



POLICY 2.6
Council Members' Code of Conduct

**DISTRICT EDUCATION COUNCIL OF THE
ANGLOPHONE EAST SCHOOL DISTRICT**

MEMBERS' CODE OF CONDUCT

ADOPTED APRIL 15, 2014

1. General

1.1 In this Code of Conduct:

"AEDEC" means the District Education Council of the Anglophone East School District;
"*Code of Conduct*" means this Code of Conduct, as amended from time to time;
"Confidential Information" means, but is not limited to, legal matters (including communications with counsel, legal opinions and litigation strategies), personnel matters, disciplinary matters, complaints of violations of the *Code of Conduct* (including the existence or investigation thereof) and contents of *in camera* discussions or closed meetings.

"Designate" means a third party appointed pursuant to paragraph 5.7 to review, investigate and report on any alleged violation(s) of the *Code of Conduct*,

"Designate's Report" means a written report of a Designate's findings, conclusions and recommendations made pursuant to paragraph 5.11;

"District" means the Anglophone East School District;

"*Education Act*" means the *Education Act*, S.N.B. 1997, c.E-1.12, as amended from time to time;

"*Governance Structure Regulation*" means the *Governance Structure Regulation - Education Act*, N.B. Reg. 2001-48, as amended from time to time;

"*Human Rights Act*" means the *Human Rights Act*, R.S.N.B. 2011, c.171;

"Meeting" means a closed meeting of the AEDEC convened to consider any alleged violation(s) of the *Code of Conduct* constituted pursuant to paragraph 5.12;

"Member" means a Member in good standing of the AEDEC.

- 1.2 It is the responsibility of the AEDEC to establish objectives and policies aimed at addressing the particular priorities and needs of the District. The AEDEC is similarly responsible for developing policies which govern the business of the AEDEC, including the conduct of its members and the operation of District schools in the areas of education, school performance and infrastructure.
- 1.3 Each Member is responsible for contributing to the decisions and responsibilities of the AEDEC as a whole.
- 1.4 Members shall comply with the provisions governing a Member's conduct contained in, or incorporated by reference in, the *Code of Conduct*.

- 1.5 Members shall comply with the provisions of the *Education Act* and any regulation made thereunder. Specifically, Members shall comply with Section 40 of the *Education Act* which requires that every member of a District Education Council:
 - (a) exercise his or her duties under the *Education Act* in good faith;
 - (b) comply with the *Education Act* and the regulations made under it; and
 - (c) refrain from exercising individual influence or authority over the superintendent of the school district or over other school personnel.
- 1.6 Members shall comply with all other legislation, regulations, rules and policies which apply to Department of Education, its employees and volunteers.
- 1.7 Members shall at all times uphold the dignity and rights of individuals in accordance with the *Human Rights Act* and the *Canadian Charter of Rights and Freedoms*.
- 1.8 Every Member agrees and acknowledges that a failure to comply with the *Code of Conduct*, other applicable Department of Education rules and policies or other legislation and regulations incorporated by reference herein may also constitute a failure to exercise his or her duties under the *Education Act* in good faith as required by paragraph 40(a) of the *Education Act*.
- 1.9 Members acknowledge that acting, either willfully or negligently, in contravention of the *Education Act* will, if declared by resolution of the AEDEC to have occurred, result in their position being deemed to be vacant.
- 1.10 Any questions or concerns regarding the nature and scope of AEDEC's responsibilities or obligations and/or a Member's responsibilities or obligations under the *Code of Conduct* should be brought to the Chairperson, who will advise the Member after seeking such legal or policy advice as may be necessary in the circumstances.

2. Professional Conduct and Decorum

- 2.1 Members shall be committed to the common purpose of guiding and advancing the education of all students in the District. AEDEC members have a responsibility to act in the best interests of the District and its students.
- 2.2 Members shall carry out their duties in accordance with the oath of office taken at the commencement of their mandate pursuant to section 24 of the *Governance Structure Regulation* the current form of which is attached hereto as Appendix "A".
- 2.3 Members shall exercise good judgment in fulfilling their duties and carry out their duties in a professional, honest and appropriate manner. Members must lead by example and always demonstrate fair and respectful treatment of other Members, students, parents, staff and the community at large.
- 2.4 Members are expected to be familiar with the *District Education Council Handbook*, as amended or replaced from time to time, a copy of the current form of which is attached hereto as Appendix "8" and specifically the section therein regarding meeting procedures. Members must strive to conduct themselves in accordance with these provisions.
- 2.5 Members shall ensure that meeting times are used efficiently. Members shall arrive on time, having carefully reviewed materials circulated in advance, with comments and submissions prepared.
- 2.6 Members are encouraged to bring forward ideas, opinions and information relevant to the agenda of the AEDEC meetings. Members shall demonstrate a commitment to a collaborative work environment which encourages the respectful expression and exchange of ideas. Members shall support the decisions made and positions reached by the AEDEC even though these may not always be entirely consistent with the views or ideas of individual Members.
- 2.7 The AEDEC will use individual Members' expertise to enhance the ability of the AEDEC, but will not rely on an individual's judgment as a substitute for making an informed decision as a council.
- 2.8 Members have a responsibility to consider how decisions and actions will impact the education of students, Parent School Support Committees and District personnel.
- 2.9 The AEDEC will endeavor to make decisions by consensus; striving to reach a decision which is acceptable to all Members. Decisions will be made by majority vote when a consensus is not possible.
- 2.10 Members must not undermine decisions reached by the AEDEC. Members who have a good faith and legitimate reason to oppose a decision may only use the recognized and appropriate process to have any decision challenged or reconsidered.
- 2.11 Members shall not disclose Confidential Information and shall hold same in the strictest confidence. Members also specifically acknowledge they are bound by the Department of Education's confidentiality policies relating to personal information, reports, email and passwords.

3. Representing the AEDEC and Encouraging Public Confidence

- 3.1 While many voices contribute to the decisions of the AEDEC, the AEDEC operates with a single voice. The Chairperson (or the Vice-Chairperson in lieu) is the public representative of the AEDEC and shall serve as its public spokesperson in the absence of a specific delegation or authorization to a Member in a given situation.
- 3.2 The AEDEC has a shared responsibility with the Department of Education, the District, the schools, the parents and the community to advance education and foster a positive learning environment for the students. Members will strive to work collaboratively and respectfully with these partners.
- 3.3 Members shall strive to undertake their duties in a manner that will foster public confidence in the AEDEC and the education system as a whole.
- 3.4 To avoid a public perception of influence, Members cannot accept or solicit gifts or personal benefits as a result of their position unless approved by the AEDEC. This excludes incidental gifts, customary hospitality or other benefits of nominal value.
- 3.5 Members shall be committed to the proper use of their authority. Members acknowledge and agree that:
 - (a) individual Members do not have authority over staff, unless clearly and expressly granted by the AEDEC;
 - (b) while the AEDEC expects Members to be given common courtesy, this expectation does not require the Superintendent to heed any individual Member's opinion or instruction; and
 - (c) regardless of any individual dissent from a decision of the AEDEC, Members shall recognize that the Superintendent is bound only by direction given from the AEDEC as a whole.

4. Conflict of Interest

- 4.1 Members must be diligent and at all times aware of the potential for a conflict of interest as described in section 33 of the *Governance Structure Regulation*. Members shall avoid situations where personal, family or business interests could conflict with the interests of the AEDEC. Members shall immediately report any personal or financial interest which may influence, or could reasonably appear to influence, their decisions and actions to the Chairperson. The Chairperson shall report any such interests to the Vice-Chairperson.
- 4.2 Members shall comply with the Department of Education's Conflict of Interest Policy, as amended or replaced from time to time, a copy of the current form of which is attached hereto as Appendix "C".
- 4.3 The resolution of a conflict of interest may require a Member to withdraw from a discussion or a meeting, refrain from voting on an issue or terminate the relationship or circumstance creating the conflict or potential conflict. In situations where there is a persistent conflict, a Member may be required to resign their position.
- 4.4 Subject to the Department of Education's Conflict of Interest Policy, where a potential conflict has been declared; the AEDEC may allow the conflict or potential conflict to continue, provided it is minor in nature, complete disclosure has been made and will not interfere with public confidence or impact the independence of the AEDEC.
- 4.5 If a conflict of interest is discovered after a decision is made, the decision is voidable, but not automatically void. The matter will be reviewed by the AEDEC as soon as practical and a reconsideration of the decision made with whatever steps taken necessary to eliminate the conflict of interest as the AEDEC deems necessary in the public interest.
- 4.6 Upon determining that a conflict of interest may have existed, the AEDEC reserves the right to have any matter entered into, or any action taken, set aside, revoked or rescinded.

