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School Council **Bylaw Toolkit 2017**

- Elections
- Vacancies
- Conflict of Interest
- Conflict Resolution

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School Council Bylaw Toolkit 2017

Note: By legislation, School Council Bylaws must address four areas:

- *Elections*
- *Vacancies*
- *Conflict of Interest*
- *Conflict Resolution*

*In the absence of any additional areas being addressed in Bylaws, the School Council must follow legislation. All Bylaw provisions must be consistent with [Regulation 612/00](#). The Ministry of Education document *School Council: A Guide for Members* (<http://bit.ly/2tgW5IK>) is a helpful resource to utilize as you create your Bylaws.*

Election Procedures (Mandatory by Legislation)

1. Elections must take place within the first 30 calendar days of the school year (legislation)
2. An Elections Committee shall be established in May of each school year (a process to manage School Council Elections must be included in the Bylaws – suggested process follows)
 - a. The Elections Committee will consist of the principal (or designate) and a maximum of two additional current school council members who will not be standing for election in the next year. Members may be parents, teachers, support staff or students (where applicable)
 - b. The Elections Committee will create an Elections Plan which includes:
 - i. Date, time and location for election of School Council **parent members**
 - ii. Schedule (when and how) of communication regarding School Council Elections to the broader parent community (before the end of June and in September)
 - iii. Development/review of a School Council Nomination/Self-Nomination Form (which includes criteria for **parental membership**)
 - iv. Date of communication of communication to parent community of date, time and location for election (must be 14 days before the election)
 - v. Date School Council Nomination/Self-Nomination Forms are due to the school
 - vi. Date on which a list of parent nominees with brief biographies are sent home to parents (one week before elections) with a reminder of the Election date details and process

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- vii. Election day process and date to share with parents
- viii. Process to determine teacher, non-teacher and student representatives (where applicable)
- ix. Process to determine community representative(s)
- x. Invitation for a Home and School Representative (where applicable) to join School Council
- xi. Post Election Communication including the names of elected members and the first School Council meeting date (within the first 35 calendar days of the school year)

Filling Vacancies (Mandatory by Legislation)

Note: Vacancies that exist after elections must be filled by election in the absence of Bylaw language allowing for other alternatives. Sample language attached.

1. The total number of voting members (and quorum) on School Council was determined following the election. (legislation)
2. Vacancies are created by (legislation) if:
 - a. Minimum membership (if defined in Bylaws) not filled after an election
 - b. A member resigns
 - c. A member is unable to fulfil the roles and responsibilities (e.g. illness)
3. Vacancies will be filled by election (default by legislation) or appointment (process to be outlined in Bylaws – School Councils must identify which one)
4. Council may continue to meet and make decisions if there is quorum and the majority of voting members are parents (legislation)

Conflict of Interest (Mandatory by Legislation)

1. A conflict of interest may be actual, perceived, or potential (legislation).
2. Members of the council shall declare a conflict of interest in matters that they, members of their families, or business entities in which they may have an interest, stand to benefit either directly or indirectly by decisions of the council (legislation).
3. A member shall exclude themselves from discussions in which (legislation):
 - a. a conflict of interest is likely to result;
 - b. the member's ability to carry out his or her duties and responsibilities as a member of the school council may be jeopardized;
 - c. the council member, relatives, or a business entity in which the member may have an interest, may gain or benefit either directly or indirectly as a result of actions that may be taken by the principal or board in response to advice that the council provides to the principal or to the board.

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4. A member shall not accept favours or economic benefits from any individuals, organizations, or entities known to be seeking business contracts with the school.

Conflict Resolution (Mandatory by Legislation)

Note: School Councils can create their own parameters. The example below follows HWDSB's Respectful Working and Learning Environments: Conflict Prevention and Resolution Procedure (<http://bit.ly/2kVsJK5>).

