

PRESENT:

- Trustees: Chair Jane Bryce, Vice-Chair Randy Campbell, Greg Agar, Janet Barnes, Ruth Ann Dodman, Dave Douglas, Jack Fletcher, Brittany Jenkins, Lareina Rising, Derek Robertson
- Staff: Director of Education Jim Costello, Superintendent of Business Brian McKay, Superintendents of Education, Angie Barrese, Helen Lane, Mark Sherman and Public Relations Officer Heather Hughes
- Student Trustees: Autumn Bressette and Rihana Kukkadi
- Regrets: Trustee Scott McKinlay, Student Trustee Lexi Graham, Superintendent Ben Hazzard
- Recording Secretary: Trish Johnston, Executive Assistant and Communications Officer
- Call to Order: Chair Bryce called the meeting to order at 7:00 p.m.
Chair Bryce read the Traditional Territorial Acknowledgement.
- #2019-40
Approval of the Agenda
Moved by Jack Fletcher, seconded by Greg Agar,
"That the Agenda for the Regular Board Meeting of March 26, 2019 be approved as."
CARRIED.
- Declaration of Conflict of Interest: None
- #2019-41
Approval of the Minutes February 26, 2019
Moved by Ruth Ann Dodman, seconded by Janet Barnes,
"That the Board approve the Minutes of the Regular Board Meeting of February 26, 2019."
CARRIED.
- Business Arising: None
- #2019-42
Action of the Regular Board Private Session be the Action of the Board
Moved by Randy Campbell, seconded Jack Fletcher,
"That the Action of the Board in Private Session be the Action of the Board."
CARRIED.
- Questions from the Public: Michelle Lalonge-Davey, CUPE President, referred to the Ontario government's announcements and asked where the Board might stand regarding the delivery of Full Day Kindergarten (FDK) for the next school year, particularly the Early Childhood Educator (ECE)/Teacher partnership. Director Costello advised that Administration is awaiting additional information from the Ministry. They do not have any plans to change the FDK delivery model.
- #2019-43
Proposed Revision to Section Sections 1.11, 1.12, 11.2, 11.3, 11.6, 12.5 and 12.6 of the LKDSB Procedural By-laws
Trustee Code of Conduct Report B-19-24
Moved by Jack Fletcher, seconded by Greg Agar,
"That the Board approve the revisions to Sections 1.11, 1.12, 11.2, 11.3, 11.6, 12.5 and 12.6 of the LKDSB Procedural By-laws related to Trustee Code of Conduct."
Director Costello advised that in response to the new requirements included in Bill 68, *Modernizing Ontario's Municipal Legislation Act*, concerning Conflict of Interest, the Board revised the LKDSB policy on Conflict of Interest and implemented a new regulation for Trustees. To align the LKDSB Procedural By-laws with the changes, he served notice of motion at the February 26, 2019 Board Meeting. He outlined the proposed changes which

are based on the template provided by the Ontario Public School Boards' Association (OPSBA).

Section 1

1.11 The Board's First Nation Partners, ~~through the Indigenous Liaison Committee~~, shall appoint the First Nation Trustee to serve on the Lambton Kent District School Board for a four-year term consistent with the term of the elected Trustees.

1.12

The Board's First Nation Partners, ~~through the Indigenous Liaison Committee~~, shall appoint a First Nation Trustee Alternate who may sit at the Board Table in the absence of the First Nation Trustee during public meetings with voting rights. ~~In the absence of the First Nation Trustee, the First Nation Trustee Alternate will be invited to attend private meetings when the matter discussed involves First Nation Students.~~ The Alternate's term will be consistent with the term of the First Nation Trustee.

Director Costello explained that this was to ensure appropriate representation.

Section 11

School Board Member (Trustee) Code of Conduct For The Lambton Kent District School Board including Conflict of Interest

11.1 A Trustee position is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour.

11.2 This Code of Conduct and the Enforcement Procedures apply to all Trustees of the Board, ~~including the Chair and Vice-Chair of the Board and Student Trustees~~. Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.

Trustees of the Board shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.

Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending Board events, or while on Board property.

Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Board staff or fellow Board members.

Trustees shall endeavour to participate in trustee development opportunities to enhance their ability to fulfill their obligations.

11.3 No Trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the Trustee when performing his or her duties to the Board. However, this does not, for example, preclude a Trustee from accepting a free ticket or admission to a charitable event or professional development event as per Lambton Kent District School Board Hospitality policy and regulation R-BU-521.

A Trustee shall not use his or her office to advance the Trustee's interests or the interests of any family member or person or organization with

whom or with which the Trustee is related or associated. Trustees are required to declare a conflict of interest at Board Meetings or Board Committee Meetings as per the Lambton Kent District School Board regulation on Conflict of Interest for Trustees, R-OP-446.

