



OFFICE OF THE DIRECTOR

*Chair: Goronwy Price
C.E.O./Director of Education: Anthony Stack*

**Newfoundland and Labrador English
School Board Minutes**

September 7, 2019

1. OPENING

The Newfoundland and Labrador English School Board (NLESB) meeting took place on Saturday, September 7, 2019 at the District Conference Centre at 40 Strawberry Marsh Road, St. John's, NL. The meeting was called to order by the Chair of the Board, Goronwy Price, at 2:30 PM.

Members present: Mr. Goronwy Price, Chair
Mr. Wayne Lee, Vice Chair
Mr. Peter Whittle
Mr. Lester Simmons
Mr. Thomas Kendell
Mr. Winston Carter
Mr. Keith Culleton
Mr. Scott Burden
Mr. Hayward Blake
Mr. Kevin Ryan
Mr. Eric Ayers
Mr. John George
Mr. Raymond Bennett
Ms. Jennifer Aspell
Mr. Steve Tessier

Regrets: Ms. Pamela Gill

Also in attendance: Mr. Anthony Stack, CEO/Director of Education
Mr. Ed Walsh, Associate Director of Education (Programs and Human Resources)
Mr. Terry Hall, CFO/Assistant Director of Education (Corporate Services)
Ms. Georgina Lake, Assistant Director of Education (Student Services)
Ms. Heather May, Director of Strategic Planning, Policy and Communications
Ms. Susan Tobin, Manager of Policy
Mr. Ian Wallace, Parliamentarian
Ms. Bernadette Cole Gendron, Solicitor
Ms. Elaine Cross, Executive Assistant

2. ADOPTION OF AGENDA

MOTION: It was moved by Thomas Kendell and seconded by Wayne Lee that the agenda be adopted as presented. (Carried)

3. MINUTES OF PREVIOUS MEETING

- 3.1 June 8, 2019 Minutes adopted (John George/Lester Simmons) Carried
- 3.2 August 5, 2019 Minutes adopted (Winston Carter/Wayne Lee) Carried

4. Business Arising

4.1 Constitution Amendments (Motion)

Chair of the Constitution and By-Law Committee, Hayward Blake, presented the following motion:

In accordance with Article IX: Amendments to Constitution, of the Board Constitution, a Notice of Motion was given at the Board meeting of June 8, 2019 that the Board would table proposed amendments to its Constitution for debate and vote at the September 7, 2019 Board meeting. Such proposed changes were discussed and debated at the June 8, 2019 meeting.

Therefore, be it resolved that:

ARTICLE IV: Membership

2. Remove Zones 14 to 17 from the Eastern Region and create a separate Region entitled Northeast Avalon to incorporate Zones 14-17.

ARTICLE V: Officers of the Board

d) Members-at-Large

Change references of four members-at-large to five so that it reads as follows:

“The officers of the Board shall include five (5) Members-at-Large, with one Member-at-Large representing each of the five regions of the District: Labrador, Western, Central, Eastern, and Northeast Avalon.”

ARTICLE VI: Committees of the Board

2. Standing Committees - Addition of:

c) Audit and Risk Management Committee

MOTION: That the Board adopt the revised Board Constitution with amendments as outlined, pending Ministerial Approval. (Hayward Blake/John George). Carried.

4.2 By-Law Amendments (Motion)

Chair of the Constitution and By-Law Committee, Trustee Blake, presented the following motion:

In accordance with Article 20: Amendments to By-Laws, of the Board By-Laws, a Notice of Motion was given at the Board meeting of June 8, 2019 that the Board would table proposed amendments to its By-Laws for debate and vote at the September 7, 2019 Board meeting. Such proposed changes were discussed and debated at the June 8, 2019 meeting.

Therefore, be it resolved that:



Definitions

- g) Change four members-at-large to five
Change reference to regions of the “District” to “Board”
Addition of the Northeast Avalon Region
- o) Change reference from “District” to “Board”

1.02 Regular Meeting

- a) Remove “In accordance with Section 63(2) of the Schools Act” and “not less than once every three months”, and add “six meetings per annum” so that it reads as follows:
“The Board shall hold six (6) meetings per annum to transact the business of the Board. The dates and times of the meetings shall be set by resolution of the Board.”

