



ANNAPOLIS VALLEY
REGIONAL SCHOOL BOARD

BOARD BY-LAWS

Revised: December 1, 2010

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Mission, Vision, Guiding Principles and Belief Statements

Vision

Working Together for Students

Mission

To create a supportive, student-centred environment, where each student succeeds and all educational partners are respected and valued.

The Annapolis Valley Regional School Board has established the following Guiding Principles and supporting Belief Statements which add clarity to the Vision and Mission:

Students First

- We believe in decisions made in the best interest of students.
- We believe in equitable education that meets the needs of each student.

Focus on Learning

- We believe in developing life-long learners.
- We believe students should be involved in a variety of meaningful learning experiences.

Positive Environment

- We believe in a safe and caring environment for students and staff.
- We believe in an environment where students and staff feel respected and valued.

Respect for Diversity

- We believe in an educational environment that respects diversity.
- We believe in effective, appropriate programs and services for all learners.

Collaboration, Partnerships and Cooperation

- We believe in the collaborative engagement of staff.
- We believe in student, parent/guardian and community involvement and partnerships.

* * * * *

Code of Ethics

Code of Ethics Supplements Law:

(1) This *Code of Ethics* operates along with and as a supplement to existing Provincial statutes governing the conduct of school board members, including all of the following: the *Education Act*; the *Municipal Conflict of Interest Act*; the *Municipal Elections Act*; the *Freedom of Information and Protection of Privacy Act*,

(2) The *Criminal Code* (Canada) also governs the conduct of school board members.

I will be motivated by an earnest desire to serve the students of the Annapolis Valley Regional School Board and represent the entire community and the best interests of all the schools in the region.

I will recognize that authority rests with the Board in legal and public session and not with individual members of the Board.

I will observe the by-laws, rules of order, policies and regulations of the Board and the laws and regulations governing education in Nova Scotia.

I will respect and share the responsibility for all decisions of the Board. I will voice a minority viewpoint in the public only as a personal, not as a Board, opinion.

I will endeavour to attend all Board meetings and the committee meetings to which appointed. I will notify the Board or committee chairperson as early as possible if unable to attend a Board/committee meeting.

I will prepare carefully before each Board/committee meeting so that when speaking from the floor, comments will be concise, organized and clear. I will devote time, thought and study to proposed Board actions. I will consider alternative solutions to problems, and learn and practice the art of compromise.

I will recognize that the expenditure of education funding is a public trust and endeavour to see that all such money is expended efficiently, economically and fairly in the best interests of the students and the school system.

I will encourage full and open discussion with fellow members of the Board. I will listen carefully, and with courtesy, when other members have the floor and are speaking during Board/committee meetings. I will show respect for others in my verbal and non-verbal language and work with fellow board and staff members in a spirit of cooperation, regardless of personal differences of opinion, treating all with courtesy and respect and encouraging the free exchange of diverse views. I will not withhold or conceal any information or matter in which they should be concerned.

I will not pursue any procedure calculated to embarrass another board or staff member. I will not make disparaging remarks in or out of Board/committee meetings about other board or staff members or their opinions; but reserve the right to make honest and respectful criticism of board or staff members' ideas and opinions.

I will accept the fact that personal disagreements are bound to arise from time to time and that they should be worked through, in private, between the board members.

I will encourage ideas and opinions from students, staff, parents and the public at large. I will endeavour to incorporate these views into my decisions and positions whenever possible.

I will confine Board action to policy-making, planning, public relations and evaluation. I will recognize it is the Superintendent of Schools who is responsible for day-to-day administration of the school system. I will support the Superintendent of Schools and give him/her wise and constructive counsel and advice and do all possible to ensure he/she is effectual in his/her position.

I will encourage any parent/guardian or member of the public who has a school concern to first contact the appropriate teacher or principal for resolution. If there is no resolution, I will advise her/him to refer the concern to the Superintendent of Schools for appropriate action. I will refer all other system complaints which are not related to a particular school to the appropriate Director or Superintendent of Schools for resolution.

I will respect the strict confidentiality of any private information acquired by virtue of my office, in either oral or written form, when serving as a board member and when I cease to be a board member and will not do any of the following except when required by law or authorized by the school board to do so:

(a) disclose the information by any means to any person other than another member of the school board or managerial/confidential staff.

(b) use the information for personal or other gain.

“Private information” includes all of the following:

(a) information in the possession of the school board or a school board member that the school board or the school board member is either prohibited from disclosing or is required to refuse to disclose under the *Freedom of Information and Protection of Privacy Act* or other legislation, including personal information and information that is supplied in confidence as those terms are used in the *Freedom of Information and Protection of Privacy Act*, or

(b) information relating to the content or the substance of deliberations of any matter that will be discussed or has been discussed at a private meeting held under subsection 59(3) of the *Education Act*, unless the information has been discussed at a meeting that was open to the public or the information has been released to the public.

Breach of Code

If any board member feels that another member has violated the *Code of Ethics*, the board member shall review the incident with the Chair. The Chair shall then decide the course of action to try to resolve the concern raised. If the board member is not satisfied with the Chair's resolution to the concern raised, the board member has the right to bring the matter to the attention of the entire Board at a private session, to be dealt with at the earliest practical opportunity.

The Board considers the appointment of board members to serve on standing, special or ad hoc committees of the Board as a privilege conferred by the Board. The Board retains the right to remove from a committee any board member, who in the opinion of the Board, breaches the board members' *Code of Ethics*.

Furthermore, the Board has the right to take the following actions contained in the *Education Act*, when in the opinion of the Board, a member breaches the board members' *Code of Ethics*:

52A (1) Where a school board determines that a member has not complied with the school board's code of ethics, the school board may censure a member of the school board by

(a) issuing a public reprimand by motion at an open meeting of the school board;

(b) revoking the member's right to sit as a member for one to three months;

(c) suspending the member from the school board, including the suspension of all the member's rights, duties and privileges as a member of the school board, for from one to three months;

(d) recommending to the Minister that the member's seat be vacated.

(2) Where a member of a school board is censured pursuant to this Section, the member may appeal to a single adjudicator appointed by the Minister and the adjudicator may set aside or vary the censure as the adjudicator considers appropriate. 2008, c. 54, s.6.

52B (1) Where pursuant to Section 52A the school board recommends to the Minister that the seat of a member of the school board be vacated, the Minister may, vacate the member's seat.

(2) Where an appeal pursuant to subsection 52A(2) is in respect of censure pursuant to clause 52A(1)(d), no action to fill the vacancy may be taken before the adjudicator has rendered a decision and notified the Minister, the school board and the member of the decision. [See BL 3.08 and 7.17]

(3) Where the Minister considers it necessary for a member of a school board to be censured and the school board fails to censure the member or to censure the member appropriately, the Minister may

(a) direct the school board to censure the member pursuant to clause 52A (1)(a), (b) or (c) as the Minister considers appropriate; or

(b) vacate the member's seat.

(4) Where the Minister directs a school board to censure a member pursuant to clause (3)(a), the school board shall comply with the Minister's direction. 2008, c. 54, s. 6.

A board member who has breached the confidentiality of privileged and/or private information shall also be subject to removal from private sessions and from receiving confidential material for such length of time as the Board appropriately determines.



School Board Member Oath of Office

I, _____ affirm

- that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or reigning sovereign)
- that I am not disqualified under any law from being a member of the Annapolis Valley Regional School Board; and if I become disqualified during my term of office, I will forthwith notify the secretary of the Annapolis Valley Regional School Board
- that I will truly, faithfully, impartially and to the best of my ability execute the duties of the office of school board member
- that I have not received, and I will not receive, any payment or reward or promise of payment or reward for the exercise of any partiality or other undue execution of the duties of my office as a school board member
- that I will disclose any pecuniary interest, direct or indirect, as required by and in accordance with the *Municipal Conflict of Interest Act*
- that I will abide by and duly observe the provisions of the code of ethics and the procedural by-laws adopted by the Annapolis Valley Regional School Board

Affirmed at _____

in the County of _____

this _____ day of _____ 20____, before me

Justice of the Peace

Board Member



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* References: **BL** = By-laws; **EA** = Education Act; **KK** = Kerr.King Procedures for Meetings; **MCIA** = Municipal Conflict of Interest Act

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The operation and responsibilities of a regional school board are governed by the *Education Act (EA)* and the *Regulations* made under that *Act*, all as amended from time to time. The Board By-laws supplement the provisions of the *Act* and the *Regulations*. To know what a regional school board and its members can or must do, you must read the *Acts* and *Regulations* that apply, as well as the Board By-laws.

- 19. **REFERENCES AND RECORD OF AMENDMENTS**

1. DEFINITIONS

In these By-laws, unless the context otherwise requires:

- a) **ADJUDICATOR** means an adjudicator appointed to hear an appeal from a decision of a school board to censure a member.
- b) **APPEAL** means an appeal to an adjudicator made under Section 52A (2) of the *Education Act*.
- c) **BL** means these By-laws.
- d) **BOARD** means the Annapolis Valley Regional School Board.
- e) **BY-LAWS** means these By-laws.
- f) **CHAIR** means the Chair of the Board.
- g) **EA** means the *Education Act*.
- h) **IN CAMERA** means when the Board moves into a private session during a public meeting to discuss sensitive/confidential issues. No minutes are taken or motions made during an in camera session.
- i) **KK** means Kerr.King (authors of *Procedures for Meetings and Organizations*, Third Edition). References denoted only by page and section number refer to Kerr.King.
- j) **MEMBER** means a member of the Board.
- k) **MCIA** means *Municipal Conflict of Interest Act*.
- l) **PRIVATE MEETING** of the Board may be held to discuss issues involving individual students, personnel matters or other confidential information. See *Education Act*, Section 59 (3).
- m) **QUORUM** means a majority of the Board's members serving at the time.
- n) **SECRETARY** means the Secretary of the Board.
- o) **STIPENDS REPORT** refers to the report issued every four years by the Department of Education which sets out the stipends for Board members, Chair and Vice Chair, along with the conference allowance, travel allowance and per diem maximum for meals. See *Education Act*, Section 54 (2). (The current Stipends Report is attached to these By-laws as Appendix A.)
- p) **SUPERINTENDENT** means the Superintendent of Schools for the Board.
- q) **VICE CHAIR** means the Vice Chair of the Board.