No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member.

- 11.6 Every Trustee shall keep confidential any information disclosed or discussed at a meeting of the Board or committee of the Board, or part of a meeting of the Board or committee of the Board, that was closed to the public, and keep confidential the substance of deliberations of a meeting closed to the public, unless required to divulge such information by law or authorized by the Board to do so.

No Trustee shall use confidential information for either personal gain or to the detriment of the Board. Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Trustee becomes aware of because of their position, except when required by law or authorized by the Board to do so.

Section 12 Enforcement Of The Code Of Conduct

- 12.5 If the Chair and Vice-Chair of the Board are of the opinion that the complaint is out of time, trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for a formal inquiry, ~~a formal inquiry shall not be conducted and they shall prepare a confidential report to all Trustees of the Board stating their opinion and rationale for it. reasons for not doing so shall be provided to all Trustees of the Board. The Trustee who is alleged to have breached the Code of Conduct shall not vote on the resolution. If the opinion is adopted by the Board of Trustees a formal inquiry shall not be conducted.~~

If the Chair and Vice-Chair of the Board cannot agree on the above, then a full formal inquiry shall be conducted.

If an allegation of a breach of the Code of Conduct on its face is with respect to the non-compliance with a more specific Board Policy with a separate complaint procedure, the allegation shall be processed under that procedure.

- 12.6 If a formal inquiry of an allegation of a breach of the Code of Conduct is undertaken, it shall be done by the Chair and Vice-Chair of the Board, if appropriate, or any two of the Chair, Vice-Chair and the alternate Trustees, or an outside consultant chosen by the Chair and Vice-Chair. Regardless of who undertakes the formal inquiry the following steps shall be followed.

The *Statutory Powers Procedure Act* does not apply to anything done regarding the Enforcement of this Code of Conduct. No formal trial-type hearing will be conducted.

~~Procedural fairness and the rules of natural justice shall govern the formal inquiry.~~ The formal inquiry will be conducted in private.

The formal inquiry may involve both written and oral statements by any witnesses, the Trustee bringing the complaint and the Trustee who is alleged to have breached the Code of Conduct.

The Trustee who is alleged to have breached the Code of Conduct shall have an opportunity to respond to the allegations both in a private meeting with the person(s) undertaking the formal inquiry and in writing.

It is expected that the formal inquiry will be conducted within ~~a reasonable period of time which will depend on the circumstances of the case.~~ 90 calendar days of the receipt of the written response to the complaint. If a longer period of time is required to complete the inquiry, the reason for the extension shall be explained in the final report to the Board. The Trustee who is alleged to have breached the Code of Conduct shall provide a written response to the allegations within 10 days of receiving the written allegation, or such extended period of the time as the investigators deem appropriate in the circumstance.

If the Trustee who is alleged to have breached the Code of Conduct refuses to participate in the formal inquiry, the formal inquiry will continue in their absence.

~~Once the formal inquiry is complete, the investigators shall provide a confidential draft copy of their report containing the findings of fact to the Trustee who is alleged to have breached the Code of Conduct and the Trustee who brought the complaint for their written comment to the investigator (s). The purpose of providing the draft report to the parties is to ensure no errors of fact are contained in it. The two Trustees shall have ten (10) days (or such reasonable period of time as deemed appropriate by the investigators) from the receipt of the draft report to provide a written response.~~

The final report shall outline the finding of facts, ~~but not contain~~ and a recommendation or opinion as to whether the Code of Conduct has been breached. ~~This will be determined by the Board of Trustees as a whole.~~

If the Chair and Vice-Chair of the Board when conducting the formal inquiry cannot agree on the final finding of facts, it shall be referred to an outside investigator to complete the formal inquiry.

Director Costello explained that all Trustees will be required to sign off indicating that they have read, understand and agree to abide by the Board's Code of Conduct.

It was confirmed that the completed conflict of interest form is to be submitted to the Chair of the Board.

Trustee Robertson commended the Board for the inclusion of Section 12., Steps of Formal Inquiry, and commented that all public sector organizations could benefit from similar language.

CARRIED.

#2019-44
Tender Award – HVAC
Replacement at Lambton
Kent Composite School
Report B-19-25

Moved Randy Campbell, moved by Janet Barnes,

“That the Board award the tender to the successful bidder, Elgin Contracting and Restoration Ltd. for the HVAC project at Lambton Kent Composite School.”

