



ONTARIO PUBLIC  
SCHOOL BOARDS'  
ASSOCIATION

Leading Education's Advocates

# OPSBA'S

## Guide to Good Governance

2018-2022





ONTARIO PUBLIC  
SCHOOL BOARDS'  
ASSOCIATION

Leading Education's Advocates







## Introduction

The Ontario Public School Boards' Association (OPSBA) represents 31 English language public district school boards and 10 public school authorities across Ontario, which together serve more than 1.3 million kindergarten through Grade 12 students across the province.

OPSBA advocates on behalf of member boards in the best interest of students. The Association's key priorities are the guiding force behind its advocacy. These priorities are designed to advocate for the conditions that support and improve student achievement and well-being.

Local, democratically elected school boards play a key role in ensuring that schools remain responsive to both provincial requirements and local needs and resources. This document is primarily intended to provide public school board trustees with a practical guide to the education sector. It will also be useful for staff and other stakeholders.

### Message to Trustees:

As a member of a school board you take your place in a history that started in 1816 when school trustees became the first democratically elected representatives in Ontario. Taking up the office of school board trustee is a call, not only to carry on the tradition of local decision-making, but to model ethical and courageous leadership that values every member of the board community and reaches for equity of outcomes for our students. It's an opportunity to drive the ongoing positive improvements that contribute to one of the strongest education systems in the world.

This guide offers a substantive introduction to the work of effectively governing a school board. Your many and varied responsibilities are all focused on the central goals of improving student achievement and well-being, ensuring safe and inclusive learning environments, and building public trust. From strategic planning to budget-setting, community engagement to assessing the director's performance, the chapters in this guide offer practical information on Ontario's education system and on your role as a leader within it.

Setting the conditions that will provide a high-quality education for every student to reach their full potential in school and in life is the first priority of a school board. As a leader in school board governance, you help to ensure that Ontario's education system continues to adapt and transform to meet the ever-changing needs and shifting challenges of our rapidly evolving world. This requires collaborative work with key education partners at all levels of the education system.

Leadership in education is vital and school boards must lead by example in demonstrating strength in public education governance.

Congratulations to you on starting a new term of office, and thank you for your commitment to responding to the needs of your board with flexibility, integrity, and principled action. It is hoped that you will find yourself inspired by the challenges and opportunities of your position as trustee and by the influential role you will play as a member of your school board.

Your term as trustee will bring you opportunities for learning and growth, a sense of accomplishment, and professional satisfaction. Through your board service, you are helping to shape the future of Ontario.

## Disclaimer

This Guide was produced by the Ontario Public School Boards' Association (OPSBA). It is based on the law and government policies and guidelines in effect as of November 21, 2018. The information contained in this publication is not intended to be legal advice. It is general information only. It should be noted that this document does not necessarily reflect the views of the Ministry of Education.

OPSBA does not guarantee the accuracy or completeness of any information published herein and is not responsible for any errors, omissions, or claims for damages arising out of the use, inability to use or with regard to the accuracy or sufficiency of the information contained in this publication and similarly disclaims all responsibility for all consequences of any person acting on, or refraining from acting in reliance on, information contained herein.



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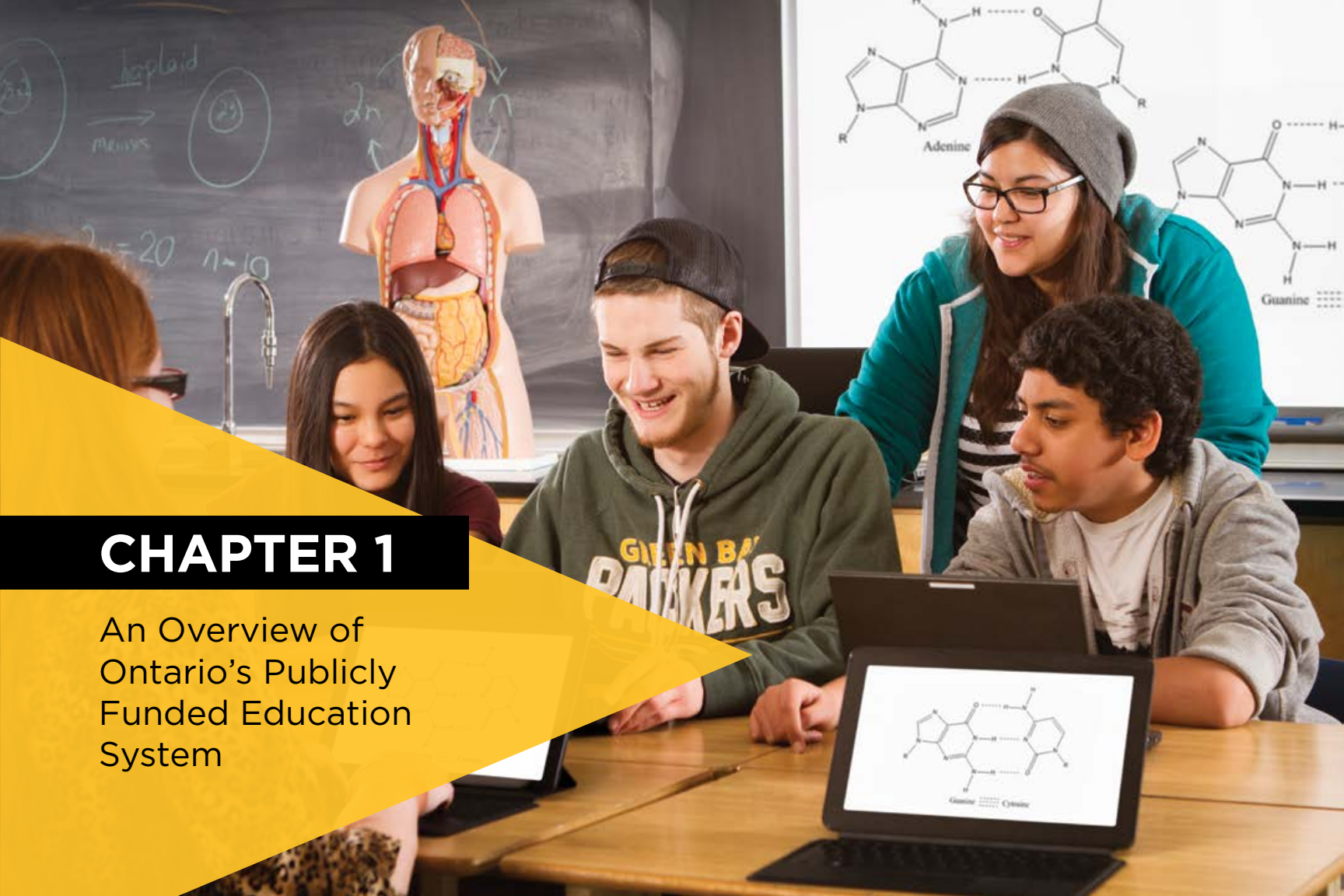


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# CHAPTER 1

## An Overview of Ontario's Publicly Funded Education System

In Ontario, children and youth between the ages of six and 18 must be enrolled in a formal education program. The province's *Education Act* and its regulations establish the framework for the delivery of education programs. There are many key partners that work together for public education in Ontario including the provincial government, school boards, educators (e.g. teachers, early childhood educators, etc.), students, parents, Indigenous partners, and the public. Collaboration and inclusion are vital to ensuring that all partners, at

all levels of the education system, are working together to share knowledge, skills, and experience to improve student achievement and student and staff well-being.

This chapter provides an overview of the roles of the key partners in education. (Throughout this document, relevant sections of the *Education Act* are referenced in square brackets.)

### Ministry of Education

The Ministry of Education is responsible for early years, child care and elementary and secondary public education in the province.

The ministry:

- Provides funding, resources and oversight for all publicly funded education from kindergarten to Grade 12 to support program implementation
- Develops education, early years and child care policy
- Develops curriculum and teaching resources
- Sets provincial standards and guidelines for assessing, evaluating and reporting student learning and outcomes.

In addition, the ministry sets requirements for child care licensing, student diplomas

and certificates, and makes regulations that govern the early years and child care, the school year, the organization of schools and school boards, and the duties of teachers, principals, early childhood educators and school board officials. The Ministry of Education is also responsible for the administration of English-language provincial and demonstration schools for deaf, blind, deaf-blind students and/or for students who have severe learning disabilities. The governance of French-language provincial and demonstration schools has been transferred to the Centre Jules-Léger Consortium.

### District School Boards

The *Education Act* provides for the establishment of the following four types of district school boards:

- English Public
- English Catholic
- French Public
- French Catholic

Although the *Education Act* refers to the non-Catholic English-language and French-language systems as “public,” all four systems are publicly funded. There are also 10 school authorities in the province, including:

- Six hospital-based school authorities established under Section 68 of the

*Education Act* to provide programs for students with complex medical needs who are unable to attend regular school for medical reasons. These schools operate in hospitals and treatment centres.

- Four isolate school authorities, which are one-school school boards.

The table below shows the number of district school boards and school authorities in the province, and the number of students in each category.

### Ontario School Boards – 2017-18

	Number of Boards	Enrolment (ADE)
<b>English-Language Public Boards</b>	31	1,317,234
<b>French-Language Public Boards</b>	4	31,390
<b>English-Language Catholic Boards</b>	29	555,672
<b>French-Language Catholic Boards</b>	8	76,432
<b>School Authorities</b>	10	1,219
<b>Total</b>		1,981,947

**Source:** Ministry of Education, 2017-2018 Revised Estimates for School Boards and 2017-2018 Estimates for School Authorities. Enrolment data represents pupils of the board Average Daily Enrolment (ADE).



## Public School Boards

Ontario's English-language and French-language public district school boards provide universally accessible education for all children and students.

The public education system is founded on the principle of equality of educational opportunity: every student deserves an opportunity to achieve their full potential. Public school boards provide high standards in their programs and ensure there are supports and resources available to help all students reach those standards. Public school boards also focus on character education to ensure that students develop as caring and responsible members of their community

and of Canadian society as a whole. Character education embraces values such as Citizenship, Cooperation, Courage, Empathy, Fairness, Honesty, Humility, Inclusiveness, Initiative, Integrity, Kindness, Optimism, Perseverance, Resilience, Respect, and Responsibility. The English-language and French-language public district school boards, in partnership with parents and caregivers, prepare students for success in whatever field they choose.

## Catholic School Boards

English-language Catholic and French-language Catholic district school boards have the same obligations, duties,

rights, and privileges under the *Education Act* as public school boards. In addition, Catholic boards strive to create a faith community where religious instruction, religious practice, value formation, and faith development are integral to and woven through every area of the curriculum.

## Language of Instruction

Parents who are holders of French-language education rights, under section 23 of the Canadian Charter of Rights and Freedoms, are guaranteed a French-language education for their children. Parents who do not have rights under section 23 but who want to enroll their child(ren) in a French-language school may apply to the admissions committee of a French-language school [s. 293]. It is important to note that enrolment in a French-language child and family program or child care service does not guarantee future admission to a French-language school.

Over the past 30 years, the ethno-linguistic profile of the French-speaking community in Ontario has undergone a major transformation. In order to ensure that admission to French-language schools is inclusive and that the process is transparent, the ministry



issued guidelines in April 2009 requiring French-language school boards to review their local admission policies, guidelines, and administrative directives to streamline the admission process for three groups whose parents are not Charter rights holders: French-speaking immigrants; children whose grandparents were holders of French-language education rights; and immigrant children whose parents' mother tongue is neither French nor English.

French-language district school boards may only operate schools/classes in which French is the language of instruction [s. 288]. However, they may offer English as a subject of instruction in any grade, and

must offer English as a subject of instruction in Grades 5 through 8 [s. 292].

Correspondingly, English-language district school boards may not operate schools/classes in which French is the language of instruction [s. 289]. However, they may, with ministry approval, offer programs "involving varying degrees of the use of the French language in instruction" [s. 8(1)25]. It is important to note that the ministry's curriculum includes various components for French-as-a-Second-Language instruction for use by English-language district school boards starting in Grade 4. Many school boards offer French

Immersion programs as an option for students starting as early as Senior Kindergarten.

It is important to note that both French and English-language schools may offer instruction of other languages such as Indigenous languages, Mandarin, American Sign Language/Langue des signes québécoise, Punjabi, etc.

### School Board Trustees

Every school board in Ontario is governed by a Board of Trustees. Trustees play a key leadership role in ensuring that schools operate within the standards established by the province, and that programs and services





remain responsive to the diverse communities they serve. There are five types of trustees:

- 1. Publicly Elected Trustees** comprise the vast majority of trustees of Ontario's district school boards and isolate boards. School board elections are held every four years at the same time as municipal elections. The election process is governed by the *Education Act* and the *Municipal Elections Act, 1996*.
- 2. First Nation Trustees** represent First Nations communities who entered into an agreement with a publicly funded Ontario school board to provide education services to Indigenous students.

These agreements are called tuition or education services agreements. When students from First Nation communities attend schools operated by a school board under a tuition or education services agreement, the board may be required to appoint a First Nation trustee(s) to the board to represent the interests of those students. The number of First Nation trustees depends on the number of Indigenous students attending under tuition or education services agreements. First Nation trustees are selected by the First Nations and are full members of the board with all the rights and obligations of other

publicly elected trustees. Ontario Regulation 462/97: First Nations Representation on Boards provides additional information.

- 3. Student Trustees** are secondary students elected by their peers to represent the valuable voice of students at the board table. A school board can have up to three student trustees. Some boards have also introduced the position of Indigenous student trustee. A student trustee must be a full-time pupil at the secondary level. This requirement does not apply to a student who may not be able to attend full-time because of an exceptionality.



Student trustees cannot vote or move board motions. However, they do have a number of other rights, including the right to require a non-binding recorded vote, to participate at meetings of the board and of its committees, and the same access to board resources and trustee training opportunities as other board members. Student trustees are also permitted to participate in in-camera board meetings, with the exception of those dealing with matters relating to intimate, personal or

financial information about a member of the board or of a committee of the board, an employee (or prospective employee) of the board, a student, or a student's parent or guardian. Student trustees serve one or two-year terms. The one-year term of office of student trustees runs from August 1 of the year they are elected to July 31 of the following year. Where possible, boards are encouraged to stagger the terms of student trustees serving two-year terms to provide for mentoring and

support of incoming student trustees. For the term of office beginning just prior to the 2020-21 school year, boards must provide for the election of two or three student trustees bearing in mind that as of January 1, 2020, an election for a one-year term student trustee shall not be held later than the last day of February and the election of a two-year term student trustee shall not be held later than April 20 in each year. Ontario Regulation 7/07: Student Trustees provides additional information.





**4. Hospital Board Trustees** are appointed by the Minister of Education for a term of four years, on the same term cycle as publicly elected trustees. Ontario has six school authorities under Section 68 of the *Education Act*. Boards of Trustees for Section 68 school authorities have all the same powers and duties as district school boards. These boards provide education programs and services for students who have physical and/or communication disabilities and related developmental issues in select children's treatment centres.

**5. Centre Jules-Léger Consortium** is a newly established group

composed of six trustees (3 public and 3 Catholic) appointed by the two French-language trustee associations (ACÉPO and AFOCSC) from among their members. The Consortium governs and operates the Centre Jules-Léger provincial school, demonstration school, and resource and consulting services. Ontario Regulation 201/18: Centre Jules-Léger Consortium provides additional information.

### School Board/Trustee Associations

There are four school board/trustee associations which represent the interests of school boards and trustees to the government, advocate

for publicly funded education, and play a key role in trustee professional development:

- Ontario Public School Boards' Association (OPSBA)
- Association des conseils scolaires des écoles publiques de l'Ontario (ACÉPO)
- Ontario Catholic School Trustees' Association (OCSTA)
- Association franco-ontarienne des conseils scolaires catholiques (AFOCSC)

The school board/trustee associations also act as the Designated Employer Bargaining Agencies (EBA) in the collective bargaining process. Under the terms of the *School Boards Collective*



*Bargaining Act, 2014*

(SBCBA), they represent their member school boards at the central bargaining tables.

There are also two student trustee associations which represent the interests of student trustees to the government, advocate for the student voice in publicly-funded education, and play a key role in student trustee professional development:

- Ontario Student Trustees' Association – l'Association des élèves conseillers et conseillères de l'Ontario (OSTA-AÉCO)
- Regroupement des élèves conseillers francophones de l'Ontario (RÉCFO).

## School Board Responsibilities

School boards are responsible for student achievement and well-being, safe and inclusive school climates, ensuring effective stewardship of the board's resources, and delivering effective and appropriate education programs for their students. The *Education Act* and its regulations set out the services that district school boards and school authorities must offer.

## Directors of Education

The director of education is the chief executive officer and chief education officer of the school board and acts as secretary of the board. The director is the sole employee who reports directly to the board of trustees. Through the director of education, a school board holds all of its schools accountable for improving student achievement and well-being, providing an equitable and inclusive environment and enhancing public confidence in publicly funded education, based on expectations set at the provincial and board levels.

Directors of education are responsible for:

- Supporting the development of the board's Multi-Year Strategic Plan, implementing the plan effectively, monitoring progress, and reporting to the board annually (at minimum)
- Managing all facets of school board operations
- Implementing board policies
- Bringing to the board's attention any act or omission by the board that could violate or has violated the *Education Act* or any of the applicable

policies, guidelines or regulations. If the board does not respond in a satisfactory manner, the director is required to report the act or omission to the Deputy Minister of Education.

All school board staff report either directly or indirectly to the director of education. The director of education reports to the board, usually through the chair or their delegate.

Every district school board must hire only a qualified supervisory officer as its director of education [s. 283(1)] and obtain the Minister's confirmation that the person to be appointed is eligible for the position [s. 285(2)]. Subject to the Minister's approval, two or more school authorities may jointly share a director of education [s. 280]. Under special circumstances, a supervisory officer (either a director or superintendent) may be appointed by the Minister of Education [s. 286(2)]. In that case, the supervisory officer is responsible to the Minister.

The *Act* distinguishes between a board's responsibility for policy development and the responsibility of the director of education for operationalizing that policy. It is important that the board of trustees be clear about roles and responsibilities and determine, through policy,



which matters are operational and therefore addressed by the director, and which matters are policy and, therefore, decided on by the board.

All directors of education belong to the Council of Ontario Directors of Education (CODE). All 12 French-language directors of education also belong to the Conseil ontarien des directions d'éducation de langue française (CODELF). English Public directors of education may belong to the Public Council of Ontario Directors of Education (PCODE). English Catholic directors of education may belong to the English Catholic Council of Directors of Education (ECCODE), and French Catholic directors of education may belong to the Conseil ontarien des directions d'éducation catholique de langue française (CODEC).

## Supervisory Officers

There are two types of supervisory officers, often called superintendents:

1. Academic Supervisory Officers:
  - Accountable to the director of education for the implementation, operation, and supervision of educational programs in schools (Hold both

supervisory officer and teacher qualifications).

2. Business Supervisory Officers:

- Accountable for the business functions of the organization (Required to hold business supervisory officer qualifications but not necessarily teacher qualifications).

Prior to appointing a supervisory officer, a board must obtain the Minister's confirmation that the person to be appointed is eligible for the position [s. 285(2)]. Specific duties are assigned to each supervisory officer by the board. Boards determine the number they require and designate their titles and areas of responsibility.

Supervisory officers' responsibilities include:

- Implementing board and ministry policies on Indigenous education, special education, leadership development, equity and human rights, etc.
- Completing principal performance appraisals
- Working with principals and staff to ensure schools have improvement plans based on student learning needs and in alignment with school, board and ministry priorities

- Ensuring school buildings are maintained according to ministry and board policy.

Supervisory officers have an opportunity to have a significant impact on leadership development through their support of the growth of individuals and the organization as a whole, and through conducting their daily duties by modelling collaboration, professionalism, and ethical leadership.

