

Ministry of Education
Labour Relations and Governance

French-Language Education and
Educational Operations Division

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MEMORANDUM TO: Directors of Education
Supervisory Officers of School Authorities

FROM: Margot Trevelyan
Director
Labour Relations and Governance Branch

DATE: January 17, 2007

RE: Provisions Affecting Student Trustees

On June 1, 2006, Bill 78, the *Education Statute Law Amendment Act* (Student Performance), 2006, amended the *Education Act* to provide a number of new laws in relation to student trustees. These laws have been in effect since July 7, 2006, when the provisions governing student trustees were proclaimed in force.

On January 15, 2007, the government filed Regulation 07/07 - Student Trustees. The regulation, attached, contains provisions in two major areas:

1. honoraria for student trustees; and
2. matters relating to the election of student trustees.

This government commitment, made in Bill 78 last spring, is intended to support several strategies currently being implemented in Ontario's schools : more respect for the role of trustees, greater student engagement as part of the Student Success agenda, the promotion of character development with our students, as well as the Aménagement linguistique policy for French-language schools which promotes the use with students of strategies that foster the development of linguistic and critical consciousness, as well as the attitudes and skills connected with the role of citizens in a democracy.

The following addresses issues relating to student trustees that are found in either the legislation or the regulation.

General

A board may choose to have one, two or three student trustees. Boards are encouraged to consider having three student trustees. A student trustee's term of office runs from August 1 to July 31. Boards are required to provide the ministry with the names of the student trustees elected within 30 days after the election or by-election. As a transition measure, student trustees identified for the 2006-2007 school year, whether elected or appointed, enjoy all the new rights of student trustees provided in the legislation and regulation.

Honoraria for Student Trustees

Student trustees do not receive the same honorarium that board members do. This includes the fifty dollar attendance fee and the fifty dollar distance fee. Instead, the regulation provides that the board develop a policy on payment to each student trustee of an honorarium of \$2500 for each student trustee. If a student has not served for a full year the amount is pro-rated.

Student Trustee Elections

The elections process for student trustees is up to the board. Student trustees may be elected either directly or indirectly—such as through student councils. The election must be held by April 30 for student trustees serving in the following school year. To act as a student trustee, a student must be a full time pupil in the senior division on August 1 following the election. ("Full time pupil" has the same meaning as in the annual A.D.E. regulation.)

Voting

Student trustees are not board members and are therefore not entitled to a binding vote—that is, their vote doesn't "count;" however, a student trustee does have the right to have their vote recorded in the board minutes if they request it. In addition, a student trustee may request that a matter before a board or any of its committees be put to a vote, in which case there must be two votes:

- 1) a non-binding vote that includes the student trustee's vote; and
- 2) a recorded binding vote that does not include the student trustee's vote.

A student trustee is not entitled to move a motion, but is entitled to suggest a motion on any matter at a meeting of the board or of one of its committees on which the student trustee sits. If no member of the board or committee, as the case may be, moves the suggested motion, the record shall show the suggested motion.

Board Committees

Student trustees now have the same opportunity to sit on board committee meetings as other trustees. Note, however, that, where legislation requires that a committee must include one or more “members of the board,” a student trustee cannot count as one of these since a student trustee is not “a member of the board.” If, on the other hand, the composition of a committee is governed solely by board policy and that policy provides that the committee consists of, for example, three trustees and three non-trustees, the board could amend its policy governing the committee’s composition to allow a student trustee to replace one of the three trustees.

In Camera Meetings

The Education Act requires that all board meetings be open to the public and that all committee meetings also be open except those “when the subject-matter under consideration involves,

- (a) the security of the property of the board;
- (b) the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;
- (c) the acquisition or disposal of a school site;
- (d) decisions in respect of negotiations with employees of the board; or
- (e) litigation affecting the board.

Subsection 55 (5) of the Act provides that student trustees may attend all of these closed meetings, with the exception of (b), those that require “the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian.” In other words, a student trustee may attend any in camera meeting except those portions of it, if any, where there is “disclosure of intimate, or personal financial information...”

Access to Board Resources

Any expenses or other resources provided to board members—with the exception of the trustee honorarium—must also be provided to student trustees. Student trustees also have the same access to professional development opportunities, conferences etc as provided other trustees.

Provisions regarding student trustees can be found in Section 55 of the Education Act, which can be accessed by going to the following link:

http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90e02_e.htm.

For all questions of legal interpretation and advice, boards should seek their own legal counsel. For further information, please call me at 416-325-2836 or Derek Eng at 416 - 325-9242. Please e-mail names of student trustees to Rita.Lewicki@ontario.



Margot Trevelyan

c.c. Student Success Leaders
Kirsten Parker, Director, Student Success/ Learning to 18 Implementation, Training & Evaluation Branch
Ginette Plourde, Director, French-Language Education Policy and Programs Branch
Kit Rankin, Director, Field Services Branch
Derek Eng, Policy Advisor, Labour Relations & Governance Branch
EDU Regional Managers
Executive Directors of trustee, student trustee and secondary students associations