

## **Regular Board Meeting Minutes Limestone District School Board**

**January 15, 2020**

A regular meeting (Business) of the Limestone District School Board was held in the Barry O'Connor Board Room at the Limestone Education Centre, 220 Portsmouth Avenue, Kingston, Ontario, on Wednesday, January 15, 2020, at 5:30 p.m.

### **Private Session**

#### **Present:**

**Trustees:** J. Brown  
G. Elliott  
L. French (Vice-Chair)  
T. Gingrich  
B. Godkin  
R. Hutcheon  
K. McGregor  
J. Morning  
S. Ruttan (Chair)  
J. Crook (Student Trustee)  
A. Putnam (Student Trustee)

**Staff:** M. Babcock, Superintendent of Education  
K. Burra, Superintendent of Education  
S. Gillam, Associate Superintendent, Safe and Caring Schools  
A. Labrie, Superintendent of Education and Human Resources  
A. McDonnell, Associate Superintendent, Learning for All  
D. Rantz, Director of Education  
S. Sartor, Associate Superintendent, School Effectiveness and Assessment  
J. Silver, Superintendent of Education  
C. Young, Superintendent of Business Services

**Guest:** S. Duguay, Hicks Morley

**Recorder:** L. Strange, Records Management Coordinator

*MOTION: To move into Private Session.*

*MOVED BY: Trustee Gingrich, seconded by Trustee Brown. Carried.*

### **Declaration of Conflict of Interest**

Trustee Elliott declared a conflict as his wife is a teacher with the LDSB.

Trustee Godkin declared a conflict as his daughter is an occasional teacher with LDSB's co-terminous Boards.

### **Chair's Update**

No update at this time.

**Director's Update**

No update at this time.

**Action Items**

- (a) Board Minutes – November 13, 2019
- (b) Audit Committee – November 11, 2019

*MOVED BY: Trustee McGregor, seconded by Trustee Elliott, that the minutes listed in Action Items, Private Session, as distributed, be approved. Carried.*

**For Information**

- (a) Personnel Update (Item (a) on Agenda)  
A personnel issue was discussed.
- (b) Safe Schools Update.  
A Safe Schools update was provided.
- (c) Property Update (Item (c) on Agenda)  
A property update was provided.
- (d) OPSBA Update (Item (d) on Agenda)  
An OPSBA update was provided.
- (e) Labour Update (Item (e) on Agenda)  
A labour update was provided.
- (f) Legal Matter (Item (f) on Agenda)  
None at this time.

**Report to Public Session**

Chair Ruttan called for a motion for the Board to rise and report.

*MOTION: That the Board rise and report, and that the resolutions, as noted above, be made public.*

*MOVED BY: Trustee Morning, seconded by Trustee Brown. Carried.*

The Board moved into Public Session at 6:10 p.m.

**Public Meeting**

**Trustees:** J. Brown  
G. Elliott  
L. French (Vice Chair)  
T. Gingrich  
B. Godkin  
R. Hutcheon  
K. McGregor  
J. Morning  
S. Ruttan (Chair)  
J. Crook (Student Trustee)  
A. Putnam (Student Trustee)

**Officials:** M. Babcock, Superintendent of Education  
K. Burra, Superintendent of Education  
J. Douglas, Communications Officer  
C. Downie, Planning Officer  
D. Fowler, Manager of Facility Services  
S. Gillam, Associate Superintendent, Safe and Caring Schools  
A. Labrie, Superintendent of Education and Human Resources  
A. McDonnell, Associate Superintendent, Learning for All  
D. Rantz, Director of Education  
S. Sartor, Associate Superintendent, School Effectiveness and Assessment  
J. Silver, Superintendent of Education  
K. Smith, Communications Officer  
C. Young, Superintendent of Business Services

**Guests:** M. Boyd-Pupa, ABA Program Coordinator

**Recorder:** L. Strange, Records Management Coordinator

Chair Ruttan stated:

"Good evening Trustees and welcome to everyone who has joined us in the gallery. My name is Suzanne Ruttan, and I am Chair of the Limestone District School Board of Trustees.

I know that many of you are here for a single item that appears later in tonight's agenda. So, before we get the meeting underway, I would like to begin by reminding members of the gallery that this is a regular business meeting of the Limestone District School Board, and as such it is not a meeting designed for gallery public comments.

I would ask that members of the gallery be attentive, mindful and respectful of Trustees and staff who will be sharing reports and presentations.

As always, we welcome members of the public to attend and observe tonight's proceedings and remind the gallery to refrain from making comments while others are speaking as it is disruptive to the meeting."

Chair Ruttan read the Acknowledgement of Territory:

"The Limestone District School Board is situated on the traditional territories of the Anishinaabe and Haudenosaunee. We acknowledge their enduring presence on this land, as well as the presence of Métis, Inuit and other First Nations from across Turtle Island. We honour their cultures and celebrate their commitment to this land."

**Adoption of Agenda**

*MOVED BY: Trustee McGregor, seconded by Trustee Brown, that the agenda, as presented, be approved. Carried.*

**Declaration of Conflict of Interest**

Trustee Elliott declared a conflict as his wife is an employee of the Board.

