



Lambton Kent  
District School Board  
*Student Achievement* ✓ *Community Success*

# PROCEDURAL BY-LAWS

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- SECTION 1.0 INTERPRETATION
- 1.01 “Abstention” in a vote, recorded or not, has the same effect as voting for the prevailing side.
- 1:02 “Board” means Lambton Kent District School Board.
- 1.03 “Chair” means the Chairperson of the Board.
- 1.04 “Vice-Chair” means the Vice-Chairperson of the Board.
- 1.05 “current year” means the year during which the chair holds office, i.e. December 1 to November 30.
- 1.06 “Director” means the Director of Education and Secretary of the Board or the Chief Executive Officer, as the case may be.
- 1.07 “Majority” means more than fifty percent.
- 1.08 “Quorum” for a meeting means the presence of a majority of those persons constituting the Board or a Committee of the Board, as the case may be, and forty minutes shall be allowed to establish a quorum or to recover a quorum.
- 1.09 “Trustee” means a person elected or acclaimed to the office of Trustee of the Board pursuant to the provisions of the Municipal Elections Act.
- 1.10 “Student Trustee” (Student Representative on the Board) means student(s) serving on the Board as non-voting members.
- 1.11 “unanimous consent” on a matter means the consent of all trustees eligible to cast a vote on the matter.
- 1.12 “vacancy” in a seat of the Board occurs:
- a) when the resignation of a Trustee is accepted by the majority of Trustees present at a meeting at which the resignation is presented except that a Trustee may not resign if his/her resignation will reduce the number of Trustees to less than a quorum; or
  - b) when a Trustee ceases to hold the qualifications required for election as a Trustee of the Board if he/she becomes disqualified pursuant to the provisions of the Education Act.
- 1.13 “vacancy” in the position of Chair or Vice-Chair occurs if the incumbent has his/her resignation from the position accepted by a majority of the Trustees present at a meeting at which the resignation is presented.

- 1.14 “Delegation” means community members wishing to address the Board.
- 1.15 “Presentation” means staff members wishing to address the Board on matters of general interest to the education system or matters of information to trustees.
- 1.16 Questions requiring unanimous consent are:
- a) Placing business matters on the Agenda for the Annual Organization Meeting
  - b) Additions to the agenda of any Special Board Meeting.
- 1.17 Questions Requiring a two-thirds majority of the Board are:
- a) changes in the composition of Board Committees and Statutory/Legislative Committees;
  - b) to call for the question, i.e. to cut off debate;
  - c) to change time, place, frequency of Board meetings;
  - d) to cancel any Regular Board or Special Board Meeting;
  - e) to extend a meeting of the Board later than 10:00 p.m.
  - f) to consider at the same meeting a question that has been tabled;
  - g) to re-consider a question at the same meeting (motion to be made by a member who voted on the prevailing side);
  - h) to rescind any former action of the Board without notice having been previously given;
  - i) to consider a new matter at a regular Board meeting;
  - j) to deal directly with any matter without referring it to a Board Committee; and
  - k) to deal with matters at Special Board Meetings.
  - l) to amend the By-laws
  - m) to censure a Trustee
- 1.18 “Point of Order” is raised when a member believes a meeting is proceeding contrary to the Board’s By-laws. A point of order must be made at the time the alleged irregularity occurs.
- SECTION 2.0 THE ANNUAL ORGANIZATION MEETING OF THE BOARD**
- 2.1 The Annual Organization Meeting shall be conducted in the same manner both in election and in non-election years.
- 2.2 The annual Organization Meeting shall be held at 7:00 p.m. on the first Tuesday of December in the Board Room in the office of the Board. On the petition of a majority of the Trustees who will comprise the Board, the Director, or his/her designate, shall arrange for the calling of the Annual Organization Meeting at some other specified time and date provided that the date is not later than the seventh of December.

