

# School District No. 71 (Comox Valley)

## Board Procedural Bylaw

WHEREAS the *School Act* requires that the Board of Education establish procedures governing conduct of its meetings;

THEREFORE this Bylaw provides rules and regulations for governing the procedure at meetings of the Board of Education, School District No. 71 (Comox Valley) and matters relating thereto.

### 1. Definitions

For purposes of this Bylaw the words used shall have their ordinary meaning save and except the words following, which shall have the meaning herein set out, namely:

- “Act” - shall mean the *School Act* and amendments thereto;
- “Board” - shall mean the Board of Education, School District No. 71 (Comox Valley);
- “Chairperson” or “Chair” - shall mean the Chairperson of the Board, or the Chairperson of any committee of the Board;
- “Closed” or “In-Camera” - shall mean any meeting from which the public and the media are excluded as the matter(s) to be considered are of a confidential nature.
- “Committee of the Whole Board” - shall mean any closed or in-camera meeting from which the public and the media are excluded as the matter(s) to be considered are of a confidential nature.
- “Meeting” - shall mean any regular meeting of the Board;
- “Regulation” - shall mean the School Regulation;
- “Secretary-Treasurer” - shall mean the Secretary-Treasurer of the Board;
- “Special Meeting” - shall mean any meeting of the Board which is not a regular meeting of the Board;
- “Superintendent” - shall mean the Superintendent of Schools for School District No. 71 (Comox Valley)
- “Senior Leadership” - shall mean the Superintendent of Schools (CEO), Assistant Superintendent, Secretary Treasurer, Director of Operations, Director of Finance, Director of Information Technology, Director of Human Resources, Director of Instruction (Student Services), Director of Instruction (Health and Safety), Director of Instruction (K-12).

Wherever the singular or masculine is used in this Bylaw, it shall be considered as if the plural or feminine has been used where the context so requires.

### **Meetings—Generally**

Board Quorum—a Quorum of the Board shall be a majority of the trustees holding office at the time of the meeting.

Rules of Order—Where these Rules are silent and where not consistent with these Rules, the most recent edition of *Robert's Rules of Order* shall apply to the conduct of meetings, provided, further, that where both these Rules and *Robert's Rules of Order* are silent, the *School Act* shall apply over the Rule in question.

The board may adopt a procedural Rule for one or more meetings by resolution of a majority of two-thirds of the trustees present at the meeting. A Rule other than the requirement for notice of meetings may be suspended by unanimous consent of the trustees present.

Under the order of "Question Period", questions may be put to the Chair or, through the Chair, to any other board member or executive officer of the board, relating to any matter connected with the business of the board.

Meetings of the board shall be either regular meetings or special meetings. The Chairperson shall preside, when present, at all meetings of the board and generally shall fulfill the duties usually performed by a Chairperson. If the Chairperson is absent from the meeting, the Vice-Chair shall preside.

If both the Chairperson and the Vice-Chair are absent from the meeting, the members present at the meeting shall elect one of their number to act as Chairperson of the meeting.

Regular Meetings of the board shall be held on the fourth Tuesday of the month, provided that the board may, with two-thirds majority vote of members present at any meeting of the board, dispense with the holding of any regular meeting of the board or arrange for the holding of such regular meeting at some other time.

The Education Committee shall meet on the second Tuesday of the month, provided that the board may, with two-thirds majority vote of members present at any meeting of the board, dispense with the holding of any Education Committee or arrange for the holding of such Education Committee at some other time.

Special Meetings of the board may be called by the Chairperson or, in the absence of the Chairperson, the Vice-Chair, or by the Secretary-Treasurer on request of a majority of the board. Only the business for which the meeting was called shall be conducted at the meeting. The secretary-treasurer will be responsible for advising all members of the board and the public of date, time and location of special meetings.

The board expects the superintendent of schools, assistant superintendent and secretary-treasurer to attend all regular and special meetings.

