

# Trustee Onboarding - Nov 13, 2018

**Dr. Christine Perkins**

Superintendent/Chief Executive Officer



# Trustee Oath of Office

# Official Photo of New Board of Education

# *Acknowledgement of Indigenous Territory*

*We acknowledge, respect, and honour, the First Nations in whose traditional territories the Kootenay Lake School District operates and all Aboriginal people residing within the boundaries of School District #8.*

# Board Highlights of Recent Year



# Welcome and Overview

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# Welcome to School District Governance

(review binder)



# Mission

(Purpose)

*We focus on excellence for all learners in a nurturing environment.*

- Policy 110

# Vision

(Motivator)

*Focus. Learn. Excel.*

- Policy 110

# Goals

- *Learning*
- *Organizational Excellence*
- *Engagement*
- *Relationships*

*(All have Objectives/Metrics - Co-developed w/ stakeholders; Board; Committees. DPAC/PACs, District Staff; PVPs, School staffs, and students)*

*\*Each Function of Management then divides items into tasks and executes directives - Mgmt, not the Board. One employee.)*

## THE BOARD'S AUTHORITY

Trustees and the boards of education they form in British Columbia derive their authority from the School Act.

### *Key provisions of the School Act*

The *School Act* makes it very clear that a board of education is a corporate body, and that its rights, duties and powers reside with the board and not with individual trustees ([School Act section 65](#)). All decisions of the board must be made by bylaw or resolution at a legally constituted meeting of the board of education. The *School Act* provides boards with the “power and capacity of a natural person of full capacity” so long as the power is used to carry out powers, functions and duties under the *School Act* (sections [85](#) and [166.12](#)).

## ***Mandates of boards of education, and of the provincial and federal governments, with respect to K-12 education***

The mandate of public boards of education in B.C. is articulated in various sources, the most important of these being the [School Act](#). Other resources that address the mandate of boards of education and the provincial government include [The Statement of Education Policy Order](#) and [The Framework for Enhancing Student Learning](#).

For example, *The Statement of Education Policy Order* describes the duties, rights and responsibilities of boards of education as follows:

*“School Boards: have a duty to govern districts and their schools in accordance with specified powers in a fiscally responsible and cost-effective manner. They have a responsibility to ensure that schools provide students with opportunities for a quality education; to set education policies that reflect the aspirations of the community and that are consistent with overall provincial guidelines; to provide leadership and encouragement to schools and the community; to cooperate with the community and social service agencies in the delivery of non-educational support services to students; and to focus on the following areas of district concern:*

- (1) implementation of provincial and local education programs;*
- (2) school finance and facilities;*
- (3) student access and achievement;*
- (4) teaching performance; and*
- (5) accountability to parents, taxpayers, the community and to the Province.”*

One board of education is markedly different from the others in B.C. The [Conseil scolaire francophone de la Colombie-Britannique](#) (also known as CSF, Francophone Education Authority or School District #93) is the French-language board of education for all francophone schools located in British Columbia. Unlike the other boards of education in British Columbia, this board's territorial jurisdiction is the whole province. Its members elect regional trustees.

The [Constitution of Canada](#) divides the power to make laws between the federal and the provincial governments, assigning specific powers to the provinces. Under the *Constitution of Canada*, education is a provincial responsibility, so legislation that directly applies to it comes from the provincial legislatures, not the federal Parliament. The legislature is the supreme authority with respect to education. In B.C., the *School Act*, as approved by the legislature, delegates certain province-wide administrative functions to the Ministry of Education; and many regional administrative functions related to K-12 public education to local, public boards of education.

Although the federal government does not directly legislate in respect of education, federal legislation and policies are relevant to the provincial education system in a number of areas, such as criminal law, immigration, First Nations, copyright and taxation. In addition, the [Canadian Charter of Rights and Freedoms](#) is part of the *Constitution of Canada*, and it applies to all laws made in Canada, including provincial law.

# Trustees Liability

## DUTIES OWED BY TRUSTEES, DIRECTORS AND OFFICERS

- When individuals are duly elected or appointed as a Trustee or Director or Officer of a Board of Education, Francophone Education Authority or provincial association such as the BC School Trustee's Association and BC Education Leadership Council, they owe very specific duties to the organization they oversee.
- A breach of these duties may lead to an action against the individual Trustee, Director or Officer, or the organization itself. This means that Trustees, Directors and Officers must act with due diligence and good faith with the best interests of the organization in mind.
- The duties fall into four categories:



# Duty of Care

- Trustees, Directors and Officers must exercise the same degree of care that other reasonable, prudent individuals would exercise in the same circumstances.
- In other words, they must conduct themselves in the same way that Trustees, Directors and Officers of similar organizations would do.
- They must act honestly and in good faith with the best interests of the organization in mind.
- Numerous provincial and federal legislation set out the various obligations with respect to the duty of care that is owed by Trustees, Directors and Officers to the organization they oversee.