Other relevant definitions are found in the *Education Act*, Section 3 and in Section 2 of the Governor in Council Education Act Regulations of the *Education Act*.

2. BOARD

The Board (as the body comprised of its elected members) will carry out its duties in accordance with the provisions of the *Education Act*.

3. MEMBERS¹

3.01 Responsibilities of Board Members

Board members shall:

¹ See also ss. 46, 50, 51, 52 and 54 of the *Education Act* and the *Municipal Conflict of Interest Act* (MCIA)

- a) Act in accordance with the School Board Members' Oath of Office and the AVRSB's Code of Ethics.
- b) Act with prudence in all financial matters of the Board including Board members' expenses.
- c) Prepare for Board or committee meetings by carefully reviewing all materials sent to them in advance of Board or committee meetings.
- d) Notify the Chair or the Superintendent of issues that may arise during the course of upcoming meetings so that surprises can be avoided and background information prepared in advance of the meeting(s).
- e) Be familiar with the Board's by-laws, policies and procedures.
- f) Participate in discussions at Board meetings.
- g) Assist in the debate during meetings by:
 - i) addressing all remarks to the Chair and identifying themselves, particularly in large infrequently convened assemblies
 - ii) confining their remarks strictly to the motion under consideration
 - iii) stating their positions clearly, and succinctly without being repetitious
 - iv) maintaining an impersonal tone and avoiding personal comments
 - v) drawing to the attention of the presiding officer a lack of quorum making an appeal to correct any improper procedure or to alleviate a detrimental situation
- h) Contribute his/her fair share to the activities of the Board.
- i) Promote the Board and its achievements to their regional community.
- j) Strive to improve his/her performance as an elected member through self learning and professional development initiatives.

3.02 Remuneration

- a) For the purpose of this Section, "year" means the 12-month period commencing on the date the member takes the Oath of Office and the first, second and third anniversaries thereof. In the case of Chair and Vice Chair, "year" means the period commencing on the date the Chair and Vice Chair are officially sworn into office and until the next annual meeting of the Board.
- b) For carrying out their duties, including attendance at meetings of the Board and the committees thereof, each member, Chair and Vice Chair of the Board shall be paid a stipend in accordance with the current Stipends Report, by equal monthly installments (less all deductions required by law).
- c) Board members shall be reimbursed metrage expenses, at a rate set by the Province, for the following:
 - i) to and from Board/special meetings
 - ii) to and from all committees of the Board (whether a voting member on the committee or attending as an observer)
 - iii) to and from school and Board-organized meetings/events (i.e. PTAs; SACs; Home and School Association meetings) when attending as a Board member
 - iv) to and from other meetings and events when asked by the Board.

- d) Chair, Vice Chair and members shall receive reimbursement for meal expenses, (taxes and gratuity included), incurred during the periods when they are conducting business on behalf of the Board, up to the per diem indicated in the Stipends Report.
- e) Meal expenses must be supported by receipts. Exceptions: In the event that a receipt was not available or lost, the Board member may be reimbursed up to the per diem indicated in the Stipends Report. Meal expenses in excess of the levels noted in the Stipends Report, where the circumstances are judged to be within the bounds of prudence, shall be approved by the Board Executive.
- f) Hotel accommodations and meal expenses shall be covered when Board members are attending Board/committee meetings and it is too dangerous to drive home due to weather conditions and/or when it is safer to stay overnight due to late Board/committee meetings.
- g) Board member's expenses are to be submitted for reimbursement on a monthly basis during the school year. Board members shall claim all expenses within the fiscal year in which they occur; therefore, all claims must be received by April 2nd.
- h) The Board Executive Committee shall approve all Board members' expenses. The Board Executive Committee shall have the discretion to disallow metrage that in their judgment is not incurred in the performance of a member's duties.
- i) If a Board member is unsure if an expense is eligible for reimbursement, they should seek clarification prior to attending the event.
- j) At its Annual Meeting, the Board shall pass a motion indicating that one-third of all remuneration paid to Annapolis Valley Regional School Board members in the current year shall be designated as a non-taxable expense allowance.

3.03 Equipment Provisions and Other Eligible Expenses

- a) The Board will supply Board members with the following equipment necessary to carry out their school board responsibilities while they are active members. (Exception: Board members may choose to use their own equipment):
 - i) a laptop computer and a mouse
 - ii) an internet service plan; if the member does not already subscribe to a plan at their primary residence
 - iii) a printer/fax machine and supplies
 - iv) a fax line
 - v) a shredder
- b) Board members are asked to use their Board-provided fax line for long distance telephone calls made while performing their school board responsibilities to avoid incurring long distance telephone charges. Board members shall receive reimbursement for long distance telephone charges claimed while performing their school board responsibilities in circumstances where it is unavoidable to incur long distance telephone charges (e.g. while travelling or beyond the limits of the member's residential long distance telephone plan).

3.04 Conflict of Interest MCIA

a) Governed by *Municipal Conflict of Interest Act*

School Board members are governed by the conflict of interest provisions of the *Municipal Conflict of Interest Act*, (MCIA).

b) Member Has Direct/Indirect Pecuniary InterestMCIA 6(1b ii)

Where a member, either on the member's own behalf or while acting for, by, with or through another, has any direct or indirect pecuniary interest in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member shall:

- i) as soon as practicable after the commencement of the meeting disclose the interest and the general nature thereof;
- ii) withdraw from his/her place as member and
 1. in the case of a closed meeting, leave the room in which the meeting is held for the duration of the consideration of the matter, and
 2. in the case of a meeting that is open to the public, either leave the room in which the meeting is held or remain in that part of the room set aside for the general public for the duration of the consideration of the matter;
- iii) refrain from taking any part in the consideration or discussion of the matter and from voting on any question relating to the matter; and
- iv) refrain from attempting in any way, whether before, during or after the meeting, to influence the decision of the council or local board with respect to the matter.

c) Member Not Present at Meeting but Has Direct/Indirect Pecuniary Interest MCIA 6(2)

Where the member was not present at a meeting at which a matter in which the member, either on the member's own behalf or while acting for, by, with or through another, has any direct or indirect pecuniary interest was the subject of consideration, the member shall disclose the interest at the next meeting the member attends, and the provisions of By-laws 3.04 b) ii) 2, shall apply to the member in respect of the matter.

d) Where Intent to Obtain Pecuniary Interest

These conflict of interest procedures shall apply in respect of any matter in which the member intends to obtain a pecuniary interest, either on the member's own behalf or while acting for, by, with or through another.

e) Declaration of Interest to Be Recorded in Minutes

Every declaration of interest and the general nature thereof disclosed pursuant to the *MCIA* shall be recorded in the minutes of the meeting by the Secretary of the Board, or secretary of a board committee as the case may be.

f) Board Shall Keep Central Record of Disclosure

The board shall keep a central record of disclosure, which shall be open to inspection by any elector without fee at all reasonable times.

g) Disclosure of Interest to be Recorded in Central Record

The person acting as secretary of any meeting, or the chair of the meeting if there is not a secretary, shall record every disclosure of interest and the general nature thereof in a central record of disclosure.

3.05 Attendance

- a) At each regular meeting of the Board, the Secretary will keep a record of attendance of all members. The Secretary will bring forward regrets received from each absent member and the member(s) shall be recorded as 'absent with regret' in the minutes. If the absent member(s) does not provide regrets or an excuse, the Chair shall direct that a notation to that effect be made in the minutes and the member(s) shall be noted as 'absent'.
- b) Where a member fails to attend three consecutive regular meetings of the school board without reasonable excuse satisfactory to the school board, the school board shall declare the seat of that member vacant. The member thereupon ceases to be a member of the school board and the school board shall seek to fill the member's seat in accordance with the *Education Act* 51A (1)(2)(3).
- c) 3.05 b) does not apply for non-attendance because of an inability to attend a meeting of a school board because of censure pursuant to clause 52A (1)(b) or (c) of the *Education Act*.

3.06 Members' Contact Information

Each member of the Board shall notify the Secretary in writing of his/her contact information for the receipt of all notices or communications. Until other contact information is received by the Secretary, a notice of meeting or other communication phoned, transmitted, delivered or mailed to the member at his/her residence shall be sufficiently given.

3.07 Code of Ethics

All school board members shall at all times comply with the Code of Ethics adopted by the Board and in accordance with the *Education Act*. [See BL page ii]

3.08 Member's Appeal of Censure

- a) A member making an appeal must deliver a notice of appeal in writing to both the school board and the Minister no later than 20 days after the date of the school board decision to censure.
- b) On receiving a notice of appeal under subsection a), the Minister must appoint an adjudicator who is a practicing member, in good standing, of the Nova Scotia Barristers' Society to hear the appeal.
- c) An adjudicator must be paid any remuneration and reimbursement of expenses the Minister determines.
- d) During the hearing of an appeal, an adjudicator must give both the school board and the member who has been censured an opportunity to be heard.

