



# Halifax Regional School Board

## ByLaws

Approved by Minister July 22, 2011

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# **HALIFAX REGIONAL SCHOOL BOARD BYLAWS**

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## 1.0 CODE OF ETHICS FOR BOARD MEMBERS

- 1.01 Code of ethics supplements law  
This Code of Ethics operates along with and as a supplement to existing Provincial statutes governing the conduct of school board members, including all of the following:
- the *Education Act*,
  - the *Municipal Conflict of Interest Act*,
  - the *Municipal Elections Act*,
  - the *Freedom of Information and Protection of Privacy Act*,
- 1.02 The *Criminal Code* (Canada) also governs the conduct of school board members.
- 1.03 A school board member must respect the decision of the majority as determined within the recognized mandate of the Board, reserving the right to seek changes to these decisions in the future through ethical and constructive channels.
- 1.04 A school board member must attend all regularly scheduled Board meetings and Committee meetings on which he or she serves, insofar as possible, and be prepared as required for all such meetings.
- 1.05 A school board member must show respect for others in their verbal and non-verbal language and work with fellow board and staff members in a spirit of cooperation, regardless of personal differences of opinion, treating all with mutual courteous respect and encouraging the free exchange of diverse views.
- 1.06 A school board member must listen to what other board members and other individuals and or groups may have to say before making final decisions, and make a sincere effort to keep himself or herself fully informed concerning the issues and consider alternative solutions to problems.
- 1.07 A school board member must not pursue any procedure calculated to embarrass another school board or staff member.
- 1.08 A school board member must recognize that the Board is responsible for policymaking, planning and system evaluation and that the Superintendent is responsible for the day-to-day operation of the system.
- 1.09 A school board member must recognize that authority rests with the Board in legal sessions, and not with individual members of the Board.

- 1.10 A school board member must observe the bylaws; rules of order; regulations and policies of the Board and the laws and regulations governing education in Nova Scotia.
- 1.11 A school board member must respect the strict confidentiality of any private information acquired by virtue of their office, in either oral or written form, and must not do any of the following except when required by law or authorized by the school board to do so:
- (a) disclose the information by any means to any person other than another member of the school board;
  - (b) use the information for personal or other gain.

In subsection (1), “private information” includes all of the following:

- (a) information in the possession of the school board or a school board member that the school board or the school board member is either prohibited from disclosing or is required to refuse to disclose under the *Freedom of Information and Protection of Privacy Act* or other legislation, including personal information and information that is supplied in confidence as those terms are used in the *Freedom of Information and Protection of Privacy Act*, or
- (b) information relating to the content or substance of deliberations of any matter that will be discussed or has been discussed at a private meeting held under subsection 59(3) of the Education Act, unless the information has been discussed at a meeting that was open to the public or the information has been released to the public.

## **2.0 DEFINITIONS**

In these Bylaws, unless the context otherwise requires:

- (a) BOARD means the Halifax Regional School Board.
- (b) BY-LAWS means these By-Laws.
- (c) CHAIR means the Chair of the Board.
- (d) VICE-CHAIR means the Vice-Chair of the Board.
- (e) SUPERINTENDENT means the Superintendent of the Board.
- (f) DIRECTOR, FINANCIAL SERVICES shall be considered the Chief Financial Officer of the Board.
- (g) SECRETARY means the Secretary of the Board.
- (h) MEMBER means a Member of the Board.

Other relevant definitions are found in s.3 of the *Education Act*.

## **3.0 MEMBERS**

### **3.01 Stipends**

- (a) For carrying out the duties of a Member, including attendance at meetings of the Board, each Member of the Board shall be paid in each year being the period November 1 to October 31, a sum to be determined in accordance with the report prepared under section 54(2) of the *Education Act*, in equal regular installments (less all deductions required by law).
- (b) In addition to the remuneration to which he or she is entitled by virtue of being a Member of the Board, the Chair shall be paid in each year being the period November 1 to October 31, a sum determined in accordance with the report prepared under section 54(2) of the *Education Act* in equal regular installments (less all deductions required by law).
- (c) In addition to the remuneration to which he or she is entitled by virtue of being a Member of the Board, the Vice-Chair shall be paid in each year being the period November 1 to October 31, a sum determined in accordance with the report prepared under section 54(2) of the *Education Act*, in equal regular installments (less all deductions required by law).

### **3.02 Attendance**

At each regular meeting of the Board, the Corporate Secretary will keep a record of attendance of all members.

If a Member fails to attend three consecutive regular meetings of the Board without a reasonable excuse satisfactory to the Board, the Corporate Secretary will give formal notice to any Member who after having missed two consecutive regular board meetings is at risk of being removed from their seat. In the event they should be absent for a third meeting, the Corporate Secretary shall bring the matter to the attention of the Board at its next regular meeting. The Board shall then declare the seat of that Member vacant and shall forthwith call an election to fill the Member's seat pursuant to the *Education Act*.

### **3.03 Address of Member**

Each Member shall notify the Corporate Secretary in writing of his or her address, civic and electronic, for the receipt of all notices or communications. Until another address is received, civic and/or electronic, by the Corporate Secretary, a notice of meeting or other communication delivered, mailed and/or electronically mailed to the Member at his or her residence and/or official Board electronic mail address, shall be deemed sufficiently given.

### **3.04 Interested in Contract**

The *Education Act*, and the Halifax Regional School Board Member Conflict of Interest Guidelines apply to the Board.

### **3.05 Expenses**

- (a) Members will be reimbursed for actual and reasonable expenses incurred in the performance of their duties in the categories listed in sections 3.06, 3.07 and 3.08 only. Reimbursement is subject to all the limitations specified herein, the report prepared under section 54(2) of the *Education Act* and the Board approved annual budget.
- (b) All expense claims must include receipts. All claims must be approved by the Chair for payment. Claims submitted by the Chair must be approved by the Corporate Secretary or the Superintendent.
- (c) There shall be no cash advances to Members for travel, attendance at conferences or professional development sessions, or any other purpose.
- (d) In school board election years, the allocations and budgets in this section will be prorated based on the months in the fiscal year available to each Board so that 7/12ths is available to the existing Board from April to October and 5/12ths of the approved budget is earmarked for the new Board following the October election.
- (e) Members are not permitted to have a Board purchasing or credit card.
- (f) Members are not employees of the Board and therefore not eligible to participate in the Board employee benefit plans.

