



PETITIONS AND PUBLIC NOTICES

Background

Petitions may be used to express public opinion. Petitions are requests to provide support or opposition on a matter. Petitions that meet all requirements can be used to request the Board of Trustees to consider taking action on a specific issue.

Definitions

Petition - When the Education Act provides for the doing of anything by petition, or one or more electors wish to present a petition to a board, the petition must be in the form established by the Minister. A petition is a formal request to the Board of Trustees signed by a number of electors.

Petitioner - an elector who signs a petition.

Elector - a person who is eligible to vote in an election as defined in section 1 of the *Municipal Government Act* and section 1 of the *Local Authorities Election Act*.

Witness - an adult person who claims that he or she was personally present and saw the petitioner sign his, her or their name.

Procedures

Number of Petitioners Required

1. In this section, “funded students”, means the number of students enrolled in and attending a school operated by the Board on the last day of September on which instruction is provided.
 - 1.1 A petition must be signed by at least the lesser of 5,000 electors, or the number of electors that is equal to 10% of the number of funded students of the Board, in a division.
2. The following must be excluded in determining the number of petitioners on a petition:
 - 2.1 a person whose signature appears on a page of the petition that does not contain an accurate statement of the purpose of the petition identical to the statement contained on all the other pages of the petition;
 - 2.2 a person whose signature is not witnessed;
 - 2.3 a person whose address is not set out or is incorrectly set out;
 - 2.4 a person who is not an elector.

3. No name may be removed from a petition after it has been received by the Board.

Statement by Elector

4. There must be attached to every petition a statement signed by an elector stating that
 - 4.1 the elector represents the petitioners, and
 - 4.2 the elector is the person to whom the Board may direct any inquiries with respect to the petition.

Presentation of Petition to Board

5. When the petitioners wish to present a petition to the Board, they must do so by filing the petition with the Associate Superintendent, Business & Finance.

Determination of a Petition's Sufficiency

6. When a petition is filed with the Associate Superintendent, Business & Finance, he/she must:
 - 6.1 determine the number of petitioners that have signed the petition;
 - 6.2 determine whether the petition meets the requirements of sections 2 and 3, and
 - 6.3 having made the determinations under section 6.1 and 6.2, declare the results of the Associate Superintendent's determination, and provide the elector referred to in Section 4 with written notification of the declaration.

Insufficiency of a Petition

7. If a petition is found under section 6 to be insufficient, the Board must proceed as if the petition had not been presented to the Board.

Appeal Re: Insufficiency

8. Where it is determined that a petition is insufficient, the petitioners may appeal the determination to the Court of Queen's Bench by application.
 - 8.1 An appeal under subsection (1) must be commenced within 14 days from the date that the Associate Superintendent, Business and Finance makes the declaration under section 6.3.
 - 8.2 If on hearing the appeal, the Court considers that the petition is sufficient, the Board must proceed as if the petition had been declared sufficient by the Associate Superintendent, Business and Finance.

Administration of Petitions

9. If a petition is determined sufficient by the Associate Superintendent, Business and Finance, the Board must, within 30 days of the date of the written notification declaring the results of the determination made under section 6, establish a committee to review the petition. The committee will be comprised of three Board members and two members of the Division administration.
 - 9.1 The committee must review the purpose of the petition and provide recommendations to the Board in response to the purpose of the petition.
 - 9.2 The Associate Superintendent, Business and Finance must provide the elector referred to in section 4 with written notification of the outcome of the committee's review within 90 days of the date of the written notification declaring the results of the determination made under section 6.

Board Policy in Respect of Petitions

10. A board must establish and maintain a policy regarding the administration of petitions received by the Board other than those received by the Board under sections 102, 110 or 190 of the Education Act.

Public Notice

11. When public notice, including notice of a public meeting, is required to be given under the Education Act, the notice must be given by
 - 11.1 publishing the notice at least once a week for two consecutive weeks in at least one newspaper that has general circulation in the area in which the municipalities, school divisions and districts interested in the matter are situated, and
 - 11.2 posting the notice for ten (10) business days in at least two areas that the person who is required to give the notice considers appropriate.

Legal Reference: Section 247, 248, 249, 250 Education Act
Local Authorities Election Act
Municipal Government Act
Petitions and Public Notices Regulation (91/2019)
Policy 7 – Board Operations