

**NEW BRUNSWICK
REGULATION 2001-48
under the
Education Act
(O.C. 2001-309)**

Filed June 29, 2001

Under section 57 of the *Education Act*, the Lieutenant-Governor in Council makes the following Regulation:

Citation

1This Regulation may be cited as the *Governance Structure Regulation - Education Act*.

Definitions

2In this Regulation

“Act” means the *Education Act*, (*Loi*)

“eligible parent” means a parent who has at least one child enrolled as a pupil in the school for which a Parent School Support Committee is established; (*parent admissible*)

“parent member” means a person who is elected by parents, or appointed under section 14 or 16, to a Parent School Support Committee; (*parent membre*)

“Parent School Support Committee election” means an election conducted for the purpose of electing a parent member or parent members to a Parent School Support Committee. (*élection du comité parental d’appui à l’école*)

PARENT SCHOOL SUPPORT COMMITTEES

Grouping of schools

3For the purposes of paragraph 32(9)(a) of the Act, the circumstances under which a District Education Council may group two or more schools together for the purpose of establishing one Parent School Support Committee for those schools are

- (a) where the schools being grouped are administered by the same principal, or
- (b) where one of two schools being grouped has only one classroom of pupils.

Exemption of schools

4For the purposes of paragraph 32(9)(b) of the Act, the circumstance under which a District Education Council may exempt a school from the requirement of having a Parent School Support Committee is where no pupils are enrolled in the school.

Transfer of members

5(1)For the purposes of paragraph 32(10)(a) of the Act, the circumstances under which a District Education Council may provide for the transfer of members from one Parent School Support Committee to another Parent School Support Committee are

- (a) where the school from which the members are transferred is closed, or
- (b) where one or more grades are transferred from one school to another.

5(2)A member transferred from one Parent School Support Committee to another Parent School Support Committee may serve only for the balance of the unexpired term of office of that member on the Parent School Support Committee from which that member was transferred.

Calling of elections

6(1)All Parent School Support Committee elections shall be conducted between the opening day of school and the thirtieth day of September, inclusive, of each school year.

6(2)The principal of the school concerned shall

- (a) determine the date, time and place for the Parent School Support Committee election, and
- (b) provide to eligible parents
 - (i) reasonable notice of the date, time and place of the election, and
 - (ii) brief information respecting the nomination process and eligibility for membership on and the duties of the Parent School Support Committee.

Eligibility for candidacy

7(1)Subject to subsection 32(4.1) of the Act and subsection (2), a person may be a candidate for the position of parent member on a Parent School Support Committee where the person is

- (a) an eligible parent, or
- (b) at least eighteen years of age on the date of the Parent School Support Committee election and a resident of the Province, other than a pupil.

7(2)A person who is not entitled to vote under paragraph 13(2)(c) of the *Municipal Elections Act* is not eligible for candidacy in a Parent School Support Committee election.

Nomination of candidates

8(1) An eligible parent may nominate himself or herself or any other person who is eligible under section 7 as a candidate in a Parent School Support Committee election.

8(2) The nomination of a candidate under subsection (1) shall be seconded by an eligible parent other than the nominating parent.

8(3) No person other than an eligible parent may nominate or second a candidate in a Parent School Support Committee election.

Submission of nominations

9(1) A nomination of a candidate under section 8 may be

(a) submitted to the principal of the school concerned, or a person designated by the principal for this purpose, at any time until the close of nominations, or

(b) submitted from the floor at the time of the Parent School Support Committee election.

9(2) Nominations shall close immediately after all nominations from the floor have been received.

Eligibility to vote

10(1) Only eligible parents are entitled to vote in a Parent School Support Committee election.

10(2) A person who is not entitled to vote under paragraph 13(2)(c) of the *Municipal Elections Act* is not entitled to vote in a Parent School Support Committee election.

2004-27

Manner of voting

11(1) Each voter in a Parent School Support Committee election shall

(a) be present during the time of the election, and

(b) cast his or her ballot in person.

11(2) Voting in a Parent School Support Committee election shall be conducted by secret ballot.

Complaints respecting elections

12(1) Where a person believes that a Parent School Support Committee election was not conducted in accordance with the process provided for under this Regulation, the person may, within the period of two weeks after the election, file a complaint with the District Education Council concerned.

12(2) On receipt of the complaint, the District Education Council concerned shall

(a) notify and provide a copy of the complaint to the principal of the school concerned, and

(b) extend to all parties to the complaint, and to the principal of the school concerned, the opportunity to respond to the complaint within one week after being notified under paragraph (a).

