

**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 November. The inaugural meeting shall be held at the time, place and date as determined by the Board in the previous year; and in the event that the Board shall not so determine, then such meeting shall be held at the hour of 7:00 p.m. on the fourth Tuesday in November. Following a general election of Trustees, the Secretary-Treasurer shall convene the first meeting of the Board in accordance to the *Election Act* and the *School Act*.
 - b. The Secretary-Treasurer of the Board or designate shall call the meeting to order and shall preside at the meeting until a Chair is elected. The Secretary-Treasurer shall announce the results of the general election, if applicable, and shall then report whether or not the Trustees have completed the declarations required by the *School Act*. If they have not been completed beforehand, they shall be completed at this time.
 - c. The Secretary-Treasurer shall then call for nominations for Chair (seconding is not necessary). Any Trustee may be nominated for Chair. The Secretary-Treasurer will then announce the names of Trustees nominated and at that time any nominee may withdraw their name. If more than one nomination remains for Chair, a vote by secret ballot shall be 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.
 - d. The Chair shall then preside over the meeting and call for nominations for the office of Vice-Chair. Any Trustee may be nominated for Vice-Chair. The Chair will then announce the names of Trustees nominated and at that time any nominee may withdraw their name. If more than one nomination remains for the office of Vice-Chair, a vote by secret ballot shall be
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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.
- c. The Chair will keep the Board, Superintendent and Secretary-Treasurer informed of all matters coming to their attention that might affect the district.
- d. The Chair and Vice-Chair will confer in advance with the Superintendent and Secretary-Treasurer on the items included on board agendas.
- e. The Chair will act as the chief spokesperson for the Board by stating positions consistent with board direction and policies except for those instances where the Board has delegated this role to another trustee or staff member.
- f. The Chair will act as ex-officio member of all committees appointed by the Board.
- g. The Chair will represent the Board, or arrange alternative representation, at official meetings or other public functions for which the Board has not appointed a representative.
- h. The Vice-Chair will assist the Chair as appropriate and will act on behalf of the Chair in the event of their absence.

3. Regular and Special Meetings

- a. Meetings of the Board shall be held at least once during each month of the school year on a Tuesday at the hour of 7:00 p.m., or upon such other day or days during the month, or at such other hour, or such other place, as the Board may decide. In any case a meeting shall be held at least once in every three months.
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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. The Superintendent of Schools, or designate, and the Secretary-Treasurer, or designate, shall be present at all meetings of the Board. The Board may excuse either or both of these officials during discussion of any matter, but no Board action shall be taken unless both officials are present, except for situations where the Board deems it in the public interest to exclude one or both of the officials.
- e. The Board shall not remain in session for more than four hours (Closed and Regular Meeting combined). If in session at the end of that time, the meeting may continue upon the affirmative vote of at least two-thirds of the Trustees then present.
- f. A special meeting of the Board may be called by the Chair or, upon written request of a majority of the Trustees, will be called by the Secretary-Treasurer. No business other than that for which the meeting is called shall be conducted at the meeting.
- g. Forty-eight hours’ notice in writing shall be given of any meeting of the Board by email to the Trustees using the school district provided email account. A notice shall be deemed to have been delivered if reasonable steps have been taken to deliver notice at least forty-eight hours prior to the meeting.
- h. In the case of a special meeting, the business to be conducted shall be set out in the notice. In the case of a regular meeting, the agenda shall be distributed as notice, together if possible, with supporting material.
- i. Written notice of any meeting of the Board may be waived in emergent situations provided that reasonable steps have been taken to notify all Trustees of the meeting and that not less than the number of Trustees required to make a quorum agree to the waiving of written notice.
- j. No act or proceeding shall be valid or binding on the Board unless such act or proceeding shall have been adopted at a meeting called and held as herein provided, and a duly appointed Secretary-Treasurer is present in accordance with the *School Act*.

4. Closed or In-Camera Meetings

- a. Unless otherwise determined by the Board, the following matters shall be considered at a closed meeting from which, in the public interest, persons other than Trustees and Officers of the Board have been excluded:
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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 manner prescribed in Part 1, section 1, paragraph d.
- d. If the Vice-Chair shall have succeeded to the office of Chair pursuant to Part 1, section 5, paragraph c and shall subsequently vacate the office of the Chair or cease to be a Trustee before a successor as Vice-Chair has been elected, the Trustee senior in membership on the Board, or if there are two or more Trustees of equal seniority then the older or eldest of them, shall act as Chair of the Board pending the election of a new Chair of the Board in the manner prescribed in Part 1, section 1, paragraph c.
- e. If the Vice-Chair shall vacate the office of Vice-Chair or shall cease to be a member of the Board, the Board shall elect a Vice-Chair to serve for the remainder of the year in the manner prescribed in Part 1, section 1, paragraph d.