ARTICLE 2: Election of Officers

2.03 Remove “Election Chair” and add, “designated parliamentarian shall be” the scrutineer for the election process.

ARTICLE 3: General Procedures for Meeting

- 3.01 s) Remove section pertaining to “including meetings in which there is a Closed Meeting” and the last section “which in any event shall not exceed one hour” so that it reads as follows:
“Public meetings of the Board shall be adjourned after 2.5 hours unless the trustees vote with a minimum two thirds majority vote in favour of an extension.”

ARTICLE 4: Agenda

4.03 Change unanimous consent to two-thirds consent to add an item to the agenda

ARTICLE 7: Committees

7.01 Addition of:

- d) Audit and Risk Management Committee

7.02 Executive Committee

- b) Change from “four” to “five” other Trustees representing each region of the Board.
- l) Change “determine” to “facilitate” in reference to the education and training needs of trustees.

7.02 Finance and Operations Committee

- b) The responsibilities of the Finance and Operations Committee will be as follows:
 - 2) Remove reference to generate provincial pre-budget items
 - 11) Remove reference to review Risk Management matters

Addition of new committee:

7.05 **Audit and Risk Management Committee**

ARTICLE 8: Quorum

- 8.02 Change thirty minutes to fifteen minutes
- 8.03 Change thirty minutes to fifteen minutes

ARTICLE 9: Conflict of Interest

- 9.01 Addition of “and District Policy” so that it reads as follows:
“All Trustees shall be familiar and act in accordance with the conflict of interest laws as stipulated in the Schools act, Sections 68 and 69, and District Policy.”



ARTICLE 11: Public Participation at Board Meetings

11.01 Add “at a physical or virtual location” so that it reads:

“A meeting of the Board will be open to the public, at a physical or virtual location, unless it is declared by a vote of the trustees to be a closed meeting from which members of the public shall be excluded.”

MOTION: That the Board adopt the revised Board By-Laws with amendments as outlined, pending Ministerial Approval. (Hayward Blake/Peter Whittle). Carried.

5. Director’s Report

Mr. Stack presented the Director’s Report to the Board which focused on Year 2 of the Strategic Plan. The final report will be presented to the Board for approval at the next Board meeting.

The Chair thanked the Director for his report.

There was positive feedback generated from the School Bus Safety Campaign, which commenced August 26, 2019. It is the intent that it will be ongoing periodically throughout the fall.

6. Committee Reports

6.1 Executive Committee Report – July 10, 2019

Vice-Chair Wayne Lee provided an update to the Board from the July 10, 2019 meeting of the Executive Committee.

There was one motion passed on behalf of the Board regarding the appointment of Ernst and Young (EY) as the external auditor for the five-year period from 2018-19 to 2022-23.

MOTION: That the Board approve the Executive Committee Report of July 10, 2019 as presented. (Wayne Lee/Lester Simmons) Carried

6.2 Finance and Operations Committee Report – July 9, 2019

Chair of the Finance and Operations Committee, Trustee Whittle, provided an update to the Board from the July 9, 2019 meeting of the committee. (Details are contained in the committee minutes.)

The following motion was referred to the Executive Committee for approval on behalf of the Board.

External Auditor Appointment (2018-2019 to 2022-2023)

The Schools Act 1997 requires the District to submit to the Minister at the end of each school year, detailed statements of its accounts audited by a person licensed under the Chartered Professional Accountants and Public Accountants Act. The School District attempts to provide audited financial statements within 90 days of its year end.

Audited services are included in the scope of the Public Procurement Act and the District selected the Request for Proposal (RFP) method to identify a recommended supplier. Proposals were received from four suppliers.



In accordance with the Public Procurement Act, the highest ranking proposal was deemed to be the preferred supplier. Ernst & Young (EY) submitted the proposal with the highest rank.

Motion: Moved by Peter Whittle, seconded by Winston Carter that the Finance and Operations Committee recommend to the Board, approval of the appointment of Ernst & Young (EY) as the external auditor for the five year period from 2018-2019 to 2022-2023. *Carried.*

MOTION: That the Board approve the Finance and Operations Committee Report of July 9, 2019 as presented. (Peter Whittle/Raymond Bennett) Carried

6.3 Finance and Operations Committee Report – August 29, 2019

Chair of the Finance and Operations Committee, Trustee Whittle, provided an update to the Board from the August 29, 2019 meeting of the committee. (Details are contained in the committee minutes.)

