



POLICY 230

Legal Action Fund

1.0 Policy Statement

To outline the transparent and equitable administration of the OPSBA Legal Action Fund for matters that have significant importance to OPSBA's member boards.

2.0 Objective

To establish a framework for OPSBA to take, or participate in, legal action on matters pertaining to the protection of the province-wide interests of public education and member boards.

3.0 Scope

3.1 *Assessment Criteria*

Each case will be assessed using the following criteria, at a minimum:

- i. Determining the provincial significance of the matter
- ii. Assessing the quality of the facts of the situation
- iii. Assessing the likelihood of success
- iv. Determining appropriate action(s)/next steps which could include;
 - a) legal action
 - b) intervener status
 - c) financial support to a member board(s) involved in legal proceedings that have been determined to have provincial significance
 - d) legal opinions or advice to determine OPSBA involvement
 - e) moral support to the requester
- v. Assessing the potential cost(s) of any action
- vi. Assessing the financial implications to the fund
- vii. Considering potential allies who might be partners in the financing or otherwise providing support to a legal action

3.2 *Limitations*

The OPSBA Legal Action fund will not be used for:

- i. The sole significance to an individual member board or trustee from a member board
- ii. The defense of individual trustees from a member board in matters of conflict of interest, code of conduct, or matters of a criminal nature

3.3 Funding

The OPSBA Legal Action Fund will not be capped. Additional funds may be allocated to the fund, subject to approval of the Board of Directors.

4.0 Responsibilities

- 4.1 The Board of Directors will;
 - a) Approve all requests and recommendations regarding the use and/or administration of the OPSBA Legal Action Fund
 - b) Take into consideration the Assessment Criteria and Scope when considering approval requests

- 4.2 Executive Council will;
 - a) Review all requests to use the OPSBA Legal Action Fund and present a recommendation for consideration to the Board of Directors

- 4.3 The Executive Director will;
 - a) Act as a resource to member boards who are considering submitting a request to use the OPSBA Legal Action Fund
 - b) Ensure approved requests are administered in accordance with this policy and direction of the Board of Directors
 - c) Request that the OPSBA Legal Action Fund be used for a matter that has significant impact on member boards in Ontario
 - d) Report amount of funds contained in the OPSBA Legal Action Fund each year as part of the annual budget approval process
 - e) Recommend if additional monies need to be added to the OPSBA Legal Action Fund and associated funding source(s) for those additional monies

- 4.4 Member boards may;
 - a) Request that the OPSBA Legal Action Fund be used for a matter that has significant impact to public education in Ontario

5.0 Definitions

- 5.1 *Member boards* include all English-public school boards, school authorities, and treatment school authorities that are members of OPSBA. More information can be found in Section 3.02, Member Boards the OPSBA Constitution and By-Laws.

6.0 Reference Documents

- 6.1 [OPSBA Constitution and By-Law](#)

7.0 History and Review

7.1 Approved: November 2023

7.2 Recommended next review: 2027