



GOVERNMENT OF BERMUDA  
**Ministry of Education**

## Public Consultation

# Improving Student Achievement – The Role of Parental and Community Involvement: Proposed Changes to the Education Act 1996

September 2013



# **PUBLIC CONSULTATION**

## **Improving Student Achievement – The Role of Parental and Community Involvement: Proposed Changes to the Education Act 1996**

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## HOW YOU CAN HELP – INVITATION FOR CONSULTATION SUBMISSIONS

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Members of the public are encouraged to share their views on this consultation document on Improving Student Achievement – The Role of Parental and Community Involvement: Proposed Changes to the Education Act 1996.

Written submissions can be emailed, mailed or delivered by hand to:

**E-mail:** educationconsultation@moed.bm

**Mail:** Education Consultation  
Ministry of Education Headquarters  
P.O. Box HM 1185  
Hamilton, HM EX  
Bermuda

**By hand:** Education Consultation  
Ministry of Education Headquarters  
14 Waller's Point Road  
Southside, St. David's DD 03  
Bermuda

Persons can also contact the Ministry of Education Policy Analyst at 278-3300 to provide a submission in person or over the telephone.

Consultation questions are included near the end of the discussion paper as a guide for persons who wish to use them in developing their submission.

A summary of the consultation submissions will be provided to the public, following the conclusion of the consultation exercise.

## GLOSSARY OF TERMS

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**Aided schools** are schools, whose property is in part or in entirety vested in a body of trustees, board of governors or similar body of persons, or any person, on behalf of the school. An aided school can be partially or fully funded out of public money. The aided schools are:

- St. George's Preparatory School
- Sandys Secondary Middle School
- Whitney Middle School, and
- The Berkeley Institute.

**Maintained schools** are schools whose entire property belongs to the Government. They are funded out of public money. The maintained schools are:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| • Devonshire Preschool            | • Harrington Sound Primary School |
| • Lagoon Park                     | • Northlands Primary School       |
| • Lyceum Preschool                | • Paget Primary School            |
| • Prospect Preschool              | • Prospect Primary School         |
| • St. David's Preschool           | • Port Royal Primary School       |
| • St. John's Preschool            | • Purvis Primary School           |
| • St. Paul's Preschool            | • St David's Primary School       |
| • St. George's Preschool          | • Somerset Primary School         |
| • Southampton Preschool           | • Victor Scott Primary School     |
| • Warwick Preschool               | • West End Primary School         |
| • Dalton E. Tucker Primary School | • West Pembroke Primary School    |
| • East End Primary School         | • Clearwater Middle School        |
| • Elliot Primary School           | • Dellwood Middle School          |
| • Francis Patton Primary School   | • T.N. Tatem Middle School        |
| • Gilbert Institute               | • CedarBridge Academy             |
| • Heron Bay Primary School        | • Dame Marjorie Bean Hope Academy |

**A Memorandum of Understanding** is a binding agreement between two parties.

**Parent-Teacher Associations** are bodies that facilitate communication and engagement between parents and their children's schools. Membership includes the school's principal, teachers and parents of students who attend the school.

**School governance** refers to the structure used to support the running of schools, as well as how schools are run.

**A school improvement plan** "is a roadmap that sets out the changes that a school needs to make to improve the level of student achievement, and shows how and when these changes will be made."<sup>1</sup>

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<sup>1</sup>(Education Improvement Commission, 2000)

**Student achievement** refers to the attainment and demonstration of growth in student learning and knowledge. It includes the ability of students to make progress and improve, and to demonstrate in school and in life, literacy, critical thinking, communication, social, health, citizenship and life skills. Student achievement gives students a strong foundation for post-secondary education, employment and/or community life.

**Quango** is a quasi-non-governmental organisation.



## EXECUTIVE SUMMARY

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### **Improving Student Achievement – The Role of Parental and Community Involvement: Proposed Changes to the Education Act 1996**

The Government's vision for public education is for all children to be given the opportunity to achieve to their fullest potential, regardless of race, gender, class, ethnicity, sexuality, religion, background, familial status or connection, upbringing, aptitude and/or ability. It is the highest goal of the Minister of Education to ensure that the public education system is transformed to get it right for every child.

As parent and community participation is a key component in the success of public education, the Minister of Education believes that meaningful opportunities must be provided to actively involve parents and the community in the education of children.

Accordingly, the Minister of Education is launching a public consultation on proposed changes to the Education Act 1996 with regard to how maintained schools should be run. The results of this consultation will have important implications for schools, and for the future of public education. This consultation is therefore an excellent opportunity for parents and the larger community to articulate how they would like to be involved and engaged in the education of children for the purposes of improved student achievement.

In 2012, the Chief Justice of the Supreme Court, Ian Kawaley, ruled that PTAs must be treated as boards of governors of maintained schools, and that they have a legitimate expectation to be consulted on staffing changes at their children's schools. This has had a significant impact on how decisions on school staffing can be made, but also has greater implications for how schools should be run. This is because if PTAs of maintained schools must be treated as boards of governors, they must also be given the same responsibilities assigned to boards of governors of maintained schools under the Education Act 1996. These also include the management of the school budget and the maintenance of school facilities.

In view of the Supreme Court ruling and its implications for children, schools, parents, the community and the Ministry of Education, the Minister of Education considered three different pathways regarding school governance:

- Pathway #1:** Full implementation of the Supreme Court ruling which would grant all of the powers of boards of governors to PTAs of maintained schools;
- Pathway #2:** Appoint boards of governors for every maintained school as per the Education Act 1996; or
- Pathway #3:** Consider and consult on proposals to amend the Education Act 1996.