- e) An adjudicator must sign their decision and deliver a copy of the decision and the reasons for the decision to all of the following no later than 30 days after the last day of the appeal hearing:
 - (i) the member who appealed the censure;
 - (ii) the school board;
 - (iii) the Minister.

4. CHAIR AND VICE CHAIR EA 55, 59, 60

4.01 Election of Chair and Vice Chair

- a) The members of a school board shall, at the first meeting of the school board after an election, and annually thereafter until the next election, elect a Chair and a Vice Chair among the members.
- b) The Vice Chair shall perform the functions of the Chair in the event of the absence or incapacity of the Chair. [See EA 55(6) and 60(2)]
- c) The term of office of the Chair and of the Vice Chair is one year and they may be re-elected.
- d) The Superintendent shall preside at the first meeting of the school board until the Chair of the Board is elected, unless a temporary Chair is appointed by the members.
- e) For greater certainty, the Superintendent shall not preside at more than one meeting of the school board.
- f) The Board shall, if a Chair is not elected, choose a temporary Chair to preside over the meetings of the Board until a Chair is elected or appointed.
- g) Where a majority of the members do not agree upon the choice of a Chair, the Governor in Council (Lieutenant Governor, on advice of Cabinet) shall appoint a Chair from among the members.
- h) The election of the Chair shall be completed prior to commencing the procedure for the election of a Vice Chair.

4.02 Election of ChairEA 55, 59(2)

- a) Nominations for the position of Chair shall be received by the Superintendent through a secret ballot process at a Board meeting (i.e. each member will anonymously write down the name of a candidate for Chair on a piece of paper); the nominees must consent to their nomination in order for their names to stand for election. Members who are not present at the Board meeting during the secret ballot process will be allowed to have their names stand for nomination in absentia provided the Board Secretary has received an original letter signed by the Board member or an email sent from the Board member stating his/her wish to have his/her name stand for the Chair position for the specific meeting for which it is intended.
- b) Once the nominations are made and the nominees have consented to serve if elected, a vote shall be conducted by secret ballot by the Superintendent.
- c) The member receiving the majority (50% plus one) of the votes cast shall be declared elected.

- d) If more than two members are nominated and no member receives a majority of the votes cast on the first ballot, the name of the member receiving the least number of votes shall be dropped and the members shall vote again, and so on until either a member receives a majority or there is a tie.
- e) In the event of a tie on any ballot, the Board shall vote again among the candidates who are tied. If there are three or more names on the ballot and the bottom two candidates tie, there shall be a run-off vote between the bottom two candidates, to determine who will proceed to the next round of voting for the office of Chair. If the result of that ballot is also tied, the tied candidates shall be given an opportunity to address the Board, for a maximum of two minutes, followed by another vote among the candidates who are tied. If the result of that ballot is also tied, the Superintendent shall so advise the Governor in Council.

4.03 Election of Vice Chair.....EA 55, 56, 59(2)

- a) Once the Chair is elected or a temporary Chair chosen to preside over the meetings of the school board until a Chair is elected or appointed, (or appointed by the Governor in Council), the following procedure will be followed for the election of Vice Chair.
- b) Nominations for the position of Vice Chair shall be received by the Chair through a secret ballot process at a Board meeting (i.e. each member will anonymously write down the name of a candidate for Vice Chair on a piece of paper); the nominees must consent to their nomination in order for their names to stand for election. Members who are not present at the Board meeting during the secret ballot process will be allowed to have their names stand for nomination in absentia provided the Board Secretary has received an original letter signed by the Board member or an email sent from the Board member stating his/her wish to have his/her name stand for the Vice Chair position for the specific meeting for which it is intended.
- c) Once the nominations are made and the nominees have consented to serve if elected, a vote shall be conducted by secret ballot by the Chair.
- d) The member receiving the majority (50% plus one) of the votes cast shall be declared elected.
- e) If more than two members are nominated and no member receives a majority of the votes cast on the first ballot, the name of the member receiving the least number of votes shall be dropped and the members shall vote again, and so on until either a member receives a majority or there is a tie.
- f) In the event of a tie on any ballot, the Board shall vote again among the candidates who are tied. If there are three or more names on the ballot and the bottom two candidates tie, there shall be a run off vote between the bottom two candidates, to determine who will proceed to the next round of voting for the office of Vice Chair.
- g) If the result of that ballot is also tied, the names of the two remaining candidates who are tied will be placed in a receptacle and the first name drawn by the Chair will be elected the Vice Chair.

4.04 Responsibilities of the Chair

- a) The Chair will carry out his/her duties in accordance with the *Education Act, Section 55, School Board Meetings*.

- b) The Chair will preside at all meetings of the school board. During the temporary absence of the Chair, the Vice Chair shall preside or; if neither is present, the school board may appoint a person from among the members present to preside at the meeting. [See EA 60 (1) and (2)]
- c) The Chair will call and chair meetings of the board in a manner which has been agreed to by the Board, through the Board's By-laws.
- d) The Chair will carefully review the Board agenda and supporting documents for Board meetings, before distribution, ensuring that the information needed for rational debate and sound decision making is available to Board members.
- e) The Chair will conduct the Board meeting from a well-prepared agenda with which he/she is completely familiar.
- f) Matters that the Chair considers to be of grave significance to the quality of education delivered in the Board's system or issues that the Chair considers to have potentially serious public relations implications for the Board will be brought to the Board's attention, either for action or information as appropriate.
- g) The Chair will ensure that the evaluation of the Superintendent is carried out annually in accordance with Board procedures. [See EA 64 (2) (m)]
- h) The Chair will endeavour to provide an atmosphere at Board meetings to permit full, important, relevant discussion so that the Board's decisions will be reached with Board members having the benefit of all the information.
- i) The Chair will encourage each Board member to actively participate in discussions at board meetings.
- j) The Chair will encourage each Board member to contribute his or her fair share to the activities of the Board.
- k) The Chair will endeavour to keep well informed on educational issues which arise between meetings of the Board.
- l) The Chair will provide opportunities, on a periodic basis, for the Superintendent and the Board to discuss informally and privately, matters affecting the governance of education within the Board's system.
- m) The Chair will endeavour to ensure relationships and communication among Board members and staff are kept on a positive level and flow through the appropriate channels.
- n) The Chair will consult frequently with the Vice Chair in keeping him/her informed on educational issues before the Board as the Vice Chair may have to fill in for the Chair at a moment's notice.
- o) The Chair, or his/her designate, will represent the Board at school and Board-related functions, (i.e. government and or school-board-related meetings, workshops or speaking engagements, etc.) when his/her scheduling permits, with metrage, hotel and meal expenses for attendance at these functions covered by the Board if such expenses are not covered by the organization/government agency that extends the invitation.

- p) On controversial issues, the Chair will, to the extent possible, endeavour to obtain and reflect in any public comments the Board's position on such issues. As a general rule, public comments by the Chair should be consistent with school board policies or decisions relating to the matter(s) at issue.
- q) The Chair will endeavour to keep Board members informed as much as possible when representing the Board at government/other organizational meetings.
- r) The Chair is encouraged to participate in professional development opportunities that will help keep him/her informed on provincial and national issues affecting public education and school boards.
- s) The Chair will encourage Board members' participation in professional development opportunities which will help keep all Board members informed on educational issues that are of importance to the Board's decision-making process.

4.05 Responsibilities of the Vice ChairEA 60 (2), 55 (6)

- a) The Vice Chair will carry out his/her duties in accordance with the *Education Act, Section 55, School Board Meetings*.
- b) During the temporary absence of the Chair, the Vice Chair shall preside or, if neither is present, the school board may appoint a person from among the members present to preside at the meeting. [See EA 60 (2)]
- c) The Vice Chair will be expected to carry out the functions and responsibilities of the Chair in the absence of the Chair or incapacity of the Chair.
- d) The Vice Chair will be expected to remain up to date on educational issues affecting the Board in order to effectively assume the role of the Chair when called upon to do so.
- e) The Vice Chair, in consultation with the Chair, and when his/her schedule permits, will assist the Chair in the sharing of duties at board-related school/public speaking engagements.
- f) The Vice Chair is encouraged to participate in professional development opportunities that will help keep him/her informed on provincial and national issues.
- g) The Vice Chair will be the Chair of the Board's Planning and Priorities Committee.
- h) The Vice Chair will chair meetings of the Committee-of-the-Whole.

5. MEETINGS OF THE BOARDEA 55-60

5.01 Regular Board MeetingsEA 58(1) (a)

a) Regular Board Meeting Schedule

Regular meetings of the Board will be normally held the first Wednesday of each month in the Board Room, 2nd Floor, School Board Office, Berwick. During the months of January, February and March, the Board schedules the 2nd Wednesday of these months as alternate regular Board meeting dates should the regularly

scheduled Board meetings be cancelled due to inclement weather or insufficient quorum. The regular Board meetings scheduled for May and October may be held off site, at the Board's discretion, if invited. Regular Board meetings shall be held only as required during the months of July and August.

b) Commencement and Adjournment of Regular Board Meetings

Regular Board meetings normally commence at 7:00 p.m. to a maximum of 10:00 p.m., unless a motion is put forth to extend the meeting beyond 10:00 p.m.

c) Notice for Regular Meetings of the Board

The Secretary shall give at least three days' notice to all members for regular meetings of the Board by emailing, mailing, phoning, transmitting or delivering to them a copy of the proposed agenda for such meeting, together with such related materials as the Chair may direct. Correspondence may be received and included until the Board meeting at the discretion of the Chair.