# Duty of Care Example

- Trustees, Directors and Officers need to be knowledgeable about the organization they oversee.
- They should not make decisions that come before them without knowing enough about the subject matter to properly assess the impact of the decision on the organization.
- They should attend meetings, read reports, ask questions when clarity is needed, etc.

# Time Commitment

- Monthly Board meetings (reading all material sent out the Friday before the meeting)
- Monthly Committees of the Whole (reading all material sent out the Friday before the meeting)
  - - Committee Terms of Reference located in Policy 121.
- BCSTA Conference/s - Nov. 28-Dec. 1; January, and April
- Kootenay-Boundary zone meetings
- Special committees as assigned
- PAC/DPAC, and School visits, when invited
- Grads (rotate with others)
- Facilities plan meetings
- Budget Planning meetings
- Trustee Affiliations: RDCK, Vancouver Foundation etc.
- Annual Work Plans
- Travel
- \*\* Approximately 20-25 hours per month

# Duty of Loyalty

- Trustees, Directors and Officers should not profit as a result of being on the board of an organization.
- They cannot use the information they learn in this role for their own benefit.
- Trustees, Directors and Officers should not be in a conflict position with respect to relationships of the organization and other entities.
- They must put the interests of the organization before their own.

# Duty of Loyalty Example

- For Example: A Trustee, Director or Officer should not be involved in an outside business that could influence their duties to the organization (e.g. own a business which provides services under contract to the organization, etc.). When a matter comes before the Board of Trustees or Directors for a decision, which may impact on a personal matter of a Trustee, Director or Officer, that individual must recuse him or herself from voting on the matter.

# Duty of Disclosure/Confidentiality

- Trustees, Directors and Officers must disclose material information to those who need to know it. They must also keep information confidential and not disclose information to those who do not need to know.
- Examples: Trustees, Directors and Officers need to ensure appropriate policies are in place with respect to protecting personal information about individuals (e.g. student information, staff employment records, etc.).
- Should a matter come before the Board and a Trustee, Director or Officer has a personal involvement in the matter, that Trustee, Director or Officer should disclose to the Board his or her involvement in the subject matter and remove themselves from the meeting for both discussion and vote.

# Duty to Comply with Statute

- Trustees, Directors and Officers must comply with relevant legislation in the management of the organization. It is incumbent upon them to inform themselves of applicable legislation and understand it.
- Lack of knowledge of the legislation is not a defence for noncompliance.
- Example: Trustees, Directors and Officers should ensure that they and the organization they oversee comply with applicable legislation and regulations such as the *School Act*, *Independent School Act*, *Public Education Labour Relations Act*, *Local Government Act*, *Library Act*, *Freedom of Information and Protection of Privacy Act*, etc.

# PROTECTION FOR TRUSTEES

Three types:

## 1) Statutory

- Legislation sets out protection for individuals serving as Trustees, Directors and Officers of organizations.



## Actions against board

- 94 (1) No action for damages lies or may be instituted against a trustee, an officer or an employee of a board for anything said or done or omitted to be said or done by him or her in the performance or intended performance of his or her duty or the exercise of his or her power or for any alleged neglect or default in the performance or intended performance of the duty or the exercise of the power.
- (1.1) No action for damages lies or may be instituted against a volunteer for anything said or done or omitted to be said or done by him or her in the provision of volunteer services for a board, or for any alleged neglect or default in the provision of volunteer services for the board by the volunteer.

- (1.2) (2) Subsection (1) and (1.1) do not provide a defence if
  - (a) the trustee, officer or employee or volunteer has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct, or
  - (b) the cause of action is libel or slander.
- (3) No action may be brought against a trustee, an officer or an employee of a board or a student or volunteer in respect of personal or other injuries sustained by a person arising out of the operation by the board of traffic patrols.
- (4) Subsections (1), (1.1) and (3) do not absolve a board from vicarious liability arising out of a tort committed by the trustee, officer or employee of the board, student or volunteer for which the board would have been liable had subsections (1), (1.1) and (3) not been in force.

## 2) Indemnification

- The bylaws of many organizations set out indemnification provisions for individuals who serve as its Trustees, Directors and Officers, in accordance with applicable legislation.

Example: The *School Act* provides that:

- **Indemnification against proceedings**

95 (1) A board may, by bylaw, provide that the board will indemnify a trustee, an officer or an employee of the board:

- (a) against a claim for damages against a trustee, officer or employee of the board arising out of performance of his or her duties, or
- (b) if an inquiry under the Public Inquiry Act or other proceeding involves the administration and conduct of the business of the school district and, in addition, may pay legal costs incurred in proceedings arising out of the claim or inquiry or other proceeding.