Pathway #1 considers the full implementation of the Supreme Court ruling, which would

mean that in addition to their existing roles and responsibilities, the functions of each PTA would be to:

- a. Advise the Minister of Education on policy matters related to the school;
- b. Consider the hiring, firing, and transfer of principals and teachers into and out of the school. PTAs must, therefore, be given sufficient personnel information to make informed decisions related to staffing;
- c. Manage and administer the financial affairs of the school;
- d. Manage and administer the maintenance of the premises of the school;
- e. If they deem it necessary, employ staff, (other than public officers) to help manage and administer the maintenance of school premises; and
- f. Engage in other functions as the Minister of Education may from time to time determine.

However, this means that PTAs would be responsible for managing millions of dollars of public money, and school maintenance which includes safety and health. All PTAs of each of the 21 affected maintained schools would have to demonstrate an interest and commitment to carry out these functions.

Pathway #2 considers that the Minister of Education could instead appoint boards of governors under the Education Act 1996, which would require 279 members; at least one member of each board of governors would have to be a parent. The Minister of Education is responsible for appointing members who represent interests that he deems appropriate.

Pathway #3 considers changing the Education Act 1996 to remove boards of governors for maintained schools<sup>2</sup> and instead establish school advisory councils or engage PTAs in a new relationship with principals and the Ministry of Education regarding parental involvement in the school improvement process for the purposes of improved student achievement.

After considering the above pathways, the Minister of Education believes that pathway #3 is the best way forward and through this consultation process is considering and consulting on proposals to amend the Education Act 1996.

The two different options considered by the Minister of Education for amending the Education Act 1996 are:

- Option #1:** Amend the Education Act 1996 to establish and implement school advisory councils for every maintained school; or
- Option #2:** Amend the Education Act 1996 to remove boards of governors for maintained schools, and develop a new relationship with PTAs that is focused on student achievement and school improvement.

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<sup>2</sup>The CedarBridge Academy would be an exception because it has a functioning board of governors and was established as a quango.

**Option #1** would require the formation of school advisory councils, which would:

- a. Provide recommendations to the Minister of Education, the Commissioner of Education and the principal, regarding student achievement and school improvement;
- b. Facilitate parent and community participation in the school;
- c. Facilitate communication for parents and the community regarding the school;
- d. Serve as a vehicle for parents and the larger school community to represent priorities and concerns regarding the school to the principal; and
- e. Advise on and monitor the school improvement plan.

Membership would include the principal, parents, teachers and a community member. However, PTAs and the larger community are asked to consider if school advisory councils would be the best way to contribute to student achievement for all maintained schools.

**Option #2** would involve the engagement of the Ministry of Education and the school principal in a new relationship with PTAs focused around improved student achievement and school improvement. Parent-Teacher Associations would gain direct participation in the school improvement process through input, support, monitoring and the evaluation of school improvement plans. Their responsibilities would be to:

- Give recommendations to the principal, the Commissioner of Education and the Minister of Education regarding student achievement and school improvement;
- Facilitate parent and community participation in the school;
- Facilitate communication for parents and the community regarding the school; and
- Serve as a vehicle for parents and the larger school community to represent priorities and concerns regarding the school to the principal.

The Minister of Education prefers Option #2 because he believes that engaging PTAs in an MOU is the best approach to improving school governance and facilitating parent participation. This is because it engages existing PTAs around student achievement and future student success. However, for this option to be effective for students, PTAs would have to be willing to work together, with school principals and the Ministry of Education to ensure mutually agreed and common relationships between the Ministry of Education, principals and PTAs.

## **IMPROVING STUDENT ACHIEVEMENT – THE ROLE OF PARENTAL AND COMMUNITY INVOLVEMENT: PROPOSED CHANGES TO THE EDUCATION ACT 1996**

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### **Purpose**

The Government's vision for public education is for all children to be given the opportunity to achieve to their fullest potential, regardless of race, gender, class, ethnicity, sexuality, religion, background, familial status or connection, upbringing, aptitude and/or ability. It is the highest goal of the Minister of Education to ensure that the public education system is transformed to get it right for every child.

As parent and community participation is a key component in the success of public education, the Minister of Education believes that meaningful opportunities must be provided to actively involve parents and the community in the education of children.

Accordingly, the Minister of Education is launching a public consultation on proposed changes to the Education Act 1996 with regard to how maintained schools should be run. The results of this consultation will have important implications for schools, and for the future of public education. This consultation is therefore an excellent opportunity for parents and the larger community to articulate how they would like to be involved and engaged in the education of children for the purposes of improved student achievement.

This document therefore gives some options for the future of governance of maintained schools and provides a rationale for proposed changes to the Education Act 1996. The views and feedback from the public will be considered before any decisions are made regarding how maintained schools should be run.

### **Overview of the issues**

In 2012, following a complaint by the Parent-Teacher Associations (PTAs) of two schools, the Supreme Court ruled that PTAs of maintained schools<sup>3</sup> must be treated as boards of governors under the Education Act 1996.<sup>4</sup>

The ruling has had significant implications for the staffing at maintained schools in that PTAs must be consulted before staff changes can take place for principals or teachers in their children's schools. This includes the hiring, firing and transfer of teachers into and out of each maintained school.<sup>5</sup>

Since PTAs of maintained schools must be treated as boards of governors, the ruling also

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<sup>3</sup>There are 17 maintained primary schools, three maintained middle schools, one maintained special school and one maintained senior school; the Supreme Court ruling, whereby PTAs must be engaged in place of boards of governors does not apply to CedarBridge Academy, the one maintained senior school because it has a functioning board of governors.

<sup>4</sup>(Kawaley, 2012)

<sup>5</sup>The Supreme Court ruling does not pertain to aided schools; it specifically addresses boards of governors of maintained schools. Each aided school has a board of governors, and is established by its own legislation.

has important implications beyond school staffing. Under the Education Act 1996, boards of governors of maintained schools are also responsible for:

- a. Advising the Minister of Education on policy matters related to the school;
- b. Managing and administering the financial affairs of the school;
- c. Managing and administering the maintenance of the premises of the school;
- d. If deemed necessary, employing staff (other than public officers) to help manage and administer the maintenance of school premises; and
- e. Engaging in other functions as the Minister of Education may from time to time determine.