Trustee Godkin declared a conflict as his daughter is an occasional teacher with LDSB's co-terminous Boards.

**Private Session Report**

Trustee French made the following statement:

"In private session earlier this evening, external legal counsel presented the following information:

- 1) Trustees were presented with legal risks which may exist where statements are made about staff or others based on unproven allegations prior to any proper and fulsome investigation of such allegations. In particular, Trustees were advised as follows:
  - a. Such statements, based on unproven allegations, can be construed as an "admission" of fault or liability by the Trustee, on behalf of the Board as a whole, and such admissions could attract financial or other liability for the Board and/or its Trustees and staff; AND
  - b. Such unproven allegations, once distributed, could be construed as slander, libel and/or defamation, by the person who is the object of the unproven allegations, where the statements are found to be untrue.
- 2) All policies, including the Code of Conduct, are in place to establish processes for how various matters should be dealt with. Such policies are for the protection of Trustees and the Board. Such policies must be followed. The Code of Conduct which is in compliance with Ministry standards, lays out a process for a Trustee to respond to censure decisions. In this case, as well as in the case of the former Trustee, neither censured Trustee responded to the censure decision despite that there was a process to do so. As a result, this matter should not be revisited."

The Board also received a property update and a labour update.

**Chair's Update**

Chair Ruttan stated:

"As we work together over the next few months our responsibility and challenge is to maintain and improve public education across our district in our important role as governors of the Board.

Some of the items immediately before us include the coming 2020-2021 school year calendar, and next year's operating and capital budgets.

As you know, members of the Elementary Teachers' Federation of Ontario and the Ontario Secondary School Teachers' Federation are currently in contract negotiations with the provincial government and the Ontario Public School Boards' Association. Unions have been taking part in selected withdrawal of services without any disruption to student learning at this time. Please be assured that while these central negotiations continue, we remain committed to working together with all employees to ensure that learning and safety are not compromised.

The Limestone District School Board believes in, and is committed to the collective bargaining process, and values all employees for their commitment to student achievement and well-being.

We remain hopeful that an agreement can be reached soon at the central bargaining table between the province, the unions, and the Ontario Public School Boards' Association (OPSBA), which represents public school boards at the provincial table.

Next week is the OPSBA Public Education Symposium, and I understand many of us will attend. This professional learning offers sessions on topics directly affecting the role of trustee, and the broader environment within which school boards operate. I am confident you will find it valuable learning.

I would like to wish our secondary students good luck on their upcoming exams, and for the successful completion of semester one.

And that concludes my report."

### **Director's Update**

Director Rantz stated:

"While it's a new calendar year, our secondary students are getting ready to wrap up the first half of the school year with exams. We wish our students the best of luck as they prepare for these exams, which begin next week, and as they begin their second semester, perhaps enrolled in one of our Specialist High Skills Major programs. These programs are the best start a student can get for a career in the skilled trades highlighted by graduates of Limestone in a new video featured on the LDSB website.

Planning has started on next year's School Year Calendar. Consultation has begun with our co-terminous school boards and employee representatives. As Trustees are aware, every year much consideration goes into the development of the school year calendar: balancing the required number of school days, reporting and exam schedules, school breaks, professional learning and shared transportation. As Labour Day is later in 2020, there are some unique challenges this year to be worked through. Families will have an opportunity to provide feedback as they always do through online surveys coming soon.

The Director's Annual Report for the last school year, 2018-2019 is now live, and available on the See Yourself in Limestone website. You will hear a bit more about this later in the Board meeting.

We are excited to open registration for Kindergarten in Limestone shortly. Online registration will open at the end of this month.

There are two significant achievements I would like to mention tonight, that were awarded last month.

I would like to congratulate Elginburg & District Public School Choir for its top 10 finish in the 2019 Canadian Music Class Challenge. The Elginburg choir, under the direction of teacher Jennifer Guild, was selected as one of 10 finalists in the Primary (Kindergarten to Grade 3) Vocal category.

I would also like to extend special recognition to Kelly Hawley, an educational assistant with the Limestone District School Board, on being named one of seven recipients of the City of Kingston's 2019 Celebrating Accessibility Award, recognizing her work with students at Winston Churchill Public School.

I welcome education partners and community members who are here to see the presentation to Trustees about Limestone's After School Applied Behaviour Analysis or ABA Program, to hear more about the Director's Annual Report and other updates that directly support student achievement and well-being like the Student Identity project.

And that concludes my report, Madame Chair."

**Presentation: After School Applied behaviour Analysis (ABA) Program**

Superintendent McDonnell introduced Melissa Boyd-Rupa, stating that she has worked in the field of Applied Behavioural Analysis for seven years. Prior to her role as Coordinator of the After-school ABA Program in LDSB she worked in the role of Instructor Therapist and Autism Services Therapist for the Southeast Region Autism Program.

M. Boyd-Rupa has also been a part-time faculty member at St. Lawrence College in the Behavioural Science Program for the past several years, supervising student clinical work during their ABA field placements. M. Boyd-Rupa holds an advance diploma in Behavioural Science technology from St. Lawrence College and is currently pursuing a Bachelor of Arts in Applied Behaviour Analysis-Autism. She is a member of the Ontario Association for Behaviour Analysis and the South East Region ABA Community of Practice Committee.

