

OPERATION OF THE GOVERNING BOARD
Electing a president

Question:

When it's time to elect a president, do all the members of the governing board have the right to vote?

Reference:

Section 42, third paragraph (school)

The students' representatives and community representatives on the governing board are not entitled to vote.

Section 102 (centre)

Answer:

a) NO

With respect to governing boards in schools, only the representatives of the parents, staff and daycare service have the right to vote. Student and community representatives are not entitled to do so.

b) YES

With respect to governing boards in adult education and vocational education centres, in accordance with section 102 all members without exception may vote.

OPERATION OF THE GOVERNING BOARD

Participation of the school principal

Questions:

- a) **Can the governing board decide to hold a meeting without informing the principal of the school?**
- b) **The *Education Act* stipulates that the principal take part in the meetings of the governing board. In the case of absence or inability, can the principal appoint a replacement?**
- c) **Can the vice principal permanently replace the principal on the governing board?**
- d) **Can the governing board hold a meeting in the principal's absence?**

Reference:

Section 46

The principal of the school shall take part in the meetings of the governing board but is not entitled to vote.

Section 61

A majority of the members of the governing board who are in office, including at least half of the parents' representatives, is a quorum of the governing board.

Section 67

The governing board shall establish rules for its internal management. The rules shall provide for at least five meetings every school year.

The governing board shall fix the date, time and place of its meetings, and inform the parents and the members of the school staff.

Section 68

The meetings of the governing board are open to the public; [...]

Section 96.10

A vice principal shall assist the principal in the exercise of the principal's functions and powers.

The vice principal, or the vice principal designated by the school board, shall exercise the principal's functions and powers if the principal is absent or unable to act.

Answers:

a) NO

The number of meetings per school year, at least five, is stipulated in the rules for internal management established by the governing board. In addition, since the meetings are public, the governing board shall fix the date, time and place of its meetings and inform the parents and the members of the school staff.

Furthermore, under section 46, the principal of a school has the right to take part in the meetings of the governing board.

b) YES

The vice principal shall exercise the principal's functions and powers if the principal is absent or unable to act. In such a case, only the vice principal can take part in the meetings of the governing board, as a replacement for the principal of the school.

c) NO

The *Education Act* explicitly requires the principal of the school to take part in meetings of the governing board. It is solely in the case of the principal's absence or inability that the vice principal can act as a replacement.

d) YES

The governing board can still hold a meeting in the principal's absence if there is a quorum, that is, a majority of the members of the governing board who are in office, including at least half of the parents' representatives.

OPERATION OF THE GOVERNING BOARD

Quorum

Question:

"A majority of the members of the governing board who are in office, including at least half of the parents' representatives, is a quorum of the governing board."

- a) **Who are the "members in office"? Does this mean all the members of the governing board or only those who have the right to vote?**
- b) **What is meant by "half of the parents' representatives"? Does this mean that half the attending members are parents or that half the parents' representatives on the governing board must be in attendance?**

Reference:

Section 61

A majority of the members of the governing board who are in office, including at least half of the parents' representatives, is a quorum of the governing board.

Answer:

The rules regarding quorum shall be applied irrespective of the number of members in attendance.

- a) The "members in office" are those who were elected or appointed to make up the governing board, whether they have the right to vote or not.
- b) "Half of the parents' representatives" is calculated from the number of parents' representatives sitting on the governing board.

Therefore, two factors must be checked to ascertain the quorum of a meeting: the number of parents in attendance and the total attendance.

Answer:

Example:

A governing board with 20 members is divided as follows (assuming that all groups have elected their representatives): 8 parents, 8 members of the school staff, 2 students, 2 members of the community. Twelve members are attending the meeting, including five parents.

- (1) Number of members in office: 20
- (2) Quorum= a majority of members in office: at least 11
- (3) Half of the parents' representatives: at least 4

Since the two conditions have been met in this example, there is a quorum.

