

**DUTIES AND POWERS OF THE GOVERNING BOARD**  
Student supervision policy

**Question:**

**Section 75 stipulates that the student supervision policy approved by the governing board must include measures relating to the use of non-teaching and non-scheduled time for instructional or educational purposes. Is the lunch period considered as non-teaching and non-scheduled time?**

**Reference:**

**Section 75**

The governing board is responsible for approving the student supervision policy proposed by the principal.

The policy shall include measures relating to the use of non-teaching and non-scheduled time for instructional or educational purposes, the organization of extracurricular activities and the development of approaches to foster academic success.

**Answer:**

YES

The lunch period must be considered non-teaching and non-scheduled time and the student supervision policy approved by the governing board may establish measures with respect to its use.

**DUTIES AND POWERS OF THE GOVERNING BOARD**  
Extracurricular educational services

**Question:**

- a) **Are the extracurricular services organized by the governing board reserved exclusively for students enrolled in the school?**
- b) **Can a governing board require a financial contribution for such services?**

**Reference:**

**Section 36, first paragraph**

A school is an educational institution whose object is to provide to the persons entitled thereto under section 1 the educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 and to contribute to the social and cultural development of the community.

**Section 90**

The governing board may organize educational services other than those prescribed by the basic school regulation, including instructional services outside teaching periods during the school days of the school calendar or on non-school days, and may organize social, cultural or sports services.

It may also allow other persons or organizations to organize such services on school premises.

**Section 91, first paragraph**

For the purposes of section 90, the governing board may, in the name of the school board and within the scope of the school's budget, contract with a person or body for the provision of goods or services. In addition, it may require a financial contribution from users of such goods and services.

**Answer:**

**a) NO**

Under section 36, the school must dispense educational services to the students and contribute to the social and cultural development of the community.

Moreover, the first paragraph of section 90 stipulates that the governing board may organize educational services other than those prescribed by the basic school regulation as well as social, cultural or sports services.

Extracurricular services are therefore not reserved exclusively for the students enrolled in the school, unless the governing board decides otherwise.

**NOTE:** It should be pointed out that daycare services are not extracurricular services. At the request of a governing board, these are offered by the school board to preschool and elementary school students attending that governing board's school.

**b) YES**

Section 91 stipulates that the governing board may require a financial contribution from users of such goods and services.

## DUTIES AND POWERS OF THE GOVERNING BOARD

### Designated funds

**Question:**

- a) Does the *Education Act* allow a governing board to open an account with a bank or a caisse populaire?
- b) Can a governing board establish and manage a foundation?

**Reference:**

**Section 94**

The governing board may, in the name of the school board, solicit and receive gifts, legacies, grants and other voluntary contributions from any person or public or private organization wishing to provide funding for school activities.

The governing board may not, however, solicit or receive gifts, legacies, grants or other contributions to which conditions incompatible with the mission of the school are attached, particularly conditions relative to any form of commercial solicitation.

The contributions received shall be paid into a designated fund created for that purpose in respect of the school by the school board; the funds making up the fund and the interest earned shall be appropriated to the school.

The school board shall keep separate books and accounts for the operations of the fund.

The management of the fund shall be supervised by the governing board; the school board must, at the request of the governing board, give access to the records of the fund and provide the governing board with any account, report or other information relating to the fund.

DATE:1998-11-30

**Answer:**

**a) NO**

Since schools have no legal personality, the contributions received by the governing board shall be paid into a designated fund created for that purpose in respect of the school by the school board.

The school board shall keep separate books and accounts for the operations of the fund.

The management of the fund shall be supervised by the governing board.

The current practice of depositing money in an account in the name of a school is no longer permitted.

**b) NO**

Nothing prevents a group of parents from establishing and managing a foundation for the benefit of the school. However, any gift from the foundation to the school must be deposited into a designated fund stipulated in section 94, and the appropriate accounting entries recorded in the books.

**FUNCTIONS AND POWERS OF GOVERNING BOARDS**  
Student Services and Special Educational Services

**Question:**

**Is the governing board responsible for approving the objectives of student services and special educational services?**

**Reference:**

**Section 224** of the *Education Act* in relation to the development of programs:

"Every school board shall establish a program for each student service and special educational service contemplated in the basic school regulation except in matters coming under the jurisdiction of a minister other than the Minister of Education.