The Supreme Court ruling, and its implications have created fundamental questions regarding how maintained schools should be run, who should be involved in the running of schools and how parents should be involved in their children's schools.

Some key questions that must be considered are:

- How do parents want to be involved in their children's education and in schools?
- Do parents want to help run schools, and therefore become part of the formal governance structure of their children's schools?
- Should schools be run by parents and community members, in addition to teachers, the principal and the Ministry of Education? If so, how?
- Should PTAs of all maintained schools be given all of the powers and functions of boards of governors of maintained schools under the Education Act 1996?
- Should boards of governors of maintained schools be appointed as per the Education Act 1996 instead of treating PTAs as boards of governors of maintained schools?
- How can the Ministry of Education and principals engage parents specifically around student achievement and school improvement?

This consultation document intends to seek out the public's views to these and related questions. This is necessary to help the Minister of Education consider how schools should be run and what parental and community involvement in schools should look like.

## **History regarding boards of governors under the Education Act 1996**

In 1996, a new Education Act was introduced that established boards of governors for every maintained school in Bermuda. They were patterned as much as legally possible after Bermuda's aided schools.

Aided schools are governed by their own individual legislation, in addition to the Education Act 1996. Their boards of governors have long been in place and are responsible for managing and maintaining property, the hiring, firing and supervision of principals, and the hiring and firing of teachers.<sup>6</sup> In 1996, the Government of the day could not fully model maintained schools after aided schools because the Government owns the property and buildings of maintained schools, whereas the property of aided schools is vested in their boards of trustees (or a similar body that is not part of the Government). Additionally, principals and teachers of maintained schools are (as per Bermuda's Constitution) public officers and therefore must be employed by the Government and not outside entities.

The Education Act 1996 determined the functions and membership for the board of governors for each maintained school. It also established how the membership would be appointed, the duration of the appointment for each member, and how members could be removed if necessary.

Although the Education Act 1996 stated that each maintained school "shall"<sup>7</sup> have a board of governors, with the exception of the CedarBridge Academy, boards of governors for maintained schools were never fully established.

In 2007, the Review of Public Education in Bermuda was conducted and recommended that the Ministry of Education "create self-governing federations around clusters of primary schools and each middle school."<sup>8</sup> This recommendation reflected observations and conclusions drawn about the state of the Ministry of Education at the time and was intended to help remedy some of the major problems related to governance, curriculum, staffing, and the quality of teaching and learning within the Ministry of Education and schools.

Although the creation of federations was considered by the Government of the day, when the Education Act 1996 was amended in 2008, federations were not created. This was in part because aided schools had a long-established governance structure that was incompatible with the development of self-governing federations. However, functions of the Board of Education and its membership were clarified through changes to the Education Act 1996.

Since 2007, the rationale for the creation of self-governing federations has been lessened by dramatic changes in the Ministry of Education and schools, such as the implementation of the Cambridge Curriculum, improved human resources management, and a co-ordinated and dedicated focus on improving student achievement.

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<sup>6</sup>Although aided schools have in practice traditionally been able to fire principals and teachers, they actually require the permission of the Minister of Education to do so (Section 32(1) of the Education Rules 2006 refer).

<sup>7</sup>Education Act, Section 18.

<sup>8</sup> (Hopkins, David; Matthews, Peter; Matthews, Lou; Woods-Smith, Rhonda; Olajide, Florence and Smith, Peter, 2007)

## **Recent events**

In 2012, the Ministry of Education attempted to transfer principals between different schools. Two PTAs disagreed and fought the move by taking the Ministry of Education to court. After reviewing the facts of the case, the Education Act 1996, the Bermuda Review of Public Education 2007 and comments made by the then Minister of Education, the Chief Justice of Bermuda, Ian Kawaley, ruled in the favour of the two PTAs. In his decision, he explained that PTAs should have been treated as boards of governors as per the Education Act 1996, and therefore had a legitimate expectation to have been consulted prior to the transfer of principals by the Ministry of Education.

Although teaching staff were transferred between different maintained schools in 2012, the PTAs did not seek any withdrawal of those staffing changes. Those PTAs also did not seek to take on any of the other functions assigned to boards of governors of maintained schools by the Education Act 1996. Examples of those functions include: providing policy advice to the Minister regarding schools, managing and administering the financial affairs of schools, and managing and administering maintenance of school premises.

In the lead up to the December 2012 election, the One Bermuda Alliance committed to increased and improved parental involvement in schools and the adoption of school boards for every school.

In 2013, the Ministry of Education engaged in consultation with two PTAs regarding recommendations for the appointment of principals at their schools to satisfy the requirements of the Supreme Court ruling. However, when the Ministry of Education attempted to transfer teaching staff, a few PTAs complained and citing the previous year's Supreme Court ruling, argued that they had a legitimate expectation to be consulted regarding the transfer of teachers at their schools.

The Ministry of Education again reviewed the Supreme Court ruling, and although the transfer of teachers had not been affected the year before, it determined that the ruling did in fact include teachers and rescinded teacher transfers for every maintained primary and middle school.<sup>9</sup>

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<sup>9</sup>Preschools were not affected by the Supreme Court ruling because they do not have PTAs; however preschools are defined as schools and all schools "shall" have a board of governors under the Education Act 1996.