12(3)The District Education Council shall review the circumstances respecting the complaint and, within five working days after the expiration of the one week period referred to in paragraph (2)(b),

(a) declare the election of one or more candidates void,

(b) declare one or more candidates to be duly elected members,

(c) order a new Parent School Support Committee election be conducted for one or more positions on the Parent School Support Committee, or

(d) dismiss the complaint.

12(4)Where the District Education Council orders that a new Parent School Support Committee election be conducted, sections 6 to 11 and this section apply to the election.

12(5)Notwithstanding subsection 6(1), where the District Education Council orders that a new Parent School Support Committee election be conducted and it is not practicable to conduct the election by the thirtieth day of September of the school year, the election shall be conducted as soon thereafter as practicable.

12(6)The decision of the District Education Council under this section is final.

Appointment of community members

13The appointment of one or two persons to a Parent School Support Committee as community members in accordance with subsection 32(7) of the Act may be made by the parent members of the Parent School Support Committee on or after the first day of October in each school year but only after all parent member positions on the Parent School Support Committee have been filled.

Incomplete elections

14Subject to subsection 32(4.1) of the Act and to section 17, where a Parent School Support Committee election fails to result in the election of the number of parent members required to achieve a majority of parent members on a Parent School Support Committee, the parent members of the Parent School Support Committee

(a) shall appoint as parent members of the Parent School Support Committee that number of persons as is required to achieve a majority of parent members on the Parent School Support Committee, and

(b) may appoint as parent members of the Parent School Support Committee that number of persons as is required to fill the remaining parent member positions on the Parent School Support Committee.

Length of term of office

15(1) Subject to subsection (7) and except as provided in section 16, the term of office of a parent member of a Parent School Support Committee,

(a) where the parent member is elected or appointed to the Parent School Support Committee on or before the thirtieth day of September in any school year, commences on the first day of October immediately following his or her election or appointment and ends on the thirtieth day of September three years later, or

(b) where the parent member is elected or appointed to the Parent School Support Committee after the thirtieth day of September in any school year, commences on the date of his or her election or appointment and ends on the thirtieth day of September three years after the thirtieth day of September which immediately precedes his or her election or appointment.

15(2) Subject to subsection (7), the term of office of a teacher elected to a Parent School Support Committee under subsection 32(5) of the Act commences on the first day of October in the year of his or her election and ends on the thirtieth day of September one year later.

15(3) Subject to subsection (7), the term of office of a pupil who is a member of a Parent School Support Committee commences on the first day of October in the year of his or her election and ends on the thirtieth day of September one year later.

15(4) Subject to subsection (7), the term of office of a person appointed as a community member of a Parent School Support Committee commences on the date of his or her appointment and ends on the thirtieth day of September immediately following his or her appointment.

15(5) Subject to subsection (7), the term of office of a person appointed to a Parent School Support Committee by a Home and School Association or *Comité de parents* under subsection 32(7.1) of the Act commences on the date of his or her appointment and ends on the thirtieth day of September immediately following his or her appointment.

15(6) A person whose term of office on a Parent School Support Committee ends may be re-elected or reappointed to the Parent School Support Committee where that person continues to be eligible for such re-election or reappointment.

15(7) A position on a Parent School Support Committee is considered to be vacant where a member

(a) dies or resigns,

(b) who was elected or appointed to the Parent School Support Committee as an eligible parent, no longer has a child enrolled as a pupil in the school for which the Parent School Support Committee is established,

(c) is declared by the District Education Council concerned to have acted wilfully or negligently in contravention of the Act,

- (d) is convicted of an indictable offence,
- (e) is declared, by the Parent School Support Committee, to have failed to attend three scheduled meetings of the Parent School Support Committee during a twelve consecutive month period without reasonable cause,
- (f) becomes an employee in the school for which the Parent School Support Committee is established,
- (g) who is a teacher elected to the Parent School Support Committee under subsection 32(5) of the Act, ceases to be employed at the school for which the Parent School Support Committee is established,
- (h) who is a pupil, ceases, between the first day of October and the last day of school, to be enrolled in the school for which the Parent School Support Committee is established, or
- (i) who is a parent appointed by a Home and School Association or *Comité de parents* under subsection 32(7.1) of the Act, no longer has a child enrolled as a pupil in the school for which the Parent School Support Committee is established.

Filling of vacant positions

16 Subject to subsection 32(4.1) of the Act and to section 17, where the position of a parent member on a Parent School Support Committee is vacated under section 15, the remaining parent members of the Parent School Support Committee may appoint as a parent member of the Parent School Support Committee a person to fill the vacated position for the balance of the term of the member replaced.

