

**INTERLAKE SCHOOL DIVISION
PROCEDURAL BY-LAW
BY-LAW 3-2020**

BEING a BY-LAW to regulate the proceedings of the Board of Trustees of the Interlake School Division and the committees thereof.

WHEREAS Section 33(1) of The Public Schools Act provides that every school board shall pass a by-law establishing Rules of Procedure for the guidance of the school board in the conduct of its meetings.

NOW THEREFORE be it hereby enacted as a by-law of the Board of Trustees of the Interlake School Division that, unless they shall at any time be contrary to the overriding provisions of The Public Schools Act, and regulations enacted thereunder the following rules of Procedure shall regulate the operation of the school board, and by-law 5-2018 is hereby repealed.

P

SECTION 1 - FIRST OR INAUGURAL MEETING

- 1) "The first meeting of the school board following the general election of trustees shall take place within 14 days after the election on a day and at an hour to be fixed by the secretary-treasurer of the school division who shall notify each trustee of the date, time and place of the meeting." *[Section 29(1) P.S.A.]*
- 2) "From among the trustees present, the secretary-treasurer must conduct an election of a chair and a vice-chair of the board. The election must be held
 - (a) in a year the general election is held, at the first meeting of a school board after the general election; and
 - (b) in any other, year, at the first meeting of a school board in September."*[Section 29(2) P.S.A.]*
- 3) "In the event of a tie vote in selecting a chairperson or vice-chairperson the school board shall determine by lot, who shall cast the deciding ballot."
[Section 29(3) P.S.A.]

SECTION 2 - GUIDELINES FOR ELECTION OF CHAIR AND VICE-CHAIR

- 1) Nominations do not require a seconder. Trustees may name only one person for a particular position and they cannot nominate themselves.
- 2) If no further nominations are evident following the customary third call, nominations will be declared closed. Each person nominated will be asked in the order they were nominated if they are prepared to allow their name to stand for election.
- 3) Those nominated will have an opportunity to accept or withdraw after nominations are declared closed.
- 4) The mover or nominee may speak prior to the balloting.
- 5) Voting will be done by secret ballot.
- 6) The election of the chairperson and vice-chairperson will be decided by a majority of the board vote, i.e. one receiving four (4) or more votes will be elected.

In the event that a majority vote is not reached, the person receiving the lowest number of votes will be dropped and the balloting will continue until a majority of the board is reached. This could only occur if three (3) or more candidates are running for one position and all Trustees are present at the meeting.

SECTION 3 - MEETINGS OF THE BOARD

- 1) After the first or inaugural meeting of the school board, the school board shall hold regular legislative meetings on the second and fourth Mondays (other than the months December, February, March, July and August) throughout the school year. Meetings are held in the school division administrative building located at 192-2nd Avenue North Stonewall, Manitoba beginning at the hour of seven (7) o'clock in the p.m. or at such other times and places that the Board may from time to time designate.

During the months of December, and March regular board meetings will only be held on the 2nd Monday of the month. During the Month of February the regular board meeting will be held on the 4th Monday of the Month. During the months of July and August of each year there will not be any regular school board meetings, unless the school board determines otherwise by majority vote of the board.

In the event the date scheduled for a regular board meeting is a holiday or has been cancelled, the cancelled regular school board meeting so affected shall be held on the next business day, unless otherwise designated by the school board.

