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Policy BG

BOARD BY-LAW, POLICY & ORGANIZATIONAL GUIDE DEVELOPMENT

The purpose of this policy is to establish the process and procedures for the development and amendment of Board by-laws, policies, and organizational guides.

Definitions

By-laws constitute "legislation". They are required by the *Education Act*, and generally relate to the functions and powers of the Council of Commissioners. They are recorded in writing and adopted by resolution of the Council of Commissioners.

Policies constitute the "legislation" that governs the operations of the Board and its schools and centres. They are recorded in writing and adopted by resolution of the Council of Commissioners.

Organizational Guides are internal guidelines that are developed by the Administrative Council of the Board and approved by the Director General.

Stakeholders are individuals and groups who are affected by a by-law or policy and have a vested interest in its implementation. Stakeholders may include, but are not limited to: Governing Boards, Parents' Committee, Advisory Management Committee, other committees of Council and the Board, associations, unions, and community members.

1. Guiding Principles

- 1.1. The decision for the development, amendment, adoption, or rescinding of Board by-laws and policies resides solely with the Council of Commissioners.
- 1.2. The formal adoption of by-laws and policies will be recorded in the minutes of the Board meetings. By-Laws will be recorded in the *By-Law Registry* of the New Frontiers School Board. (*Ed Act*, Art 396)
- 1.3. The Director General is considered to be a resource to all Committees of Council for the drafting of Board by-laws and policies.

2. Committees of Council

All committees that report to council (eg: SNAC, TAC, Standing Committee, etc) will have the responsibility for:

- 2.1. Drafting new or amended by-laws and policies.
- 2.2. Considering the feedback from the consultation process.
- 2.3. Forwarding a final draft of the by-law or policy to Council for consideration.

3. Procedures for Development or Amendment of a BY-LAW

The recommendation for development, amendment, adoption, or rescinding of by-laws will be done with the recommendation of the Executive Committee.

3.1. Identification

- 3.1.1. Any stakeholder can identify a by-law for development or amendment by notifying the Director General.
- 3.1.2. The request for development or amendment must include a rationale for the request.
- 3.1.3. The Director General will forward the request to the Executive Committee for consideration.

3.2. Consideration of the Request

- 3.2.1. If the Executive Committee approves the review, it will refer the by-law for development or amendment to the appropriate Committee of Council (normally by-laws are reviewed by the Executive Committee.)

3.3. Process (Annex A)

- 3.3.1. Once the Committee of Council has received a by-law for development or amendment, it will:
- work with the Director(s) attached to the Committee to draft the new or amended by-law.
 - during the drafting process, consult the Administrative Council, and the Advisory Management Committee if appropriate.
 - forward the final draft of the new or amended by-law to the Director General who will in turn conduct a review with the Administrative Council.
 - forward the final draft of the new or amended by-law to the Executive Committee to be brought forward to the Council of Commissioners for final review.

Once reviewed by Council and considered to be final, public notice giving 30 days notice before adoption and indicating the object of the by-law, the day appointed for its adoption and the place where a draft may be examined, will be given.

- Governing boards and the parents' committee must be consulted within this 30-day period.

3.4. Adoption by Council

Once the 30-day public notice period has expired and no challenges have been brought forth, the by-law will be forwarded to the Executive Committee for final review and recommendation to Council for adoption. Should the 30-day public notice posting result in the by-law being challenged, it will be referred back to the Committee of Council for further study.

Exception

This process does not apply to by-laws dealing with the delegation of functions or powers of the council of commissioners. (Ed Act, Art. 392)

4. Procedures for Development or Amendment of a POLICY

- The Board policy development process represents a model of participatory governance where an important element of policy development is the consultation of stakeholders affected by the implementation of the policy.
- The stakeholders to be consulted will include those required by the *Education Act* and those who will be affected by the policy.
- Council may decide to alter this process based on the urgency of a given situation. Therefore, the process should be seen as a guideline that can be modified as needed.
- Policies that deal with the internal operation of the Council of Commissioners will be the sole responsibility of Council to develop, amend, adopt, and rescind.

4.1. Identification

- 4.1.1. Any stakeholder can identify a policy for development or amendment by notifying the Director General.
- 4.1.2. The request for development or amendment must include a rationale for the request.
- 4.1.3. The Director General will forward the request to the Council of Commissioners for consideration.

4.2. Consideration of the Request

- 4.2.1. If Council approves the review, it will refer the policy for development or amendment to the appropriate Committee of Council.

4.3. Process (Annex B)

- 4.3.1. Once the Committee of Council has received a policy for development or amendment, it will:
- work with the Director(s) attached to the Committee to draft the new or amended policy.
 - during the drafting process, consult the Administrative Council and the Advisory Management Committee.
 - send the draft policy out for consultation to the appropriate stakeholders as identified in sections 2.4 and 3.4.2 of this policy. Commissioners will also be given the opportunity to provide their individual feedback.
 - take into consideration the results of the consultation in preparing the final draft of the policy.
 - forward the final draft of the new or amended policy to the Administrative Council for final review.
 - forward the final draft of the new or amended policy to the Council of Commissioners for adoption.

- 4.3.2. The stakeholders who receive a policy for consultation have 45 days from the date of the document being forwarded to provide the Committee of Council with feedback.
- Where a regular meeting of a stakeholder group is not scheduled during the 45-day period, it is expected that a special meeting will be held.

4.4. **Consideration by Council**

When the Council of Commissioners receives the recommendation of the Committee of Council responsible for the development or amendment of the policy, it will determine by resolution if the policy is to be adopted, rescinded, or returned to Committee for further study.

