

**Trustee Determination & Distribution
Guide
for
Ontario District School Boards
2010**

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THIS DOCUMENT IS INTENDED AS A GUIDE ONLY. USERS SHOULD RELY ON THEIR
LEGAL COUNSEL FOR ADVICE ON ALL QUESTIONS RELATING TO THE SUBJECT-
MATTER OF THIS DOCUMENT

SECTION I

Trustee Determination and Distribution: A Responsibility of School Boards

The provisions governing the number of elected trustees on district school boards and their distribution over a board's territory are found in section 58.1 of the *Education Act*, and in Ontario Regulation 412/00, *Elections to and Representation on District School Boards*. Section 58.1 was amended in 2009 through Bill 177, the *Student Achievement and School Board Governance Act* and the regulation was amended in 2010 to reflect this.

The number of elected trustee positions on a district school board is now set at the number that was determined by the board for the 2006 school board election. Before the amendments, boards had to calculate the number of elected trustee positions they could have on their board (referred to as trustee "determination") before each regular election, using the formula in O. Reg. 412/00.

Boards no longer have to do a determination calculation before an election. However, a board that experiences demographic change or a change in its area of jurisdiction may use the formula in O. Reg. 412/00 to calculate whether the changes are sufficient to allow additional trustee positions over the 2006 number.

Boards continue to be responsible for allocating their elected trustee positions over their area of jurisdiction by combining municipalities and wards in their area of jurisdiction into a number of geographic areas and allocating their trustee positions to these areas. The steps are set out in O. Reg. 412/00 and the process is referred to as trustee distribution.

Under O. Reg. 412/00, school boards must submit their completed Determination and Distribution Reports (D&D Reports) to the Minister of Education, the election clerk in all municipalities within the board's jurisdiction, and the secretary of all other school boards in the board's jurisdiction. D&D reports must include a copy of the data and calculations and identify the lead municipality for election purposes for geographic areas that include all or part of more than one municipality.

The submission deadline for D&D Reports is April 3, 2010, except for boards that merged with an isolate board in 2009 and that have requested additional trustees from the Minister. The submission deadline for those boards is extended to May 3, 2010.

Section I of this guide provides information and steps for completing the D&D report. Section II sets out key dates for the 2010 election. Section III contains questions and answers.

How Do I Get Started?

1 - PEG Reports

The first piece of information you will need is the Population of Electoral Groups (*PEG*) Report produced by the Municipal Property Assessment Corporation (MPAC). PEG reports contain data on the electoral group population for each of the four types of boards (English-language Public; English-language Catholic; French-language Public; and French-language Catholic) in each of the local municipalities and local municipal wards within your school board's jurisdiction. In some cases the local municipalities may include municipally unorganized areas attached to the municipality for school board electoral purposes. Other areas without municipal organization are deemed to be municipalities under the Education Act. The PEG reports contain the electoral group data for these areas as well.

PEG Reports are sent to the school boards by MPAC no later than February 15th, 2010.

2- Board Resolution Re Low Population Municipalities

The second piece of information needed prior to calculating trustee determination and distribution is whether or not your board has designated any municipalities within its jurisdiction as low population areas. Boards whose area of jurisdiction includes more than one municipality must pass a resolution by March 31 either designating one or more municipalities as low population municipalities or declaring that no such designation will be made (O. Reg. 412/00, s. 4). This resolution must be included in your D&D report.

Typically, a board will designate one or more municipalities as a low population area to allow for greater representation to an area than would be accorded by a strict representation-by-population approach. Designating municipalities as low population areas affects the calculation of trustee distribution by allowing the board to increase the sum of electoral quotients for those municipalities by either one or two.

There are no limits on the number of low-population areas a board may designate; however the number of designated low-population areas does not affect the total number of trustees for the board.

3 - Board Resolution Re Voluntary Reduction of Board Members

The *Education Act* allows district school boards to reduce their numbers below the number provided for in the Act and *O. Reg. 412/00*, but not below the minimum number of 5 members. This must be done by board resolution, which must be included in the D&D report.

If a school board chooses to exercise this option, the resolution must be passed before March 31st. If your board has requested additional trustee positions from the Minister because of an isolate board merger in 2009, it must pass its resolution before the extended filing deadline of May 3, 2010 and the resolution must be included in the D&D report.

Summary of Steps: Completing your D&D Report

1. Gather all necessary information. In order to do the determination (if applicable) and distribution calculations, you will need the following:
 - The number of trustee positions determined by your board in 2006;
 - your board's PEG Report;
 - the name(s) of any municipalities within your board's jurisdiction that have been designated as low population municipalities and whether the sum of electoral quotients for those municipalities is to be increased by one or two;
 - a copy of the provisions regarding distribution set out in sections 4 - 8 of O. Reg. 412/00. These are available online at http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_000412_e.htm
 - if you wish to calculate whether your board may have additional trustees beyond the number determined in 2006, you will also need:
 - a copy of the five Tables contained in *Ontario Regulation 412/00*; these tables are attached in Appendix A; and
 - a copy of the rules set out in *Ontario Regulation 412/00* regarding the calculation of additional members based on your board's dispersal factor; these rules are attached in Appendix B.
2. Determine your board's number of trustee positions:
 - For most boards, this will be the number determined in 2006, unless
 - the Minister ordered additional trustee positions due to an isolate board merger in 2009, or
 - your board has passed a resolution to voluntarily reduce its numbers.
 - If your board has experienced demographic change or a change in its area of jurisdiction you may use the determination formula in O. Reg. 412/00 to calculate whether you are allowed more trustees.
3. Allocate the trustee positions to the geographic areas formed by your board.
4. Make copies of the determination (if applicable) and distribution calculations. If you used the web-based calculator, it provides an option for printing your calculations. If you used a manual method, copy your completed determination and distribution templates or any other chart you may have used for your calculations.