*Agreement.*

It may enter into an agreement with any person or body with regard to the contents of the programs in those matters which do not come under the jurisdiction of the Minister of Education.

*Conformity with regulation.*

The programs must be in conformity with the basic school regulation."

**Section 84** in relation to the *Basic school regulation*:

"The governing board is responsible for approving the approach proposed by the principal for the implementation of the basic school regulation."

**Section 88** in relation to student services:

"The governing board is responsible for approving the approach proposed by the principal for the implementation of the student services and special educational services programs prescribed by the basic school regulation and determined by the school board, or provided for in an agreement entered into by the school board."

**Answer:**

**NO**

The governing board is responsible for approving the approach proposed by the principal for the implementation of student service and special educational service programs. The objectives of student services are determined in the *Basic school regulation*.

**FUNCTIONS AND POWERS OF GOVERNING BOARDS**  
Modification of the Subject-Time Allocation

**Question:**

**Does a governing board have the power to modify the subject-time allocation for Elementary 1, 2 and 3 proposed by the principal for subjects taught by specialists (Arts and Physical Education)?**

**Reference:**

**Section 86** of the *Education Act* in relation to compulsory subjects:

"The governing board is responsible for approving the time allocation proposed by the principal for each compulsory or elective subject and shall satisfy itself

- (1) that the compulsory objectives of the programs of studies established by the Minister will be achieved and their compulsory contents will be acquired;
- (2) that the rules governing the certification of studies prescribed by the basic school regulation are complied with."

**Section 89** in relation to the collaboration of staff and teachers:

[First paragraph]

"Proposals under sections 84, 87 and 88 shall be developed in collaboration with the school staff; proposals under sections 85 and 86 shall be developed in collaboration with the teachers."

**Section 96.13** in relation to the responsibilities of the principal:

"The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall

- (1) coordinate the development, implementation and periodical evaluation of the school's educational project;
- (2) ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval;
- (3) encourage concerted action between the parents, the students and the staff, their participation in the life of the school and their collaboration in fostering academic success;
- (4) inform the governing board on a regular basis concerning the proposals approved by the principal under section 96.15.

*Failure to act.*

If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal."

**Answer:**

**NO**

The governing board is responsible for approving the time allocation proposed by the principal for each subject in accordance with the conditions prescribed by the *Education Act*.

The governing board may approve or not approve a proposal on subject-time allocation, and may ask that the principal modify the proposal.

The principal develops the proposal in collaboration with the teachers.

If the majority votes against a proposal and the principal does not modify the proposal within 15 days, the governing board may act alone to modify the proposal.

DATE: 2000-06-01

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**FUNCTIONS AND POWERS OF GOVERNING BOARDS**  
Budget Proposals

**Question:**

- a) **Does a governing board have the power to refuse a school's budget proposal for the elimination of positions?**
- b) **Is the governing board entitled to give its opinion on the staff categories to be affected by such a proposal?**

**Reference:**

**Section 95 of the *Education Act* in relation to the annual budget:**

[First paragraph]

"The governing board is responsible for adopting the school's annual budget proposed by the principal, and shall submit the budget to the school board for approval."

**Section 96.20 in relation to staffing needs:**

"After consulting with the school staff, the principal shall inform the school board, on the date and in the form determined by the school board, of the needs of the school in respect of each staff category and of the professional development needs of the staff."

**Section 96.21 in relation to staff management:**

[First paragraph]

"The principal is responsible for the management of the staff of the school and shall determine the duties and responsibilities of each staff member in accordance with the provisions of the applicable collective agreements or regulations of the Minister and, where applicable, with the agreements between the school board and university-level institutions concerning the training of future teachers or the mentoring of newly qualified teachers."

**Section 96.22 in relation to the requirements of schools:**

"After consulting with the governing board, the principal shall inform the school board of the requirements of the school as regards goods and services, and of any required improvement, equipment, construction, conversion or repair of the premises or immovables placed at the disposal of the school."

**Section 96.24 in relation to the annual budget:**

"The principal shall prepare the annual budget of the school, submit it to the governing board for adoption, administer the budget and render an account thereof to the governing board.

*Balance.*

The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the school by the school board and the school's own revenues, on the other.

*Separate accounting.*

The approved school budget shall constitute separate appropriations within the school board's budget, and the expenditures for that school shall be charged to those appropriations.

*School closing.*

If a school closes, the school's surpluses and funds shall be transferred to the school board."

