



South Shore Regional School Board (SSRSB)

By-Laws

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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 By-Laws.
- (d) **Board Secretary** means Secretary to the School Board.
- (e) **By-Laws** mean these By-laws.
- (f) **School Board Chair** means the Chair of the School Board.
- (g) **Committee of the Whole School Board Meeting** means the monthly scheduled meeting of the School Board held for discussion and open debate of governance-based issues, no motions are passed at this meeting.
- (h) **Committee of the Whole Session** means when the School Board approves on motion, during a Regular or Special School Board Meeting, to permit a more free debate and more detailed consideration than the Rules of Order permit.
- (i) **Day** means calendar day.
- (j) **EA** means the *Education Act*.
- (k) **In-Camera Session** means when the School Board moves into a private session during a public meeting to discuss issues involving individual students, personnel matters or other confidential information - Refer to *EA*, Section 59 (3).
- (l) **MCIA** means *Municipal Conflict of Interest Act*.
- (m) **Quorum** means the minimum number, or proportion, of School Board Members required for business to be conducted at a meeting.
- (n) **REG** means the Regulations under the *Education Act*.
- (o) **Regular School Board Meeting** means the monthly scheduled meeting of the School Board at which time motions may be passed.
- (p) **School Board** means the governing School Board of the SSRSB.
- (q) **School Board Member** means as a Member of the School Board, including the School Board Chair and Vice-Chair.
- (r) **School Board Vice-Chair** means the Vice-Chair of the School Board.
- (s) **Special School Board Meeting** means a School Board Meeting organized at a time outside of the regular monthly meeting schedule to address a specific matter or issue of concern. Motions may be passed at this meeting.
- (t) **Staff** means personnel employed by the School Board.
- (u) **Stipends Report** means the report issued every four years by the Department of Education which outlines the stipends for all School Board Members, along with the conference allowance, travel allowance and per diem maximum for meals – Refer to *EA*, Section 54 (2).
- (v) **Superintendent** means the Superintendent of Schools for the SSRSB.
- (w) **To adopt or accept** means every recommendation contained in a report is adopted as if the School Board approved each recommendation separately.
- (x) **To receive** means the School Board acknowledges and records a document, with no decision of position, action or activity.

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

2. Reference of Authority

In all procedural matters not provided for in these By-Laws, the rules and practices of *Procedures for Meetings and Organizations (3rd ed., 1996)*, *Kerr and King*, shall govern as far as applicable.

3. School Board

3.01: School Board Duties

The School Board shall carry out its duties in accordance with the provisions of the *Education Act* and Regulations under the Act.

3.02: Accountability

The School Board is directly accountable to the Minister of Education, *EA*, Section 64(1), and is indirectly accountable to the people of the school region, *EA*, Section 42(2).

3.03: Governance Framework

The School Board oversees the governance aspects of School Board matters, including: operations, staffing, financial management, planning, and reporting to the Minister as required, *EA*, Section 64.

Although the School Board has many employees, the Superintendent is the only employee directly accountable to the School Board; he/she has overall responsibility for the efficient operation and management of all regional staff and staff in the public schools across the region.

It is the Superintendent's responsibility to run the day-to-day operations of the school system in accordance with the priorities and policies established by the governing School Board. The duties of the Superintendent are outlined in Section 39 of the *EA*.

Subject to Ministerial regulations, the Superintendent plans and implements an organizational structure that maximizes the potential of the human resources while achieving desired efficiencies. Specific duties and responsibilities are delegated to directors and to school-based administrators (principals and vice-principals). There is no direct accountability link between directors or school administrators and the School Board, accountability is managed only through the Superintendent.

School Board Members should make every effort to hear and understand opinions and ideas from the public, but cannot interfere in the education of specific students, or in the work of schools or school administrators. School Board Members cannot solve issues regarding teachers, principals, bus stops, etc., nor do they resolve or deal with individual family concerns or public issues. A School Board Member is responsible for ensuring that South Shore families understand the protocol for raising issues regarding school matters. Issues are to be raised with the individual staff member and then with the school administrator (principal or vice-principal). Should the issue remain unresolved, families should contact the regional office and speak with the appropriate director or the Superintendent. School Board Members should always assist the public by directing their calls to the appropriate staff.

Governance – Role of the School Board

Governance is the responsibility of the governing School Board. It is the process and structure used to direct and manage the business and affairs of the School Board. In simple terms, governance is the framework that clarifies responsibilities, roles and accountabilities within the School Board.

Policy, decision-making and accountability are part of governance and describe how the business and affairs of the organization will be directed, so the governing School Board can fulfill its accountability obligations to the Minister of Education under the *Education Act*.

The School Board is responsible for establishing governance policies and governance structures, subject to legislation and regulations. The School Board defines direction and broad policy parameters within which the system can be professionally managed by the Superintendent and staff.

The specific responsibilities of a School Board are established under the *Education Act*. They include planning, policy-making, fiscal responsibility, risk management, evaluating the Superintendent, and community relations.

The Collective Responsibility and Authority of the School Board

The School Board has the power to approve policy. School Board Members are collectively responsible for significant decisions. However, no single School Board Member has power or authority. During debate of a motion at a public School Board meeting, School Board Members have the ability to influence, debate and educate other School Board Members. Ultimately, each individual School Board Member has one vote and it is the majority of votes that will cause a decision to be made.

School Board Members owe a duty of loyalty to the School Board they serve. A School Board Member's personal or political interests must not interfere or conflict with this duty of loyalty. School Board Members are free to and should express different perspectives during the course of a public debate on a particular topic, but once a decision is reached and a motion is passed by the required majority of the School Board, School Board Members are expected to publicly support the decision even if it is inconsistent with their personal views on the subject.

Management – Role of the Superintendent

Management is the responsibility of the Superintendent. The Superintendent implements approved School Board policy and is responsible for the development, approval, and implementation of administrative procedures.

The Superintendent and staff fulfill administrative and work/performance mandates. The responsibilities of the Superintendent, school principals, teachers and support staff are described in the *Education Act*.

Under Section 39 of the *Education Act*, the Superintendent is accountable to the School Board for:

- (a) The efficient operation of the regional office and the public schools in the school region.
- (b) The supervision of all employees.
- (c) The educational performance of the students and schools in the school region.
- (d) An annual report to the School Board on such performance.

In summary, the Superintendent has two major roles:

- (a) Chief executive officer of the regional school system who is responsible for carrying out all policies and directives of the School Board. The Superintendent has charge of the school system and coordinates the work of all staff. Without specific authorization, no other staff shall report directly to the School Board and must report through the Superintendent.
- (b) Chief education advisor to the School Board who recommends policies to the School Board for its consideration and advises and counsels on all educational matters to provide the

School Board with the information and guidance it needs to make governance decisions in the best interest of all students.

4. School Board Members

4.01: Obligations of School Board Members

Oath of Office

Individuals shall be sworn in or affirmed prior to becoming a School Board Member – Refer to Appendix A

Child Abuse Register & Police Reference/Records Checks

- (a) The School Board recognizes its responsibility to ensure that students attending schools under its jurisdiction are protected.
- (b) School Board Members shall be required to complete the Department of Community Services, Form XII, Child Abuse Register – Request for Search, and provide a Police Reference/Records check, which includes a Vulnerable Sector search, that is no more than three (3) months old – Refer to School Board Policy 747.
- (c) Where a Board member refuses to complete the required checks, or where he/she is found to have a criminal record, or found to be on the Child Abuse Registry, the School Board Chair shall be informed, and shall place relevant restrictions on the activities of the School Board Member – Refer to EA Section 46, School Board Policy 747.
- (d) Associated costs will be covered by School Board Member expenses.

Confidentiality Agreement

School Board Members shall sign a confidentiality agreement.

4:02: Responsibilities of School Board Members

School Board Members shall:

- (a) Act in accordance with the School Board Members' Oath of Office and the SSRSB's Code of Ethics.
- (b) Act with prudence in all financial matters of the School Board including School Board Members' expenses.
- (c) Prepare for School Board meetings by reviewing all materials provided in advance of School Board meetings.
- (d) Notify the School Board Chair or the Superintendent of issues that may arise during the course of upcoming meetings so that surprises can be avoided and background information is prepared in advance of the meeting(s).
- (e) Be familiar with the By-Laws, approved procedures for meetings and elections, and School Board policies and procedures.
- (f) Participate in discussions at School Board meetings.
- (g) Assist in the debate during meetings by:
 - (i) Addressing all remarks to the School Board Chair and identifying themselves, particularly in large infrequently convened assemblies.
 - (ii) Stating the motion to be discussed in a clear and concise manner.
 - (iii) Confining remarks strictly to the motion under consideration.
 - (iv) Stating positions clearly and succinctly, without being repetitive.
 - (v) Maintaining a respectful tone and avoiding personal comments about other School Board Members or Staff.
 - (vi) Drawing to the attention of the School Board Chair a lack of quorum.
 - (vii) Making an appeal to correct any improper procedure or to alleviate a detrimental situation.
 - (viii) Understanding and following the Rules of Order - to facilitate and add efficiency to the conduct of School Board meetings.

- (h) Contribute his/her fair share to the activities of the School Board.
- (i) Promote the School Board and its achievements to their regional community.
- (j) Strive to improve his/her performance as a School Board Member through self-learning and professional development initiatives.
- (k) Notify the School Board Secretary when he/she is unable to attend a School Board meeting.

4.03: Code of Ethics

This Code of Ethics operates along with and as a supplement to existing Provincial statutes governing the conduct of School Board Members, including:

- (a) The *Education Act*,
- (b) The Municipal Conflict of Interest Act,
- (c) The Municipal Elections Act,
- (d) The Freedom of Information and Protection of Privacy Act,
- (e) The Governance Framework – Refer to BL3.03, and
- (f) The Criminal Code (Canada).

It is expected that each School Board Member will represent all communities within the region and will always consider the implication of his/her decision(s) on the entire school system. School Board Members will strive to be forward-looking and strategic in their approach by providing quality education policy for students.

