

A Guide to School Boards and Trusteeship in Manitoba

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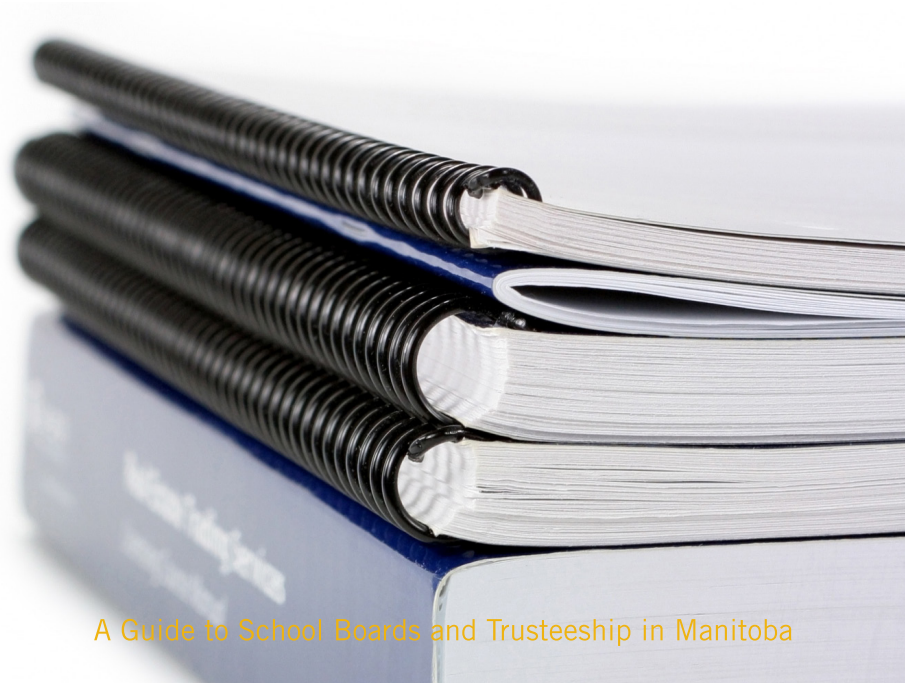
Introduction

In Canada, education is a provincial responsibility. In Manitoba, the responsibility for the delivery of public education to students in kindergarten through to high school graduation has been delegated to school boards.

School boards are elected bodies responsible for the planning and delivery of educational services within geographic regions known as school divisions or school districts. For practical purposes, there is no difference between a division or district. Provincial legislation in the form of *The Public Schools Act* and *The Education Administration Act* defines the structure, obligations and responsibilities of school boards; within the bounds imposed upon them by this legislation, school boards are themselves a law-making level of government.

The primary function of a school board is the determination of policy. A school board sets policy through the decisions it makes at public meetings. School boards also hold regular committee meetings, at which committee members—trustees appointed to serve in that capacity—consider specific aspects of school board business.

Preparing for and participating in school board and committee meetings are the main functions of a school trustee. School trustees have the same rights as every other elector in the division or district, *plus* the right to speak and vote at school board meetings. A school trustee has authority only insofar as his or her voice and vote influence the corporate action of the school board. An individual trustee has no authority to act alone unless the board as a whole specifically delegates a responsibility to that individual.



On Becoming a School Trustee

Elections for the office of school trustee are held every four years, in conjunction with municipal elections, on the fourth Wednesday in October.

School board elections are governed by *The Municipal Councils and School Boards Elections Act*. Any differences between the conduct of school board and municipal elections are the result of specific provisions in *The Public Schools Act*, which is the provincial legislation that governs school board operations.

Qualifications

Section 22 of *The Public Schools Act* outlines the qualifications of a candidate for the office of school trustee.

