

**THE BOARD OF EDUCATION OF
SCHOOL DISTRICT No. 41 BURNABY**

Procedural Bylaw 2021

A bylaw to regulate the proceedings of the Board of School Trustees of the Board of Education of School District No. 41 – Burnaby.

WHEREAS The School Act provides that a Board of Education may make bylaws to establish procedures governing the conduct of its meetings.

WHEREAS The Board’s existing Procedural Bylaw 1978, which was revised in 2010, is to be revised and replaced to reflect current operational requirements and the requirements of the School Act.

THEREFORE The Board of Education of School District No. 41 – Burnaby, hereafter called the “Board”, enacts Procedural Bylaw 2021 as follows.

Part 1: Meetings

1. Inaugural Meeting

- a. An inaugural meeting of the Board shall be held annually in

taken. All Trustees present at the meeting shall have a vote. A clear majority of those voting shall be required for election. If there is no clear majority on the first ballot, balloting shall continue until a clear majority is achieved.

- e. If for the election of either Chair or Vice-Chair more than two nominations are received, and if at the first ballot no Trustee receives a clear majority, balloting shall continue until one Trustee shall have received a clear majority. At each successive ballot the name of the Trustee receiving the fewest votes at the previous ballot shall be dropped. If by reason of an equality of votes it is not possible to determine which name shall be dropped, then a special secret ballot shall be taken for that purpose.
- f. The term of office of the Chair and Vice-Chair shall be one year.

2. Role of the Board Chair and Vice-Chair

- a. The Chair will preside over all board meetings and ensure that such meetings are conducted in accordance with the Procedural Bylaw.
 - b. The Chair will be kept informed of significant developments within the district.
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- b. A quorum shall be a majority of Trustees holding office at the time of the meeting. Trustees who attend a board meeting via electronic means are “counted for the purpose of establishing a quorum” (See *School Act*, Section 67(7)).

 - c. If, thirty minutes after the time appointed for the meeting of the Board, there should not be a quorum present, then the meeting shall stand adjourned to a date to be fixed by the Chair, or, in default of the Chair fixing the date, then until the next regular meeting. The Secretary-Treasurer shall record the names of the members present at the expiration of the thirty minutes.

 - d.
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- i. Personnel matters, including contract and collective agreement negotiations; matters pertaining to individual employees, including medical matters, appointment, promotion, demotion, transfer, conduct, competence, discipline, suspension, termination or retirement; grievances and requests of employees, board officers or their bargaining agents or representatives; plans that relate to the management of personnel or the administration of the Board and that have not yet been implemented or made public.
 - ii. Legal matters: accident claims and other matters where board liability may arise; legal opinions and advice respecting the liability or interest of the Board or respecting any matter to be considered in closed session; information or action regarding legal actions or potential legal actions brought by or against the Board.
 - iii. Matters pertaining to individual students, including medical matters and the conduct, discipline, suspension or expulsion of students.
 - iv. Acquisition and disposition of real property prior to finalization, including future site planning and designation; negotiations regarding purchase, lease, sale or exchange of real property; purchase of real property; consideration of appraisal reports and claims by owners; expropriation procedures.
 - v. Matters pertaining to the safety, security or protection of board property.
 - vi. Other matters where the Board decides that the public interest so requires.
 - b. At the commencement of any such closed meeting a motion shall be made “that the Board considers that the public’s interest requires the exclusion of all persons, other than its members and officers (including resource persons), for the purpose of dealing with the matter(s) before the meeting.” If the motion is carried, the meeting shall proceed and shall deal with the business stated. If the motion is defeated the matter(s) shall be referred to public session.
 - c. All other matters shall be considered in public session unless the Board shall otherwise determine.
 - d. Notwithstanding any rule limiting reconsideration of the agenda, a Trustee may make a motion to move a matter from the agenda of a closed meeting or session to the agenda of the open meeting, or the reverse. The motion requires a seconder, is debatable, and requires a simple majority to pass.
 - e. No Trustee shall disclose to the public the proceedings of a closed meeting unless a resolution has been passed to allow such disclosure, or the matter has already been made public in some other manner.
 - f. The Board shall prepare a record containing a general statement as to the nature of the matters discussed and the general nature of the decisions reached at a meeting from which persons other than Trustees or Officers of the Board are excluded. The record of the closed meeting shall be open for inspection at all reasonable times by any person.
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5. Presiding Member

- a. The Chair shall preside at all meetings of the Board. In the absence of the Chair, the Vice-Chair, or in the absence of both the Chair and the Vice-Chair, another member appointed by the Chair shall preside.
 - b. Should the Chair, during any meeting of the Board, desire to leave the chair for the purpose of taking part in debate or to propose or second a motion, the Vice-Chair, or in the absence of the Vice-Chair, another member of the Board appointed by the Chair shall preside.
 - c. In the event that the Chair should vacate the office during the year or cease to be a Trustee, the Vice-Chair shall be the Chair of the Board for the remainder of the year, and the Board shall elect a Vice-Chair in the matter prescribed in Part 1, section 1, paragraph d.
 - d. If the Vice-
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Adjournment

- b. Changes to the order of business may be proposed by any Trustee and shall require a two-thirds vote or unanimous consent.
- c. Only those items included on the agenda shall be considered by the Board unless a two-thirds vote, or unanimous consent of the Trustees agree to consider additional items.

