

Education Act

ONTARIO REGULATION 612/00

No Amendments

SCHOOL COUNCILS

This is the English version of a bilingual regulation.

INTERPRETATION

1. (1) In this Regulation,
“meeting” does not include a training session or other event where a school council does not discuss or decide matters that it has authority to decide; (“réunion”)
“parent” includes a guardian as defined in section 1 of the Act; (“père ou mère”)
“parent member” means a member of a school council who is elected to the council in accordance with section 4 or who fills a vacancy created when a parent member ceases to hold office. (“père ou mère membre”)
(2) In the case of a school that is established primarily for adults, a reference in this Regulation to a parent or to a pupil shall be deemed, with necessary modifications, to be a reference to a pupil who is enrolled in the school.

PURPOSE

2. (1) The purpose of school councils is, through the active participation of parents, to improve pupil achievement and to enhance the accountability of the education system to parents. O. Reg. 612/00, s. 2 (1).
(2) A school council’s primary means of achieving its purpose is by making recommendations in accordance with this Regulation to the principal of the school and the board that established the council.

COMPOSITION

3. (1) A school council for a school shall be composed of the following people:
1. The number of parent members determined under subsection (2).
 2. The principal of the school.
 3. One teacher who is employed at the school, other than the principal or vice-principal, elected in accordance with section 5.
 4. One person who is employed at the school, other than the principal, vice-principal or any other teacher, elected in accordance with section 5.
 5. In the case of a school with one or more secondary school grades,
 - i. one pupil enrolled in the school who is appointed by the student council, if the school has a student council, or
 - ii. one pupil enrolled in the school who is elected in accordance with section 5, if the school does not have a student council.
 6. In the case of a school with no secondary school grades, one pupil enrolled in the school who is

appointed by the principal of the school, if the principal determines, after consulting the other members of the school council, that the council should include a pupil.

7. Subject to subsection (3), one community representative appointed by the other members of the council.
8. One person appointed by an association that is a member of the Ontario Federation of Home and School Associations, the Ontario Association of Parents in Catholic Education or Parent Partenaires en Education, if the association that is a member of the Ontario Federation of Home and School Associations, the Ontario Association of Parents in Catholic Education or Parent Partenaires en Education is established in respect of the school.

(2) For the purposes of paragraph 1 of subsection (1), the number of parent members shall be determined as follows:

1. If the school council has a by-law that specifies the number of parent members, the number specified in the by-law.
2. If the school council does not have a by-law that specifies the number of parent members, the number specified by the board that established the council.

(3) A school council may specify by by-law that the council shall include two or more community representatives, appointed by the other members of the council.

(4) In specifying numbers under subsections (2) and (3), the board or the school council, as the case may be, shall ensure that parent members constitute a majority of the members of the school council.

(5) A person who is employed by the board that established a school council cannot be appointed as a community representative on the council unless,

- (a) he or she is not employed at the school; and
- (b) the other members of the school council are informed of the person’s employment before the appointment.

(6) A member of a board cannot be a member of a school council established by the board.

(7) Paragraphs 5 and 6 of subsection (1) do not apply in respect of a school that is established primarily for adults.

ELECTION OF PARENT MEMBERS

4. (1) A person is qualified to be a parent member of a school council if he or she is a parent of a pupil who is enrolled in the school.

(2) Despite subsection (1), a person is not qualified to be a parent member of a school council if,

- (a) he or she is employed at the school; or
- (b) he or she is not employed at the school but is employed elsewhere by the board that established the council, unless he or she takes reasonable steps to inform people qualified to vote in the election of parent members of that employment.

(3) A person is qualified to vote in an election of parent members of a school council if he or she is a parent of a pupil who is enrolled in the school.

(4) An election of parent members of a school council shall be held during the first 30 days of each school year, on a date that is fixed by the chair or co-chairs of the school council after consulting with the principal of the school.

(5) Despite subsection (4), if a new school is established, the first election of parent members to the school council shall be held during the first 30 days of the school year, on a date that is fixed by the board that established the school council.

(6) The principal of a school shall, at least 14 days before the date of the election of parent members, on behalf of the school council, give written notice of the date, time and location of the election to every parent of a pupil who, on the date the notice is given, is enrolled in the school.

(7) The notice required by subsection (6) may be given by,

- (a) giving the notice to the parent's child for delivery to his or her parent; and
- (b) posting the notice in the school in a location that is accessible to parents.

(8) The election of parent members shall be by secret ballot.