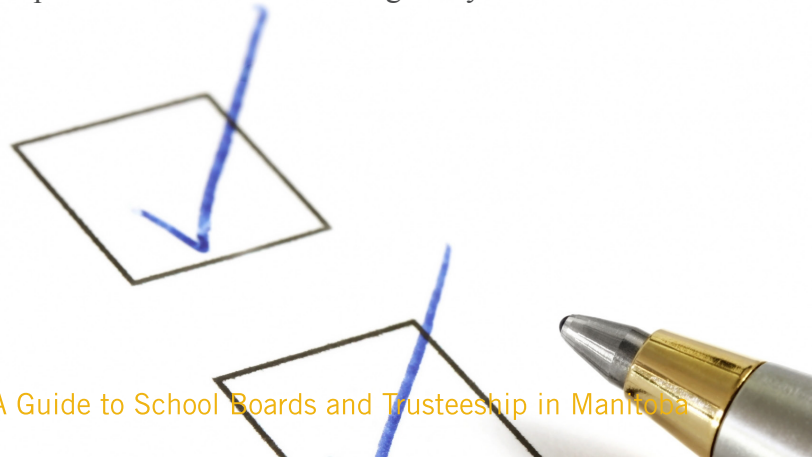
A person is qualified to be nominated for and elected as a trustee of a school board, if the person:

- (a) is a Canadian citizen;
- (b) is of the full age of 18 years, or will be at the date of the election;
- (c) is an actual resident in the school division or school district, and will have been so for a period of at least six months at the date of the election; and
- (d) is not disqualified under any other provision of this *Act* or under any other *Act*, and is not otherwise by law prohibited from being a trustee or from voting at elections in the school division or school district.

Section 22(2) of *The Public Schools Act* specifies that certain individuals may not be nominated or serve as trustees: members of the Legislative Assembly or the Senate or House of Commons of Canada, and pupils in regular attendance at a school within the same school division or district. Section 40(1) of *The Municipal Councils and School Boards Elections Act* prohibits an individual from holding or being nominated for more than one office on an elected authority at the same time, and Section 40(2) stipulates that anyone serving on a municipal council or school board must resign that office before being nominated to run in another authority's by-election.

Candidates for school board office must actually reside in the school division or district for which they are seeking election; they are *not* eligible for office if they are non-resident property-owners or rate-payers. However, individuals do not need to be residents of the specific ward in which they wish to run, as long as they do reside within the division or district as a whole.

An employee may run for and serve as a trustee in the division or district where he or she is employed, providing that he or she takes a leave of absence from their employment while serving. This unpaid leave must be granted by the division or district, for a period of time not exceeding five years.



Once elected, school trustees will normally hold office until the expiration of their term, at which time they must decide whether to seek re-election. There are, however, circumstances in which a trustee's seat can be declared vacant. These are outlined in Section 39.8 of *The Public Schools Act*.

A school board of a school division or school district shall declare a seat vacant and . . . order an election to fill that seat when the trustee elected to that seat:

- (a) is deceased; or
- (b) has submitted a resignation in writing to the secretary-treasurer of the school division or school district; or
- (c) has failed to attend three consecutive regular meetings of the school board without authorization of the school board by resolution recorded in the minutes; or
- (d) has been disqualified from holding office under this *Act*; or
- (e) ceases to be a resident of the school division or school district.

If potential candidates for office doubt their ability to attend meetings on a regular basis (usually a minimum of twice a month), or if they plan to move beyond the boundaries of their school division or district in the immediate future, they may want to reconsider their decision to run for office.

Under Section 39.6(1) of *The Public Schools Act*, a trustee will also be disqualified from holding office if he or she:

- (a) violates any provision of *The Public Schools Act*; or

- (b) is convicted of
 - (i) an offence punishable by imprisonment of five years or more, or
 - (ii) an offence under section 122 (breach of trust by public officer), 124 (selling or purchasing office) or 125 (influencing or negotiating appointments or dealings in office) of the *Criminal Code* (Canada).

When a trustee is disqualified under this section, he or she remains disqualified from being nominated, elected, or appointed as a trustee for four years from the day he or she is first disqualified.

Conduct of School Board Elections

The next general school board election will be held on October 27, 2010. Once an individual has decided to run for the office of school trustee, the next step is to file nomination papers. Generally, these papers can be picked up at the local school board office or, for school divisions within the City of Winnipeg, at the City Clerk's Department of City Hall. Interested individuals should contact their local school board office to confirm where they can obtain the necessary papers.

In order to be nominated, a candidate must obtain the signatures of 25 voters or 1% of the total number of voters in the ward in which he or she is running, whichever is the lesser. In this case, "voters" means people whose names appear on the school division or district voters list.