M. Boyd-Rupa shared a presentation about the After-School Skills Development Program (ASSDP).

In 2016, the Ministry of Education invited school boards to submit applications to support ASSDPs to help enhance the skills of students with Autism Spectrum Disorder (ASD). During the 2016-17 & 2018-19 school years, 22 school boards received funding to implement the pilot project in their boards. LDSB was 1 of 22 school boards who received this funding. ASSDPs demonstrated measurable benefits for students with ASD in the areas of social skills, communication, self-regulation & life-planning. These are areas which help students to succeed both in the classroom and beyond.

In March 2019, the government announced the expansion of the program to all 72 school boards in the province, beginning in the 2019-20 school year.

ASSDP focuses on skills that will benefit students with ASD (e.g. social, communication, self-regulation, etc.) to help them succeed in school. Skills are to be taught using the principles of Applied Behaviour Analysis (ABA). ASSDPs are implemented outside of the instructional day (e.g. before and after school and/or during lunch breaks). ABA training opportunities can be available for educators to support students who are participating in ASSDPs.

Communication with parents/caregivers and other community service providers is maintained in order to promote generalization and maintenance of skills being taught.

Eighty-nine % of program participants have showed an increase in 1 or more skill area. 70% of students who participated in the generalization pilot project brought their generalized skills to school.

A Trustee asked what follow-up there is for students who showed no increase in skills. All participants in the program are provided with a closing report, which is also shared with families and school teams. This includes strategies to continue the work on the skills. Materials from group sessions are also provided to participants.

An inquiry was made about the robot used in Algonquin for ASD support. Director Rantz stated that LDSB is aware of the robot, and has reviewed a possible purchase for LDSB.

It was confirmed that this year the program is reaching Greater Napanee and other areas outside of Kingston.

It was asked if Maltby Centre and St. Lawrence students will continue to assist the program. LDSB will have 1 student from the Behavioural Sciences Bachelor program. LDSB does collaborate with the Maltby Centre in terms of referrals.

Associate Superintendent McDonnell stated that LDSB has a strong relationship with Maltby.

## **Section A – Matters Requiring Action at the Meeting**

### **1. Consent Agenda**

(a) Board Minutes – November 13, 2019 & December 11, 2019

(b) Reports from All Committees:

- i) Special Education Advisory Committee – November 20, 2019 & December 10, 2019
- iii) Parent Involvement Committee – November 28, 2019
- iv) Audit Committee – November 11, 2019

*MOTION: That the Consent Agenda of January 15, 2020, as presented, be approved.*

*MOVED BY: Trustee McGregor, seconded by Trustee Gingrich. Carried.*

**2. Routine Matters**

(a) OPSBA Report – Trustee French

Trustee French stated that at the Board of Directors meeting on November 24, 2019 the members received updates on the following items:

- Finance update - GSN consultation is being prepared broadly with input from boards
- Ontario Autism Advisory Council recommendations have been released
- Part 2 of the governance review of OPSBA has established membership
- OESC is updating its online modules for Trustee education. It is also developing a certification process
- A CSBA report was shared
- The Copyright issue was discussed
- The BOD engaged in an Advocacy Day at legislature

(b) Report from Student Trustee(s)

Trustee Crook:

"During our most recent InterSchool Council meeting in December, the council members discussed how other school boards run their elections for Indigenous Student Trustees and how we could possibly implement their processes into our Board. For example, in Hastings and Prince Edward DSB, its election for Indigenous Student Trustee is held prior to its other Student Trustee elections. This is to allow Indigenous students who were unsuccessful a second chance to run for a Student Trustee role. There was a consensus that the election process should be similar to that of our existing Urban and Rural Student Trustees in Limestone. The goal is to ensure we have a strong leader to represent the Indigenous students across Limestone.

On Sunday, January 12 I held my first Advocacy Working Group meeting for OSTA-AECO. We brainstormed some ideas for the IEP handbook so students who would need/have an IEP know how to access it and use it, as well as creating a timeline and assigning jobs. We are hoping to have a rough draft of the handbook started in the next few weeks and we are very excited to hear from students to see how we can best advocate for their education. Another initiative we have decided to take on is writing reports for OSTA-AECO on days of importance to advocate for groups of marginalized students in Ontario. For example, the day for the Elimination of Racial Discrimination is held on March 21. We felt that it was important to make sure we do smaller projects that advocate for students, so everyone's voices are heard.

Overall, the past month has been filled with amazing efforts from our InterSchool Council and LDSB students and we can't wait for what 2020 has to bring!"

Trustee Putnam:

"In mid-December Trustee Crook and I chaired the last InterSchool Council meeting of 2019. The majority of this meeting consisted of a discussion among council members to brainstorm ideas for an event to promote socialising amongst students in all LDSB secondary schools. Although the council has not nailed down an idea yet, the members have many great ideas and we plan to make a decision prior to our next meeting in February. All members have



taken this topic to their own school's councils to be discussed to ensure the event is as inclusive as possible and will spark the interest of all types of students. As always there was an opportunity for students to share the great initiatives they are completing within their own schools, and even ask each other for advice on how to make a certain event as successful as possible. From auctioning off lockers of goodies, to collecting non-perishable items from the food bank, I can assure you that there are great things occurring all throughout Limestone."

