



AGREED MEMORANDUM

on a COUNCIL OF MINISTERS OF EDUCATION, CANADA (2015)

1. ESTABLISHMENT OF THE COUNCIL

The ministers responsible for education in the Canadian provinces, with the concurrence of their respective governments, agreed, on the 26th day of September, 1967, to establish the Council of Ministers of Education, Canada, hereinafter referred to as the “Council.” The territories subsequently joined the Council. The *Constitution Act, 1867* confers upon the provinces exclusive jurisdiction over education and, by virtue of the federal Acts that created them, the three territories have comparable delegated powers.

2. DEFINITIONS

“Members of the Council of Ministers of Education, Canada” (or “Members”) refer to provincial and territorial ministers with responsibility for education, including early childhood learning and development, elementary and secondary schooling, postsecondary education, and adult learning and skills development, as determined by each province and territory.

“Advisory Committee of Deputy Ministers of Education” (or “Advisory Committee”) refers to the committee composed of the deputy ministers of the Members of the Council.

“Corporation of the Council of Ministers of Education, Canada” (or “Corporation”) refers to the body incorporated under the laws of the province of Ontario to provide the services of a secretariat of the Council and to carry out such duties as may from time to time be assigned to it by the Council and the Advisory Committee.

“Executive Director” refers to the officer appointed by the Advisory Committee who acts as the chief executive officer of the Corporation, under the direction of the Council and the Advisory Committee.

3. OBJECTIVES OF THE COUNCIL

The objectives of the Council are to enable Members to consult and cooperate on matters of common interest in education, which may include early childhood learning and development, elementary and secondary education, postsecondary education, and adult learning and skills development; and to cooperate with other educational organizations to promote the development of education in Canada.

4. LINGUISTIC AND CULTURAL DUALITY

The Council recognizes the principle of linguistic and cultural duality. The Council shall take all necessary steps to ensure the application of this principle in carrying out its purpose as well as in its practices and procedures.

5. DUTIES OF THE COUNCIL

Recognizing the autonomy of each provincial or territorial government, the Council shall serve its Members as:

- a) a forum to discuss education policy issues;
- b) a mechanism through which to jointly undertake activities, projects, research, and initiatives in areas of common interest, as directed by Members;
- c) a means by which to consult and cooperate with national organizations and the federal government;
- d) an instrument to represent the common education interests of the Members internationally; and

- e) a forum in which to speak to the Canadian public, through media statements, reports, and position papers, about the state of education in Canada.

6. POWERS OF THE COUNCIL

- a) The Council may act as a channel for the development of recommendations regarding education policy.
- b) The Council may act as a forum for the provinces and territories to engage with federal departments, agencies, and organizations on matters related to education that touch on areas that are within the constitutional jurisdiction of the federal government.
- c) The Council may conduct and support research and cross-jurisdictional assessments and engage in consultations on matters within the jurisdiction of provinces and territories.
- d) The Council may develop and, from time to time, publicly release position papers or media statements representative of provincial or territorial concerns or opinions on the state of education in Canada. Statements made by the Council shall be considered to have the support of all Members, consistent with Article 7d, unless minority statements are appended.
- e) The Council shall oversee and provide direction on the governance of the Corporation and approve amendments to the Corporation's articles of incorporation and bylaws in accordance with the law.
- f) The Council shall review and approve the Corporation's budget on an annual basis.

7. PRINCIPLES OF THE COUNCIL

- a) *Ministerial direction*: The Council functions under the direction of its Members.
- b) *Cooperation*: The Council is a forum for supporting the cooperation of Members on education matters of common interest. The Council will focus on cooperative action to achieve results, while recognizing and respecting the diversity of provincial and territorial perspectives, responsibilities, and challenges.
- c) *Agenda*: The Council will address issues of common interest that are pan-Canadian/ international/ intergovernmental in nature. Efforts will be made to address the full scope of education responsibilities, which may include early childhood learning and development, elementary and secondary schooling, postsecondary education, and adult learning and skills development.
- d) *Consensus*: The Council will employ consensus decision making. Members recognize that the achievement of consensus requires a spirit of goodwill, flexibility, trust, compromise, accommodation of differences, and transparency. Consensus requires that all provincial and territorial Members be in general agreement with a decision and be supportive before proceeding. Decisions reached by consensus shall not be considered binding on any Member of the Council who wishes to opt out of an initiative or activity.
- e) *Accountability*: Each Member remains responsible to act and be held accountable within his or her jurisdiction and responsible to the Council for honouring commitments made through the forum. The responsibility for implementing any decision of the Council rests with Member governments.
- f) *Regular review and assessment*: The Council will regularly review the results and effectiveness of its work, and the work of the Corporation, to ensure that it continues to meet Members' needs and priorities and is fulfilling the goals and tasks set out in any strategic plan, action plan, or work plan.