## CLARIFYING SCHOOL GOVERNANCE

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The Supreme Court ruling has required the Minister of Education to clarify who must be involved in the running of schools and how schools should be run. In view of the Supreme Court ruling and its implications for children, schools, parents, the community and the Ministry of Education, the Minister of Education has considered three possible pathways regarding governance of maintained schools. They are:

- Pathway #1:** Full implementation of the Supreme Court ruling which would grant all of the powers of boards of governors to PTAs of maintained schools;
- Pathway #2** Appoint boards of governors for every maintained school as per the Education Act 1996; or
- Pathway #3:** To consider and consult on proposals to amend the Education Act 1996.

For reasons outlined below, the Minister of Education believes that pathway #3 is the best way forward, and through this consultation process is considering and consulting the public on proposals to amend the Education Act 1996.

### **Pathway #1 – Full implementation of the Supreme Court ruling granting all of the powers of boards of governors to PTAs of maintained schools**

The Supreme Court ruling impacts 21 maintained schools and their PTAs. Full implementation would require PTAs to be treated as boards of governors; therefore, important responsibilities that currently belong to the Ministry of Education and principals would be given directly to PTAs. It means that in addition to their existing roles and responsibilities, the functions of each PTA would be to:

- a. Advise the Minister of Education on policy matters related to the school;
- b. Consider the hiring, firing, and transfer of principals and teachers into and out of the school. PTAs must therefore be given sufficient personnel information to make informed decisions related to staffing;
- c. Manage and administer the financial affairs of the school;
- d. Manage and administer the maintenance of the premises of the school;
- e. If they deem it necessary, employ staff, (other than public officers) to help manage and administer the maintenance of school premises; and
- f. Engage in other functions as the Minister of Education may from time to time determine.

Parent-teacher Associations are autonomous bodies that usually have an executive and are accountable to the membership of the PTA. They work very closely with school principals and determine their own priorities and how they will operate.



If the Supreme Court ruling was fully implemented, members of PTAs of each of the 21 maintained schools would be responsible for managing school budgets that range from hundreds of thousands of dollars to over a million dollars. They would have considerable say in how public money is spent to support their children's schools, but they would also be required to comply with Government's Financial Instructions to ensure that public funds are spent wisely.

Members of PTAs would also be responsible for managing and administering the maintenance of school premises which consist of the entire physical plant and grounds of every maintained school. Maintenance includes major and minor construction works, security, air quality and drinking water, etc. Again, PTAs would be required to comply with Government's Financial Instructions in the performance of these functions regarding school maintenance because they require public spending.

Members of PTAs would also have to be consulted before the hiring, firing or transfer of the schools' principals or teachers. In order to be able to make informed decisions regarding staffing, PTAs would have to be given sufficient personnel information on any staff coming into or out of a school building.<sup>10</sup> This means that PTAs would be entitled to employment histories and other personnel information of potential new and transferring staff. Parent-Teacher Associations would be required to make their recommendations to the Ministry of Education on staffing changes in compliance with labour and human rights legislation. The Ministry of Education would continue to be required to make decisions in keeping with legislation and the collective bargaining agreements for teachers and principals.

All PTAs of schools that might be affected by transfers (both sending and receiving schools) would have to be consulted. If a proposal by the Ministry of Education to transfer a particular principal or teacher into or out of a school was not taken up following consultation with PTAs, this would have a domino effect for other schools and PTAs, resulting in the need for different transfers or likely making it impossible to transfer anyone at all.

As the Supreme Court ruling impacts the PTAs of all 21 maintained schools, a minimum level of commitment is required by parents and teachers as members of PTAs to be able to ably and responsibly carry out the functions of boards of governors of maintained schools. Sufficient numbers of parents and staff would be required to give significant periods of time to carry out the functions assigned to boards of governors of maintained schools as per the Education Act 1996.

### **View of the Minister of Education on the use of PTAs in place of boards of governors**

The Minister of Education wants parents and members of the community to be involved in schools for the purposes of improving student achievement. Based on consultation that took place with PTAs after the Supreme Court ruling, many PTAs stated that they wanted better and more substantive communication with the Department of Education, a better

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<sup>10</sup>This would exclude resignations because it is not possible to force an employee to remain employed.

understanding of undertakings that affect their schools, and a mechanism for the hearing and redress of any concerns about what is happening at their children's schools. Very few PTAs expressed an interest in being involved in the day-to-day running of their schools and felt that this was the job of the principal and the Department of Education.

The Ministry of Education has reduced its spending through careful reviews and reductions of spending. It has been able to reduce costs and/or kept costs lower in part by purchasing goods and services such as professional development, school supplies, office and cleaning supplies, security services (as part of school maintenance) at the Ministry level instead of at each individual school. Parent-Teacher Associations of 21 different maintained schools, with responsibility for managing 21 different budgets would have difficulty obtaining the same value for money, unless they chose to delegate purchasing of goods and services and the maintenance of schools back to the Ministry of Education.

If all PTAs are successful in the running of all 21 maintained schools, then it means that all 21 maintained schools would benefit. However, if all PTAs are not able to perform their functions to the required standard, it is unclear how they would be held accountable in areas as important as financial management and school maintenance (including safety and health).

The Ministry of Education would hope to engage in negotiations and gain agreement for the signing of a Memorandum of Understanding (MOU) to ensure that standards are met with regard to financial management, school maintenance and the consideration of staffing changes for each maintained school. However, if a meeting of the minds cannot occur with the PTAs of all maintained schools, it is unclear how maintained schools would be run.

## **Pathway #2: Appoint boards of governors for every maintained school as per the Education Act 1996**

Instead of treating PTAs as boards of governors, the Minister of Education could appoint boards of governors for every maintained school.

The Education Act 1996 states that every maintained school shall have a board of governors,<sup>11</sup> and their functions are to:<sup>12</sup>

- a. Advise the Minister of Education on policy matters related to the school;
- b. Consider the hiring, firing, and transfer of principals and teachers into and out of the school.
- c. Manage and administer the financial affairs of the school;
- d. Manage and administer the maintenance of the premises of the school;
- e. If they deem it necessary, employ staff, (other than public officers) to help it manage and administer the maintenance of school premises; and

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<sup>11</sup>Education Act, Section 18.

