



**Suite 601, Atlantic Place
215 Water Street
St. John's, NL
A1C 6C9
(709) 758-2372
www.nlesd.ca**

BY-LAWS

Newfoundland and Labrador English School District

By-Laws Governing Operations

Introduction

As per Section 74 of the **Schools Act, 1997**, the Board shall adopt by-laws to regulate the activities of the Board, subject to approval of the Minister of Education.

Definitions

For the purposes of these by-laws:

- a) "Board" means the Newfoundland and Labrador English School Board.
- b) "District" means the Newfoundland and Labrador English School District.
- c) "Minister" means the Minister of Education.
- d) "Chair" means the Chairperson of the Board.
- e) "Trustee" means a person who is elected or appointed to be a member of the Board, pursuant to the Schools Act.
- f) "Committee Chair" means a Trustee chosen to lead a Standing or Ad hoc Committee of the Board.
- g) "Executive Committee" means the Executive of the Board, and includes a Chair, Vice-Chair and five members-at-large representing the Regions of the Board: Labrador, Western, Central, Eastern, and Northeast Avalon.
- h) "Committee" means a Standing or Ad hoc Committee established by the Board.
- i) "Director" means the Chief Executive Officer of the Board.
- j) "Schools Act" means the **Schools Act, 1997**.
- k) "Ex-officio" means membership by virtue of office or position and that person is not counted in the Quorum of a Committee.
- l) "Majority" means more than fifty percent.
- m) "Open Meeting" is a meeting of the Board that is open to the public.
- n) "Closed Meeting" is a meeting from which members of the public are excluded.
- o) "Region" means geographic areas designated as regions of the Board.

Any terms used in these by-laws which are also used in the **Schools Act, 1997** and the regulations therein, shall have the same meaning as they do in the Act and regulations.

Article 1: Meetings of the Board

1.01 Annual General Meeting

- a) The inaugural meeting of the Board shall be held within 30 days of the board elections and the annual general meeting shall be held no later than November 30th.
- b) Stakeholders shall be given a minimum of a two-week notice of the specific date of the annual general meeting, through posting of the notice on the District's public website.
- c) The annual general meeting shall be held in St. John's or at a location otherwise determined by the Board.

1.02 Regular Meeting

- a) The Board shall hold six (6) meetings per annum to transact the business of the Board. The dates and times of the meetings shall be set by resolution of the Board.
- b) Meetings of the Board may be held anywhere in the District as the Board may from time to time determine.

1.03 Special Meeting

- a) Special meetings shall be called in accordance with the provisions of the Schools Act, Section 63(3).
- b) Special meetings will only be called to deal with unanticipated or urgent issues that must be dealt with before the next regular board meeting. The nature of the business will be specified in the notice of the meeting and business will not be transacted at a special meeting other than the business for which the meeting was called.
- c) The Chair, or the Vice-Chair acting in the absence of the Chair, may call a special meeting of the Board.
- d) Special meetings shall be called by the Chair when a written request is submitted to the Chair by a majority of Trustees. The written request shall contain detail on the topic to be considered.

1.04 Closed Meetings

Closed Meetings of the Board are held to:

- a) Hold hearings regarding student appeals.
- b) Conduct training, orientation and working sessions of the Board, to assist Trustees in the fulfillment of their responsibilities.

- c) Allow for the consideration and/or disposition of matters of a sensitive nature. The Board may, by a resolution passed in an open meeting, move to a private (closed) meeting of the Board. The following matters shall be considered by the Board in closed meetings:
- 1) The liability of the Board which in the opinion of the Chair of the Board and the Director may involve legal action.
 - 2) Personnel matters such as employee performance, medical reports or other sensitive staff matters.
 - 3) Reports by the Director or district office staff, which in the opinion of the Chair of the Board and the Director, might be prejudicial to the operation of the schools.
 - 4) Lease or purchase of property.
 - 5) Negotiations of salary and wage schedules of employees.
 - 6) Suspension, expulsion, exclusion of pupils and re-admission of same.
 - 7) Materials and information concerning criminal or civil actions which are not part of a public court record;
 - 8) Strategy sessions pertaining to collective bargaining, pending or potential litigation, when an open meeting would affect the bargaining or litigation position of the Board;
 - 9) Discussions which would disclose the identity of a bona fide and lawful donor to the district, when the donor has requested anonymity;
 - 10) Discussions of the content of documents protected by legislation.
 - 11) Discussion of potential or actual emergencies or matters of security related to the preservation of the public peace, health, and safety;
 - 12) Preliminary discussions of tentative information relating to school attendance zones, personnel needs, or fiscal requirement;
 - 13) Other matters of a sensitive nature as determined by the Board.
- d) Reports, documents or other materials prepared in relation to a matter discussed in a Closed Meeting shall be treated as confidential and any matters discussed at a Closed Meeting shall not be discussed with anyone not in attendance at the meeting, excepting Trustees, without the express authorization of the Board.

Article 2: Election of Officers

The following procedures will be used to conduct the election of officers of the Newfoundland and Labrador English School Board.

- 2.01 The Director of Education or his/her designate shall serve as Election Chair and preside over the first meeting of a new school board, or shall preside over the annual general meeting, until the Executive has been elected.
- 2.02 The Election Chair will proceed with the election only if two-thirds of the current membership of the Board are present and eligible to vote at the meeting.

