

By-Law 2025-001

RULES OF PROCEDURE

BEING A BY-LAW to regulate the proceedings of the Board of Trustees of the Portage la Prairie School Division and the committees thereof.

WHEREAS Section 33(1) of *The Public Schools Act* (PSA) provides that every school board shall pass a by-law establishing Rules of Procedure for the guidance of the board in the conduct of its meetings.

WHEREAS the Board Operating Procedure – “Public Participation and Delegations at Board Meetings” outlines participation rules.

NOW THEREFORE be it hereby enacted as a By-Law of the Board of Trustees of the Portage la Prairie School Division, that unless they shall at any time be contrary to the overriding provisions of *The Public Schools Act*, the following Rules of Procedure shall regulate the operation of the Board.

Parliamentary Authority and Rules of Order

A Board meeting will be carried out procedurally in an informal atmosphere to the degree that order is preserved and the business before the Board is being dealt with in an efficient manner. When deemed necessary by the Chair to further formalize proceedings of the meeting, *Robert's Rules of Order* will be used.

Robert's Rules of Order is recognized as the Portage la Prairie School Board's parliamentary authority. Any questions on meeting procedure, that are not first addressed in law or the board's Rules of Procedure by-law, will defer to *Robert's Rules of Order*. Whereas these are silent, a vote will decide the course of action.

Board Organizational / First Meeting

The first meeting of the school board following the general election of trustees shall take place within 14 days after the election on a day and at an hour to be fixed by the Secretary-Treasurer who shall notify each Trustee of the date, time and place of the meeting (Ref. PSA 29(1)).

A Trustee's term shall commence 14 days after the fourth Wednesday in October of an election year (Ref. PSA 25(5)) and upon taking of the oath of office. A person elected Trustee shall, before assuming the duties of the office, make an affidavit of qualification and take the oath of office in Form 1 of Schedule “D” of the PSA. This oath must be witnessed by the Portage la Prairie School Division's Secretary-Treasurer or a notary public of the province of Manitoba only. New trustees cannot participate in meetings until the oath is taken.

During non-election years the annual inaugural meeting and election of officers shall be held on the second Thursday in September at 8:00 P.M. in the Board Room. Among the Trustees present, the Secretary-Treasurer must conduct an election of a Chairperson and a Vice-Chairperson of the Board (Ref. PSA 29).

Legal signing authority for the Division will be authorized by Board motion at the inaugural meeting and annually thereafter at the first meeting of the Board each September.

MEETINGS

Regular Meeting

After the inaugural meeting of the Board of Trustees, the board shall hold a regular meeting on the fourth Tuesday of each month from September to June. Meetings shall be held in the Board Room unless a board motion alters this schedule and location. They shall start at 7:00 p.m. In December and March, the meeting may be held on the second Tuesday of those months due to conflicts with winter and spring break.

The Board shall not remain in session later than 10:00 P.M. unless otherwise determined by a two-thirds vote of the members present. Any changes in date, time or location of regular and special meetings will be done so by board resolution and communicated to the public.

Corporate acts must be passed by resolution at a school board meeting (Ref. PSA 35).

Special and Emergency Meetings

(Ref. PSA 30 (1) and (2)) The board may hold a regular or special meeting to deal with an emergency situation if all the trustees consent thereto and are present thereat. An emergency meeting shall be deemed a special meeting and follow Rules of Procedure for regular meetings.

A special meeting whether an emergency meeting or not, may be required due to urgency, for example a deadline to approve the budget, a crisis situation or contract negotiations, otherwise all business will be held over until the next regular meeting

Special meetings of the Board may be convened by the Chairperson or upon the written request of at least three Trustees, by giving before the day of meeting 24 hours' notice of such meeting to all Trustees. Such notice may be verbal, or by telephone direct to the Trustees, mailed or emailed to their addresses on file. Each special meeting will address at the most, two issues and shall give notice of the subject(s) to be considered at the meeting. At a special meeting no subjects or matters other than those mentioned in the notice calling the meeting shall be considered, except by the unanimous vote of all Trustees.

Electronic Meetings

Virtual Attendance: Adhere to expectations for conduct, attire, and engagement in virtual board meetings the same as in-person meetings. Utilize participation strategies including leaving the camera on throughout the meeting (if bandwidth permits) and actively participating in discussion. Trustees must ensure that the environment they are joining from is suitable for confidentiality and upholds the decorum of the board.

Electronic meetings will adhere to the rules in the PSA, 39.7.1. and the accompanying Regulation 201/2004. Despite allowance for electronic meetings, the board shall observe the physical presence of those required in Regulation 201/2004 point 5.

A trustee participating in an in-camera portion of a meeting must ensure that they are in a private space with no other persons present.

