

Education Act – Section 55

School council

- 55 (1) For each school operated by a board, a school council must be established in accordance with the regulations.
- (2) The majority of the members of a school council must be parents of students enrolled in the school.
- (3) A board of a separate school division may by resolution require that the parents of students enrolled in a school operated by the board who are members of the school council declare themselves to be of the same faith as the electors of the separate school division, whether Protestant or Roman Catholic.
- (4) A school council may, at its discretion,
- (a) advise the principal and the board respecting any matter relating to the school,
 - (b) perform any duty or function delegated to it by the board in accordance with the delegation,
 - (c) consult with the principal so that the principal may ensure that students in the school have the opportunity to meet the standards of education set by the Minister,
 - (d) consult with the principal so that the principal may ensure that the fiscal management of the school is in accordance with the requirements of the board and the superintendent, and
 - (e) do anything it is authorized under the regulations to do.
- (5) Subject to the regulations, a school council may establish and implement policies in the school that the school council considers necessary to carry out its functions.
- (6) A school council may make bylaws governing its meetings and the conduct of its affairs.
- (7) Subject to the regulations, a board may establish and implement policies respecting school councils.
- (8) A board shall establish a dispute resolution process to address disputes between the principal and the school council with respect to policies proposed or adopted for a school.
- (9) The Minister, on the request of the board, may dissolve a school council without notice at any time if the Minister is of the opinion that the school council is not carrying out its responsibilities in accordance with this Act and the regulations.
- (10) Where a school council has been dissolved by the Minister pursuant to subsection (9), a school council must, in accordance with the regulations, be established after the start of the school year immediately following the year in which the school council was dissolved.
- (11) The Minister may make regulations
- (a) respecting the establishment of school councils, the election or appointment of the members of a school council, the term or other conditions of election or appointment and the dissolution of a school council;
 - (b) respecting the roles of the principal and the school council of a school and their respective powers, duties and responsibilities;
 - (c) respecting the re-establishment of school councils that have been dissolved by the Minister pursuant to subsection (9);
 - (d) respecting any other matter the Minister considers necessary respecting school councils;
 - (e) exempting a school or class of schools from the application of this section.

APPENDIX

Education Act

SCHOOL COUNCILS REGULATION

Table of Contents

1	Definitions
2	Establishment meeting
3	Notice of establishment meeting
4	Chair and secretary at establishment meeting
5	Agenda at establishment meeting
6	Right to vote at establishment meeting
7	School council membership
8	School council executive
9	Faith of school council members
10	Remuneration of school council members
11	Prohibition against incorporation
12	Responsibilities of board
13	Donations
14	Duty to report to the board
15	Date for first meeting of school council
16	Suspension of school council
17	Bylaws of school council
18	Fees prohibited
19	Exemptions
20	Transitional
21	Repeal
22	Expiry
23	Coming into force

Definitions

1 In this Regulation,

- (a) "early childhood services program" means an early childhood services program provided by a board under section 21 of the Act;
- (b) "establishment meeting" means a meeting referred to in section 2;
- (c) "executive" means the executive of a school council;

- (d) "model of governance" means the process and structure used by a school council to make decisions regarding its business and affairs;
- (e) "school community" in respect of a school means
 - (i) students enrolled in the school and their parents,
 - (ii) children enrolled in an early childhood services program at the school and their parents,
 - (iii) the school staff, and
 - (iv) other persons who have an interest in the school;
- (f) "school day" means a day scheduled for the purpose of instruction, examinations or other student activities where student-teacher interaction and supervision are maintained.

Establishment meeting

2(1) If a school that is required to have a school council has no school council, the school must, within 40 days after the start of the school year, hold a meeting for the purpose of establishing a school council.

(2) If fewer than 5 parents are in attendance at an establishment meeting or if the meeting is not successful in establishing a school council, the principal may adjourn the meeting to a later date and establish an advisory committee to carry out one or more duties or functions of a school council in the interim until a school council is established.

(3) Any advisory committee established under subsection (2) is dissolved on the establishment of a school council.

Notice of establishment meeting

3(1) If a school is required to hold an establishment meeting, the principal must give notice of the meeting to the following persons:

- (a) a parent of each student enrolled in the school;
- (b) a parent of each child enrolled in an early childhood services program at the school;
- (c) the school staff;

- (d) other members of the school community who, in the principal's opinion, should be given notice.
- (2) A notice under subsection (1) must
- (a) describe the purpose of the meeting,
 - (b) set out the time, date and location of the meeting, and
 - (c) be given at least 10 school days before the date of the meeting.
- (3) A notice under subsection (1) may be given by any means the principal considers appropriate, including electronic means.
- (4) If an establishment meeting is adjourned under section 2(2), notice of the adjournment date must be given in accordance with this section.

Chair and secretary at establishment meeting

4 The principal must decide who is to act as the chair and who is to act as the secretary at an establishment meeting.

Agenda at establishment meeting

- 5(1) The persons attending an establishment meeting must
- (a) decide, subject to section 7, on the size of the school council,
 - (b) decide on the model of governance for the school council,
 - (c) decide, subject to subsection (2), on the term of office of each member of the school council,
 - (d) elect, subject to subsection (2), the initial members of the school council referred to in section 7(l)(d),
 - (e) decide, subject to section 8, on the size of the executive,

(f) decide on the term of office of each member of the executive, and

(g) elect the initial members of the executive.

(2) For greater certainty, but without restricting the generality of subsection (1)(a), the persons attending an establishment meeting may decide that for the purposes of section 7(1)(d), the school council may include

(a) all parents of students enrolled in the school, and

(b) if an early childhood services program is offered at the school, all parents of children enrolled in an early childhood services program at the school

who wish to be members.