**3. Reports for Information**

**a) Student Identity Project Update**

Superintendent Babcock provided an update of the Identity-based Student Data Collection planned for Spring 2020.

The Limestone District School Board will conduct a student identity-based data collection branded as See Yourself in Limestone: Student Census in April 2020. This work is in response to the expectations identified in the Ontario Education Equity Action Plan, which outlines the provincial framework for identifying and eliminating discriminatory practices and systemic barriers and bias in Ontario schools and classrooms.

The Limestone District School Board provided an overview of the tasks and timelines of the project at the October 2019 Board Meeting. This report offers an update as of January 2020:

- Request for Proposal – Contract Awarded to Qualtrics; Implementation Plan to begin in January
- Trustee Information Sharing – October; January
- Community Meetings – Nov. 12, Dec. 12
- Family Meetings – Nov. 18, Nov. 27 (a.m. & p.m.), Dec. 2
- Student Focus Groups – Dec. 10, Dec. 12
- Equity Advisory Committee Meetings – Oct. 29, Dec. 3
- SEAC, PIC – Nov. 28, Dec. 10
- Indigenous Advisory – Dec. 10, Jan. 30

Next steps will be:

January – March 2020:

- IT preparation for survey collection
- Training re: collection tool
- Analysis of data from public meetings and focus groups
- Survey development
- Survey awareness communication
- Pilot administration with small sample
- Trustee update – Jan. 15

Spring 2020:

- Survey administration

Summer 2020:

- Data analysis
- Report(s) drafted

Fall 2020:

- Sharing of initial findings with key stakeholders
- Action Items

Superintendent Babcock thanked Suche James, Melissa Baker-Cox, Laura Gillam, and Karen Smith for all their hard work on the project.

It was clarified that 'Count Me In' is a document related to the survey.

It was clarified that an organization outside of Board was contracted to process the data due to the large volume that would be collected. It would be beyond the Board's resources to handle the scope of the project.

b) Director's Annual Report

Director Rantz stated that in compliance with the Education Act, the Limestone District School Board's 2018-2019 Director's Annual Report includes information on:

- the Board's strategic goals and progress the Board has made against these goals in the previous year; and
- actions the Board is taking in those strategic priority areas where goals are not being met.

In keeping with the requirements under the Education Act, the Director of Education must report annually on the board's multi-year strategic plan via the Director's Annual Report. In Limestone, the Director provides progress on the Board's strategic goals, and actions in those priority areas where goals are not being met twice a year through a mid-year report in May and a year-end report in November. Both reports are presented in the online report aligned with our strategic pillars of Wellness, Innovation and Collaboration.

In addition to these requirements, Boards were asked to report on our progress implementing Board Improvement Plan goals for improving fundamental math skills, promoting student pathways planning and supports, and in creating equitable schools and classrooms. These items are highlighted in the "Snapshots of Ministry Directives" section on the LDSB's strategic plan microsite (<https://seeyourselfinlimestone.ca/directors-annual-report/>) in compliance with the January 31, 2020 deadline.  
Shared story of podcast.

Trustees were walked through the 'Seeyourselfinlimestone' site, and were shown one of many stories collected.

**4. Reports Requiring Decision**

a) Facility Improvement & Capital Plan

Superintendent Young provided an update to the Board with the Multi-Year Capital and School Renewal Project Plan for the current school year.

Starting in 2011-2012 the Board prepared a 10-Year Capital - School Renewal Project Plan (the plan) that is updated each year. The purpose of the plan is to highlight proposed school renewal project activities under the following project types:

- Heating/Mechanical Systems
- Electrical/Lighting
- Energy/Controls
- Communication Systems
- Site Improvements
- Accessibility
- Code/Regulatory
- Small Capital
- Security
- Building Envelope (e.g. Roofing, Windows, Doors, Structure)

At the June 12, 2019 Board Meeting the 2019-2020 Budget was approved including a capital budget consisting of \$19.2 million in School Renewal funded projects as follows:

School Renewal	\$ 4,397,734
School Condition Improvements	\$14,771,925
Total	\$ 19,169,659

The 2019-2020 Budget contained a preliminary plan of proposed renewal projects by school or various schools to highlight how the \$19.2 million would be invested.

Manager Fowler stated that the Facility Services Department has developed the 10-year school renewal project plan based upon the VFA Building Condition reports for all schools; analysis from maintenance work orders; knowledge from facilities trades and maintenance staff, and expertise from engineering and other consultants.

For the 2020-2021 to 2029-2030 school years, the 10-year plan includes an estimated \$4,390,000 in proposed annual school renewal project activity per year based upon prior year Ministry funding levels. This plan may/will change to reflect actual Ministry school renewal funding levels when announced.

