



20 Parent Commissioner Commissioner-Parent

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This information leaflet is primarily intended for parents who hold the office of Commissioner representing the Parents' Committee at the school boards and for anyone who wants to know more about the role and the duties of a Parent Commissioner.

To put this office in its proper context, we recommend that you refer to other leaflets already produced by the FCPQ, in particular:

Leaflet 6 : Schools and their World;

Leaflet 8 : Education Reform and Parents;

Leaflet 12 : The Governing Board at the Heart of the School;

Leaflet 14 : The Parents' Committee –Focal Point of Parental Participation;

Leaflet 15 : The Advisory Committee on Special Needs Students.

Resources

To obtain reference material and to find useful tools or competent resource persons, please contact the FCPPO.

We offer :

- Advice;
- Information brochures;
- References;
- Training workshops.

Visit our web site www.fcqq.qc.ca or contact your regional association through the Parents' Committee at your School Board.

Acknowledgments

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Fully-committed parent and fully-committed Commissioner?



Here indeed is a twofold challenge for the Commissioners representing the Parents' Committee.

How do you remain a fully-committed parent when you find yourself part of a small minority on the Council of Commissioners and, at the same time, how do you fully assume the role of Commissioner, even though you do not have all the powers?

Should we say Parent Commissioners, Commissioner-parents, or both equally?

In their work, their relations and their interventions, Parent Commissioners must continually reconcile these two aspects of their office. If they lose sight of either, they are no longer really useful.

Upholding this dual affiliation is the most important challenge of the office of Commissioner representing the Parents' Committee—with its difficulties and its gratifications!

Real Commissioners

Parent Commissioners take on a completely new role as school board administrators. In fact, the primary role of the Council of Commissioners is to administer the school board, as section 143 of the Education Act clearly indicates:

"Every school board shall be administered by a council of commissioners composed of the following persons:

1° the commissioners elected or appointed pursuant to the Act respecting school elections (Chapter E-2.3);

2° two commissioners representing the parents' committee, one chosen from among the representatives of schools providing instruction at the elementary level and the other from among the representatives of schools providing instruction at the secondary level, elected pursuant to this Act."



Also, section 148 stipulates "every commissioner representing the parents' committee shall have the same rights, powers and obligations as those prescribed for the other commissioners." Parent Commissioners also accede as ex-officio members to the Executive Committee established by the Council of Commissioners (Education Act, s.179).

We can conclude from reading these two sections that Parent Commissioners:

- Administer the school board with the other Commissioners;
- Are Commissioners in the same capacity as the other Commissioners;
- Have the same rights, powers and obligations as the other Commissioners (such as access to information, reference material and training activities; the right to speak and to make proposals according to chosen procedures, even in the case of appointment to an elective position; the right take part in Governing Board meetings if so authorized).
- Receive a remuneration in accordance with conditions and procedures determined by the school board;
- Can perform other tasks that may be entrusted to them by the council such as chairing or sitting on a Commissioners' committee, representing the school board, etc.;
- Are chosen from among the representatives of elementary or secondary schools, which is simply a form of election that does not limit the extent of their powers;
- Represent the Parents' Committee and not the parents directly, an impression unfortunately conveyed by the expressions Parent Commissioner or Commissioner-parent.

What about restrictions?

Parent Commissioners are not entitled to vote at the Council of Commissioners or the Executive Committee, nor can they be appointed chair or vice-chair of the school board (Education Act, s.148). These are the only two limitations of the office. Additionally, quorum is not affected by their presence or absence at council meetings (Education Act, s.160).

A bit of background



Parent participation on the school board's Council of Commissioners and Executive Committee dates back to June 22, 1979 with the adoption of Bill 30. That fall, seven years after the creation of Parents' Committees, parents made their entry on the council. The first representatives to the school board had to make a place for themselves among the Commissioners by laying claim to the equality of their rights.

The Parent Commissioner's role has also been affected by the changes to the Education Act following the reform in 1997. At that time, the school board's role was altered, since some of its responsibilities were entrusted to the schools. Governing Boards now issue advice and a list of their needs directly to the school board. The Parent Commissioner's contribution is more oriented toward informing the school board of the needs of all parents within the various parental participation structures.

