



BERMUDA

EDUCATION (PARENT COUNCIL) RULES 2015

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The Minister responsible for education, in exercise of the power conferred by section 21C of the Education Act 1996, makes the following Rules:

Citation

1 These Rules may be cited as the Education (Parent Council) Rules 2015.

Interpretation

2 In these Rules, unless the context indicates otherwise—

“days” means teaching days as prescribed by rule 11(1) of the Education Rules 2006;

“notice” means a written notice sent in such manner as the sender sees fit, including by electronic means;

“parent” means a parent or guardian of a child or children enrolled at the school;

“school year” means the period commencing September of any year and concluding in June of the following year.

Establishing a Parent Council, etc.

Principal to notify parents

3 (1) The provisions of this rule apply where a Parent Council has not been established for a school, or a Parent Council has not been re-established in accordance with rule 13.

(2) The Principal of the school shall notify the parents that they may establish a Parent Council in accordance with rules 4, 5 and 6 of these Rules.

(3) The notice shall be sent to the parents no later than five days after commencement of the school year.

Time to establish a Parent Council

4 Where the parents decide to establish a Parent Council for the school year, the Council must be established no later than 1 October.

Provisional Parent Council

5 (1) For the purpose of establishing a Parent Council, three parents may form a Provisional Parent Council as soon as practicable after the commencement of the school year, and one of the parents shall act as chairman of that Council.

(2) The chairman shall notify the principal as soon as practicable that a Provisional Parent Council has been established.

(3) The chairman of the Provisional Parent Council shall, as soon as practicable after the commencement of the school year, call a meeting or meetings of the parents for the purpose of deliberating and deciding the matter set out in paragraph (4), and, as the case may be, the matters set out in paragraph (6)(b).

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(4) The matter to be deliberated and decided by the parents at a meeting called by the Provisional Parent Council is whether the parents wish to establish a Parent Council for the school year.

(5) A Provisional Parent Council is dissolved immediately upon the parents deciding that they do not wish to establish a Parent Council for the school year.

(6) Where the parents decide to establish a Parent Council—

(a) the chairman of the Provisional Parent Council shall notify the parents of the procedure for nominating candidates for membership in the Parent Council; and

(b) the parents shall vote on—

(i) the members of the Parent Council for the school year; and

(ii) the chairman of the Parent Council for the school year.

(7) A decision of the parents on the matters referred to in paragraphs (4) and (6) shall be by a majority of the votes of the parents present; and in any case in which the voting is equal, the chairman of the Provisional Parent Council has, in addition to an original vote, an additional casting vote.

Establishment of Parent Council

6 (1) A Parent Council is established and the Provisional Parent Council is dissolved immediately upon the parents having voted on the matters referred to in rule 5(6)(b).

(2) The chairman of the Parent Council shall, as soon as practicable, notify the Principal, parents, and the Commissioner of Education of the following—

(a) that a Parent Council has been established for the school year in accordance with these Rules;

(b) the name of the chairman of the Parent Council; and

(c) the names of the members of the Parent Council.

Constitution of Parent Councils

7 The Schedule to these Rules has effect with respect to the constitution of a Parent Council and otherwise in relation thereto.

Annual report of Parent Council

8 (1) The Parent Council shall prepare an annual report in respect of the school year which shall include the following matters—

(a) the number of Parent Council meetings held;

(b) the number of parent meetings called and held;

(c) the matters under rule 10 which had been deliberated by the parents;

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- (d) whether any representations were made by the Council to the Principal or Commissioner of Education, and whether any responses were received from the Principal or Commissioner;
- (e) any progress made on the implementation of any approved plan for improvement of the school;
- (f) whether any Committees were formed, the number of meetings held, the matters deliberated and decided, and any other activities conducted by such Committees;
- (g) any other activities conducted by the Parent Council.

(2) The annual report shall be made available to the Principal, the parents, and the Commissioner of Education before the Council is dissolved, in such manner as the Council sees fit, including by electronic means.

Matters for Deliberation by Parents

Council may call meeting of Parents

9 (1) The chairman of a Parent Council may by notice call a meeting of the parents to deliberate the matters set out in rule 10.

(2) The notice shall set out the date, time and place of the meeting, and the purpose for which the meeting is called.

(3) The chairman shall preside at a meeting of the parents, and in his absence the members of the Parent Council present at the meeting shall elect a member to preside at that meeting.

