



LEADERSHIP,
SERVICE AND
ADVOCACY

2018 Resolutions and Special Business

MANITOBA
School Boards
ASSOCIATION

54th Annual Convention
March 15 - 16, 2018
Delta Winnipeg
350 St. Mary Ave.

www.mbschoolboards.ca



TABLE OF CONTENTS
2018 MSBA Convention Resolutions
and Special Business

Page

2018 Rules of Procedure3

By-Laws:

B-01-18 By-Law #3 Membership6
 B-02-18 By-Law #4 Nominating Committee – Membership6
 B-03-18 By-Law #4 Nominating Committee – Function.....7
 B-04-18 By-Law #4 Annual Convention – Voting and Incidental Amendments.....8
 B-05-18 By-Law #4 Use of Board Ballots9
 B-06-18 By-Law #4 Convention: Section 11 – Resolutions.....9
 B-07-18 By-Law #7 Executive By-Elections.....11

Auditor and Financials:

A-01-18 Receipt of Financial Statements13
 A-02-18 Appointment of Auditor13
 A-03-18 Request for Proposals (RFP) for Audit Services14

Matters Affecting the Association:

M-01-18 Electronic/Absentee Voting at Regional Meetings.....15

Funding and Financial Matters:

FFM-01-18 Public Education Funding16
 FFM-02-18 GST/HST on Capital Projects.....17

Education Programming:

EP-01-18 Teacher Training in Literacy and Numeracy19

Students:

S-01-18 Mandatory Vaccination of School Aged Children.....20

Human Resources:

HR-01-18 Provincial Bargaining23

Transportation:

T-01-18 Warning Lights for School Zones24

NOTICE OF MOTION

The Chair of the MSBA Resolutions and Policy Committee shall move or cause to be moved the following motion regarding adoption of the Rules of Procedure for the resolution process at the MSBA Annual General Meeting:

2018 RULES OF PROCEDURE

Process:

1. All resolution proceedings shall be governed by these rules of procedure, the MSBA Act, and the MSBA By-Laws. In the event of any conflict, the provisions of the MSBA Act and the MSBA By-Laws shall prevail. Where any of the aforementioned identified instruments are silent, the current edition of Robert's Rules of Order Newly Revised, shall apply.
2. The resolution process shall be conducted by a "Resolutions Chair", referred to in the following sections as the "Chair".
3. The Chair will advise the membership of the disposition of emergent resolutions submitted to the MSBA Executive and request the assembly's consideration of those late resolutions not adopted by the Executive.
4. Resolutions shall be dealt with in the following order:
 - (a) consideration of new resolutions in the order listed in the resolutions booklet and any emergent resolutions adopted by the MSBA Executive at the end of the section in which the resolution is assigned (point #3 above);
 - (b) MSBA policies presented for reaffirmation at MSBA regional meetings;
 - (c) consideration of emergent resolutions not adopted by the MSBA Executive but approved by the assembly for debate;
 - (d) any resolution(s) for reconsideration in the order of receipt by the Chair (point #26).
6. Should any resolution be identified as a particular concern of the assembly, that resolution may be brought forward in the convention proceedings for discussion and debate by majority consent of the assembly. A motion requesting this action must be moved and seconded.
7. Proposed resolutions shall be read and moved by members of the Resolutions and Policy Committee and the Chair shall immediately ask for a seconder who may speak to the proposed resolution and close debate.

Resolutions:

8. Resolutions submitted by any member board in the period between the deadline for receipt of regular resolutions and the final Executive meeting preceding the annual general meeting will be considered emergent resolutions.

The Executive will assess emergent resolutions to determine whether the issue addressed was evident prior to the deadline for submission of regular resolutions. Where the Executive deems the resolution to be truly emergent in nature, it will be included among those for consideration at the annual general meeting.

Any emergent resolution not adopted by the MSBA Executive will require a separate motion to be added to the annual general meeting agenda and must be moved and seconded and receive the support of not less than two-thirds of the delegates present and voting in order to be considered.

2018 Rules of Procedure, cont'd....

9. Any resolution sponsored by the provincial executive will be deemed to be a regular resolution, whether or not it meets the timeline outlined above.
10. Extraordinary resolutions arising out of the business of the annual general meeting may be considered if consideration is supported by a two thirds majority of voting trustees.

Debate:

11. As soon as a proposed resolution has been moved and seconded, the Chair will call upon the seconder to explain the proposed resolution.
12. The Chair will then ask if any delegate wishes to speak against the proposed resolution. If no delegate so indicates, the seconder will be invited to close debate and the question will be called.
13. Once any delegate speaks in opposition to the proposed resolution, debate shall begin and continue until the question is called in the usual manner. The seconder will have the right to be the final speaker in the debate.
14. Each delegate wishing to speak to a resolution must first be formally recognized by the Chair and shall announce his/her name and school division/district before speaking to the resolution to be debated.
15. No delegate shall speak to a resolution more than once, except the seconder of the resolution, and debate shall be limited to three (3) minutes unless permission for an additional three (3) minutes is granted by general consent of the assembly.
16. Associate members may, at the discretion of the Chair, speak on a point of information but may not enter into the debate, nor may they move, second, or vote on a resolution.

