

STANDING COMMITTEE ON SOCIAL POLICY: BILL 177

MONDAY OCTOBER 26th, 2009

The Chair (Mr. Shafiq Qaadri): I would now invite our next presenter, Trustee John Del Grande, to please come forward. We'll distribute any materials you have, and I'd invite you to please begin now.

Mr. John Del Grande: Thank you. I'm here as an individual trustee of the Toronto Catholic District School Board. I've been a trustee since 2003.

When you sort of take the face of the legislation-my board has already put together a submission, and by me merely being here, I can almost be deemed to be going against the board resolution, because they passed a motion to bring forward a submission here and I'm bringing my own. It's just one of those unintended consequences of the legislation that we need to consider.

When I originally signed up for this job, the job paid \$5,000 and I signed up for it. There's no denying that output equals compensation, as there is obviously a limit to volunteerism. I figure that the school board is about setting strategic direction, budgets, relaying global concerns up and bringing your outside experience in your role as trustee into this realm. I quickly realized that trustees are advocates, policy-creators, juries, watchdogs, mediators, deal-makers, assessors, ombudsmen and strategists. Most trustees themselves are not educators.

We've heard of trustees inspecting roofs and parking lots while others stay barely awake at meetings. I heard this legislation's about role definition, and role clarification is good, but it has got to be put in writing. It gets back to theme of the legislation, which says, "Wait for it; it'll be in the regulations later."

I've submitted my recommendations based on Bill 177. I've kept my recommendations mainly to the items germane to the amendments and additions presented within the bill, but as you can imagine, the opportunity for improvements and further additions is vast.

I've presented 11 recommendations on paper, ranging from themes of transparency, rule of law, democratic process and parent and electorate respect, which I think are sometimes missing. I'll leave the majority of comments to those other issues for people who have already been here this afternoon and defer to that expertise. Good legislation is set regardless of the government of the day. This is why we need to have a long-term vision and have a complete bill, which this bill, unfortunately, does not hit on.

I want to steer my comments today at the crux of the issue, in the sense that many parts of this legislation seem to be rushed to get something in the act and then add to it later through regulation.

As school boards have become amalgamated over the last decade, the role of school boards has become more divested in business functions. Some of the largest school boards have under their realm tens of millions of dollars in property value, thousands of employees, budgets in the

hundreds of millions a year, not to mention the tens of thousands of students they're responsible for educating. Our board itself has a budget just shy of a billion dollars. It sort of puts the eHealth budget in perspective.

There's no denying student achievement-our educators try to do the best they can in the classrooms. When boards manage hundreds of millions in properties, a sizable labour force and the health and safety of our thousands of students under their care, the crux of this bill is that governance hasn't effectively dealt with those issues, other than restricting board debentures. At the core, modernizing the Education Act covers such broad topics as accountability of entities and people to governance and accountability.

One has to question the real agenda. We still need to enshrine transparency and parental and student rights. The gorilla in the room-although this legislation was pieced together before some of the antics there-is the Toronto Catholic District School Board. Things don't happen overnight, and they didn't happen overnight; they happened over a period of time. I, for one, as with the majority of trustees, didn't get booze and vacations. We were granted many expenses that were not quite expenses but were a casualty of trustees trying to exert control for their local needs. Policy and governance is the issue, and it is not addressed. The name of the act includes "governance" as well as "student achievement," and governance is not addressed.

1710

We need provisions for automatic bylaw or policy reviews every set number of years. Our board probably at one point had policies dating back to the 1950s. The Education Act needs to be about parameters and mandatory controls. This doesn't truly modernize governance. It's a very subdued approach and only provides language.

The concern, and it's echoed by many, is that trustees themselves are becoming agents of the Ministry of Education. Our board has been under supervision now for 16 months, and one could say the reason we came under supervision is that we didn't have our governance right. Well, 16 months later, governance hasn't been fixed on our board. This act will not fix governance on our board.