- 2) The school board shall not remain in session later than ten o'clock p.m., unless it shall be otherwise determined by a majority vote of the members present.
- 3) The chairperson may convene special or emergency meetings of the school board at any time directly, or by the chairperson at the request of a quorum of trustees. At a special or emergency meeting, no subject or matter, other than those mentioned in the notice calling the special or an emergency meeting, shall be considered, except that items may be added with unanimous consent of the whole board.
- 4) "The board may hold a meeting at any time and any place to deal with an emergency situation if all the trustees consent thereto and are present thereat" **[Section 30(1) P.S.A.]**
- 5) "Notice of all school board meetings, regular and special, shall be given by the secretary-treasurer to all trustees so that the notice will be received at every trustee's designated address at least 24 hours before the meeting, by notifying each of them personally or in writing, stating the place, date and hour of the meeting." **[Section 30(2) P.S.A.]**
- 6) "The chairperson shall preside at the meetings of the school board and may vote with the other members on all questions and any question on which there is an equality of votes shall be deemed to be negated." **[Section 31 P.S.A.]**
- 7) "In the absence of the chairperson, the vice-chairperson shall preside and, while so presiding, shall have all the powers of the chairperson." **[Section 32 P.S.A.]** In the absence of both the chairperson and the vice-chairperson, a chairperson shall be appointed by the members present, who shall preside at said meeting or until the arrival of the chairperson or vice-chairperson.
- 8) A majority of the whole school board shall constitute a quorum. The number required for a quorum does not change if there is a vacancy. When, at any meeting of the school board, there is no quorum present at the expiration of one-half (1/2) hour from the time appointed for the commencement of the meeting, the meeting shall stand adjourned, and the secretary-treasurer shall enter into the record the names of those members present.
- 9) "An act or proceeding of a school board that is not done or taken at a regular or special meeting of the school board is not valid or binding on any person affected thereby." **[Section 35 P.S.A.]**
- 10) Where the school board has not made a rule for governing a particular proceeding, the 1915 edition of Roberts Rules of Order shall be the Parliamentary Guide.

SECTION 4 – ELECTRONIC MEETINGS

- 1) Subject to any conditions or limitations provided for under the Public Schools Act or **Manitoba Regulation 201/04**, a trustee who participates in a meeting through electronic means shall be deemed to be present at the meeting for the purposes of the Act. **[Section 39.7.1 P.S.A.]**
- 2) The following persons must be physically present in the meeting room of the Board:
 - a. The Chair of the Board or his or her designate
 - b. At least one additional member of the Board
 - c. The Superintendent of the division or his or her designate
 - d. The Secretary-Treasurer or his or her designate.
- 3) Every trustee must be physically present at a regular meeting at least once every three months. **[Section 39.7.1 (2) P.S.A.]**
- 4) Upon written request to the Chair of the Board or the Secretary-Treasurer, at least twenty-four hours prior to the commencement of the meeting, (except in extenuating circumstances such as inclement weather where the Chair of the Board may grant permission in less than 24 hour notification), the Board shall provide electronic means to permit participation of the trustee. This notice period is required to ensure that the appropriate staff are notified so that the individual is provided with the necessary telephone link.
- 5) Electronic means shall include:
 - a. teleconferencing, or
 - b. videoconferencing.
- 6) Trustees will be called by the Secretary-Treasurer or designate at the beginning of the in-camera session. Trustees must ensure a private location from which to receive the call.
- 7) A board member who participates in a meeting by electronic means is considered to be present at the meeting and will be recorded in the attendance for the meeting. Trustees participating in an electronic meeting shall notify the Chair of their departure (either temporary or permanent) from the meeting before absenting themselves in order to ensure a quorum is maintained.
- 8) Any member of the board who participates in a meeting by electronic means in accordance with this policy shall be required to act in accordance with the Board's Governance Bylaws.
- 9) The Chair of the Board or Secretary-Treasurer shall have authority to refuse to provide a trustee with electronic means of participation in a meeting of the board where it is deemed impossible to ensure compliance with the prior paragraph.
- 10) The school board may authorize, by motion, the audio or video recording of any meeting or portion thereof, if that meeting is open to the public. This clause applies to both in-person and virtual (electronic) meetings.
- 11) No trustee or other person in attendance at a meeting of the board shall record the proceedings of a meeting in whole or in part (audio or video) without the authorization of the board via board motion. This clause applies to both in-person and virtual (electronic) meetings.

SECTION 5 - GENERAL REGULATIONS FOR MEETINGS

- 1) The first person recognized by the chairperson as desiring to speak has the right to the floor.
- 2) Each and every member of the school board has equal rights. Upon request of a trustee, the chairperson, upon consensus of the board members, shall allow for an open discussion on a major issue before a resolution is placed on the table.
- 3) No trustee shall be interrupted while speaking, unless he/she is out of order, or on point of privilege, or for clarification.
- 4) When a matter is before the school board, the consideration of it cannot be interrupted except on a motion for adjournment, to be on the table, for postponement, for referral or for amendment.
- 5) Exceptions to rules within the jurisdiction of the school board can be made by a majority vote of the members present.

