



Draft Generic Constitution/By-laws for School Councils

Purpose

This document is intended to serve as an example of a constitution/by-law that is compliant with Reg. 612 and can be altered to meet the needs of your School Council.

Regulations

School Councils are not required to develop lengthy constitutions since O. Reg. 612/00 sets out the mandate and roles and responsibilities for School Councils. In effect, the regulation serves as the constitution for the School Council (it is therefore the bulk of this document in friendly language). School Councils must develop certain by-laws to provide them with direction for the operation of council business and to help School Councils work effectively. Regulation 612/00 requires School Councils to develop by-laws to address election procedures (Article IV in this document), filling vacancies (Article V), conflict of interest (Article XII), and conflict resolution procedures (Article XIII).

Titles of Sections and Mandatory features of Regulation 612 are **bolded**. Other helpful suggestions are made in *italics*.

Sample Constitution/By-laws

NAME Public School - School Council Constitution and By-laws

NAME Public School - School Council Mission Statement: *"To create an effective partnership among students, parents, teachers and the community in order to support the wellbeing and academic achievement of every student."*
(This should be personalized to reflect your school culture)

Article I

1.0 Name of Organization

1.1 The name of this organization will be NAME Public/High School Council.
(Hereafter referred to as "the Council")

Article II

2.0 Mandate of the Council

(From the Regulation: *The purpose of School Councils is, through the active participation of parents/guardians, to improve student achievement and enhance the accountability of the education system to parents/guardians. (Reg 612/00 s 2 (1).*

A School Council may make recommendations to the Principal of the school or to the Board that established the Council on any matter (Reg. 612/00 s.20).

These statements may be used as a mandate, or be more descriptive as in 2.1.

2.1 Working within the policies, mission statement and goals of the Halton District School Board, the Council will:

- Provide advice to the Principal and the Halton District School Board regarding key matters pertaining to student achievement and well-being
- Provide opportunities for parents/guardians to be more directly involved in the education of their children (such as volunteering)
- Foster good relations among parents/guardians, staff and the local community
- Be a voice for public education within the community
- Fundraise to support the objectives of the school improvement plan

- Report on the Council's activities as requested by the Board

(A useful statement if you are not going to have fundraising: Involvement in the organization and management of fundraising will not be a priority of the Council. The school shall assume responsibility for decisions regarding fundraising and the allocation of funds. Funds will be disbursed through the school at the Principal's and staff's discretion.)

2.2 The Council will not have any of the powers and duties reserved by law or regulation for the local school board, the school Principal or collective agreements.

Article III

3.0 Representation and Membership

3.1 The Council will be composed of the following members:

- The school Principal
- Parents/guardians of students enrolled in the school *(aim for a minimum of five at elementary schools and six at secondary schools). If you are considering a quorum, see Article 4.2.*
- A teacher at the school
- One non-teaching member of the school staff *(e.g. Caretaker, Educational Assistant, DECE, School Secretary)*
- One member of the community *(If you are going to have more than one community member, state it here)*
- One student member (at secondary schools)

(If the school has a Home and School Association, they may appoint a member)

Article IV

4.0 Elections and Appointment Procedures *(A by-law addressing elections is required. Reg.612 s. 15) (See Reg 612/00 s.4 regarding elections).*

4.1 Timelines and voting

- **An election of parent/guardian members of a School Council shall be held during the first 30 days** of each school year on a date that is fixed by the Chair or Co-Chairs of the School Council after consulting with the Principal of the school.
- The Principal of a school shall, at least **14 days before the date** of the election of parent/guardian members, on behalf of the School Council,

give written notice of the date, time and location of the election to every parent/guardian (decide the mode - e.g. backpack letter, website, email)

- The election of parent/guardian members shall be by **secret ballot**.