About the right to vote

Many people ask why Parent Commissioners are not entitled to vote. Is it a legislative refusal or the result of a lobby against parents? Not at all. On two occasions, the Fédération des comités de parents did not recommend that Parent Commissioners be granted voting rights, even though the Federation might have secured a legislative change to this effect. These decisions were made following a long debate between those for and against this change. The advantages and disadvantages were seriously considered and, on each occasion, the conclusion was the same: the right to vote would not in any way change the influential power of Parent Commissioners, while the obligation of taking a position would, in many cases, put them on the spot. For example, think of boards of commissioners involving political groups: what allegiance would Parent Commissioners choose if they had to vote to elect the Chair? Or imagine a situation in which Parent Commissioners' votes were decisive: what would become of parents' influential power over those who were defeated because of the vote? Or again, how could a parent take sides in the case of spending cuts that would result in layoffs or the closure of a school? One can't always abstain from voting without losing credibility.

The FCPQ also based its position on the fact that the number of Parent Commissioners was insufficient to constitute a significant political power. Better to leave it at the right to speak, to exercise this right with conviction and to choose to invest in the power to influence.

Representing the Parents' Committee



Communicating the advice of the Parents' Committee

The main function expected of Parents' Committee representatives is to act as spokespersons for the Parents' Committee (Education Act, s.192). They must:

- Give advice on any matter conducive to the most efficient operation possible of the school board;
- Give advice on the eleven mandatory subjects for consultation (Education Act, s. 193);
- Inform the school board of the needs of parents as identified by the school representatives and by the representative of the special needs advisory committee (SNAC).

It should be mentioned that this advisory committee transmits its own advice and opinions to the school board, but nothing prevents its representative to the Parents' Committee from insisting on the assistance of a Parent Commissioner when they go before the Commissioners.

In practice, the documents containing the advice are usually sent through administrative channels, so the Parent Commissioner's role is more to impress upon council members the value of the advice.



Representing the schools

The "needs of parents" means those that have been identified by the school representatives meeting at an assembly of the Parents' Committee. Consequently, Parent Commissioners are not letter carriers who can deliver to the school board any request or advice from one school in particular.

We know that Governing Boards are allowed to advise the school board or to inform the school board of their needs directly. This input can be about any matter likely to facilitate the operation of their school and even about any matter likely to improve the organization of the services provided by the school board (Education Act, s. 78).

Parent Commissioners do not act as vehicles to transmit this advice, unless the Parents' Committee has approved the advice first.

General mandate or specific mandates

What is the real scope of the representation mandate given to Parent Commissioners when they are elected by the Parents' Committee?

We should first point out that they are not delegates, but representatives. They do not appear before the Commissioners with mandates like delegates at a negotiating table. Their role is global: they were chosen to effectively represent the committee that elected them.

When they present advice from the Parents' Committee, they should have a margin for manoeuvre that permits them to choose when and how they should intervene in the best interests of the parents they represent. In a pinch, they should not accept a mandate so precise that they cannot use their judgment concerning the desirability and the manner of presenting the advice or the need.

Diplomacy and good political instincts are essential assets.

Understanding the place of the school board

For more on this subject, see FCPQ Leaflet No. 6, "Schools and their World."

To properly understand the Parent Commissioner's role, you have to know how the school system works and the school board's place in this system.

A legal person established in the public interest

The Education Act specifies that the school board is a legal person established in the public interest (Education Act, s. 113). It therefore enjoys all the rights and privileges recognized for this kind of body by such documents as the Quebec Civil Code, and it is subject to the obligations enshrined in existing laws. It is "in the public interest" in the sense that it was established by virtue of an act adopted by the National Assembly (the Education Act), which determines its powers and obligations.

A local structure devoted to education

School boards are set up by the Quebec government as true local governments in the same way as municipalities in the public service domain. They are responsible for ensuring that persons residing in their territory are provided the educational services prescribed by the Act. To this end, they establish schools, adult education centers and vocational training centers in their territory. They possess the rare power to levy taxes on the immovables in their territory.

