



QUALICUM SCHOOL DISTRICT

BOARD BYLAW 1

BOARD OF EDUCATION

(Page 1 of 8)

PURPOSE

A bylaw to provide for procedures for the conduct of general school elections, other trustee elections, outline board role, trustee role and code of conduct including process for breaches.

I. ELECTION OF TRUSTEES:

Under the *School Act*, the Board of Education may, by bylaw, determine various procedures and requirements to be applied in the conduct of trustee elections.

In Qualicum School District, under the *School Act*, trustee elections in the following trustee electoral areas are the responsibility of the Board of Education of Qualicum School District:

<u>No. of Trustees to be Elected</u>	<u>Electoral Areas to be Represented</u>
1	E of the Regional District of Nanaimo Regional District of Lantzville
1	F of the Regional District of Nanaimo
2	G of the Regional District of Nanaimo The City of Parksville The Town of Qualicum Beach, and E of the qathet Regional District
1	H of the Regional District of Nanaimo

The Board of Education wishes to establish various procedures and requirements under the authority of the *School Act* for trustee elections.

The Board of Education, in an open meeting of the board, enacts as follows:

1. Definitions

The terms used shall have the meanings assigned by the *School Act* and the *Local Government Act*, except as the context indicates otherwise.

"Election" means a trustee election.

"Board" or "school board" means the Board of Education of School District No.69 (Qualicum).

2. Application

This bylaw applies to both general elections and by-elections and to those trustee elections carried out by other authorities, except as otherwise indicated.

3. Resolution of Tie Votes after Judicial Recount

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with the *School Act* and the *Local Government Act*.



4. Mandatory Advance Voting Opportunities and Local Government Special Voting Opportunities

As required by the *Local Government Act* and the *School Act*, the mandatory advance voting opportunities are established as follows:

- i. on the tenth day before general voting day; and
- ii. for a trustee election that is the subject of an agreement or agreements with the local governments of the Regional District of Nanaimo, the City of Parksville, the Town of Qualicum Beach, the District of Lantzville or the qathet Regional District under which either the local government conducts all or part of the trustee election on behalf of the school board, or a local government election is conducted in conjunction with the trustee election: the date specified for the additional mandatory advance voting opportunity - as well as the date, location and voting hours of any special voting opportunities - in the general election bylaw of that local government, as it is amended from time to time, shall apply in the trustee electoral area or part of the trustee electoral area that is the subject of the agreement;
- iii. for a trustee election that is not the subject of an agreement referred to in (ii): the third day before general voting day.

5. Additional Advance Voting Opportunities

As authorized under the *Local Government Act* and the *School Act* the school board authorizes the chief election officer to establish additional advance voting opportunities for each election to be held in advance of general voting day and to designate the voting places, establish the date and the voting hours for these voting opportunities.

6. Additional General Voting Opportunities

As authorized by the *Local Government Act* and the *School Act*, the school board authorizes the chief election officer to establish additional voting opportunities for general voting day for each election and to designate the voting places and voting hours, within the limits set out in the *Local Government Act*, for such voting opportunities.

7. Special Voting Opportunities

As authorized under the *Local Government Act* and the *School Act*, the school board authorizes the chief election officer to establish special voting opportunities for each election and to designate the location, the date and the voting hours, within the limits set out in the *Local Government Act*, for such special voting opportunities.

8. Public Access to Election Documents

The Board authorizes posting of nomination documents of trustee candidates on the website of Qualicum School District until 30 days after declaration of the election results.



9. Public Access to Election Documents Cont.

- i. The Board authorizes but does not require chief election officers to post nomination documents of trustee candidates for public access on any or all of websites of the City of Parksville, Town of Qualicum Beach, Regional District of Nanaimo and qathet Regional District, until such time as established by the bylaws of the relevant local government.
- ii. The Board authorizes posting of trustee candidates' campaign financing disclosure statements and declarations and supplementary statements and declarations on the website of Qualicum School District until one year from general voting day.
- iii. The Board authorizes but does not require chief elections officers to post campaign financing disclosure statements for public access on any or all of websites of the City of Parksville, Town of Qualicum Beach, Regional District of Nanaimo and qathet Regional District, until such time as established by the bylaws of the relevant local government.

II. BOARD ROLE:

As the corporate body elected by the voters, the Board of Education is responsible for the development of goals and policies to guide the provision of educational services to students attending District schools and programs, in keeping with the requirements of government legislation and the values of the electorate.

SPECIFIC AREAS OF RESPONSIBILITY

1. Accountability to Governments

The Board shall:

- 1.1 Act in accordance with all statutory requirements of federal and provincial legislation to implement educational standards and policies.
- 1.2 Perform Board functions required by governing legislation and existing Board policy.