If technical difficulties arise during a Trustee's electronic participation in a meeting, the Board will allow a maximum of ten (10) minutes to resolve the issue. If the problem is not resolved within ten (10) minutes, the meeting will continue and the absence will be noted.

In-camera Meetings

There is no requirement that each meeting include an in-camera session. Meetings of Committee-of-the-Whole may be held in-camera (Ref. PSA 30(4)). Therefore, to move in-camera, a motion is required and a seconder to move into committee and in-camera from a regular or special meeting.

There will be a separate motion to move out of an in-camera committee meeting and to adjourn the regular or special meeting.

No written minutes shall be taken during an in-camera meeting. However, any resolutions, directions to administration or calls for the board and/or committees to take action arising from in-camera meetings shall be approved and recorded in the minutes of a regular or special meeting, open to the public. Any subsequent resolutions or reference to any in-camera deliberations outside the meeting shall contain no confidential information.

In the spirit of transparency, the board will endeavour to use the privilege of in-camera meetings only when determined there is a need and not as an assumed practice or for personal advantage. Without limiting the discretion of the Board to discuss any matter in the Committee-of-the-Whole, the following comprise a list of items which may typically be discussed at in-camera sessions of the Committee-of-the-Whole:

- Budget deliberation
- Negotiations of collective agreements or personal service contracts
- Confidential matters relating to staff or students
- Purchase or sale of property
- Litigation brought by or against the Division

- Legal opinions respecting the liability of the Board
- Security and discipline
- Any other matter for which the statutes and regulations require a closed session

Trustee Meeting Attendance

Each member of the Board shall notify the Secretary-Treasurer in writing of their contact information for receipt of notices or communications. Until the Secretary-Treasurer receives an update in writing, any information delivered to the trustee shall be deemed sufficiently given. (Ref. PSA 30(2)).

If a trustee must be absent for all or part of a meeting, they must advise the Chair and the Secretary-Treasurer, or their designates, before the meeting is called to order.

Every trustee must be physically present at a regular meeting at least once every three months (Ref. PSA 39.7.1(2)). A person is disqualified from remaining as a trustee of the Board if that person absents themselves, without being authorized by a resolution of the Board to do so, from three consecutive regular meetings of the Board (Ref. PSA 39.8(c)). With said disqualification, no resolution is required, and the board is compelled to make a declaration of a vacant seat, recorded in the minutes. A by-election will be called upon declaration of a vacancy.

TRUSTEE RESIGNATIONS

From the Board – the Trustee will inform the Board Chair and the Superintendent. The resignation is effective immediately and may not be rescinded. The announcement of a by-election shall accompany the public announcement of the resignation. The Division will notify the Minister of Education of the resignation and plans for a by-election.

From a Board Committee – the Trustee shall provide two weeks written notice to the Committee, the Board Chair and the Superintendent. Exceptions may be accepted in case of emergency or unforeseen circumstances. A replacement will be selected at the next public Board meeting.

From Position of Board Chair or Vice-Chair – the Trustee shall notify the full Board and the Superintendent. Nominations and elections for the vacant position will take place at a board meeting using the process as per the annual Organizational Board meeting.

AGENDAS

Regular Agenda Preparation and Dissemination

The Secretary-Treasurer or designate shall prepare all agendas for meetings of the Board. In doing so, the Secretary-Treasurer shall consult the Chairperson.

Trustees wishing to submit an agenda item shall do so through the Chairperson. The Chairperson shall consider inclusion on the agenda based on relevancy to board work, board jurisdiction and/or authority (Ref. Policy #11 – Decision-Making Matrix) and whether a decision on the same or similar issue has recently been rendered. The reintroduction of an issue previously discussed will be considered by the Chairperson if there is new information or if the environment has changed. If the Chairperson does not include an agenda item after consideration of the above, the Trustee may, at a subsequent meeting, appeal the Chairperson's decision and call for a vote to include the item.

Items of business may be suggested for inclusion on the agenda by a staff member, student, or citizen of the Division. Items suggested shall be submitted in writing and subject to the same considerations noted above. All items for inclusion in the agenda shall be in the hands of the Secretary-Treasurer prior to the deadline for setting the agenda. This procedure for agenda items applies equally to delegations or oral presentations to the Board.

Decisions of the board will not be revisited for 6 months unless there is new information or the environment has changed.

The Board shall follow the order of business set up by the agenda unless the order is altered by a majority vote of the members present. Items of business not on the agenda may be discussed and acted upon if a majority of the Board votes to consider them. The Board, however, may not revise Board policies or adopt new ones unless such action has been scheduled and follows the guidelines for policy development and amendment.

The deadline for items shall be the Tuesday at 4:00 p.m. of the week prior to the Board meeting. The preliminary agenda, with supporting documentation, shall be distributed to Board members on the Friday prior to each meeting. A copy of the agenda will be sent in advance to members of the media who request it. Additionally, all reports approved by the Board shall be considered matters of official record and shall be released only upon the Board's authority as "tentative reports".

