignations and Vacancies
Appendix B: Excerpt from the Municipal Elections Act: By-Elections
Appendix C: 2018 Municipal Election Results, City of Hamilton, Ward 3
Appendix D: Population of Electoral Group (PEG) Data Ward 3 (used for the 2018 Municipal Elections)
EXCERPT FROM THE EDUCATION ACT

PART VII
BOARD MEMBERS — QUALIFICATIONS, RESIGNATIONS AND VACANCIES

Qualifications of members

219 (1) A person is qualified to be elected as a member of a district school board or school authority if the person is qualified to vote for members of that district school board or that school authority and is resident in its area of jurisdiction. 1997, c. 31, s. 112.

Same

(2) A person who is qualified under subsection (1) to be elected as a member of a district school board or school authority is qualified to be elected as a member of that district school board or school authority for any geographic area in the district school board’s or school authority’s area of jurisdiction, regardless of which positions on that district school board or school authority the person may be qualified to vote for. 1997, c. 31, s. 112.

Eligibility for re-election

(3) A member of a district school board or school authority is eligible for re-election if otherwise qualified. 1997, c. 31, s. 112.

Disqualifications

(4) Despite subsection (1), a person is not qualified to be elected or to act as a member of a district school board or school authority if the person is,

(a) an employee of a district school board or school authority;

(b) Repealed: 2002, c. 18, Sched. G, s. 9 (1).

(c) the clerk or treasurer or deputy clerk or deputy treasurer of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board or the school authority;

(d) a member of the Assembly or of the Senate or House of Commons of Canada; or

(e) otherwise ineligible or disqualified under this or any other Act. 1997, c. 31, s. 112; 1999, c. 6, s. 20 (5); 2002, c. 17, Sched. F, Table; 2002, c. 18, Sched. G, s. 9 (1).

Leave of absence

(5) Despite subsection (4), none of the following persons is ineligible to be a candidate for or to be elected as a member of a district school board or school authority if he or she takes an unpaid leave of absence, beginning no later than the day the person is nominated and ending on voting day:

1. An employee of a district school board or school authority.
2. The clerk, treasurer, deputy clerk or deputy treasurer of a municipality or upper-tier municipality, all or part of which is included in the area of jurisdiction of a district school board or school authority. 2002, c. 18, Sched. G, s. 9 (2).

Same

(5.1) Subsections 30 (2) to (7) of the *Municipal Elections Act, 1996* apply with necessary modifications to an individual referred to in subsection (5). 2002, c. 18, Sched. G, s. 9 (2).


Disqualification: district school board by-elections

(7) Despite subsection (1), a person is not qualified to be elected in a by-election or to act as a member of a district school board if the person is,

(a) a member of any other district school board, except the Centre Jules-Léger Consortium;

(b) a member of a school authority;

(c) a member of the council of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board; or

(d) an elected member of a local board, as defined in the *Municipal Affairs Act*, of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board,

and the person’s term of office has at least two months to run after the last day for filing nominations for the by-election, unless before the closing of nominations the person has filed his or her resignation with the secretary of the other district school board, with the secretary of the school authority or with the clerk of the municipality or upper-tier municipality, as the case may be. 1997, c. 31, s. 112; 2002, c. 17, Sched. F, Table; 2017, c. 34, Sched. 12, s. 3.

Disqualification: school authority by-elections

(8) Despite subsection (1), a person is not qualified to be elected in a by-election or to act as a member of a school authority if the person is,

(a) a member of any other school authority;

(b) a member of a district school board;

(c) a member of the council of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the school authority; or

(d) an elected member of a local board, as defined in the *Municipal Affairs Act*, of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the school authority,

and the person’s term of office has at least two months to run after the last day for filing nominations for the by-election, unless before the closing of nominations the person has filed his or her resignation with the secretary of the other school authority, with the secretary of the district school board or with
the clerk of the municipality or upper-tier municipality, as the case may be. 1997, c. 31, s. 112; 2002, c. 17, Sched. F, Table.

Qualification to act as a member

(9) A person is not qualified to act as a member of a district school board or school authority if the person ceases to hold the qualifications required to be elected as a member of the district school board or the school authority. 1997, c. 31, s. 112.

Person not to be candidate for more than one seat

(10) No person shall run as a candidate for more than one seat on a district school board or school authority and any person who does so and is elected to hold one or more seats on the district school board or the school authority is not entitled to act as a member of the district school board or the school authority by reason of the election. 1997, c. 31, s. 112.