School Board Members shall:

- (a) Be motivated by an earnest desire to serve all students of the South Shore Regional School Board, representing the entire region and the best interest of all schools.
- (b) Recognize that authority rests with the collective School Board in legal and public session and not with individual School Board Members.
- (c) Observe the By-Laws, Rules of Order, Policies and Regulations of the School Board and the Laws and Regulations Governing Education in Nova Scotia.
- (d) Respect, support and share the responsibility for all decisions of the School Board.
- (e) Respect and support Staff decisions that are in keeping with approved School Board policy and/or legislation.
- (f) Attend all School Board meetings - Refer to BL4.08, all Committee of the Whole School Board Meetings, any Committee Meetings to which they have been appointed.
- (g) Attend all professional development sessions specifically organized for the School Board.
- (h) Arrive on time for all meetings and professional development sessions.
- (i) Notify the School Board Secretary or School Board/Committee Chair as early as possible if unable to be on time, or unable to attend.
- (j) Participate in public sessions by telecommunication and be marked as present, when unable to attend in person - Refer to BL9.01.
- (k) Prepare before each meeting so when he/she has the floor, comments are concise, organized and clear.
- (l) Devote time, thought and study to proposed School Board actions and consider alternative solutions to problems.
- (m) Refrain from organizing or participating in discussions of School Board matters with small informal groups of Board Members, at the exclusion of other School Board Members and the Superintendent, where the discussions could eventually lead to or influence a School Board decision.
- (n) Encourage full and open discussion with other School Board Members during meetings.
- (o) Listen carefully and with courtesy when other School Board Members or Staff have the floor and are speaking during meetings.
- (p) Show respect for other School Board Members and Staff in verbal and non-verbal language.

- (q) Work with other School Board Members and Staff in a spirit of co-operation, regardless of personal differences of opinion.
- (r) Treat other School Board Members and Staff with courtesy and respect and encourage the free exchange of diverse views.
- (s) Practice the art of compromise.
- (t) Not pursue any procedure calculated to embarrass another School Board Member or Staff – Refer to REG, Schedule D.
- (u) Speak about other School Board Members and Staff in a respectful manner as evidenced by words and actions.
- (v) Not withhold or conceal from other School Board Members or the Superintendent any information which may be pertinent to the matter being discussed.
- (w) Abide by the non-pecuniary and pecuniary conflict of interest requirements as per BL4.09 and BL4.10
- (x) In the absence of self-declared conflict of interest, as per BL4.03(w), be responsible for identifying another School Board Member's conflict of interest to the School Board Chair as per BL14.02.
- (y) Base decisions on research, reports and information received by the School Board and discussions at the School Board table.
- (z) Base decisions on information available to all School Board Members.
- (aa) Confine School Board action to policy, community relations and system evaluation as required by the *Education Act*, respecting that the Superintendent is responsible for day-to-day administration of the school system and that the principal is responsible for the administration of the school - Refer to BL3.03.
- (bb) Make all efforts to ease difficult situations and encourage any family or member of the public who raises a concern, to contact the appropriate teacher or principal for action. If there is no action, the School Board Member shall advise her/him to refer the concern to the Superintendent or appropriate Staff. All other system complaints, which are not related to a particular school, shall be referred to the Superintendent, or appropriate Staff for motion.
- (cc) Make no disparaging remark during the School Board meetings about the opinions of other School Board Members or Staff, but participate in an honest and respectful debate of ideas and opinions expressed during the course of discussion at School Board meetings.
- (dd) Accept that personal disagreements will arise from time to time and should be worked through in private between School Board Members.
- (ee) Conduct himself/herself in an appropriate manner while representing the School Board.
- (ff) Attend all sessions at conferences for which expenses are paid by the School Board.
- (gg) Raise questions and concerns at the Committee of the Whole School Board Meeting, or if unable to attend the Committee of the Whole School Board Meeting, review notes and raise questions with the School Board Chair prior to the Regular School Board Meeting, to avoid duplication of discussions that took place at the Committee of the Whole School Board meeting.
- (hh) Respect the strict confidentiality of all private information acquired by virtue of their office. Unless required by law or authorized by the School Board, a School Board Member shall not:
 - (i) Disclose the information by any means to any person other than another School Board Member.
 - (ii) Use the information for personal or other gain.

N.B. Private information includes all of the following: 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 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 Section 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 – Refer to REG, Schedule D.

- (ii) Recognize that Staff is required to protect the privacy of all matters pertaining to the regional school system. As individuals, School Board Members are not entitled to access information regarding individual students, staff or situations, including third-party information, beyond what would be available to the public under the FOIPOP Act. Access to confidential information is limited to that needed to make informed governance decisions.

4.04: Breach of Code of Ethics

To protect the integrity and credibility of the School Board, each School Board Member is responsible to monitor and correct the ethical conduct of the School Board and its Members. Individual School Board Members have an obligation to raise ethical concerns as described below:

Initial Action

- (a) If any School Board Member believes that another School Board Member has violated the Code of Ethics:
 - (i) The School Board Member may talk privately with the offending School Board Member in an effort to resolve the issue. If a School Board Member feels uncomfortable with this step he/she may omit it and proceed to step (ii).
 - (ii) If the attempt in (a) (i) fails, the School Board Member with the concern will raise the matter with the School Board Chair or the School Board Vice-Chair who will attempt to resolve the matter informally.
 - (iii) If the attempt in (a) (ii) fails, the concerned School Board Member and the School Board Chair or the School Board Vice-Chair, shall bring the matter to the attention of the entire School Board, to be dealt with at the earliest practical opportunity - Refer to BL4.05.
- (b) If the Superintendent believes that a School Board Member has violated the Code of Ethics:
 - (i) The Superintendent shall notify the School Board Chair or Vice-Chair who will attempt to resolve the matter informally.
 - (ii) If the attempt in (b) (i) fails, the School Board Chair or the School Board Vice-Chair shall bring the matter to the attention of the entire School Board, to be dealt with at the earliest practical opportunity - Refer to BL4.05.

4.05: Censure of a School Board Member

- (a) 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 School Board Member by:
 - (i) Issuing a public reprimand by motion at an open meeting of the School Board.
 - (ii) Revoking the School Board Members' right to sit as a member of the School Board for one to three months.
 - (iii) Suspending the School Board Member from the School Board, including the suspension of all the School Board Members' rights, duties and privileges as a School Board Member, for one to three months.
 - (iv) Recommending to the Minister of Education that the School Board Members' seat be vacated.
- (b) A decision by the School Board to censure a School Board Member pursuant to clause (a)(i) is final and binding.
- (c) Where a School Board Member is censured pursuant to Section 52A(1) of the Education Act Regulations, the School Board Member may (unless BL4.05(b) applies) appeal to a

single adjudicator appointed by the Minister of Education and the adjudicator may set aside or vary the censure as the adjudicator considers appropriate.

- (d) Where the School Board recommends to the Minister of Education that the seat of a School Board Member be vacated, the Minister may, subject to (c) above, vacate the School Board Member's seat.
- (e) Where the School Board Member appeals a decision in relation to BL4.05(a)(iv), no action to fill the vacancy of the School Board Member's seat may be taken before the adjudicator has rendered a decision and notified the Minister of Education, the School Board and the School Board Member of the decision.
- (f) Where the Minister of Education considers it necessary for a School Board Member to be censured and the School Board fails to censure the School Board Member or to censure he/she appropriately, the Minister may:
 - (i) Direct the School Board to censure the School Board Members, pursuant to (a)(i)(ii)(iii) above, as the Minister considers appropriate; or
 - (ii) Vacate the School Board Member's seat.
- (g) Where the Minister of Education directs the School Board to censure a School Board Member, (f)(i) above, the School Board shall comply with the Minister's decision.

Reference REG 52A & 52B

4.06: Motion to Censure a School Board Member

- (a) A motion to censure is a main motion that is debatable and amendable and requires a majority 2/3 vote of all School Board Members. The motion may not be reconsidered.
- (b) A motion to censure must be debated In-Camera and voted on in public.
- (c) A motion for censure must be in writing and signed by the School Board Members who moved and seconded the motion, and must include all of the following:
 - (i) A statement of:
 - The alleged violation of the School Board's code of ethics,
 - The specific grounds for the allegation, and
 - The proposed censure under Section 52A(1) of the *Education Act*;
 - (ii) Any supporting documentation.
- (d) To include a motion for censure on the agenda for a Regular or Special School Board Meeting, a School Board Member must submit the motion to the Board Secretary at least 7 days before the date of the meeting.
- (e) The School Board 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 Board Secretary must distribute the response to the other Board Members before the 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 to 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 majority 2/3 vote of all School Board Members present.
- (i) The School Board Chair or the School Board Vice-Chair must relinquish the chair to another School Board Member in any of the following circumstances – Refer to REG, Schedule D.
 - (i) When the School Board Chair or the School Board 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 School Board Member must call a roll call vote for a motion for censure.

- (l) The minutes of a Regular or Special School Board Meeting at which a School Board Member is censured under Section 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, and
 - (iii) The reasons for the censure.

Reference REG Schedule D

4.07: School Board Member's Appeal of Censure

- (a) A School Board Member making an appeal must deliver a notice of appeal in writing to both the School Board and the Minister of Education no later than 20 days after the date of the School Board decision to censure.
- (b) On receiving a notice of appeal, the Minister of Education 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 remuneration and reimbursement of expenses as determined by the Minister of Education.
- (d) During the hearing of an appeal, an adjudicator must give the School Board and the School Board Member who has been censured an opportunity to be heard.
- (e) An adjudicator must sign his/her 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 School Board Member who appealed the censure,
 - (ii) The School Board, and
 - (iii) The Minister of Education.

Section 73 added: N.S. Reg. 12/2010

4.08: Consequence of Absence from School Board Meetings

- (a) Where a School Board 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 School Board Member vacant, the School Board Member thereupon ceases to be a School Board Member of the School Board and the School Board shall forthwith call an election to fill the School Board Member's seat pursuant to the Municipal Elections Act – Refer to *EA*, Section 52(1).
- (b) A School Board Member who leaves a meeting early without meeting the requirements of BL9.05 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*.
- (c) Subsection 52(1) does not apply for non-attendance because of an inability to attend a meeting of the School Board because of a censure pursuant to clause Section 52A(1)(b)(c) of *Education Act*.
- (d) The seat shall be declared vacant at the Regular School Board Meeting, immediately following the third missed meeting, if no excuse is received that is determined to be satisfactory by the School Board.
- (e) In the case of an appointed School Board Member, the School Board shall notify the representative community and the Minister of Education requesting that the seat be filled.
- (f) When a seat is declared vacant, the School Board shall initiate the filling of the vacancy according to the appropriate procedure – Refer to *EA*, Section 51 and 51(a).
- (g) Legitimate reasons for an absence from a meeting will be tracked by the Board Secretary.

4.09: Conflict of Interest – Non-Pecuniary

School Board Members are governed by the conflict of interest provisions of the *Municipal Conflict of Interest Act, (MCIA)*. Refer to Appendix B.