<sup>12</sup>Education Act, Section 19.

- f. Engage in other functions as the Minister of Education may from time to time determine.

The Commissioner of Education is required to liaise with boards of governors and facilitate communication and cooperation among them, and between them and the Department of Education.<sup>13</sup>

The Minister of Education is responsible for appointing boards of governors for maintained schools.<sup>14</sup> The Education Act 1996 provides the following information on the membership, proceedings and governance of boards of governors:<sup>15</sup>

- a. The board of governors of a maintained middle or primary school must consist of a chairman, deputy chairman and seven other members appointed by the Minister;
- b. The Minister shall ensure that appropriate interests are represented and at least one member is a parent;
- c. The principal shall be an ex-officio member;
- d. The term of office shall not exceed three years;
- e. The terms shall be staggered so that the terms of more than half of the members do not expire in any year;
- f. A person may not be appointed for more than two consecutive terms;
- g. Persons absent without good reason for three consecutive meetings shall cease to be a member;
- h. The Minister may fill temporary vacancies;
- i. Employees of the board of governors may not be members of the board of governors;
- j. Meetings shall be held at least once in each school term and special meetings can be convened;
- k. The principal as an ex-officio member may attend meetings of the board of governors and assist in deliberations, but shall not be counted in the quorum and shall not vote;
- l. The certified minutes of meetings of the board of governors shall be provided to the Minister within 14 days after their confirmation;
- m. The Commissioner of Education may attend or be represented at meetings of the board of governors or of a committee authorised by the board of governors and take part in proceedings, but cannot vote; and

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<sup>13</sup>Education Act, Section 5(2B).

<sup>14</sup>The Education Act is silent regarding the membership of boards of governors for preschools, although all maintained schools must have a board of governors.

<sup>15</sup>Education Act, Schedule 2.

- n. The board of governors may appoint committees for any purposes of the board of governors; they may delegate their functions and appoint persons from outside of the board of governors to a committee.

Appointing boards of governors could bring a great deal of community support to schools. However, it would require the Government to substantially increase the number of persons who participate in the running of schools. Boards of governors are entitled to a small amount of money for each meeting that members attend; however, they would not be compensated for additional time or services that they provide to support a school.

While only one member must be a parent with a child at the school, this would not stop the Minister of Education from appointing more parents. However, the Education Act 1996 is clear that, “in the appointment of the members of a board of governors the Minister shall ensure that such interests as he considers appropriate are represented . . .”<sup>16</sup> This means that the Minister must appoint persons to represent different interests that he deems appropriate. These interests may include philanthropy, sports, the arts, youth development, vocational education, facilities management, and financial management, etc.

As the Education Act 1996 requires that each board of governors have nine members (not including the principal of the school), the following number of members would be required:

10 preschools x 9 governors	=	90 governors
+ 17 primary schools x 9 governors	=	153 governors
+ 3 middle schools x 9 governors	=	27
+ 1 special school x 9 governors	=	9
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<b>Total</b>	=	<b>279 governors</b>

A significant level of commitment would be required by each member of the boards of governors to ably and responsibly carry out their functions.

Boards of governors of each of the 31 affected maintained schools would be responsible for managing school budgets that range from hundreds of thousands of dollars to over a million dollars in some cases. They would have considerable say in how public money is spent to support schools, but they would also be required to comply with Government’s Financial Instructions to ensure that public funds are spent wisely.

Boards of governors would also be responsible for managing and administering the maintenance of school premises, which consists of the entire physical plant and grounds of every maintained school. Examples of maintenance include major and minor works, security, ensuring that schools have enough water, including clean drinking water, and that all schools are safe and healthy places for students and staff. Again, boards of governors would

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<sup>16</sup>Education Act, Schedule 2.

be required to comply with Government's Financial Instructions in the performance of their functions regarding school maintenance because they require public spending.

Boards of governors would also have to be consulted before the hiring, firing or transfer of the schools' principals or teachers. In order to be able to make informed decisions regarding staffing, boards of governors would have to be given sufficient personnel information on any staff coming into or out of a school building.<sup>17</sup> This means that they would be entitled to employment histories and other personnel information of potential new and transferring staff. Boards of governors would be required to make their recommendations to the Ministry of Education on staffing changes in compliance with labour and human rights legislation. The Ministry of Education would continue to be required to make decisions in keeping with legislation and the collective bargaining agreements for teachers and principals.

All boards of governors of schools that might be affected by transfers (both sending and receiving schools) would have to be consulted and if a proposal by the Ministry of Education to transfer a particular principal or teacher into or out of a school was not taken up following consultation with boards of governors, this would have a domino effect for other schools, resulting in the need for different transfers or likely making it impossible to transfer anyone at all.

### **View of the Minister of Education on full implementation of boards of governors for every maintained school as per the Education Act 1996**

The Minister of Education would like for parents and the community to be engaged in schools for the purposes of improved student achievement. However, the Minister of Education is concerned that student achievement or any similar references are not included within the functions of boards of governors for maintained schools.

Additionally, there may not be sufficient numbers of persons who are suitably qualified to represent the required interests, and who have the time to consistently attend meetings and complete the work of running schools as required by the Education Act 1996. This work includes functions such as considering and making recommendations regarding all staff who are hired, fired or transferred, in addition to financial management and facilities management for each maintained school. Boards of governors are required to give three years of service and may be assigned other functions by the Minister of Education.

