

BOWMORE SCHOOL COUNCIL BYLAW REVIEW 2017

- Existing bylaw clauses in black.
- Need or Justification for change included in green under each clause or listed as “missing” or “optional” or “recommended” information/sections (i.e. Reg 612 compliance)

Note: Council Bylaws are meant to include, expand on, and clarify the rules set out in the Legislation (Reg 612/00 and 298/01). A council may not include clauses that contravene or nullify the Legislation. At minimum Councils are instructed to adopt Election, Vacancy, Conflict of Interest, and Conflict Resolution bylaws. The Province recommends adopting a Code of Ethics and any other bylaws that facilitate effective council operations year to year.

Optional: Adoption of “Mission and Purpose” statement at beginning of bylaw document.

Missing: Composition of the Council (i.e. “Membership”) (must comply with O. Reg. 612/00, s. 3 (1).)

ELECTION BYLAW

Missing: Number of elected “Parent Members” of Council (Required O. Reg. 612/00, s. 3 (2). - bylaws must define the number of elected Parent Members of council or default to the Board’s number (ten)

1. All Parents/Guardians of a student enrolled at Bowmore Jr. & Sr. Public School are automatically Parent Members. *(Parent Members is defined incorrectly. “Parent Members” of the council must be elected. The bylaws must define the number of elected parent members or we have to default to the number set by the TDSB) O. Reg. 612/00, s. 3 (1).*
2. A person who is a Toronto District School Board employee at Bowmore Public School is not eligible to be a Parent Member. *(this statement is incomplete and has been misinterpreted in the past - TDSB employees who are parents/guardians of Bowmore students are eligible as Parent Members of council as long as they do not work at Bowmore and they declare their employment before standing for election. TDSB employees cannot be nominated for the position of Chair/Co-Chair) O. Reg. 612/00, s. 4 (2).; O. Reg. 612/00, s. 8 (3).*
3. **Parent Members** can run and/or vote for Executive Officer and Committee Head positions. Any Parent Member seeking election for an Executive Officer position or Committee Head position must be self-nominated in writing. *(Roles on Council are elected or appointed by the new voting Council members. The general parent community elects Parent Members of Council but does not vote for executive/committee head positions)*
4. Elections will only take place if more than one candidate wishes to run for the same position. Otherwise, self-nominated applications are reviewed by the Election Committee and accepted. *(The Election Committee coordinates the election of “Parent Members”, and may also help organize elections of Teacher/Staff Members of Council, not the Officer positions. Wording here appears to apply to Officer positions, which are elected/appointed by the voting council members)*
5. Parent Members shall be entitled to one vote for each vacant position on council. *(While this is true wording here merges the two sets of elections (election of parent members and election of Officers), which are voted on by 2 different groups. This statement also uses the term Parent Member incorrectly)*
6. There will be two School Council elections per year: the “Fall Election” which will occur within the first thirty days of each school year and the “May Election”, which will take place within the month of May. ***(This clause (appears) is in violation of Reg 612/00 which states: “(4) An election of parent members of a school council shall be held during the first 30 days of each school year, O. Reg. 612/00, s. 4 (4).” This election time is specified so that every parent/guardian of a student enrolled in that year gets to vote for that year’s council. A spring election of officer positions is***

in violation of the Reg because all voting members of council must be elected in the fall.) (also, Reg 612/00 states that all terms come to an end as of the next fall election so spring elected positions are null as of Sept/Oct. O. Reg. 612/00, s. 6 (1), Missing this is recommended by PCEO.

- a. The purpose of the “May Election” will be to elect the following Executive Officer positions: Chair or one Co-Chair, Treasurer and the following Committee Head position: QSP Committee.
 - b. The purpose of the “Fall Election” shall be to elect Executive Officer positions and to elect Committee Head positions as required to fulfill the duties of School Council. The “Fall Election” also gives parents an opportunity to participate in Bowmore School life. *(again, general elections are for the parent members of council)*
7. Positions to be elected include but are not exclusive to: one or two more Co-Chairs, Secretary, Communications Officer, Fundraising Committee Head, Green Team Committee Head. *(This should be a separate clause from the general election of the Parent Members of Council)*
 8. The term of the elected Executive Officers and Committee Heads is for one whole year, from May to May or from September to September. *(This is incorrect. While Reg 612/00 states that appointments are one year it also states that all appointments end as of the next fall election. “6 (1) A person elected or appointed as a member of a school council holds office from the later of, (a) the date he or she is elected or appointed; and (b) the date of the first meeting of the school council after the elections held under sections 4 and 5 in the school year, until the date of the first meeting of the school council after the elections held under sections 4 and 5 in the next school year. O. Reg. 612/00, s. 6 (1).”)*
 9. Executive Officers or Committee Heads can stand for re-election
 10. At the end of their term Executive Officers and Committee Heads are required to physically or electronically hand over all property of Council to incoming Executive Officers and Committee Heads in order to ensure continuity. Property of Council includes but is not limited to: contact lists, files, folders and any items purchased with Council funds.
 11. An Election Committee will be created by the School Council Executive Officers for each election. The Election Committee will help plan the election process, the gathering of nominations, and the running of the election. No one standing for election shall be a member of the Election Committee. *(Missing, date/month for formation of election committee).*
 - a. The Election Committee shall:
 - i. Send home the following information to all parents via the school folder 14 days prior to the election: nomination forms, candidate profile form, election date(s), location and time. *(this is the defined role of the Principal O. Reg. 612/00, s. 4 (6).)*
 - ii. Conduct the elections by secret ballot
 - iii. Count the ballots with a representative from school administration
 - iv. Notify all candidates of the results
 - v. Keep all results and related information confidential.
 - b. A list of candidates and the vote results will be kept on file by the council for use in the event that a vacancy on the council occurs. *(refer to Vacancy Bylaw)*
 - c. Election day proceedings shall be supervised by the Principal.