### 3) Insurance

- Subject to the terms and conditions of the policy wording, Directors' and Officers' Liability Insurance will respond to pay claims from the organization if it indemnifies a Trustee, Director or Officer. This is called corporate reimbursement coverage. It will also respond to pay claims to the Trustee, Director or Officer if the organization cannot indemnify them and the loss is not otherwise excluded. SPP provides coverage to Boards of Education of the Province of BC, Francophone Education Authorities and Provincial Associations such as the BC School Trustee's Association and BC Education Leadership Council subject to the terms and conditions of the Directors' and Officers' Liability Agreement.

## CONDITIONS FOR PROTECTION

In order for each of the three types of protection mentioned above to respond, Trustees must satisfy certain conditions. These include:

### 1) Good Faith

- The Trustee, Director or Officer must have acted honestly and in good faith with the best interests of the organization in mind.
- Not disclosing a conflict of interest may be a breach of good faith.

## 2) Lawful Conduct

- The Trustee, Director or Officer must have not knowingly conducted him/herself in an unlawful manner. A Trustee, Director or Officer must act within the law. A Trustee, Director or Officer who breaches the law, knowingly, or with willful blindness is acting in bad faith. This means that she/he must use due diligence with respect to legislative requirements applicable to the organization.
- Ignorance of the law is not a defence.
- With respect to criminal activities of others, protection may still be available if the individual used due diligence, but was unwittingly drawn into the criminal activities of others.

### Example:

If a Trustee, Director or Officer is falsifying financial statements to hide evidence that funds are being siphoned for personal gain, other Trustees, Directors or Officers could still have protection if they can demonstrate they could not reasonably have known about the criminal activity. “Reasonably known” is important and means that due diligence is still expected.

## RISK MANAGEMENT FOR TRUSTEES, DIRECTORS AND OFFICERS

Trustees, Directors and Officers of an organization can take certain steps to mitigate the possibility of breaching the duties owed. These include:

- 1) Be aware of the responsibilities involved in accepting a position as Trustee, Director or Officer of an organization.
  - Understand the statutory and common law obligations
  - Understand the specific role they play within the organization
  - Understand the charter, bylaws, activities and any operational rules of the organization
  - Understand finances of the organization
  - Ensure formal reporting structures are in place so that information is properly communicated from and to the Trustees, Directors and Officers - everyone in the organization should have the information they need to properly perform their duties

2) Ensure there is no conflict between their duties to the organization and outside self-interests.

- Avoid employment or business opportunities that could be perceived as influencing their role as a Trustee, Director or Officer of the organization
- Do not accept gifts, favours or services that could be perceived as influencing their role as a Trustee, Director or Officer of the organization
- If a conflict of interest arises, declare it and manage the conflict appropriately
- When in doubt about whether to disclose a conflict, err on the side of caution and disclose or seek legal advice on the duty to disclose



3) Handle confidential and sensitive information with care and ensure the organization appropriately handles confidential information in accordance with applicable legislation, policies or guidelines.

- Understand confidentiality obligations and seek consultation with legal counsel or privacy specialists if necessary
- Follow guidelines or policies set out by the organization around protection of personal information or public statements
- Store confidential information appropriately, taking reasonable steps to ensure policies and procedures are in place that secure confidential information from those who should not have access (e.g. encryption, password protection, firewalls, etc.)

4) Ensure the organization has policies in place that formalize compliance with applicable legislation, regulations including:

- Confidentiality and privacy policies
- Ensure formal reporting systems are in place to appropriately manage compliance discrepancies

# Ministry of Education

The provincial government has described its duties with respect to the public education system as follows:

- The Ministry of Education has a duty to set policies for the British Columbia public school system in accordance with specified duties and powers.
- The Ministry has a corresponding responsibility to ensure that the education system provides students with opportunities for a quality education in a cost-effective manner; to set standards and overall directions for the education system; to provide leadership and encouragement to all educational agencies in the province; to cooperate with provincial agencies in the delivery of non-educational support services to students; and to focus at a high level of provincial concern on finance and facilities, program direction, development and implementation, student access and achievement, teaching performance, and system evaluation and public accountability.
- Other government ministries and agencies have a duty to set policies in accordance with specified powers. They have a corresponding responsibility to ensure that provincial policies and resources support the family and local community in providing a healthy and supportive environment necessary for children's learning.