The Ministry of Education has reduced its spending through careful reviews and reductions of spending. It has been able to reduce costs and/or kept costs lower in part by purchasing goods and services such as professional development, school supplies, office and cleaning supplies, security services (as part of school maintenance) at the Ministry level instead of at each individual school. Boards of governors for 31 different schools, with responsibility for managing 31 different budgets would have difficulty obtaining the same value for money, unless they chose to delegate purchasing of goods and services and the maintenance of schools

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<sup>17</sup>This would exclude resignations because it is not possible to force an employee to remain employed.

back to the Ministry of Education. Boards of governors would be required to comply with Financial Instructions and relevant legislation. They would be accountable to the Minister of Education and not to parents.

Due to the lack of focus on student achievement, concerns about the ability to ensure that sufficient numbers of members and required interests are represented, and the importance of maintaining value for money, the Minister of Education proposes to instead amend the Education Act 1996 to remove boards of governors for maintained schools (as described below) and instead establish school advisory councils or engage in a new relationship with PTAs of maintained schools regarding student achievement.

### **Rationale for policy proposals for a new way forward**

Parents are understandably interested in their children's schools, and boards of governors (if appointed) would have an interest in individual schools. However, the Ministry of Education is responsible for running a national public education system and therefore has an obligation to improve the student achievement of every child in every public school in Bermuda.

The Minister of Education is also responsible for ensuring the efficient management of public monies that fund schools in keeping with Government's requirements, and must also make sure that safety and health are appropriately upheld for all school premises. The Minister of Education doesn't believe that it would be prudent to give these functions to either PTAs or boards of governors of every maintained school.

Additionally, the Ministry of Education has a systemic obligation to ensure that all schools have staffing that is as much as possible suitable and appropriate to the needs of each school and the larger public education system. This means that every year, (and sometimes throughout the school year) new teachers are hired; every so often new principals are also hired. This also sometimes means that principals and teachers from maintained schools need to be transferred from one school to another.<sup>18</sup>

In some cases, persons request transfers for personal or professional reasons, and in other cases, persons may be transferred involuntarily due to a school and/or system need. For example, one school may have a number of experienced teachers, and another school may have several newer, less experienced teachers. Or a principal or teacher may want a different work environment, or to take on a new role that may be considered a promotion.

The Ministry of Education would like to exercise the ability to promote balance regarding teaching staff to ensure that all students have the opportunity to achieve to their fullest potential.

### **Options for the way forward**

Therefore, the Minister of Education proposes that the Education Act 1996 be amended. It would like affected parents and other members of the general public to consider the following

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<sup>18</sup>The principals and teachers of aided schools are hired by each individual aided school and cannot be transferred between schools as is the case with maintained schools.



two options for the way forward:

**Option #1:** Amend the Education Act 1996 to establish and implement school advisory councils for every maintained school; or

**Option #2:** Amend the Education Act 1996 to remove boards of governors for maintained schools,<sup>19</sup> and develop a new relationship with PTAs that is focused on student achievement and school improvement.

The Minister of Education prefers option #2 for reasons outlined below.

**Option #1: Amend the Education Act 1996 to establish school advisory councils in place of boards of governors for every maintained school.**

Many jurisdictions around the world have formally established bodies that assist and support school governance, be they called school advisory councils, school councils, site-based management councils, boards of trustees, school governing councils, etc.<sup>20</sup>

Some jurisdictions mandate that each school must have a school council, while others leave schools and parents with the option of establishing school councils. In addition to the principal, teachers and parents, there is also often community representation on school councils. In a number of jurisdictions, the membership of school councils is elected.

Some school councils (or similar bodies) wield considerable influence, but are advisory in nature, some have decision-making powers such as hiring of principals, budget management and facilities management, and some are both advisory and make decisions. While school councils have proven popular around the world, there is little evidence that they in fact improve student achievement.<sup>21</sup> Instead an indirect relationship is often correlated. Because studies show that parental involvement in a child's education helps that child succeed in school, it is often assumed that parental involvement in school governance must also help all children to succeed.

In considering the Bermudian context, in keeping with the Government's election promise to adopt school boards for each school and to improve parent engagement, the Minister of Education considers that school advisory councils would be one means of fulfilling these commitments. School advisory councils could be a suitable way to create school-to-community connections, engage parents and to assist schools to improve student achievement.

It is proposed that school councils would be mandatory for each maintained school to ensure that each school has equal access to participate in the school governance. However, it is also proposed that they be advisory and not take on functions currently undertaken by the Ministry of Education and principals. It is proposed that they have the following functions:

- a. Provide recommendations to the Minister of Education, the Commissioner of Education

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<sup>19</sup>The CedarBridge Academy would be an exception because it has a functioning board of governors and was established as a quango.

<sup>20</sup>(Beere, Diana and Dempster, Neil, 1998)

<sup>21</sup>(Leithwood, Kenneth; Jantzi, Doris and Steinbach, Rosanne, 1999)

- and the principal, regarding student achievement and school improvement;
- b. Facilitate parent and community participation in the school;
- c. Facilitate communication for parents and the community regarding the school;
- d. Serve as a vehicle for parents and the larger school community to represent priorities and concerns regarding the school to the principal; and
- e. Advise on and monitor the school improvement plan.

Since each school is different, the Minister of Education proposes that the number of members on a school advisory council could range from school to school, but that there be a minimum number of five members and a maximum of nine members. Modelled after other school advisory councils, principals of each maintained school must be part of the school advisory council, and the other members would include a teacher, at least two parents and a member of the community. The teacher would be elected from amongst the school staff (teachers, counsellors and paraprofessionals), the parents would be elected from amongst the parents of children who attend the school, and the community representative could be elected or invited as determined by the other members of the school advisory council.

However, before making a decision on whether to amend the Education Act 1996 to establish school advisory councils, PTAs and the larger community must consider if school advisory councils would be the best way for parents and the community to contribute towards improved student achievement for all students in all maintained schools. For this option to be successful there must be sufficient numbers of individuals who are willing and able to give the time commitment needed to make school advisory councils effective in each maintained school.