Supervisory officers belong to one or more of the following professional organizations, depending on the system they serve:

- The Ontario Association of School Business Officials (OASBO)
- The Council of School Business Officials (COSBO)
- The Ontario Public Supervisory Officers' Association (OPSOA)
- The Ontario Catholic School Business Officials Association (OCSBOA)
- The Ontario Catholic Supervisory Officers' Association (OCSOA)
- Association des gestionnaires de l'éducation franco-ontarienne (AGÉFO).



## Schools

In general, elementary schools provide programs for children in kindergarten to Grade 8, and secondary schools serve students enrolled in Grades 9 through 12.

All boards must provide or purchase special education programs for exceptional students within their jurisdictions. School boards are required to make full-day kindergarten programs available for four and five year olds on a full-time basis. Where there is sufficient demand, school boards are

also required to offer fee-based before-and-after-school programs for children four to 12 years of age. Before-and-after-school programs may be operated directly by the school board, a licensed child care centre on-site, or by an authorized recreational and skill-building program (for children over six).

Subject to provincial direction on matters such as class size and instructional time, school boards and schools can set policies for organizing schools and grouping students. For example, boards may operate full-time special education classrooms for individuals

who have developmental disabilities. School boards may also employ educators who teach in Care, Treatment, Custody and Correctional (CTCC) facilities (e.g., hospitals, children's mental health centres or youth justice custody facilities).

## Principals and Vice-Principals

Principals are the educational leaders within their school communities. They are responsible for creating the conditions to support student achievement and well-being, and for creating



a safe, accepting and inclusive learning environment for students. They ensure that the programs that are in place are effective and align with board and ministry policies. They are responsible for supervising teachers and programs within their schools, and for ensuring that student evaluation and assessment is performed according to ministry and board guidelines and policies. Principals ensure that parents and guardians receive appropriate information about the learning of their children, as well as the overall performance of the school. Principals work collaboratively with their staff, parents, and the community to develop

and implement school improvement plans that reflect board priorities and respond to the needs and interests of their student communities. In consultation with their school council, and in alignment with board policy, principals are responsible for establishing the vision and direction for their school.

Principals and vice-principals are uniquely positioned to exercise influence and ensure that every student in their care receives equitable educational opportunities. Principals develop and sustain effective relationships in order to communicate clearly, identify and solve problems, anticipate and resolve conflicts, and make

decisions that reflect the best interests of students, staff, parents/guardians and the school community.

Principals and vice-principals may belong to one or more of the following professional organizations:

- The Ontario Principals' Council (OPC)
- The Catholic Principals' Council of Ontario (CPCO)
- The Association des directions et des directions adjointes des écoles franco-ontariennes (ADFO).

In addition to any teaching duties principals or vice-principals may have, they are also responsible for the daily operation of the school, including the care of students



and the supervision of staff. Some of the principal's obligations under the *Education Act* include:

- Developing implementation plans for new education initiatives that relate to student achievement and well-being, or accountability of the education system to parents
- Undertaking teacher performance appraisals
- Maintaining proper discipline in the school and attending to the care of students and property
- Registering students, and ensuring that attendance is recorded, examinations are held, and students'

progress is reported on

- Preparing a school timetable, assigning classes and subjects to teachers, and encouraging cooperation among staff members
- Reporting on any aspect of school business required by the board and providing information to the ministry and the appropriate supervisory officer about discipline, student achievement and well-being, school climate, and the condition of school premises
- Reporting promptly to the board and medical officer of health if he or she suspects a communicable disease

in the school or detects an unsanitary condition in the school building or on school property

- Refusing access to anyone who, in the principal's judgement, might threaten the physical or mental well-being of students.

Principals and vice-principals engage in a formal performance appraisal process every five years, and in each year, they are required to prepare and follow an "Annual Growth Plan." The requirement of the appraisal process and annual growth plan are found in Ontario Regulation 234/10: Principal and Vice-Principal Performance Appraisal.





These requirements include a focus on human rights and equity at the school level.

The principal also has a key role to play in ensuring that school councils operate effectively. The principal attends and acts as a resource at school council meetings and reports on actions taken as a result of the council's recommendations. Ontario Regulation 298: Operation of Schools - General lists additional principal duties.

### **Leadership Development for Principals, Supervisory Officers and Directors of Education**

Based on current research confirming the relationship between effective leadership and student outcomes, the Ministry of Education has supported leadership development for principals, supervisory officers, and directors of education for the purpose of succession planning, mentorship, performance management and appraisal. The strategies used for leadership development are founded on an evidence-based research document developed in consultation with the Ontario

Institute for Education Leadership. This document:

- Describes the leadership practices of successful school and districts leaders
- Describes the characteristics of effective school and system leaders
- Summarizes the evidence about the characteristics of “strong” school districts - those districts that are successful at improving the learning of their students.

### **Teachers**

Teachers who are members in good standing of the Ontario College of Teachers (OCT) or temporary teachers (individuals who are not members of the OCT but are



employed by school boards under a letter of permission granted by the Minister of Education) may teach in publicly funded elementary or secondary schools.

Under the terms of the *School Boards Collective Bargaining Act, 2014* (SBCBA), teachers must be represented by one of the following four teachers' federations, which are affiliates of an umbrella organization, the Ontario Teachers' Federation (OTF):

- The Elementary Teachers' Federation of Ontario (ETFO)

- The Ontario Secondary School Teachers' Federation (OSSTF)
- Association des enseignantes et des enseignants franco-ontariens (AEFO)
- The Ontario English Catholic Teachers' Association (OECTA).

The federations are the Designated Employee Bargaining Agencies that engage in the collective bargaining process for teachers at both the central and local tables.

Teachers are front-line representatives of the education system. Their many activities go beyond instruction and include encouraging students to pursue learning, maintaining classroom discipline, and evaluating students' learning and progress.

*The Education Act* [s. 264(1)] and Ontario Regulation 298: Operation of Schools - General set out the following teacher duties and expectations:

- Instruct and assess pupils in classes or subject areas assigned by the principal





- Manage the classroom effectively
- Carry out the supervisory duties and instructional program assigned by the principal
- Cooperate fully with other teachers and the principal regarding the instruction of pupils, including cooperative placements
- Ensure that all reasonable safety procedures are carried out in courses and activities
- Cooperate with the principal and other teachers to establish and maintain consistent disciplinary practices in the school
- Ensure that report cards are fully and properly completed and processed

- Cooperate and assist in the administration of tests under the *Education Quality and Accountability Office Act, 1996*
- Participate in regular meetings with pupils' parents or guardians
- Assist the principal in maintaining close cooperation with the community
- Perform duties normally associated with the graduation of pupils
- Participate in professional activity days as designated by the board.

Many teachers choose to participate in supervising co-curricular activities at the school. These activities occur outside the regular instructional program and

are designed to enrich students' school-related experience and support educational goals. Examples include athletics, arts, and cultural activities.

### **Ontario College of Teachers (OCT)**

The OCT enables teachers to regulate and govern their own profession in the public interest. Teachers who want to work in publicly funded schools in Ontario must be members in good standing of the College.

The College:

- Ensures Ontario students are taught by skilled teachers who adhere to clear standards of practice and conduct



- Establishes standards of practice and conduct
- Issues teaching certificates and grants additional qualifications
- Accredits teacher education programs and additional qualification courses
- Hears complaints and investigates members, and may suspend or revoke certificates for professional misconduct.

In order to be certified by the College as a teacher of general education in Ontario, prospective teachers must complete a post-secondary

degree from an acceptable postsecondary institution and complete an accredited Initial Teacher Education Program.

To be certified by the College as a teacher of technological education in Ontario, prospective teachers must have a secondary school diploma, have five years of work experience or a combination of work experience and post-secondary education totalling five years in the field of technological education and provide proof of competence in the field of technological education (e.g., a trade certificate).

All prospective teachers seeking certification by the College must provide a criminal background reference check and proof of language proficiency in English or French and pay the annual membership fee.

For more information, visit the OCT website at [www.oct.ca](http://www.oct.ca).

### Education Workers

Education workers are other school board employees who help ensure that schools run effectively, safely, and





appropriately. Such workers include but are not limited to:

- Education Assistants (EA)
- Early Childhood Educators (ECE)
- Secretarial/Clerical staff
- Custodial/Maintenance staff
- Information Technology and Library Technicians
- ESL and literacy Instructors
- Professional Student Services Personnel (PSSP)
  - Speech-language Pathologists
  - Social Workers
- Lunchroom Supervisors.

Union representation of education workers varies across school boards. In central bargaining they are represented by unions

or councils of unions. The Employee Bargaining Agencies (EBA) for education workers who engaged in the last round of central bargaining under the terms of the SBCBA were:

- Canadian Union of Public Employees (CUPE)
- Ontario Secondary School Teachers' Federation - represented Education Workers (OSSTF-EW)
- Elementary Teachers' Federation of Ontario - represented Education Workers (ETFO-EW)
- Education Workers' Alliance of Ontario (EWAO)
- Ontario Council of Educational Workers (OCEW).

## Early Childhood Educators

Only registered members of the College of Early Childhood Educators (CECE) may be designated as an ECE in full day kindergarten classrooms, and board-run before-and-after-school programs for four and five year olds. Under the *Education Act*, the Minister of Education may appoint a person who is not a registered member of the CECE to a position designated by the board as requiring an ECE, if no registered early ECE is available.

Early childhood educators have specialized knowledge





about early childhood development, observation and assessment. They focus on age-appropriate program planning that promotes each child's physical, cognitive, linguistic, emotional, social and creative development and well-being.

### College of Early Childhood Educators (CECE)

The CECE was established to regulate and govern Ontario's early childhood educators to protect the public interest. It is the first professional self-regulatory college for early

childhood educators in Canada. The College:

- Establishes and enforces standards of practice and conduct
- Promotes and provides leadership for the profession of early childhood educators
- Sets registration requirements and ethical and professional standards
- Establishes requirements for professional development, including a mandatory Continuous Professional Learning program

- Governs member conduct through a complaints and discipline process.

For more information visit the CECE website at <https://www.college-ece.ca/en>

### School Councils and Parent Involvement Committees

The *Education Act* requires each school board to establish a school council for each school operated by the board [ss. 170(1)17.1]. School councils are advisory bodies comprised primarily of parents and guardians whose purpose is to improve





student achievement, equity and well-being, and enhance the accountability of the education system to parents.

School boards must also establish a Parent Involvement Committee (PIC). The role of a PIC is to support improved student achievement and well-being through encouraging and enhancing parent involvement at the board level. PICs are tasked with identifying and removing discriminatory biases and systematic barriers to parent engagement, and helping to ensure that schools of the board create an environment in which parents are welcomed, respected, and valued by the school community as partners in their children's learning and development.

Parents and guardians also have many informal ways of participating in school and board life. Ontario Regulation 612/00: School Councils and Parent Involvement Committees provides additional information.

### **The Public**

The public is a key partner in Ontario's education system. In the broadest terms, education is what prepares the next generation to maintain and improve our shared society - to care for our communities, our province, and our planet. The Ministry of Education and school boards work together to focus on delivering a high-quality, publicly funded education system as the foundation

of a fair and productive society, where everyone can feel safe and respected. Vibrant communities and a prosperous society are built on the foundation of a strong education system. Ontario's publicly funded education system partners with families and communities to develop graduates who are personally successful, economically productive and actively engaged citizens.

Public education is enabled by, and accountable to, the Ontario public. Funding for Ontario's education comes from Ontario taxpayers, and school boards are governed by trustees, the majority of whom are publicly elected.

Ontario's public education system enhances public confidence through

responsible, sustainable, accountable, and transparent governance practices. Such practices include a clear delineation between the role of trustee and that of administration; evidence-informed decision-making; public input on policy development; data collection on student achievement and student and staff well-being; and strong consultative practices that seek out, listen, and consider a variety of perspectives and voices. These perspectives come from parents, students, staff, Indigenous communities, and the broader community.

## Community Organizations

There are many not-for-profit organizations that lend their expertise in areas of the arts, environmentalism and outdoor education, science and technology, Indigenous education, values-based learning, social services, and others. The ministry may provide funding to community organizations in support of education priorities to enhance and enrich programs or services offered by school boards.

## Public Sector Organizations

Public sector organizations act as education partners to support the safety and well-being of students and staff. For example, health care, justice and police, and social service agencies partner with boards to maximize effectiveness and efficiencies in dealing with families and students in need and in crisis.

Colleges and universities partner with school boards in a variety of ways such as for dual credit programs that provide students with options to pursue apprenticeships and post-secondary courses while working toward a secondary diploma.

Municipalities also partner with boards on many issues such as land use, elections, and meeting the needs of their constituents.

## Private Organizations

The private sector also plays a large role in supporting and collaborating with the education system. Small and large businesses take on co-operative education students and develop internships to support student success and transitions to the workforce. Many businesses also provide in-kind service and product donations, professional development training, and other partnerships that benefit Ontario's education system.







## CHAPTER 2

### Board Governance

#### Background

School boards are responsible for the provision of publicly funded education within their jurisdictions. As such, trustees are leaders in their communities and in the province. School boards represent the community's interests in setting high standards of student achievement, and well-being. They carry out this responsibility within relevant statutes and regulations. Through their local governance, school boards exercise their leadership to set policy and strategic direction, hire and appraise the

performance of the director of education, approve allocation of resources, and engage with the public. This governance role is fundamental to setting the conditions for students to develop into adults who are successful, productive and engaged citizens. Effective governance ensures that the education system remains accountable to the people of Ontario.

#### What Is Governance?

Governance is how the board operates and conducts itself. It establishes a framework and processes for decision-making and holds leaders

responsible for modeling and exercising ethical leadership. School boards are the embodiment of local governance in action. Through their decisions and policies, they demonstrate accountability and effective stewardship of public resources in the interests of all students, stakeholders, and the community as a whole.

Ultimately, governance is the exercise of authority, direction, and accountability to serve the higher moral purpose of public education. A governance structure defines the roles, relationships, and behavioural parameters for the board and its staff. The

law, particularly as outlined in the *Education Act*, helps to define governance structures, powers, and processes for school boards.

A board's governance practices can have significant effects on students, staff, parents, and the broader community. Effective school board governance can be seen in the level of public trust in a board, the ways a board continues to improve, the strategic direction of the board, and the quality of the board's leadership.

Good governance begins with well-defined roles and

responsibilities, and clear decisions about how the board will govern. This includes clarity around the goals it aims to achieve, the strategies it will employ to achieve them, and the role of the director of education to manage all aspects of implementation of board direction. A clear understanding on the part of the school board with regard to its system of governance will have a significant impact on the effectiveness of its policy development, decision-making and business practices, and adherence

to legal obligations. It will also influence how the public perceives the efficacy of the board and its value to the community.

The true test of any board's governance structure is its effectiveness in continuously working toward a high standard of student achievement and well-being. Good governance is established by accomplishing goals designed to bring positive results to all of the board's students and staff, and building public confidence by demonstrating accountability to the public and the ministry. The report







of the School Board Governance Review Committee (2009) reflects the input from trustees across the province and offers the following principles of effective school board governance:

- The board of trustees has a clearly stated mission that includes high expectations for student achievement.
- The board of trustees allocates its resources in support of the goals it has set.
- The board of trustees holds its system accountable for student achievement through its director of education by regularly monitoring evidence of student achievement.

- The board of trustees engages with its constituents in the creation of policies that affect them and communicates its progress in raising student achievement.
- The board of trustees monitors its own performance and takes action to continually improve its governance processes.

### **Balancing Accountabilities**

In carrying out their role, trustees have the very real challenge of balancing their responsibilities and allegiances as representatives of their communities with their role as education leaders within the decision-making

body of the board as a whole. This dual responsibility can mean that the ultimate decisions made are at variance with the specific interests of a particular geographical constituency, demographic population, or interest group. All trustees are expected to act in the best interest of the board and its students as a whole.

Effective board governance is dependent on a clear understanding of, and respect for, roles and responsibilities. As trustees communicate with their communities and hear their concerns, they must at the same time convey that changes to existing board policy require consideration by the full board. Trustees, as individuals, do not have authority to make decisions or take action on behalf of the board.

Trustees can facilitate the addressing of concerns of their community members by advising them as to which board staff can answer their questions or deal directly with their concerns. In some cases, trustees may bring issues that affect the entire jurisdiction to the board for discussion, and where appropriate, resolution.

### **Evidence-Informed Decision-Making**

Board decisions must be evidence-based and informed by research that supports

educational goals. Boards should base their decisions on a wide variety of evidence and current research to ensure the best strategic and policy approaches are followed. Socioeconomic and demographic data about the board's communities should be collected, analyzed and considered by staff when making recommendations to the board. Ministry data will complement board data to inform decision-making and support board staff in developing systems to track achievement, equity, and well-being. The use of data also helps school boards monitor trends in a variety of areas such as human rights claims and grievances, as well as track trends in hiring and promotion, and parent involvement.

Consultation and engagement are vital so that a diversity of voices and perspectives are heard. Consultation and collaboration with families, staff, students, community members and diverse stakeholders provide information that will support the best decisions to be made.

Boards can also review current research and best practices in order to ensure board decisions reflect the best thinking in the field of education, community outreach, and child development.

### **Board Self-Assessment**

Good governance doesn't just happen. It requires

the elected board to take responsibility for the effectiveness and continuous improvement of its governance practices. Effective boards will have a governance review policy that includes processes that can contribute to meaningful change. Self-assessment is a valuable process that results in a range of benefits. In addition to improving communication among board members and building an understanding of the effectiveness of the directions taken by the elected board, the key outcome is greater certainty around what works for the benefit of students.

The process that boards undertake to review their performance will vary from board to board. Collection of



the information to inform the review can occur in a number of ways including:

- Surveys of board and committee members
- Focus groups with community members and other stakeholders
- Interviews with board members and the director of education
- Use of an outside facilitator/consultant.

## Establishing a System of Governance

All school boards have a governance model in place which they have adapted to their local context. New trustees should become familiar with their board's governance model. Boards may choose to review their governance model by looking to the governance models of other boards for ideas. School board associations have access to professional and organizational development resources that can be helpful to your board in assessing the effectiveness of its governance model.

Each new board, with its returning and new members, should take the opportunity to review its governance structure to ensure that the board members can take ownership of the planning, policy, and decision-making processes.

In *The Road Ahead II: A Report on the Role of School Boards and Trustees*, the former Education Improvement Commission proposed a process for school boards to follow in establishing and assessing their system of governance. It recommended that each district school board:

- **Create a vision** in consultation with its staff and community
- Appoint a director of education who will **share the vision** and has the skills to work with the board to realize the vision
- **Establish policies** critical to achieving the vision
- **Establish a budget** consistent with the priorities set out in the vision and policies
- **Develop an organizational model** for senior staff and assign responsibilities, so that the vision and policies are implemented throughout the system
- **Establish procedures** for monitoring the implementation of its policies, and tie these procedures to the performance appraisal of the director of education
- **Communicate** its performance to the community and the ministry; and **re-assess its vision** (on a regular basis).

Governance literature offers many governance models. Choosing a model for a particular school board and adapting it to local circumstances requires a thorough examination of the board's vision, priorities, and governance goals. Each board will find both merits and challenges in every governance model it considers.

## Supplementary Resources on Governance

Additional information about effective governance can be found in the following resources:

- **Good Governance for School Boards – Trustee Professional Development Program.** This online resource, developed by Ontario's school board associations, offers a full range of professional development modules designed specifically to support school board trustees in their governance role. It is available at: <http://modules.ontarioschooltrustees.org>.
- **The Road Ahead: A Report on the Continuous Improvement in School Board Operations (2013).** This report results from operational reviews of Ontario's 72 district school



boards. The paper is available at:

<http://www.opsba.org/SiteCollectionDocuments/Operational%20Reviews%20Report.pdf>.