2. Accountability to and Engagement of Community

The Board shall:

- 2.1 Make decisions that address the needs and demands of the district.
- 2.2 Establish processes and provide opportunities for community input including all stakeholders and rights holders.
- 2.3 Communicate the district strategic plan, and achievements of students and staff to the community, at least annually.
- 2.4 Develop procedures for and hear appeals as required by statute and/or board policy.
- 2.5 Provide for two-way communication between board and stakeholder groups.
- 2.6 Meet regularly with municipal governments and other educational/public service or business governing authorities to achieve educational ends.
- 2.7 Model a culture consistent with district values.



3. Planning

The Board shall:

- 3.1 Provide overall direction for the district by establishing a vision, values and strategic issues to be addressed.
- 3.2 Develop and approve the district's long term strategic plan.
- 3.3 Annually set district goals and key results, aligned with the district's strategic plan
- 3.4 Monitor progress toward the achievement of student outcomes and other desired results.
- 3.5 Annually evaluate the effectiveness of the district in achieving established goals and desired results.

4. Policy

The Board shall:

- 4.1 Identify the purpose to be achieved and the criteria for a new policy.
- 4.2 Make the final decision as to the approval of all policy statements.
- 4.3 Evaluate policy impact to determine if policy has created the desired change.
- 4.4 Determine policies and bylaws which outline how the board is to function.
- 4.5 Monitor policy changes and seek input on those changes.
- 4.6 Delegate authority to the superintendent and define commensurate responsibilities.

5. Board/Superintendent Relations

The Board shall:

- 5.1 Select the superintendent
- 5.2 Provide the superintendent with clear corporate direction.
- 5.3 Delegate in writing, administrative authority and identify responsibility subject to the provisions and restrictions in provincial legislation and regulations.
- 5.4 Evaluate the superintendent and review compensation in accordance with the superintendent's contract.
- 5.5 Respect the authority of the superintendent to carry out executive action and support the superintendent's actions which are exercised within the delegated discretionary powers of the position.

6. Political Advocacy

The Board shall:

- 6.1 Address external issues in a manner consistent with district values.
- 6.2 Make decisions regarding British Columbia School Trustee Association (BCSTA) and British Columbia Public Sector Employees' Association (BCPSEA) issues.
- 6.3 Advance district positions and priorities through relevant provincial organizations and associations.
- 6.4 Educate and inform the public



7. Board Development

The Board shall:

- 7.1 Annually evaluate the Board's effectiveness.
- 7.2 Annually develop a Board development plan aligned with District priorities.

8. Fiscal Accountability

The Board shall:

- 8.1 Approve process and timelines for budget deliberations.
- 8.2 In collaboration with the superintendent, identify assumptions and draft priorities for the creation of the annual budget.
- 8.3 Approve the annual budget which aligns with key goals and the strategic plan.
- 8.4 Annually approve the district's facilities planning document.
- 8.5 Annually appoint or reappoint the auditor and approve the terms of engagement.
- 8.6 Review annually the audit report and management letter.
- 8.7 Provide direction regarding the mandate for local employee negotiations.
- 8.8 Make decisions regarding ratification of memoranda of agreement with bargaining units.
- 8.9 Approve the acquisition and disposition of district land and buildings.
- 8.10 Approve tender selection for contracts over \$50,000 (fifty thousand dollars)
- 8.11 Approve construction projects in excess of \$500,000 (five hundred thousand dollars)

9. Selected Responsibilities

- 9.1 Establish parameters for early retirement incentive plans.
- 9.2 Approve local school calendars, as requested in accordance with legislation.
- 9.3 Approve Board/Authority Authorized Courses
- 9.4 Hear appeals on the reconsideration of resource materials which are challenged.
- 9.5 Approve the naming of educational facilities and land.
- 9.6 Recognize students, staff and community members.
- 9.7 Approve school catchment areas.
- 9.8 Approve transportation service level changes.
- 9.9 Approve District partnerships.

III. ROLE OF THE TRUSTEE:

As members of the corporate board, trustees are accountable to the public for the collective decisions of the board and for the delivery and quality of educational services. A trustee must serve the community as an elected representative, but the trustee's primary task is to act as a member of a corporate board. A trustee acting individually has only the authority and status of any other citizen in the district.