Eligibility for appointment

17(1) A person may not be appointed as a parent member of a Parent School Support Committee under section 14 or 16 unless the person is

- (a) an eligible parent, or
- (b) at least eighteen years of age and a resident of the Province, other than a pupil.

17(2) A person who is not entitled to vote under paragraph 13(2)(c) of the *Municipal Elections Act* is not eligible for appointment to a Parent School Support Committee under section 14 or 16.

2004-27

Declaration of office

18 Each member of a Parent School Support Committee shall subscribe to a declaration of office, on a form provided by the Minister, before conducting business as a member of the Parent School Support Committee to signify that the member is aware of

- (a) the duties of the Parent School Support Committee under the Act,
- (b) any code of conduct to which the member is expected to adhere, and

(c) the requirement that the member discharge his or her duties in the official language of the school district.

Officers

19(1) On or after the first day of October in each year, the members of a Parent School Support Committee

(a) shall appoint a chair of the Parent School Support Committee from among the parent members of the Parent School Support Committee, and

(b) may appoint a vice-chair of the Parent School Support Committee from among the parent members of the Parent School Support Committee.

19(2) Where a vice-chair of a Parent School Support Committee has been appointed and where the chair of the Parent School Support Committee through illness, absence or other cause is unable to perform the duties of the office of chair, the vice-chair has all the powers and shall perform all the duties of the chair during the inability or absence of the chair.

19(3) Where a vice-chair of a Parent School Support Committee has been appointed and where both the chair and vice-chair of the Parent School Support Committee through illness, absence or other cause are unable to perform the duties of the office, the Parent School Support Committee shall appoint an acting chair from among the parent members of the Parent School Support Committee who shall have all the powers and shall perform all the duties of the chair during the inability or absence of the chair and vice-chair.

19(4) Where a vice-chair of a Parent School Support Committee has not been appointed and where the chair of the Parent School Support Committee through illness, absence or other cause is unable to perform the duties of the office, the Parent School Support Committee shall appoint an acting chair from among the parent members of the Parent School Support Committee who shall have all the powers and shall perform all the duties of the chair during the inability or absence of the chair.

Meetings

20(1) The chair of a Parent School Support Committee and the principal of the school concerned, in consultation with the members of the Parent School Support Committee, shall, on an ongoing basis, determine the date, time and place of meetings of the Parent School Support Committee and establish meeting agendas.

20(2) A majority of the number of positions on a Parent School Support Committee, including all parent member positions, the teacher member position, the pupil member position, if any, regardless of whether these positions are filled or not, any community member position in relation to which an appointment has been made under subsection 32(7) of the Act and any position in relation to which an appointment has

been made by a Home and School Association or a *Comité de parents* under subsection 32(7.1) of the Act, constitutes a quorum at any meeting of the Parent School Support Committee.

20(3)No act or proceeding of a Parent School Support Committee is binding unless it is adopted at an official meeting of the Parent School Support Committee at which a quorum is present.

DISTRICT EDUCATION COUNCILS

Number of councillors

21The number of elected councillors for each District Education Council is as follows:

- (a) Anglophone North School District.....7;
- (b) Anglophone East School District.....9;
- (c) Anglophone South School District.....12;
- (d) Anglophone West School District.....13;
- (e) Francophone nord-ouest school district.....8;
- (f) Francophone nord-est school district.....9;
- (g) Francophone sud school district10.

2001-87; 2012-12

Mi'kmaq or Maliseet representation

22The following school districts are prescribed for the purposes of subsection 36.2(3) of the Act:

- (a) School District No. 14;
- (b) School District No. 15;
- (c) School District No. 16;
- (d) School District No. 17; and
- (e) School District No. 18.

2001-87

Filling of vacant positions

23(1)With respect to each appointment to be made under subsection 36.51(1) or 36.7(7) of the Act,

- (a) the District Education Council concerned shall submit to the Minister, within a reasonable period of time, a minimum of three names of eligible candidates, and
- (b) the Minister shall appoint one District Education Council member from among those candidates.

23(2) If the Minister is satisfied that the District Education Council has attempted to and is unable to provide three names of eligible candidates within a reasonable period of time, the Minister may appoint a member from a list of fewer than three eligible candidates.

Oath of office

24(1) Each member of a District Education Council shall subscribe to an oath of office by way of affidavit or solemn declaration before conducting business as a member of the District Education Council and shall signify that the member is aware of

- (a) the duties of the District Education Council under the Act,
- (b) any code of conduct to which the member is expected to adhere, and
- (c) the requirement that the member discharge his or her duties in the official language of the school district.