OPERATION OF THE GOVERNING BOARD

Number of meetings per school year

Question:

Section 108 stipulates that sections 57 to 73, adapted as required, apply to the operation of the governing board of a centre. The *Education Act* does not stipulate a specific time for the election of the members of the governing board of a centre. If a centre has only established its governing board in December, can it hold fewer meetings than the required number although the *Education Act* stipulates, in the first paragraph of section 67, that there shall be at least five meetings every school year?

Reference:

Section 67, first paragraph

The governing board shall establish rules for its internal management. The rules shall provide for at least five meetings every school year.

Section 108

Sections 57 to 73, adapted as required, apply to the operation of the governing board of a centre.

Answer:

NO

The *Education Act* contains provisions specific to schools and others specific to centres with respect to the operation of governing boards. It also stipulates that the provisions that apply to schools may be adapted to centers. Such is the case for sections 57 to 73, which address the operation of the governing board.

No adaptation is required for section 67 because the provisions regarding the governing board of a centre do not allow for a reduction in the number of meetings per school year.

Moreover, even if the *Education Act* does not specify a time for the election of representatives, the governing board should be established at the beginning of the school year to be able to exercise its powers at the earliest.

OPERATION OF GOVERNING BOARDS
Withdrawal From Discussions and Right to Vote

Question:

Is a teacher on a governing board required to withdraw from discussions and does he or she lose the right to vote whenever the governing board discusses a matter related to a subject or program that he or she teaches?

Reference:

Section 70 of the *Education Act* in relation to conflict of interest:

[First paragraph]

"Every member of the governing board who has a direct or indirect interest in an enterprise that places the member's personal interest in conflict with the interest of the school must, on pain of forfeiture of office, disclose the interest in writing to the principal, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from a meeting while the matter is discussed or voted on."

Answer:

NO

The teacher retains all of his or her rights and powers under the *Education Act*, including the right and power to vote.

A member of a governing board must abstain from voting in the cases determined in section 70 if he or she "has a direct or indirect interest in an enterprise that places the member's personal interest in conflict with the interest of the school."

OPERATION OF GOVERNING BOARDS
Representation of a Teacher on a Governing Board

Question:

Is a teacher on a governing board always required to express the opinions of the teachers in his or her school, or is he or she allowed to give personal opinions if they are enlightening and constructive?

Reference:

Section 42 of the *Education Act* in relation to the establishment of a governing board:
[First and second paragraphs]

"A governing board shall be established for each school.

Composition.

The governing board, which shall have not more than 20 members, shall include the following persons:

- (1) at least four parents of students attending the school who are not members of the school staff, elected by their peers;
- (2) at least four members of the school staff, including at least two teachers and, if the persons concerned so decide, at least one non-teaching staff member and at least one support staff member, elected by their peers;
- (3) in the case of a school providing education to students in the second cycle of the secondary level, two students in that cycle elected by the students enrolled at the secondary level or, as the case may be, appointed by the students' committee or the association representing those students;
- (4) in the case of a school where childcare is organized for children at the preschool and elementary school level, a member of the staff assigned to childcare, elected by his or her peers;
- (5) two representatives of the community who are not members of the school staff, appointed by the members elected under subparagraphs 1, 2 and 4."

Section 48 in relation to the representatives of teachers:

"During the month of September each year, the teachers of the school shall hold a meeting to elect their representatives to the governing board according to the procedure set out in their collective agreement or, failing that, according to the procedure determined by the principal after consulting with the teachers."

Section 64 in relation to the interests of students:

"Every decision of the governing board must be made in the best interests of the students."

Section 71 in relation to the exercise of the functions of the members of a governing board:

"The members of the governing board must act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances; they must also act with honesty and loyalty and in the interest of the school, the students, the parents, the school staff and the community."

Answer:

A teacher on a governing board participates in the activities of the board in an individual capacity in a spirit of partnership. The teacher informs other board members of the positions held by the teachers, but he or she is there first and foremost as an individual with his or her own personal and professional qualities to enrich the partnership. The teacher is to enrich this partnership by working with other board members to arrive at a consensus for the purpose of achieving a common goal, namely, student success.