Trustees wishing to add an agenda item during the meeting may do so by resolution supported by 2/3's of the Trustees present. The item will be dealt with under "Other Business". Items added should be considered urgent, otherwise, the initial motion will serve as notice for discussion at the next regular meeting.

COMMITTEES

In order to facilitate effective operation, the Board has adopted a committee system. In addition to Ad-Hoc committees, there shall be three Working Committees of the Board that will meet on an as-needed basis and will report back to the committee of the whole.

The committees are as follows:

- a) Education and Community Relations
- b) Finance and Facilities
- c) Personnel and Policy

The committee system is intended to operate similarly to departments of government. Each committee shall be responsible for the policies, budget, and personnel falling within its jurisdiction. Committees shall make all recommendations associated with these responsibilities directly to the Board of Trustees. Specific areas of responsibility and operating rules are contained within the Board Operating Procedure entitled "Committees".

Committee-of-the-Whole

- The number of trustees on any committee should be less than a quorum of the Board, except for Committee-of-the-Whole.
- By a majority vote of trustees present, the Board may resolve itself into Committee-of-the-Whole for the purpose of discussing committee reports or any other motion or matter before the Board.
- The Rules of Procedure of the Board in Committee-of-the-Whole shall be more flexible unless the Chair chooses to observe them to the fullest.
- No decisions of the Board shall be made while in Committee-of-the-Whole and no minutes shall be recorded other than a record in the minutes of the regular meeting of the topic discussed while in Committee-of-the-Whole.

BOARD MEETING PROCEDURES AND RULES OF ORDER

The Chairperson shall preside at the meetings of the school board and may vote with the other members on all questions (Ref. PSA, 31).

A Board meeting should be carried on procedurally in an informal atmosphere to the degree that order is preserved and business of the Board is being dealt with in an efficient manner.

When deemed necessary by the Chairperson to formalize the controls of the meeting, this by-law and *Robert's Rules of Order* will be used.

- Each and every member of the Board has equal rights.
- School Board meetings are open meetings except for personnel matters or whenever "in-camera" sessions are occurring.
- The Chairperson shall call the meeting to order precisely at the hour for which the meeting is called, providing a quorum is present.
- If a quorum is present, but the Chairperson is absent, the Vice-Chairperson will call the meeting to order. (See Quorum)
- The first person recognized by the Chairperson as desiring to speak has the right to the floor.
- Trustees, prior to speaking, shall address the Chair and shall confine comments to the question under debate. When two or more Trustees speak at once, the Chairperson shall name the member who is to speak first.
- No Trustee shall be interrupted while speaking, unless they are out of order, or on a point of privilege or for clarification.
- During a presentation by a delegation, Trustees will not express or imply through actions, personal opinions, and will only ask questions for clarification.
- Exceptions to Rules of Procedure and within the jurisdiction of the Board can be made by unanimous consent of the entire Board unless otherwise stated.
- Decisions of the Board shall be communicated in writing to persons directly affected by the decision. Correspondence on behalf of the Board shall be the responsibility of the Superintendent to carry out or delegate as deemed appropriate or, if deemed appropriate for political reasons, the Chairperson.

Duties of the Chairperson

The Chairperson or a designated representative of the Board:

- Will participate in agenda setting for Board regular, special, and emergency meetings and approve agendas to be brought to the Board.
- Will decide questions of order, subject to an appeal to the rest of the Board (Ref. PSA 30(5)) by any two members duly moved and seconded.
- Will be available after each meeting to answer media questions on board decisions and to clarify points of discussion and action. Operational questions will be referred to administration. In the event that representatives of the media are unable to attend a meeting, they shall be provided, upon request, with a summary of important Board actions.
- Is an ex-officio member of any committee of which they are not appointed as a committee member. They may attend all meetings and contribute to debate, but they do not have the right to vote.

- In the absence of both the Chairperson and the Vice-Chairperson, an interim chair shall be appointed by the members present, who shall preside at said meeting or until the arrival of the Chairperson or Vice-Chairperson.

Quorum

A meeting can be called only under the following conditions.

A majority of the currently elected Trustees shall constitute a quorum. A vote of the majority of such a quorum is valid and binds the school division. The number required for a quorum does not change if there is a vacancy. Where by reason of withdrawals from a meeting due to conflict of interest (Ref. PSA 38(1)) & 39.1(1)), the number of trustees remaining at the meeting is not sufficient to constitute a quorum, then, the number of trustees remaining, if not fewer than two, is deemed to constitute a quorum for the purposes of discussing and voting on the matter.

If no quorum is present at the expiration of 1/2 hour from the time appointed for the commencement of the meeting, the meeting shall stand adjourned, and the Secretary-Treasurer shall enter in the minutes the names of those members present.

