

School District #62 (Sooke)

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| BOARD GOVERNANCE BY-LAW | No.: 1-20 |
| | Effective: Jan. 23/18 Revised: Jan. 26/21; Sept. 16/21 Reviewed: Sept. 16/21 |

SCHOOL BOARD GOVERNANCE BY-LAW

Purpose, Vision, Mandate, Mission, Values, and Beliefs

Purpose:

Create a safe learning community in which all have the opportunity for a diverse education in a respectful, inclusive culture that promotes personal motivation, resilience and individualized learning.

Vision:

We honour student voice and choice through engaging, purposeful and experiential learning in a safe and respectful community.

Mandate:

1. To provide a personalized and flexible education that spans intellectual, human, social, emotional and career development, for every child; without pre-conditions.
2. To ensure accessibility, relevance, equity, quality, and accountability in all that it does.
3. To govern in a fiscally responsible and cost-effective manner.
4. To develop a capital plan that ensures the necessary physical plants required for present and future educational needs.
5. To provide choices of programs in order to accommodate different learning styles.
6. To focus on individualized student learning through continuous, evidence-based improvement and capacity building.
7. To support ongoing professional development for all staff.

Mission:

To help develop informed, literate and resilient citizens through engagement in a safe, respectful, inclusive and responsive School District # 62 learning community.

Values:

- Relationships,
- Choice,
- Respect,
- Integrity,
- Trust,
- Safety,
- Diversity, and
- Equity

Beliefs:

In School District #62, we believe;

- The quality of experience for students and staff should be engaging, purposeful and reflective of voice and choice;
- All education partners, staff and citizens in the communities the District serves have a role in supporting student learning, each with distinct responsibilities;
- In the commitment of fostering diversity and actively pursuing equity by understanding the complexities that affect achievement;
- In fostering a district-wide focus on learning and ensuring an equitable approach to enable everyone to have the opportunity to achieve their potential;
- In continuous improvement through decision-making informed by gathering evidence that is strength and results-based;
- We are growing at an unparalleled pace and it is necessary to manage this growth appropriately to ensure that the District continues to deliver successful education programs; and
- That the shifting landscape due to the COVID-19 pandemic has reinforced the importance of public education in our community and has provided the unique position to learn from its challenges and work with our partner groups to leverage the opportunities discovered.

SECTION I

BOARD

1.0 The Board is an elected Representative Assembly

The Board is the representative assembly that governs the provision of public-school education within School District No.62 (Sooke) on behalf of the people of British Columbia, represented by the Government of British Columbia, and the electors of the District.

1.1 Accountability and Responsibility

- 1.1.1 The Board will carry out its duties in accordance with the provisions of the *School Act* and all other relevant legislation, including Regulations and Ministerial Orders.
- 1.1.2 The Board is directly accountable to the Minister of Education for the way in which it discharges these duties and is generally accountable to the electorate of School District No.62 (Sooke) for:
 - (a) Anticipating the future of both students and the community, and aligning present work with future aspirations and expectations, by providing direction, policy parameters, a strategic work plan, an annual budget, and evaluation.
 - (b) Framing the culture of School District No.62 (Sooke).
 - (c) Hiring the Superintendent, and the regular periodic evaluation of the Superintendent thereafter.
 - (d) Securing the resources and making the primary allocation of resources.
 - (e) Risk assessment and risk management (including crisis preparedness).
 - (f) Evaluation of culture, consistency, outcomes, and constituent satisfaction.
- 1.1.3 The Board has, and is accountable to act on, a mandate from both the provincial government (and the people of British Columbia) and the residents of the District.

1.2 Rules of Order: Voting

- 1.2.1 The procedures of the Board will be governed by this By-Law and by any Standing Orders that the Board may adopt, and by Robert's Rules of Order, as most recently published, and in the case of any conflict between or among these, this By-Law has precedence, followed by any Standing Orders that the Board may adopt, followed by Robert's Rules of Order.
- 1.2.2 All Trustees present at a meeting of the Board must vote on all matters unless they declare a conflict of interest.