Acquisition and Borrowing of Funds for School Buses 2020

Each year the provinces of Newfoundland and Labrador, New Brunswick, Nova Scotia and Prince Edward Island undertake a joint school bus purchasing program. The tender number 0191002-21 has been awarded to Leeds Transit Inc. for purchases for delivery in the Spring/Summer of 2020.

Within the District operated (commonly referred to as “Board-Owned”) fleet of the Newfoundland and Labrador English School District, there are forty two (42) model year 2007 buses that have to be removed from service as of June 2020 in accordance with Department of Education and Early Childhood Development policy. The District is recommending replacing thirty nine (39) of them.

Motion: That the Board approve the recommendation of the Finance and Operations Committee to:

1. purchase thirty nine (39) buses at a total cost of \$4,741,687 (HST included); and
2. borrow up to \$5,000,000 with an amortization period of twelve (12) years with such approvals further subject to Ministerial approval. (Peter Whittle /Winston Carter) *Carried.*

Town of Port Aux Basques – Request for Right of Way Easement

The District has received a request from the Town of Port Aux Basques requesting approval for a 15 meter Right of Way Easement.

The Town recently acquired land next to St. James Regional High School in the Town of Port Aux Basques. The land does not have access from the main road and the Town is requesting a Right of Way Easement to access the property to do snow clearing.

The Land is of no use to the District and will not interfere with access to school property.

Motion: That the Board approve the recommendation of the Finance and Operations Committee to grant the Town of Port Aux Basques’ request for a 15 meter Right of Way Easement subject to survey and legal documents being prepared and provided by the Town of Port Aux Basques. (Peter Whittle /Thomas Kendall) *Carried.*



Salvation Army – Request to purchase former Vista Regional Office Clarenville

The District has received a request from the Salvation Army Church to purchase the former Vista Regional Office property located in Clarenville to operate their programs. They are offering an amount of \$50,000 to purchase the building.

The Building was closed with the formation of the Newfoundland and Labrador English School District. The District has clear title of the property.

Motion: That the Board approve the recommendation of the Finance and Operations Committee to sell the former Clarenville Regional Office property to the Salvation Army Church to be used for community programming for \$50,000 as proposed, subject to Ministerial approval. (Peter Whittle/Jennifer Aspell) *Carried.*

MOTION: That the Board approve the Finance and Operations Committee Report of August 29, 2019 as presented. (Peter Whittle/Jennifer Aspell) Carried

6.4 Programs and Human Resources Report – August 27, 2019

Chair of the Programs and Human Resources Committee, Trustee Ryan, provided an update to the Board from the August 27, 2019 meeting of the committee. (Details are contained in the committee minutes.)

Three motions were referred to the Board for approval.

Student Services Division – Update

An overview was provided to the Committee on the new Student Services Division highlighting the major responsibilities for each of the focus areas of the new division.

Pilot Project – No Final Exams 7-9

The Assessment, Evaluation and Reporting Committee is proposing a three-year no final exams pilot project starting in the 2019-2020 school year. This project would involve students in grades 7 to 9. Historically there has been an overemphasis on summative testing (Mid-year and Final Examinations) in grades 7 to 12. There is little research to suggest that the time and resources that go into the preparation and completion of these exams has any positive impact on student achievement. Instead, there is ample research, which indicates that a focus on formative type assessments, which give timely and effective feedback to the learner and the teacher, have a more positive impact on student learning and achievement.

In order to participate in the pilot principals will be required to get the approval of their staff as well as school council in order to participate.. Schools will be able to “opt in” and “opt out” for any year during the pilot. During this three-year period (2019-2022), the District will monitor student achievement in the pilot schools to determine if there is a positive impact on overall student achievement and other measures of student success. At the end of the pilot, the committee will recommend a decision to establish a consistent district wide approach to Final Examinations for all Intermediate Grades.



Policy Student Records

As per the Department of Education and Early Childhood's Safe and Caring Schools Policy (Procedure 7), a parent of a student, or the student may request that a preferred or chosen name and/or gender be used on school records rather than the student's legal name or gender. In the event of such a request, the school Administrator will make the necessary changes to records.

The updated Student Records Policy supports students who wish to use a preferred name vs legal name for select student records. Legal name must be maintained in the name and gender as recorded on the birth certificate or a certificate issued under the **Change of Name Act, 2009** and or **Vital Statistics Act, 2009**.

MOTION: That the Board approve the amended Student Records Policy as recommended by the Programs and Human Resources Committee. (Kevin Ryan /Eric Ayers) Carried.