4.2 **Parent/guardian representatives will be elected according to the following process (Reg 612 s.4)**

- A person is qualified to be a parent/guardian member of a School Council if they are a parent/guardian of a pupil enrolled at the school.
- A person is **not qualified to be a parent/guardian member** of a School Council if they are employed at the school.
- A candidate **must declare if they are employed by the Halton District School Board** elsewhere in the Board.
- A person is **qualified to vote** in an election of parent/guardian members of a School Council if they are a **parent/guardian of a pupil** enrolled at the school.

4.3 A teacher representative will be determined by the teaching staff of the school. *(This process should be determined by the Principal and staff - recommend self-nomination)*

4.4 A non-teaching staff representative determined by the non-teaching staff of the school. *(This process should be determined by the Principal and staff - recommend self-nomination)*

4.5 A community representative shall be appointed by the voting Council members. Any member of the Council may recommend the names of the persons to be considered for the appointment. The community representative cannot be an employee at NAME Public School. If the community representative is an employee elsewhere within the Halton District School Board, then this must be disclosed before the appointment is made. *Appointment of the community member may need to be done at the second Council meeting. In this case, state it in this section. If you are planning to have more than one community member, it should be stated here.*

4.6 Secondary School process: A student representative is appointed by the Student Council, or if there is no Student Council, they should be elected by the students.

Elementary School Process: A student is appointed by the Principal (if the Council decided to have a student member).

4.7 Self-Nomination Candidacy Forms will be distributed/posted. *(Recommend for the start of the school year as this will help meet other legislated timelines)*. The Chair, Co-Chair, Secretary, and Treasurer will be elected during the first meeting of the new Council.

Article V

5.0 Terms of Office

5.1 A person elected or appointed holds office from the first meeting of the year they are elected until the date of the first meeting of the Council in the following year.

5.2 An elected parent/guardian must submit their Self-Nomination Candidacy Form annually.

5.3 Teaching and non-teaching staff members will be determined annually from their respective groups. This will occur as soon as possible in the new school year.

5.4 The Principal is appointed by the Halton District School Board.

5.5 The Council may establish committees made up of teachers, parents/guardians, business leaders, advisors and other citizens to carry out specific functions, to study specific issues and to make recommendations to the Council. The Council will seek widespread participation in these activities. These committees will have no responsibilities beyond those outlined by the Council when the committee is established. *(Committees are an option of the Council. Some Councils articulate their mandate and scope in the by-laws)*.

5.6 Appointed community members will be asked to become the community representative at the beginning of each school year *(or other agreed upon time, e.g. at the second meeting, or sometime throughout the year should there not be a candidate who comes forward at the beginning of the school year)*.

5.7 Membership will be terminated when:

- For parents/guardians: When the member no longer has a child enrolled in the school.

- For teacher/support staff: When the member is no longer employed at **NAME** Public School
- When the member has missed three scheduled meetings without proper notice or regrets to the Chairperson or the school and is recorded as absent in the minutes
- When the member submits a letter of resignation to the Chairperson

5.8 **Vacancies** *(A by-law addressing the filling of vacancies is required. Reg.612 s. 15)* that occur during the term will be determined by Council members. If there is more than one candidate, Council members will vote. Nominations for this appointment may be made by any member of the Council.

5.9 The names of Council members will be published within one week *(this time is flexible, but should be reasonable)* of the election.

5.10 The name, email/city address and phone/cell number of the Chairperson will be forwarded, as requested, to the Halton District School Board.

Article VI

6.0 Executive Members of Council

6.1 At the first meeting of the new Council, members of the incoming Council shall elect executives from the parent/guardian members:

I. Chair *(the only officer required under Reg. 612)*

II. Vice-Chair

III. Secretary

IV. Treasurer

Article VII

7.0 Duties of the Officers

7.1 The Chair *(the only officer required under Reg. 612)* is responsible for:

- Residing at all meetings, providing leadership to the Council and general supervision of activities of the Council

- Working in cooperation with the Principal to prepare a written agenda for all Council meetings
- Distributing the agenda to Council members at the time of each scheduled meeting
- Appointing temporary or standing committees as needed, in consultation with the Council
- Expressing consensus or accepting a motion from the floor, as reached by Council
- Serving as the spokesperson for the Council
- Monitoring the implementations of Council decisions