5. **Procedures for Development or Amendment of an ORGANIZATIONAL GUIDE**

- The development, amendment or rescinding of organizational guides is managed by the Administrative Council. Usually one director will assume the responsibility.
- Depending on the nature of the organizational guide, the Advisory Management Committee may be consulted.
- Organizational guides are approved by the Director General.

5.1. **Identification**

- 5.1.1. Any stakeholder can identify an organizational guide for development or amendment by notifying the Director General.
- 5.1.2. The request for development or amendment must include a rationale for the request.
- 5.1.3. The Director General will forward the request to the Administrative Council for consideration.

5.2. **Consideration of the Request**

If the Administrative Council approves the request, it will refer the organizational guide for development or amendment to the Director responsible.

5.3. **Process**

Once the Director has received an organizational guide for development or amendment, he/she will:

- work with his/her department to draft the new or amended organizational guide.
- during the drafting process, consult the Administrative Council as needed and the Advisory Management Committee if required.
- forward the new or amended organizational guide to the Administrative Council for consideration.

5.4. **Final Approval by the Director General**

When the Administrative Council receives the recommendation from the Director responsible for the development or amendment of the organizational guide, it will recommend final approval by the Director General, or it will return the organizational guide for further study.



BY-LAW Development Tracking Form

By-Law : _____ Code : _____ or New: _____

IDENTIFICATION

1. The Director General is advised that a new by-law may be required OR that a current by-law may require amending.

This need is based on:

____ Law, regulation, instruction

____ Other _____

The request is made by:

____ Administration

____ Committee or Council

____ Teachers

____ Parents

The request is made on : _____ Other _____

COMMITTEE ASSIGNMENT

2. The Director General brings the request to the Executive Committee for consideration.
- Date of Executive Committee meeting : _____
3. The Executive Committee receives the recommendation and determines that a new by-law must be written or that an older version needs amending.
- Committee responsible: _____

INITIAL REVIEW

4. The draft by-law or the proposed amendments are presented for consultation to:
- Administrative Council on : _____
 - Advisory Management Committee (if deemed appropriate) on : _____

FINAL STEPS

5. Feedback is considered by the working committee responsible.
- The final draft is:
1. Returned to the Administrative Council in preparation for presentation to Executive: _____
 2. Presented to the Executive Committee to be brought forth to the Council: _____
 3. Presented to the Council of Commissioners for final review: _____
6. 30-Day Public Notice Process
- The final draft is prepared and public notice is given: _____
- Governing boards and the Parents' Committee are given 30 days to respond: _____
7. Adoption
- The final, unchallenged draft by-law is returned to the Executive Committee: _____
- The Executive Committee brings the recommendation for adoption to Council: _____
- The by-law is adopted: _____ & Entered in the By-Law Registry: _____
- Process completed on : _____ By-Law posted in portal on : _____



POLICY Development Tracking Form

Policy : _____ Code : _____ or New: _____

IDENTIFICATION

1. The Director General is advised that a new policy may be required OR that a current policy may require amending.

This need is based on:

____ Law, regulation, instruction
____ Other _____

The request is made by:

____ Administration
____ Committee or Council
____ Teachers
____ Parents

The request is made on : _____ Other _____

COMMITTEE ASSIGNMENT

2. The Director General brings the request to the Council of Commissioners for consideration.

▪ Date of Council meeting : _____

3. Council receives the recommendation and determines that a new policy must be written or that an older version needs amending.

▪ Working Committee responsible: _____

INITIAL REVIEW

4. The draft policy or the proposed amendments are presented for consultation to:

▪ Administrative Council on : _____
▪ Advisory Management Committee on : _____

45-DAY CONSULTATION PROCESS

5. The draft version of the new or amended policy is sent out for consultation.

Date sent : _____ Deadline : _____ (Must be 45 days)

Sent to commissioners for input : _____

Stakeholders consulted:

____ Parents' Committee ____ NFAA ____ CVTA ____ EPC
____ Governing Boards ____ NFAP ____ NFIA ____ SEPB 576
____ Other(s) _____

FINAL STEPS

6. Feedback from the consultation process is considered by the working committee responsible. The final draft is:

1. Presented to the Administrative Council in preparation for presentation to Council: _____
2. Presented to the Council of Commissioners for adoption: _____

The draft was: _____ adopted _____ rescinded _____ returned for further study

Process completed on : _____ Policy posted in portal on : _____

Policy Development Flow Chart*

1	Policy identified for review or development; Director General advised
2	Director General brings the matter to Council for decision
3	Council refers the matter to a working committee <i>(The director becomes the responsible)</i>
4	The committee, led by the director, reviews and brainstorms, and creates a draft document
5	The draft document goes to AC for a preliminary review
6	The draft document, with AC's changes, goes to AMC for review
7	The formal consultation begins (45 days)
8	Feedback is considered, the director prepares a final draft
9	The final draft is presented to the Director General who brings it to AC for final consideration
10	The final draft, with AC's changes if any, is brought to Council for approval

By-Law Development Flow Chart*

1	By-Law identified for review or development; Director General advised
2	Director General brings the matter to the Executive Committee for decision
3	Executive Committee refers the matter to a working committee <i>(The director becomes the responsible)</i>
4	The committee, led by the director, reviews and brainstorms, and creates a draft document
5	The draft document goes to AC for a preliminary review
6	The draft document, with AC's changes, goes to AMC for review (if deemed appropriate)
7	The final draft is presented to the Director General who brings it to AC for final consideration
8	The final draft, with AC's changes if any, is brought to the Executive Committee as an item to go to Council
9	Council reviews the document and accepts it
10	The 30-day Public Consultation process begins
11	If unchallenged, the By-Law goes to the Executive Committee for recommendation to Council for adoption
12	Council adopts the by-law; it is recorded in the By-Law Registry

*These flow charts are not officially part of Policy BG; they have been developed to show in a simple format the steps to be followed.