



LEADERSHIP, ADVOCACY AND SERVICE FOR MANITOBA'S PUBLIC SCHOOL BOARDS

January 10, 2022

TO: Board Chairs, Superintendents, Secretary-Treasurers

FROM: Janis Arnold, Director – Governance & Professional Development Services

RE: Required Meeting Attendance

Further to Josh Watt's memo of August 27, 2021 in which he informed school boards and administration of the reinstatement of meeting attendance by trustees and administration as outlined in the *Public Schools Act (PSA)* and the *Electronic Meetings Regulation* under the PSA, I am writing to clarify and expand upon the current requirements. The following has been reviewed with the Department of Education staff and legal counsel.

A temporary order suspending PSA Sections 39.7.1(2) and 39.8 that allowed trustees to attend virtually, regular board meetings, lapsed at the end of July 2021. The above sections are therefore back in force. There are currently no plans for another temporary order as this can only be done once government puts emergency measures in place.

Section 39.7.1(2) states that "...every trustee must be physically present at a regular meeting at least once every three months." The Department has advised that a regular meeting is a full, regularly scheduled meeting and a special meeting or attending for a brief time in order to fulfill the requirement is not acceptable. This is based on the concept of serving the public trust and of full and committed representation of constituents. The three-month period includes the summer months and therefore exists on a time continuum, from the time of election through to the end of a term of office. Once the first meeting has been called following an election, the requirement exists thereafter.

It should also be noted that the PSA Section 39.6 speaks to the requirement for a board to declare a trustee seat vacant if the trustee has unexcused absences for three months. Further to this, under Section 39.6(1.2), if a trustee's seat is declared vacant, they cannot run in the next election.

For those boards with smaller boardrooms where distancing is an issue, workable solutions have been found by rotating in-person attendance. For the requirement under the PSA Regulation P250 – R.M. 201/2004 Section 5 for physical attendance of the Chair, Superintendent and Secretary-Treasurer, please note that the regulation allows for a designate to attend in their place.

As a reminder to those attending meetings in person, under public health orders (legislation under the *Public Health Act*), by virtue of the fact that trustees are gathering in one room from multiple households, it renders the meeting space a public place even if no members of the general public are present. Therefore, Order 29 at this link applies and attendees are required to wear a mask.

https://manitoba.ca/asset_library/en/proactive/20212022/orders-soe-10042021.pdf

The same recommendations developed for promoting health and safety during in-person board meetings last year should be taken into consideration by all boards. This includes distancing, wearing of masks, and frequent sanitizing of spaces.

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