

Education Act

R.S.O. 1990, CHAPTER E.2

STUDENT TRUSTEES

Student trustees

55. (1) The Minister may make regulations providing for elected student trustees to represent, on district school boards and on boards established under section 67, the interests of pupils in the last two years of the intermediate division and in the senior division. 2006, c. 10, s. 6.

No membership or binding vote

(2) A student trustee is not a member of the board and is not entitled to exercise a binding vote on any matter before the board or any of its committees. 2006, c. 10, s. 6.

Recorded vote

(3) A student trustee is entitled to require that a matter before the board or one of its committees on which the student trustee sits be put to a recorded vote, and in that case there shall be,

- (a) a recorded non-binding vote that includes the student trustee's vote; and
- (b) a recorded binding vote that does not include the student trustee's vote. 2006, c. 10, s. 6.

Motion

(4) 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, and if no member of the board or committee, as the case may be, moves the suggested motion, the record shall show the suggested motion. 2006, c. 10, s. 6.

Certain closed meetings

(5) A student trustee is not entitled to be present at a meeting that is closed to the public under clause 207 (2) (b). 2006, c. 10, s. 6.

Participation

(6) Subject to subsections (2) to (5), a student trustee shall have the same opportunities for participation at meetings of the board and of its committees as a member has. 2006, c. 10, s. 6.

Resources and training

(7) A student trustee has the same status as a board member with respect to access to board resources and opportunities for training. 2006, c. 10, s. 6.

Honorarium

(8) A student trustee is entitled to receive an honorarium from the board in accordance with the regulations, if the specified conditions are satisfied. 2006, c. 10, s. 6.

Regulations

[\(9\)](#) Without limiting the generality of subsection (1), a regulation under that subsection may,

- (a) provide for and govern the student trustee election process, which may be direct or indirect;
- (b) specify qualifications for electors of student trustees;
- (c) specify qualifications for student trustees and the consequences of becoming disqualified;
- (d) govern the number of student trustees who may sit on a board;
- (e) govern student trustees' terms of office;
- (f) authorize boards to reimburse student trustees for all or part of the out-of-pocket expenses reasonably incurred in connection with carrying out their responsibilities, subject to such limitations or conditions as may be specified in the regulation;
- (g) provide for transitional matters that, in the Minister's opinion, are necessary or desirable in connection with the implementation of section 6 of the *Education Statute Law Amendment Act (Student Performance)*, 2006, c. 10, s. 6.

Same

[\(10\)](#) Without limiting the generality of subsection (1), a regulation under that subsection dealing with the honorarium described in subsection (8) may,

- (a) specify a method for calculating the amount of the honorarium;
- (b) specify conditions for the purposes of subsection (8);
- (c) provide that the honorarium for a student trustee who serves two or more terms shall be multiplied by the number of terms served or increased in some other way;
- (d) relate the amount of the honorarium to the honoraria received by members of the board;
- (e) govern the manner and timing of payment of the honorarium;
- (f) provide for the payment of the honorarium to a third party on the former student trustee's behalf;
- (g) prescribe classes of student trustees or former student trustees and treat the members of different classes differently. 2006, c. 10, s. 6.

Same

[\(11\)](#) Without limiting the generality of clause (9) (a), a regulation under subsection (1) may provide for and govern,

- (a) student trustee elections at different times in the school year; and
- (b) by-elections to fill vacancies. 2006, c. 10, s. 6.

Same

[\(12\)](#) In a regulation under subsection (1), the Minister may provide for any matter by authorizing a board to develop and implement a policy with respect to the matter, and may require that the policy comply with policies and guidelines established under paragraph 3.5 of subsection 8 (1). 2006, c. 10, s. 6.

General or particular

[\(13\)](#) A regulation under subsection (1) may be general or particular. 2006, c. 10, s. 6.

Transition

[\(14\)](#) The pupil representatives elected or appointed under Ontario Regulation 461/97 for the 2006-2007 school year are deemed to be student trustees elected under this section for that school year. 2006, c. 10, s. 6.

ACCESS TO MEETINGS AND RECORDS

Open meetings of boards

[207. \(1\)](#) The meetings of a board and, subject to subsection (2), meetings of a committee of the board, including a committee of the whole board, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct. R.S.O. 1990, c. E.2, s. 207 (1).

Closing of certain committee meetings

[\(2\)](#) A meeting of a committee of a board, including a committee of the whole board, may be closed to the public 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. R.S.O. 1990, c. E.2, s. 207 (2).

ONTARIO REGULATION 7/07
STUDENT TRUSTEES

This is the English version of a bilingual regulation.

Application

1. This Regulation applies to every district school board and every secondary school board established under section 67 of the Act. O. Reg. 7/07, s. 1.

Board policy

2. (1) The board shall develop and implement a policy providing for matters relating to student trustees and to the payment of honoraria for student trustees. O. Reg. 7/07, s. 2 (1).