Part 2: Agenda

1. Regular Meetings

- a. The agenda and notice of meeting shall be prepared by the Secretary-Treasurer under the direction of the Board Chair in consultation with the Superintendent of Schools. The order of the agenda shall be generally as follows:
 - Confirmation of the Agenda
 - Delegations
 - Inside Burnaby Schools
 - Approval of Minutes
 - Board Chair Report
 - District Operations – Superintendent’s Report
 - Committee Reports
 - Committee of the Whole
 - Finance Committee
 - Ad hoc Committee(s)
 - District Operations – Administrative Services Report
 - District Operations – Business Services Report
 - Unfinished Business
 - New Business
 - Correspondence
 - Question Period (Timed Item)
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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 to the Chair presiding over the "question period":
 - i. Questions or requests for information received by 8:00 a.m. on the Monday preceding the regular Tuesday Board meeting will be answered briefly at the meeting, or clarification will be made regarding the disposition of a written response.
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- ii. Questions asked by persons who are present, and who identify themselves by name, will be responded to immediately if the Board has dealt with the matter previously or if an answer based upon an established board decision can be given. If this is not the case, or if officials do not choose to respond, the question will be recorded, and a written response will be provided.
- iii. Questions or inquiries which deal with or reflect upon the personal or professional attributes of individuals will not be recognized.

Part 3: Rules of Order

1. Motions

- a. A motion, when introduced, brings business before the meeting for possible action. A motion should be worded in a concise, unambiguous and complete form and if lengthy or complex, should be submitted in writing.
- b. The Chair may divide a motion containing more than one subject and it shall be voted on in the form it is divided.
- c. No question shall be determined by the Board unless upon motion of a Trustee seconded by another Trustee.
- d. A main motion may be withdrawn by a mover and seconder at any time before final action is reached, provided no Trustee objects.

2. Voting

- a. At all meetings of the Board all questions shall be decided by the majority of the votes of the Trustees present and voting save as otherwise provided by these bylaws or the *School Act*.
- b. Every Trustee present at a meeting of the Board, when a question is put, shall have a vote thereon. This vote shall be in the affirmative or negative or shall be an abstention. The Chair has a vote on all matters which come to a vote before the Board. The Chair does not have an additional vote in the case of an equality of votes.
- c. No Trustee shall have more than one vote on any question whether at a meeting of the Board or in Committee of the Whole or any other committee.
- d. In event of an equality of votes the motion shall be deemed to be negative.
- e. The Chair shall declare the results of all votes. The names of those who voted contrary to the decision and of those who abstained shall be entered in the minutes.

3. Appeals from the Chair

- a. When the Chair or other presiding officer is called upon to decide a point of order or practice, the Chair shall give a decision and state the rule applicable to the case. An appeal from the ruling of the Chair shall be decided by a majority of the members of the Board present. When the ruling of the Chair is appealed against, the Chair shall, without debate, put the question in the following words: "Shall the ruling of the Chair be sustained?" and the Chair has the right to state reasons for the decision given.

4. Reconsideration and Rescission

- a. No question once decided by the Board shall be reconsidered or rescinded during the same calendar year in which the said question was decided unless:
 - i. by order of the majority of the votes of the members present and voting, and
 - ii. the motion for such reconsideration or rescission is brought by a Trustee who voted on the prevailing side when the motion was first adopted or rejected.
- b. Provided, however, that nothing in this section shall be construed as depriving any Trustee who was not a Trustee at the time a decision was reached on a resolution from moving the reconsideration or rescission of such resolution in the same calendar year.

5. Debate

- a. Debate shall be strictly relevant to the question before the meeting. The Chair shall warn speakers who violate this rule or who persist in tedious or repetitious debate.
- b. Speakers shall be recognized by the Chair and shall address all remarks to the Chair.
- c. Each Trustee has the right to speak twice on the same question on the same day but cannot make a second speech so long as any Trustee who has not spoken on that question desires to speak. No Trustee shall speak for more than five minutes at one time.
- d. A matter of privilege (dealing with the rights or interests of the Board as a whole or of a Trustee personally) may be raised at any time and shall be dealt with forthwith before resumption of business.
- e. No Trustee shall interrupt another Trustee who has the floor except to raise a point of order, a point of privilege or to disclose a conflict of interest.