DATE: 2000-06-01

OPERATION OF GOVERNING BOARDS
Voting by Proxy

Question:

If a member of the governing board of a school, a vocational training centre or an adult education centre is unable to attend a meeting, is he or she entitled to vote on a proposal by proxy?

Reference:

Section 63 of the *Education Act* in relation to the decisions of the governing board:
[First paragraph]

"The decisions of the governing board are made by a majority vote of the members present and entitled to vote."

Section 108 in relation to the applicable provisions:

"Sections 57 to 73, adapted as required, apply to the operation of the governing board of a centre."

Answer:

NO

A member of the governing board must be present at a meeting of the board to exercise his or her right to vote.

DATE: 2000-06-02

OPERATION OF GOVERNING BOARDS

Signature of the Minutes

Question:

If a vice-chair presides over a meeting of the governing board, does the vice-chair or the chair sign the minutes?

Reference:

Section 69 of the *Education Act* in relation to the minutes:

[First, second and third paragraphs]

"The minutes of the proceedings of the governing board shall be recorded in a register kept for that purpose by the principal or by a person specially designated by the principal. The register is open to the public.

Approval.

The minutes, after being read and approved at the beginning of the following meeting, shall be signed by the person presiding over the meeting and countersigned by the principal or by the person designated by the principal under the first paragraph.

Copy of minutes.

The reading of the minutes is not required provided that a copy of the minutes was delivered to each member present at least six hours before the beginning of the meeting at which the minutes are to be approved."

Section 60 in relation to the chair's replacement:

"If the chair is absent or unable to act, the governing board shall designate a person from among the members who are eligible for the office of chair to exercise the functions and powers of the chair."

Answer:

YES

The person designated by the governing board to replace the chair exercises the latter's functions and powers.

DATE: 2000-06-06

FUNCTIONING OF GOVERNING BOARDS
Governing Boards That Are Not Functional

Question:

Is the director general of a school board entitled to appoint an administrator to exercise the functions and powers of a governing board that is no longer functional?

Reference:

Section 52 of the *Education Act* in relation to the failure to elect members to a governing board:

"Where the meeting of parents called pursuant to section 47 fails to elect the required number of parents' representatives, the principal shall exercise the functions and powers of the governing board.

Required number.

The fact that the representatives of any other group fall short of the required number shall not prevent the formation of the governing board."

Section 62 in relation to the suspension of powers:

"If the governing board is unable to hold a meeting for lack of a quorum after three consecutive notices have been sent at intervals of at least seven days, the school board may order that the functions and powers of the governing board be suspended for the period determined by the school board and that they be exercised by the principal."

Answer:

NO

There are two circumstances in which the *Education Act* provides for the exercise of the functions and powers of a governing board by a third person:

- where the meeting of parents fails to elect the required number of parents' representatives;
- where the governing board is unable to hold a meeting for lack of a quorum after three consecutive notices have been sent at intervals of at least seven days.

In both situations, it is the principal who exercises the functions and powers of the governing board.

OPERATION OF GOVERNING BOARDS
Opportunity for public to speak at meetings

Question:

Can the governing board give members of the public the opportunity to speak at governing board meetings, given that these are open to the public?

Reference:

Section 67 of the *Education Act*, in relation to rules for internal management:

"The governing board shall establish rules for its internal management. The rules shall provide for at least five meetings every school year.

Meetings.

"The governing board shall fix the date, time and place of its meetings, and inform the parents and the members of the school staff."

Section 68, in relation to closed meetings:

"The meetings of the governing board are open to the public; however the governing board may order that a meeting be closed to the public if a matter is to be examined which could cause injury to a person."

Answer:

YES.

In establishing its rules for internal management, the governing board may prescribe a procedure that gives members of the public an opportunity to speak at meetings of the governing board.