### **3.06 Conferences and Professional Development**

- (a) As provided in the report prepared in accordance with section 54(2) of the *Education Act*, Members are each entitled to a maximum annual allocation for attendance at conferences and professional development functions. For this purpose, professional development includes workshops, training sessions or other meetings designed specifically to improve Members' knowledge or effectiveness in discharging the responsibilities of the Board. It does not include degrees or diplomas, or other studies not directly related to the responsibilities of the Board.
- (b) Eligibility for reimbursement of expenses to attend conferences and professional development must be pre-approved by the Chair. Eligible expenses include registration fees, travel (i.e. mileage or air fare), meals, accommodations and incidentals such as parking and taxi fares. Expenditures for alcohol will not be reimbursed. Reimbursement for mileage and meals shall be at rates approved in the report prepared under section 54(2) of the *Education Act*.
- (c) The report prepared under section 54(2) of the *Education Act* also provides a global amount that is available for additional Board development. This amount shall be available to offset the cost of entire Board group training and development sessions only. With approval of the Board Chair, individual Members may have access to these funds to attend conferences or professional development as a representative of the entire Board.

Any Nova Scotia School Board Association Annual General meeting, professional development and/or conferences are to be reimbursed from the global amount after professional development needs of the Board have been identified and met.

- (d) Unused balances in section 3.06(a) may not be transferred between Members and used for purposes other than conferences and professional development. Unspent individual allocations may be carried forward to future fiscal year to the maximum allowable per Member per year.

### **3.07 Official Board Meeting and School Visit Expenses**

- (a) The Board shall approve an annual budget for the purpose of reimbursing Members for the travel costs incurred while carrying out their board member responsibilities, including attendance at meetings of the board or its committees and meetings/activities in schools or communities related to the business of the board.
- (b) The annual budget for Member travel costs will be allocated on a pooled basis so that the relative distances travelled by Members in carrying out their responsibilities may be taken into account.
- (c) Travel claims must be submitted on standard forms, provided by the Department of Financial Services, to be reviewed by the Corporate Secretary and approved by the Chair prior to payment. The Chair shall have discretion to disallow mileage that in his/her judgment is not incurred in the performance of the Member's duties. Claims must be submitted monthly, and any claims for mileage up to March 31 that are not submitted before April 20 of the same calendar year, will not be reimbursed.

### **3.08 Other Eligible Expenses**

- (a) The Board shall approve an annual budget per Member for other expenses incurred by Members in the performance of their duties as follows:
  - i) technology services, i.e. internet service plan
  - ii) telecommunications services, i.e. cell phone plan, fax line
  - iii) long distance calls on cell phone or landlines
  - iv) technology hardware of any kind, and
  - v) supplies and materials required to perform their duties
- (b) All long distance charges on landlines and cell phones, as well charges related to cell phone calls, will be reimbursed only for calls on Board business. All claims of this nature must be accompanied by appropriate receipts.
- (c) Members will receive reimbursement up to the maximum amount specified in section 3.08(a) only. All expense claims must be accompanied by appropriate receipts. The Chair must approve all reimbursements prior to payment. Any expenditures in excess of the

maximum amount specified in section 3.08(a) must be paid by the Member.

- (d) Members are prohibited from entering into leases or contracts in the name of the Halifax Regional School Board. This includes contracts for technology services such as cell phones or internet connection.
- (e) Business cards for Members may be purchased and the cost charged against the member's annual budgeted allotment under section 3.08(a). A standard template will be followed for Member business cards.
- (f) Unused budget balances under section 3.08(a) may not be transferred between Members or used for purposes other than those outlined in sections 3.08(a) and (g). Unused budget balances can be carried forward to subsequent fiscal years until the end of the Member's term.

### **3.09 Reporting**

A monthly report of expenses incurred by each Member shall be prepared by the Department of Financial Services and circulated to Members. This report will also be attached to the agenda for the regular monthly Board meeting.

### **3.10 Procedures**

Administrative procedures will be established by the Corporate Secretary to ensure appropriate authorizations, documentation and reporting is carried out to demonstrate compliance with these by-laws.

## **4.0 CHAIR AND VICE-CHAIR**

### **4.01 Election of Chair and Vice-Chair**

The procedure for electing a Chair and a Vice-Chair shall be the following:

- (a) The election of the Chair shall be completed prior to commencing the procedure for the election of a Vice-Chair.
- (b) The Superintendent shall preside over the election of the Chair at the 1<sup>st</sup> meeting of the newly elected board and annually thereafter and shall receive open nominations for the position of Chair at a regular Board meeting. Nominees must consent to their nomination in order for their names to stand for election.
- (c) Once the nominations are made and the nominees have consented to serve if elected, a vote shall be conducted by secret ballot by the Superintendent.
- (d) The Member receiving the majority of the votes cast shall be declared elected.
- (e) If more than one Member is nominated and no Member receives a majority of the votes cast on the first ballot, the name of the Member receiving the least number of votes shall be dropped and the Members shall vote again, and so on until either a Member receives a majority or there is a tie between the final candidates.
- (f) Where more than two Members remain on the ballot and there is a tie for the least number of votes, the Superintendent shall draw a name from the tied ballots, and that candidate will be dropped from the election.
- (g) In the event of a tie between the final candidates, the Board shall vote again among the candidates who are tied. If the result of that ballot is also tied, the Board shall vote a third time among the candidates who are tied. If the result of that ballot is also tied, the Superintendent shall so advise the Governor in Council.
- (h) Once the Chair is elected (or appointed by the Governor in Council), the Chair shall preside over the election of the Vice Chair according to the procedure outlined in (b) to (f) will be followed to elect a Vice-Chair. In the event of a tie between the final candidates, the Board shall vote again among candidates who are tied. If the result of that ballot is also tied, the Board shall vote a third time among the candidates who are tied. If the result of that ballot is also tied, the names of the tied candidates will be placed in a receptacle and the first name drawn by the Superintendent will be elected the Vice-Chair.

See also s.55 of the *Education Act*.

## **5.0 MEETINGS OF BOARD**

### **5.01 Meetings**

- (a) The Board shall hold a regular board meeting on the fourth Wednesday of each month or by resolution by the Halifax Regional School Board.
- (b) The agenda for the regular board meeting shall be posted on the Halifax Regional School Board website two weeks prior to the regular board meeting. Agendas shall follow the format contained in Appendix A.
- (c) The Board package, including a draft agenda and staff reports, shall be distributed two weeks prior to the board meeting. Staff reports shall follow the format contained in Appendix B.