- 2.3 Pro tem Chair The Director shall preside until the election of the Chair. In the absence of the Director, the Trustees present shall designate a member of the Senior Administration to preside until the election of the Chair.
- 2.4 Quorum A quorum of the Trustees constituting the Board is required for the Annual Organization Meeting. In the absence of a quorum, the Meeting shall be called for 7:00 in the evening of the next day.
- 2.5 Official Returns After calling the meeting to order, the Director shall read, if applicable, the official returns of the election of Trustees as supplied by the appropriate Clerk along with a statement that the Declarations of Office and the Oaths of Allegiance pursuant to the provisions of the Education Act have been completed and filed.
- 2.6 Election of Chair The Director shall conduct an election for the Chair. Trustees shall be invited to make nominations. Nominations do not require a seconder. After one or more nominations have been made, a resolution to close nominations shall be made. In the case of a single nomination, the candidate shall be declared Chair by acclamation. In the case of more than one nomination, an election by secret ballot shall be conducted. All nominees shall have a 3-5 minute opportunity to address the Board in support of their candidacy. The candidate who receives a majority of votes cast shall be declared elected. In the event of no candidate receiving a majority of votes cast on the first or on any succeeding vote, the candidate receiving the fewest votes cast shall be eliminated from consideration and another vote shall be taken.  
In the event that, on a vote that requires the elimination of a candidate, two or more candidates are tied with the fewest votes cast, such candidates shall be eliminated from further consideration provided two or more candidates remain. If two or more candidates would not remain for consideration, all candidates, including the one who may not be tied with the fewest votes cast, shall be considered on an immediate subsequent vote. In the event that a tie that must be broken still persists, such tie shall be broken by lot to eliminate one candidate. In the event of an equality of votes for the final two candidates, a second ballot shall be held. In the event of a further tie, the candidates shall draw lots to fill the position.
- 2.7 Scrutineers For the purpose of counting ballots and reporting the results to the Chair for public announcement, two trustees and the Director of Education or his/her designate shall be appointed by Board resolution.
- 2.8 Term of Office of Chair The Trustee elected Chair shall hold office during the year (December to November inclusive) and until his/her successor is elected.
- 2.9 Immediate Chair Upon election the Chair shall preside over the remainder of the Annual Organization Meeting.

- 2.10 Election of Vice-Chair An election for Vice-Chair shall be conducted in the same manner as that of the Chair.
- 2.11 Election of OPSBA Representatives Election of Ontario Public School Boards' Association (OPSBA) Delegate and Alternate will be conducted in the same manner as the Chair at the Organizational Meeting of the Board. The term of office is June OPSBA Annual General Meeting (AGM) to June OPSBA AGM.
- 2.12 Striking Committee A Striking Committee will comprise:
- a) the most immediate past Chair;
  - b) the newly-elected Chair, who shall be Chair of the Striking Committee;
  - c) the newly elected Vice-Chair; and
  - d) the Director.
- If the most immediate past Chair is not available, Trustees will nominate a member from their ranks to fill this position.
- Trustees will indicate their preferences regarding committee membership on a preference sheet. The preference sheet will outline the Board's Legislative, Standing and Ad Hoc Committees. The Striking Committee shall attempt to accommodate the individual Trustee preferences.
- 2.13 Assignment to Committees The Director of Education shall assign one or more members of the Senior Administration to each of the Board Committees.
- 2.14 Striking Committee Approval The Chair of the Striking Committee shall recommend for approval of the Board the report of the Striking Committee.
- 2.15 Signing Officers The Signing Officers for the Board shall be the Director of Education and Secretary of the Board and the Treasurer of the Board. They shall be appointed by a Board resolution at the Organizational Meeting, to serve from December to November inclusive.
- 2.16 Legal Counsel Auditor The Board shall appoint the Legal Counsel for the Board and the Auditor for the Board.
- 2.17 Statutory The Board shall by nomination and/or election determine the composition of the Statutory Committees in accordance with the Education Act.
- 2.18 Changes in Statutory Committees Once constituted, the Statutory/Legislative Committees shall remain unchanged, for one year or four years as the case may be, except by reason of a subsequent decision made by a two-thirds majority of the Trustees of the Board.

- 2.19  
Appointments
- It shall be in order, at the Organization Meeting, to make the necessary appointments of representatives of the Board to any other organization or to appoint any special Committee, if by reason of time, such appointments are expedient.
- 2.20  
Other Business
- The Annual Organization Meeting shall not be used to transact regular business or to perform other duties which belong to a Regular Meeting of the Board unless such matter is put on the Agenda by unanimous consent of the Trustees present. It shall be in order at the Annual Organization Meeting to hear reports from the immediate Past Chair and newly-elected Chair.
- SECTION 3.0**                      **REGULAR AND SPECIAL MEETINGS OF THE BOARD**
- 3.1  
Regular  
Meeting Dates
- Except as set forth in the following sections, the Regular Monthly Meetings of the Board shall be held on the second and fourth Tuesday in each month commencing at 7:00 p.m. unless such Tuesday shall fall on a Public holiday in which case, the Board shall meet at the call of the Chair on any evening at the same hour within eight (8) days.
- 3.2  
Alternative  
Meeting Dates
- a) With the consent of two-thirds of the members eligible to attend, Regular Meetings of the Board may be held on a date other than that mentioned in the preceding section.
- b) With the consent of two-thirds of the members eligible to attend, any Regular Meeting may be cancelled.
- 3.3  
Special  
Meetings
- Special Meetings of the Board may be called by the Chair. A Special Meeting must be convened upon receipt of a request signed by a majority of the members of the Board. In the absence of the Chair and of the Vice-Chair, or in the event of their failure to honour such request, the Secretary of the Board is authorized to call such meetings.
- 3.4  
Notice of  
Special  
Meetings
- The notice calling a Special Meeting of the Board shall state the purpose for which the meeting is called and no other business shall be considered unless each member of the Board has been fully informed in writing of such added purpose. In the event of all members of the Board being present, they may agree by two-thirds majority vote to deal with matters other than those on the agenda.
- 3.5  
Electronic  
Meetings
- Electronic Meetings may be held in accordance with Ontario Regulation 463/97 as an option for a board meeting to facilitate decision-making by the Board.

