

The Education Act, 1995

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Chapter E-0.2* of the *Statutes of Saskatchewan, 1995* (effective January 1, 1997) as amended by the *Statutes of Saskatchewan, 1996, c.45; 1997, c.35; 1998, c.21; 1999, c.16; 2000, c.10, 42 and 70; 2001, c.13; 2002, c.27 and 29; 2004, c.16 and 67; 2005, c.10, 11 and 21; 2006, c.18, 38 and 42; 2008, c.11; 2009, c.13, 14 and 15; 2010, c.10, c.22 and 25; 2012, c.10; 2013, c.P-38.01 and c.9; 2014, c.11 and c.28; and 2015, c.3, c.6, c.18 and c.22.*

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

SCHOOL COMMUNITY COUNCILS

Establishment of school community councils

140.1(1) Subject to subsections (2) to (4), every board of education shall establish a school community council for each school in its division.

(2) Two or more school community councils in the same school division may petition the board of education of their school division to recommend to the minister that those school community councils be amalgamated to form one school community council.

(3) If the minister receives a recommendation from a board of education to amalgamate school community councils, the minister may approve the amalgamation if, in the minister's opinion, it is in the best interests of education in Saskatchewan.

(3.1) An amalgamated school community council may petition its board of education to recommend to the minister that that school community council be separated and two or more school community councils be established.

(4) If the minister receives a recommendation from a board of education to separate an amalgamated school community council and establish two or more school community councils, the minister may approve the separation and establishment if, in the minister's opinion, it is in the best interests of education in Saskatchewan.

2006, c.18, s.18; 2006, c.38, s.5.

Membership of school community council

140.2 Subject to the regulations and the policies of its board of education, every school community council shall consist of:

- (a) no fewer than five and no more than nine elected members who are parents or guardians of pupils or community members; and
- (b) appointed members.

2006, c.18, s.18; 2006, c.38, s.6.

Terms of office

140.3(1) Subject to subsections (2) and (4), each elected member of a school community council holds office for two years and is eligible for re-election.

(2) In the first election for each school community council, approximately half of the members are to be elected to one-year terms and the other members are to be elected to two-year terms.

(3) If there is a vacancy in an elected member's position, a board of education may appoint an individual to that position.

(4) The terms of all members of a school community council that is to be amalgamated or separated pursuant to subsection 140.1(3) or (4) terminate on the day after the election of the members of the newly constituted school community council.

2006, c.18, s.18; 2006, c.38, s.7.

Disqualification of members

140.4 A school community council member shall vacate his or her office as a member of the school community council if the member:

- (a) is convicted of an indictable offence;
- (b) is absent from three or more consecutive meetings of the school community council without the authorization of the school community council; or
- (c) ceases to be eligible for election as a member pursuant to the regulations or the policies of the school community council's board of education.

2006, c.18, s.18.

Duties and powers

140.5 Every school community council shall:

- (a) facilitate parent and community participation in school planning;
- (b) provide advice to its board of education;
- (c) provide advice to its school's staff;
- (d) provide advice to other agencies involved in the learning and development of pupils; and
- (e) comply with the regulations and the policies of its board of education.

2006, c.18, s.18.

PART IV
Pupils, Programs and Services
PUPILS

Right to education

141(1) Subject to sections 154, 155 and 157, no teacher, trustee, director or other school official shall, in any way deprive, or attempt to deprive, a pupil of access to, or the advantage of, the educational services approved and provided by the board of education or the conseil scolaire.

(2) Where any of the persons mentioned in subsection (1) contravenes the provisions of that subsection, that person is disqualified from holding his or her office or position.

1995, c.E-0.2, s.141.

Right to attend school at cost of school division

142(1) Subject to the other provisions of this Act, every person who has attained the age of six years but has not yet attained the age of 22 years has the right:

- (a) to attend school in the school division where that person or that person's parents or guardians reside; and
- (b) to receive instruction appropriate to that person's age and level of educational achievement.

The Education Regulations, 2015

being

[Chapter E-0.2 Reg 24](#) (effective October 19, 2015)

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PART V
School Community Councils

Membership

7(1) In this Part, “**community member**”:

- (a) means an elector who resides within the attendance area for that school community council’s school or the geographic area for a school community council as determined by that school’s board of education if an attendance area has not been defined; and
 - (b) does not include parents or guardians of pupils who attend that school.
- (2) Each school community council shall consist of:
- (a) the elected members mentioned in clause 140.2(a) of the Act; and
 - (b) the members appointed pursuant to subsections (3) and (4).
- (3) A board of education shall appoint as members:
- (a) subject to clause (b), for each school community council in its division:
 - (i) if practicable, one or two pupils who attend that school who are enrolled in the secondary level;
 - (ii) the principal of that school;
 - (iii) one teacher from that school; and
 - (iv) in consultation with the other members, any other individuals;
 - (b) if two or more school community councils are amalgamated pursuant to the Act, for each amalgamated school community council:
 - (i) if practicable, one or two pupils who attend each school who are enrolled in the secondary level;
 - (ii) the principal of each school;
 - (iii) one teacher from each school; and
 - (iv) in consultation with the other members, any other individuals.
- (4) If a pupil at a school resides on reserve, the board of education shall, for the school community council for that school:
- (a) request that the Indian band, for whose use and benefit the reserve where the student resides has been set aside, identify individuals willing to represent that Indian band on the school community council; and
 - (b) if practicable, appoint at least one of those individuals to the school community council.