School Board Member Has Non-Pecuniary Conflict of Interest

- (a) A non-pecuniary conflict of interest will exist where a School Board Member has an association, relationship, or non-financial interest or activity that is incompatible with his/her responsibilities as an impartial decision-maker and as a member of the School Board.
- (b) The relationships, interests or activities of a close family member or close associate may raise a potential conflict for a School Board Member if they will be affected beneficially or detrimentally by the determinations of the School Board.
- (c) A conflict of interest, as defined above, is incompatible with neutral decision making. The test as to whether or not the School Board Member should be disqualified, or disqualify him or herself from the matter is whether or not the facts could give rise to a reasonable apprehension of conflict of interest, or bias, in the mind of a reasonable and informed person.
- (d) Where a School Board Member, either on the School Board Member's own behalf or while acting for, by, with or through another, has any direct or indirect non-pecuniary interest in any matter and is present at a School Board meeting at which the matter is the subject of consideration, the School Board 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 School Board Member and in the case of a closed (In-Camera) meeting, leave the room in which the meeting is held for the duration of the consideration of the matter, and
 - (iii) withdraw from his/her place as School Board Member and 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;
 - (iv) refrain from taking any part in the consideration or discussion of the matter and from voting on any question relating to the matter; and
 - (v) refrain from attempting in any way, whether before, during or after the meeting, to influence the decision of the council or local School Board with respect to the matter.

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 recording Secretary.

School Board Shall Keep Central Record of Disclosure

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

Disclosure of Interest to be recorded in Central Record

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

4.10: Conflict of Interest – Pecuniary

School Board Members are governed by the conflict of interest provisions of the *Municipal Conflict of Interest Act, (MCIA)*. Refer to Appendix B.

School Board Member Has Direct/Indirect Pecuniary Interest – Refer to MCIA 6(1b ii)

- (a) Where a School Board Member, either on the School Board 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 School Board at which the matter is the subject of consideration, the School Board Member shall:

- (vi) as soon as practicable after the commencement of the meeting disclose the interest and the general nature thereof;
- (vii) withdraw from his/her place as School Board Member and in the case of a closed (In-Camera) meeting, leave the room in which the meeting is held for the duration of the consideration of the matter, and
- (viii) withdraw from his/her place as School Board Member and 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;
- (ix) refrain from taking any part in the consideration or discussion of the matter and from voting on any question relating to the matter; and
- (x) refrain from attempting in any way, whether before, during or after the meeting, to influence the decision of the council or local School Board with respect to the matter.

School Board Member Not Present at Meeting but Has Direct/Indirect Pecuniary Interest – Refer to MCIA 6(2)

Where the School Board Member was not present at a meeting at which a matter in which the School Board Member, either on the School Board 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 School Board Member shall disclose the interest at the next meeting the School Board Member attends, and the provisions of BL4.08(a) shall apply to the School Board Member in respect of the matter.

Where Intent to Obtain Pecuniary Interest

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

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 recording Secretary.

School Board Shall Keep Central Record of Disclosure

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

Disclosure of Interest to be recorded in Central Record

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

4.11: Participation in School-Based and Community Meetings and Events

School Advisory Councils (SACs)

The primary role of the School Advisory Council (SAC) is to provide advice to the principal. A person cannot be a member of the School Board and a SAC - Refer to EA, Section 21-23.

- (a) The School Board provides a key governance role in the ongoing support of SACs. This includes:
 - (i) Developing school board policies that support effective SACs.
 - (ii) Approving Letters of Agreement, By-Laws, School Improvement Plans and the Annual School Reports – Refer to EA, Section 20; 64(z).
 - (iii) Consulting with SACs on governance issues.
 - (iv) Ensuring that the Superintendent is monitoring and supporting SACs.

- (b) A School Board Member may attend SAC meetings as a member of the public, but does not have a role in the meeting or in the operation of the SAC.
- (c) Notwithstanding b) a School Board Member may participate as part of an SAC meeting agenda when invited by the Principal and approved by the Superintendent and the School Board Chair.

Home and School and other school-family organizations and events

- (a) School Board Members can participate in any public meeting or event as a member of the public at their own expense.
- (b) School Board Members are encouraged to participate in school-based events as a School Board Member, when invited by the Principal and approved by the Superintendent and the School Board Chair.

Participation in community-based and other agency meetings and events

- (a) School Board Members can participate in any public meeting or event as a member of the public, at their own expense.
- (b) School Board Members are encouraged to participate in meetings and events as a School Board Member, when invited by the organizer and approved by the School Board Chair. The School Board Chair shall inform the Superintendent.

4.12: Remuneration & Expenses

- (a) For the purpose of this Section, “year” means the 12-month period commencing on the date the School Board Member takes the Oath of Office and the first, second and third anniversaries thereof. In the case of School Board Chair and School Board Vice-Chair, “year” means the period commencing on the date when he/she are officially sworn into office and until the next Annual General Meeting of the School Board.
- (b) For carrying out their duties the School Board Members shall be paid a bi-weekly stipend in accordance with the current Stipends Report.
- (c) School Board Members shall be reimbursed metrage expenses, at a rate set by the Province, for the following:
 - (i) To and from meetings of the School Board - Refer to BL6.
 - (ii) To and from committee meetings to which the Board Member has been appointed by the School Board – Refer to BL7.
 - (iii) To and from School Board professional development sessions.
 - (iv) To and from school-based meetings and events when invited by the Principal and approved by the Superintendent and the School Board Chair.
 - (v) To and from external meetings and events when invited by the organizer and approved by the School Board Chair.
- (d) School Board Members shall be reimbursed for expenses incurred while attending governance-based conferences, when approved by the School Board Chair and in accordance with the provincial Stipends Report and School Board Policy.
- (e) School Board Members shall receive reimbursement for meal expenses, (taxes and gratuity included), incurred during the periods when they are conducting business on behalf of the School Board, as per the provincial Stipends Report and School Board policy.
- (f) Hotel accommodations and meal expenses shall be covered when School Board Members are attending School Board meetings and, in the opinion of the School Board Chair, it is too dangerous to drive home due to weather conditions.
- (g) School Board Member’s expenses are to be submitted to and reviewed by the Board Secretary on a monthly basis during the school year.
- (h) School Board Members shall claim all expenses within the fiscal year in which they occur. All claims must be received by April 12, following the fiscal year end.

- (i) The School Board Chair has the authority to approve all School Board Members' expenses, with the exception of the School Board Chair's expenses, which require the approval of the School Board Vice-Chair.
- (j) The School Board Chair (Vice-Chair) shall disallow expenses that in his/her judgment are not incurred in the performance of a Member's duties or do not comply with By-Laws, the provincial Stipends Report or School Board policies.
- (k) If a School Board Member is unsure whether an expense is eligible for reimbursement, he/she should seek clarification from the School Board Chair prior to incurring the expense.

4.13: Equipment Provision and Internet Access

Equipment and Supplies

- (a) School Board Members shall be provided with a laptop or equivalent device for School Board-related business.
- (b) Consumables shall be provided for School Board business only.
- (c) All equipment shall remain the property of the School Board and shall be returned one-month following the end of the School Board Member's term.

Internet

- (a) School Board Members will be provided support for home access to internet at a level determined by the School Board.
- (b) School Board Members must only access School Board related information through their School Board e-mail account.
- (c) All School Board business must be conducted through the SSRSB e-mail only and not forwarded to personal e-mail accounts.
- (d) Information will only be provided electronically; printed materials will not be provided, except in exceptional circumstances.
- (e) Communications including notices, School Board agendas, School Board minutes, etc. will be sent via e-mail only.
- (f) School Board Members are expected to participate in technology-related training organized by the School Board.

4.14: School Board Members' Contact Information

Each School Board Member shall notify the Board Secretary by e-mail of his/her contact information, for use by the Board Secretary. Each School Board Member's SSRSB e-mail address will be posted on the School Board website.

5. School Board Chair and School Board Vice-Chair

5.01: Election of School Board Chair and School Board Vice-Chair

The procedure for electing a School Board Chair and a School Board Vice-Chair shall be the following:

- (a) The election of the School Board Chair shall be completed prior to commencing the procedure for election of the School Board Vice-Chair - Refer to BL6.04
- (b) At the Annual General Meeting, nominations for the position of the School Board Chair shall be received by the Superintendent through a secret ballot process (i.e. each School Board Member will anonymously place a checkmark on the ballot by the name of a candidate for the School Board Chair); the nominees must consent to their nomination in order for their names to stand for election.
- (c) Once the nominations are made and the nominees consent to serve if elected, each candidate will be given the opportunity to address the School Board.
- (d) A vote shall be conducted by the Superintendent through secret ballot.
- (e) The School Board Member receiving the majority of votes shall be declared elected.

- (f) If more than two School Board Members are nominated and no School Board Member receives a majority of the votes cast on the first ballot, the name of the School Board Member receiving the least number of votes shall be dropped and the School Board Members shall vote again, and so on until either a School Board Member receives a majority or there is a tie.
- (g) At the end of each ballot a candidate(s) will have the opportunity to withdraw or to restate his/her position.
- (h) In the event of a tie on any ballot, the School Board shall vote again for the candidates who are tied. If the result of the second ballot is also tied, a brief recess will be called, following which a third vote will be held. If the third vote is also tied, the Superintendent shall so advise the Governor in Council who will appoint a School Board Chair.
- (i) Once the School Board Chair is elected or appointed by the Governor in Council, the procedure outlined in (a) to (g) will be followed to elect a School Board Vice-Chair. In the event of a tie on any ballot, the School Board shall vote again among candidates who are tied. If the result of that ballot is also tied, the names of the tied candidates will be placed in a receptacle and the first name drawn by the Superintendent will be elected the School Board Vice-Chair.
- (j) In the event that the office of School Board Chair or School Board Vice-Chair is vacated during the term of office, an election will be held at the first Regular School Board Meeting immediately following the vacancy being declared, following the procedure as outlined above.

5.02: Responsibilities of the School Board Chair

The School Board Chair shall:

- (a) Carry out his/her duties in accordance with the *Education Act*, Section 55.
- (b) Call and preside at all meetings of the School Board.
- (c) During the absence of the School Board Chair, the School Board Vice-Chair shall preside. If neither is present, the School Board shall appoint a person from among the Members present to preside at the meeting – Refer to *EA 60(1)(2)*
- (d) Conduct School Board meetings strictly adhering to the Rules of Order.
- (e) Prepare meeting agendas, in collaboration with the Superintendent and the Board Secretary.
- (f) Review the School Board agenda and supporting documents with the Board Secretary and Superintendent prior to each School Board meeting, ensuring that the information needed for rational debate and sound decision making is included.
- (g) Ensure that the atmosphere at meetings results in comprehensive relevant discussion so that decisions are reached with School Board Members having the benefit of all the information.
- (h) Encourage each School Board Member to actively participate in discussions at School Board meetings.
- (i) Encourage each School Board Member to contribute his or her fair share to the activities of the School Board.
- (j) Communicate with the Superintendent to keep well-informed on issues that arise between meetings of the School Board.
- (k) Bring to the attention of the School Board matters he/she considers to be of significance to the quality of education or issues considered to have potentially serious public relations implications for the School Board.
- (l) Ensure regular governance-based professional development is provided for the School Board.
- (m) Ensure relationships between School Board Members and Staff are positive and that communication flows through appropriate channels.
- (n) Consult frequently with the School Board Vice-Chair to keep him/her informed on School Board matters.