- 3.6 Notice of all Board Meeting Notice of all Board Meeting  
Notice of all meetings of the Board shall be delivered to each member at his/her designated address at least forty-eight hours prior to the time for the said meeting provided, however, that the Chair, or in his/her absence, the Vice-Chair may, at his/her direction, call any meeting of the Board on less than 48 hours notice, but in no event less than six hours, given to each member at the place of residence or place of business of each member, by telephone, fax, in person or other similar means where the Chair or Vice-Chair in his/her opinion, deems such meeting to be necessary or expedient.
- 3.7 Documents for the Board  
All communications or other documents intended for consideration by the Board must be in the hands of the Secretary of the Board not later than 4:00 p.m. on the day previous to the meeting (or earlier, if specifically stated.) It shall be left to the discretion of the Chair of the Board and the Secretary of the Board to present or to hold over documents coming to the Board Office after the hour specified, unless such documents or communications shall have reference to some matter which may arise during said meeting, or which may be required by some member, having knowledge of such communication. This does not pertain to delegations or presentations.
- All correspondence addressed to the Chair of the Board or Director of Education and Secretary of the Board, requiring Board action will be placed on the Board agenda. Other correspondence addressed to the individuals named above or all Trustees, will be placed on the Board Agenda or re-directed to the appropriate Board or Administrative Committee, at the discretion of the Chair of the Board or the Director of Education. A folder of all correspondence received will be maintained for Trustees to access all correspondence or inquire about a specific letter.
- 3.8 Agenda Setting  
The Agenda for each regular board meeting shall be prepared by the Chair and/or Vice-Chair and Director of Education or delegate.
- 3.9 Quorum  
The presence of a majority of all the voting members constituting a Board is necessary to form a quorum.
- 3.10 Quorum  
Should a quorum at any meeting of the Board not be present, forty minutes after the time appointed for the meeting, the Secretary of the Board shall record the names of those present and the meeting shall stand adjourned.
- 3.11 Hours  
To extend the session later than 10:00 p.m. requires a two-thirds majority vote of the Board.
- 3.12 Meetings Open to the Public  
In accordance with Section 207, subsection (1) of the Education Act, the meetings of the Board and, except as noted below, meetings of a Committee of the Board, including a Committee of the Whole Board, shall be open to the public and no person shall be excluded from a meeting that is open to the public except for improper conduct.

- 3.13 Meetings in Private Session Meetings of a Committee of the Board, including a Committee of the Whole Board, may be closed to the public in accordance with Section 207, subsection (2) of the Education Act, when the subject under consideration involves:
- a) the security of the property of the Board;
  - b) the disclosure of intimate, personal or financial information in respect of a member of the Board or committee, an employee or prospective employee of the Board, or a pupil or his or her parent or guardian;
  - c) the acquisition or disposal of a school site;
  - d) decisions in respect of negotiations with employees of the Board; or
  - e) litigation affecting the Board.
- 3.14 Delegations Any person from the community or community group wishing to address the Board shall give four working days notice in writing to the Secretary of the Board and shall indicate the matter or issue they wish to speak to. Individuals or groups requesting permission to appear and speak before the Board or a Committee of the Board shall be requested to present their materials in writing to the Secretary of the Board at least four working days prior to the meeting.
- 3.15 Time Limitation A person or group giving four days written notice shall have ten minutes to address the Board. If more than six presentations are requested, the Chair will schedule a special Board meeting to hear the presentations/ delegations.
- 3.16 Posing Questions at Meetings In addition to the foregoing, persons or groups may pose questions to the Board in accordance with the following procedure:
- a) the questioner shall submit the question either orally or in writing to the Chair of the Board;
  - b) the Chair or his/her designate shall answer the questions if the information is immediately available or send a written reply following the meeting; and
  - c) the questioner may ask a follow-up question for clarification.
- 3.17 Limitations The Board may limit the number of questioners as it sees fit.
- The Board by resolution with a 2/3-majority vote shall determine if it wishes to hear the delegations not on the agenda.
- 3.18 Presentations An employee or employee group may make a presentation to the Board relating to a specific issue, matters of general interest to the Education system and matters of information to Trustees. Individuals or employee groups requesting permission to appear and speak before the Board or a Committee of the Board must submit their request and their materials in writing to the Secretary of the Board at least four working days prior to the meeting.
- 3.19 Time Limitation A person or group making a presentation shall have ten minutes in which to complete their presentation.

3.20  
Decorum at  
Board Meetings

All persons attending meetings of the Board shall show respect for others in their language and conduct. Any persons who interrupts or disrupts a meeting of the Board shall be expelled from the meeting in accordance with the Education Act, ss 207 (3). Audio or video recording devices may not be used at any meeting of the Board or its committees without the prior permission of the Chair of the Board or the Director of Education.