5. Seek approval from your board on the number of trustees and their geographic distribution. Note that your D&D report must be completed by March 31, 2010, unless your board has requested additional trustee positions from the Minister because of an isolate board merger in 2009, in which case the deadline is extended to May 3, 2010.

6. Prepare your D&D report. Completed D&D reports should include:
 - A cover letter
 - Results of determination and distribution and copies of the data and calculations
 - Copies of all relevant board resolutions
 - If your board has formed one or more geographic areas that include all or part of more than one municipality, identify which municipality will be the lead municipality for that geographic area for purposes of the election. This must be the municipality with the largest population of the board's electoral group among those municipalities.

Completing the Determination and Distribution Calculations

This guide offers two options to help you complete the determination (if applicable) and distribution calculations:

- A web-based determination and distribution calculator developed by the Ministry
or
- A manual approach using the steps and templates provided in this guide.

Calculations Using the Web-based Calculator

You will find the link to the calculator on the Ministry's 2010 Elections web page at:

<http://www.edu.gov.on.ca/eng/trustee-elections/index.html> (English version)

<http://www.edu.gov.on.ca/fre/trustee-elections/index.html> (French version)

Trustee Determination

The calculator will ask whether you are using the number of trustee positions determined in 2006 or whether you wish to calculate whether your board may be allowed additional trustees due to demographic change or change in area of jurisdiction.

- If you are using the 2006 number, you will be asked to identify your board name, insert the population of your board's electoral group and enter information to confirm the number of trustee positions. You will click on the calculate button and may print off the template to include in your final report.
- If you wish to calculate whether demographic change or change in area of jurisdiction would allow your board to have more trustees, you will be asked to identify your board name and insert the population of your board's electoral group. When you click on the "calculate" button the calculator will determine the allowable number of trustees for your board. If the resulting number is greater than the number for 2006, the greater number is your board's maximum allowable number of trustees.

You will then be guided to the trustee distribution calculator.

Trustee Distribution

In order to distribute trustee positions you must calculate the electoral quotient for each municipality or municipal ward using the PEG data provided by MPAC. The calculator will do this for you. You will be required to indicate:

- the number of trustee positions,
- the number of municipalities/municipal wards and unorganized territories in your board's jurisdiction, and
- the number, if any, of designated low-population municipalities and the number (one or two) by which the sum of their electoral quotients would be increased.

Enter the names of all municipalities and municipal wards in your jurisdiction, and their corresponding electoral group populations. The calculator will then calculate the electoral quotients. If you indicated that your board has designated one or more low population municipalities, it will also calculate the alternative electoral quotients.

The calculator template can be printed and included in your final D&D report.

The final step is to allocate the trustee positions to geographic areas in your school board.

- Section 6 of O. Reg. 412/00 sets out the distribution provisions for boards that have jurisdiction in only one municipality and for multi-municipality boards that have not designated any low population municipalities.
- Section 7 of O. Reg. 412./00 sets out the distribution provisions for boards that have designated one or more low-population municipalities.

To allocate trustee positions, combine the municipalities/ municipal wards into geographic areas, ensuring that the number of geographic areas does not exceed the allowable number of trustees.

The sum of the electoral quotients in each geographic area should be as close as possible to a whole number. The number of trustees allocated to a geographic area should be as close as possible to the sum of the electoral quotients for that area.

You are now ready to prepare your report to present to the board.

Manual Calculations Using Templates

If you choose to do the trustee determination (if applicable) and distribution calculations manually, the following steps and templates will guide you.

Trustee Determination

You will either be using the number of trustees determined in 2006 or calculating whether, due to demographic change or change in area of jurisdiction, your board is allowed more trustees than it determined in 2006.

A - Using 2006 trustee position numbers

If your board is using the number of trustees determined in 2006, your report must confirm that number, plus any additional members that the Minister may have ordered as a result of the merger with an isolate board in 2009. If applicable, indicate any voluntary reduction of trustees, as permitted under the Act.

Use the steps and templates provided in the section below called "Manual Trustee Distribution Calculations" to complete the distribution calculations.

B - Calculating whether additional trustees are allowed due to demographic or geographic growth (Optional)

If your board has experienced demographic change or change in area of jurisdiction, you may use the steps and templates that follow to calculate whether the determination formula in O. Reg. 412/00 would allow more trustees than the number determined in 2006:

Step 1:

Using your PEG Report, enter the population of your board's electoral group. Enter this figure in "BOX 1" of the *Trustee Determination Template*.

Step 2:

Refer to Table 1- "Board Areas" - found in O. Reg. 412/00. Enter your board's area as shown in that Table in "BOX 2" of the *Trustee Determination Template*.

Step 3:

Divide your board's electoral group population ("BOX 1") by your board's area ("BOX 2") to determine your board's density figure. Enter that figure in "BOX 3" of the *Trustee Determination Template*.

Step 4:

Refer to Table 5 - "Dispersal Factors" - found in *O. Reg. 412/00*. Enter your board's dispersal factor in "BOX 4" of the *Trustee Determination Template*.