5. Enforcement

- 5.1 Members shall be committed to the provisions of the *Code of Conduct*. Known or suspected violations of the *Code of Conduct* or other relevant legislation, policies or procedures incorporated by reference therein shall be reported to the Chairperson. Failure to report a known or suspected violation shall, in itself, constitute a violation of the *Code of Conduct*.
- 5.2 Potential violations must be reported in writing on the form prescribed for that purpose as amended from time to time, a copy of the current form of which is attached hereto as Appendix "D". While the complaint cannot be made anonymously, the Chairperson is authorized to decide if the name of the complainant will be disclosed.
- 5.3 Only a Member has standing to initiate a complaint under the *Code of Conduct*.
- 5.4 Complaints will be reviewed and considered as promptly and fairly as reasonably possible.
- 5.5 Upon receiving a written complaint, the Chairperson shall:
- (a) notify the Member who is the subject of the complaint of the allegations made therein; and
 - (b) review the written complaint as filed.
- 5.6 If, after conducting their initial review, the Chairperson concludes that the complaint, as filed, is:
- (a) devoid of merit;
 - (b) the alleged violation references an action or conduct that, even if committed, is clearly not a matter covered by the *Code of Conduct* or other relevant legislation, policies or procedures; and/or
 - (c) is frivolous, vexatious or made for improper purpose.
- the Chairperson shall dismiss the complaint.
- 5.7 If after conducting their initial review, the complaint is not summarily dismissed by the Chairperson, the AEDEC shall refer the complaint to a Designate acceptable to a majority of the total number of Members.
- 5.8 Upon receipt of a request to so act, the Designate shall:
- (a) confirm their willingness to do so in writing to the Chairperson;
 - (b) meet with the Member who made the complaint to obtain whatever additional information and documentation, as well as receive whatever submissions or commentary the complainant wishes to provide;
 - (c) meet with the Member who is the subject of the complaint to obtain whatever information and documentation, as well as receive whatever submissions or commentary the Member who is the subject of the complaint wishes to provide; and

- (d) meet with, speak to or otherwise communicate with any others who might have knowledge of the subject matter of the complaint as the Designate, in their sole discretion, feels is fair and appropriate in the circumstances.
- 5.9 After completing their review and determining their initial position, the Designate shall meet with the Member who is the subject of the complaint a second time, advise the said Member of the Designate's initial conclusions and give the said Member reasonable opportunity to provide any additional relevant information, documentation or commentary.
 - 5.10 If either the Member who made the complaint or the Member who is the subject of the complaint neglects or refuses to meet with the Designate as requested, the Designate may, after reasonable attempts to facilitate such meeting, proceed with their review regardless.
 - 5.11 After meeting with the Member who is the subject of the complaint a second time, the Designate shall prepare a written report summarizing the complaint review process, complete with their findings, conclusions and recommendations, including their view as to whether a violation has occurred and, if so, a recommendation for the sanction to be imposed, if any.
 - 5.12 The Designate's Report shall be sent to the Chairperson who, upon receipt, shall schedule a closed meeting of the AEDEC to consider the complaint and shall circulate a copy of the Designate's Report in confidence to all Members no later than five days prior to the date of the Meeting.
 - 5.13 The Designate shall attend the Meeting and shall review the process followed to consider the complaint as well as their findings, conclusions and recommendations. The Designate shall also address any questions posed or points raised by any Members present, including the Member who is the subject of the complaint.
 - 5.14 The Member who is the subject of the complaint shall be invited and encouraged to attend the Meeting, but if he or she neglects or refuses to attend without reasonable excuse, the AEDEC may make a finding with respect to the validity of the complaint and impose any resulting sanction in the Member's absence.
 - 5.15 At the Meeting the Member who is the subject of the complaint shall be given reasonable opportunity to provide any relevant additional information, documentation and commentary as well as provide their view as to what sanction may be appropriate should the AEDEC find that a violation occurred.
 - 5.16 At the conclusion of the Meeting, the AEDEC shall, by resolution of the majority of Members present, make a finding as to whether the alleged violation has occurred and by separate resolution of the majority of the Members present, determine the resulting sanction to be imposed, if any.
 - 5.17 Where sanction is deemed appropriate, the AEDEC may exercise one or more of the following options:
 - (a) a letter of reprimand;
 - (b) a suspension for a period not exceeding three months; and

- (c) a declaration that the Member has acted willfully or negligently in contravention of the *Education Act*.
- 5.18 A finding of the AEDEC on whether a violation has occurred and the imposition of any resulting sanction is final and not subject to reconsideration or appeal.
- 5.19 While the fact a complaint has been filed, the details of the investigation and the resulting deliberations are to be held in strict confidence, if the outcome of the Meeting is a finding that a violation of the *Code of Conduct* has occurred, the result will be made public in an open session of the AEDEC by reading any resolutions passed during the Meeting into the record.
- 5.20 A decision of the validity of a complaint or any sanction to be imposed may only be made if not less than 70% of Members are present at the Meeting.
- 5.21 If a complaint is either made by, or alleges a violation of the *Code of Conduct* by, the Chairperson, it shall be submitted to the Vice-Chairperson, who shall thereafter assume the Chairperson's normal role in the complaint process. If a complaint alleges a violation of the *Code of Conduct* by both the Chairperson and the Vice-Chairperson, the matter will be considered by the AEDEC at a closed meeting and a Member selected to assume the Chairperson's normal role in the complaint process.

Appendix "A"

Form of oath of office prescribed by Section 24 of the *Governance Structure Regulation*

I, _____, of the _____ of
_____ in the County of _____ and
Province of New Brunswick, make oath and say that I will
truly and faithfully, to the best of my judgment and ability,
discharge the duties of a member of the District Education
Council to which I was elected or appointed.

- or -

I, _____, of the _____ of
— — — — in the County of _____ and Province
of New Brunswick, do solemnly declare that I will truly
and faithfully, to the best of my judgment and ability, discharge
the duties of a member of the District Education
Council to which I was elected or appointed.

I make this solemn declaration conscientiously believing
it to be true, and knowing that it is of the same force and
effect as if made under oath, and by virtue of the *Evidence*
Act

D.E.C Handbook

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Introduction

Dear District Education Council Member:

On behalf of the Department of Education, it gives me great pleasure to welcome you to the 2008-2012 term of office for the District Education Councils.

Whether you are elected, acclaimed or appointed your volunteer efforts will be appreciated as you move forward to improve the education offered in your school district.

I hope the member handbook will help you better understand the role and the responsibility you have undertaken in improving our school system.

Thank you for your commitment to the education of our children. Your participation will certainly make a difference as we work to implement our 5 year education plan "When Kids Come First", and prepare the children of New Brunswick for the challenges of the future!

Sincerely,

Kelly Lamrock

Minister

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Mission of New Brunswick Public Education

To have each student develop the attributes needed to be a life-long

learner, to achieve personal fulfilment, and to contribute to

a productive, just and democratic society

1. Education System Overview

The education system structure includes a number of partners with specific roles to play. These partners interact to achieve the goals of the education system.

The Minister of Education (through the Department of Education), District Education Councils (DEC), Parent School Support Committees (PSSC), parents, teachers, district and school staff, and most especially, our students, are all partners in New Brunswick public education. As partners we are working together to build the best education system in Canada, always aspiring to excellence and achievement.

The Education Act tries to strike a balance in the division of responsibilities and the authorities related to the operation of the school system. This document will highlight these different roles and help inform you as a DEC member.

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2. District Education Councils

New Brunswick's public education system has 14 school districts, nine Anglophone and five Francophone. Each school district has a District Education Council.

Anglophone Districts

2.1 Roles & Responsibilities

(Education Act, Section 36) <http://www.gnb.ca/0062/PDF-acts/e-01-12.pdf>

A District Education Council (DEC) is a body corporate, can sue and be sued, and consists of volunteer members, elected or appointed from the community to serve four-year terms of office.

A District Education Council is responsible to:

- o Hire, direct and establish limits for the Superintendent (their sole employee);
- o Establish governance policy;
- o Develop and monitor District Education Plans;
- o Set district policy within the framework of provincial policy;
- o Review district performance reports and make them public;
- o Review school improvement plans, and school performance reports for each school in the district;

o Ensure the Superintendent follows provincial policies and procedures;

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o Have management, care and control of school property;

o Monitor budget and expended funds (district expenditure plan);

o Facilitate community use of schools;

o Initiate school establishment and closures;

o Maintain linkages with Parent School Support Committees and the community;

o Monitor trust fund expenditures;

o Review superintendent performance on an annual basis;

o Identify capital construction project priorities.

A District Education Council does not:

o Establish the school calendar or curriculum;

o Set provincial education standards;

o Develop provincial budgets;

o Intervene in daily operations of the school district.

2.2 DEC Chair

o Sets the meeting dates, times, and agenda with the Superintendent, in consultation with District Education

Council members;

o Stimulates discussion by asking questions and encouraging member participation;

o Keeps to the agenda by setting and keeping time limits, interrupting members if necessary;

o Helps members reach consensus; calls for a vote if necessary;

o Helps to resolve conflicts;

o Ensures DEC minutes are signed, maintained and distributed;

o Represents the DEC at the Minister's Forums;

o Represents the DEC on the provincial Council of DEC Chairs;

o Acts as the spokesperson for the DEC on authorized issues;

o Ensures that DEC operations are consistent with their established policies.

Refer to Appendix A1 for additional information on meeting procedures.