**SECTION 4.0**

**ORDER OF BUSINESS FOR MEETINGS**

4.1

REGULAR BOARD MEETINGS PUBLIC SESSION	BOARD MEETINGS (PRIVATE SESSION)	ORGANIZATIONAL MEETING
1. Call to Order	Call to Order	1. Call to Order (performance)
2. Approval of Agenda	Approval of Agenda	2. Invocation
3. Declaration of Conflict of Interest	Declaration of Conflict of Interest	3. Appointment of Scutineers
4. Approval of the Minutes	Approval of the Minutes	4. Election of Chairperson
5. Business Arising from the Minutes	Business Arising from the Minutes	5. Election of Vice-Chairperson
6. Actions of the Committee of the Whole Private Session		6. Election of Delegate and Alternate to OPSBA
7. Presentations, Delegations (10 minutes. per presentation) and Public Questions	Presentations, Delegations (10 minutes per presentation)	7. Striking Committee Retires to Select Composition of Board Committees (performance)
8. Reports for Action: Board Committees Director Trustees Superintendents	Reports for Action: Board Committees Director Trustees Superintendents	8. Report of Striking Committee
9. Reports for Information: Board Committees Director Trustees Superintendents	Reports for Information: Board Committees Director Trustees Superintendents	9. Motion to destroy ballots
10. Correspondence	Correspondence	10. Appointment of Signing Officers of the Board
11. New Business & Highlights	New Business	11. Appointment of Auditor and Legal Counsel for the Board
12. Trustee Question Period	Trustee Question Period	
13. Notices of Motion and Future Agenda Items	Notices of Motion and Future Agenda Items	
14. Announcements	Announcements	12. Adjournment
15. Adjournment	Adjournment	

- 4.2 Procedure for Special Meetings After the Chair has called the meeting to order, the matter for which the Special Meeting has been called will be laid before the Board by the Chair, Member, or Board Official who has knowledge thereof. The regular rules of debate will govern. Any action that may be decided upon shall be as binding as though taken at a Regular Meeting of the Board.
- 4.3 Staffing Reports The Education Act requires the Board to approve the hiring, termination, retirements, resignations, transfers and granting of leaves for teachers. A written report on these matters shall be submitted monthly. The Board will approve the total complement for non-teaching positions connected to the corporate and regional office. A written report will be submitted annually or as needed.
- 4.4 Trustee Question Period The Trustee question period is an important tool of accountability. The procedure for Trustee question period shall be as follows:
- each Trustee shall be permitted to ask questions of Administration, other Trustees or the Chair of the Board (Trustees are encouraged to inform Administration of concerns prior to meeting.)
- SECTION 5.0 BOARD MEETINGS – PRIVATE SESSION CLOSED TO THE PUBLIC
- 5.1 Start time & Chair of Meeting Such meetings to be regularly scheduled for 6:00 p.m. or earlier if necessary, on those dates that Regular Meetings of the Board are held. The Vice-Chair of the Board shall Chair these meetings.
- 5.2 End time The Regular Board Meeting, private session will not extend later than 7:00 p.m. It may be reconvened at the conclusion of the Regular Board Meeting public session.
- 5.3 Notice and Chair of Meeting Special meetings of the Regular Board closed to the public may be called in the same manner and with the same notice that are applicable for Special Meetings of the Board. Chair of the Board shall Chair these meetings.
- 5.4 Order of Business The Order of Business for such meetings shall be the same as the Order of Business for all meetings of the Board, as applicable.
- 5.5 Rise and Report from Private Session Each Motion made in a Regular Board meeting or Committee of the Whole Board that is closed to the public that requires a Board action shall be presented as a motion by a mover and a seconder with a vote taken in a Public Session Regular or Special Meeting of the Board as the case may be. Motions that must remain confidential become the action of the Board by virtue of such a Motion of the Board.