1.3 Trustees' Oath of Office

- 1.3.1 Individuals hold office for a term as Trustees upon swearing or affirming the Oath of Office in accordance with the School Act.
- 1.3.2 Every member of a Board shall act in accordance with the Members' Oath of Office and is subject to action according to these By-Laws and any relevant provincial enactment for failure to do so.

1.4 Organizational Meeting of the Board

- 1.4.1 The Organizational Meeting of the Board shall be held within 30 days of the post-election deadline for applying for a judicial recount.
- 1.4.2 The Organizational Meeting of the Board shall be convened and may be chaired by the Secretary-Treasurer of the School District No.62 (Sooke).
- 1.4.3 Notwithstanding 4.4, the Board may appoint a Chair of the Organizational Meeting, from among its members.
- 1.4.4 At its Organizational Meeting, the Board of Education shall consider the election of a Chairperson and Vice-Chairperson of the Board and may conduct such other business as they see fit.
- 1.4.5 The Board shall, if a Chairperson is not elected, choose a Chairperson *pro tem* (temporary) solely for the purpose of presiding over the meetings of the Board until a Chairperson is elected or appointed.
- 1.4.6 During the years in which there is not a trustee election, a part of the regular December Board meeting will include the election of a Chairperson and Vice-Chairperson of the Board as well as provincial representatives.

1.5 Officers: The Board Chairperson and Vice-Chairperson

- 1.5.1 Only a Trustee currently elected to the Board may serve as the Chairperson or Vice-Chairperson of the Board.
- 1.5.2 The term of office of the Chairperson and of the Vice-Chairperson is one year and they may be re-elected.
- 1.5.3 Where a vacancy occurs in the office of the Chairperson or the Vice Chairperson, the Board shall, at its first meeting after the vacancy occurs, elect one of its members to fill the vacant office for the balance of the term of the office.

1.6 Election of the Chairperson and Vice-Chairperson of the Board

- 1.6.1 Nominations for, and the election to, the position of Chairperson and Vice-Chairperson shall be conducted using a secret ballot process at a Board meeting.
- 1.6.2 The candidate receiving the majority (50% plus one) of the votes cast shall be declared elected.
- 1.6.3 If no candidate receives a majority of the votes cast, the candidate(s) who received the fewest votes will be removed from the list of those eligible to be elected, and a second ballot shall be cast and counted to determine the outcome of the election.
- 1.6.4 If, among two candidates, there is a tie vote, both candidates may speak to the Board for no more than 3 minutes, after which the Chairperson of the Meeting shall cause a final vote to be taken.
- 1.6.5 If the final vote for the election of the Chairperson of the Board is a tie vote, the election of the Chairperson of the Board shall be deferred to the next meeting of the Board.

- 1.6.6 Any Trustee may be nominated to serve as Chairperson or Vice-Chairperson, provided that any nominee must consent to the nomination and must agree to serve in good faith if elected.
- 1.6.7 Any member who is not present at the Board meeting may have their name put forward for nomination *in absentia* provided the Board Secretary has received a direct communication from the Board member stating their wish to have their name stand for the office of Chairperson or Vice-Chairperson.
- 1.6.8 A consent provided pursuant to 1.6 is only effective for the election immediately following the date of the consent.
- 1.6.9 When nominations have been called for a third time without any additional nominations being made and assented to, a vote shall be conducted under the supervision of the Secretary-Treasurer.
- 1.6.10 The Chairperson of the meeting, with the advice and consent of Trustees, shall appoint two people to distribute, collect and count the ballots, which will be collected in such a way as to:
 - (a) Ensure that no vote is cast by any person except a Trustee; and
 - (b) Conceal the vote of each Trustee.
- 1.6.11 The election of the Chairperson shall be completed prior to commencing the procedure for the election of a Vice-Chairperson.