- **Strong Districts and their Leadership (2013)**

Kenneth Leithwood.

This study associates strong school district performance with elected boards of trustees whose practice adheres closely to a “policy governance” model. The study can be found at: <http://www.ontariodirectors.ca/downloads/Strong%20Districts-2.pdf>.

- **School Boards Matter, The Report of the Pan-Canadian Study of School District Governance (2013)**

This report reviews the role of board-governed school districts in contributing to successful public education systems. The report can be found at: <http://www.schoolboardsnl.ca/pdf/School-Boards-Matter-Report-Small.pdf>.

- **Key Work of School Boards**, is a governance model focused on improving student achievement. You can learn more from the

National School Boards Association website at <http://www.nsba.org/keywork>.

- A good resource in the area of corporate governance that has some relevance for the education sector is the Organization for Economic Co-operation and Development's **OECD Principles of Corporate Governance**, which can be found online at: <http://www.oecd.org/dataoecd/32/18/31557724.pdf>.







## CHAPTER 3

### Roles and Responsibilities - School Boards and Individual Trustees

A school board is responsible for governing the school system in the best interests of all students in its jurisdiction and on behalf of the communities it serves. The school board, as a corporate body, is the legislative source of all decisions, and individual trustees are granted no authority through the *Education Act*. Unlike provincial and federal parliaments, school board members do not vote according to an official affiliation, nor are there governing trustees and opposition trustees. Both the board as a whole and

individual trustees have roles and responsibilities.

#### **School Boards**

Under the *Education Act*, locally elected school boards are responsible for operating publicly funded schools within their jurisdiction. Legal accountability for board decisions applies to the board as a corporate entity rather than to individual trustees. In fact, the *Act* gives no individual authority to trustees. As members of the corporate board, trustees are legally accountable to the public for the collective decisions of the board and for

the delivery and quality of educational services.

The *Education Act* stipulates that every school board shall:

- Promote student achievement and well-being
- Promote the prevention of bullying
- Promote a positive school climate
- Ensure effective stewardship of the board's resources
- Deliver effective and appropriate education programs to its pupils
- Develop and maintain policies and organizational structures that promote

the board's goals and, encourage pupils to pursue their educational goals

- Monitor and evaluate the effectiveness of policies developed by the board in achieving the board's goals and the efficiency of the implementation of those policies
- Develop a multi-year plan aimed at achieving the board's goals
- Annually review the multi-year plan with the board's director of education or the supervisory officer acting as the board's director of education; and
- Monitor and evaluate the performance of the board's director of education, or the supervisory officer acting as the board's director of education, in meeting their duties under this *Act* or any policy, guideline or regulation made under this *Act*, including duties under the multi-year plan, and any other duties assigned by the board.

School boards are accountable for their fiscal and operational performance as boards, and for the academic achievement of students and well-being of their students and staff. They are responsible for effectively communicating the board's

### An Effective School Board:

- Understands why it exists, what difference it aims to make in the community and develops a plan for this purpose
- Maintains a focus on student achievement and well-being
- Works together as a team
- Serves as a role model for the education system and the community
- Makes informed decisions
- Strives for excellent communications with its partners and constituents
- Has a clear sense of the difference between its role and that of senior management
- Understands the distinction between policy development and implementation
- Is accountable for its performance
- Holds the director of education accountable for effectively implementing the policies of the board
- Monitors the effectiveness of policies and implementation plans
- Ensures that local provincial and federal politicians understand local issues and needs, and encourages them to make education a high priority.

performance to parents and the community - both where the board is succeeding, and where the board is struggling to meet expectations and what steps are being taken to improve outcomes.

As the governors of the school board, two important

responsibilities of Boards of Trustees are the development and monitoring of the Multi-Year Strategic Plan (MYSP) and the hiring and performance management of the director of education.



## The Multi-Year Strategic Plan

Under the *Education Act*, every school board must create a multi-year plan that spans a minimum of three years. The purpose of the strategic plan is to help boards set long-term strategic priorities and goals. The plan must be based on evidence to ensure that it has a clear purpose and that it is effective. It is important that boards use a collaborative process at every step in its development, so that everyone can take ownership of the multi-year strategic plan and feel responsible for its success.

The multi-year strategic plan is a visioning and policy document that sets the

direction for the board. It is fundamental to ensuring good governance and to building public trust in boards of trustees not only to safeguard our schools, but also to ensure that they are caring, equitable, innovative, and flexible. While our schools make every effort to offer stability, they also strive to meet the changing needs and realities of our society. The operational and improvement plans created by the director of education and senior administration are based on the strategic plan and map out how it will be implemented.

A thoughtful and robust strategic plan reflects what has been learned from the past, not what has been

done in the past. A strong multi-year plan is a driver for positive change in the board. When developing their plans, boards should be relentless in their efforts to address the needs of all students and changing communities. Boards must show leadership and drive, and that they collaborate closely with families, students, staff, and community members.

In August 2017, the Ministry of Education released a new resource, *Multi-Year Strategic Planning – A Guide for School Board Trustees*. The Guide is available at [http://www.edu.gov.on.ca/eng/policyfunding/leadership/govern\\_resources.html](http://www.edu.gov.on.ca/eng/policyfunding/leadership/govern_resources.html). A strong board strategic plan not only points the way forward, it provides a framework for how to get there by:

- Detailing the allocation of the board’s resources among its strategic priorities
- Functioning as a guide for the board of trustees and senior administrators when they are making difficult choices
- Illustrating to stakeholders how decisions are made
- Focusing the board’s attention when it is dealing with unexpected challenges, and thus preventing reactive or short-sighted decision making



- Creating a shared vision for diverse internal and external stakeholders
- Motivating the board's staff and giving employees at every level of the organization a sense of purpose.

An effective strategic plan will also:

- Help boards to reach provincial goals for education
- Help create coherence and cohesion for Ontario's publicly funded education system

- Encourage collaborative professionalism and a collective growth mindset among educational stakeholders
- Engage communities in ongoing conversations about education
- Stand as a beacon for boards as they focus on creating a measurably better future for all children, students, and staff
- Not only protect, but promote human rights and ensure equity in achievement and well-being.

The Guide focuses on the four key phases involved in developing and monitoring the strategic plan. Recognizing that boards have different contexts, this guide provides guiding questions and considerations to account for differences in board size, geographic circumstances, and demographic trends. As outlined in the Guide, the four phases of plan development are:

**Phase 1 - Getting Organized**

- How to best build capacity?





- Could the planning process benefit from the perspective of a third party?
- How to assign responsibilities?
- What will the timelines be?
- Have the mission, vision, and values statements been reviewed?

### **Phase 2** - Gathering Information

- How will data be collected and analysed?
- How will stakeholders be engaged?

### **Phase 3** - Developing the Strategic Plan

- What would be the ideal duration?
- Which strategic priorities should be finalized?
- What criteria should determine the strategic goals?
- How will an evaluation framework be developed?
- When should the MYSP be submitted for final approval?
- How will a communications plan be communicated?

### **Phase 4** - Implementing and Monitoring the Board Strategic Plan

- What are the director of education's responsibilities?
- What is the board of trustees' responsibilities?

## **Hiring and Performance Appraisal of the Director of Education**

Selecting a new director of education is among the most important decisions a board may make in its term of office. Consistent high-quality leadership from the director of education is a key factor in the success of a school board in meeting its priorities. When recruiting and selecting a new director, the board must look for the candidate that will most effectively lead the implementation of the board's strategic plan. In order to find the right individual, the board must ensure an open, professional, confidential and objective competition which invites a broad range of diverse candidates, both internal and external.

Conducting a search for a new director of education calls for a carefully considered, coordinated plan and it is wise to



formulate a plan before a board is required to act by the pressure of the moment. The price of making the wrong selection is high. The director of education must be matched with the board and its communities with competencies to engage with all communities of the board, including marginalized ones. When the match is not good, everyone suffers and typically much time is wasted in managing difficult conflicts. This can lead to resignations, firings and expensive buyouts of contracts. It can sometimes lead to a review

of the board by the Minister of Education and much negative media attention.

Effective boards spend time on planning for the succession of their chief executive officer, and expect the chief executive to develop informal and formal succession plans for all key staff positions in the board.

**Selection Process - Considerations**

The following principles and procedures should be considered when designing a selection process:

- The whole board must

approve the appointment of the director of education by formal resolution. Most boards appoint an ad hoc Search Committee that includes the chair and/or vice-chair. The search committee is given clear direction by the board and develops a detailed plan of action to conduct the selection process.

- Boards need to be aware of any potential bias in all selection processes and consider how to overcome that potential bias.
- Consultation and research within the district is an







important part of the process. The board should know the strengths of the board as well as its challenges from various perspectives, including the senior team, employee groups, trustees, students, parent groups such as the Parent Involvement Committee, and the broader community. It is particularly important that the board seeks out perspectives from families and community groups representing students who are struggling and/or marginalized groups. This consultation process will help the board determine the qualities and skills the new director of education will need to demonstrate.

- A clear description of the qualities and skills required is developed, reviewed by relevant board advisory committees, and approved by the board. This document should be aligned with the strategic plan priorities and input from the consultation and research. This description becomes the foundation of the process.
- Recruitment for the position is an important step that should not be taken lightly. In order to attract a diverse pool of qualified candidates, the board needs to consider how best to advertise and recruit for this critical position.
- Confidentiality, integrity and respect for all candidates are critical. The board must hold itself to high standards and continually stress and reinforce the importance of confidentiality throughout all steps in order to preserve the integrity of the board, the candidates, and the search process from start to completion.
- Clear communication is essential. To this end, boards should expect communication to flow through the chair with regular updates to the board. The announcement of the appointment of the new director of education should be carefully

coordinated with the new director of education and the communications department of the board.

- As previously noted, the whole board must approve the appointment of the director of education by formal resolution.
- The employment contract framework and parameters are developed by the board (often with the assistance of the executive

search consultant and/or board legal counsel) early in the process. Details of the contract with the successful candidate are worked out usually with the chair, vice-chair, and board legal counsel acting on behalf of the board. It is important that any responsibilities delegated by the board to the search committee and its individual members,

including the chair/vice-chair, be specific and clearly stated in advance; this includes clarity around the communication expected with the full board as a contract is developed with the successful candidate.

## Executive Search Agencies

Boards are strongly advised to engage an executive search agency to advise and assist the board with the recruitment and selection process. This allows the board to be fully engaged as governors and direction setters while an outside agency undertakes the planning and detailed work that constitutes an effective search. Executive search agencies assist the board by providing the time, staff resources and expertise to conduct a professional search. They can recommend well tested, structured procedures to follow and assist the board to identify and describe its goals and preferences for the skills and competencies they hope to find.

Specifically, an executive search agency will provide services that include developing a customized plan and timetable for the search, consultation with stakeholders, designing application and interview forms, brochures, advertising, outreach to potential

candidates, screening and assessment of candidates, shortlisting, verification of resumes, detailed reference checks, follow up with candidates, interview format and questions for interviews, training regarding the interview process including bias awareness training, assistance with the interviews, debriefing, and contract consultation as requested. A search agency should also be able to guarantee to the board that it will not undertake any competing or conflicting searches that might have a negative impact on the ability to deliver the best possible candidates.

The best executive search agencies have successful experience in the K-12 sector in Ontario, have outstanding credentials and references, will demonstrate expertise in mitigating bias in the process, and maintain excellent networks within Ontario and across the country to assist with the identification of suitable candidates.



### Director of Education Performance Appraisal

The *Education Act* requires each board of trustees to review its director's performance. It is strongly recommended that these reviews be conducted annually. Since one of the director of education's primary responsibilities is to operationalize the board's multi-year strategic plan, it is incumbent on the board of trustees to base its appraisal of the director's performance on the progress made in realizing the priorities and goals of the plan, along with the director of education's job description.

The board and the director of education should ensure they have a mutual understanding

of the performance outcomes expected. One highly effective practice is to include a 360° assessment as part of the review process. This includes seeking confidential feedback from the leadership team, trustees, board committee chairs, representatives from federations and associations, and possibly other stakeholders or community partners.

### Additional Responsibilities of the School Board

As members of their school board, trustees collectively carry out many important duties in addition to those noted earlier. These include:

### Electing a Board Chair

Each year trustees elect from among themselves the trustee who will be chair of the board. There should always be a strong collegial relationship between the chair and the members of the board. In electing a fellow trustee to this leadership position, they are placing confidence in the chair to guide the board in its work. Clarity of roles is vital to effective governance and it will be important for the board to discuss and come to consensus on specific responsibilities they wish the chair to undertake on their behalf in addition to the duties of chair as set out in the *Education Act*. Key considerations, for example, will be any division of responsibilities around the role of public spokesperson for the board and expectations on the flow of communications between the chair, the board of trustees, and the director of education.

### Establishing the Board Vision

As members of the school board, trustees play a critical role in establishing the board's mission, vision, values, and climate. Through their consultative work with their communities and their own thinking and ethical leadership, the board





shapes a vision that is aspirational, inspirational, and motivational. This important work creates the foundation on which all other work will be built.

### **Maintaining a Focus on Student Achievement and Well-Being**

The board is entrusted with the task of developing and adopting policies that set clear expectations and standards for achievement and well-being of students and staff, in accordance with provincial legislation and regulations. All decisions about programs of

instruction, student services, learning materials and matters regarding student safety should be based on the board's policies aimed at promoting student achievement and well-being. It can be beneficial to focus on improving the outcomes for struggling students, and groups of students who show trends in lower achievement rates and well-being. Such a focus will have a positive impact on all students. School board trustees are ambassadors for student achievement and well-being in their local communities.

### **Developing Policies and Procedures**

A key responsibility of any school board is to develop and adopt policies that are based on the board's vision and that provide a framework for implementation of the vision. Research indicates that "growth in student achievement and well-being is encouraged when elected boards of trustees focus on board policy and concern themselves with ensuring the district mission and vision drive the district's improvement efforts."

*The Education Act* requires boards to develop and



maintain policies and organizational structures that promote the board's goals and encourage pupils to pursue their educational goals. It is the responsibility of the board to monitor and evaluate how efficiently the board's policies are implemented and how effective they are in achieving the board's goals. Policies will cover such matters as student support services, instructional material, administration of schools, staffing, transportation, accommodation reviews, facilities and equipment, etc. It is through policy that the board informs the public, the administration, and other

staff of its intent. All policies should align with the board's vision and goals. A policy is a principle or rule that guides decisions that will achieve the organization's goals. It articulates what must be done and the rationale for it but does not deal with how it is to be done. A procedure, or a protocol, is usually administrative, and provides the details of how policies are to be implemented.

As elected representatives, boards are expected to develop policies in an open and accountable way. The process for developing policies may vary depending on the size of the board. Boards may choose to begin

policy development at the committee level, in a standing committee, or a special-purpose ad hoc committee. Boards may also simply choose to use the committee of the whole board for this purpose. Generally, administrative staff are assigned to support committee members with the information and material they need. Board members rely on the director of education and senior staff for expertise and advice to help them reach informed decisions.

It is recommended that, as part of the policy development process, boards consult on draft policies before approving and implementing them. Some boards post draft policies to their website and provide a four to six-week window for public input. For some policies, consultation will come before beginning to draft the policy as well.

### **Allocating Resources**

The most visible and significant annual decision of any board is the approval of the budget. Board members participate in the budget process, ensuring that funding is aligned with the board's priorities for improving student achievement and well-being, and that all legislated and contractual obligations are



taken into consideration. A board is legally required to ensure effective stewardship of the board's resources and to file a balanced budget.

School boards receive their funding from the province of Ontario primarily through an education funding formula, yet there are other sources of revenue that boards receive such as special grants from the ministry, and tuition fees charged for specified students.

Within the funding provided by the ministry, it is the responsibility of trustees to establish a balanced budget

that reflects the board's vision, the needs of the community, and that supports the board's strategic plan. While board administration oversees day-to-day spending, the elected Board is the steward of its resources and must ensure that funds are spent according to the approved budget.

Since school boards rely on the provincial government for funding, their flexibility in adding to or adapting local programming is limited by the dollars available. It is the responsibility of board members to help their

constituents understand the parameters within which the budget is developed.

Boards establish their own budget process. How the process is structured will vary depending on the size and dynamics of the board. For example, the whole board may sit as a budget committee, or a group of trustees may form a budget committee and bring a recommended budget forward for the consideration of the whole board. Staff provide detailed input and draft a budget for the board to consider. In some boards, trustees set the limits within







which they want the budget developed and then ask administration to create a planned budget.

Boards must adopt budgets during open meetings and should, by holding public consultations, actively seek the viewpoints of interested parties, including school councils and the board's Parent Involvement Committee, before finalizing a budget.

Public sessions also provide an opportunity for parents, students, taxpayers, businesspeople, and board staff to offer their opinions and to indicate their level of support for the directions proposed by the board.

### **Managing Board Facilities**

The board is responsible for setting policy relating to facilities, including: maintenance, acquisition and disposal of sites; building renewal plans; and site operation. All policies relating to facilities must first take into consideration requirements related to the achievement and well-being of students of the board.

### **Providing Support Services**

The board sets policies that guide the actions of administration and school staff in their dealings with students and their families. In this regard, issues such as student safety, student discipline, food services, attendance, matters related to health, and student

transportation are significant matters for the attention of school board members.

### **Communicating with Stakeholders**

The board and individual trustees have responsibilities to communicate effectively both within the board, and with the public.

### **Ensuring Staff are Well Supported**

Even though the director of education is the sole employee who reports directly to the board of trustees, the board is the employer of all employees in its schools and in the board's administrative offices. The board holds staff accountable and implements hiring, promotion and termination policy through its director of education. These policies must reflect collective agreements, be inclusive, and equip the board to staff appropriately and effectively.

### **Individual Trustees**

A school trustee is a member of a board, not a member of a parliament, and it is important for both trustees and the general public to understand that school board trustees hold no individual authority. A clear understanding of a school board trustee's role and responsibilities is fundamental to good governance.

As the representatives in their local jurisdiction, trustees are required to listen to the concerns and needs of their communities, bring those to the attention of the board, and ensure that programs and strategies of the board help all students. It is through the process of collaborating and engaging in joint decision-making as members of the board that trustees work with the values, priorities, and expectations of the community to translate them into policy.

The *Education Act* provides clarity about the responsibility of individual

trustees to bring to the board the concerns of parents, students and supporters of the board and to consult with them on the board's strategic plan.

Once the board of trustees has voted, individual trustee members are legally bound by the majority decision, regardless of whether they supported it during debate or voted against it. They are required to uphold the implementation of resolutions passed by the board. Although they may not agree with the decision, trustees should be able to explain the rationale for the policy and

ensure that it is understood, implemented, and monitored. Trustees who wish to explain a school board decision should do so in this context and express any divergence in their personal views in a manner that respects the decision-making authority of the collective board. In this way trustees carry a dual responsibility – as a representative of their area and as a member of the board.

As required under the *Education Act*, individual school board trustees are to:

- Carry out his or her responsibilities in a manner







that assists the board in fulfilling its duties under this *Act*, the regulations and the guidelines issued under this *Act*, including but not limited to the board's duties under section 169.1

- Attend and participate in meetings of the board, including meetings of board committees of which he or she is a member
- Consult with parents, students and supporters of the board on the board's multi-year plan under clause 169.1 (1) (f)
- Bring concerns of parents, students and supporters of the board to the attention of the board
- Uphold the implementation of any board resolution

after it is passed by the board

- Entrust the day-to-day management of the board to its staff through the board's director of education
- Maintain focus on student achievement and well-being
- Comply with the board's code of conduct.