Step 5:

Refer to Table 2 - "Number of Members Based on Electoral Group Population" - found in *O. Reg. 412/00*. Using your board's electoral group population figure ("BOX 1"), enter your board's number of members based on electoral group population in "BOX 5" of the *Trustee Determination Template*.

Step 6:

Refer to Table 3 - "Number of Additional Members Based on Board Density" - found in *O. Reg. 412/00*. Using the board density figure calculated in Step 3 ("BOX 3"), enter the number of additional members based on board density in "BOX 6" of the *Trustee Determination Template*.

Step 7:

Refer to Table 4 - "Maximum Number of Additional Members Based on Board Density" - found in *O. Reg. 412/00*. Using your board area figure ("BOX 2"), enter the maximum number of additional members based on board density in "BOX 7" of the *Trustee Determination Template*.

Step 8:

Enter the lesser of Box 6 (number of additional members based on board density) and Box 7 (maximum number of additional members based on board density) in Box 8.

Step 9:

Refer to the rules set out in *O. Reg. 412/00* regarding dispersal (see Dispersal Rules in Appendix B. Using your board's dispersal factor ("BOX 4"), enter the number of additional members based on dispersal in "BOX 9" of the *Trustee Determination Template*.

Step 10:

The final step in calculating the number of your board members is as follows:

| | | |
|---|---|---|
| Population based members (Box 5) | # | |
| | | + |
| Additional members based on dispersal and density (Greater of Box 8 and Box 9) | # | |
| <hr/> | | |
| Total number of elected members | | |

Use the steps and templates provided in the section below called Trustee Distribution to complete the distribution calculations.

Trustee Determination Template – Manual Calculation

| DATA | SOURCE | FIGURE | |
|--|---|---------------|--|
| Population of electoral group | MPAC | BOX 1: | |
| Board area | TABLE 1, <i>O. Reg. 412/00</i> | BOX 2: | |
| Board density | Population / area | BOX 3: | |
| Dispersal factor | TABLE 5, <i>O. Reg. 412/00</i> | BOX 4: | |
| Number of population-based trustees | TABLE 2, <i>O. Reg. 412/00</i> | BOX 5: | |
| Number of density-based trustees | refer to TABLE 3, <i>O. Reg. 412/00</i> using board density figure | BOX 6: | BOX 8: (lesser of Box 6 & Box 7) |
| Number of density-based (area adjusted) trustees | refer to TABLE 4, <i>O. Reg. 412/00</i> using board area figure | BOX 7: | |
| Number of additional trustees based on dispersal | refer to rules set out in <i>O. Reg. 412/00, s.3</i> using dispersal factor | BOX 9: | |

Number of Trustees = Box 5 + Greater of Box 8 and Box 9

Trustee Distribution

If you choose to calculate trustee distribution manually, the following templates and series of steps allow you to calculate your board's electoral quotients and alternative electoral quotients.

If your board has not designated any municipalities within its jurisdiction as low population municipalities, follow the steps and template outlined below under *Trustee Distribution - Template A (No Low Population Areas)*.

If your board has designated one or more municipalities within its jurisdiction as low population municipalities, follow the steps and template outlined below under *Trustee Distribution - Template B (Low Population Municipalities)*.

Template A (No Low Population Municipalities)

Step 1:

Enter the total electoral population group of the school board as FIGURE A in the *Trustee Distribution - Template A*. This number is provided by MPAC and is identified in "BOX 1" in the calculations of trustee determination.

Step 2:

Enter the number of board trustees as FIGURE B in the *Trustee Distribution - Template A*. This is the final figure of your trustee determination calculation, including any voluntary reduction of numbers, if applicable.

Step 3:

Using the template below (*Trustee Distribution - Template A*), list the municipalities or municipal wards in your board's jurisdiction in COLUMN 1, and their corresponding electoral group population in COLUMN 2.

NOTE: The electoral group population figures are contained in your PEG Reports provided by MPAC (Municipal Property Assessment Corporation).

Step 4:

This step determines the electoral quotient for each municipality / ward in your board's jurisdiction. The electoral quotient tells you how many trustees you can have in each ward or municipality.

- i. multiply the electoral group population figure for each municipality/ward (COLUMN 2) by the number of board trustees (FIGURE B)
- ii. divide the above number by the total electoral population group of the school board (FIGURE A)

iii. record the calculation, the electoral quotient, in COLUMN 3.

Step 5:

This final step allows you to determine the allocation of trustees to geographic areas in your school board. In most cases, the number of areas listed in COLUMN 1 will be greater than the number of trustees on your board. In order to determine the geographic areas a trustee will represent, combine the municipalities / unorganized territories / municipal wards into geographic areas ensuring that the number of geographic areas does not exceed the allowable number of trustees.

The sum of the electoral quotients in each geographic area should be as close as possible to a whole number. The number of trustees allocated to a geographic area should be as close as possible to the sum of the electoral quotients for that area.

Section 6 of O. Reg. 412/00 sets out the distribution provisions for boards that have jurisdiction in only one municipality and for multi-municipality boards that have not designated any low population municipalities.

Trustee Distribution - Template A

Board's Electoral Group Population = _____ (FIGURE A)

Number of Board Trustees = _____ (FIGURE B)

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|-----------------------------|----------------------------|--------------------|
| Name of Municipality / Ward | Electoral Group Population | Electoral Quotient |
| area I (list) | | |
| area ii (list) | | |
| area iii (list) | | |
| area iv (list) | | |

Template B (Boards with Low Population Municipalities)

Step 1:

Enter the total electoral population group of the school board as FIGURE A in the *Trustee Distribution - Template B*. This number is provided by MPAC and is identified in "BOX 1" in the calculations of trustee determination.

