

**OUR MISSION**

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ. We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.

**OUR VISION**

At Toronto Catholic we transform the world through witness, faith, innovation and action.



**ADDENDUM  
REGULAR MEETING OF THE MEETING OF THE  
TORONTO CATHOLIC DISTRICT SCHOOL BOARD  
PUBLIC SESSION**

**Barbara Poplawski, Chair**

**Maria Rizzo, Vice-Chair**

Thursday, September 20, 2018

7:00 P.M.

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|--|----------------|
| <b>14. <i>Matters recommended by Statutory Committees of the Board</i></b>                                 |                |
| <b>14.b <i>Approved Minutes of the Special Education Advisory Committee Meeting held June 13, 2018</i></b> | <b>1 - 10</b>  |
| <b>16. <i>Reports of Officials for the Information of the Board of Trustees</i></b>                        |                |
| <b>16.b <i>Trustee Resignation Ward 4</i></b>  | <b>11 - 17</b> |

**MINUTES OF THE REGULAR MEETING  
OF THE  
SPECIAL EDUCATION ADVISORY COMMITTEE**

**HELD WEDNESDAY, JUNE 13, 2018**

**PUBLIC SESSION**

**PRESENT:**

**External**

**Members:** Marilyn Taylor, Chair  
Ashleigh Molloy, Vice-Chair  
John MacKenzie  
Sandra Mastronardi  
Tyler Munro  
Mary Pugh  
Laurie Ricciuto  
Giselle Romanino  
Glenn Webster

**Trustees:** A. Andrachuk – by teleconference  
G. Tanuan – by teleconference

**Staff:** C. Fernandes  
P. De Cock  
A. Coke  
M. Kokai  
D. Reid

S. Harris, Recording Secretary

**1. Roll Call and Apologies**

Apologies were tendered on behalf of Rosanna Del Grosso, Dario Imbrogno, Diane Montreuil, Gizelle Paine, Raul Vomisescu and Trustee Kennedy.

Prayers were offered for the families of Peter Stachiw and John MacKenzie, whose father and grandson respectively recently passed away, and Marilyn Taylor's husband who is ill.

## **2. Approval of the Agenda**

MOVED by Ashleigh Molloy, seconded by Mary Pugh, that the Agenda, as amended to include several Inquiries and a Miscellaneous Item from Sandra Mastronardi and Inquiries from Giselle Romanino and Tyler Munro, be approved.

The Motion was declared

CARRIED

## **3. Declarations of Interest**

There were none.

## **4. Approval and Signing of the Minutes**

MOVED by Giselle Romanino, seconded by John MacKenzie, that the Minutes of the Regular Meeting held on April 18, 2018, be approved.

The Motion was declared

CARRIED

## **9. Communications**

MOVED by Ashleigh Molloy, seconded by Sandra Mastronardi, that Items 9a) and 9b) be adopted as follows:

- 9a) 2018-19 Budget Estimates – Volumes 1, 2, 3 – Instructional; and**

**9b) 2018-19 Budget Estimates – Volumes 4, 5 – Non- Instructional** received.

The Motion was declared

CARRIED

MOVED by Tyler Munro, seconded by Glenn Webster, that SEAC ascertain how many Human Resources complaints were filed against the Toronto Catholic District School Board (TCDSB), how many were settled and how many went to Tribunal, in the last school year.

The Motion was declared

CARRIED

MOVED by Ashleigh Molloy, seconded by John MacKenzie, that the Agenda be reopened to discuss Items 9h) Student Grants 2018-19 and 13b) Budget Questions from Autism Ontario – Sandra Mastronardi as the next items of business.

The Motion was declared

CARRIED

MOVED by John MacKenzie, seconded by Giselle Romanino, that Item 9h) be adopted as follows:

**9h) Student Grants 2018-19** received.

The Motion was declared

CARRIED

MOVED by Sandra Mastronardi, seconded by Giselle Romanino, that Item 13b) be adopted as follows:

**13b) Budget Questions from Autism Ontario – Sandra Mastronardi** that SEAC recommend to the Board of Trustees that the questions be referred to staff and that the answers be reported back to SEAC in writing in the new school year.