2.3 DEC Members

- o Participate in all meetings;
- o Maintain high ethical standards and respect for other members;
- o Respect the majority decision of the DEC;
- o Work collectively towards improving student learning and achievement;
- o Limit discussions to matters of the district as a whole; do not discuss individual or personnel issues;
- o Consult students on issues that impact them;
- o Resolve issues in the best interest of all students and the entire school community;
- o Build a positive learning environment;
- o Support an open communication process;
- o Create and encourage successful relationships and support with the community;
- o Declare and avoid any appearance of any conflict of interest;
- o Elect, or appoint by consensus, a Chair from among the DEC members;
- o Respect established DEC policies;
- o Have no individual authority over the Superintendent (only the Council acting as a unit has this authority).

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District Education Council members do not receive compensation for their work. Members can claim expenses for travel and other specified out-of-pocket costs related to District Education Council activities (Policy AD-2801). The Superintendent approves the expenses for reimbursement.

2.4 The Superintendent

The DEC

- o delegates the day-to-day decision making and administration to their sole employee, the Superintendent.
- o acting as a unit, has authority over the Superintendent.

The Superintendent

o is accountable to the DEC for the management of programs and resources, for student learning, and for the implementation of provincial policies, the District Education Plan and District Expenditure Plan.

2.5 District Education Council Administrator

A support staff person is appointed by the Minister to assist the District Education Councils by:

- o Facilitating information sharing and communications among District Education Councils;
- o Coordinating training opportunities for District Education Councils and Parent School Support Committees;
- o Performing other duties as may be assigned.

2.6 Council of DEC Chairs

The nine elected DEC Chairs, or their designate, work collectively to advocate for the New Brunswick K-12 Anglophone public education system as the Council of DEC Chairs.

The Council of DEC Chairs meets regularly in conjunction with Minister's Forums (at least twice a year), and as needed for specific issues. They operate using governance policies, and establish annual priorities with outcomes that can be demonstrated, observed, and/or measured.

The Council of DEC Chairs annually elects a Chair and Vice Chair. The Chair and Vice Chair direct the work of the DEC Administrator, perform the annual performance evaluation, and make HR decisions relevant to the DEC Administrator.

2.7 District Education Council Member Development

As soon as possible following elections, a provincial orientation session is held for all DEC members. The Council of DEC Chairs directs the DEC Administrator to develop the program with input from DEC members, the Department of Education, and other stakeholders.

Annually, the Council of DEC Chairs sponsors a provincial symposium for DEC members and a limited number of Parent School Support Committee members. Development and information sessions, along with networking opportunities form part of the program. Attendance at these sessions is strongly encouraged. Expenses are covered under the provincial DEC budget.

Each DEC also provides identified training and policy development opportunities for their members, often through member retreats. They offer training/information sessions for Parent School Support Committees (PSSC) in their districts, generally on an annual basis. Parent forums are held by many District Education Councils to address specific issues, gather feedback, and provide information on pertinent district initiatives.

3. Governance

District Education Councils in New Brunswick have adopted forms of the policy governance model to set strategic direction through policies, and monitoring to ensure goals are met, risks are managed, and resources are used responsibly.

Using policies developed in four main categories based on the Carver Model, District Education Councils delegate the day-to-day operation of the district to the Superintendent.

- o Governance Process – the DEC defines its work and how it will be carried out to maintain accountability, performance, and linkages with the public; the DEC has authority only when acting as a group (one voice).

- o Ends – the DEC sets the direction, monitors the progress, and defines the results to be achieved by the Superintendent, with a long-term perspective.

- o Executive Limitations – the DEC sets limits and controls on the Superintendent's decisions by stating what the Superintendent cannot do without Council approval.

- o Council-Superintendent Linkage – the DEC establishes the manner, process, and timelines for the Superintendent's performance on Ends and Executive Limitations policies.

Successful governance:

- o Eliminates the confusion between DEC and Superintendent roles;

- o Allows the DEC to add value to the district it governs by focusing on the end results;

- o Frees the Superintendent and staff to do their jobs without the DEC approving, reviewing, or redoing day-to-day decisions.

4. Accountabilities

4.1 Reporting on Achievement

Through policy development, District Education Councils ensure that District Education Plans, School

Improvement Plans and performance reports are widely communicated throughout their district and community.

The Assessment and Evaluation Branch of the Department of Education also gathers data from provincial

assessments, school educational reviews (SER), and parent, student, and teacher perception surveys which

inform the Superintendent about schools. Provincial and district comparative results are available to DEC members

through the Superintendent. Student exit survey results by district and school are also now available from the Superintendent or through the Policy and Planning Branch of the Department of Education.

The following graph illustrates the various segments of the planning cycle used within the education system to improve student learning and achievement, and to ensure accountability to the public.

4.1.1 District Education Plan

The DEC establishes, implements, and monitors the three-year plan, ensuring consistency with the provincial education plan. Plans must be updated and submitted to the Minister by July 1st each year.

The District Education Plan includes:

- o Vision – including mission statement, goals, and values
- o Strategies – for delivery and evaluation of programs and services, including priorities, objectives, work plans

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- o Accountability Measures – for evaluating student achievement, monitoring district performance and achievement of objectives

4.1.2 School Improvement Plans

Parent School Support Committees (PSSC) work with their school principals to develop School Improvement Plans, based on the provincial and district education plans, to ensure there is continuous improvement in student learning over time. School Improvement Plans are generally developed for a three-year time period. District Education Councils are required to review the plans for every school each year.

4.1.3 Provincial Improvement Plan/District Improvement Plan/School Improvement Plans

(PIPs/DIPs/SIPs) Framework

Annually, senior staff from the Department of Education meet with District Education Council Chairs, Superintendents and senior district staff to review progress and make recommendations on District Education Plans/District Expenditure Plans (forming the District Improvement Plan) and School Improvement Plans, and their alignment with the Provincial Improvement Plan.

4.1.4 Annual Report to the Minister

The Superintendent is required to provide an annual report to the District Education Council and to the Minister, including achievement and performance results based on the District Education Plan for the year. The DEC is

required to present this report annually at a public meeting.

4.2 Financial Reporting

4.2.1 By Legislation

The government and school district annual fiscal year runs from April 1st to March 31st. District bank and trust accounts are held in the name of the District Education Council.

Funding for district operations, capital construction projects, and repairs is provided by the department following budget approval by the Legislative Assembly. District budgets are provided based on government-established guidelines and funding norms. Refer to Appendix B1 for additional information.

Once the operating budget funding has been received, the District Education Council, working with the Superintendent, establishes and approves the District Expenditure Plan.

The District Education Council cannot run a deficit, but can retain surplus of up to \$100,000 per year. Surplus in excess of \$100,000 must be returned to the Department of Education.

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The District Education Council is required to submit a balanced District Expenditure Plan to the department by July 1st each year. This date may be extended if the budget provision is delayed.

Quarterly financial expenditure reports are required from districts (department policy 101). The Superintendent provides updated financial statements, including expenditures and revenues to date, and year-end projections to the District Education Council for review and approval, along with updates on repairs and renovations.

4.2.2 District Audits

(Education Act, section 51.1)

The Office of the Comptroller conducts audits on the district financial records; the audit report is submitted to the Minister and to the Superintendent. The District Education Council must publicly present the report at an official meeting of the District Education Council within a reasonable time period.

4.3 DEC/Superintendent Relationship

The District Education Council has a number of responsibilities relating to district human resources.

4.3.1 Hiring process for Superintendents

(Education Act, section 47)

The District Education Council is involved in the hiring process, and is responsible for selecting the Superintendent.

Once the District Education Council has selected a candidate, they must submit all required information in writing to the Minister for approval. The Minister must approve the request in writing before the Superintendent is officially appointed.

Superintendent appointments are for a five-year term. The District Education Council may reappoint the Superintendent on the expiry of the term of appointment or reappointment. Reappointments are also for five-year terms and do not require the Minister's approval.

In addition to selecting, appointing and directing the Superintendent, the District Education Council also has the authority to suspend, dismiss, and discipline this person.

4.3.2 Education requirements

(Education Act, regulation 97-150, section 20)

A person employed as Superintendent in the delivery of public education must

- (a) possess a master's degree in education, or another appropriate post-graduate degree acceptable to the Minister
- (b) have at least five years of teaching experience, and
- (c) have at least five years of appropriate experience in an administrative and supervisory capacity

4.3.3 Duties of the Superintendent

(Education Act, section 48)

The Superintendent is the sole employee of the District Education Council, and is the Chief Executive Officer of the school district.

The Superintendent is accountable for all other employees in the district (school-based and district-office based) and is responsible for selecting/appointing personnel required to operate the school district office in accordance with the Plan of Establishment authorized by the Minister.

The Superintendent has a crucial role as the district's educational and operational leader. The Superintendent is accountable to the District Education Council for:

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- o the effective, efficient management of all programs and resources;
- o the quality of learning;
- o the primary responsibility for preparation and implementation of the District Education Plan and District

Expenditure Plan

- o providing leadership in the school district;
- o coordinating and administering the educational programs and services prescribed by the Minister;
- o ensuring that school district and provincial policies are followed;
- o preparation and distribution of a district performance report;
- o ensuring the allocation, management and development of all human resources in the district, including performance evaluation of school personnel;
- o consulting with Parent School Support Committees;
- o attending and participating in official District Education Council meetings;
- o ensuring that effective communication mechanisms are in place;
- o attending Minister's provincial forums.