Missing: Duties of the Principal with regards to Elections.

TRANSITION TO NEW ELECTION BYLAW

1. In the year 2010 when this by-law takes effect for the first time, the “May Election” will be held in June.

VACANCY BYLAW

1. Should an elected council position become available before the next election, the runner up candidate shall be appointed to the position. *(Clause should also include mechanism for dealing with “Parent Member” positions still open after an election or after the first council meeting to select officers).*
2. However, if that person is no longer interested in the position, the council can:
 - a. Continue with the remaining number of elected council positions, or; *for clarity provided the “Parent Members” are the majority of council)*
 - b. Appoint a Parent Member to the vacant position, or; *(wording - “Parent Members” are elected)*
 - c. Send home nomination forms so that all Parent Members are informed of the leadership opportunity(ies) and re-invited to nominate themselves for the vacant positions *(wording - “Parent Members” are elected; this should state “parent community”) (Should read - election to be carried out as per the Election Bylaw).*
3. If an Executive Officer or a Committee Head fails to fulfill their duties, or fails to attend scheduled Council meetings without good cause, then the School Council can vote to have that Executive Officer or Committee Head removed from Council. ***(This is incorrect. An elected Parent Member of the Council cannot be removed from Council. Officers can be asked to resign their titles but remain as Parent Members of the Council).***

BYLAWS AMENDMENT FORMULA

1. Any bylaw can be amended as follows:
 - a. Any Parent Member can propose an amendment to the bylaws.
 - b. A minimum of 14 days notice must be given to all Parent(s)/Guardian(s) at Bowmore School prior to any School Council meeting where an amendment to the bylaws will be proposed. The notice must include a copy of the existing bylaw and a copy of the proposed amended bylaw.
 - c. All Parent(s)/Guardian(s) must be made aware of this proposed amendment; at minimum, a notice will be sent home with all students; published in the school newsletter; and posted on the School Council Bulletin Board located in the school where it is accessible to parents.
 - d. A majority amongst those attending the meeting (with the exception of the Principal) is required to pass the amended bylaw.

CONFLICT OF INTEREST BYLAW

1. Members (executive, committee or members at large) of the Bowmore School Council (“BSC”) shall declare a conflict of interest where they or members of their immediate families may have a personal or financial interest in an issue that is before the BSC for consideration that a reasonable, well informed person might think could influence one’s judgment while carrying out his or her duties and responsibilities as a member of BSC. *(option include political influence, for clarity and missing definition of conflict includes a conflict may be perceived, actual or potential, delete well informed)*
2. In the event that a member has a conflict of interest with respect to a matter under consideration at a meeting of the BSC Executive, the member shall:
 - a. declare the conflict of interest at the beginning of the meeting and before the matter is discussed;
 - b. refrain from participating in the discussion of the matter;
 - c. refrain from voting on the matter;
 - d. and refrain from attempting to influence another member of the BSC before, during or after the consideration of the matter.
3. The declaration of the conflict of interest shall be recorded in the minutes of the meeting.

4. The BSC may, by vote, waive compliance with Section 2(b) and (c) where the financial or personal interest declared is trivial.
5. A member shall not accept favours or economic benefits from any individuals, organizations or entities known to be seeking new or continued business contracts with the BSC. *(should also include contracts with the school or school board)*

Examples of conflicts of interest include: *(Examples are unnecessary and the cases below are actually all moot if we amend bylaws to follow the rules defined in Reg 612/00.)*

