

# **Your Key To YK1 Trusteeship 2022**



# How To Use This Handbook

Yellowknife Education District No. 1 (YK1) publishes this guidebook for those interested in becoming a Trustee with the school district. Our goal is to welcome potential Trustees with basic information.

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# Fact Sheet: Rules and Responsibilities

## School Board Authority

NWT school boards help shape the future of local communities by governing the education of youth. The territorial government, through the Minister of Education, Culture and Employment (ECE) grants school boards the independent authority to make decisions regarding the direction and quality of local public education. Accountability to the public is entrenched through the election of local school board Trustees every four years. **The next YK1 election is October 17, 2022.**

## School Board Responsibilities

It's up to school boards to ensure all children in the community receive a quality education. Specific school board responsibilities include:

- Communicating, informing and involving parents, staff and the community at large in school board decisions and activities
- Adopting an annual budget that achieves jurisdiction priorities
- Setting goals and priorities for the jurisdiction that achieve territorial education standards, meet the needs of students and reflect the community's wishes
- Making and enforcing policies that set out standards and expectations regarding the actions of administration, teachers, and students
- Lobbying the municipal and territorial governments on education issues of importance to the jurisdiction
- Adjudicating policy of decision appeals
- Hiring and evaluating the Superintendent

## The Role of Trustees

A key responsibility for Trustees is to stay in touch with community stakeholders so that they understand, and reflect in their decision-making, what all citizens value and want from their local public schools. It's important to note that Trustees do not represent any one school, neighbourhood or community. Rather, they make decisions based on the needs of the entire jurisdiction. As elected officials, they have several roles to play:

- **Communicators:** Trustees ensure the community has a say in what children learn by communicating effectively with stakeholders and ensuring their concerns and wishes are taken into consideration

- **Planners:** Trustees develop plans to deal with student needs and to actively participate in the economic and social strength of local communities
- **Policy Makers:** Trustees create policies to guide administration and staff. They also evaluate the impact of these policies and make adjustments where necessary
- **Advocates:** Trustees address and seek resolution of public education issues of importance to students, parents and the community at large
- **Educators:** Trustees play a key role in developing tomorrow's citizens because they have the ability to make independent decisions that impact the direction and quality of public education
- **Adjudicators:** Trustees hear and make judgements concerning local education decisions, procedures or policies that individuals, groups or the public feel can be improved, or, are unfair or improper
- **Lobbyists:** Trustees communicate with municipal and territorial levels of government to ensure those who influence funding and other resources hear the voice of the local community
- **Legislators:** Trustees can make decisions that have the status and impact of law – for example, decisions governing and enforcing the conduct of students and staff
- **Politicians:** Trustees are elected every four years to govern the local public education system on behalf of the community. The democratic process ensures the public remains part of public education

# Frequently Asked Questions (FAQs)

**Q: What does the school board do?**

**A:** We help shape our communities by governing education, one of the most important activities that any community undertakes. In partnership with parents and the community at large, we ensure that children are provided the best possible education so that they can become the future citizens the community wishes them to be.

**Q: How does your board govern education?**

**A:** Our board develops three-year education plans and annual budgets that:

- Reflect community wishes, available resources, and sound educational practice.
- Identify goals and priorities, and the results that should be achieved.
- Ensure education stays in step with today's world.

**Q: How do you ensure that three-year education plans and annual budgets reflect community wishes?**

**A:** Trustees spend a lot of time discussing public education with stakeholders. This ensures that the board understands, and reflects in its decision-making, the community's input regarding public education matters.

**Q: How do you ensure that the school board achieves the results that have been identified?**

**A:** Our board creates policies that the Superintendent is responsible for implementing. We regularly evaluate the Superintendent's progress and the system as a whole, making adjustments where necessary.