Voting:

17. Member school boards who have at least one trustee in attendance at the Annual Convention shall be eligible to vote, via board ballots, on by-laws and by-law amendments. Trustees from member boards who are registered Convention delegates are eligible to register as voting delegates, and to receive a ballot book and voting delegate card that will be used to vote on resolutions other than by-laws.
18. A quorum shall consist of not less than 100 voting delegates present on the floor of the convention at the time any vote is called on any motion before the assembly.
19. The Resolutions and Policy Committee [By-Law #4, (11.)] shall be responsible to know the voting strength at all times on the convention floor, and shall be responsible for ruling on any disputes over the issuance of voting cards and ballot books.
20. All voting shall be by show of hands (using the authorized voting cards) unless:
 - (a) the Chair, in his/her discretion, calls for a standing vote before announcing the results of a vote by show of hands, or
 - (b) immediately after the result has been announced by the Chair, one delegate can call for a standing vote.

2018 Rules of Procedure, cont'd....

21. A favourable vote of not less than two thirds of the board ballots cast shall be required to approve any amendments/changes to the By-Laws or MSBA Act. All other questions shall be decided by majority vote of those delegates present and voting unless otherwise specified in these rules of procedure.

Amendments:

22. A delegate may, at any time during the debate on a resolution, move an amendment, providing it is relevant to and deals with the same subject matter as the original resolution. Amendments must be seconded.
23. The Chair has the prerogative to divide a question into two or more questions so as to allow for a separate vote on any particular point or points, if the Chair deems that the division of the question will facilitate debate.
24. No more than one amendment and one amendment to the amendment (sub-amendment) will be accepted by the Chair at any one time.
25. The Chair may, in his/her discretion, require that any amendment to a resolution be submitted in writing.

Reconsideration:

26. A written notice of motion to reconsider a vote on the resolution shall be presented to the Chair, and may only be submitted by a delegate who originally supported the vote on that particular resolution. Upon validation of the request for reconsideration, the Chair shall immediately announce that a motion to reconsider will be presented after all other convention resolutions have been considered in accordance with [Section 4. (f)] above.

/ak

BY-LAWS

BY-LAW #3 MEMBERSHIP..... B-01-18 (MSBA Executive)

BE IT RESOLVED THAT the following be adopted as a new association by-law #3 – Membership.

1. A board that meets the criteria for membership in the association (as defined in *The Manitoba School Boards Association Act*) is, upon payment of the assessed membership fee, a full member of the association, except as described in #2, below.
2. Where a board’s members are not normally chosen through the electoral process outlined in *The Municipal Councils and School Boards Elections Act*, those board members are not eligible to serve on the association’s provincial executive or other elected bodies.

Comments:

This would be a new by-law, and would require the consequential renumbering of the existing by-laws that follow. This renumbering would be a housekeeping amendment, and would not require any action of the membership.

BY-LAW #4: NOMINATING COMMITTEE – MEMBERSHIP B-02-18 (MSBA Executive)

BE IT RESOLVED that Part 7(d) of Association By-Law #4 be stricken and replaced with the following:

(d) The Nominating Committee shall be comprised of the Association’s three most recent Past Presidents who continue to serve as school trustees. In the event that there are fewer than three Past Presidents serving as school trustees, the Executive shall appoint a sufficient number of trustees at large to this committee to reach the requisite full complement of three members. Trustees at large serving on this committee will do so until such time as there are sufficient Past Presidents to achieve that complement. The most immediate Past President serving on the Nominating Committee shall chair the committee.

Comments:

The Nominating Committee’s primary responsibility is to ensure a full slate of candidates for each election. In most years, a sufficient number of candidates are nominated without the Nominating Committee being required to recruit further nominees. In those years, the Nominating Committee does not meet.

Under the current by-law, trustees are being asked to serve on a committee that will, in all likelihood, not meet over the term of their appointment. The proposed by-law amendment would remove the requirement for regular appointments to this committee by redefining its membership as three Past Presidents serving in an ex officio capacity.

Part 7(d) of Association By-law #4 currently reads as follows:

- (d) In accordance with MSBA committee appointment procedures, the Executive shall appoint a nominating committee of five persons who shall be:
- i. the immediate Past President of the Association who shall be Chair of the committee;
 - ii. the two most recent Past Presidents; and
 - iii. two trustees at large.

BY-LAW #4: NOMINATING COMMITTEE - FUNCTION B-03-18

(MSBA Executive)

BE IT RESOLVED that Part 7(e) of Association By-Law #4 be stricken and replaced with the following:

(e) The Nominating Committee will endeavour to fulfill its function in accordance with the following guidelines.

- i. The Committee will ensure that there is at least one qualified candidate nominated for each Executive position to be elected at any Annual Convention.
- ii. None of the Committee's nominees shall be a member of the Nominating Committee.

Additional responsibilities of the Nominating Committee may be identified by the Provincial Executive in the Committee's mandate.