Duties of the Chairperson

- 1) The chairperson should call the meeting to order precisely at the hour for which the meeting was called, providing a quorum is present, or as soon as a quorum is present, as herein before provided.
- 2) It shall be the duty of the chairperson at all times to preserve order and to endeavour to conduct all business before the school board with propriety and dispatch, in accordance with the Rules of Procedure herein provided.
- 3) When called upon to decide a point of order or practice, the chairperson shall state the rule applicable to the case, without argument or unnecessary comments, and without debate. The decision of the chairperson shall be final, unless reversed by a vote of the members present.
- 4) The vice-chairperson shall review with the senior administration any details of in-camera items on the agenda prior to each school board meeting.

Motions

- 1) All motions may be put in writing and seconded before being stated by the chairperson, after which they shall be disposed of by vote of the school board, unless the mover and seconder withdraw it.
- 2) To begin a motion, "I move that" is the correct phrase to use.
- 3) An amendment may be moved on any motion, and shall be decided before the original motion; but no more than one amendment shall be entertained. An amendment can only modify a motion, not change the intent of the motion.
- 4) A motion for adjournment shall always be in order and shall be decided without debate, except that it cannot be entertained when the school board is voting on another question or while a trustee is addressing the school board.
- 5) A motion for postponement takes precedence over a motion for referral, and a motion for referral takes precedence over a motion to amend or a vote on the original subject.
- 6) A motion may be:
 - a. Postponed: to a specific date.
 - b. Referred: to a committee.
 - c. Tabled: for an indefinite period or until lifted from the table by any trustee.
- 7) A motion "to recess or adjourn debate", "to lay on the table" or "to resolve into a Committee of the Whole" shall be decided without debate.
- 8) No member of the Board shall take part in the discussion of any question in which she/he has a personal or pecuniary interest, as defined in **Section 36 - 39.7(7)** inclusive of The Public Schools Act, and shall disclose the general nature of the direct or pecuniary interest or liability and withdraw from the meeting as required by **Section 38(1)** of The Public Schools Act.

- 9) Every member, previous to speaking, shall address himself/herself to the chairperson and shall confine himself/herself to the question under debate. When two or more members wish to speak at once, the chair shall name the member who is to speak first.
- 10) No member, while speaking, shall be interrupted by another, except upon a point of order, or for the purpose of explanation. The member so interrupting shall confine herself/himself strictly to the point of order, point of privilege, or clarification.
- 11) If any member transgresses the rules, the chairperson shall, or any member can, call her/him to order, in which case the member so called shall immediately be silent, but shall afterwards be permitted to explain, and the board, if appealed to, shall decide the case, but without debate.
- 12) No member of the school board, unless otherwise herein provided, shall speak to a question or motion for longer than five (5) minutes, nor more than once (except in committee) on the same question, without leave of the chair. The trustee who proposes the question is permitted to reply and thereby closes debate. A member may speak more than once for clarification purposes only.
- 13) A member may require the question or motion to be read for her/his information at any time of the debate, but not so as to interrupt a member speaking.
- 14) Any member may request that prior to the question being asked that a recorded vote be taken.
- 15) No member shall speak to any question after the chairperson has called a vote on the question.

Voting Method

1) Reversal of Decisions [Section 33 (2) P.S.A.]

- i) "Subject to subsection 1(ii), a question, once decided by the school board, shall not be reversed unless"
 - a) written notice of a proposal to reverse the decision has been given from at least one meeting to another; and
[Section 33 (2)(a) P.S.A.]
 - b) A majority of the total number of trustees for the division votes in favour of the reversal. **[Section 33(2) (b) P.S.A.]**
 - ii) A decision of a school board may at the same meeting at which it is made and by unanimous consent of all members present and voting therein be reversed. **[Section 33(3) P.S.A.]**
- 2) Those trustees present, including the chairperson, should be required to vote on every question unless a conflict of interest has been declared. If a trustee abstains from voting, their abstention will be considered a negative vote. If a trustee abstains from voting, they may ask the Secretary-Treasurer to record the reason for the abstention in the minutes. A tie vote shall be declared lost.
 - 3) When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each such distinct proposition shall be taken separately.
 - 4) The minutes shall reflect the mover, the seconder of each motion and the results of the vote.

