

Earl Kitchener School Council Constitution and By-Laws Amended September 23, 2014

Constitution

Mission Statement

The Earl Kitchener School Council will promote the academic, social and emotional development and well being of our children.

Objectives

1. To enhance communication within the Earl Kitchener Community
2. To advise and make recommendations to the Principal and to the Board which will enhance the educational experience within our school
3. To encourage parents to actively participate in the education of their children
4. To monitor, evaluate and respond to changes in the education system
5. To monitor, evaluate and respond to curriculum issues
6. To assess the financial well-being of the school
7. To ensure that balance and harmony are maintained between our school's English and French Immersion programs

Commentary

For the purpose of fulfilling its mission and objectives, and subject to its objectives and bylaws, the Earl Kitchener School Council will:

- a) Support the active and devoted work of parents and staff in the Earl Kitchener Community
- b) Support the Earl Kitchener School Plan
- c) Strive to ensure clear communication links among all members of the Earl Kitchener Community
- d) Strive to gather information related to programs and policies and to disseminate information clearly
- e) Monitor and provide advice on the process of decision making and implementation of change within Earl Kitchener
- f) Assist in identifying needs and solutions which will enhance the delivery and quality of education to our students; and
- g) Encourage the ongoing evaluation of the effectiveness of the procedures used at Earl Kitchener

By-laws

Article I. Definitions

- a) "AGM" refers to the School Council Annual General Meeting
- b) "School Board" refers to the Hamilton Wentworth District School Board or HWDSB
- c) "EK Community" refers to the Earl Kitchener Community, which includes all teaching staff, non-teaching staff, students, families and people residing in the catchment area served by Earl Kitchener School, as defined by the local School Board.
- d) "EK H&S" refers to the Earl Kitchener Home and School Association
- e) "EK Principal" refers to the Earl Kitchener School Principal
- f) "Parent" refers to the parent or legal guardian of a student attending Earl Kitchener School

- g) “School” refers to Earl Kitchener School
- h) “School Council” refers to the Earl Kitchener School Council
- i) “Staff” refers to employees of the Hamilton Wentworth District School Board, who are assigned to Earl Kitchener School
- j) “Student” refers to a student enrolled at Earl Kitchener School

Article II. Membership

Section 2.01 Composition of School Council

- a) Subject to clauses (b), (c) and (d), the School Council shall be made up of the following members:
 - 1) Parent representatives, numbering (inclusive of the EK Home & School Representative) no fewer than 6 and not more than 20, elected as hereafter set out. Parent members must disclose if they are Board employees.
 - 2) The EK principal
 - 3) One teaching staff representative, elected by the teaching staff as a whole. Teaching Staff cannot be Parent Members.
 - 4) One non-teaching staff representative (exclusive of the EK Principal), elected by the non-teaching staff as a whole
 - 5) One representative from the EK Home and School appointed by its members
 - 6) One representative from the EK Community, who is not otherwise eligible for membership, appointed by the School Council
- b) Parents (inclusive of the EK H&S representative) must comprise the majority of the School Council.
- c) Subject to clause (b), if a vacancy occurs during the school year, the School Council may require that the position is filled immediately, or it may defer or dispense with filling the vacant spot.
- d) Criteria for composition of membership shall comply with the Ministry of Education policies, as issued from time to time.
- e) If the Council feels, at any time during the school year, that any group within the EK Community is not adequately represented, it may expand the Council by appointing up to three new members by special resolution, subject to clause (b).

Section 2.02 Terms of Office

- a) The term of office for elected or appointed members shall be for the duration of the school year
- b) Members may seek additional terms of office
- c) The Chair and Vice-Chair may seek additional terms of office to a maximum of two consecutive years

Section 2.03 Election of Parent Representatives

- a) During the final 3 weeks of the school year, the summer break thereafter and the first 2 weeks of the new school year, the EK Principal shall advertise to all parents their eligibility for membership on School Council, by:
 - 1) Posting a notice in a conspicuous place in the main floor hallway of the school
 - 2) Sending at least one notice home with each student already attending the school; and
 - 3) Sending at least one notice to each family of any newly enrolled student
- b) A parent seeking to become a member of the School Council must attend the first Council meeting of the school year and put their name forward. Parents who are Board employees must disclose this information.
- c) In the event that the total number of parents who are seeking to become members does not exceed the maximum allowable number of parent representatives, the parents seeking to become members shall be acclaimed. Otherwise, the new members shall be elected under the following process.
- d) Election shall be by secret ballot. The EK Principal shall make the ballots available to all parents, with each parent being able to vote for as many parent representatives as there are positions available to be filled. The

deadline for return of ballots will be set jointly by the EK Principal and the current School Council Chair. The Election must be held within the first 30 days of the school year.

e) The EK Principal will provide a School Council membership list to the school community within 30 days of the appointments or election.