## 2. **Inaugural Meeting**

After the general local election of trustees in the school district, the secretary treasurer must convene a first meeting of the board as soon as possible and in any event within 30 days from the date that the new board begins its term of office. The first order of business shall be to elect a Chairperson and Vice-Chairperson of the board. During an election year the board will delay board elections until the completion of appeal timelines by using an extraordinary meeting for selection.

The inaugural meeting shall be convened by the secretary-treasurer, who shall be interim Chairperson until such time as the board Chairperson has been elected.

The secretary-treasurer shall call for nominations for board Chairperson and conduct a vote by ballot in which that person receiving a clear majority shall be elected board Chairperson. If no person receives a clear majority, further ballots shall be taken until the same is achieved.

The newly-elected board Chairperson shall assume the chair and call for nominations for the election of a board Vice-Chair in the same manner as for the election of the Chairperson.

## 3. **Regular Board Meetings and Education Committee Meetings**

All regular In-Camera Board Meetings shall commence at the hour of 6:00 pm, with the public portion of the meeting to commence at 7:00 pm. All Education Committee Meetings shall commence at 6:30 pm and both shall adjourn not later than the hour of 9:00 pm. Meetings may continue to a specified or unspecified time, provided that the members present at the meeting unanimously resolve continuation.

All regular meetings and Education Committee meetings shall be open to attendance by the media and by the general public.

At least forty-eight (48) hours prior to the time of commencement of the regular meeting, the secretary-treasurer shall provide all members of the board with the agenda. The agenda will include the following items:

- minutes of the previous meeting;
- minutes of any special meetings held since the previous regular meeting;
- copies of Senior Leadership Reports;
- copies of Board Committee Reports;
- notice of which Board appointees to other bodies will be reporting;
- notice of items of new business to be considered;
- copies of correspondence to be considered.

The Order of Business—for any regular meeting of the Board shall be as follows, namely:

- Attendance
- Call to Order
- Adoption of Agenda
- Board Meeting Minutes
- Report of In-Camera Meeting

- Presentation/Delegation
- Education Committee Meeting Report
- Strategic Direction (Senior Leadership Reports)
- Board Committee Reports
- Board Business / Board Appointees to Other Bodies / Correspondence
- Public Question Period
- Adjournment

provided that the board may, by resolution at any regular meeting, suspend the regular order of business or alter or vary the regular order of business.

New business shall not be considered at any regular meeting unless it arises directly out of correspondence, reports, or other matters arising during the regular order of business, provided that the members present at any regular meeting of the board may, by unanimous resolution, waive the giving of notice. New business may only be introduced by a member as provided herein through a *Notice of Motion*.

Referral to Committee of any matter arising during the course of any regular meeting may be made upon resolution of the meeting.

Committee of the Whole Board (Closed / In-Camera) may be called at any regular meeting of the board upon resolution of the meeting, and the regular order of business shall thereupon be suspended until return to regular order of business has been resolved. It is expected that the superintendent of schools, assistant superintendent and secretary-treasurer shall attend meetings of the Committee of the Whole Board. The board may invite other persons to attend all or part of a meeting of the Committee of the Whole Board.

Except for a record containing a general statement of the nature of the matters discussed, no business transacted at any meeting of the Committee of the Whole Board shall be published, reported, or otherwise communicated to anyone not present at the meeting without the consent of the meeting to such publication, reporting, or communication being first obtained.

Unfinished business at the time of adjournment shall be dealt with by the board:

- at the next regularly scheduled meeting; or
- at a special meeting of the board called in the manner provided in this Bylaw.

#### 4. **Special General (Open) and Special Confidential (Closed / In-Camera) Meetings**

Notice of, and the agenda for, special meetings shall be provided by the secretary-treasurer to all members of the board at least forty-eight (48) hours in advance of the meeting. Should the matter be of an emergent nature, this requirement may be waived by a vote of a majority of all of the members of the board, which will be considered as the first item of business at the special meeting.

All special meetings of the board shall be called in accordance with this Bylaw, shall be limited to the purposes set out herein, and shall follow the procedures for regular meetings insofar as those procedures may be applicable.