Individual trustees interpret the role of representing their community in different ways. Some community members expect a trustee to be very active, others do not. Because Ontario's communities are so diverse, the job of school trustee varies widely. What all trustees have in common is serving the community as elected representatives

while focusing on the primary task of acting as members of a board that makes policy decisions, oversees curriculum and program delivery, and fulfils its responsibilities as an employer.

Trustees bring a range of skills, experience, knowledge, values, beliefs, and opinions to their role. Their background does not necessarily include teaching, administration, or any other aspect of education. This diversity can support processes to be democratic and can contribute to good decision-making. The board must balance the interests of the broader community with the interests of those involved in the delivery of education.



## Advocates of Public Education

Trustees act as education advocates at various levels. At the local level, they work on behalf of the community and must consider the unique needs of their communities when deciding what position to take on any issue.

The trustee's role as an education advocate often extends beyond the boundaries of the district school board. In the broader public domain, trustees are education advocates throughout the province and work with the provincial

government in the interest of publicly funded education. They may liaise with members of the provincial government, the school system, and with local organizations or individuals in the community.

## Code of Conduct for Trustees

Boards recognize that the public trust placed in them as a collective body is honoured through determining and enforcing norms of acceptable behaviour, as set out in local codes of conduct for trustees.

All school boards are required to have a publicly available code of conduct for trustees and review their code on a regular basis, generally after each municipal and school board election. Ontario Regulation 246/18: Members of School Boards - Code of Conduct provides additional information.

A code of conduct is not intended to prevent individual trustees from expressing their opinions on issues under consideration by the board, nor is it intended to prevent the public from evaluating a board's decision-making





procedures. If used effectively, the code of conduct can serve to encourage respect for divergent views and help boards focus their efforts on student achievement and well-being. It is intended to provide a common understanding about how to conduct the work of the school board with appropriate authority and integrity and, thereby, promote public confidence.

Like any school board policy, a code of conduct is developed in consultation with all board members. As a matter of good practice, boards may consider engaging accountability and transparency experts (e.g. integrity commissioners) when developing/revising their code of conduct.

### Professional Development Opportunities

As education leaders in their community and as advocates for the value of publicly funded education, trustees need to engage in ongoing professional learning. They must continually increase their knowledge of the education sector and good governance practices, and further develop their skills as ethical leaders, community advocates, inclusive policy makers, and strategic thinkers.

The pace of change has increased dramatically in the first two decades of the twenty-first century and it is important for trustees to be aware of changes that could affect their role. A strong level

of awareness will enhance the contribution they make to the work of the board.

There are many publications that trustees can read to support their professional learning. Additionally, boards have funding for professional development to enable trustees to participate in workshops, attend conferences, and complete courses. Trustees are strongly encouraged to participate in these and other professional development activities that allow them to grow, become more effective in their roles, and be well-informed decision makers.

A key source of professional development for trustees is through their provincial associations. In addition to timely reports and analyses of emerging issues and a rich array of website services, provincial associations offer conferences, symposia, online professional learning and training customized to meet the needs of school boards.

For additional information, visit <http://modules.ontarioschooltrustees.org/>.

### Trustee Expenditures

The *Education Act* also enables school boards to establish a policy that provides for reimbursement of travel and other expenses incurred in fulfilling the role of trustee [s. 191.2] Guidance is

also provided by the Trustee Expenditure Guideline. See: [http://www.edu.gov.on.ca/eng/policyfunding/memos/july2009/Guideline\\_2009B08.pdf](http://www.edu.gov.on.ca/eng/policyfunding/memos/july2009/Guideline_2009B08.pdf).

Trustees do not have access to board benefit plans that are provided to school board staff, such as group life insurance; general accident insurance; and sickness, hospital/medical, dental, and extended health insurance. The board may provide accident and third-party liability insurance for trustees, but a trustee would only be covered while on board business.

## Trustee Honoraria

A board may pay each of its members an honorarium while in office. District school boards are required to establish a policy for the payment of trustee honoraria and the amount varies from board to board in accordance with the limits set out in Ontario Regulation 357/06: Honoraria for Board Members. The outgoing school board has the responsibility to determine the level of remuneration for the new, incoming board. The honorarium for the incoming board must be determined by October 15 in the year of the municipal and school board elections.

The honorarium is made up of: a base amount; an enrolment amount tied to the board's average daily enrolment; an attendance amount payable for attendance at eligible committee meetings; and a distance amount payable for attendance at eligible board and committee meetings in certain geographically dispersed boards. First Nation trustees receive the same honorarium as other members of the board. Annual trustee honoraria across Ontario range from \$7,500 to \$29,500. The chair and the vice-chair of a board may receive additional amounts for the responsibility of their office.

Trustees elected to school authorities are paid honoraria according to locally established policies within limits set out under the regulation.

Student trustees are entitled to an annual honorarium of \$2,500, which is pro-rated if the student trustee serves less than a full year [s. 55(8)]. The board must implement a policy providing for matters relating to student trustees and the payment of honoraria.

The funding formula provides \$5,000 annually per trustee for professional development and to reimburse out-of-pocket expenses.

As of August 24, 2018, compensation adjustments for trustees and executives have been suspended until the new government can conduct a review and put in place an appropriate expenditure management strategy.





## CHAPTER 4

### Legal Responsibilities and Liabilities

*Note: This chapter can provide only a basic introduction to the legal issues that affect trustees and school boards. The following information is not conveyed as legal advice and should not be acted on without first consulting legal counsel.*

School boards are responsible for local governance of the delivery of education services in Ontario. This is a vital service in our society and one that employs a great many people. It is not surprising then that school boards are subject to a wide range of legal obligations and responsibilities, arising from both legislation and common law (court rulings).

Certain provisions of Canada's Constitution are particularly relevant for school boards. These include: ss. 2 and 15 of the Canadian Charter of Rights and Freedoms; and, for Catholic schools, s. 93 of the Constitution Act 1867 and

s. 29 of the Charter; and, for French-language schools, s. 23 of the Charter.

#### Relevant Statutes

Ontario's *Education Act* is the primary statute governing elementary and secondary education in the province. Other statutes that significantly affect school board operations include:

- *Accessibility for Ontarians with Disabilities Act, 2005*
- *Anti-Racism Act, 2017*
- *Arbitration Act, 1991*
- *Assessment Act*
- *Broader Public Sector Accountability Act, 2010*
- *Broader Public Sector Executive Compensation Act, 2014*
- Canadian Anti-SPAM Legislation (S.C. 2010, c.23)
- *Child Care and Early Years Act, 2014*
- *Child, Youth and Family Services Act, 2017*
- *Controlled Drugs and Substances Act (Canada)*
- *Copyright Act (Canada)*
- Criminal Code (Part V - non-consensual distribution of intimate images)
- *Early Childhood Educators Act, 2007*

- *Education Quality and Accountability Office Act, 1996*
- *Employment Standards Act, 2000*
- *Expropriations Act*
- Human Rights Code
- *Immigration and Refugee Protection Act (Canada)*
- *Immunization of School Pupils Act*
- *Labour Relations Act, 1995*
- *Municipal Act, 2001/City of Toronto Act, 2006*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Occupational Health and Safety Act*
- *Ombudsman Act*
- *Ontarians with Disabilities Act, 2001*
- *Ontario College of Teachers Act, 1996*
- *Pay Equity Act*
- *Planning Act*
- *Police Record Checks Reform Act, 2015*
- *Public Inquiries Act, Part II*
- *Ryan's Law (Ensuring Asthma Friendly Schools), 2015*
- *Sabrina's Law, 2005 (An Act to Protect Anaphylactic Pupils)*
- *School Boards Collective Bargaining Act, 2014*
- *Smoke-Free Ontario Act, 2017*
- *Statutory Powers Procedure Act*
- *Teaching Profession Act*
- *Trespass to Property Act*
- *Workplace Safety and Insurance Act, 1997*
- *Youth Criminal Justice Act (Canada).*







## Statutory Duties and Powers of School Boards

The *Education Act* sets out the duties and powers of school boards.

Sections 169.1 and 170 of the *Act* outline the duties of school boards in Ontario. Failure by a board to perform any one of these duties may result in that board's liability to third parties who are in some way damaged by the board's act or omission.

Sections 171 to 197 outline various powers that school boards may exercise. Failure by a board to exercise any of these powers may not create any liability. However, once a board undertakes any such power, it has a duty to

exercise reasonable care and skill in the performance of that power, and failure to do so could result in the board's liability to third parties to whom the duty of care extends for any damages sustained.

A school board may face liability if it inadvertently or intentionally acts beyond the scope of its legal authority. For example, a ratepayers' group may appeal to the court to quash a decision of a school board on the grounds that the board lacked jurisdiction.

## School Board Policies and Liability

To reduce the risk of liability, school boards should establish clear and

accessible policies, especially in certain critical areas:

- Accessibility
- Bullying prevention and intervention
- Child abuse prevention and intervention
- Concussion prevention, identification and management
- Equity and inclusive education
- Exclusions
- Field trips
- Human rights including religious accommodation
- Medicine administered to pupils by school staff
- Nutritional standards for food and beverages
- School dances
- School violence
- Student transportation provided by the board or school
- Supporting pupils with prevalent medical conditions (anaphylaxis, asthma, diabetes, and/or epilepsy)
- Suspensions, suspension appeals, expulsion hearings, and progressive discipline of students
- Trespass on property
- Use and possession of drugs and alcohol
- Workplace violence and workplace harassment

Board policies should be reinforced clearly by operational procedures



and standards at the board level and in each school.

### Standard of Care for Students

A school board and its employees or volunteers are expected to provide the same standard of care for students as would be provided by a reasonably careful or prudent parent in the circumstances. This is commonly referred to as the “Reasonably Prudent Parent Doctrine.” The duty of care is to protect the student from all reasonably foreseeable risks of harm. The precise degree of care

required in any given case will vary with the particular facts, which may include:

- The number of students being supervised at any given time
- The nature of the exercise or activity in progress
- The age of the students, and the degrees of skill and training they may have received in connection with such activities
- The competency and capacity of the students involved and teachers/supervisors

- The nature and condition of the equipment in use at the time.

### Negligence

Generally, if a student is injured, the school board will be found liable for that injury if the court determines that all of the following conditions apply:

- There was a duty of care owed by the school authorities to provide adequate supervision and protection of its students.
- The school authorities breached that duty of care by either failing to





supervise or protect the student or were otherwise negligent (intentionally or unintentionally).

- The student suffered actual damage or loss.
- The breach of that duty of care was the cause of the student's injury.

### Vicarious Liability

It is important to note that a school board may be considered vicariously liable for all acts of negligence performed by its employees and volunteers acting within the scope of their employment or authority. In the case of a principal or teacher, liability flows to the corporate board.

### Standard of Care Requirements for Principals and Teachers

In addition to the requirement of adhering to the common law standard of care of the careful or prudent parent, principals and teachers also have statutory duties under the *Education Act* [s. 264, s. 264.1 and s. 265] and Regulation 298: Operation of Schools - General. Principals' and teachers' performance of statutory duties must be monitored to determine whether their performance creates a standard of reasonable conduct. Violation of a statute is only evidence of negligence and does not necessarily prove negligence.

### Personal Liability of Trustees

Generally, with the exception of subsections 198(4), 230.12(3) [Part VIII], 253(6), and 257.45(3) of the *Education Act*, trustees will not be found personally liable for their inadvertent acts and omissions as trustees, as long as they act within the scope of their authority. Personal liability of trustees may also arise under the *Municipal Conflict of Interest Act* or the *Municipal Elections Act, 1996* with regard to campaign finances.

Trustees have been held personally liable where their actions either were considered to be in willful disregard of the provisions of the governing legislation or were not performed honestly, conscientiously, or in good faith.

Subsection 198(4) of the *Education Act* establishes that a trustee of a board is personally liable if a school board, of which he or she is a member, refuses or neglects to take proper insurance on the treasurer, or other persons to whom it entrusts board money, if any of the money is lost because the board did not obtain insurance. A trustee is not liable if he or she can prove that he or she made reasonable efforts to obtain such insurance. The

lost monies may be recovered by the school board, or by any ratepayer, assessed for the support of the schools under the jurisdiction of the board, who sues personally and on behalf of all other such ratepayers.

Subsection 253(6) of the *Education Act* provides that any trustee who refuses or neglects to provide to an auditor of the school board access to the records of the school board, information, or an explanation as required by subsection 253(5), is guilty of an offence and, on conviction, is liable to a fine of not more than \$200.

However, no trustee is liable if the trustee proves that he or she has made reasonable efforts to provide the access or the information or the explanation.

The *Act* also stipulates that a trustee who sits or votes at any meeting of the board after becoming disqualified from sitting is guilty of an offence and on conviction is liable to a fine of not more than \$200 [213(1)]. This applies to every such meeting the trustee sits or votes at. A similar penalty applies to a trustee who knowingly signs a false report [213(2)], wilfully makes a false statement in a

declaration made under the *Act* [211] or who disrupts, endeavours to disturb or interrupt a meeting with the intent to prevent the discussion of any matter or passing of any motion at a meeting of a board, or a committee of the board, including a committee of the whole board, after having been expelled or excluded from the meeting [212(2)].

## Finance

One of the most significant responsibilities of the board of trustees is to set the







board's budget each year. While the Ministry of Education provides the grants used to support their local education system, trustees must work with the dollars provided and, in accordance with statutory requirements, develop a budget that best suits the programs and services offered in their communities. In order to set policies and approve the final budget, all trustees must understand Part IX of the *Education Act*. This sets out complex rules on the funding of education, and on the borrowing and investment activities of school boards.

The *Education Act* requires that boards set only balanced budgets [s. 231]. The penalties for failing to do so, which can be severe, are laid out in

Division D of Part IX of the *Education Act*. Division D permits the Minister of Education to appoint an investigator (auditor) to investigate the financial affairs of a school board under certain circumstances. These are:

- Financial statements indicate that the board operated in a deficit
- Failure to submit or comply with a financial recovery plan as ordered by the Minister
- Failure to pay any debentures
- Defaulting on debts or other financial liabilities
- The Minister has concerns about the board's ability to meet its financial obligations.

Ultimately, Division D permits the Minister to issue orders, directions, and decisions relating to the affairs of the board, and even to assume complete control over all the board's affairs, except for denominational matters in the case of Catholic boards, and linguistic matters in the case of French-language boards.

Subsection 257.45(3) provides that a trustee is personally liable if all of the following conditions apply:

- The board is subject to an order under subsection 257.31(2) or (3) (Division D)
- The board uses any of its funds contrary to the Minister's orders
- The trustee voted for that use of funds.

A trustee who voted to use funds in a way that contravenes an order is jointly and severally liable for the amount used, and those funds may be recovered through a court action.

## Compliance with Board Obligations

The *Education Act* also contains provisions for the use of ministerial ordered investigations into non-financial matters [Part VIII, Compliance with Board Obligations]. The Minister of Education has the authority to direct an investigation into

general school board operations, including program and curriculum matters, class size, trustee compensation, items that promote provincial interest in education, and spending [s. 230].

Such an investigation could result in a finding of non-compliance and lead to either the Minister issuing a direction to the board to address the non-compliance (or the likelihood of non-compliance), or in the ministry taking control of the board's affairs; this could involve the appointment of a supervisor.

Where the Minister has issued a direction, and he or she is of the opinion that the board has failed to comply with a direction, the Lieutenant Governor in Council can grant a vesting order giving the Minister control over the administration of all board affairs except for denominational matters in the case of Catholic boards, and linguistic matters in the case of French-language boards. The Minister would maintain control until the board is in compliance.

As is the case with s. 257.45(3) described previously, under s. 230.12(3) any trustee who votes to use funds in a way that contravenes an order is jointly and severally liable for the amount used, and may face court action for recovery of the funds.

### Provincial Interest Regulation

In accordance with Ontario Regulation 43/10: Provincial Interest in Education the Minister may provide for a review of the performance of a school board, if the





Minister has concerns regarding the performance of a school board with respect to the following areas:

- Academic achievement of students
- Student health and safety
- Good governance of the school board
- Performance of the board and of the director of education in carrying out their responsibilities under the *Education Act*
- Level of parent involvement.

The review process would result in a report to the Minister. The board would be consulted about this report, which could result in the Minister making recommendations to the board to address concerns

that have been reviewed. The Minister would likely not consider board supervision pursuant to section 230, unless a school board refuses to or does not fully participate in a review process, or refuses to give full and fair consideration to recommended changes arising out of the review.

### Conduct of Trustees

The *Education Act* establishes the duties of individual trustees [s. 218.1]. This section provides that a trustee shall:

- Carry out his or her responsibilities in a manner that assists the board in fulfilling its duties under the *Act*, the regulations and guidelines issued under the *Act* including but not limited to the

board's duties under section 169.1

- Attend and participate in meetings of the board including meetings of board committees of which he or she is a member
- Consult with parents, students and supporters of the board on the board's multi-year plan under clause 169.1(1)(f)
- Bring concerns of parents, students and supporters of the board to the attention of the board
- Uphold the implementation of any board resolution after it is passed by the board
- Entrust the day-to-day management of the board to its staff through the board's director of education
- Maintain focus on student achievement and well-being
- Comply with the board's code of conduct.

### Trustee Code of Conduct

The *Education Act* authorizes boards to adopt a code of conduct for trustees [s. 218.2] and provides an enforcement mechanism for boards to enforce their code of conduct at the local level [s. 218.3].

All school boards must adopt a publicly available code of





conduct for trustees on or before May 15, 2019. If a school board had a trustee code of conduct prior to when the Regulation came into force on April 16, 2018, then the board must review its code of conduct on or before May 15, 2019. Every board must review its trustee code of conduct on or before May 15 in every fourth year thereafter.

When a board reviews its code of conduct, it must comply with the following requirements:

- Determine whether any changes are required to the code of conduct

- If changes are required, make the required changes
- If no changes are required, confirm the existing code of conduct.

All boards must pass a board resolution setting out the course of action determined above. Ontario Regulation 246/18: Members of School Boards – Code of Conduct provides additional information.

### **Enforcement of Code of Conduct**

A trustee who has reasonable grounds to believe that

another trustee has breached the board's code of conduct may bring the alleged breach to the attention of the board of trustees. Boards must inquire into any reasonable allegation of a code of conduct violation brought to the board's attention. Boards may hire a neutral third-party investigator, including an integrity commissioner, to investigate the complaint and recommend possible sanction(s) if necessary.

If a board of trustees determines that a trustee has breached the board's code of conduct, the board of trustees may impose one



or more of the following sanctions:

- Censure the trustee
- Bar the trustee from attending all or part of a meeting of the board or meeting of a committee of the board
- Bar the trustee from sitting on one or more committees of the board, for the period of time specified by the board.

### Duties of Board Chair

The *Education Act* also sets out the following additional duties of the chair of a school board:

- Preside over meetings of the board
- Conduct the meetings in accordance with the board's procedures and

practices for the conduct of board meetings

- Establish agendas for board meetings, in consultation with the board's director of education or the supervisory officer acting as the board's director of education
- Ensure that members of the board have the information needed for informed discussion of the agenda items
- Act as spokesperson to the public on behalf of the board, unless otherwise determined by the board
- Convey the decisions of the board to the board's director of education or the supervisory officer acting as the board's director of education

- Provide leadership to the board in maintaining the board's focus on the multi-year plan
- Provide leadership to the board in maintaining the board's focus on the board's mission and vision
- Assume such other responsibilities as may be specified by the board.

### Duties of Director of Education

Trustees should be aware of the director of education's duties under the *Education Act*. In particular, subsection 283.1(1) requires a director of education, immediately upon discovery, to bring to the attention of the board of trustees any act or omission by the board that, in the opinion of the director of education, may result in, or has resulted in, a contravention of the *Education Act*, or any policy, guidelines or regulation made under the *Act*.