- 2.03 The designated parliamentarian shall be the scrutineer for the election process.
- 2.04 All elections shall be by secret ballot.
- 2.05 A candidate may be acclaimed or must attain a majority vote to be elected.
- 2.06 The Election Chair shall provide opportunity for nominations from the floor. There will be three (3) calls for nominations for each position after which the Election Chair will declare nominations to have ceased.
- 2.07 Each nomination from the floor must have a Mover and Secunder.
- 2.08 Each nominee must agree to accept the office if elected.
- 2.09 Each nominator may speak on behalf of the nominee, not exceeding five (5) minutes.
- 2.10 Each nominee may have an opportunity to speak, not exceeding five (5) minutes.
- 2.11 In the case of a single nomination for a position on the Executive Committee of the Board, the candidate shall be declared by acclamation.
- 2.12 In the case of more than one nomination for a position on the Executive Committee of the Board, a vote by secret ballot shall be conducted and the person receiving the majority of the votes shall be declared elected. Where a vote is conducted and no candidate receives a majority of votes cast, the candidate receiving the fewest votes cast shall be dropped from the ballot and another vote will be conducted.
- 2.13 If there is a tie after three (3) successive ballots for a position on the Executive Committee of the Board, the names of the nominees shall be placed in a box and one name only shall be drawn for the position. The person(s) whose names are drawn will be declared elected.
- 2.14 The ballots shall be ordered to be destroyed, by resolution of the Board.
- 2.15 The Trustees elected to the Executive Committee of the Board shall hold office for a period of one year, until the next annual general meeting.

Article 3: General Procedures for Meetings

- 3.01 The business of the Board shall be conducted under the following regulations:

- a) The Chair shall follow **Roberts' Rules of Order** unless the constitution or by-laws specify otherwise.
- b) The Board must act as a body as determined by a majority of its members.
- c) All Trustees shall have equal opportunity to participate in decision-making.
- d) The Chair will preside at all meetings. In the absence of the Chair, the Vice-Chair will preside. If both the Chair and the Vice-Chair are not present, the Trustees present, if there is a Quorum, shall elect a Trustee to preside at the meeting.
- e) All actions of the Board will proceed by a motion and a second to the motion. Main motions may be made one at a time and must be concluded prior to the introduction of additional main motions.
- f) Except as otherwise expressly provided in these by-laws, questions arising at any meeting of the Board and Committees shall be decided by a majority vote of those present and voting. Where a vote is tied, the question shall be considered as resolved in the negative.
- g) At the call for a vote each Trustee, including the Chair, is required to vote or declare "abstaining to vote".
- h) Voting on motions shall be ordinarily by show of hands or voice, except where, at the request of a Trustee, a vote by ballot will be entertained. The Board shall indicate by resolution when it intends to take a vote by ballot.
- i) In the event of the resignation, termination or death of the Chair during the year, the Vice-Chair will assume the position of Chair for the remainder of the year. At the first regular meeting thereafter, the Board shall elect a Vice-Chair who will serve for the remainder of the year.
- j) The Chair, or in his/her absence, the Vice-Chair or a chairperson elected for that meeting, shall preside over meetings of the Board and of the Executive Committee and shall have the same right to vote as other Trustees.
- k) Should the Chair decide to vacate the Chair to take part in any debate or discussion or for any other reason, the Vice-Chair will assume the role of Chair. In the absence of the Vice-Chair, one of the Trustees will be designated to fill the role until the Chair resumes it. The Vice-Chair or any Trustee temporarily occupying the Chair shall discharge all the duties and enjoy all the rights of the Chair. The Chairperson shall not resume the position of Chair until the matter has been resolved.
- l) When called upon to decide a point of order or practice, the Chair shall, before deciding, state the rule applicable to the case, without comment.

- m) The ruling of the Chair made in accordance with 3.01(m) shall be final, subject only to an appeal to the Board by a Trustee, without debate. An appeal shall be decided by simple majority.
 - n) When a division takes place on any question, the votes of the Trustees may be recorded on the request of a Trustee.
 - o) Any Trustee desiring to speak shall indicate by upraised hand and, upon verbal recognition by the Chair, the Trustee may then speak.
 - p) No Trustee shall speak longer than three minutes to the same question without leave of the Board. A Trustee may not speak a second time to a motion until such time as the other Trustees have had an opportunity to speak to the same motion. This does not prohibit a Trustee from speaking on a point of privilege or order.
 - q) Notwithstanding a motion to defer consideration of a matter coming before the Board, (which motion is not debatable) a Trustee who submits a Notice of Motion which appears on the agenda shall be given an opportunity to address the Board for a period not exceeding three minutes on such Notice of Motion.
 - r) Every motion shall be seconded and shall be voted upon at the time unless the mover and seconder, by permission of the Chair, withdraw the motion.
 - s) Public meetings of the Board, shall be adjourned after 2.5 hours unless the Trustees vote with a minimum two-thirds majority vote in favour of an extension.
 - t) Resource persons may participate in meetings of the Board or Board Committee only upon invitation by the Director and with the approval of the Board or Committee.
 - u) Any questions of procedure relating to any meetings of the Board or of any Committee which have not been provided for in these by-laws shall be determined by the Chairperson in accordance with the Schools Act.
- 3.02 The Director of Education shall ensure that minutes of the previous regular meeting, agenda, and other relevant information are delivered to trustees at least four (4) days prior to the board meeting.
- 3.03 Notwithstanding Article 3.02, copies of minutes and agenda items from Closed Meetings shall only be provided in a Closed Meeting.
- 3.04 Trustees are permitted to attend board and committees meetings by electronic means:
- a) For a regular meeting of the Board, the designated meeting site must be open to the public and the Chair or Director of Education must be physically present.