Section 2.04 Executive and Other Positions

a) Executive Positions

- 1) The position of Chair and Vice-Chair shall be executive positions
- 2) Parent representatives shall hold both executive positions
- 3) Subject to clause (4), the School Council shall appoint the executive positions no later than the 2nd meeting of the school year.
- 4) In the event that the Chair resigns or becomes ineligible to continue as a member during the year, the Vice Chair shall become Chair, and the School Council will appoint a new Vice Chair.

b) Recording Secretary

- 1) The position of Recording Secretary shall be responsible for maintaining a set of all records with respect to School Council activity. These records shall be maintained in a designated area of the School Office, available for viewing by all members of the EK community. Records shall be maintained for a minimum of 4 years as required by Board and Ministry policies.
- 2) Responsibility for recording minutes of meetings may be divided among all School Council members. This rotation shall be established at the first meeting of the school year.

c) Home and School Liaison

- 1) The School Council at the first regular meeting of the year shall appoint the Home and School Liaison.
- 2) The person holding such position may be a member of the EK Home and School.

Section 2.05 Duties and Responsibilities of School Council Members

a) General to all School Council members

- 1) Attend School Council meetings.
- 2) Fairly represent and communicate to the School Council the views and wishes of the EK Community
- 3) Communicate the School Council activities to the EK Community and solicit the advice and opinions of the parents of EK students
- 4) Sit on and contribute to School Council Workgroups, as required
- 5) Provide informed advice to the EK Principal
- 6) Monitor and contribute to the effectiveness of the School Council
- 7) Ensure continuing emphasis on student learning and school improvement
- 8) Become and remain reasonably informed on relevant legislation and literature
- 9) Participate in information and in-service training sessions for School Council members
- 10) Participate in special working committees as required to address specific School Council initiatives during the course of the school year

b) Chair

- 1) Preside over and control procedure of all meetings
- 2) Prepare the agenda in consultation with the EK Principal, prior to the meeting, and distribute together with other relevant materials, to all School Council members
- 3) Distribute minutes to all School Council members
- 4) Review all correspondence directed to the School Council, and distribute to School Council members as appropriate
- 5) Act as public relations contact and as liaison with local and provincial School Council organizations
- 6) Keep minutes of meetings and relevant correspondence in centralized binders or files, to be passed onto the next Chair
- 7) Complete and present an annual report on the activities of the Council to the Council
- 8) Upon accepting the report by the Council it shall be distributed to all parents with a copy to the Board of

Education

9) The Chair has regular membership voting status and is not to be used as a tie-breaker

c) Vice Chair

1) Perform the duties of the Chair in his or her absence

2) Assume the chair while the Chair moves and advocates a resolution

d) Recording Secretary

1) Prepare minutes of the meeting or meetings assigned to the member

2) Forward minutes to the EK School Council Chair for distribution, preferably within one of and not more than two weeks after the subject meeting

3) Where a Recording Secretary or Secretaries have not been designated for the year, voting members of council shall each take the role in turn as part of their member duties

e) Principal

1) Assist Chair in preparation of the agenda for each meeting

2) Assist Chair in distributing completed minutes of meetings by:

I) Inserting in a binder in the school office for access by all members of the EK Community

II) Post the minutes to the EK School website

III) Sending to HWDSB as requested

3) Report at each School Council meeting regarding ongoing issues and decisions of the school

4) Bring new initiatives at the school to the attention of the School Council

5) Provide and where appropriate, interpret Ministry of Education and HWDSB policies for the School Council

6) Seek Comment and advice from the School Council on issues affecting the manner and quality of the education provided by the school. This must include but is not limited to:

I) Code of Conduct

II) Dress Code

III) Allocating funding of Board to Council

IV) School Council Fund raising policies

V) EQAO reporting

VI) Policy re: selection/placement of principals and vice principals.