# School Act

## ***Board powers and responsibilities under the School Act***

Some of the functions of boards of education that are specifically mentioned in the *School Act* include:

- Improving student achievement in the school district
- Setting local policy for the effective and efficient operation of schools
- Making rules governing student conduct and discipline
- Employing the staff necessary for school district operations, such as teachers, principals, supervisory personnel, aides, clerical and administrative personnel, custodians, building maintenance staff, bus drivers, etc.
- Establishing conditions of employment for employees, within the framework of collective bargaining for unionized staff
- Preparing and approving the board's operating budgets and capital plans
- Hearing appeals from parents and students where a staff decision significantly affects the education, health or safety of a student
- Approving local courses and resource materials for use in the school district, and
- Acquiring, owning and disposing of school property and making decisions on school facilities, subject to minister's orders.

## ***Co-governance with the Ministry of Education***

The existing co-governance relationship between the provincial government and boards is outlined in the [Memorandum of Understanding \(MoU\)](#) signed between the parties in December 2015. While there are ongoing discussions as to how the agreement should be operationalized on a day-to-day basis, it has encouraged the parties to work toward a recognition of shared responsibilities, efforts and direction. It is just as important to recognize, however, that boards maintain the right and responsibility to independently advocate for the vision and resourcing of K-12 public education as they see fit.

Through this co-governance relationship, boards and the Ministry of Education share a common responsibility for improved learning outcomes for students, and a demonstrated commitment to respect, integrity, public service, accountability and the effective management of public resources within their respective jurisdictions.

## THE BOARD'S RESPONSIBILITIES – The Role/Job Description

Boards of education have, as their primary function, the governance of the school district and the oversight of student achievement through a strong strategic plan that directs resources, informs policy development and aligns the work of staff.

### FIDUCIARY

*Protecting the interests, image and credibility of the school district, to ensure its financial viability and to act in accordance with all applicable laws, regulations and governing the board and its actions*

The following is an overview of some of the fiduciary expectations as articulated in British Columbia's [School Act](#):

- Setting local policy to guide the effective and efficient operation of the school district
- Ensuring appropriate oversight of all school district operations is being maintained, including the work of senior district staff, teachers, school administrators, and support staff
- Approving the local conditions of employment for employees within the framework of collective bargaining for unionized staff and the employment contracts for exempt staff
- Approving the school district's operating budgets and capital plans
- Hearing appeals from parents where a staff decision significantly affects the education, health or safety of a student
- Approving local courses and resource materials for use in the school district
- Attending board and committee meetings
- Maintaining effective two-way communication with all groups within the community, as well as with parents, students and district employees
- Approving school plans as put forward by the superintendent
- Approving district plans for improving student achievement.



## **STRATEGIC**

***Developing a vision for the students under the board's jurisdiction so they are provided with every opportunity to succeed in school, and to give their parents confidence that schools provide a caring and safe environment for their children***

Each board, supported by their staff and in consultation with the community, must define the mission, vision and values that will lead their school district to achieve its intended purpose.

The board, on behalf of the communities it represents, takes on the responsibility for thinking regarding the success of the entire district and engaging the whole system in developing a strategic plan or roadmap which will move the school district towards the realization of its short- and long-term goals.

***Oversight of the school district's human, financial, and capital resources to ensure the vision is realized***

Elected boards are not to be merely overseers of school districts focusing on compliance with specific fiduciary duties; they are leaders of public education in their communities and in the province by setting forward both a vision and strategic plan for the future.

They are charged with the responsibility to create the conditions within their school districts that enable students to meet high standards of achievement within a school environment that ensure their safety and promote their well-being.

Undertaking these responsibilities requires the board to understand issues deeply, align resources and foster a culture within the system that supports all those charged with improving student achievement and promoting student well-being.

It involves the board articulating its education mission and garnering the public support and resources needed to achieve that mission.

## FINANCIAL AND FACILITIES

### *The prudent use of financial resources, planning to reach goals and objectives*

Boards of education:

- Generate local revenues
- Allocate funds to programs and services
- Review and approve budget documents
- Monitor expenditures against budget and plans
- Approve audited financial statements.

In a recent report by B.C. Auditor General Carol Bellringer, the following recommendations were provided about the overall budget and financial accountability process:

- Develop a strategic plan that shows how the process for identifying priorities and setting goals informs operational strategies and budget decisions; and then communicate that plan to all stakeholders.
- Develop a long-term facilities plan that shows how capital decisions today are informed by the current condition of existing facilities, projected student enrolment, anticipated changes in land use and other long-term factors; and then communicate that plan to all stakeholders
- Document milestone dates and key deliverables in budgets, including deadlines and formal assignment of responsibility for completion of each milestone
- Document the authorities and key responsibilities for managing and monitoring budgets
- Regularly report forecasted results compared with actual budget results to the board of education (or committee of the board); and provide an accompanying discussion and analysis, as necessary, to fully communicate financial performance and key risks
- Implement more rigorous controls to prevent the initiation of unbudgeted purchases.