- b) Electronic participation includes by teleconference, videoconference or other means which allow good two-way communication so that Trustees can hear each other and be heard by other participants and members of the general public.
- c) Trustees wishing to participate in a board or committee meeting by electronic means should notify the Director's office as soon as possible, prior to the meeting.
- d) If a connection cannot be made with a Trustee after reasonable attempts, the Trustee will be considered absent from the meeting or absent from the portion of the meeting during which there is no connection.

Article 4: Agenda

4.01 The order of business for board meetings shall be as follows:

- 1) Call to Order
- 2) Approval of Agenda
- 3) Consideration of the Minutes
- 4) Business Arising
- 5) Report from Committees
- 6) Correspondence
- 7) New Business
- 8) Report of Director
- 9) Adjournment.

4.02 All agenda items must be submitted to the Chair of the Board or Director of Education at least one week prior to the board meeting date. No items can be discussed at a regular meeting of the Board unless Trustees are given at least four (4) days' notice in writing, of the business to be transacted.

4.03 Notwithstanding Article 4.02, an item for discussion may be added to the agenda at a regular meeting with two-thirds consent of the trustees present.

4.04 Unless urgent and accepted by two-thirds majority vote, all written communications (other than that intended for information only) including questions, petitions, inquiries shall upon presentation be referred by the Chair to the proper Committee without a motion.

Article 5: Meeting Minutes

5.01 The Director shall ensure that an orderly and accurate record of the official acts of the Board is maintained, which shall be signed by the Chair and the designated recorder.

5.02 The minutes shall record all motions, showing the member making the motion, the seconder, and the result of the voting. The minutes shall also reflect the date, time and location of a meeting; the Trustees and staff members in attendance; and, the names of

any invited guests. On all matters requiring a vote, the abstentions and the nays shall be recorded only if the individual(s) request(s) such.

- 5.03 The minutes of the preceding meeting shall be approved by resolution of the Board, subject to the correction of any errors or omissions, and those approved minutes shall become the official minutes for that meeting.
- 5.04 Minutes shall be kept for all meetings of the Board and all meetings of all Committees. Minutes of regular board meetings shall be considered public information and will be available to the public from the Office of the Director and on the school district public website, following board approval.
- 5.05 Minutes of Closed Meetings will be limited to decisions only, approved in Closed Meetings and will not be available to the public.

Article 6: Duties of the Officers and Members

6.01 The Chair shall:

- a) Preside at all meetings of the Board;
- b) Be an ex-officio voting member of all Committees of the Board;
- c) Represent the Board in its relations with the Government, other educational authorities and the public; and
- d) Carry out such other duties as may be assigned by the Board from time to time.

6.02 The Vice-Chair shall:

- a) Act as Chair and have all of the powers and perform all the duties of the Chair in the absence of the Chair.
- b) Assist the Chair in the execution of the duties of the Chair; and
- c) Perform such other duties, if any, as may be delegated by the Chair.

6.03 Trustees shall:

- a) Act in the best interests of all students across the entire district;
- b) Assume no individual authority to act in the name of the Board except where provided for in the constitution or by-laws of the Board or by resolution of the Board;
- c) Abide by any resolution of the Board after the adoption of that resolution;

- d) Abstain from speaking or voting on any question where a conflict of interest, as defined in the Schools Act, arises;
- e) Be a liaison to the Board for the schools for which the Board may, from time to time, designate the Trustee to be responsible.
- f) Attend and participate in meetings of the Board, including any meetings of the Committees to which the Trustee has been appointed.
- g) Fulfill his or her responsibilities in a manner that assists the Board in fulfilling its duties and obligations under the Schools Act, the Regulations and any policies or guidelines issued by the Minister of Education.

Article 7: Committees

7.01 The Standing Committees of the Board shall be as follows:

- a) Executive
- b) Finance and Operations
- c) Programs and Human Resources
- d) Audit and Risk Management

7.02 Executive Committee

The Terms of Reference for the Executive Committee shall be as follows:

- a) The Executive Committee shall act in place of the Board consistent with the Schools Act, Section 56, and in accordance with limitations as imposed through the by-laws. All actions taken and decisions made by the Executive Committee when acting in place of the Board shall be reported at the next regular meeting of the Board.
- b) The Executive Committee, established as per Section 56 (1) of the Schools Act, shall consist of a Chair, Vice-Chair, and five (5) other Trustees as elected by the Board at its annual general meeting. The five (5) additional Trustees must each represent a different Region to ensure regional representation.
- c) The Executive Committee shall carry out its duties in accordance with Section 56 (2) of the Schools Act, and act in the place of and manage the affairs of the Board between regular meetings. The Executive Committee may, except where directed otherwise by the Board and, in accordance with these by-laws, exercise the powers and duties of the Board when it is unable to obtain a Quorum.
- d) The Chair of the Board shall be the Chair of the Executive Committee.