7.2 The Vice-chair is responsible for:

- Assisting the Chair as needed and exercising all functions in the absence of the Chair
- Updating the Constitution, through an ad hoc committee, and other relevant Council protocol documents. *(This is a sample duty that can be undertaken)*

7.3 The Secretary is responsible for:

- Keeping a full and accurate account of the proceedings and transactions of Council meetings
- Providing a copy of the complete minutes of the meeting to the Principal and all voting Council members no later than *(agreed upon period)* days following the meeting
- Maintaining a Council file in the school's administration office containing copies of all minutes, Council correspondence, current by-laws, and current reports, which is kept on file for four years
- Maintaining a list of the Council membership with current telephone numbers/addresses and email addresses
- Assisting the Chair in introducing an executive summary of the Council's activities, as required by the school board, after the final School Council meeting of the academic year, and communicating the executive summary in its entirety to the NAME Public School community.

7.4 The treasurer is responsible for:

- Working with the Chair and Principal to prepare an annual budget of projected revenues and expenditures that support the School Improvement Plan

- Obtain monthly transaction reports from the head secretary/business manager for presentation at School Council Meetings
- Monitor the revenues and expenditures of the School Council.

7.5 The Principal/Vice-principal is responsible for:

- Planning programs and providing materials that will assist the Council in fulfilling its responsibilities.
- Notifying the school community regarding the dates, times and location of all regular Council meetings through the NAME Public School sign, the NAME Public School website and/or newsletter
- Sharing information on school activities, successes and concerns with the Council members on a variety of matters
- Sending (*or forwarding a copy form the Council secretary*) of the full minutes to all voting council members (*agreed upon time*) days after the Council meeting
- Assisting, advising, supporting, cooperating and consulting (seeking advice, with the Council) and informing Council on how their recommendations have been taken into account when decisions related to their recommendation have been made
- Sharing the school plan providing for co-curricular/co-instructional activities at NAME Public School
- Providing administrative support and clerical/secretarial support for Council activities
- Attending the meetings of the Council
- Cooperatively setting the agenda with the Chair of the Council
- Maintaining the authority, responsibilities and obligations of the principalship as mandated by Board Policy and the Acts and Regulations of the Province of Ontario.

Article VIII

8.0 Council Procedures and Meetings

8.1 The Council has the responsibility to regularly inform the parent/guardian community of their activities, either through the School Newsletter or (*Website/email etc*). Parents/guardians have access to present and previous minutes which are kept in the school office (*posted on website*). A request for such information may be made at the office. **All Council minutes are kept at the school for four years before they are discarded.**

8.2 **All Council meetings shall be open to the public.**

8.3 **A Council meeting cannot be held unless:**

- **A majority of the current members of the Council are present**
- **A majority of the members of the Council who are present at the meeting are parent/guardian members (Reg 612/00 s.12).**

8.4 The Council will meet **within 35 days of the start of the school year on a date fixed by the Principal** and at least three other times per year (Reg 612/00 s. 12).

8.5 The agenda of each Council meeting (*set by the Chair and Principal*) shall include:

- Welcome, introductions and attendance of members (present, regrets)
- Approval of the minutes of the previous meeting
- Business arising from previous minutes
- Chair's report
- Treasurer's report
- Committee reports
- Principal's report
- Agenda items for next meeting
- New business/presentations
- Adjournment

8.6 Persons interested in presenting at a Council meeting may request, in writing, to the Chair/Principal to be put on the agenda no later than seven (7) days before the next Council meeting date. Request will be discussed by the Principal and Chair at the agenda meeting.