1.7 Responsibilities of the Chairperson and Vice-Chairperson of the Board

- 1.7.1 The Chairperson will carry out their duties in accordance with the *School Act*, these By-Laws, and any other By-Laws, policy or other decisions of the Board.
- 1.7.2 The Chairperson, when present, will call and preside at all meetings of the Board, and ensure that meetings of the Board are conducted in accordance with 1.2 of this By-Law and Policy A-400, "School Board Meetings".
- 1.7.3 The Chairperson is responsible for safeguarding free, open, respectful debate that is conducive to a full understanding of what is material to each issue or question.
- 1.7.4 The Chairperson is the only agent of and spokesperson for the Board.
- 1.7.5 Notwithstanding 1.7, the Board may delegate to another Trustee the role of agent of the Board for a particular task or range of tasks, subject to such terms and conditions as are mutually agreed and provided that the delegation is in writing, and the Chairperson may delegate to another Trustee the role of spokesperson for the Board on a particular matter or range of matters, subject to such terms and conditions as are mutually agreed and provided that the delegation is in writing.
- 1.7.6 The Vice-Chairperson will carry out their duties in accordance with the *School Act* and these By-Laws.
- 1.7.7 In the absence of the Chairperson, the Vice-Chairperson, when present, will call and preside at all meetings of the Board, and ensure that meetings of the Board are conducted in accordance with 1.2 of this By-Law.

- 1.7.8 The Vice-Chairperson will fulfill the obligations otherwise fulfilled by the Chair of the Board in dealing with any complaint against the Chair of the Board.
- 1.7.9 In the absence or inaccessibility or inability of the Chairperson to act, the Vice-Chairperson shall carry out the duties of the Chairperson.
- 1.7.10 The Vice-Chairperson shall have such other duties and powers as the Board may specify.

1.8 Meetings of the Board; Quorum

- 1.8.1 At the Organizational Meeting or at the first meeting of the Board following the Organizational Meeting, the Board shall schedule regular meetings of the Board for the duration of the terms of office of the Board.
- 1.8.2 Regular meetings of the Board shall be held at least monthly from September to the following June, [and at least once in July or August each year.]
- 1.8.3 Regular meetings of the Board may be cancelled by the Chairperson of the Board, provided that at least seven days' notice is given to all Trustees and provided that no two consecutive meetings of the Board are cancelled.
- 1.8.4 The Chairperson of the Board may call a Special Board Meeting for the purpose of dealing with any urgent or timely matter or matters; and shall call a Special Board Meeting upon receiving a written or emailed request from at least three Trustees.
- 1.8.5 The Chairperson of the Board shall determine the day and time and place at which the Special Board Meeting will be held, bearing in mind the need to have as many Trustees as possible in attendance.
- 1.8.6 The Board Secretary shall give notice of the day and time, and place at which a Special Board Meeting will be held, and shall provide to each Trustee, by email or printed document(s) a copy of the proposed Agenda and supporting documents, if any.
- 1.8.7 No item may be added to the Agenda circulated in advance of a Special Board Meeting unless the addition has the unanimous consent of all Trustees, including those not present at the meeting.
- 1.8.8 No business shall be conducted at any meeting of the Board unless a quorum is present and, in the event a quorum is lost, the Chairperson must adjourn the meeting.
- 1.8.9 A quorum continues to be present at a meeting if a Trustee excuses him/herself briefly with the intention of returning to the meeting.
- 1.8.10 A Trustee may, at any time, ask the Chairperson to recess a meeting for a brief time and the Chairperson may, at their sole discretion, recess a meeting for a brief and stated period of time.
- 1.8.11 Trustees may participate in or attend a meeting or committee meeting of the board by telephone or other means of communication, provided that all trustees and other persons participating in or attending the meeting are able to communicate with each other in real time.
- 1.8.12 If a trustee participates in or attends a meeting of the board by telephone or other means of communicating as provided in 1.8.11, the trustee is to be counted for the purposes of establishing a quorum.

1.9 Committees of the Board; External Committees

- 1.9.1 The Board may establish such Standing or Special Committees as it sees fit to establish, provided that the motion to establish a committee shall indicate and include:
- (a) Whether the Committee is a Standing or a Special Committee;
 - (b) The terms of reference;
 - (c) The membership, and the Chairperson of the Committee shall be named;
 - (d) The budget.
- 1.9.2 Committees do not decide or act on behalf of the Board: they report to the Board.
- 1.9.3 Trustees of the Board of Education are members of all standing committees, *ex officio*.
- 1.9.4 The Board may appoint a Trustee or a staff person, or a Resident of the District to a board or committee established by the Minister of Education, or another Minister of the Crown, or another organization or institution, subject to such terms and conditions as it expresses in the resolution of appointment.

