



DURHAM DISTRICT SCHOOL BOARD

NOTICE OF MEETING

GOVERNANCE AND POLICY COMMITTEE PUBLIC SESSION

Chairperson: Michael Barrett
Vice Chairperson: Niki Lundquist

DATE: Monday, June 13, 2022
TIME: 6:00 p.m.
LOCATION: Virtual
ATTACHMENTS: Agenda

Copies to:
All Trustees
Director of Education
All Superintendents

GOVERNANCE AND POLICY COMMITTEE MEETING

Monday, June 13, 2022

6:00 p.m.

	PAGE
1. <u>Call to Order</u>	Verbal
2. <u>Land Acknowledgement</u>	Verbal
<p>The Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with the territories upon which our school board and schools are located. Today, this area is home to many Indigenous peoples from across Turtle Island. We acknowledge that the Durham Region forms a part of the traditional and treaty territory of the Mississaugas of Scugog Island First Nation, the Mississauga Peoples and the treaty territory of the Chippewas of Georgina Island First Nation. It is on these ancestral and treaty lands that we teach, learn and live.</p>	
3. <u>Declarations of Interest</u>	Verbal
4. <u>Motion to Approve Agenda</u>	Verbal
5. <u>Minutes</u>	
(a) DRAFT minutes of the Governance and Policy Committee meeting of May 10, 2022	1 – 3
6. <u>Recommended Actions</u>	
(a) Learning Resource Selection Policy (Associate Director Jim Markovski)	4 – 40
(b) Revised Bylaw: Receiving Board Correspondence/Letters (General Counsel Patrick Cotter)	41 – 72
7. <u>Information Items</u>	
(a) Public Presentations Bylaw (Trustee Christine Thatcher)	73 – 75

8. Other Business

Adjournment



Minutes - Governance and Policy Committee Meeting

Tuesday, May 10, 2022, 6:00 p.m., Virtual

Trustees: Michael Barrett, Paul Crawford, Donna Edwards, Carolyn Morton, Christine Thatcher, Scott Templeton, Darlene Forbes

Regrets: Trustees Patrice Barnes, Chris Braney, Niki Lundquist, Linda Stone

Staff present: Associate Director Jim Markovski, General Counsel Patrick Cotter, Executive Lead Robert Cerjanec, Policy Analyst Ahmad Khawaja

Recording Secretary: Gillian Venning

1. Call to Order

Trustee Michael Barrett, Committee Chair, called the meeting to order at 6:01 p.m.

2. Land Acknowledgment

Trustee Barrett read out the Land Acknowledgement.

3. Declarations of Interest

There were no declarations of interest.

4. Approval of Agenda

Trustee Edwards put forth a motion to approve the agenda.

CARRIED

5. Approval of Minutes – March 24, 2022

Trustee Templeton put forth a motion to approve the minutes.

CARRIED

6. Recommended Actions

(a) Emergency Closing of Schools Policy

2

Associate Director Jim Markovski led the Committee through the revised draft policy and two related procedures (Emergency Closing of Schools and Cancellation of Student Transportation), summarizing revisions that have been made and noting where sections align with other DDSB policies or procedures and applicable legislation including the Education Act.

Trustee questions were answered.

Following review of the revised draft policy and procedures, it was recommended that pending minor corrections as noted, the policy be moved to the next Board meeting as a notice of motion.

Trustee Morton put forward a motion to move the revised draft Emergency Cancellation of Schools Policy forward to the next regular meeting of the Board as a notice of motion, scheduled for May 16, 2022.

CARRIED

7. Information Items

(a) Receiving Board Correspondence/Letters

Chair Michael Barrett introduced the item, noting that there does not appear to be a standard framework or practice in place in terms of sharing correspondence addressed to the Chair with the entire Board.

It was suggested that a framework be developed with a draft presented at a future meeting of the Governance and Policy Committee for consideration.

There was discussion of some potential parameters including:

- correspondence addressed to the Chair of the Board be circulated to the entire Board and be included in the Correspondence section of the next Board meeting agenda
- Exceptions to the above will be made when there is information contained in correspondence that either names an individual trustee, or contains information that is disparaging to individual trustees
- Guidance to help determine whether correspondence addressed to individual trustees (other than the Chair) should be considered business of the Board
- Guidance for dealing with correspondence that includes threats of any kind to individual trustees or the Board as a whole

It was noted that the process to be developed should not interfere in any way with the ability of members of the public to bring forward complaints and have their concerns fairly addressed.

It was confirmed that Executive Lead Robert Cerjanec and General Counsel Patrick Cotter will work with Trustees Michael Barrett and Scott Templeton to begin drafting a document. When ready, the draft will be presented to this Committee for consideration and together members will determine if it should eventually be included in the By-laws or as a separate protocol.

(b) Trustee Self-Assessment

Trustee Paul Crawford introduced the item and asked members to consider whether there is interest in completing a self-assessment and if yes, whether it should take place in connection with the mandate of the existing Director's Performance Review Committee or as a separate Ad Hoc committee.

Discussion took place and trustee questions were answered.

Trustees present were in support of a self-assessment, though it was suggested that it might be better timed to take place following the October 2022 municipal election.

It was noted that the existing terms of reference of the Director's Performance Review Committee do not include mention of a board self-assessment. It was suggested that the terms of reference could be revised to include a component for board self-assessment as part of its work if necessary. Some trustees indicated the self-assessment process should take place separate from the Director's Performance Review Committee.

(c) Board Member (Trustee) Code of Conduct (Appendix 2 – Complaints Protocol – Integrity Commissioner)

Trustee Paul Crawford introduced the item and expressed concern with the updated wording of Appendix 2, suggesting it appears that anyone who wishes to, can file a complaint directly with the Integrity Commissioner, without first having to work with the entire Board to resolve informally.

Staff confirmed that the language of the Complaints Protocol in relation to complaints by members of the public.

Discussion took place and trustee questions were answered.

8. Date of Next Meeting

To be scheduled for early June.

9. Adjournment

Meeting adjourned at 7:59 p.m.

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Durham District School Board
Governance and Policy Committee

DATE: June 13, 2022

SUBJECT: Draft Learning Resource Selection Policy and
Procedure

PAGE: 1 of 3

ORIGIN: Norah Marsh, Director of Education and Secretary to the Board
Jim Markovski, Associate Director of Equitable Education
Georgette Davis, Superintendent of Education, Innovative Education

1.0 Purpose

The purpose of this report is to provide the Governance and Policy Committee with the Draft Learning Resource Selection policy. The Learning Resource Selection procedure is provided for information purposes.

2.0 Ignite Learning Strategic Priority/Operational Goals

The draft policy and supporting materials align with and contribute to the DDSB's strategic plan and operational goals:

Success – *Set high expectations and provide support to ensure all staff and students reach their potential every year.*

Well-being – *Create safe, welcoming, inclusive learning spaces to promote well-being for all students and staff.*

Leadership – *Identify future leaders, actively develop new leaders and responsively support current leaders.*

Equity – *Promote a sense of belonging and increase equitable outcomes for all by identifying and addressing barriers to success and engagement.*

Engagement – *Engage students, parents and community members to improve student outcomes and build public confidence.*

Innovation – *Re-imagine learning and teaching spaces through digital technologies and innovative resources.*

3.0 Background

The Durham District School Board (DDSB) recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

The DDSB is committed to learning and working environments that centre human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive and free from discrimination.

As part of the DDSB's ongoing process of reviewing policies and procedures, the Curriculum and Innovation Education Departments have undertaken a comprehensive review of the Learning Resource Selection policy and the Learning Resource Selection procedure.

4.0 Analysis

The draft DDSB Policy, *Learning Materials Selection* (Appendix A) was last updated in 2016. The policy emphasizes the need to provide a variety and range of learning materials and services to meet the needs of the students served by the District. Learning materials are chosen with a view to contributing to the intellectual, social, cultural, and emotional growth of the students so that through them students will gain a broader understanding of themselves and the world in which they live while gaining academic skills. Questions from individual members of the school community regarding the suitability of specific materials are to be reviewed in accordance with procedure.

The draft procedures are captured in the *Learning Resource Selection* Procedure, which was last updated in 2016 (Appendix B). The procedure includes a *Process for the Selection of Learning Resources and Text Selection Tool* (Appendix C) that has also been included for your information. Further consultation with staff is necessary in order to finalize a draft procedure that is in alignment with the policy and District practices in consulting with staff groups on related procedures.

The updated and draft DDSB Policy, *Learning Resource Selection* and DDSB Procedure, *Learning Resource Selection* are intended to be reflective of the Board's commitment to promoting and upholding Indigenous rights and human rights in all its learning and working environments. This includes anti-colonial, anti-discriminatory and anti-racist approaches and actions to provide services and employment that are safe, welcoming, respectful, inclusive, equitable, accessible and free from discrimination and harassment consistent with the DDSB's Human Rights Policy, the Indigenous Education Policy, the Workplace Harassment Policy and the Safe and Respectful Workplace Policy.

The policy has been brought forward for Trustee review and input. The Update on DDSB Policy and Procedures Learning Resource Selection June 1, 2022 report, which was previously shared with Trustees, is also included for your reference (Appendix D).

5.0 Financial Implications

Not applicable.

6.0 Conclusion and/or Recommendations

The draft policy is provided to the Governance and Policy Committee in accordance with the Board of Trustee's mandate for this Committee.

7.0 Appendices

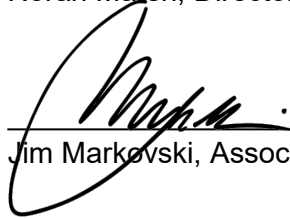
Appendix A: Draft *Learning Resource Selection Policy* (clean and tracked changes versions)
Appendix B: Draft *Learning Resource Selection Procedure* (clean version)

Appendix C: Draft *Process for the Selection of Learning Resources and Text Selection Tool*
Appendix D: Update on DDSB Policy and Procedures Learning Resource Selection June 1, 2022 Report

Report reviewed and submitted by:



Norah Marsh, Director of Education and Secretary to the Board



Jim Markovski, Associate Director of Equitable Education



Georgette Davis, Superintendent of Education, Innovative Education

POLICY

NAME OF GROUPING

DRAFT Learning Resource Selection

1.0 Rationale

- 1.1 There is a vast array of learning resources available for educators and students and some guidance on resource selection is appropriate to best serve the needs of students and families.

2.0 Policy Objective

- 2.1 The purpose of this policy is to provide guidance on the selection and review of learning resources. This policy supports the District's commitment to protecting, upholding, and promoting Indigenous rights, human rights and equity in all of its learning and working environments. The District recognizes that Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

3.0 Definitions

- 3.1 A Glossary of terms used in this policy is attached as Appendix "A".

4.0 Policy

- 4.1 Learning resources are a key instrument in meeting the needs of students served by the DDSB and therefore need to reflect a range of identities and learning needs.
- 4.2 Learning resources are to be selected based on consideration of the following criteria:
- 4.2.1 The social, cultural, emotional and intellectual growth of students;
 - 4.2.2 Ontario Ministry of Education curriculum expectations by grade and subject in the context of methods of instruction and assessment, and the criteria and standards indicating success in student learning;
 - 4.2.3 Alignment with principles of culturally relevant and responsive pedagogy (CRRP), Universal Design for Learning (UDL), Inclusive Design, differentiated instruction and assessment and accessibility;
 - 4.2.4 Age, cognitive levels, emotional development, achievement level, learning styles, gender and social development of the pupils for whom the materials are selected;
 - 4.2.5 Valuing, affirming, reflecting and supporting the expression of students' diverse identities, including cultures, communities, histories and achievements;
 - 4.2.6 Enhancing pupils' understanding, respect and appreciation for multiple and intersecting social identities and of their duties, responsibilities, rights and privileges as participating citizens in our diverse society;

4.2.7 Portraying accurate histories and narratives of various communities and groups that are discriminated against, marginalized and minoritized and that include examples of:

- Historical and contemporary successes, accomplishments, contributions, and resistance to discrimination; and
- Agency, everyday experiences, excellence and joy.

4.2.8 Challenging all forms of discrimination and hate (including but not limited to: racism, sexism, colonialism, harmful biases, trivializations, tokenism, ableism, faithism, anti-Indigenous racism, anti-Black racism, Islamophobia, anti-Semitism, homophobia, biphobia, and transphobia); and

4.2.9 Promoting social justice and responsible citizenship, including respecting and protecting the environment.

4.3 Potential learning resources that include profanity or explicit sexual content must, before being put to use, be examined to determine if inclusion of that material and language is material to understanding the identity and narrative of lived experiences reflected in the material. Age appropriateness must be considered. Other learning resources are to be made available to those students who choose not to read such materials.

4.4 When selecting learning resources, preference should be given to Canadian materials where appropriate

4.5 Parent(s)/guardian(s) of a student, or any student, enrolled in a school of the DDSB may raise objection to learning resources used in the school's educational program, in accordance with the terms of the procedure adopted to implement the terms of this policy.

4.6 All resource selection decisions and actions will comply with the Indigenous Education Policy, Human Rights Policy, and related procedures. While the Ministry of Education maintains the Trillium List of pre-approved resources, staff shall comply with any procedures under this Policy.

4.7 The Director of Education or delegates shall develop a procedure to implement the terms of this policy. The procedure shall allow for meaningful consultation with identified stakeholders, when appropriate, to support ongoing learning and challenge discriminatory biases, attitudes, assumptions, stereotypes, and barriers.

5.0 Evaluation

5.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but it shall be reviewed at least every 5 years.

6.0 Reference Documents

7.1 DDSB Learning Resource Selection Procedure
 DDSB Indigenous Education Policy
 DDSB Human Rights, Anti-Discrimination, Anti-Racism Policy

7.2 Other Documents (Legislation, Provincial Regulations, Etc.)
 <Name Other Document>

<Name Other Document>

Appendix:

Appendix A: Glossary of Terms

Appendix B: XXXXXXXXXX

Effective Date:

YYYY-MM-DD

Reviewed and Amended:

YYYY-MM-DD

Reviewed without Amendment:

YYYY-MM-DD

POLICY

NAME OF GROUPING

DRAFT Learning Materials Resource Selection

1.0 Rationale

1.1 There is a vast array of learning resources available for educators and students and some guidance on resource selection is appropriate to best serve the needs of students and families.

1.02.0 Policy Objective

1.0 The school system strives to provide a variety and range of learning materials and services to meet the needs of the students served by The Board.

2.1 Learning materials are chosen with a view to contributing to The purpose of this policy is to provide guidance on the selection and review of learning resources. This policy supports the District's commitment to protecting, upholding, and promoting Indigenous rights, human rights and equity in all of its learning and working environments. The District recognizes that Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

3.0 Definitions

3.1 A Glossary of terms used in this policy is attached as Appendix "A".

4.0 Policy

4.1 Learning resources are a key instrument in meeting the needs of students served by the DDSB and therefore need to reflect a range of identities and learning needs.

4.2 Learning resources are to be selected based on consideration of the following criteria:

4.2.1 The social, cultural, emotional and intellectual growth of the students so that through them students will gain a broader students;

4.2.2 Ontario Ministry of Education curriculum expectations by grade and subject in the context of methods of instruction and assessment, and the criteria and standards indicating success in student learning;

4.2.3 Alignment with principles of culturally relevant and responsive pedagogy (CRRP), Universal Design for Learning (UDL), Inclusive Design, differentiated instruction and assessment and accessibility;

4.2.4 Age, cognitive levels, emotional development, achievement level, learning styles, gender and social development of the pupils for whom the materials are selected;

4.2.5 Valuing, affirming, reflecting and supporting the expression of students' diverse identities, including cultures, communities, histories and achievements;

4.1.14.2.6 Enhancing pupils' understanding of themselves and of the world in which they live, respect and appreciation for multiple and intersecting social identities and of their duties, responsibilities, rights and privileges as participating citizens in our diverse society;

~~1.1 Learning materials for use in instructional programs shall be selected by professional personnel subject to any restrictions of the Acts and Regulations of the Ministry of Education. Whenever possible the selection shall follow a process of consultation including administration, parents and students.~~

~~1.2 Challenged material will be reviewed in accordance with such procedures as are established from time to time.~~

2.0 Challenged Materials

~~2.1 Though care has been taken to select worthwhile materials for students' and teachers' use by qualified personnel, objections may be received about learning materials.~~

~~2.2 Questions from individual members of the community regarding the suitability of specific materials can usually be resolved at the school level.~~

4.2.7 Portraying accurate histories and narratives of various communities and groups that are discriminated against, marginalized and minoritized and that include examples of:

- Historical and contemporary successes, accomplishments, contributions, and resistance to discrimination; and
- Agency, everyday experiences, excellence and joy.