Comments:

This is in part a housekeeping amendment made necessary by the change from one to two-year terms of office, and the staggering of elections for Executive positions. The amended by-law would no longer list all positions, as not all positions are up for election in any given year. It would also remove the references to the qualifications for each office (e.g. the number of students served by the board on which a candidate for Vice-President serves), as these requirements are laid out elsewhere in Association By-law #7.

The changes would also bring the Nominating Committee guidelines into better alignment with established practice, such as removing reference to the number of nominees for President, and these nominees normally being the Association's two Vice-Presidents.

Part 7(e) of Association By-law #4 currently reads as follows:

(e) The Nominating Committee will endeavour to fulfill its function in accordance with the following guidelines:

- i. The Committee will nominate at least two eligible candidates for the position of President, and at least one eligible candidate for each of the two Vice-President positions and seven Director positions.
- ii. The Committee's nominees for the position of President will include at least one candidate from a school board serving fewer than 6000 students, and one from a school board serving 6000 or more students; these nominees will include the Association's two incumbent Vice-Presidents, except where one or the other of the Vice-Presidents declines the nomination, or is no longer eligible to serve.
- iii. The Committee's nominees for Vice-President (fewer than 6000 students) will come from school boards serving fewer than 6000 students, and the nominees for Vice-President (6000 students or more) will come from school boards serving 6000 or more students. The number of students served by each board will be determined in accordance with Association by-laws.
- iv. At least two of the candidates for Director shall be from Region 5 (Suburban); at least one shall be from each of the remaining regions, namely Region 1 (Western/Northwestern), Region 2 (Central/South Central), Region 3 (Interlake/Southeastern), Region 4 (Northern); and Region 6 (Winnipeg S.D. #1). A candidate for Director of a specific region shall be a trustee of a member board in that region.
- v. None of the Committee's nominees shall be a member of the Nominating Committee.

Additional responsibilities of the Nominating Committee may be identified by the Provincial Executive in the Committee's mandate.

BY-LAW #4: ANNUAL CONVENTION – VOTING AND INCIDENTAL AMENDMENTS..... B-04-18

(MSBA Executive)

BE IT RESOLVED that Association By-Law #4, Annual Convention, be amended as follows:

1. That the title be changed from “Annual Convention” to “Conventions;”
2. That the phrase “the Manitoba Director of the Canadian School Boards Association and” be stricken from section 6(c); and
3. The insertion of a new clause 6(e), as follows: “Voting on resolutions at a convention other than an Annual Convention may be conducted via email or other electronic means, in accordance with a process to be determined by the Provincial Executive.”

Comments:

The change in title is being proposed to reflect the reality that by-law #4 contains clauses that are relevant to *all* conventions, not only the Annual Convention of the Association.

The removal of the reference to the election of the Manitoba Director to the Canadian School Boards Association reflects current practice, as determined by the Canadian School Boards Association, whereby its board of directors is comprised of provincial association presidents.

The addition of clause 6(e) would provide for a method of voting in those rare instances when a vote of the full membership was required at other than an annual or other in-person convention. Section 126.1 of the Corporations Act permits directors (read the "Provincial Executive") to decide that a meeting of shareholders (read "Member Boards") will be held "entirely by means of a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting" but only "if the by-laws so provide". The proposed amendment is intended to make provision under the by-laws for such meetings.

Part 6 of Association By-law #4 currently reads as follows:

6. Method of Voting

Voting on resolutions and elections shall be conducted in accordance with the following rules:

- (a) board ballots shall be used to elect the President of the Association;
- (b) board ballots shall be used to vote on any new by-law, or by-law amendment;
- (c) individual trustee ballots shall be used to elect the Manitoba Director of the Canadian School Boards Association and all members of the Association Executive except for the President, and
- (d) voting on resolutions other than by-laws shall be by a show of hands of individual trustees, unless
 - i. the chair in his/her discretion calls for a standing vote before announcing the result of a vote by show of hands, or
 - (ii) immediately after the result has been announced by the chair, one delegate can call for a standing vote.

BY-LAW #4: USE OF BOARD BALLOTS B-05-18

(MSBA Executive)

BE IT RESOLVED that Part 6 of Association By-Law #4, Method of Voting, be amended by inclusion of a new clause (c), with the consequential renumbering of the current clauses (c) and (d) with such change to take effect immediately upon its passage.

6. Method of Voting

Voting on resolutions and elections shall be conducted in accordance with the following rules:

- (a) board ballots shall be used to elect the President of the Association;
- (b) board ballots shall be used to vote on any new by-law, or by-law amendment;
- (c) board ballots shall be used to appoint the association financial auditors;
- (d) individual trustee ballots shall be used to elect all members of the Association Executive except the President, and
- (e) voting on resolutions other than by-laws shall be by a show of hands of individual trustees, unless:
 - (i) the chair in his/her discretion calls for a standing vote before announcing the results of a vote by show of hands, or
 - (ii) immediately after the result has been announced by the chair, one delegate can call for a standing vote.

Comments:

Legal counsel has advised that this amendment is required in order to bring association by-laws into alignment with the legal requirements of *The Manitoba School Boards Association Act*.