(2) The policy shall be in accordance with this Regulation and with any policies and guidelines established by the Minister under paragraph 3.5 of subsection 8 (1) of the Act. O. Reg. 7/07, s. 2 (2).

Number of student trustees

3. The board shall have at least one but not more than three student trustees. O. Reg. 7/07, s. 3.

Election procedure and timing

4. (1) Student trustees shall be elected in one of the following ways:

1. Directly, by students of the board.
2. Indirectly, by student representative bodies such as student councils. O. Reg. 7/07, s. 4 (1).

(2) An election shall be held not later than April 30 in each year. O. Reg. 7/07, s. 4 (2).

Qualifications

5. (1) A person is qualified to act as a student trustee if he or she is a full-time pupil of the board in the senior division. O. Reg. 7/07, s. 5 (1).

(2) Despite subsection (1), a person is not qualified to be elected or to act as a student trustee if he or she is serving a sentence of imprisonment in a penal or correctional institution. O. Reg. 7/07, s. 5 (2).

(3) A person who ceases to be qualified to act as a student trustee shall resign from the position. O. Reg. 7/07, s. 5 (3).

(4) In this section,

“full-time pupil” has the same meaning as in the most recent regulations made under section 234 of the Act. O. Reg. 7/07, s. 5 (4).

Term of office

6. A student trustee’s term of office starts on August 1 of the year in which he or she is elected and ends on July 31 of the following year. O. Reg. 7/07, s. 6.

Vacancies

7. If the board determines that a vacancy shall be filled, it shall be filled by a by-election. O. Reg. 7/07, s. 7.

Reimbursement of expenses

8. If the board has established a policy under subsection 191.2 (3) of the Act, the board shall reimburse student trustees for out-of-pocket expenses as if they were members of the board. O. Reg. 7/07, s. 8.

Honorarium

- 9.** The amount of the honorarium referred to in subsection 55 (8) of the Act is,
- (a) \$2,500, if the student trustee holds office for a complete term of office;
 - (b) \$2,500 prorated according to the proportion of a term for which the student trustee holds office, if the student trustee holds office for less than a complete term of office. O. Reg. 7/07, s. 9.

Board to provide names to Ministry

10. The board shall provide the Ministry with the names of the student trustees elected, not later than 30 days after the date of the election or by-election. O. Reg. 7/07, s. 10.

Transition

11. Despite the revocation of Ontario Regulation 461/97 (Pupil Representation on Boards) made under the Act, that regulation continues to apply in respect of a pupil representative who holds office in the 2005-2006 school year. O. Reg. 7/07, s. 11.

MINISTRY OF EDUCATION
STUDENT TRUSTEES: ATTENDANCE AND CONFLICT OF INTEREST
GUIDELINES

PURPOSE

The purpose of this guideline is to address the issues of attendance and conflicts of interest in relation to student trustees. This guideline was created with the intention of having the same principles that apply to board members under the *Municipal Conflict of Interest Act* and the *Education Act* apply to student trustees.

Under the *Education Act* student trustees are not considered members of the board. As a result, they are not covered by the *Municipal Conflict of Interest Act* and are not subject to the same conflict of interest and attendance criteria that apply to board members.

These guidelines are established by the Minister of Education under the authority of paragraph 8(1)3.5 of the *Education Act* and are effective upon release.

ATTENDANCE

A student trustee must resign from their position if they are absent from three consecutive regular meetings of the board without being authorized by a resolution of the board. Authorizations by resolution must be provided to student trustees in the same manner as they are to board members and must be recorded in the meeting minutes.

Student trustees are considered present at a meeting in which they participate through teleconferencing, videoconferencing or other electronic means.

CONFLICTS OF INTEREST

A conflict of interest arises when a student trustee (or a student trustee's parent, spouse or child) has a direct or indirect financial interest in a matter being discussed at a board or committee meeting.

An indirect financial interest arises when a student trustee (or a student trustee's parent, spouse or child): 1) owns shares or is a senior officer in a privately-held company, 2) has a controlling interest or is a senior officer of a publicly-held corporation, or 3) is the member of a body that has a financial interest in the matter being discussed at a board or committee meeting.

For there to be a conflict, the financial interest must be of such a nature that it could reasonably be regarded as likely to exert influence over the student trustee.

When a student trustee realizes he or she is in a conflict of interest, the student trustee must declare this conflict to the board or to the committee. The declaration must be recorded in the minutes of the meeting. During discussion of the matter that gives rise to a conflict, the student trustee cannot participate in the discussion, cannot attempt to influence the vote of board members, is not entitled to a recorded vote and cannot suggest a motion.

In the event that there is a conflict of interest at a closed meeting, the student trustee must leave the meeting during the time that the matter giving rise to the conflict is being discussed. When a student trustee leaves for this reason, this must be recorded in the minutes of the meeting.