- 5.6  
Determination
- By a majority vote of those members present and for the reasons specified in the Education Act, a Permanent Committee or Ad Hoc Committee of the Board may determine that its meeting or a part of its meeting shall be closed to the public.
- SECTION 6.0
- RULES GOVERNING DEBATE
- 6.1  
Desire to Speak
- When a member desires to speak to any question, the member shall address the Chair, confining him/herself to the subject under debate.
- 6.2  
One Speaker at a Time
- When two or more members indicate their desire to speak at the same time, the Chair shall name the person to speak.
- 6.3  
No Interruptions
- No member shall interrupt another member who is speaking, except on a point of order.
- 6.4  
Limit 10 minutes
- No member shall speak for more than ten minutes on the same question without the permission of the Board.
- 6.5  
Speaking Once on the Same Question
- No member shall speak more than once on the same question or motion without permission of the Chair, except in explanation of a material part of his/her previous remarks, which may have been misunderstood, and without the introduction of new matter. The mover of a motion, however, may reply to discussion, before the vote is taken.
- 6.6  
Order
- No member shall be permitted to hold discourse, which may interrupt a member who is speaking. Any member violating this rule must be called to order by the Chair.
- 6.7  
Limitation
- No member shall speak on a question after it has been put by the Chair, except to demand the yeas or nays, or to have the yeas and nays recorded, nor shall any other motion be made until after the result is declared.
- 6.8  
Conduct of the Chair
- During Regular Board Meetings the Chair shall not take part in any discussion unless he/she first leaves the chair and appoints someone to take his/her place until the question is decided. Should the Chair refuse to put any motion or any appeal from his/her ruling to the vote of the Board, the member making such motion or appeal may put the same to vote.
- 6.9  
Question Read
- Any member may of right require the question or motion in discussion to be read for his/her information at any time during the debate, but not so as to interrupt a member speaking.
- 6.10  
Challenging the Chair
- Any member may put a motion to challenge the ruling of the Chair. Such motion requires a seconder and is not debatable.

6.11 Procedure	When a question or motion is being put, the members shall remain in their allotted places.
6.12 Committee-of-the-Whole	The Board may move into Committee-of-the-Whole to allow for extended debate on a question by passing the appropriate motion.
SECTION 7.0	RULES OF ORDER
7.1 Eligibility of Chair to Vote	The Chair may vote with the other members of the Board upon all questions, and any question on which there is any equality of votes shall be deemed to be defeated.
7.2 Voting by Proxy	Voting by proxy will not be allowed in any meeting under the jurisdiction of the Board.
7.3 Seconded	No motion or amendment shall be debated or put to a vote unless seconded.
7.4 Seconded Motion	After a motion is seconded and stated by the Chair, it shall be deemed to be in the possession of the Board, but may be withdrawn by the mover, with the consent of the seconder, before being put to a vote.
7.5 Question under Debate	When a question is under debate, no motion shall be entertained except the following: <ul style="list-style-type: none"><li>a) for a “vote to be taken” or to call a question;</li><li>b) to table;</li><li>c) to defer;</li><li>d) to refer to a committee;</li><li>e) to amend.</li></ul>
7.6 Calling the Question	The motion that “a vote be taken” or that the question be called may be moved at any time when a motion or an amendment is before the Board, provided that no member while actually speaking shall be interrupted for this purpose. Upon the motion that “a vote be taken” or that a question be called being moved, it shall be put by the Chair, without debate, in the following form: “Shall the motion be now put?” If carried with a two-thirds majority, the Chair shall forthwith put the question before the Board to a vote, amendments first and motion last, and the same shall be voted upon and disposed of without further debate, and no motion or amendment shall be entertained until the motion and amendments, in respect of which the motion that “a vote be taken” has been moved, shall be disposed of.
7.7 Motion to Table	A motion “to table” is not debatable; but a motion to table with any condition attached to it is subject to debate and amendment. When a question has been tabled, it shall not be taken up at the same meeting, except by a vote of two-thirds of the members present.

- 7.8  
Motion to Defer
- When a motion “to defer” indefinitely has been approved, the question affected thereby shall not be taken up again at the same meeting.
- 7.9  
Motion to Refer
- A motion to “refer to a Permanent Committee” shall take precedence over a motion to refer to an “Ad Hoc Committee”.
- 7.10  
Motion to Amend
- After a resolution is moved and seconded, a motion to amend may be made, and a motion to amend the amendment may also be made; but no further motion to amend shall be made until these have been decided.
- 7.11  
Content of Amendment
- A motion by way of amendment must be directly relevant to the main motion and shall propose some change in the form and substance of the main motion or principal amendment.
- 7.12  
Separate Votes
- When any question under consideration contains several distinct propositions, a separate vote shall be taken on each proposition, under the request of any member.
- 7.13  
Reconsideration
- After a vote has been taken on any question, except one for deferral, a motion to reconsider may be made at the same meeting by any member who voted on the prevailing side of the question at issue, but a two-thirds vote of the members present and entitled to vote shall be necessary to carry the motion.
- 7.14  
Reconsideration
- A motion to reconsider at a subsequent meeting may be made by any member who voted on the prevailing side of the question at issue, provided that a written notice of intention to move a reconsideration shall have been given at a previous meeting of the Board. In such case, a majority of those present shall carry the motion.
- 7.15  
Reconsideration
- A motion to reconsider once made after notice at a previous meeting shall have been given and decided in the negative, no further motion to reconsider shall be entertained during the next twelve months without the unanimous consent of all trustees present or not present given in writing.
- 7.16  
Rescind
- A motion to rescind any former action of the Board may be made by any member thereof, but two-thirds vote of those present and entitled to vote shall be necessary to carry the motion; unless notice shall have been given to a previous Regular Meeting in which case a majority vote shall prevail.
- 7.17  
Rescind
- A motion to rescind any former action of the Board being once made and decided in the negative, no further motion to rescind shall be entertained in the next twelve months without the unanimous consent of all trustees present or not present given in writing.