4.2.8 Challenging all forms of discrimination and hate (including but not limited to: racism, sexism, colonialism, harmful biases, trivializations, tokenism, ableism, faithism, anti-Indigenous racism, anti-Black racism, Islamophobia, anti-Semitism, homophobia, biphobia, and transphobia); and

4.2.9 Promoting social justice and responsible citizenship, including respecting and protecting the environment.

4.3 Potential learning resources that include profanity or explicit sexual content must, before being put to use, be examined to determine if inclusion of that material and language is material to understanding the identity and narrative of lived experiences reflected in the material. Age appropriateness must be considered. Other learning resources are to be made available to those students who choose not to read such materials.

4.4 When selecting learning resources, preference should be given to Canadian materials where appropriate

4.5 Parent(s)/guardian(s) of a student, or any student, enrolled in a school of the DDSB may raise objection to learning resources used in the school's educational program, in accordance with the terms of the procedure adopted to implement the terms of this policy.

4.6 All resource selection decisions and actions will comply with the Indigenous Education Policy, Human Rights Policy, and related procedures. While the Ministry of Education maintains the Trillium List of pre-approved resources, staff shall comply with any procedures under this Policy.

4.7 The Director of Education or delegates shall develop a procedure to implement the terms of this policy. The procedure shall allow for meaningful consultation with identified stakeholders, when appropriate, to support ongoing learning and challenge discriminatory biases, attitudes, assumptions, stereotypes, and barriers.

5.0 Evaluation

5.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but it shall be reviewed at least every 5 years.

6.0 Reference Documents

7.1 DDSB Learning Resource Selection Procedure
DDSB Indigenous Education Policy
DDSB Human Rights, Anti-Discrimination, Anti-Racism Policy

7.2 Other Documents (Legislation, Provincial Regulations, Etc.)
<Name Other Document>
<Name Other Document>

Appendix:

None

Appendix A: Glossary of Terms

Appendix B: XXXXXXXXXX

Effective Date:

YYYY-MM-DD

Reviewed and Amended:

YYYY-MM-DD

Reviewed without Amendment:

YYYY-MM-DD



PROCEDURE

NAME OF GROUPING

DRAFT Learning Resource Selection

Adopted under the Learning Resource Selection Policy

Objective

- 1.1 The purpose of this procedure is to implement the Learning Resource Selection Policy (the "Policy") by outlining: the process for selecting and reviewing instructional materials; system roles and responsibilities; and informal and formal processes to support the reconsideration of resource selection.
- 1.2 This procedure is to be interpreted and applied in accordance with the District's commitment to promoting and upholding Indigenous rights and human rights in all of its learning and working environments. This includes anti-colonial, anti-discriminatory and anti-racist approaches and actions to provide services and employment that are safe, welcoming, respectful, inclusive, equitable, accessible and free from discrimination and harassment consistent with the, DDSB's Human Rights Policy, the Indigenous Education Policy, the Workplace Harassment Policy and the Safe and Respectful Workplace Policy.

2.0 Definitions

In this procedure,

- 2.1 Definitions are as set out in Policy.

3.0 Procedure

- 3.1 The Board's Policy establishes the criteria for selection of Learning Resources.
- 3.2 At least annually, staff shall engage in resource reviews as to compliance with the Resource Selection Policy, to better support ongoing learning and to challenge discriminatory biases, attitudes, assumptions, stereotypes, content and barriers in learning resources. In undertaking this review, reference shall be made to the *Process for the Selection of Learning Resources and Text Selection Tool*, which is attached as Appendix "A". The review may also include consultation with:
 - The Indigenous Education Department when considering any Learning Resource related to Indigenous Education not identified on the curated list
 - System departments and resources;
 - Students
 - School principals who are responsible for ensuring that resources align with DDSB policies and procedures and support the curriculum.

3.3 Request for Reconsideration

Objections to learning resources from parent/guardian, student or DDSB staff member shall be considered when they are directly impacted by the use of such materials.

A request for reconsideration of materials by parents, students or staff is to be in relation to classroom use. Management of library materials is within the purview of librarians, school administrators, and the senior team and is not subject to the reconsideration provisions set out below.

A. Informal Reconsideration

The expectation is that issues should be resolved, where possible, at the school level. The principal receiving a concern regarding a learning resource shall attempt to resolve the issue informally through discussion with the teacher-librarian or the teacher involved and the person objecting, using the following guidelines:

- a) The principal or other appropriate staff shall share and discuss the Board's Resource Selection Policy and Procedure with the complainant.
- b) If the objection relates to an Indigenous resource, the Indigenous Education Department will be consulted.
- c) If, after reviewing the Learning Resource at issue, the principal deems the material to be appropriate in light of the terms of the Learning Resource Policy, the principal or other appropriate staff shall discuss the decision and the rationale for the decision with the person objecting, including as to the particular place the Learning Resource occupies in the education program, its intended educational usefulness, and any additional information regarding its use.
- d) If, after reviewing the Learning Resource at issue, the principal deems the material to be inappropriate, continued use for instruction will be modified based on the nature of the complaint. The principal or the teacher-librarian will notify the library facilitator of this decision who will determine whether any District-wide action is required with respect to the Learning Resource at issue.
- e) If the complainant is not satisfied with the results of the informal resolution process, they may submit a Request for Reconsideration of Learning Resources (Form B) in accordance with the process outlined below. [Request for Reconsideration of Learning Resources Form](#)
- f)

B. Request for Formal Reconsideration

- a) A request for formal reconsideration may be made using the Request for Reconsideration of Learning Resources (Form B) which shall be delivered to the Principal of the relevant school.
- b) The Principal will forward the completed request form to the System Lead.
- c) The Director of Education and the Superintendent of Education/Programs, the Family of Schools Superintendent of Education, and the Superintendent of Education/Innovative Education shall be informed of the request for formal reconsideration. In cases where the resource is related to Indigenous content or authorship, the Superintendent of Indigenous Education will serve as the chair of the committee.
- d) The request for formal reconsideration shall be referred to the Learning Resource Reconsideration Committee in accordance with the process outlined below.

C. The Learning Resource Reconsideration Committee

- a) The Superintendent of Education/Innovative Education shall form, and be the chairperson of, a new Learning Resource Reconsideration Committee for each formal reconsideration request. As the Superintendent of Education/Innovative Education may deem appropriate in the circumstances, membership may include:
 - The Innovative Education-Libraries Facilitator;
 - Other Superintendents or senior staff members
 - System Lead(s);
 - System Facilitators(s);
 - The Director or designate;
 - A Trustee.
- b) When Indigenous content is contained in the Learning Resource, the Superintendent of Indigenous Education shall form, and be the chairperson of, the Learning Resource Reconsideration Committee. As the Superintendent of Indigenous Education may deem appropriate in the circumstances, membership may include the Indigenous Education Lead, other senior staff members, and such other individuals as the Superintendent of Indigenous Education may deem appropriate.
- c) The chairperson shall refrain from voting unless there is a tie.
- d) The Learning Resource Reconsideration Committee may choose to consult District staff and/or community persons with related knowledge (e.g., student/parent voice, community voice).

D. Resolution Guidelines for Learning Resource Reconsideration Committee

The Learning Resource Reconsideration Committee shall review the challenged Learning Resource in accordance with the terms of the Learning Resource Selection Policy and this procedure and shall determine whether the Learning Resource should remain in use or not. The Learning Resource Reconsideration Committee shall proceed within these guidelines:

- a) Review the Learning Resource at issue;
- b) Consider the use of the Learning Resource in light of the terms of the Resource Selection Policy;
- c) Consider whether and how the Indigenous Education Policy, Durham District School Board Human Rights Policy Directive on Slurs and Epithets, the DDSB's Human Rights Policy and Procedures may apply. Each member will be responsible for reading and reviewing the resource;
- d) Read critical reviews, if available;
- e) The chair is encouraged to contact the person objecting to inform them of the process/timing of the reconsideration and to receive any further input the chair may deem appropriate.

E. The Decision of the Learning Resources Reconsideration Committee

The committee shall provide a written report of a decision as to the use of the Learning Resource to the Director of Education and to the person objecting, within 30 school days of the committee's first meeting. A copy of the written report shall be retained by the Superintendent of Education/Innovation, Principal and/or school librarian, and/or classroom teacher.

The Innovative Education-Libraries Facilitator shall maintain a list of challenged Learning Resources and whether they have been retained or removed. A copy of the list will also be kept in the school's principal's office and shared with pertinent department heads or division leads.

4.0 Responsibilities

All staff responsible for implementing this procedure will engage in ongoing learning to:

- Understand their roles and responsibilities under, and meet the objectives and requirements of, the Resource Selection Policy and this procedure, the Indigenous Education Policy, the Human Rights Policy, and related procedures (including the Human Rights Roles, Responsibilities and Accountability Framework).
- Examine their own ideologies and build capacity to eliminate anti-Indigenous racism, anti-racist, anti-discriminatory and anti-oppressive resource selection decisions, pedagogical approaches, and assessment strategies.

Staff, within their respective duties and responsibilities, will strategically align budget allocations to support the acquisition of Learning Resources that meet the objectives of the Learning Resource Selection Policy.

4.1 Superintendents of Education are responsible for:

- Supporting the development of and supervising educational programs and Learning Resources in schools to meet the objectives of the Learning Resource Selection Policy.
- Building capacity and providing professional learning opportunities to equip staff with knowledge and skills to implement the Learning Resource Selection Policy and this procedure.
- Collaborating and consulting with the DDSB Departments and Committees and other Committees/groups representing the diverse communities the District serves when considering Learning Resources in K-12 schools and classrooms.

4.2 Central Educational Staff are responsible for:

- Collaborating with other central departments when considering Learning Resources and resources in K-12 classrooms and school libraries.
- Providing consultation to ensure that Learning Resources comply with the requirements of this procedure.
- Building capacity and providing materials and resources that support the implementation of the Resource Selection Policy.

4.3 School Administrators are responsible for:

- Providing opportunities for educators to participate in ongoing learning and training to meet the requirements of the Resource Selection Policy.
- Collaborating and consulting with central educational staff to select Learning Resources and resources for K-12 classrooms and school libraries that align with the Resource Selection Policy.
- Providing staff with professional and classroom resources that support the implementation of the Resource Selection Policy, including as to UDL, CRRP and differentiated instruction and assessment.

4.4 Educators are responsible for:

- Collaborating and consulting with administrators, and/ or central educational staff to:
 - Provide Learning Resources that align with the Learning Resource Selection Policy; and
 - Annually reviewing Learning Resources in accordance with the terms of this Procedure
- Exercising educator professional judgment in a manner that aligns with this procedure and upholds Indigenous rights and human rights.
- Utilizing teaching and learning resources that support the implementation of this procedure, including but not limited to UDL, CRRP and differentiated instruction and assessment.

- Consulting with students on student-presented classroom activities to ensure that sources used, and information shared align with this procedure and are not discriminatory.

5.0 Reference Documents

5.1 Guiding/Reflective Questions for Resource Selection

Resources to inform this procedure

- [Selecting Texts in an Anti-Oppressive English Classroom](#) (draft)
- [Professional Advisory on Anti-Black Racism](#)
- [Trillium List / Guidelines for Approval of Textbooks](#) (2008) - Original document
- [Equity Informed Selection](#)

5.2 Policies

a) Indigenous Education

- [TRC](#)
- [UNDRIP](#)
- DDSB [Indigenous Education Policy](#)
- [Classroom Practices: Teaching and Learning](#)
- [Creed & Human Rights for Indigenous Peoples](#)

b) Equity

- [Equity & Diversity Strategic Framework](#)
- [Equity & Inclusive Education Policy](#)
- [Compendium of Action for Black Student Success](#)
- Legal Framework (Equity and Inclusive Education in Ontario, [Ontario's Human Rights code](#))

5.3 Glossary of Terms

- [Resource Selection Procedure](#)
- Indigenous Education Policy
- Indigenous Education Classroom Practices: Teaching and Learning
- [Human Rights, Anti-Discrimination, Anti-Racism Policy](#) (draft)

Appendix:

Appendix A: Flowchart (To be developed)

Appendix B: [Request for Reconsideration of Learning Materials Form](#) (draft)

Effective Date

YYYY-MM-DD

Amended

YYYY-MM-DD

DRAFT

Process for the Selection of Learning Resources and Text Selection Tool

It is critical that students be engaged with authentic and relevant learning materials. Resource selection is complex as it is not simply the resources that we need to consider, but most importantly the students, including the intersecting social identities and experiences that they bring into the meaning-making process, along with reading skills and strategies. This is informed by an anti-oppression framework: an approach which ensures that equity and human rights are foundational to the work of educators. This approach supports the Board's work in removing systemic barriers and identifying approaches for providing equitable and accessible experiences for students. Engaging from this framework leads to the understanding of how power, privilege and oppression operate within the classrooms and are either reinforced or disrupted by practices such as resource selection.

This process sets out the principles and criteria developed by the Durham District School Board for the selection of learning resources in accordance with the Ministry Guidelines for Approval of Textbooks (2008) and the Ontario Education Equity Action Plan. It is informed by the Board's Ignite Learning Strategic Plan and Operational Plans.

The selection of learning resources is the responsibility of every educator acting under the authority of the Education Act and the Durham District School Board's policies and procedures. The selection process should be a collaborative effort among the key stakeholders in schools.

This guideline is informed by the following documents:

Government of Ontario

- The Ontario Human Rights Code

Ministry of Education

- Ontario Education Equity Action Plan

Durham District School Board

- Ignite Learning Strategic Plan
- Operational Plan
- Equity and Diversity Strategic Plan
- Learning Resource Selection Policy
- Learning Resource Selection Procedure



Guidelines for Approval of Textbooks, 2008 describes Ministry direction on the approval of textbooks for use in Ontario's schools. It outlines how to determine the eligibility of textbooks for evaluation by the Ministry, as well as the criteria for approval of textbooks. The Ontario Ministry of Education provides a listing of some approved textbooks on the Trillium List.

The Ministry guidelines further stipulate that "Boards continue to have sole responsibility for the selection of supplementary resources to support elementary and secondary programs." The Durham District School Board's Process for the Selection of Learning Resources and Text Selection Tool provides guidance for the selection of learning resources used in Durham District School Board schools.

Rationale

The Ontario Education Equity Action Plan speaks directly to actions which promote school and classroom practices that strengthen culturally responsive and relevant teaching, curriculum, assessment and resources. Specifically:

- "Further support boards in implementing teaching practices, curriculum and assessment that are culturally reflective of and responsive to the students they teach, so that all students see themselves, and their own and their classmates' lived experience, reflected in what and how they are learning."
- "Support boards in assessing learning resources (both traditional and electronic), including resources in library collections, to ensure that they are accessible and that they reflect diversity."

The Board recognizes that resource selection practices and associated student tasks should support opportunities for students to read and think independently, to see authentic connections to their social identities, and to explore texts through culturally relevant and responsive practices.

Purpose

The purpose of this document is to:

- identify criteria for the assessment, selection, use and re-assessment of any texts or resources used in instruction and / or assessment
- foster an inclusive learning environment that acknowledges the uniqueness of each student in accordance with The Ontario Human Rights Code;
- foster the use of resources that reflect the diversity of Canadian society; and,
- support a process using a "Text Selection Tool" whereby students, educators, administrators, parents/guardians and/or other persons may suggest a resource, request reconsideration of specific learning resources or explore alternative ways in which a resource might be used.

Context

Who does this serve?

The Ignite Learning Strategic Plan and Operational Plan goals focus on raising the achievement of students who are underserved and underperforming. This is in line with concepts in the Ministry of Education's Learning for All, which outlines that "assistance targeted at a specific group can help everyone." When we focus on raising the achievement and well being of students who are underserved and underperforming, all students benefit.

Who is it for?

This is intended to support site-based conversations and decision making around resource and text selection among educators, administrators, students and members of school communities.

What informs the approach?

Theoretical frameworks connected to the following inform the development and implementation of this procedure:

- Culturally Responsive and Relevant Pedagogy (CRRP)
- Critical Literacy
- Indigenous and Decolonizing practices
- Adolescent Literacy Learning
- Young Adult (YA) Pedagogy

When considering, purchasing, or using any resource, schools should carefully consider the degree to which the resource meets the initial considerations in this procedure as well as the relevant parameters set out in the Text Selection Tool. When the criteria are used for assessment of existing learning resources, some resources may be deemed inappropriate for continued use, or insufficient as a "stand alone" resource. There are no "perfect" resources, so the selection of resources should be part of a conversation about the curriculum and the place of the resource in the larger picture of planning, instruction and assessment through a culturally responsive lens.



