

# SCHOOL BOARD UPDATE



APRIL 21, 2010

## STUDENT TRUSTEES

The statutory recognition of student trustees within the *Education Act* occurred in 2006. The role of the student trustee is set out in section 55 of the Act and Regulation 7/07. There is no reported case law on the interpretation of section 55 or the Regulation. The following provides a summary of what student trustees can and can't do, and otherwise clarifies their role as contemplated by the statute.

Section 55 of the *Education Act* describes the status, powers and responsibilities of student trustees, which are as follows:

- A student trustee is not a member of the board
- A student trustee is not entitled to exercise a binding vote on any matter before the board or any of its committees
- A student trustee is entitled to have a matter put to a recorded vote in which case the student trustee's vote is a recorded non-binding vote
- A student trustee is not entitled to move a motion
- A student trustee 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 board member moves the suggested motion, then the record will show the suggested motion
- A student trustee is not entitled to be present at an in-camera meeting that involves the disclosure of intimate, personal or financial information in respect of a trustee, a committee of the board, an employee (or prospective employee), a pupil or the guardian of a pupil
- Subject to the above, a student trustee has the same opportunities for participation at meetings of the board and of its committees as any other member
- A student trustee has the same status as a board member with respect to access to board resources and opportunities for training

Regulation 7/07 provides further details regarding student trustees:

- A board shall have at least one but not more than three student trustees
- Student trustees are to be elected by students of the Board or by a student representative body
- 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, and provided he or she is not serving a sentence of imprisonment
- 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
- The board has to reimburse student trustees for out-of-pocket expenses as if they were members of the board
- The present honorarium is \$2,500 for a student trustee who completes their year in office. The honorarium is prorated if the student trustee holds office for less than a complete term of office
- A board has to develop and implement a policy providing for matters relating to student trustees and the payment of honoraria for student trustees. This policy is to be in accordance with Regulation 7/07

If you have any questions regarding student trustees, please contact Bushra Rehman at 416-864-7531 or [bushra-rehman@hicksmorley.com](mailto:bushra-rehman@hicksmorley.com).

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