*MOTION: That the Board:*

- *Approve the Multi-Year Capital and School Renewal Project Plan.*
- *That a revised copy of the 10-Year Capital and School Renewal Project Plan be posted on the Board's website.*

*MOVED BY: Trustee French, seconded by Trustee McGregor.*

A Trustee asked if the funding adequately supports all needs. Superintendent Young stated that there is a backlog in board facilities. The Board does have a contingency fund for emergency situations, and always strives to ensure that all buildings are safe and functional.

It was clarified that the Board has not been made aware of changes regarding School Condition funding allocation. LDSB would always advocate that School Condition funding continue to address the backlog in schools.

It was clarified that VFA is the software that the Ministry uses to collect data on board buildings.

The Building envelope is the structure itself, while site refers to components outside the facility.

It was confirmed that elevators are not covered under separate funding. The Ministry used to offer accessibility funding, but that is no longer in place. The Board must plan for accessibility improvements within regular funding envelopes.

It was confirmed that the \$400,000 for LCVI roadworks refers to improvements to the site's bus loop.

*The Motion Carried.*

**b) Municipal Election: Trustee Candidates' Financial Statements**

Trustee McGregor stated:

"The Municipal Elections Act requires that all candidate finances must be reported by Monday, March 29, 2019, a full 5 months after the October 22, 2018 election. After the deadline, Municipalities still have time after this to evaluate the financial reports, and extensions may also be possible. During this 5-7 month period there is an assumption by the Board that all rules were followed regarding expenses, that Municipalities will review the reports to ensure compliance, and that any funders for candidate expenses have been declared as Conflict of Interest by an elected Trustee if their names/organizations come forward to the Board for any reason. This assumption is problematic. 5-7 months of business of the Board has already been conducted by the time the finance reporting occurs. At this time the finances become public and the Board is in a vulnerable position if irregularities are reported.

Secondly, the Board is unaware of campaign contributors and are unable to determine if Conflict of Interest was breached by any Trustees. While I am no expert on the Elections Act, I have quickly identified election over-spending and breach of Conflict of Interest incidents by at least one Trustee.

At every meeting, both Trustees Godkin and Elliott openly declare that people they are affiliated with put them at risk of Conflict of Interest. At a meeting before Christmas a form was given to each Trustee to write a list of the names of people or Organizations where Conflict of Interest may occur. Trustee Hutcheon was not at the meeting, but the form was provided to her. May I ask if the completed form has been returned? For the reasons I have cited I am seeking to have Election Audit Reports provided for the Board to ensure transparency of any conflict of interest and to reassure the Board and constituents that there have been no breaches of the Municipal Election Act."

A Point of Privilege was raised, as it was felt the motion was out of order, in that it is directing the province or municipalities on their work. School Boards have no authority over the Municipal Act.

A Trustee stated that they had recorded numbers on a wrong line on their form. As such they had filed a new form.

*MOTION: That the Board, after each municipal election, request from municipalities audits related to each Trustee candidate, and that these results be shared with the Board of Trustees before the expiration of the appeal date.*

*MOVED BY: Trustee McGregor, seconded by Trustee French.*

A Trustee noted they were glad the matter was brought up as it brought to light an error they had made. The Trustee agreed that they felt the motion was outside the scope of the Trustee role. The Trustee asked if LDSB has engaged in a Audit Compliance Committee regarding Trustee campaign expenses, and if so who is on the committee.

It was clarified that school boards enter into agreements for Audit Compliance Committees with municipalities. The municipalities generally put this team together.

It was questioned that if this is the case then does LDSB participate in seven separate committees for all related municipalities. Superintendent Young responded that he would have to review the situation and report back.

It was stated that the motion seems to be asking for a duplication of work.

A Trustee stated that the motion seems to be asking to take advantage of an ability that already exists.

A Trustee noted that LDSB has repeatedly called for transparency. Further, the motion relates directly to transparency. School boards are guided by the Municipal Act for elections.

A Trustee stated they did not see why the members of the Board would not want to share the information. It is an opportunity to show where conflicts may be, and that Trustees have met the requirements within the election process.

A Trustee asked for clarity that the intent of the motion is to share audit reports.

In essence the motion is asking that when audits are completed that the results be sent to the Board to share publicly for transparency. It will make sure that Trustees are compliant.

A Trustee stated they are not opposed to transparency, they are opposed to one level of government directing another level of government.

A Trustee noted that there is an advantage to see the statements as filed, before any audit is conducted. This is a way to catch problems.

A Student Trustee stated that they interpreted the motion as the Board not asking municipalities to do any extra work, but that it is an additional step on Board's side to review the documents. It would be another point of assurance that everything is properly completed.

A Trustee stated it sounds like the Board is asking municipalities to do more work.

It was clarified that the motion is not asking or directing municipalities to do any work.

A Trustee asked for the removal of the word audited from the motion:

*MOTION: That the Board, after each municipal election, request that elected Trustees submit their financial statements before the expiration of the appeal date.*

The amendment to the motion was accepted.

The Trustees voted on the acceptance of the amendment:

*The binding recorded vote was as follows:*

*YEAS: Trustee Brown, Trustee Elliott, Trustee French, Trustee Gingrich, Trustee Godkin, Trustee Hutcheon, Trustee McGregor, Trustee Morning, Trustee Ruttan (9)*

*NAYS:*

*ABSENT:*

*The motion was called and carried (9:0).*

The motion was called.