Once the necessary signatures are obtained, and other supporting documentation is completed, these papers must be filed with the division or district senior election official during the legislated nomination period. In 2010, that period is September 15 to 21, inclusive. The school board office will be able to tell candidates where the nomination papers will be received. Once filed, a nomination may be withdrawn within 24 hours of the close of the nomination period, providing that withdrawal would leave enough remaining candidates to fill the offices to be elected.

The conduct of the actual campaign is up to each individual candidate. Campaigning methods may include any or all of door-to-door canvassing, publication and distribution of brochures, newspaper advertisements and posters. There are, however, restrictions on the distribution of brochures and the posting of signs within the immediate area of any polling station on election day. As well, groups such as teachers and parent councils often organize town-hall meetings, in which voters are given an opportunity to question candidates, and candidates an opportunity to share their viewpoints.

Candidates are responsible for raising any funds required for the conduct of their campaigns. Funds expended on school board elections are not tax deductible for candidates, nor are contributions made to a candidate's campaign tax deductible for the donor.



The Role of School Boards and School Trustees

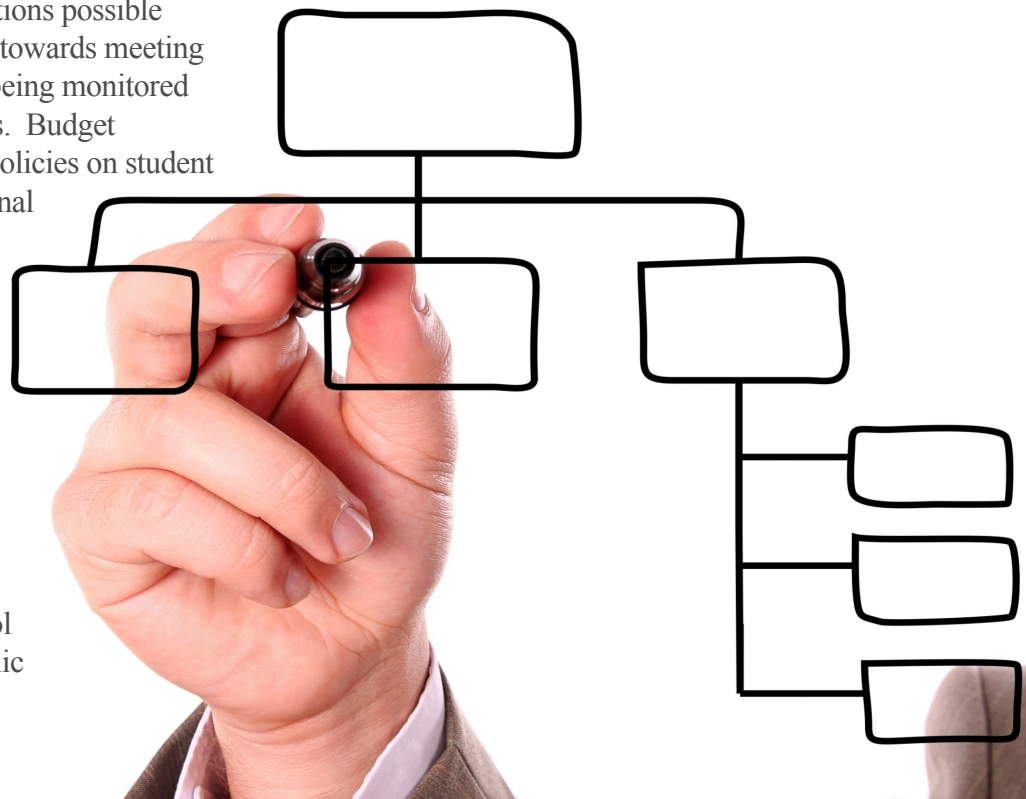
The smallest of Manitoba’s school divisions and districts serves a few hundred students, while the largest serves over 30,000. With a few exceptions, school boards range in size from five to nine trustees, and both the size and the nature of the area they represent vary tremendously. This variation can have a significant impact on the way in which education is provided and school boards function. Despite these differences, however, there are two characteristics which are common to all effective school boards: they focus their efforts on improving student achievement, and they are in regular and meaningful contact with the communities they serve.

