



John Del Grande
Trustee - Ward 7
Scarborough/North York

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Monday October 26, 2009

Elementary
Schools

*Blessed
Kateri
Tekakwitha*

*Epiphany of
Our Lord
Academy*

Holy Spirit

*Our Lady of
Guadalupe*

*Our Lady of
Wisdom*

*Precious
Blood*

St. Aidan

St. Albert

St. Gerald

St. Henry

St. Kevin

St. Lawrence

St. Matthias

*St. Maximilian
Kolbe*

St. Sylvester

St. Timothy

Secondary
Schools

Jan Vanier

Mary Ward

Standing Committee on Social Policy
Legislative Assembly of Ontario
Queen's Park

Dear Members,

INTRODUCTION

I currently am a trustee with the Toronto Catholic District School Board. Representing Ward 7 (Scarborough/North York), first elected in 2003 and reelected in 2006. My ward represents 16 elementary schools and 2 high schools comprising of approximately 25,000 separate school electors.

When the Ministry announced in the spring, it was seeking to modernize school board governance, I took the opportunity to provide a multi-page submission to the Governance Review Committee. I was pleased that many of the suggestions I made were shared by others and ultimately were included in Bill 177.

I welcome Bill 177 focus on student achievement and ties up loose ends from the past amalgamation of school boards.

Consistent with the "Respect for School Trustees, 2006" discussion paper, I trust the government appreciates and importance of the role of democratically elected school trustees in the governance of this province's four publicly funded school systems.

I welcome this opportunity to provide comments with respect to Bill 177, the *Student Achievement and Governance Act, 2009*.

Herein are my recommendations of this Bill, as an individual trustee, of one of Ontario's largest Catholic school boards.

A handwritten signature in black ink, appearing to read "John Del Grande".

Trustee John Del Grande

Submission to Standing Committee on Social Policy
Bill 177



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COMMENTARY & RECOMMENDATIONS

SCHOOL BOARD ACCOUNTABILITY

School boards need to be accountable to overall performance in areas of universal accountabilities such as student success. These accountabilities however must be independent of 'government of the day' initiatives. However, should the government have specific mandates as part of its agenda and extend further or special funds to boards in support of their goals, there then needs to be objective measurement and accountability in return. Only through cooperation of all educational partners can boards deliver on total student success.

There is also much reference to public confidence in public education. A means of measurement on a school board by school board basis should be employed.

RECOMMENDATION #1

That the Director's annual report be mandated to include results of an annual survey of parents/students as part of the overall measurement of a school board. Survey responses may include top issues of concern, overall confidence, student safety and student success.

RESPONSIBILITIES OF BOARDS & COMMITTEES

There are several sections of Bill 177 that seek to establish regulations through the Lieutenant Governor in Council that either define or augment roles defined within in the Education Act.

s11 Responsibilities of Boards

s17.1 Parent Involvement Committees

253.1 Audit Committees

There is particular unease, echoed by various educational partners, school board associations and trustees across the province, of the fact that these definitions or mandates can be set later by the sole will of Cabinet.

Cabinet, is responsible for the introduction and passage of government legislation, the execution and administration of government policies, and the finances of the government.



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Regulations, as we have seen in the Education Ministry, have typically being set forth for program, financial or reporting matters and other related items on a yearly or one time basis.

The general public and school boards across the province, look to the Education Act to be its primary source for defining its rights and obligations. It is improper to allow the ability to change another elected level of government's [definition, rights or terms] at the whim of cabinet, often without open due process, and debate by parliamentary members.

Changes could occur anytime and it is possible have different standards that could be applied against different regions and against particular boards.

It would however, be encouraging for the Education Ministry to provide recommendations and guidelines for boards to set their own additional terms of reference and operating parameters.

It also should be made clear that the additional committees of the Board such as Parental Involvement Committees and Audit Committees, are defined as statutory committees, and have all rights and powers of such.

RECOMMENDATION #2

That the provisions for specific regulations for responsibilities of boards to be set by the Lieutenant Governor in Council be repealed until such time the Education Act is amended to include such additional duties or powers.

RECOMMENDATION #3

That the provisions for specific regulations for responsibilities of boards to be set by the Lieutenant Governor in Council be repealed and the Education Act be amended to state that boards are required to establish parent involvement committees. This amendment would also include broad based definitions for such a committee as well as the responsibilities of the Parental Involvement Committee Chair.

RECOMMENDATION #4

That the provisions for specific regulations for responsibilities of boards to be set by the Lieutenant Governor in Council be repealed and the Education Act be amended to state that boards are required to establish Audit Committees with both internal and external membership. This amendment would also include broad based definitions for such a committee.



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CONDUCT OF MEMBERS OF SCHOOL BOARDS DUTIES OF BOARD MEMBERS

As defined under the proposed Section 218.1 of the Education Act, *it calls for members to support the implementation of any board resolution after it is passed by the Board.*

While it is important as with all elected positions, that the member has a responsibility to the entity as a whole. It is of course important that he board move and speak in unison wherever possible, to avoid chaos in the system.

Taken literally, this provision allows for no descent from members. Even a reconsideration motion, and the attempt to lobby others to change their position after a ratified decision by the Board could be deemed to be in contravention of the Education Act.

This provision further puts trustees in a difficult position, they are elected by the ratepayers of their school system and must act in accordance with their community but could be opposed to the government or overall board decisions.

If the wording is amended such that, it would allow a member the freedom to ask questions, seek further clarification or voice opposition to it, as an individual member.