7) Review the School Plan with the School Council

8) Assist the Chair in assembling, updating and distributing an orientation package for all new members including:

I) The Constitution and Bylaws

II) A member list containing email addresses and phone numbers

III) A list of meeting dates

IV) Resource materials, including policy booklets, and guidelines issued by the Ministry of Education and the HWDSB

9) Take all steps required to ensure orderly election of parent representatives and proper appointment of other representatives

10) Post notice of the AGM and proposed resolutions for amendment of the Constitution and By-Laws

f) Representative to EK Home and School

1) Attend Home and School Meetings

2) Report back, at each School Council meeting on all EK H&S matters which may be of interest to the School Council

g) Representative from EK Home and School

1) Attend all School Council meetings

2) Report back, at each H&S meeting on all EK School Council matters which may be of interest to the H&S

Section 2.06 Resignation and Removal of School Council Members

a) Resignations

1) Resignations must be made in writing to the Chair

2) Resignations shall be effective immediately, unless otherwise indicated therein

b) Removal of Members

- 1) If a member does not abide by the objectives of the School Council, or if he or she has substantially failed to perform the duties and responsibilities of School Council Membership, he or she may be removed in accordance with the provisions of this article.
- 2) Without limiting the generality of clause (1), a member will be deemed to have substantially failed to perform the duties and responsibilities of School Council membership if he or she misses more than 3 meetings or 50% of the total number of meetings in the school year, whichever is the lesser. In such cases, voting privileges for the member will automatically be removed and noted in the minutes of the subsequent meeting and no motion shall be necessary.
- 3) In all other cases, a member may be removed by Special Resolution, moved on at least 10 days written notice to the member; provide that the motion for the resolution shall identify the precise grounds upon which the proposed resolution is based.

Article III. Meetings

Section 3.01 Frequency and Notice of Meetings

- a) Meetings will include one AGM and at least 4 regular meetings during the school year
- b) The School Council shall attempt to conduct meetings at a regular time and place that is mutually convenient to the members. The schedule of meetings for the next school year shall be set in the spring, so that it can be published in the school calendar.
- c) Meeting times will be posted in the school calendar and in school newsletters

Section 3.02 Annual General Meeting

a) General

- 1) The AGM will be held in September, on a date set by the School Council in the prior school year
- 2) Notice of the meeting shall be posted at least two weeks prior to the date for it, in a conspicuous place in the main floor hallway of the school, and be included in the school newsletter and calendar

b) Review of Prior Year and setting of Future Goals

- 1) Members shall bring to the AGM, or shall submit to the outgoing Chair in advance thereof, their recommendations for matters, policies and issues that they propose to be considered in the current school year.
- 2) At the AGM the outgoing Chair shall deliver a report to the members, containing a review of the prior year's work, and an outline of the new matters, policies and issues that may be considered in the current school year.

c) Amendments to Constitution and Bylaws

- 1) Amendments to the Constitution and Bylaws will normally be entertained at the AGM
- 2) A resolution for amendment of the Constitution and Bylaws shall be passed as a Special Resolution
- 3) A written copy of the proposed resolution shall be posted as part of the notice for the AGM

Section 3.03 Quorum

- a) A meeting shall be deemed to have a quorum when 60 percent of total membership are present, with at least half of the members present being parents
- b) No meeting may pass resolutions unless quorum is present

Section 3.04 Resolutions

- a) All decisions of School Council shall be by resolution
- b) Every resolution shall be moved and seconded, and the members shall have an opportunity to discuss the resolution prior to voting upon it
- c) No resolution may be passed except at a meeting in which a quorum is present, and which is either a regularly scheduled meeting or is one arranged upon written notice to all members. In the case of a meeting arranged upon written notice, the notice shall contain a description of the subject matter of the proposed

resolution.

d) Every resolution shall be passed as a General Resolution, unless specifically required by these bylaws to be passed as a Special Resolution.

