



Ontario Public School Boards' Association

Comments on  
The Role and Responsibilities of Student Trustees

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Ontario Public School Boards Association  
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# **OPSBA Comments on The Role and Responsibilities of Student Trustees**

## **Background**

As part of Bill 160, December 1997, the Provincial Government made it a requirement that district school boards develop a policy that would result in the addition of at least one pupil representative to the board. This requirement was further developed in Ontario Regulation 491.

Pupil representation by student trustees enables the interests of the student body to be clearly reflected in the decision making of the board. The Ontario Public School Boards' Association (OPSBA) believes student trustees are a strong and effective component of trusteeship on district school boards.

Today student trustees serve an important role in public education. They represent the voice of students in decisions about education, and they help keep students informed about important decisions that affect them. During their tenure, student trustees gain a better understanding of the system that supports education and can share that understanding with peers; and the board gains a fresh perspective from student trustees who may have unique knowledge of how policies will affect the classroom and their peers.

Student trustees take part in discussions and debates during public meetings. In accordance with legislation, the student trustee is a representative too, but not a member of the board. It is recognized that only the votes of elected Trustees are counted when board decisions are made. OPSBA encourages all its member boards to ensure that their policies truly engage student trustees and maximize the voice of all students in the system.

## **Recent Developments Impacting the Role**

In October 2005, the Ontario Student Trustees' Association - Association des élèves conseillers et conseillères de l'Ontario (OSTA-AECO) released a position paper titled "The Student Trustee: Today and Tomorrow". Through consultation with Student Trustees, OSTA-AECO came to the conclusion that the position of Student Trustee needs to be strengthened with provincial legislation to ensure consistent standards of Student Trusteeship across the province.

Over the past three years, Student Trustees throughout Ontario were surveyed by OSTA-AECO to determine the most pressing concerns regarding the position itself, and to gather a deeper profile of Student Trustees and their boards. The report offers a total of eight recommendations for the Ontario government to consider. The report found that 59% of Student Trustees surveyed believe a binding vote at the Board table is their most pressing concern. The report also recommends that Student Trustees have access to portions of in-camera meetings where student issues are discussed.

Concurrent with the release of the position paper is the provincial government's desire to review the role of student trustees with a view to making the position more relevant. Consideration of the issue of school board governance and appropriate roles for boards and for individual trustees, including student trustees, is timely as the electorate goes to the polls for the November, 2006 municipal elections.

## **Student Trustees – Diversity in Ontario**

Public school boards believe that student trustees play a vital role in the education governance process. OPSBA supports its member boards' efforts to develop policies that truly engage student representatives and maximize the voice of all students in the system.

District school boards have varying political cultures, and engage their pupil representatives in different ways. The strength of the current practice of individual board policies, developed within the framework of provincial regulation, is that it allows each board to set up strong, workable and effective practices that align with the structure and demographic realities of the board. This can result in different policies across jurisdictions. It is critically important to avoid judgments that infer "different" is "better" while at the same time ensuring that each board has created the optimum conditions for full participation of its student trustees.

Regardless of how a board's policy works to engage students, one consistent fact emerges: student trustees have proven that Ontario's young people are committed to public service and are willing to contribute their energy, insights and intelligence to making sure that school boards make the best decisions for all students.

It is a valid point that some boards are more effective than others when it comes to engaging and valuing the voice of their student trustees. A recent review of member boards' student trustee policies demonstrated that there are numerous practices in place that do seek to maximize the voice of the student representative. OPSBA feels strongly that, while our membership is completely supportive of establishing and expanding ways to effectively engage students, enshrining a "one-size-fits-all" policy in legislation will remove many of the effective practices occurring province-wide. What works at the Durham Board will not necessarily work for the Rainy River Board or for the Bluewater Board.

School boards differ significantly across Ontario. It has been demonstrated that in most policy areas some flexibility is required to allow boards to find the most effective policy and accompanying procedure to meet their local needs. For some boards, having the student trustee attend both board and committee meetings is a relatively easy thing to do. For other boards, it may be challenging to get the student trustee safely back and forth from their home to attend board meetings. Distance, timing of meetings, and transportation all come into play, and boards have an obligation to ensure the safety of their students. In a "one-size-fits-all" environment, some boards could be faced with the possibility of sending a 15- or 16-year old student home at 10:30 p.m. (or later) on a weeknight, with the prospect of an hour or more commute. That is not something any

board could be comfortable with and some existing practices have been developed precisely to avoid such an eventuality. Some boards hold meetings during the afternoon, when student trustees have commitments to be in class. That is why flexibility in the policy is crucial – to ensure that the policy realistically meets the board’s local circumstances.

## **The Position Paper released by OSTA-AECO**

In October 2005, the Ontario Student Trustees' Association - Association des élèves conseillers et conseilleres de l'Ontario (OSTA-AECO) released a position paper on the role of the student trustee. OPSBA welcomes this clear outline of the experiences of student trustees and takes this opportunity to offer our perspective on some of the positions advanced in the paper.