Most often, school trustees are not professional educators, but that doesn’t mean that they don’t play an important role when it comes to student achievement. In fact, student achievement is a school board’s primary reason for existence. But instead of focusing their attention on what’s happening in individual classrooms, effective school boards focus their attention on making sure that learning expectations are high for all students, that the policies and resources to make achieving those expectations possible are in place, and that progress towards meeting student achievement goals is being monitored and reported on a regular basis. Budget allocations, hiring decisions, policies on student assessment and staff professional development—these are just a few of the areas where school board decisions have a profound effect on student learning.

When we talk about school boards interacting with their communities, the term we most often use is “community engagement.” Effective school boards need to encourage public

attendance at their meetings and keep constituents informed about their progress, but community engagement means more than that. Community engagement means developing formal mechanisms to ensure that major policies are enacted only after all sides of a matter have been studied. It means deliberately reaching out to groups who may not be familiar with the school system, or who do not feel they have a stake in its success, and actively seeking their opinions. A school board engages its community when it looks for ways to overcome obstacles to public participation, when it listens to varied opinions without prejudging their value, and when it communicates clearly and openly both the nature and the reasoning behind its ultimate decisions.

Just as there is no “typical” school board in Manitoba, so too there is no typical school trustee. Board members represent all age groups, all levels of educational attainment, and all occupations. Effective board members do, however, share some very important characteristics.



Effective board members are characterized by the ability to work as members of a team. They maintain an open mind, and have the ability to engage in give-and-take and to arrive at a decision. They know that authority rests with the board as a corporate body, not with individual trustees, and that they must work with their colleagues in order to achieve their goals. They are willing to spend the time required to become informed and to do the homework needed to take part in effective school board meetings. They share a strong desire to serve children and their community, as well as a strong belief in the value of public schools. Effective board members also respect the needs and feelings of other people, and have a well-developed sense of fair play. They recognize that the school division or district they serve may be one of the largest businesses in town, and that the board is responsible for seeing that that business is well-managed.

Duties and Powers of School Boards

The *Public Schools Act* defines both the “duties” (those things “every school board shall” do) and the “powers” (those things “a school board may” do) of school boards in Manitoba. School board duties are standard throughout the province; combined, they ensure a basic level of public school education to which all Manitobans are entitled. At the same time, school boards may differ on which “powers” they chose to exercise. In this way, they develop schools that are unique in the ways they reflect the values and concerns of the communities they serve. School boards are responsible for providing adequate school accommodation for students between the ages of 6 and 21, and for employing the necessary teachers and other staff. The school board must authorize the spending of divisional or district funds, and ensure that the proper financial reports are maintained and published or distributed as required. If a program of study is not offered within a division or district, a school board is responsible for paying certain costs associated with a student undertaking that program of study as a non-resident student in another jurisdiction. As well, the school board may be required to provide transportation for students to and from school, if those students reside a minimum distance from their school, or if students have physical or other handicaps that render them unable to walk to school.

The list of what a school board *may* do is varied. It includes the provision of nursery schools or kindergarten for children between the ages of 3 and 6, as well as evening and summer school. A school board may choose to provide lunch for its pupils, either with or without charge. A board, with the consent of the Minister of Education, may establish and administer a system of dental and medical inspection of pupils and employees. A school board also has the authority to enter into agreements with other school boards, government agencies or departments, or municipalities, to provide certain facilities or services to its pupils.

Conduct of School Board Business

The primary function of a school board is the determination of policy. These policies are, in effect, the laws under which a division or district operates. Implementation of that policy—that is, the day-to-day management of school business—is the role of the administrative staff hired by a school board.

A school board sets policy through the decisions it makes at public meetings. *The Public Schools Act* provides that “An act or proceeding of a school board that is not done or taken at a regular or special meeting of the school board, is not valid or binding on any person affected thereby” (Section 35). Combined with the requirement that “Every school board shall hold its meetings openly, and no person shall be excluded or removed from any meeting except for improper conduct” [Section 30(3)], legislation assures that school board business is conducted in an open manner.