*The binding recorded vote was as follows:*

*YEAS: Trustee Brown, Trustee Elliott, Trustee French, Trustee Gingrich, Trustee Godkin, Trustee Hutcheon, Trustee McGregor, Trustee Morning, Trustee Ruttan (9)*

*NAYS:*

*ABSENT:*

*The motion was called and carried (9:0).*

It was clarified that Audit Compliance Committees are not convened unless requested.

**5. Notice of Motion**

None at this time.

**Section B - Information**

**1. Internal Reports and Other Communications**

- a) Letter of Censure to Trustee Hutcheon – October 2019
- b) Letter of Apology from Trustee Hutcheon – November 2019.

**2. External Reports and Other Communications**

- a) Letter to Chair of LDSB from Ralph Hutcheon – December 2019
- b) Letter to Chair of LDSB from Kathee Hutcheon – December 2019
- c) Letter to Chair of LDSB from Roberta Lamb – December 2019
- d) Letter to Chair of LDSB from Paul D. Smith – December 2019
- e) Letter to Chair of LDSB from Laurel Claus-Johnson – December 2019
- f) Letter to Chair of LDSB from Eric DePoe – December 2019
- g) Letter to Chair of LDSB from Wayne E. Goodyer – December 2019
- h) Letter to Chair of LDSB from Shayla Bradley – December 2019
- i) Letter to Chair of LDSB from Sabena Islam – December 2019
- j) Letter to Chair of LDSB from Christine Innocente – December 2019
- k) Letter to Chair of LDSB from Shari Milligan – December 2019
- l) Letter to Chair of LDSB from OSSTF – December 2019
- m) Letter to Minister Lecce from Durham DSB re Ministry Advisory Committee on Special Education (MACSE) – December 2019
- n) Letter to Director from Nicky Gowdy – December 2019
- o) Letter to Chair of LDSB from Ontario Principals Council (Limestone Local) – January 2020

- p) Letter to Chair of LDSB from Wess Garrod – January 2020
- q) Letter to Chair of LDSB from Constance Carriere-Prill - December 2020

Chair Ruttan made the following Statement:

"First, I will deal with queries around the closure of Yarker Family School. The Board of Trustees voted in June 2017 to close Yarker Family School following an extensive Program and Accommodation Review Process that included consultation over eight months. The Board received notice of the application for an Administrative Review from two community groups and Eric DePoe citing improper process. The Ministry of Education determined in September 2017 that the Board followed process and procedure during the Pupil Accommodation Review and dismissed the request for an Administrative Review. The school was closed in June 2018 and students were relocated to Odessa P.S. in September 2018. This decision will obviously not be revisited. In fact, the former school building was sold to the municipality in 2019.

Next, I will deal with the censure of Trustee Hutcheon and calls for a review. Some of the letter writers call for a review of the recent censure of Trustee Hutcheon, citing that the matter was not discussed in public session, that she was censured for representing a constituent via an email to the Director, and that the censure has removed Trustee Hutcheon's ability to represent her constituents. These statements are all untrue. Also, it's important to note that the Board has sought an independent opinion of this issue and the review finds that the Board followed the Education Act, Ministry of Education regulations and Board policy with respect to governance matters.

Discussion around the censure of Trustee Hutcheon initially took place in private session because the issue at hand involved a school matter and subsequent personnel issue. As you know, Trustees, we discuss items in private session when they deal with personnel, property or legal matters. The results of the discussion, however, to censure Trustee Hutcheon, was discussed in public session. At the regular Board meeting on November 13, 2019, Trustees approved the censure of Trustee Hutcheon for violations of Policy 3: Director of Education Job Description by overstepping her governance role and becoming involved in the organization and operation of the district, which is the role of the Director of Education, and violations of Policy 5: Trustee Code of Conduct where Trustee Hutcheon was found to have: criticized fellow Board members, the Board, or employees, in or out of the board room; disrespected the roles and duties of the individual Trustees, Board of Trustees, the Director of Education and the Chair of the Board; exerted individual authority over the organization; and failed to discharge her duties in accordance with the Education Act and the Municipal Freedom of Information and Protection of Privacy Act.

Several members of the public believe, incorrectly, that Trustee Hutcheon was censured for her interaction with a constituent regarding a school matter. This is, absolutely, not the case. In addition to their governance role, Trustees are indeed responsible for helping facilitate constituent concerns. Constituents can always contact their area trustee regarding a concern, just as trustees can absolutely email or call the Director regarding a concern as outlined in our resolution process. The Trustee was not censured for emailing the Director, but for weighing in on a school matter without having all of the information thereby breaching the Trustee Code of Conduct.