**Q: What if I'm not satisfied with a policy, or the way a policy is implemented by administration or staff?**

**A:** Anyone may appeal to the school board if they are dissatisfied with the way a policy, decision or procedure affects them and school staff or district administration have been unable to help. In these instances, the school board, or a committee of Trustees delegated by the Chairperson, will hear the concern and make recommendations to the Board of Trustees about what changes may be necessary.

**Q: Who are Trustees accountable to?**

**A:** Trustees are responsible to voters in the communities they serve. This accountability includes ensuring that the public is aware of what the board does, the jurisdiction's accomplishments in education, and that good public education is crucial to the economic and social health of a community.

**Q: Trustees are elected but they don't have any real power like municipal officials, do they?**

**A:** Both municipal councilors and school board Trustees are local government. They are given their mandate by the territorial government. Trustees are elected politicians who are engaged every day in the business of local government. Our school board does have the power to tax local communities and we do decide within certain parameters how the money gets spent. We also make decisions on the direction and quality of local education independent of the territorial government.

**Q: But doesn't the territorial government tell you what to do, and when and where you can do it?**

**A:** Not entirely. There are core territorial educational standards and funding formulas common to all school boards but our board decides how we can best meet local education needs. It's also our responsibility to lobby the government and others who need to know about our community's educational interests and concerns.

# **Eight Tips For Effective Trustees**

In *7 Signs of Effective School Board Members*, Kathryn Blumsack, director of board development for the Maryland Association of Boards of Education, and Terry McCabe, former associate executive director for the Maine School Boards Association, dish out advice to incoming school Trustees. Key points have been summarized below (Reprinted with permission from *American School Board Journal*, July/August 2013. Copyright 2013 National School Boards Association. All rights reserved).

## **Going solo's a no-no**

As an incoming Trustee, you will hear from lots of people about problems and situations they want you to fix. While it may be tempting to say yes – remember as a school Trustee, you have no individual legal authority to make a decision that binds your school board to action. When you are approached, one of the wisest things you can do is to help people understand that you can only get things done as part of the team – the whole school board. This doesn't mean you can't champion an issue – or that you can't raise issues; indeed the more you communicate with your fellow Trustees about a matter, the more likely you are to get support for your priorities and ideas.

## **Respect the team**

While you were elected as an individual, as a member of the school board you are part of a team. Collaboration and respect must be your touchstones. From budgets to grievances, school boards deal with extremely difficult and vexing issues. It's common for emotions to run high. Trustees who treat other Trustees with respect tend to be the most effective.

Committing to collaboration and respect doesn't mean consensus. There is honour in casting a sincere vote, win or lose, but after the vote, don't hold a grudge. Effective school boards move forward together. Remember that as the elected school board all eyes are on you. You set the tone for the entire system. Staff, students, parents and the community are watching to see how the board functions together. Instill confidence.

## **Understand the difference between board and staff**

Effective Trustees refrain from getting involved in management functions that are the responsibility of the Superintendent and staff. While the school board has great power, it's not the power to order individuals to “do this” or “stop doing that.” A school board's power lies in its ability to set the goals and policies for the jurisdiction and the power to demand accountability for reaching those goals and executing those policies. The fundamental reason to refrain from trying to perform management functions is so you can hold the system – and above all the Superintendent – accountable for results. As a new Trustee, make a point of finding out about your school system's policy for responding to concerns

from members of the public, to ensure that every concern gets a fair hearing and timely resolution.

## **Share and defend your views, but listen to the views of others**

You won't "win" on every issue you care about. In the charged and urgent arena of public education, expect to be flexible, even as you honour your deepest values and commitments. There will be times when change must be made, when tradition cannot be honoured or when pressure must be resisted. Sometimes, you'll measure your school board's success not by how agreeable you all are, but by the board's ability to disagree respectfully and have a spirited discussion followed by a difficult vote. After a difficult vote, effective boards embrace the decision and move forward together.