- (o) Be the only spokesperson for the School Board, and ensure comments are consistent with School Board policies and decisions.
- (p) Represent the School Board at functions, and ensure the School Board is informed of the outcomes.
- (q) Ensure that all School Board Members participate in governance-based professional development.
- (r) Consult with the Board Secretary at any time, including during School Board meetings, regarding By-Laws and Rules of Order.
- (s) Ensure that the evaluation of the Superintendent is carried out annually in accordance with School Board procedures – Refer to *EA*, Section 64(2)(m).

5.03: Responsibilities of the School Board Vice-Chair

The School Board Vice-Chair shall:

- (a) Carry out his/her duties in accordance with the *Education Act*, Section 55, School Board meetings.
- (t) Preside at meetings, during the absence of the School Board Chair. If neither is present, the School Board shall appoint a person from among the Members present to preside at the meeting– Refer to *EA*, Section 60 (1)(2).
- (b) Carry out the functions and responsibilities of the School Board Chair in the absence or incapacity of the School Board Chair.
- (c) Remain up-to-date on educational issues affecting the School Board in order to effectively assume the role of the School Board Chair when called upon to do so.
- (d) Assist the School Board Chair as required, in the sharing of duties.

6. Meetings of the School Board

The School Board shall normally hold two public meetings per month. The monthly Regular School Board Meeting focuses on motions, debates and decisions. The monthly Committee of the Whole School Board Meeting consists of open discussion of governance-related topics, with no motions or decisions. Both meetings are chaired by the School Board Chair.

6.01: Regular School Board Meetings

- (a) The School Board shall meet for a Regular School Board Meeting at 7:00 p.m., the second Wednesday of the month, with the possible exception of July and August.
- (b) Regular School Board Meetings are for School Board decisions and motions.
- (c) Regular School Board Meetings are public and will be advertised on the School Board's website indicating the time and location.
- (d) The Board Secretary will make every reasonable effort to have the Regular School Board Meeting agenda package available three business days before a Regular School Board Meeting.
- (e) The Superintendent will attend all meetings of the School Board, except when prohibited by legislation or during discussions of the Superintendent's performance appraisal, during which a representative of the Minister of Education will be present.
- (f) The Board Secretary, Communications Manager and Directors will attend all Regular School Board Meetings unless otherwise directed by the School Board Chair and/or the Superintendent.
- (g) Regular School Board Meetings will adjourn no later than 9:30 p.m. unless the School Board unanimously agrees to extend this time of adjournment.
- (h) The School Board Chair may call a brief recess at any time during the meeting.
- (i) The agenda for Regular School Board Meetings shall be as follows:
 - (i) Call to Order
 - (ii) Education Presentation
 - (iii) Order of the Day
 - (iv) Record of Attendance

- (v) Approval of Agenda
- (vi) Approval of Minutes of Previous School Board Meetings
- (vii) Business Arising From the Minutes
- (viii) Correspondence
- (ix) New Business
- (x) School Board Chair's Report (including a summary of Committee of the Whole School Board Meeting)
- (xi) Superintendent's Report
- (xii) Regional Education Officer's Report
- (xiii) Committee Reports – Refer to BL7
- (xiv) Other Reports
- (xv) Future Agenda Items
- (xvi) Notice of Motion
- (xvii) Date of Next Meeting
- (xviii) Adjournment
- (xix) Public Comment Session (15 minutes maximum)

6.02: Committee of the Whole School Board Meetings

- (a) The School Board shall meet for a Committee of the Whole School Board Meeting at 7:00 p.m., the fourth Wednesday of the month, with the possible exception of July, August and/or December.
- (b) Committee of the Whole School Board Meetings are for discussion and open debate of governance-based issues - Refer to BL3.03.
- (c) The Rules of Order of the School Board shall be observed in all Committee of the Whole School Board Meetings with the following exceptions:
 - (i) No motions are made at these meetings.
 - (ii) The School Board Chair shall exercise flexibility and discretion in terms of the length and number of times a School Board Member may speak.
- (d) Committee of the Whole School Board Meetings are public and will be advertised on the SSRSB website indicating the time and location.
- (e) The Board Secretary will make every reasonable effort to have meeting information available three business days prior to the meeting.
- (f) The Superintendent will attend all Committee of the Whole School Board Meetings.
- (g) The Board Secretary, Communications Manager and Directors will attend all Committee of the Whole School Board meetings unless otherwise directed by the School Board Chair and/or the Superintendent.
- (h) Meetings will adjourn no later than 9:30 p.m. unless the School Board unanimously agrees to extend this time of adjournment.
- (i) The School Board Chair may at any time call a brief recess.
- (j) The agenda for Committee of the Whole School Board Meetings shall be as follows:
 - (i) Call to Order
 - (ii) Record of Attendance
 - (iii) Discussion Items
 - (iv) Future Agenda Items
 - (v) Date of Next Meeting
 - (vi) Adjournment
- (k) No minutes will be kept at Committee of the Whole School Board Meetings. The Board Secretary will prepare notes - a summary of topics discussed for inclusions in the School Board Chair's report at the next Regular School Board Meeting.

6.03: Special School Board Meetings

- (a) The School Board Chair may call a Special School Board Meeting at any time, or upon receipt of the written request of a majority of the School Board Members.

- (b) Special School Board Meetings will be advertised on the SSRSB website indicating the time and location.
- (c) The Board Secretary shall give notice at least three business days to each School Board Member of the time, place and the purpose of a Special School Board Meeting by e-mailing the agenda.
- (d) If a matter is of a serious or urgent nature, the School Board Chair, or in his/her absence, the School Board Vice-Chair may call a Special School Board Meeting with a twenty-four (24) hour notice. Such notice shall be used only under exceptional circumstances.
- (e) The only business to be considered at a Special School Board Meeting shall be the business set forth in the notice calling the meeting, unless two thirds (2/3) of School Board Members present consent to the consideration of other business.
- (f) The Superintendent will attend all meetings of the School Board, except when prohibited by legislation or during discussions of the Superintendent's performance appraisal, during which a representative of the Minister of Education will be present.
- (g) The Board Secretary, Communications Manager and Directors will attend all Special School Board Meetings unless otherwise directed by the School Board Chair and/or the Superintendent.
- (h) The School Board Chair may at any time call a brief recess.
- (i) The agenda for Special School Board Meetings shall be as follows:
 - (i) Call to Order
 - (ii) Record of Attendance
 - (iii) Approval of Agenda
 - (iv) Discussion/Decision Items
 - (v) Adjournment

6.04: Annual General Meeting (AGM)

- (a) The AGM shall be held on the Regular School Board Meeting night in November, with the possible exception of a School Board election year. This date may be altered by a majority of the Members present at a Regular School Board Meeting, provided notice has been given forty-eight (48) hours in advance of the Regular School Board Meeting of the intent to change the date of the AGM.
- (b) The agenda for the AGM shall be as follows:
 - (i) Call to Order - Superintendent
 - (ii) Record of Attendance
 - (iii) Appointment of Superintendent and one Director as Scrutineers
 - (iv) Election of School Board Chair
 - (v) Election of School Board Vice-Chair
 - (vi) Motion to Destroy Ballots
 - (vii) Annual Report from the former School Board Chair
 - (viii) Annual Report from the Superintendent
 - (ix) Reports from Committees
 - (x) Dissolution of Ad Hoc Committees
 - (xi) Appointment of Members to Committees - Refer to BL7.05
 - (xii) Adjournment

7. Committees

7.01: Audit Committee

- (a) The School Board shall establish an Audit Committee - Refer to EA Governor in Council Regulations, Sections (63)(64)(65).
- (b) Membership shall consist of one community member, two School Board Members and the Director of Finance.

- (c) The Audit Committee shall meet as often as required to carry out its duties, at least two times each fiscal year.
- (d) Only School Board Members appointed to the Audit Committee may attend.

7.02: Ad Hoc Committees

- (a) The School Board may establish an Ad Hoc Committee, by motion, when necessary to complete a specified governance-related task.
- (b) At the first meeting, the Ad Hoc Committee shall develop terms of reference for recommendation to the School Board.
- (c) A majority of members serving on a Committee shall constitute a quorum.
- (d) Except as otherwise provided, the Rules of Order for the School Board shall be observed at all Committee meetings.
- (e) Unless otherwise decided by the School Board, the Chair of the Committee shall be chosen by the members of the Committee, by open vote.
- (f) The Committee Chair is an active member of the Committee; and as such, shall vote and may speak to motions.
- (g) The Committee Chair may not make a motion, and may not vote a second time in order to break a tie vote.
- (h) Under extenuating circumstances at the discretion of the Committee Chair, up to two members may participate in a Committee meeting as voting members through telecommunication and shall be considered part of the quorum. The meeting shall not be chaired by a member participating through telecommunication. Members participating through telecommunication may not be included in:
 - (i) In-Camera discussions
 - (ii) Election of the Committee Chair
 - (iii) Any quasi-judicial role – Refer to BL9.01
- (i) Appropriate Members of staff shall be assigned by the Superintendent to assist each Committee.
- (j) Committee meetings will adjourn no later than two hours after the start of the meeting, unless the Committee unanimously agrees to extend this time of adjournment.
- (k) All possible measures will be taken to ensure members are informed in the event of the cancellation of a Committee meeting.
- (l) Committee meetings will automatically be cancelled in the event of a school storm day, unless members are notified otherwise.
- (m) The Committee shall be dissolved by motion of the School Board when its task has been completed, or at the AGM, whichever occurs first.

7.03: Legislated and Contractual Committees

- (a) The School Board shall appoint School Board Members to labour-relations committees only as required by legislation or employee contracts/labour relations policies.
- (b) The School Board shall appoint School Board Members to Appeal Committees only as required by legislation or Board policy.
- (c) Legislated and contractual committee meetings are not public.
- (d) Only School Board Members appointed to the committee shall attend.