Step 2:

Enter the number of board trustees as FIGURE B in the *Trustee Distribution - Template B*. This is the final figure of your trustee determination calculation including any voluntary reduction of numbers, if applicable.

Step 3:

Referring to your board resolution, list all municipalities within your board's jurisdiction that have been designated as low population in CHART 1, COLUMN 1, and their corresponding electoral group population in COLUMN 2.

NOTE: The electoral group population figures are contained in your PEG Reports provided by MPAC (Municipal Property Assessment Corporation).

Step 4:

List all remaining municipalities in your board's jurisdiction, i.e. those that have not been designated as low population municipalities, in CHART 2, COLUMN 1, and their corresponding electoral group population in COLUMN 2.

Step 5:

This step determines the electoral quotient for each municipality / ward in your board's jurisdiction. The electoral quotient is an indicator of the level of trustee representation warranted in a particular municipality based on population and geographic size. For both CHART 1 and CHART 2:

- i. multiply the electoral group population figure for each municipality/ward (COLUMN 2) by the number of board members (FIGURE B)
- ii. divide the above number by the total electoral population group of the school board (FIGURE A)
- iii. record the calculation, the electoral quotient, in COLUMN 3 of both CHARTS 1 and 2.

Step 6:

This step calculates the Alternative Quotients for all municipalities within your board's jurisdiction, i.e. both low population and remaining ones. Similar to the Electoral Quotient calculated in the previous step, the Alternative Quotient is an indicator of the level of trustee representation warranted in a particular municipality based on population and geographic size but also allows for greater representation to that municipality than would be accorded by a strict representation-by-population approach.

Using CHART 1 (Low population municipalities):

- i. Total the electoral group population for all municipalities designated as low population (COLUMN 2) and enter that total as FIGURE C.
- ii. Total the electoral quotients for all municipalities designated as low population (COLUMN 3) and enter that total as FIGURE D.
- iii. Add to the total of electoral quotients (Figure D) the number determined by the board's resolution designating areas as low population municipalities. (The number will be either 1 or 2 - refer to your board resolution).
- iv. Multiply the number calculated in the previous step by the individual municipality's electoral group population (COLUMN 2) and divide that number by Figure C (the total electoral group population for all municipalities designated as low population).
- v. Record the number calculated in COLUMN 4 of CHART 1 - Alternative Quotient.

Using CHART 2 (Remaining municipalities)

- i. Total the electoral group population for all remaining municipalities (COLUMN 2) and enter that total as FIGURE E.
- ii. Total the electoral quotients in COLUMN 3 and enter that total as FIGURE F.
- iii. Subtract from the total of electoral quotients (Figure F) the number determined by the board's resolution designating municipalities as low population. (The number will be either 1 or 2 - refer to your board resolution).
- iv. Multiply the number calculated in the previous step by the individual municipality's electoral group population (COLUMN 2) and divide that number by Figure E (the total electoral group population for all municipalities not designated as low population areas).
- v. Record the number calculated in COLUMN 4 of CHART 2 - Alternative Quotient.

Step 7:

This final step allows you to allocate the trustee positions to geographic areas in your school board. Section 7 of O. Reg. 412/00 sets out the distribution provisions for boards that have designated one or more low-population municipalities.

To determine the allocation, combine the municipalities / municipal wards into geographic areas within each grouping, ensuring that the number of geographic areas does not exceed the allowable number of trustees.

The sum of the electoral quotients in each geographic area should be as close as possible to a whole number. The number of trustees allocated to a geographic area should be as close as possible to the sum of the electoral quotients for that area.

You are now ready to prepare your report to present to the board.

Template B – Boards with Low Population Municipalities

Board's Electoral Group Population = _____ (FIGURE A)

Number of Elected Trustees = _____ (FIGURE B)

| CHART 1 - LOW POPULATION MUNICIPALITIES | | | |
|--|----------------------------|-------------------------|----------------------|
| COLUMN 1 | COLUMN 2 | COLUMN 3 | COLUMN 4 |
| Name of Low Population Area | Electoral Group Population | Electoral Quotient | Alternative Quotient |
| area I (list) | | | |
| area ii (list) | | | |
| area iii (list) | | | |
| | TOTAL (Figure C) | TOTAL (Figure D) | |
| | | | |

| CHART 2 - REMAINING MUNICIPALITIES | | | |
|---|----------------------------|-------------------------|----------------------|
| COLUMN 1 | COLUMN 2 | COLUMN 3 | COLUMN 4 |
| Name of Area | Electoral Group Population | Electoral Quotient | Alternative Quotient |
| area i (list) | | | |
| area ii (list) | | | |
| area iii (list) | | | |
| | TOTAL (Figure E) | TOTAL (Figure F) | |
| | | | |

Need Help with D&D Calculations?

If you need assistance completing your D&D calculations, there is help available.

Thanks to the support of the Council of Directors of Education (CODE), we are able to offer the following names of officials who are willing to offer assistance:

François Benoit

613-742-8960 ext. 2203
francois.benoit@cepeo.on.ca

David Thomas

613 342-0371 ext. 1204
david.thomas@ucdsb.on.ca

Some municipal clerks may be willing to offer limited assistance to school boards having difficulty completing D&D calculations, but it is the responsibility of the board to assess the level of assistance that your local municipal clerk may be willing to offer.