Initial Considerations for the Selection of Learning Resources

The Initial Considerations for the Selection of Learning Resources should be used by a group of educators when considering a specific resource. This chart should be supplemented by the Text Selection Tool (pages 5-8).

Student Considerations	Alignment Considerations	Cost Considerations
<p>To what degree is the resource:</p> <ul style="list-style-type: none"> • Accessible to all learners? • Engaging for all learners? • Reflective of diverse social identities? 	<p>To what degree does the resource:</p> <ul style="list-style-type: none"> • Align with the Ontario Curriculum? • Align with Board priorities? • Align with current pedagogical approaches/research? • Portray the diversity and contributions of people involved in this discipline in Canada? 	<ul style="list-style-type: none"> • What does this resource provide beyond resources that students already access? • What other components (e.g.: training, supplementary resources, tech support, etc.) come with the resource and what are the costs of those components? • Does the resource have a one-time cost or is it subscription based? • Does the resource have a system, per school, per class or per pupil cost? • Is the product cost-effective/ reasonably priced for the impact?

Content Considerations

The selection team should discuss the representation of social identities, in print and/or graphic form.

Representation

- Are particular identities only represented in one way, or barely at all? (Stereotype/Tokenism)
- How does the author and/or illustrator represent the identities in the book? From whose perspective is the text written? (Appropriation of Voice)
- What explicit and implicit messages are being sent, particularly about marginalized identities?
- What ideologies or world view(s) inform the resource?
- Is cultural representation provided in sufficient depth to portray the richness and range of an ethnocultural group, avoiding sensationalization, trivialization, or distortion of cultures, customs and/or traditions?

Visuals (e.g. illustrations, images, artefacts, manipulatives, etc.)

- Are visuals free of stereotypes?
- Are a variety of identities represented in leadership or action roles?
- Are physical features accurately and sensitively drawn? Are members of racialized groups depicted as looking stereotypically similar?

The Text-Selection Tool

The school-based selection team should use the Text Selection Tool to consider whether to select, replace or supplement a specific text (Fiction or Non-Fiction). The Text Selection Tool supports conversations around text selection and the development of instructional tasks. Many of the questions in the Text Selection Tool can be used to facilitate conversations about other learning resources.

The tool is informed by the following considerations:

- All readers and writers have biases
- No text is neutral
- In all cases, the text (fiction, non-fiction, media, etc.) is the vehicle for learning, not the learning itself
- Decentering the text as authority and valuing a constructivist approach to reading centres the learner
- Making room for historically and currently marginalized voices, perspectives and experiences ensures that our underserved and underperforming students are supported
- Student voice and choice are recognized as fundamental to engagement with texts
- Students need exposure to texts that provide windows into other experiences, and to texts that mirror their own
- Students need access to texts that are accessible both in terms of reading level and ability as well as reading interest and engagement in order to build reading stamina and a love of reading

This text selection tool supports three areas of consideration—Learner, Learning and Environment—all of which are situated within an anti-oppressive framework. Key criteria for text selection are organized into three categories:

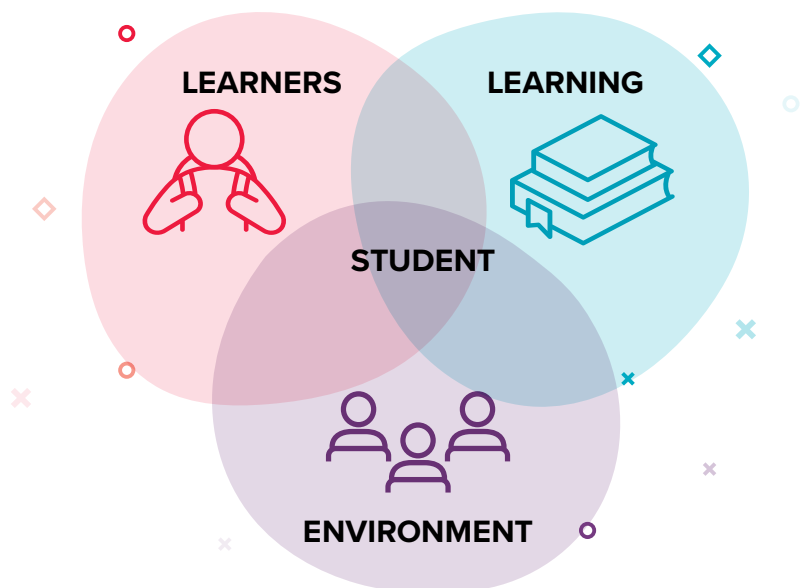
- Text Accessibility
- Culturally Relevant and
- Responsive Pedagogy
- Critical Literacy

Application of the Tool

Depending on the conversation that results from using the tool in considering a text, decisions may be made that result in:

- A text being selected, supplemented, or replaced
- Specific instructional strategies being applied to provide context and ensure multiple perspectives / entry points

Anti-oppressive Framework



Text Accessibility

Text Accessibility depends on the degree to which a reader is able to navigate the text (independently/ with support) and whether there is a high level of interest on the part of the reader in the text. A reader should be able to make connections to background knowledge and/or schema in order to access a text. Additionally, a strong and clear purpose for reading the text needs to be in place. This purpose is supported by the degree to which readers see themselves in a text.

 LEARNERS	 LEARNING	 ENVIRONMENT
<ul style="list-style-type: none"> • Who are my learners? Is the text relevant to their interests, perspectives, identities, maturity level and/or experiences? • How could this text motivate my students [as readers and writers]? • How might the messaging in the text impact the different learners in my classroom? • To what extent does this text access and build upon the knowledge and experiences my students bring with them? • Does the text provide opportunities for every student to think, express and reflect? 	<ul style="list-style-type: none"> • CRRP supports teachers in developing deep knowledge of their students. • Does this text contribute to affirming views of historically and currently marginalized groups or communities? What complementary texts might be included? • How might this text foster intergroup understanding and/or raise awareness of inequity or oppression? • How might this text affirm and empower students in exploring their identities? • How might this text support students in learning about the lived experiences of their families and communities over generations? 	<ul style="list-style-type: none"> • How does the text meet the diverse needs of underserved and underperforming learners? • How does this particular text contribute to the collection (course syllabus, department book room, library collection)? • Whose needs are being met, and whose voices, experiences, and/or identities are missing? • Does the text contribute to reflecting some of the intersectional identities in the community (school, local, global?)

Culturally Relevant and Responsive Approach




A Culturally Relevant and Responsive Approach to text selection acknowledges our students' multiple social identities and how they intersect with the world. It also acknowledges that the texts in our classrooms are Third Teachers which carry implicit and explicit messages about identity and learning. This approach deepens our awareness of texts and instructional practices that engage student populations with a full range of differences in learning backgrounds, strengths, needs and interests.

 LEARNERS	 LEARNING	 ENVIRONMENT
<p>CRRP supports teachers in developing deep knowledge of their students.</p>	<p>CRRP supports teachers having high expectations for all learners. It utilizes a constructivist approach and culturally responsive practices which allow learners to build on and construct their own knowledge.</p>	<p>CRRP supports an environment where an awareness of how socio- cultural structures impact individual experiences and opportunities informs the design and delivery of learning</p>
<ul style="list-style-type: none"> • Does this text contribute to affirming views of historically and currently marginalized groups or communities? What complementary texts might be included? • How might this text foster intergroup understanding and/or raise awareness of inequity or oppression? • How might this text affirm and empower students in exploring their identities? • How might this text support students in learning about the lived experiences of their families and communities over generations? 	<ul style="list-style-type: none"> • Does this text offer a “window” (opportunities for insight and understanding) for students into the experiences of others, including those of marginalized communities? What complementary texts might be included? • Does this text serve as a “mirror” (opportunities for reflection and affirmation) for students into their own lives, and does it reflect aspects of their social identities? What complementary texts might be included? • Does this text serve as a “sliding door” (opportunities for action and agency) for the reader to imaginatively and critically construct their relationship with the text? What complementary texts might be included? 	<ul style="list-style-type: none"> • Is the text potentially triggering or sensitive for certain students due to its topic or descriptions of trauma? • To what degree will trauma informed approaches be required in the use of this text? • Does the classroom environment support students challenging biases and navigating challenging topics and themes as they engage with the text? What norms, complementary texts, or contextual learning might be required? • Does the environment support students to challenge their own and each others' thinking through the text?

Critical Literacy




Critical Literacy refers to critically analyzing and evaluating the meaning of text as it relates to issues of equity, power, and social justice to inform a critical stance, response and/or action. The supporting questions and criteria should be used as a tool to assist teachers with determining if a text is appropriate for students, if it is a good candidate for critical literacy instruction, and to inform conversations around culling texts, pairing texts, and purchasing texts. Collectively, the texts offered to students send messages about the values of the classroom and the school. Staff need to ask how the collection reflects the strengths, needs, identities, and experiences of the school community.

Critical literacy invites students to think more deeply about texts in all disciplines, to evaluate perspectives, reliability, credibility and to develop questioning skills that encourage them to think and act on their decisions. These questions can be asked of any text or task.

 LEARNERS	 LEARNING	 ENVIRONMENT
<ul style="list-style-type: none"> • How does the text meet the diverse needs of underserved and underperforming learners? • How does this particular text contribute to the collection (course syllabus, book room, library collection)? • Whose needs are being met, and whose voices, experiences, and/or identities are missing? • Does the text contribute to reflecting some of the intersectional identities in the community (school, local, global)? 	<p>Voice, Perspective and Context</p> <ul style="list-style-type: none"> • Who created the text, and whose voices are present or absent? • Are certain people or groups left out or given roles that don't enable them to be heard? • Who is most likely to benefit from this text? Why was this text produced? • What questions does this text not raise? What critical considerations might not be addressed? <p>Messaging</p> <ul style="list-style-type: none"> • How is language used? • Who has power? • Whose knowledge is being represented and privileged? • Is the content reliable and valid? • What does the author hope to communicate to readers? <p>Agency</p> <ul style="list-style-type: none"> • How are learners engaged in critically assessing texts and resources? 	<ul style="list-style-type: none"> • Does the text uphold or perpetuate a western worldview (canon) to the exclusion or oppression of others? • Does the text perpetuate a colonial worldview? Does it perpetuate stereotypes about marginalized communities? • What from the existing collection might need to be rethought or removed because it acts as a barrier to inclusion, accessibility, achievement and/or well-being? • Who is consulted when purchasing new additions to the collection? Whose voices are missing? • Has the school community been considered in the text selection process? • What sources of data are considered when making purchasing decisions?

26

DRAFT Process for the Selection of Learning Resources and Text Selection Tool

 LEARNERS			 LEARNING			 ENVIRONMENT		
Text Accessibility	Culturally Relevant and Responsive Approach	Critical Literacy	Text Accessibility	Culturally Relevant and Responsive Approach	Critical Literacy	Text Accessibility	Culturally Relevant and Responsive Approach	Critical Literacy
<ul style="list-style-type: none">• Who are my learners? Is the text relevant to their interests, perspectives, identities, maturity level and/or experiences?• How could this text motivate my students [as readers and writers]?• How might the messaging in the text impact the different learners in my classroom?• To what extent does this text access and build upon the knowledge and experiences my students bring with them?• Does the text provide opportunities for every student to think, express and reflect?	<ul style="list-style-type: none">• CRRP supports teachers in developing deep knowledge of their students.• Does this text contribute to affirming views of historically and currently marginalized groups or communities? What complementary texts might be included?• How might this text foster intergroup understanding and/or raise awareness of inequity or oppression?• How might this text affirm and empower students in exploring their identities?• How might this text support students in learning about the lived experiences of their families and communities over generations?	<ul style="list-style-type: none">• How does the text meet the diverse needs of underserved and underperforming learners?• How does this particular text contribute to the collection (course syllabus, department book room, library collection)?• Whose needs are being met, and whose voices, experiences, and/or identities are missing?• Does the text contribute to reflecting some of the intersectional identities in the community (school, local, global?)	<ul style="list-style-type: none">• How is this text serving the curriculum expectations and learning goals with which it is aligned?• How does this text help meet the learning goals? Would other texts equally or additionally help meet the learning goals?• To what extent does this text align with the STEP (Steps to English Proficiency-p.26) of my English language learners?• Is the text available in formats which support different learning modalities for students?• What scaffolds or forms of differentiation/ accommodations (e.g. background knowledge, explicit instructions, etc.) will my students need to succeed using this text?	<ul style="list-style-type: none">• CRRP supports teachers having high expectations for all learners. It utilizes a constructivist approach and culturally responsive practices which allow learners to build on and construct their own knowledge.• Does this text contribute to affirming views of historically and currently marginalized groups or communities? What complementary texts might be included?• How might this text foster intergroup understanding and/or raise awareness of inequity or oppression?• How might this text affirm and empower students in exploring their identities?• How might this text support students in learning about the lived experiences of their families and communities over generations?	<p>Voice, Perspective and Context</p> <ul style="list-style-type: none">• Who created the text, and whose voices are present or absent?• Are certain people or groups left out or given roles that don't enable them to be heard?• Who is most likely to benefit from this text? Why was this text produced?• What questions does this text not raise? What critical considerations might not be addressed? <p>Messaging</p> <ul style="list-style-type: none">• How is language used?• Who has power?• Whose knowledge is being represented and privileged?• Is the content fair, reliable, and valid?• What does the author hope to communicate to readers? <p>Agency</p> <ul style="list-style-type: none">• How are learners engaged in critically assessing texts and resources?	<ul style="list-style-type: none">• Does this text contribute to a classroom community where all students see themselves as readers?• Are texts available in various formats (modalities) that support the learning strengths and needs of all students, including ELLs and students with exceptionalities?• Have students been provided with opportunities to self-select texts to read for interest and/or pleasure?• Have opportunities for student voice been provided around text selection decisions, choice of text format and learning design?	<ul style="list-style-type: none">• CRRP supports an environment where an awareness of how socio- cultural structures impact individual experiences and opportunities informs the design and delivery of learning• Is the text potentially triggering or sensitive for certain students due to its topic or descriptions of trauma?• To what degree will trauma informed approaches be required in the use of this text?• Does the classroom environment support students challenging biases and navigating challenging topics and themes as they engage with the text? What norms, complementary texts, or contextual learning might be required?• Does the environment support students to challenge their own and each others' thinking through the text?	<ul style="list-style-type: none">• Does the text uphold or perpetuate a western worldview (canon) to the exclusion or oppression of others?• Does the text perpetuate a colonial worldview? Does it perpetuate stereotypes about marginalized communities?• What from the existing collection might need to be rethought or removed because it acts as a barrier to inclusion, accessibility, achievement and/or well-being?• Who is consulted when purchasing new additions to the collection? Whose voices are missing?• Has the school community been considered in the text selection process?• What sources of data are considered when making purchasing decisions?