1. Individuals often have different viewpoints which may lead to conflict. In most cases this conflict can be resolved informally.
2. If you have a conflict with another individual, often the most effective resolution method is to approach the individual and discuss the matter privately. Clearly describe to the individual the behaviour which is causing the conflict and ask that the behaviour cease and obtain a commitment that the behaviour will stop.
3. Each party must engage in active listening to resolve any issues. In most cases, this will resolve the conflict if each party is able to articulate the position of the other.
4. In situations where an individual may feel unsafe or uncomfortable in meeting privately they should discuss alternatives with the Chair and/or Principal.
5. If the two parties involved have been unable to resolve an issue, one or both parties may ask the Chair or Principal to help resolve the outstanding issue.
6. The goal is to identify practical solutions which will allow the parties to continue to co-exist in a positive and productive atmosphere.
7. The parties may agree upon a confirmed resolution in writing signed by both parties involved.

In addition to the mandated areas above, School Councils may wish to consider the following areas when drafting Bylaws:

Membership (Optional)

1. A parent member is a parent, guardian or caregiver who has a child enrolled in the school. (legislation)
2. Parent members must form the majority of the School Council. (legislation)
3. A Board employee who works at their child's school is not allowed to be a parent member. This person may serve as the teaching or non-teaching representative. (legislation)
4. A Board employee who does not work at their child's school can be a parent member but must inform School Council of their employment at the first meeting.
5. A community representative must be determined in accordance with the Election Bylaws.
6. Student representatives are determined by Student Council or principal appointment (School Council should select one method. Student representation is mandatory in secondary school and optional in elementary)

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7. Teacher membership is voted on by the teaching staff of the school. (legislation)
8. Non-teaching membership is voted on by the non-teaching staff of the school. (legislation)
9. A Home and School Representative is to be appointed by the Home and School (if applicable). (legislation)
10. Voting Composition (note this is a suggestion only)
 - a. The maximum number of parent members (50% + 1 is quorum to vote). Consider your School Council's typical attendance in determining this maximum. Also, remember parents must be most of your membership.
 - b. One teaching representative
 - c. One non-teaching representative
 - d. One community representative
 - e. One student (if applicable)
 - f. One Home and School representative (if applicable)

Executive Positions (Optional)

Note: Legislation only requires the leadership role of Chair. The Chair must be a parent member of School Council. Under legislation, the Chair has a right to a vote. Any changes must be noted in the Bylaws. Below is a sample set of Bylaws related to Executive Positions

1. Annually the School Council will determine the Executive Positions to be filled.
2. School Council may have a Chair, Vice-Chair or Co-Chairs who are not employees of the school board.
3. Identify other positions (e.g. Secretary, Treasurer).
4. Identify if the Chair, Vice-Chair or Co-Chairs are voting positions.
5. The Chair, Vice-Chair or Co-Chairs must be parent members of School Council and have served a minimum of 1 year on Council.

In the case of multiple nominees for the position of Executive Positions:

1. An allotted time of five minutes shall be given to each nominee to present his/her reasons for seeking this position.
2. Voting shall be by secret written ballot and all present voting members of School Council may vote.
3. A clear majority, being one vote more than one-half of members present and voting, shall be required to win. If no nominee receives this on the first ballot, the nominee receiving the lowest number of votes shall be dropped and a further ballot or ballots taken until a clear majority is received by one nominee who shall be declared the winner.
4. The election will be facilitated by the principal (or designate) and one non-parent member selected by the principal.

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Member Attendance (Optional)

Note: This section of the Bylaws acts as a reminder and highlights a process for non-attendance. It is important to remember that Ontario Regulation 612/00 contains no provision for the discretionary removal of a duly elected or appointed School Council member before the end of their term. Bylaws created by a School Council must not conflict with the provisions of the regulation. A School Council member is, therefore, entitled to hold his or her position until the term expires.

1. The expectation is that School Council members will endeavor to attend monthly meetings. When absent, regrets should be made to the Chair.
2. After two consecutive missed meetings, the Principal or designate will contact the member and inquire about their ability to fulfill their commitment.
3. If the member resigns, the position will be filled according to the Vacancy Bylaws.

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Appendix – Filling Vacancies documents from <http://bit.ly/2x7XiOk>

Sample School Council Parent Self-Nomination Form

SCHOOL COUNCIL PARENT SELF-NOMINATION FORM

I wish to declare my candidacy for an elected position as a parent/guardian representative on the school council.