Your local Ministry of Education Regional Office is also available to assist you with your D&D calculations. You may also contact Elaine Molgat, Senior Policy Advisor, Labour Relations and Governance Branch at the Ministry of Education at 416-325-5888 or by email at Elaine.Molgat@ontario.ca or Margot Trevelyan, Director, Labour Relations and Governance Branch, at 416-325-2836 or by email at Margot.Trevelyan@ontario.ca.

SECTION II

Key Dates for 2010 Elections

| Activity | Deadlines for DSBs who have <u>not</u> merged with an isolate board in 2009 | Deadlines for DSBs who have merged with an isolate board in 2009 <u>and</u> have requested additional trustees |
|--|---|--|
| Beginning of nomination and campaign period | January 1 | |
| MPAC data (PEG Reports) sent to boards | Feb 15 | |
| Request of Minister for additional trustees | N/A | March 15 |
| Boards <u>may</u> pass resolutions determining the number of their trustees and <u>must</u> pass resolutions determining their trustee distribution. | March 31 | May 3 |
| D&D reports sent to the Minister, school board election clerks and secretaries of other school boards in the board's jurisdiction. | April 3 | May 3 |
| Response by Minister for additional trustees | N/A | April 15 |
| Appeals by municipality re trustee distribution | April 21 | May 20 |
| Notices of appeal sent by secretary of the board (i.e. the Director of Education) to the Ontario Municipal Board (OMB) | April 25 | May 25 |
| Deadline for OMB decision re appeal of trustee distribution calculations | June 10 | |
| Nomination Day: last day for <ul style="list-style-type: none"> • declaration of candidacy, and • withdrawal of candidacy | Sept 10, 2:00 p.m. | |
| Compliance audit committee established | October 1 | |
| Voting Day | October 25 | |
| Trustees' Term of Office Begins | December 1 | |
| Campaign period ends | December 31, 2010 | |
| Financial filing deadline for candidates | March 25, 2011 | |

SECTION III

QUESTIONS & ANSWERS

Note: The Ministry of Municipal Affairs and Housing has prepared a Municipal Elections Guide 2010. It provides detailed information about the election process, including amendments made in 2009 to the *Municipal Elections Act, 1996* and electronic links to forms. It is available at: <http://www.mah.gov.on.ca/Page219.aspx>

Trustee Determination and Distribution

Q. Who is responsible for the determination and distribution process within the jurisdiction of the board?

A. School boards are responsible for trustee determination and distribution calculations. Using population data received from the Municipal Property Assessment Corporation (MPAC), the school board follows the rules contained in subsections 58.1 (10.1) or (10.3) of the Act, and in *Ontario Regulation 412/00* under the Act to confirm or calculate the number of trustees on their board as well as allocate their trustees to geographic areas within the board. The regulation is available on the Government of Ontario public website under the heading "laws" in the "Quick Link" section of the website.

Boards should note the requirement of s. 58.1(13) of the *Education Act* regarding submissions from any person on the establishment of geographic areas.

Q. Does a board have to designate low population areas within its territory?

Boards whose area of jurisdiction includes more than one municipality must pass a resolution by March 31 either designating one or more municipalities as low population municipalities or declaring that no such designation will be made. Declaring a low population municipality increases the electoral quotients of that municipality and decreases the electoral quotients of the other municipalities. There is, however, no requirement that they designate low population municipalities.

Designation of low population municipalities allows boards to provide greater representation to rural or other municipalities that they consider require greater representation than would be accorded by a strict representation-by-population approach.

- Q. If the Minister has allocated an additional trustee to a board at its request as a result of a merger with an isolate board in 2009, what area will this trustee represent?**
- A.** The Minister's order does not allocate the additional trustee to a specific area in the board. When the board calculates its trustee distribution it must add this additional trustee position to its 2006 number and distribute the total number of positions over its area of jurisdiction using the formula in O. Reg. 412/00. The board may wish to pass a resolution designating one or some of its municipalities as low population municipalities in order to allow greater representation to those areas than would be accorded by a strict representation by population approach.
- Q. What is "dispersal"?**
- A.** The concept of dispersal was an element introduced in 2000 for the determination of trustee numbers for some boards where density, which is a ratio of population to area, is an inadequate measure. Some boards lack territorial jurisdiction over the land between the communities they serve. For these boards, the dispersal table, based on distances between communities within the board and the board office, may apply instead of density to provide additional trustee positions.
- Q. Who is responsible for reporting on the population of electoral groups (PEG Reports)**
- A.** The Municipal Property Assessment Corporation (MPAC) is responsible for reporting on the population for electoral groups for trustee elections. The PEG Reports were sent to school boards by February 15, 2010.
- Q. Why are the PEG Reports significant?**
- A.** PEG Reports reflect the population of the board's electoral group in each municipality and municipal ward within its jurisdiction. Boards must use the PEG data to calculate the electoral quotients they use to distribute trustee positions over their territory and, if applicable, for determining whether an increase in the PEG would be sufficient to allow additional trustee positions under the formula in O. Reg. 412/00.

Q. Why do school boards have to wait until February 15 before receiving the Population of Electoral Group (PEG) Reports?

- A.** The PEG Reports are to reflect the populations of electoral groups as of January 1, 2010. The gap between January 1 and February 15 is to allow time for the collection of the data and preparation and delivery of reports to each municipality and district school board in the province.

Nomination Procedures

Q. What is the nomination procedure?

- A.** Nomination papers (Form 1) can be obtained from the municipal clerk or online through the Ministry of Municipal Affairs and Housing's Election 2010 website. The nomination papers must be filed at the office of the municipal clerk in the geographic area in which a candidate wishes to run on any day when the clerk's office is open between January 1, 2010 and September 10, 2010. Nomination papers must be filed no later than 2:00 p.m. on Nomination Day, Friday, September 10, 2010.