Special general (open) meetings are called to consider matters that the Chairperson of the Board (or in the absence of the Chairperson, the Vice-Chair), or a majority of the board, consider desirable to be dealt with prior to the next regularly scheduled meeting. Such meetings are open to the public, and all the media normally receiving a copy of the agenda for regular board meetings will be advised.

Special confidential (closed / in-camera) meetings are meetings from which the public and the media are excluded as the matter(s) to be considered are of a confidential nature. No board member shall disclose to the public the proceedings of a confidential meeting unless a resolution has been passed at the confidential meeting to permit disclosure.

Unless otherwise determined by the board, the following matters shall be considered in a closed / in-camera session:

- salary claims and adjustments, and the consideration of requests of employees and board officers with respect to collective bargaining procedures;
- accident claims and other matters where board liability may arise;
- legal opinions respecting the liability or interest of the board;
- the conduct, efficiency, discipline, suspension, or termination of employees;
- medical examiners or examinations and medical reports;
- matters pertaining to individual students including the conduct, discipline, suspension, or expulsion of students, truancy, and indigent students;
- personnel matters of a sensitive nature;
- purchase of real property including the designation of new sites, consideration of appraisal reports, consideration of accounts claimed by owners, determination of board offers and expropriation procedures;
- lease, sale, or exchange of real property prior to finalization thereof;
- matters pertaining to the safety, security, or protection of board property;
- such other matters where the board decides that the public interest so requires.

## 5. **Rules of Order**

A Bylaw may be proposed at either a regular meeting of the board or at a special meeting called for the purpose of considering the Bylaw.

Resolutions may be proposed during the meeting for items properly included in the agenda, provided that any resolution proposed shall relate to the matter under discussion and consideration.

A member of the board shall provide a written Notice of Motion, which includes background information and the resolution wording, at the meeting prior to consideration of the motion. Notice of Motion is required to rescind a board motion, amend something previously adopted, to amend these Procedural Bylaws, to discharge a committee, or to postpone an event already scheduled. New business, which is not germane to an agenda item, may only be introduced by a member through written Notice of Motion, as provided herein, at the meeting prior to consideration of the new business. The board may suspend the Notice of Motion requirement by simple majority vote.

Notice of Motion, as provided herein, is the preferred method for a member to introduce new business. Notwithstanding that in some cases, new business may be added to the agenda provided forty-eight (48) hours notice has been provided through the Chairperson to members, and that members agree by simple majority vote to suspend the Notice of Motion requirement.

A resolution shall be presented by motion of a member of the board and shall be seconded by another member of the board before acceptance for discussion or vote. The Chairperson may not move or second a resolution.

Each member of the board shall normally be entitled to speak only once to any resolution proposed at any regular meeting, and every member of the board present at the meeting shall be entitled to speak before the question is called. The Chairperson shall allow each member of the board a maximum of five (5) minutes to speak per resolution.

Notwithstanding the foregoing, the mover of the resolution shall have the right to close debate.

The Chairperson shall put the vote when the question is called.

Any member who does not vote for or against the resolution when the vote is put shall be deemed to have abstained, and shall not be counted for purposes of the vote.

The Chairperson has the same right to vote as the other members of the board; in the case of an equality of votes for and against a motion, the question is resolved in the negative, and the Chairperson shall so declare.

All motions are debatable except:

- a motion for adjournment of debate;
- a motion for adjournment of a meeting;
- a motion to recess;
- a motion to table;
- a motion to suspend rules;
- a motion to limit debate; and,
- a motion to go into Committee of the Whole or closed / in-camera session.

#### Reconsideration

A question previously dealt with will only be reconsidered if a board member gives Notice of Motion, as provided herein, that a motion to reconsider will be presented at the next regular meeting.

The Notice of Motion, complete with supporting documentation, must be given to all members of the board either in writing through the secretary-treasurer four (4) days in advance, or with the agenda. A motion for the board to reconsider must be passed by having a majority of all its members cast an affirmative vote. Provided the motion to reconsider is approved, the original question can be dealt with forthwith.

No motion other than to postpone consideration of a question, or a procedural motion, shall be repeated during the calendar year except by the reconsideration process. A motion to rescind a duly approved resolution shall follow the reconsideration process.