7.04: External/Community Committees

- (a) The School Board may, by majority decision of the School Board, appoint School Board Members to an external committee.
- (b) The appointment shall end when the work of the External Committee comes to an end or at the AGM, whichever comes first.

7.05: Appointment of School Board Members to Committees

- (a) All School Board Members shall share the responsibility of serving on School Board Committees.
- (b) The appointment of School Board Members to serve on a Committee is a privilege.
- (c) Board Members shall indicate in writing to the Board Secretary on which Committee he/she desires to serve.
- (d) The School Board Chair and the School Board Vice-Chair shall determine who will represent the School Board on each Committee.
- (e) Only Board Members appointed to a Committee shall attend committee meetings, unless attending as a member of the public at a meeting that is open to the public.
- (f) The School Board Chair and the School Board Vice-Chair shall act as ex-officio members for quorum purposes.
- (g) The School Board Chair and the School Board Vice-Chair shall be the official alternates for each Committee.
- (h) Should the appointed School Board Member(s), Committee Chair and Committee Vice-Chair be unavailable or in a conflict of interest, the School Board Chair shall name a replacement.
- (i) The School Board retains the right to remove any School Board Member from a Committee who, in the opinion of the School Board, breaches the Code of Ethics - Refer to BL4.03 and BL4.04.
- (j) If a member is removed from or resigns from a Committee, the School Board Chair and School Board Vice-Chair shall appoint a replacement.
- (k) The Superintendent shall appoint Staff to each Committee, as required.

8. Regular School Board Meetings – Agenda Items

8.01: Education Presentations

- (a) Educational presentations provide an opportunity to showcase regional and/or school-based programs and student services.
- (b) The Superintendent, in consultation with the School Board Chair, shall determine the nature of the presentation.
- (c) The presentation shall be made by Staff or invitees, as determined by the Superintendent.
- (d) There shall generally be no more than one, 10-minute educational presentation per Regular School Board Meeting.
- (e) A copy of the educational presentation will be circulated with the Regular School Board Meeting agenda package to allow for informed questions from School Board Members.

8.02: Order of the Day

- (a) An Order of the Day provides an opportunity for a public/external delegation to present to the School Board.
- (b) A maximum of two Orders of the Day will be permitted at any Regular School Board Meeting.
- (c) Any person or group has the right to request to appear, in the manner provided in this section, to express opinions and/or to make proposals on any governance issues within the jurisdiction of the School Board.
- (d) Requests from Staff to present an Order of the Day shall normally not be approved, unless permission is specifically granted by the Superintendent and the School Board Chair.
- (e) All concerns, with the exception of the following, may be addressed at a public board meeting:
 - (i) Labour negotiations
 - (ii) Legal or possible legal matters

- (iii) Personnel and/or individual student matters
- (iv) Discipline
- (f) Concerns related to e) should be brought to the Superintendent to manage.
- (g) Delegations must request, through the Board Secretary, to appear before the School Board, at least seven business days prior to the Regular School Board Meeting.
- (h) The request must be in writing and include the reasons for the delegation and any action requested of the School Board.
- (i) The School Board Chair shall decide if the delegation is approved to appear and, if so at which meeting.
- (j) The Board Secretary shall inform the delegation of the School Board Chair's decision.
- (k) If accepted to present, the delegation must provide a copy of the presentation to the Board Secretary at least three days prior to the meeting.
- (l) A delegation may appoint up to two spokespersons and no other member of the delegation shall address the School Board, except at the request of a School Board Member with permission from the School Board Chair.
- (m) The spokespersons, in total, may address the School Board for up to ten (10) minutes to give a summary of their submission, at which time the School Board Chair will call an end to the presentation.
- (n) At the conclusion of the submission, School Board Members shall have an opportunity to ask questions for the purpose of clarification.
- (o) A written copy of the submission shall be given to the Board Secretary for the School Board file.
- (p) A delegation, once heard, shall not be entitled to be received again by the School Board on the same information for a period of three (3) months from the date of the first hearing. The School Board Chair shall decide whether the delegation shall be entitled to reappear.
- (q) If a matter is of a serious and urgent nature, a delegation may be received at any meeting if supported by a majority vote of the School Board.
- (r) If the delegation does not comply with content and time-line requirements, the School Board Chair has the authority to rescind approval to present.
- (s) No decision shall be made at the same meeting at which a delegation appears before the School Board. The delegation shall be notified in writing at a later date of any action that may be taken concerning its submission.
- (t) Any matter of a management nature shall be referred to the Superintendent for action or decision.

8.03: Correspondence

- (a) Correspondence to the School Board Chair/School Board will be directed to the Board Secretary at the School Board's office address.
- (b) The Board Secretary, in consultation with the School Board Chair, shall consider each piece of correspondence received to determine if it raises an issue of substance or confidentiality and if so, whether the matter should be directed to Staff for investigation or circulated to School Board Members and officially received by motion at the next Regular School Board Meeting.
- (c) The Board Secretary will ensure the original of all correspondence is kept on file at the office of the School Board.
- (d) It is expected that School Board Members will share with each other, the Superintendent and the Board Secretary any correspondence they receive that is pertinent in making School Board decisions.
- (e) Correspondence referred for discussion at an In-Camera session will be marked confidential.

8.04: Reports to the School Board

- (a) It is the responsibility of Staff and/or the School Board Member representative to have reports prepared for inclusion in the Regular School Board Meeting package.
- (b) When a Committee meets within three business days prior to the Regular School Board Meeting, the Committee Chair/Representative may give a five-minute maximum report at the Regular School Board Meeting.
- (c) School Board Members will be given the opportunity, at the beginning of the meeting, to seek the School Board Chair's approval to ask a question about a report. If the School Board Chair is not notified at the beginning of the meeting of reports to be reviewed, discussion will not be permitted.

8.05: Public Comment Session

- (a) The School Board will hear public comment, immediately following the adjournment of the Regular School Board Meeting. The Session provides an avenue for the public to speak in an informal setting.
- (b) The Session will be for a maximum of 15 minutes. A person shall be entitled to speak for two minutes.
- (c) A person may speak on any topic, with the exception of: labour negotiations; legal or possible legal matters; personnel and individual student matters; and discipline. Such concerns may privately be brought to the attention of the Superintendent to manage.
- (d) A person speaking at a public forum shall be respectful to School Board Members and Staff.
- (e) The School Board shall not respond to any issues raised during the public comment session. If a member of the public wishes to have a response to his/her concern, this may be brought to the School Board Chair's attention, in writing – Refer to BL8.03.
- (f) The School Board Chair will announce the parameters for comments prior to the session.
- (g) The School Board Chair shall interrupt or stop a speaker at any time if he/she determines that the topic or address is inappropriate.
- (h) 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.

9. School Board Meetings – Procedures

9.01: Telecommunication and Meetings

Under extenuating circumstances, at the discretion of the School Board Chair, up to two School Board Members may participate through telecommunication and shall be considered part of the quorum. The meeting shall not be chaired by a School Board Member participating through telecommunication. School Board Members through telecommunication may vote, but shall not be included in:

- (a) In-Camera discussions.
- (b) Election of the School Board Chair and School Board Vice-Chair.
- (c) Any quasi-judicial role.

9.02: Cancellation of Meetings

All possible measures will be taken to ensure School Board Members are informed in the event of the cancellation of a meeting. All meetings will automatically be cancelled in the event of a school storm day, unless School Board Members are notified otherwise.

9.03: Quorum

- (a) No business shall be conducted at a meeting unless a quorum is present, a quorum being a majority of School Board Members serving at the time – Refer to EA 60(3).

- (b) If, 15 minutes after the scheduled commencement of the meeting, no quorum is present, the date, time and place of the meeting, the names of School Board Members present and of those absent shall be recorded.
- (c) If quorum is lost during a meeting, the meeting chair shall direct that the meeting stand in recess for 15 minutes, after which the meeting chair shall call the meeting back to order. If a quorum cannot be established 15 minutes after the School Board recesses, the meeting chair must adjourn the meeting. The names of School Board Members who left the meeting shall be recorded – Refer to REG, Section 74, Schedule D(3).
- (d) 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.

Reference REG Schedule D

9.04: Reduced Quorum due to Conflict of Interest (N/A to Committees)

- (a) When a number of School Board Members present at a meeting of the School Board declare a conflict of interest under the *MCIA*, this may result in a loss of quorum.
- (b) The School Board Chair shall announce and the Board Secretary shall record in the minutes that by reason of declared conflicts there is no quorum present.
- (c) The School Board Chair shall then advise the School Board that under *MCIA* 8(1) in such circumstances a reduced quorum is possible, being greater of 1/3 of the School Board, or two School Board Members thereof, whichever is the greater.
- (d) If there are sufficient School Board Members to meet the reduced quorum, the School Board may continue with its deliberations and business relating to the item on which the School Board Member(s) have declared a conflict.
- (e) If the reduced quorum cannot be met, the School Board Chair may adjourn the meeting or discuss two possible courses of action as follows:
 - (i) the School Board Chair may dismiss the group, after ascertaining a suitable time for a future meeting; or
 - (ii) in what appears to be insoluble circumstances, refer to the School Board Solicitor for advice on the necessity of a court application.

9.05: School Board Members Not to Leave without Permission

- (a) A School Board Member shall not leave a meeting without doing one of the following:
 - (i) Informing the School Board Chair or the Board Secretary before the meeting begins that they plan to leave early;
 - (ii) Obtaining permission from the School Board Chair or Committee Chair to leave early from the meeting;
 - (iii) Obtaining a motion permitting them to leave early.
- (b) A School Board Member who leaves a Regular School Board Meeting early without meeting the requirements 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*.

9.06: Variation of Order of Business

The School Board and/or Committee may, by motion at any time, vary the order of business at any particular meeting.

9.07: Committee of the Whole Session

- (a) When the School Board wishes to permit, in respect of any matter, a more free debate and more detailed consideration than the Rules of Order permit, the School Board, on approved motion, may resolve itself into a Committee of the Whole.

- (b) When the School Board resolves into a Committee of the Whole session, the School Board Vice-Chair will chair the meeting, in the absence of the School Board Vice-Chair, such other School Board Member as selected by the School Board Chair.
- (c) The Rules of Order of the School Board shall be observed in Committee of the Whole sessions as may be applicable, except that no motions to record the vote, limit the debate, and/or adjourn the debate shall be in order. The number of times a School Board Member may speak shall be determined by the chair.
- (d) Upon completion of its consideration of the matters before it, the Committee of the Whole shall resolve to rise and report - by motion, returning to the Regular Board Meeting. The School Board Chair shall resume the meeting chair, the School Board Vice-Chair shall report to the Regular Board Meeting, and the School Board shall take such action of such report as the School Board resolves to be appropriate.