If a person seeking nomination for a school board in a geographic area composed of all or part of two or more municipalities, resides more than 100 kms from the office of the Clerk responsible for accepting nominations, the Clerk is required to delegate the authority to accept the nomination to the clerk of the municipality in which the person resides, or of the municipality to which the unorganized territory in which he or she resides is attached for school election purposes, or if the person resides neither in a municipality nor in an unorganized territory attached to a municipality for school election purposes, to the municipal clerk of the municipality within the geographic area that is closest to the person's residence.

The prescribed nomination filing fee of \$100 must be paid at the time of filing the nomination (cash, certified cheque or money order paid to the municipality). A candidate is entitled to a refund of the filing fee if he or she: is elected; receives 2% of the votes cast for the office; or withdraws the nomination before Nomination Day.

A nomination paper may be filed in person or by an agent. No election document can be filed by fax.

Q. What happens when candidates file their nomination papers early and are unable to determine where they are running in the board?

A. It is the responsibility of municipal clerks to accept or refuse candidates' nomination papers. Candidates may seek to file their nomination papers before trustee numbers have been determined and the positions distributed to geographic areas within each board. If the clerk accepts the papers, the candidate will be able to identify the geographic area in which she or he will be running after the determination and distribution process is completed.

School Board Election Rules

Leave of Absence

Q. What is the leave of absence requirement for school board employees who want to run for a trustee position?

A. The employee must first be on an unpaid leave of absence at the time of his or her nomination and the board must approve the request for the leave of absence. Employees, particularly those who have teaching duties, are encouraged to complete their school term so as to avoid disruption before they enter on a leave of absence.

If there is a conflict between this provision and a collective agreement, the provisions of the Act prevail over any collective agreement.

Q. Regarding the requirement that an employee of a school board be on unpaid leave before they are nominated, what are the implications for an individual who is a contract employee of a board (e.g. bus driver)?

A. Contract employees are employees of the contractor, not the school board. Provisions relating to board employees do not, therefore, apply to contract employees.

Q. If a school board employee wishes to run for trustee office, they must take a leave of absence. Do such individuals still need to get this leave of absence if they want to seek nomination for a trustee position at a different school board?

A. Yes. Even if an employee of one board wishes to run for trustee of another school board - and is qualified to do so - then that individual must obtain a leave of absence from their employer.

Running for Municipal Council

Q. Can a trustee run for municipal office and retain their seat on the school board?

- A.** Yes. A trustee can run for municipal office but if they are elected, they must forfeit their position on the school board. A candidate cannot run for school board office and municipal office at the same time.

Spouses

Q. Can spouses of a school board employee run for trustee office?

- A.** Yes. The *Education Act* has been amended to provide that a spouse of a school board employee can seek office as a trustee

Candidate Expenses

Q. What are the rules about campaign spending limits?

- A.** The spending limit for candidates for district school boards is \$5,000 plus \$0.85 per eligible elector. The municipal clerk will provide each candidate with an estimated spending limit upon filing of nomination papers and a final spending limit within ten days after the close of nominations. If the final limit is lower than the estimate, the higher amount becomes the candidate's official spending limit.

Q. What is the process for reporting campaign expenditures?

- A.** All nominated candidates, including those not elected or who withdrew their nomination or whose nomination was rejected by the clerk, must disclose and file a report on their contributions and expenses as of December 31, 2010. The form can be obtained from the municipality or through the Ministry of Municipal Affairs and Housing website. The filing deadline is 2:00 p.m. March 25, 2011.

Q. What are the deadlines for submitting the report on campaign expenditures?

- A.** All nominated candidates must file their financial reports by 2:00 p.m. on March 25, 2011. The campaign period ends Friday, December 31, 2010. However, a candidate may extend the campaign period to eliminate a deficit. If so, the

candidate must notify the clerk using the prescribed form on or before Friday, December 31, 2010.

Q. What happens if the candidate misses the deadline for submitting their campaign expenditure report?

Penalties for contravening the *Municipal Elections Act, 1996* were increased in 2009. A candidate who has not filed financial statements by the deadline, and has not applied to the courts for an extension, forfeits any office won in the election, is ineligible to be elected and may not be appointed to any office until after the next regular election. A candidate requiring an extension to the filing deadline must apply to the Ontario Court of Justice and notify the Clerk before March 25, 2011. The court may grant an extension of up to 90 days.

Q. What can be done if someone believes that an elected trustee or trustee candidate did not follow the campaign rules about finances?

- A. Every school board is required to appoint a compliance audit committee, made up of external members, by October 1, 2010. A qualified elector may apply to the compliance audit committee for a compliance audit of a candidate's financial return. The committee will consider the application and decide whether to retain an auditor to undertake a compliance audit. The decision of the committee may be appealed to the Ontario Court of Justice. If a compliance audit is undertaken, the committee will consider the auditor's report. If the report indicates that there has been an apparent contravention of the *Municipal Elections Act* the committee will decide whether or not to proceed with legal action.

A person who believes that a candidate has contravened the Act may proceed with legal action without having first obtained a compliance audit.

Q. Who pays for the audit if the compliance audit committee grants it?

- A. The board pays for the audit; however in some circumstances a board may recover costs from the applicant.