There are 72 school boards in Quebec, with boundaries that usually follow those of the regional county municipalities (MRC). Of this number, 60 are French language boards and 9 are English language boards. Three others have special status and serve native students.



According to section 208 of the Education Act, "Every school board shall ensure that the persons who come under its jurisdiction are provided the educational services to which they are entitled under this Act."



School board functions

The primary duty of school boards is to ensure that the provisions in the Act pertaining to education are fully enforced in their establishments. This supervisory responsibility extends to the obligation for every school to have an Educational Project and a Success Plan

The other functions and powers of the school board are described in sections 204 to 398, Chapter V of the Act. Briefly, these functions have to do with:

- The organization of educational services (instructional services and special services) for all students, without prejudicing the functions and powers of the school, and the adaptation of these services to meet the needs of special needs students;
- The management of human resources, in its capacity as employer of the staff of its schools, centers and services;
- The management and maintenance of material resources, in its capacity as owner of its immovables;
- The financial administration, by seeing that its resources are allocated among its establishments, after reserving the amount necessary for its own operations;
- The establishment of services to the community, such as day care;
- The organization of student transportation.

In fact, school boards mainly deal with planning, evaluation and support to the schools. They assume the responsibilities that affect all the schools, while the schools have broad autonomy to adapt instruction and the organization of educational services to the needs of the students.

The development of all these functions is provided for in a strategic plan that must be adopted by the school board and that must contain measures designed to promote student success, in relation to the objectives and guidelines of the Ministry of Education.



The Council of Commissioners

The description of the school board's role is indicative of the Council of Commissioners' role, namely to determine the broad frameworks—strategic plan, rules, regulations and policies, allocation of the budget among establishments, staffing plan, and so on—that ensure school board obligations are fulfilled.

Other school board responsibilities include informing the public of the services provided, reporting on the quality of the services, publishing an annual report giving an account of the results obtained with regard to the directions and objectives established by the Ministère de l'Éducation. As elected officials, Commissioners must inform their fellow citizens of the school board's achievements and activities.

The Council of Commissioners also plays the role of student protector or ombudsman for education. Thus, it may be called upon to review a decision affecting a student, at the request of the student or his/her parents (Education Act, s. 9 to 12). Parent Commissioners should be especially attentive to this function because it directly touches on parental concerns.

The Executive Committee

The council usually entrusts some of its powers to an Executive Committee. The extent to which powers are delegated varies from one school board to another. In some cases, the Executive Committee oversees the more administrative aspects and the broad educational frameworks are reserved for the council. The Executive Committee in this case plays a decisive role. Some school boards opt for another operating model and keep all the important controls for the council. There are even some Executive Committees with only a symbolic value.

Whatever model is chosen, Parent Commissioners quickly learn that the dynamics of an Executive Committee are very different from those of the Council of Commissioners and that their contributions must be adjusted to fit the situation.



The Director General

At the school board, the Director General plays the role of senior manager, seeing to the day-to-day management of the board. The notion of day-to-day management is quite broad and its interpretation varies from one school board to another, depending on the extent to which powers are delegated and the management approach established by the Director General.

Chiefly, it is important to know that principals and department heads report directly to top management, that is the Director General or the Assistant Director General. The selection and posting of principals also depends on the type of power delegation chosen.

Delegation of functions and powers

Due to the size of the school boards, we may underestimate the crucial role of the council given that it delegates many of its powers and functions to the Executive Committee, the Director General, the department heads and the school management.

In order to effectively target their interventions, Parent Commissioners have to become properly informed about the delegation of powers favoured at their school board. They will find in the regulation respecting delegation a more detailed explanation of the functions and powers established by their school board. The person who holds a power is supposed to report on its use in accordance with prescribed procedures.

In the final analysis, everything comes from the Council of Commissioners and everything returns to the Council of Commissioners.



Formalities

The legal framework of the office of Parent Commissioner is enshrined in the Education Act and the Act respecting school elections. It may be useful to present the principle elements here.