BY-LAW #4: CONVENTION: SECTION 11 - RESOLUTIONS B-06-18

(MSBA Executive)

BE IT RESOLVED that By-Law #4 – Convention: Section 11 – Resolutions be stricken and replaced with the following:

By-law #4—Annual Convention

11. Resolutions

- a) Resolutions for consideration at the Annual Convention must be forwarded to MSBA by a deadline set out in the annual call for resolutions.
- b) Each region may adopt a maximum of five board-sponsored resolutions for forwarding for consideration at the association’s AGM as regular resolutions. Board-sponsored resolutions not adopted at the regional meeting for forwarding to the AGM may be forwarded, upon a majority vote in the affirmative at the regional meeting, directly to the provincial executive as an issue or request for action.
- c) Proposed resolutions will be categorized in accordance with the timeframe within which they are submitted, and the contents of the resolutions, as follows.

Timeframe:

- **Regular resolutions** are those resolutions submitted by the deadline identified in any call for resolutions.

- **Emergent resolutions** are those resolutions that are received in the period between the deadline for receipt of resolutions identified in a call for resolutions and the conclusion of the last executive meeting prior to the membership meeting at which resolutions will be considered, and which relate an issue which was not evident prior to that deadline. The provincial executive will assess each such resolution to determine whether it is truly emergent in nature. Where the resolution is determined to be truly emergent, the provincial executive will direct that the resolution in question be included among those being considered at the AGM. If the resolution is determined not to be emergent, it may still be considered at the AGM, at the request of the sponsoring board, if such consideration is supported by two-thirds of voting trustees.
- **Extraordinary resolutions** arise out of the business of the AGM, and will be considered with the support of two-thirds of voting trustees.

Contents:

- **By-law amendments or new by-laws:** Resolutions in this category require a minimum of one month notice to members (Association By-law #9). For this reason, no extraordinary by-law amendments or new by-laws may be considered, and any emergent ones must be submitted at least one month prior to the meeting at which they are to be considered.
 - **Policy additions or amendments:** Resolutions in this category seek to amend the association's existing policy statements, or create a policy statement in an area not previously addressed.
 - **Requests for Action:** Resolutions in this category are action items that direct the association to do something, either directly or through its lobbying efforts. Requests for action should align with association policy; where they do not, that conflict will be identified. Requests for action are time-limited to three years or the completion of the requested action, whichever comes first. At that time, the request for action will be archived, unless renewed by a member board through a new resolution.
- d) Any resolution sponsored by the provincial executive will be deemed to be a regular resolution, whether or not it meets the timelines outlined above.
- e) The Resolutions and Policy Committee is a standing committee of the MSBA Provincial Executive. The responsibilities of the Resolutions and Policy Committee are outlined in the committee mandate detailed in the MSBA procedural manual. A detailed description of the resolutions process is contained in operational policy.

Comments:

Since the adoption of the current resolution process, the association has developed consolidated, principle-based policy statements. While the majority of resolutions that formerly formed the basis of the association's policy manual were reactive in nature, these policies provide a framework that enables the executive to respond to new and emerging issues in a proactive and timely manner.

This by-law amendment is intended to support the ongoing evolution of these principle-based policies and the work of the association. Under the proposed by-law, all resolutions will be classified as either by-law amendments, changes or additions to policies, or requests for action. By-laws and policies will remain in effect until and unless they are modified through the resolutions process at a convention. Requests for action will have a three-year lifespan, after which time they will be permanently archived. If a member believes the association should renew its efforts in a certain area, they may introduce a new resolution to that effect, but there would be no automatic reaffirmations.

The significant changes to this by-law are contained in Part C, Content. Other housekeeping changes include the reformatting of the former Parts D and E into the proposed Part C, Timeframe, the combining of the former Parts A and F into the proposed Part E, and the consequential renumbering of the various parts. These housekeeping changes will have no operational or procedural impact.

The current wording of By-Law #4—Annual Convention: Section 11—Resolutions is as follows.

11. Resolutions

- a) The Resolutions and Policy Committee is a standing committee of the MSBA Provincial Executive.
- b) Resolutions for consideration at the Annual Convention must be forwarded to MSBA by a deadline set out in the annual call for resolutions.
- c) Each region may adopt a maximum of five board-sponsored resolutions for forwarding for consideration at the association’s AGM as regular resolutions. Board-sponsored resolutions not adopted at the regional meeting for forwarding to the AGM may be forwarded, upon a majority vote in the affirmative at the regional meeting, to the provincial executive as an issue or request for action.
- d) Emergent resolutions may be submitted to the provincial executive by any member board in the period of time between the deadline for receipt of proposed regular resolutions and the last provincial executive meeting prior to the AGM. The provincial executive will assess each such resolution to determine whether it is truly emergent in nature – that is whether the issue it addresses was evident prior to the deadline for the submission of resolutions. Where the resolution is determined to be truly emergent, the provincial executive will direct that the resolution in question be included among those being considered at the AGM. If the resolution is determined not to be emergent, it may still be considered at the AGM, at the request of the sponsoring board, if such consideration is supported by two-thirds of voting trustees.
- e) A proposed resolution will be accepted for consideration as an extraordinary resolution if the resolution arises out of the business of the AGM and consideration of the resolution is supported by two-thirds of voting trustees.
- f) Any resolution sponsored by the provincial executive will be deemed to be a regular resolution, whether or not it meets the timelines outlined above.
- g) Resolutions shall be subject to consolidation or amendment by the Resolutions and Policy Committee.