Trustees voted unanimously to impose two consequences on Trustee Hutcheon: that she write a letter of apology to the principal involved, and that she review the OPSBA Good Governance Guide. As you heard earlier this evening, Trustee Hutcheon did complete her letter of apology to the principal where she wrote that she handled the situation in question very

poorly, and was too quick to judge. Further, she wrote that she hoped to learn from this experience, and believed strongly in trust as an integral part of being a trustee. Trustee Hutcheon was not removed from her role as Trustee, and was, and is, able to represent her constituents as she always has. In fact, over the holiday break, Trustee Hutcheon forwarded at least one constituent concern to the Director via email for response as is outlined in both Limestone policy and the OPSBA Good Governance Guide.

Also, as is our process, Trustee Hutcheon was provided with several opportunities to address the Board following the vote on her censure and consequences. This could have been done verbally at the November 13 Board meeting where the censure was approved, or the December 11 Board meeting. As was outlined in her letter of censure, Trustee Hutcheon also had the opportunity to address the Board in writing before November 29, 2019 in accordance with Bill 177, Section 218.3.6 of the Education Act. She was given four weeks to respond in lieu of the usual two weeks. Also, in accordance with the regulation, the Board will consider any such written submissions within 14 days of receipt, to either uphold, revoke or modify the original motion. The Board has received no reply from Trustee Hutcheon regarding her censure, indicating she disagreed with the determination, or that she wished to appeal the decision. In fact, it would appear from her apology letter to the principal that she acknowledges her error and is committed to moving forward in a positive and productive matter. Furthermore, in a subsequent interview with Global Kingston, following her censure, Trustee Hutcheon indicated that she accepted the censure and how the Board dealt with her actions. And, in a social media post on her own Facebook page dated November 18, 2019, Trustee Hutcheon stated that she was not censured just to be censured, and that she respected the decision of her colleagues. It appears quite clearly that Trustee Hutcheon accepts her censure and subsequent consequences.

Moving on to those calling for a further independent review of former censured Trustee Tom Mahoney. The former Board dealt with this issue at length. To recap, for those of you who were not on the Board at the time, Mr. Mahoney received multiple censures for inappropriate behaviour in contravention of multiple policies, and his repeated disrespectful behaviour to staff, and to the integrity of the role of Trustee. The most serious of these was the harassment of a frontline unionized staff member.

He was directed to write a letter of apology and complete a sensitivity course. Mr. Mahoney initially did neither and was further sanctioned for his lack of action. He, too, had an opportunity to address the Board regarding his censure but chose not to do so. He did, however, appear on local media several times to refute the censure with incorrect information. At the time, and at dozens of times since then, Mr. Mahoney and others have incorrectly reported that he was censured for passing on a constituent concern. This is not the case. There is a full record of discipline on file which was handed out to you in advance of the meeting. Following Mr. Mahoney's third censure in a six-month period, the Board voted to sanction him. Mr. Mahoney also admitted his guilt in the media. Furthermore, the Board did engage an independent, third-party review of Mr. Mahoney's actions following a Board motion requesting a formal inquiry by an outside consultant.

Finally, it is important for Trustees to remember, and the public to know, that all Limestone District School Board policies are aligned with the Education Act and Ministry of Education regulations. When dealing with code of conduct violations, the Board employs a progressive discipline model for all members including trustees, employees and students. The Board expects all of its members, including elected trustees, to demonstrate ethical, respectful and professional conduct. You can be assured that the censure of trustees only occurs after numerous cautions for similar infractions."



The Chair questioned Trustee Hutcheon if she was in agreement that she had accepted the censure and wanted to move past the issue.

Trustee Hutcheon replied that would like to move forward. She noted that she felt some statements made in the media are true. She also stated that she felt many issues outside of censure are what caused the letter writings.

Chair Ruttan stated:

"Given Trustee Hutcheon's desire to move on, I recommend no further action on these letters or subsequent letters dealing with the same issues. Thank you, Trustees. Given the current political landscape and the very serious challenges facing public education today, I am pleased we have agreed to move forward in a positive, productive and collaborative way. As I outlined in my inaugural address a few weeks ago, and as outlined in Board policy "...Trustees serve large constituencies, and fulfilling the representational role is challenging. Although a Trustee must serve their community as an elected representative, their primary task is to act as a member of a corporate board, and to be accountable for the collective decisions of the Board and the delivery and quality of educational services."

I know that together the Trustees of this Board will continue to advocate for public education through our membership in the Ontario Public School Boards Association, and by working collaboratively with staff and our communities to ensure students have expanding opportunities, in all pathways, to help them achieve success and well-being."

A Point of Order was raised that the motion to censure Trustee Hutcheon was not unanimous.

Trustee Godkin wanted it noted that he did not vote to censure.

A Point of Order was raised that when the matter was presented in public there were no objections. This means that the decision to censure was unanimous.

Trustee Morning wanted it noted that she did not vote for the censure, but did vote for the consequences.

It was clarified that when minutes are accepted in public session without objection the matter has passed unanimously and is considered closed.

The order of passing a motion to censure is to make the motion in committee, to bring it to the board, and to accept the minutes.

*MOTION: That the Board undertake an independent review of governance practice and procedures.*

*MOVED BY: Trustee Morning, seconded by Trustee Godkin.*

Chair Ruttan noted that the Board has only heard from family members of Trustee Hutcheon, unsuccessful Trustee candidates, and constituents who are unhappy with the Yarker Family School closure. This is not a representative sample of constituents from across the Board.