We recommend you refer to the two legal texts in question for the particulars on their application, or ask the Secretary General of the school board for an interpretation in contentious issues.

Élection (*Education Act, s. 145*)

Election to the two positions of Commissioner representing the Parents' Committee, one for elementary and the other for secondary schools, takes place each year during a meeting called by the committee Chair or, in his/her absence, by the Secretary General of the school board. The representatives are elected by a majority vote of the members of the Parents' Committee present on this occasion.

This election must take place before the third Sunday of November. It is not stated that it must be held during the first meeting of the committee, following the appointment of representatives to the Parents' Committee, or even at a regular meeting.

It is recommended that the election procedures for this occasion be recorded in the rules of internal management of the Parents' Committee.¹

Taking office and the oath of office (*Education Act, s.145*)

The elected representative takes office on the third Sunday of November. Within 35 days of taking office, the Commissioner must take an oath. This procedure, carried out in the presence of the Director General or a person appointed by the Director General, does not necessarily take place during an assembly. The Commissioner must solemnly declare, as per Quebec's Civil Code, or swear, in the religious sense, to "fulfill his duties faithfully and to the best of his judgment and ability." An entry of the oath is made in the Minutes of Proceedings of the school board.

Term of office (*Education Act, s. 145, 147*)

The Act simply states that the term of office is one year. In other words, the term ends on the third Sunday of the following November. It is, of course, renewable!

Section 147 specifies that Parent Commissioners remain in office even if their child no longer attends a school of the school board.

1. See Leaflet No. 2 on the General Assembly of parents for a model of election procedures.



Eligibility

Parent Commissioners are subject to the same conditions as the other Commissioners; they are governed by sections 12, 20 and 21 of the Act respecting school elections.

The Parent Commissioner:

- Is a Canadian citizen and has been domiciled in Quebec for six months;
- On polling day, is domiciled in the territory of the school board;
- Is the parent of a student of the school board at the time of his/her election;
- Is a member of a Governing Board and is a Parents' Committee representative;
- Has taken an oath;
- Is not under curatorship (a public plan of assistance for incapacitated adults);
- Is not deprived of election rights;
- Is not a member of the National Assembly or the Parliament of Canada;
- Is not a justice of any court of justice;
- Is not a person sentenced to imprisonment;
- Is not an employee of the school board (schools, centres or services).

Vacancy (*Education Act, s. 147; Act respecting school elections, s. 191 to 197*)

A Parent Commissioner who does not satisfy one of the preceding conditions automatically loses the right to hold the office. His/her seat becomes vacant and a new election must be held to fill the position for the remainder of the term.

The position may also become vacant following the written resignation or the death of the person, or through failure to attend six consecutive council meetings, held at intervals of at least seven days.

Who to elect?

Beyond the legal formalities and conditions of eligibility, a Parents' Committee may formulate certain expectations before electing a Parent Commissioner. In this way, emphasis can be placed on the need for availability, given the many meetings Parent Commissioners are expected to attend. It is also desirable that candidates possess a modicum of knowledge about the school system. However, under no circumstances must criteria be established that would be discriminatory toward one class of people.

Taking your rightful place and maintaining solid ties



The Parent Commissioner's role is definitely political. Though often criticized, the political sphere is still one of society's noblest, because it essentially allows a person to work for the betterment of fellow citizens. Better to state straight out that at this level of involvement, parents work not so much for their own children, but for all the children who, now and in future, will benefit from the educational services offered by the school board.

To adequately fulfil the office of Parent Commissioner, it is important at the outset to create lasting ties in this school board network.

The Parents' Committee

The first area in which the Parent Commissioners should establish relations is the Parents' Committee. It is unimaginable that a Parent Commissioner could adequately perform the role without being a key person within the Parents' Committee. A Parent Commissioner is expected to:

- Report on events taking place at the school board;
- Help the Parents' Committee to prepare advice for the school board;
- Take part in planning and preparing the work;
- Be a member of the Executive Committee of the Parents' Committee, if occasion arises.