- (5) Subject to the Act and these regulations, a board of education shall, for each school community council in its division:
- (a) determine the geographic area for the purposes of clause (1)(a);
 - (b) determine the maximum number of members;
 - (c) for the purposes of clause 140.2(a) of the Act determine the number of elected members; and
 - (d) develop policies and procedures for the:
 - (i) appointment of members; and
 - (ii) nomination and election of elected members.
- (6) Subject to subsection (7), a majority of the elected members of a school community council must be parents or guardians of pupils who attend the school.
- (7) Subsection (6) does not apply if the majority of the pupils who attend the school:
- (a) are 18 years of age or older; or
 - (b) do not reside with a parent or guardian.

23 Oct 2015 cE-0.2 Reg 24 s7.

Elections

- 8(1) An annual election shall be held to elect members of a school community council.
- (2) A board of education shall, for each school community council in its division, appoint an employee of the board of education, other than any member of that school community council, to be the returning officer for the election of members of the school community council.
- (3) A returning officer shall provide at least four weeks' notice to the public before a public meeting is held to elect members of a school community council.
- (4) The notice shall state:
- (a) the purpose of the meeting;
 - (b) the attendance area or the geographic area for the school community council;
 - (c) where any policies or procedures developed by the board of education respecting the election of the school community council can be reviewed; and
 - (d) the date, time and location of the meeting.

- (5) The notice shall be advertised or posted in such a way that it would be reasonably expected to reach the parents or guardians of pupils of that school and community members.
- (6) The following may stand for election to a school community council:
- (a) a parent or guardian of a pupil who attends the school of that school community council;
 - (b) subject to subsection (7), a community member.
- (7) A community member may not be a member of more than one school community council for a school in which he or she is not a parent or guardian of a pupil in that school.
- (8) The following may cast a vote in a school community council election:
- (a) a community member;
 - (b) a parent or guardian of a pupil who attends that school.
- (9) The members to be elected shall be elected at the public meeting by secret ballot.

23 Oct 2015 cE-0.2 Reg 24 s8.

Terms of appointed members

- 9(1) Subject to subsection (2), each appointed member of a school community council holds office for two years and is eligible for reappointment.
- (2) Any pupil who is appointed as a member of a school community council holds office for one year and is eligible for reappointment.

23 Oct 2015 cE-0.2 Reg 24 s9.

Officers

- 10 Each school community council shall select a chairperson, a vice-chairperson and a secretary from among the following members:
- (a) pupils;
 - (b) representatives of Indian bands;
 - (c) elected members.

23 Oct 2015 cE-0.2 Reg 24 s10.

Meetings

- 11 A school community council shall meet at least five times each year, have an annual general meeting and meet at any other time at the call of the chairperson.

23 Oct 2015 cE-0.2 Reg 24 s11.

Reimbursement

12 Members of a school community council may be reimbursed for expenses by the board of education for the school pursuant to the board's policies but will not receive compensation.

23 Oct 2015 cE-0.2 Reg 24 s12.

Support

- 13** A board of education shall, for each school community council in its division:
- (a) designate a senior administrative employee to be responsible for that school community council; and
 - (b) provide orientation, training, development and networking opportunities for members.

23 Oct 2015 cE-0.2 Reg 24 s13.

Duties

- 14** A school community council shall:
- (a) undertake activities to enhance its understanding of the community's economic, social and health needs, aspirations for pupils' learning and well-being, and resources and supports for the school, parents, guardians and community;
 - (b) in cooperation with the school staff, develop and recommend to its board of education for approval a school level plan that is in accordance with the board of education's strategic plan;
 - (c) perform any activities assigned to it in a school level plan approved by the board of education;
 - (d) communicate annually to the parents, guardians and community members about its plans, initiatives and accomplishments;
 - (e) account publicly for the expenditure of funds related to the operation of the school community council;
 - (f) participate in orientation, training, development and networking opportunities in order to enhance its capacity to fulfil its responsibilities; and
 - (g) not discuss or be given access to personal confidential information about or complaints about any pupil, family member or guardian of any pupil, teacher, administrator or other employee of or member of the board of education.

23 Oct 2015 cE-0.2 Reg 24 s14.

Powers

15 A school community council may:

- (a) provide advice and recommendations to the board of education respecting policies, programs and educational service delivery, including fundraising, school fees, pupil code of conduct, grade discontinuance, school closure, religious instruction, and language of instruction but not including educational service delivery by a specific teacher;
- (b) provide advice to the school staff respecting school programs; and
- (c) provide advice to other organizations, agencies and governments on the learning needs and well-being of pupils.

23 Oct 2015 cE-0.2 Reg 24 s15.

Constitution

16(1) A school community council shall develop and submit for approval to its board of education a constitution that includes its:

- (a) subcommittees and officers;
- (b) schedule of meetings;
- (c) means of public communication and consultation;
- (d) code of conduct;
- (e) decision-making processes; and
- (f) complaint and dispute resolution processes.

(2) A school community council's constitution or any amendment to it is not in effect until it is approved by that school community council's board of education.

(3) A board of education, by resolution, may delegate its power to approve the school community council's constitution, or any amendment to it, to the director or the superintendent of the board of education.

(4) The approval of the school community council's constitution, or any amendment to it, by the director or the superintendent of the board of education, as the case may be, in accordance with a resolution made pursuant to subsection (3) and any policies and procedures established by the board of education, is deemed to be the approval of the board of education.

(5) If a board of education has delegated its power to the director or the superintendent of the board of education pursuant to subsection (3) and the school community council disagrees with the decision of the director or superintendent, the school community council may appeal the decision, in writing, to the board of education.

23 Oct 2015 cE-0.2 Reg 24 s16.