4.3.4 Performance Evaluation

(Education Act, section 36.9(5)(e) and Policy AD-2601, Performance Appraisal System)

The District Education Council is required to annually evaluate the performance of the Superintendent. Tools to assist DEC members in the assessment of the superintendent can be provided by the Human Resource Branch of the Department of Education.

4.3.5 Human Resources Policies

The District Education Council has the authority to create school district policies provided these policies are not inconsistent with provincial policies, the Education Act and regulations.

However, the establishment of salary and benefits for all public service employees rests with the Board of Management

(Financial Administration Act, section 5(e)) and the Office of Human Resources and cannot be varied by DECs.

The District Education Council is responsible to ensure that provincial policies and procedures are being followed by the Superintendent.

District Education Council members should familiarize themselves with the following Government of New

Brunswick policies: <http://intranet.gnb.ca/intellinet/adminman/index-e.asp>

AD-2203 Maternity Leave

AD-2204 Adoption Leave

AD-2205 Paid Leave for Personal and Other Reasons

AD-2207 Jury and Witness Leave

AD-2210 Statutory/Public Holidays

AD-2302 Classification Review Process, Part II

AD-2406 Premium Pays

AD-2502 Long Service and Retirement Recognition Program

AD-2601 Performance Appraisal System

AD-2801 Travel Policy

AD-2802 Relocation Expenses Directive

AD-2907 Employment of Relatives

AD-2913 Workplace Harassment

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AD-2915 Conflict of Interest

AD-2922 Attendance at Work Policy

AD-3102 Health, Travel & Dental Programs – Active Employees

AD-3104 Group Life Insurance

AD-3105 Long Term Disability Coverage

AD-3106 Public Service Superannuation Pension Plan

AD-3108 Personal Liability Protection

AD-3109 Workers' Compensation

The Department of Education also has human resources-related policies with which District Education Council

members should be familiar: <http://www.gnb.ca/0000/policies.asp>

Policy 204 Job Classification and Reclassification - Part II Non-Bargaining Personnel

Policy 205 Educational Leave (Non-Bargaining Personnel)

Policy 213 Conflict of Interest

Policy 214 Indemnification of Employees, District Education Council Members, Parent School Support

Committee Members, Volunteers and Student Teachers

4.3.6 Hours of Work, Compensation and Vacation Entitlement

Monitoring Hours of Work

Part II Non-Bargaining Personnel Policies state that a full-time employee is expected to work a minimum of 36.25 hours weekly, and may be required to work in excess of this amount, depending on the nature of the employee's work.

No overtime provision exists that allows a non-bargaining employee to be paid for extra hours worked or to take time off in lieu of the hours worked beyond the stipulated minimum weekly hours. This means that a DEC may not authorize additional pay or time off in lieu for their Superintendent.

Monitoring Vacation Entitlement

The District Education Council approves the Superintendent's vacation leave. The Superintendent approves vacation leave for all employees in the district.

A non-bargaining employee earns vacation leave credits at a rate based on the number of months of continuous employment. The rate is 1 1/4 days per calendar month if the employee has completed less than 96 months of continuous employment, 1 2/3 days per calendar months commencing with the 97th month of continuous employment, and 2 1/2 days per calendar month commencing with the 241st month of continuous employment, effective January 1, 1990.

Vacation entitlement for bargaining employees is identified in the various collective agreements. Vacation leave is normally taken during the calendar year in which it is earned. Board of Management policies state that nonbargaining employees may carry over vacation credits to the next calendar year, provided the employee has obtained permission to do so from the District Education Council.

Monitoring Compensation

(Education Act, section 47.1 (4, 5))

The District Education Council shall pay salary to school personnel, including the Superintendent, only the amounts specified in the salary scales established by the Board of Management under the Financial Administration Act.

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If a Superintendent has been paid at the top of the salary scale during the year, there is no opportunity to pay any additional compensation.

4.3.7 Superintendent Travel Expenses

Superintendent travel expenses are approved by the District's Director of Finance and Administration to ensure

compliance with government's regulations and policies.

It is recommended that a travel claim report be provided to the District Education Council on a regular basis to ensure that expenditures are reasonable, follow government policies and meet public expectations. This review should be included in the District Education Council meeting minutes.

4.4 Due Diligence

Due diligence is the effort made by an ordinarily prudent or reasonable party to avoid harm to another party or oneself.

District Education Council members have several duties under law in representing the interests of their constituents as they direct the affairs of the district. These duties include:

- o Diligence – to act reasonably, prudently, in good faith and with a view to the best interests of the school district;
- o Loyalty – to place the interests of the school district first, and to not use one's position to further private interests;
- o Obedience – to act within the scope of governing policies, codes of conduct, legislation, and other laws, rules and regulations that apply.

Due diligence is the basis for governance policy development, acceptance, and monitoring. Indicators of organization success include:

- o Meetings – good attendance, high levels of participation in discussions, well-managed meetings, early circulation of agendas, members well prepared for focused discussion and do not monopolize the discussion.
- o Culture – all communications are clear, open, honest, and above board, there is no political maneuvering outside the meetings, DEC members and Superintendent immediately address any concerns of trust, conflict of issue, divided factions, dissatisfied or disenchanting members.
- o Decision Making – recommendations receive meaningful debate, discussions are focused on the "big picture" of student learning and achievement, members do not interfere, are not preoccupied with daily operational details, have good communications with stakeholders, decisions are normally made by consensus, Superintendent follows DEC policies and decisions, decisions are clear and moving forward.
- o Human Resources – little turnover in Superintendent or DEC members; credible members are easily recruited and retained.
- o Financial/ Organizational Performance – budgets are well planned and managed; reserve funds are built upon,

performance targets are consistently met,

4.5 Transportation

(Education Act, regulation 2001-51)

The District Education Council oversees the school transportation system by requesting the Superintendent to present periodic reports on compliance with regulations.

Funding for transportation is based on government norms including historical costs, kilometers driven, and classification of bus drivers where salaries are determined by collective agreement.

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4.6 School Facilities

(Education Act, section 45, 46)

The District Education Council is required to provide a list of construction priorities to the Minister, including new school buildings or additions to existing facilities, and school improvement projects in the Fall of each year.

The District Education Council oversees school facilities by requesting the Superintendent present periodic reports on compliance with regulations, provincial and federal requirements (i.e. National Building Code) during inspections, and by ensuring that identified steps are taken within specific timelines to bring schools into compliance where required.

District Education Council members are accountable for department policies regarding school facilities, including:

<http://www.gnb.ca/0000/policies.asp>

Policy 401 - Naming of Public Schools

Policy 402 - Disposal of Surplus Furnishings and Equipment

Policy 403 - Disposal of School Buildings

Policy 404 - Modular Classroom Units (Portable)

Policy 405 - Leasing of School Properties

Policy 406 - Outdoor School Play Areas

Policy 407 - Community Use of Schools

Policy 408 - Liability Waiver/Rental of School/Outside Groups

Policy 409 - Closure of Schools

5. Role of the Minister of Education

The Minister sets provincial parameters and direction in education. A provincial education plan is established to meet this mandate (Education Act, article 6).

Through the Department of Education, the Minister:

- o sets provincial goals and standards;
- o maintains an environment that supports learning;
- o provides money and other resources as required;
- o provides an appropriate legislative and policy framework;
- o identifies and reflects in the provincial education program, the social and economic needs and desires of New Brunswickers;
- o identifies and communicates provincial expectations to DEC's, district staff, parents and students;
- o encourages and enables the work of dedicated education professionals, and;
- o may indemnify and defend members of the District Education Councils with respect to any claim for damages arising from any act done or omitted in good faith in the execution of their duties.

The Minister has a responsibility to ensure that some basic standards are in place across New Brunswick. These standards are found in the Education Act and regulations, and departmental plans and policies. These standards define the level of service that New Brunswickers expect from their education system, and ensure that fundamental curriculum, safety and service requirements are met.

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6. Linkages

6.1 Minister's Forum

(Education Act, section 38.1)

The Minister of Education is required to convene at least two provincial forums each year to facilitate information sharing and consultation between the Minister and the District Education Councils, and to identify and discuss issues of common concern.

Each Minister's forum is to be attended by:

- o the Chair of each District Education Council, or a person designated for this purpose,
- o the Superintendent of each school district, or a person designated for this purpose,
- o the Minister, and other provincial officials as the Minister may designate for this purpose.

6.2 Community

(Education Act, regulation 2001-48, Section 31)

All District Education Council meetings are open to the public. Parents and interested community members are encouraged to attend to observe the meetings.

A District Education Council meeting may be closed to the public. For example, during discussions about individual pupils, personnel or legal matters, the Chair is required to exclude all members of the public from the meeting.