DATE: 2000-10-20

OPERATION OF GOVERNING BOARDS

Absence of a Member

Question:

Should a member of a governing board who has missed a predetermined number of meetings be required to resign?

Reference:

Section 54 of the *Education Act*, in relation to the term of office of members of governing boards:

"The term of office of parents' representatives on the governing board is two years and the term of office of the representatives of other groups is one year.

Term of office.

However, the term of office of half of the first parents' representatives, elected by the meeting of parents, is one year.

Expiry of term.

The members of the governing board shall remain in office until they are reelected, reappointed or replaced."

Section 55, in relation to loss of qualification:

"A parents' representative whose child no longer attends the school may remain a member of the governing board until the next meeting held pursuant to section 47.

Vacancy.

A vacancy resulting from the departure of a parents' representative shall be filled, for the unexpired portion of the representative's term, by a parent designated by the other parents' representatives on the governing board.

Vacancy.

A vacancy resulting from the departure or disqualification of any other member of the governing board is filled, for the unexpired portion of the term, according to the mode of appointment prescribed for the member to be replaced."

Answer:

NO.

A member of a governing board remains in office for his or her entire term of office, unless he or she resigns on his or her own initiative or becomes disqualified to sit on the governing board.

DATE: 2000-10-20

OPERATION OF GOVERNING BOARDS
Annual Report

Question:

- A) When does a governing board's annual report have to be submitted to the school board?
- B) Is there any prescribed form for the annual report?

Reference:

Section 67 of the *Education Act*, in relation to rules for internal management:

"The governing board shall establish rules for its internal management. The rules shall provide for at least five meetings every school year.

Meetings.

The governing board shall fix the date, time and place of its meetings, and inform the parents and the members of the school staff."

Answer:

A) and B) In establishing its rules for internal management, the governing board may prescribe the form and date of submission of its annual report.

DATE: 2000-11-17

OPERATION OF GOVERNING BOARDS
Secretarial Duties

Question:

- A) Who must be designated to prepare the minutes for the meetings of a governing board?**
- B) Can the governing board pay this person out of its budget?**

References:

Section 65 of the *Education Act*, in relation to meetings of the governing board:

"The governing board may hold its meetings on the school premises.

Support services.

The governing board may also use the school's administrative support services and facilities free of charge, subject to the conditions determined by the principal."

Section 66, in relation to the annual budget:

"The governing board shall adopt and oversee the administration of its annual operating budget and render an account thereof to the school board.

Balance.

The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the governing board by the school board, on the other."

Answer:

A) The governing board may employ free of charge the services of any person designated by the school principal to prepare the minutes for a meeting. This person is not necessarily the school secretary.

B) The governing board may also decide to use its annual operating budget to pay a person who does not work at the school if it does not wish to employ the services of the person designated by the school.

The governing board must choose the best method to prepare the minutes for its meetings.

OPERATION OF GOVERNING BOARDS
Secretarial and Photocopying Services

Questions:

- A) Can the school administration charge a governing board for secretarial services?
- B) Can the school administration charge a governing board for photocopying services?

References:

Section 65 of the *Education Act*, in relation to meetings of the governing board:

"The governing board may hold its meetings on the school premises.

Support services.

The governing board may also use the school's administrative support services and facilities free of charge, subject to the conditions determined by the principal."

Answer:

A) NO. Administrative support services must be provided free of charge, subject to the conditions determined by the principal. These conditions must not result in the governing board having to pay for administrative support services.

B) NO. The school administration cannot charge the governing board any fees for the administrative support services and the equipment that the board requires to exercise its functions and powers under the *Education Act*.