Trustees should note as well that if a board of trustees does not respond in a satisfactory manner when an act or omission is brought to its attention, a director of education has a duty to advise the Deputy Minister of Education of the act or omission.

## Confidentiality and Privacy

### The Municipal Freedom of Information and Protection of Privacy Act

School boards are subject to the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

This *Act* provides that every person has a right of access to recorded information in the custody, or under the control, of a school board unless the information falls within one of the limited and specific exemptions listed in the *Act*.

In addition, the *Act* protects the privacy of individuals with respect to personal information, as defined in MFIPPA, that is held by school boards, and provides those individuals with a right of access to their information. MFIPPA governs the collection, use, and disclosure of personal information by boards. Of necessity, school boards have large volumes of personal information pertaining to both employees and students. All school board officials and employees, including trustees, should familiarize themselves with the basic provisions of MFIPPA to prevent inadvertent violation of the statute. Any person found guilty of wilfully contravening the *Act*, as

set out in section 48, or of altering, concealing or destroying a record, or cause any other person to do so, with the intention of denying a right under MFIPPA to access the record or the information contained in the record is liable to a fine not exceeding \$5,000.

Every school board may designate, in writing, an individual trustee or a committee of trustees to act as “head” of the school board for the purposes of MFIPPA. In the absence of such a designate, the school board is the “head.” The head usually delegates its powers or duties under the *Act* to officers of the school board who carry out the day-to-day management of the matters covered by MFIPPA.

### Confidentiality of Student Records

The *Education Act* requires the principal of a school to establish and maintain an Ontario Student Record (OSR) for each student enrolled in the school. The contents of that record are specified in Ministry of Education guidelines.

In addition to the protection of confidentiality of the OSR offered by MFIPPA, section 266 of the *Education Act* establishes that the OSR information is privileged for the information and use of

supervisory officers, principals, teachers and early childhood educators of the school for the improvement of instruction of the student, and should not be disclosed to anyone else, including a court of law, except in certain limited circumstances.

Each student of a board is assigned an Ontario Education Number (OEN). This number is the key identifier on the OSR. It follows the student throughout his or her elementary and secondary education, making it easier to keep reliable records on the movement and progress of individual students while also protecting their privacy. The OEN is used on:

- Student records (the OSR and other related forms)
- Applications for enrolment into specific programs, schools, or institutions
- Provincial assessments, tests, and evaluations of the student's achievement.

The data gathered through the use of OENs allows the Ministry to evaluate the implementation of new initiatives, identify areas that require improvement, analyze trends and identify future needs.



## The Youth Criminal Justice Act

The *Youth Criminal Justice Act* (YCJA) applies to persons between the ages of 12 to 17 inclusive. The YCJA establishes that no person shall publish by any means the name of any young person or child, or any information that could identify such person as the offender, victim, or witness concerning an offence committed, or alleged to have been committed, by a young person. This includes any report concerning the hearing, adjudication, disposition, or appeal with respect to such an offence.

The *Act* provides an exception to the non-disclosure of the identity of the young offender where the young person has received an adult sentence. The *Act* also allows for disclosure where a Youth Court judge has ordered such disclosure, or where the provincial director, a youth worker, a peace officer, or any other person engaged in the provision of services to a young person determines that it is necessary to disclose the identity of the young offender to a representative of a school board or school to ensure the safety of staff, students, or other persons, to facilitate rehabilitation of the

young person, or to ensure compliance with a court order.

The representative of the school board or school who receives this information may subsequently disclose that information to other persons, only as is necessary to ensure the safety of staff, students, or other persons.

Any person to whom this information has been disclosed must:

- Keep the information separate from any other record of the young person to whom the information is related (including the OSR)
- Ensure that no other person has access to the information
- Destroy the information when the information is no longer required for the purpose for which it was disclosed.

This means that school board officials must be very careful not to identify any young person or child connected with an offence to anyone – including students, parents of other students, the community, or the media – except as specifically authorized by the *Youth Criminal Justice Act* or a court.

## Safe and Accepting Schools

Safe and Accepting Schools is based on the principle that a safe, inclusive and positive learning environment is essential for student achievement and well-being and promotes positive student behavior. The strategy focuses on:

- Clarifying the standards of behavior for the school community
- Requiring every school board employee to play a role in promoting positive student behavior to improve school climate and to support victims
- Preventing inappropriate behavior
- Providing early and ongoing intervention
- Using progressive discipline to address inappropriate behavior with appropriate consequences and supports including early and ongoing intervention
- Supporting engagement on the part of parents and community agencies in schools.

## Behaviour and Discipline

The *Education Act* sets out specific obligations for school boards with respect to behaviour, discipline and safety of students. The provincial Code of Conduct sets the standard of behaviour for all persons in schools. The *Act* clearly identifies:

- Activities that must be considered for suspension or expulsion of a student
- Who has the authority to suspend or expel a student
- The mitigating factors and other factors to be

taken into account when considering suspension or expulsion decisions.

### Conducting a Suspension Appeal/Expulsion Hearing

The *Education Act* states [s. 302(6)] that a board shall establish policies and guidelines governing appeals of a decision to suspend a pupil, principals' investigations to determine whether to recommend that a pupil be expelled, and expulsion hearings. The *Act* also requires that the policies and guidelines address such

matters and include such requirements as specified by the Minister.

The board may authorize a committee of at least three members of the board to exercise and perform powers and duties on behalf of the board and may impose conditions and restrictions on the committee.

### Suspension

The following persons may appeal, to the board, a principal's decision to suspend a pupil:

- The pupil's parent or guardian, unless the pupil





is at least 18 years old, or is 16 or 17 years old and has withdrawn from parental control

- The pupil, if the pupil is at least 18 years old, or is 16 or 17 years old and has withdrawn from parental control
- Such other persons as may be specified by board policy.

Every board shall designate a supervisory officer for the purposes of receiving notices of intention to appeal a suspension. The board shall hear and determine the appeal of a suspension, and the decision of a board on an appeal is final.

Appeals of suspensions are conducted by the board in

accordance with the board's developed procedures.

## Expulsion

If a principal recommends to the board that a pupil be expelled, the board shall hold an expulsion hearing and, for that purpose, the board has powers and duties as specified by board policy.

It is the board that decides to expel pupils and whether the pupils are expelled from their school only or from all schools of the board. In making this decision, the board must consider any applicable mitigating or other factors, the submissions and views of all parties to the hearing, and any written response to the principal's report to the board recommending expulsion.

The parties to the expulsion hearing are:

- The principal
- The pupil's parent or guardian, unless the pupil is at least 18 years old, or is 16 or 17 years old and has withdrawn from parental control
- The pupil, if the pupil is at least 18 years old, or is 16 or 17 years old and has withdrawn from parental control
- Such other persons as may be specified by board policy.

If the pupil is not a party to the expulsion hearing, the pupil still has the right to be present and make a statement on his or her own behalf. The board's decision to expel may be appealed to a designated tribunal. The Child and Family Services Review Board is designated to hear appeals of board decisions to expel pupils.

Trustees who serve on the board or the suspension appeal and/or expulsion hearing committees of the board must remember that they are serving in a quasi-judicial capacity. Members of the committee or board should seek legal advice before the hearing to ensure that they conduct the appeal/hearing properly, follow all rules of procedural fairness, and meet their legal obligations to protect



both board employees and students.

Boards are required to provide programs for students on long-term suspension and for students expelled from all schools of the board. A long-term suspension is a suspension for a term of from six to 20 school days.

The *Education Act* requires all board employees to report serious student incidents that must be considered for suspension or expulsion, to the principal. It also requires principals to contact parents of victims who have been harmed as the result of such incidents and requires school staff who work directly with students to respond to inappropriate and disrespectful student behaviour.

School boards are required to have policies and guidelines on bullying prevention and intervention (including cyber-bullying), to create safe and inclusive schools, support and maintain a positive school climate that is inclusive and accepting of all students, and to take measures to prevent and address inappropriate behavior in schools.

This includes:

- The requirement for principals to suspend and consider recommending expulsion for bullying if

the student was previously suspended for bullying and the student's continued presence in the school creates an unacceptable risk to the safety of another person.

- The requirement for principals to suspend and consider recommending expulsion for incidents that are motivated by bias, prejudice or hate.
- The requirement for school boards to educate teachers and staff about bullying prevention and strategies, to provide programs, interventions and supports for pupils who have been bullied, witnessed incidents of bullying or who have engaged in bullying, and put on Bullying Awareness and Prevention Week, which begins on the third Sunday in November of each year.
- The requirement for boards to support students who want to establish and lead activities and organizations that: promote a safe and inclusive learning environment; acceptance of and respect for others; and, the creation of a positive school climate.

The *Education Act* requires school boards to ensure that "promoting a positive school climate" and "promoting the

prevention of bullying" is incorporated into the aims of the multi-year plan. As such, boards are required to monitor and evaluate the effectiveness of these policies, review the multi-year plan annually, and make the plan available to supporters and employees of the board.

See Ontario Regulation 472/07: Behaviour, Discipline and Safety of Pupils for additional information.

For more on Safe and Accepting Schools, see: [www.edu.gov.on.ca/eng/teachers/safeschools.html](http://www.edu.gov.on.ca/eng/teachers/safeschools.html)

## Child Abuse and Duty to Report

Every person who performs professional or official duties with respect to a child should be familiar with the duty to report a child who is or who may be in need of protection. This is required under the *Child, Youth and Family Services Act, 2017*. For the purposes of this *Act*, a child means a person younger than the age of 18. The duty to report is mandatory for children who are less than 16 years of age and persons *may* report children who are 16 and 17 years of age who are or may be in need of protection.

## Student Protection

*The Ontario College of Teachers Act, 1996* (OCTA) contains broad definitions of sexual abuse and sexual misconduct and includes sexual abuse of a student and sexual misconduct as part of the definition of professional misconduct with respect to a member of the Ontario College of Teachers. Paragraph 12.1 of subsection 170 (1) of the *Education Act* requires a school board to ensure that a teacher perform no duties involving contact with pupils if that teacher has been charged with or convicted of an offence under the *Criminal Code* involving sexual conduct with minors, or any other offence under the *Criminal Code* which, in the board's opinion, puts pupils at risk. A board is also required to report this to the College under s. 43.3 (1) of the OCTA.

Further, under the OCTA, a school board is required to report to the College when a member's employment is terminated, suspended or when a member's duties are restricted for reasons of professional misconduct. This reporting requirement also applies if the employer intended to terminate, suspend or impose restrictions on the member's duties for reasons

of professional misconduct but the employer did not do so because the member resigned, or if the member resigns during an investigation into allegations of an act or omission by a member that would, if proven, have resulted in any of these actions. A school board must also report to the College if it is of the opinion that a member's conduct should be reviewed by a committee of the College.

Proposed changes to both the *Ontario College of Teachers Act, 1996* and the *Early Childhood Educators Act, 2007* will require a member's certificate of registration to be revoked when the member is found guilty of an act of professional misconduct consisting of, or including, specified acts of sexual abuse of a student/child or a prohibited act involving child pornography.

The *Acts* will also require mandatory suspension of a member's certificate when the member is found guilty of any act of professional misconduct consisting of, or including, acts of sexual abuse of a student/child that do not result in mandatory revocation of the member's certificate of registration.

The *Acts* allow the Colleges' Councils or Executive Committees to make an interim order to suspend or

impose terms, conditions or limitations on a member's certificate of registration at the investigation stage if the actions or conduct of the member exposes or is likely to expose students or children to harm or injury.

Further, once the provisions are proclaimed as of January 1, 2020, the *Acts* will require the Colleges to establish and administer new programs to provide funding for counselling/therapy for students/children who were subject to alleged sexual abuse or an act of child pornography by a member.

## Criminal Background Reference Checks

Ontario Regulation 521/01: Collection of Personal Information provides school boards with another tool to promote a safe school environment. The regulation requires that school boards collect personal criminal history from all service providers who have direct and regular contact with students and employees.

## Health and Safety

To provide a safe and suitable learning and working environment for school staff and students, it is critical that classroom practice and the learning environment comply



with relevant federal, provincial and municipal health and safety legislation and by-laws, including:

- *Workplace Safety and Insurance Act, 1997*
- Workplace Hazardous Materials Information System (WHMIS)
- *Occupational Health and Safety Act*

Ministry of Labour (MOL) inspectors conduct health and safety inspections in schools to raise awareness of workplace health and safety hazards and to promote compliance with

the *Occupational Health and Safety Act* (OHSA) and its regulations.

Policy/Program Memorandum 76A provides direction to school boards regarding coverage under the *Workplace Safety and Insurance Act, 1997* for students in work education or experiential learning programs. The Ministry of Education provides coverage for students participating in such programs, where the student is considered a worker. Coverage for these students is provided by the ministry, but school boards, with the assistance of

placement employers, must ensure that the requirements of the Workplace Safety and Insurance Board are properly adhered to both prior to and during the work placements.

Additional information is available at: [www.edu.gov.on.ca/eng/policyfunding/workplace.html](http://www.edu.gov.on.ca/eng/policyfunding/workplace.html)

## Exclusions

Pursuant to the *Education Act* [s. 265(1)], subject to an appeal to the board, a principal has a duty to refuse to admit to the school or classroom a person (including a student) whose presence





would, in the principal's judgment, be detrimental to the physical or mental well-being of the pupils.

An exclusion appeal is heard by the board of trustees in accordance with any appeal process established by a school board. A board's decision will either uphold or quash the exclusion and such a decision is final.

## Protecting Pupils with Prevalent Medical Conditions

By September 1, 2018, all school boards should have policies in place to support students in school who have asthma, diabetes, epilepsy and/or who are at risk for

anaphylaxis [see Policy/ Program Memorandum (PPM) 161]. This is an expanded requirement to what is mandated under *Sabrina's Law, An Act to Protect Anaphylactic Pupils*, 2005, which helps to protect pupils with life-threatening allergies and to create a safe and healthy school environment, and *Ryan's Law (Ensuring Asthma Friendly Schools)*, 2015, which seeks to protect pupils with asthma.

The identified prevalent medical conditions may be life-threatening and it is essential for school board staff, including principals, teachers and other staff who have direct contact with students at risk for any of these conditions throughout the school day

to be aware of the issues they face and are equipped to respond appropriately in the event of an emergency.

School boards must have a Plan of Care form that must contain certain information as prescribed in PPM 161.

While parents of children with prevalent medical conditions are expected to actively participate with school staff in supporting the management of their child's medical conditions, inform the school of same and co-create their child's Plan of Care, and students are expected to support the development and implementation of their Plan of Care if capable of doing so, school boards also have specific obligations. School boards must provide resources and annual training on prevalent medical conditions, develop strategies to reduce risks for students, expectations for safe storage and disposal of medication and supplies and permit students to carry their medication and supplies as outlined in their Plan of Care. School boards must also outline how school staff should respond to medical incidents and/or medical emergencies.

Employees of a board may be preauthorized to

administer medication or supervise a pupil while the pupil takes medication in response to an anaphylactic reaction or asthma exacerbation, if the school has the consent of the parent, guardian or pupil, and specifically for anaphylactic reaction, if the school has up-to-date treatment information. If an employee has reason to believe that a pupil is experiencing an anaphylactic reaction or asthma exacerbation, the employee may administer an epinephrine auto-injector or other medication that is prescribed, even if there is no preauthorization to do so.

The *Good Samaritan Act, 2001* protects individuals, including employees, from liability with respect to voluntary emergency medical or first-aid services and provides that individuals will not be liable for damages as a result of the individual's negligence in acting or failing to act, unless the damages are the result of the person's gross negligence. Both *Sabrina's Law* and *Ryan's Law* contain provisions limiting the liability of individuals responding to or neglecting to respond to an emergency relating to anaphylaxis or asthma.

## School Food and Beverage Policy

As outlined in the School Food and Beverage Policy, school boards are required to ensure that food and beverages sold on school premises for school purposes meet the requirements set out in PPM 150.

The nutrition standards apply to food and beverages sold at the school (e.g. cafeterias, vending machines, tuck shops), through all programs (e.g. catered lunch programs), and at all events (e.g. bake sales, sports events).

The nutrition standards do not apply to food and beverages that are:

- Offered in schools to students at no cost
- Brought from home or purchased off school premises and are not for resale in schools
- Available for purchase during field trips off school premises
- Sold in schools for non-school purposes (e.g. sold by an outside organization that is using the gymnasium after school hours for a non-school-related event)
- Sold for fundraising activities that occur off school premises
- Sold in staff rooms.

The following requirements must also be met:

- School boards must comply with Ontario Regulation 200/08: Trans Fat Standards, and any other applicable regulations made under the *Education Act*.
- Principals must take into consideration strategies developed under the school board's policy on anaphylaxis to reduce the risk of exposure to anaphylactic causative agents.
- Food and beverages must be prepared, served, and stored in accordance with Regulation 562: Food Premises, as amended, made under the *Health Protection and Promotion Act*.
- School boards must ensure that students have access to drinking water during the school day.
- The diversity of students and staff must be taken into consideration in order to accommodate religious and/or cultural needs.

The school principal may designate up to 10 days (or fewer, as determined by the school board) during the school year as special event days on which food and beverages sold in schools would be exempt from the nutrition standards outlined in PPM 150. The school

principal must consult with the school council prior to designating a day as a special event day. School principals are encouraged to consult with their students in making these decisions.

School boards are responsible for monitoring the implementation of the policy memorandum. Additional information is available at: [www.edu.gov.on.ca/eng/healthyschools/policy.html](http://www.edu.gov.on.ca/eng/healthyschools/policy.html).

## Supervised Alternative Learning

School boards are required by regulation to establish a Supervised Alternative Learning Committee, which is to include a trustee. The board's committee approves applications for students ages 14 to 17 to be excused from attendance at school to participate in Supervised Alternative Learning. This may include employment, credit courses, life skills courses, training or other studies/activities that the committee deems suitable for the student. Regular monitoring of the student is required. The intent is for the student to retain a link to the board and to continue learning when other strategies have not proven effective. Ontario Regulation 374/10: Supervised Alternative Learning and Other Excusals from Attendance at Schools

provides additional information.

## Human Rights and Equity

Research shows that an equitable and inclusive education system is fundamental to achieving high levels of student achievement and well-being. Ontario is recognized nationally and internationally for its efforts to build and sustain an equitable and inclusive education system. Currently, all district school boards in Ontario have policies in place to support equity and inclusion as well as guidelines for religious accommodation.

## Ontario Human Rights Code

The Code outlines 17 prohibited grounds of discrimination. School boards are responsible to prevent discrimination and harassment, and where such claims are made, to respond appropriately and in a timely manner. Under the Code and court decisions that have interpreted its provisions, boards must provide work and learning environments that are free from discrimination and harassment.

## Anti-Racism Act

The *Anti-Racism Act* aims to identify and combat systemic racism in policies, programs and services, thus building a fair society where everyone has access to equal opportunity.

One of the ways boards can determine where systemic racism may exist is through the collection of race-based data. District school boards are authorized to collect race and race-related data in compliance with the Anti-Racism Data Standards effective May 1, 2018. All district school boards will be required to collect this data by January 1, 2023. Ontario Regulation 267/18: General provides additional information.

## Equity and Inclusive Education

Ontario's Equity and Inclusive Education Strategy envisions an equitable and inclusive education system in Ontario where all students, parents, school staff and members of the school community are safe, welcomed and respected in schools, and where every student is supported and inspired to succeed in a culture of high expectations for learning.

The Strategy aims to help the education community identify and remove discriminatory



biases and systemic barriers in order to support the achievement and well-being of all students. The Strategy builds on successful ministry, school board and school policies and practices. Policy/Program Memorandum 119 (Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools) and the Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation further outline school board expectations for implementing the Strategy.