Governing Boards

To meet the expectations mentioned above, Parent Commissioners should:

- Pay attention to what is happening on the Governing Boards;
- Comprehend the issues behind problematic situations that arise in the schools;
- Have full understanding of Governing Board advice that is endorsed by the Parents' Committee;
- Be ready to support and advise a school representative, if asked.

Given Parent Commissioners' privileged position at the school board, they may be called upon to step in and play a decisive role in certain situations.



Commissioners

As guarantors of the Parent Commissioners' influential power, the relations between the Parent Commissioners and the other Commissioners are of paramount importance. Just being together in session is not enough; meaningful relations must be established, particularly by not missing any opportunity to share an event with them.

In view of their political role, Commissioner-parents must be sure to identify the acknowledged leaders and to bear in mind the relations that exist among the Commissioners.

The Director General and executives

The Director General is key to establishing harmonious relations between the school board and the Parents' Committee. Since Parent Commissioners meet the Director General more regularly than do other parents, it is to their advantage to maintain good contacts with the DG.

As for the relations between Commissioners and school board executives, they are usually governed by more or less official practices. It is important that Parent Commissioners respect the way things are done in their community.

Parents

Parent Commissioners do not have direct ties with the thousands of parents they represent. The best way to represent parents is by knowing the community, anticipating reactions to decisions and paying attention to any change of opinion that arises.



Ethics

Questions of ethics and professional conduct have become much more current in public organizations in the past few years. The board of education has taken advantage of this trend and includes several such provisions in the Education Act.

The interest of the students

Section 64 of the Education Act states "every decision of the governing board must be made in the best interests of the students." This principle should continue to guide Parent Commissioners when they are at the school board.

Acting as a reasonable person

"The members of the council of commissioners must act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances; they must also act with honesty and loyalty and in the interest of the school board and the population." (*Education Act, s. 177.1*)

This conduct expected of all administrators is already an enormous commitment on the part of the Commissioner!

The code of ethics and professional conduct

The Act also makes it obligatory for the Council of Commissioners to establish, by by-law, a code of ethics and professional conduct, which is applicable to the Commissioners. The content is clearly spelled out in section 175.1.

Conflict of interest

The question of conflict of interest concerns Parent Commissioners as much as every other member of the council. Since Parent Commissioners can influence the council in a decision in which their personal interests are at stake, they are subject to the same obligations: to disclose the interest, to avoid influencing and to withdraw both during discussions and during the vote on the issue.

Parent Commissioners are advised to be well informed about the notion of conflict of interest and the procedures for disclosure. The existence of a conflict of interest is not bad in itself: it is continuing to act as Commissioner that is unacceptable.

Immunity

Parent Commissioners cannot be prosecuted for acts performed in good faith in the performance of their duties (*Education Act, s. 177*). Despite this, should proceedings be undertaken, the school board assumes the defense of the Commissioner. The Act sets certain conditions in the case of penal or criminal proceedings (*proceedings Education Act, s. 177.2*).

Sessions, meetings and committees



Meetings of the Council of Commissioners are public. Normally, everything must take place in public, from the regular meetings set by fixed calendar to the special meetings called by a notice from the Secretary General.

However, there are various kinds of meetings of a more or less private nature: in camera, full committee, work session, caucus, private sessions, and so on.

The confusion that exists about these terms sometimes causes problems. It is important to define them precisely so Parent Commissioners know the limits of their rights and to remember that definitive and official decisions must be delivered in public.

In camera

The Act allows the council to sit in camera "for the purpose of examining any matter liable to be prejudicial to a person" (Education Act, s.167). We can easily understand, for example, that examining a request to review a decision affecting a student (Education Act, s. 9 to 12) cannot be done in public without risking disclosure of identifying information. As well, the prejudice may extend to a legal person, that is an organization, a corporation, and so on.

The interpretation of prejudice caused to a person can be quite broad, but it cannot jeopardize the public nature of council or Executive Committee decisions.

Parent Commissioners are entitled to participate at all in camera council sessions.