## **Do your homework and ask tough questions**

Come to meetings prepared to engage in discussions, ask questions, and seek clarification. Asking sharp questions can help clarify issues not just for you, but for students, families, the community and employees. Here are some good questions to keep in mind:

- What is the goal of this initiative?
- How does it align with our vision, mission, and system goals?
- How much will it cost? What data tells us it's important enough to merit the cost?
- What data supports the notion that it will achieve the desired results?
- Are staff ready to implement it? If not, what's our plan?
- How does it fit with our existing activities?
- Does it conflict with anything we're already doing?
- How will we evaluate the results?

## **Respect your oath**

You will swear an oath to uphold laws pertaining to public education. An important aspect of the public trust is to maintain confidentiality when appropriate. Confidential matters typically include personnel issues, legal matters, negotiations, land acquisition and grievances.

## **Keep learning**

Participate in professional development and commit the time and energy necessary to be an informed and effective leader. You should understand your school system's vision, goals, and policies; its current successes, challenges, and opportunities; and the educational environment in your community. Most importantly, you should know the aspirations and expectations of the students and parents.

## **Trustees make decisions with the “whole community” in mind**

Trustees have the autonomy to deliberate and act for the greater common good – even if their decision runs counter to their own constituents’ interests. This dichotomy causes the most dissent on school boards. Trustees need to bring forward the communities’ views; debate with vigor while keeping the best interests of the whole jurisdiction in mind.

# **Your first board meeting and beyond**

Your first school board meeting after you are elected is called the organizational meeting. You will be notified about this first meeting by the school board secretary – a jurisdiction staff person. The notice will come via email at least four days before the meeting – or if delivered personally – at least two days before the meeting.

**Expect three things to happen at your first board meeting:**

## **Each Trustee will take the oath of office**

You will complete this oath verbally and in writing.

You will leave your signed oath of office with the board secretary.

## **Each Trustee will file a disclosure statement**

You will complete and file with the board secretary a disclosure statement listing:

- Your full name and place of employment
- The full name and place of employment of your spouse (or adult interdependent partner\*) and children (whether over or under the age of 18)
- The names of all corporations, partnerships, firms, governments or persons in which you, your spouse (or adult interdependent partner) or children (under 18) have a pecuniary (“monetary”) interest

The board secretary will compile a list of the names that Trustees identify on their disclosure forms. This list will be shared with Trustees and key employees. Staff, who regularly attend board meetings, should get a copy of this list. We recommend this because – while it is ultimately up to each Trustee whether they have a pecuniary interest or not – it is best when the whole board and its advisors work together, with full information, to help make this determination, to ensure each Trustee makes the best decisions.

\*Note: “Adult interdependent partner” is defined in the Adult Interdependent Relationships Act. An adult interdependent relationship is similar but not identical to what used to be referred to as a common-law relationship. If you have questions about what constitutes an adult interdependent relationship, the board secretary may be able to assist you with reviewing the definitions, and legal assistance can be sought if required.

## **The Trustees will elect a Chairperson and Vice Chairperson**

The votes for Chairperson and Vice Chairperson may be done by secret ballot. At this meeting you may also decide which Trustees will serve on school board committees.

## **Regular meetings and voting**

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### **Scheduling meetings**

As a board, you will set the schedule for your regular board meetings. You will pass a resolution setting the date, time and place of your school board's regular meetings.

### **Attending meetings**

With the exception of documented medical conditions, a Trustee who misses three school board meetings in a row – without formal permission from the school board – will be disqualified. The Education Act does allow Trustees to attend meetings electronically as long as all Trustees and people attending the public meeting can hear each other.

### **What if something important comes up between regular meetings?**

A special meeting may be called by the Chairperson, a majority of the Trustees or the Minister of Education. Notice in writing of the special meeting including the time, date, place and the business to be transacted at the meeting, must be sent to all Trustees at least seven days before the special meeting. If the notice is delivered personally, this must occur at least two days before the meeting.

Note: If all trustees agree, this notice requirement may be waived, but these waivers must be documented in writing. If all Trustees attend the special meeting the board may deal with any business at the meeting. If a Trustee is absent, no business

other than that outlined in the meeting notice shall be transacted at the meeting.