### **5.02 Notice of Meeting**

- (a) The Corporate Secretary shall give at least five (5) calendar days written notice to each of the Members of each Regular Board Meeting by delivering to them a copy of the proposed agenda for such meeting, together with such related materials as the Chair may direct.
- (b) The Corporate Secretary shall give at least three (3) calendar days notice to each of the Members of the time, place and the purpose of a Special Board Meeting by mailing or delivering to them a copy of the proposed agenda for such meeting, together with such related materials as the Chair may direct.
- (c) An emergency meeting may be called at the Chair's discretion, with 24 hours notice.
- (d) Notwithstanding the foregoing notice requirements, if all of the Members are present at a meeting, notice of the time, place and purpose of that meeting may be waived.
- (e) The Corporate Secretary shall take such steps to make the public aware of meetings of the Board as the Board shall from time to time direct.
- (f) The accidental omission to give notice to any of the Members or the non-receipt of any such notice by any of the Members shall not invalidate any resolution passed at any meeting. Notice of meeting shall be distributed by email, telephone or fax.

See also ss.55 to 60 of the *Education Act*.

### **5.03 Leadership Sessions**

- a) As a normal practice, the Board shall hold a “Leadership Session” on the 3<sup>rd</sup> Wednesday of each month.
- b) These leadership sessions with senior staff will be used for planning, refining board governance practices and studying background information on major issues. They will not be used for making formal decisions which will be made publicly at the regular board meeting.
- c) The leadership sessions will be chaired by the Chair or Vice-Chair or designee.
- d) The leadership session agendas will be set by the Chair in consultation with the Superintendent.
- e) Although these leadership sessions are primarily for planning, sharing information and raising understanding through a procedure less formal than the regular board meeting, agendas will be distributed in advance and informal records of the meeting will be kept on file.

## **6.0 PROCEEDINGS AT MEETINGS**

### **6.01 Seating Plan**

- (a) Members shall be seated alphabetically according to their last name.

### **6.02 Quorum**

- (a) A School board member must not leave a meeting without doing one of the following:
1. informing the Chair or Secretary before the meeting begins that they plan to leave early;
  2. obtaining permission to leave early from the Chair during the meeting;
  3. obtaining a resolution permitting them to leave early from the school board during the meeting.

A school board member who leaves a meeting early without meeting the requirements of subsection 6.02 (a) is considered to be absent without reasonable excuse for the entire school board meeting and the absence is deemed to be an absence for the purposes of Section 52 of the *Education Act*.

- (b) If a quorum is lost during a meeting, the Chair must direct that the Board stand in recess for 15 minutes, after which the Chair must call the meeting back to order and the Corporate Secretary must record the names of any members who fail to return to the meeting without meeting the requirements of subsection 6.02 (a).
- (c) A school member who leaves a meeting without meeting the requirements of subsection 6.02 (a) must not be counted in the number of eligible voters to determine a quorum for the remainder of the meeting.
- (d) If a quorum cannot be re-established 15 minutes after the school board recesses because of a loss in quorum, the Chair must adjourn the meeting.

### **6.03 Order of Business (AGENDA) - Regular Meetings**

The Order of Business for Regular Meetings shall be as attached in Appendix A.

### **6.04 Variation of Order of Business**

The Board may by resolution at any time vary the Order of Business at any particular meeting. The Chair will determine breaks in the meeting.

### **6.05 Proceedings at Meetings**

Normally, staff presentations on matters requiring a board decision will be limited to 15 minutes the Chair may extend the time limit under unique circumstances. Staff presentations will not be required on information reports which do not require a board decision, unless requested by a Board Member.

**6.06 Order of Business - Special Meetings**

The only business to be considered at a Special Meeting shall be the business set forth in the notice calling the meeting unless all Members of the Board are present and at least 2/3 consent to the consideration of other business.

**6.07 Public or Private Nature of Meetings**

- (a) All meetings of the Board shall be open to the public.
- (b) Notwithstanding Article 6.05(a), a meeting, or part of a meeting, of the Board may be held in private for the purpose of considering issues involving individual students, personnel matters or other confidential information as determined by a majority of the Members of the School Board present.
- (c) The Board may on motion resolve itself to go in-camera, whenever the Board wishes to consider a matter involving:
  - i the security of the property of the Board;
  - ii the disclosure of intimate, personal or financial information in respect of an employee or prospective employee or a pupil or his or her parent or guardian;
  - iii the acquisition or disposal of a school site;
  - iv decisions with respect to personnel and/or collective bargaining matters;
  - v litigation affecting the Board, or to receive legal advice; or
  - vi any confidential matter when the Board wishes to permit informal debate and more detailed consideration than the Rules of Order permit.
- (d) When the matter before the Board is one involving a matter mentioned in items (b) or (c) of Paragraph 6.06, the Board may resolve to exclude from the meeting while that matter is under discussion all persons other than Members and other persons specifically authorized by the Board to be present.

**6.08 In-camera Records**

Confidential minutes shall be kept of all in-camera sessions.

**6.09** No action may be taken by the Board in an in-camera session, except to revert to an open meeting. In an open meeting the Board may ratify or take action upon recommendations or discussions taken in-camera.

**6.10** All Rules of Order shall be observed in all in-camera meetings, as far as applicable.

**6.11 General Duty of Non-Disclosure**

Unless required to disclose the information by a Court, no Member shall disclose to any person, other than another Member of the Board, the nature, substance or any detail of “in-camera” proceedings.

See also ss.55, 58 and 59 of the Education Act.

## **7.0 RULES OF ORDER**

### **7.01 Reference Authority**

In all procedural and/or governance matters not provided for in applicable legislation or in these Bylaws, the rules and practices of Robert's Rules of Order shall apply.

### **MOTIONS**

#### **7.02 Motions**

- (a) No business or matter shall be debated or voted upon, unless a motion in respect thereof has been moved and seconded.
- (b) The Chair may require that any motion be submitted to the Board Secretary in writing by the mover and seconder before being debated.
- (c) Any Member may require the division of any motion when, in the opinion of the Chair, or on an appeal thereof to the Board, it is reasonable to do so.