- e) Executive Committee meetings may be held at any time at the call of the Chair, or in his/her absence, the Vice-Chair.
- f) The duties and powers of the Executive Committee shall be in accordance with Section 56 (2) of the Schools Act.
- g) Vacancies occurring on the Executive Committee between annual meetings shall be filled by the Board no later than the next regular meeting of the Board.
- h) The Executive Committee shall act as an appeals panel for all student appeals initiated under Section 22 of the Schools Act.
- i) The Executive Committee shall act as an advisory committee to make recommendations to the Board when dealing with:
 - 1) Staffing of Senior Administrative Personnel
 - 2) Constitution and By-Laws Recommendations
 - 3) Strategic Plan
 - 4) Multi-Year Plan
 - 5) Corporate Policies.
- j) The Executive Committee shall ensure the development of a Strategic Plan and monitor its implementation and effectiveness.
- k) The Executive Committee shall facilitate the annual performance evaluations of the Director.
- l) The Executive Committee shall facilitate the education and training needs of trustees.
- m) The Executive Committee shall study an issue and advise the Board on any matter as directed by the Board.

7.03 Finance and Operations Committee

The Terms of Reference for the Finance and Operations Committee shall be as follows:

- a) The Finance and Operations Standing Committee of the Board shall have the responsibility for finance, properties, student transportation, information technology, maintenance and facilities within the Newfoundland and Labrador English School District involving:
 - 1) Recommending policies to the Board respecting corporate management of all assets owned and/or operated by the Newfoundland and Labrador English School District;
 - 2) Reviewing and evaluating the financial impact, both on current and future operations, of matters assigned by the Board for review and make

recommendations to the Board so as to achieve the greatest educational returns;

- 3) Reviewing financial information and making recommendations to the Board;
- 4) Overseeing the implementation of provincial policy with respect to the transportation of students within Newfoundland and Labrador English School District; and
- 5) Overseeing matters related to information technology within the District.
- 6) Vacancies occurring on the Finance and Operations Committee shall be filled at the discretion of the Board.

b) The responsibilities of the Finance and Operations Committee will be as follows:

- 1) Review the proposed annual budget and bring recommendation for approval to the Board.
- 2) Review current policy and make new policy recommendations regarding fiscal management to the Board of Trustees.
- 3) Recommend to the Board to request Ministerial approval for borrowings.
- 4) Recruit and recommend auditors to the Board as necessary.
- 5) Engage in long-term fiscal planning as requested by the Board.
- 6) Review quarterly financial reports.
- 7) Review the Auditor General's report.
- 8) Meet at least annually with each of the internal auditor and the external auditor, either jointly or separately, for the purpose of discussing audit-related matters and making recommendations to the Board as appropriate.
- 9) Review capital planning and major maintenance and repair priorities.
- 10) Review current policy and make new policy recommendations regarding property management to the Board of Trustees.
- 11) Make recommendations to the Board on the acquisition and disposal of properties as appropriate for Board decision making.
- 12) Make recommendations to the Board on student transportation matters as appropriate for Board decisions.
- 13) Review policy and make recommendations to the Board of Trustees on information technology matters as appropriate for Board decisions.
- 14) Engage in other activities as requested by the Board.

7.04 Programs and Human Resources Committee

The Terms of Reference for the Programs and Human Resources Committee shall be as follows:

- a) The Programs and Human Resources Standing Committee is responsible for educational programming and personnel matters within the Newfoundland and Labrador English School District. Such responsibilities include:

- 1) Ensuring the District is compliant with the Schools Act, and Department of Education policies and directions regarding the delivery of educational programming and management of teaching and support staff.
 - 2) Advising the Board regarding the appropriate human and financial resources to support implementation and maintenance of programs and services.
 - 3) Recommending Programs and Human Resource policies to the Board.
 - 4) Monitoring compliance with, and effectiveness of, Programs and Human Resource policies.
 - 5) Vacancies occurring on the Programs and Human Resources Committee shall be filled at the discretion of the Board.
- b) The responsibilities of the Programs and Human Resources Committee will be as follows:
- 1) Contribute to the Board's Strategic Plan and review and discuss progress related to the strategic goals and objectives.
 - 2) Regularly review student achievement data within the context of the Strategic Plan.
 - 3) Ensure processes are in place to support school growth and development; student academic achievement; and, student safety and wellness.
 - 4) Ensure processes are in place to support recruitment and selection of staff; training and professional development; evaluation and performance management; collective bargaining; and, the management of grievances.
 - 5) Draft new Programs and Human Resource policies and recommend to the Board for consideration.
 - 6) Review existing Programs and Human Resource policies on a regular basis. Revise policies as determined necessary and recommend to the Board for consideration.
 - 7) Report to the Board on a regular basis regarding Programs and Human Resource priorities and issues.
 - 8) Carry out any other duties as assigned by the Board.

7.05 Audit and Risk Management Committee

The role of the Audit and Risk Management Committee is to obtain reasonable assurance that the District has in place an acceptable environment of internal controls and that they are operating effectively. The committee also provides oversight as to the adequacy of the District Risk Management Program as it relates to the financial and operational risks of the District.