24(2) An affidavit for the purposes of subsection (1) shall be in Form 1.

24(3) A solemn declaration for the purposes of subsection (1) shall be in Form 2.

First meeting

25(1) After each election of a District Education Council, the District Education Council shall

(a) hold its first regular meeting on or after the first day of July but no later than the fifteenth day of August following the date of its election, and

(b) transact no business at the first regular meeting until the oaths of office

(i) have been subscribed to by all the members of the District Education Council who present themselves for that purpose, and

(ii) have been filed with the District Education Council.

25(2) The superintendent concerned shall preside at the first and second regular meeting of the District Education Council until a chair has been elected.

Officers

26(1) At the first or second regular meeting of the District Education Council, on or after the first day of July following a District Education Council election, the members of a District Education Council shall

(a) elect, by majority vote, a chair and a vice-chair of the District Education Council from among the members of the District Education Council, and

(b) designate one of the school district staff as a secretary who shall keep a record of the proceedings of the meetings of the District Education Council.

26(1.1) A councillor appointed under subsection 36.2(3.1) of the Act, shall not serve as chair or vice-chair of a District Education Council.

26(2) The chair and vice-chair of a District Education Council shall serve as chair and vice-chair respectively from the date of his or her election as chair or vice-chair, as the case may be, until the thirtieth day of June immediately following the next District Education Council election.

26(3) Where the chair of a District Education Council through illness, absence or other cause is unable to perform the duties of the office of chair, the vice-chair of the District Education Council has all the powers and shall perform all the duties of the chair during the inability or absence of the chair.

26(4) Where both the chair and vice-chair of a District Education Council through illness, absence or other cause are unable to perform the duties of the office, the District Education Council shall appoint an acting chair who has all the powers and shall perform all the duties of the chair during the inability or absence of the chair and vice-chair.

2009-84

Regular meetings

27A District Education Council shall hold at least ten regular meetings each year.

Special meetings

28(1) A special meeting of a District Education Council

(a) may be called at any time by the chair of the District Education Council, or

(b) shall be called by the secretary of the District Education Council upon receipt of a written request signed by not less than three members of the District Education Council.

28(2) Where a special meeting is called under subsection (1), the secretary shall

(a) send by registered or certified mail to each member of the District Education Council not later than six days before the date fixed for the special meeting,

(b) send by e-mail, the receipt of which can be confirmed, to each member of the District Education Council not later than two days before the date fixed for the special meeting, or

(c) deliver personally to each member of the District Education Council or to a responsible person at the residence or place of business of each member of the District Education Council not later than two days before the date fixed for the special meeting,

a notice of special meeting setting out the date, time and place of the meeting and the business to be transacted at the meeting.

28(3) At a special meeting, the District Education Council shall consider

(a) only the business set out in the notice calling the meeting unless all the members of the District Education Council are present and otherwise determine by unanimous consent, and

(b) the business before it in the order in which the items appear on the notice of special meeting unless all the members of the District Education Council are present and otherwise determine by unanimous consent.

28(4)A special meeting may be held without complying with subsections (2) and (3) if every member of the District Education Council agrees in writing to waive the requirements of those subsections, and where a member of the District Education Council is out of the school district during the entire period between the time when the special meeting is called and the commencement of the meeting the member shall be deemed to have agreed to waive the requirements of subsections (2) and (3).

Quorum

29(1)A majority of the number of positions on a District Education Council, including the position of a member of the Mi'kmaq or Maliseet first nation appointed under subsection 36.2(3) of the Act and the position of a councillor appointed under subsection 36.2(3.1) of the Act, if any, regardless of whether these positions are filled or not, constitute a quorum at any meeting of the District Education Council.

29(2)No act or proceeding of a District Education Council is binding unless it is adopted at an official meeting of the District Education Council at which a quorum is present.

29(3)Notwithstanding subsections (1) and (2), where the number of members on a District Education Council has fallen below the quorum, the Minister may direct that the majority of the remaining members are deemed to be a quorum until an election is conducted or appointments are made to fill sufficient vacancies to achieve a normal quorum.

2009-84

GENERAL

Support of candidates

30No school system resources shall be used to support any candidate or group of candidates in a Parent School Support Committee election or a District Education Council election.

Open and closed meetings

31(1)Subject to subsections (3), (4) and (5), all meetings of a Parent School Support Committee or District Education Council are open to the public, and no person shall be excluded from a meeting except for improper conduct.