SECTION II

TRUSTEES

- 2.10 The Board consists solely of the Trustees most recently elected within the District and sworn into office, or an Official Trustee if one is appointed by the Minister.
- 2.20 Each Trustee is elected in a Trustee Electoral Area of the District, in the expectation that they will bring a distinct 'lived experience' to the deliberations of the Board. Notwithstanding election in Trustee Electoral Areas, each Trustee, in making decisions about matters before the Board, shall have primary regard for justice, fairness, and excellence and what is best for the District as a whole.
- 2.3 Limitations on the Role of Trustees
- 2.3.1 The Board is a single entity and a representative assembly, and no individual Trustee has any right of access to, or of agency within or on behalf of the organization or operations of School District No.62 (Sooke) except as the result of a prior and express decision of the Board. Specifically, but without restricting the generality of the foregoing, individual Trustees have no right to access information kept by School District No.62 (Sooke) regarding individual students and/or their parents or guardians, staff, volunteers, suppliers or contractors, or the public.
- 2.3.2 A Trustee is not the representative of the Board or of School District No.62 (Sooke), except as the result of a delegation of that representative function, made by the Board or by the Chairperson of the Board or the Superintendent of Schools.
- 2.4 Duties of Trustees
- 2.4.1 Each Trustee owes to School District No.62 (Sooke):
- (a) The duty of loyalty, and the duty to avoid conflict of interest.

- (b) The duty to act in good faith.
- (c) The duty of diligence, care, and prudence.
- (d) The duty of skill.
- (e) The duty of full disclosure of any and all information and knowledge the trustee has which could be material to any matter under discussion.
- (f) The duty to comply with the law, including the *School Act*, the *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act* and all other relevant legislation.

2.4.2 It is the duty of each Trustee to:

- (a) Attend all meetings of the Board and of Committees of the Board of which they are a member, or to advise the Chairperson of the meeting that they will be absent.
- (b) Observe the By-Laws, Rules of Order, and the decisions of the Chair of any meeting they attend as a participant.
- (c) Prepare well for all meetings and for the examination of all issues before the Board.
- (d) Be familiar with the Board's by-laws, policies and procedures, on an on-going basis.

2.4.3 These duties are further represented in Policy A-105, "Trustee Code of Conduct".

SECTION III

THE SUPERINTENDENT

- 3.1 The Superintendent is appointed by and is accountable to the Board, subject to such terms and conditions as are embodied in a contract of employment.
- 3.2 The Superintendent is the Chief Executive Officer of School District No.62 (Sooke) and has overall responsibility for the day-to-day management and the efficient operation of the District offices, schools, and facilities and services, and the supervision of all employees of School District No.62 (Sooke).
- 3.3 The Superintendent shall adhere to the requirements of the *School Act* and all other relevant legislation, including Regulations and Ministerial Orders. The Superintendent shall implement approved Board policy.
- 3.4 The Superintendent is responsible for the development, approval and implementation of administrative procedures.
- 3.5 The Superintendent is the only official spokesperson for School District No.62 (Sooke).
- 3.6 Within six months of hiring a Superintendent, the Board with the advice of the Superintendent, shall develop and adopt a process for regular periodic formative reviews and evaluations of the performance of the Superintendent in the role of Superintendent.

- 3.7 A formal and formative review and evaluation of the performance of the Superintendent shall be conducted within 18 months of the Superintendent being hired [and thereafter in accordance with the Superintendent's contract of employment].