Superintendent McKay reviewed the Board's process for capital tenders. The process starts in September with project designs and then the projects go out to tender. Tenders are brought to Board for approval at this time of year. Time is needed to order parts, etc. for the work to be completed in the summer. He explained that the tender submissions are received electronically.

Superintendent McKay reported on the tender opening for the HVAC project at Lambton Kent Composite School. School Condition Improvement funding of \$758,221.21 will cover the cost of the project.

CARRIED.

- #2019-45
Tender Award – Gym
Floor Replacement at High
Park Public School
Report B-19-26
- Moved by Derek Robertson, seconded by Jack Fletcher,
“That the Board award the tender to the successful bidder, Wellington Builders Inc. for the gym floor at High Park Public School.”
- Superintendent McKay reported on the tender opening for the gym floor project at High Park Public School. School staff decided against the synthetic athletic sports floor system due to their varied use of the gym. School Condition Improvement funding of \$201,490.17 will cover the cost of the project.
- CARRIED.
- #2019-46
Tender Award – Heat
Pump and New Roof at
Colonel Cameron Public
School
Report B-19-27
- Moved by Greg Agar, seconded by Derek Robertson,
“That the Board award the tender to the successful bidder Elgin Contracting and Restoration Ltd. for the heat pump and new roof project at Colonel Cameron Public School.”
- Superintendent McKay reported on the tender opening for the heat pump and new roof project at Colonel Cameron Public School. School Condition Improvement funding will be used to cover the \$1,037,097.04 cost of the project.
- CARRIED.
- #2019-47
Tender Award – HVAC
Replacement and Refresh
at Tecumseh Public
School
Report B-19-28
- Moved by Ruth Ann Dodman, seconded by Janet Barnes,
“That the Board award the tender to the successful bidder TCI Titan Contracting Inc. for the HVAC replacement and refresh at Tecumseh Public School.”
- Superintendent McKay reported on the tender opening for the HVAC replacement and refresh at Tecumseh Public School. This completes the capital projects related to the consolidation of John N. Given Public School and Tecumseh Public School. Air conditioning will be installed throughout the school. School Condition Improvement funding will cover the \$1,799,277.54 cost of the project. Superintendent McKay confirmed that approximately \$6M has been spent on improvements to the school as a result of the consolidation.
- CARRIED.
- Student Senate Report
- Student Trustees Bressette and Kukkadi reported on the February 25, 2019 Student Senate Meeting. Student Trustee Kukkadi shared that the members collaboratively developed a letter to send to local MPPs regarding the lack of mental health supports in schools and communities. They are gathering information from other school boards about mental health supports in their schools. Student Trustee Bressette advised that they are looking at meeting with LKDSB Mental Health Leader Colameco to gather statistics on mental health. They are working with their principals to promote the LKDSB School Climate Survey to increase student participation.
- Chair Bryce introduced Simon Harris, one of the Student Trustees who will serve on the Board for the 2019/2020 school year. He is currently Co-Chair of the Student Senate.
- Ontario Public School
Boards’ Association
(OPSBA) Report
Report B-19-30
- Trustee Fletcher advised that the agenda of the February 2019 Board of Directors OPSBA Meeting was previously sent to Trustees electronically. He referred to his two page summary included in the Board Agenda. OPSBA represents 31 public school boards. They have various committees set up to work with the government on issues. Trustee Fletcher commented on the OPSBA survey being conducted on the role of the student trustee. They will be

sending out a report and summary to school boards. He noted that OPSBA currently has a surplus of approximately of \$700,000.

In response to Trustee Fletcher's question about the Ontario Education Services Corporation (OESC), Director Costello advised that OESC is a subset under OPSBA that serves all 72 Ontario school boards. The OESC used to provide criminal background checks for trustees but is no longer able to provide this service. It provides services at very competitive costs due to its non-profit status in the areas of Behaviour Management Training, Compass for Success (computer software), Equity and Inclusive Education, School Energy Coalition and Strategic Planning. Superintendent McKay explained that the School Energy Coalition (SEC) is an initiative jointly sponsored by the Council of Directors of Education (CODE), Council of School Business Officials (COSBO) and Ontario Association of School Business Officials (OASBO). The SEC purchases hydro and gas on behalf of the member school boards to save money. SEC representatives also go in front of the Ontario Energy Board on behalf of the member school boards. The LKDSB has saved significant money over the years.