**Section 78 in relation to the advisory function:**

"The governing board shall advise the school board concerning

- (1) any matter the school board is required to submit to the governing board;
- (2) any matter likely to facilitate the operation of the school;
- (3) any matter likely to improve the organization of the services provided by the school board."

**Section 276 in relation to the budgets of educational institutions:**

"Every school board is responsible for approving the budget of its schools, vocational training centres and adult education centres.

*Approval.*

The budget of an educational institution shall be without effect until it is approved by the school board. However, the school board may, subject to the conditions it determines, authorize an institution to incur expenses that have not been approved."

**Answer:**

a) **YES.** A school's governing board may refuse to adopt the budget proposed by the principal. The budget should maintain a balance between expenditures and the financial resources allocated to the school by the school board and the school's own revenues.

The principal is, however, responsible for the administration of the educational institution's budget, and the budget takes effect as soon as the school board approves it. The principal is accountable both to the governing board and the school board concerning the budget.

b) **YES.** The governing board may give its opinion concerning any matter likely to facilitate the operation of the school or any matter likely to improve the organization of the services provided by the school board.

**FUNCTIONS AND POWERS OF GOVERNING BOARDS**  
School Safety Patrol

**Question:**

Is it the governing board's responsibility to manage the procedure related to the school safety patrol (student patrollers supervised by school staff)?

**Reference:**

Section 76 of the *Education Act* in relation to rules of conduct:

**[First paragraph]**

**"The governing board is responsible for approving the rules of conduct and the safety measures proposed by the principal."**

**Answer:**

**NO**

The governing board is responsible for approving measures proposed by the school principal for ensuring student safety. The governing board is not responsible for approving or managing the procedure related to these measures.

DATE: 2000-08-14

**FUNCTIONS AND POWERS OF GOVERNING BOARDS**  
Sale of consumer goods

**Question:**

**Does section 94 of the *Education Act* apply to a funding campaign involving the sale of consumer goods?**

**Reference:**

**Section 94 of the *Education Act*, in relation to the solicitation of gifts or grants:**

"The governing board may, in the name of the school board, solicit and receive gifts, legacies, grants and other voluntary contributions from any person or public or private organization wishing to provide funding for school activities.

*Restriction.*

The governing board may not, however, solicit or receive gifts, legacies, grants or other contributions to which conditions incompatible with the mission of the school are attached, particularly conditions relative to any form of commercial solicitation.

*Designated fund.*

The contributions received shall be paid into a designated fund created for that purpose in respect of the school by the school board; the funds making up the fund and the interest earned shall be appropriated to the school.

*Accounting.*

The school board shall keep separate books and accounts for the operations of the fund.

*Management.*

The management of the fund shall be supervised by the governing board; the school board must, at the request of the governing board, give access to the records of the fund and provide the governing board with any account, report or other information relating to the fund."

**Answer:**

**YES.**

Section 94 of the *Education Act* applies to the proposed sale of consumer goods because the conditions that would be attached to such a sale must not be incompatible with the mission of schools, which is training and teaching.

Provisions of the *Consumer Protection Act* that prohibit the use of commercial advertising directed at persons under thirteen years of age must also be considered.

On this topic, you may refer to the brochure entitled *Guidelines for Schools on Advertising and Financial Contributions*, which may be consulted under the heading "Documents d'information" at the MEQ's Web site on governing boards.

DATE: 2000-08-14

**FUNCTIONS AND POWERS OF GOVERNING BOARDS**  
Fees Charged to Parents

**Question:**

**How can parents contest a governing board's decision concerning the proposed budget apportionment to reduce the fees charged to parents?**

**Reference:**

**Section 63 of the *Education Act*, in relation to decisions of governing boards:**

"The decisions of the governing board are made by a majority vote of the members present and entitled to vote.

*Tie.*

If votes are equally divided, the chair has a casting vote."

**Section 64, in relation to the interests of the students:**

"Every decision of the governing board must be made in the best interests of the students."

**Section 218.2, in relation to failure to comply:**

"If a school, a vocational training centre or an adult education centre fails or refuses to comply with this Act or with a regulation of the Government, the Minister or the school board, the school board shall give the institution formal notice to comply therewith; failing that, the school board shall take appropriate action to ensure compliance with this Act and the regulations, such as substituting its decisions for the decisions of the institution."