The responsibilities of the Resolutions and Policy Committee are outlined in the committee mandate detailed in the MSBA procedural manual. A detailed description of the resolutions process is contained in operational policy.

BY-LAW #7: EXECUTIVE BY-ELECTIONS B-07-18
(MSBA Executive)

BE IT RESOLVED that the following be inserted as sub-part (ii) of Part 7 of By-Law #7, and the current Part 7 be numbered as sub-part (i):

- (ii) Any by-election required under (i), above, may be conducted via e-mail or other electronic means, in accordance with a process to be determined by the Provincial Executive.

Comments:

The addition of the proposed sub-part (ii) would formalize the process that has been used in the past when it has become necessary to conduct a by-election to fill a vacancy on the Executive.

Part 7 of Association By-law #7 currently reads as follows:

Where a vacancy occurs during the year among the Directors on or before December 15th, a meeting of the affected region shall be called to hold an election to fill that vacancy. A person elected in such a by-election will hold that position until the next regularly scheduled election for that position. If the vacancy occurs after December 15th, the position shall remain vacant until the next Annual Convention, at which time an election will be held. The term of office for any one elected at such time will be one or two years, depending on whether or not the previous incumbent would have completed his or her term at the time of the Convention at which the election is being held. Where a vacancy occurs at the President or a Vice-President position on or before November 15th, an election shall take place to fill the position. A person elected in such a by-election will hold that position until the next regularly scheduled election for that position. If the vacancy occurs after November 15th, the position shall remain vacant until the next Annual Convention. The term of office for any one elected at such time will be one or two years, depending on whether or not the previous incumbent would have completed his or her term at the time of the Convention at which the election is being held. Where a vacancy occurs at the Past President position, the position shall remain vacant until a new President is elected.

AUDITOR AND FINANCIALS

RECEIPT OF FINANCIAL STATEMENTS A-01-18
(MSBA Executive)

BE IT RESOLVED that the audited financial statements for the fiscal period ending June 30, 2017 be received.

APPOINTMENT OF AUDITOR A-02-18
(MSBA Executive)

BE IT RESOLVED that KPMG Chartered Accountants be re-appointed as the Manitoba School Boards Association auditors for the fiscal period ending June 30, 2018.

Comments:

The motion to appoint an auditor will, in future, be featured as part of the annual resolutions process as an Executive Resolution. By including this motion under the annual resolutions process, the association will be in a position to obtain feedback and input from its membership during each of the future fall-time regional meetings of the association, and before each annual convention takes place.

As the Provincial Executive has recently required auditing firms to undergo an RFP process for auditing services and KPMG submitted the preferred proposal, this year's motion seeks re-appointment of the incumbent auditors, KPMG.

It is important to clarify that sections 156(3) and 158(1) of *The Corporations Act* provide clear guidance for the future. Section 156(3) provides that, notwithstanding that shareholders (read "*members*") may not have appointed an auditor at an annual meeting, "the incumbent auditor continues in office until his successor is appointed". Section 158(1) further provides for continuance in office of the incumbent auditor, until there is a valid appointment of a successor by member boards or the auditor resigns, dies or is removed in accordance with *The Corporations Act*.

Finally, all boards should be aware that the present motion is to be considered and voted on by the eligible and lawful membership of the association through board ballot, consistent with section 15(b) of *The Manitoba School Boards Association Act*.

REQUEST FOR PROPOSALS (RFP) FOR AUDIT SERVICES A-03-18

(MSBA Executive)

BE IT RESOLVED that a request for proposals to provide audit services for the Manitoba School Boards Association be issued for the fiscal period ending June 30, 2019.

Comments:

Executive is seeking approval by the membership to issue a tender for provision of auditing services to meet the financial reporting requirements of the association for the fiscal period ending June 30, 2019.

Executive intends to report on the outcomes of the proposed tendering process to the membership in advance of the new trustee orientation session and regional meetings in fall, 2018. This report back to membership will include staff analysis of the merits of proposals received, for the purpose of helping to support a final decision by boards concerning appointment of the association’s auditor. The advance report will also be accompanied by a draft Executive motion regarding the appointment of an auditor, including proposal to appoint the audit firm that results as the emergent candidate under the RFP process for the fiscal period ending June 30, 2019.

Following receipt of feedback from all boards on this draft motion, a final vote on the motion to appoint the emergent auditor would occur at the MSBA annual convention and general meeting in spring, 2019.

All members are therefore advised that the above special business shall be transacted during the forthcoming annual convention and annual general meeting to be held in Winnipeg at the Delta Hotel situated at 350 St Mary Avenue on Friday, March 16, 2018 between the hours of 7:30 a.m. and 6:30 p.m. (Central Daylight Time).