In addition to full school board meetings, trustees also attend the meetings of any committees on which they serve. Most school boards have a number of standing committees that deal with matters such as finance, personnel, curriculum, and facilities. Special or ad-hoc committees may also be appointed from time to time to deal with special projects or emerging issues. Unlike regular or special school board meetings, committee meetings do not have to be held in public, but may be held in-camera. These committees rarely make final decisions themselves. Their role generally is to investigate, deliberate, and report back to the full board. The board then has the option of adopting the recommendations of the committee at its public meeting, modifying any proposed course of action, or rejecting a committee report outright.

One special committee that is used on occasion is the Committee of the Whole. Membership on the Committee of the Whole is the same as membership on the board—that is, all of a division’s or district’s trustees. The difference between a Committee of the Whole meeting and a board meeting is twofold: firstly, a meeting of the Committee of the Whole may be held in-camera, and secondly, the board, when sitting as the Committee of the Whole, cannot make any decision that is legally binding. The Committee of the Whole functions in much the same manner as any other committee; it submits its report to the board in public session, and the board then acts upon the report. The Committee of the Whole is an important instrument in that it allows the board to discuss thoroughly issues which it believes should not be debated in public, while still making the final decision in a public meeting. Two examples of issues which are often discussed in Committee of the Whole are staff or student discipline as it relates to individuals, and land acquisitions.

The decisions made by a school board at its meetings set the direction for the school division and district. The school board employs administrators to see that this direction is implemented in an effective and efficient manner. The two most senior administrators of a school division or district are the superintendent and the secretary-treasurer. By law, all school boards must employ a secretary-treasurer; he or she is the chief financial officer of the division or district. In addition, most school boards employ a superintendent, who is the division or district’s chief educational officer. In some instances, both positions are held by the same individual. *The Public Schools Act* lists those responsibilities which a school board may delegate to its secretary-treasurer or superintendent. An effectively managed

school division or district is one in which the senior administrators and school board work closely together, each respecting and drawing upon the other's areas of expertise.

Preparing for and participating in school board and committee meetings are the main functions of a school trustee. Although school trustees do not receive a salary for time spent on school board business, they do receive a payment referred to as an indemnity. This indemnity varies in amount from several hundred to several thousand dollars a year. Along with reimbursement for out of pocket expenses incurred by trustees in the course of school board business, this indemnity ensures that trustees are able to serve in that capacity without experiencing undue financial hardship.

The Manitoba School Boards Association



The Manitoba School Boards Association is a voluntary organization of public school boards in Manitoba. Its mission is to enhance the work of locally elected school boards through leadership, advocacy and service, and to champion the cause of public education for all students in Manitoba.

The mandate of the Manitoba School Boards Association is:

1. to promote and support the work of elected public school boards within the parameters of Manitoba laws and statutes.
2. to promote and advance the cause of public education in the province through research, study and public discourse.
3. to work collaboratively with education partners, stakeholders, and community agencies in addressing the learning and developmental needs of school-aged children and youth.

The association strives to fulfill its mandate by offering a wide range of direct services to member boards, and by providing a strong voice for the expression of the views and concerns of Manitoba's public school trustees.

The school divisions and districts that are members of the Manitoba School Boards Association are grouped into six regions. Each year, the boards that make up each region meet to elect one or more Directors, for a total of seven representatives on the association's Provincial Executive. Other members of the Executive include the President and two Vice-Presidents, who are elected at the association's Annual Convention each March, and the immediate Past President. The eleven-member Provincial Executive governs the association between Conventions.

The Manitoba School Boards Association office is located at 191 Provencher Boulevard in Winnipeg. As well as offices for the association's staff, the building houses a boardroom and seminar room where meetings of the Executive and association committees are held. The Manitoba School Boards Association staff is divided into two departments.

The Member Services and Administration Department is responsible for the general administration of the association, and for ensuring the implementation of the policies and instructions of the Provincial Executive. It is responsible for the trustee professional development program, communications with school boards and the media, and for addressing the educational priorities of the association. This department also carries out the accounting and risk management functions of the association, and administers the general insurance program.

The Labour Relations Department is responsible for providing labour relations and personnel services to member school boards in the capacity of advisor, coordinator, and agent. The Labour Relations Department assists member boards in the maintenance of good employer-employee relationships through the establishment of fair and reasonable salaries, benefits, and working conditions.

Questions?