**Answer:**

If parents consider that a decision by the governing board was not made in the best interests of the students, they may request that the governing board review its decision, giving reasons for their request. The governing board may choose whether or not to review its decision.

If the governing board does not change its decision and the parents still consider that the decision is not in the best interests of the students, the parents may ask that the school board ensure compliance by the governing board with the law.

Concerning the fees that may be charged to parents, please refer to the brochure entitled *Fees Charged to Parents*, which may be consulted at the Web site of the Ministère de l'Éducation. To download the brochure, click on the words "ÉDUCATION PRÉSCOLAIRE, ENSEIGNEMENT PRIMAIRE ET SECONDAIRE," then "Conseils d'établissement," then "Documents d'information," then "Dépliant « Frais exigés des parents »," then "anglaise" (after the words "Frais exigés des parents.>").

DATE: 2000-11-17

**FUNCTIONS AND POWERS OF GOVERNING BOARDS**  
Leasing Out of Rooms

**Question:**

**Can the governing board lease out rooms for community activities and collect the proceeds?**

**Reference:**

**Section 93 of the *Education Act*, in relation to the use of premises:**

"The governing board is responsible for approving the use of the premises or immovables placed at the disposal of the school, proposed by the principal, subject to the obligations imposed by law for the use of the school premises for election purposes and to agreements for the use of school premises entered into by the school board before the issue of the deed of establishment of the school.

*Agreement.*

Any agreement entered into by the governing board for the use of the premises or immovables placed at the disposal of the school requires prior authorization from the school board if the term of the agreement exceeds one year.

*Community services.*

The governing board is responsible for approving the organization by the school board, on the school premises, of cultural, social, sports, scientific or community services."

**Section 92, in relation to revenues:**

"Revenues derived from the provision of goods and services under section 90 shall be credited to the appropriations allocated to the school."

**Section 90, in relation to community services:**

"The governing board may organize educational services other than those prescribed by the basic school regulation, including instructional services outside teaching periods during the school days of the school calendar or on non-school days, and may organize social, cultural or sports services.

*School premises.*

It may also allow other persons or organizations to organize such services on school premises."



**Section 91, in relation to contracts:**

"For the purposes of section 90, the governing board may, in the name of the school board and within the scope of the school's budget, contract with a person or body for the provision of goods or services. In addition, it may require a financial contribution from users of such goods and services.

*Submission to school board.*

A draft of a contract to be entered into under the first paragraph must be sent to the school board at least 20 days before its conclusion. Within 15 days after receiving it, the school board may indicate its disagreement on the ground of non-compliance with the standards governing the school board; in the absence of such indication, the contract may be concluded."

**Answer:**

**YES.**

Upon a proposal by the school principal, the governing board is responsible for approving the leasing out of rooms at the school for community activities and for collecting the proceeds.

DATE: 2000-11-20

**FUNCTIONS AND POWERS OF GOVERNING BOARDS**  
Gifts of Merchandise

**Question:**

**Can the governing board accept gifts of merchandise offered during a fundraising activity?**

**Reference:**

**Section 94 of the *Education Act*, in relation to funding:**

[First paragraph]

"The governing board may, in the name of the school board, solicit and receive gifts, legacies, grants and other voluntary contributions from any person or public or private organization wishing to provide funding for school activities."

**Answer:**

**YES.**

The governing board may receive gifts of merchandise if it considers that they are consistent with the mission of the school and do not contain conditions that would subject students, parents or other people at the school to commercial solicitation such that they are encouraged to purchase goods or services.

For further information on this topic, please refer to the brochure entitled *Guidelines for Schools on Advertising and Financial Contributions*, which may be consulted at the Web site of the Ministère de l'Éducation. To download the brochure, click on the words "ÉDUCATION PRÉSCOLAIRE, ENSEIGNEMENT PRIMAIRE ET SECONDAIRE," then "Conseils d'établissement," then "Documents d'information," then "Dépliant « Publicité et contributions financières à l'école »," then "anglaise" (after the words "Publicité et contributions financières à l'école").

DATE: 2000-08-14

**FUNCTIONS AND POWERS OF GOVERNING BOARDS**  
Childcare

**Question:**

**What is the role of governing boards regarding childcare?**

**References:**

**Section 256 of the *Education Act*, in relation to childcare:**

"At the request of the governing board of a school, a school board must provide childcare for preschool and elementary school students, in the manner agreed with the governing board, on the school premises or, if the school does not have suitable premises, on other premises."