6. Confidential Information

- a. Any documentary or oral information given to or obtained from a Trustee, whether directly or indirectly, and characterized by either the Chair of the Board, a Standing Committee, the Superintendent of Schools or the Secretary-Treasurer as being confidential, shall not be disclosed by any Trustee unless the Board authorizes through majority vote the disclosure of such information.
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Part 4: Standing and Ad-Hoc Committees

1. Standing Committees

- a. There shall be the following standing committees of the Board:
 - Committee of the Whole
 - Finance
 - Audit Sub-Committee
 - Management
 - b. The following standing committee representation shall exist:
 - i. The Committee of the Whole shall be comprised of the full Board, along with one non-voting member from the Burnaby Principals' and Vice-Principals' Association (BPVPA), the Burnaby Teachers' Association (BTA), CUPE Local 379 (CUPE), the District Parent Advisory Council (DPAC), and the District Student Advisory Council (DSAC).
 - ii. The Finance Committee is comprised of the full Board. The Audit Sub-Committee shall be comprised of three Trustees and two members of the public.
 - iii. The Management Committee shall be comprised of three Trustees.
 - c. The Board may appoint non-trustees to be regular participants in public standing committees. Board-appointed participants may fully participate in the committee meetings, but only appointed Trustee members of the committee may vote.
 - d. The Chair and member Trustees of each standing and ad-hoc committee shall be appointed annually by the Board on the recommendation of the Chair of the Board at a January meeting after the Chair has had time to consult with all Trustees.
 - e. Standing and ad-hoc committees shall have jurisdiction to consider and make recommendations to the Board in matters assigned to them or in other matters within their terms of reference.
 - f. The dates, times and places of standing committee meetings shall be established at each standing committee's first regular meeting following the Board Chair's appointment of standing committee members. The dates, times and places of standing committee meetings shall be publicized on a regular basis.
 - g. The preparation of the agenda for a standing committee shall be the responsibility of the staff member first named to that committee in cooperation with the committee's chair, and it shall be available at least two days before standing committee meeting dates.
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- 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 relations.

b. Finance Committee

- i. To make recommendations to the Board on the district's business and accounting services.
- ii. To make recommendations to the Board on the district's capital and operational budgets.
- iii. To receive and discuss input from stakeholder groups regarding finance matters referred to the committee.
- iv. To work with and receive information from the Audit Sub-Committee.
- v. To provide advice and information to the Board to support the effective and efficient financial and capital operation of the district.
- vi. To consider such other matters as may be referred by the Board and make recommendations thereon as required.

c. Management Committee

- i. To consider questions of overall school district management.
 - ii. To consider appointments, salaries and benefits, working conditions, employee contracts and other personnel matters.
 - iii. To make recommendations to the Board on those sections of the annual budget which pertain to personnel or to other matters not encompassed by the deliberations of the Board's other standing committees.
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- 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 motion is passed the bylaw is read a first time.
 - iii. A Trustee, seconded by another Trustee, shall move that “this bylaw be now read a second time”. The Trustees discuss the principle of the bylaw. If the motion for second reading is passed, the bylaw is read a second time. The Trustees either fully discuss the bylaw or refer it to a committee, or both. If the bylaw is not referred to a committee the Trustees proceed to a third reading. If the bylaw is referred to a committee the committee shall be instructed when to report back to the Board.
 - iv. At the time set for the report of a committee on a bylaw any amendments proposed shall be discussed and the bylaw debated. Trustees then proceed to third reading. If amendments are other than minor, the bylaw shall be revised and reprinted and distributed to the Trustees.
 - v. The Board shall not give a bylaw more than two readings at any one meeting unless the members of the Board who are present at the meeting unanimously agree to give the bylaw all three readings at the meeting.
 - vi. At the time of the third reading any new amendments proposed shall be dealt with and the bylaw debated. When the proposed amendments are accepted or rejected and the debate has concluded, a Trustee, seconded by another Trustee, shall move “that this bylaw be read for a third time” and, if passed, the bylaw is read for a third time.
 - vii. Following the third reading a Trustee, seconded by another Trustee, shall move that “the bylaw having been read a first, second and third time, be finally passed and adopted the 26th day of January, 2021; that the Chair of the Board (or whoever
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presided at this time) and the Secretary-Treasurer be authorized to sign the bylaw; and that the bylaw be sealed with the corporate seal of the Board”.

- d. A bylaw which has been typed and distributed to the Trustees shall be deemed to be read when its title is read, but if any three Trustees then present so require, the whole or any designated part or parts thereof shall be read in full.

Part 6: Amendments and Interpretations

- a. No amendment to the bylaws of the Board shall be made unless due notice thereof in writing, setting forth the proposed amendment, shall have been given at a meeting previous to that at which the amendment comes up for consideration, and a majority of the members present at the time of the meeting vote therefore.
- b. All words in these bylaws in the singular and masculine shall, when the context so requires, include the plural and feminine, and vice versa.
- c. The rules and procedures in Robert’s Rules of Order, Revised, shall govern, so far as applicable, in all cases not specifically provided for in the bylaw.

Read a first time the 26th day of January, 2021.

Read a second time the 26th day of January, 2021.

Read a third time, passed and adopted the 26th day of January, 2021.

Original Signed

Board Chair

Original Signed

Secretary-Treasurer

I HEREBY CERTIFY this to be a true original of the Board of Education of School District No. 41 (Burnaby) Procedural Bylaw 2021, adopted by the Board the 26th day of January, 2021.

Original Signed

Secretary-Treasurer