- 7.18  
Introducing New  
Matter
- No motion introducing new matter, other than matters of privilege, shall be considered at any Regular Meeting of the Board, except by a two-thirds vote of the members present and entitled to vote, unless notice of a person's intention to introduce the question was given at a previous regular meeting. A notice of motion, accompanied by a written report by the originator, shall be placed on the agenda for the next Board meeting.
- 7.19  
Withdrawing  
Notice of  
Motion
- Any member who has given notice of a motion may withdraw same with permission of the Board.
- 7.20  
Recorded Vote
- The yeas and nays shall not be recorded on any question unless requested by a Trustee and such request shall be made before the Chair calls upon the members to vote. In such cases, each member present and voting shall record their vote on a ballot. The Director of Education shall collect the ballots. The Chair of the Board shall read out the votes of the individual Trustees and the Director of Education shall record the same. It shall be the duty of the Director of Education to record the same in the Minutes.
- 7.21  
Referral to  
Committee
- All petitions or communications or any subject within the cognizance of a Board Committee shall, on presentation to the Board, be referred by the Chair to the proper committee without motion; but the Board may, if determined to vote by majority of those present consider the same.
- 7.22  
Absent  
Members
- For the purposes of section 7.0 of these By-Laws, a member is deemed to have voted on the prevailing side if, when the matter was considered, the member was absent from the meeting for whatever reason.
- 7.23  
Robert's Rule of  
Order
- If the stated rules do not apply or are silent in a particular situation, Robert's Rules of Order will apply.
- 7.24  
Student Trustee  
on the Board
- The Board approves annually the appointment of two Student Trustees, for the September 1 to August 31 term. One student will represent a public secondary school from Sarnia-Lambton and one will represent a public secondary school from Chatham-Kent. Both Students will attend all public Board Meetings. The Student Trustees may participate in all Board deliberations and provide input except on matters involving individual staff or student issues or those which create a conflict of interest. Student Trustees may not vote on a motion or make a motion.
- SECTION 8.0
- LEGISLATIVE/STATUTORY, PERMANENT, AND AD-HOC COMMITTEES

- 8.1 Permanent Committees of the Board do not meet at regular times and are not necessarily composed of the entire membership of the Board. There shall be the following Permanent Committees of the Board:
- a) Striking Committee
  - b) Grievance Committee (acts on behalf of the Board)
  - c) First Nations Advisory Committee
  - d) Student Suspension Appeal/Expulsion Committee (acts on behalf of the Board)
  - e) Negotiations Committee
  - f) Surplus Sites Committee (acts on behalf of the Board in accordance with parameters established by the Board)
  - g) Secondary Student Art
  - h) Student/Board Liaison Committee
  - i) Elementary Teacher/Board Communications Committee
  - j) Principal/Vice-Principal Interview Committee
  - k) Board Agenda Review Committee
  - l) Audit Committee
- 8.4 Legislative Committees
- Legislative/Statutory Committees of the Board are struck in accordance with provincial legislation and meet as required by the Education Act on the call of the Chair of the committee. The composition of legislative committees is also set out in provincial legislation and regulations. There shall be two Legislative Committees of the Board as follows:
- a) Special Education Advisory Committee (SEAC)
  - b) Supervised Alternative Learning for Excused Pupils (SALEP) (acts on behalf of the Board)
- Other Committees shall be formed as required by Collective Agreements of the Board.
- 8.5 Ad Hoc Committees
- By resolution of the Board, an Ad Hoc Committee may be set up to deal with a specific matter provided that no such committee may be set up where the matter can be dealt with by the Permanent or Legislative Committee in which case the Chair of the Committee considering the resolution shall rule that portion of the resolution out of order and the motion shall be deemed to be amended to include a referral to the appropriate Committee.
- 8.6
- The term of an Ad Hoc Committee may not extend beyond three months unless the resolution creating the Ad Hoc Committee provides otherwise.