The Committee shall fulfill its mandate through the following actions:

- 1) Through regular discussions with Management as well as Internal and external Auditors the committee should:
 - a) Obtain an understanding of the Districts control environment.

- b) Obtain an understanding of the District's adherence to policies and Procedures.
 - c) Obtain an understanding of systems in place to identify, mitigate and report risks.
 - d) Obtain an understanding of the Risk Management program and procedures in place.
 - e) Recommend on changes or improvements to the above should be made as necessary.
- 2) Review, at least annually, legal matters considering potential impact on operations, reputation or financial results.
 - 3) Review District policies and request changes or new policies considering organizational risks.
 - 4) Review annual audited financial statements.
 - 5) Review the external auditor's management letter and management responses.
 - 6) Review, at least annually, the Districts updated risk registers including progress reports on action plans for high risk items.
 - 7) Review, assess and follow up on audits and/or other reports generated by governing bodies, such as the Office of the Comptroller General and the Auditor General.
 - 8) Act as a liaison between the Board and NLESD's internal audit division by:
 - a) Reviewing and approving annual audit plan brought forward by Internal Audit.
 - b) Reviewing Internal Audit reports or summaries, at the committee's discretion, including progress made on recommendations outlined in the reports.
 - c) Communicating areas of concern or areas in which the committee may request Internal Audit to address.
 - d) Communicating significant findings and/or recommendations to the Board.

Composition of Committee

The Committee should consist of a maximum of seven (7) voting members:

- One (1) of the Chair or Vice Chair of the Board;
- The Chairs of the two (2) Standing Committees of the Board:
 - Chair - Finance and Operations
 - Chair – Programs and HR
- Two (2) Trustees at large
- Minimum of one (1) to a maximum of two (2) external members appointed by the Board with required expertise in Finance or Legal disciplines.

General Counsel and Internal Audit shall be invited to attend all meetings of the Committee in a non-voting capacity to provide advice to the Committee related to its business.

Term

Committee members shall be assigned for a period of two (2) years.

7.05 Ad Hoc Committees

- a) The Board shall establish Ad hoc Committees by resolution and the terms of reference shall not extend beyond twelve (12) months unless the resolution states otherwise, or unless the terms of reference are extended by resolution of the Board.
- b) An Ad hoc Committee will be considered dissolved when it has delivered its final report; as determined by resolution of the Board; or, at the end of the term of office for the Board.

Article 8: Quorum

- 8.01 A Quorum of the Board and Committees shall consist of a majority of the current membership of the Board or Committee.
- 8.02 If there is no Quorum present within fifteen minutes of the time appointed, the Board or Committee shall not convene and the names of the Trustees present shall be recorded.
- 8.03 If a Quorum is not present within fifteen minutes, the Board or Committee will pick a new time and date for the meeting or the meeting will be adjourned until the next regularly scheduled meeting time.

Article 9: Conflict of Interest

- 9.01 All Trustees shall be familiar and act in accordance with the conflict of interest laws as stipulated in the Schools Act, Sections 68 and 69, and District Policy FIN-405 (Conflict of Interest Policy).
- 9.02 Trustees are required, not only to adhere to all laws regarding conflict of interest, as outlined in the Act, but to be alert to situations which have the appearance of a conflict of interest and to avoid actions that might embarrass themselves or the Board.
- 9.03 No Trustee of the Board will have any direct pecuniary interest in a contract with the school district, or furnish directly any labour, equipment, supplies, or services to the District. It is not the intent of this policy to prevent the District from contracting with corporations or businesses because a Trustee is an employee of the firm. However, in such instances the Trustee is expected to declare an association with the firm and refrain from debating or voting on the question.
- 9.04 The Board declares that conflict of interest can arise when a Trustee will personally derive any private benefit that is pecuniary in nature from board action. In order to avoid any real or perceived conflict of interest, the Board will not purchase supplies, equipment or personal services from a firm, business, corporation, or association in

which a Trustee has a substantial interest unless such purchases are made on the basis of competitive bids or quotations solicited in accordance with the Public Tendering Act.

- 9.05 In the event of any real or perceived conflict of interest, the Trustee will disclose the conflict to the Board prior to the vote. The record of the disclosure will be attached to the minutes of the meeting at which board action occurred relating to the matter disclosed. A Trustee shall not vote on a matter where s/he has a conflict of interest.
- 9.06 When a Trustee suspects that another Trustee is in a conflict of interest on a matter before the Board or a Committee, either Trustee may make a request of the Chair to add the perceived conflict to the board agenda prior to any board decisions related to the matter. If there remains any doubt as to whether or not the Trustee has a conflict of interest, the Board will decide the question by majority vote and its decision on the matter will be final.

Article 10: Attendance and Tenure of Trustees

- 10.01 Each Trustee shall faithfully attend all meetings of the Board. A record of attendance will be included in the minutes of all meetings of the Board.
- 10.02 If a Trustee submits a written resignation, dies, no longer resides in the zone for which she or he was elected, or absents himself or herself from three (3) consecutive meetings of the Board without good reason, the Board shall inform the Minister and further request that the position be declared vacant.
- 10.03 If a Trustee acts in an irregular, improper or improvident manner with respect to his or her duties, the Board may, by a resolution approved by not less than two-thirds of the remaining members, request of the Minister that the offending board member be dismissed from the Board.