### *Establishing and monitoring budgets, including expenditures and reserves*

The provincial government and B.C.'s 60 elected boards of education co-manage British Columbia's public education system. The province establishes the amount of grant funding for public education annually and uses a funding formula to allocate these funds to boards.

The funding allocation system, which is currently undergoing a major review, provides financial resources for the operation of the K-12 system by using data collected from schools and districts and applying formulae to ensure equity across British Columbia. Boards manage and allocate their allotment based on local spending priorities. In addition, the province provides capital costs and funding for special programs through supplemental government funds. More than \$5.9 billion annually is allocated to public boards of education.

There are three types of funds managed by boards of education:

**Operating:** This fund reports assets, liabilities, revenues and expenses for general operations: salaries and benefits, classroom supplies, cleaning, heat, light, administration and student transportation for the day-to-day operations of the district. **Capital:** This fund reports the assets, liabilities, revenues and expenses for capital assets: land, buildings, buses and vehicles. **Special purpose funds:** These funds report assets, liabilities, revenues and expenses for specific restricted expenditures such as distance education, capital projects and provincial resource programs.

## *Long-term facilities planning*

Along with the operating planning, it is also necessary to plan for the school facilities necessary to deliver programs and services. Funding for public school buildings and structural improvements is shared between the provincial government and boards of education.

An important part of a strategic framework is a *long-range facilities plan* (LRFP). Such a plan is critical to ensuring not only that school facilities are used efficiently now to minimize the cost of service delivery, but also that they are maintained and as necessary improved, to meet future school district needs. Without a long-term outlook, there is a risk of cost pressures that might have been anticipated (and therefore avoided) emerging and leading to budget difficulties.

An effective long-term facilities plan should demonstrate how capital decisions made are based on the current condition of existing facilities, projected student enrolment, anticipated changes in land use and other long-term factors.

## AS EMPLOYER

### *The role of the Board with the superintendent and other exempt staff*

A board's relationship with the superintendent of schools is the most important employment relationship in the district, and is central and critical to effective governance. In the majority of districts, the superintendent is the sole employee who reports directly to the board, with all other employees reporting directly or indirectly to the superintendent.

The board is responsible for the recruitment, selection and performance evaluation of the superintendent. Overseeing a superintendent's effectiveness is one of the most important responsibilities of a board.

A school district's exempt administrative and supervisory staff are those employees who are not unionized and who are part of the leadership/management team for the district. The number and category of exempt staff employed by each district varies, dependent upon such factors as size of district, needs of the district and available resources (funding and personnel).

Some examples of exempt leadership/management positions in British Columbia's public school districts in addition to the Superintendent, are assistant superintendent, secretary-treasurer, director of instruction, principals and vice-principals, district administrators for facilities, human resources, etc.

## *The role of BCPSEA*

BCPSEA provides human resources and labour relations services to school districts and has responsibility for:

- Promoting effective and cooperative human resources practices in the public school system that contribute to the betterment of public education
- Coordinating benefits administration among the various school districts in order to maximize coverage in the most cost-effective manner
- Coordinating compensation for employees who are not subject to collective agreements; in most cases, these are the administrative and management staff in school districts
- Providing labour relations advice and services to boards, including contract interpretation and grievance/arbitration case management
- Determining collective bargaining objectives for the public education sector
- Negotiating provincially with the British Columbia Teachers' Federation (the teachers' union) for a provincial teachers' collective agreement covering the 60 public boards and their employees; and for coordinating local bargaining between the boards and their local teachers' associations
- Providing assistance, resources and coordination for support staff collective bargaining in [its] capacity as the accredited bargaining agent for all 60 public boards. While bargaining is done at the local level, approval of the negotiated compensation provisions is required by [the] association
- Leading the K-12 public education sector in the development and implementation of strategies and resources to address labour market trends and demands to ensure the maintenance of a sustainable, qualified workforce
- Facilitating the development and implementation of public policy through advice to government and services to school districts. Provide insight and advice on the human resource implications of legislative and policy initiatives.

## *Employee groups and collective bargaining*

A board, and individual trustees, rely on their administrative staff to implement collective agreements and maintain communication processes necessary for good employee relations.

Unions, representing unionized employees and school districts in their role as the employer, negotiate *collective agreements* (sometimes referred to as *contracts*) that lay out terms and conditions of employment (e.g., salary, leave provisions, seniority, benefits, etc.) for individual employees or groups of employees. The specific language addressing these terms in collective agreements varies from district to district, as each union local conducts some of its own bargaining (as with teachers) or all of its bargaining (as with support staff).

Both employees and management staff are required to uphold all of the clauses in their collective agreement. It is important to note that the collective agreement (along with laws) defines the limitations on employer rights to management the school district as they see fit. Where limits are not defined or imposed by the collective agreement, management retains the right to make the decisions it determines are appropriate. Collective agreements advise what cannot be done or the processes that must be followed, rather than what can be done (which remains open and undefined).



