

**In the matter of Section 97 of Schedule A to Chapter 1
of the Acts of 2018, the *Education Act***

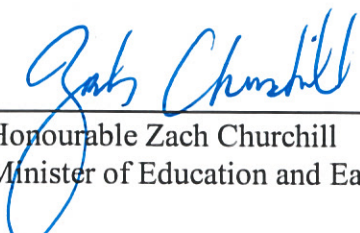
-and-

**In the matter of an amendment to the *Ministerial Education Act Regulations*
made by the Minister of Education and Early Childhood Development pursuant to
Section 97 of the *Education Act***

Order

I, Zach Churchill, Minister of Education and Early Childhood Development for the Province of Nova Scotia, pursuant to Section 97 of Schedule A to Chapter 1 of the Acts of 2018, the *Education Act*, hereby amend the *Ministerial Education Act Regulations*, N.S. Reg. 59/2018, made by the Minister of Education and Early Childhood Development by Order dated March 29, 2018, to include provisions respecting school advisory councils, in the manner set forth in the attached Schedule "A", effective on and after the date of this Order.

Dated and made Oct 22nd, 2018, at Halifax Regional Municipality, Province of Nova Scotia.



Honourable Zach Churchill
Minister of Education and Early Childhood Development

Schedule "A"

Amendment to the *Ministerial Education Act Regulations* made by the Minister of Education and Early Childhood Development under Section 97 of Schedule A to Chapter 1 of the Acts of 2018, the *Education Act*

- 1 (1) Subclause 58(a)(ix) of the *Ministerial Education Act Regulations*, N.S. Reg. 59/2018, made by the Minister of Education and Early Childhood Education by order dated March 29, 2018, is repealed and the following subclause substituted:
 - (ix) school advisory councils,
- (2) Clause 58(a) of the regulations is further amended by adding the following subclause immediately after subclause (ix):
 - (ixa) school improvement plans,
- 2 The regulations are further amended by adding the following Sections immediately after Section 67:

School Advisory Councils

Interpretation for Sections 69 to 75

- 68 (1)** In Sections 69 to 75,

“school advisory council” means a school advisory council for a public school as provided for in subsection 21(1) of the Act;

“school advisory council agreement” means an agreement made between a school advisory council, the regional centre and the Minister under subsection 70(1).

- (2)** In Sections 69 to 75,
- (a) a reference to a principal in relation to a public school or a school advisory council for a public school is a reference to the principal of that public school;
 - (b) a reference to a regional centre in relation to a public school or a school advisory council for a public school is a reference to the regional centre with jurisdiction over that public school.

Establishing school advisory council

- 69 (1) A principal may establish a school advisory council for a public school if the principal determines that it would benefit the public school.
- (2) A principal must establish a school advisory council in any of the following circumstances:
- (a) a school advisory council was established for the public school before July 31, 2018, and was operating as a school advisory council during the school academic year ending on July 31, 2018, under an agreement under the former Act;
 - (b) any of the following groups petitions the principal in writing to establish a school advisory council:
 - (i) a home and school association, parent-teacher association or similar organization for the public school,
 - (ii) 5 or more parents of students attending the public school.

School advisory council agreements

- 70 (1) A school advisory council must enter into an agreement with the regional centre and the Department that sets out all of the following:
- (a) the composition of the school advisory council, in accordance with Section 71;
 - (b) the duties of the school advisory council as prescribed by Section 75.
- (2) A school advisory council, the regional centre or the Department may amend the school advisory council agreement at any time with the consent of both of the other parties.

Composition of school advisory council

- 71 (1) A school advisory council must have at least 5 and no more than 18 members.
- (2) Subject to subsections (3), (4) and (5), a school advisory council must consist of the following persons:
- (a) at least 1 parent of a child attending the school elected by the parents of the children attending the school;

- (b) at least 1 teacher employed at the school elected by the teachers employed at the school;
 - (c) at least 1 person from the support staff employed at the school elected by the support staff employed at the school;
 - (d) the principal, who is a non-voting member of the school advisory council;
 - (e) at least 1 representative of the community where the school is situated who must be named to the school advisory council by 1 of the following methods:
 - (i) appointment by the school advisory council, taking into consideration the importance of having diverse views represented on the school advisory council,
 - (ii) election by members of the community, if the school advisory council agreement requires the community representative to be elected;
 - (f) if the school has students attending the school in grade 7 or a higher grade, at least 2 students who attend the school elected by the students of the school;
 - (g) if the school has students attending the school only in grades up to grade 6 or a lower grade and the school advisory council agreement provides for the election of a student member, at least 2 students who attend the school elected by the students of the school.
- (3) Unless the school advisory council agreement provides otherwise, a school advisory council must not have more than 1/3 of its members from any single category of members referred to in subsection (2).
- (4) A school advisory council member must not be senior staff, as defined in Section 56, of the regional centre.
- (5) Except as provided in subsection (8), a school advisory council may vary its membership composition during a school academic year to increase the diversity of membership of the school advisory council and to allow for representatives from traditionally under-represented members of the school community.

- (6) A school advisory council must provide notice to the regional centre of its intent to vary its membership composition under subsection (5).
- (7) A school advisory council may maintain a variance under subsection (5) until the composition provisions of the school advisory council agreement are amended.
- (8) Subsection (5) does not apply to a newly established school advisory council whose composition has been determined in the manner prescribed by the regional centre as described in Section 73.

School advisory council established to replace predecessor under former Act

72 Until a new school advisory council agreement is entered into, a school advisory council established under clause 69(2)(a) to replace one that was established under the former Act operates under the same terms and conditions and has the same composition as set out in the predecessor school advisory council's agreement under the former Act.

Newly established school advisory council

73 Until a school advisory council agreement is entered into for a school advisory council newly established for a public school under subsection 69(1) or clause 69(2)(b),

- (a) the composition of the school advisory council must be determined in the manner prescribed by the regional centre in accordance with the requirements of clauses 71(2)(a) to (f) respecting minimum numbers and categories of members; and
- (b) the first members of the school advisory council must be elected according to a process established by the regional centre.

Vacancy on school advisory council

74 A vacancy on a school advisory council does not impair the authority of the remaining members to act.

Duties of school advisory council

75 The following are prescribed under subsection 21(3) of the Act as the duties of a school advisory council:

- (a) advising the principal and the regional centre on the following matters:
 - (i) developing policies that promote student achievement and safe and inclusive schools,

- (ii) school practices and initiatives,
 - (iii) communication among the school, parents and the community,
 - (iv) any matters that are referred to the school advisory council by the principal, the regional centre or the Minister;
- (b) working in collaboration with the principal and participating in efforts to improve student achievement and student and community well-being by receiving information on the school improvement plan and monitoring progress and improvements under the plan;
 - (c) preparing an annual report in the form and containing the information determined by the Minister;
 - (d) subject to the approval of the regional centre, making by-laws respecting the operations of the school advisory council, including electing members and conducting meetings;
 - (e) participating in Provincial and regional meetings, consultations and professional development opportunities offered for school advisory councils by the Minister, the regional centre or another education entity;
 - (f) in accordance with the terms of the school advisory council agreement, determining priorities for spending the funds allocated to support the mandate of the school advisory council;
 - (g) undertaking any responsibilities assigned by the Minister or the regional centre in addition to the responsibilities set out in the school advisory council agreement.