On the surface, it seems to be about command and control, reasons to keep boards on short leashes, and it gives the government an out to blame the local decision-maker although they hold all the purse strings. No other level of government puts in the hands of cabinet roles for other government layers. One supervisor of our board related that the expectation was to have trustees maintain the quo of a unity of cabinet. Well, trustees are locally elected, and that doesn't ring well.

If, for example, the demand from the ministry was to use our resources well, which seems to go along with "Now it's okay to close your schools," a directive could come down through provincial interest regulation and say, "Wipe away your excess capacity." No doubt space utilization is an important issue, but these community hubs actually increase success for the child. Mega schools may not be in their best interests. Being on a bus for an hour may not be in the best interests of the student. Not being able to participate in after-school activities and parents not being local for meetings is also not in the best interests. It goes against the principle

of the bill. Local respect and dollars seem to be missing. There are more things coming from central. Our board had some world-renowned programs that were being done because we had local control. Those things are probably gone tomorrow.

The code of conduct is an issue that continues to come up. What's missing is a statutory requirement for all trustees and officers to act on breaches, frauds or conflicts that they are witness to or that come to their attention. Again, another unintended consequence of this is having to support more resolutions.

The supervisor of our board shut down the Arrowsmith program. As trustees, we stood up for these parents and technically, by the letter of the law of this bill, we would be found to be guilty because we were going against a board motion, which was to shut down the program. In the end, the program got reinstated, but what it does is silence criticism, even if it's wrong.

We had the example of trustee benefits at the Toronto Catholic District School Board. When that motion went forward, I wasn't at that meeting, and I was one of the only ones to voice opposition. What would my punishment have been?

One of the other unintended, or maybe intended, consequences of this bill is more supervision. Ontario hasn't balanced its budget; maybe the feds should come send a supervisor here. The provisions speak about additional causes of supervision, particularly those of the provincial interest regulations. The board of trustees already has limited powers. It's always easier for one person to come in and set direction. Like we said, the supervisor can come in and do things, but the board of trustees can't do those things. The supervisor can meddle in the day-to-day affairs, but trustees are told not to meddle in the day-to-day affairs, so of course it's always easier for the supervisor to come in and set different things. That again comes back to my theme that governance is not fixed.

The public needs us now more than ever. I hope, especially to members of the government side, that some of the amendments that are suggested today will make it into the final bill.

The Chair (Mr. Shafiq Qaadri): Thank you. We have less than a minute per side, beginning with Mr. Marchese.

Mr. Rosario Marchese: Thank you, John. There are two snitch clauses here: one that permits you to snitch against somebody and the other on page 14 that says the director can snitch on any board member. Do you have a comment on that stuff?

Mr. John Del Grande: Well, I think we need to have a third party look at that because obviously, as happened in our board, trustees were reluctant to snitch on one another because you obviously want to get your things forward, move ahead in your community, so there needs to be a third party arm to do that. As it's laid out today, it will not be effective. It'll again just keep people silent.

Mr. Rosario Marchese: On page 2: "The Lieutenant Governor in Council may make regulations governing the roles, responsibilities, powers and duties of boards, directors of education and board members, including chairs of boards." What do you think about that?

Mr. John Del Grande: The Education Act is what people look for to be the bible, so to speak. These regulations could come from anywhere, although they have suggested that, "We'll consult widely on it." That could be the-

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Marchese. Ms. Sandals?

Mrs. Liz Sandals: No questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Sandals. Ms. Witmer?

Mrs. Elizabeth Witmer: Thank you very much, Mr. Del Grande, for your excellent presentation. I appreciate the detail you've gone into and also how thoughtful your presentation is. Recommendation nine: I see you are totally opposed to supervision.

Mr. John Del Grande: Supervisors don't fix the root problems of boards, and they actually take away from the public at the end of the day.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Witmer, and thank you, Mr. Del Grande, for your deputation.