### *Responsibility to represent the public's voice in publicly-funded education*



A trustee's *community representative role* is not directly a governance role. Governance is at its most effective when it embraces the community perspectives brought by the individual trustees. Indeed, proactive community participation is a crucial part of good governance by the board. The key is achieving a balance between the governance authority of the board as a whole, and the individual representative role each trustee also fulfills. While members of the board act as representatives of their constituency, their primary job is to participate in policy-making and strategic planning that are in the interests of all of the district's students and are grounded in promoting student achievement and well-being. Successful trustees manage to balance the governance role with the representative role, participating in decision-making that benefits the whole board while representing the interests of their constituents.

### *Community consultation and engagement*

Effective boards make deliberate, ongoing efforts to establish and maintain protocols and processes that actively seek the community's voice and build its commitment to public schools. Seeking and hearing the community's voice as well as enlisting its support are effective strategies for balancing competing interests in the broader community, while always acting in the best overall interest of students. Some examples of strategies to use are: open board meeting delegations, board standing committees, ad-hoc committees, public meetings or forums, community surveys, web-based engagement.

## *Working with Indigenous communities*

The key to connecting with the Indigenous community is persistence and building trust. Often, the leaders and community members that the board or schools are trying to reach and engage are extremely busy or do not trust the school system, so trustees and staff must not give up. These obstacles can be overcome by: using an intermediary to help with introductions; consistently reaching out to individuals and showing up at meetings and events; and highlighting why the issues should be important to the Indigenous community and how the issues will help students to succeed.

Demonstrating sincerity through persistence, respect for people's time and roles and a desire to build a respectful partnership with reciprocal benefits will reap the greatest rewards for students.

In addition, there may be particular protocols or channels that must be adhered to in order to connect with the First Nations chief and council, political leaders and other key stakeholders and leaders. Indigenous support staff may be able to help you identify these.

The **Truth and Reconciliation Commission** recommended that learning about Canada's Aboriginal people needs to be a priority for all Canadians. The B.C. Ministry of Education has mandated that understanding and embedding First Peoples Principles of Learning, as well as Indigenizing education, can no longer remain on the periphery of the educational experience or in the margins and prefaces of textbooks. Rather, it must be woven into the very fabric of the teaching and learning experience for all.

## *Dealing with inquiries and concerns*

There is no enterprise more personal, nor involving of more human interaction, than education. Human interaction sometimes leads to conflict. If that is viewed as a normal part of life, as a natural, predictable product of the interaction of people who have different perspectives, values, opinions, beliefs and interest, it can then be seen as a challenge and an opportunity. Conflict does not need to damage relationships; it can bring people together to work collaboratively on common problems.

A constructive approach to resolving a conflict which can have many positive effects:

- Expose underlying causes of conflict
- Promote communication
- Facilitate needed change and growth
- Challenge imagination and creativity
- Forge stronger partnerships
- Provide mutually satisfactory and durable solutions, and
- Develop skills and abilities for dealing with conflict.

Many boards have developed comprehensive policies regarding handling inquiries. These processes need to be clearly visible on the district website.

# Policy 141: Inquiries and Concerns - for public concerns.

## Your Inquiries:

- Trustee Inquiries should be directed to Superintendent. (You only have one employee).
- Superintendent will answer ALL Trustees.
- Email will simply say ...Inquiry and Response.

### *The role of advocacy*

Advocacy, in addition to governance and oversight, is an important role for publicly-elected school trustees.

Advocacy depends upon trustees being attentive to the cause of public education while being creative, agile, resilient and supportive.

It calls on boards: to speak out to the value of public education; to call for resources and supports needed for public schools to be successful; and to ensure government (through the electorate) maintains the legislative and policy framework needed to ensure the ongoing success of public schools.

Boards have an important role in the area of advocacy.

In their interactions with families, citizens, various levels of government and the general public, trustees are responsible for representing and promoting the best interests of students of the district.

In doing so, they have the opportunity to be champions for public education and to promote the role of boards in delivering quality education at the local level.

## THE BOARD'S OPERATIONS

Every trustee and every board is unique. A board is comprised of trustees with a variety of knowledge, experience and expertise. A board has shared awareness of its communities, yet each trustee represents an individual point of view. Together the talents of individual trustees combine to form the assets and perspectives of the board as a whole.