Also, when the Chair of the District Education Council is of the opinion that it is in the public interest to hold a meeting, or any part of a meeting, in private, the Chair may exclude any or all persons, including the Superintendent from the meeting. Decisions related to these closed meetings are to be made part of the public record by reading only the results of any such motion into the minutes of the next meeting that is open to the public.

6.3 Parent School Support Committees

(Education Act, section 33)

The District Education Council must provide training for Parent School Support Committee members. The Parent School Support Committees communicate with the District Education Council on matters relating to PSSC duties under the Education Act. A member of the District Education Council may attend PSSC meetings.

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Appendices

A - District Education Council Member Resources

Appendix A1 - Meeting Procedures

To ensure that meetings are effective and efficient, District Education Council members should:

- o Begin and end meetings on time

- o Turn off cell phones, Blackberries, and other electronic devices
- o Stick to the agenda, keeping on track and on topic
- o Address the Chair one at a time
- o Limit the number of times a person speaks on an issue
- o Encourage communication in a comfortable, open atmosphere
- o Show empathy, patience, understanding and respect, and cooperate with others
- o Support and consider diverse ideas without judgment
- o Make no assumptions; offer solutions
- o Deal with disagreement and conflict openly and positively
- o Ask questions and clarify by rephrasing or paraphrasing

Public Notification of Meetings

Meeting times, dates, location, and agendas should be publicized and distributed within the community.

District Education Councils must hold at least ten regular meetings each year.

The DEC Chair may call special meetings to discuss pressing issues. All DEC members must be notified of the meeting verbally or through other means agreed upon by the Council members.

Agenda

A carefully planned and organized agenda makes a successful meeting. The DEC Chair and the Superintendent usually plan the agenda for approval of the DEC. Members should receive the notification of meeting, agenda and supporting documentation several days before the meeting date.

The agenda may be approved as presented or as amended, by consensus or by vote of the members of the District Education Council at the beginning of the meeting.

Quorum

No actions or motions of a District Education Council are binding unless adopted at an official meeting with a quorum present. A quorum is a majority of the number of positions on a District Education Council, regardless of whether or not these positions are filled.

Where the number of members on a District Education Council falls below the quorum, the Minister may direct that the majority of the remaining members be the quorum until an election is conducted or appointments are

made to fill vacancies for a normal quorum.

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Right to Speak

Meeting observers cannot participate in DEC meeting discussions, unless they specifically request to be on the agenda and their request is within the DEC responsibilities. The DEC Chair decides in these situations, subject to the wishes of the DEC members.

Proposals/Presentations

Each District Education Council develops a process for proposals and presentations to be brought to their meetings. Many require that written notice be received at least two weeks prior to the scheduled public meeting. Proposals brought before the District Education Council may be voted on following debate, or deferred to a future meeting (tabled).

Decision-making

There are two ways to arrive at a decision:

Consensus

means finding the highest level of agreement without dividing members into factions. Although

they may differ on some aspects of the decision, the DEC members agree that the total decision best meets everyone's needs, and members support it on that basis. If consensus cannot be reached, a vote is taken.

means finding the highest level of agreement without dividing members into factions. Although

they may differ on some aspects of the decision, the DEC members agree that the total decision best meets everyone's needs, and members support it on that basis. If consensus cannot be reached, a vote is taken.

Majority Voting

means that following discussion of the issue, the Chair calls for a motion (statement of decision

to be made). Once the motion is seconded, the vote is called. Voting is generally by show of hands. All members vote unless excused by the Chair for conflict of interest, or if a member chooses not to vote (abstains). The majority vote rules. The Chair does not vote unless there is a tie.

A motion passed or rejected is not reconsidered at the same meeting. A motion may be rescinded at a following meeting, but no motion can be deleted or crossed out from the minutes. For more information, please go to <http://www.rulesonline.com/> to get Robert's Rules of Order on line.

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to be made). Once the motion is seconded, the vote is called. Voting is generally by show of hands. All members vote unless excused by the Chair for conflict of interest, or if a member chooses not to vote (abstains). The majority vote rules. The Chair does not vote unless there is a tie.

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Adjournment

The District Education Council may establish the length of meetings. When all agenda items have been discussed, the Chair may adjourn the meeting.

If there is business that has not been completed and there is a proposal to adjourn that is seconded, a majority of District Education Council members may vote to adjourn the meeting.

Minutes of Meetings

(Education Act, regulation 2001-48, section 32)

Minutes are to be kept for each regular open District Education Council meeting and are to be included in the district's official records. All minutes are public documents. The Superintendent must forward a copy of the minutes of each District Education Council meeting to the Department of Education.

Minutes should give a clear, objective summary of what took place at the meeting; an account of group decisions with the rationale behind them, giving highlights rather than narrative accounts, and document motions and resolutions. Minutes cannot be altered once they have been approved by the District Education Council.

Minutes are usually taken by a recorder appointed by District Education Council members. Minutes normally include:

- o Date, time and place of meeting
- o Kind of meeting – regular or special
- o Name of the Chair

o Names of District Education Council members in attendance

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o Approval of the agenda

o Approval of minutes of the last meeting

o Summary of reports

o Summary of consensus reached

o Recording of votes on motions

o Signature of the District Education Council Chair

Declaration of Conflict of Interest

(Education Act, regulation 2001-48, section 33)

Situations where District Education Council members may be in a conflict of interest include:

o where the member or a family associate has an interest in any contract the District Education Council has an interest in;

o where the member or a family associate has an interest in any other matter the District Education Council is concerned with that would be of financial benefit to the member or family associate;

o where the member or a family associate is a shareholder in, or is a director or officer of, a corporation that has an interest in any contract with the school, the school district or the Province;

o where the member or a family associate is a shareholder in, or is a director or officer of, a corporation that has an interest in any other matter the District Education Council is concerned with that would be of financial benefit to the corporation;

o where the member uses for personal gain or for the gain of others, the member's position on the District Education Council or any privileged information to which the member may have access or be privy to because of the member's position;

o where the member accepts any fees, gifts, gratuities or other benefit that could reasonably be seen to influence any decision made by that member in the performance of his/her duties as a member of the District Education Council;

o where a member's family associate is being considered for employment by the District Education Council.

In these situations, the District Education Council member must not participate in any discussion or vote on any

question related to any matter where the member has a conflict of interest. As soon as the matter is introduced, the member must disclose the conflict of interest and immediately withdraw from the meeting while the matter is under discussion or vote.

Code of Conduct

(Education Act, section 40)

Every member of a DEC exercises his/her duties in good faith, by complying with the Act and the regulations, and refraining from exercising individual influence or authority over the Superintendent of the school district or other school personnel.

Each District Education Council develops its own Code of Conduct to facilitate meetings and relationships and may include the following:

A District Education Council member:

- o Accepts the education of all students in the district as their first obligation;
- o Limits discussion to matters of concern to the whole school community;
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- o Applies democratic principles;
- o Promotes high standards of ethical practice;
- o Is guided by the district's mission;
- o Is honest, discreet and respectful in discussing problems and conflicts;
- o Never discloses confidential information;
- o Respects that some school business is confidential, and may limit the District Education Council operations or discussions;
- o Encourages a positive atmosphere where individual contributions are encouraged, valued and respected;
- o Uses appropriate communication channels when questions or concerns arise;
- o Declares any conflict of interest.

If a member of the public behaves in an improper manner, the Chair may expel that person from the meeting.

Conflict Resolution/Interventions

Conflict can be a positive force if used to clarify an issue, increase member involvement, encourage growth, create more spontaneous communication and strengthen relationships. It can be negative when it diverts energy

from the task at hand, decreases productivity, destroys morale, deepens differences, produces irresponsible behaviours and creates suspicion or distrust.

District Education Councils should determine intervention processes to resolve any conflicts that may arise within the District Education Council or Parent School Support Committee.

Replacement of District Education Council Members

(Education Act, section (36.7))

A District Education Council position is considered to be vacant when a member:

- o dies or resigns;
- o becomes ill and is declared by the DEC as incapable of acting for the remainder of his/her term of office;
- o is declared by the DEC to have acted willfully or negligently in contravention of the Education Act;
- o is convicted of an indictable offence;
- o is declared by the DEC to have failed to attend three (3) regular meetings in a twelve-month period without cause;
- o becomes a member of the school/district personnel or an employee of the Department of Education;
- o ceases to be a resident of the school district for which the Councillor was elected or appointed.

The DEC must notify the Minister in writing within seven (7) days of acceptance of a resignation or removal by the District Education Council.

When a position is vacated, the Minister appoints a person to fill that position for the balance of the term of the member being replaced, from a list of candidates nominated by the District Education Council.

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Appendix A2 - Glossary of Terms

Our thanks to District 17 for providing much of this information.

ADM Assistant Deputy Minister; second highest ranking employee of the department.

AEFNB Association des enseignantes et des enseignants francophones du Nouveau-

Brunswick; the professional organization of francophone teachers.

APEF Atlantic Provinces Educational Foundation; an interprovincial curriculum development organization.

Acceptable Use Acceptable use of technology and computer equipment on school premises, under the guidelines of Department of Education Policy 311.