By way of context, we acknowledge and advocate for the pre-eminent role of students in the education system. We extend the scope, however, to recognizing the education system as a fundamental pillar of a democratic society. The fundamental goal of public education is to create a level playing field for all members of society, regardless of ethnic, racial or cultural backgrounds, social or economic status, gender, individual exceptionalism, or religious background. The democratic governance structure of school boards has evolved to reflect this universal principle.

Founded on the principle of equality of educational opportunity, publicly-elected school boards ensure that all of society has a stake in the education of its youth. Public schools exist for all families, for all communities, and for society as a whole. Every citizen of Ontario has a stake in its success, including households and families without students currently living in them. We support the engagement of students within the system that provides their educational opportunities, but we do not support a system of governance that allocates votes to individuals that do not represent the whole community. Only duly-elected trustees have that role.

### ***Student Advisory Committees***

More than three-quarters of board policies already include some form of student advisory group in which the student trustee participates. Known by a range of names, these bodies are vital forums for encouraging student voice. Firstly, they engage a wider body of students and allow for greater opinion-sharing and input. Secondly, they provide the student trustee with a representative constituency base in order to more thoroughly assess relevant issues, ideas and initiatives presented at the board table. Thirdly, it offers a forum for the board to share its activities with a broader representation of the student body. And lastly, it promotes the democratic principle of accountability as the student trustee reports back to the student body as a whole.

The Student Advisory Committee is an invaluable mechanism in building strong communication and accountability links between the student trustee and the student body as a whole. Most boards appoint only one or two student trustees, and it is almost

impossible for them to consult with the entire student body on issues they are facing at the school board. Regular Student Advisory Committee meetings allow the student trustee to discuss issues with his/her peers, and to report back to the board on issues that are of importance to the student body. Through this process the Student Trustee develops skills in representing the decisions of the board as the outcome of democratic debate where no individual voice is dominant and the decisions made reflect the collective wisdom of the group.

OPSBA agrees that student advisory bodies are important to the overall effectiveness of the student trustee. Boards that do not have such bodies should be encouraged to find ways to make it work.

### ***Responsibilities of Student Trustees***

The Student Trustee position paper indicates that 59% - slightly more than half - of student trustees responding to the survey identified an official binding vote as their single greatest priority. While supporting a substantive and meaningful voice for student trustees at the board table, OPSBA has the following concerns about a “binding vote.”

School boards are a form of local government, duly-elected and accountable through the ballot. The voice of the entire constituency is a board’s first priority, electorally, legally and financially and exercising this role will not, at all times and in all cases, be the same as speaking with the students’ voice.

Student trustees are usually, but not always, under the legal voting age of 18, especially today when many students graduate after Grade 12. In Canada and in Ontario students under the age of 18 do not have the right to vote or run as candidates in local, provincial or federal elections. Legally, students under the age of 18 cannot own property or engage in various types of financial activities without an “adult” representing them. There are generally accepted valid reasons for having age-of-majority laws, and the business of school boards falls within the parameters that require age-of-majority status. If an individual is ineligible to run as a candidate for the school board under the Municipal Elections Act, it is difficult to argue that the individual should have the right to exercise the powers conveyed by election to public office by casting a binding vote. In other words, should an individual who does not represent the electorate have a binding vote on a school board?

From a legal perspective, there are decisions routinely made by school boards that require them to act, in essence, as corporations. A person under the age of 18 is excluded from membership of a corporate board and, consequently, from the corporate liabilities that ensue from voting rights on that corporate board. It seems logical that if an individual may not legally hold a position on a corporate board, and school boards operate as corporate boards in part, that individual should not be given the key right and obligation of a binding vote through a non-elected mechanism.

The term of office of student trustees presents an additional complication in the matter of their having a binding vote. Most student trustees hold their position for a year. Some

boards have a two-year process that includes a year of “shadowing” and a year as student trustee. Some boards have student trustee terms that are less than a year. Publicly elected board members estimate the learning curve that enables them to vote knowledgeably and with confidence in their new role as anywhere from a few months to a full year. In the case of student trustees, where a majority leave office each year, the opportunities to be sufficiently current with the range of issues on the board table in order to vote knowledgeably represent an ongoing struggle. This could have implications for boards striving to reach maximum operational effectiveness.

These considerations aside, the OPSBA Board of Directors is not unanimous in its objection to a binding vote. One member of the OPSBA Board felt that according students the right to vote is a ‘natural progression’ in governance. Others believe that it demonstrates confidence in the student trustee’s abilities. Although in the minority, these views argue for consideration for a range of circumstances under which student trustees could vote. However, among boards, there was universal agreement on the issue of “in-camera” sessions. *No* board takes the position that student trustees should participate in in-camera sessions or have access to the related board agendas or materials which are restricted. OPSBA’s unanimous position is that having students participating in discussions involving staffing and issues of corporate liability is unacceptable, for the governance reasons stated above.