Vacancy where member disqualified

(11) The seat of a member of a district school board or school authority who is not qualified or entitled to act as a member of that district school board or that school authority is vacated. 1997, c. 31, s. 112.

Section Amendments with date in force (d/m/y)

Members to remain in office

220 (1) The members of a board shall remain in office until their successors are elected and the new board is organized. 1997, c. 31, s. 112.

Board not to cease for want of members

(2) A board does not cease to exist by reason only of the lack of members. 1997, c. 31, s. 112.

Resignation of members

(3) A member of a board, with the consent of a majority of the members present at a meeting, entered on the minutes of it, may resign as a member, but he or she shall not vote on a motion as to his or her own resignation and may not resign as a member if the resignation will reduce the number of members of the board to less than a quorum. 1997, c. 31, s. 112.

Resignation to become candidate for some other office

(4) Despite subsection (3), where it is necessary for a member of a board to resign to become a candidate for some other office, the member may resign by filing his or her resignation, including a statement that the resignation is for the purpose of becoming a candidate for some other office, with the secretary of the board and the resignation shall become effective on November 30 after it is filed or on the day preceding the day on which the term of the office commences, whichever is the earlier. 1997, c. 31, s. 112.

Section Amendments with date in force (d/m/y)

Vacancies
221 (1) Subject to section 224, if the office of a member of a board becomes vacant before the end of the member’s term,

(a) the remaining elected members shall appoint a qualified person to fill the vacancy within 90 days after the office becomes vacant, if a majority of the elected members remain in office; or

(b) a by-election shall be held to fill the vacancy, in the same manner as an election of the board, if a majority of the elected members do not remain in office. 1997, c. 31, s. 112; 2009, c. 25, s. 26.

Optional election

(2) Despite clause (1) (a), if members of the board are elected under the Municipal Elections Act, 1996, the remaining elected members may by resolution require that an election be held in accordance with that Act to fill the vacancy if the vacancy occurs,

(a) in a year in which no regular election is held under that Act;

(b) before April 1 in the year of a regular election; or

(c) after the new board is organized in the year of a regular election. 2002, c. 18, Sched. G, s. 10.

Same

(3) The secretary of the board shall promptly send to the clerk of the appropriate municipality a certified copy of the resolution under subsection (2). 1997, c. 31, s. 112.

Notice re clause (1) (b)

(4) Where clause (1) (b) applies, the secretary of the board shall promptly send to the clerk of the appropriate municipality a notice that clause (1) (b) applies and the notice shall be deemed to be a resolution indicating a by-election is required for the purposes of section 65 of the Municipal Elections Act, 1996. 1997, c. 31, s. 112.

Term of office

(5) A member appointed or elected to fill a vacancy shall hold office for the remainder of the term of the member who vacated the office. 1997, c. 31, s. 112.

Section Amendments with date in force (d/m/y)

Elections for three member boards

222 (1) If an election is required to fill a vacancy on a board that is composed of three members and there are fewer than two remaining members of the board, a meeting of the electors may be called by any two electors of the board or by the appropriate supervisory officer. 1997, c. 31, s. 112.

Time of meeting

(2) The meeting shall take place within 60 days of the date on which the last office became vacant. 1997, c. 31, s. 112.

Notice of meeting
(3) At least six days before the meeting, the person or persons calling the meeting shall post a notice of the meeting in at least three public places within the area of jurisdiction of the board. 1997, c. 31, s. 112.

**Election at meeting**

(4) The electors at the meeting shall elect the required number of board members to fill the vacancies. 1997, c. 31, s. 112.

**Section Amendments with date in force (d/m/y)**

**Vacancy in rural separate school board before incorporation**

223 (1) If a vacancy occurs in the office of a member of the board of a rural separate school before the board members become a body corporate, the remaining board members shall promptly take steps to hold a by-election to fill the vacancy, and the person elected shall hold office for the remainder of the term of the board member who vacated the office. 1997, c. 31, s. 112.

**Manner of election**

(2) The by-election shall be conducted in the same manner as an election of the whole board. 1997, c. 31, s. 112.

**Section Amendments with date in force (d/m/y)**

**Vacancies near election times**

224 Where a vacancy occurs on a board,

(a) within one month before the next election, it shall not be filled; or

(b) after the election, but before the new board is organized, it shall be filled immediately after the new board is organized in the same manner as for a vacancy that occurs after the board is organized. 1997, c. 31, s. 112.