#### **7.03 Motions Possession of Board**

After a motion has been duly moved and seconded, it shall be deemed to be in the possession of the Board, but may be withdrawn at any time, before decision or amendment, with the permission of the majority of the Board Members present.

#### **7.04 Motion to Adjourn**

A motion to adjourn is always in order and takes precedence over all other motions, but such a motion must not be entertained while a Member is speaking or while a vote is in progress.

#### **7.05 Motion to Refer Precludes Amendment**

A motion to refer, until it is decided, will not include amendments.

#### **7.06 Motion to Postpone Indefinitely**

When a motion to postpone indefinitely is carried, the motion to which it applies, together with all amendments or proposed amendments thereto, shall be removed from the agenda, and shall be placed again before the Board only after due notice to that effect has been given.

#### **7.07 Amendments**

- (a) All amendments to a motion shall be dealt with before the motion and in the reverse order, in which they were moved,
- (b) An amendment shall be directly relevant to the main motion and shall propose some change in form or substance of the main motion, but shall not change the intent of the original motion.

- (c) An amendment to an amendment shall be directly relevant to the main motion and amendment and shall propose some change in the form or substance of the amendment, but shall not change the intent of the original motion.
- (d) An amendment may propose:
  - (i) to add certain words
  - (ii) to leave out certain words
  - (iii) to leave out words in order to insert other words
- (e) There is no limit on the number of times that a main motion may be amended before it is put to a vote.
- (f) Only one amendment shall be allowed to an amendment at a particular meeting.
- (g) As soon as one amendment has been voted upon, whether it is adopted, defeated, or referred, another amendment may be introduced.

**7.08 Motions with Distinct Propositions**

When the motion under consideration contains distinct propositions, the vote upon each proposition shall be taken separately if so directed by the Chair or requested by a Member.

**7.09 Recommendations in Report**

Every recommendation in a report presented to the Board may be considered separately. Upon the request of any Member a vote shall be taken separately upon each or any of the recommendations contained in the report. All Committee recommendations may be amended by the Board before adoption.

**7.10 Motion to Suspend a Rule of Order**

A motion to suspend a Rule of Order shall take precedence over all motions, except a motion to adjourn. No Rule of Order shall be suspended, except upon 2/3 majority vote of the Members present.

**7.11 Notice of Motion**

The Member shall provide the Secretary with the notice of motion in writing one week prior to the date of the next regular meeting for it to be included on the agenda, listed under motions.

**7.12 Introduction of New Matter**

With the consent of the Chair, a Member shall be permitted to introduce a new matter at a Committee of the Whole meeting.

## **DEBATES**

### **7.13 Orderly Conduct in Debate**

Every Member of the Board shall respectfully address the Chair when speaking. The Member shall confine him/herself to the motion under debate and shall not refer to any Member or staff except in a respectful manner.

### **7.14 Chair Decides Right to Speak**

Any Member desiring to speak shall indicate to the Chair. The Chair shall call the Member by name and such Member may then, but not before, proceed to speak.

### **7.15 Number and Length of Speeches**

Each Member may speak twice on all motions, other than those classed as non-debatable. Except with leave of the Board, no Member shall speak longer than five (5) minutes in the first instance and two (2) minutes in the second instance on the same motion. If a Member wishes to speak more than twice on a motion, the Chair must confirm that all other Members have spoken twice on the motion before allowing the Member in question to speak more than twice. In addition, the Chair has sole discretion to decide whether to allow a Member to speak more than twice on a motion. Members can speak more than twice to ask a brief question of clarification of the Chair or Superintendent or to demand a recorded vote except the Member who introduced the motion may use the second time to end debate.

### **7.16 Interruption of Speaker**

No Member, while speaking, shall be interrupted by another Member, except upon a point of order or question of privilege. The Member so interrupting shall confine himself or herself strictly to stating the point of order or the question of privilege. Requesting or providing new information does not constitute a point of order or question of privilege.

### **7.17 Motion to be Read**

Any Member may require the motion under discussion to be read for his or her information at any time, but not so as to interrupt a Member when speaking.

### **7.18 Point of Order**

- (a) The Chair may call any Member to order at any time, and any Member may raise a point of order.
- (b) Whenever the Chair is of the opinion that a motion is contrary to the rules and privileges of the Board, he or she shall apprise the Members immediately thereof, and shall cite the rule or authority applicable to the case without argument or comment.
- (c) When the Chair is called upon to decide a point of order or practice, he or she shall state the rule applicable to the case without comment and render his or her decision.

**7.19 Member Called to Order**

If a Member is called to order while speaking, he or she shall immediately stop speaking unless permitted to explain.

**7.20 Leave to Explain**

Any Member may, with the permission of the Chair, have leave to explain, but remarks so made shall be strictly confined to the explanation.

**7.21 Opinion of Solicitor**

An opinion of a solicitor on a matter of procedure or order shall only be obtained by the Board after adoption of a motion to that effect, notwithstanding which, the Chair may consult the Board's Solicitors at any time as an aid in formulating his or her ruling on any point of order or procedure.

**7.22 Chair to Decide Points of Order**

- (a) The ruling of the Chair is final, subject only to an appeal to the Board, without debate.
- (b) If any Member challenges the ruling of the chair, the Chair must then state his or her reasons for the ruling.
- (c) The Vice-Chair will then conduct a vote without debate on the question of whether the decision of the Chair shall be sustained.

**7.23 Violations of Order and Decorum**

- (a) If any Member uses insulting or improper language to the Chair or any Member of the Board or Board staff and refuses to apologize when so directed by the Chair, or willfully obstructs the conduct of business, and refuses to desist when called upon to do so by the Chair, he or she shall be ordered by the Chair to retire from the Board for that meeting. Any Member so removed, on making an apology to the Chair and to any Member of the Board or Board Staff insulted by him or her, may by a vote of the Board be permitted to resume his or her place at such meeting.
- (b) Any person interfering with the business of the Board, or acting in a disorderly manner may, upon the order of the Chair, be requested to be removed from the meeting by a police officer or other peace officer.

See S. 59(5) of the *Education Act*.

**7.24 Questions and Replies**

All questions asked and replies given to Members shall be made through the Chair.

**7.25 Visitors**

No visitors shall be allowed to address the Board unless they have followed the procedures for making a presentation or by special permission from the Board through a majority vote, such presentations shall be limited to five (5) minutes.