27

DRAFT Process for the Selection of Learning Resources and Text Selection Tool

TEXT ACCESSIBILITY			CULTURALLY RELEVANT AND RESPONSIVE APPROACH			CRITICAL LITERACY		
Learners	Learning	Environment	Learners	Learning	Environment	Learners	Learning	Environment
<ul style="list-style-type: none">• Who are my learners? Is the text relevant to their interests, perspectives, identities, maturity level and/or experiences?• How could this text motivate my students [as readers and writers]?• How might the messaging in the text impact the different learners in my classroom?• To what extent does this text access and build upon the knowledge and experiences my students bring with them?• Does the text provide opportunities for every student to think, express and reflect?	<ul style="list-style-type: none">• How is this text serving the curriculum expectations and learning goals with which it is aligned?• How does this text help meet the learning goals? Would other texts equally or additionally help meet the learning goals?• To what extent does this text align with the STEP (Steps to English Proficiency-p.26) of my English language learners?• Is the text available in formats which support different learning modalities for students?• What scaffolds or forms of differentiation/ accommodations (e.g. background knowledge, explicit instructions, etc.) will my students need to succeed using this text?	<ul style="list-style-type: none">• Does this text contribute to a classroom community where all students see themselves as readers?• Are texts available in various formats (modalities) that support the learning strengths and needs of all students, including ELLs and students with exceptionalities?• Have students been provided with opportunities to self-select texts to read for interest and/or pleasure?• Have opportunities for student voice been provided around text selection decisions, choice of text format	<p>CRRP supports teachers in developing deep knowledge of their students.</p> <ul style="list-style-type: none">• Does this text contribute to affirming views of historically and currently marginalized groups or communities? What complementary texts might be included?• How might this text foster intergroup understanding and/ or raise awareness of inequity or oppression?• How might this text affirm and empower students in exploring their identities?• How might this text support students in learning about the lived experiences of their families and communities over generations?	<p>CRRP supports teachers having high expectations for all learners. It utilizes a constructivist approach and culturally responsive practices which allow learners to build on and construct their own knowledge.</p> <ul style="list-style-type: none">• Does this text offer a “window” (opportunities for insight and understanding) for students into the experiences of others, including those of marginalized communities? What complementary texts might be included?• Does this text serve as a “mirror” (opportunities for reflection and affirmation) for students into their own lives, and does it reflect aspects of their social identities? What complementary texts might be included?• Does this text serve as a “sliding door” (opportunities for action and agency) for the reader to imaginatively and critically construct their relationship with the text? What complementary texts might be included?	<p>CRRP supports an environment where an awareness of how socio-cultural structures impact individual experiences and opportunities informs the design and delivery of learning.</p> <ul style="list-style-type: none">• Is the text potentially triggering or sensitive for certain students due to its topic or descriptions of trauma?• To what degree will trauma informed approaches be required in the use of this text?• Does the classroom environment support students challenging biases and navigating challenging topics and themes as they engage with the text? What norms, complementary texts, or contextual learning might be required?• Does the environment support students to challenge their own and each others’ thinking through the text?	<ul style="list-style-type: none">• How does the text meet the diverse needs of underserved and underperforming learners?• How does this particular text contribute to the collection (course syllabus, book room, library collection)?• Whose needs are being met, and whose voices, experiences, and/ or identities are missing?• Does the text contribute to reflecting some of the intersectional identities in the community (school, local, global)?	<p>Voice, Perspective and Context</p> <ul style="list-style-type: none">• Who created the text, and whose voices are present or absent?• Are certain people or groups left out or given roles that don’t enable them to be heard?• Who is most likely to benefit from this text? Why was this text produced?• What questions does this text not raise? What critical considerations might not be addressed? <p>Messaging</p> <ul style="list-style-type: none">• How is language used?• Who has power?• Whose knowledge is being represented and privileged?• Is the content reliable and valid?• What does the author hope to communicate to readers? <p>Agency</p> <ul style="list-style-type: none">• How are learners engaged in critically assessing texts and resources?	<ul style="list-style-type: none">• Does the text uphold or perpetuate a western worldview (canon) to the exclusion or oppression of others?• Does the text perpetuate a colonial worldview? Does it perpetuate stereotypes about marginalized communities?• What from the existing collection might need to be rethought or removed because it acts as a barrier to inclusion, accessibility, achievement and / or well-being?• Who is consulted when purchasing new additions to the collection? Whose voices are missing?• Has the school community been considered in the text selection process?• What sources of data are considered when making purchasing decisions?

**DURHAM DISTRICT SCHOOL BOARD
ADMINISTRATIVE REPORT**

REPORT TO: Durham District School Board **DATE:** June 1, 2022

SUBJECT: Book Removals Since January 2020 **PAGE:** 1 of 4

ORIGIN: Norah Marsh, Director of Education and Secretary to the Board
Jim Markovski, Associate Director of Equitable Education
Georgette Davis, Superintendent of Education, Innovative Education

1.0 Purpose

The purpose of this report is to provide the Board of Trustees with an update in response to an April 19th Trustee motion requesting that DDSB *staff bring forward a report to Trustees around the removal of books, including the policy explaining the criteria for doing so, and the report include a chart with the themes that trigger a book review and that the report be presented to the Governance and Policy Committee no later than June 1, 2022.*

A final report with a draft proposed policy for trustee review will be included as part of the June 13, 2022 Governance and Policy Committee agenda package that will be shared with Trustees on June 8, 2022 alongside a draft procedure that requires further staff input. Attached is the existing policy and regulation that has informed the processes since January 2020.

2.0 Ignite Learning Strategic Priority/Operational Goals

The information in this report aligns with and contributes to the DDSB's strategic plan and operational goals:

Success – *Set high expectations and provide support to ensure all staff and students reach their potential every year.*

Well-being – *Create safe, welcoming, inclusive learning spaces to promote well-being for all students and staff.*

Equity – *Promote a sense of belonging and increase equitable outcomes for all by identifying and addressing barriers to success and engagement.*

Engagement – *Engage students, parents and community members to improve student outcomes and build public confidence.*

Innovation – *Re-imagine learning and teaching spaces through digital technologies and innovative resources.*

3.0 Background

The Durham District School Board recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

The Durham District School Board is committed to learning and working environments that centre human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive and free from discrimination.

The current DDSB Policy, Learning Materials Selection (Appendix A) was last updated in 2016. The policy emphasizes the need to provide a variety and range of learning materials and services to meet the needs of the students served by the District. Learning materials are chosen with a view to contributing to the intellectual, social, cultural, and emotional growth of the students so that through them students will gain a broader understanding of themselves and the world in which they live while gaining academic skills. Questions from individual members of the community regarding the suitability of specific materials are to be reviewed in accordance with the procedure.

Our current procedures are captured in the Regulation, Learning Materials Selection (Appendix B). The Board of Trustees supported the phasing out of District regulations as they were not in alignment with the standards of governance for school boards. Staff are currently working on finalizing a draft policy for trustee review. Draft procedures are also in development and will be shared as part of the report being presented at the June 13, 2022 Governance and Policy Committee meeting. Further consultation with staff is necessary in order to finalize a draft procedure that is in alignment with the policy and District practices in consulting with staff groups on related procedures.

4.0 **Analysis**

Over the last two years, a total of seven books have been permanently removed from circulation at the DDSB. An additional six have been reviewed and found not to meet the threshold for removal. The following table includes thematic concerns that initiated book removals, the date of review, and the number of books reviewed:

Thematic Concerns that initiated the (Temporary) Removal	Date of Review	Number of Books Reviewed
Portrayal of people in ways that are hurtful and wrong and were pulled by the publisher for that reason.	May 2022: Books were permanently removed	6
Racist depictions, as per press release and apology from author.	May 2022: Book was permanently removed	1

Thematic Concerns that initiated the (Temporary) Removal (<i>continued</i>)	Date of Review	Number of Books Reviewed
Concerns from the community about sexual themes.	May 2022: Books were not permanently removed	3
Concerns from Indigenous families about impact on their children.	May 2022: Books were not permanently removed	3

In March 2022, Indigenous community members came forward to share their concerns about three books from the Forest of Reading collection. They believed that the books contained material that perpetuated Indigenous stereotypes. As these were newly purchased resources, the Indigenous Education Policy and Procedures were used to guide the response to the families' concerns. Since then, staff have committed to further consultation with Indigenous communities about those procedures given the disharmony that occurred within the local Indigenous communities. We recognize that the Indigenous families who came forward did so with the intent to ensure we meet their children's needs. We also understand that for many other Indigenous families, the importance of accessing books that reflect Indigenous lived realities is critically important.

The proposed draft version of the updated DDSB Policy and DDSB Procedure on Learning Resource Selection will align with the Indigenous Education Policy while also applying the lessons learned this spring. The goal of staff is to promote multiple opportunities for all students to see themselves authentically reflected in the resources utilized in our teaching and learning environments.

5.0 Financial Implications

Not applicable.

6.0 Conclusion and/or Recommendations

This report is provided to the Board of Trustees for information purposes.

7.0 Appendices

Appendix A: Current DDSB Policy, Learning Resource Selection

Appendix B: Current DDSB Regulation, Learning Resource Materials Selection

Report reviewed and submitted by:



Norah Marsh, Director of Education and Secretary to the Board



Jim Markovski, Associate Director of Equitable Education



Georgette Davis, Superintendent of Education, Innovative Education

INSTRUCTION

Appendix A

Learning Materials Selection Policy

- 1.0 The school system strives to provide a variety and range of learning materials and services to meet the needs of the students served by The Board.
 - 1.1 Learning materials are chosen with a view to contributing to the social, cultural, emotional and intellectual growth of the students so that through them students will gain a broader understanding of themselves and of the world in which they live.
 - 1.2 Learning materials for use in instructional programs shall be selected by professional personnel subject to any restrictions of the Acts and Regulations of the Ministry of Education. Whenever possible the selection shall follow a process of consultation including administration, parents and students.
 - 1.3 Challenged material will be reviewed in accordance with such procedures as are established from time to time.

2.0 Challenged Materials

- 2.1 Though care has been taken to select worthwhile materials for students' and teachers' use by qualified personnel, objections may be received about learning materials.
- 2.2 Questions from individual members of the community regarding the suitability of specific materials can usually be resolved at the school level.

Appendix:

None

Effective Date

80-01-28

Amended/Reviewed

2006-06-07

2011-03-04

2016-11-15

REGULATION

INSTRUCTION

Appendix B

Learning Resource Materials Selection

1.0 Responsibility for Selection

While the selection of learning materials involves many people, the responsibility for co-ordinating the selection and recommending the purchase of materials used in a formal learning context to support educational expectations rests with the principal, the teacher-librarian, facilitators and/or other professionals. The responsibility for recommending the system purchase of textbooks rests with the Superintendent of Education/Programs, based where appropriate on Ministry of Education approval. "The principal shall ensure that all textbooks used by pupils are those approved by the board and, in the case of subject areas for which the Minister approves textbooks, those approved by the Minister;"(Education Act 265(h))

For the purposes of discussion, learning resource materials will be defined as "print" and/or "non-print resources" used in a formal learning context. These resources would normally be included in the Resource Centre, or in a classroom collection. They may be used by either a teacher, a student, or a group of students.

2.0 Guiding Principles

1. At the school level, the principal and teacher-librarian shall review this policy and regulation with the teaching staff.
2. Any parent/guardian of a student enrolled in a school of the Durham District School Board may raise objection to learning resources used in his/her child's school educational program. These could be resolved through informal or formal means.
3. If a parent/guardian objects to a specific learning resource, the parent/guardian may request equivalent, grade-appropriate, alternate reading, viewing or listening matter for his/her own children. These may include headphones so that the student will remain in the classroom. These can occur without a formal submission for reconsideration.
4. Access to challenged material shall not be restricted during the reconsideration process, including the formal reconsideration process.
5. The major criterion for the final decision is the appropriateness of the material for its intended educational use.
6. A decision to sustain a challenge shall not be interpreted as faulty judgement on the part of the professionals involved in the original selection and/or use of the material.

3.0 Criteria for Selection

1. The program needs of individual pupils in individual schools and the development of existing collections shall be given consideration.
2. Materials shall be consistent with the education goals of the province, school district, individual schools and specific courses and programs.
3. Learning resources shall be selected for their strengths.

4. Materials shall be appropriate for the age, cognitive levels, emotional development, achievement level, learning styles, gender and social development of the pupils for whom the materials are selected.
5. High standards of quality, factual accuracy, integrity, stimulating presentation, imagination, and creativity shall be observed. Biasfree materials shall be selected.
6. Materials shall be selected with due consideration for instructional, intellectual, aesthetic, literary and social merit.
7. Materials shall be provided to assist pupils to understand their duties, values, responsibilities, rights and privileges as participating citizens in our diverse society.
8. The selection of materials on controversial issues will be directed towards maintaining a balanced collection representing various views of the community.
9. Cost, readability, currency, organization of content, and physical quality shall be taken into consideration.
10. Emphasis shall be placed on Canadian materials where appropriate.
11. In order to promote reading and literacy among students, teacher-librarians who select resources for all students, must be aware of current research about children and reading.
12. Teachers are urged to be sensitive to pupils and parents or guardians who may be concerned about specific curriculum materials. Whenever possible, it is recommended that an alternative learning resource be made available to such pupils. When this occurs, the Selection of Learning Resources Rationale form should be completed.

4.0 Electronic Resources

The same criteria, principles, and reconsideration procedures shall apply to the selection of electronic resources, including software and internet resources. The criteria outlined in Section 3 will apply.

5.0 Materials Received as Gifts

Materials received as gifts shall be judged by the criteria outlined in Section 3 and shall be accepted or rejected on those criteria.

6.0 Review of Materials

1. Materials shall be reviewed using the criteria for selection to ensure their usefulness to the existing curriculum by teachers, teacher-librarians and principals and appropriateness to the reading level and interest of students and educators.
2. Materials no longer considered appropriate by the school due to age or subject material should be marked "discard" and removed from the school collection. At the school level, this responsibility rests with the teacher-librarian and the principal.

7.0 Dealing with Challenged Materials

7.1 Request for Informal Reconsideration

7.2 The expectation is that issues should be resolved where possible, at the local level.

The principal receiving a parental expression of concern regarding a learning resource used in their child's education shall attempt to resolve the issue informally through discussion with the teacher-librarian or the teacher involved and the questioner, using the following guidelines:

- (a) The principal or other appropriate staff shall explain to the questioner the district selection procedure, A copy of the relevant policies shall be offered to the questioner.
- (b) The principal or other appropriate staff shall explain the particular place the questioned resource occupies in the education program, its intended educational usefulness, and any additional information regarding its use. The emphasis will be on the resolution at the local level.
- (c) If the questioner wishes to file a formal challenge, a copy of the school board's Learning Resource Materials Selection policy and a Request for Reconsideration of Learning Materials form B shall be provided by the principal to the questioner.

7.3 Request for Formal Reconsideration

- (d) Requests for formal reconsideration received by the Durham District School Board shall be directed initially to the appropriate school for local resolution according to the regulation. A copy of the policy and regulation shall be provided by the principal.
- (e) Each school shall make available the Request for Reconsideration of Learning Materials B forms. All formal objections to learning resources shall be made on this form or may be in the form of a letter stapled to a copy of this form.
- (f) The Request for Reconsideration of Learning Materials Appendix B shall be signed by the questioner and copies filed with the principal, teacher-librarian, and/or the appropriate lead teacher, and the Curriculum Officer. A copy of the Selection of Learning Resources Rationale form A completed by the teacher-librarian or teacher shall be included. The Principal can forward the material to the Area Officer and Curriculum Officer.
- (g) The Director of Education and the Superintendent of Education/Programs, the Superintendent of Education/Area and the Principal of the school involved shall be informed in writing of the request for reconsideration by the appropriate Curriculum Officer.
- (h) The Principal will inform the School Council of the reconsideration request.
- (i) The request for formal reconsideration shall be referred to the Learning Materials Reconsideration Committee, formed by the Superintendent of Education/Programs.

7.4 The Learning Materials Reconsideration Committee

1. The Superintendent of Education/Programs is responsible for:
 - (a) forming a new Learning Materials Reconsideration Committee for each reconsideration request. When appropriate, membership should include:
 - a teacher of that subject area from another school, elementary or secondary, depending on the resource;
 - the media library facilitator;
 - a trustee;
 - a Chair of a School Council not from the school involved;
 - a senior pupil may be added from an elementary school not from the school involved;
 - a principal not from the school involved;
 - a member of the student senate, when the reconsidered resource is from a secondary school;
 - the Curriculum Officer or Secondary School Reform Officer.
 - (b) Serving as a non-voting chairperson of the committee will vote only to break a tie decision.
 - (c) Calling a meeting date within 30 school days after the written request for reconsideration is received.
 - (d) The Learning Materials Reconsideration Committee may choose to consult district support staff and/or community persons with related knowledge.
 - (e) The Learning Materials Reconsideration Committee shall review the challenged resource and determine whether it conforms to the criteria of selection outlined in the Board's Learning Resource Materials Selection policy.

7.5 Resolution Guidelines for Learning Materials Reconsideration Committee

The Learning Materials Reconsideration Committee shall proceed within these guidelines:

- (j) Examine the challenged resource in relation to the Durham District School Board Mission Statement. Each member will be responsible for reading/reviewing the material.
- (k) Read critical reviews, if available.
- (l) Weigh values and faults, and form assessments based on the material as a whole rather than on passages or section taken out of context.
- (m) Discuss the challenged resource in the context of the educational goals, programs, and the library's Collection Development Policy wherever possible.
- (n) Discuss the challenged item with the individual questioner within 15 days of the convening of the committee, and speak to relevant staff within the 15 days.
- (o) Maintain a list of challenged materials by panel recommended by the Reconsideration Committee for district consideration

- (p) Prepare a written report to the Director of Education, within 30 school days of the committee's first meeting.
- (i) A written report of the Learning Materials Reconsideration Committee shall be communicated to the questioner by mail.
- (ii) A copy of the written report shall be retained by the Superintendent of Education/Programs, Principal and/or school librarian, and/or classroom teacher.