OTHER ELECTIONS

5. (1) The elections of members of school councils referred to in paragraph 3, paragraph 4 and subparagraph 5 ii of subsection 3 (1) shall be held during the first 30 days of each school year.

(2) A person is qualified to vote in an election of a member of a school council referred to in paragraph 3 of subsection 3 (1) if he or she is a teacher, other than the principal or vice-principal, who is employed at the school.

(3) A person is qualified to vote in an election of a member of a school council referred to in paragraph 4 of subsection 3 (1) if he or she is a person, other than the principal, vice-principal or any other teacher, who is employed at the school.

(4) A person is qualified to vote in an election of a member of a school council referred to in subparagraph 5 ii of subsection 3 (1) if he or she is a pupil enrolled in the school.

TERM OF OFFICE

6. (1) A person elected or appointed as a member of a school council holds office from the later of,

- (a) the date he or she is elected or appointed; and
- (b) the date of the first meeting of the school council after the elections held under sections 4 and 5 in the school year,

until the date of the first meeting of the school council after the elections held under sections 4 and 5 in the next school year.

(2) A member of a school council may be re-elected or reappointed, unless otherwise provided by the by-laws of the council.

VACANCIES

7. (1) A vacancy in the membership of a school council shall be filled by election or appointment in accordance with the by-laws of the council.

(2) If an election is held to fill a vacancy in the membership of a school council, section 4 or 5, as the case may be, applies, with necessary modifications, to the election.

(3) A vacancy in the membership of a school council does not prevent the council from exercising its authority

OFFICERS

8. (1) A school council shall have a chair or, if the by-laws of the council so provide, two co-chairs.

(2) A chair or co-chair of a school council must be a parent member of the council, and shall be elected by the members of the council.

(3) A person who is employed by the board that established the council cannot be the chair or co-chair of the council.

(4) A school council may have such other officers as are provided for in the by-laws of the council.

(5) Subject to subsections (2) and (3), vacancies in the office of chair, co-chair or any other officer of a school council shall be filled in accordance with the by-laws of the council.

COLLECTION OF INFORMATION

9. (1) The Ministry may, for the purpose of consulting and communicating directly with members of school councils, collect the names, mailing addresses, telephone numbers and e-mail addresses of the chair or co-chairs of a school council and of the other members of the council.

(2) The Ministry may disclose information collected under subsection (1) to the Ontario Parent Council, which may use the information for the purpose of consulting and communicating directly with members of school councils.

MINISTRY POWERS AND DUTIES

10. (1) As part of its accountability to parents, the Ministry shall report annually to members of school councils on education in the province.

- (2) The Ministry may,
 - (a) make other reports to members of school councils; and
 - (b) provide information to members of school councils respecting the roles and responsibilities of school councils.

REMUNERATION

11. (1) A person shall not receive any remuneration for serving as a member or officer of a school council.

(2) Every board shall establish policies respecting the reimbursement of members and officers of school councils established by the board.

(3) The board that established a school council shall reimburse members and officers of the council, in accordance with the policies referred to in subsection (2), for expenses they incur as members or officers of the council.

MEETINGS

12. (1) A school council shall meet at least four times during the school year.

(2) A school council shall meet within the first 35 days of the school year, after the elections held under sections 4 and 5, on a date fixed by the principal of the school.

(3) A meeting of a school council cannot be held unless,

- (a) a majority of the current members of the council are present at the meeting; and
- (b) a majority of the members of the council who are present at the meeting are parent members.

(4) All meetings of a school council shall be open to the public.

(5) A school council is entitled to hold its meetings at the school.

(6) All meetings of a school council shall be held at a location that is accessible to the public.

(7) The principal of a school shall, on behalf of the school council, give written notice of the dates, times and locations of the meetings of the council to every parent of a pupil who, on the date the notice is given, is enrolled in the school.

(8) The notice required by subsection (7) may be given by,

- (a) giving the notice to the parent's child for delivery to his or her parent; and
- (b) posting the notice in the school in a location that is accessible to parents

COMMITTEES

13. (1) A school council may, in accordance with its by-laws, establish committees to make recommendations to the council.

(2) Every committee of a school council must include at least one parent member of the council.

(3) A committee of a school council may include persons who are not members of the council.

(4) Subsections 12 (4) to (8) apply, with necessary modifications, to committees of school councils.

VOTING

14. (1) Subject to subsection (3), each member of a school council is entitled to one vote in votes taken by the council.

(2) Subject to subsection (3), each member of a committee of a school council is entitled to one vote in votes taken by the committee.

(3) The principal of the school is not entitled to vote in votes taken by the school council or by a committee of the school council.