(4) Minutes of each meeting of the parents shall be kept by such person as the chairman appoints for the purpose; and such minutes must be confirmed at the next meeting of the parents.

(5) Subject to the provisions of this rule, a meeting of the parents shall be governed by Robert's Rules of Order or other generally accepted text on rules of order.

Matters for deliberation

10 (1) The parents may deliberate any of the following—

- (a) the draft budget for the school;
- (b) the school's policy for promoting improved student achievement;
- (c) any draft plan for improvement of the school;
- (d) any parent and community involvement policy for the school.

(2) Where a Principal is to be appointed to the school, the Parent Council may call a meeting of the parents to deliberate the desired qualities and competencies of any Principal for that school.

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(3) After considering the deliberations of the parents, the Parent Council shall decide—

- (a) what, if any, representations it will make to the Principal with respect to the matters referred to in paragraph (1);
- (b) what, if any, representations it will make to the Commissioner of Education with respect to the matter referred to in paragraph (2).

Duties of Principal and Commissioner

Duties of the Principal

11 (1) The duties of the Principal with respect to any Provisional Parent Council and any Parent Council are—

- (a) to provide access to facilities for the holding of meetings;
- (b) to provide the chairman with—
 - (i) any documents or information which will assist the Council in performing its functions under these Rules, including the names and contact information of the parents;
 - (ii) any documents or information requested by the chairman which will assist the deliberations of a meeting of the parents.

(2) In providing any document or information mentioned in paragraph (1)(b), the Principal shall have regard to the desirability of safeguarding any confidential or personal information, or information which was communicated or obtained in confidence, and for such purposes, the Principal may make the necessary modifications to such documents or information.

(3) The Principal shall take into consideration any representations made by the Parent Council in respect of the matters referred to in paragraph 2(1)(a) to (d) of the Schedule; and shall provide a written response to the Council regarding any such representations.

Duties of the Commissioner

12 (1) The Commissioner of Education shall promote the establishment and continuation of Parent Councils in such manner as he sees fit.

(2) The Commissioner of Education shall take into consideration any written representations made by the Parent Council in respect of the matter set out in paragraph 2(1)(e) of the Schedule; and shall provide a written response to the Council regarding any such representations.

(3) If requested, the Commissioner of Education shall provide guidance to Principals in the performance of their duties with respect to Parent Councils.

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Dissolution and Re-establishment of a Parent Council

Dissolution and re-establishment of Parent Council

13 (1) A Parent Council established or re-established during the school year is dissolved on 30 September of the following school year.

(2) Before a Parent Council is dissolved, the chairman shall, as soon as practicable after commencement of the new school year, call a meeting or meetings of the parents for the purpose of deliberating and deciding the matter set out in rule 5(4), and, as the case may be, the matters set out in rule 5(6)(b).

(3) Where the parents decide to re-establish a Parent Council for the new school year, the Council must be re-established no later than 1 October.

(4) Notwithstanding paragraph (3), the outgoing Parent Council is dissolved immediately upon the re-establishment of a new Parent Council.

(5) The incoming chairman shall, as soon as practicable after a Parent Council has been re-established for the new school year, notify the Principal, parents, and the Commissioner of Education of the matters set out in rule 6(2).

Re-establishing a Parent Council in subsequent school year

14 Where a new Parent Council has not been re-established in accordance with the provisions of rule 13, the re-establishment of a Parent Council in any subsequent school year must be in accordance with the provisions of rule 5.

Transitional

15 Notwithstanding rule 4, the parents may establish a Parent Council no later than 28 days from the date on which these Rules come into operation.

Commencement

16 These Rules come into operation on 8 September 2015.

SCHEDULE

(rule 7)

CONSTITUTION OF PARENT COUNCILS

Constitution

1. (1) A Parent Council shall have a minimum of five members comprising—
 - (a) a chairman who shall be a parent of a child who is enrolled at the school;
 - (b) two other parents of children who are enrolled at the school;
 - (c) a teacher or counsellor of the school;
 - (d) a person who does not have a child enrolled at the school.
- (2) In addition to the minimum number of members referred to in paragraph 1, a Parent Council may have any number of additional members as the parents may elect, provided that more than half of the total membership comprises parents of children who are enrolled at the school.
- (3) The Principal of the school is an ex officio member of the Parent Council but has no vote.

