**Motion – SEAC Elections (P. Boutis April 9, 2018)**

Whereas the Special Education Advisory Committee of the Toronto District School Board is created by ONTARIO REGULATION 464/97.

And whereas that regulation provides in subsection 9(3) as follows:

"(3) The members of the committee shall, at their first meeting, elect one of their members as chair and one of their members as vice-chair."

And whereas it is desirable for SEAC to be able to elect any of its members to serve as chair or as vice-chair, in accordance with that regulation.

And whereas SEAC has been advised by TDSB staff that a SEAC by-law provides that either SEAC's chair or vice-chair must be a trustee;

And whereas no such by-law exists, but instead a “guideline” was passed in 1999 ("1999 Guideline") that requires this, which was incorporated into Terms of References provided by the TDSB to SEAC;

And whereas it is unclear which body adopted the 1999 Guideline, i.e. SEAC and/or the TDSB Board;

And whereas, in any event, no guideline or by-law can conflict with the regulation, which bullet point 3 of the 1999 Guideline appears to do on its face by restricting the authority of SEAC granted to it by the regulation, thereby making it unenforceable;

SEAC therefore resolves that:

1. Commencing in 2019, at SEAC's first meeting when the next chair and vice-chair of SEAC are to be elected by SEAC, there should, consistent with the regulation, be no restriction on which SEAC member may be elected as SEAC's chair or vice-chair, whether a trustee or non-trustee member of SEAC; and while the existing 1999 Guideline which restricts who may be elected as SEAC’s chair or vice-chair is likely unenforceable as being in conflict with the regulation, for greater certainty only, SEAC amends the 1999 Guideline to remove such restrictions, specifically by deleting bullet point 3.

2. While SEAC considers bullet point 3 of the 1999 Guideline to be unenforceable, nonetheless, should the TDSB Board consider it enforceable and should the TDSB Board consider that it must adopt, amend or approve all guidelines of SEAC, then

i. SEAC recommends that the TDSB Board amend the 1999 Guideline to remove such restrictions, specifically by deleting bullet point 3;