

DIRECTION RÉGIONALE DE LA MAURICIE ET DU CENTRE-DU-QUÉBEC

**THE OPERATION OF THE
GOVERNING BOARDS**

PARTICIPATION

AND

RULES OF INTERNAL PROCEDURE

DECEMBER 1999

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INTRODUCTION

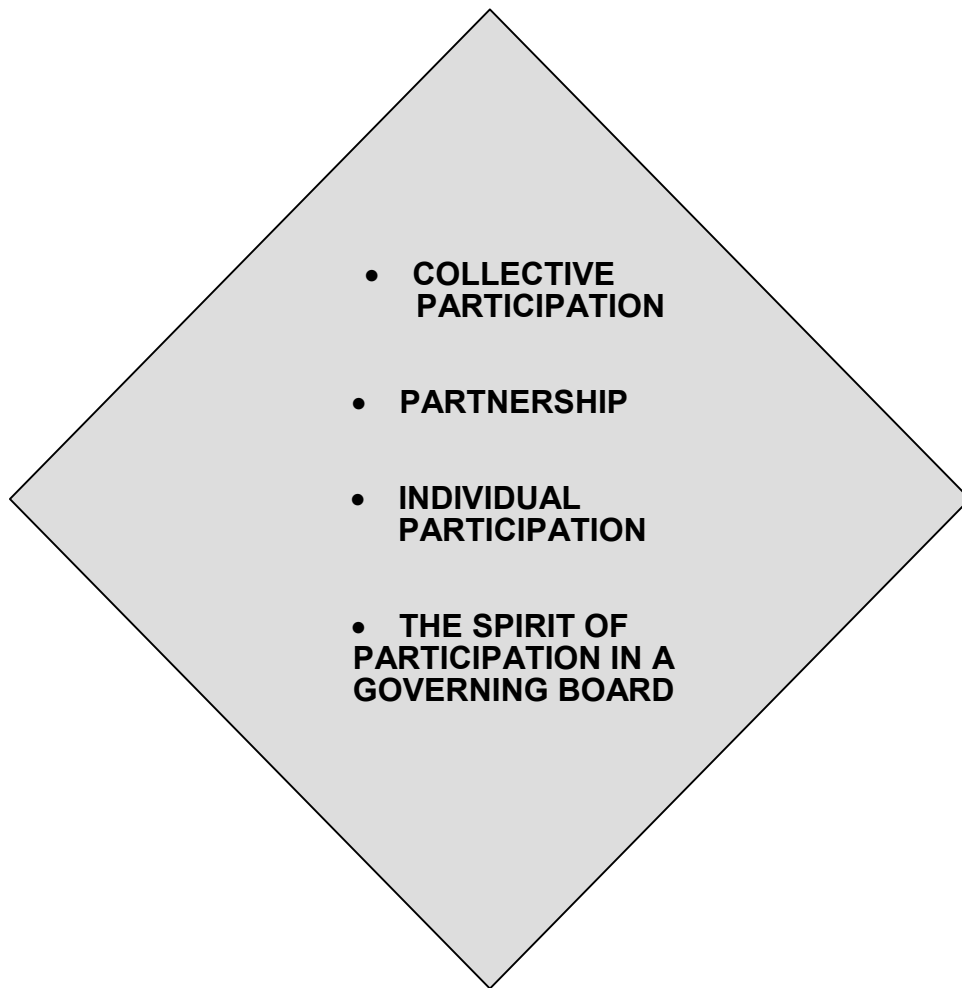
This guide for members of governing boards has been produced at the request of the Regional MEQ-University-Schools Round Table. In keeping with the wishes of the Round table, a sub-committee was formed to draft rules of internal procedure. I would like to thank the members of the sub-committee for their collaboration and commitment:

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Three observations are in order concerning the document you are about to read. First, the sub-committee unanimously decided to begin its deliberations by reflecting on participation and partnership, to ensure that the rules they proposed would be as meaningful as possible. Second, the sub-committee was guided by various documents, for which full references are given in the bibliography. Finally, if the governing boards were to adopt this guide as a “bible,” without making any changes, we would have failed in our objective. It is intended to offer a number of choices to permit each governing board to develop its own rules based on its size and specific characteristics. Apart from the provisions of the law, it consists simply of suggestions.

Jean de Carufel

I – PARTICIPATION IN GOVERNING BOARDS





COLLECTIVE PARTICIPATION

Principles set out in the *Education Act* to guide the work of the governing board (GB) and its members

“Every decision of the governing board must be made in the best interests of the students.” (s. 64).