ORGANIZATION OF THE COUNCIL

8. REPRESENTATION ON THE COUNCIL

The membership of the Council shall consist of the ministers with responsibility for education, including early childhood learning and development, elementary and secondary schooling, postsecondary education, and adult learning and skills development, in and for each province and territory of Canada, as determined by each province and territory. A province or territory may have more than one Member on the Council.

9. CHAIR AND VICE-CHAIR

- a) A Chair and Vice-Chair of the Council will be selected from among provincial and territorial Members of the Council according to the principle of simple rotation among the provinces and territories, as determined by the Council.
- b) The Vice-Chair will be the Member who will chair the Council for the following term as determined by the rotation.
- c) In provinces or territories having more than one Member on the Council, it will be up to that province or territory to decide which minister will become the Chair or Vice-Chair.
- d) In the event the Chair is unavailable to fulfill his or her duties outlined in Article 13, the Vice-Chair shall serve as Acting Chair in his or her absence. If the Vice-Chair is also unavailable, the Chair may select another Member to serve as Acting Chair in his or her absence.

10. ADVISORY COMMITTEE

- a) There shall be an advisory committee to the Council known as the Advisory Committee of Deputy Ministers of Education (ACDME) composed of the deputy ministers of the Members of the Council. The Executive Director will be a non-voting member of the Advisory Committee.
- b) The deputy minister of the Chair of the Council shall be the Chair of the Advisory Committee. Where there is more than one deputy minister for the Chair of the Council, the Chair of the Council shall designate the deputy minister who shall be the Chair of the Advisory Committee. Likewise, the deputy minister of the Vice-Chair of the Council shall be Vice-Chair of the Advisory Committee.
- c) The Council may assign specific tasks to the Advisory Committee to support the Council in the performance of its mandate. These tasks may be in respect of a specific matter under consideration or matters generally. In particular, the Advisory Committee shall:
 - i. bring forward for consideration by the Council education-related items deemed to be of interest to Members;
 - ii. make recommendations for action regarding items presented to the Council; and
 - iii. prepare the agenda for the Council meetings and initiate the preparation of required documentation.
- d) The Advisory Committee may direct the Executive Director to act on its behalf, so long as acting on its behalf does not place the Executive Director in the position of representing a provincial or territorial government.
- e) The Advisory Committee shall review and approve policies for the governance of the Corporation, including those related to operations, financial matters, and human resources.

MEETINGS OF THE COUNCIL AND OF THE ADVISORY COMMITTEE

11. TIMING AND LOCATION OF MEETINGS

- a) The Council shall meet at least once each year on a day fixed by the Chair of the Council, in consultation with Members.
- b) The Advisory Committee shall meet prior to the meeting of the Council on a day fixed by the Chair of the Advisory Committee, in consultation with members, and on other occasions at the request of the Council or the Chair of the Advisory Committee.
- c) The Council and Advisory Committee may hold their meetings in any province or territory of Canada.
- d) Teleconferences of the Council may be called by the Chair of the Council, in consultation with Members, as required throughout the year. The Advisory Committee shall hold regular teleconferences throughout the year. Advisory Committee teleconferences may be called by the Chair of the Advisory Committee, in consultation with members, or at the request of the Council.

12. REPRESENTATION AT MEETINGS AND TELECONFERENCES

- a) A Member may be represented at a meeting or teleconference of the Council by his or her deputy minister or by such other official as the Member may designate.
- b) A deputy minister may be represented at a meeting or teleconference of the Advisory Committee by an official from his or her ministry/department, as the deputy minister may designate.
- c) In the case of both Council and Advisory Committee meetings and teleconferences, a Member or deputy minister, or his or her designate, may be accompanied by such officials of his or her ministry/department or advisors as he or she considers appropriate.

13. ROLE OF THE CHAIR

- a) In the case of both Council and Advisory Committee meetings and teleconferences, the Chair or Acting Chair, or, in his or her absence, the Vice-Chair, shall preside at all meetings of the Council or the Advisory.
- b) The Chair is responsible for ensuring that records of decisions from all Council and Advisory Committee meetings are circulated within a reasonable time thereafter and maintained by the Corporation.