**Section 93, in relation to the use of premises:**

"The governing board is responsible for approving the use of the premises or immovables placed at the disposal of the school, proposed by the principal, subject to the obligations imposed by law for the use of the school premises for election purposes and to agreements for the use of school premises entered into by the school board before the issue of the deed of establishment of the school.

*Agreement.*

Any agreement entered into by the governing board for the use of the premises or immovables placed at the disposal of the school requires prior authorization from the school board if the term of the agreement exceeds one year.

*Community services.*

The governing board is responsible for approving the organization by the school board, on the school premises, of cultural, social, sports, scientific or community services."

**Section 95, in relation to the annual budget:**

"The governing board is responsible for adopting the school's annual budget proposed by the principal, and shall submit the budget to the school board for approval."

**Answer:**

The governing board must decide whether or not the school should provide childcare. If the governing board decides that such services should be provided, it must reach an agreement with the school board on the organization of the services.

Furthermore, since childcare is a school service, the governing board adopts the budget to provide it.

## FUNCTIONS AND POWERS OF GOVERNING BOARDS

### Fundraising

**Question:**

**Can a group of parents organize a fundraising activity without the consent of the governing board?**

**References:**

**Section 94 of the *Education Act*, in relation to the solicitation of gifts or grants:**

"The governing board may, in the name of the school board, solicit and receive gifts, legacies, grants and other voluntary contributions from any person or public or private organization wishing to provide funding for school activities.

*Restriction.*

The governing board may not, however, solicit or receive gifts, legacies, grants or other contributions to which conditions incompatible with the mission of the school are attached, particularly conditions relative to any form of commercial solicitation.

*Designated fund.*

The contributions received shall be paid into a designated fund created for that purpose in respect of the school by the school board; the funds making up the fund and the interest earned shall be appropriated to the school.

*Accounting.*

The school board shall keep separate books and accounts for the operations of the fund.

*Management.*

The management of the fund shall be supervised by the governing board; the school board must, at the request of the governing board, give access to the records of the fund and provide the governing board with any account, report or other information relating to the fund."

**Answer:**

**YES.**

The governing board may receive a sum of money from any person or public or private organization wishing to provide funding for school activities.

If a group of parents wishes to organize a fundraising activity that involves the participation of students or school staff, it must first obtain the consent of the governing board.

For further information on this topic, please refer to the brochure entitled *Guidelines for Schools on Advertising and Financial Contributions*, which may be consulted on the Web site of the Ministère de l'Éducation. To download the brochure, click on the words "ÉDUCATION PRÉSCOLAIRE, ENSEIGNEMENT PRIMAIRE ET SECONDAIRE," then "Conseils d'établissement," then "Documents d'information," then "Dépliant « Publicité et contributions financières à l'école »," then "anglaise" (after the words "Publicité et contributions financières à l'école").

FUNCTIONS AND POWERS OF GOVERNING BOARDS  
Foundations

Question:

What is the relationship between the governing board and a foundation?

References:

**Section 94 of the *Education Act*, in relation to the solicitation of gifts or grants:**  
"The governing board may, in the name of the school board, solicit and receive gifts, legacies, grants and other voluntary contributions from any person or public or private organization wishing to provide funding for school activities.

***Restriction.***

The governing board may not, however, solicit or receive gifts, legacies, grants or other contributions to which conditions incompatible with the mission of the school are attached, particularly conditions relative to any form of commercial solicitation.

***Designated fund.***

The contributions received shall be paid into a designated fund created for that purpose in respect of the school by the school board; the funds making up the fund and the interest earned shall be appropriated to the school.

***Accounting.***

The school board shall keep separate books and accounts for the operations of the fund.

***Management.***

The management of the fund shall be supervised by the governing board; the school board must, at the request of the governing board, give access to the records of the fund and provide the governing board with any account, report or other information relating to the fund."

Answer:

The governing board may solicit or receive a sum of money from any person or public or private organization wishing to provide funding for school activities.

A foundation may, as a private organization, solicit sums of money to provide funding for school activities. The governing board must decide whether or not to accept any sum of money offered by the foundation.