5.02 Special Board Meetings

- a) The Chair may call a special meeting of the Board at any time to deal with urgent or timely matters and shall call a special meeting of the Board upon receipt of the written request of at least five members.
- b) The Secretary shall give notice to all members of the time, place and the purpose of a special meeting of the Board by emailing, mailing, phoning, transmitting or delivering the proposed agenda for such meeting, together with such related materials as the Chair may direct.
- c) A special meeting of the Board shall be convened as soon as is reasonably possible following completion of the above-described process for calling said meeting.
- d) The Chair shall determine time, place and date of said special meeting.
- e) The agenda of a special meeting of the Board shall be limited solely to the reason or reasons for calling said meeting unless changes to the agenda are in accordance with BL Section 7.02 (a) (b) or (c).

5.03 Waive of Notice of Regular and Special Board Meetings

- a) Notwithstanding the foregoing notice requirements, if all of the members are present at a meeting, notice of the time, place and purpose of that meeting may be waived.
- b) The Secretary shall inform the public of meetings of the Board.
- c) The accidental omission to give notice to any of the members or the non receipt of any such notice by any of the members shall not invalidate any resolution passed at any meeting.

5.04 Cancellation of Meetings

All possible measures will be taken to ensure Board members are informed in the event of the cancellation of a Board or committee meeting. Board and committee

meetings will automatically be cancelled in the event of a school storm day, unless members are notified otherwise.

6. PROCEEDINGS AT MEETINGS

6.01 Quorum..... EA 60(3) & KK p97, §81

- a) No business shall be conducted at a Board or Committee meeting unless a quorum is present. Subject to By-law 6.01 (a), a quorum being a majority of members serving at the time. [See EA 60 (3)]
- b) Under extenuating circumstances (e.g. health, severe weather, family circumstances), at the discretion of the Chair, up to two members may participate in a Board meeting as voting members by conference call, and shall be considered part of the quorum. [See KK p133, §109] The meeting shall not be chaired by a member participating by conference call.
- c) If a quorum ceases to be present during the course of a meeting, the meeting shall immediately terminate.
- d) If there is no quorum present within 30 minutes after the time appointed for the commencement of the meeting; or if during the course of the meeting a quorum ceases to be present, the Secretary of the meeting shall record the names of the members then present. No notes shall be kept with the exception of recording the date, time and place of the meeting, the names of members present and members who were absent.
- e) If a quorum is lost during a meeting, the Chair must direct that the school board stand in recess for 15 minutes, after which the Chair must call the meeting back to order and the Secretary must record the names of any members who fail to return to the meeting without meeting the requirements of By-law 7.30. [See EA, Ministerial Regulations, Section 74, Schedule D (3)]
- f) A school board member who leaves a meeting without meeting the requirements of By-law 7.30 must not be counted in the number of eligible voters to determine a quorum for the remainder of the meeting.
- g) If a quorum cannot be established 15 minutes after the school board recesses because of a loss in quorum, the Chair must adjourn the meeting.
- h) By consensus, two courses of action can be followed if there is no quorum within the time specified above or if quorum is lost during a meeting:
 - i) the Chair may dismiss the group, after ascertaining a suitably convenient time for a future meeting;
 - ii) the group may discuss any items of interest in an informal session, but make no decisions.
- i) The only business that can be transacted in the absence of a quorum is the setting of the date, time and place of the next meeting.
- j) A school board member who leaves a meeting early without meeting the requirements of By-law 7.30 is considered to be absent without reasonable excuse for the entire school board meeting and the absence is deemed to be an absence for the purposes of Section 52 of the *Education Act*.

6.02 Reduced Quorum Due to Conflict of Interest..... MCIA

- a) When a number of members present at a meeting of the Board declare a conflict of interest under the *Municipal Conflict of Interest Act* (MCIA), this may result in the Board losing quorum. (Note: With a 15-member Board, a quorum is eight members).
- b) The Chair shall announce and the Secretary shall record in the minutes that by reason of declared conflicts there is not a quorum present.
- c) The Chair shall then advise the Board that under MCIA 8 (1) in such circumstances a reduced quorum is possible, being greater of **one third of the Board, or two members thereof, which ever is the greater**. (Note: With a 15-member Board, a reduced quorum is five members).
- d) If there are sufficient members to meet the reduced quorum, the Board may continue with its deliberations and business relating to the item on which the member or members have declared a conflict.
- e) If the reduced quorum cannot be met, the Chair may adjourn the meeting or discuss two possible courses of action as follows:
 - i) the Chair may dismiss the group, after ascertaining a suitably convenient time for a future meeting [See BL 6.01];
 - ii) or, in what appears to be insoluble circumstances, refer to the Board Solicitor for advice on the necessity of a court application.
- f) As committees of the Board are ordinarily only advisory and are not normally legal or financial decision-making bodies, reduced quorum provisions of MCIA would rarely be invoked for Board committees.

As a matter of sound practice when committee quorum is lost, the committee adjourns deliberations to a date when more members are present. If quorum is again lost, the committee is to advise the school board that no consensus or decision can be achieved. The Board itself can therefore put the issue (or issues) on its Board agenda which the Committee has been unable to deal with due to loss of quorum.²

6.03 Order of Business - Regular Meetings KK p201, §168

The order of business for a regular meeting of the Board shall be:

- a) Call to Order, Singing of O Canada
- b) Approval of Agenda
 - i) Deletions
 - ii) Additions
- c) Approval of Minutes of Previous Meeting
- d) Public/Student Presentations
- e) Educational Presentation
- f) Business Arising from the Minutes
- g) Correspondence
- h) Superintendent's Report
- i) Board Chair's Report

² This situation could develop at committee level if a number of committee members declare a 'conflict of interest' on an issue on the agenda resulting in a loss of committee quorum. If this should be the case, the committee may then request the Board to include this item on the Board agenda, as the Board can invoke the provisions of MCIA, if required.

- j) Committees' Reports and Motions to be Brought Forward
- k) Regional Education Officer's Report
- l) Nova Scotia School Boards Association (NSSBA) Report
- m) New Business
- n) Date of Next Meeting
- o) Adjournment - may be extended by Board motion [See BL 5.01 b]
- p) Public Forum (15 minutes maximum)

6.04 Order of Business - Annual Meetings KK p90, §73

The order of business for the Annual Meeting of the Board shall be:

- a) Call to Order, Singing of O Canada
- b) Election of Chair
- c) Election of Vice Chair
- d) Election of Third Member of Board Executive [See BL 8.06 f) and 8.08 a) i)]
- e) Selection of Nominating Committee (five members to be chosen by Board)
- f) Annual Performance Report
- g) Review of Appointments of Solicitor and Auditor for the Board
- h) Non-Taxable Expense Allowance [See BL 3.02 h)]
- i) Approval of Agenda
 - i) Deletions
 - ii) Additions
- j) Approval of Minutes of Previous Meeting
- k) Business Arising from the Minutes
- l) Correspondence
- m) Superintendent's Report
- n) Board Chair's Report
- o) Committees' Reports and Motions to be Brought Forward
- p) Regional Education Officer's Report
- q) Nova Scotia School Boards Association (NSSBA) Report
- r) New Business
- s) Date of Next Meeting
- t) Adjournment - may be extended by Board motion [See BL 5.01 b)]
- u) Public Forum (15 minutes maximum)

6.05 Variation of Order of Business KK p202, §169

The Board may by motion at any time vary the order of business at any particular meeting.

6.06 Public or Private Nature of Meetings..... EA 59 (1-44) & KK p127, §103

- a) All meetings of the Board shall be open to the public.
- b) Notwithstanding By-law 6.06 (a), and in accordance with the *Education Act*, Section 59 (3) *a meeting, or part of a meeting of the Board, may be held in private for the purpose of considering issues involving individual students, personnel matters or other confidential information as determined by a majority of the members of the school board present.*
 - i) The Board may decide, by majority vote, to deal with any particular general topic or sensitive matter in confidence by moving into an (in camera) session to consider the matter.

- ii) The motion shall be properly moved, seconded and approved by the Board.
- iii) Such a motion is neither debatable nor amendable and requires approval by a majority of votes cast.
- iv) When the Board meets in private, the Board may not make any decision in private other than to revert to an open meeting. [EA 59 (4), 55, 58]
- v) The Chair of the Board shall chair private meetings of the Board.
- vi) After a confidential matter has been considered in an in camera session of the Board, the Chair of the meeting shall request a motion to rise from the in camera session and return to the main meeting which is open to the public. Such a motion is neither debatable nor amendable and requires approval by a majority of votes cast.
- viii) Minutes shall not be taken during an (in camera) session of the Board.
- ix) Immediately upon return to the public meeting, the Chair of the Board will recognize a spokesperson for the apparently prevailing point of view or, in the situation of uncertainty, the Vice Chair. If there is a motion to bring forth to the Board, the spokesperson or the Vice Chair will, if required, move a motion concerning the matter discussed in the in camera session, making every attempt to protect the confidentiality of the matter in the framing of the motion. Once the motion is seconded, the motion is neither debatable nor amendable and requires approval by a majority of votes cast.
- x) Unless required to disclose the information by a Court, no member shall disclose to any person, other than another member of the Board, the nature, substance or any detail of private and/or in camera proceedings. [See EA 74, Schedule D (5) (a) and BL Code of Ethics page ii]

7. BOARD MEETING PROCEDURES

A. Agenda

7.01 Approval of the Circulated Agenda KK p201, §168

After a meeting is called to order, the first order of business is normally the approval of the circulated agenda. This permits members to suggest changes in the proposed order and to propose that new items be added to the agenda. If a Board member wishes to add a new item to the circulated agenda, the appropriate procedure is to move an amendment to the motion to approve the circulated agenda.