“In keeping with **the principle of equality of opportunity**, the mission of a school is to impart knowledge to students, foster their social development and give them qualifications, while enabling them to undertake and achieve success in a course of study.” (s. 36, par. 2, emphasis added).

The members of the GB should bear these basic principles in mind throughout their deliberations.

These principles may be stated more concretely as follows:

1. Every decision must be guided by the interests of the students.
2. The school or centre must be a place where every student is helped to succeed.
3. For personal, economic or social reasons, all students are not on an equal footing in school. In keeping with the “principle of equality of opportunity,” the GB’s decisions must ensure that students with the greatest needs receive more resources and services, so that the school fulfills its mission to enable all students “to undertake and achieve success in a course of study.”

For example, a measure like help with assignments should be made available first and most intensively to students experiencing difficulties.

4. The mission of the school or centre should not be reduced to that of “imparting knowledge.”

The school should also aspire to provide each student with a comprehensive education as a person and as a future active, responsible citizen: the educational institution should transmit values related to this sort of education (social development) and develop abilities conducive to harmonious social and occupational integration (qualifications).

 PARTNERSHIP**Definition of partnership**

The shared exercise of a power in a spirit of respect for the competencies of each partner and in pursuit of a common goal: the students' success.

Conditions of a genuine partnership

- Support for:
 - ⇒ concrete action to produce tangible results regarding educational success;
 - ⇒ the sharing of work and decision making;
 - ⇒ teamwork and the sharing of power it entails.
- Commitment to:
 - ⇒ participate in work on each issue;
 - ⇒ recognize that it may be necessary to compromise on some issues;
 - ⇒ respect the autonomy of each partner.
- Discussions:
 - ⇒ focused on services to students;
 - ⇒ that respect the opinion of each participant;
 - ⇒ facilitated by simple rules of procedure.

For a governing board, acting in partnership means:

- ⇒ agreeing on students' need and how to meet them;
- ⇒ agreeing on the order in which actions are to be taken;
- ⇒ adopting the budget of the school or centre on the basis of the established priorities for action;
- ⇒ reaching and explaining a shared interpretation of the results obtained;
- ⇒ seeking to maintain a consensus while pursuing the shared objective, that is, the students' success.



INDIVIDUAL PARTICIPATION

Rules of conduct for members of the governing board

Every member of the GB who has a direct or indirect interest in an enterprise that places the member's personal interest in conflict with the interest of the school must:

- disclose this interest at once, in writing, to the principal;
- abstain from voting on any matter concerning the enterprise;
- avoid influencing any decision relating to the enterprise;
- withdraw from a meeting of the GB while the matter is discussed or voted on;
- disclose his or her conflict of interest during the first meeting where the matter is dealt with (s. 70);

Example: The GB organizes a sports event requiring the purchase of balls. A parent member of the GB owns a sporting goods store. With respect to this purchase, the member is in conflict of interest. He or she must disclose this interest, leave the meeting and refrain from seeking to influence the vote in any way.

Having an interest in an enterprise does not exclude a person from being elected to the GB, but it obliges that member to maintain perfect transparency (by disclosing the interest to the GB and the principal) and to avoid compromising situations (by withdrawing from the meeting and not influencing the vote).

The members of the GB must act (s. 71):

- “within the scope of the functions and powers conferred on them” by law, which means, for example, that they may not discuss a matter related to personnel management, because this is the prerogative of the principal, as defined in section 96.21;
- with “the care, prudence and diligence that a reasonable person would exercise in similar circumstances; these terms describe the obligation to perform the work with diligence (care), foresight (prudence) and punctuality (reliability);
- “with honesty and loyalty and in the interest of the school, the students, the parents, the school staff and the community”; this describes the need for a sense of equity and respect for **all** persons and groups related to the school and the school community.

All of these rules of individual conduct, which each member of the GB must observe rigorously, ensure the protection of the *Education Act* for the members of the GB, as clearly stated in the Act:

The members “of a governing body may not be prosecuted for an act performed in good faith in the exercise of governing board functions” (s. 72).¹

Thus, members of the GB may not be sued for damages for errors committed in good faith in the exercise of GB functions.²³



THE SPRIT OF PARTICIPATION IN A GOVERNING BOARD

All members must support the main principles on which the governing boards are based:

- **greater autonomy for the educational institution;**
- **parity** between parents’ representatives and staff representatives;
- **participation by all staff members** in decisions that concern them;
- **recognition of the collective power of the teaching staff** regarding questions of a pedagogical nature;
- the principal’s **dual role as administrator and leader**.