Protection of Children and Youth (Decision)

The Newfoundland and Labrador English School District (the "District") is committed to the prevention of child maltreatment, and to the well-being and safety of students entrusted to its care. The District requires employees to be vigilant in their efforts to identify children who may be in need of protective intervention and to report all relevant information to the Department of Children, Seniors and Social Development (CSSD) as per the requirements of the Children, Youth and Families Act (CYFA)

In June 2019, the Children, Youth and Families Act (CYFA) was proclaimed with a number of substantive changes to the legislation. As a result of changes in the legislation, the District was required to review and amend policy to be in line with the new act. Specific changes in District Policy include:

- Changes of the name of the Act itself from **Children and Youth Care and Protection Act (CYCP) to Children, Youth and Families Act (CYFA)**.
- The fact that the Act now applies to **Child** (under the age of 16 years) **Youth** (at least 16 years of age but under 18 years of age)
- Reference to reporting to the Associate Director of Education (Programs and Human Resources)

MOTION: That the Board approve the amended Protection of Children and Youth Policy as recommended by the Programs and Human Resources Committee. (Kevin Ryan/Scott Burden) Carried.

Political Activity for Trustees

There was discussion at the committee on the need for a Political Activity Policy for Trustees.

Recommendation to the Board from the Programs and Human Resources Committee:

That once a Trustee declares their intent to seek a nomination for the following positions:

1. School Council
2. Member of the House of Assembly
3. Member of Parliament

Then the Trustee must take a leave of absence from the Board. If successful, the Trustee shall resign from the Board. If unsuccessful, the Trustee will re-assume their duties as a member of the Board.



MOTION: That the Board approve the Political Activity Policy for Trustees, as recommended by the Programs and Human Resources Committee. (Kevin Ryan /Lester Simmons)

Some felt that the policy should not apply to those during the short period when someone is seeking the nomination.

Trustee Bennett suggested a friendly amendment to the original motion. After further debate, the following amended motion was put forward by Trustee Ryan:

MOTION: That the Programs and Human Resources Committee recommend to the Board that once a trustee has been nominated for the following positions:

1. School Council
2. Member of the House of Assembly
3. Member of Parliament

Then the Trustee must take a leave of absence from the Board. If successful, the Trustee shall resign from the Board. If unsuccessful, the Trustee will re-assume their duties as a member of the Board. (Kevin Ryan/Lester Simmons) Defeated.

There was further discussion regarding if it should apply to those on School Councils, as this is not a publicly elected position.

After a vote, the motion was defeated and has been referred back to the Programs and Human Resources Committee for further work.

French Programs Policy

Multi-grading and multi-aging may be utilized in existing Early/Late French Immersion programs in communities where there is a single system of schools and the program is experiencing declining enrollment” from Administrative Regulations and add to Policy Directives.

Committee members felt that this particular provision should be a policy directive and hence move from administrative regulation to policy. The committee directed staff to action this and present an amended policy to the committee for their consideration at the next regularly scheduled Programs and Human Resources meeting.

Churchill Request

Committee members considered a request from Mr. Todd Churchill to present at the next public meeting of the Board; *on the topic of deaf education and how it is being delivered to children like my own son Carter and others like him*

After careful consideration the committee agreed on the following:

That the Churchills be provided the opportunity to provide a written submission and/or recorded video outlining their concerns to the Board to be heard at the September 7, 2019 closed working session.

Trustee Burden requested that the record reflect that he voted against this motion during the Programs and Human Resources Committee Meeting.



MOTION: That the Board approve the Programs and Human Resources Committee Report of August 27, 2019 as presented. (Kevin Ryan/Scott Burden) Carried

7. New Business

7.1 Newfoundland and Labrador School Boards Association Report – No Report

7.2 Education Foundation Report – August 14, 2019

Chair of the Education Foundation, Trustee Thomas Kendell, provided an update to the Board from the August 14, 2019 meeting of the committee. (Details are contained in the committee minutes.)

There were two motions approved at this meeting.

Approval of Scholarship Recipients for the 2018-19 School Year.

The Foundation received 138 applications from students within the Newfoundland and Labrador English School District. The Scholarship policy states that 27 students receive a \$1,000 scholarship: 11 from Avalon Region, 6 from Central Region, 5 from Western Region, 3 from Labrador Region, and 2 at-large recipients. Based on the selection criteria for each region, 27 successful candidates were chosen.