After the amending motion has been seconded, the Chair must rule on whether the matter is a minor or routine item that can be dealt with under "New Business", or if it is a substantive issue for which proper notice should be given. In the first case, the item is simply listed under "New Business" and dealt with during that section of the meeting.

If the Chair declares that the proposed new agenda item is of a substantive nature, the motion to amend the motion to approve the agenda must be passed by a two-thirds' majority vote in order to safeguard the interests of those members who may be unavoidably absent from the meeting. Furthermore, if the By-laws provide that specific notice is required for the type of issue being proposed for addition to the circulated agenda, the item cannot be added but rather must be brought before the Board in accordance with the specified notice requirements.

An amendment to add a substantive item to the circulated agenda is debatable, and during the discussion the movers are expected to give convincing reasons why the matter cannot be held over until the next meeting. If this amendment is not approved, the matter may be discussed under “New Business”, if time permits, but no vote can be taken upon it.

7.02 Changes to the Circulated or Approved AgendaKK p202, §168,160,170

- a) **Approval of an amendment to add an urgent substantive item to the circulated agenda [KK §168]**
Approval of an amendment to add an urgent substantive item to the *circulated* agenda requires a two-thirds’ majority vote. Such amendments cannot be considered if the By-laws require specific notice of motion for the consideration of the proposed substantive items. Debate is restricted to the amendments.
- b) **To add a substantive item to the approved agenda [KK §170]**
An urgent substantive item can only be added to the *approved* agenda by the approval of the unanimous consent of members present. Debatable.
- c) **To change the order of the approved agenda [KK §169]**
After the agenda has been approved, the order of the items may still be changed by a two-thirds’ majority of votes cast for any subsequent changes to the order or timing of the approved agenda. Debate is restricted to the amendment to change the order of the items.

B. Motions

7.03 Motions KK p109, §91-95

- a) No business or matter shall be debated or voted upon, unless a motion in respect thereof has been moved and seconded.
- b) The Chair may require that any motion be reduced to writing by the mover and seconder before being debated.

7.04 Motions Possession of the BoardKK p103, §86(b)

After a motion has been moved and seconded, it belongs to the meeting, and its movers can only withdraw it by moving a procedural motion to withdraw the motion. Such a motion to withdraw requires the unanimous vote of those present. The withdrawal of a motion under these conditions is recorded in the minutes and is part of the proceedings of the meeting.

7.05 Motions During Debate KK p122, Table 3 & 4
Refer to Kerr.King for Procedure

7.06 Motion to Adjourn KK p210, §179
Refer to Kerr.King for Procedure

7.07 Motion to Defer to Another Stated Time..... KK p192, §156
Refer to Kerr.King for Procedure

7.08 Motion to Postpone Indefinitely..... KK p192, §157
Refer to Kerr.King for Procedure

- 7.09 **Motion to Postpone Temporarily (To Table)** KK p193, §158
Refer to Kerr.King for Procedure
- 7.10 **Motion to Refer to a Committee**..... KK p195, §160
Refer to Kerr.King for Procedure
- 7.11 **Motion to Withdraw a Substantive Motion** KK p194, §159
Refer to Kerr.King for Procedure
- 7.12 **Amendments** KK p114, §95
Refer to Kerr.King for Procedure
- 7.13 **Motion to Divide a Compound Motion**..... KK p189, §153
Refer to Kerr.King for Procedure
- 7.14 **Motion to Consider a Complex Motion Clause By Clause**..... KK p190, §154
Refer to Kerr.King for Procedure
- 7.15 **Motion to Reconsider** KK p110, §92 (b), p204, §172
Refer to Kerr.King for Procedure
- 7.16 **Resolution to be Read**.....KK p111, §92(a)

Any member may require the motion under discussion to be read for his or her information at any time, but not so as to interrupt a member when speaking.

- 7.17 **Motion to Censure a School Board Member**.....EA 74, Schedule D & KK p34, §29 (e), p184, §149
 - a) A motion to censure a school board member is a main motion that is debatable and amendable and requires a two-thirds' majority vote of all members of the school board, but the motion may not be reconsidered.
 - b) A motion to censure a school board member must be debated in camera and voted on in public.
 - c) A motion for censure must be in writing and signed by the members who moved and seconded the motion, and must include all of the following:
 - (i) a statement of:
 - (1) the alleged violation of the school board's Code of Ethics,
 - (2) the specific grounds for the allegation, and
 - (3) the proposed censure under subsection 52A (1) of the *Education Act*,
 - (ii) any supporting documentation.
 - d) To include a motion for censure on the agenda for a regular meeting, a school board member must submit the motion to the Secretary at least seven days before the date of the meeting.
 - e) The Secretary must deliver the motion forthwith to the school board member who is the subject of the motion for censure.
 - f) A school board member who is the subject of a motion for censure may provide a written response to the notice of motion and the Secretary must distribute the response to the other members of the school board before the regular meeting at which the motion is to be considered.

- g) A school board member who is the subject of a motion for censure has the right to speak to the motion when the motion for censure is under debate.
- h) During the debate of a motion for censure, a school board member may bring a motion to extend the time limits of debate that are otherwise prescribed for debates in a procedural by-law, and the motion requires a two-thirds' majority vote of all members present. [See BL 7.20]
- i) The Chair or the Vice Chair must relinquish the chair to another member of the school board in any of the following circumstances:
 - (i) when the Chair or the Vice Chair is the subject of a motion for censure;
 - (ii) to participate in the debate of a motion for censure.
- j) A school board member who is the subject of a motion for censure may vote on the motion.
- k) The presiding member must call a roll call vote (also known as a recorded vote) for a motion for censure.
- l) The minutes of a meeting at which a school board member is censured under the subsection 52A (1) of the *Education Act* must contain all of the following information:
 - (i) the full name of the school board member being censured;
 - (ii) the nature of the censure;
 - (iii) the reasons for the censure.

C. Debates

7.18 Orderly Conduct in Debate KK p123, §97, §102

(The following information on orderly conduct is taken from Kerr.King §102)

The debate is to be conducted in a harmonious manner. Both parties understand and fulfill their respective roles, which are summarized below:

- a) *Role of the Chair.* The Chair is responsible for safeguarding the debate by:
 - 1) recognizing members and determining the order of speakers;
 - 2) inviting the mover of a motion to initiate the debate and to present the closing argument on the question;
 - 3) ruling on whether proposed amendments or procedural motions are in order;
 - 4) ruling on appeals made to the Chair;
 - 5) maintaining an environment that is conducive for the expression of the views of the speakers without undue noise, hassle, or unnecessary interruptions;
 - 6) ensuring that the debate remains focused on the questions and, when necessary, intervening to restate the proposition or to direct a speaker to keep to the issue;
 - 7) ruling, when necessary, that speakers be limited to a specified time limit and that a member may not speak more than once to a question;
 - 8) encouraging, where possible, the presentation of opposing positions;
 - 9) allowing complete and adequate expression of views and putting the question to a vote when these have been aired sufficiently;
 - 10) informing the members of the type of vote required for a decision; and
 - 11) informing the meeting of the result of the vote.

- b) *Role of the Members.* Members are responsible for assisting the debate by:
 - 1) being familiar with the constitution and By-laws, the approved procedures for meetings and elections, and with the AVRSB's policies and practices;
 - 2) addressing all remarks to the Chair and identifying themselves, especially in large infrequently convened assemblies;
 - 3) confining their remarks strictly to the motion under consideration;
 - 4) stating their positions clearly, and succinctly without being repetitious;
 - 5) maintaining an impersonal tone and avoiding personal comments;
 - 6) drawing the attention of the Chair to a lack of a quorum;
 - 7) making an appeal to correct any improper procedure or to alleviate a detrimental situation.

7.19 Chair Decides Right to Speak..... KK p123, §98

Any member desiring to speak shall raise his or her hand and address the Chair. The Chair shall call the member by name and such member may then, but not before, proceed to speak.

7.20 Number and Length of Speeches KK p124, §99, 101

- a) Each member may speak twice on all motions, other than those classed as non-debatable. Except with leave of the Board, no member shall speak longer than five minutes in the first instance and two minutes in the second instance on the same motion.
- b) No member shall speak more than twice upon any motion, other than to obtain an explanation or to make a motion for a roll call vote (also known as a recorded vote), except the member who introduced the motion who shall have the privilege of closing the debate thereon.

7.21 Interruption of Speaker KK p213, §185
Refer to Kerr.King for Procedure

7.22 On a Point of Order KK p211, §181
Refer to Kerr.King for Procedure

7.23 Leave to Explain..... KK p211, §§180, 181

Any member may, with the permission of the Chair, have leave to explain a point of order or point of personal privilege prior to the vote being taken, but remarks so made shall be strictly confined to the explanation.