Accountability Measurable proof that publicly-stated expectations are being met. For example, teachers, schools, and districts are teaching students efficiently and effectively, usually illustrated in the form of student success rates on various tests.

Achievement Tests Norm-referenced tests used to measure how much a student has learned in various key subjects. Results are used to compare the scores of individual students and schools with others -- those in the area, across the province, country or internationally.

Active Learning Students are engaged in meaningful activities to reinforce or discover learning.

Activity-Based Refers to small groups of children working at centers to discover, question or observe curriculum outcomes.

Advisory Program Schools schedule periods of time, sometimes daily, for advisory groups to meet for group and individual activities; i.e. focusing on adolescent concerns.

Affective Education Schooling that helps students deal in a positive way with their emotions and values.

Alternative Assessment Refers to a number of different kinds of assessments that are not traditional paper-and-pencil, such as performance based and portfolio assessments.

Alternative Site Individual programs for students whose needs are not being met in the regular classroom.

Anecdotal Observation Brief written notes or records of student behavior.

Assessment Measuring or judging the learning and performance of students or teachers.

At-Risk Term used to refer to students who have a higher than average probability of dropping out or failing school.

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Authenticity Describes instruction and assessment that are characterized by tasks that are similar to real life.

B Contract Refers to continuing (permanent) teaching contract.

BBT (Broad Based Computer class where individual or small groups rotate through stations to Technology) complete tasks related to technology.

BTIP (Beginning Teacher The district's support and enrichment program for new teachers, teamed with more
Induction Program) experienced veterans; a mentorship opportunity for new teachers.

Baseline Data Starting point identified to evaluate gains and achievement.

Benchmark Content standard for particular grade levels.

Best Practice Effective education strategies and activities.

Block Scheduling A way of organizing the school day, usually in secondary schools.

Brain-based Learning Teaching and learning strategies based on recent neurological research.

Bullying Programs Program for teachers to address bullying on the playground or in the classroom.

Generally, focus is on the victims and the persons responsible for bullying.

CUPE Canadian Union of Public Employees; union representing most non-teaching
district employees.

Classroom Assessment The collection, evaluation, and use of information for teacher decision-making.

Classroom Environment Refers to interpersonal interactions in the classroom (climate).

Combined Classroom Refers to a classroom with more than one grade level.

Community Access Center Computer Centers in schools available to the general public after school hours.

Constructed Response Type of item in which students create or produce their own answer or response.

Content Standards Describes what students should know and be able to do.

Core French Refers to French program taught to all non-immersion students

Curriculum Refers to the learning outcomes prescribed by the Department of Education.

D Contract Refers to a teaching contract terminated every June 30th; D Contracts have recall
rights for 18 months after termination.

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DISTRICT EDUCATION District Education Council; the corporate governing body of the school district.

COUNCIL (DEC)

DIP Refers to the District Improvement Plan, comprised of the District Education Plan
and the District Expenditure Plan

DOE Department of Education

Deputy The deputy minister; the highest ranking employee of the department; one for

the Anglophone, one for the Francophone sector.

Differentiated Curriculum Relevant instruction that meets the needs of all learners as a result of considerations given to content, process and product.

Educational Goal A general statement of what students should know and be able to do.

Educational Objective A specific statement of what students should know and be capable of doing at the end of an instructional unit.

Evaluation Interpretation of gathered information to make the information meaningful.

Expectation Desired level of performance communicated to others.

Extramural S.S.E. A range of health and social services provided by Dept. of Social Development (Support Services and Dept of Health to school students & their families to improve the student's to Education) capacity to function in the public school system.

FI French Immersion

FTE Full-time Equivalent teacher - 1.0 FTE / Half-time teacher 0.5 FTE.

Formative Evaluation On-going assessment of students or teachers to improve performance.

Gifted Children Children who exhibit rapid, accurate learning and reasoning skills; the regular program requires enhancement to meet their thirst for intellectual stimulation.

Grade Equivalent Type of standardized test score that indicates performance in units of year and month of school as compared to the norm group.

Guided Reading An approach to reading instruction for small groups within the classroom.

IS Information Systems, as in "the IS group"—the current blanket-term for everything to do with computers and technology for the classroom teacher or office.

IDU Refers to interdisciplinary units; one or more subjects taught through a common theme.

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IEP (Individualized Personalized plan for a student, taking into account the student's learning style Education Program) with strategies for school-based resource utilization.

ILF Innovation Learning Fund

IMP Refers to Individualized Modified Program.

Immersion Early French Immersion, begins in Grade 1

Late French Immersion, begins in Grade 6

Inclusion A defined standard of practice intending to meet the needs of exceptional students in regular classroom settings.

In-service Institutes Workshops for teachers on curriculum developments or changes in teaching practice. Teacher workshops held in the summer on a wide variety of educational topics.

Intern (Student A university student, studying to become a teacher, who is involved in a practical work experience Teacher) (up to 4 months) at a school.

L.I.F.T.

(Literacy A professional development reading program to help students who are

Interventions For Teachers)

struggling readers.

LTS Long-term substitute teacher replacing a teacher for more than 20 consecutive days.

Learning Disability Discrepancy between aptitude and achievement.

Learning Styles Learning-style preferences e.g. visual, auditory.

Looping Refers to a school structure whereby teachers continue with students for two or three years e. g. grade 6 teachers teach student for grade 6 & 7 and then return to pick up new grade 6 class.

Mean Average of test scores of all respondents.

Median Refers to score located in the middle.

Multi-age Grouping Refers to a group of students being taught in the same vicinity but of varying age groups e.g. ages 5 -7 being taught in the same classroom.

Multi-level Instruction Refers to grouping children according to age with varying ability levels.

Multiple Intelligence Recognizes that individuals have several forms of intelligence e.g. musical, artistic, verbal.

Norm-referenced A test interpretation where relative standing is identified by comparing performance to how others (norm group) performed.

NBTA New Brunswick Teachers' Association; a professional organization for Anglophone teachers.

NBTF New Brunswick Teachers' Federation; union representing all contracted teaching staff of the province.

OBE Outcome based education approach that focuses on specific, clearly-defined outcomes.

PD Professional Development; on-going learning opportunities for employees, including self-directed.

PE's Provincial exams written by students

P.L.E.P. Positive Learning Environment Policy.

PSSC Parent school support committee; elected annually by the school community to advise the Principal.

Performance-based Assessment in which students perform an activity or create a product.

Assessment

Portfolios A compilation of a student's or teacher's work; may include both finished pieces and works in progress.

Range The difference between the highest and the lowest score in the distribution.

Readiness Test Type of standardized aptitude test that identifies strengths and weaknesses of specific skills.

Reliability The consistency, stability, and dependability of scores.

Research School A school where a program or initiative is being piloted.

Resource Teacher Teacher who works with exceptional children to provide for their learning requirements.

Indirect Service

-The student receives accommodations, modification, or

individualization of classroom programming from the classroom teacher as a result of consultation with the Resource Teacher.

Monitored

- The student is not receiving accommodations, modifications or

individualization of classroom programming from the classroom teacher at this time, but the Resource Teacher and the classroom teacher monitor the student's progress on a regular basis.

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Rubric A scoring that uses specific criteria for rating levels of student proficiency on a rating scale.

SA Student attendant that looks after physical needs of students e. g. mobility, hygiene.

SEP Special education plan -- individualized plan for students with special needs.

S.I.P. School Improvement Plan.

Student-led Refers to when students take the responsibility Conference for presenting their portfolios to parents.

Summative A final assessment of a student's or teacher's Evaluation performance.

Supply Days Days when a teacher is attending workshops or other planned activities and requires a supply teacher to replace him or her in the school.

TA (Teacher Assistant) Support assigned to teachers to assist in delivering academic program for students.

Validity How well a test measures what it is intended to measure.

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Appendix A3 - District Education Council Member Elections

(Education Act, section 36.3(1-11), section 36.31 (1 & 2), and regulation 2001-48, sections 21-26 inclusive)

Eligibility

To be eligible to run for election to your District Education Council you must be:

- o 18 years of age on or before the declared election date
- o a Canadian citizen
- o a resident of the province for at least six (6) months prior to the declared election date; three (3) months in Oromocto
- o a resident of the sub-district and school district when nominated
- o not a judge, an employee of the Department of Education, or of any school or school district

Nomination Process

Nomination papers are to be completed and returned to the Office of the Municipal Returning Officer between dates specified for the nomination process (generally one month prior to declared election date)

Nomination papers include:

- o Your name, civic address, and occupation;
- o Your consent, witnessed by the person who will obtain nominators' signatures;
- o The signatures of ten (10) nominators who are all qualified voters living in your sub-district and parents of children registered in district schools;
- o Declaration of the witness who obtained the nominators' signatures.

Elections are held every four years, at the same time as Municipal and Health Authority elections, and are conducted by the Office of the Chief Electoral Officer. Terms of office begin July 1st following the elections, and end June 30th following the next election.

A person can be re-elected to the District Education Council for any subsequent four-year term if that person continues to meet the eligibility requirements to be a candidate.