Full committees

Like in camera sessions, full committee sessions take place during a regular or special meeting. In the strict sense, this expression refers to the situation in which an assembly suspends its deliberation procedures to become, there and then, a working committee. The assembly then has greater freedom of discussion, a discussion that normally continues in public. Obviously, in these circumstances, Parent Commissioners have the same rights and are under the same obligations as the other Commissioners.

Work sessions

Many school boards hold work sessions during the hours or days preceding public meetings. These preparatory sessions, that are incorrectly called full or caucus committees, allow Commissioners to study the files in more detail, learn about varying opinions or explore assumptions; they can also serve as occasions to receive confidential reports in order to avoid in camera sessions during a public meeting. These work sessions are usually called by the Secretary General. It is understood that Parent Commissioners must be notified of such sessions.



Abuse of this formula interferes with information to the public. For example, if discussions on the budget took place in a work session and its examination in a public meeting is nothing more than a call to vote, parents, staff and the general public will not know the real issues behind the decisions in the budget.

Parent Commissioners have to be vigilant in this matter in order to promote information to parents.

Caucus

This expression refers exclusively to the in camera meeting of members of one political party or one particular elected group, for example, from the same locality, in order to discuss common problems and to identify a common course of action [translation] (ref.: Multidictionnaire de la langue française)

By this definition, Parent Commissioners could be invited to participate. However, vigilance is required to avoid being compromised in this kind of situation.

Private committee

The term "private committee" is frequently used to refer to any of the preceding situations; however, the term should be avoided because it is ambiguous and goes against the public nature of council meetings. Instead, preceding expressions should be used so Parent Commissioners' rights are clearly identified.

Participation in school board committees

In addition to the committees presented above and the committees prescribed by the Act, school boards have a multitude of committees or working groups on which Commissioners are asked to sit. These are permanent or temporary (sometimes called ad hoc) committees. They can be set out in the council's operating procedures or in the school board's policies.

Parent Commissioners should, in regard to these committees, enjoy the same prerogatives as the other council members. In any case, they can be named or elected to a Commissioners' committee in the same way as the other council members.

Nevertheless, section 192 of the Education Act must be taken into consideration. It stipulates that a function of the Parents' Committee is to designate the parents who take part in the various committees established by the school board.

To avoid any imbroglia, it seems best to make a distinction between Commissioners' committees and other multi-agent committees established by the school board. So, when the school board forms a committee that includes representatives from various groups, such as parents, principals, other staff members and the community, it is up to the Parents' Committee to appoint its own representatives and not up to the council to appoint Parent Commissioners directly.

To sum up



An influential power

Parent Commissioners hold an influential power that must be developed. It is the most important part of their task. Their influence will be mainly based on the quality of their contributions. If their actions are justified, their arguments well supported and their questions, even if inconvenient, are relevant, they will be deemed competent.

Their competence will earn them a credibility that will count in important moments.

Maintaining consistent contact with the day-to-day school life is also an asset that Parent Commissioners can use when the time is right.

The qualities expected of Parent Commissioners

Every human quality could figure on the list of what we expect of Parent Commissioners. We would like them to have personal, intellectual and relational qualities, all equally important and indispensable. The listed qualities should also include the ability to understand the role, to master new content, to analyse and synthesize, to listen and pay attention, to be diplomatic and to communicate in a clear and carefully thought out manner.

Personal style

All Parent Commissioners approach the office in their own way and with their own personality. There is always something to learn: above all they have to learn to choose from among the many actions to be undertaken or from among the various invitations to participate in different events. A good way to move forward is to review and evaluate one's own contributions. Life takes care of the rest!

Working in tandem

The qualities mentioned above are not necessarily all found in the same person. Parent Commissioners benefit from sharing tasks on the basis of their strengths and not on the basis of an established order. If they work in tandem, they will be more effective and gain more satisfaction from their work.

An unforgettable experience

The office of Parent Commissioner presents real challenges: balancing the numerous tasks, developing harmonious relations, making contributions diplomatically, and so on. Like balancing artists, Parent Commissioners find themselves alone, perched way up on high, sometimes without a safety net.

But what an unforgettable experience!