### **How does voting work?**

With the exception of the vote to elect the Chairperson and Vice Chairperson, all votes must be open.

Every Trustee must vote on every motion – except if a Trustee has a pecuniary interest in the matter or if the school board votes to excuse that Trustee from voting on the matter.

If a Trustee requests a recorded vote before the vote, each Trustee's name and how they voted is recorded in the minutes. If a Trustee asks for a recorded vote after the vote, the board secretary must record that Trustee's name and how that Trustee voted in the minutes.

To pass, a motion must be supported by a majority of the Trustees at the meeting where there is quorum. Quorum is the majority of the Trustees of the full board. The full board refers to the number of seats on a board. The Minister of Education can change a school board's quorum when the number of Trustees on a school board falls below the number required for a quorum or when a board cannot achieve quorum because one or more Trustees have declared a conflict of interest on a particular issue. A meeting that begins with quorum but loses quorum because a Trustee leaves is no longer a valid meeting. If a meeting doesn't have a quorum of the board, the Trustees present may not simply have a staff member or some member of the public fill in for the missing board

member. Only the Trustees attending the board meeting may vote on a matter.

If it's a tie vote, the motion is lost.

Any Trustee, including the Chairperson, may submit a motion for consideration by the school board. No seconder is needed.

The Chairperson presides over board meetings. School boards may adopt rules of procedure such as Robert's Rules to govern how business is conducted at board meetings.

### **Are school board meetings public?**

Yes. School board meetings are open to the public. However, if someone is behaving improperly at a meeting, the Chairperson does have the authority to exclude them from the meeting.

Also, the Education Act does allow school boards to discuss certain matters in private (sometimes referred to as "in camera") – if the majority of Trustees at the meeting assess that it is in the public interest to do so.

Matters typically dealt with in private include personnel matters, real estate matters and legal advice as well as appeal hearings, such as student expulsions, because personal information about the affected person will be discussed during the hearing.

While the school board may deliberate and make a decision in a private meeting, other than the resolution to revert to an open meeting, school boards can only pass a bylaw or motion in a public meeting. When it relates to a matter discussed in a private meeting this motion should be worded so that no personal information about individuals or other private information is revealed.

The Access to Information and Protection of Privacy Act (ATIPP) also prevents Trustees from discussing some matters, such as those discussed at a private meeting or hearing, in public.

The ATIPP Regulation provides that a school board may go in camera to deal with the following matters:

- security of property
- personal information of an individual, including an employee of a public body
- a proposed or pending acquisition or disposition of property by the school board
- labour relations or employee negotiations
- a law enforcement matter
- litigation or potential litigation, including matters before administrative tribunals affecting the school board
- the consideration of a request for access for information under the ATIPP Act, if the school board is itself designated as the head of the local public body for the purposes of the ATIPP Act

According to the ATIPP regulation, no other subject is to be considered in private. School

boards must be careful about what they choose to address in camera and be able to demonstrate that a matter was dealt with in camera if the board wishes to rely upon any of the exemptions from disclosure under the ATIPP Act.

# What do school boards do?

In the Northwest Territories (NWT), citizens elect school boards to act for the legislature in their local schools and communities. School boards exist because of the belief that government – and decisions – made closest to the people being governed are the most effective.

## Authority

Through the Education Act, the NWT legislature has delegated some authority for the governance of education to school boards. As statutory corporations school boards have obligations to perform and they have powers to carry out these tasks. Once passed, the new Education Act will allow for more local decision making through added flexibility. The new Act gives boards Natural Person Powers – providing more discretion in how boards fulfill their responsibilities to the community.

The Board of Trustees is granted many types of authority to enable it to fulfill its mandate to provide kindergarten to Grade 12 education within its jurisdiction. These powers relate to providing educational services.

The School Act distinguishes between a school board’s “duties” which are mandatory and its “powers” which are discretionary.