Points of Order

When a trustee raises a point of order, they shall request that the Chairperson raise a point of order and if the request is granted, the trustee shall state the point of order and the supporting evidence. The Chairperson is given time to decide the point of order and if unable to render a decision immediately may call a short recess of no more than 10 minutes to refer to the applicable authority (PSA, Rules of Procedure By-law and/or *Robert's Rules of Order*).

With the Chair's decision on the point of order, the trustee may appeal only immediately after the decision and if the appeal is seconded. If the appeal stands, the Chair shall state the question and reasons for their decision. The Board shall decide the question and its decision is final.

Reversal of Decision

A question once decided by the Board shall not be reversed unless:

- Written notice of a proposal to reverse the decision has been given from at least one meeting to another; and
- A majority of the total number of trustees for the division votes in favour of the reversal. (ref. PSA 33(2))

- “A decision of a school board may at the same meeting at which it is made and by unanimous consent of all members present and voting thereon be reversed.” (PSA 33(3)).

Recorded Votes

Any Trustee may request that a vote be recorded by name of all Trustees, providing such a request is addressed to the Chairperson before voting takes place. At the time of the request, a resolution to approve the recorded votes by name must be taken. If passed, the Secretary-Treasurer shall then call each trustee by name and their vote is recorded.

Abstaining from a Vote

Trustees are encouraged to vote on every motion. Although it is the duty of every Trustee who has an opinion on a question or has been asked by their constituents to express it through the Trustee's vote, the Trustee can abstain in instances where they feel a perception of conflict of interest should be avoided. In such instance, the trustee may request a recorded vote using the above procedure.

Board Hearing of Delegations

The Board will accept delegations during regular and special board meetings provided the guidelines set out in the Board Operating Procedure “Public Participation and Delegations at Board Meetings” are adhered to.

Implementation of New Practices

Motions at meetings, or actions by the Board that seem to change, add to, or delete general practices of the Division, should be noted by the Secretary-Treasurer. These motions or actions should be presented to the Board at the next meeting for consideration of adoption into the Administrative Procedures or possibly policies.

Policy Adoption

A simple majority vote by the Board shall be required to adopt, delete or modify a policy. Any changes shall be introduced at one meeting and by resolution, adopted at a subsequent meeting.

By-law Approval

New by-laws or significant changes to existing by-laws are required to have three readings by the Board. An insubstantial or housekeeping amendment, with agreement of two-thirds of the board may be approved by resolution at one meeting.

With three readings, each reading requires a majority vote for approval. The three readings must occur at three separate meetings unless by resolution with a majority

vote prior to the first reading, the board agrees to have the readings occur in two separate meetings.

The first and third readings may consist of an oral reading of the title and provision of the full text in the board meeting package. The first reading shall occur without amendment or debate.

The second reading must consist of an oral reading of the full changes or detailed description of substantive changes. The second reading is open to discussion and shall allow for amendments, rejection or deferral.

Temporary Suspension of Policy or By-law

Temporary suspension of all or part of a policy or by-law can be considered when there is a matter of an urgent nature and must be passed by resolution with a two-thirds vote in favour. If urgent, the suspension may be implemented at the same meeting as proposed. The resolution will cause the suspension for only as long as the matter to which it's related is acted upon, whereupon the board will acknowledge by reading into subsequent meeting minutes that the original policy or by-law is back in force.

Any permanent change to a policy or by-law will follow the rules implemented under the normal course of changes to policies or by-laws.

A suspension of a policy or by-law shall apply only to the particular policy or section of a by-law relating to the matter under discussion and not to the policy manual or by-law as a whole.

Electronic Signatures

Under Section 20 of *The Interpretation Act* and in *The Electronic Commerce and Information Act* ("ECIA"), electronic signatures can be used for contracts, parental consent, and petitions, with the exception of agreements between the division and a teacher (Ref. PSA 92). The actions prescribed within the PSA for teacher agreements and contracts will be used. This does not apply to draft electronic documents exchanged in the course of an ongoing negotiation.

The division will ensure a physical or "wet-ink" option is available for contracting parties who do not wish to use an electronic document and/or signature.


The need for a seal of the school division to be attached to an agreement may be fulfilled by any requirement within an individual agreement as necessary. Electronic seals will need to comply with the *PSA Regulation 218/2004 Form of Agreement*.

DONE AND PASSED by the Board of Trustees, in open session assembled at the Board Office in the Portage la Prairie School Division Offices, in Portage la Prairie, Manitoba, this 25 day of February, 2025.

Given 1st reading this 11th day of February 2025

Given 2nd reading this 25th day of February 2025

Given 3rd reading this 25th day of February 2025


Chairperson


Secretary-Treasurer