- 8.7 Responsibilities of the Grievance Committee  
The Grievance Committee shall be comprised of three Trustees and three alternates (preferably a balance of representatives from the northern and southern parts of the School District). The Grievance Committee shall hear and consider grievances submitted to it in accordance with the Collective Agreements between this Board and the bargaining agents for this Board's employees. The Grievance Committee has the power to act on behalf of the Board in all grievances filed under Collective Agreements of the Board. Such action shall be updated as information at the regularly scheduled Board meeting.
- 8.8  
Unless a Permanent or Ad Hoc Committee is specifically given power to act in the resolution setting it up, its recommendations must be approved, amended or otherwise dealt with at a subsequent meeting of the Board. If given power to act, the report of such action shall be given to the Board at its next regular meeting.
- 8.9 Board Chair Ex-Officio  
The Chair of the Board is Ex-Officio on all Board Committees.
- 8.10 Chairs of Board Committees  
Board Committees shall elect a Chair from the membership. Trustees shall serve as Chair of all Board Committees except Special Education Advisory Committee. The Vice-Chair should be a trustee when the chair is a non-trustee. The Vice-Chair then as trustee of the Board could move Special Education Advisory Committee recommendations at Board Meetings.
- 8.11 Reporting of Board Committees  
Chairs of Board Committees shall report to Board monthly in writing where appropriate or following meetings if meetings are not held monthly.
- SECTION 9.0 INDEMNITY BY LAW: MUNICIPAL CONFLICT OF INTEREST ACT, 1982
- BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of the Lambton Kent District School Board, as follows:
- 9.1 Member  
In this by-law, unless the context otherwise requires "Member" means a duly elected member of the Lambton Kent District School Board.

- 9.2 The Board may, pursuant to Section 248 of the Municipal Act, R.S.O. 1980, Chapter 302, indemnify a member, out of its general funds for any damages or costs awarded against such member or expenses incurred by him as a result of any action or other proceeding, except a proceeding brought under the Municipal Conflict of Interest Act, 1982, arising out of acts or omissions done or made by him in his capacity as a member, including while acting in the performance of any statutory duty imposed by any general or special act or paying any sum required in connection with the settlement of such action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding, except this section does
- 9.3 Indemnify a Member The Board may, pursuant to Section 14 of the Municipal Conflict of Interest Act, 1982, indemnify a member out of its general funds for any costs or expenses incurred by him if he has been found not to have contravened Section 5 of that Act, as a result of a proceeding brought under it and for paying on behalf of or reimbursing the member for any such costs or expenses, except that this section does not apply to any act or omission that occurred prior to the 1st day of March, 1983.
- 9.4 Indemnity Notwithstanding anything contained in this by-law, a member is entitled to indemnify from the Board in respect of charges and expenses reasonably incurred by him in connection with the defense of:
- a) any proceedings under the Municipal Conflict of Interest Act, 1982 to which he is made a party by reason of being or having been a member, if the person seeking indemnity has been found not to have contravened Section 5 of that Act; or
  - b) any other criminal, civil or administrative action or proceeding to which he is made a party by reason of being or having been a member, if the person seeking indemnity:
    - i) was substantially successful on the merits in his defence of the action or proceeding;
    - ii) acted honestly and in good faith with view to the best interests of the Board; and
    - iii) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, had reasonable grounds for believing that his conduct was lawful.

- 9.5 Insurance The Board may purchase and maintain insurance to protect any member;
- a) who has been found to be contravened Section 5 of the Municipal Conflict of Interest Act, 1982, against any costs or expenses incurred by the member as a result of a proceeding brought under that Act, and for paying on behalf of or reimbursing the member for any such costs or expenses; and
  - b) against risks that may involve liability on the part of such member for paying any damages or costs awarded against any such members or expenses incurred by them as a result of any action or proceedings, except a proceedings brought under the Municipal Conflict of Interest Act, 1982, arising out of acts or omissions done or made by them in their capacity as members, including while acting in the performance of any statutory duty imposed by any general or special Act or by paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding, except where the liability relates to his failure to act honestly and in good faith with a view to the best interests of the Board.
- 9.6 Application This by-law applies to a person who is a member of the Board at the time the circumstances giving rise to the proceeding occurred but who prior to the settlement or judgment in such action or other proceeding has ceased to be a member.
- SECTION 10.0 ROLE OF TRUSTEES, CHAIR, ETC.**
- 10.1 The responsibilities of Trustees are defined in the Education Act and include but are not limited to:
- a) establishing and monitoring Board policy;
  - b) implementing Provincial education policy;
  - c) establishing a budget and monitoring its implementation;
  - d) providing, equipping and maintaining schools;
  - e) holding the Director of Education accountable for the results achieved by students;
  - f) employing and compensating staff;
  - g) accountable to ratepayers;
  - h) advocating public education;
  - i) ensuring the effectiveness of Board programs and services.
- Trustees are expected to attend Board Meetings and serve on Board committees and keep confidential all information discussed in Private Session.
- 10.2 Role of the Director Trustees are policy makers. Their resolutions and policy should guide the Director who is responsible for policy implementation. Trustees should not attempt to become involved in the day-to-day administration of the system. The Director shall ensure that Trustees are given full access to all information required for their decision making.