1) Special Resolutions must be provided, in writing, to all council members, at least 5 days prior to the meeting.

e) General Resolutions shall be passed by a two-thirds majority of members present at the meeting.

f) Special Resolutions shall be passed by a two-thirds majority of members present at the meeting.

g) Resolutions of the School Council shall not conflict with the Education Act or the policies of the local School Board

h) The School Council can at any time submit opinions and advice to the Board through a resolution of Council

i) Conflicts shall be resolved by resolution of the Council. A special working group can be struck to analyze an issue and report back to Council for final resolution if required.

Section 3.05 Procedure

a) The School Council standing rules of order shall be the rules of order issued from time to time in the guidelines contained in the Ministry of Education School Council Handbook, except to the extent that they are inconsistent with these Bylaws.

b) In the event that any matter arises that is not covered by these Bylaws or the said guidelines, the practice shall be by analogy to Roberts Rules of Order

c) Non voting members of the EK Community are encouraged to participate in meetings, and may request a 5 minute comment session at the end of the meeting

d) Any matter may be added to the agenda upon approval by the Chair prior to the meeting

e) An item may be added to the agenda that has not been approved in advance of the meeting by the Chair, by General resolution.

Section 3.06 Conflict of Interest

a) Duty of Members

1) Where a member, either on his or her own behalf or while acting for or through another, has any pecuniary interest, direct or indirect, in any matter under consideration by the

School Council and is present at a meeting at which the matter is being considered, the member:

I) Shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

II) Shall not take part in the discussion of, or vote on any resolution in respect of the matter; and

III) Shall not attempt in any way whether before, during or after the meeting to influence the voting on any such resolution.

2) Where the interest of a member has not been disclosed as required by clause (1) by reason of the member's absence from the meeting, the member shall disclose the interest and otherwise comply with clause (1) at the next meeting attended by the member.

3) For the purposes of the section, a member has an indirect pecuniary interest in any matter in which the School Council is concerned, if:

I) The member is a shareholder in, or a director or senior officer of a corporation that has a direct pecuniary interest in the matter; or

II) The member is a partner of a person or is in the employment of a person or body that has a direct pecuniary interest in the matter.

4) Clauses (1) & (2) do not apply to a pecuniary interest in any matter that a member may have:

I) By reason of the member having a pecuniary interest which is an interest in common with the EK community generally; or

II) By reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

b) Failure to Comply with Duty

1) Subject to clause (2), where the School Council determines that a member has contravened subsection (a) the

School Council may terminate the member's membership and/or disqualify the member from being a member during a period thereafter of not more than seven years.

2) Where the School Council determines that a member has contravened subsection (a) but that the contravention was committed through inadvertence or by reason of an error in judgment, the member is not subject to termination or disqualification of his or her membership.

3) The failure of a member to comply with subsection (1) does not necessarily invalidate a resolution concerning same, but the resolution is voidable by the School Council within two years of the date of same, unless voiding it would harm the rights of any person who acted in good faith and without notice.

c) Procedure

1) Every declaration of interest and the general nature thereof made under subsection (a) shall be recorded in the minutes of the meeting.

2) Where the number of members who, by reason of this section, are ineligible to participate in a meeting is such that the remaining members do not constitute a quorum, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

Section 3.07 Minutes of Meetings and Recording Decisions

a) For each meeting, a record will be kept by the designated recording secretary of motions, resolutions and discussion topics

b) At the first meeting of the year, members will volunteer or be appointed to take minutes for every meeting scheduled to be held during the school year

c) Copies of the minutes of every meeting will be kept and distributed as follows:

1) Inserted in a binder in the school office for access by all members of the EK Community

2) Distributed to all School Council Members

3) Sent to local School Board, if requested

Article IV. Relationship to Parent and Staff Groups

Section 4.01 EK Home and School

a) Each School Council Member is encouraged to have an understanding of the dynamic, multifaceted role of EK Home and School

b) The School Council may request EK Home and School input on any matter

Section 4.02 School Plan Committees

a) Each School Council member is encouraged to have an understanding of the discussion making structure and role of each School Plan Committee as presented by the Principal from time to time

b) Membership on such committees is encouraged, where permissible and practical

c) The Chair of any School Plan Committee may be invited by the School Council Chair to attend specific School Council Meetings

d) The EK Principal may take School Council resolutions or questions to the School Plan Committees