SECTION IV

THE SECRETARY-TREASURER

- 4.1 The Secretary-Treasurer of School District No.62 (Sooke) is the Secretary of the Board, and the Secretary-Treasurer may delegate this role to another person, subject to the advice and consent of the Board and in no case for a term that exceeds the term of office of the incumbent Board.
- 4.2 The Board Secretary is responsible to keep a complete and accurate record of the proceedings of all meetings of the Board, in such form and detail as the Board may determine, provided that no meeting of the Board shall be recorded, verbatim, in any form whatsoever, by transcription or by use of audio or visual or audio-visual equipment or services without the prior knowledge and consent of the Board, and in no case may an *in camera* session of the Board be recorded in any form whatsoever.
- 4.3 The Board Secretary shall inform the public of all Regular and Special Board meetings, in whatever way(s) the Board Secretary considers are most likely to provide ample and widespread notice.
- 4.4 The Secretary-Treasurer may not chair any meeting of the Board except the Organizational meeting and the portion of the regular December meeting specifically set aside for the purpose of the electing the Board Chair.

SECTION V

DEFINITIONS

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

ADOPT, to is a motion indicating that the meeting approves the action; or, in the case of a report, that every recommendation contained in a report is adopted as if the Board approved each recommendation separately.

APPROVE, to is a motion indicating that the meeting agrees with a specific proposed action or report.

BCSTA means British Columbia School Trustees' Association.

BL means these By-laws.

BOARD means the governing Board of Education of the School District No.62 (Sooke), often referred to colloquially as the school board.

BOARD MEMBER means a member of the Board of Trustees (school board), including the Board Chair and Vice-Chair.

BOARD WORK SESSION means a private session of the Board for a specific purpose (i.e. in-depth budget analysis). A Board Work Session is not a meeting of the Board. No quorum is required and no motions may be made.

BY-LAWS means these By-laws.

CHAIR means the Chair of the Board.

DAY means calendar day.

DISTRICT means the geo-political jurisdiction within which School District No.62 (Sooke) operates schools and provides K -12 education.

FIPPA means the *Freedom of Information and Protection of Privacy Act*.

IN CAMERA (PRIVATE) means a private session of the Board that is convened during the course of a regular or special Board meeting to discuss sensitive/confidential issues.

INCUMBENT TRUSTEE means the trustee has taken their oath of office.

MEETING means the Organizational Meeting of the Board, or a Regular or Special Board Meeting, whether held as a public or as a Private Meeting.

MEMBER means a member of the school board and is synonymous with Board member.

MINISTER means the Minister of Education.

ORGANIZATIONAL MEETING means the first meeting of the Board following a general election of Trustees.

PERSONAL INFORMATION means recorded information about an individual who could be identified solely by reference to the information, and includes names, addresses and telephone numbers, the individual's age, sex, sexual orientation, family status, race, national or ethnic origin, beliefs, identifying numbers (such as student number or social insurance number), or information about an individual's employment, health or educational history.

PIPA means the *Personal Information Protection Act*.

QUASI-JUDICIAL is having a partly judicial character by possession of the right to hold hearings on and conduct investigations into disputed claims and alleged infractions of rules and regulations and to make decisions in the general manner of courts. Essentially judicial in character but not within the judicial power or function as constitutionally defined.

QUORUM is a majority (more than half) of the Trustees holding office at the time of the meeting.

REGULAR BOARD MEETING means the regular periodic scheduled meeting of the Board at which time motions may be passed. A quorum is required in order for any business to be conducted.

RECEIVE, to means a motion by which the Board acknowledges that a report has been presented, but the Board is not bound by its findings or recommendations.

ROBERT'S means the most current of Robert's Rules of Order, the procedural manual adopted and followed by the School Board.

SA means the *School Act*.

SECRETARY means the Secretary Treasurer or Designate.

SPECIAL BOARD MEETING means a Board meeting other than a regular meeting, held to address a specific matter or issue of concern. A quorum is required and motions may be passed at this meeting.

SPECIAL COMMITTEE means a Committee that is established for a fixed term or to provide a special report or to undertake a specific negotiation or task on the completion of which the Committee will be discharged.

STAFF means personnel employed in the School District.

STANDING COMMITTEE means a Committee that is established to function without term, and for a general purpose.

SUPERINTENDENT means the Superintendent of Schools for the Board.

TRUSTEE means a member of the Board of Education of the Sooke School District #62 or an Official Trustee appointed by the Minister of Education.

VICE-CHAIR means the Vice-Chairperson of the Board.

Other relevant definitions are found in the *School Act*, and the Regulations made according to the School Act.