MATTERS AFFECTING THE ASSOCIATION

ELECTRONIC/ABSENTEE VOTING AT REGIONAL MEETINGS M-01-18 (Region 2)

BE IT RESOLVED THAT the Manitoba School Boards Association utilize electronic/absentee voting at all regional meetings so that all trustees are able to vote.

Comments:

Not all trustees are able to attend the regional meetings. As a result, in many regions, decisions are being made by a very small percentage of the membership. Manitoba School Boards could design a process whereby the conversations at the regional meetings are recorded and uploaded. This would allow trustees who cannot attend the meetings the opportunity to listen to the discussions and make informed decisions before voting electronically. In this day and age, with the technology we have, participating in these types of meetings, including voting, from a distance should be a given.

FUNDING AND FINANCIAL MATTERS

PUBLIC EDUCATION FUNDING..... FFM-01-18 (Region 1)

BE IT RESOLVED THAT the Manitoba School Boards Association will lobby Manitoba Education and Training for direct consultation with all school divisions regarding any potential changes to the structure and funding of public education within Manitoba, and in doing so request this consultation to begin early in the process.

Rationale:

The Minister of Education has announced the province will not move forward with any potential changes to the structure and funding of education within Manitoba until after school Trustee elections in the fall of 2018. The Minister has also stated previously there will be consultation as part of the process, but there has been little indication as to what format this will take other than some form of survey to the general public. While we are confident the M.S.B.A. will represent school divisions effectively throughout these discussions, along with M.A.S.S. and M.A.S.B.O., the significance of these potential changes warrants all school divisions the ability to have a meaningful voice. With the recent announcement indicating a pause until after Trustee elections, there is concern that within government planning will occur throughout 2017-2018 and therefore minimize the impact any consultation in 2018-2019 may have. In addition, should there be a significant influx of new Trustees in the fall of 2018 they could be at some disadvantage in being new to the role and not having as much of the context over the past number of years.

MSBA Policy References

School Boards and Trustees: Authority

The Manitoba School Boards Association believes that locally elected school boards are essential to ensuring community voice in public education, and that to be effective in this regard, they require the authority to make local decisions within broad parameters established by provincial legislation. This authority, which resides with the corporate board and not individual trustees, includes the ability to:

- access revenue beyond that which is provided by the provincial government for education purposes, through mechanisms such as the local special levy on property;
- manage financial, capital and human resources in an effective and efficient manner;

Funding and Financial Matters

Education is a public responsibility. In Manitoba, that responsibility is shared between the provincial government and school boards. The province has constitutional authority for k-12 education, but it has delegated responsibility for the school system's day-to-day operations to school boards. This model of shared responsibility benefits Manitoba by ensuring a high standard of education across the province, by providing greater equity of educational opportunity, and by providing local communities with distinctive programs and services that meet their own self-identified needs. Education funding—the overall level of support and the mechanisms through which that support is distributed—is a critical component of a strong public school system.

(Region 5 & 6)

BE IT RESOLVED THAT the Public Schools Finance Board (PSFB) follow the Canada Revenue Agency GST/HST Technical Information Bulletin B-053 and fund the full cost of GST to school divisions on approved PSFB capital projects.

Rationale:

Over the years, a number of school divisions have approached the PSFB to point out the discrepancy between the way the PSFB calculates the funding of the net GST on capital projects and the way contractors are required to bill school divisions for the GST. This means that for every \$100,000 in capital project monies spent by school divisions the PSFB underfunds the reimbursement by \$1,600. Therefore, MSBA requests that PSFB provide project funding that complies with GST/HST requirements.

Construction Supply and Installation Contracts

GST/HST Technical Information Bulletin B-053

April 15, 1991

This publication is not a legal document. It contains general information and is provided for convenience and guidance in applying the *Excise Tax Act* and Regulations. If interpretation problems occur, please refer to the legislation or contact the nearest Revenue Canada Excise office.

INTRODUCTION

This document explains the application of the Goods and Services Tax (GST) on construction supply and installation contracts which incorporate provincial sales tax in the final contract selling price.

GENERAL

In the construction industry, the prices contractors charge their customers for the supply of their services normally incorporate all of the direct costs incurred by the contractor to fulfill the terms of the contract. This generally includes all applicable taxes, duties and fees contractors pay on construction or building materials.

Contractors may include the provincial sales tax which they paid on their materials in their prices to their customers. In these circumstances, the provincial sales tax is not specified in the "**Regulations Prescribing Certain Taxes, Duties and Fees**". Therefore, contractors are not to exclude any portion that represents the provincial sales tax paid by them in determining the value of their services for GST purposes. The GST is calculated on the full selling price for their goods and services, regardless of the provincial sales tax content of that selling price.

Example

A structural steel contractor enters into a contract to supply and install structural steel for a building project.

The value of the fabricated steel purchased by the structural steel contractor for provincial sales tax (PST) purposes is \$80,000. If the applicable PST rate is eight per cent, the structural steel contractor pays \$6,400 PST (\$80,000 x 8% PST) and includes this in the contract selling price to the customer, as well as \$10,000 for on-site labour. A mark-up of 20 per cent for overhead and profit is calculated on the cost excluding the PST.