7.6 The decision of the Learning Materials Reconsideration Committee completes the process.

8.0 Appendix:

Appendix A - Selection of Learning Resources Rationale Form
Appendix B – Request for Reconsideration of Learning Materials

Effective Date

80-01-28

Amended/Reviewed

2001-06-18

2006-06-07

2011-03-25

2016-11-15

9.0 APPENDIX A

**SELECTION OF LEARNING RESOURCES
RATIONALE FORM (to be filled in by the school)**

Please fill in the form as completely as possible. You can attach additional pages where necessary. The information provided will be used

1. At the local school level for resolution
2. If necessary by the Reconsideration Committee

School: _____

Teacher/Teacher-Librarian: _____

Title: _____ Year _____ Publisher _____

Author _____ Grade or Course: _____

Approximate date(s) resource will be used: _____

This resource will be: _____ studied by the whole class read to students
 _____ studied by small groups _____ used by individual students

Ways in which the resource is pertinent to the expectation of this course or unit. Reference Ministry expectations, and/or recommendation.

Ways in which the resource is appropriate for pupils in this class. Note students with special needs, ethnocultural diversity, where relevant.

Special problems that might arise in relation to the resource and some planned activities which handle this problem:

Some other appropriate books an individual pupil might read in place of this resource. Include author, title. Could consult with the Language Facilitator and/or Media Library Facilitator.

Have you applied the criteria for selection in the District policy statement on the Selection of Learning Resources?

Date: _____ Teacher: _____

Principal: _____

10.0

APPENDIX B

REQUEST FOR RECONSIDERATION OF LEARNING MATERIALS

Please fill in the form as completely as possible. You can attach additional pages where necessary. The information provided will be used:

1. At the local school level for resolution
2. If necessary by the Reconsideration Committee

Title: _____

Author: _____

Publisher: _____

Type of Resource:

Textbook	_____	Reference	_____	Required Reading	_____
Video/Film	_____	Library Book	_____	Electronic	_____
Other (specify)	_____				

Request initiated by: _____

Address: _____

Representing: Self _____ Other _____ (specify)

My concerns arise from:

a)	reading the entire resource	_____	d)	tone	_____
b)	viewing the entire resource	_____	e)	other (specify)	_____
c)	talking to child	_____			

Concern(s): (be specific; cite pages:)

For what age group would you recommend this resource? _____

What do you think might be of value in this resource?

11.0 REQUEST FOR RECONSIDERATION OF LEARNING MATERIALS (CONTINUED)

Did you read, view or hear the entire resource?

What reviews of this resource have you read?

What do you believe is the theme or purpose of this resource?

List alternatives if possible:

Recommendations:

Date

Signature

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO:	Durham District School Board Governance and Policy Committee	DATE: June 13, 2022
SUBJECT:	Revised Bylaw: Receiving Board Correspondence/Letters	PAGE: 1 of 2
ORIGIN:	Patrick Cotter, General Counsel Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations	

1.0 Purpose

The purpose of this report is to provide the Governance and Policy Committee with a proposed amendment to the Consolidated Bylaws to address the Chair's obligations with respect to correspondence received in the capacity as Chair of the Board of Trustees.

2.0 Ignite Learning Strategic Priority/Operational Goals

Success – *Set high expectations and provide support to ensure all staff and students reach their potential every year.*

Well-being – *Create safe, welcoming, inclusive learning spaces to promote well-being for all students and staff.*

Leadership – *Identify future leaders, actively develop new leaders and responsively support current leaders.*

Equity – *Promote a sense of belonging and increase equitable outcomes for all by identifying and addressing barriers to success and engagement.*

Engagement – *Engage students, parents and community members to improve student outcomes and build public confidence.*

Innovation – *Re-imagine learning and teaching spaces through digital technologies and innovative resources*

3.0 Discussion

At the May 10, 2022 meeting of the Governance and Policy Committee it was determined that Executive Lead Robert Cerjanec and General Counsel Patrick Cotter would work with Trustees Michael Barrett and Scott Templeton to prepare draft language for inclusion in the Consolidated Bylaws to address distribution of correspondence received by the Chair in that capacity. Trustee Barrett met with Robert Cerjanec and Patrick Cotter on June 3 and draft language was prepared (see: section 2.2.2). The proposed amended Consolidated Bylaws are attached as Appendix A.

4.0 Conclusion and/or Recommendations

This report is provided to the committee for consideration.

5.0 Appendices

Appendix A – Proposed revised Consolidated Bylaws

Report reviewed and submitted by:



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External relations



BYLAWS

Consolidated Bylaws

1.0 PURPOSE AND APPLICATION

- 1.1 These Bylaws are enacted by the Board of Trustees (the “Board” or the “Board of Trustees”) of the Durham District School Board (the “DDSB”) to govern the Board and Committees of the Board and to advance good governance practices at the Board in accordance with the governance structure for school boards established under the *Education Act*. These Bylaws advance democratic decision making with rules that facilitate fair and respectful debate.
- 1.2 Committees of the Board are Committees with only trustees as voting members. Advisory Committees are not Committees of the Board and they are not governed by these Bylaws (except that certain Advisory Committees are established by the Bylaws and except that the Board is bound by these Bylaws in establishing or dissolving any such committee).
- 1.3 Subject to any applicable legislation or regulation, any procedural rule(s) in these Bylaws may be suspended by a two-thirds majority vote of the members present and voting.
- 1.4 The rules contained in the latest edition of Robert’s Rules of Order (“RONR” or “Robert’s Rules of Order”), shall govern all matters of procedure provided they are not inconsistent with these Bylaws or any special rules of order that the Board may adopt, or with any applicable statutes or regulations.
- 1.5 Subject to any applicable legislation or regulations, these Bylaws may be amended by a two-thirds majority vote of the members present and voting, provided that the matter is listed on the agenda prior to the commencement of a Board meeting and provided that written notice of any proposed amendment(s), and any supporting materials, shall have been delivered at the previous meeting of the Board.

SECTION 2: ROLES AND RESPONSIBILITIES

2.1 Board of Trustees

- 2.1.1 The Board of Trustees is the governing body of the DDSB. Decision-making authority for matters before the Board of Trustees rests with the Board, as a whole, and not with individual trustees.
- 2.1.2 The Board of Trustees is required to carry out its mandate as stipulated in the *Education Act*, and in particular, as set out in Section 169.1(1).
- 2.1.3 Board members shall each comply with the provisions of section 218.1 of the *Education Act* and the DDSB's Member Code of Conduct.
- 2.1.4 The DDSB's Member Code of Conduct is attached to these Bylaws as Appendix "A".

2.2 Chair/Vice-Chair

- 2.2.1 The Chair of the Board of Trustees, as an individual member, has no greater rights or powers than any other member of the Board but does have a unique role as expressly set out in the *Education Act*.
- 2.2.2 Consistent with the terms of s.218.4 of the *Education Act*, the role of the Chair of the Board of Trustees (or Vice-Chair in the Chair's absences) is as set out in the *Education Act* and is to:
 - (a) Preside over meetings of the Board in an impartial and fair manner;
 - (b) Conduct meetings in accordance with these Bylaws;
 - (c) Establish draft agendas for Board meetings in consultation with the Director;
 - (d) Ensure the members of the Board have the information needed for informed discussion of the agenda items;
 - (e) Act as spokesperson to the public on behalf of the Board, unless otherwise determined by the Board;
 - (f) Convey the decisions of the Board to the Director;
 - (g) Provide leadership to the Board in maintaining the Board's focus on the Multi-Year Strategic Plan and the Board's mission and vision;
 - (g)(h) Share with the Board of Trustees any correspondence delivered to the Chair in that capacity that addresses the business of the Board of Trustees. Subject to any issue of urgency, such correspondence shall be shared at the next meeting of the Board of Trustees. However, the Chair shall not share any correspondence that contains personal attacks against any individual Trustee or staff member. In any such case, the Chair shall consider the Code of Conduct in determining how best to respond to the correspondence, if at all; and
 - (h)(i) Assume such other responsibilities as may be assigned by the Board of Trustees.

2.3 Committee Chair or Vice-Chair

- 2.3.1 The role of the Committee Chair (or Vice-Chair in the Chair's absence) is to:

- (a) Preside over meetings of the Committee in an impartial and fair manner;
- (b) Establish agendas for Committee meetings, in consultation with the Director;
- (c) Conduct meetings in accordance with these Bylaws;
- (d) Ensure that members of the Committee have the information needed for

- informed discussion of the agenda items;
- (e) Liaise with the Director to bring forward Committee recommendations to the Board, or to the Committee of the Whole – Standing, through a staff report delivered on behalf of the Committee.

2.4 Student Trustees

- 2.4.1 Student Trustees are not elected members of the Board but play an important role in representing the interests of secondary school students through their participation in meetings of Student Senate, the Board and its Committees. As outlined in section 55 of the *Education Act* and the regulations thereunder, including Ontario Regulation 7/07, Student Trustees:
- (a) May attend Board and Committee meetings but are not considered members of the Board and may not exercise a binding vote on a matter;
 - (b) May request that a matter before the Board be put to a recorded vote;
 - (c) Must disclose any conflict of interest to the Board or Committee. During the discussion of the matter that gives rise to conflict, the Student Trustee cannot participate in the discussion, attempt to influence the vote of Board members, cannot suggest a motion or exercise a non-binding recorded vote;
 - (d) May not move or second motions but are entitled to suggest a motion to be moved by a member;
 - (e) May attend closed session of a Committee unless the matters under consideration include the disclosure of intimate, personal or financial information with respect to a member of the Board or Committee, an employee or prospective employee of the DDSB, a pupil or their parent or guardian; and
 - (f) Must not disclose to any member of the public, confidential information acquired by virtue of their office or during closed session.
- 2.4.2 The Durham District School Board shall have three Student Trustees on the Board. If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process outlined in these Bylaws.
- 2.4.3 A person is qualified to act as a Student Trustee if he or she is a full-time pupil of the DDSB in the senior division. In addition, the Student Trustee must be a Canadian citizen and a resident in the jurisdiction of the Durham District School Board.
- 2.4.4 A Student Trustee shall be disqualified from serving if the student is suspended or expelled or is otherwise not a student in good standing according to his or her principal from the date of his or her nomination until the last day of his or her term. A Student Trustee who, in the opinion of the Director of Education and the Chair, has engaged in any conduct, either at school, in Board meeting or otherwise, including on social media, which is incompatible with the responsibilities of the position shall be disqualified from serving as a Student Trustee on the Board.
- 2.4.5 A Student Trustee who ceases to be a student in the DDSB shall be disqualified from serving as a Student Trustee on the Board.

- 2.4.6 A Student Trustee who is absent from three consecutive regular meetings of the Board shall be disqualified from serving as a Student Trustee on the DDSB, unless the absence is authorized by resolution of the Board entered in the minutes.
- 2.4.7 Student Trustees shall be reimbursed for their routine expenses reasonably incurred in connection with carrying out the responsibilities of Student Trustees. Such reimbursement of expenses shall be according to the same rules that govern the reimbursement of Board members' expenses. All other expenses are to be pre-approved by the Chair of the Board and the Director. Examples of other expenses that may be approved would be conference fees, accommodation and travel expenses.
- 2.4.8 The Director shall hold a meeting with the Student Trustees by the end of the first month of their term to outline and clarify all matters and questions relating to these Bylaws, reimbursement of expenses and budget for Student Trustees and for Student Senate. The Durham District School Board shall appoint a mentor/advisor to the Student Trustees.
- 2.4.9 A Student Trustee may apply to the co-operative education teacher at their school before the beginning of the term to use the experience of being a Student Trustee to fulfill the requirements of a co-operative education credit(s).
- 2.4.10 Student Trustees shall be expected to:
- (a) attend regular Board meetings;
 - (b) notify the Secretary of the Board when unable to attend a meeting;
 - (c) participate in the Student Senate and report student matters to the Board;
 - (d) provide a Student Trustee report at meetings of the Committee of the Whole – Standing;
 - (e) with approval of the Chair and the Director of Education, Student Trustees may become members of the Ontario Student Trustees' Association - l'Association des élèves conseillers et conseillères de l'Ontario (OSTA - AECO) and attend OSTA-AECO conferences, including the FGM and the AMG, to further develop their skills as Student Trustees and to be kept informed of issues across the province;
 - (f) ensure that a Student Senate is organized for their term, with each sharing duties as Chair;
 - (g) model the conduct expected of Board members as set out in the DDSB's Member Code of Conduct at Appendix "A".
- 2.4.11 The amount of the honorarium for Student Trustees as referenced in subsection 5.5 (8) of the Education Act is:
- (a) \$2,500, if the Student Trustee holds office for a complete term of office;
 - (b) \$2,500 prorated according to the proportion of a term for which the Student Trustee holds office, if the Student Trustee holds office for less than a complete term of office.
- 2.4.12 The term of office of a Student Trustee starts on August 1 of the year in which he or she is elected and ends on July 31 of the following year as long as they remain eligible.

SECTION 3: ORGANIZATIONAL MEETING

3.1 Purpose of Organizational Meeting

3.1.1. An inaugural meeting of the Board shall take place at the first meeting of the Board in December of each year (the “Organizational Meeting”) during which the Board shall:

- (a) Elect the Chair and Vice-Chair of the Board;
- (b) Establish and review Committees of the Board;
- (c) Appoint members to Committees of the Board;
- (d) Elect the Chair and Vice-Chair of the Committee of Whole – Standing;
- (e) Appoint members to represent the Board on external organizations; and
- (f) Adopt an annual schedule of meetings for Board and Committee of Whole - Standing meetings.

3.2 Scheduling of Organizational Meeting

3.2.1. The Board will hold the Organizational Meeting at the first meeting in December.

3.2.2. In an election year, the Organizational Meeting will be held no later than seven (7) days after the start of the term of the Board.

3.3 Presiding Officer

3.3.1. At the Organizational Meeting, the Chief Executive Officer shall preside until the election of the Chair or, in the absence of the Chief Executive Officer, the members present shall designate the person to preside until the election of the Chair and if a member of the Board is so designated, they may vote on the election of the Chair.

3.4 Election of Chair and Vice-Chair

3.4.1. Written or oral nominations, including any self-nominations, shall be received by the presiding officer. When two or more members are nominated and have agreed to stand, voting shall be by secret ballot.

3.4.2. Nominees for the position of Chair and Vice-Chair shall be present at the Organizational Meeting or, if absent, shall have declared in writing to the Secretary of the Board their intention to stand as candidates for the position(s).

3.4.3. The presiding officer or designate and other scrutineers so designated by the presiding officer shall count the ballots.

3.4.4. The member receiving a majority vote of the members present and voting shall be declared the Chair.

3.4.5. Should no member receive such a majority, the name of the member receiving the smallest number of votes shall be dropped and the members shall proceed to vote anew and so continue until the Chair is elected.

- 3.4.6 In the event of an equality of votes, there shall be another ballot and, should there be another equality of votes, the candidates shall draw lots to fill the position.
- 3.4.7 The presiding officer shall announce the result by declaring the name of the member who has been elected Chair.
- 3.4.8 Once elected, the Chair shall then assume the role of chair/presiding officer.
- 3.4.9 This same procedure in this section (3.4) shall apply to the election of the Vice- Chair of the Board.
- 3.4.10 The Chair and Vice-Chair serve in these roles until the next Organizational Meeting but may resign from that role upon one week's written notice delivered to the Secretary of the Board. The Chair and/or Vice-Chair may be removed from the role on a two-thirds majority vote of the members present and voting.
- 3.4.11 If the Chair of the Board resigns the office or is removed from office, the Vice-Chair of the Board shall assume the role of Chair until the next regularly scheduled Board meeting. At that meeting, the election of a new Chair shall be held and, if the Vice-Chair is elected as the Chair, the election of a new Vice-Chair shall also be held.
- 3.4.12 If Chair and Vice-Chair of any Committees have not been elected at the Organizational Meeting, the Committee will elect a Chair and Vice-Chair from amongst themselves.
- 3.4.13 The term of office of a Committee Chair and Vice-Chair shall be one year, or until the next Organizational Meeting, whichever comes first.
- 3.4.14 A Committee Chair and Vice-Chair may be re-elected to a subsequent term(s) of office by the Committee, subject to any appointments made at the Organizational Meeting each year.

SECTION 4: COMMITTEE STRUCTURE AND COMPOSITION

4.1 Approval of Committees

- 4.1.1 The Board shall consider and approve the Board's Committee structure and composition on an annual basis at the Organizational Meeting and as otherwise may be deemed appropriate by the Board.

4.2 Committee of the Whole and Committee of the Whole -Standing

- 4.2.1 The Committee of the Whole will be composed of all Trustees with full participation and voting privileges.
- 4.2.2 The term of the Committee of the Whole will coincide with the term of the Board.
- 4.2.3 During a Board meeting, the Board may convene into Committee of the Whole by majority vote of members present and voting to consider matters in closed session, as permitted under section 207 of the *Education Act*, or for any other reason the Board may deem appropriate. In any such case, the presiding officer for the Committee of the Whole will be

the Vice-Chair of the Board.