Some of the questions we are asked most frequently at the Manitoba School Boards Association office, and their answers, are listed below. If you have questions about trusteeship or the contents of this document, please contact us. We can be reached by phone at 233-1595, or toll-free at 1-800-262-8836. You may also visit us at mbschoolboards.ca.

If you have questions that are specific to your own school division or district, contact the school board office. The phone numbers and addresses are listed at the end of this document.

Question: When is the next school board election?

Answer: School board elections are held every four years. The next general school board elections will be held on Wednesday, October 27, 2010. Nominations will be accepted from September 15 to September 21, inclusive.

Question: Who serves as public school trustees?

Answer: Public school trustees come from all walks of life. They are retirees, homemakers, professionals, tradespeople, university students—the list goes on. What these people do have in common, however, is a sincere interest in children and education, and a desire to serve their communities.

Question: I live in one school division, but own property in a neighbouring one. Can I run for school trustee in either of the two divisions?

Answer: No. *The Public Schools Act* requires that a candidate be “an actual resident in the school division or district,” and that he or she has been so for a period of at least six months at the date of the election.

Question: My school division is divided into three wards. I live in Ward 1. Does that mean that I have to run as a candidate in Ward 1, or can I run in one of the other wards?

Answer: A candidate does not have to live in the specific ward in which he or she runs, as long as they do reside in the division or district.

Question: My spouse teaches in the school division in which we live. Can I still run for school trustee?

Answer: An individual whose spouse works for a school division or district may still be a trustee in that same division or district. There are, however, some matters which come before the board where that trustee would be considered to have a conflict of interest. In those situations (such as salary negotiations), that trustee would not involve him or herself in the debate or voting on that specific matter. There are a number of other situations where a trustee could have a potential conflict of interest. Legislation requires that situations such as these be declared when a trustee takes office.

Question: I am a public school teacher. Does that disqualify me from running for school trustee?

Answer: A teacher or other school division employee may serve as a school trustee. If you work in the same school division or district in which you live, you will be required to take a leave of absence from your job in order to serve.

Question: If I'm elected school trustee, how will I learn about the job? Will I be offered any training?

Answer: Most school divisions and districts offer orientation sessions for new trustees, to familiarize them with local policies and procedures. As well, many new trustees attend training sessions organized by the Manitoba School Boards Association. These sessions bring together newly-elected trustees from across the province, helping them to understand their new role and to develop skills they will need to be effective board members. In 2010 these sessions will be held on November 25 and 26 in Winnipeg and again on November 29 and 30 in Brandon.

Contact Your School Board Office

The location of each school board office is indicated in parentheses.



Beautiful Plains (Neepawa)	476-2388	Pine Creek (Gladstone)	385-2216
Border Land (Altona)	324-6491	Portage la Prairie (Portage la Prairie)	857-8756
Brandon (Brandon)	729-3100	Prairie Rose (Carman)	745-2003
DSFM (Lorette)	878-4424	Prairie Spirit (Pilot Mound)	825-2721
Evergreen (Gimli)	642-6260	Red River Valley (Morris)	746-2317
Flin Flon (Flin Flon)	681-3413	River East Transcona (Winnipeg)	667-7130
Fort La Bosse (Virden)	748-2692	Rolling River (Minnedosa)	867-2754
Frontier (Winnipeg)	775-9741	Seine River (Lorette)	878-4713
Garden Valley (Winkler)	325-8335	Seven Oaks (Winnipeg)	586-8061
Hanover (Steinbach)	326-6471	Southwest Horizon (Melita)	483-6294
Interlake (Stonewall)	467-5100	St. James-Assiniboia (Winnipeg)	888-7951
Kelsey (The Pas)	623-6421	Sunrise (Beausejour)	268-6500
Lakeshore (Eriksdale)	739-2101	Swan Valley (Swan River)	734-4531
Lord Selkirk (Selkirk)	482-5942	Turtle Mountain (Killarney)	523-7531
Louis Riel (Winnipeg)	257-7827	Turtle River (McCreary)	835-2067
Mountain View (Dauphin)	638-3001	Western (Morden)	822-4448
Mystery Lake (Thompson)	677-6152	Whiteshell (Pinawa)	753-8366
Park West (Birtle)	842-2100	Winnipeg (Winnipeg)	775-0231
Pembina Trails (Winnipeg)	488-1757		