RECOMMENDATION #5

Section 218(d) be amended such that it reads “not unduly impede the implementation of any board resolution after it is passed by the Board; subject to possible reconsideration.”

Also defined under 218(e) of the Act, it calls for a member to *refrain from interfering in the day to day management of the board by its officers and staff.*

While there is little disagreement between the ideal function of a Board in setting policy and staff executing on it, for a board to be involved in micro managing, then there is an issue with policy, expectations or unresolved community issues.

Board members and the board itself may need to divulge deeper into issues or operations on a case by case basis. These activities and inquiries by a Board or member on an individual situation or event should not be deemed to be interfering.



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RECOMMENDATION #6

Section 218(e) be amended such that it reads “generally entrust the operational management of the Board to the Director of Education and Supervisory Officers of the Board”.

CONDUCT OF MEMBERS OF SCHOOL BOARDS ENFORCEMENT

A Code of Conduct is important in any institution as part of self regulation and compliance. As defined in section 218.3, the sanctions permitted by boards to execute and apply penalties are not provided to any other level of government.

If and when a member is barred from attending all or part of meeting, democratic representation is stripped not from the member, but from their electorate and the public in general.

There is also possibilities of abuse by members of the board against certain individuals they may wish to silence. Part of the concern, given by the absence of a clear expectation is that it only takes a simple majority to enact penalties.

Financial penalties hit hardest, but again financial penalties against elected officials are not provided in any level of government. The ultimate financial penalty is when that member is not entrusted by the public to be returned to office after a general election.

RECOMMENDATION #7

That Section 218.3 (3) be amended to state that a two-thirds majority of the Board is required to impose one or more of the following sanctions:

- 1. Censure the member**
- 2. Removal of member from their position of Chair or Vice-Chair of a given committee**
- 3. Provisions to execute non-financial remedies or actions**

Any of these disciplinary penalties would be in addition to any penalty issued by a Court for a breach of the general law.



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LENGTH OF TIME TO FILL A TRUSTEE VACANCY

Section 221(1a) is being amended by the Act to replace *60 days with 90 days*.

This provision definitely helps boards, in allowing for a wider period to have a more fulsome process.

This does not address the fundamental issue of removal of school trustee. The only provision is for a member to resign or deemed to have resigned after missing three unexcused regular meetings of the board.

The Education Act currently provides for appointment or by election. Boards are not provided funding to hold true by elections. Replacement of trustees has been an all too often occurrence in some boards. There is no general provision for the appointment process and this process can be anything but an open, transparent process. Individual boards could run some sort of mock election through its appointment process, or run an appointment process whereby the candidate who placed second, who garnered more than 20% of the vote, if eligible and wishing to stand, be appointed.

RECOMMENDATION #8

That the province fund a provision for by elections for Board's whereby a trustee is removed within their first year of service. Otherwise the province, remove such provision for a by-election option from the Education Act.

PROVINCIAL INTEREST REGULATIONS

Under Section 169.1 it requires *boards to promote student outcomes specified in regulations made under section 11.1*.

The Ministry of Education has always had these powers, as it is able to demand certain testing, measurements and actions it requires from Boards typically through setting provincial standards and financial leveraging (EQAO, Class Caps, Reporting of suspensions etc..)

While not opposed to these initiatives and the Board's response, it does not recognize nor account for third party implications over those, as it puts the entire onus on the Board itself.

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There was also mentioned in an earlier ministerial consultation paper that failure to achieve these provincial interest regulations could as a step introduce supervision of a Board.

Supervision in of itself does not work. Supervision achieves results of balancing and reorganizing budgets as per provincial law but does not affect required cultural or system wide changes boards so desperately need.

Supervision often tends to trump the Education Act, and actually provides powers the Board could not ever have successfully executed on. Supervisors can get into the detailed operations of the Board, make decisions on the fly. It would always be easier to set direction when it is coming from one individual as opposed to a group.

The ultimate penalty for boards that fail to achieve desired outcomes demanded by the public at large, as mentioned previously in the individual members code of conduct is at the ballot box. Those trustees and boards that are not meeting the public standard will be called for by the public to improve and encourage others to get involved to ensure student success is being achieved.

RECOMMENDATION #9

Clearly state that any provincial interest regulations failed to be delivered to the governments satisfaction cannot enact supervision of a local school board.

ADDITIONAL ITEMS FOR CONSIDERATION

Sunshine Laws

Recently there were implementations of sunshine laws extended into the Municipal Act for cities and municipal agencies. These regulations should also transfer into the realm of school boards. Section 207(2) of the Education Act specifies what may be discussed in private. Private matter reports should clearly outline why an entire matter must be in private (as opposed to just the discussion or certain reports). Where provisions of the MFIPPA and security of the board permit, matters should then actually be decided or read into the public minutes. A listing of the general items to be discussed or decided in private should be in the public agenda.



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RECOMMENDATION #10

That the province mandate Boards of Education follow the provisions of Municipal Sunshine Laws, including provisions that the Board make public where appropriate the decisions in private and include the general nature of the item being discussed or considered in private session.

Expenses Disclosure

Transparency needs to be set throughout the organization in order to instill and hold public confidence. This can range from regular posting of expenses, monthly financial reports, public seminars, posting of all board policies, and clear posting of board minutes & agendas.

RECOMMENDATION #11

That the Education Act be amended to establish a requirement that Board's shall a) make available and post their expense policies, and yearly expenses of trustees and senior Board staff b) make available to the public through a variety of means, all of the Board's policies, agendas and minutes including those of committees.



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SUMMARY OF RECOMMENDATIONS

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