The GB is thus, in principal, a place where:

- the expertise of all parties is respected;
- all members may present their vision of the school and its mission;

¹ If this should occur, the school board will assume the defense of the member (s. 73).

² Unless, of course, they are guilty of gross negligence or commit a serious offense, which would cast doubt on their good faith.

- each member's views are taken seriously.

Each member participates:

- **with an open mind:** members seek to defend their own ideas, but also listen to those of other members;
- **as the representative** of a group of persons, and not in an individual capacity;
- **with the goal of working together** with the other members of the GB, to achieve a common understanding and shared solutions;
- with the awareness that differences of opinion may sometimes strain their open-minded attitude and provoke confrontations.

Each member must:

- **respect** the right of **all members** of the GB to express their opinions, whatever their background or age;
- **encourage all the other members of the GB to demonstrate this respect** during a meeting at the beginning of the year, when they have a chance to discuss the role and operation of the GB;
- **foster this climate** of mutual respect and open-mindedness.

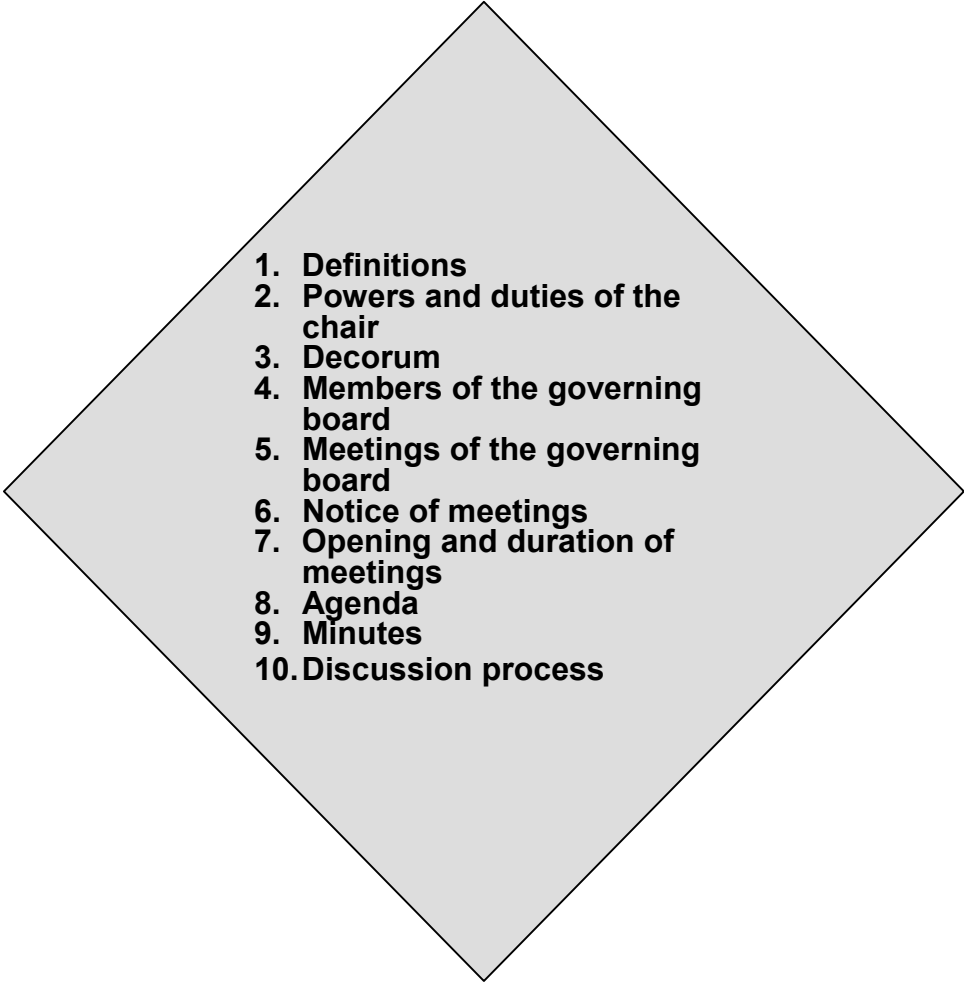
How to exercise the role of a representative to the governing board

The members of the GB are elected to **represent their peers**. As representatives, they:

- determine the orientations generally favoured by the group they represent;
- communicate these orientations to the GB with conviction and diplomacy;
- keep the group that elected them up-to-date on the work of the GB.

This role requires a sense of responsibility, a capacity for reflection and a willingness to change. Each member must enter into the process of learning with the group he or she represents and the other members of the GB. An open mind and flexibility are valuable assets for a representative.