**VOTING**

**7.26 Putting Motion to Vote**

Before putting any motion to vote, the Chair shall state the motion clearly and ask the Board if it is ready to vote on the motion.

**7.27 No Debate after Vote is Called**

After any vote has been called for by the Chair on any question, no Member shall speak on the question, nor shall any motion be made until after the result is declared, and the decision of the Chair, as to whether the question has been finally called for, shall be conclusive.

**7.28 Decision of Motion**

- (a) Except for the election of the Chair and the Vice Chair, every motion shall be decided in the first instance by a show of hands, unless, prior to the vote, the Chair directs or a Member requests a recorded vote, in which case the vote of each Member shall be taken by the Secretary and recorded in the Minutes, and the motion decided accordingly.
- (b) Any motion once decided cannot be placed before the Board again for three (3) months without the agreement of 2/3 majority of the Board.

**7.29 All Members Must Vote**

- (a) Every Member who is present when any question is put to vote shall vote on that question unless excused by the Board. No Member shall be excused unless excluded by interest, or unless he or she furnishes the Board with satisfactory reasons for being excused before the Chair proceeds to put the question. The right to be excused shall be decided by the Chair without debate.
- (b) A Member who abstains from voting without being excused shall be deemed to have voted in the negative.

**7.30 Chair and Vice-Chair Must Vote**

Both the Chair and Vice-Chair must vote.

## **POST-VOTE NOTICES AND MOTIONS**

### **7.31 Motion of Reconsideration**

- (a) A notice of motion to reconsider any previous motion that has been approved by the Board must be provided prior to the next regular Board meeting following the meeting at which the previous motion was adopted.
- (b) A notice of motion to reconsider may be given by any member.
- (c) A motion to reconsider requires 2/3 majority of those Members present to carry, and such notice to reconsider shall be the first item of "business arising from the minutes".
- (d) When the matter is considered at the next regular meeting or at a special meeting called for that purpose by the Chair, or by the Members in accordance with these Bylaws, the mover, or in his or her absence, any other Member on his or her behalf, may briefly state his or her reasons for the reconsideration, and if the motion to reconsider is seconded, the same shall be put to vote without further debate.
- (e) No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.
- (f) No motion to reconsider or rescind shall be allowed in regards to:
  - (i) approval of all or part of the annual budget of the Board;
  - (ii) motions authorizing legal proceedings in any court;
  - (iii) motions which would result in the signing of contractual agreements.
- (g) If the motion to reconsider is not made at the time so fixed or if the Board refuses to reconsider, or if after reconsideration the reconsidered motion is again adopted, no other motion to reconsider or rescind such motion can be made.

### **7.32 Notice of Motion to Rescind**

- (a) A notice of motion to rescind any previous motion that has been approved by the Board must be provided in writing to the secretary at least seven (7) days in advance of the regular meeting at which the notice of motion will be read.
- (b) A notice of motion to rescind may only be given by a Member who has voted in the affirmative on the previous motion. Where the vote on the previous motion was not recorded, the Chair shall rule whether the notice of motion is properly given by that Member.
- (c) A motion to rescind requires 2/3 majority of those Members present to carry, and such notice to rescind shall be the first item of "business arising from the minutes" immediately after motions of reconsideration.

- (d) When the matter is considered at the next regular meeting, the mover, or in his or her absence, any other Member on his or her behalf; may briefly state his or her reasons for the rescinding, and if the motion to rescind is seconded, the same shall be put to vote without further debate.
- (e) No notice of motion to rescind may be given more than three (3) months following the original decision.
- (f) A motion to rescind may not be reconsidered or rescinded.

**7.33 Reconsideration Acts as Stay of Activity**

A notice of motion to reconsider or rescind shall have the effect of delaying or impeding any further action necessary to give effect of any resolution unless otherwise ordered by the Board, but any action taken to the time the notice of motion is given remains valid and need not be reversed pending the outcome of the motion. The Board may give such direction as it desires immediately following the notice of motion.

## 8.0 GOVERNANCE

### 8.01 Background

In the 2008-09 Business Plan and Budgets, the appointed board established as one of its goals: *To provide sound governance for the Halifax Regional School Board through the development of policies and procedures that clearly define roles, responsibilities and accountability mechanisms* (Goal #6). An ad hoc committee prepared an initial draft which was circulated for discussion. A special meeting of the elected board was held on February 11 which reached broad agreement on the governance structure proposed by the committee. Further discussion with senior staff took place during a Workshop held on February 21 and it was agreed that the proposed governance structure should be brought forward for consideration and formal adoption by the board at the earliest opportunity.

### 8.02 The Legislative Framework

The Halifax Regional School Board functions under the authority of the Minister of Education, as specified in the Education Act and regulations. Policies of the board are established as by-laws and must be approved by the Minister of Education.

### 8.03 The Board-Superintendent Nexus

The Superintendent is appointed by the board and is accountable to the board. The superintendent, as the chief administrative officer (CAO) is responsible for the day-to-day management of the schools within the board's jurisdiction and for the supervision of all other employees, subject to policies established by the board and the Act and regulations. The relationship between the board and superintendent must be one of mutual respect and confidence. The board holds a regular, informal meeting each month to review the agenda and staff reports related to forthcoming meetings, to discuss information needs, and to discuss any matters of interest or concern to the superintendent or one or more members of the board.

The board is responsible for the development of policies to promote educational success of all students within its jurisdiction, for the allocation of resources within the monies available, and for ensuring that the policies approved by the board are carried out as intended by the board.

### 8.04 Standing Committees

The following committees shall be established as standing committees of the Board:

- (a) Audit Committee (Terms of Reference attached as Appendix C)
- (b) Planning and Priorities Committee (Terms of Reference attached as Appendix D)

(c) Finance Committee (Terms of Reference attached as Appendix E)

**8.05** Terms of Reference for Standing Committees must be approved by a majority of the Board and shall be appended to these bylaws.

**8.06** **Ad hoc Committees**

Ad hoc committees may be established by the board from time to time to investigate a particular issue or to address a perceived need. The composition and terms of reference will be established at the time such a committee is established. Ad hoc committees cease to exist when their assigned task has been completed and the committee has reported to the board.