Article 11: Public Participation at Board Meetings

- 11.01 Consistent with the Schools Act, a meeting of the Board will be open to the public, at a physical or virtual location, unless it is declared by a vote of the trustees to be a closed meeting from which members of the public shall be excluded.
- 11.02 Individual(s) or groups wishing to make a presentation to the Board shall make such a request in writing, stating the purpose of the hearing, the name of the spokesperson and the action required.
- 11.03 Except as otherwise expressly provided in these by-laws or by specific board policies or procedures, or unless urgent and accepted by two-thirds majority vote, all requests for public presentations to the Board shall be referred to the appropriate officers or Committees of the Board.

- 11.04 Where the Chair or a Standing Committee believes that a presentation should be heard by the Board as a whole, the Chair may add the item to the proposed agenda of a board meeting, if the request is received at least one week in advance of the meeting.
- 11.05 The Board shall schedule presentations and limit the number of delegates and the length of presentations, so that presentations do not encroach on the Board's ability to complete its business.
- 11.06 The Chair is responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion and the appropriateness of the remarks to the subject under consideration.
- 11.07 A delegation which has the approval to speak to the Board or a Committee shall designate not more than one person as spokesperson and no other member of the delegation shall address the Board, except by invitation of the Chair.
- 11.08 All verbal or written submissions by delegations to the Board either direct or through a Committee, inclusive of petitions, will be recorded and the Board's response to the presenters shall be in writing and form an integral part of the Board's official record.

Article 12: Communications

- 12.01 The Chair and the Director of Education shall be the official spokespersons for the Board, unless the Chair or Director designates someone else to speak on behalf of the Board. Trustees have no special authority to speak on behalf of the Board excepting when they are convened at a legal meeting of the Board or vested with special authority by board action.
- 12.02 All official communications policies and directives to employees from the Board shall be communicated through the Office of the Director of Education.

Article 13: School Councils

- 13.01 School councils shall be established in schools and operate in accordance with Section 25 of the Schools Act.
- 13.02 The school council shall elect a chairperson from the parent or community representatives in order to foster as much parental and community input as possible.
- 13.03 School councils shall approve the raising of funds for the school.
- 13.04 In accordance with Section 26(4) of the Schools Act, school councils may approve a levy, the payment of which is voluntary, once in a school year, instead of, or as supplement to, fundraising activities for the school. Any school council considering a levy must clearly outline the purpose(s) for which it is to be spent and the amount per student, and must receive prior approval by the Director of Education on the amount of the levy.

13.05 All fees, levies and funds raised shall be subject to the Board's policies respecting fiscal accounting and reporting for schools.

Article 14: Student Suspensions

14.01 The Newfoundland and Labrador English School Board is committed to providing a safe and caring learning environment for all students, which includes the implementation of a clear and consistent process for student discipline, up to and including suspension. Principals must be able to ensure order and control and the safety and security of students and staff in the school setting. In accordance with Section 36 of the Schools Act, principals have the authority to suspend a student from school.

14.02 The Board supports the suspension of students as required in response to inappropriate, disruptive or dangerous student behaviour. However, the Board also recognizes the need to balance discipline and deterrence with interventions and programming to encourage a successful re-entry to school for the suspended student.

14.03 A teacher may suspend a student from a class after attempting to use other reasonable means to resolve the situation.

14.04 A principal may suspend a student from one (1) or more class periods; a course or program; school; the school bus; or, a school-sponsored activity.

14.05 A principal is expected to consider an in-school suspension as an alternative to an out-of-school suspension whenever appropriate.

14.06 A principal has the authority to suspend a student from school for up to five (5) days at any one time.

14.07 The regional Assistant Director of Education has the authority to approve the suspension of a student for six (6) to ten (10) days at any one time.

14.08 **The Director of Education must approve:**

a) A suspension of more than ten (10) days at any one time.

b) A suspension which means that a student will be suspended for more than thirty (30) days **in total** in one school year.

14.09 As delegated by the Director of Education, all out-of-school suspensions must be reported to the office of the regional Assistant Director of Education.

14.10 With any suspension, the student shall be clearly informed as to the reason for suspension.

- 14.11 The parent shall be clearly informed in writing as to the reason for the suspension, and be provided with the opportunity to meet with the principal to discuss the incident.
- 14.12 When a student is suspended for five (5) or more days, every reasonable attempt must be made to meet with the parent as soon as possible. In some cases, a student may not be able to return to school unless the meeting has occurred. A re-entry plan must also be developed to support a successful return to school.
- 14.13 When a student is suspended from school, the materials to be covered in class must be made available and work submitted will be evaluated.