**Option #2: Amend the Education Act 1996 to eliminate boards of governors for maintained schools,<sup>22</sup> and develop a new relationship with PTAs to help them support student achievement and school improvement.**

Consultation with PTAs indicated that they want to have better communication, improved access to information and a clear process for addressing concerns about happenings and decisions that affect their children's schools. These are valid expectations of parents so that they can help their children to be successful in school and in life.

The Minister of Education believes that along with principals, that the Ministry of Education can strengthen relationships with PTAs by involving parents in efforts to improve student achievement and the flow of information between the Ministry of Education, schools and parents. The Minister of Education proposes that the best vehicle to achieve these aims is through increased parental participation in the school improvement process, and therefore parental involvement in school improvement plans. Additionally, it is proposed that the complaints process for parents be clarified.

School improvement plans, which are roadmaps for improving the achievement of all students

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<sup>22</sup>The CedarBridge Academy which is a maintained senior school would retain its board of governors in large part because it was established as a quango.



in a school, include “specific goals and strategies for change.”<sup>23</sup> They are developed based on how schools are performing, include goals for improved student achievement for all children, and are focused on the best ways to reach and exceed those goals. They must be based upon “up-to-date and reliable information”<sup>24</sup> about how well students are doing in school and should also take into account the views and perspectives of teachers and parents. They also clearly outline the roles and responsibilities of principals, teachers, parents, students and the Ministry of Education in improved achievement for all students.

In order to improve teaching and learning, school improvement plans must also consider factors vital for student success, such as how to create and maintain a positive school environment, (including safety and health) and how to better involve parents in the education of their children and therefore the school improvement process. Currently, the involvement of parents in school improvement is uneven across the public education system. The Minister of Education believes that the current approach to school improvement plans should be changed so that a basic standard for PTA engagement and participation in the school improvement process can be achieved for all maintained schools.

The Minister of Education therefore proposes that boards of governors for maintained schools<sup>25</sup> be removed from the Education Act 1996 and that a Memorandum of Understanding (MOU) be engaged between the Ministry of Education and the principal of each maintained school, and each PTA. The MOU would be largely focused on the role of parent participation in school improvement, and would be implemented through the development, support, monitoring and evaluation of school improvement plans. The Minister of Education believes that an MOU would further solidify the existing role of PTAs to help support the principal and teachers in their efforts to improve student achievement. This proposal gives all parents equal access to relevant achievement-related information and direct participation in school improvement.

Involving PTAs in the school improvement process means that they can:

- Give input and also have a clear understanding of how schools are performing and specific goals regarding student achievement;
- Gain more insight into what is happening in their children’s schools;
- Be given regular information on specific actions that are being undertaken by school staff to improve student achievement;
- Have regular access to data about student progress; and
- Help in the evaluation process of the school improvement plan.

It is proposed that all school improvement plans be developed with parent and teacher input, and be based on reliable data. For example, a particular school may decide that 85% of all children (of typical reading age) should be reading at the appropriate grade level. PTAs

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<sup>23</sup>(Education Improvement Commission, 2000)

<sup>24</sup>(Education Improvement Commission, 2000)

<sup>25</sup>The CedarBridge Academy would be an exception because they have a functioning board of governors.

would be given supporting data on:

- what grade levels children are reading at and how many children are reading at the appropriate grade level;
- what professional development the principal and teachers have taken to support improved instruction;
- the evidenced-based instructional strategies and interventions that have been put in place to improve reading skills;
- specific ways that parents can encourage reading at home;
- the progress that is being made toward the set target of 85%; and
- what supports, if needed have been provided by the Ministry of Education.

Although parent participation would be integrated throughout the school improvement process, it is also proposed that school improvement plans include goals and strategies that specifically encourage parental involvement in student achievement. Examples may include parent-teacher meetings at least once per term, informing parents about the content of the curriculum, regularly explaining to parents what mastery of certain concepts look like and increasing parental or family participation in homework or community activities.

It is therefore proposed that PTAs would help develop, support and monitor the school improvement process. Through this process, PTAs would:

- Give recommendations to the principal, the Commissioner of Education and the Minister of Education regarding student achievement and school improvement;
- Facilitate parent and community participation in the school;
- Facilitate communication for parents and the community regarding the school; and
- Serve as a vehicle for parents and the larger school community to represent priorities and concerns regarding the school to the principal.

The Minister of Education believes that engaging PTAs in an MOU is the best approach to improving school governance and facilitating parent participation because it engages existing PTAs and gives every member of PTAs the opportunity to participate in improved student achievement. However, for this option to be effective for students, PTAs would have to be willing to work together, with school principals and the Ministry of Education to ensure a mutually agreed and common relationship between the Ministry of Education, principals and PTAs.

## IN SUMMARY

The Minister of Education proposes that the Education Act 1996 be amended to remove boards of governors for maintained schools<sup>26</sup> and instead engage PTAs in a Memorandum of Understanding (MOU) designed to involve parents directly in the school improvement process for the purposes of improved student achievement.