## GOVERNANCE VS OPERATIONS

### *The difference between the role of the Board and the role of its senior staff*

In defining how the roles and responsibilities of the board and superintendent (representing all staff) should be best divided, it is important to consider three key points:

- **Individual trustees have no legal authority or stipulated power on their own.** It is only the corporate board as a whole that holds power. All decisions of any significance, as well as direction to the superintendent or other staff, must come from the board and not from individual trustees.
- **The School Act assigns specific responsibilities to the board of education, the superintendent and the district's secretary-treasurer.** These responsibilities cannot be ignored or over-ridden, even where they come into conflict with local direction.
- **It is the role of the board to govern the school district, and not to run the day-to-day operations of the school district.** This is a critical distinction that needs to be kept at the forefront when constructing policy that outlines roles and responsibilities. When defining the governance role of the board, key areas of responsibility should be taken into consideration.

# BOARD MEETINGS AND PROCEDURES – Policy 120

## *Essential procedural aspects of meetings*

Trustees must attend board meetings on a regular and consistent basis. The *School Act* stipulates that should a **trustee be continuously absent from board meetings for a period of three consecutive months, unless the absence is because of illness or with the leave of the board, the office of the member is deemed to be vacant and the person who held the office is disqualified from holding office as a trustee until the next general school election.**

The hierarchy of governing documents starts with the “the laws of the land”:

- the Canadian Constitution,
- provincial legislation,
- primarily the *School Act*,
- court decisions,
- board bylaws and board policies.

The procedural bylaw of the board is supported by rules of order, typically *Robert’s Rules of Order*.

A. Members speak only after being recognized by the chairperson.

B. Recognition is on a *first-come-first-served* basis, except:

- The maker of a motion has the right to speak first (not last, unless the procedural bylaw provides for it)
- Second-time speakers must yield to first-time speakers
- If possible, the chairperson alternates between proponents and opponents of the motion.

B. Rules of decorum.

- Members must remain courteous and avoid personal attacks
- Remarks must be confined to the pending motion (no digressions)
- In formal meetings, remarks are directed *through the chairperson*.

C. Limitations on the length and number of comments per member on each debatable proposal are as specified in the bylaws.

- If the bylaws are silent and *Robert's* applies, each member can speak up to two times on each motion, each time up to 10 minutes.

D. Closing debate is made by the members, and not unilaterally by the presiding officer nor by a member “calling the question”.



## Characteristics of effective meetings

A meeting is a gathering to discuss business and reach decisions jointly.

Whether meeting in a public, open setting or behind closed doors, in a closed or in-camera session, there are some fundamentals for a successful meeting:

- **Clarity** of mandate, purpose, issues, and process.
- **Participation protocol and etiquette:** Only one person speaks at a time. Interruptions (verbal or non-verbal) are kept to the necessary minimum. A courteous, civilized and respectful tone is maintained. Discussions are focused on issues, not personalities.
- **Productivity and forward movement:** Discussion progresses along a pre-defined agenda, in an efficient and timely manner. For the sake of follow-up, good minutes are taken.
- **Flexibility and room for creative thinking:** Meeting structures (agendas and rules) are used in a flexible manner, to accommodate and promote creativity and open discussion rather than stifle them.
- **Quality:** Informed and in-depth discussions take place, leading to meaningful outcomes and thoughtful decisions.
- **Balance and inclusion:** All members are given an equal opportunity to participate. Dominated discussions are avoided.
- **Openness and collaboration:** Listening takes place, and members work together towards a common goal. Members are open to changing their views based on the discussion. Debates are personality-neutral, that is, hard on the issues, soft on the people.
- **Shared responsibility:** Everyone (and not only the leader) takes responsibility for the success of the process; finger-pointing is minimized. Promises are kept and assigned tasks are completed.
- **Variety and a light touch:** The meeting's pace and activities are varied to make it more engaging, interesting and enticing to attend. A light touch is introduced when appropriate: "Take yourself lightly and your work seriously."
- **Logistical support:** Logistical details are managed proactively and professionally, to allow for an optimal

The goal is demonstration of respect.

- Listen
  - To understand
  - Don't interrupt
- Be open and honest
  - State your intention behind an action or question
  - Speak with clarity
- Clarify assumptions
  - Ask questions to understand before reacting
  - Be open to being asked questions
- Prepare
  - For meetings
  - For conversations
- Encourage each other's perspectives
- Be confidential
  - Every board member is in the loop but no side bar meetings with others
- Commit to individual and team growth

# Committee Structure and Terms of Reference - Policy 121

# Board Representation and Liaison

## - Policy 123

# *Board of education policy - Policy 160*

Boards are the ***direction setters*** for the district. The board sets the overall direction for the school system through its strategic planning; and, with its vision, mission and values, the board articulates the strategic priorities and goals for the system.

The board sets ***financial direction*** through the annual budget that determines how resources are allocated to schools and programs.

The board also provides direction through its policies. This includes ***planning, developing, implementing and evaluating policy***. Boards have the task of establishing the structure to support student achievement, and they do this through their policies. The directions boards establish through policy have an impact on students, schools and all staff. Policies contribute to the culture of the district. Policies range from the broad (such as the district's mission) to the specific. All new trustees should learn early in their term of office: where the policies are available; how they are developed, changed and used; and what the outstanding policy matters in the district are.