General Information

Q. Since municipal elections are not required to be conducted in English and French, how are the rights of French language school board supporters addressed within their trustee elections?

A. For purposes of the election of members of French-language district school boards, notices, forms and other materials provided under the *Municipal Elections Act, 1996* are to be provided in both English and French.

Q. How are the results of the election known?

A. If a geographic area formed by a board is made up of only one municipality, the clerk responsible for elections in that municipality will report the results to the secretary of the board and to the Minister of Education as soon as possible after voting day. If a board has formed a geographic area that contains all or part of more than one municipality, school board election clerks in those municipalities will report the vote recorded to the school board election clerk in the lead municipality for that geographic area (i.e. the municipality with the largest population of the board's electoral group) who will report the election results to the secretary of each board and the Minister of Education as soon as possible after voting day.

APPENDIX A

TABLES FROM ONTARIO REGULATION 412/00

TABLE 1
BOARD AREAS

| Item | Name of Board | Area (km ²) |
|------|--|-------------------------|
| 1. | District School Board Ontario North East | 24,922 |
| 2. | Algoma District School Board | 9,623 |
| 3. | Rainbow District School Board | 14,757 |
| 4. | Near North District School Board | 17,020 |
| 5. | Keewatin-Patricia District School Board | 7,245 |
| 6. | Rainy River District School Board | 10,552 |
| 7. | Lakehead District School Board | 5,274 |
| 8. | Superior-Greenstone District School Board | 18,959 |
| 9. | Bluewater District School Board | 8,686 |
| 10. | Avon Maitland District School Board | 5,639 |
| 11. | Greater Essex County District School Board | 1,872 |
| 12. | Lambton Kent District School Board | 5,505 |
| 13. | Thames Valley District School Board | 7,278 |
| 14. | Toronto District School Board | 634 |
| 15. | Durham District School Board | 1,963 |
| 16. | Kawartha Pine Ridge District School Board | 6,998 |
| 17. | Trillium Lakelands District School Board | 12,133 |
| 18. | York Region District School Board | 1,774 |
| 19. | Simcoe County District School Board | 4,901 |
| 20. | Upper Grand District School Board | 4,192 |
| 21. | Peel District School Board | 1,255 |
| 22. | Halton District School Board | 973 |
| 23. | Hamilton-Wentworth District School Board | 1,127 |
| 24. | District School Board of Niagara | 1,883 |
| 25. | Grand Erie District School Board | 4,067 |
| 26. | Waterloo Region District School Board | 1,383 |
| 27. | Ottawa-Carleton District School Board | 2,806 |
| 28. | Upper Canada District School Board | 12,112 |
| 29. | Limestone District School Board | 7,193 |
| 30. | Renfrew County District School Board | 8,740 |
| 31. | Hastings and Prince Edward District School Board | 7,200 |
| 32. | Northeastern Catholic District School Board | 25,464 |
| 33. | Nipissing-Parry Sound Catholic District School Board | 10,597 |
| 34. | Huron-Superior Catholic District School Board | 9,815 |
| 35. | Sudbury Catholic District School Board | 9,317 |
| 36. | Northwest Catholic District School Board | 11,965 |
| 37. | Kenora Catholic District School Board | 3,070 |
| 38. | Thunder Bay Catholic District School Board | 4,936 |
| 39. | Superior North Catholic District School Board | 18,716 |
| 40. | Bruce-Grey Catholic District School Board | 8,686 |
| 41. | Huron Perth Catholic District School Board | 5,639 |
| 42. | Windsor-Essex Catholic District School Board | 1,872 |
| 43. | London District Catholic School Board | 7,278 |
| 44. | St. Clair Catholic District School Board | 5,505 |
| 45. | Toronto Catholic District School Board | 634 |
| 46. | Peterborough Victoria Northumberland and Clarington Catholic District School Board | 10,324 |
| 47. | York Catholic District School Board | 1,774 |
| 48. | Dufferin-Peel Catholic District School Board | 2,751 |
| 49. | Simcoe Muskoka Catholic District School Board | 10,640 |

| Item | Name of Board | Area (km ²) |
|------|--|-------------------------|
| 50. | Durham Catholic District School Board | 1,963 |
| 51. | Halton Catholic District School Board | 973 |
| 52. | Hamilton-Wentworth Catholic District School Board | 1,127 |
| 53. | Wellington Catholic District School Board | 2,696 |
| 54. | Waterloo Catholic District School Board | 1,383 |
| 55. | Niagara Catholic District School Board | 1,883 |
| 56. | Brant Haldimand Norfolk Catholic District School Board | 4,067 |
| 57. | Catholic District School Board of Eastern Ontario | 12,112 |
| 58. | Ottawa Catholic District School Board | 2,806 |
| 59. | Renfrew County Catholic District School Board | 7,851 |
| 60. | Algonquin and Lakeshore Catholic District School Board | 16,101 |
| 61. | Conseil scolaire de district du Nord-Est de l'Ontario | 46,499 |
| 62. | Conseil scolaire de district du Grand Nord de l'Ontario | 65,681 |
| 63. | Conseil scolaire de district du Centre Sud-Ouest | 68,014 |
| 64. | Conseil des écoles publiques de l'Est de l'Ontario | 38,041 |
| 65. | Conseil scolaire de district catholique des Grandes Rivières | 25,452 |
| 66. | Conseil scolaire de district catholique Franco-Nord | 10,597 |
| 67. | Conseil scolaire de district catholique du Nouvel-Ontario | 19,226 |
| 68. | Conseil scolaire de district catholique des Aurores boréales | 38,587 |
| 69. | Conseil scolaire de district des écoles catholiques du Sud-Ouest | 28,980 |
| 70. | Conseil scolaire de district catholique Centre-Sud | 40,407 |
| 71. | Conseil scolaire de district catholique de l'Est ontarien | 5,326 |
| 72. | Conseil scolaire de district catholique du Centre-Est de l'Ontario | 33,543 |