Below is a summary of each pathway and option outlined in the consultation document:

Pathway and/or Option	Description	Implications	View of the Minister of Education
<b>Pathway #1:</b> Full implementation of the Supreme Court ruling granting all of the powers of boards of governors to PTAs of maintained schools.	Parent-Teacher Associations would: <ul style="list-style-type: none"> <li>advise the Minister of Education on policy matters related to the school;</li> <li>consider the hiring, firing, and transfer of principals and teachers into and out of the school. PTAs must therefore be given sufficient personnel information to make informed decisions related to staffing;</li> <li>manage and administer the financial affairs of the school;</li> <li>manage and administer the maintenance of the premises of the school;</li> <li>if they deem it necessary, employ staff, (other than public officers) to help manage and administer the maintenance of school premises; and</li> <li>engage in other functions as the Minister of Education may from time to time determine.</li> </ul>	Parent-Teacher Associations would: <ul style="list-style-type: none"> <li>Have to be consulted on hiring, firing and transfers of principals and teachers;</li> <li>be required to manage and administer the financial affairs of each maintained school;</li> <li>be required to manage and administer the maintenance of school facilities.</li> <li>have to give significant periods of time to carry out these responsibilities.</li> </ul>	<ul style="list-style-type: none"> <li>Obtaining value for money would be undermined with 21 different PTAs given the responsibility to manage individual school budgets and school maintenance.</li> <li>It is unclear how PTAs would be accountable for public spending and school maintenance, which includes safety and health.</li> <li>The Ministry of Education would also like to retain the ability to make decisions about staffing because it has an obligation to all children in all schools.</li> </ul>

<sup>26</sup>The CedarBridge Academy would be an exception because it has a functioning board of governors and was established as a quango.

Pathway and/or Option	Description	Implications	View of the Minister of Education
<p><b>Pathway #2:</b> Appoint of boards of governors for every maintained school as per the Education Act 1996.</p>	<p>Boards of governors of maintained schools would:</p> <ul style="list-style-type: none"> <li>advise the Minister of Education on policy matters related to the school;</li> <li>consider the hiring, firing, and transfer of principals and teachers into and out of the school. Boards of governors must therefore be given sufficient personnel information to make informed decisions related to staffing;</li> <li>manage and administer the financial affairs of the school;</li> <li>manage and administer the maintenance of the premises of the school;</li> <li>if they deem it necessary, employ staff, (other than public officers) to help it manage and administer the maintenance of school premises; and</li> <li>engage in other functions as the Minister of Education may from time to time determine.</li> </ul>	<ul style="list-style-type: none"> <li>This could bring a great deal of community support to schools through the representation of community members;</li> <li>It would substantially increase the number of persons involved in school governance as 279 persons would have to be appointed to serve 31 maintained schools.</li> <li>While only one parent is required to be a member on each board of governors, the Minister of Education could appoint additional parents.</li> <li>The Minister of Education has a responsibility to appoint members who represent interests he deems appropriate, e.g. sports, the arts, youth development, vocational education, construction, and financial management, etc.</li> </ul>	<ul style="list-style-type: none"> <li>The functions of boards of governors are not focused around improving student achievement;</li> <li>It may be difficult to find a sufficient number of members who represent the necessary interests and who have enough time to carry out the required functions.</li> <li>Obtaining value for money would be undermined with 31 different PTAs given the responsibility to manage individual school budgets and school maintenance.</li> </ul>

Pathway and/or Option	Description	Implications	View of the Minister of Education
<p><b>Pathway #3</b>  <b>Option #1:</b>  Amend the Education Act 1996 to establish and implement school advisory councils for every maintained school.</p>	<p>School advisory councils would:</p> <ul style="list-style-type: none"> <li>• provide recommendations to the Minister of Education, the Commissioner of Education and the principal, regarding student achievement and school improvement;</li> <li>• facilitate parent and community participation in the school;</li> <li>• Facilitate communication for parents and the community regarding the school;</li> <li>• serve as a vehicle for parents and the larger school community to represent priorities and concerns regarding the school to the principal; and</li> <li>• Advise on and monitor the school improvement plan.</li> </ul>	<ul style="list-style-type: none"> <li>• Every maintained school would have a school council for equal access to school governance;</li> <li>• Members of the school advisory council would be focused around student achievement;</li> <li>• Members would also be a mechanism for communication and representing priorities and concerns; and</li> <li>• This option would bring some community involvement to schools.</li> </ul>	<p>School advisory councils could be a suitable way to:</p> <ul style="list-style-type: none"> <li>• create school-to-community connections</li> <li>• engage parents,</li> <li>• and assist schools to improve student achievement.</li> </ul>

Pathway and/or Option	Description	Implications	View of the Minister of Education
<p><b>Pathway #3</b> <b>Option #2:</b> Amend the Education Act 1996 to remove boards of governors for maintained schools, and develop a new relationship with PTAs that is focused on student achievement and school improvement.</p>	<p>Parent-Teacher Associations would:</p> <ul style="list-style-type: none"> <li>• help develop, support and monitor the school improvement process;</li> <li>• make recommendations to the principal, the Commissioner of Education and the Minister of Education regarding student achievement and school improvement;</li> <li>• facilitate parent and community participation in the school;</li> <li>• facilitate communication for parents and the community regarding the school; and</li> <li>• serve as a vehicle for parents and the larger school community to represent priorities and concerns regarding the school to the principal.</li> </ul>	<ul style="list-style-type: none"> <li>• Engages existing PTAs to participate in improved student achievement;</li> <li>• Every parent is given the opportunity to be directly involved in school improvement;</li> <li>• In order for this option to be effective for students, PTAs would have to be willing to work together, with school principals and the Ministry of Education to ensure a mutually agreed and common relationship.</li> </ul>	<p>Engaging PTAs in an MOU is the best approach to improving school governance and facilitating parent participation because it engages existing PTAs and gives every member of PTAs the opportunity to participate in improved student achievement.</p>

## CONSULTATION QUESTIONS

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How do parents want to be involved in their children's education and in schools?

Do parents want to help run schools, and therefore become part of the governance structure of their children's school?

How much time per week would you as a parent and/or community member be able to give to help govern a school?

Should schools be run by parents and teachers and community members, in addition to the principal and the Ministry of Education? If so how?

Should PTAs of all maintained schools be given all of the powers and functions of boards of governors of maintained schools under the Education Act?

Should boards of governors simply be appointed as per the Education Act 1996 instead of treating PTAs as boards of governors of maintained schools? Do the Ministry of Education proposals address concerns that you have, if any regarding the governance of schools?

Should there be a national standard for parental and community involvement in maintained schools?

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