7.24 Chair to Decide Point of Order KK p103, §87 403, p211, §180, 181
Refer to Kerr.King for Procedure

7.25 From a Ruling of the Chair..... KK p214, §188
Refer to Kerr.King for Procedure

7.26 On a Point of Personal Privilege KK p212, §184
Refer to Kerr.King for Procedure

7.27 Violations of Order and Decorum EA 59(5)

- a) If any member uses insulting or improper language to the Chair or any member or any Board staff and refuses to apologize when so directed by the Chair, or willfully obstructs the conduct of business, and refuses to desist when called upon to do so by the Chair, he/she shall be ordered by the Chair to retire from the Board for the remainder of the meeting.
- b) Any member so removed, on making an apology to the Chair, and to any member or any Board staff insulted by him/her, may by a vote of the Board, be permitted to resume his or her place at such meeting.
- c) Any person interfering with the business of the Board, or acting in a disorderly manner may, upon the order of the Chair, be requested to be removed from the meeting by a police officer or other peace officer.

7.28 Questions and Replies

All questions asked and replies given to members shall be made through the Chair.

7.29 Visitors

No visitors shall be allowed to address the Board without special permission by a majority vote of the Board.

7.30 Member Leaving Meeting EarlyEA 74, Schedule D (1)

- a) A school board member must not leave a meeting without doing one of the following:
 - (i) informing the Chair or the Secretary before the meeting begins that they plan to leave early;
 - (ii) obtaining permission to leave early from the Chair during the meeting;
 - (iii) obtaining a resolution (motion) permitting them to leave early from the Board during the meeting.
- b) A school board member who leaves a meeting early without meeting the requirements of By-Law 7.30 a) is considered to be absent without reasonable excuse for the entire school board meeting and the absence is deemed to be an absence for the purposes of Section 52 of the *Education Act*. [See BL 6.01]

D. Voting

7.31 Putting Motion to Vote KK p105, §88, p187-188, §150,151

Before putting any motion to vote, the Chair shall re-state the motion and ask the Board if it is ready to vote on the motion.

7.32 No Debate After Vote is Called KK p113, §93, p187-189, §151,152

After any vote has been called for by the Chair on any question, no member shall speak on the question, nor shall any motion be made until after the result is declared, and the decision of the Chair, as to whether the question has been finally called for, shall be conclusive.

7.33 Decision of MotionKK p105, §88, p154, §126 (c)

Except for the election of the Chair and the Vice Chair, every motion shall be decided in the first instance by a show of hands; unless a member requests a recorded vote either by number (a show of hands) or by name (recording individual names).

7.34 All Members Must Vote EA 60(4)

- a) Every member who is present when any question is put to a vote, shall vote on that question unless excused by the Chair. No member shall be excused unless the member has declared an interest in accordance with the *Municipal Conflict of Interest Act* Sections 3, 4, 6 (1) (c), or he/she furnishes the Chair with satisfactory reasons for being excused before the Chair proceeds to put the question to a vote.

The right to be excused shall be decided by the Chair without debate. The ruling of the Chair may be appealed, and this is decided by a vote of the members. See KK p95, §79, p211, §180, p214,§188]

- b) A member who abstains from voting without being excused, shall be deemed to have voted in the negative.

7.35 Chair and Vice Chair Must Vote EA 60(5)

- a) The Chair has a right to vote on all questions for the school board and, in the event of a tie, the question voted on shall be deemed to be determined in the negative.

E. Notice of Motion

7.36 Motions Requiring Special Notice KK p88, §70

The circulated agenda will give Board members a sense of the types of motions that will be considered at their upcoming meeting. However, certain types of motions are so significant that they warrant a requirement for special notice, without which the motion(s) cannot be considered by the Board.

Motions for which special notices are required are:

- a) Amendments to By-laws or Code of Ethics (Amendments to Board By-laws will require a two-thirds' majority vote of school board members.) [See BL 17];
- b) Amendments to the Terms of Reference of a standing committee;
- c) Amendment or rescission (rescinding) of a previously approved motion;
- d) Renewal of a previously rejected motion;
- e) Motion to censure a school board member;
- f) Any other applicable type of motion listed in KK p88, §70.

7.37 Amendments to By-laws and Code of Ethics.....KK p88, §70, p184, §148

Amendments to an approved set of by-laws are treated as new substantive motions. Specific notice of the proposed new wording for the by-laws must be included with the agenda circulated for the meeting. These motions can be altered, by moving appropriate amendments of sub-amendments by majority vote of those present. The main motion, as amended, requires a two-thirds' majority vote of those present for approval.

7.38 Amendments to the Terms of Reference of a Standing Committee.....KK p58, §48

To prevent arbitrary changes being made to the Terms of Reference of a standing committee without the knowledge of the committee, specific notice of the proposed new Terms of Reference for a standing committee must be included in the agenda circulated for the Board meeting. Such a motion can be altered, by moving appropriate amendments and sub-amendments at the meeting.

7.39 Amendment of a Previously Approved Substantive MotionKK p181, §144
Refer to Kerr.King for Procedure

7.40 Rescinding of a Previously Approved Substantive Motion.....KK p181, §145
Refer to Kerr.King for Procedure

7.41 Renewal of a Previously Rejected Motion.....KK p180, §143
Refer to Kerr.King for Procedure

7.42 Motion to Censure a School Board Member.....EA 74, Schedule D

A motion to censure a school board member is a main motion that is debatable and amendable and requires a two-thirds' majority vote of all members of the school board, but the motion may not be reconsidered. [See BL 7.17]

8. COMMITTEES

A. Committee-of-the-Whole

8.01 Chair Calling a Committee-of-the-Whole.....KK p128, §105

- a) The Chair may call a Committee-of-the-Whole meeting at any time.
- b) The Secretary shall give notice to each of the members of the time, place and the purpose of the Committee-of-the-Whole meeting by mailing, phoning, transmitting or delivering the proposed agenda for such meeting, together with such related materials as the Chair may direct.

8.02 Motion to Consider a Matter in the Committee-of-the-Whole.....KK p207, §175

Notwithstanding By-law 8.01, when a Board has already begun a regular or special board meeting and considers it beneficial to discuss a particular matter or motion in a less formal procedure, the meeting should move into a Committee-of-the-Whole by approving an appropriate regulatory motion.

In accordance with By-law 4.05, the Vice Chair, or in his/her absence, such other member as the Board determines, will chair the Committee-of-the-Whole.

Such a motion is debatable only with respect to amendments, the latter being restricted to the stated person to chair the session if the Vice Chair is absent. Approval of the motion to consider a matter in Committee-of-the-Whole is by a majority of votes cast.

8.03 Motion to Rise and Report KK p207 §175

After a matter referred to the Committee-of-the-Whole has been considered to the satisfaction of the group, the Chair of the Committee-of-the-Whole session if applicable will invite a motion to rise from the Committee-of-the-Whole and report its recommendations to the main meeting. This motion is put to the vote without debate or amendment.

8.04 Motion to Concur with the Recommendations of the Committee-of-the-Whole KK p179, §142

Where the Board has held a Committee-of-the-Whole meeting during the course of a regular or special board meeting and after the motion to return to regular/special session has been approved, the usual presiding officer resumes the chair and immediately recognizes the person who chaired the Committee-of-the-Whole, who then moves a motion to concur with the recommendations made in the Committee-of-the-Whole.

Such a motion is typically framed as follows: “...that the meeting concur with the recommendations made in the Committee-of-the-Whole.” The motion is to be read out in full, and requires a seconder.

The motion to concur with the recommendations made by the Committee-of-the-Whole is not debatable, nor amendable. It cannot be divided into separate parts and is approved by a majority of votes cast.

8.05 Rules of Order as far as may be Applicable KK p127, §103

The Rules of Order of the Board including those for moving into a private session shall be observed in all meetings of the Committee-of-the-Whole, as far as may be applicable, except that no motions to record the vote, to limit the debate, or to adjourn the debate shall be in order. The number of times a Committee member may speak shall not be limited.

B. Establishment of Committees

8.06 Nomination of Members to Committees of the Board

- a) At the Annual Meeting to be held in November of each year, a Nominating Committee comprising of five members nominated from among the membership shall be established. [See EA 58 (1) (c), KK p169, §132]
- b) The Nominating Committee will annually recommend a slate of members for standing committees (except for Board Executive Committee [See BL 8.06 f]) and other special committees of the Board. It shall forward a copy of the

Nominating Committee Report to the members not later than five days prior to the meeting in which the report will be tabled.

- c) If there are not sufficient members who volunteer to serve on a standing committee to fill the minimum quorum of three members, the Nominating Committee has the power to fill a standing committee with sufficient members to constitute a quorum, even though a member (or members) may not have indicated the standing committee as his/her (their) choice.

Out of courtesy, the member who is placed on a standing committee that was not a choice of the member, will be contacted by a member of the Nominating Committee to see if he/she will allow his/her name to stand for nomination.

Members are encouraged to serve on a variety of standing committees in order to be knowledgeable on all aspects of the Board's operations.

- d) The Nominating Committee Report will be put as a single motion to which amendments may be made at the pleasure of the meeting. When the Board has dealt with the report, the Ad Hoc Nominating Committee will be dissolved by motion of the Board.

If the Nominating Committee Report is not approved by the Board, a new Nominating Committee will be struck to re-commence the nomination process as outlined in BL 8.06.