The Motion was declared

CARRIED

MOVED by John MacKenzie, seconded by Giselle Romanino, that Item 9c) be adopted as follows:

**9c) SEAC Monthly Calendar Review** received.

The Motion was declared

CARRIED

MOVED by John MacKenzie, seconded by Giselle Romanino, that Items 9d.1) and 9d.2) be adopted as follows:

**9d) Special Services Superintendent Updates**

**9d.1) May 2018;** and

**9d.2) June 2018** received.

The Motion was declared

CARRIED

MOVED by Ashleigh Molloy, seconded by Tyler Munro, that Item 9e) be adopted as follows:

**9e) Protocol on Prevalent Medical Conditions** received.

The Motion was declared

CARRIED

MOVED by Ashleigh Molloy, seconded by Sandra Mastronardi, that Item 9f) be adopted as follows:

**9f) Response to Inquiry on Program to Assist Social Thinking (PAST) in Secondary Schools from May 17, 2017 Special Education Advisory Committee Meeting** received.

The Motion was declared

CARRIED

MOVED by Ashleigh Molloy, seconded by John MacKenzie, that Item 9g) be adopted as follows:

**9g) Special Education Plan Checklist** received.

The Motion was declared

CARRIED

MOVED by Mary Pugh, seconded by John MacKenzie, that Item 9i) be adopted as follows:

**9i) Parents Reaching Out (PRO) Grant for Regional/Provincial Application** received.

The Motion was declared

CARRIED

### **13. Inquiries and Miscellaneous**

MOVED by Tyler Munro, seconded by Sandra Mastronardi, that Item 13a) be adopted as follows:

**13a) From Tyler Munro regarding Special Education Qualifications for Principals** that SEAC recommend to the Board of Trustees that staff bring back a report on how many Principals and Superintendents have Special Education qualifications in terms of a formal certificate, as of September 2018.

The Motion was declared

CARRIED

MOVED by Tyler Munro, seconded by Sandra Mastronardi, that Item 13c) be adopted as follows:

**13c) From Tyler Munro regarding Schools that have Segregated Classrooms** that SEAC recommend to the Board of Trustees that staff bring back a report on how many schools have Intensive Support Program (ISP) classes and whether those schools have Principals with Special Education qualifications as of September 2018.

The Motion was declared

CARRIED

**13d) From Giselle Romanino – Eligibility Timeframe for Supply Educational Assistants to Apply for Full-Time Positions** noted

**13e) From Sandra Mastronardi regarding Co-op Placements for Special Education Students** noted.

MOVED BY Sandra Mastronardi, seconded by Giselle Romanino, that SEAC recommend to the Board of Trustees that the Superintendent of Specialist High Skills Major (SHSM) Student Success provide a presentation to SEAC in the Fall relating to the different student success



pathways available to students, in particular to students with special needs at TCDSB.

The Motion was declared

CARRIED

MOVED by Sandra Mastronardi, seconded by Tyler Munro, that Item 13f) be adopted as follows:

- 13f) From Sandra Mastronardi regarding Graduation and Dropout Rates for Students with Exceptionalities and Individual Education Plan (IEP) Non-Identified** that SEAC recommend to the Board of Trustees that staff investigate whether the graduation and post-secondary acceptance rates are available for students with Exceptionalities and Individual Education Plan (IEP) Non-Identified.

The Motion was declared

CARRIED

- 13g) From Sandra Mastronardi regarding Equity Inclusion Plan Policy** noted.

- 13h) From Sandra Mastronardi regarding the Disbandment of SpecTO** noted.

- 13i) From Tyler Munro regarding Service Agreement for Broken Elevators in Schools** noted.

**14. Association Reports**

MOVED by Giselle Romanino, seconded by John MacKenzie, that Item 14a) be adopted as follows:

- 14a) Learning Disabilities Association of Ontario (LDAO) June SEAC Circular – Sandra Mastronardi** received.

The Motion was declared

CARRIED

MOVED by John MacKenzie, seconded by Ashleigh Molloy, that Item 14b) be adopted as follows:

- 14b) Autism Ontario – Sandra Mastronardi** that this be deferred to September 19, 2018 SEAC meeting.