OPSBA has considered the issue of students and student trustees who are, in fact, over the age of majority. This leads to a different kind of governance problem. If student trustees were to be given a binding vote, it could be argued, and with good reason, that students over the age of 18 have double representation – they would be represented by the school board member they elected at the public ballot box and also by their student trustee. Such a situation runs counter to the democratic principles on which our governance structures are founded.

This position is not intended to diminish in any way the contributions of student trustees. In fact, OPSBA’s member boards are convinced that the way that student trustees advise, influence and participate in board activities enriches the quality of decision-making visibly and palpably. In that regard, a voice is as strong as, if not more powerful than a vote. Boards will take the recommendations in the OSTA position paper as a basis for reviewing their own student trustee policies. The cogent arguments and province-wide findings of the paper will inform that review.

### ***Integration and Training of Student Trustees***

OSTA-AECO makes a case for integration of student trustees, and we would agree that this occurs to varying rates of success. While over 80% of the policies of public district school boards have mechanisms in place to integrate, and train and consult with student trustees, it is true that some student trustees do not feel welcome or valued. OPSBA believes that the most effective way to overcome this is for board policies to have a very clear procedure explaining how the board will recognize the voice of the student trustee.

Student trustees have commented that they do not feel that they are allowed to speak on an equal basis with or as regularly as full trustees. OPSBA concurs that in order for the role of student trustee to achieve its potential, boards need to integrate student trustees into a full range of regular public activities. Student trustees need to be seated at the board table during meetings, and should have the right and active encouragement to speak to any agenda item in the same way that a publicly elected trustee would speak. While including a report from the student trustee on each agenda is an important way of recognizing the validity of their role, it should be only one of many opportunities for participating in the proceedings around the board table.

Key among those things that aid and support the student trustee is an involved Student Trustee Mentor. Most of OPSBA's member boards have identified a student trustee mentor in their local student trustee policies. OPSBA believes that a student trustee mentor should be a sitting trustee of the board, and that their role should include the following:

- ensuring the student trustee gets board-based orientation on issues such as parliamentary procedure, board policy development and strategic planning, the board's operating structure, bylaws and governance model, and issue-specific briefings (note that the mentor is not the person giving the training, only ensuring that such training is available);
- regular contact with the student trustee to discuss any issues, questions or ideas that the student trustee may have;
- briefing the student trustee on the agenda prior to any meeting;
- participate as an observer only in the student advisory committee
- jointly introduce motions by the student trustee (with the student trustee's name noted as joint mover in the minutes)

With respect to the issue of motions and voting, OPSBA believes that student trustees should have the right to introduce motions in accordance with board bylaws. Board by-laws can allow for mechanisms which would permit student trustees to introduce motions. These mechanisms should reflect accepted governance practices at the board. Many boards have by-laws that stipulate the right of student trustees to cast a vote, albeit non-binding, which becomes a matter of permanent record in the board minutes. Some boards have policies that give student trustees a binding vote at the committee level. OPSBA believes that these kinds of practices can be effective in more fully engaging the student trustee, and the Association encourages all boards to consider similar practices at their own board tables.

The OSTA-AECO paper comments that the Act refers to its members only as "pupil representative" and not "Student Trustee". While the word "trustee" does not appear in the Education Act at any point – publicly elected trustees are referred to as "board members" – OPSBA agrees that the terminology "student trustee" more accurately conveys the responsibility invested in the role.

## ***Resources***

In principle, OPSBA cannot disagree with the arguments put forward in the OSTA-AECO position paper. It is true that an appropriate level of resources leads to flexibility, staff support and a means of consulting with constituents – in this case, the student body

Student trustees are not members of the board, and therefore do not receive honoraria in the same way, or for the same reasons, that the other trustees do. The money that is allocated to student trustees is intended to aid in the fulfillment of their duties. Because it is associated directly with their role, it operates more like an ‘expense account’ than an honorarium. As such, it is not uncommon that the use of an expense account to have some restrictions such as a pre-approval condition. This is consistent with responsible use of public funds. To prevent unreasonable obstacles to access to allocated expenses, board policy can set out clear guidelines and limitations about ways that the dollars can be expended, and under what circumstances pre-approval must be sought.

Many boards offer their student trustees a bursary, cash award or other form of financial recognition following the completion of their term of office. OPSBA fully supports this practice and encourages boards to include financial recognition of this kind in their student trustee policies.

## **Conclusion**

Over the many years that OPSBA’s member boards have involved student trustees in their public proceedings and decision-making processes, there are rich experiences that can be shared with all boards. These will be of enormous benefit in encouraging both the student and the board in a relationship which fulfills the potential of the student trustee and broadens, and renders more inclusive, the scope of the board’s deliberations.

OPSBA believes that the role of student trustee can be effectively enhanced within the legislative and regulatory parameters that currently exist. We believe that there are very good examples of student trustee engagement and participation throughout the province that can be adapted for use at any board. OPSBA welcomes public policy improvements that acknowledge the contribution of student trustees, that respect the democratic principles and legal concerns we have highlighted in this submission, and that recognize the diversity of circumstances in school boards across the province.