Giving Notice

A Trustee may give written notice from one meeting to the next for the purpose of the following:

- i) Reversal of a decision previously made by the school board;
- ii) Introduction of a new policy/procedure;
- iii) Introduction of a policy change.
- iv) Once a resolution has been defeated, such a notice cannot be re-presented again to the school board more than once in a twelve-month period unless new information is presented.

By-laws

Every proposed by-law shall receive three (3) separate readings before it is finally passed and becomes a by-law and a proposed by-law may be amended on any reading thereof. A by-law may be given all three (3) readings at one meeting, except as otherwise provided in The Public School Acts [**Section 213(3)**] or as may otherwise be determined by the school board.

Committees

- 1) Unlike school board meetings, committee meetings are not public meetings. Members of a designated committee meeting can not make final decisions, they will investigate, deliberate, may reach a consensus and report back to the full board, which will consider any recommendations of the committee at its public meeting. All committee minutes of the board will be recorded, listing the members present, the items discussed and outcome of any of the items discussed.
- 2) Standing committees as determined by the school board shall be appointed at the inaugural or regular meetings. Other committees may be appointed at the inaugural or regular meetings for specific purposes as required, and shall be discharged when that purpose has been met, and upon receipt and acceptance of the written report to the school board.
- 3) If a chairperson of a committee is not appointed by the school board, it shall be the duty of the first-named on the committee to convene the first meeting, at which time a chairperson should then be appointed.
- 4) The chairperson of the school board is an ex-officio member of all committees. He/she may attend all meetings and may contribute to the debate. The chairperson should not be part of the committee consensus process when making recommendations forward to the Board of Trustees for consideration, if there are four committee members already present at the meeting.
- 5) The number of trustees on any committee shall be less than a quorum of the school board, except for "Committee of the Board as a Whole".
- 6) The superintendent of the division shall determine which members of the office council shall attend each school board committee meeting to provide background, do research and record the minutes.
- 7) School board committees appointed to report on any subject referred to them by the school board shall report in writing.

"In-Camera"

- 8) By a vote of the majority of the members present, the school board may resolve itself into "Committee of the Whole In-Camera" for the purpose of discussing personnel disciplinary and competency matters, student discipline, salary or service negotiations, staff performance appraisals, sick leave, or legal strategy before the school board.

Trustees and senior administration present will not disclose the proceedings under any circumstances of an "In-Camera" session meeting to the public, unless a resolution permitting disclosure is passed at the meeting.

- 9) The rules of procedure of the board shall be observed in committee of the whole in-camera, so far as applicable. No decision of the school board shall be made while in Committee of the Whole In-Camera, and no minutes shall be recorded.
- 10) When the school board chooses to go to committee of the whole in-camera, the vice-chairperson of the school board shall preside.

SECTION 6 - INAUGURAL OR FIRST MEETING AGENDA

- 1) Call to Order with secretary-treasurer in the chair.
- 2) Oath of office required for all newly elected trustees. (only in an election year)
- 3) Appointment of scrutineers.

Chairperson:

- 4) Open nominations for chairperson of the board.
- 5) Call three times for nominations.
- 6) After nominations are closed, those nominated will have an opportunity to accept or withdraw. ***Distribute voting ballots to trustees. If there are more than two candidates and if there is no clear majority of the board on the first ballot, the trustee polling the least votes will be dropped from the list and a second ballot cast.***
- 7) Scrutineers will report the results.
- 8) By motion, voting ballots are destroyed.

Vice-Chairperson:

- 9) Open nominations for vice-chairperson of the board.
- 10) Call three times for nominations.
- 11) After nominated are closed, those nominated will have an opportunity to accept or withdraw. ***Distribute voting ballots to trustees. If there are more than two candidates and if there is no clear majority of the board on the first ballot, the trustee polling the least votes will be dropped from the list and a second ballot cast***
- 12) By motion, voting ballots are destroyed.
- 13) Secretary-Treasurer relinquishes chair to newly elected board chairperson.
- 14) The board shall appoint trustees to sit as members of the various committees.
- 15) Nominations for chairperson of each standing committee will then be called for in turn.
- 16) The board shall appoint an auditor according to 41 (8) of The Public Schools Act.
- 17) The board shall determine trustee cheque signing authorities.
- 18) Review the procedural by-law.
- 19) Adjournment.