Pursuant to the *Education Act*, every board is now required to have an equity and inclusive education policy [s. 29.1].

In 2017, Ontario also launched the Education Equity Action Plan, which built on the Strategy, bringing a new focus and resources to accelerate the Strategy, with a goal of identifying and eliminating discriminatory practices, systemic barriers and biases from schools and classrooms. The Action Plan is a three-year strategy that began in the 2017-2018 school year. To help implement the Action Plan, the ministry

created the Education Equity Secretariat to work on new policies, resources and program options. Trustees are expected to help bring the Action Plan to life.

Additional information is available at: [www.edu.gov.on.ca/eng/about/action\\_plan.html](http://www.edu.gov.on.ca/eng/about/action_plan.html)

## Positive Learning Environments

The *Education Act* [s.169.1] requires all district school boards to provide safe, inclusive, and positive learning environments for all students. The *Education*





*Act* [S. 303.1] also requires boards to support students to lead activities and organizations that promote gender equity, anti-racism, awareness, understanding and respect for people with disabilities and people of all sexual orientations, and gender identities.

## Canadian Charter of Rights and Freedoms

District school board policies and guidelines on religious accommodation are implemented within the context of the Canadian Charter of Rights and Freedoms, Ontario Human Rights Code and *Education Act* and its regulations and policies.

The Ontario Court of Appeal ruled in 1988 that one religion must not be given a position of primacy in public schools and that the content of opening or closing exercises must reflect the multicultural realities and traditions of Ontario society.

## School Councils

The *Education Act* requires each school board to establish a school council for each school operated by the board [s. 170(1)17.1].

School councils are advisory bodies whose purpose is to improve student achievement and enhance the accountability of the education system to parents. This purpose is set out in Ontario Regulation 612/00: School Councils and Parent

Involvement Committees. This regulation also describes the composition of school councils and the process for the election of members, the role and responsibilities of the school council, and operational matters relating to the school council. In addition, the Ministry of Education publishes a guide for members of school councils, which is available at: <http://www.edu.gov.on.ca/eng/general/elemsec/council/>.

The role and responsibilities of the principal, as a member of and as a support to the school council, are described in Regulation 298: Operation of Schools – General. This regulation, along with 612/00, address three key areas pertaining to school councils: the purpose of school councils, membership and operational matters, and the obligation of boards and principals to consult with school councils on certain matters.

## Parent Involvement Committee

The regulation requires every school board to establish a Parent Involvement Committee (PIC) and sets out provisions for the composition and functions of the PIC.

The purpose of the PIC is to support, encourage and

enhance parent involvement at the board level in order to improve student achievement and well-being. The PIC is a parent-led committee that is an important advisory body to the board.

### **Ombudsman Act**

The Ontario Ombudsman has the ability to investigate any decision or recommendation made or act done or omitted in the course of the administration of a school board, which includes decisions made by a board of trustees, and decisions

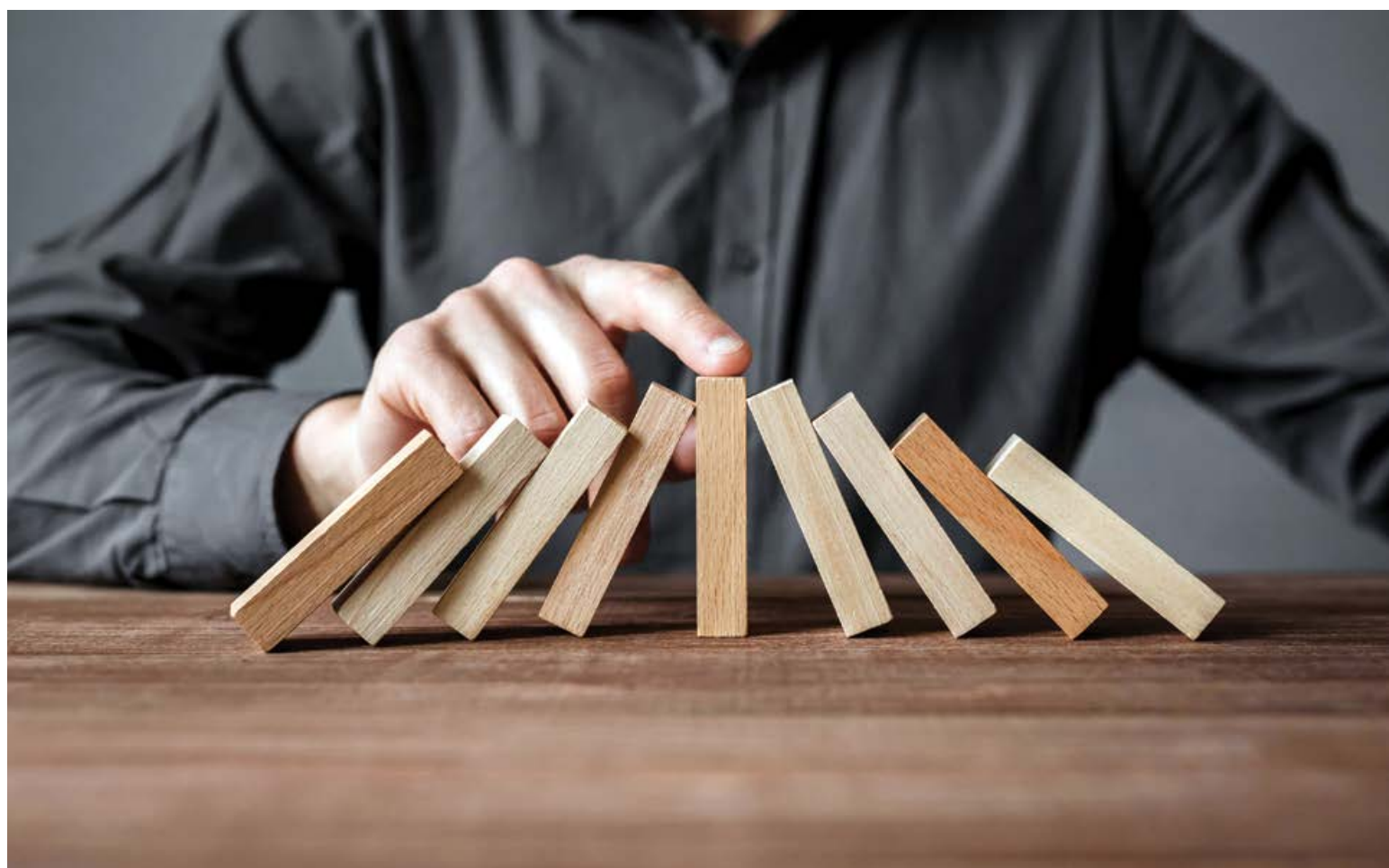
that are final and which may not be appealed. Any person affected by a decision may make the request to investigate or the Ombudsman may initiate an investigation. An investigation cannot commence until all rights of appeal or application of a hearing or a review have been exercised or have otherwise expired.

The report of the Ombudsman as a result of the investigation will include the Ombudsman's opinion(s) and recommendation(s) on

what should be done, reasons therefore and a request for the school board to advise as to the steps that will be taken in response to the report. The report will also be made public.

### **Conflict of Interest**

The main purpose of the *Municipal Conflict of Interest Act* (MCIA) is to protect the public interest by ensuring that public officials do not improperly take advantage of their positions of trust to seek personal gain. The Act applies to all members of local councils, committees, and boards, including school







boards, either elected or appointed. The *Act* also applies to members of advisory committees and other committees established under the *Education Act*.

## Pecuniary Interest

Conflict-of-interest legislation is concerned only with pecuniary, or financial, interests. The *Municipal Conflict of Interest Act* refers to three kinds of pecuniary interest: direct, indirect, and deemed. The following are examples of each:

- A trustee would have a direct interest if the board was considering buying property that the trustee owns.
- A trustee would have an indirect interest if the trustee is a senior officer

of a company bidding for a board contract.

- A trustee would have a deemed interest if the trustee's spouse, child, or parent owns a company that is bidding for a board contract.

## Declaring a Conflict

A member who identifies a direct, indirect, or deemed conflict of interest in a matter and is present at a meeting of the board or committee of the board at which the matter is the subject of consideration, must declare the conflict before any discussion of the matter begins. Specifically, the member must follow these steps:

- Publicly declare the conflict of interest, state

the general nature of the interest, and have the declaration recorded in the minutes

- Effective March 1, 2019, file a written statement of the interest and its general nature with the secretary of the committee or board
- Do not vote on any question in respect of the matter
- Do not take part in the discussion of the matter
- Do not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter
- When a committee of the board, including a committee of the whole board, is in closed session, leave the room for as long as the matter is under consideration, and have the fact that he or she left the room recorded in the minutes. At the next meeting that is open to the public, the declaration of interest shall be recorded in the minutes but not the general nature of that interest.

If a member is absent from a meeting during which that member would have been placed in a conflict of interest, at the next meeting attended by the member, the member must disclose the interest and otherwise

refrain from discussing, influencing, or voting on the matter. If there are any doubts about a possible conflict of interest, trustees should seek legal advice.

## Influence

Effective March 1, 2019, a member who has a pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the school board (or by a person or body to which the school board has delegated a power or duty) the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

## Registry

Effective March 1, 2019, every school board shall establish and maintain a registry available for public inspection in which shall be kept a copy of each statement of interest filed and a copy of each declaration of interest recorded.

A member who considers a pecuniary interest in a matter to be “so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member” or “in common with electors

generally” need not declare it or avoid influencing staff’s decision or recommendation regarding the matter.

The decision to declare a conflict of interest or avoid influencing a staff member is the personal responsibility of the trustee. The board cannot force a member to declare a conflict or leave the room. If a trustee is in doubt, however, he or she should consider declaring a conflict and/or seeking legal advice.

## Contravention of the Provisions

Effective March 1, 2019, an elector entitled to vote at the board elections or a person demonstrably acting in the public interest may apply to a judge of the Ontario Superior Court of Justice for a determination as to whether a member or a former member failed to declare a conflict of interest, file the written statement of interest or leave the meeting where necessary; or the member participated in the vote or discussion or attempted to influence the vote; such a person may also bring an application before a judge of the Ontario Superior Court of Justice for a determination as to whether a member or former member who had a pecuniary interest in a matter being considered by an officer or employee of

the board used his or her office in any way to attempt to influence any decision or recommendation.

Effective March 1, 2019, where a judge finds that a member or former member contravened the *Municipal Conflict of Interest Act*, they will now have more discretion when imposing sanctions for a breach of the *Act* and vacating a member’s seat is no longer mandatory.

As of March 1, 2019, a judge will be able to exercise discretion after considering, among other things, whether the member or former member took reasonable measures to prevent the contravention or committed the contravention through inadvertence or by reason of an error in judgment made in good faith.

As of March 1, 2019, the sanctions that may be imposed are a reprimand; suspension of the remuneration paid to the member for a period of up to 90 days; declaration of the member’s seat vacant; disqualify the member or former member from being a member during a period of not more than seven years after the date of the order; or if the contravention resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss



or, if the party's identity is not readily ascertainable, to the board.

Until February 28, 2019, where a judge finds that a member has contravened their disclosure obligations under the *Municipal Conflict of Interest Act*, the judge must declare the member's seat vacant, unless the error was the result of inadvertence or an error in judgement. The judge also has the discretion to disqualify the member from office for up to seven years and to require the member to make restitution if the contravention has resulted in personal financial gain. If the judge finds that the contravention occurred inadvertently or because of a bona fide error in

judgement, the member will not be disqualified from the board or have their seat declared vacant. However, the member may still be required to make restitution.

A breach of the *Municipal Conflict of Interest Act* by a member or former member does not of itself invalidate any decision or proceeding in respect of a matter that is the subject of the breach. However, if a member or former member failed to comply with the *Act*, the board may declare the proceedings to be void before the second anniversary of the date of the passing of the by-law or resolution authorizing the matter, unless this would adversely affect the rights of an innocent third party.

School boards may obtain insurance to protect trustees who are found by a court not to have contravened the *Municipal Conflict of Interest Act*. This insurance might cover costs or expenses incurred in successfully defending against a proceeding under the *Act*.

## Audit Committee

The *Education Act* requires that every district school board in the province establish an Audit Committee. The Audit Committee is composed of both trustees and non-trustee members appointed by the school board in accordance with its by-law on the selection process. School board staff are not permitted to be a member of the committee. The purpose of the Audit Committee is to provide oversight of the school board's financial reporting and controls and risk management. Ontario Regulation 361/10: Audit Committees describes the composition, functions, powers, and duties of an audit committee.





## CHAPTER 5

### Board Representation, Trustee Elections, and Vacancy Information

#### Municipal and School Board Elections

Where trustees are elected, the process is governed by the *Education Act* and the *Municipal Elections Act, 1996* (MEA).

School board trustees are elected every four years during municipal and school board elections. Voters must choose which of the four school board systems they will support, subject to certain restrictions. This means that each voter can elect a trustee to only one of the four school board systems in a jurisdiction: English public, English

Catholic, French public, or French Catholic. Voters who own residential property in more than one school board district may vote in each of the school board districts in which property is held.

#### Pre-Election

##### How the Number of Trustees is Determined and Distributed

Prior to each regular election, the board of trustees of each district school board must distribute the positions of the members to be elected across the board's area of jurisdiction.

The provisions governing the number of elected trustees on district school boards and their distribution over a board's territory are found in section 58.1 of the *Education Act*, and in Ontario Regulation 412/00: Elections to and Representation on District School Boards. The process is referred to as trustee determination and distribution.

The *Act* sets the number of elected trustee positions on a district school board at the number that was determined by the board for the 2006 school board regular election, with the following exceptions:



- For a school board whose number of elected trustees was increased by order of the Minister following the isolate board mergers which took place in 2009, the total number of elected trustees includes the additional position(s) ordered by the Minister.
- A board may, by resolution, reduce its number of elected trustees to no fewer than five.
- A board that has experienced a demographic or geographic change may use the formula in Ontario Regulation 412/00 to recalculate its number of elected trustees. [s. 58.1 (10.0.1)]; however

the total number of elected trustees on a school board cannot exceed 22.

Before each regular election, district school boards must allocate their elected trustee positions over their area of jurisdiction. They do so by combining municipalities and wards in their area of jurisdiction into a number of geographic areas and allocating their trustee positions to these areas.

In boards where there is more than one municipality, the board must pass a resolution that either:

- Designates one or more municipalities as low population municipalities

and directs that an alternative distribution of members be done, or

- States that the board has decided not to designate any municipality as a low population municipality.

Designation of low population municipalities allows boards to provide greater representation to rural or other areas within the board's jurisdiction than would otherwise be afforded by a strict representation-by-population calculation.

The "determination and distribution" process described above must be completed by boards by March 31 in a regular election year. By April 3, boards

must provide a report to the Minister of Education, to the election clerks for all municipalities within the board's jurisdiction, and to the secretary of every other school board that is wholly or partially within the board's area of jurisdiction.

Information on the trustee determination and distribution process, including the detailed reporting requirements can be found in the 2018 Trustee Determination and Distribution Guide for Ontario District School Boards at [www.edu.gov.on.ca/eng/trustee-elections/](http://www.edu.gov.on.ca/eng/trustee-elections/).

Additionally, the Ontario Education Services Corporation (OESC) has created a calculator to assist school boards with the determination and distribution of their elected trustee positions. This can be found at <http://www.oesc-cseo.org/en-ca/Pages/TrusteeCalculator.aspx>.

### School Board Trustee Qualifications

Trustee candidates need not have a background in education. However, the following skills and experience would be assets for potential trustee candidates:

- Basic understanding of official meeting procedures and governance policies

- Basic understanding of a trustee's role as member of a Board
- Willingness to learn.

A candidate for a school board must, upon nomination, be a qualified municipal elector and fulfil all of the following requirements:

- A resident within the jurisdiction of the board
- A supporter of the board\*
- A Canadian citizen
- At least 18 years old
- Roman Catholic (if running for a separate school board)
- French language rights\*\* (if running for French language school board)
- Not legally prohibited from voting
- Not disqualified by any legislation from holding school board office.

\* "Supporter" refers to the individual's property tax support for one of the four publicly funded school systems.

\*\* "French-language rights holder" is set out in section 23 of the Canadian Charter of Rights and Freedoms and refers to the right of citizens whose first language is French to receive educational instruction in French.

A candidate who is qualified and a resident in the jurisdiction of the school board can seek nomination for any geographic area

within the jurisdiction of the board. If nominated, a candidate must remain qualified throughout the election and, if elected, throughout the term of office. School board candidates should confirm they have the qualifications described in s. 219 of the *Education Act*. It is the responsibility of the candidate to determine whether he or she is qualified to be elected to and hold office.

A candidate for school board office cannot be a clerk, deputy clerk, treasurer or deputy treasurer of a municipality within the jurisdiction of a board. The following persons are disqualified from being elected to school board office:

- Any person not eligible to vote in the municipality
- An employee of a school board unless he or she takes an unpaid leave of absence before being nominated, resigns, if elected to the office
- A judge of any court
- A member of the Legislative Assembly of Ontario (MPP), a Senator or a member of the House of Commons (MP)
- An inmate of a penal or correctional institution under sentence of imprisonment.



An employee of a school board who wishes to run for office on any school board must take an unpaid leave of absence prior to being nominated. If elected, the employee must resign. A person may not be employed by one school board and hold office on a different school board. More information for trustee candidates and prospective candidates can be found by reading *Making a Difference for Kids: Running for Election as a School Board Trustee*, which is available online at <http://ontarioschooltrustees.org>.

### Term of Office

The term of office for newly elected members begins on December 1, 2018, and ends on November 14, 2022. Boards are required to hold their first meeting within seven days of the new term commencing. It is at this first meeting that a chair is elected, and possibly a vice-chair and committee members. The members of a board remain in office until their successors are elected and the new board is organized [s. 220 (1)].

The 2022-2026 Term of Office will begin on November 15, 2022 and end on November 14, 2026.

### Key Dates — 2018 Municipal and School Board Elections

<b>Nomination and Campaign Period Begins</b>	May 1, 2018
<b>Nomination Day (Last Day to be Nominated)</b>	July 27, 2018
<b>Final Day for Withdrawal of Candidacy</b>	July 27, 2018
<b>Voting Day</b>	October 22, 2018
<b>School Board Term Begins</b>	December 1, 2018
<b>Campaign Period Ends</b>	December 31, 2018
<b>Financial Filing Deadline</b>	March 29, 2019
<b>School Board Term Ends</b>	November 14, 2022

### Post-Election

This section of the chapter addresses questions that may arise after the votes have been tallied on Election Day or once the term of office has begun.

#### Tied votes

If two or more candidates get the same number of votes and they cannot all be elected, there is an automatic recount. The recount must be held within 15 days of the clerk declaring the results of the election. If you are one of the candidates in the tie, you are entitled to be present at the recount.

If the recount shows that there is still a tie, then the legislation states that the clerk will choose the winner by lot. This means putting the names of the tied candidates

into a hat (or other suitable container) and drawing the name of the winner.

#### Recounts

The *Municipal Elections Act, 1996* requires an automatic recount only if the votes are tied.

A municipal council or school board may have a policy in place that sets out other specific circumstances under which the clerk must conduct an automatic recount. For example, a council may decide that if two candidates are within 10 votes of each other, an automatic recount will be held. The policy must be adopted at least 60 days before voting day.

A municipal council or school board may also order a recount within 30 days after the clerk has officially

declared the results of the election. If you feel there should be a recount, you must either persuade council (or the school board) to order one or you may apply to the Superior Court of Justice to persuade a judge to order a recount. This application may be made by any eligible elector, and must be made within 30 days of the clerk declaring the results of the election.

Recounts must be conducted in the same way that the votes were originally counted, unless the recount is ordered by the court. For example, if

the votes were counted by a vote tabulator, they may not be counted by hand during the recount.