Incomplete Elections

If the District Education Council election fails to elect a member for a sub-district or enough members for an electoral zone, the Minister will appoint the number of members required to fill the vacancies from among nominated candidates.

B-Government Overviews

Appendix B1 - Province of New Brunswick

There are several key government stakeholders involved directly in the K-12 education system. A broad range of topics and issues are dealt with within this stakeholder group including: provincial/department/district budgeting, policy and curriculum development, student achievement and financial/human resource management.

Additional information can be provided upon request through the DEC administrator.

It is also important for DEC members to understand the process used to develop what ultimately becomes the school district budget. A short overview of this process follows:

Budget cycle

The government and school district annual fiscal year extends from April 1st to March 31st. The Ordinary

Account budget process is outlined in the government's Administrative Policy 6501. A similar process is used for the development of the capital budget.

There are four steps followed in the budget development process:

- o preparation of the fiscal framework by the Department of Finance;
- o preparation and prioritization of departmental budgets;
- o Board of Management review and recommendation;
- o final approval by Executive Council and the Legislative Assembly.

Fiscal Framework

The Department of Finance prepares a multi-year forecast of key budgetary accounts at least twice a year - once in the fall of the year before fiscal targets are set and again in winter before final decisions are taken and budget documents tabled.

Departmental Budgets

The Department of Education is responsible for the preparation of the departmental budget and the submission to the Board of Management. The department's budget proposal is developed within the context of educational priorities after formal or informal consultation with DEC's, School Districts, program directors and managers.

The fiscal framework and government policies have a significant impact on the departmental budgets. Budgetary growth or reduction is based on the availability of funds identified in the fiscal framework.

Outlined below for your information are the general timelines or milestones for the department's Ordinary Account (operating) budget. The capital budget process is normally completed during the Fall. Your superintendent can provide additional specific timelines on the ordinary and capital budget processes.

June – September

Detailed expenditure review based on volume changes, one time costs, collective agreement costs and inflationary fluctuations.

September – February

The Department consults formally and informally with school districts; reconciles with government's fiscal objectives and prepares budget proposals with new program initiatives for consideration by government.

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February - March

Government approves budget and Main Estimates are prepared for approval by the Legislative Assembly.

March - June

Legislative Assembly reviews Main Estimates of departments and approves budgets.

Policy and Priorities Committee and Board of Management

The Policy and Priorities Committee reviews and recommends all program changes that significantly impact government service delivery, policy or direction for approval by Cabinet. Board of Management recommends the departmental budgets to Cabinet for approval.

Executive Council approval and consideration of Main Estimates by the Legislative Assembly

Once the Executive Council has approved the provincial budget, it is tabled in the Legislative Assembly for public scrutiny and approval. Each Cabinet Minister is expected to defend the budget within their portfolio as outlined in the Main Estimates document.

Financial Reporting to DEC

Once the budget has been approved by the Legislature, the Department of Education will inform school districts of their operating budget for the fiscal year, based on established budget guidelines and norms.

After receipt of the school district's operating budget the DEC, with the assistance of the superintendent, will establish and approve the district expenditure plan by taking into consideration the education plan and the school improvement plans. The District Education Council is required to submit a balanced district budget expenditure plan to the Department of Education by July 1st. An extension to this requirement may be granted in the event of delays in providing school districts with their budget.

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Appendix B2 - Department of Education Overview

Notes:

1) Chart dated July 10, 2007

2) Link to web site (<http://www.gnb.ca/0000/publications/orgeng.pdf>)

Additional information on the Department of Education structure can be found at <http://www.gnb.ca/0000/anglophone-e.asp>.

Other important references:

Education Act and Regulations GNB Human Resources Policies

<http://www.gnb.ca/0062/PDF-acts/e-01-12.pdf> Department of Education - <http://www.gnb.ca/0000/policies.asp>

Department of Education Policies Office of Human Resources (refer to district office for assistance)

<http://www.gnb.ca/0000/policies.asp> <http://intranet.gnb.ca/intellinet/adminman/index-e.asp>

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Appendix "C"
New Brunswick
DEPARTMENT OF EDUCATION

POLICY 213

Page 1 of 5

Subject: Conflict of Interest
Effective: April 1, 2005
Revised:

1.0 PURPOSE

This policy provides guidance regarding conflict of interest avoidance in the public education system.

2.0 APPLICATION

This policy applies to Part I employees employed by the Department of Education, Part II employees (school and school district), District Education Council (DEC) members and Parent School Support Committee (PSSC) members.

3.0 DEFINITIONS

Part I employees are employees of government included in Part I of the public service (i.e. government departments), as defined in the First Schedule of the Public Service Labour Relations Act.

Part II employees are employees of government included in Part II of the public service (i.e. school districts), as defined in the First Schedule of the Public Service Labour Relations Act.

4.0 LEGAL AUTHORITY

Education Act, subsections 32(4.1) and 36.41(2):

Establishment of Parent School Support Committees

...
32(4.1) Except as provided for in subsection (5), school personnel who are employed in a school are not eligible to be elected or appointed to or to serve as a member of the Parent School Support Committee for that school.

Eligibility for candidacy in a District Education Council election

...
36.41(2) School personnel and employees of the Department of Education are not eligible to be elected or appointed to or to serve as a councillor.

ORIGINAL SIGNED BY

MINISTER

Governance Structure Regulation under the Education Act, section 33:

Conflict of Interest
33(1) In this section

"family associate" means a spouse, parent, child, grandparent, grandchild, brother, sister, aunt, uncle, niece, nephew or first cousin of a member of a Parent School Support Committee or District Education Council.

33(2) A member of a Parent School Support Committee or District Education Council has a conflict of interest

(a) where the member or a family associate has an interest in any contract in which the Parent School Support Committee or District Education Council of which the member is a member has an interest,

(b) where the member or a family associate has an interest in any other matter in which the Parent School Support Committee or District Education Council is concerned that would be of financial benefit to the member or family associate,

(c) where the member or a family associate is a shareholder in, or is a director or officer of, a corporation that has an interest in any contract with the school, the school district or the Province,

(d) where the member or a family associate is a shareholder in, or is a director or officer of, a corporation that has an interest in any other matter in which the Parent School Support Committee or District Education Council is concerned that would be of financial benefit to the corporation,

(e) where the member uses for personal gain or for the gain of others the member's position on the Parent School Support Committee or District Education Council or any privileged information to which the member may have access or to which the member is privy because of the member's position,

(f) where the member accepts any fees, gifts, gratuities or other benefit that could reasonably be seen to influence any decision made by the member in the performance of his or her duties as a member of a Parent School Support Committee or District Education Council, or

(g) where a family associate is being considered in a matter of employment by the Parent School Support Committee or District Education Council of which the member is a member.

33(3) A member of a Parent School Support Committee or District Education Council shall not, at a meeting of the Parent School Support Committee or District Education Council, participate in any discussion or vote on any question in relation to any matter in respect of which the member has, in accordance with this section, a conflict of interest and shall, as soon as the matter is introduced, disclose the conflict of interest and immediately withdraw from the meeting while the matter is under discussion or vote.

5.0 GOALS / PRINCIPLES

- 5.1** The Department of Education believes that public trust and confidence is important to the public education system. The avoidance of conflicts of interest on the part of employees, DEC members and PSSC members is essential to the integrity of the public education system.
-

6.0 REQUIREMENTS / STANDARDS

Personal Judgment

- 6.1** In order to prevent conflict of interest or the appearance thereof, an employee, DEC member or PSSC member must exercise his/her judgment to:
- a) avoid circumstances where they could confer or appear to confer a benefit on themselves, a family associate, friend or business associate; and
 - b) avoid giving unwarranted special consideration or preferential treatment to any person or organization for any reason.
- 6.2** Employees, DEC and PSSC members must not engage in any business or transaction of a financial or personal nature that would compromise the fair and honest discharge of their official duties.

Conflict of Interest Provisions

- 6.3** Employees must comply with the provisions of the provincial Administration Manual Conflict of Interest Policy AD-2915. This policy applies to Parts I, II and III of the Public Service.
- 6.4** Members of DEC or PSSC must comply with the conflict of interest provisions of the Governance Structure Regulation (section 33 and the oath of office provided in Form 1 and 2).

Participation on a District Education Council (DEC)

- 6.5** Subsection 36.41(2) of the Education Act states, "School personnel and employees of the Department of Education are not eligible to be elected or appointed to or to serve as a councillor." This section is to be interpreted in the broadest sense and as such:
- 6.5.1** Persons receiving a payroll cheque from a school district or the Department of Education, including supply teachers, casual staff and employees hired on contract may not participate as a member on a DEC. This restriction does not apply to employees of another organization hired under a contract with a school district or the Department of Education (e.g. an employee of a catering company running a cafeteria, a custodian employed by a cleaning company to clean schools or a counselor offering counseling services under contract).

- 6.5.2 A Department of Education or school district employee may not be nominated as a candidate in a DEC election, even if the employee is planning to leave the employ of the education system prior to taking office as an elected member (i.e. July 1 of an election year). The employee must terminate employment prior to nomination.
- 6.5.3 A DEC member may not be employed by a school district or the Department of Education in any capacity.