31(2)Where, in the opinion of the chair of a Parent School Support Committee or District Education Council, a member of the public is guilty of improper conduct at a meeting of the Parent School Support Committee or District Education Council, as the case may be, the chair may expel that person from the meeting.

31(3)Where it is necessary at a meeting of a Parent School Support Committee for the Parent School Support Committee to discuss personnel matters in carrying out its duties under the Act, the chair of the Parent School Support Committee shall exclude all members of the public from the meeting for the duration of the discussion.

31(4)Where it is necessary at a meeting of a District Education Council for the District Education Council to discuss matters respecting individual pupils or personnel or legal matters in carrying out its duties under the Act, the chair of the District Education Council shall exclude all members of the public from the meeting for the duration of the discussion.

31(5)Where the chair of a District Education Council is of the opinion that it is in the public interest to hold a meeting, or any part of a meeting, of the District Education Council in private on any matter, the chair of the District Education Council may exclude any or all persons from the meeting.

Exclusion of a councillor who is a pupil from closed meetings

2009-84

31.1Where it is necessary at a closed meeting of a District Education Council for the District Education Council to discuss personnel matters in carrying out its duties under the Act, the chair of the District Education Council shall exclude the councillor appointed under subsection 36.2(3.1) of the Act from the meeting for the duration of the discussion.

2009-84

Minutes of meetings

32(1)The minutes of a meeting of a Parent School Support Committee or District Education Council, or of a portion of such meeting, held in private in accordance with subsection 31(3), (4) or (5) shall

(a) contain the results only of any motion or resolution passed at the meeting, or portion of the meeting, and

(b) be read into the minutes of the next meeting that is open to the public.

32(2)The minutes of an open meeting of a Parent School Support Committee or District Education Council are considered public documents and shall be made available to the public.

32(3)A copy of the minutes of each meeting of a Parent School Support Committee shall be forwarded, within a reasonable period of time following the meeting, to the District Education Council concerned through the superintendent.

32(4)A copy of the minutes of each regular or special meeting of a District Education Council shall be forwarded, within a reasonable period of time following the meeting, to the Minister.

Conflict of interest

33(1)In this section

“family associate” means a spouse, parent, child, grandparent, grandchild, brother, sister, aunt, uncle, niece, nephew or first cousin of a member of a Parent School Support Committee or District Education Council.

33(2)A member of a Parent School Support Committee or District Education Council has a conflict of interest

(a) where the member or a family associate has an interest in any contract in which the Parent School Support Committee or District Education Council of which the member is a member has an interest,

(b) where the member or a family associate has an interest in any other matter in which the Parent School Support Committee or District Education Council is concerned that would be of financial benefit to the member or family associate,

(c) where the member or a family associate is a shareholder in, or is a director or officer of, a corporation that has an interest in any contract with the school, the school district or the Province,

(d) where the member or a family associate is a shareholder in, or is a director or officer of, a corporation that has an interest in any other matter in which the Parent School Support Committee or District Education Council is concerned that would be of financial benefit to the corporation,

(e) where the member uses for personal gain or for the gain of others the member’s position on the Parent School Support Committee or District Education Council or any privileged information to which the member may have access or to which the member is privy because of the member’s position,

(f) where the member accepts any fees, gifts, gratuities or other benefit that could reasonably be seen to influence any decision made by the member in the performance of his or her duties as a member of a Parent School Support Committee or District Education Council, or

(g) where a family associate is being considered in a matter of employment by the Parent School Support Committee or District Education Council of which the member is a member.

33(3)A member of a Parent School Support Committee or District Education Council shall not, at a meeting of the Parent School Support Committee or District Education Council, participate in any discussion or vote

on any question in relation to any matter in respect of which the member has, in accordance with this section, a conflict of interest and shall, as soon as the matter is introduced, disclose the conflict of interest and immediately withdraw from the meeting while the matter is under discussion or vote.

Reimbursement of expenses

34(1)Members of a Parent School Support Committee shall serve without pay.

34(2)Repealed: 2012, c.7, s.8

34(3)A District Education Council may reimburse, from the budget provided by the Minister under section 50.2 of the Act and in accordance with provincial guidelines, members of a Parent School Support Committee for reasonable travel expenses incurred in carrying out official business of the Parent School Support Committee.

2008-62; 2012, c.7, s.8

Repeal

35*New Brunswick Regulations 97-148 and 2001-23 under the Education Act are repealed.*

Commencement

36*This Regulation comes into force on July 1, 2001.*

Form 1

Form 2

N.B. This Regulation is consolidated to May 11, 2012.