A Trustee stated that he met with Christine Innocente, one of the letter writers, at the Chair's suggestion. A Trustee stated Ms. Innocente feels that the point of her letter was missed. It is not just about the Trustee censure, but about a public perception that there is a climate of fear.

It was stated that a review is not a witch hunt. It is about restoring public confidence in elected officials. Even though the Trustee was in agreement that the Board is following its policies they still called for a review.

A Trustee was asked what the review would be of. The answer was that they were unsure exactly the review would be about.

It was asked what a review looks like and costs. Superintendent Labrie answered that it depends on who is asked to conduct the review. The Ministry may simply dismiss a request. A governance review would check to see that a Board it is following its policies. The costs would vary.

The Director noted it would be highly unusual for a Board to ask for a review of itself. There is no requirement of the Ministry to conduct a review just because it is asked. By asking, it can open the door for the Ministry to take over the Board.

The Director suggested the Board undertake a cyclical review of its policies. Trustees can decide where to begin in that process.

A Trustee stated there is no need for an independent review. The Board follows its policies and refers to them all the time. The Board should be putting its attention toward supporting students, not on these issues.

A Trustee agreed that the Board is doing things correctly. It is clear that the Board is following policies.

A Trustee noted that the Ministry has been copied on a number of the letters sent to the Board. If the Ministry wished to conduct a review based on these letters they would have. Trustees received a legal overview this evening on the matter that showed a review is not warranted.

It was further stated that they would not be supporting a Ministry or independent review. The letters have asked for a non-governmental review.

A Trustee suggested looking into an Integrity Commissioner, as is used in TDSB. They further stated that many Boards use Integrity officers.

A Point of Order was raised that there are only 3 boards of 72 in the province that use Integrity Commissioners.

The Director stated she can look into the matter and bring the cost back to the Board.

A Trustee stated that even if the Board is following procedure a review is needed to look into Board of Trustee culture. A suggestion was made to ask OPSBA for their opinion.

A Trustee noted that OPSBA is aware of the letters, and does not understand the reasoning behind them. As far as OPSBA is concerned LDSB is in compliance.

Superintendent Labrie stated that he is unsure what the request for a review is asking for.

The motion was withdrawn.

A Student Trustee asked that their non-binding votes be recorded if there were to be any further motions.

*MOTION: That any further censures of Trustees be investigated by an independent Integrity Commissioner*

*MOVED BY: Trustee Morning, seconded by Trustee Godkin.*

*MOTION: To defer the motion.*

*MOVED BY: Trustee Gingrich, seconded by Trustee French. Carried.*

A Trustee asked that staff establish the costs and details of having an Integrity Commissioner.

A Student Trustee stated that the Board needs to consider that they are already doing things properly, and that asking for a report takes staff time and resources. The focus needs to be returned to the students.

A Student Trustee stated they do not think the Board needs a report. They agreed that preparing a report takes time and resources from staff that should be dedicated to students.

At many conferences that the Student Trustee has attended people have spoken highly of LDSB. Student success should be number one priority.

The request for a report on the cost of an Integrity Commissioner was voted on:

*The non-binding recorded vote was as follows:*

*YEAS: Trustee Elliott, Trustee Gingrich, Trustee Godkin, Trustee Hutcheon, Trustee Morning (5)*

*NAYS: Trustee Brown, Trustee French, Trustee McGregor, Trustee Ruttan, Student Trustee Crook, Student Trustee Putnam (6)*

*ABSENT: (0)*

*The binding recorded vote was as follows:*

*YEAS: Trustee Elliott, Trustee Gingrich, Trustee Godkin, Trustee Hutcheon, Trustee Morning (5)*

*NAYS: Trustee Brown, Trustee French, Trustee McGregor, Trustee Ruttan (4)*

*ABSENT: (0)*

*The question was called and carried (5:4).*

A Trustee asked for feedback from OPSBA on LDSB culture.

A Trustee reminded the Board that there was a session planned for Monday that will deal with Board of Trustee culture. It was suggested the Board sees how that goes first.

**3. Communications Referred to Committee**

None at this time.

**4. Requests for Reports and/or Information**

A Trustee asked about a report on the cost for developing a logo from a local business. It was clarified that this was not an official request, but had been discussed as part of a previous staff report. A subsequent report on board branding is coming.

A Trustee requested a report on Indigenous Education funding and what it is about.

The Director stated that Indigenous Education is part of the annual reporting cycle from the Strategic Plan and has been reported on several times in recent months. It was suggested that further information could be shared as part of the budget process.

Trustees were reminded that they can always approach Senior Staff for information that they may require.

**5. Other Business**

None at this time.

**6. Future Meetings**

The next meeting of the Limestone District School Board of Trustees will take place on February 12, 2020 at 6 p.m.

**7. Other Special Meetings/Events**

See agenda listing.

**8. Adjournment**

Chair Ruttan called for a motion to adjourn the meeting.

*MOVED BY: Trustee McGregor, seconded by Trustee Gingrich, that the meeting adjourn.*

The meeting adjourned at 8:50 p.m.