See Section 117 & 118 of the Education Act for some of a school board’s mandatory “duties”, such as, a school board must:

- provide education to all students in accordance with this Act
- ensure the enforcement of the registration of a child under section 12 and accept the registration of a child under paragraph 12 (1) (c)

## Leadership

School boards exercise leadership through governance in three areas: fiduciary leadership; strategic leadership and generative leadership. The new Education Act places more emphasis on school boards as generative leaders.

When fulfilling its fiduciary leadership role the school board focuses on its legal responsibilities. The school board ensures:

- each student has the opportunity to achieve his/her potential
- children are safe at school
- the jurisdiction’s financial and capital resources are well managed

When acting in its strategic leadership role the school board is planning for the future. Informed by environmental scans, the school board works on the school system's mission, values, vision and goals. The school board makes decisions about resources, programs and services that reflect its long term priorities.

Generative leadership reflects the belief that "it takes a whole village to raise a child". In this role, the school board talks to the community about the community's needs, the community's youth and the future. Generative leadership is more than consultation. True generative leadership sees school boards share direction-setting and even decision-making with others. The school board gives all citizens an opportunity to shape the direction that education takes locally.

## **Advocacy**

The school board is an advocate for public education and for the local school system. In this capacity, the school board consults its constituents and shares information with MLAs and government – as an individual board.

School boards advocate for students. While the school system must not usurp the family's role, it is essential that school boards partner with parents to ensure children are provided with the best possible educational opportunities.

## **Direction-setting**

School boards are direction-setters. The school board sets the overall direction for the school system through its annual strategic planning process. The school board through its vision, mission, values and beliefs, identifies strategic priorities and goals for the system. The school board sets the annual budget, which determines how resources are allocated to schools and programs.

The school board also provides direction through its policies. This includes planning, developing, implementing and evaluating policy.

A policy is an instrument of governance that sets out the board's philosophy and provides the framework and overarching guidelines for the operation of the jurisdiction's school system and the actions of the board's employees.

When setting policy or rules, it is important the board ensure it has the legal authority under the Education Act to establish the proposed policy. The board needs to ensure it is acting within its jurisdiction, or the policy may be challenged and found unenforceable. Many school board policies reference the Education Act provisions (or other legislation) setting out the statutory grant of authority governing that particular policy.

While the school board must establish policies regarding the provision of educational services and programs, many school boards consult with a variety of stakeholders as they develop policy to ensure the outcome meets the needs of the jurisdiction. School boards may focus on establishing governance policies and delegate to administration the responsibility for implementing guidelines or procedures with respect to the jurisdiction's day-to-day operation and management.

By definition a policy is a general document. It is impossible to imagine every permutation of events that might be covered by policy – and accordingly most policy sets out guidelines and leaves the specifics to be determined on a case-by-case basis.

Choosing a policy model is a very important decision for a school board.

## **Decision-making**

School boards are decision-makers. The school board gathers information from many sources; processes that information; evaluates it and makes a decision that reflects its beliefs, values and goals. The school board considers the interests of all the students the jurisdiction serves – not just the interests of students from a particular school or area.

The board exercises its decision-making authority by passing motions. These motions must be passed by the corporate board at a properly constituted meeting. The school board is a corporation. No individual Trustee – not even the Chairperson – can make decisions for the board without the board's permission.

If the school board chooses, it may delegate specific tasks to an individual Trustee to act on the board's behalf as an agent of the board, but only as specified by the board in a board motion. In other words, the school board is ultimately responsible for the individual Trustee's action as the school board as a whole is ultimately accountable. Aside from this exception, a Trustee acting on his or her own has only the authority and privileges of an ordinary citizen.

School board decisions must be in accordance with the Education Act and its regulations.