9.08: In-Camera Sessions

- (a) When the matter before the School Board involves confidential matters as per (b) below, the School Board may resolve to meet in a Committee of the Whole session, In-Camera, and exclude from the meeting, while that matter is under discussion, all persons other than School Board Members, the Superintendent and other persons specifically authorized by the School Board to be present.
- (b) Matters to be discussed during an In-Camera session are limited to:
 - (i) The security of the property of the School Board;
 - (ii) The disclosure of intimate, personal or financial information regarding a School Board Member, Staff or prospective employee, or a pupil or parent/guardian;
 - (iii) The acquisition or disposal of a school site;
 - (iv) Decisions with respect to personnel and/or collective bargaining matters;
 - (v) Litigation affecting the School Board; or
 - (vi) Legal opinions or advice
- (c) A motion to go In-Camera shall include a statement of purpose for going In-Camera as it relates to matters referred to above.
- (d) Unless required to disclose the information by a Court, no School Board Member shall disclose to any person, the nature, substance or any detail of In-Camera proceedings – Refer to 4.03 gg(i)

Refer to EA, Section 59 (3)

10. Rules of Order – Motions

10.01: Introduction of Motions

- (a) No business or matter shall be debated or voted on unless a motion in respect thereof has been moved and seconded.
- (b) The School Board Chair may require that the mover and seconder reduce any motion to writing before being debated.
- (c) Any School Board Member may request the division of any motion when, in the opinion of the School Board Chair, or on an appeal thereof to the School Board, it is reasonable to do so.
- (d) Negatively worded motions shall not be entertained.

10.02: Motions in Possession of the School Board

- (a) After a motion has been duly moved and seconded, it shall be deemed to be in possession of the School Board.
- (b) A motion may be withdrawn at any time by the mover and seconder, before decision or amendment, by consensus of the School Board.

10.03: Motions During Debate

When a motion is under debate, no additional motion shall be received except the following motions, which shall have precedence in the order below:

- (a) To adjourn the meeting (not debatable) – Refer to BL10.4
- (b) To put the main motion to vote (not debatable)
- (c) To postpone the motion indefinitely (not debatable)
- (d) To postpone the debate to a specific time (debatable, but only with respect to the propriety of the postponement)
- (e) To refer the matter to a Committee or Superintendent (debatable, but only with respect to the propriety of the referral)
- (f) To amend the main motion (debatable)
- (g) To go into Committee of the Whole Session (debatable, but only with respect to the propriety of going into Committee of the Whole Session)

10.04: Motion to Adjourn

A motion to adjourn is always in order and takes precedence over all other motions, but such a motion must not be entertained while a School Board Member is speaking or while a vote is in progress.

10.05: Motion to Refer Precludes Amendment

A motion to refer, until it is decided, shall preclude all amendments of the main motion.

10.06: Motion to Postpone Indefinitely

When a motion to postpone indefinitely is carried, the motion to which it applies, together with all amendments or proposed amendments thereto, shall be removed from the agenda. The matter may only be placed before the School Board again with a duly passed motion to return the item to the agenda.

10.07: Motion to Amend

- (a) All amendments to a motion shall be dealt with before the vote on the main motion and in the reverse order in which they were moved.
- (b) An amendment shall be directly relevant to the main motion and shall propose some change in form or substance of the main motion, but shall not change the nature thereof by the introduction of new substantive matter.
- (c) An amendment to an amendment shall be directly relevant to the main motion and amendment shall propose some change in the form or substance of the amendment, but shall not change the nature thereof.
- (d) An amendment may propose to:
 - (i) Add certain words.
 - (ii) Delete certain words.
 - (iii) Delete words in order to insert other words.
- (e) A motion to amend should always include one of the following three expressions:
 - (i) "...that the main motion [or amendment] be amended by inserting the words..."
 - (ii) "...that the main motion [or amendment] be amended by deleting the words..."
 - (iii) "...that the main motion [or amendment] be amended by substituting the words..."
- (f) An amendment which is contrary to the main motion shall be declared out of order by the School Board Chair.
- (g) There is no limit on the number of times which a main motion may be amended before it is put to a vote.
- (h) As soon as one amendment has been voted on, whether it is adopted, defeated, or referred, another amendment may be introduced.

10.08: Motions with Distinct Propositions

When the motion under consideration contains distinct propositions, the vote upon each proposition shall be taken separately, if so directed by the School Board Chair or requested by a School Board Member.

10.09: Recommendations in Report

- (a) Every recommendation in a report presented to the School Board may be considered separately.
- (b) Upon the request of any School Board Member, a vote shall be taken separately upon each or any of the recommendations contained in the report.
- (c) All Committee recommendations may be amended by the School Board before adoption.

10.10: Introduction of New Matter

- (a) When a School Board Member wishes to bring an item of business before the School Board, the School Board Member shall provide the Board Secretary with the motion, in writing, in sufficient time for it to be included on the agenda of the next meeting – Refer to BL6.01(d)
- (b) Notices received shall be forwarded to the School Board Chair who shall determine if and when the item shall be placed on a Board Meeting agenda.
- (a) With the consent of the School Board Chair, a School Board Member may be permitted to introduce a new matter at the meeting. The addition or deletion of an agenda item shall be decided by the School Board Chair without debate.

10.11: Ruling of Motion Out of Order

- (a) When, in the opinion of the School Board Chair, a motion is out of order, the School Board Chair shall call the member to order and disallow the motion.
- (b) The decision of the School Board Chair may be challenged as per BL14.02.

10.12: Motion to Censure a School Board Member

Refer to BL 4.06

11. Rules of Order – Debates

11.01: Orderly Conduct in Debate

School Board Members shall:

- (a) Respectfully address the School Board Chair when speaking.
- (b) Confine comments to the motion under debate.
- (c) Refer to other School Board Members and Staff in a respectful manner.

11.02: School Board Chair Decides Right to Speak

- (a) Any School Board Member wishing to speak shall raise his/her hand and address the School Board Chair.
- (b) The School Board Chair shall recognize the School Board Member by name and such School Board Member may then, but not before, proceed to speak.
- (c) The School Board Chair has the authority to limit debate – Refer to BL11.03.

11.03: Number and Length of Speeches

- (a) Each School Board Member may speak twice on all motions, other than motions classed as non-debatable. Except with permission of the School Board, no School Board Member shall speak longer than five (5) minutes in the first instance and two (2) minutes in the second instance on the same motion.

- (b) No School Board Member shall speak more than twice upon any motion, other than to obtain an explanation or to demand a recorded vote, except the School Board Member who introduced the motion, who shall have the privilege of closing the debate thereon.
- (c) No School Board Member may speak a second time as long as a School Board Member who has not spoken wishes to speak from the floor.
- (d) The School Board Chair shall control the discussion, assisted by the Board Secretary.

11.04: Interruption of Speaker

- (a) No School Board Member shall interrupt another School Board Member who has the floor, except to raise a point of order or question of privilege - Refer to BL14.
- (b) School Board Members shall confine themselves strictly to stating the point of order or the question of privilege.

11.05: Motion to be Read

Any School Board Member may require the motion under discussion to be read for information at any time, but not so as to interrupt a School Board Member when speaking.

11.06: Questions and Replies

All questions asked and replies given to School Board Members shall be made through the School Board Chair.

12. Rules of Order – Voting

12.01: Putting Motion to Vote

Before putting any motion to vote that has not previously been circulated in writing to School Board Members, the School Board Chair shall state the motion clearly and ask the School Board if it is ready to vote on the motion.

12.02: No Debate After Vote is Called

- (a) After a vote has been called for by the School Board Chair on any question, no School Board Member shall speak on the question, nor shall any motion be made until after the result is declared.
- (b) The decision of the School Board Chair, as to whether the question has been finally called for, shall be conclusive.

12.03: Decision of Motion

- (a) Except for the election of the School Board Chair and the School Board Vice-Chair, every motion shall be decided in the first instance by a show of hands.
- (b) The number of votes for, against and excused shall be recorded.

12.04: Recorded Vote

- (a) If directed by the School Board Chair or requested by a School Board Member prior to the vote, the vote of each School Board Member shall be taken by the Board Secretary and recorded in the Minutes, and the motion decided accordingly.
- (b) The process for a recorded vote shall be:
 - (i) Any School Board Member may make a request to the School Board Chair.
 - (ii) The School Board Chair shall instruct the Board Secretary to repeat the motion.
 - (iii) The Board Secretary shall provide each School Board Member with a ballot which includes the School Board Member's name, and "for" and "against" options.
 - (iv) School Board Members participating by telecommunication – Refer to BL9.01, shall cast their vote by e-mail to the Board Secretary.
 - (v) Each School Board Member shall complete the ballot individually.

- (vi) Completed ballots shall be collected, read by the School Board Chair and recorded by the Board Secretary.

12.05: All School Board Members Must Vote

- (a) No School Board Member shall be excused from a vote unless excluded as per the Municipal Conflict of Interest Act – Refer to BL4.09 and BL4.10, or unless the School Board Member furnishes the School Board with satisfactory reasons for being excused before the School Board Chair proceeds to put the question. The right to be excused shall be decided by the School Board Chair without debate.
- (b) Every School Board Member, including the School Board Chair and the School Board Vice-Chair, who is present when any question is put to vote, shall vote on the question unless excused by the School Board Chair.
- (c) A School Board Member who abstains from voting without being excused, shall be deemed to be in violation of the By-Laws, and the vote shall be recorded as a vote against the motion.
- (d) If a vote is tied, the motion is defeated.

13. Rules of Order – Notice of Motion

13.01: Notice of Motion to Revisit

- (a) A notice of motion to revisit shall only be brought forth by a School Board Member who voted with the prevailing side of the main motion.
- (b) A notice of motion to revisit shall be given at the meeting where the main motion was voted on.
- (c) A notice of motion to revisit shall delay or impede any action necessary to give effect any motion.
- (d) At the next Regular School Board Meeting, the motion to revisit is moved and seconded, by School Board Members who voted with the prevailing side of the main motion.
- (e) The motion to revisit must pass by a 2/3 majority of School Board Members present.
- (f) A motion shall only be revisited once.
- (g) No motion to revisit shall be allowed in regard to:
 - (i) Approval of all or part of the annual budget of the School Board;
 - (ii) Motions authorizing legal proceedings in any court;
 - (iii) Motions that would result in the signing of contractual agreements.
- (h) A motion to revisit cannot be referred or amended, but it may be postponed to a specified time in the same meeting.
- (i) It is the duty of the School Board Chair to prevent the notice of motion to revisit from being used to obstruct business, and when it is evident that it is being so misused, the School Board Chair should protect the School Board by refusing to recognize the motions.