Participation on a Parent School Support Committee (PSSC)

- 6.6 Except as provided under the *Education Act* for the participation of the school principal and a teacher member, school personnel who are employed in a school are not eligible to be elected or appointed to or to serve as a member of the PSSC for that school (as stated in subsection 32(4.1) of the *Education Act*). This restriction applies to any person assigned to work in a particular school, except in the case of short-term (less than 20 work days), casual or supply work.

7.0 GUIDELINES / RECOMMENDATIONS

7.1 Guidelines for Particular Employee Groups

- 7.1.1 Teachers may refer to the New Brunswick Teachers' Association *Code of Ethics*, available in the Member's Handbook posted on the NBTA website at <http://www.nbta.ca/>.
- 7.1.2 School Psychologists – *Guidelines for Conflict of Interest Avoidance on the Part of School Psychologists Conducting Private Practices (Appendix A)*.

8.0 DISTRICT EDUCATION COUNCIL POLICY-MAKING

- 8.1 DEC's may develop more detailed policies regarding procedures for conflict of interest avoidance on the part of DEC members, PSSC members and employees.

9.0 REFERENCES

Provincial Administration Manual Conflict of Interest Policy AD-2915

Department of Education Part I Code of Conduct

Related Legislation:

School Administration Regulation (97-150) under the Education Act

Conflict of Interest Act

Financial Administration Act

Protection of Personal Information Act

10.0 CONTACTS FOR ADDITIONAL INFORMATION

Department of Education – Policy and Planning Branch
(506) 453-3090

Department of Education – Human Resources Branch
(506) 453-2030

ORIGINAL SIGNED BY

MINISTER

Code of Conduct Violation Complaint Form

1. Name of the DEC Member alleged to be in violation	2. Submission Date
3. Your name (anonymous complaints will not be accepted)	4. Consider not disclosing my name <input type="checkbox"/> Reasons:
5. What action or incident is being reported? Be specific and brief. (100 words) (multiple complaints may be considered together in assessing the overall conduct of the Member)	
6. What specific section of the Code of Conduct, legislation or policy do you believe the Member has breached with this action or incident?	
7. What information is there in support of the complaint? Please provide a summary below and identify or attach documentation or information which could assist with the review of this complaint.	

8. I understand that while the details of any review or investigation of this complaint and/or Council's deliberation are confidential, if a violation is found the outcome will be made public in an open session of Council.

9. I understand that filing complaints which are deemed to be frivolous, in bad faith or are intended interfere with the functioning of a District Education Council, in themselves, will be considered a violation of the Code of Conduct.

10. Signature of Complainant

Name

Date

This complaint was received by:

Name

Date

Guide to Submitting a Code of Conduct Violation Complaint

The DEC Code of Conduct sets the standards and expectations to Council members to fulfill your duties on the Council with professionalism and decorum. It is the duty of the Council to ensure its members are abiding by the Code, legislation and policies and are acting with good faith in the best interests of the District. Having a complaint raised against someone is a serious issue for the member and can damage the public's confidence in the DEC. It is not something that should be entered into lightly. Most minor issues can be addressed informally through discussion with the Chair, or discussion at the Council meetings about the application or intent of the section in question. When misconduct becomes repetitive, intentional, numerous or serious in nature, a written complaint may be appropriate and the member's actions will be considered under the Code of Conduct.

The intent of this guide and corresponding form is to assist the complainant in preparing a written complaint which is specific, focused and supported by information and documentation.

1. Name of DEC member alleged to be in violation of the Code of Conduct, Legislation or Policy:

The Code of Conduct only applies to the actions of DEC members. It cannot be used to report issues of misconduct by the superintendent, staff, students or parents. Conversely only a DEC member can file a complaint.

2. Submission Date

This is the date you are signing the written complaint. The person receiving the complaint will also note the date it was received at the bottom of this form.

Matters serious enough to warrant a written complaint should be made in a timely manner so the potentially offending behaviour can be promptly addressed. There will be situations where there is a delay between when an incident occurs and when that information becomes known or until pattern of minor misconduct becomes troublesome, but there will be the exception, not the rule.

3. Your name

Obviously the name of the person making the complaint.

4. Consider not disclosing my name. Reasons:

Complaints cannot be made anonymously. The Code of Conduct does provide the Chair, or person acting in the role of Designate, the discretion to withhold the name of the complainant. However, this cannot be used arbitrarily or unfairly. The intent is to provide protection to the person raising the complaint when it would be unsafe to disclose the name to the person accused or to the Council, at least in the first instance. In general, the person accused should know who has raised the complaint against them.

If you believe there are reasons why your name should not be disclosed, include this information in the space provided.

5. What action or incident is being reported?

Be specific and brief, including dates or timeframes when they are known. In many situations it will require more than 100 words to tell the full story of an incident. This section of the form is intended to focus on a specific misconduct or related incidents. If necessary, a separate document which provides further detail about the incident may be attached in support of the complaint. For the purposes of this section, the accusation must be specific and clearly stated.

Example: "The member appeared noticeably intoxicated at John Smith Middle School's parent information night on September 15th. When the principal tried to quietly request that the DEC member leave school property, the member became angry and loudly insisted he would have the principal fired".

Not every individual action will require a separate form; a person who has been receiving harassing emails from a fellow DEC member would not be expected to complete a separate written complaint for each email. The example above demonstrates how one incident may involve multiple Code violations which are related and reported as part of the same complaint. If the same member appeared intoxicated at another school, the second incident would involve different people and different facts and should be reported on a separate form.

Multiple complaints may be considered together to assess the overall conduct of the member but each complaint will be individually assessed to ensure there is sufficient evidence in support. Completing individual forms for multiple incidents may be of assistance. While patterns of behaviour may only become apparent over a period of time, in general, complaints should not be "saved up" or compiled to "build a case" against a DEC member.

Not all matters are appropriately handled under the Code of Conduct. Concerns about a decision made by the Council, failure to follow a given procedure, or concerns about the Superintendent or staff should likely be addressed at a meeting of the Council.

6. What specific section of the Code of Conduct, Legislation or Policy do you believe the person has breached with this action or incident?

You may wish to briefly indicate the link between the actions being reported and the sections of the Code, legislation or policies you have listed.

The sections you indicate have been violated will be considered. The Designate is not limited to these sections in the course of their review and may determine that the actions are more appropriately considered under other sections or policies.

7. What information is there in support of the complaint? Please provide a summary below and a list of attached documentation or information which could assist with the review of this complaint

It is not the responsibility of the person lodging the complaint to investigate the DEC member. If necessary, the Designate will initiate an investigation and report the findings to the DEC. In filing your written complaint, provide the documents you possess, the names of people who witnessed or were impacted by the actions or your own personal statement. If you do not have personal knowledge about the incident or actions you must indicate how you came to know about the alleged offence.

All of the information in support of your complaint must be shared with the Chair and/or the Designate. This information will be included in the report the Designate will make available to the person named in the complaint and to all the DEC members. Having the information in advance allows the member accused of a violation an opportunity to prepare a response.

8. I understand that the details of the investigation and Council deliberation are confidential and that the outcome of any disciplinary hearing will be made public in an open session of the Council.

Allegations of misconduct or violations can be embarrassing and damaging to the reputation of the member and the DEC. Reviews and reports used to inform the discussion and subsequent decision may involve personal issues, *in camera* sessions and potentially legal advice. For this reason it is important that the details of the investigation and discussion remain strictly confidential. If the Council determines that there has been a violation they will next determine if sanction is required. It is possible that the violation resulted from a misinterpretation, an accident or that there has otherwise been a violation that does not require any sanction.

If Council determines a violation has occurred, it will consider the nature of the misconduct, the member's overall conduct and the best interests of Council in determining the appropriate sanction.

9. I understand that filing complaints which are deemed to be frivolous, in bad faith or are intended interfere with the functioning of the District Education Council will be considered misconduct under the Professional Conduct and Decorum section of the Code of Conduct.

The intent of this section is not to dissuade members from filing complaints. It is important to have a mechanism to deal with misconduct and to uphold the standards of the Council. The intent of having Complainant's sign off on this statement is to encourage consideration on the following points, among others:

- Is the complaint about the individual's actions or the policy/decision/procedure that was followed?
- Has this issue already been addressed by the Chair or Council? The Code of Conduct is not an appropriate forum to appeal or contest decisions of Council.
- Does this misconduct warrant the time and resources required to address the concern?
- Are there more effective or appropriate ways to address the complaint?
- Is the potential impact on the member or council warranted by the complaint?

Processing complaints is a serious undertaking and requires resources and Council time. Unfounded or frivolous complaints distract the Council from their responsibilities and are not in the best interests of the District. Council members are encouraged to resolve issues collaboratively and to work together in a respectful manner.

10. Signature of Complainant

Do not forget to sign your submission and include any attachments.

Complaint received by:

The final section of the form will be signed and dated by the person receiving the complaint. This will generally be the Chair (or Vice-Chair in their stead).