**8.07** **Advisory Committees to the Board**

The Board may recognize an external group as an Advisory Committee to the Board if the following criteria are met:

- (a) Terms of Reference must be submitted by the Advisory Committee and approved by the Board;
- (b) The Chair of the Board appoints at least one (1) Board Member to the Advisory Committee;
- (c) The Advisory Committee must submit an annual report to the Board providing advice and recommendations to the Board consistent with the approved Terms of Reference.
- (d) In the event an Advisory Committee fails to follow the approved Terms of Reference and/or Bylaw 8.07 (a) (b) or (c), the Chair of the Board will notify the Advisory Committee and the Board of the situation and place the item on the agenda for the next Regular Board Meeting. The Advisory Committee will have the opportunity to appear before the Board for the purpose of clarifying their situation. The Board will make a decision regarding the status of the committee. All recommendations regarding advisory committees to the Board must be put forward to the Board in the form of a notice of motion by the Chair.

**8.08** **Committee Procedure**

- (a) A quorum for all Committee meetings shall be a majority of the voting members of the Committee.
- (b) Appropriate members of staff shall be assigned by the Superintendent to assist each Committee.
- (c) Members are to notify the Corporate Secretary at least 24 hours in advance of a meeting if they are unable to attend.

- (d) When a Board Member has three unexcused absences, the Committee can recommend to the Board that that member be removed from the Committee.
- (e) All Members are entitled to attend meetings of any Board Committee in a non-voting capacity.
- (f) Except as otherwise provided, the Rules of Order of the Board shall be observed at meetings of all Committees.
- (g) Unless otherwise determined by the Board or defined in the Terms of Reference for the Committee, the members of the Committee shall choose the Chair and Vice-Chair from among the Board Members elected to the Committee.
- (h) All Committees must post their Terms of Reference, membership, agendas and minutes on the HRSB website.
- (i) Decisions taken by a Committee constitute recommendations to the Board and do not establish Board policy unless approved by the Board.

**8.09 Accountability**

The Board is directly accountable to the Minister of Education and indirectly to the people of the Halifax Region. In accordance with its responsibilities, the Board will prepare an annual report which will be submitted to the Minister as provided under Section 64 (2) (am) of the Education Act. This report will also be made publicly available, together with the annual report of the Superintendent as provided under Section 39 (2) (d) of the Education Act.

## 9.0 CENSURE OF A SCHOOL BOARD MEMBER

### 9.1 Motion to Censure a School Board Member

- (a) A motion to censure a school board member is a main motion that is debatable and amendable and requires a majority 2/3 vote of all members of the school board, but the motion may not be reconsidered.
- (b) A motion to censure a school board member must be debated in-camera and voted on in public.
- (c) A motion for censure must be in writing and signed by the members who moved and seconded the motion, and must include the following:
  - 1. A statement of
    - i. the alleged violation of the school board's code of ethics,
    - ii. the specific grounds for the allegations, and
    - iii. the proposed censure under subsection 52A(1) of the *Education Act*;
  - 2. any supporting documentation.
- (d) To include a motion for censure on the agenda for a regular meeting, a school board member must submit the motion to the Corporate Secretary at least 7 days before the date of the meeting.
- (e) The Corporate Secretary must deliver the motion forthwith to the school board member who is the subject of the motion for censure.
- (f) The school board member who is the subject of a motion for censure may provide a written response to the notice of motion and the Corporate Secretary must distribute the response to the other members of the school board before the regular meeting at which the motion is to be considered.
- (g) The school board member who is the subject of a motion for censure has the right to speak to the motion when the motion for censure is under debate.
- (h) During the debate of a motion to censure, a school board member may bring a motion to extend the time limits of debate that are otherwise prescribed for debates in a procedural by-law, and the motion requires a majority 2/3 vote of all members present.
- (i) The Chair or the Vice-Chair must relinquish the chair to another member of the school board in any of the following circumstances:
  - i. when the chair or the vice-chair is the subject of a motion for censure;
  - ii. to participate in the debate of a motion for censure;

- (j) A school board member who is the subject of a motion for censure may vote on the motion.
- (k) The presiding member must call a roll call vote for a motion for censure.
- (l) The minutes of a meeting at which a school board member is censured under subsection 52A(1) of the Education Act must contain all of the following information:
  - i. the full name of the school board member being censured;
  - ii. the nature of the censure;
  - iii. the reasons for the censure.

## **10.0 PUBLIC PRESENTATIONS**

### **10.01 Public Presentations**

- (a) Any interested person or organization may apply to make a presentation to the Board under the Regular Board Meeting Agenda item, *Public Presentation*.
- (b) Applications to present must be received by the Corporate Secretary seven (7) working days in advance of the Regular Board Meeting.
- (c) The Chair, in consultation with the Superintendent, must approve a request to make a public presentation at the regular board meeting or may refer the presentation to a special board meeting, a committee meeting, or the Superintendent.
- (d) A person, group or organization may speak on any matter, except the following: Labour negotiations, legal or potentially legal matters, personnel matters, student discipline matters and solicitations.
- (e) A copy of written presentations or an outline of verbal presentations must be submitted to the Chair or Corporate Secretary by noon on the Monday prior to the regular board meeting.
- (f) Normally, each public presentation will be limited to 15 minutes---the Chair may extend the time limit under unique circumstances.
- (g) Normally, only two public presentations will be scheduled for a regular board meeting.
- (h) Groups or organizations may designate no more than two (2) individuals to speak.
- (i) Waiver of Notice: Notwithstanding the foregoing, an application to present may be received at the regular board meeting, if two-thirds (2/3) of the board members present determine that the presentation addresses an issue of a serious or urgent nature.

## **11.0 MINUTES AND RECORDS**

### **11.01 Minutes**

Minutes of proceedings of all meetings of the Board and of its Committees shall be taken and kept with the records of the Board.

### **11.02 Public Awareness**

All Committees, Members names, Meeting Schedules, Minutes, Attendance, Policies, Bylaws and any related board approved public documents should be readily accessible to the public via the Halifax Regional School Board website [www.hrsb.ns.ca](http://www.hrsb.ns.ca)

### **11.03 Destruction of Board Records**

The Superintendent shall see to the preservation and safekeeping of all the records of the Board for at least six years after each item comes into existence; after such six-year period; subject to the provisions of the *Education Act*, records shall be destroyed.

See also ss.61, 62 and 63 of the *Education Act*.