8.7 Although normal decision making will be achieved through consensus, at times a voting process will be required (*perhaps include a description of those items that may need a vote, i.e. budget*). Absentee ballots or proxy voting will/will not (*this is a choice*) be permitted. Members of the Council having one vote each are:

- Parent/guardian members
- Teaching staff representative
- Non-teaching staff representative

8.8 A simple majority will carry a vote. The Council may not vote unless the meeting conditions of section 8.3 are met.

Article IX

9.0 Constitutional Change

9.1 The constitution/by-laws may be amended at any regular meeting of the Council by a (*can decide on the proportion*) majority vote of those present, provided there is advance notice to the stakeholders. Specific amendments must have been introduced at a prior meeting and have been published in the Council minutes and listed on the agenda for the current meeting. Council members may do this by serving a Notice of Motion at the Council meeting.

9.2 A copy of the constitution will be made available on the **Name** Public School website or to any person upon request.

9.3 A copy of the most current constitution will be available in the Council minutes binder.

Article X

10.0 Financial Practices

10.1 The Board is required to ensure that School Council funds are properly administered and transactions are accurately recorded.

These obligations are met by:

- Administrative guidelines for the collection, recording and control of student funds
- Annual financial reporting requirements for each fund, and
- Financial review of funds by central Board staff.

10.2 School councils shall adhere to the following Halton District School Board Administrative Procedures when fundraising:

- Fundraising in Schools
- School Generated Funds and School Council Funds
- Student Fees
- Donations and Charitable Receipts

10.3 School Council Funds refers to funds raised by members of the School Council to benefit students in the school. School Council funds are governed by the

Education Act, Board Policies and Procedures, and donor requests. Revenue and expenses can come from different sources including fundraising and donations. **These funds are under the direction and control of the Principal (HDSB Administrative Procedures School Generated Funds and School Council Funds and Reg. 612/00 s.22).**

The School Council should prepare an annual budget. Surplus funds not specifically earmarked should be applied to other school priorities as identified in the school's improvement plan.

10.4 The School Council Funds are part of School-Generated Funds, however, separate categories in School Accounting Software are used to keep track of the funds. Record keeping is done by the Senior Secretary/Manager of School Administrative Operations and monthly transaction reports are provided to the School Council Treasurer for presentation at School Council Meetings. Signing authorities are any two of the following people: Principal, Vice-principal, Manager of School Administrative Operations (secondary) or Senior Secretary (elementary). School Council Funds are included as part of School-Generated Funds on the annual report prepared by the **Senior Secretary/Manager of School Administrative Operations**.

10.5 Theft of funds is covered by the Board's insurance policy as long as the funds are in the school in a locked safe. Parents/guardians and staff may not take School Council Funds home as these funds would not be covered by the Board's insurance policy. The HDSB forms should be accessed from the Board's internal website by the school Principal or designate for use by the School Council when handling funds.

Article XI

11.0 Conflict of Interest *(A by-law addressing a conflict of interest is required. Reg.612 s.15)*

11.1 A conflict of interest may be actual, perceived or potential. Members of the Council shall declare a conflict of interest in matters that they, members of their families or business entities in which they may have an interest, stand to benefit either directly or indirectly by the decision of the Council.

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

Article XII

12.0 Dispute Resolution *(A by-law addressing dispute resolution is required. Reg.612 s. 15) (The Council will create a set of norms specific to their school. The following is an example.)*

12.1 Every School Council member will be given an opportunity to express their concern or opinion about an issue.

12.2 Speakers to an issue will maintain a calm and respectful tone at all times.

12.3 Speakers will be allowed to speak without interruption.

12.4 The Chair's responsibility is to clarify statements made by all speakers, to identify common ground among points of view raised and to set out the joint interest of all members.

12.5 If no common ground can be identified, the Chair will seek to clarify preferences among all members before proceeding further.

12.6 If all attempts at resolving the conflict have been exhausted without success, the Chair shall request the intervention of an independent third party to assist in achieving a resolution to the dispute.

12.7 An independent third party may be a Board official or another individual mutually agreed upon by the parties involved in the dispute.

12.8 Any resolution reached at the meeting to resolve the conflict shall be respected in full by all parties to the agreement.