Article 15: Student Appeals

- 15.01 The Newfoundland and Labrador English School Board recognizes that students and parents may sometimes disagree with decisions of the Board. Many student concerns can best be resolved through informal means at the school level, or by involving district staff. However, students and parents or caregivers have the right to formally appeal in writing to the Board a decision which significantly impacts them, in accordance with Section 22 of the Schools Act.
- 15.02 A student appeal shall be made in the name of a student. If 19 years of age or older, a student can appeal on his/her own behalf. A parent or caregiver must initiate an appeal on behalf of a student, if the student is not 19 years of age.
- 15.03 All appeals must be submitted in writing and must be commenced within 15 days from the date the student or parent was informed of the decision being appealed.
- 15.04 Every effort should be made to resolve an issue informally. The first step prior to launching a formal appeal should be for the student or parent to discuss the matter with the person who made the decision.
- 15.05 Appeals concerning the decision of:
 - a) A board employee in a school shall be made to the Principal;
 - b) A principal shall be made to the Director of Education;
 - c) The Director of Education shall be made to the Executive Committee of the Board.
- 15.06 The decision of a principal shall be communicated in writing within ten (10) days of receiving the appeal.
- 15.07 If the student or parent is not satisfied with the decision of the Principal, she or he is strongly encouraged to discuss the matter with the relevant Senior Education Officer for the family of schools, in a further attempt to resolve the issue prior to appealing the decision to the Director of Education.

- 15.08 At any step in the process the relevant Senior Education Officer or Assistant Director of Education (Programs) may be involved in an attempt to mediate and resolve the issue.
- 15.09 If the student or parent is not satisfied with the decision at the school level, she or he can appeal to the Director of Education. All appeals to the Director of Education must be commenced within fifteen (15) days from the date that the student or parent was informed of the decision of the Principal. All formal appeals to the Director of Education must be submitted in writing to the Director's Office by the student or parent, using the **NLESD Student Appeals Form**.
- 15.10 The Director of Education shall provide a decision on the matter in writing within ten (10) days of receiving an appeal.
- 15.11 If the student or parent is not satisfied with the decision of the Director of Education, she or he can appeal the decision to the Board. All appeals to the Board must be commenced within fifteen (15) days from the date that the student or parent was informed of the decision of the Director of Education. Matters can be appealed to the Board by submitting to the Chair of the Board via the Office of the Director of Education:
- a) A copy of the completed NLESD Student Appeals Form;
 - b) A copy of the decision of the Director of Education; and,
 - c) Any additional information the student or parent considers necessary.
- 15.12 The Executive Committee acts on behalf of the Board in all matters concerning student appeals.
- 15.13 The Executive Committee has two options available to it when it receives an appeal:
- a) It can review the written appeal and deny or uphold the appeal;
 - b) It can arrange for an appeals hearing on the matter.
- 15.14 If the Executive Committee makes a decision in response to a written appeal, the decision will be communicated in writing to the student or parent within ten (10) days of receipt of the appeal.
- 15.15 In the event that the Executive Committee determines that an appeals hearing is necessary, the appeal will be heard within seven (7) days of receipt of the written appeal, or at a time agreed to by mutual consent between the Executive Committee and the student or parent.
- 15.16 The Chair of the Board shall decide on questions of order for the hearing and ensure that a fair and equitable process is conducted.

- 15.17 At the appeals hearing the student or parent shall be provided with an opportunity to present information regarding the decision being appealed. She or he may be accompanied by another person, such as a friend or relative. S/he may also bring someone to act as a representative and speak on his/her behalf. If the student or parent plans to have someone act as a representative, the school board must be notified of this prior to the appeals hearing.
- 15.18 Hearings may be conducted in person or via electronic means such as video conference, as determined by the Executive Committee.
- 15.19 Appeals hearings shall be held in-camera and closed to the public.
- 15.20 Appeals decisions will not be communicated during the hearing.
- 15.21 Decisions will be provided in writing within five (5) days of an appeals hearing.
- 15.22 Where a student has been expelled under Section 37 of the Schools Act, 1997 a parent or student, if 19 years of age or older, may appeal the expulsion.
- a) The request to have the expulsion reviewed must be submitted in writing to the Board within fifteen (15) days of the effective date of the expulsion.
 - b) Upon receiving such a request the Executive Committee of the Board shall investigate the circumstances of the expulsion and make an order upholding or reversing the decision of the Director to expel the student.
- 15.23 Decisions of the Executive Committee of the Board regarding student appeals are final.

Article 16: Presence of a Teacher

- 16.01 Teachers shall be at the appropriate school at least 15 minutes prior to opening in the morning and the period of at least 10 minutes prior to opening in the afternoon, and remain on the premises at least 15 minutes after school has been dismissed, unless assigned to other duties by the Principal which require earlier or later departure, or absent because of illness or other unavoidable causes.
- 16.02 The Principal shall ensure that all reasonable steps are taken to ensure that student safety and wellbeing are protected, and assign supervisory duties for teachers prior to school opening, during lunch break, after school and during student travel in accordance with board policy.

Article 17: Religious Observance

- 17.01 In accordance with Section 10 of the Schools Act, school principals shall make reasonable and appropriate accommodation with respect to a request for religious observance, taking into account the impact on instructional time and available school space.

17.02 Where a request for a religious observation is granted, a school principal shall provide space and relevant activity for those students who do not participate, upon request from a parent.

Article 18: Policy Development

18.01 The Board shall establish specific policies to guide the actions of the Director of Education and staff, and periodically monitor the effectiveness of approved policies and their implementation.

18.02 Policies shall address the Board's intent, governing principles or desired results related to critical subject areas.