**Section Amendments with date in force (d/m/y)**

**Election to fill vacancy**

225 (1) Where an election is required to fill a vacancy on a board that is composed of more than three members and whose elections are not conducted under the *Municipal Elections Act, 1996*, the nomination shall be held on the third Monday following the day on which the office becomes vacant and the polling shall be held on the second Monday following the day of nomination, and the nomination and polling shall be held in the same manner and at the same times as for the office that became vacant. 1997, c. 31, s. 112.

**Extension of time limits**

(2) The remaining members of the board may extend the time for the nomination and the polling under subsection (1), but the polling shall be held no later than 60 days after the office becomes vacant. 1997, c. 31, s. 112.
Appendix A

Section Amendments with date in force (d/m/y)

Appointment of board members on failure of qualified person

226 (1) Where the appropriate supervisory officer reports that no qualified persons or an insufficient number of qualified persons are available or that the electors have failed to elect a sufficient number of members of a district school area board to form a quorum, the Minister may appoint as members of the board such persons as the Minister may consider proper, and the persons so appointed have, during the term of such appointment, all the authority of board members as though they were eligible and duly elected according to this Act. 1997, c. 31, s. 112.

Interim administration pending by-elections

(2) Where under this Act vacancies on a board are required to be filled by an election to be conducted under the Municipal Elections Act, 1996 and no election can be held under that Act, the Minister may by order provide for the fulfilling of the duties and obligations of the board until such time as an election is held in accordance with the Municipal Elections Act, 1996 and the members so elected have taken office. 1997, c. 31, s. 112.

Section Amendments with date in force (d/m/y)

Tie vote

227 If two or more candidates receive an equal number of votes at a meeting held under clause 221 (1) (a) to appoint a person to fill a vacancy or at a meeting to elect a person to fill a vacancy, the chair of the meeting shall provide for the drawing of lots to determine which of the candidates shall be appointed or elected. 1997, c. 31, s. 112.

Section Amendments with date in force (d/m/y)

Seat vacated by conviction, absence etc.

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 meet the requirements of section 229. 1997, c. 31, s. 112.

Exception: conviction

(2) Despite subsection (1), where a member of a board is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. 1997, c. 31, s. 112.
Exception: pregnancy or parental leave

(2.1) Clause (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 a result of the member’s pregnancy, the birth of the member’s child or the adoption of a child by the member. 2017, c. 10, Sched. 4, s. 3 (2).

Filling of vacancies

(3) Where a seat becomes vacant under this section, the provisions of this Act with respect to the filling of vacancies apply. 1997, c. 31, s. 112.

Section Amendments with date in force (d/m/y)

In person attendance required

229 (1) Despite section 208.1 but subject to subsection (2), a member of a board shall 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. 1997, c. 31, s. 112.

Same

(2) Despite section 208.1, for the period beginning when a member of a board is elected or appointed to fill a vacancy and ending on the following November 30, the member shall be physically present in the meeting room of the board for at least one regular meeting of the board for each period of four full calendar months that occurs during the period beginning with the election or appointment and ending on the following November 30. 1997, c. 31, s. 112.

(3) Repealed: 2006, c. 10, s. 19.

Section Amendments with date in force (d/m/y)
EXERPT FROM THE MUNICIPAL ELECTIONS ACT

By-elections

65 (1) The clerk shall conduct by-elections in accordance with this section. 1996, c. 32, Sched., s. 65 (1).

No by-election after March 31 in year of regular election

(2) Despite any Act, no by-election shall be held to fill an office that becomes vacant after March 31 in the year of a regular election and no by-election shall be held with respect to a question or by-law after March 31 in the year of a regular election unless it is held in conjunction with a by-election for an office. 1996, c. 32, Sched., s. 65 (2); 2002, c. 17, Sched. D, s. 24 (1).

Act applies

(3) Subject to subsections (4) and (5), by-elections shall be conducted as far as possible in the same way as regular elections. 1996, c. 32, Sched., s. 65 (3).