SECTION 7 - REGULAR BOARD MEETING AGENDA

The board may meet in a committee of the whole in-camera prior to the start of a regular meeting if there are agenda items for the purpose of discussing personnel disciplinary and competency matters, student discipline, salary or service negotiations, staff performance appraisals, sick leave, or legal strategy before the board. The regular board meeting will commence at 7:00 p.m. as follows:

1. Call to order;
2. Land and Treaty Acknowledgment
3. Introductions when appropriate;
4. Approval of the agenda;
5. Approval of the minutes;
6. Business arising from previous minutes;
7. Presentation/Delegations;
8. **Board Correspondence:**
 - 8.1 Action Required
 - 8.2 Information
 - 8.3 MSBA Information
9. **Committee Reports:**
 - 9.1 Personnel/Negotiations
 - 9.2 Other
10. **Committee of the Whole Reports:**
 - 10.1 Education
 - 10.2 Policy
 - 10.3 Finance/Audit
 - 10.4 Other
11. **Administration Reports:**
 - 11.1 Program Support
 - 11.2 Student Services Administrator
 - 11.3 Transportation Supervisor
 - 11.4 Maintenance Supervisor
 - 11.5 Superintendent's Department
 - 11.6 Secretary-Treasurer
12. Unfinished Business;

- 13 New business;
- 14 Public question period;
- 15 Trustee comments;
- 16 Committee of the Whole In-Camera;
17. Adjournment.

The order for the listing of the regular board meeting agenda items may not necessarily be in the above order of items and may change between meetings.

SECTION 8 - PUBLIC PARTICIPATION & DELEGATIONS AT MEETINGS

- 1) "Every school board shall hold its meetings openly, and no person shall be excluded or removed from any meeting except for improper conduct."
[Section 30(3) P.S.A.]
- 2) Any resident elector of the school division shall have the right to be placed on the agenda of a regular board meeting to be heard under "Delegations". Requests to be heard under "Delegations" shall be received one week prior to a regular board meeting. Requests shall provide the secretary-treasurer or superintendent, with the purpose for the delegation or the issue to be discussed for inclusion in the agenda package and shall identify a spokesperson whom the chairperson can address, and to whom correspondence can be forwarded. During a presentation by a delegation, the school board will only ask questions for clarification.
- 3) The delegation will be heard for information purposes only. In the event a decision of the school board is required, the matter shall be postponed to the next regular meeting for action. If a decision is required prior to the next regularly scheduled meeting, the school board may suspend the rules and consider the delegation's request at the same meeting.
- 4) Delegations to the Board of Trustees regarding the disciplining of students under the student code of conduct will be comprised of the student and/or the parent/guardians/legal council for the student. Written submissions supporting the appeal from interested third parties will be allowed as part of the presentation. Where possible written presentations should be forwarded to the secretary-treasurer prior to the in-camera session.
- 5) Another delegation on the same subject or issue shall not be entertained before six months have elapsed since the last delegation, unless those requesting a delegation can prove they have significant new information on the issue.

SECTION 9 - DELEGATION OF BOARD AUTHORITY

- 1) At the last regular school board meeting in December of each year a decision shall be made respecting the delegation of authority to the Superintendent Section 52 of The Public Schools Act. This authority will be exercised with due respect to the established procedural guidelines as outlined in policy and as per employment contract between the school board and the superintendent.

That this by-law becomes effective on the date of the 3rd reading.

That by-law 3-2019 is repealed.

Done and passed and given final reading in open session at the meeting of the Board of Trustees of the Interlake School Division held in the Town of Stonewall this 28th day of September 2020.

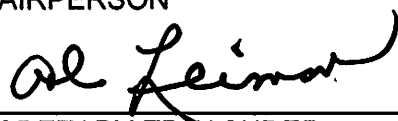
Given 1st Reading this 14th day of September 2020.

Given 2nd Reading this 28rd day of September 2020.

Given 3rd Reading this 28rd day of September 2020.



CHAIRPERSON



SECRETARY-TREASURER