



MEMORANDUM TO: Directors of Education
Supervisory Officer, James Bay Lowlands Secondary School Board

FROM: Margot Trevelyan
Director
Labour Relations and Governance Branch

DATE: November 2, 2009

RE: Provisions with regard to Student Trustees

The 2006-2007 school year was a significant year for student trustees: the provisions in the *Education Act* relating to student trustees were amended, a regulation was filed and a guideline issued. Since that time many of you have underlined the value that these young people bring to your board. Questions have also arisen regarding student trustee roles and responsibilities, as well as professional development and compensation. As we begin a new school year, the purpose of this memo is to clarify some of these issues. We ask that you share it with your board members and student trustees, in order to ensure that all have up to date information.

General

Most provisions relating to student trustees are found in the following documents that are attached to this memo:

- o Section 55 of the *Education Act*;
- o Ontario Regulation 7/07;
- o Student Trustees Attendance and Conflict of Interest Guidelines, April 2007; and
- o Trustee Expense Guidelines, July 2009.

A district school board or secondary school board must have at least one, and may have up to three, student trustees. Student trustees are not board members but do have many of the same rights and responsibilities. Each board must have a policy that addresses matters relating to student trustees. This policy should address the payment of the honorarium and other matters, such as access to professional development opportunities and attendance at any annual conferences (including the supervision of students, if relevant).

Elections and Term of Office

A student trustee's term of office lasts one year and runs from August 1 to July 31; they may be re-elected for a second term if they meet the eligibility requirements. The election for student trustees serving in the following school year must be held by April 30. Student trustees must be elected either directly or indirectly—such as through student councils. The elections process is up to the board. To act as a student trustee, a student must be a full time pupil in the senior

division (Grades 11 and 12) on August 1 following the election. (“Full time pupil” has the same meaning as in the most recent annual Average Daily Enrolment (A.D.E.) regulation.) Boards are required to provide the Ministry with the names of their student trustees within 30 days after the election or by-election. If you have not already done so, please send the names of the student trustees who were elected last April to the Ministry’s Field Services Branch Regional Office in your region.

A student trustee’s first board meeting is the first meeting after August 1st and boards should welcome the new student trustee(s) at that meeting.

Attendance and Participation

Student trustees must have the same opportunities to participate in board meetings and committees as board members, subject to any restrictions in ss. 55(2) to (5) of the Act. They may participate in board meetings via teleconferencing, videoconferencing or other electronic means. They may not be absent from three consecutive meetings without authorization of the board.

Voting at School Board Meetings

Since student trustees are not board members they are not entitled to a binding vote—that is, their vote doesn’t “count”; however, a student trustee does have the right to request that a matter before a board or any of its committees be put to a recorded vote, in which case there must be two votes:

- 1) a recorded 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 must have the same opportunity to sit on board committees as other members. It should be noted, 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 the composition of a committee is governed solely by board policy, a board should take into consideration the role of student trustees when determining the structure of and nominations for that committee.

In Camera Meetings

The 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 one or more of the following:

- 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.”

The Act provides that student trustees may attend and participate in 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 and participate in any *in camera* meeting except those portions of it, if any, where the board must disclose “intimate, personal or financial information....”

Honorarium for Student Trustees

Student trustees do not receive the same honorarium that board members do, nor are they entitled to the fifty dollar attendance fee and the fifty dollar distance fee. The honorarium is set in the Ontario Regulation 7/07 at \$2500 for each student trustee who serves a full term. (If a board has three student trustees who each serve for a full term, each student trustee must receive \$2500 for a total cost to the board of \$7500.) If the student trustee has not served for a full year, the amount is pro-rated. The board’s student trustee policy must set out the method of payment. Boards are encouraged to develop payment policies that take into account the fact that student trustees may have little or no other revenue.

Access to Board Resources

Any out-of-pocket expenses and resources provided to board members—with the exception of the trustee honorarium—must also be provided to student trustees. A student trustee also has “the same status as a board member with respect to access to board resources and opportunities for training” (Ss 55(6)). Consistent with the Ministry’s guideline on trustee expenses, boards’ policies on trustee expenses must address the procedure (e.g. a pre-approval process) and eligibility requirements for reimbursement of out-of-pocket expenses for all board members, as well as student trustees. The funding formula provides boards with \$5000 per board member and student trustee to cover reimbursement of out-of-pocket expenses that are consistent with the board’s policy on trustee expenses. However this amount is a benchmark for funding purposes only and does not mean that each board member or student trustee will be allocated \$5000 to be spent on professional development. The board will, through its budget, determine how much money to spend on professional development and, through its policies, how this money should be spent.

Conflict of Interest

Since student trustees are not members of the board, the conflict of interest provisions in the *Municipal Conflict of Interest Act* do not apply to them. However, they are bound by the Attendance and Conflict of Interest Guidelines (attached) which state that they must declare their conflict and excuse themselves from discussions that would lead to a conflict of interest, as set out in the Guidelines. 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 Elaine Molgat at 416 -325-5888.

Original signed by

Margot Trevelyan

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Attachments:

- Section 55 of the *Education Act*,
- Ontario Regulation 7/07
- Student Trustees: Attendance and Conflict of Interest Guideline, April 2007
- Trustee Expense Guideline, July 2009