18.03 Policies may be developed to:

- a) Address the Board's mission, values and strategic goals;
- b) Comply with legislated requirements;
- c) Set parameters for the Director to establish operational procedures/regulations;
- d) Provide a basis for budget development and resource allocation.

18.04 The Director of Education holds the primary responsibility for overseeing the implementation of the Board's policy development process. Policies for consideration by the Board will be submitted by the Director of Education to a Standing Committee for review and recommendation to the Board.

18.05 The Board Standing Committees may also identify and develop topics for new policies and submit to the Board for consideration.

18.06 Where appropriate, the Board may invite stakeholders to make submissions respecting a policy under consideration by the Board.

18.07 Policies for consideration by the Board will be brought forward by a Standing Committee, and Trustees shall have a minimum of four (4) days, prior to the board discussion, to review draft documents.

18.08 Policies shall be approved by way of motion at a regular meeting of the Board.

18.09 Policies shall be posted to the public website and accessible to students and parents.

Article 19: Confidentiality

19.01 Board members shall keep confidential information pertaining to Committee matters, Closed Meetings and other business of the Board, until it is a matter of public record.

Article 20: Amendments to By-Laws

20.01 Proposed amendments to the by-laws shall first be given as a “Notice of Motion” at a regular meeting of the Board.

20.02 Amendments to the by-laws may be made with a majority of the Trustees present and voting. All proposed amendments to the by-laws shall only be made after having been considered at two (2) regular meetings of the Board.

20.03 The by-laws and amendments are subject to the approval of the Minister of Education.

Approved by the NLESD Board of Trustees June 14, 2014

Approved by the Minister of Education August 15, 2014

Amendments Approved by NLESD Board of Trustees: September 7, 2019

**Amendments Approved by the Minister of Education and Early Childhood Development:
November 14, 2019**

Appendix A

Rules of Order Governing Motions

1. Motions

There are four **general** and one **special** class of motions. Classes of motions include: main; subsidiary; privileged; incidental; and special. Board trustees use motions for introducing business for consideration and possible action. Motions are classified in a ranking order, giving some types of motions priority over others. A motion must have both a mover and seconder before it can be considered.

2. Classes of Motions

2.1 Main Motions

These are made when no other motion is before the meeting. Only **one** main motion may be brought before the meeting at one time. This motion must be disposed of before any other motion is considered.

2.2 Subsidiary Motions

These are applied to main motions. They affect another motion that has not yet been decided by the Board.

a. "Table the Motion"

This motion can be used as a delaying action. It permits the board to postpone consideration of motion indefinitely. It must include the stipulation that it will be considered again when majority of members is present and the Board wishes to reconsider the question.

b. "To close debate"

This motion "calls for a vote" on the pending motion.

c. "To limit or extend time of debate"

This motion is appropriate when too much time is being taken from other 2. This motion allows the Board to consider the question later at meeting or future meetings.

d. "To refer to a committee"

This motion assigns the question to a committee for obtaining more information before the Board makes a decision. It also Enables the Board to become better informed and to arrive at a sounder decision.

e. "To amend"

This motion modifies and often classifies a motion. It attempts to make it more acceptable to the Board. A "**Friendly Amendment**" is when a cordial suggestion to change the original question is made by a Board member. If the mover of the motion **and** the seconder to the motion agree to the proposed change, then the "**Friendly Amendment**" is revised as the standing motion. **No** vote by the Board is necessary for approval of a "**Friendly Amendment**".

2.3 Privileged Motions

These have the effect of requesting the chair to return to the business of the day, to adjourn, or set the time for the next meeting. They take precedence over all other

motions because each calls for immediate action. They can become main motions and debatable, **but only** when no other business is on the floor.

a. “To adjourn”

This motion calls for the ending of the meeting. If a motion to adjourn is defeated it can not be made again until after the completion of the other business on the floor.

b. “To recess”

This motion gives the meeting a specified time to leave and a specified time to return. When no other business is pending, it becomes a privileged motion. If other business is pending, it becomes a main motion and may have subsidiary motions applied to it.

2.4 Incidental Motions

These consider procedural issues and are used to enforce correct rules of procedure. They arise from decisions previously determined by the Board and also from the rights of members and the Board.

a. “To appeal from the decision of the chair”

A trustee must make this motion **immediately after the decision** of the Chair. If another motion is pending, the appeal is not debatable; if no motion is pending it is debatable. A tie vote sustains the decision of the Chair.

b. “To call for a point of order”

This motion may be called by any trustee when he/she considers that a breach of the rules of procedure has occurred. A trustee has the right to interrupt a speaker and need not be recognized by the Chair. The Chair will state **without discussion**, his/her determination on this point — but if he/she has any doubt, he/she may refer to it to the meeting — “The question of the relevance of the point of order” is called by the Chair — vote is taken and result is announced by Chair and business of the day is continued.

2.5 Special Motions

a. “To repeal”

This motion has as its purpose to annul a previously adopted motion. When no previous notice of motion has been given, this motion to appeal must receive two thirds of an affirmative vote. Otherwise only a majority of the affirmative votes is required.

b. “To reconsider”

This motion proposes that a previously completed motion be discussed and voted on again. It can be made while another vote is pending, but no action may be taken until that pending business has been completed.