DATE: 2000-12-28

OPERATION OF GOVERNING BOARDS
Replacement of a Parents' Representative

Questions:

- A) Does the resignation of a parents' representative take effect on the date mentioned in the letter announcing his or her resignation or at the time the letter is read at a meeting of the governing board?**
- B) Do the parents' representatives have to choose a new parents' representative from among the members of any parent participation organization (PPO) existing at the school?**

References:

Section 55 of the *Education Act*, in relation to the loss of qualification:

"A parents' representative whose child no longer attends the school may remain a member of the governing board until the next meeting held pursuant to section 47.

Vacancy.

A vacancy resulting from the departure of a parents' representative shall be filled, for the unexpired portion of the representative's term, by a parent designated by the other parents' representatives on the governing board.

Vacancy.

A vacancy resulting from the departure or disqualification of any other member of the governing board is filled, for the unexpired portion of the term, according to the mode of appointment prescribed for the member to be replaced."

Answers:

- A)** The resignation usually takes effect on the date indicated by the person resigning or, if this person does not mention any date, on the date the governing board's chair receives notice of the resignation.
- B) NO.** The new parents' representative does not have to be chosen from among the members of the school's parent participation organization.

DATE: 2001-01-22

OPERATION OF GOVERNING BOARDS
Functions of Chair and Secretary

Question:

Can an individual concurrently hold the positions of chair and secretary of a governing board?

References:

Section 59 of the *Education Act*, in relation to the role of the chair of a governing board:

"The chair of the governing board shall preside at meetings of the governing board."

Section 67, in relation to the internal management of a governing board:

"The governing board shall establish rules for its internal management. The rules shall provide for at least five meetings every school year.

Meetings.

The governing board shall fix the date, time and place of its meetings, and inform the parents and the members of the school staff."

Answer:

Nothing prohibits an individual from holding both positions concurrently. The situation is unusual, however, given the role of the chair as set out in the internal management rules of most governing boards.

DATE: 2001-02-22

OPERATION OF GOVERNING BOARDS
Communication With Parents

Question:

Can a member of a governing board, on his or her own initiative, communicate with the parents of students attending the school if the chair refuses to do so?

References:

Section 96.12 of the *Education Act*, in relation to the quality of education:

"The principal, under the authority of the director general of the school board, shall ensure that educational services provided at the school meet the proper standards of quality.

Functions.

The principal is the academic and administrative director of the school and shall see to the implementation of the decisions of the governing board and of the other provisions governing the school."

Answer:

NO. No provision of the *Education Act* authorizes a member of a governing board to communicate with parents. The Act provides that the principal is the academic and administrative director of his or her school.

DATE: 2001-02-22

OPERATION OF GOVERNING BOARDS
School Daycare Budget

Questions:

- A) Do daycare surpluses form part of a school's budget?
- B) Can a governing board adopt the daycare budget?
- C) Can the school daycare personnel open a bank account for childcare services, such that these services no longer fall under any item of the school's budget and that these individuals cease to be accountable to the governing board?

References:

Section 256 of the *Education Act*, in relation to childcare:

"At the request of the governing board of a school, a school board must provide childcare for preschool and elementary school students, in the manner agreed with the governing board, on the school premises or, if the school does not have suitable premises, on other premises."

Section 95, in relation to the school's annual budget:

"The governing board is responsible for adopting the school's annual budget proposed by the principal, and shall submit the budget to the school board for approval."

Answers:

The answers to questions A) et B) depend on the circumstances.

If a school board gives schools the responsibility to manage the school daycare budgets, the related revenues and expenditures are attributed to a school's budget. The school daycare budget therefore forms part of the school's budget, and it is the governing board that adopts the school's budget. However, all sums received from the Ministère de l'Éducation that the school's budget allocates for the daycare must be reserved for childcare services, as these sums are intended for children attending the daycare. Other revenues related to the daycare, whether generated from payments made by the parents of the children attending the daycare or from activities or outings, form part of the school's budget.

If a school board manages the school daycare budget, the school board is then in charge of the daycare revenues and expenditures.

The answer to question C) is no. Daycare personnel are not considered to be a legal person. Consequently, they cannot open a bank account or cease to form part of the school's or school board's budget.