13.02: Notice of Motion to Rescind or Amend a Previously Approved Motion

- (a) Once the School Board debates and votes on an issue, the decision should be respected so that the school system can confidently move forward with the implementation of the decision.
- (b) Notwithstanding 13.02(a), A notice of motion to rescind or amend a previous motion of the School Board may be given by any School Board Member at a Regular School Board Meeting, provided the following conditions are met:
 - (i) it is clear that the implementation of previous motion approved by the School Board would lead to the breach of a contract by the School Board; or
 - (ii) the School Board Chair is satisfied that there has been a significant change in circumstances or significant new information has come forward relating to a previous motion; or

- (iii) a previous motion is outdated and serves no useful purpose.
- (c) Motions to rescind or amend are occasionally necessary, but should be used judiciously in limited circumstances.
- (d) The motion to rescind or amend shall be dealt with at the next meeting of the School Board and will require a 2/3 majority of the School Board Members present.
- (e) Motions cannot be rescinded after something has been done as a result of that vote that the School Board cannot undo; for example, motions authorizing legal proceedings in any court or motions that result in the signing of contractual agreements.
- (f) When a motion to rescind or amend a previous motion of the School Board is defeated, a new motion on the original issue may not be brought forward as a new motion within a year, unless the School Board Chair determines that:
 - (i) the course of action proposed in the new motion is significantly different from that adopted or considered but dismissed during the School Board's earlier consideration of the original issue
 - (ii) the circumstances specific to the matter have changed sufficiently to define this as a new matter for the School Board's consideration.
- (g) It is the duty of the School Board Chair to prevent the privilege of renewal from being used to obstruct business, and when it is evident that it is being so misused, the School Board Chair should protect the School Board by refusing to recognize the motions.
- (h) New motions on issues previously considered by the School Board must propose significantly different courses of action than those either adopted or previously considered but dismissed during earlier consideration of those issues by the School Board.
- (i) Notice of Motion is not required to rescind or amend School Board policy if the motion is included as an item on the circulated agenda - Refer to BL6.01(d) and BL6.03(c)(d).

13.03: Notice of Motion to Renew a Previously Defeated Motion

- (a) Once the School Board debates and votes on an issue, the decision should be respected so that the school system can confidently move forward with the implementation of the decision.
- (b) Notwithstanding 13.02(a), A notice of motion to renew a previously defeated motion of the School Board may be given by any School Board Member at a Regular School Board Meeting, provided the following conditions are met:
 - (i) it is clear that the non-implementation of the previously defeated motion by the School Board would lead to the breach of a contract by the School Board; or
 - (ii) the School Board Chair is satisfied that there has been a significant change in circumstances or significant new information has come forward relating to the previously defeated motion.
- (c) Motions to renew are occasionally necessary, but should be used judiciously in limited circumstances.
- (d) The motion to renew shall be dealt with at the next meeting of the School Board and will require a 2/3 majority of the School Board Members present.
- (e) When a motion to renew a previous defeated motion of the School Board is defeated, a new motion on the original issue may not be brought forward as a new motion within a year, unless the School Board Chair determines that:
 - (i) the course of action proposed in the new motion is significantly different from that adopted or considered but dismissed during the School Board's earlier consideration of the original issue
 - (ii) the circumstances specific to the matter have changed sufficiently to define this as a new matter for the School Board's consideration.
- (f) It is the duty of the School Board Chair to prevent the privilege of renewal from being used to obstruct business, and when it is evident that it is being so misused, the School Board Chair should protect the School Board by refusing to recognize the motion.

- (g) New motions on issues previously considered by the School Board must propose significantly different courses of action than those either adopted or previously considered but dismissed during earlier consideration of those issues by the School Board.

13.04: Notice of Motion to Amend By-Laws

Refer to BL 16.01

13.05: Notice of Motion to Censure a School Board Member

Refer to BL 4.06

14. Rules of Order – Violations

14.01 Order and Decorum

- (a) If any School Board Member uses insulting or improper language to the School Board Chair or any School Board Member or Staff, and refuses to apologize when so directed by the School Board Chair, or willfully obstructs the conduct of business, and refuses to desist when called upon to do so by the School Board Chair, the School Board Member shall be ordered by the School Board Chair to retire from the School Board for that meeting.
- (b) Any School Board Member so removed, on making an apology to the School Board Chair and to any School Board Member or Staff insulted, may, by a vote of the School Board, be permitted to resume his or her place at such meeting - Refer to BL4.03.
- (c) Any person interfering with the business of the School Board, or acting in a disorderly manner may, upon the order of the School Board Chair, be requested to be removed from the meeting by a police officer or other peace officer – Refer to *EA*, Section 59(5)

14.02 Point of Order

- (a) If, at any time during a meeting, the conduct of a School Board Member is at variance with the by-laws, the School Board Chair shall call the Member to order.
- (b) If, at any time during a meeting, the School Board Chair believes that a School Board Member is using rules of order to obstruct business and/or to prevent the Board from effectively and efficiently transacting its business, the School Board Chair shall call the Member to order.
- (c) Any School Board Member who notices that the proceedings of the meeting are at variance with the By-Laws shall immediately address the School Board Chair using words such as “I wish to appeal on a point of order”.
- (d) When invited by the School Board Chair, the School Board Member calling point of order shall describe the proceedings considered to be a breach and request that action be taken to rectify the situation.
- (e) The School Board Chair, prior to ruling, may request that the School Board Member called to order provide an explanation.
- (f) The School Board Chair may refer to the Reference of Authority, consult with the Board Secretary, and/or call for a brief recess prior to ruling on the point of order.
- (g) The ruling of the School Board Chair is final, subject only to an appeal to the School Board, without debate.
- (h) If any Member challenges the ruling of the School Board Chair, the School Board Chair must then state reasons for the ruling.
- (i) The School Board Vice-Chair will then conduct a vote without debate on the question of whether the ruling of the School Board Chair shall be overturned.
- (j) To overturn the ruling of the School Board Chair a majority of the votes of School Board Members present is required.

14.03 Point of Personal Privilege

- (a) A School Board Member who seeks redress with respect to personal remarks made at a meeting may request a point of personal privilege using words such as: "I request a point of personal privilege".
- (b) The request must be made immediately, while the statements are fresh in minds of the listeners. Written or spoken statements made in some other context cannot be raised as matters of privilege. Such statements may be dealt with as a breach of the Code of Ethics - Refer to BL4.03.
- (c) The School Board Chair rules on whether the remarks constitute a matter of personal privilege.
- (d) The remarks must be considered to have breached the Code of Ethics - Refer to BL4.03 and BL4.04.
- (e) The ruling of the School Board Chair is final, subject only to an appeal to the School Board, without debate.
- (f) If any School Board Member appeals the ruling, the School Board Chair must then state reasons for the ruling.
- (g) The School Board Vice-Chair will then conduct a vote without debate on the question of whether the ruling shall be overturned.
- (h) To overturn the ruling of the School Board Chair a majority of the votes of School Board Members present is required.
- (i) In the case where the School Board Chair has made such comments, the request for point of privilege is to be made to the School Board Vice-Chair.

14.04: Appeal of the School Board Chair Ruling

- (a) If a School Board Member considers that a ruling made by the School Board Chair is not in order, an appeal may be made from this ruling.
- (b) The appeal shall be worded in the form of: "I wish to appeal the ruling of the School Board Chair."
- (c) The School Board Vice-Chair shall assume the chair of the meeting.
- (d) The School Board Chair will give a brief explanation of the ruling, not open to debate.
- (e) The School Board Vice-Chair will ask: "Is the ruling of the School Board Chair overturned?"
- (f) To overturn the ruling of the School Board Chair a majority of the votes of School Board Members present is required.
- (g) When a ruling of the School Board Chair is overturned by the vote of the School Board Members, the School Board Chair is bound to take the necessary remedial action to correct the situation, after which the meeting returns to its normal agenda.

15. Minutes and Records

15.01: Minutes

Minutes of proceedings of the Regular and Special School Board Meetings shall be taken and kept with the records of the School Board. Once approved, minutes will be posted to the School Board website.

15.02: School Board Records

- (a) Any record pertaining to the governing School Board or individual School Board Members, and deemed by the School Board Chair to be of significance, shall be filed in a hard-copy format at the Regional School Board Office by the School Board Secretary.
- (b) A School Board Member may, through the Superintendent of Schools, request to view or obtain a copy of records as filed by the School Board Secretary.
- (c) All records maintained by the School Board Secretary are subject to the Freedom of Information and Protection of Privacy Act. School Board Members may, depending on the record requested, be required to submit a FOIPOP application for records.

15.03: Preservation and Destruction of School Board Records

The Board Secretary, through the Superintendent, shall oversee the preservation and safekeeping of all records of the School Board for at least six years after each item comes into existence. At the conclusion of such six-year period and subject to the provisions of the *Education Act*, records may be destroyed – Refer to *EA* Sections (62)(63).

16. By-Laws

16.01: AMENDMENTS TO BY-LAWS

Amendment of these By-Laws requires:

- (a) A notice of motion be given at a Regular School Board Meeting;
- (b) The inclusion of the motion to amend on the agenda for a subsequent Regular or Special School Board Meeting; and
- (c) A 2/3 majority approval of the School Board Members present.

16.02: REVIEW OF THE BY-LAWS

The By-Laws shall be reviewed in June immediately preceding a School Board election.

School Board Member Oath of Office
(subsection 50(1) of the *Education Act*)

I, (Board Member), (swear or affirm)

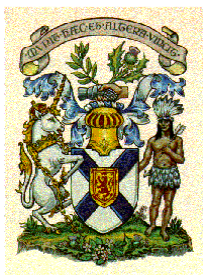
- that I will be faithful and bear true allegiance to (Her Majesty Queen Elizabeth II or reigning sovereign)
- that I am not disqualified under any law from being a Member of the (name of School Board), and if I become disqualified during my term of office, I will forthwith notify the secretary of the (name of 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-law adopted by (name of School Board).

Sworn (or affirmed) at_____

in the County/Regional Municipality of_____

on_____, 20___,before me

Judge/Justice of the Peace
Schedule C added: N.S. Reg. 12/2010.