- 10.3  
Censure of a  
Trustee
- If a Trustee is failing to fulfill his/her obligations in the opinion of the Board, as outlined in Section 10.1, the Board may, after giving the Trustee an opportunity to respond by motion, carried with the support of two-thirds of the voting Trustees, censure the Trustee, as appropriate.
- 10.4  
Absence of  
Board Member
- If a member absences him/herself, without being authorized by Board motion entered into the Minutes from the meetings of the Board, for three consecutive meetings, he/she vacates his/her seat and the provisions of the Education Act under which the Board is established shall apply with respect to filling of the vacancy.
- SECTION 11.0
- FORM OF MOTIONS
- 11.1
- Motions shall be drafted in general terms and written motions are encouraged whenever possible.
- 11.2
- All new initiatives or projects going to Board for approval shall include the financial implications of the recommendations.
- 11.3
- The Director shall present draft Board Policies and draft Board Regulations directly to the Board or an appropriate committee for discussion, debate and recommendation to the Board.
- SECTION 12.0
- PERFORMANCE APPRAISAL OF THE DIRECTOR OF EDUCATION
- 12.1
- The Director of Education shall prepare, annually prior to the end of the school year, a Performance Appraisal Report of the Director of Education
- 12.2
- The Report shall address the following matters:
- a) the steps taken and success achieved in implementing Board policy;
  - b) the steps taken and success achieved in implementing Ministry legislation, regulations and policy;
  - c) the effect of Board policy and Ministry policy on the quality of education of the Board's students;
  - d) matters raised in reply to the most recent Performance Appraisal Report of the Director;
  - e) matters which should be addressed by the Board in the ensuing school year; and
  - f) other matters which the Director believes should be brought to the attention of the Board.
- 12.3
- The Director shall, prior to the submission of his/her Performance Appraisal Report request the Board to identify other specific policies and issues that it wishes to be addressed in the Performance Appraisal Report.

- 12.4 The Director's Performance Appraisal Report shall be considered by the Board, in private session, at any one or more of its meetings and the Board shall receive the report and deliver a reply prior to the beginning of next school year which shall include the following:
- a) concerns of the Board with respect to the implementation of Board policy;
  - b) concerns with respect to the implementation of Ministry policy;
  - c) matters which shall be addressed by the Board and/or legislations or Board Committees within the ensuing school year;
  - d) other matters in reply to the Director's Performance Appraisal Report as may be appropriate.
- SECTION 13.0 POLICY DEVELOPMENT, DIRECTION AND BOARD ACCOUNTABILITY REPORT
- 13.1 The Board shall review and if necessary revise the Mission Statement and Statement of Beliefs, in consultation with its staff and community at least once per Trustee term of office.
- 13.2 The Board shall develop an annual Board Growth Plan governing the strategic direction of the Board in all facets of its operation focused on improving student achievement.
- 13.3 The Board Growth Plan shall be published and distributed to the public except those portions that are dealt with in accordance with the Education Act in Private Session.
- 13.4 Each school shall develop a School Growth Plan in accordance with the Board's Mission Statement, Statement of Beliefs, and Growth Plan, in consultation with the School Council and the Superintendent of Education responsible for the school.
- 13.5 The system plan shall include:
- a) teaching and learning;
  - b) finance;
  - c) student achievement
  - d) community partnerships;
  - e) employee relations; and
  - f) other matters deemed appropriate by the Board.
- 13.6 The policies developed by the Board shall be designed and implemented in order to achieve the Mission of the Board and meet the objectives of the Board's Growth Plan.
- 13.7 The Director of Education shall develop an administrative organizational model and assign responsibilities so that the Board's Mission, Growth Plan and Policies are implemented throughout the system.

- 13.8 The Board shall prepare annually a Board Accountability Report to communicate its performance to the community and the Ministry of Education. The Board Accountability Report shall include the following:
- a) the Board's success in achieving its mission;
  - b) the Board's success in implementing its growth plan;
  - c) the Board's success in implementing its policies;
  - d) the Board's success in implementing Ministry legislation and policy;
  - e) the Board's results of District and Provincial standardized testing; and
  - f) such other matters as the Board deems appropriate.
- SECTION 14.0 APPLICATION
- 14.1 Application These by-laws apply, with necessary modification, to the Board's Permanent, Legislative and Ad Hoc Committees.
- SECTION 15.0 LOCAL MEETINGS
- 15.1 Location of Regular Board Meetings Regular meetings of the Board held on the second Tuesday shall be held at the Chatham Regional Education Centre. Regular meetings of the Board held on the fourth Tuesday shall be held at the Sarnia Education Centre.
- 15.2 Alternative locations for Board Meetings At the discretion of the Board, any of the regular meetings of the Board, public session or private session may be held at local schools under the jurisdiction of the Lambton Kent District School Board.
- SECTION 16.0 BY-LAWS: AMENDMENT
- 16.1 Amendments By-laws may be amended by a two-thirds majority of the Board at any meeting of the Board provided that notice, in writing, has been given at the previous regular meeting of the Board and provided that the proposed amendment(s) are not in conflict with any statutory provision or regulation then in force.
- 16.2 Education Act Any changes in the Education Act that affect the by-laws shall be incorporated as appropriate.
- SECTION 17.0 BY-LAWS: REVIEWS
- 17.1 The By-laws shall be reviewed at least every three years by the Board.