



## MEMORANDUM

TO: PIC Members

FROM: Michèle Giroux, Executive Officer, Corporate Services

DATE: 13 January 2021

RE: **Supplementary Information Related to Report 20-105, Updates to the PIC By-laws and Standing Rules**

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Last month, a report on the PIC agenda regarding revisions to the by-laws was deferred to the January meeting. That report has been included on the January agenda in its original format. The purpose of this memorandum is to provide an update to the Committee so that all members have the necessary information prior to making any decisions.

The original report was prepared in response to a request from PIC members for clarification on the eligibility of members who may run for the elections of the PIC Chair and Vice-Chair. The report recommended an amendment to section 6.18 of the PIC by-laws. Specifically,

*THAT Section 6.18 of the PIC By-Laws and Standing Rules be changed to: "Where a nominee to the office of Chair or Vice Chair is a Parent Member serving a one-year term, except for a Parent Member appointed under section 4.0 (b) their term may be extended for a second year and on appointment they shall be deemed to be a member with a two (2) year term".*

This recommendation was based on legal advice which is explained in the report. After the report was released, the OCASC executive met with staff to express concern, to provide additional information regarding the OCASC constitution, and to request that the item be deferred to the next meeting of the Committee. That request was brought to the Committee and the Committee deferred the item.

### Changes to OCASC Appointments

At the November meeting of OCASC, there was a change to the process to appoint OCASC reps to PIC for a two year term ([minutes](#)). Martyn Reid and Maleka Handela were nominated as OCASC representatives. In accordance with the PIC by-laws, these appointments will need to be ratified by the PIC (section 6.8 PIC by-laws).

### PIC Members Terms of Office

Regulation 612 School Councils and Parent Involvement Committees section 37 (1):

*“The term of office of some of the parent members of a parent involvement committee shall be one year and the term of office of some of the parent members shall be two years, as provided in the by-laws of the committee. O. Reg. 330/10, s. 6.”*

The PIC By-Laws provide the following with respect to term of office:

- The members of the Committee shall be appointed before November 15 of each school year for a term of office beginning December 01 and ending November 30. 5.1
- The eight (8) Parent Members of the Committee shall be appointed to serve a term of office of either one (1) or two (2) years and, wherever possible, members shall be appointed for a two-year term.
- The two (2) Parent Members appointed by OCASC shall be appointed for a term of office of one (1) year.
- The term of office for Community Representatives shall be two (2) years.

### Aligning the OCASC Appointment and PIC By-laws

OCASC has indicated that their representatives will be their appointees for two years. However, the PIC by-laws specify that the members appointed by OCASC have a one year term.

### Appointment of Chair and Vice-chair

Under section 38(3) of Regulation 612: *“Only parent members with a two-year term are eligible to be elected to the position of chair or co-chair. O. Reg. 330/10, s. 6.”*

The OCDSB PIC by-laws provide language to allow for the extension of the term of a one-year parent member to a two year term where they are nominated as chair. Section 6.18 of the By-laws states *“Where a nominee to the office of Chair or Vice Chair is a member serving a one-year term, their term may be extended for a second year and on appointment he or she shall be deemed to be a member with a two (2) year term”*.

### Legal Guidance

Staff sought clarification from legal counsel as to whether the change in practice at OCASC would eliminate the need for the bylaw amendment.

The legal advice provided is that the deeming provision in section 6.18 does not extend to the parent members appointed by OCASC because section 5.2 specifies their term of office to one year (unlike the term of office for other parent members).

### Possible Options for the Committee

When this item is considered by the Committee, there are several options available:

1. **Adopt the original recommendation** clarifying that section 6.18 does not apply to OCASC members which means that a parent appointed as an OCASC rep could not be the Chair of PIC - this is consistent with the legal advice provided;
2. **Defeat the original recommendation** - this is possible but still leaves the committee with uncertainty about the applicability of the deeming provision to the OCASC representatives and could result in a challenge now or in the future;
3. **Amend section 6.18 to clarify that the deeming provision applies** to parent members appointed under section 5.2 (OCASC appointments);
4. **Delete the deeming provision in section 6.18** - the deeming provision (second sentence) is the source of the confusion and if removed would align the by-laws with the regulation and would mean that only members appointed to a two year term were eligible to be the Chair; or
5. **Amend section 5.2 of the PIC by-laws** to allow OCASC representatives to be appointed for a one or two year term and thereby making the two year term appointees eligible to be elected to the role of Chair;

Staff will be available to assist with any questions at the meeting.