Motion: Moved by Scott Burden, seconded by Kevin Ryan that the Newfoundland and Labrador Education Foundation Board approve the list of Newfoundland and Labrador Education Foundation Scholarship Recipients for 2018-2019 as presented. *Carried.*

Approval to order 2019-2020 NLEF Calendars

Following a request for quotes, Bounty Print was the successful bidder for the 2019-20 NLEF calendars. These calendars are distributed to NLESD schools, employees, and Trustees. We anticipate an order of 1,250 calendars at a cost of approximately \$1,100, which is on par with orders for the past two years.

Motion: Moved by Kevin Ryan, seconded by Pamela Gill that the Newfoundland and Labrador Education Foundation Board approve the ordering process for NLEF Calendars for the 2019-2020 school-year. *Carried.*

MOTION: That the Board approve the Education Foundation Report of August 14, 2019 as presented. (Thomas Kendell/Kevin Ryan) Carried

7.3 NLISE Report – No report.

7.4 School Milk Foundation Report – March 13, 2019

Trustee Eric Ayers provided an update to the Board from the March 13, 2019 meeting of the School Milk Foundation. (Below is an excerpt from the committee minutes.)



School Milk Pricing Update

Ms. Landers noted that there is still an issue with the pricing of chocolate milk, and it will be brought forward in future discussions. Mr. Moores noted that Milk Subsidy will be included in those discussions.

School Milk Sales Report

Mr. Moores spoke about the sales report. Mr. Moores discussed the issue of schools not running the S'Milk Bucks promotion this year because teachers felt the promotion was labour intensive for them to administer. Parents and some teachers are unaware of SMF promotions and how they work. Mr. Moores went on to speak about the information contained in the school milk sales reports received from each dairy. Mr. Moores has requested a quote from Jon King to add the sales information, promotions and school registration to the Milk Movement Drive. Board will be advised on the total cost and the availability of funding to cover a portion or some of the cost. Digital Blast would hopefully increase awareness and participation which in turn would increase sales. Consensus is in favour of this project.

Chocolate Milk Update

Ms. Landers asked Ms. Boyd for an update on the Chocolate Milk issue in schools. Ms. Boyd spoke about the new Canada Food Guide Assessment, "What we heard report", which is due by the end of March 2019. Ms. Boyd indicated that there will be a School Food Guidelines Pilot Project to be introduced in a small number of schools with the new food guidelines in mind.

More work to be done by SMF concerning Chocolate milk and a letter developed to indicate the impact on all parties. This information is to be submitted to the Board for review.

Nutrition Presentations

Mr. Young spoke about the revamping of the nutrition presentations and the new Canada Food Guide. Mr. Young indicated that the revised presentations were submitted to both Government departments for approval. Mr. Young advised that a meeting would take place, in the near future, to review the revised presentations.

MOTION: That the Board accept the School Milk Foundation Report of March 13, 2019 as presented. (Eric Ayers/Peter Whittle) Carried

8. Correspondence sent to the District

- 8.1 Ministerial Declaration of Zone 11 Vacancy
- 8.2 Ministerial Declaration of Zone 17 Vacancy
- 8.3 Hillview Academy Zoning Request
- 8.4 Milltown-Bay d'Espoir Meeting Request
- 8.5 Ministerial Approval – Seven Units of Program Itinerants 2019-20
- 8.6 Minister Response – Schools Act Submission
- 8.7 Ministerial Response – Reinvestments for School Closures
- 8.8 Ministerial Approval – Town of Port aux Basques Land Transfer
- 8.9 Ministerial Approval – Additional PL for Phase One and Two Schools
- 8.10 NLESD Operating Grant Allocation 2019-20

9. Correspondence sent from the District

- 9.1 Congratulatory Letter to new Minister Warr
- 9.2 Response to Mayor regarding former Bayview Academy



- 9.3 Financial Statements Audit Response to Auditor
- 9.4 Ministerial Request for Town of Port aux Basques Land Transfer
- 9.5 Ministerial Request for Zone 17 Vacancy
- 9.6 Ministerial Request – Reinvestments of School Closures
- 9.7 District Response to Bay d’Espoir Academy
- 9.8 Ministerial Request – Additional PL for Phase One and Two Schools

10. Adjournment to closed session at 4:05 pm by a motion from Wayne Lee.

Chair

Recording Secretary