- 4.2.4 The Committee of the Whole shall also meet regularly on the first (1st) Monday of the month (which shall be referred as “The Committee of Whole – Standing”). Should the date of such a meeting fall on a statutory, civic, or school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week.
- 4.2.5 A Chair and Vice-Chair of the Committee of the Whole – Standing shall be elected at the Organizational Meeting of the Board. The presiding officer for any closed session of the Committee of the Whole - Standing shall be the Vice-Chair of the Committee.
- 4.2.6 There will be a quorum for Committee of the Whole – Standing. A Trustee who cannot attend a meeting should so notify the Trustee Services Co-Ordinator as soon as possible.
- 4.2.7 It is the function of the Committee of Whole – Standing to consider and debate matters in a more informal way than may be available at Board meetings and provide to the Board, in concise form, relevant information and recommendations. Except for matters considered in closed sessions, any and all resolutions of the Committee of Whole – Standing shall be set out in a numbered list as an appendix to the minutes and shall be referenced by the Board when it moves to adopt any such resolution.
- 4.2.8 Public presentations to the Committee of Whole -Standing are welcomed. The individual or group seeking to make a presentation shall follow the process and rules set out in these Bylaws.
- 4.2.9 The terms of reference of the Committee of the Whole – Standing are as follows:
 - (a) Evaluate and promote the educational programs of the Board and make recommendations to the Board with respect to the operation, amendment, addition or deletion of, or to, the same;
 - (b) Conduct, from time to time, studies of existing or proposed educational programs of this or other Boards and report to the Board;
 - (c) Receive and seek representations and opinions from staff, area residents, and others, with respect to Board policy, including proposed new policy or a proposed amendment to an existing policy;
 - (d) Receive reports regarding curriculum development, implementation, and assessment projects;
 - (e) Receive and consider communications regarding curriculum issues from agencies, councils, commissions, associations, and societies;
 - (f) Consider other matters involving the Board, including, but not limited to, curriculum, facilities and Employee Relations, and make recommendations to the Board as required.

4.3 Statutory Committees

- 4.3.1. The Board shall establish Statutory Committees as called for in the *Education Act* and the

Regulations made thereunder including:

- (a) Audit Committee;
- (b) Parent Involvement Committee;
- (c) Special Education Advisory Committee;
- (d) Supervised Alternative Learning Committee(s);
- (e) Accommodation Review Committees.

4.3.2. The mandate, membership composition and terms of reference for Statutory Committees shall be governed by applicable legislation and regulations.

4.3.3. The term of appointment of Trustees on the Audit Committee shall be for a two-year term, effective December 2022.

4.4 Additional Standing Committees

4.4.1 There shall be an Education Finance Standing Committee, a Governance and Policy Standing Committee, and a Director's Performance Review Standing Committee, the membership and terms of reference of which are as follows:

Education Finance Standing Committee:

- (a) Develop and maintain the procedures by which the Board establishes budget objectives and audits the budget expenditures;
- (b) When deemed necessary by the Board, study and recommend to the Board desirable changes in the Board's financial system;
- (c) Recommend to the Board expenditures other than those within the Budget;
- (d) Consider and recommend to the Board the annual Budget;
- (e) Review the annual financial statement and all expenditures, revenues, trust, capital account reserves, and investment reports;
- (f) Consider the annual transportation budget;
- (g) All trustees are eligible to sit on the committee; the Chair and Vice-Chair shall be elected annually at the Organizational Meeting.

Governance and Policy Standing Committee:

- (a) To ensure all of the Board's policies are up-to-date, accurate and consistent with the current legislation and government requirements;
- (b) To ensure that the Board of Trustees reviews policies at least once every five years or when required by a new legislative act or regulation, new government policy, resolution of the Board or as recommended by staff;
- (c) To develop policies that are developed with evidence-based data, equitable and reflect the Board's vision, values and strategic plan;
- (d) Monitor the effectiveness of Board policies through consultation and evidence based data;
- (e) Monitor the effectiveness of Board policies in addressing human rights and equity in consultation with the Human Rights and Equity Advisor, through the Director of Education;

- (f) Report and make recommendations to the Board of Trustees on governance and Board policies;
- (g) Review bylaws/policies for ad-hoc committees and develop/review/document procedures (document mandate, clearly identify quorum, membership);
- (h) The committee shall meet at least twice annually;
- (i) All trustees are eligible to sit on the committee. The Chair and Vice-Chair shall be elected annually at the Organizational Meeting.

Director's Performance Review Standing Committee:

- (a) As set out in the Director's Performance Review Policy.

4.5 Advisory Committees

- 4.5.1 There shall be an Equity and Diversity Advisory Committee and an Indigenous Advisory Committee (which shall be referred to as the Indigenous Advisory Circle).
- 4.5.2 The purpose of these Advisory Committees is to consider any matter within the jurisdiction of the Board that the committee may deem appropriate and to make policy recommendations to the Board. The membership and composition of these committees, as well as the election of a Chair, shall be left to the committee but members shall include at least one Trustee and/or staff member, at the discretion of the Advisory Committee.

4.6 Additional Committees

- 4.6.1 In addition to any committees established under these Bylaws, the Board may by resolution, establish any Standing Committee, Ad Hoc Committee or Advisory Committee as it may deem appropriate at any time, subject to these Bylaws and any applicable legislation. The Board shall stipulate, by resolution, the terms of reference for any such Standing Committee or Ad Hoc Committee stipulating the mandate and membership of the Committee. The Board may, by resolution, seek the recommendation from a Standing Committee or Ad Hoc Committee on the appropriate terms of reference for the committee.

4.7 Committee Structure

- 4.7.1 The members of Standing Committees and Ad Hoc Committees shall be Trustees. The members of a Statutory Committee are as stipulated by legislation or regulation.
- 4.7.2 The members of an Advisory Committee may include Trustees, Student Trustees, staff members and members of the community, but shall include at least one trustee or staff member.
- 4.7.3 The chair of an ad hoc committee or standing committee may be determined by the Chair of the Board, the Board or, failing which, by the committee. The chair of an advisory committee shall be determined by the committee.
- 4.7.4 The Director shall assign one (non-member/non-voting) senior staff person to every Ad Hoc and Standing Committee and any other (non-member/non-voting) staff person(s) that the Director, in consultations with the Chair of committee, may deem appropriate.

- 4.7.5 If there is no staff person on an Advisory Committee, the Director shall assign one (non-member/non-voting) senior staff person and any other (non-member/non-voting) staff person(s) that the Director, in consultation with the Chair of the Advisory Committee, may deem appropriate.
- 4.7.6 Except for any committee established under these Bylaws or Board policy, the Board may dissolve any Standing or Ad Hoc Committee at the Organizational Meeting or by resolution at any time as the Board may deem necessary or appropriate, subject to applicable legislation. Committees constituted under these Bylaws or Board policy may only be dissolved by an amendment or revocation of the applicable provisions in these Bylaws or Board policy, as the case may be. The terms of reference of any Standing Committee or Ad Hoc committee not established in these Bylaws or in a Board policy may be amended by ordinary resolution.
- 4.7.7 Committees are not decision-making bodies and may only make recommendations. Ad Hoc Committees report to the Committee of Whole - Standing. Standing Committees report to the Board of Trustees.
- 4.7.8 A Trustee who is not a member of a Statutory Committee, Standing Committee or Ad Hoc committee cannot move a motion, vote or be counted towards quorum, but may attend any such committee meeting.
- 4.7.9 Once an Ad Hoc Committee has satisfied the terms of reference, it shall report to the Committee of Whole – Standing confirming that it has satisfied the terms of reference at which point it shall be automatically dissolved.

SECTION 5: BOARD AND COMMITTEE MEETINGS - RULES AND PROCEDURES

5.1 Purpose

- 5.1.1 The purpose of these rules and procedures, as supplemented by RONR, is to facilitate meaningful, respectful, and orderly debate to advance the interest of the Board. All Trustees will endeavor to comply with these rules and procedures, but it is recognized that, in many circumstances, good judgment, co-operation and good faith will do more to advance the interests of the Board than strict adherence to procedural technicalities.

5.2 Quorum

- 5.2.1 Quorum of the Board shall consist of a majority of the Board members elected or appointed to the Board under the statutes of Ontario.
- 5.2.2 Quorum of a Board Committee shall consist of a majority of the members of the Committee.
- 5.2.3 Should there be no quorum present at a meeting within fifteen minutes after the time appointed for the commencement of the meeting, the names of those present shall be recorded and the meeting shall stand adjourned until the next regular or special meeting unless there is unanimous consent of those present to delay adjournment for an additional fifteen minutes, in which event, unless a quorum then be present, the meeting shall be so adjourned.

5.3 Public Sessions

- 5.3.1 Except as permitted under section 207 of *the Education Act*, and the regulations thereunder, all meetings of the Board and Committees of the Board shall be open to the public.
- 5.3.2 No member of the public or staff will engage in conduct that is negative, critical, or derogatory towards any other person, or engage in any behaviour that is disruptive to the meeting. Any such conduct may result in exclusion from a meeting.

5.4 Closed Sessions

- 5.4.1 Resolutions passed in closed session of a Committee are of no force or effect unless and until approved at a meeting of the Board. Any such approval will be done by adopting the resolution(s) of the Committee in a manner that maintains the confidentiality of the matter unless the Committee has pre-authorized making the resolution(s) public.
- 5.4.2 Minutes of all Committee closed sessions shall be provided to the Committee of Whole
 – Standing for consideration, except for Committee of the Whole
 – Standing whose minutes shall be provided to the Board for consideration, and shall remain confidential, unless the Committee has pre-authorized the release of all or part of the information.
- 5.4.3 A staff recording secretary should be present for all closed session Committee meetings. In the absence of the recording secretary during a closed session, the presiding officer shall appoint any member or other staff person to act as secretary for that meeting.
- 5.4.4 Committee sessions closed to the public may have staff in attendance as may be determined appropriate by the Chair of the committee in consultation with the Director. The Chair of a Committee may require that the Director not attend all or part of a closed session when the Director's performance, employment contract or related matters are under consideration by the Committee.
- 5.4.5 Matters discussed in closed session of a Committee must not be communicated to any person not present at the closed session, unless: the person is a Trustee; or the disclosure is pre-approved by the Committee; or the disclosure is to the Integrity Commissioner in relation to the Code of Conduct.
- 5.4.6 Trustees are expected to maintain strict confidentiality of any matter dealt with in closed session and are bound by the confidentiality and protection of privacy provisions under the *Education Act*, the DDSB's Member Code of Conduct and the *Municipal Freedom of Information and Protection of Privacy Act*.

5.5 Scheduling and Agendas

- 5.5.1 Regular Meetings of the Board will be held on the third (3rd) Monday of each month,

commencing at 7:00 p.m. or, in any case where that Monday is a statutory holiday or other school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week. As may be deemed appropriate by the Chair in consultation with the Director, the Board will convene into Committee of Whole, closed session, prior to the commencement of the public Board meeting, typically commencing at 6:00 p.m. and again, if necessary, following public session, in which case the meeting shall not extend past 11:00 p.m.

- 5.5.2 The Board may vary the schedule for regular Board meetings at any time during the year on resolution of a two-thirds majority of the members present and voting.
- 5.5.3 Subject to the procedures described below, draft agendas for Board meetings shall be determined by the Chair in consultation with the Director; while agendas for Committee meetings shall be determined by the Committee Chair in consultation with the Director.
- 5.5.4 The Chair and the Vice-Chair of the Board and the Chair and Vice-Chair of the Committee of Whole – Standing together with the Director of Education and such other staff as the Director may engage from time to time, shall hold at least one session per month (either in-person or electronically) to consider and discuss the agendas for upcoming Board and Committee of the Whole – Standing meetings. An additional Trustee shall be entitled to attend at each meeting. Attendance shall be scheduled annually following the Organizational Meeting with Trustees being scheduled in reverse alphabetical order.
- 5.5.5 All Trustees shall be provided with advance notice of the date of the meeting referenced in the preceding paragraph and may email the Chair and Vice-Chair of the Board and/or the Chair and Vice-Chair of the Committee of the Whole-Standing to request that an item of business be added to the draft agenda for an upcoming meeting. The email shall disclose the rationale for the proposed addition to the agenda and any factors as to the appropriate timing for the matter to be addressed. If the matter is not added to the draft agenda, the Chair of the Board or the Chair of Committee of the Whole – Standing, as the case may be, shall advise by email of the reason it was not added to the draft agenda and shall copy all Trustees.
- 5.5.6 The Director or designate shall deliver an e-mail notice of each regular Board meeting and Committee of the Whole – Standing accompanied by the agenda and any supporting materials for the meeting, to each Trustee no later than 3 days prior to the meeting (not counting the day of the meeting but counting the day of delivery). At the discretion of the Chair of the Board or Chair of the Committee of the Whole-Standing, as the case may be, supporting materials may be delivered within the 3-day notice period based on urgency or exceptional circumstances.
- 5.5.7 A matter not on the agenda or directly related to matters on the agenda cannot be introduced at a Board or Committee meeting unless approved by the presiding officer prior to the start of the meeting based on urgency or exceptional circumstances or if a majority of the Committee or Board amends the agenda prior to approval. If a member seeks to introduce a matter not on the agenda or directly related to matters on the agenda during the meeting following the approval of the agenda, it may only be introduced by a 2/3 majority of the members present and voting. Notice of any change to a draft agenda made prior to the meeting shall be provided to Trustees as soon as possible.

- 5.5.8 The introduction of a new Board policy or an amendment to an existing Board policy shall not be considered unless written notice is provided to Trustees no later than 5 days prior to the meeting (not counting the day of the meeting but counting the day of delivery) together with any supporting materials and provided that notice of the intention to introduce the new board policy or amendment, as the case may be, was given at the prior meeting of the Board. The initial notice to the Board of an intention to bring forward a new Policy or proposed amendment is only proper if the matter, together with any supporting material, was first brought to the Committee of Whole – Standing.
- 5.5.9 In addition to regularly scheduled meetings, a special meeting of the Board may be called by the Chair or by a majority of the members. In either case, email notice of the call for a special meeting shall be sent to the Secretary of the Board or designate. Reasonable efforts should be made to schedule any such meeting to avoid a scheduling conflict with other scheduled Committee meetings. A special meeting is not a “regular meeting” under the *Education Act* or the regulations thereunder.
- 5.5.10 The Director or designate shall deliver an e-mail notice of a special meeting to the members, accompanied by the agenda and any supporting materials for the meeting no later than 24 hours prior to the meeting. At the discretion of the Chair, the 24-hour notice period may be waived based on urgency or exceptional circumstances but notice, the agenda and any supporting materials should be delivered as early as possible prior to the commencement of the meeting.
- 5.5.11 A matter that is not on the agenda for a special meeting cannot be considered at the special meeting, unless all members are present and consent to amend the agenda to consider the matter.

5.6 Record of Decisions

- 5.6.1 At all Board and Committee meetings, the Director or designate (typically the recording secretary) shall maintain the minutes of the meeting to make a record of resolutions passed by the Board or Committee, as the case may be, including any recorded votes and any declarations of a conflict of interest.
- 5.6.2 At each regular Board meeting, draft minutes from the prior regular Board meeting, together with any special Board meeting that may have occurred since the prior Board meeting, shall be presented to the Board for approval.

5.7 Attendance at Meetings

- 5.7.1 Trustee attendance at regular Board meetings is governed by the *Education Act* and the regulations thereunder.
- 5.7.2 A Trustee who cannot attend a Board Meeting should notify the Secretary of the Board or designate as early as possible. If it appears that there will be no quorum for a meeting, the Secretary shall notify the Chair and, at the Chair’s discretion, the meeting may be postponed or cancelled and notice thereof shall be delivered to the Trustees as soon as possible.

- 5.7.3 In accordance with section 228(1) of the *Education Act*, a Trustee vacates their seat if they are absent (electronically or physically), as recorded in the minutes, from three (3) consecutive regular Board meetings, unless authorized by resolution of the Board or if one of the exemptions in the *Education Act* is engaged.
- 5.7.4 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, and subject to any accommodation as to attendance provided under the Board's Attendance Accommodation Policy, Trustees must be physically present for at least three (3) regular Board meeting annually.
- 5.7.5 When a seat becomes vacant, the provisions of the *Education Act*, and any relevant provision(s) of these Bylaws, shall govern the filling of the vacancy.
- 5.7.6 At the Organization Meeting each year, the Chair will deliver to the Board an annual report of Trustee attendance at meetings of the Board and Committee of the Whole - Standing since the last Organizational Meeting.