### Bylaws

Bylaws shall only be proposed when at least forty eight (48) hours notice of the intention to propose the bylaw has been given to all members of the Board, provided that the members present at a regular meeting of the board may, by unanimous resolution, waive the giving of notice.

A bylaw shall receive three (3) readings before being finally passed and adopted. A proposed bylaw shall not be considered for amendment until it has passed its first reading, and shall not be amended save and except by a new amending bylaw after it has been finally considered and adopted.

A bylaw may receive its three (3) readings at a single regular meeting or special meeting of the Board and shall be reconsidered and adopted or rejected at the regular meeting next following the meeting at which it passes its second reading, or at a special meeting called for that purpose, provided that the board may, by unanimous resolution of the members present at the regular or special meeting of the board at which it passes its second reading, suspend the requirements of this regulation and reconsider or adopt or reject the bylaw at the same regular or special meeting at which it passes its second reading.

Notwithstanding the foregoing, consideration of money bylaws in the form specified by the Minister of Education may receive all required readings and be reconsidered and adopted at the same meeting.

## **6. Policies (Formation and Revision)**

The creation of any new policy must come at either the direction of the board or through a need identified by senior management as a result of the ongoing revision and review of policy.

A trustee wishing to recommend a new policy or an amendment to an existing policy shall give notice of motion for the new policy or amendment to policy for placement on a subsequent board meeting agenda.

Should any external agency or partner group wish to suggest a district policy, the request for the development of that policy should be in writing to the Board of Education. The request should be a brief statement of philosophy and direction which would enable the board to understand the need and adjustments required to district practice if the new policy was adopted. The board may refer the request to the superintendent of schools to consider the development of an administrative procedure, rather than a board policy.

## 7. **Standing Committee**

Standing committees of the board shall be established by the board Chairperson, following consultation with each board member and in compliance with the Committee's of the Board policy.

The Chairperson of the Board shall annually appoint such members of the board and management staff as he/she deems advisable to the standing committees of the board. The membership of such committees may be revised by the Chairperson of the Board, who will so inform the board at the next regular board meeting.

Each of the standing committees shall be under direct supervision of a Chairperson or responsible board member, and, where deemed advisable, a Vice-Chair may be appointed. The Chairperson of the board may attend meetings of standing committees of which he/she is not an official member, and shall not be entitled to vote at such meetings.

No standing committee, other than the Education Committee and Governance – Policy Committee of the Whole shall include more than three (3) members of the board. The Education Committee is a committee of the whole board and is chaired by the Vice-Chair of the board. The other rules that pertain to standing committees shall pertain to the Education Committee and the Governance – Policy Committee of the Whole.

Committee meetings may be called at any time by the Chairperson of the committee for the purpose of dealing with the business of such committee, and the committee may adopt its own Terms of Reference for the dispatch of its business, provided that no resolution shall be passed at any committee meeting, but matters of recommendation for the board shall be brought from the meeting by way of report to a regular meeting for consideration and such action as is deemed advisable. No one other than committee members shall be entitled to attend such meetings without invitation of the Chairperson of the committee.

## 8. **Reports and Records**

Reports and recommendations shall be made to the board at regular meetings by:

- Senior leadership, or;
- for committee matters, the committee Chairperson or a member delegated.

All reports to the board for recommendation or action shall be accompanied by all relevant information. Reports for information only need not be complete.

Minutes of the meetings shall be in summary form and shall contain the form of the motion, and results of the vote: Carried or Defeated. Discussion preceding the vote need not be recorded. In matters of general discussion or report where no vote is taken, a brief statement summarizing the purpose of the matter shall suffice unless the meeting otherwise directs.

9. **General**

This Bylaw is to be read in conjunction with the provisions of the *School Act* governing School Board meetings. In the event of conflict between this Bylaw and the *Act*, the *Act* shall take precedence.

Read a first time this 25 day of September 2018.

Read a second time this 25 day of September 2018.

Reconsidered, finally passed, and adopted this 25 day of September 2018.

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Chairperson

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Secretary-Treasurer