- e) Members appointed to standing committees hold office until the approval of a new slate of officers. In an election year, it may be necessary to suspend committees of the Board until Oaths of Office are taken by the newly-elected members.
- f) At the Annual Meeting, the Board shall elect the third member of the Board Executive Committee, by secret ballot. See BL 8.08 a) i) and 6.04 d)]

8.07 Standing Committees Bound by Their Terms of Reference..... KK p58, §48

- a) All standing committees are bound by their terms of reference. Refer to §48 (a) and (b) for statements that must be included in a terms of reference.
- b) Each year, after the Nominating Committee Report has been approved by the Board at its Annual Meeting in November, Committees shall review their Terms of Reference and recommend their approval to the Board at their earliest opportunity.
- c) Normally all committees of the Board are open to the public. However, there are occasions which arise when topics under discussion are of a confidential nature. When deemed appropriate by a committee of the Board, a private meeting of the committee may be held from time to time. [See BL 6.06]

8.08 Standing Committees..... KK p53, §44

a) Appointment of Standing Committees

- i) The Board may operate a Standing Committee System under its current governance structure and will determine the terms of reference and membership. Membership on standing committees shall not be less than three members and at its maximum shall be one less member than a quorum

of the Board, except for the Race Relations, Cross Cultural Understanding and Human Rights (RCH) Committee, which shall be seven, and the Board Executive Committee which shall be three (Board Chair, Board Vice Chair and one other Board member). [See BL 8.06]

- ii) Should there be a reduction in the number of Board members, resulting in a reduction in board quorum, current standing committee membership will not have to be reduced in order to remain below the new board quorum. Those appointed to committee membership at the start of the year remain in their positions, even if the number of Board members serving should dwindle. [See BL 8.06 (e)]
- iii) In accordance with a), the Board has determined it will have the following standing committees: Education, Finance and Audit, Operations, Human Resources and Planning and Priorities Committees which will meet normally each month (in summer, only as needed); a Board Executive Committee which will meet as the need arises and a Race Relations, Cross Cultural Understanding and Human Rights Committee which will meet at least four times a year. As noted in a), the Terms of Reference and membership for each standing committee will be determined by motion of the Board.
- iv) Additional standing committees may be determined by motion of the Board as the need arises. Additions or deletions of standing committees will require an amendment to the Board By-laws in accordance with By-law 17.
- v) No members shall be appointed or elected to a standing committee until after its terms of reference have been approved by passage of a motion by the Board. [See KK §48 (b)]
- vi) To prevent arbitrary changes being made without consultation with the committee, proper notice must be given to change the terms of reference of a standing committee, and this notice cannot be waived, even by a two-thirds' majority or unanimous vote of those present. [See KK §168, 170]
- vii) The Chair and Vice Chair will be ex-officio members of all standing committees (non-voting) on which they are not serving on as regular voting members.
- viii) Appropriate members of staff shall be assigned by the Superintendent to assist each standing committee.

b) Standing Committee Vacancies

- i) When the need arises to fill a standing committee vacancy due to death, disability, resignation from the Board or lapse in an appointment of a Board member, the new member elected or appointed to the Board will fill the appointment of the former member whom the new member succeeds.
- ii) Should there be a lapse or delay in the appointment of a new member to the Board, the Board will keep indefinitely one committee membership position open that may be of special interest to the new member, (i.e. RCH) and at least one other position. However, the Board may fill these two positions on a temporary basis until the appointment of the new member to the committee. In this way, when the new member is appointed, he/she will be able to serve on one committee of presumed special interest and at least one other committee. This will ensure the new or late-coming member has a workload comparable to other members and an opportunity to learn, contribute and influence through at least one other committee.

8.09 Ad Hoc Committees KK p56, §46

- a) Ad hoc committees are special task, short-term committees, which may be established by the Board or by any standing committee, by passage of an appropriate motion.
- b) The Board may from time to time by motion establish such ad hoc committees as it determines to be necessary.
- c) The purpose, membership, reporting requirements, and timeframe for completion of the assigned task of an ad hoc committee shall be decided at its inception prior to the appointment of members to the committee.
- d) Ad hoc committees may be classified according to the purpose for which they are established: namely Discussion Committees; Working Committees or Combination Committees. [See KK §46]
- e) When its assigned task has been completed, the ad hoc committee shall be dissolved by motion of the Board.
- f) Appropriate members of staff shall be assigned by the Superintendent to assist each committee.

8.10 Committees Established by Legislation

Committees established in accordance with the *Education Act* or other legislation (e.g. Suspension Review/Attendance, Suspension Appeal, and Audit Committees)

8.11 Other Special Committees KK p57, §47

The Board may operate other special committees under its current governance structure and will determine the terms of reference and membership.

Other Special Committees may include:

- Subcommittees - a special task committee that is formed within an existing committee. [See BL 8.13]
- Task Forces or Commissions - search and solve committees.
- Committees of Inquiry - committees of inquiry normally commissioned with the task of passing judgment on a condition or problem.
- Coordination Committees - committees formed to enhance the functioning of organizations by providing a formal mechanism for “networking” or communication. [See KK §47]

8.12 Staff Committees

The Board may appoint Board members to sit on AVRSB staff committees, for a specified term, at the request of the Superintendent of Schools.

8.13 Subcommittees KK p57, §47(a)

- a) A Board committee (for example standing committee) may appoint a subcommittee for a particular mandate without ratification of the Board. Subcommittees report directly to the committee that establishes them and cannot

report to other bodies. The terms of reference of subcommittees are prepared by the committee that appoints it and should contain the same provisions as those listed for a standing committee. [See KK §48]

- b) A subcommittee may be either standing or ad hoc. If the subcommittee is an ad hoc committee, then upon completion of its mandate, it is dissolved by motion, by the committee that formed it.
- c) Appropriate members of staff shall be assigned by the Superintendent of Schools to assist each committee.

8.14 External Committees

A Board member may represent the Board on external committees or boards. Appointment shall be made by Board motion, and shall specify the term. Members appointed to external committees or boards shall report to the Board on a quarterly basis. The Board may change representation on a particular external committee or board at any time.

C. Committee Procedures and Reporting

8.15 Rules of Procedure for CommitteesKK p51, §43

- a) A majority of Board members serving on a committee shall constitute a quorum.
- b) Except as otherwise provided, the Rules of Order of the Board shall be observed at meetings of all committees.
- c) Unless otherwise decided by the Board, the Chair of each committee shall be chosen by the members of such committee from among themselves.
- d) Election of standing committee Chairs/Vice Chairs shall be in accordance with the procedure for the election of Chair/Vice Chair of the Board. [See BL 4.02, 4.03]
- e) Election of Chairs/Vice Chairs to other special committees may be held in a more informal manner (show of hands as opposed to secret ballot) if that is the wish of the committee.
- f) The Superintendent of Schools, Director or his/her designate (i.e. another staff member) shall preside at the first meeting of standing and other special committees, until the election of Chair is complete.
- g) The same rules that apply to the Board with respect to private meetings shall apply to committees. [See BL 6.06]
- h) The Committee Chair is an active member of the committee; and as such, shall vote and may speak to motions. The Chair may not make a motion, and may not vote a second time in order to break a tied vote.
- i) Under extenuating circumstances (e.g. health, severe weather, family circumstances), at the discretion of the Committee Chair, up to two members may participate in a committee meeting as voting members by conference call, and shall be considered part of the quorum. [See KK p133, §109] The meeting shall not be chaired by a member participating by conference call.

- j) All possible measures will be taken to ensure Board members are informed in the event of the cancellation of a Board or committee meeting. Board and committee meetings will automatically be cancelled in the event of a school storm day, unless members are notified otherwise.

8.16 Reports of CommitteesKK p100, §85, p179, §140

Committees shall report to the Board as required by the Board and whenever the committees deem necessary.

8.17 List of Committees

The Board Secretary shall keep a list of all Board committees and their current memberships.

9. PUBLIC/STUDENT PRESENTATIONS

9.01 Addressing the Board

a) **Right to Appear**

Any person or group has the right to appear in the manner provided in this section as a delegation before the Board, or a committee of the Board, to express concern and to make proposals on any issues within the jurisdiction of the Board or the committee, as the case may be.

b) **What may be addressed at Public Board Meetings**

All concerns, *with the exception of the following*, may be addressed at a public Board meeting

- Labour negotiations
- Litigious (legal) or possible litigious matters
- Personnel matters
- Discipline

c) **Other channels to address the Exceptions**

Other channels are available for Board consideration of the above items; concerns of this nature should be brought to the attention of the Superintendent of Schools for appropriate action.

9.02 Procedures for Public/Student Presentations

a) **Advance Notice**

All delegations are required to inform the Secretary, *in writing*, of their intent to appear before the Board or committee, *and the reasons why they wish to make a presentation before the Board*.

b) **Delegation to be advised of Date/Time for Presentation**

The Chair shall decide at which meeting the delegation will appear and the Secretary shall inform the delegation the date and time of the meeting at which the spokespersons shall be heard.

c) **Copy of Submission to Board**

All delegations must deliver or send a written submission of their presentation so that it reaches the Secretary at least seven days before the date of the meeting at which the delegation is to appear.

9.03 Distribution of Report

When possible the Secretary shall distribute the written report submitted by a delegation with the agenda for the meeting at which the delegation will appear.

9.04 Spokespersons

Delegations may appoint up to two spokespersons and no other member of the delegation shall address the Board or committee, except with permission of the Board. The spokespersons, in total, may address the Board or committee for up to 10 minutes (or may be extended at the discretion of the Board) to give a summary of their submissions. After the spokespersons have spoken, the members shall have the opportunity to put questions to them for the purpose of clarification.