5.8 Electronic Participation

- 5.8.1 Members attending a meeting electronically must advise the Chair when they join the meeting to be deemed present at the meeting.
- 5.8.2 Members who leave the meeting before adjournment, whether temporarily or permanently, shall advise the Chair.
- 5.8.3 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, no more than half of Board or Committee meetings in a twelve (12) month period can be chaired electronically in accordance with Ontario Regulation 463/97.
- 5.8.4 All members participating via audio or video conference who are not speaking must use the mute function on their device. Members will make every effort to avoid disrupting a meeting by turning personal and electronic devices to a non-audible function, reducing all background noise (including audible sounds transmitted from placing a call on hold), and refraining from private conversations.

5.9 Presiding Officer

- 5.9.1 Unless specified otherwise in these Bylaws, the Chair of the Board (or Vice-Chair in the Chair's absence) and the Chair of a Committee (or Vice-Chair in the Chair's absence) will be the presiding officer for meetings of the respective Board or Committee. If a meeting of a Committee moves into closed session, the Vice-Chair will be the presiding officer.
- 5.9.2 If the Chair does not attend within five minutes after the time appointed for the meeting, the Vice-Chair shall preside during the meeting or until the arrival of the Chair. In the absence of both, the members shall come to order, and a presiding officer shall be chosen by a majority of the members present and voting who shall preside during the meeting or until the arrival of the Chair or the Vice-Chair.

- 5.9.3 No member of the Board or Committee will preside at a meeting during the consideration of a motion when that member has declared a conflict of interest.
- 5.9.4 In the absence of the Director of Education, the presiding officer shall appoint a person to act as a secretary of the meeting.

5.10 Quorum

- 5.10.1 A quorum is the minimum number of members necessary to conduct a meeting which represents a majority of the members.
- 5.10.2 Where a member is participating electronically, their attendance will be included for quorum as long as they remain electronically connected to the meeting.
- 5.10.3 If a quorum is present, a meeting shall commence within fifteen (15) minutes of the meeting start time as shown in the agenda.
- 5.10.4 If a quorum is not present within fifteen (15) minutes after the scheduled start time shown in the meeting agenda, the names of the members present will be recorded, and the meeting will be cancelled.
- 5.10.5 At a Board meeting, if a quorum is lost during the course of the meeting, the Board will stand in recess. If quorum cannot be re-established within fifteen (15) minutes of the Board recessing due to a loss of quorum, the Board will stand adjourned.
- 5.10.6 At a Committee meeting, if a quorum is lost during the course of the meeting, and the remaining members of the Committee determine that quorum cannot be re-established, the Committee will stand adjourned.

5.11 Acknowledgement of Traditional Lands

- 5.11.1 All Board and Committee meetings will include an acknowledgement of the Traditional Territories/Ancstral Lands of Indigenous peoples recited by presiding officer or as the presiding officer may suggest.

5.12 Debate/Voting

- 5.12.1 Members and participants in a meeting will address their comments through the Chair of the meeting.
- 5.12.2 Members shall not interrupt another member who has the floor, except as permitted hereunder or under Robert's Rules of Order (for example, to raise a point of order or question of personal privilege).
- 5.12.3 Members shall confine their comments to the merits of the motion being considered.

- 5.12.4 The Chair is entitled to move or second a motion, but only once they have passed the role of presiding officer to another member for the duration of the matter under consideration. The Chair will resume the role of presiding officer once the motion has been dealt with.
- 5.12.5 The mover of a motion shall be given first opportunity to speak. A member who has not spoken in debate has preference in recognition to speak over a member who has already spoken. At Board meetings, each member may speak twice, up to four minutes on the first occasion, two minutes on the second occasion, on each debatable motion. The Board may consider extending or limiting the time for debate at the commencement of the Board meeting or on any given motion, in accordance with the provisions of Robert's Rules of Order.
- 5.12.6 At a Board meeting, a member who has not spoken to a motion may move that debate on the motion be closed and that the pending motion be put to a vote. Such a motion is not debatable. Before putting a motion to end debate to a vote, the Chair shall provide any member who has not spoken to the main motion with an opportunity to do so.
- 5.12.7 A motion to end debate at a Board meeting will only pass on two-thirds (2/3) majority of the members present and voting. If the motion to end debate carries, no further debate can take place on the main motion and the Chair shall put the pending motion to a vote.
- 5.12.8 Trustees who are not members of a Committee may attend any Committee meetings but are not entitled to debate or vote. Only Committee members may debate and vote at Committee meetings.
- 5.12.9 A member, who is present and fails to vote on a motion, will be deemed to have abstained from voting.
- 5.12.10 It is for members to declare their own conflict of interest and no other member may declare a conflict of another member. A member who declares a conflict of interest must abstain from voting and will be recorded as abstaining due to a conflict of interest. When a member abstains due to a conflict of interest, their vote will be recorded neither for nor against the motion, and the number of members required to pass a vote will be reduced by the number of members with a declared conflict because the results of a motion are determined on the basis of the members present and voting.
- 5.12.11 Before a motion is voted on, a member may request that a motion containing divisible parts be voted on separately.
- 5.12.12 At any time before a motion is put to a vote, the Chair shall read the motion aloud.
- 5.12.13 When a motion is put to a vote, the Chair will first call votes in favour and then votes against. The Chair is entitled to vote on any motion, but it is expected that the Chair will typically abstain and only vote on a motion once all other votes have been counted and only if the Chair's vote would be determinative of the result of the motion. This is particularly applicable for the Board Chair and the Chair of the Committee of the Whole – Standing. It is expected that other Committee Chairs may choose to exercise their

voting rights more often given the informal nature of committees.

- 5.12.14 After a vote is taken, the Chair shall declare whether the motion was carried or defeated.
- 5.12.15 A tie vote means the motion is defeated.
- 5.12.16 Votes taken at Board and Committee meetings may be recorded.
- 5.12.17 A student Trustee is not a member of the Board and is not entitled to exercise a binding vote on any matter before the Board or any of its Committees.
- 5.12.18 A student Trustee is not entitled to move a motion, but is entitled to suggest a motion on any matter at a meeting of the Board or of one of its Committees on which the student Trustee sits, and if no member of the Board or Committee, as the case may be, moves the suggested motion, the record shall show the suggested motion.
- 5.12.19 A student Trustee is entitled to require that a matter before the Board or one of its Committees on which the student Trustee sits be put to a recorded vote, and in that case, there shall be a recorded non-binding vote that includes the student Trustee's vote and a recorded binding vote that does not include the student Trustee's vote.
- 5.12.20 Subject to the notice requirements as to a new Policy or an amendment to an existing Policy or to these Bylaws, any member present at a Board meeting, or at a Committee meeting on which the member sits, may move or second a motion related to an item on the Agenda, unless disqualified from participating due to a conflict of interest.
- 5.12.21 A motion that has been moved and seconded is considered to be on the floor and will be decided by a vote. A motion need not be seconded during a Committee meeting, except during meetings of Committee of the Whole and Committee of the Whole – Standing.
- 5.12.22 A member who moved a motion may only withdraw it from consideration before the vote is taken on the motion if no other member present objects to the withdrawal.

Motions - Order of Precedence

- 5.12.23 When a motion is being considered, no other motion will be considered except a motion of precedence, as set out in RONR.
- 5.12.24 A motion of precedence may be introduced and will take precedence over any current motion under consideration.
- 5.12.25 If a motion of precedence is defeated, another motion of precedence to the same effect cannot be made until some other business has been taken up and decided.

Chair Ruling on Motion

5.12.26 The Chair may rule a motion out of order, including if it is not within the jurisdiction of the Board, is contrary to the *Education Act* or regulations thereunder, is contrary to these Bylaws, is dilatory, frivolous, vexatious or contains no rational proposition.

5.12.27 If a Chair rules a motion out of order, the Chair shall state the rationale for the ruling.

5.12.28 A ruling by the Chair that a motion is out of order is subject to appeal and will be reversed on a majority vote of the members present and voting.

Amendments to a Motion

5.12.29 A motion on the floor may be amended, except those motions that are not debatable or motions that are not amendable. Motions that are not amendable include:

- (a) Appeal the ruling of Chair or presiding officer;
- (b) End debate;
- (c) Postpone consideration of a motion indefinitely;
- (d) Reconsider a previous decision of the Board;
- (e) Temporarily suspend a provision of the Bylaws;
- (f) Lay a motion on the table;
- (g) Take a motion from the table; or
- (h) Withdraw a motion.

5.12.30 To be in order, an amendment must:

- (a) Directly relate to the motion it proposes to amend;
- (b) Propose some change in the substance or form of the motion; and,
- (c) Not be contrary to the main concept of the motion it proposes to amend.

5.12.31 The vote on the motion, an amendment and any amendment(s) to the amendment(s) will be taken separately and in the reverse order of that in which they were moved.

Motion to Refer

5.12.32 A matter may be referred to:

- (a) The Board;
- (b) Any Committee of the Board; or
- (c) The Chair of the Board; or
- (d) The Director of Education or designate.

Extending Meeting Time

5.12.33 Unless provided for otherwise in these Bylaws, no Board or Committee meeting will continue in session beyond 10 p.m., unless upon the consent of the majority of members present and voting, the meeting is extended for a defined period of time to finish debate on matters currently on the floor or to address any matter on the agenda that may be of an urgent or time sensitive nature. Additional motions to further extend the meeting time are in order. In no case, will the meeting extend beyond 11 p.m.

Motion to Reconsider

5.12.34 Subject to the limits prescribed in RONR:

- (a) a decision of the Board made earlier in an ongoing (current) meeting may be reconsidered on a motion without notice. A reconsideration motion may only be brought by a member who voted on the prevailing side of the previous motion.
- (b) a previous decision of the Board cannot be reconsidered for at least twelve (12) months after the decision was made unless by resolution approved by a two-thirds (2/3) majority of the members present and voting and provided notice of the proposed reconsideration shall have been provided at the prior Board meeting.

Point of Order

5.12.35 A member may advise the Chair when they believe that a departure from the Bylaws, as supplemented by RONR, has taken place by raising a point of order.

5.12.36 Subject to certain exceptions as stipulated in RONR, a point of order must be raised promptly at the time of the alleged breach. A member may interrupt another member to raise a point of order.

5.12.37 The point of order in question must be clearly stated by the member.

5.12.38 The Chair shall decide on the point of order without debate.

5.12.39 The Chair may consult with the General Counsel and may declare a recess in order to consider the point of order.

5.12.40 A member may interrupt the meeting to introduce a motion to appeal the ruling of a Chair. A majority of members present, and voting will overturn a ruling of the Chair.

5.12.41 If the appeal from the decision of the Chair results in a tie vote, the Chair's decision on the point of order will be upheld.

Questions of Privilege

- 5.12.42 Any member may raise a question of privilege, either a question of privilege affecting the Board, or a question of personal privilege.
- 5.12.43 Questions of privilege affecting Board include matters such as noise, comfort or safety. Questions of personal privilege affecting a member include the reputation or treatment of the member or staff, as well as any member of the public and the member's ability to exercise rights and privileges.
- 5.12.44 A question of privilege must be stated clearly and should include the remedy or resolution requested by the member.
- 5.12.45 A question of privilege will not be in order if the remedy or resolution requested exceeds the power or ability of the Chair, Committee or Board.
- 5.12.46 The Chair will decide on the question of privilege without debate.
- 5.12.47 The Chair may consult with the General Counsel and may declare a recess in order to consider a question of privilege in order to make a decision.
- 5.12.48 A member may appeal the ruling of a Chair on a point of privilege. A majority vote of members present, and voting will overturn a decision of the Chair.
- 5.12.49 If the appeal from the Chair's decision results in a tie vote, the Chair's decision on the question of privilege will be upheld.

Parliamentary Inquiry

- 5.12.50 A member may ask a question about the rules of procedure relevant to any matter or issue before the Board. The Chair will answer the question if it would assist the member to make an appropriate motion, raise a proper point of order or understand the effect of a motion or ruling. The Chair is not obliged to answer hypotheticals. The Chair may consult with the General Counsel in providing an answer.
- 5.12.51 The answer provided by the Chair is an opinion and is not subject to appeal. The member may act contrary to the opinion and may then appeal any adverse ruling by the Chair.

Point of Information

- 5.12.52 A member may ask a question directed to the Chair, or through the Chair to another member, for information relevant to the matter at hand but unrelated to parliamentary procedure.

5.13 Public Participation in Meetings

- 5.13.1 In keeping with the Board's Policy on Public Consultation, the Board welcomes

presentations by individuals and groups. Presentations shall be made in the first instance to the Committee of Whole – Standing.

- 5.13.2 In Order to obtain permission to make a presentation to the Committee of Whole – Standing, the person shall email the Director at least eight working days before the next scheduled meeting of the Committee of Whole – Standing. A presenter to the Committee of Whole – Standing may also be invited to present at a Board Meeting, at the discretion of the Chair of the Board.
- 5.13.3 Any application submitted to the Director shall be forwarded to the Chair of the Committee of Whole - Standing.
- 5.13.4 An email requesting permission to present to the Committee of Whole - Standing shall:
 - (a) State the matter to be discussed;
 - (b) Include materials intended to be distributed to trustees;
 - (c) Provide the name of any organization or interested party to be represented;
 - (d) Confirm the authority of the spokesperson.
- 5.13.5 Any application to present at the Committee of Whole - Standing Committee may be approved at the good faith discretion of the Chair of the Committee of Whole – Standing who shall:
 - (a) determine if an opportunity for presentation is available through any other public consultation process, which shall be utilized prior to approval being given;
 - (b) determine the date on which any approved presentation shall take place;
 - (c) limit the number of presentations at any meeting to allow the Committee of Whole - Standing sufficient time to conduct its business.
- 5.13.6 The Chair may waive the eight working days' notice period.
- 5.13.7 Presenters should use the appropriate format and protocol for presentations, available from the Director's office.
- 5.13.8 Anyone wishing to make a presentation shall be informed if the issue to be addressed will be discussed at any meeting of the Board or Committee of Whole - Standing prior to her or his opportunity to present.
- 5.13.9 Presenters shall be limited to speaking not more than 15 minutes including time for questions. At the discretion of the Chair of the Committee of Whole – Standing, this may be extended for a specific amount of time or deferred to a later point in the meeting.
- 5.13.10 Presenters shall be restricted to topics outlined in the application.
- 5.13.11 One or more presentations on a topic do not necessarily lead to a Committee of Whole - Standing or Board decision. The topic of a presentation should not be debated by Trustees unless and until it is on an agenda.
- 5.13.12 Members of the public may also pose questions of a general nature or regarding Board processes to the Board at any regular Board meeting.

- 5.13.13 The Board encourages questions on a wide variety of topics, while making sure that adequate time is available for regular business. The Chair shall establish time limitations as necessary to achieve these objectives and may group together questions of a similar nature.
- 5.13.14 Subject to the discretion of the Chair, questions will not be entertained if they relate to a matter which is under consideration by the Board and for which another public input and questioning process is available (e.g. school boundaries, accommodation reviews, school naming).
- 5.13.15 The following procedure applies to public question period:
- (a) Each person shall be allowed to ask one question and one supplementary question;
 - (b) Before the beginning of the Board meeting, the Questioner shall submit the question in writing to the Executive Officer of Communications;
 - (c) The Questioner shall be called to the podium;
 - (d) The Questioner or, if the Questioner prefers, the Chair, shall read the question;
 - (e) The question shall be addressed by the Chair who may direct staff to answer;
 - (f) The Questioner may ask a supplementary question for clarification;
 - (g) Questions to individual Trustees will not be addressed at public question period;
 - (h) Individual Trustees will not respond or comment on questions posed.

SECTION 6: FILLING TRUSTEE VACANCIES

6.1 The Education Act

- 6.1.1 Section 221 of the *Education Act* provides for the Board to fill a Trustee vacancy by either:
- i. Requiring the municipality to hold a by-election, or
 - ii. appointing a qualified person (as defined in the *Education Act*) to the position, within 90 days of the office becoming vacant. The method of appointment is not specified in the Act.
- 6.1.2 A by-election may not be held after March 31 in an election year (i.e., within approximately 8 months of a regularly scheduled municipal election). All costs for a by-election are borne by the Board (subsection 7(3) Municipal Elections Act, 1996).

6.2 Vacancy Committee

- 6.2.1 In the event of a vacancy, the Board shall establish a Vacancy Committee to consider and determine the means of filling the vacancy.
- 6.2.2 All members of the Board are eligible to sit on the Vacancy Committee which shall be made

up of at least half of the members of the Board. The Vacancy Committee shall obtain and consider information regarding the implications of holding a by-election, including previous election results and estimated costs.