II –RULES OF INTERNAL PROCEDURE FOR GOVERNING BOARDS

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- 1. Definitions**
 - 2. Powers and duties of the chair**
 - 3. Decorum**
 - 4. Members of the governing board**
 - 5. Meetings of the governing board**
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 - 8. Agenda**
 - 9. Minutes**
 - 10. Discussion process**

II – RULES OF INTERNAL PROCEDURE FOR GOVERNING BOARDS

	REFERENCES AND COMMENTS
1 DEFINITIONS In this document, unless the context indicates a different meaning, the words listed below have the following meanings: - School board the _____ School Board - School or centre _____ School or Centre - GB the governing board of the school - Members the members of the governing board - Principal the principal of the educational institution - Act The <i>Education Act</i> (R.S.Q. c.I-13.3) and its amendments - Chair The chair of the GB of the school or centre	SECTION 46 The principal of the school takes part in the meetings of the governing board but is not entitled to vote. SECTION 96.13 The principal is not a member of the governing board but is obliged by the Act to attend governing board meetings.
2 POWERS AND DUTIES OF THE CHAIR 2.1 The chair presides over the meetings of the board. 2.2 Notwithstanding the preceding, the chair has the following powers: 2.2.1 To ensure that the rules of internal procedure are observed, in order to create a relaxed, cordial, orderly atmosphere. 2.2.2 To follow the agenda, unless it is modified with the consent of the meeting, and to define the goals of the discussion.	

	REFERENCES AND COMMENTS
2.2.3 To give explanations or have explanations given regarding each subject, and to answer members' questions or have their questions answered. 2.2.4 To ensure that each member has a chance to express his or her opinion. 2.2.5 To decide on the order in which speakers will be heard and to give members the floor. 2.2.6 To ensure that the discussion does not stray from its subject and that decorum is respected. 2.2.7 To recapitulate the opinion expressed by the meeting.	
3 DECORUM Each member must: 3.1 Speak after raising his or her hand and being recognized by the chair. 3.2 Address the chair and not the members or any member in particular. 3.3 Avoid repeating the content of the preceding discussion and make an effort to provide only information related to the motion under discussion. 3.4 Refrain from speaking on issues on which the chair has already called for a vote.	
4 MEMBERS OF THE GOVERNING BOARD 4.1 Until the election of the chair, the principal presides over the meeting.	SECTION 57

	REFERENCES AND COMMENTS
4.2 At the first meeting of the year, the board elects a chair.	SECTION 56 The GB may, if it wishes, select a treasurer and a secretary to take the minutes of meetings. SECTION 60 If the chair is absent, the GB shall designate a person from among the members who are eligible for the office of chair, to exercise the functions and powers of the chair. - The GB may designate a vice-chair (who cannot automatically replace the chair in the latter's absence). - The GB may choose someone to replace the chair when the need arises. - Only the office of chair must obligatorily be filled. - Normally, the secretarial duties are performed by the principal or by a person designated by the principal (s. 69). - The GB may appoint a treasurer for its business. Any member may be appointed to this office. It is suggested that term of office be one year.

	REFERENCES AND COMMENTS
4.3 A nomination period precedes the vote. All eligible members may present their own candidacy or nominate another person. If there are more than two candidates for a given office, an election is held by secret ballot. The board appoints two returning officers per office. Candidates may not be returning officers. Each member receives a ballot on which to indicate the name of a candidate for the position to be filled. The candidate who receives the largest number of votes are elected. Only the returning officers are authorized to count the ballots, which are subsequently destroyed. In the event of a tie, another vote or a random draw may be held, according to the decision of the majority. The term of office of the chair is one year. A new election should be held for this office at the beginning of each year, even if the person who held it the previous year intends to stand again. The holder of the office is eligible for re-election.	ELIGIBILITY: SECTIONS 56 AND 107 SECTION 58
5 MEETINGS OF THE GOVERNING BOARD Meetings of the board are public. However, the members may decide to meet in private if the matter to be examined could cause injury to a person. Only persons authorized by the board may attend a meeting that is closed to the public. 5.1 <u>Meetings</u> The board fixes by resolution the date, time, place and duration of its meetings. It must hold at least five (5) meetings per school year and must inform the parents and members of the school staff in advance of meetings.	SECTION 68 Any member of the GB may request that a meeting be closed to the public at any time. It is up to the GB to order a meeting closed to the public. Discussions held in private meetings are not recorded in the minutes. However, resolutions may not be passed in private meetings. SECTION 67 The GB must adopt appropriate measures to make known the dates of its meetings, such as a bulletin board, a note to parents, a notice in a newspaper. The agenda may be posted at the school. The maximum duration of a meeting may be set at three hours, for example.