9.05 Re-Appearance

A delegation or similar delegation, once heard, shall not be entitled to be received again by the Board and/or committee on substantially the same/similar topic for a period of six months from the date of the first hearing.

9.06 Maximum Number of Public/Student Presentations at Regular Board Meetings

The Board will entertain a *maximum of two, 10-minute* public/student presentations at a regular Board meeting. Public presentations will also be entertained at standing committee meetings.

9.07 Waiver of Notice

Notwithstanding the foregoing, if a matter is of a serious and urgent nature, a delegation may be received at a Board or committee meeting, if the subject matter is within the responsibility of the Board or committee meeting, by motion supported by a majority of votes.

9.08 Delegation to Comply with By-laws for Public/Student Presentations

A delegation presenting before the Board must adhere to the Board's By-laws, Section 9 – Public/Student Presentations. If the delegation does not comply with these terms, the Chair will determine the circumstances for this situation and decide if the delegation will be heard by the Board on the scheduled date or heard at a later date.

9.09 Informing Delegation of Decision of Board and/or Committee

Generally a decision is not made at the same meeting at which a delegation appears before the Board or a committee of the Board, therefore the delegation shall be notified of any action that may be taken concerning the delegation's submission.

10. PUBLIC FORUM

- a) The Board will hold a public forum, to immediately follow the adjournment of the regular school board meeting. The public forum is provided as an avenue for the public to speak in an informal setting.
- b) The public forum will be for a maximum of *15 minutes*. A person will be entitled to speak for two minutes.
- c) A person may speak on all concerns, with the exception of the following: labour negotiations; litigious (legal) or possible litigious matters; personnel matters; and discipline. Other concerns may be brought privately to the attention of the Superintendent of Schools for appropriate action.

A person speaking at a public forum will be expected to be respectful to members and staff.

- d) The Board will not be responding to any issues raised. If a member of the public wishes to have a response to his/her concern, this may be brought to the Board's attention, *in writing*. The concern will be referred to the appropriate committee or Superintendent of Schools for action.
- e) The Chair will review Section 10 of the By-laws, on behalf of the public, prior to the public forum.
- f) The only information that will be recorded and appended to the minutes will be the name of the speaker, the topic, and to whom the issue is referred.

11. EDUCATIONAL PRESENTATIONS

- a) The educational presentation is one of the regular components of the regular Board agenda. Educational presentations afford an opportunity for the Board to become informed on Board operational, financial, human resources and, programs and services topics, as well as other matters of educational value.
- b) The Chair, in consultation with the Superintendent, shall determine the nature of the presentation. The presenter(s) will be given sufficient opportunity to prepare for the presentation.
- c) There shall generally be no more than one, 20-minute presentation per Board meeting or two, 10-minute presentations or such presentations may be less frequent, depending on the Board agenda at the time.
- d) The presenter(s) shall prepare a handout on the topic for distribution to the Board and to append to the minutes.
- e) A copy of the educational presentation (i.e. electronic power point presentation) will be circulated to Board members five days in advance of the Board meeting to allow for informed questions from the Board members.

12. MINUTES AND RECORDS

12.01 Minutes

Minutes of proceedings of all meetings of the Board and of its committees shall be taken and kept with the records of the Board.

12.02 Preservation, Disposal or Destruction of Records

Preservation, disposal or destruction of records shall be carried out in accordance with the *Education Act*, Sections 62 and 63 and the *Government Records Act*.

13. AUTHORIZED SIGNING OFFICERS

13.01 Signing Authority – Banking

Either the Board Chair or the Vice Chair, together with either the Director of Finance and Operations or the Coordinator of Financial Services, are authorized as signing officers of the Annapolis Valley Regional School Board for banking purposes.

13.02 Signing Authority – Contracts and Agreements

The Board Secretary, with the Board Chair or Vice Chair, is designated as a signing authority for non-banking purposes for contracts and agreements approved by the Board. The Board Secretary is authorized to sign contracts in compliance with collective agreements.

14. CORRESPONDENCE

- a) The Chair and the Secretary shall consider each piece of correspondence he/she receives in his/her capacity as Chair of the Board to determine if it raises an issue of substance; and if so, whether the matter should be directed to Board staff for investigation and/or action or whether the correspondence should be brought to the attention of the Board during the “Correspondence” part of the Order of Business of the next meeting. The Chair will ensure that the original of any correspondence raising a matter of substance will be kept on file at the offices of the school board.
- b) Individual Board members may not respond to correspondence on behalf of the Board or make inquiries or commitments on behalf of the Board, without the express authorization of the Board. Any Board member (other than the Chair) shall be free to bring to the Board’s attention any correspondence of substance he/she has received. This shall preferably be done before the agenda is circulated or may be put forth as an amendment to the agenda at the Board meeting. Where such correspondence is brought to the Board’s attention, the member will ensure the original of said correspondence is kept on file at the offices of the school board. Correspondence shall normally be circulated with the agenda, but may be circulated at any time.

15. MEMBERS’ ATTENDANCE AT CONFERENCES

15.01 School Board Member Conference Allowance

- a) Board member conference allowance shall be set in accordance with the current Stipends Report.
- b) Any member interested in attending a conference in his/her capacity as a member should immediately advise the Secretary, *in writing*, of his/her interest in attending. All conference requests must be school-board related and forwarded in sufficient time to allow appropriate consideration of the nature of the request.
- c) The Board Executive shall then consider the nature of the conference. If the conference is school-board related and sufficient monies are remaining in the Board member’s conference allowance, permission shall be granted. In the

Board Executive's consideration of the request, the overall amount remaining for the member's conference travel will be taken into consideration if the member does not have sufficient monies remaining in his/her budget allocation.

- d) Eligible expenses include: registration fees, travel (e.g. metrage or air fare), meals, accommodations and incidentals such as parking and taxi fares. Expenditures for alcohol will not be reimbursed. Reimbursement for metrage and meals shall be at rates approved in the Stipends Report. The Board Secretary will ensure economical travel arrangements are made for the Board members attending conferences.
- e) Any unused portion of the individual Board member conference allowance established under By-law 15.01 (a) that is unused at the end of each fiscal year shall be transferred to the supplementary conference allowance fund. [See EA 54 (7)]
- f) The supplementary fund shall be carried forward until the end of the Board's term; at which time, if there are any supplementary funds left, they are transferred to the Board's general fund.

15.02 Supplementary Conference Allowance

- a) All Board members may attend the Nova Scotia School Boards Association (NSSBA) Annual Conference. Registration cost for attendance at this conference shall be taken from the supplementary conference allowance as referred to in 15.01 e) with all other expenses associated with the NSSBA annual general meeting taken from individual Board member's conference allowance.
- b) Provided sufficient funds exist in the supplementary conference allowance budget, monies from this budget may be allocated to individual Board members in support of other approved attendance at regional, provincial or national association conferences, seminars and workshops where the amount of their own individual conference travel allowance is insufficient to support said attendance.
- c) The Board Executive shall be the arbiter of any and all requests of individual members, subject to final approval of the Board for the use of supplementary conference funds. A member who has been refused permission to attend a conference, can ask to meet with the full Board in a private session to appeal the decision.

15.03 Notices of Conferences

If any members or Board staff receive information on conferences/workshops/inservices which may be of interest to members, they shall forward such notices to the Secretary who shall forthwith advise all members of the upcoming conferences.

16. PROFESSIONAL APPOINTMENTS

The Board shall review the appointment of its legal counsel, financial institution, auditors and any other professionals with whom it has dealings every three (3) years.

17. AMENDMENTS TO BY-LAWSEA 67

Any proposed amendment to these By-laws shall be in accordance with By-law 7.35 – Motions Requiring Special Notice [KK §70] and shall:

- a) be placed on the agenda for a regular meeting of the Board;
- b) require a two-thirds' majority vote of school board members.

18. REFERENCE AUTHORITY

Procedural matters not provided for in these By-laws, shall be governed as far as applicable by the rules and practices of *Kerr King, Procedures for Meetings and Organizations, Third Edition*.

19. REFERENCES AND RECORD OF AMENDMENTS

For references purposes, in order of priority:

- ◆ *The Education Act and Regulations under the Act,*
- ◆ *Municipal Conflict of Interest Act (MCIA);*
- ◆ *Municipal Elections Act;*
- ◆ *Teachers' Collective Bargaining Act,*
- ◆ Any other relevant Act, including *Freedom of Information and Protection of Protection of Privacy Act (FOIPOP)* and any other Regulations made by the Province under any provincial statutes;
- ◆ *Criminal Code (Canada)* (Section 122 Breach of Trust)
- ◆ Board policy which includes Board By-laws and Board Department guidelines/procedure;
- ◆ External references adopted as fall-back references.

For other statutory provisions affecting Regional School Boards, refer to the *Education Act and Regulations under the Act*.

Board Approved By-laws - May 15, 1996
Amended - July 10, 1996
Amended - September 4, 1996
Amended - October 2, 1996
Amended - November 6, 1996
Amended - December 4, 1996
Amended - February 5, 1997
Amended - March 4, 1998
Amended - January 5, 2000
Amended - May 2, 2001
Amended - September 4, 2002
Amended - December 3, 2003
Amended - March 2, 2005
Amended - June 7, 2006
Amended - December 5, 2007
Amended - April 2, 2008
Amended - March 4, 2009
Amended - October 6, 2010
Amended - December 1, 2010