If the recount is ordered by the court, the judge may order that the votes be counted in a different manner if the judge believes that the way the votes were counted the first time was an issue.

**Vacancies**

A trustee does not have to resign in order to run as a candidate for another office, as long as he or she continues to meet attendance requirements

for board meetings. If a trustee chooses to resign in order to become a candidate for another office, he or she may simply file a statement to that effect with the secretary of the board. In this situation, the resignation becomes effective on November 30 or the day before the other office commences, whichever is earlier [s. 220(4)].

If the trustee is unsuccessful in their bid for the other office, and they have resigned, they cannot resume the seat on the school board without being re-elected or, in some cases, appointed.





Under the *Education Act* [s. 228(1)], a trustee's seat is automatically vacated if the trustee:

- Is convicted of an indictable offence
- Is absent – either in person or electronically – from three consecutive regular board meetings (unless the absence was authorized by a resolution entered into the minutes)
- Ceases to hold the qualifications required to be a trustee
- Becomes disqualified to act as a trustee
- Fails to be physically present in the meeting room of the board for at least three regular board meetings in each 12-month period beginning on December 1.

### Filling Vacancies

All vacancies on the board must be filled, unless the vacancy occurs within one month of the next municipal election [s. 224(a)]. A vacancy that occurs after the election but before the new board is organized shall be filled after the new board is organized [s. 224(b)]. A school board has 90 days to decide whether to fill the vacancy by appointment or by holding a by-election.

**Appointment:** If a majority of the trustees remain in office, the remaining trustees can appoint a qualified person within 90 days of the position becoming vacant. If a board decides to fill a vacancy by appointment, they must appoint a person who is

eligible to serve on the board and who is willing to accept the appointment.

The legislation does not set out any other criteria. It is up to the board to determine how they will decide who to appoint. Different approaches include:

- Appointing the candidate who came second in the last election
- Inviting interested persons to apply for the position
- Offering the appointment to a member of the community.



**By-election:** The board can, by resolution, require that a vacancy be filled in a by-election held in accordance with the *Municipal Elections Act, 1996*, if the vacancy occurs:

- In a year where there is no election under the *Municipal Elections Act, 1996*
- Prior to April in a year where there is an election under the *Municipal Elections Act, 1996*
- After the school board election, in a year where there is an election under the *Municipal Elections Act, 1996*.

If a majority of the trustees does not remain in office following a vacancy, a by-election must be held.

Once the school board has decided to hold a by-election, the municipal clerk is in charge of conducting the by-election. The board does not decide when nomination day or voting day will be. These dates are determined by the clerk.

Nominations open when the school board has passed a resolution ordering the by-election and sent it to the clerk who will conduct the by-election. Nominations close at 2 p.m. on nomination day.

The clerk must set the nomination day within 60 days after the by-election is ordered by council, the board or the court. Voting day takes place 45 days after nomination day.

In a by-election for a trustee position, the following persons cannot run unless their present term of office is due to end less than two months after the nominations close, or unless they resign from their present office before the nominations close:

- A trustee of another district school board or school authority
- A member of the council of a county or municipality included in the board's area
- An elected member of a local board of a county or municipality included in the district school board's area.

Subsection 7 (2) of the *Municipal Elections Act* states that municipalities bear the costs of a regular election, but local boards bear the costs of by-elections under the *Act*. The Ministry of Education provides funding to school boards in cases where they are legally required to hold a by-election.

## Additional Resources

Prior to each election, the Ministry of Municipal Affairs, updates and produces resources for candidates and voters. These include:

- [2018 Voters' guide for Ontario municipal council and school board elections](#)
- [2018 Candidates' guide for Ontario municipal council and school board elections](#)
- [2018 Guide for third party advertisers - Ontario municipal council and school board elections](#)



## CHAPTER 6

### Indigenous Education

In Ontario, Indigenous (First Nation, Métis, and Inuit /FNMI) students who live in First Nation communities attend schools in their own communities or the province's publicly funded schools. In 2011-12, approximately 12,900 Indigenous students attended schools in their own communities and approximately 5,300 attended elementary and secondary schools in Ontario's publicly funded school system. Financial responsibility for the education of Indigenous students who reside in First Nation communities, whether they attend publicly funded

schools or schools in First Nation communities, falls under the jurisdiction of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC); formerly Aboriginal Affairs and Northern Development Canada (AANDC). In recent years, provincially, the Ontario Ministry of Education has become more involved in discussions around programming and programming supports for Indigenous students who can attend school in both the provincial system, and the federally funded "On-First Nation" education system.

Indigenous students who live in First Nation communities and attend schools operated by a district school board or school authority may do so under an Education Services Agreement (ESA), also commonly referred to as a Tuition Agreement. These agreements are legal and binding, and are developed through mutual discussions around provision of services for school-based programs, or individual student supports as determined by both the First Nation and the public school board or school authority. They outline programs and services for Indigenous students, with tuition fees determined by a

provincially required formula, that are to be paid to the school board for these services, as well as reporting requirements. They provide a basis for the relationship between the First Nation community and the board. The individual relationship a board has with a First Nation, the needs of the students and community, and the ability to provide appropriate services, are all considerations in the development of an ESA. The nature of ESAs will vary by board, as will the needs vary by community.

In addition to Indigenous students who attend provincially funded schools under ESAs, there are a significant number of students who self-identify as Indigenous. These may be students who have moved from a First Nation and/or are students with full or partial Indigenous ancestry who have never lived in a First Nation community. Students who self-identify as Indigenous, and who do not reside on a First Nation, are able to access the supports that are included in the FNMI Framework, like any Indigenous student. The FNMI framework is also intended to address the unique needs of those students, while supporting the cultural teachings and learnings that would be

of value and benefit for all students.

The appointment of First Nation Trustees to a school board is related to Education Services Agreements and is outlined in Ontario Regulation 462/97: First Nations Representation on Boards. First Nation representation on a school board is determined first by the existence of one or more ESAs and then by the number of Indigenous students attending the board's schools. (Refer to "Education Services (Tuition) Agreement Guide – A Resource for Ontario School Boards and First Nations, 2012")

### Education in First Nation Communities

Ontario has 133 First Nations. Education for Indigenous students who reside in a First Nation community is funded federally by CIRNAC. Most First Nation communities have schools that operate under the authority of the community's Chief and Council. They are referred to as Band-operated schools. A few First Nations have opted to retain federally-operated schools. First Nation communities with schools generally offer only elementary school to a specific grade and most do not have secondary schools.

Responsibilities for First Nation communities that have schools, set local education policy and manage their own operations include:

- Staffing (hiring teachers, including Native-language teachers; administrators; and support staff)
- Managing budgets
- Determining the curriculum
- Evaluating educational programs
- Setting up and administering cultural, early childhood education, and adult education programs
- Setting up and administering counselling services
- Providing secondary support services and support budgets
- Distributing financial assistance for postsecondary education
- Operating and maintaining school buildings.

Upon completion of the schooling offered in the community, students transfer into public or private schools to further their education. The communities that do not have a school enrol their students into public or private schools for the entire duration of their education.





## Education Services (Tuition) Agreements

Section 188 of the *Education Act* permits school boards to enter into agreements with a band council, a First Nation education authority, or CIRNAC. The fees calculated for students under an ESA are similar to the amounts provided to boards for their resident pupils. The calculation of fees is set out in an Ontario regulation, which is filed annually to maintain consistency with the provincial funding

formula. The regulation sets out a formula that generates a per-pupil dollar amount associated with an Indigenous student who is attending a school in a provincial school board. The fees regulation addresses the base tuition fee, additional costs and a pupil accommodation charge. This latter charge is a modest, standard charge that reflects building costs, since these costs are not included in the base tuition fee. The pupil accommodation charge has remained constant since the

introduction of the 1998 funding formula.

The base tuition fee includes most allocations of the Grants for Student Needs (GSN), but it does not include transportation, capital costs, and certain components of the Special Education Grant that are claims-based to provide for the profound needs of an individual child.

Additional fees may be charged in exceptional circumstances where the base fee does not totally

or only partly covers certain costs associated with the provision of an educational program, a service, or equipment that the First Nation has requested or that the board has recommended and the First Nation has agreed to. Examples might include a Special Incidence Portion (SIP) to address a student's health and/or safety needs, provision of a specific cultural program, provision of Indigenous student advisers in school, and; hiring of additional staff funded through a First Nation job creation program.

ESAs will vary, depending on the types of services and programs that the First Nation community and the board agree should be provided. Once the ESA is in place, the board is committed to providing the programs and services in the agreement.

The agreement between the board and the First Nation contains the details of the standard services that are provided to all students, other specific services to be provided to the Indigenous students covered by the agreement, communication and reporting requirements, and fees that are payable to the school board for the education services provided.

Beyond the contractual obligations, however, the

board has a general obligation to provide:

- Educational services on par with the general provincial standards
- An educational environment and teaching staff that respects Indigenous cultures.
- First Nation, Métis, and Inuit cultural-specific programs
- Consistent and timely reporting to the First Nation education authority
- First Nation involvement in schools attended by Indigenous students.

Section 185 of the *Education Act* permits school boards to enter into agreements with a band council or First Nation education authority regarding the admission of board pupils to an elementary First Nation school. These arrangements are commonly known as reverse or reciprocal tuition fee agreements.

### **Impact of the Truth and Reconciliation Commission (TRC)**

In 2015, the TRC, released its final Executive Report and with it, the issuance of 94 "Calls to Action." These Calls to Action also align and are in support of the United Nations Declaration on the Rights to Indigenous People (UNDRIP), of which Canada is an official signatory. The UNDRIP

identifies clearly that education systems around the world, and in particular those in countries that are signatories, must reflect and endorse education that includes languages, the history, and the cultures of Indigenous peoples. Among the Calls to Action, two identify the need for ongoing review and subsequent action for appropriate curriculum reform; and sufficient funding for development and implementation of revised curriculum. Individual boards may be at different phases of implementation in approach and development for such action.

### **Ontario's First Nation, Métis, and Inuit Education Policy Framework**

Ontario's First Nation, Métis, and Inuit Education Policy Framework seeks to increase Indigenous student achievement, close achievement gaps between Indigenous and non-Indigenous students, increase the knowledge and understanding of all students regarding Indigenous histories, cultures, contributions and perspectives, and thereby increase public confidence in publicly funded education. The framework clarifies the roles and relationships among

the ministry, school boards, and provincially funded elementary and secondary schools in supporting these goals.

The introduction to the framework describes its directions as follows:

“The strategies outlined in the framework are based on a holistic and integrated approach to improving Aboriginal student outcomes. The overriding issues affecting Aboriginal student achievement are a lack of awareness among teachers of the particular learning styles of Aboriginal students, and a lack of understanding within schools and school boards of First Nation, Métis, and Inuit cultures, histories, and perspectives. Factors that contribute to student success include teaching strategies that are appropriate to Aboriginal learner needs, curriculum that reflects First Nation, Métis, and Inuit cultures and perspectives, effective counselling and outreach, and a school environment that encourages Aboriginal student and parent engagement. It is also important for educators to understand the First Nations perspective on the school system, which has been strongly affected by residential school experiences and has resulted in intergenerational mistrust of the education system. It is essential that First Nation, Métis, and Inuit students are engaged and feel welcome in school, and that they see themselves and their cultures in the curriculum and the school community.”

Since it was released in 2007, intensive and successful efforts have been made in school boards across the province to move towards realization of the objectives of the policy framework. Changes have included increasing the number of Indigenous staff working in school boards, improving

Indigenous students’ literacy and numeracy skills, training teachers in teaching methods appropriate for Indigenous students and encouraging more parent involvement in their children’s education or school. Factors that contribute to student success include curriculum that reflects Indigenous histories, cultures, contributions and

perspectives, effective counselling and outreach, and a school environment that encourages Indigenous student and parent engagement.

## The Role of School Boards

Beyond the contractual obligations school boards have under an ESA, the opportunity is available to them to play a significant role in developing and supporting education programs that meet the unique needs of Indigenous students at both the elementary and secondary levels. There are, according to the Statistics Canada 2011 National Household Survey, approximately 78,000 Indigenous school-age children living within the jurisdiction of school boards across Ontario. The 2016 census indicated this number was growing more than four times faster than that of non-Indigenous citizens, up 42% since 2006. School boards must also recognize the need for education programs to respond to the need for age appropriate curriculum on residential schools, treaties, and Indigenous peoples’ historical and contemporary contributions, to grow the knowledge and awareness of all students, as



recommended by the Truth and Reconciliation Commission in 2015.

## The Role of First Nation Trustees

Under regulation, First Nation Trustees (otherwise known as *Trustees to represent the needs of Indigenous Students*) are appointed to a school board by their community when Indigenous students of the community attend the board's schools under an ESA. The Regulation sets out the conditions governing the number of First Nation trustees that boards having one or more ESAs in place can appoint. These are:

- Where the number of Indigenous students enrolled in the schools of the board is fewer than the lesser of 10 per cent of the average daily enrolment and 100, the board has the discretion of appointing a First Nation trustee to the board.
- Where the number of Indigenous students enrolled in the schools of the board is more than 100, the First Nation(s) may name one person and the board shall appoint that person to be a member of the board.
- Where the number of Indigenous students exceeds 25 per cent of

the average daily enrolment of the board, the First Nation(s) may name two persons and the board shall appoint those persons to be members of the board.

A person appointed to the board to represent the interests of Indigenous students is deemed to be an elected member of the board, with all the rights and responsibilities of the position. The role of all trustees is to help create the vision and set the strategic direction that will guide the board and its schools. As the

representative of Indigenous students, the First Nation trustee is in a unique position to ensure that Indigenous culture is part of that vision and that the strategic direction of the board includes the interests of First Nations.

The First Nation trustee is responsible for:

- Ensuring that the actions of the board reflect the education services agreement
- Ensuring that both parties to the agreement are fulfilling their obligations





- Ensuring that mechanisms are in place for effective accountability to the First Nation community
- Ensuring a high-quality academic and cultural education for Indigenous students
- Ensuring that Indigenous students are free from any expression of racism and harassment as students of the board's schools.

The First Nation trustee has a key role in representing the interests of the First Nation communities at the school board level and ensuring that there is dialogue with the First Nation communities about the work of the board and, in particular, matters affecting Indigenous students. The First Nation trustee is also in a position

to encourage the involvement of the parents and the First Nations communities in their students' education. This value is embedded in Ontario's First Nation, Métis, and Inuit Education Policy Framework.

A majority of Ontario school boards have established First Nation or Indigenous Advisory Committees. These provide a forum for discussing Indigenous education issues and contributing to initiatives that ensure the implementation of the First Nation, Métis and Inuit Policy Framework within the board. In 2016, school boards were required to develop board action plans on Indigenous Education and a position – the First Nation, Métis and Inuit

Education Lead – was created in each school board to support the development and implementation of the First Nation, Métis and Inuit Policy Framework. In these advisory committees, the First Nation trustee is usually the chair or co-chair, and membership includes the First Nation, Métis and Inuit Education Lead, and a representative from each First Nation that has students in the board's schools. Some ESAs also specify First Nation representation on the school board's Special Education Advisory Committee (SEAC). Where a First Nation trustee is required by regulation to be a member of the board, the SEAC must also have one or two First Nation members to represent the interests of First Nation students.

## Resources

A majority of Ontario school boards have strong structures in place to ensure vibrant Indigenous representation. More than 50 school boards have First Nation, Métis and Inuit Advisory Committees that provide for community involvement in issues affecting the education of Indigenous students.

The Ontario legislation concerning Indigenous representation on school boards is found in Section 188 of the *Education Act* and in Ontario Regulation



462/97: First Nations Representation on Boards.

Other resources include:

- OESC Module 20: A Journey Towards Truth and Reconciliation for examples of models of Indigenous representation at school boards at <http://modules.ontarioschooltrustees.org/assets/templates/en/a-journey-towards-truth-and-reconciliation.html>.
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) at [www.canada.ca/en/crown-indigenous-relations-northern-affairs.html](http://www.canada.ca/en/crown-indigenous-relations-northern-affairs.html).
- Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007 at <http://www.edu.gov.on.ca/eng/aboriginal/fnmiFramework.pdf>
- Truth and Reconciliation Commission of Canada Final Report, 2015, at [www.trc.ca](http://www.trc.ca).
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## CHAPTER 7

### Board and Committee Meetings

Meetings are formal ways people gather to discuss issues and make decisions. Formal processes in these meetings help deliberations run smoothly and provide structure to board business. The *Education Act* [s. 207] details the parameters for open and closed meetings. Within this, boards have flexibility to create their own policies and procedures that ensure orderly, productive meetings.

#### **Board Meetings - Overview**

One of the primary ways that school boards meet

public expectations of transparency and accountability is to make policy decisions at open, public meetings. Public accountability is a cornerstone of Ontario's education system. The *Education Act* states that all meetings of the board shall be open to the public [s. 207(1)] with certain exceptions.

#### **Regular Meetings**

Boards hold meetings regularly in order to govern effectively. Most boards adopt a regular meeting schedule, usually monthly. The dates are

usually set in advance and should not be changed unless absolutely necessary.

#### **Special Meetings**

Special meetings may be needed for the board to consider time-sensitive or weighty matters [s. 208(13)]. Special meetings may be called by the chair, usually in consultation with the director of education [s. 208(13)], but may also be called on a request, in writing to the director of education, by a majority of the members [s.198(1)(d)].

### First Meeting/ Organizational Meeting

The *Education Act* requires a board to hold its first meeting within seven days following the start of the term of office [s. 208(2)]. For this term of office, the first meeting must be held no later than December 7, 2018. By default, the first meeting is held at the board office on the first Wednesday of December. The board can determine an alternate location and day, as long as it is within the first seven days of the term of office [s. 208(2)].

Organizational meetings accomplish the following:

- Elect the chair of the board for a one-year term [s. 208(4), (5)]
- Consider electing a vice-chair
- Determine committee structure and provide direction for the development of terms of reference for each committee
- Adopt a meeting schedule for board and committee meetings for the following 12-month period
- Appoint members to committees.

### In-Camera/Closed/ Private Meetings

The *Education Act* provides that a meeting of a committee of the board,

including a committee of the whole board, may be closed to the public, the media, and any trustee who has declared a conflict of interest regarding the matter being discussed, when any of the following will be discussed [s. 207(2)]:

- The security of the property of the board
- The disclosure of intimate, personal, or financial information about a member of the board or one of its committees, an employee or prospective employee of the board, or a pupil or their parent or guardian
- The acquisition or disposal of a school site
- Decisions in respect of negotiations with employees of the board
- Litigation affecting the board
- An ongoing investigation by the Ontario Ombudsman.

In-camera meetings are considered a good governance practice for handling issues that are best discussed in private. They serve the core functions of assuring confidentiality, creating a mechanism for board independence and oversight, and enhancing relationships among board members and with the director of education. Over time, in-camera sessions allow for areas of possible

conflict to be identified proactively. These meetings should be used sparingly with a well-understood rationale for their use.

In-camera meetings may take place before, in the middle of, or at the end of a regular meeting. Typically, the need for these meetings should be determined prior to the regular board meeting; however, an in-camera meeting may be called promptly should a particular matter arise that meets the criteria mentioned above.

A school board must make all of its decisions at a public meeting of the board, even when the discussions took place in an in-camera meeting. When this happens, it is often the director of education who determines what aspects of the private discussion can be made public.

The only motions that can be passed at an in-camera meeting are procedural and include the following:

- A motion respecting the minutes to be kept of in-camera discussions
- A motion to revert to out-of-camera
- A motion to recess.

Additionally, no new topics should be introduced during an in-camera session. Student trustees may participate in in-camera meetings with



the exception of those dealing with matters relating to intimate, personal or financial information about a member of the board or of a committee of the board, an employee (or prospective employee) of the board, a student, or a student's parent or guardian.