6.2.3 For the appointment, there are two options:

- i. appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area providing the candidate remains a qualified person as defined under the *Education Act*, or
- ii. consider a broader range of electors for the appointment in which case, the following actions will occur:

(a) Advertising

The vacancy shall be advertised in all the local papers.

(b) Applications

- Individuals interested in the position shall be required to submit, in writing, an application for the position, to be received by the Secretary to the Board.
- The Vacancy Committee shall establish a deadline for the appointment process.

(c) Information Required

Applicants shall be asked to provide the following information:

- i. confirmation of eligibility;
- ii. why they are interested in the position;
- iii. background, interests, experience, concerns;
- iv. other information they think is pertinent.

Application material shall be copied and distributed to all Trustees at least 48 hours prior to an interview date.

(d) Information Provided

Upon written or verbal indication from an individual that she/he intends to apply for the position, a package of information shall be made available for pick-up from the Trustees' Secretary, as follows:

- i. Durham District School Board Facts Folder;
- ii. These Bylaws including the Member Code of Conduct;
- iii. Schedule of Board and Committee Meetings;
- iv. Committee Membership List.

(e) Interviews

- i. The Vacancy Committee shall establish the interview date and the schedule of interviews.
- ii. Only candidates who have submitted written applications by the deadline date shall be interviewed. Interviews shall be conducted in the Boardroom. All Trustees shall be invited to participate in the interviews. Trustees shall be asked to indicate their intentions about their attendance and participation in the interviews. Each candidate shall be requested to address the Board for up to five minutes, and to respond to questions from the Trustees for up to five minutes. Interviews shall be conducted on the Monday of the Board meeting, arranged so that all interviews shall be completed by 4:30 p.m. If an inordinate number of candidates is to be interviewed, a second day for interviews shall be determined by the Chair, after consultation with Trustees. If a quorum of Trustees is present for the interviews, the interviews shall be conducted as part of a special Board meeting. Should a quorum of Trustees not be present, those present shall form a Selection Committee which shall make a recommendation to the Board. The chairperson of the Board or designate shall preside over the interviews and be responsible for adhering to the timelines. The interviewing process shall be open to the public. Candidates shall be advised of their right to attend any or all interviews.

(f) Voting

- i. Only Trustees present for all interviews are eligible to vote.
- ii. Voting shall be by secret written ballot.
- iii. The Director and Superintendent of Education/Business and Finance shall count the ballots.
- iv. On the first ballot, Trustees shall vote for three (3) candidates. (Any ballot without three names shall be considered a spoiled ballot).
- v. The ten (10) candidates achieving the greatest number of votes shall proceed to the second ballot. Their names shall be posted in the Boardroom.
- vi. On the second and subsequent ballots, Trustees shall vote for only one (1) candidate.
- vii. Voting shall continue, and on each subsequent vote the candidate(s) receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate receives at least a simple majority of votes cast, except on the first ballot.

- viii. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
 - ix. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
 - x. Following the swearing in of the successful candidate, all ballots shall be destroyed.
- (g) A recommendation shall be brought forward to the Committee of the Whole (closed session) to approve the appointment. All Trustees are eligible to vote on the recommendation. The person shall be advised by telephone of the Board's decision.
 - (h) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.

SECTION 7: TRUSTEE DETERMINATION AND DISTRIBUTION

- 7.1 The Durham District School Board ("DDSB") is a statutory corporation under section 58.5 of the *Education Act*, R.S.O., 1990, C. E.2, (the "*Education Act*"). The Board of Trustees is the governing body of the DDSB. The duties and powers of the Board of Trustees are as set out in the *Education Act*. Decision making authority rests with the Board of Trustees as a single body, not with individual trustees.
- 7.2 The number and distribution of elected trustees is determined pursuant to the provisions of the *Education Act* and the regulations thereunder.

SECTION 8: EXECUTION OF DOCUMENTS AND CORPORATE SEAL

8.1 Corporate Seal of the Board

- 8.1.1 The corporate seal of the Board shall be in the form impressed on the original copy of Bylaws located in the Administrative Offices of the Durham District School Board.

8.2 Signing Authority

- 8.2.1 The Chair or the Vice-Chair of the Board and the Treasurer shall be authorized to sign cheques and orders for payment of money on behalf of, and in the name of, the Board.
- 8.2.2 The Treasurer shall be authorized to endorse bills of exchange, cheques, drafts, and orders for payment of money, for deposit to the credit of the Board, and to receive all paid cheques and vouchers, and any documents the bank may have from time to time, belonging to the Board, and to sign the bank's form of settlement and release.
- 8.2.3 The Treasurer shall be authorized to sign cheques by means of a cheque signing machine and a facsimile of the signatures of the Chair of the Board and the Treasurer.

- 8.2.4 The Chair of the Board and the Treasurer shall be authorized to sign all necessary bank forms or documents required by the bank to implement the authority granted to them under these Bylaws.
- 8.2.5 The Treasurer shall be authorized to have printed all the necessary forms required for the banking business of the Board.

SECTION 9: Election of Student Trustees

- 9.1.1 Every attempt shall be made to elect a Student Trustee from Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The election of Student Trustees shall be a two-stage process in municipalities which have more than one secondary school.
- 9.1.2 A notice shall be sent to each secondary school principal before February 1, advising of the election process. Notice will also be sent to teachers in Civics classes, with a request to discuss the election process in class.

Stage 1: Municipal Election of Candidates

- 9.1.3 The municipal elections shall apply in a municipality which has more than one secondary school.
- 9.1.4 Each secondary school student council or parliament shall be invited to elect one Student Trustee nominee who shall be the candidate for the municipality. The notice shall also invite each secondary school student council or parliament to elect ten (10) Student Trustee electors for the municipal election.
- 9.1.5 The elections for either Student Trustee nominees or electors may be either a direct election from the entire student body or an indirect election from the student council or parliament. The elections for the electors shall take place at the same time or prior to the elections for Student Trustee nominees.
- 9.1.6 The municipal elections shall be moved annually among the secondary schools in the municipality so that all secondary schools have an opportunity to host the election.
- 9.1.7 Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote. In each municipality, the candidate receiving a clear majority shall be declared the municipal Student Trustee nominee for the electoral college. A clear majority is 50 per cent plus one of the total votes cast. Should no candidate receive a clear majority of the votes cast, the name of the candidate with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one candidate has a clear majority.

Stage II: Electoral College Process

- 9.1.8 The Director of Education or designate shall cause three electoral colleges to take place in a secondary school in Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The three electoral colleges will meet before April 30 in each school year. The Board will pay for any transportation or other expenses such as food or the printing of ballots.
- 9.1.9 Each municipality in the electoral college will receive 40 votes for the election. The votes

shall be divided equally among the number of schools in an area. If the division of votes is such that a whole number of votes per school is not determined, additional votes shall be apportioned by lottery through the Director's office. The secondary school student council or parliament shall elect the assigned number of electors for the electoral college. Any school which declares that it will not send delegates to the electoral college will have its votes divided among the remaining schools for the municipality according to this process.

- 9.1.10 The function of each electoral college is to elect one Student Trustee.
- 9.1.11 Each electoral college will have any appropriate number of staff advisors to help conduct the Student Trustee nominees' speeches and the balloting.
- 9.1.12 The winning candidate from Stage 1 shall be the municipal candidate for the electoral college.
- 9.1.13 Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote.
- 9.1.14 In each electoral college, the Student Trustee nominee receiving a clear majority shall be declared elected. A clear majority is 50 percent plus one of the total votes cast. Should no Student Trustee nominee receive a clear majority of the votes cast, the name of the student nominee with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one Student Trustee nominee has a clear majority.
- 9.1.15 In the event of an equality of votes, there shall be a final ballot and should there be another equality of votes, the candidates shall draw lots to fill the position of Student Trustee.
- 9.1.16 The location of the electoral college for Student Trustee will be rotated annually among the municipalities to be represented by the Student Trustee (e.g. Oshawa-Whitby). Within a municipality, the school location of the electoral college shall be moved for each election, so that over the course of several years, all secondary schools in the municipality will have an opportunity to host the electoral college.
- 9.1.17 The Student Trustee nominees and Student Trustee electors shall be qualified according to these Bylaws.
- 9.1.18 Any election material of any kind of media brought to the municipal election or to the electoral college must be approved by the Student Trustee nominee's principal or staff designate.
- 9.1.19 If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process as outlined above.

SECTION 10: ELECTRONIC MEETINGS

10.1 Introduction

The Board shall provide for the use of electronic means for the holding of meetings of the Board and meetings of a Committee of the Board, including a Committee of the

Whole. The rules in this section apply to the extent they are not suspended or modified by Provincial regulation.

10.2 Attendance

10.2.1 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, at every meeting of the Board or Committee of the Whole, the following persons shall be physically present in the meeting room of the Board:

- (a) The Chair of the Board or her or his designate;
- (b) At least one additional member of the Board; and
- (c) The Director of Education of the Board or her or his designate.

10.2.2 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, at every meeting of the Board or Committee of the Whole, the following persons shall be physically present in the meeting room of the Board.

- (a) The Chair of the Committee or her or his designate; and
- (b) The Director of Education of the Board or his or her designate.

10.2.3 Notwithstanding the foregoing, the Chair is able to preside over a meeting electronically when:

- (a) Weather conditions do not allow the Chair to travel to the meeting location safely; or
- (b) The Chair cannot be physically present at the meeting for health reasons.

10.2.4 Subject to 10.1.2 and 10.1.3, at the request of any Board member or Student Trustee, the Board shall provide the member or representative with electronic means of participating in one or more meetings of the Board or of a Committee, including a Committee of the Whole Board.

10.2.5 A Trustee or Student Trustee who participates in a meeting through electronic means shall be deemed to be present at the meeting.

10.3 Participation of Board Members and Student Trustees

10.3.1 The electronic means shall permit the member or representative to hear and be heard by all other participants in the meeting.

10.3.2 The electronic means shall be provided in such a way that the rules governing conflict of interest of members are complied with.

10.3.3 The Board may provide, at one or more locations within its jurisdiction, electronic means to permit participation in meetings by members of the public. Electronic meetings shall be made available for public viewing.

10.3.4 The extent and manner of participation shall be determined by the Chair based on the electronic means available.

- 10.3.5 Members of the public participating through electronic means shall not participate in any proceedings that are closed to the public.

Reference Documents

Appendix:

Appendix A: Board Member (Trustee) Code of Conduct

Effective Date

2022-03-22

Amended

N/A

SECTION 4: COMMITTEE STRUCTURE AND COMPOSITION

4.1 Approval of Committees

- 4.1.1 The Board shall consider and approve the Board's Committee structure and composition on an annual basis at the Organizational Meeting and as otherwise may be deemed appropriate by the Board.

4.2 Committee of the Whole and Committee of the Whole - Standing

- 4.2.1 The Committee of the Whole will be composed of all Trustees with full participation and voting privileges.
- 4.2.2 The term of the Committee of the Whole will coincide with the term of the Board.
- 4.2.3 During a Board meeting, the Board may convene into Committee of the Whole by majority vote of members present and voting to consider matters in closed session, as permitted under section 207 of the *Education Act*, or for any other reason the Board may deem appropriate. In any such case, the presiding officer for the Committee of the Whole will be the Vice-Chair of the Board.
- 4.2.4 The Committee of the Whole shall also meet regularly on the first (1st) Monday of the month (which shall be referred as "The Committee of Whole – Standing"). Should the date of such a meeting fall on a statutory, civic, or school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week.
- 4.2.5 A Chair and Vice-Chair of the Committee of the Whole – Standing shall be elected at the Organizational Meeting of the Board. The presiding officer for any closed session of the Committee of the Whole - Standing shall be the Vice-Chair of the Committee.
- 4.2.6 There will be a quorum for Committee of the Whole – Standing. A Trustee who cannot attend a meeting should so notify the Trustee Services Co-Ordinator as soon as possible.
- 4.2.7 It is the function of the Committee of Whole – Standing to consider and debate matters in a more informal way than may be available at Board meetings and provide to the Board, in concise form, relevant information and recommendations. Except for matters considered in closed sessions, any and all resolutions of the Committee of Whole – Standing shall be set out in a numbered list as an appendix to the minutes and shall be referenced by the Board when it moves to adopt any such resolution.
- 4.2.8 Public presentations to the Committee of Whole - Standing are welcomed. The individual or group seeking to make a presentation shall follow the process and rules set out in these Bylaws.
- 4.2.9 The terms of reference of the Committee of the Whole – Standing are as follows:
- (a) Evaluate and promote the educational programs of the Board and make recommendations to the Board with respect to the operation, amendment, addition or deletion of, or to, the same;

Parliamentary Inquiry

- 5.12.50 A member may ask a question about the rules of procedure relevant to any matter or issue before the Board. The Chair will answer the question if it would assist the member to make an appropriate motion, raise a proper point of order or understand the effect of a motion or ruling. The Chair is not obliged to answer hypotheticals. The Chair may consult with the General Counsel in providing an answer.
- 5.12.51 The answer provided by the Chair is an opinion and is not subject to appeal. The member may act contrary to the opinion and may then appeal any adverse ruling by the Chair.

Point of Information

- 5.12.52 A member may ask a question directed to the Chair, or through the Chair to another member, for information relevant to the matter at hand but unrelated to parliamentary procedure.

5.13 Public Participation in Meetings

- 5.13.1 In keeping with the Board's Policy on Public Consultation, the Board welcomes presentations by individuals and groups. Presentations shall be made in the first instance to the Committee of Whole – Standing.
- 5.13.2 In Order to obtain permission to make a presentation to the Committee of Whole – Standing, the person shall email the Director at least eight working days before the next scheduled meeting of the Committee of Whole – Standing. A presenter to the Committee of Whole – Standing may also be invited to present at a Board Meeting, at the discretion of the Chair of the Board.
- 5.13.3 Any application submitted to the Director shall be forwarded to the Chair of the Committee of Whole - Standing.
- 5.13.4 An email requesting permission to present to the Committee of Whole - Standing shall:
- (a) State the matter to be discussed;
 - (b) Include materials intended to be distributed to trustees;
 - (c) Provide the name of any organization or interested party to be represented;
 - (d) Confirm the authority of the spokesperson.
- 5.13.5 Any application to present at the Committee of Whole - Standing Committee may be approved at the good faith discretion of the Chair of the Committee of Whole – Standing who shall:
- (a) Determine if an opportunity for presentation is available through any other public consultation process, which shall be utilized prior to approval being given;
 - (b) Determine the date on which any approved presentation shall take place;
 - (c) Limit the number of presentations at any meeting to allow the Committee

of Whole - Standing sufficient time to conduct its business.

- 5.13.6 The Chair may waive the eight working days' notice period.
- 5.13.7 Presenters should use the appropriate format and protocol for presentations, available from the Director's office.
- 5.13.8 Anyone wishing to make a presentation shall be informed if the issue to be addressed will be discussed at any meeting of the Board or Committee of Whole - Standing prior to her or his opportunity to present.
- 5.13.9 Presenters shall be limited to speaking not more than 15 minutes including time for questions. At the discretion of the Chair of the Committee of Whole – Standing, this may be extended for a specific amount of time or deferred to a later point in the meeting.
- 5.13.10 Presenters shall be restricted to topics outlined in the application.
- 5.13.11 One or more presentations on a topic do not necessarily lead to a Committee of Whole - Standing or Board decision. The topic of a presentation should not be debated by Trustees unless and until it is on an agenda.
- 5.13.12 Members of the public may also pose questions of a general nature or regarding Board processes to the Board at any regular Board meeting.
- 5.13.13 The Board encourages questions on a wide variety of topics, while making sure that adequate time is available for regular business. The Chair shall establish time limitations as necessary to achieve these objectives and may group together questions of a similar nature.
- 5.13.14 Subject to the discretion of the Chair, questions will not be entertained if they relate to a matter which is under consideration by the Board and for which another public input and questioning process is available (e.g., school boundaries, accommodation reviews, school naming).
- 5.13.15 The following procedure applies to public question period:
 - (a) Each person shall be allowed to ask one question and one supplementary question;
 - (b) Before the beginning of the Board meeting, the Questioner shall submit the question in writing to the Executive Officer of Communications and Public Relations;
 - (c) The Questioner shall be called to the podium;
 - (d) The Questioner or, if the Questioner prefers, the Chair, shall read the question;
 - (e) The question shall be addressed by the Chair who may direct staff to answer;
 - (f) The Questioner may ask a supplementary question for clarification;
 - (g) Questions to individual Trustees will not be addressed at public question period;
 - (h) Individual Trustees will not respond or comment on questions posed.