## **12.0 CORRESPONDENCE**

- 12.01 The Chair of the Board shall consider each piece of correspondence he or she receives in his or her capacity as Chair of the Board to determine if it raises an issue of substance and if so, whether the matter should be directed to Board Staff for investigation and/or action or whether the correspondence should be brought to the attention of the Board during the "Correspondence" part of the Order of Business of the next meeting. The Chair will ensure that the original of any correspondence raising a matter of substance will be kept on file at the offices of the School Board.
- 12.02 Any Board Member shall be free to bring to the Board's attention any correspondence of substance he or she received during the "Issues Identification" portion of the Committee of the Whole meetings. Where such correspondence is brought to the Board's attention, the Members will ensure that the original of said correspondence is kept on file at the offices of the School Board.

**13.0 PROFESSIONAL APPOINTMENTS**

13.01 The Board shall review the appointment of its external legal counsel and any other professionals with whom it has dealings at least every three (3) years.

## **14.0 AMENDMENTS TO BY-LAWS**

### **14.01 Amendments to Bylaws**

In order to be made effective, any proposed amendment to these Bylaws shall be:

- (a) Read as a notice of motion at a regular meeting of the Board.
- (b) Placed on the agenda for the subsequent regular meeting of the Board.
- (c) Approved by 2/3 of the Members present at the meeting.

See also s.67 of the *Education Act*.

For other statutory provisions affecting Regional School Boards, see the *Education Act*.

# AGENDA

## School Board Meeting



Wednesday, \*\*\*\*, 2008

\*\*\*\* pm

Board Room, Lower Plaza

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. AWARDS / PRESENTATIONS (Normally awards and presentations will be limited to 5 minutes – the Chair may extend the time limit under unique circumstances.)
  - 3.1
4. PUBLIC PRESENTATIONS
5. APPROVAL OF MINUTES/BUSINESS ARISING FROM THE MINUTES  

\*\*\*\*\* (Regular Board)
6. CORRESPONDENCE
7. CHAIR'S REPORT
8. SUPERINTENDENT'S REPORT
9. ITEMS FOR DECISION
  - 9.1

*The HRSB would appreciate the support of the public and staff in creating a scent-reduced environment at all meetings. Please turn off your cell phone. Usage is restricted to outside the Board Chambers. Thank you.*

**Appendix A:**  
**Regular School Board Meeting Agenda Template**  
Board Approved: September 22, 2010  
Minister Approved: October 29, 2010

Halifax Regional  
School Board  
33 Spectacle Lake Drive  
Dartmouth NS  
B3B 1X7  
T 902 464-2000 Ext. 2321  
F 902 464-2420

**10. COMMITTEE REPORTS (Committee reports will be limited to 5 minutes – the Chair may extend the time limit under unique circumstances.)**

10.1 Audit Committee

10.2 Finance Committee

10.3 Planning, Policy and Priority Committee

10.4 Nova Scotia School Board Association

**11. INFORMATION ITEMS**

11.1

**12. NOTICE OF MOTION**

**13. DATE OF NEXT MEETING**

- Board Meeting - \*\*\*\*\*

**14. IN-CAMERA**

**15. ADJOURNMENT**

*The HRSB would appreciate the support of the public and staff in creating a scent-reduced environment at all meetings. Please turn off your cell phone. Usage is restricted to outside the Board Chambers. Thank you.*

**Appendix A:**  
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## HALIFAX REGIONAL SCHOOL BOARD TITLE OF REPORT

**PURPOSE:** *This section outlines the purpose of the report, such as “for approval”, “for information” etc. as well as the group to whom the report is directed.*

**BUSINESS PLAN GOAL:** *This section lists the Business Plan Goal(s) that the Report supports.*

**BACKGROUND:** *This section provides the context in which the report is being provided. This may include reference to previous Board resolutions, Acts and Regulations or any other factor that should be considered as part of the review of the report and its contents.*

**CONTENT:** *This section outlines the rationale for the recommendations that are offered. As well, this section provides detailed information and/or data that supports the basis for the recommendations. Other data and detailed information can be attached in the section called “appendices” and reviewed if additional information is required.*

**COST:** *This is a statement of the cost of the action being proposed, if any.*

**FUNDING:** *This section provides an indication as to where the money will come from if the recommendation is approved, i.e. existing budget, operations budget, additional funding required, etc.*

**TIMELINE:** *This refers to when the action will be implemented.*

**APPENDICES:** *Any attachments that expand upon the content.*

**RECOMMENDATIONS:** *This section is a restatement of the purpose with a request for specific action.*

**COMMUNICATIONS:** *This section lists the audience(s) with whom the results of this report must be shared (i.e. Program Department, Principals, Communications Department), who is responsible for communicating with the audience(s) and by what timeline.*

AUDIENCE	RESPONSIBLE	TIMELINE

**From:** *For further information please contact ...*

*Generally this is the name and location of the author of the report.*

**To:** *This section would be a listing of all of the persons and/or groups who would receive notice about any action arising from the approval and/or acceptance of the report. As well, consistent with a communication protocol this section would outline any further action resulting from approval of the report, i.e. in-services, training, meeting with school advisory councils, etc.*

Filename: *where the document is stored*

Date last revised: *the last date the document was updated*

### Appendix B:

#### Senior Staff Report - Template

Board Approved: June 25, 2008

Minister Approved: November 5, 2008

APPENDIX – C

**HALIFAX REGIONAL SCHOOL BOARD**

**AUDIT COMMITTEE  
TERMS OF REFERENCE**

- Committee Type:** Standing Committee to the Board
- Composition:** Three Board Members plus two community persons with financial expertise who are not a member of the Board, as appointed by the Board. The three Board Members on the Committee will be elected annually at the regular board meeting when the Board Chair and Vice-Chair are elected.
- Committee Chair and Vice-Chair:** The Audit Committee's Chair and Vice-Chair shall be elected at the first meeting from among the Board Members elected to the Committee.
- Meeting Frequency:** The Committee will meet as often as required to carry out its duties, and at least 2 times in each fiscal year.
- Meeting Access:** All Committee meetings are open to the public. Public presentations can be made to the Committee.
- Staff Support:** The Director of Financial Services will coordinate the provision of reports and documents to the Committee and assist with preparation of meeting agendas.
- Mandate:** The Audit Committee is responsible for the following:
1. To assist the regional school board to appropriately monitor and maintain internal controls over its operations;
  2. To review periodic (quarterly/monthly) financial statements prepared by staff;
  3. To establish terms of reference for the annual external audit;
  4. To review the annual report and any other report, findings or recommendations of the auditor, or any other person conducting a review of the financial management and internal controls of the regional school board;
  5. To review the management response to the annual report and any other report, findings or recommendations referred to in number 4;
  6. To monitor corrective and other actions taken by the regional school board in response to the annual report and any other reports, findings or recommendations referred to in number 6;
  7. To review such other matters as directed by the regional school board or as the committee considers desirable;
  8. To report to the regional school board at such times as the audit committee considers appropriate and at least once each fiscal year, including the findings and recommendations of the audit committee;
  9. To respond to all matters referred to the Committee by the Board.