It is vital for the board to be clear about the alignment between its role as a governing, policy-making body and the job of the superintendent as the chief executive officer who implements the directions of the board. In essence, the board should be clear about what its policies are, why they exist, be able to explain them to the public and hold the superintendent accountable for implementing them.

## Bylaws

The *School Act* requires that some types of decisions be made by bylaw rather than ordinary resolution. For example, boards are required to have bylaws setting out their

- section 11 appeal procedures.
- Board budgets must be adopted by bylaw.
- School closure and disposal of board property must be done by bylaw.

The bylaw process can also be used at the board's discretion for other types of decisions even if a bylaw is not required by the *School Act*.

For example, the *School Act* requires boards to set out their meeting procedures in writing. Some boards adopt meeting procedure policies, whereas other boards prefer to codify their meeting procedures in a procedural bylaw.

Bylaws require three distinct readings to be adopted. All three readings cannot happen at the same meeting unless all the trustees present at the meeting unanimously agree to proceed with all three readings at one meeting.

BCSTA maintains a database of the policies adopted by B.C. boards of education which are available on the Hub.

## CONFLICT OF INTEREST

### *The definition of trustee conflict of interest and how it is addressed in the School Act*

The *School Act* includes a special part on trustees' conflict of interest, and all trustees should be familiar with its content. It applies to trustees who have contracts or interests in contracts with the board of education, including trustees with immediate family members employed by the board, when matters affecting those contracts come before the board for debate and for decision.

**Part 5 of the *School Act* requires a trustee who has such an interest in a matter before the board to declare that interest — and to not take part in the discussion, vote or attempt in any way to influence the outcome.** Further, the declared interest must be recorded in the board meeting minutes.

**Should a trustee knowingly not declare an interest, the courts may declare the trustee's office vacant and require financial restitution.**

## ***Communication Protocol – Policy 140***

How are trustees meant to deal with inquiries and concerns that are presented to them in the district?

What is the trustee's role with the media? Who speaks on behalf of the board?

How does the community stay informed about board activities?

How to communicate with the Superintendent?



- **Communication with each other: to All**
- **Communication with staff: to Superintendent**
- **Communication with public:** One voice; Chair is spokesperson re: Governance issues; Superintendent is spokesperson re: Operations.
- **Communication with Media: Will do a more thorough presentation next month.** (Bargaining and talking notes).
- **Regular Media and Website:** Updates and News Stories are approved through Superintendent.
- **Social Media** - keep positive (if you do it at all) and 100% in support of District Initiatives. You are one voice. (Do not react to anything. Inform Superintendent and Board Chair).

# ***Trustee Conduct and Code of Ethics***

## ***– Policy 130***

# BCSTA Membership

## - Policy 151

# Professional Learning for Trustees

## - Policy 150

# Temporary Superintendent Succession

## - Policy 190

# Next time... Tuesday, November 20th

- **School Act & Sect. 100 Policy Review** (if there are questions)
- **Education** - Acting Dir. of Instruc./Innovative Learning, Naomi Ross
  - What is the record of student achievement over the last few years?
  - What strategies and structures has the district put in place to enhance achievement?
- **Indigenous Education** - District Principal, Gail Higginbottom
  - What is the success rate for Indigenous students in the district?
  - What is the relationship of the school district with its Indigenous communities? What channels of communication are in place?
  - What protocols does the district follow in respect of their Indigenous communities?
  - What specifically is the district doing in response to the Truth and Reconciliation recommendations?

- **Inclusion** - Director of Instruction/Inclusion, Ben Eaton
  - What is the success rate for Inclusion students in the district?
  - What is the relationship of the school district with its Inclusion communities? What channels of communication are in place?
- **Finances & Budget** - Sec. Treas./CFO, Michael McLellan
  - What is the current financial situation of the school district?
  - How do trustees engage in the business of school district finance? Elaborate on three ways: Operating, Capital and Special Purpose Funds?
- **Facilities/Operations** - Director Bruce McLean
  - What is the current state of District buildings?
  - What are the recent moves/changes?
  - What is most challenging Facilities issue at this time?
- **Human Resources** - Director of Instruction/HR, Deanna Holitski
  - What employee groups are there in the district?
  - What is the status of collective bargaining?
  - What are the most challenging human resources issues?

# Thank you.

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# Technology

Director of Information Technology - Nick Howald

# Stipend and Expense Policy

Secretary-Treasurer - Michael McLellan

Policy 131: Trustee Indemnity

Policy 132: Trustee Expenses

# Human Resources

- On-boarding
- Legal pieces
  
- The end (for now!)