The Motion was declared

CARRIED

- 16. MOVED** by John MacKenzie, seconded by Tyler Munro, that Item **16a) Pending List** be received.

The Motion was declared

CARRIED

Superintendent Fernandes announced that it was her last meeting as she has been seconded for one to three years with the Ministry of Education. Linda Maselli-Jackman will be joining as the new Superintendent of Special Services.

**17. Adjournment**

MOVED by Sandra Mastronardi, seconded by John MacKenzie, that the meeting adjourn.

The Motion was declared

CARRIED

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SECRETARY

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CHAIR



**REPORT TO**

**REGULAR BOARD**

## TRUSTEE RESIGNATION WARD 4

*O children of Zion, be glad and rejoice in the Lord your God; for he has given the early rain for your vindication, he has poured down for you abundant rain, the early and the later rain, as before. (Joel 2:23)*

| Created, Draft                       | First Tabling      | Review                                      |
|--------------------------------------|--------------------|---|
| September 19, 2018                   | September 20, 2018 | <a href="#">Click here to enter a date.</a> |
| Paul Matthews, General Legal Counsel |                    |   |
| <b>INFORMATION REPORT</b>            |                    |   |

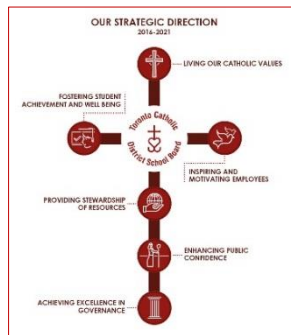
**Vision:**

*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

**Mission:**

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Rory McGuckin  
Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

T. Robins  
Acting Associate Director  
of Planning and Facilities

L. Noronha  
Executive Superintendent  
of Business Services and  
Chief Financial Officer

## **A. EXECUTIVE SUMMARY**

On September 19, 2018, Trustee Patrizia Bottoni sent a letter to Chair of the Board of Trustees Poplawski, advising that she was resigning her seat as Trustee for Ward 4, effective immediately. As explained below, the Board may choose to appoint a qualified person to fill the vacant Ward 4 seat for the remainder of the current trustee term ending November 30, 2018. It is legally permissible for the Board not to appoint a qualified person and allow the seat to be filled by the October 22, 2018 municipal election. It is not legally permissible for the Board to fill the vacancy by calling a by-election.

*The cumulative staff time required to prepare this report was 3 hours*

## **B. PURPOSE**

On September 19, 2018, Trustee Patrizia Bottoni sent a letter to Chair of the Board of Trustees Poplawski, advising that she was resigning her seat as Trustee for Ward 4, effective immediately.

## **C. BACKGROUND**

1. As is described in Policy T.18 Trustee Vacancy, attached as Appendix “A”, the Board of Trustees has the following two (2) options with respect to the vacancy:
  - i. The remaining 11 elected members of the Board of Trustees shall appoint a qualified person to fill the vacancy within 90 days after the seat became vacant; or
  - ii. Not fill the vacancy, if the vacancy occurs within one month before the next election.
2. Subsection 221(1)a of the Education Act (the “Act”) provides:

“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.”

3. The Act provides that the Board “shall appoint”, but has 90 days from the date of vacancy to do so. The Board may nevertheless choose not to appoint a person to the position, because the 90-day timeline for making the appointment expires on December 19, 2018, which is after the term of the current Board expires.
4. The Board should also consider section 224(a) of the Act, which does not technically prevent the Board from appointing a qualified person. The vacancy occurred 32 days before the next election (not within one month before the next election); nevertheless, the Board might be inclined to not appoint a qualified person so close to the upcoming October 22, 2018 election date. Section 224(a) of the Act provides:  
  
 “Where a vacancy occurs on a board, within one month before the next election, it shall not be filled”.
5. The Board may not fill the vacancy by by-election because pursuant to Subsection 221(2)(b) of the Act, only vacancies which occur before April 1 in an election year may be filled by a by-election.  
  
 Section 221(2)(b) provides:  
  
 “...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,  
  
 (b) before April 1 in the year of a regular election;”
6. The Board of Trustees are required by Policy T.18 Trustee Vacancy:
  - i. to pass a resolution declaring the Trustee Ward 4 seat vacant; and
  - ii. to send a communication to the vacant ward schools and parishes advising them of the vacancy and the go forward process.
7. The Board may wish to authorize a Trustee to act on behalf of ratepayers for Ward 4.