		PST	COST
fabricated steel:	\$80,000	\$6,400	\$86,400
on-site labour:	10,000	-	10,000
			96,400
mark-up- 20%			
(\$90,000 x 20%):			18,000
contract selling price:			\$114,400
GST payable by customer			
(\$114,400 x 7%):			8,008
total payable by customer:			\$122,408

The \$6,400 PST is part of the steel contractor's costs to provide and install the fabricated steel under the terms of the contract. As indicated above, the PST is included in the contract selling price of \$114,400, and the GST is calculated on this amount (i.e., \$114,400 x 7% GST).

MSBA Policy Reference

Funding and Financial Matters

Capital funding

- The provincial government should fully fund new capital construction and major renovations to a level that accurately reflects current construction costs.

Other financial matters

The purchase of supplies and services required within the public school system should be exempt from consumption taxes levied by federal, provincial, or municipal levels of government.

EDUCATION PROGRAMMING

TEACHER TRAINING IN LITERACY AND NUMERACY EP-01-18 (Region 2)

BE IT RESOLVED that the Manitoba School Boards Association petition Manitoba Education and Training and Manitoba Universities to ensure that graduating teachers are adequately prepared to implement best pedagogical practices in the instruction of literacy and numeracy across all grade levels.

Comments:

In working with new teachers that have recently graduated from university, school divisions are noticing a lack of deep understanding of and sufficient skills in implementing best pedagogical practices in the instruction of literacy and numeracy. With the integrated and interdisciplinary approach to twenty-first century learning, it is important that all teachers become teachers of literacy and numeracy and have a deep understanding of best practices to assist all students, regardless of academic level, to be successful. To that end, we recommend that university courses on literacy and numeracy instruction be mandatory for all bachelors of education students.

MSBA Policy Reference

Education Programming

Public schools provide all children with the opportunity to acquire the skills and knowledge that enable them to develop their personal interests, explore and master new areas of inquiry, and build stronger futures for themselves and their communities. In order to fulfill this mandate, public schools must:

maintain an instructional focus on the core subjects which remain integral to student success, including numeracy and literacy.

STUDENTS

MANDATORY VACCINATION OF SCHOOL AGED CHILDREN S-01-18

(Region 1)

BE IT RESOLVED THAT in order to protect the health of children and the community, the Manitoba School Boards Association lobby the Province of Manitoba to enact legislation requiring vaccination of school children for the following designated diseases: diphtheria, tetanus, poliomyelitis, measles, mumps, rubella, meningococcal disease, pertussis, and varicella (chicken pox). Exemptions from immunization requirements could be allowed for medical reasons (i.e., prior immunity or medical contraindication).

Rationale:

We know that vaccines are important to protect children and adults from a variety of serious diseases. What we don't always consider, however, is that vaccination can help protect not only individuals, but also a community, from diseases if a critical mass of the population has been vaccinated. This is referred to as "herd immunity", and helps to protect those who are not vaccinated; for example, very young infants who have not yet been vaccinated, or those for whom vaccination is medically contraindicated due to allergies or immune disorders.

One of the factors that determines the critical mass threshold for herd immunity is something called the "basic reproduction number", referred to as "RO".

"This number represents how many people in an unprotected population one infected person could pass the disease along to. For example, RO for measles is between 12 and 18, while for polio, it is between five and seven. The higher this number is, the higher the immunity threshold must be to protect the community. Because measles is extremely contagious and can spread through the air, for example, the immunity threshold needed to protect a community is high, at 95%. Diseases like polio, which are a little less contagious, have a lower threshold – 80% to 85% in the case of polio."

(Whillingham, E. and Helft, L. www.pbs.org/wqbh/nova/body/herd-immunity.html posted 09.05.14 NOVA)

There are different thresholds for different diseases: (Whillingham, E. and Helft, L. www.pbs.org/wqbh/nova/body/herd-immunity.html posted 09.05.14 NOVA)

Disease	R0	Threshold (%)
Mumps	4-7	75-86
Polio	5-7	80-86
Smallpox	5-7	80-85
Diphtheria	6-7	85
Rubella	6-7	83-85
Pertussis	12-17	92-94
Measles	12-18	83-94

There is concern that there are increasing numbers of children who are not vaccinated for non-medical reasons.

"A 2010 Ontario study found that the rate of students with exemptions for school entry vaccination is less than 2 percent, although it noted rising rates of non-medical exemptions amongst children born since 1998. This was the year that the Lancet published a (now refuted) study linking the MMR vaccine to autism. Although the study was based on fraudulent data, it

received widespread media attention and publicity, and is *described as sparking “an international crisis of confidence in the safety of the MMR vaccine”*.
<http://healthydebate.ca/2014/05/topic/health-promotion-disease-prevention/mandatory-school-entry-vaccinations>

The results of the 2013 Childhood National Immunization Coverage Survey also show a disconcerting discrepancy between national immunization coverage goals and actual coverage:
(Vaccine Coverage In Canadian Children: Results From The 2013 Childhood National Immunization Coverage Survey (Cnics)<http://healthycanadians.gc.ca/publications/healthy-living-vie-saine/immunization-coverage-children-2013-couverture-vaccinale-enfants/alt/icc-2013-cve-eng.pdf>)