Rules, by-election to office

(4) If a by-election is to be held for an office, the following rules apply:

1. The clerk shall fix the date of nomination day to be a day not less than 30 days and not more than 60 days after,

   i. the expiry of the appeal period with respect to a by-election ordered by a court, if no appeal has been filed,
   i.1 the final disposal of an appeal of a by-election ordered by a court,
   ii. the council of the clerk’s municipality passes a by-law indicating a by-election is required, or the clerk receives a copy of such a by-law from another municipality whose elections he or she is responsible for conducting,
   iii. the clerk receives from a local board whose elections he or she is responsible for conducting a copy of a resolution indicating a by-election is required,
   iv. the Minister makes an order under subsection 266 (1) of the Municipal Act, 2001 or subsection 211 (1) of the City of Toronto Act, 2006 declaring all of the offices of the members to be vacant,
   v. a candidate for the office dies or becomes ineligible to hold the office under the circumstances described in clause 39 (b), or
   vi. the last acclamations are declared under section 37, if the by-election is required by subsection 37 (3) or (4).

2. Nominations may be filed during the period that begins on the date of the event described in paragraph 1 and ends at 2 p.m. on nomination day.

2.1 If the by-election for an office is being held as a result of the death or ineligibility of a candidate or insufficient nominations in a regular election, a person may, despite section 29, only be nominated for the office if the person meets the requirements of clauses 29 (1) (a) and
(b) both on nomination day of the regular election and on the day the person is nominated for the by-election.

3. Voting day shall be 45 days after nomination day.

4. The voters’ list shall be prepared as follows:

i. the clerk shall notify the Municipal Property Assessment Corporation that a by-election is required,

ii. the Municipal Property Assessment Corporation shall, at least 21 days before nomination day, give the clerk the preliminary list or the part of it that is required for the by-election, updated to the date the Municipal Property Assessment Corporation received the clerk’s notice,

iii. the clerk shall make corrections to the preliminary list under section 22 as soon as possible after receiving the list, and

iv. the corrected list constitutes the voters’ list.

5. Applications to revise the voters’ list may be made under section 24 or 25 during the period that begins when the clerk has made corrections as described in subparagraph iii of paragraph 4 and ends at the close of voting on voting day.

6. Despite paragraph 7, a voting proxy appointed under section 44 may be any person entitled to be an elector if a regular election was held on the day of the by-election.

7. A person is not eligible to vote in a by-election for an office if the person could not vote for that office if a regular election was held on the day of the by-election. 1996, c. 32, Sched., s. 65 (4); 2002, c. 17, Sched. D, s. 24 (2-7); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 34 (6); 2006, c. 33, Sched. Z.3, s. 18 (5, 6); 2009, c. 33, Sched. 21, s. 8 (25-27); 2016, c. 15, s. 42 (1).

Rules, question or by-law

(5) If the by-election relates to a question or by-law, the following rules apply:

1. The clerk shall fix the date of voting day, to be a day not less than 60 days and not more than 90 days after,

i. the council of the clerk’s municipality passes a by-law indicating a by-election is required, or the clerk receives a copy of such a by-law from another municipality whose elections he or she is responsible for conducting,

ii. the clerk receives from a local board whose elections he or she is responsible for conducting a copy of a resolution indicating a by-election is required,

iii. the clerk receives an order from the Minister indicating a by-election is required.

2. Despite rule 1, in the case of a question under section 53 or 54 of the Liquor Licence Act, the date of voting day is fixed by the council of the municipality with the approval of the board of the Alcohol and Gaming Commission of Ontario under section 55 of that Act.

2.1 Despite rules 1 and 2, in the case of a question authorized by a by-law under clause 8 (1) (b) or (c), the date of voting day shall be a day at least 180 days after the day the by-law is passed.
3. The voters’ list shall be prepared as follows:

i. the clerk shall notify the Municipal Property Assessment Corporation that a by-election is required and,

A. for a by-law under clause 8 (1) (a) or a question under subsection 8 (2) or (3), the Municipal Property Assessment Corporation shall, within 10 days after the clerk notifies the Corporation that a by-election is required, give the clerk the preliminary list that is required for the by-election, or

B. for a question under clause 8 (1) (b) or (c), the Municipal Property Assessment Corporation shall, at least 60 days before voting day, give the clerk the preliminary list that is required for the by-election,

ii. the clerk shall make corrections to the preliminary list under section 22 as soon as possible after receiving the list, and

iii. the corrected list constitutes the voters’ list.

3.1 Applications to revise the voters’ list may be made under section 24 or 25 during the period that begins when the clerk has made corrections as described in subparagraph 3 ii and ends at the close of voting on voting day.