Right to vote at establishment meeting

6 Despite section 5, only persons who attend the establishment meeting and are

(a) parents of students enrolled in the school, or

(b) parents of children enrolled in an early childhood services program at the school

are entitled to vote on matters raised at the meeting.

School council membership

7(1) A school council must include the following members:

(a) the principal of the school;

(b) at least one person who is a teacher at the school, elected or appointed by the teachers at the school;

(c) if the school includes a senior high school program, at least one person who is a student enrolled in the high school, elected or appointed by the students enrolled in the high school;

(d) in accordance with section 55(2) of the Act, parents of students enrolled in the school;

- (e) if an early childhood services program is offered at the school, parents of children enrolled in the program.

(2) The members of a school council referred to in subsection (1) may establish a process to appoint as members of the school council one or more persons who are not parents of students enrolled in the school but who have an interest in the school.

School council executive

8(1) A school council must have a chair and any other members of the executive determined by the persons attending an establishment meeting.

(2) A parent of a student enrolled in the school or, if an early childhood services program is offered at the school, a parent of a child enrolled in the program must be elected chair of the executive.

(3) Despite subsection (2), a member who is not a parent referred to in subsection (2) may be elected chair of the executive if no such parent is willing to be nominated as chair.

(4) Subject to subsection (2), every member of a school council is eligible to be elected as a member of the executive.

Faith of school council members

9 Subject to any resolution passed under section 55(3) of the Act, the members of a school council may be of any faith.

Remuneration of school council members

10 No member of a school council shall receive any remuneration for acting as a member of the council.

Prohibition against incorporation

11 No school council shall incorporate under the Societies Act or Part 9 of the Companies Act.

Responsibilities of board

12(1) A board must provide the school council with an opportunity to provide advice on the development of the school's

- (a) foundation statements, if any, respecting the school's vision, principles and beliefs,
- (b) policies,
- (c) annual education plan and annual results report required by the Minister to be reported under section 67 of the Act, and
- (d) budget required to be reported under section 139 of the Act.

(2) A board must provide the school council with

- (a) the results for the school from provincial assessments and an interpretation of those results, and
- (b) the same information that the board disseminates to students, parents or electors under section 67(2) of the Act.

(3) A board must at all reasonable times allow the school council free and full access to timely and accurate information of the board that is publicly available, including board policies and minutes of board meetings.

Donations

13(1) A school council may receive donations on behalf of a board but no school council shall raise funds or otherwise solicit donations in any manner that would require a gaming licence under the Gaming, Liquor and Cannabis Act.

(2) A school council must handle and report all money it receives, if any, in accordance with applicable policies and procedures of the board.

Duty to report to the board

14(1) The chair of a school council must prepare and provide to the board by September 30 of each year a report

- (a) summarizing the activities of the school council in the previous school year, and
 - (b) detailing, in accordance with the policies referred to in section 13(2), the receipt, handling and use of any money by the school council in the previous school year.
- (2) A school council must retain at the school a copy of the minutes for each meeting of the school council and make them available to the board or the public on request.
- (3) A school council must retain the minutes for each meeting of the school council for at least 7 years.

Date for first meeting of school council

15 For any school year, the first meeting of the school council must be held within 40 days after the start of the school year or as specified in the bylaws of the school council.

Suspension of school council

16(1) If a quorum is not available for a meeting of a school council and the meeting has been rescheduled on 2 or more occasions, the board may suspend the operation of the school council until the following year.

(2) If the operation of a school council is suspended, the principal may establish an advisory committee to carry out one or more of the duties or functions of the school council until a new school council is established under subsection (3).

(3) If the operation of a school council is suspended under subsection (1), a new school council must be established within 40 school days after the start of the next school year in accordance with sections 2 to 8.

Bylaws of school council

17(1) Each school council may make bylaws respecting the conduct of its business and affairs, including, without limitation, bylaws

- (a) respecting the calling of regular, special or annual meetings of the school council;
- (b) subject to section 5, respecting the election of members of the school council;
- (c) subject to section 5, respecting the election of members of the executive;
- (d) respecting the role of the chair and other members of the executive relating to the conduct of the school council's affairs;
- (e) respecting the number of times the school council must meet each year;
- (f) respecting the location of school council meetings;
- (g) respecting the number of school council members that constitutes a quorum at meetings of the school council;
- (h) respecting a conflict resolution process for internal school council disputes.

(2) A bylaw under subsection (1) does not come into force unless it is approved by a majority of

- (a) parents of students enrolled in the school, and
- (b) parents of children enrolled in an early childhood services program at the school

who vote at a special meeting of the school council called for that purpose.

(3) The bylaws continue in force from year to year unless

- (a) they are amended at a special meeting of the school council called for that purpose, and
- (b) the amendment is approved in accordance with subsection (2).

Fees prohibited

18 No school council shall be charged a fee for the use of the school or school facilities for the purpose of holding a meeting of the school council.

Exemptions

19 The following are exempt from the application of section 55 of the Act and this Regulation:

- (a) a school for resident students of the Government as described in section 4(7) of the Act that is provided in an institution approved by the Minister;
- (b) a school for students that is provided in an institution approved by the Minister.

Transitional

20(1) In this section, "former regulation" means the School Councils Regulation (AR 113/2007).

(2) A school council established under the former regulation is deemed to have been established under this Regulation.

(3) A member of a school council referred to in subsection (2) continues to serve in the same capacity under this Regulation.

(4) Bylaws made by a school council under the former regulation continue in force as if made under this Regulation, except to the extent of any inconsistency with the Act or this Regulation.

Repeal

21 The School Councils Regulation (AR 113/2007) is repealed.

Expiry

22 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 31, 2029.

Coming into force

23 This Regulation comes into force on September 1, 2019.