TABLE 15: Comparison of 2013 cNICS results with national immunization coverage goals

ANTIGEN	AGE GROUP (YEARS)	DEFINITION (DOSES)	NATIONAL COVERAGE GOALS (%)	COVERAGE BASED ON CNICS 2013 (%)
Diphtheria ¹	2	≥ 4	97	77
	7	≥ 5	99	72
Tetanus ¹	2	≥ 4	97	77
	7	≥ 5	99	72
Pertussis	2	≥ 4	95	77
	7	≥ 5	95	72
Haemophilus influenzae type B ¹	7	≥ 4	97	73
Polio ¹	2	≥ 3	97	91
Measles ¹	2	≥ 1	97	90
	7	≥ 2	99	86
Mumps ¹	2	≥ 1	97	89
	7	≥ 2	99	85
Rubella ²	2	≥ 1	97	89
	7	≥ 1	97	95
	14–16	Not specified	97	94
Varicella ²	2	≥ 1	85	73
Meningococcal C conjugate ²	2	Not specified	97	87
Pneumococcal conjugate ²	2	Not specified	90	79

There are coverage goals for influenza, but not for the age groups included in cNICS 2013
 a National immunization coverage goals were set in 1992, 1994 and 2005.

Currently, however, there is no legislation in Manitoba requiring vaccination of school children. That means that school divisions are unable to be proactive, and are only able to react to an outbreak of an infectious disease after the fact by preventing unvaccinated children from attending school. By then **it may already be too late.**

Dr. Raphael Sharon, an Edmonton pediatrician stresses that:

“not vaccinating doesn’t just pose potential health risks to your child, but also to those who can’t defend themselves from infectious diseases – in particular children under 12 months who haven’t yet received the MMR vaccine, and immunocompromised patients of any age. These vulnerable

people count on the so-called herd immunity for protection.”
(<http://healthydebate.ca/2014/05/topic/health-promotion-disease-prevention/mandatory-school-entry-vaccinations>)

We would do well to heed Dr. Sharon’s words:

*“Vaccination is a moral and social obligation on all of us so
that we can protect those who can’t.”*

(<http://healthydebate.ca/2014/05/topic/health-promotion-disease-prevention/mandatory-school-entry-vaccinations>)

MSBA Policy Reference

Students

Public schools not only provide academic courses of study for students; they also share in the family and community responsibility for nurturing the whole child, and for helping each one grow into a healthy, happy and contributing member of society. To that end, public schools must:

understand the significant roles good physical and mental health, emotional intelligence and empathy play in overall student well-being and achievement, and support or develop programs and initiatives designed to have a positive impact in these areas.

HUMAN RESOURCES

PROVINCIAL BARGAINING.....HR-01-18

(Fort La Bosse S.D.)

BE IT RESOLVED that in the event the provincial government legislates provincial bargaining for Manitoba public school teachers, collective bargaining on all items take place at one bargaining table, aka, single tier bargaining.

Comment:

Through public announcements made in early February 2018, the provincial government has clearly stated that local bargaining between school divisions and local teacher associations is to be eliminated and replaced by provincial bargaining.

While the details of provincial bargaining have yet to be determined, it is important for school boards to go on record as strongly supporting a single tier provincial bargaining system, all items negotiated at one table.

Two tier bargaining where salary and certain monetary items are negotiated at a central table and remaining items bargained at the local level has been unsuccessful in those provinces with experience with a two tier approach.

As two tier bargaining is not representative of a normal collective bargaining approach, it has been proven to result in collective agreements which are more expensive and contain, from the employer's perspective, more generous language.

As government has stated, there will be consultations between school divisions and teacher representatives prior to finalizing a different bargaining model and as the MSBA AGM represents a timely opportunity to take a policy position on this important matter, school trustees are urged to support this resolution.

TRANSPORTATION

WARNING LIGHTS FOR SCHOOL ZONES T-01-18 (Region 5 & 6)

BE IT RESOLVED that the Manitoba School Boards Association lobby the Province of Manitoba to amend The Highway Traffic Act Reduced-Speed School Zone Regulation 136/2013, to permit the inclusion of lights as part of school zone warning signage.

Rationale:

In other jurisdictions in North America, low cost and/or solar powered warning lights accompany signs indicating school zones. This increases awareness and safety for students and motorists when the speed zone is in effect. In Manitoba, the times are from 7:30 a.m. to 5:30 p.m. Monday to Friday in the months of September through to June inclusive. With the cost of technology dropping and greater energy efficiency in place, this is a very good opportunity to provide higher safety and visibility of a law designed to protect early and middle school students.

MSBA Policy Reference

Transportation

The Manitoba School Boards Association believes that student safety is a key priority for public schools, and that concerns for safety extend to the transportation and movement of students to and from school. In order to maximize student safety, it is imperative that:

appropriate accommodations be made in school zones to ensure the safety of students travelling to and from school (such as reduced speed zones and designated school bus loading/unloading zones).