	REFERENCES AND COMMENTS
5.2 <u>Adjournment of meetings</u> Any meeting may be adjourned to a subsequent time or date by resolution of the board.	
6 NOTICE OF MEETINGS 6.1 The proposed agenda of a meeting and the relevant documents must be sent to members at least seven (7) working days before the meeting is to be held. These documents serve as notice of the meeting. The chair must see that they are sent. 6.2 No notice of meeting is required for a meeting that has been adjourned by the board. 6.3 A member who expects to be absent from a meeting should notify the chair or the principal as soon as possible.	The number of days of notice may vary according to the decision of the members; the number indicated here is only a suggestion. The notice may be sent by the chair or the principal or secretary of the school.
7 OPENING AND DURATION OF MEETINGS 7.1 <u>Opening</u> 7.1.1 At the designated time, the chair begins the meeting. 7.2 <u>Quorum</u> 7.2.1 If a quorum has not been reached within thirty (30) minutes, the members in attendance record their presence and leave.	SECTIONS 61 AND 108: quorum: a majority of the members of the GB who are in office, including at least half of the parents' representatives.

	REFERENCES AND COMMENTS
	For adult education centres, the quorum consists of the majority of the members in office. Requiring the presence of parents in the case of vocational education centres with students under 18 years of age may be problematic, given the difficulty experienced in recruiting parents. However, the GB may be formed even without elected parents' representatives.
7.2.2 The GB must cease the meeting if there is no longer a quorum. 7.3 Duration: in special circumstances, the GB may decide to adjourn a meeting or to extend it beyond the projected closing time.	
8 AGENDA 8.1 The chair prepares the proposed agenda with the principal. 8.2 Any member may add an item to the agenda by communicating with the chair or principal at least ten (10) working days before the meeting is to be held. The subject must be adequately precise, and if the item is to be voted on, a draft resolution should be presented with the request. 8.3 <u>During the meeting</u> 8.3.1 After receiving the proposed agenda, the members and principal have the right to request: ▪ that one or more items be added; ▪ that the wording of any item be modified; ▪ that the order of the items on the agenda be modified.	Ten (10) days: a suggested period, in keeping with the notice of meeting (6.1). The GB may decide to leave an item open (e.g. varia, new business). It is possible to include on the agenda an item involving public participation.

	REFERENCES AND COMMENTS
8.3.2 Once the agenda has been adopted, no further subject may be accepted by the chair without the unanimous consent of the members present. 8.3.3 When a meeting is adjourned, no further subject may be accepted by the chair for discussion, unless all members are present and they give their unanimous consent.	
9 MINUTES 9.1 The minutes of the proceedings of the GB must be sent to the members with the documents for the following meeting. 9.2 The minutes of a meeting are to be approved at the beginning of the following meeting, and are to be modified if they are inaccurate. 9.3 After being approved by the GB, the minutes should be signed by the chair of the meeting that adopted them and countersigned by the principal or a person designated by the principal, who keeps them in the register of the minutes of the proceedings of the GB. 9.4 Official copies of extracts of the deliberations are handed over by the principal. 9.5 The principal or a person designated by the principal is responsible for the registers and documents of the board.	SECTION 69 The minutes essentially comprise the decisions taken by the board, in the form of numbered resolutions, and a summary of the deliberations. After being approved, the minutes may be posted in the school.

	REFERENCES AND COMMENTS
10 DISCUSSION PROCESS 10.1 <u>Participation in the proceedings</u> Only the members and the school principal may participate in the proceedings of the board. However, anyone may be authorized by the chair to provide information or to answer questions. 10.2 The items on the agenda, including the adoption of the agenda, are dealt with in the following order: ▪ presentation of the item; ▪ question and comment period (all board members and the principal); ▪ motion period: - a member who moves a motion may explain the meaning of the motion; - every motion must be seconded; otherwise it cannot be debated; - amendments to motions, if acceptable in terms of the law, must be made in this period; they must be proposed and seconded. ▪ discussion of motions: - arguments for or against motions are expressed in this period. ▪ vote: - schools: parents and staff members have the right to vote. - centres: all members have the right to vote.	Any member of the GB may make a motion concerning a subject related to the board's work. An amendment should retain the essence of a motion. SECTION 42 SECTION 102 In decision making, an effort should be made to achieve a consensus.

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