Specific Responsibilities:

1. Support the decision of the Board and monitor progress to ensure decisions are implemented.
2. Strive to develop a positive and respectful learning and working culture both within the board and the district.
3. Become familiar with, and adhere to, the Trustee Code of Conduct.
4. Bring to the attention of the Board any issues that may significantly affect the District, and interpret the needs of the community to the board.
5. Refer queries, issues or problems raised by a parent/caregiver or community member about a teacher or classroom, to the teacher or about a principal or a school, to the principal and, where appropriate, inform the Superintendent or designate. Also refer to Board Policy: 710: [Resolution of Student and Parent/Caregiver Complaints](#).
6. Act as a liaison to assigned schools according to purpose and parameters as outlined in Liaison Schools - Purpose and Parameters which can be found in the [Trustee Handbook](#).
7. Keep the Board and the Superintendent informed in a timely manner of matters coming to his/her attention that might affect the district.
8. Provide the Superintendent with counsel and advice, giving the benefit of the trustee's judgment, experience and familiarity with the community.
9. Come prepared to board meetings, participate in, and contribute to, the decisions of the board in order to provide the best solutions possible for the education of children within the district.
10. If a personal disagreement arises between a member of the team and another member, a one to one meeting between the two should be arranged to deal with and resolve the disagreement.
11. If there is any doubt about contacting employees of the district, the Superintendent or the Secretary Treasurer should be contacted first.
12. Strive to develop a positive and respectful learning and working culture both within the board and the district, based on collaboration and transparency.

IV. TRUSTEE CODE OF CONDUCT:

1. It is vital that the Board of Education commits itself and its members to conduct which is appropriate and ethical. All personal interactions should be respectful and should acknowledge the worth of each person.



2. In compliance with the B.C. Human Rights Code, trustees will endeavor to ensure that all schools in Qualicum School District provide the best quality education possible for all of our students regardless of their ability, sex, sexual orientation, gender identity or expression, creed, social standing or any physical or mental disability conditions.
3. Trustees must devote time, thought and study to the duties and responsibilities of being a trustee so as to be able to render effective and competent decisions.
4. Trustees must work together to communicate to the electorate the facts about our schools.
5. Trustees as individuals have no Board authority. All relationships must be conducted based on this fact. Media interviews must be handled by the Board Chair, Vice-chair or Superintendent unless expressly delegated to the individual trustee.
6. All in camera business is to be kept strictly confidential.
7. Trustees must respect the Superintendent's responsibility for the day-to-day administration of the district.
8. Trustees are expected to refer all complaints and criticisms to the proper process.
9. The board as a whole has to take responsibility to resolve potentially dysfunctional situations and strive to build dynamics that demonstrate:
 - 9.1 A commitment to collaborative decision-making
 - 9.2 A commitment to doing the homework and sharing responsibility
 - 9.3 A commitment to contributing to public meetings in a way that earns public confidence in the work of the Board
 - 9.3 A commitment to put the good of the school system before individual political agendas
 - 9.4 A commitment to focus at least as much on assessing the value of initiatives as in controlling costs

PROCEDURE FOR BEHAVIOUR CONTRARY TO THIS BYLAW:

1. Trustees are expected to abide by all policies and will be subject to the same procedures as all other board employees and contractors.
2. The Board may take action against a trustee to protect its dignity, integrity and proper function, and to act fairly in providing procedural protections based on the level of severity of a breach of conduct.
3. If proactive measures do not result in changed behaviour, disciplinary measures for breaches may be imposed in a remedial and restorative manner, reflecting the seriousness of the breach. These measures may include the offending trustee:
 - Writing a letter of apology;



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(Page 8 of 8)

- Participating in a restorative justice process;
 - Participating in specific training, coaching, or counselling as directed by the board;
 - Being subject to a motion of censure passed by a majority of the voting trustees at a closed (i.e., in-camera) board meeting; or
 - Being removed from one, some, or all board committees or other appointments by a majority of voting trustees at an in-camera board meeting.
4. It is important to note that, except as expressly permitted by the School Act, a board's authority does not extend so far as to effectively remove a trustee from their elected office.

V. TITLE

This bylaw may be cited as "Qualicum School District Board of Education Bylaw No.1. "

Read a first time this 23rd day of May 2023

Read a second time this 26th day of September 2023.

Read a third and final time, passed and adopted this 24th day of October 2023.

Original Signed Copy on File

VICE CHAIRPERSON OF THE BOARD

SECRETARY TREASURER

REFERENCES:

- BC Ombudsperson
<https://bcombudsperson.ca/guide/complaint-handling-guide/>
<https://bcombudsperson.ca/fairness-education-resources/fairness-consultation/>
- Board Bylaws and Policies
<https://www.sd69.bc.ca/Board/Policies-and-Bylaws/Pages/default.aspx#/=>
- The School Act Part 4
https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96412_04#part4
- The Local Government Act
https://www.bclaws.gov.bc.ca/civix/document/id/lc/statreg/r15001_00
- Provincial Criteria Guidelines for Trustee Codes of Conduct
<https://www.bced.gov.bc.ca/bulletin/20230602/criteria-guidelines---may-25.pdf>

DATES OF ADOPTION AND AMENDMENTS:

Adopted: January 1999

Amended: 2002.08.27: 2005.10.25: 2008.09.23: 2014.05.27: 2020.02.25: 2022.09.13:
2023.10.24