Indigenous Liaison
Committee Report
Report B-19-29

Superintendent Lane reported on the Indigenous Liaison Committee (ILC) Meeting held on February 21, 2019 at the Eenda Akehkiimund Delaware Employment and Training Centre. She shared information from the First Nation communities. Joelene Whiteye, the new Education Manager for Delaware Nation, attended the Meeting and noted that the Language Immersion program is going well, and the participants will be able to share their learning with others. Superintendent Lane advised that the Education Services Agreement with Walpole Island First Nation is close to completion. She advised that Vicki Ware from Aamjiwnaang First Nation will be the SEAC representative. Two students from Aamjiwnaang travelled to the Indspire Awards ceremony this year. Aamjiwnaang Council is working with a company to develop land-based learning secondary credit courses. Vicki Ware attended the Violent Threaten Risk Assessment training and confirmed that Aamjiwnaang would like to join the community partnership. Superintendent Lane commented on the reports from the LKDSB School Administrators and advised that letters requesting information about school administrator profiles were sent to the four First Nations at the beginning of February. Responses are to be submitted by the end of March, so the information can be considered during the spring staffing process.

Mental Health Lead Colameco and System Coordinator of Safe Schools Houghton, presented information about the development of the LKDSB School Climate Survey which will be open during the first week of April for input from students in Grades 4-12, staff, and parents/guardians. LKDSB Indigenous Lead Minogiizhgad was part of the committee that developed the questions.

Reporting Under the
Public Salary Disclosure
Act 2018
Report B-19-31

Director Costello advised that each year, since the *Public Sector Salary Disclosure Act* was passed in 1996, the Ontario Government has published a compendium on public sector employees who were paid a salary of \$100,000 or more. Organizations that receive public funding from the Province of Ontario are required to disclose the names, positions, salaries and taxable benefits of these employees. The salary required to be made public under the Act reflects the amount to be reported to Canada Revenue Agency on the employer's T-4 slip for the employee. The T-4 amounts may include components that relate to a prior year and may exceed the employee's annual rate of salary. The taxable benefits listed on the report are the amount shown on the T-4 slip as prepared for the Canada Revenue Agency. The Act covers city and other local governments, universities and colleges, school boards, hospitals, and Crown agencies. It also applies to the Provincial Government ministries and members

of the Assembly. Other non-profit organizations that receive a large share of their funding from the provincial government are covered as well.

Director Costello advised that there are 257 people on the list for 2018 compared to 199 people in 2017 and 149 in 2016. He explained that many of the new names on the list are just over the limit and are teachers who assumed additional duties like summer school. The list must be published annually by March 31.

Superintendent McKay confirmed that based on the Consumer Price Index (CPI), a \$100,000 salary would equate to about a \$149,000 salary today. The *Public Sector Salary Disclosure Act* was introduced 23 years ago.

Trustee Rising joined the Board Meeting.

New Business

Superintendent McKay reported that the Board previously declared three properties surplus to its needs. One property is the former CCI sports field in Chatham. The Chatham Rugby Club uses the land. The Municipality of Chatham Kent previously expressed interest in the property but is no longer interested in it. The Board has received official approval from the Ministry to put the property up for sale publicly.

A letter of interest has been received from the Town of Plympton Wyoming for the former South Plympton school property. The Board received notice from the Ministry that it can negotiate directly with them now.

The Board is also in a position to sell a small piece of property on the Queen Elizabeth II Public School site in Sarnia to the County of Lambton to allow the London Bridge Day Care to expand.

Chair Bryce congratulated three students from Lambton Central Collegiate and Vocational Institute (LCCVI) Lexi Graham (Student Trustee), Harris Annett and Emma Kelly and one student from Northern Collegiate Institute and Vocational School, Claire Tillapaugh, for receiving Ontario Secondary School Teachers Federation Student Achievement Awards in honour of Marion Drysdale.

Trustee Questions

Trustee Dodman commented on the Parent Involvement Committee members plans to host parent/guardian evening events in the spring. Director Costello confirmed that the dates and information will be shared with all Trustees once plans are finalized.

In response to Trustee Fletcher's questions about the construction of the new Great Lakes Secondary School, Superintendent McKay confirmed that the budget remains approximately \$24.5M. Administration is looking at a May 21, 2019 occupancy date for the existing building. Paving of the site is to be completed by the end of May. He confirmed that they are concerned that the addition will not be ready for September 2019. The contractor has indicated that it will be done by the end of August. He expects that work will need to be completed on the inside of the addition in September. Administration is working with the Principal on timetabling classes for September. The new track project has been delayed to July 2020.

Announcements

The next Regular Board Meeting will be held on Tuesday, April 9, 2019, 7:00 p.m. at the Chatham Education Centre. There will be a Trustee workshop on Communications prior to the next Board Meeting.

Adjournment:
8:07 p.m.

There being no further business of the Board, Chair Bryce declared the Meeting adjourned at 8:07 p.m.

Chair of the Board

Director of Education and
Secretary of the Board