Under the current Education Act, school boards may exercise powers fairly implied in, or incidental to, the powers set out in the Education Act as well as powers essential to the accomplishment of their expressed objects and purposes. The Board of Trustees does not have any general authority. The Board of Trustees:

- may do what the legislation says they may do
- must do what the legislation says they must do

- must not do what the legislation says they cannot do

The school board may delegate any of its “duties” or “powers” with the exception of:

- making a bylaw
- closing a school or school building
- requisitioning funds from a municipality
- hiring a Superintendent

The school board may delegate the power to suspend or terminate a teacher – but only to the Superintendent.

School boards may delegate other duties or powers to employees – particularly the Superintendent; a committee of the board; a school council or a joint committee established under the Education Act comprised of one or more its Trustees along with persons appointed by another board, person or municipality.

When school boards establish a committee it is wise to pass a motion establishing the committee’s terms of reference. The motion should specify the committee’s duties, responsibilities, mandate, reporting obligations, whether the committee will meet in private, who will chair the committee or how the chair will be selected, any reporting, expense or financial requirements and whether the committee has final decision-making authority or only the ability to give advice and make recommendations to the school board.

## **The Board-Superintendent relationship**

The school board selects a Superintendent of schools, delegates administrative duties to the Superintendent and evaluates the Superintendent’s performance. The school board clearly outlines its expectations of the Superintendent. Legislation gives school boards the power to engage in a wide range of activities. Typically school boards delegate operational tasks to the Superintendent and focus their energy on governing the system by setting performance targets and holding the system accountable for the desired results. No matter how the school board assigns duties and responsibilities, ultimately it is the school board that will be held accountable for the outcomes.

A school board’s relationship with the Superintendent is the most important relationship in the school system. The school board and Superintendent have different but complementary roles. Each party’s success is greatly influenced by the other’s success. Both parties must nurture this relationship. The school board must clearly establish the roles and responsibilities of the school board, the Chairperson and the Superintendent.

## Accountability

The school board holds the system – and itself – accountable for achieving its goals. The school board assigns roles and responsibilities for the desired results and creates a system to monitor and evaluate achievement of those results

It is a great honour to serve your community as a Trustee. You have assumed great responsibilities and may be called upon to apply legal principles to the local world in which the corporate board operates. As “statutory delegates” whose authority is derived from the Education Act, Trustees must be aware of the legal parameters within which a Trustee carries out his or her role as a member of the board. These legal rules arise under legislation, under administrative law – the body of rules or principles that govern how statutory delegates exercise their authority, and at common law – essentially a collection of experiences ruled on by the courts which set guidelines that apply to how elected officials must act. Some of these key legal responsibilities and principles are discussed in the section that follows.

## Confidentiality

### **What information do Trustees have to keep confidential?**

According to the Access to Information and Protection of Privacy Act (ATIPP), all information a Trustee receives regarding the school board’s mandate and functions are considered records under the control of the school board. All records containing personal information about an identifiable individual such as employee information, student information or information in letters to the school board, must be kept confidential and may only be released in accordance with ATIPP. Employee information, student information or information in letters to the school board must be kept confidential and may only be released in accordance with ATIPP.

Each school board has an ATIPP officer who is familiar with the legislation and can assist in making those determinations. Further, each school board has policy regarding retention and destruction of records in keeping with ATIPP regulations. Information received by individual Trustees in their capacity as Trustees must also be processed and treated in accordance with ATIPP. Many school boards have policies in this regard. Follow these policies to avoid inadvertently disclosing third party information that may initially come to you as an individual Trustee.

Trustees take an oath of office requiring them to act in the best interests of the corporation (school board). Information Trustees receive in confidence must be respected and not disclosed to members of the public or taken advantage of for personal gain. To take financial advantage of information received as a Trustee is a disqualifying event under the Education

Act, and a Trustee who does so could be required to account for profits made on the basis of information that came to the knowledge of the Trustee while acting in a fiduciary position. A Trustee must not disclose confidential deliberations relating to school board business to anyone including family, friends, constituents and the public. While school board meetings are held in public, the board is able to meet in camera in certain circumstances.