2. Delegations

- a. Delegations comprised of an individual or groups of students, parents, teachers and others are welcome at regular meetings.
- b. Delegations who wish to appear before the Board shall submit an application in writing, outlining the item(s) they wish to present and naming a spokesperson. The Secretary-Treasurer will review the delegation request with the Chair to determine if the request is accepted, and if accepted will then make the appropriate arrangements for the delegation to appear as appropriate. A maximum of ten minutes will be allowed for each delegation to make its presentation.
- c. A delegation accepted to appear before the Board may present written material to the Board which, if provided to the Secretary-Treasurer in advance of the meeting, will be distributed (within reason) to the Trustees.
- d. The Board will hear the delegation's presentation and the Trustees may ask questions for clarification but no recommendations or motions concerning the presentation will be made at the time of the presentation.
- e. The matters raised by the delegation may be considered during the item "New Business" at the same meeting, providing the delegation item is added to the agenda by two-thirds majority vote of Trustees present.

3. Question Period

- a. A question period shall be held in conjunction with each regular Board meeting for a duration as long as deemed warranted by the Chair, but not to exceed twenty minutes.
 - b. The following procedures shall apply to questions addressed
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a. When the Chair

- h. Meetings of the Committee of the Whole and Finance standing committees normally shall be open to the public. It is recognized that standing committees may meet in-camera to consider such items as described in Part 1, section 4 of this bylaw. Members of the public attending public meetings will do so as observers only.
- i. If any vacancy shall occur in a standing committee of the Board, the Board shall name a successor to fill the position.
- j. The Board may from time to time appoint ad-hoc committees to consider or inquire into any specified matter and to report to the Board. The Chair and the member Trustees of an ad-hoc committee shall be appointed by the Board, but the combined number shall not exceed three. The Board may appoint non-trustee participants to ad-hoc committees who may fully participate in the committee meetings, but only appointed Trustee members of the committee may vote.
- k. A quorum for a committee shall be a majority of the member Trustees.
- l. The Chair of the committee shall preside and may vote on all motions. In the absence of the Chair, the members may appoint one of their number to act as Chair for the meeting.
- m. All committees shall report their recommendations to the Board in writing. A minority of any committee may also report to the Board in writing.
- n. Meetings of committees shall be convened by the Chair of the committee. Any two Trustee members of a committee may require a meeting of the committee to be convened.
- o. Any member of the Board may attend meetings and participate in discussion of any committee, but only appointed Trustee members of the committee may vote.
- p. Action of any committee shall not be binding until formally approved by the Board.
- q. The Superintendent of Schools or the Secretary-Treasurer or designate shall keep the Chair of each of the committees informed of matters within the jurisdiction of the committee.
- r. The Chair of each committee shall designate a member to act as Chair in their absence. Such appointee shall assume all the powers and duties of the Chair when acting as such.

2. Terms of Reference

a. Committee of the Whole

- i. Strategic Plan: To review and confirm direction contained in the Board Strategic Plan, including receiving progress reports from staff.
 - ii. Education: To consider matters affecting educational programs of the school district and make recommendations when appropriate. To receive and consider reports and
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recommendations from district staff, partner groups and community groups on matters referred by the Board.

- iii. Building & Grounds: To consider matters of building construction, maintenance of district facilities, transportation and custodial services. To formulate long-range plans for school district physical facilities.
- iv. Youth and Community Services: To consider matters affecting the youth and community services programs of the school district and make recommendations where appropriate. To receive and consider reports and recommendations from district staff, partner groups and community groups on youth and community services matters referred by the Board.
- v. Policy Development: To consider questions of overall school district policy. To ensure existing school district policies are updated in accordance with the provisions of the *School Act* and other provincial legislation.
- vi. General: To make recommendations to the Board on matters affecting the annual budget. To consider such other matters as may be referred by the Board and make recommendations thereon as required. To consider matters pertaining to Board advocacy and community re3(eon)0a)0s r)-5(eq)0n)11(2Tff1 0 0 1 126.02 520.)11(s)JTJETQq0.0000

- iv. To consider such other matters as may be referred by the Board and make recommendations thereon as required.

Part 5: Bylaws

- a. Unless expressly required to be exercised by bylaw, all powers of the Board may be exercised by bylaw or resolution.
 - b. Written notice of intention to propose a bylaw shall be given at least 48 hours in advance of the meeting when the bylaw is to be proposed. Notice is deemed to be provided if the item is included in the agenda package distributed at least 48 hours in advance of the meeting.
 - c. The procedure for handling bylaws shall be as follows:
 - i. A written or printed copy of the bylaw shall be in possession of each Trustee and made available to each member of the public in attendance at the meeting and a brief explanation of the bylaw provided.
 - ii. A Trustee, seconded by another Trustee, shall move that “this bylaw be now read a first time” and the question determined without amendment or debate. After this
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