TABLE 2
NUMBER OF MEMBERS BASED ON ELECTORAL GROUP POPULATION

| Item | Total Population of Electoral Group | Number of Members |
|------|-------------------------------------|-------------------|
| 1. | Less than 30,000 persons | 5 |
| 2. | 30,000 to 44,999 persons | 6 |
| 3. | 45,000 to 59,999 persons | 7 |
| 4. | 60,000 to 99,999 persons | 8 |
| 5. | 100,000 to 149,999 persons | 9 |
| 6. | 150,000 to 249,999 persons | 10 |
| 7. | 250,000 to 399,999 persons | 11 |
| 8. | 400,000 to 999,999 persons | 12 |
| 9. | 1,000,000 to 1,499,999 persons | 17 |
| 10. | 1,500,000 persons or more | 22 |

TABLE 3
NUMBER OF ADDITIONAL MEMBERS BASED ON BOARD DENSITY

| Item | Density | Number of Additional Members |
|------|---------------------------------|------------------------------|
| 1. | Less than 1.00 | 7 |
| 2. | 1.00 or more but less than 1.25 | 6 |
| 3. | 1.25 or more but less than 1.50 | 5 |
| 4. | 1.50 or more but less than 2.00 | 4 |
| 5. | 2.00 or more but less than 3.00 | 3 |
| 6. | 3.00 or more but less than 4.00 | 1 |
| 7. | 4.00 or more | 0 |

TABLE 4
MAXIMUM NUMBER OF ADDITIONAL MEMBERS BASED ON BOARD DENSITY

| Item | Board Area | Number of Additional Members |
|------|---|---|
| 1. | Less than 8,000 square kilometres | 0 |
| 2. | 8,000 square kilometres or more but less than 12,000 square kilometres | 1 |
| 3. | 12,000 square kilometres or more but less than 25,000 square kilometres | 3 |
| 4. | 25,000 square kilometres or more but less than 40,000 square kilometres | 6 |
| 5. | 40,000 square kilometres or more | The lesser of 7 and the difference between 12 and the number of members based on electoral group population set out in Table 2 for the population of the board's electoral group. |

TABLE 5
DISPERSAL FACTORS

| Item | Name of Board | Dispersal Factor |
|------|--|------------------|
| 1. | District School Board Ontario North East | 16.7 |
| 2. | Algoma District School Board | 20.3 |
| 3. | Keewatin-Patricia District School Board | 29.4 |
| 4. | Superior-Greenstone District School Board | 46.7 |
| 5. | Northeastern Catholic District School Board | 15.4 |
| 6. | Huron-Superior Catholic District School Board | 28.6 |
| 7. | Northwest Catholic District School Board | 20.0 |
| 8. | Superior North Catholic District School Board | 25.0 |
| 9. | Algonquin and Lakeshore Catholic District School Board | 2.4 |
| 10. | Conseil scolaire de district du Nord-Est de l'Ontario | 62.5 |
| 11. | Conseil scolaire de district du Grand Nord de l'Ontario | 33.4 |
| 12. | Conseil scolaire de district du Centre Sud-Ouest | 8.8 |
| 13. | Conseil des écoles publiques de l'Est de l'Ontario | 11.9 |
| 14. | Conseil scolaire de district catholique des Grandes Rivières | 21.7 |
| 15. | Conseil scolaire de district catholique du Nouvel-Ontario | 14.3 |
| 16. | Conseil scolaire de district catholique des Aurores boréales | 66.7 |
| 17. | Conseil scolaire de district des écoles catholiques du Sud-Ouest | 10.3 |
| 18. | Conseil scolaire de district catholique du Centre-Est de l'Ontario | 1.6 |
| 19. | All other boards | 0.0 |

O. Reg. 412/00, Table 5.

TABLE 6
MINIMUM NUMBER OF MEMBERS BASED ON BOARD ENROLMENT

| Item | Day School Average Daily Enrolment | Minimum Number of Members |
|------|------------------------------------|---------------------------|
| 1. | 10,000 to 13,999 pupils | 6 |
| 2. | 14,000 to 21,499 pupils | 7 |
| 3. | 21,500 to 29,999 pupils | 8 |
| 4. | 30,000 to 44,999 pupils | 9 |
| 5. | 45,000 to 84,999 pupils | 10 |
| 6. | 85,000 or more pupils | 11 |

DISPERSAL RULES FROM ONTARIO REGULATION 412/00

Subsection 3 (2) 4:

Determine the number of additional members based on dispersal in accordance with the following rules:

- i. If the dispersal factor set out for the board in Table 5 is 0, the number of additional members based on dispersal is 0.
- ii. If the dispersal factor set out for the board in Table 5 is greater than 0 and less than 10, the number of additional members based on dispersal is 1.
- iii. If the dispersal factor set out for the board in Table 5 is 10 or more but less than 25, the number of additional members based on dispersal is 2.
- iv. If the dispersal factor set out for the board in Table 5 is 25 or more but less than 50, the number of additional members based on dispersal is 3.
- v. If the dispersal factor set out for the board in Table 5 is 50 or more, the number of additional members based on dispersal is 4.