This report is for the consideration of the Board.

**TCDSB Policy Register**

**Filling A Trustee Vacancy--Policy T.18**

|  |                 |                     |
|--|-----------------|---------------------|
| Date Approved:<br>September 26, 2012 - Board | Date of Review: | Dates of Amendment: |
| Cross Reference:                             |                 |                     |

**Purpose:**

The policy outlines the options available to the board when choosing to fill a trustee vacancy that has occurred prior to the end of the term of the trustee.

**Scope and Responsibility:**

The Board of Trustees is responsible for this policy and will be supported by staff when called upon. The policy extends to the filling of the vacancy of a trustee position when the vacancy occurs during the term of the trustee.

**Definitions:**

Not of significance in this policy.

**Alignment with MYSP:**

Living our Values  
Strengthening Public Confidence  
Excellence in Governance

**Evaluation and Metrics:**

An evaluation of the process will occur upon completion to ensure that it was transparent, fair and equitable.

**Financial Impact:**

If a by-election is the preferred method of choice to replace the trustee, there will be a cost to the Board if not funded by the government. The actual cost of holding a by-election will be determined at the relevant time. If the option of using the straw poll method or the invitation method is selected then there would also be costs associated with the process and those costs will be determined at the relevant time.

**Legal Impact:**

Legal counsel will ensure that whatever method is used it will be transparent, fair, equitable and adhere to all legal parameters as outlined in any Act, Regulation or By-law that pertains to the filling of a trustee vacancy.

**Policy**

The Toronto Catholic District School Board (TCDSB) is committed to a transparent, fair and equitable process in filling the vacancy of a trustee when that vacancy occurs during the term of the trustee.

The Board of Trustees will retain unfettered discretion in determining whether to appoint or to hold a by-election at the time the trustee vacancy occurs, subject to the relevant provisions of the Education Act.

**Regulations:**

1. The secretary of the Board shall report the cause of a trustee vacancy at the first regular meeting of the Board or Standing Committee comprised of all Trustees after the cause is known.
2. The remaining trustees shall pass a resolution declaring the office vacant.
3. A communication will be sent to the vacant ward schools and parishes advising them of the vacancy and the go forward process.

Any other Trustee will be authorized to act on behalf of ratepayers in the vacant ward.

4. A by-election may be held to fill a trustee vacancy and the cost of the election shall be funded through an identified source.
5. If at the time a trustee vacancy occurs and the Board resolves to appoint an individual to fill the trustee vacancy by appointment, a variety of methods could be used including, but not limited to, the invitation and ratepayer consultation.
6. Ratepayer Survey:
  - a) Eligible voters in the vacant ward will be invited to attend at a school to cast a preferential vote or other electronic means.
  - b) The survey will be conducted by an independent third party.



- c) The Board in its absolute discretion could resolve to appoint or not appoint the individual who received the most preferential votes. The Board will determine the minimum criteria at the time.

#### 7. Appointment by Invitation:

- a) The Board will invite applications eligible to serve as a Catholic School Board Trustee from the City of Toronto.
- b) Eligible candidates will appear before a special meeting of the Board of Trustees and interviewed.
- c) The Board could invite applications eligible to serve only from residents in the ward where the vacancy occurs.
- d) The Board could open the position to nominations from the Trustees of the Board. Once nominations of individuals who are eligible to serve have been made and closed, those nominated would be invited to declare their interest and submit relevant information about themselves.
- e) The Board will decide if all eligible candidates who submit a completed package by the determined deadline will be invited to present and be interviewed by the Board of Trustees at a Special Board meeting to be scheduled through the Chair of the Board.
- f) Only those eligible candidates selected through a pre-screening of completed packages submitted by the deadline date will be invited to present and be interviewed by the Board of Trustees. In the event that the Board chooses to use a screening process; the screening committee will be determined by the Board and may include parents, clergy and staff or other stakeholders.

#### Relevant Sections of the Education Act

##### 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.

### 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.

### 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.