Municipal Conflict of Interest Act
CHAPTER 299
OF THE
REVISED STATUTES, 1989
amended 1991, c. 6, s. 40; 1993, c. 47, s. 6

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

**An Act to Prevent Conflict of Interest in the
Conduct of Municipal Government**

Short title

1 This Act may be cited as the *Municipal Conflict of Interest Act*. R.S., c. 299, s. 1.

Interpretation

2 In this Act,

- (a) "council" means the council of a municipality;
- (b) "elector" means a person entitled to vote at a municipal election in the municipality;
- (c) "interest in common with electors generally" means a pecuniary interest in common with the electors within the area of jurisdiction of the municipality or local board or, where the matter under consideration affects only part of that area, an interest in common with the electors within that part;
- (d) "local board" means any board, commission, Committee, body or local authority of any kind established to exercise or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or parts thereof or of two or more municipalities or parts thereof, or to which a municipality or municipalities are required to provide funds, and includes a school board pursuant to the *School Boards Act*;
- (e) "meeting" means a regular, special or emergency meeting of a municipality or local board and any Committee thereof, and includes informal as well as formal meetings;
- (f) "Member" means a Member, in whatever capacity, of a council or a local board and, for the purposes of Sections 9 and 10, includes a former Member;
- (g) "municipality" means a city, incorporated town or municipality of a county or district;
- (h) "senior officer" means the Chairman and Vice-Chairman of the board of directors of a corporation, the president, vice-president, secretary, treasurer, managing director and general manager of a corporation and any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;
- (i) "spouse" means either of a man and woman who

- (i) are married to each other,
 - (ii) are married to each other by a marriage that is voidable but which has not been voided by order of a court,
 - (iii) have gone through a form of marriage that is void and have cohabited within the preceding twelve months, or
 - (iv) are living together as husband and wife;
- (j) "substantial interest" means the direct or indirect beneficial ownership of, or the power to exercise control or direction over, equity shares of any corporation that carry more than ten per cent of the voting rights attached to all outstanding equity shares of the corporation. R.S., c. 299, s. 2; 1991, c. 6, s. 40.

Indirect pecuniary interest

3 A Member has an indirect pecuniary interest in any matter

- (a) if the Member or the Members nominee
 - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its shares to the public,
 - (ii) has a substantial interest in, or is a director or senior officer of, a corporation that offers its shares to the public, or
 - (iii) is a Member of a body, whether incorporated or not, that has an interest in any matter in which the council or local board is concerned; or
- (b) if the Member is a partner of or associated in a joint venture with a person, or is in the employ of a person or body, whether incorporated or not, that has an interest in any matter in which the council or local board is concerned. R.S., c. 299, s. 3.

Deemed pecuniary interest

4 The pecuniary interest of

- (a) the spouse of a Member;
 - (b) any son, daughter, father, mother, brother or sister of a Member or the Members spouse;
 - (c) the spouse of the persons referred to in clause (b); and
 - (d) any other person who normally resides in the same home as the Member,
- shall, if known to the Member or of which the Member reasonably should have known, be deemed to be also a pecuniary interest of the Member. R.S., c. 299, s. 4.

Act does not apply

5 (1) This Act does not apply to any interest in any matter that a Member may have

- (a) as an elector;
- (b) by reason of being entitled to receive any service, commodity or other benefit offered by the municipality or local board in like matter and subject to the like conditions as are applicable to persons who are not Members;
- (c) by reason of purchasing or owning a debenture or other security issued by the municipality or local board;
- (d) by reason of having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the Member in like manner as such a deposit is or may be returnable to other electors;
- (e) by reason of being eligible for election or appointment to fill a vacancy, office or position in the council or local board where the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;
- (f) by reason of being eligible for appointment, or having been appointed, by the council to a local board;

- (g) by reason only of being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board;
- (h) by reason of having been appointed by the council or local board to a board, Committee or other body;
- (i) with respect to any allowance, honorarium, remuneration, salary or benefit to which the Member is or may be entitled by reason of being a Member or by reason of having been appointed, by the council or local board, to a local board or other board, Committee or other body;
- (j) by reason of having a pecuniary interest that is an interest in common with electors generally;
- (k) by reason only of an interest that is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the Member.

Where city by-law

(2) This Act does not apply to a council of a city, or a local board of that city, while it has in effect a by-law made pursuant to Section 19 of the *Municipal Elections Act*. R.S., c. 299, s. 5.

Interested Member present at meeting

6 (1) Where a Member, either on the Members 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

- (a) as soon as practicable after the commencement of the meeting disclose the interest and the general nature thereof;
- (b) withdraw from his place as Member and
 - (i) 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
 - (ii) 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;
- (c) refrain from taking any part in the consideration or discussion of the matter and from voting on any question relating to the matter; and
- (d) 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.

Interested Member not present at meeting

(2) Where the Member was not present at a meeting at which a matter in which the Member, either on the Members 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 subsection (1) shall apply to the Member in respect of the matter.

Where intent to obtain pecuniary interest

(3) A Member shall comply with this Section in respect of any matter in which the Member intends to obtain a pecuniary interest, either on the Members own behalf or while acting for, by, with or through another. R.S., c. 299, s. 6.

Recording in minutes of declaration of interest

7 (1) Every declaration of interest and the general nature thereof disclosed pursuant to Section 6 shall be recorded in the minutes of the meeting by the clerk of the municipality or by the secretary of the local board, as the case may be.

Recording in central record of disclosure of interest

(2) The person acting as secretary of any meeting, or the Chairman of the meeting if there is no secretary, shall record every disclosure of interest and the general nature thereof in a central record of disclosure.

Central record of disclosure

(3) Every municipality and local board shall keep a central record of disclosure, which shall be open to inspection by any elector without fee at all reasonable times. R.S., c. 299, s. 7.

Reduced quorum

8 (1) Where, by reason of this Act, a council or local board lacks a quorum to consider any particular matter, then, notwithstanding the provisions of any Act or other provision establishing the number of Members to constitute a quorum, for the purposes of considering and acting on the matter, a quorum is one third of the council or local board or two Members thereof, whichever is greater.

Order of court

(2) Where, by reason of this Act, a council or local board lacks a quorum pursuant to subsection (1) to consider any particular matter, the council or local board may apply to a judge of the Trial Division of the Supreme Court or a county court for an order authorizing the council or local board to consider and act on the matter.

Content of order

(3) The judge may, by order, prescribe the terms and conditions pursuant to which the council or local board may consider and act on the matter, and may direct that certain of the Members may participate in the consideration of the matter and that certain Members may not, as to the judge seems just.

Authorized participation by interested Member

(4) Participation in the consideration of any matter in which a Member has a direct or indirect pecuniary interest pursuant to an order of a judge is not a contravention of this Act. R.S., c. 299, s. 8; 1993, c. 47, s. 6.

Application to determine if Member in contravention

9 (1) The Attorney General or an elector may apply to a judge of the Trial Division of the Supreme Court or a county court for a determination of whether a Member has contravened the provisions of this Act.

Form of application

(2) An application shall be made by originating notice (application *inter partes*) pursuant to the rules of the court.

Content of application

(3) The application shall state the grounds on which it is believed that a contravention of this Act may have occurred.

Time limit

(4) An application shall be made within sixty days after the fact comes to the attention of the applicant that the Member may have contravened this Act.

Further time limit

(5) No application may be made pursuant to this Section more than ten years after the date of the alleged contravention of this Act. R.S., c. 299, s. 9.

Order for forfeiture of office

10 (1) Where the judge determines that a Member has contravened this Act, the judge shall declare the seat of the Member vacant and direct that the vacancy be filled in the manner prescribed by law, but if the judge determines that the contravention was committed as a result of inadvertence or a *bona fide* error in judgment the judge may relieve against such forfeiture of office.

Disqualification to fill forfeited office

(2) The Member found to have contravened this Act shall not be qualified to fill the vacancy so created.

Restitution and disqualification of Member

(3) Where the judge determines that a Member has contravened this Act, the judge may

- (a) disqualify the Member from being a Member of the council or local board, or any council or local board, for a period of not more than ten years; and
- (b) where the contravention has resulted in personal financial gain, require the Member to make restitution.

Penalty where personal financial gain

(4) Where the contravention has been made for the purpose of personal financial gain, the judge shall impose a penalty of not more than twenty-five thousand dollars or, in default of payment thereof, imprisonment for a term of not more than twelve months. R.S., c. 299, s. 10.

Appeal

11 (1) An appeal lies from the decision of the judge to the Appeal Division of the Supreme Court in accordance with the rules of court.

Restriction on filling seat of contravening Member

(2) No steps shall be taken to fill the seat of a Member who has been found to contravene this Act until after the expiration of the time limited for appeal or, if an appeal is brought, until after the appeal has been finally determined. R.S., c. 299, s. 11.

Inquiry

12 (1) If the council or local board by resolution requests that inquiry be made into or concerning

- (a) any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of a Member, an officer or other official, an employee or agent of the municipality or local board, or any person having a contract therewith, in relation to the duties or obligations of such person to the municipality or local board;
- (b) any allegation that a Member has contravened the provisions of this Act; or
- (c) any matter connected with the good government of the municipality or local board or the conduct of any part of the public business thereof,

the Attorney General shall appoint a judge or some other suitable person to make the inquiry.

Duty to enter upon inquiry and report

(2) The person so appointed shall, with all convenient promptitude, enter upon the inquiry and upon the conclusion thereof, shall report to the Attorney General and to the council or local board the result of the inquiry and the evidence taken thereon.

Public Inquiries Act

(3) The person appointed shall have, for the purpose of inquiry, all the powers of a commissioner under the *Public Inquiries Act*.

Fees

(4) Such person is entitled to receive and shall be paid such fees as may be fixed and paid by the Attorney General.

Right of municipality or board to counsel

(5) The council or board may engage and pay counsel to represent the municipality or local board and may pay all proper witness fees to persons summoned to give evidence at the instance of the municipality or local board.

Right of person charged to counsel

(6) Any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question, may be represented by counsel. R.S., c. 299, s. 12.

Voidable proceedings where Section 6 contravened

13 (1) The contravention of Section 6 of this Act does not of itself invalidate any proceedings in respect of any matter, but the proceedings in respect of the matter are voidable on application to a judge of the Trial Division of the Supreme Court or of a county court at the instance of the municipality or of the local board within two years after the matter was authorized by the council or local board.

Factor considered

(2) In determining whether any proceedings should be declared void under subsection (1), the judge shall give due consideration to the effect of such declaration on innocent third parties. R.S., c. 299, s. 13.

Certain proceedings only under this Act

14 Proceedings to declare a seat vacant or to disqualify a Member by reason of conflict of interest, or to require a Member to make restitution where a contravention of this Act has resulted in personal financial gain, shall be had and taken only under the provisions of this Act. R.S., c. 299, s. 14.