Name: _____

Address: _____

Home phone: _____ Business phone: _____

E-mail: _____

I am the parent/guardian of _____, who is currently registered at this school.
(name of student)

I am an employee of the board.
 yes no

Candidate's signature Date

Please include a brief autobiography on the back of this form.

You will be notified when your nomination has been received.

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Sample School Council Parent Candidate Nomination Form

SCHOOL COUNCIL PARENT CANDIDATE NOMINATION FORM

I wish to nominate _____ for an elected position as a parent/guardian representative on the school council.

Name: _____

Address: _____

Home phone: _____ Business phone: _____

E-mail: _____

I am the parent/guardian of _____, who is currently registered at this school.
(name of student)

_____ is the parent/guardian of _____,
(name of person nominated) (name of student)
who is currently registered at this school.

The person I have nominated is an employee of the board.
 yes no

Nominator's signature

Date

Please include a brief biography of the candidate you have nominated on the back of or on a separate sheet attached to this form.

You will be notified when your nomination has been received.

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Sample Nomination Form Receipt

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NOMINATION FORM RECEIPT

The nomination form for parent/guardian representative on the school council for

_____ at _____
(parent nominee's name) *(school name)*

has been received by:

Name of principal or chair of the nominations committee

Date

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Sample School Council Election Ballot

SCHOOL COUNCIL ELECTION BALLOT

Date: _____

School: _____

For: *Parent/guardian representatives* _____

Vote for no more than _____ candidates on this ballot.

Place an X in the box before the name(s) of the candidate(s) of your choice. Note that persons whose names are marked with an asterisk are employees of the school board.

<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____

[A similar ballot form could be used for teacher, non-teacher, and student elections.]

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Filling Vacancies

School councils must develop bylaws to address the issue of membership vacancy.⁴ A vacancy in the membership of the school council may be filled by election or by appointment, in accordance with the bylaws set by the individual school council. (School councils that want the option of filling a vacancy by appointment must ensure that a bylaw is in place to provide for that option. Otherwise, the vacancy must be filled by election.) If an election is to occur to fill a vacancy, then the election rules set out in Regulation 612/00 apply. Should a vacancy occur on the school council, the council is not prevented from exercising its authority; it can continue to operate as long as there is a quorum and the majority of council members are parents.

The council members should be aware that a majority of parents must be present when a vote is taken or if decisions are made. Should the number of parent members on council fall below a majority, the council will need to take steps to fill those vacancies. If a vacancy occurs in the office of the chair/co-chair or any other officer of the council, it is to be filled in accordance with the school council's bylaws.

Vacancies occur in school council membership for various reasons:

- Not all positions on the school council were filled after an election.
- A member resigns.
- A member is unable to fulfil the roles and responsibilities (e.g., due to illness).

Here are some sample vacancy bylaws.

Sample Vacancy Bylaws

Sample 1

1. Should an elected parent/guardian council position become vacant before the next election, the council shall fill the vacancy by appointment from the non-elected candidates from the previous election.
2. If none of the previous candidates remain interested in becoming a council member, the council may request that interested parents/guardians from the school community submit their names for consideration. The council shall then appoint one of those who indicate an interest.
3. When a vacant spot on council is filled, the new member's term shall expire at the time of the next election.

Source: Adapted from the bylaws of Holy Name of Mary School Council, Catholic District School Board of Eastern Ontario, Almonte, Ontario.

Sample 2

If any school council positions become vacant because of resignation, inability of a member to fulfil his or her roles and responsibilities, or other cause, the remaining members shall constitute the school council, unless the parent/guardian majority is not maintained. If the majority of parents on the council is not maintained, the school council shall instruct its nominating committee to send home nomination forms for the vacant position(s) for parents on the council and to hold an election for the purpose of filling the vacancy. Vacant positions, other than for parent representatives, may be filled by appointment of the council for the remaining term of office, from among members of the school community who meet the requirements set for the vacant positions.

Source: Adapted from St. Francis Catholic School, "School Council Operating Guidelines", Paris, Ontario.