4. The rule set out in paragraph 6 of subsection (4) applies to voting proxies.

5. A person is not eligible to vote in a by-election relating to a question or by-law if the person could not vote with respect to that question or by-law if a regular election was held on the day of the by-election. 1996, c. 32, Sched., s. 65 (5); 2000, c. 5, s. 32 (1); 2002, c. 17, Sched. D, s. 24 (8, 9); 2016, c. 15, s. 42 (2-5).
Trustee, Hamilton-Wentworth District School Board Ward 3 (Vote for 1)

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Livia JONES</th>
<th>Maria Felix MILLER</th>
<th>Chris PARKINSON</th>
<th>Gall TESSIER</th>
<th>Marlene A.S. THOMAS</th>
<th>Jocelynn VIEIRA</th>
</tr>
</thead>
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<tr>
<td>Ward 3 Advance Poll</td>
<td>55</td>
<td>155</td>
<td>142</td>
<td>86</td>
<td>48</td>
<td>62</td>
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<td>301 Eva Rothwell Resource Centre</td>
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<td>36</td>
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<td>30</td>
<td>53</td>
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<tr>
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<td>97</td>
<td>62</td>
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<td>1461</td>
<td>824</td>
<td>332</td>
<td>788</td>
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<td>Ward</td>
<td>Area (Acres)</td>
<td>Population of Electoral Groups</td>
<td>Electoral Quotient New</td>
<td>Number of HWDSB Schools</td>
<td>Number of HWDSB Students</td>
<td>Number of HWCDSB Schools</td>
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<td>3,744.96</td>
<td>23,307 25,732 10.40%</td>
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The committee held a meeting on Wednesday, June 12, from 6:02 pm to 7:18 pm at the Education Centre (Room 181 A/B) at 20 Education Court in Hamilton, ON with Jenny McEwen-Hill presiding.

Members present were: Judy Colantino, Down Syndrome Association of Hamilton, SEAC Chair (via telephone); Jenny McEwen-Hill, McMaster Children’s Hospital Developmental Pediatrics & Rehabilitation Program; Cecile Santos-Ayrault, Association for Bright Children of Ontario; Tracy Sherriff, Community Living Hamilton; Lynn Vanderbrug, Lynwood Charlton Centre; Susi Owen, CNIB Hamilton and Niagara; Lorraine Sayles, The Children’s Aid Society of Hamilton; Michelle Campbell, Autism Ontario (H-W Chapter); Lita Barrie, VOICE for Hearing Impaired Children; Mark Courtepatte, FASD Parent & Caregiver Support Group, Vice Chair; Alyson Kowalchyk, P.A.L.S. Parent Advocacy Learning Support Group; Alex Johnstone, Chair of the Board, Trustee, Ward 11 & 12; Penny Deathe, Trustee, Ward 15.

Regrets: Lorraine Sayles, The Children’s Aid Society of Hamilton; Michelle Campbell, Autism Ontario (H-W Chapter); Lita Barrie, VOICE for Hearing Impaired Children; Mark Courtepatte, FASD Parent & Caregiver Support Group, Vice Chair; Alyson Kowalchyk, P.A.L.S. Parent Advocacy Learning Support Group; Alex Johnstone, Chair of the Board, Trustee, Ward 11 & 12; Penny Deathe, Trustee, Ward 15.

ACTION ITEM:
A. Special Education Plan 2019-2020
Peggy Blair, Superintendent of Student Achievement, Specialized Services presented an overview of the 2019-2020 Plan

• On the motion of Tracy Sherriff, seconded by Cecile Santos-Ayrault, RECOMMENDED that the Board receive the Plan with modifications suggested and documented. CARRIED


INFORMATION ITEMS:
B. MEMBERS’ UPDATE
Association of Bright Children of Ontario, Cecile-Santos-Ayrault

• ABC held an event last weekend where several parents inquired about more training needed for frontline teachers in French Immersion for students that are gifted

Community Living Hamilton, Tracy Sherriff

• AccessAbility Week was successful – teams were encouraged to share stories of inclusion – we received 72 emails within 3 hours – Shelley Moore, renowned Canadian Educator and Speaker re-tweeted our event

C. SUPERINTENDENT’S UPDATE

• Completed a draft transition guide for the fall, that will help learning resource teachers and school teams to develop personalized transition plans

• Will complete interviews for CYCPs by end of June, and have positions in place for September

Respectfully submitted,
Judy Colantino
Chair