Reference - *Governor in Council Education Act Regulations, Sections 63 and 64*

**APPENDIX – D**

**HALIFAX REGIONAL SCHOOL BOARD**

**PLANNING, POLICY AND PRIORITY COMMITTEE  
TERMS OF REFERENCE**

<b>Committee Type:</b>	Standing Committee of the Board
<b>Composition:</b>	Members of the Committee shall be elected annually at the regular board meeting when the Board Chair and Vice-Chair are elected.
<b>Committee Chair and Vice-Chair:</b>	The Committee's Chair and Vice-Chair shall be elected at the Committee's first meeting from among the Board Members elected to the Committee
<b>Meeting Frequency:</b>	The Committee will meet as required, normally once per month or at the call of the chair.
<b>Staff Support:</b>	The Superintendent will ensure that staff support is provided to the Committee and that senior staff are available for consultation and advice as required by the Committee.
<b>Mandate:</b>	<p>In consultation with senior staff, the Planning and Priorities Committee is responsible for the following:</p> <ol style="list-style-type: none"><li>1. Identify issues that warrant attention and recommend the appropriate means of addressing them, whether by staff, an ad hoc committee, or otherwise.</li><li>2. Review the current business plan and establish the business plan process for the upcoming year.</li><li>3. Consult with the community as determined by the Committee or directed by the Board.</li><li>4. Validate the business plan for approval by the Board.</li><li>5. Review and update the business plan priorities with initial input from the Board.</li><li>6. Respond to any legislation that requires change to the Board's existing policies or development of a new policy.</li><li>7. Make recommendations for continuance, changes, or discontinuance of existing policies.</li></ol>

8. Prepare amendments to the By-laws as required for approval of the Halifax Regional School Board.
9. Fulfill other functions as required by the Halifax Regional School Board.

**APPENDIX – E**

**HALIFAX REGIONAL SCHOOL BOARD**

**FINANCE COMMITTEE  
TERMS OF REFERENCE**

<b>Committee Type:</b>	Standing Committee
<b>Composition:</b>	Members of the Committee shall be elected annually at the regular board meeting when the Board Chair and Vice-Chair are elected.
<b>Committee Chair and Vice-Chair:</b>	The Finance Committee Chair and Vice-Chair shall be elected at the Committee's first meeting from among the Board Members elected to the Committee.
<b>Meeting Frequency:</b>	The Committee will meet as required, normally once per month or at the call of the chair.
<b>Staff Support:</b>	The Director of Financial Services will coordinate the provision of staff support for the Committee.
<b>Mandate:</b>	<p>In consultation with the Director of Financial Services, the Finance Committee is responsible for the following:</p> <ol style="list-style-type: none"><li>1. Receive the draft business plan as approved by the Board.</li><li>2. Preparation of balanced budget for Board consideration.</li><li>3. Budget workshop with Board members.</li><li>4. Consultation with community as determined by the Committee or directed by the Board</li><li>5. Revision/update of budgets for presentation to the Board for approval.</li><li>6. Review of budget process and outcomes with recommendations for improvement for subsequent years.</li></ol>

**Appendix F**  
**School Board Member Oath of Office**  
(subsection 50(1) of the *Education Act*)

I, (full name of member), (swear or affirm)

- that I will be faithful and bear true allegiance to (Her Majesty Queen Elizabeth II or reigning sovereign)
- that I am not disqualified under any law from being a member of the (name of school board), and if I become disqualified during my term of office, I will forthwith notify the secretary of the (name of school board)
- that I will truly, faithfully, impartially and to the best of my ability execute the duties of the office of school board member
- that I have not received, and I will not receive, any payment or reward or promise of payment or reward for the exercise of any partiality or other undue execution of the duties of my office as school board member
- that I will disclose any pecuniary interest, direct or indirect, as required by and in accordance with the *Municipal Conflict of Interest Act*
- that I will abide by and duly observe the provisions of the code of ethics and the procedural by-law adopted by (name of school board).

Sworn (or affirmed) at \_\_\_\_\_

In the County/Regional Municipality of \_\_\_\_\_ on

\_\_\_\_\_, 20 \_\_\_\_, before me

\_\_\_\_\_  
Judge / Justice of the Peace

# **REFERENCE SECTION**

## **BOARD MEMBER GUIDELINES**

**(Non-Bylaw)**

## **Halifax Regional School Board Board Member Conflict of Interest Guidelines**

1. Halifax Regional School Board members are governed by applicable legislation and regulations, such as the *Education Act* and the *Freedom of Information and Protection of Privacy Act*.
2. Halifax Regional School Board members will be provided with copies of the legislation that governs their conduct. Board members are responsible for familiarizing themselves with such legislation.
3. A mandatory Board orientation session will be provided to Halifax Regional School Board members within a month of their election to office. In this orientation, a session on Conflict of Interest and code of conduct matters will be held. Board members will have the opportunity to ask questions at this orientation session. In the case of a by-election, the Chair will arrange an orientation for the new member.
- 3a. The Halifax Regional School Board members will be provided with in-servicing on changes to applicable legislation and regulations identified in Section 1, on an as needed basis.
4. After Halifax Regional School Board members are provided with the applicable legislation and have had the opportunity to raise questions concerning potential conflicts of interest at an orientation session; Board members should direct further questions to the Board Secretary who will determine what options are available to the member.
5. Halifax Regional School Board members will be asked to sign written confirmation that they received a copy of the *Education Act* and the *Freedom of Information and Protection of Privacy Act* and also that they are aware of the date of and have attended the mandatory orientation session.
6. Each Board Members signed conflict of interest document will be posted on the board website. In the absence of a signed document applicable notation will be made.

\_\_\_\_\_  
*Halifax Regional School Board Member Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Witness*

\_\_\_\_\_  
*Date*