- A. BSC directs a member to express concern to the principal about certain behavior in the playground. The individual is employed at the school. Discussing playground policy might require the individual to disagree with the principal or employer (the school board), and might even put him/her in breach of their collective agreement. He/She might not be comfortable, or able, to represent the BSC's concerns in the way the parents expect. The individual has a financial interest in protecting her job. *(This scenario is negated by Reg 612/00 regarding membership. Parents employed by the TDSB at the same school as the council are not eligible for membership on that school's council. The province recognizes that employees at the school have avenues for redress that are not available to parents.)*
- B. The BSC chooses a parent who is also a teacher in the TDSB to represent the BSC on a particular committee. Other members of the committee, as well as the broader community, may not feel confident that the particular parent is speaking solely in the interests of parents. This perception of bias may diminish what the parent has to say. *(Committee appointments should always be at the majority approval of the council, who in turn are mandated to represent the parent community. This scenario would be negated under a properly defined and elected council.)*
- C. The BSC is voting to donate \$800 to pay for buses for a school trip. As a result, the student trip fee to be paid by parents will be reduced by \$20.00. A member of the BSC has a child who will be attending the trip, and will therefore potentially receive an indirect financial benefit. The BSC can vote to waive the conflict of interest because the potential financial gain is trivial. *(This scenario actually applies to all council members and parents at the school if the staff Council funds reduces parent fees... Adopting our overall mandate is to represent the whole school under a "mission and purpose" clause would negate individual child-based bias.)*

APPROVED MAY 17, 2012

CONFLICT RESOLUTION BYLAW

1. Every Bowmore School Council ("BSC") member will be given an opportunity to express his or her concern or opinion about any issue or item being considered by the BSC. *(should include all "meeting attendees")*
2. Speakers to an issue will maintain a calm and respectful tone at all times.
3. Speakers will be allowed to speak for a reasonable period of time without interruption.
4. The Chair's responsibility is to:
 - a. clarify the statements made by all speakers;
 - b. identify common ground among the points of view raised, if possible; and
 - c. where an additional topic area arises during the discussion, the Chair shall consider the applicability of that topic to the current discussion and either ask for the agenda to be revised, or alternatively, ask for the new topic to be tabled for discussion at the next meeting.
5. The BSC shall strive to reach decisions by consensus. Where the Chair determines that it is necessary to clarify the wishes of members, a formal vote on an issue shall be taken. The question at issue and results of the vote shall be documented in the minutes.

6. If all attempts at resolving a conflict have been exhausted without success during the particular meeting that the conflict has arisen (or the following meeting if there is insufficient time available to canvas issues and discuss the matter), the matter will be deferred until the earliest future date when consultation with a school board representative from the Parent and Community Involvement Department and the conflicting parties can be arranged.
7. In the unlikely event that resolution is not achieved after consultation with a representative from the Parent and Community Involvement Department, the Chair shall request the intervention of a superintendent or other senior administrator to facilitate a resolution to the conflict.

Missing: Should contain a clause to deal with unruly meeting attendees (e.g. asked to leave), adjourning meetings in the event an unruly attendee won't leave, and resolution mechanisms between parties outside of a council meeting.

Note: Other conflict resolution suggestions exist in section 7 of "School Councils – A Guide for Members, 2002."

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CODE OF ETHICS BYLAW

Recommended by PCEO: Adopt an "online conduct" clause for social media applications.

1. *Bowmore School Council ("BSC") members will conduct themselves in accordance with the following code of ethics:*
 - a. *A member shall consider the best interests of all students;*
 - b. *A member shall be guided by the school's and the school board's mission statements;*
 - c. *A member shall act within the limits of the roles and responsibilities of a school council, as identified by the school's operating guidelines, the school board, and the Ontario Ministry of Education;*
 - d. *A member shall become familiar with the school's policies and operating practices and act in accordance with them;*
 - e. *A member shall maintain the highest standards of integrity;*
 - f. *A member shall recognize and respect the personal integrity of each member of the school community;*
 - g. *A member shall treat all other members with respect and allow for diverse opinions to be shared without interruption;*
 - h. *A member shall encourage a positive environment in which individual contributions are encouraged and valued;*
 - i. *A member shall acknowledge democratic principles and accept the consensus of the BSC;*
 - j. *A member shall respect the confidential nature of some school business and respect limitations this may place on the operation of the BSC;*
 - k. *A member shall not disclose confidential information;*
 - l. *A member shall use established communication channels when questions or concerns arise;*
 - m. *A member shall promote high standards of ethical practice within the school community;*
 - n. *A member shall declare any conflict of interest in accordance with the Conflict of Interest Bylaw;*
 - o. *A member shall not accept any payment or benefit financially through BSC involvement; and*
 - p. *When voting, a member shall remember that they are representing the school population and not individual wants and desires.*

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Missing: Meeting procedures, meeting quorum(clarify number required), and reporting/record keeping requirements

Missing: Voting (consensus vs voting; eligibility and quorum (clarify)

Missing: Officer Duties - if our bylaws contain a clause stating that Council can remove an officer for not fulfilling duties then those duties must be listed.

Missing: Committees of the Council - the composition, meeting procedures, and reporting requirements should be listed