BY-LAWS

15. (1) A school council may make by-laws governing the conduct of its affairs.

(2) Every school council shall make the following by-laws:

1. A by-law that governs election procedures and the filling of vacancies in the membership of the school council.
2. A by-law that establishes rules respecting participation in school council proceedings in cases of conflict of interest.
3. A by-law that, in accordance with any applicable policies established by the board that established the council, establishes a conflict resolution process for internal school council disputes.

MINUTES AND FINANCIAL RECORDS

16. (1) A school council shall keep minutes of all of its meetings and records of all of its financial transactions.

(2) The minutes and records shall be available at the school for examination without charge by any person.

(3) Subsections (1) and (2) do not apply to minutes and records that are more than four years old.

INCORPORATION

17. A school council shall not be incorporated

PRINCIPAL

18. (1) The principal of a school may delegate any of his or her powers or duties as a member of the school council, including any powers or duties under this Regulation, to a vice-principal of the school.

(2) In addition to his or her duties under this Regulation, the principal of a school shall perform the duties relating to school councils that are imposed on the principal by Regulation 298 of the Revised Regulations of Ontario, 1990 (Operation of Schools — General).

CONSULTATION BY BOARD

19. (1) In addition to its other obligations to solicit the views of school councils under the Act, every board shall solicit the views of the school councils established by the board with respect to the following matters:

1. The establishment or amendment of board policies and guidelines that relate to pupil achievement or to the accountability of the education system to parents, including,
 - i. policies and guidelines established under subsection 302 (1) of the Act with respect to the conduct of persons in schools within the board's jurisdiction,
 - ii. policies and guidelines established under subsection 302 (5) of the Act respecting

appropriate dress for pupils in schools within the board's jurisdiction,

- iii. policies and guidelines respecting the allocation of funding by the board to school councils,
 - iv. policies and guidelines respecting the fundraising activities of school councils,
 - v. policies and guidelines respecting conflict resolution processes for internal school council disputes, and
 - vi. policies and guidelines respecting reimbursement by the board of expenses incurred by members and officers of school councils.
2. The development of implementation plans for new education initiatives that relate to pupil achievement or to the accountability of the education system to parents, including,
 - i. implementation plans for policies and guidelines established under subsection 302 (1) of the Act with respect to the conduct of persons in schools within the board's jurisdiction, and
 - ii. implementation plans for policies and guidelines established under subsection 302 (5) of the Act respecting appropriate dress for pupils in schools within the board's jurisdiction.
 3. Board action plans for improvement, based on the Education Quality and Accountability Office's reports on the results of tests of pupils, and the communication of those plans to the public.
 4. The process and criteria applicable to the selection and placement of principals and vice-principals.
- (2) Subsection (1) does not limit the matters on which a board may solicit the views of school councils.

ADVISORY AUTHORITY OF SCHOOL COUNCILS

20. A school council may make recommendations to the principal of the school or to the board that established the council on any matter.

DUTY OF BOARD TO RESPOND

21. The board that established a school council shall consider each recommendation made to the board by the council and shall advise the council of the action taken in response to the recommendation.

FUNDRAISING

22. (1) Subject to subsection (2), a school council may engage in fundraising activities.

(2) A school council shall not engage in fundraising activities unless,

- (a) the activities are conducted in accordance with any applicable policies established by the board; and
- (b) the activities are to raise funds for a purpose approved by the board or authorized by any applicable policies established by the board.

(3) A school council shall ensure that the funds raised by it are used in accordance with any applicable policies established by the board.

CONSULTATION WITH PARENTS

23. A school council shall consult with parents of pupils enrolled in the school about matters under consideration by the council.

ANNUAL REPORT

24. (1) Every school council shall annually submit a written report on its activities to the principal of the school and to the board that established the council.

(2) If the school council engages in fundraising activities, the annual report shall include a report on those activities.

(3) The principal shall, on behalf of the school council, give a copy of the report to every parent of a pupil who, on the date the copy is given, is enrolled in the school.

(4) Subsection (3) may be complied with by,

- (a) giving the report to the parent's child for delivery to his or her parent; and
- (b) posting the report in the school in a location that is accessible to parents.

TRANSITION

25. Every school council established by a board before this Regulation comes into force is continued.

26. (1) Sections 3, 4 and 5 do not apply until September 1, 2001.

(2) Until the date of the first meeting of a school council after the first election held under section 4 after September 1, 2001, the references in subsection 8 (2), clause 12 (3) (b) and subsection 13 (2) to a parent member shall be deemed to be references to a member of the school council who is a parent of a pupil enrolled in the school.