14. DECISION MAKING

- a) In accordance with Article 7d, consensus among the 13 provinces and territories will be the Council's and Advisory Committee's approach to decision making.
- b) Decisions reached by consensus shall not be binding on any Member of the Council.

15. QUORUM

- a) Members or deputy ministers representing no fewer than seven provinces and territories at any time constitute a quorum for the Council and the Advisory Committee, respectively.
- b) A Member or deputy minister may name a single designate in his or her absence. A designate may not be included in the determination of quorum unless he or she is an elected official.
- c) In the case of both the Council and the Advisory Committee, a Member may participate in a meeting by teleconference if all participants consent. A Member participating by such means shall be deemed to be present for the purpose of quorum.

CONSORTIA, COMMITTEES, AND TASK FORCES

16. CONSORTIA

- a) Activities of the Council shall be based on consensus priorities, albeit with varying degrees of engagement by Members. If an area of study or work is identified that is not of interest to all Members, the Council, upon approval of all of its Members, may establish a consortium to address it. Although consensus is required to form a consortium, participation and funding is voluntary.
- b) Participation and funding by at least seven provinces and territories are required for the establishment of a consortium. Jurisdictions not participating in the consortium may nevertheless follow its work as observers.

17. COMMITTEES AND TASK FORCES

- a) The Council or Advisory Committee may establish committees and task forces to undertake projects, activities, or the study of any matter that may be of interest.
- b) Depending on the level of the committee or task force (i.e., Council-level, Advisory Committee-level, ADM-level, or officials-level), the Council or Advisory Committee shall approve the terms of reference, the number and location of committee and task force meetings in accordance with the scope of the task, and the limitations of the budget.
- c) Unless otherwise ordered by the Council or Advisory Committee, each committee and task force is considered to be appointed for a set period of time as defined in the committee's or task force's terms of reference. At the end of the set period of time, or at any time within its operation, its mandate and the results of its work may be reviewed by the Advisory Committee and, if necessary, by the Council.

CORPORATE MANAGEMENT OF THE COUNCIL

18. CORPORATION

- a) There shall be a body corporate, THE CORPORATION OF THE COUNCIL OF MINISTERS OF EDUCATION, CANADA, incorporated under the laws of the province of Ontario to provide the services of a secretariat of the Council and to carry out such duties as may from time to time be assigned to it by the Council and the Advisory Committee.
- b) Under the direction of the Council and Advisory Committee, and reporting through the Advisory Committee, the Corporation shall provide support to the Council and Advisory Committee in carrying out its mandate.

19. EXECUTIVE DIRECTOR

- a) The Advisory Committee, under the leadership of its Chair, shall appoint an officer to be known as the Executive Director, who shall be chief executive officer of the Corporation.
- b) Working closely with the Chair of the Advisory Committee, the Executive Director shall perform the day-to-day management of the Corporation, in addition to a list of duties and responsibilities established by the Advisory Committee, consistent with Article 10d.
- c) The Advisory Committee shall hire, direct, review, and manage, and, where necessary, terminate the Executive Director in accordance with the Corporation's human resources policies.

20. FINANCES

- a) The monies required by the Council and approved in the form of a budget shall be provided on the basis of a formula determined by the Council and reflective of the Council's current strategic plans and approved business plans.
- b) The budget shall be reviewed and adopted by resolution each year by the Council upon review and recommendation by the Advisory Committee.
- c) The Chair of the Council has authority, upon recommendation from the Advisory Committee, to make adjustments during the year within the total budget as approved by the Council.
- d) The books and records of the Council shall be audited annually by independent/third-party auditors appointed by the Advisory Committee.

FINAL PROVISIONS

21. PERIODIC REVIEW OF THE AGREED MEMORANDUM

- a) The Agreed Memorandum shall be in effect for a period of five years from the date of adoption, at which time the Agreed Memorandum may be reviewed and renewed for a further term as agreed by Members of the Council.
- b) Amendments to the Agreed Memorandum, as agreed upon by Members of the Council, may be made at any time.

22. RESOLUTIONS AND MOTIONS

Having regard to the responsibilities of Members, no resolution or motion of the Council other than those dealing exclusively with the internal operations of the Council is binding upon the government of any province or territory or commits to specific action any individual Member of the Council except as may be provided by any enactment of the province or territory of which the Member is a minister.

Council of Ministers of Education, Canada
95 St. Clair Avenue West, Suite 1106
Toronto, Ontario
M4V 1N6
Telephone: 416-962-8100
Fax: 416-962-2800
E-mail: c.bailey@cmecc.ca

© 2015 Council of Ministers of Education, Canada