Functions

2. (1) In addition to the functions set out in these Rules, the Parent Council may—
 - (a) make representations to the Principal on the draft school budget;
 - (b) make representations to the Principal on the school's policy for promoting improved student achievement;
 - (c) make representations to the Principal on the draft improvement plan for the school;
 - (d) make representations to the Principal regarding a community involvement policy for the school;
 - (e) make representations to the Commissioner of Education as to the desired qualities and competencies of a Principal to be appointed to the school;
 - (f) monitor the implementation of the improvement plan for the school;
 - (g) report regularly to the parents on its activities in such manner as the Council sees fit, including by electronic means.
- (2) Any representations made to the Principal or Commissioner of Education under subparagraph (1)(a) to (e) must be in writing.

Proceedings

3. Subject to this Schedule, proceedings of the Parent Council shall be governed by Robert's Rules of Order or other generally accepted text on rules of order.

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Meetings of Parent Council

4. (1) The Parent Council shall meet as often as may be necessary or expedient for the performance of its functions, and in any event shall meet at least three times during the school year.

(2) The chairman shall preside at a meeting of the Parent Council and, in his absence, the members present shall elect a member to preside at that meeting.

(3) The Commissioner of Education or his representative may attend any meeting of the Parent Council, and may assist in the deliberation of the Council, but shall have no vote.

(4) The Council may co-opt persons for the purpose of any particular meeting if such persons are considered to be competent to assist in any special area of the Council's deliberations, but such person shall have no vote.

Quorum

5. At any meeting of the Parent Council, a majority of the total membership of the Council constitutes a quorum.

Disclosure of interest

6. (1) A member of the Parent Council, the Principal, the Commissioner of Education or his representative who has in any way a direct or indirect interest in any matter which falls to be considered by the Parent Council shall disclose the nature of his interest at a meeting of the Council, and the disclosure shall be recorded in the minutes of the meeting.

(2) For the avoidance of doubt, the fact that a member has a child enrolled at the school shall not be taken, of itself, to be a direct or indirect interest.

(3) A person with an interest as mentioned in subparagraph (1) shall not take part in any deliberation or decision with respect to the matter in which he has an interest, if the Parent Council decides that the interest in question might prejudicially affect the member's consideration of the matter.

(4) For the purposes of this paragraph, a notice given by a member at a meeting to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any matter concerning that body or firm which falls to be deliberated or decided after the date of the notice shall be sufficient disclosure of his interest.

Voting

7. The decisions of the Parent Council shall be by a majority of the votes of the members present; and in any case in which the voting is equal, the chairman, or other member presiding at the meeting has, in addition to an original vote, an additional casting vote.

Minutes

8. Minutes of each meeting of the Parent Council shall be kept by such person as the chairman appoints for the purpose; and such minutes must be confirmed at the next meeting of the Council.

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Committees

9. (1) The Parent Council may form such Committees as it considers necessary, and such Committees may comprise parents who are not members of the Parent Council.

(2) A Committee shall be chaired by a member of the Parent Council.

(3) The Committee may, with the approval of the Parent Council, co-opt persons for the purpose of any particular meeting if such persons are considered to be competent to assist in any special area of the Committee's deliberations, but such person shall have no vote.

(4) With the exception of paragraphs 1, 2 and 4(4) of this Schedule, the provisions of this Schedule apply, with the necessary modifications, to a Committee of the Parent Council.

(5) A Committee is dissolved when the Parent Council under which it was formed is dissolved.

Vacancy

10. (1) The chairman may by notice declare vacant the office of any member if the chairman is satisfied that the member has failed without sufficient cause to attend three consecutive meetings of the Parent Council.

(2) The parents may, in accordance with rule 5(6)(a) or (b) of the Rules, elect a person to fill a vacancy in the membership or chairmanship of the Parent Council, and the person so elected shall hold such office until the Council is dissolved.

(3) The powers of a Parent Council may be exercised notwithstanding any vacancy in its number.

Resignation

11. A member of the Parent Council may at any time resign his office by notice in writing to the chairman, and upon the date of receipt by the chairman of the notice the person ceases to be a member.

Notice of change in membership

12. The chairman shall, as soon as practicable, notify the Principal, parents and Commissioner of Education of any changes in the membership of the Parent Council.

Made this 24th day of July 2015

Minister of Education