For further information on this topic, please refer to the brochure entitled *Guidelines for Schools on Advertising and Financial Contributions*, which may be consulted on the Web site of the Ministère de l'Éducation. To download the brochure, click on the words "ÉDUCATION PRÉSCOLAIRE, ENSEIGNEMENT PRIMAIRE ET SECONDAIRE," then "Conseils d'établissement," then "Documents d'information," then "Dépliant « Publicité et contributions financières à l'école »," then "anglaise" (after the words "Publicité et contributions financières à l'école").

**FUNCTIONS AND POWERS OF GOVERNING BOARDS**  
Conduct of Students

**Questions:**

- A) Can a governing board withdraw a student's entitlement to receive lunch-break services for the rest of the school year if the student has behaved inappropriately?
- B) Can a governing board vote for a student's immediate suspension on the grounds that the student has behaved inappropriately?
- C) For how many consecutive days can a student be suspended?
- D) What should be done if the suspension protocol implemented by a governing board keeps a student from returning to school because no representative of the school administration attended the mandatory meeting held to discuss the student's return, thereby resulting in a five-day suspension instead of a three-day suspension?

**References:**

**Section 76 of the *Education Act*, in relation to rules of conduct:**

"The governing board is responsible for approving the rules of conduct and the safety measures proposed by the principal.

*Sanctions.*

The rules and measures may include disciplinary sanctions other than expulsion from school or corporal punishment; the rules and measures shall be transmitted to all students at the school and their parents."

**Answer:**

It must first be determined whether a regulation of the school provides for a sanction in the case of inappropriate behaviour. The governing board must have approved any such regulation. If no such regulation exists, the governing board may ask that such a regulation be adopted.

The governing board is responsible for approving the school's rules of conduct and safety measures, but the principal determines how the rules and measures will be applied.

FUNCTIONS AND POWERS OF GOVERNING BOARDS  
Fees Charged to Parents

Question:

**How much freedom does the governing board have in deciding how to use the subsidy granted by the Minister of Education to reduce the fees charged to parents?**

References:

**Section 7 of the *Education Act*, in relation to the free use of textbooks:**

"Students other than those enrolled in adult education have a right to the free use of textbooks and other instructional material required for the teaching of programs of studies until the last day of the school calendar of the school year in which they reach 18 years of age, or 21 years of age in the case of handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (chapter E-20.1). Each student shall have the personal use of the textbook chosen pursuant to section 96.15 for each compulsory and elective subject in which the student receives instruction.

*Exception.*

The right of free use does not extend to documents in which students write, draw or cut out.

*Instructional material.*

Instructional material does not include pencils, paper and other objects of a like nature."

Answer:

Here is some information related to the subsidy granted to school boards to reduce the fees charged to parents:

- The subsidy can only be used to reduce the fees charged to parents for the 2000-2001 school year.
- The brochure entitled "Fees charged to Parents: Guidelines" should be consulted, as it sets out the ministerial orientations in relation to the principle of free education. The brochure may be consulted on the Web site of the Ministère de l'Éducation. To download the document, click on the words "ÉDUCATION PRÉSCOLAIRE, ENSEIGNEMENT PRIMAIRE ET SECONDAIRE," then "Conseils d'établissement," then "Documents d'information," then "Dépliant « Frais exigés des parents »," then "anglaise" (after the words "Frais exigés des parents.").

The governing board must comply with the ministerial orientations, which provide that the subsidy granted by the Minister must be used to reduce the fees charged to parents, in accordance with the rule of free education set out in the *Education Act*.

The subsidy cannot, for instance, be used to purchase textbooks or other instructional material required for instructional purposes so as to meet the objectives of educational programs, as the use of this material must be provided free of charge by the school board.

FUNCTIONS AND POWERS OF GOVERNING BOARDS  
Lease Fees

Question:

**Can a governing board play a role in establishing lease fees for the use of school premises for the provision of childcare?**

References:

**Section 256 of the *Education Act*, in relation to childcare:**

"At the request of the governing board of a school, a school board must provide childcare for preschool and elementary school students, in the manner agreed with the governing board, on the school premises or, if the school does not have suitable premises, on other premises."

**Section 258, in relation to the hiring of staff by a school board and to the financial contribution that may be required from users of the services it provides:**

"The school board may hire staff and enter into agreements for the purposes of sections 255 to 257. In addition, it may require a financial contribution from users of the services it provides."

Answer:

**NO.** Since childcare is provided by the school board at the request of the governing board, only the school board may require a financial contribution from users of these services.

DATE: 2001-03-08