Trustees must be aware of the confidentiality that applies to in-camera sessions. As a member of the board, a trustee's role is to respect the board's decision-making process and not discuss any aspect of private matters, including the nature of the topic and anything that occurred during the in-camera meeting. In certain cases, the law may require trustees to disclose proceedings discussed

during in-camera meetings. Even after the board has voted on a private matter, it may still remain completely undisclosed to the public, sometimes for a short period of time, and other times forever.

## **Board Meetings – Operations**

### **Agendas**

Board staff must provide trustees and the public with proper notice of an upcoming meeting [s. 198(1)(c)] and the agenda of items to be discussed. Most often this is done by posting the agenda to the board website and emailing it to the trustees.

The chair, in consultation with the director of education, sets the agenda for meetings

and a process is established whereby individual trustees can request that a matter be considered for inclusion on an agenda. The chair works closely with the director of education to ensure that the rights and privileges of board members are recognized, and to ensure that administrative requirements are met.

### **Minutes**

Minutes are official records of what happened in a board meeting. The secretary of the board is responsible for keeping a full and accurate record of the proceedings of every meeting of the board and for ensuring that the minutes, when confirmed, are signed by the chair of the meeting.



Minutes will include:

- When and where the meeting took place
- Who was present
- All matters considered at the meeting (in some boards, only the decisions are recorded, in other boards, the discussion is also recorded)
- All decisions made, including procedural steps taken to reach those decisions. The votes of individual members are not in the minutes unless a recorded vote has been requested. Student trustees are not members of the board and are not entitled to exercise a binding vote on any matter before the board [s. 55(2)]. However, they are entitled to request a recorded non-binding vote in order to have their opinion officially reflected in the board minutes.

Meeting minutes are public documents [s. 207(4)] and should be posted to the board's website along with any report or background information considered by the board at the meeting. Some boards find it helpful and a matter of good public relations to produce a summary of board decisions soon after the meeting to distribute to trustees, board staff and post on the board's public website.

### Attendance at Board Meetings

Trustees are expected to attend all regular meetings of the board, either physically or through electronic means. Trustees are also expected to attend all meetings of the committee(s) of which they are a member.

A trustee must be physically present in the meeting room of the board for at least three regular meetings of the board in each 12-month period beginning December 1. In addition, a trustee cannot miss three consecutive meetings unless approval is granted by the board [s. 228(1)]

Recent amendments made to the *Education Act* now require school boards to allow a trustee to take a pregnancy or parental leave for up to 20 weeks without authorization from their board. The seat of the member who takes a parental or pregnancy leave would not be declared vacant.

### Participation by Electronic Means

Every board must develop and implement a policy providing for the use of electronic means for the holding of meetings of a board and meetings of a committee of a board, including a committee of the whole board. Participation

by electronic means must be noted in the record of the meeting's attendance.

A member who participates by electronic means must ask the chair to be recognized and inform the meeting when joining, leaving or returning to a meeting. This is necessary to enable the chair to properly conduct votes.

While electronic participation is permitted, each trustee must physically attend three regular meetings in a 12-month period beginning December 1. Ontario Regulation 463/97: Electronic Meetings provides additional information.

### Quorum

A meeting of the board cannot be convened until a quorum is present. A quorum is "a majority of all the members constituting a board" [s. 208(11)]. The number for quorum is constant and does not get reduced even if there's a vacancy on the board (due to resignation, death, etc.). Student trustees are not included in the number required to constitute a quorum.

If a lack of quorum is caused from one or more members declaring conflicts of interest, the *Municipal Conflict of Interest Act* provides that a meeting may continue without the members who

have declared conflicts of interest as long as there are no fewer than two members remaining [s. 7(1)]. The *Act* also provides remedies that may be applied if there are fewer than two members remaining [s. 7(2, 3)].

### Rules of Order

School board meetings are run according to parliamentary procedure. These rules of procedure are designed to allow trustees to introduce motions and proceed with debate, dissent, and decision-making in an orderly way.

Although specific practices may vary, most school boards follow accepted rules of parliamentary procedure for their public decision-making processes. The most commonly used procedures are the recent editions of Robert's Rules of Order or Bourinot's Rules of Order. Any variation from parliamentary procedure that might be required to better suit a school board can be incorporated in a school board's procedural rules through the creation of a by-law.

A board's meeting rules do not need to be as comprehensive or complex as Robert's or Bourinot's rules, but should be based on these authorities while taking into consideration

the privileges and duties of school board members, democratic principles, and any special rules deemed necessary to suit the needs of an elected member who represents constituents and the needs of a school board.

Some boards conduct orientation sessions for new trustees that include the basic rules of parliamentary procedure. Others may have a staff member present at meetings who can answer procedural questions.

## Key Roles of the Board

### Chair and Vice-Chair

The board chair and vice-chair (if a board chooses) are appointed for one-year terms. School boards may choose to have elections for the position of chair and vice-chair by secret ballot or by recorded voting (public). If there is a tied vote, the *Education Act* stipulates that it shall be decided by the drawing of lots.

The *Act* does not indicate the number of years or terms that the same person may continue as chair, however, boards may create a by-law with term limits.

### Attendance

The chair of a meeting must be physically present in the meeting room unless the

board has a policy allowing the chair to preside over meetings by electronic means. If the board has such a policy in place, the chair may preside over meetings electronically if any of the following applies:

- The distance between the chair's residence and the meeting location is 200 kilometres or more
- Weather conditions do not allow the chair to travel to the meeting safely
- The chair cannot physically attend the meeting due to health-related issues

No more than half of board meetings in a 12-month period, beginning December 1, can be chaired electronically.

### Chair Responsibilities

A chair of the board has the following additional duties [s 281.4]:

- Preside over meetings of the board
- Conduct the meetings in accordance with the board's procedures and practices
- Establish agendas for board meetings, in consultation with the board's director of education or the supervisory officer acting as the board's director of education



- Ensure that members of the board have the information needed for informed discussion of the agenda items
- Act as spokesperson to the public on behalf of the board, unless otherwise determined by the board
- Convey the decisions of the board to the board's director of education or the supervisory officer acting as the board's director of education
- Provide leadership to the board in maintaining the board's focus on the multi-year strategic plan

- Provide leadership to the board in maintaining the board's focus on the board's mission and vision
- Assume such other responsibilities as may be specified by the board.

The chair may vote on all matters but has only one vote, the same as any other trustee. However, a chair, while presiding over a meeting, should not participate in the discussion or make motions. If a chair wishes to have their views heard, the chair must delegate their responsibilities to another trustee at the beginning of the discussion.

The gavel may be returned to the chair only when consideration of the matter is concluded.

The chair must adhere to the board's directions and may not act unilaterally. The chair of the board is also an individual trustee and has no greater rights or powers than any other member of the board other than the above mentioned additional duties.

The chair may call special meetings of the board [s. 208(13)] and, as the presiding officer, may, at their discretion, have people removed from meetings for





improper conduct [s. 207(3)]. This includes trustees as well as members of the public.

To run productive meetings, it is recommended a chair should:

- Have a basic knowledge of the rules of parliamentary procedure and the board's procedural by-laws
- Ensure that all relevant information has been provided to trustees and to the public
- Allow open debate
- Provide opportunities for and encourage all members to speak
- Manage conflict effectively
- Ensure that issues are separated from individuals
- Lead the board as a team
- Help the board reach its decisions.

The chair must keep in mind that their vote is one among many and that the process of decision-making aims to capture the view of the corporate board rather than allowing any individual's view to dominate.

### Board Secretary

The *Education Act* provides that the director of education shall act as the secretary of the board [s. 283.1(1)(c)]; however, if the board has no more than five members it may appoint one of its members to act as secretary. If the director of education is the secretary, they may assign the secretary role to a qualified staff member.

### Board Treasurer

The *Education Act* requires each board to appoint a treasurer. If the board has no more than five members, the treasurer may be a board member [s. 170(1)]. The treasurer is required to receive and account for all money of the board and produce, when required by the board or auditors or other competent authority, papers and money in their possession, power or control that belong to the board.

The director of education is often assigned as treasurer of the board. The director of education may assign the treasurer role to a qualified staff member.

### Committees

Committees provide boards the opportunity to have specific issues of the board researched and discussed by a small body, with recommendations presented to the board for decision. Some committees are made up entirely of trustees and some will have a mix of members. All committee meetings are public unless the matter under discussion is covered under [s. 207(2)] as outlined previously under In-Camera/Closed/Private Meetings.

Most boards have a structure for their committees that contributes to efficient and effective board meetings and effective decision-making. Committees can gather information, involve members of the community, and hear delegations from the public without using limited board time.

Committee meetings generally follow the same parliamentary procedure adopted by the board, and follow the terms of reference set by the board. Committees should record the minutes of their meetings, and/or make a report to the board following every meeting. Committees may include recommendations for consideration by the board; however, the board,

as a whole, makes the final decision.

Serving on committees has several advantages for board members. Committee work allows new trustees to become familiar with the conduct of board business at a less formal level and to learn more about a specific topic. Trustees also have opportunities in committees to provide input in areas in which they have special interest or expertise.

### Types of Committees

Standing or permanent committees generally deal with ongoing or recurring matters, such as those specified in the legislation, and are an integral part of the board structure. Only trustees are members of standing or permanent committees. A staff person is usually assigned as a resource person to provide expertise, fulfil administrative requirements, and provide necessary information.

Advisory committees are established on either a short or long-term basis to provide input into policy development or other areas where the board would benefit from the experience and expertise of other participants. Non-trustee members might include teachers, students, parents, and members of the community or local business-

people. Many boards now establish advisory committees as part of their commitment to public consultation.

Statutory Committees are required in accordance with the relevant regulation. Trustee representation on these advisory committees is required. The four statutory committees are:

- Special Education Advisory Committee (Ontario Regulation 464/97)
- Audit Committee (Ontario Regulation 361/10)
- School Councils and Parent Involvement Committee (Ontario Regulation 612/00)
- Supervised Alternative Learning Committee (Ontario Regulation 374/10)

Select, special or ad hoc committees, such as task forces or work groups, investigate a specific issue and report to the board within a stated time frame. These committees are generally created by a board resolution and are comprised and led by trustees.

External committees are those requested by bodies external to the board who may ask for trustee representation. Such committees may be called by a trustee association,

a municipality, a research body, or other organization external to the school board.

### Committee of the Whole Board

With a majority vote, the board can decide to go into committee of the whole board, generally called "committee of the whole." This allows matters to be discussed in a less formal setting. Some boards will hold committee of the whole meetings to deal with matters that fall outside the purview of other committees or to hear from representatives of other levels of government.

Any discussion at the committee of the whole is then brought as a recommendation to the board for approval at a public meeting.





## CHAPTER 8

### Supporting Student Achievement and Well-Being

Elected school boards make a deep and direct contribution to the improvement of learning for all students through their leadership in building public understanding and engendering the commitment of their communities to valuing and sustaining high levels of student achievement.

The research is compelling – elected school boards make a difference. When the board of trustees moves to the higher levels of authentic governance that is truly student-centred and make teaching and learning their first priority, changes occur (Waters and Marzano).

Recent research on *Strong Districts and Their Leadership* (Dr. Kenneth Leithwood, 2013) supports the premise that trustees have an essential role in supporting student achievement and well-being through policy development, resource alignment and ensuring continued focus on the needs of children and students.

#### Curriculum

Curriculum policy documents from the Ministry of Education describe the overall and specific learning expectations for students in kindergarten through Grade 12, according to subject area. Curriculum

documents can be found on the Ministry of Education website at: [www.edu.gov.on.ca/eng/teachers/curriculum.html](http://www.edu.gov.on.ca/eng/teachers/curriculum.html).

#### Full-Day Kindergarten

The *Education Act* requires that children be enrolled in a school program as of six years old. The *Act* also requires boards to offer full-day kindergarten (FDK) programs for four and five year olds. A majority of parents – approximately 95 per cent – send their children to publicly funded schools for kindergarten.



The FDK program is staffed by an educator team of a teacher and an early childhood educator (ECE). Through play-based learning and small group instruction, children develop a strong foundation for learning in all areas, including language and math, engage in healthy physical activities and the arts, and develop socially and emotionally through interaction with their peers and the educators who guide them. Through informal meetings, parent conferences or written reports, parents receive regular updates that include comments on the

child's learning. The reports also include suggestions for parents to support their child's learning.

Full-day kindergarten is complemented by a fee-based before-and-after-school program for four and five year olds that boards are required to offer where there is sufficient demand. These programs can be directly operated by the school board or delivered through a third party.

## Child Care and the Early Years

Ontario is committed to building a system with affordable child care spaces and integrated early years programs and services that are responsive to the needs of children and families.

Licensed child care programs must meet and maintain specific provincial standards as set out in *The Child Care and Early Years Act, 2014*. These standards provide for the health, safety and developmental needs of the children. Many child care centres and programs serving





younger children are located in public schools. Child care, extended day programs, and early years programs are greatly affected by board and school policies such as rent and shared use of space. By working together, school boards, municipalities, and service providers can ensure a consistent, high quality educational experience for children and their families as they transition between child care and early years services and as they enter and progress through school.

To learn more about child care and early learning in Ontario, please visit: <http://www.edu.gov.on.ca/childcare>.

## Elementary and Secondary Education

Provincial curriculum documents outline the knowledge and skills that students must demonstrate at the end of each grade in each subject in all publicly funded elementary and secondary English-language schools. The subjects that make up the program of study for elementary students are the following:

- The Arts
- French (First Language)
- French as a Second Language
- Health and Physical Education
- Language
- Mathematics
- Native Studies

- Science and Technology
- Social Studies, History and Geography.

## The Ontario Secondary School Diploma (OSSD)

The requirements for earning an Ontario Secondary School Diploma (OSSD) are as follows:

- Students must earn a minimum of 30 credits, including 18 compulsory and 12 optional credits
- Students must meet the provincial secondary school literacy requirement
- Students must complete 40 hours of community involvement activities.

Details can be found in the policy document Ontario Schools Kindergarten to Grade 12. To learn more, visit: [http://www.edu.gov.on.ca/eng/document/policy/os/onschools\\_2016e.pdf](http://www.edu.gov.on.ca/eng/document/policy/os/onschools_2016e.pdf).

Students who successfully complete a Specialist High Skills Major (SHSM) program as part of the requirements for their OSSD will receive a diploma with a SHSM red seal.

## Compulsory and Optional Credits

Students must earn the following credits in order to obtain the Ontario Secondary School Diploma:

### 18 compulsory credits

- Four English (one credit per grade)
- One French-as-a-Second Language
- Three Mathematics (at least one credit in Grade 11 or 12)
- Two Science
- One Arts
- One Canadian geography
- One Canadian history
- One Health and physical education
- 0.5 Civics
- 0.5 Career studies

plus:

- Three additional credits, consisting of one credit from each of the following groups:
  - Group 1: English, French as a Second Language, classical languages, international languages, Native languages, Native studies, Canadian and world studies, social sciences and humanities, guidance and career education, cooperative education
  - Group 2: French as a Second Language, business studies, health and physical education, the arts, and cooperative education
  - Group 3: French as a Second Language, science (Grade 11 or 12),

computer studies, technological education, cooperative education.

### 12 Optional Credits

These are selected from the courses available in the school's course calendar.

### The Ontario Secondary School Certificate (OSSC)

The Ontario Secondary School Certificate (OSSC) will be granted on request, to students who are leaving secondary school upon reaching the age of eighteen without having met the requirements for the Ontario Secondary School Diploma. To be granted an OSSC, a student must have earned a minimum of 14 credits, distributed as follows:

#### 7 required compulsory credits

- Two credits in English
- One credit in mathematics
- One credit in science
- One credit in Canadian history or Canadian geography
- One credit in health and physical education
- One credit in the arts, computer studies, or technological education

### 7 required optional credits

- Seven credits selected by the student from available courses.

### Organization of Courses

All schools must offer a sufficient number of courses and appropriate types of courses to enable students to meet the diploma requirements.

In Grades 9 and 10, course types available are academic, applied and open. Academic courses develop students' knowledge and skills through the study of theory and abstract problems. Applied programs focus on the essential concepts of a subject and develop students' knowledge and skills through practical applications and concrete examples. Open courses, which comprise a set of expectations that are appropriate for all students, are designed to broaden students' knowledge and skills in subjects that reflect their interests and prepare them for active and rewarding participation in society. Locally developed compulsory credit courses in English, mathematics, science, French as a Second Language and Canadian history that can be counted as a compulsory





credit in that discipline are also available to students in Grades 9 and 10.

Students in Grades 11 and 12 may choose from five course types or pathways, four of which may be used for post-secondary destinations (apprenticeship

training, college, university, or the workplace) and a range of open courses across various disciplines.

Some students may change their educational goals as they proceed through secondary school. When they decide to embark on a new

pathway, they may find that they have not completed all of the prerequisite courses they need. Schools must make provisions to allow students to change pathways and must describe these provisions in their school's program/course calendar.

### **Board Improvement Planning for Student Achievement (BIPSA)**

The BIPSA is a working document that board staff create and that typically sets goals for improvement in areas such as numeracy, literacy, graduation rates and other program related initiatives.

The director of education and his/her staff are responsible for creating and implementing the BIPSA and must report annually to the board and the Ministry of Education the progress made by the board in achieving its goals.

### **Student Assessment and Reporting Student Achievement**

The primary purpose of assessment and evaluation is to improve student learning.

*Growing Success* is the Ontario Ministry of Education's policy on *Assessment, Evaluation and Reporting in Ontario Schools*

Grades 1-12 and can be found online at <http://www.edu.gov.on.ca/eng/policyfunding/growsuccess.pdf>.

Each curricular document from Grades 1-12 contain achievement charts which are used to evaluate how well students are achieving in relation to the overall curriculum expectations and these areas of achievement are reported on regularly. Standards of achievement are defined for each subject at four levels for four categories of learning: knowledge and understanding, thinking and investigation, communication, and application. In addition,

the elementary progress report card and elementary and secondary provincial report cards provide a record of the learning skills and work habits demonstrated by students in the following six categories: responsibility, organization, independent work, collaboration, initiative and self-regulation.

The achievement of elementary students is assessed regularly by teachers and a report is sent home to parents three times a year. This takes the form of an elementary progress report card between October 20 and November 20

followed by one provincial report card between January 20 and February 20 and a final report card towards the end of June of each school year. For Grades 1 to 6, teachers report student achievement using letter grades; for Grades 7 and 8, teachers report by assigning percentage grades (zero per cent to 100 per cent).

The achievement of secondary students is also assessed regularly by teachers and a report is sent home to parents three times a year for non-semestered schools and twice per semester for semestered







schools. Teachers indicate on the report card the level at which the student is achieving for each course by assigning percentage grades (zero per cent to 100 per cent).

In both the elementary and secondary panels a specifically designed standardized provincial report card is used for Grades 1 to 6, Grades 7 and 8 and

Grades 9 to 12 and can be customized only in specific sections for school boards.

Communication with parents and students about student achievement should be continuous throughout the year, by means such as parent-teacher or parent-student-teacher conferences, portfolios of student work,

student-led conferences, interviews, phone calls, checklists, and informal reports.

### **Provincial Testing**

In 1995, the province created the Education Quality and Accountability Office (EQAO), an arms-length agency responsible for increasing accountability and promoting



improvement in Ontario's education system. EQAO's mandate is to "enhance the quality and accountability of the education system in Ontario and to work with the education community. This is achieved through student assessments that produce objective, reliable information, through the public release of this information and through the profiling of the value and use of EQAO data across the province."

EQAO develops, conducts and marks province-wide tests for all students in Grades 3, 6, 9 as well as the Ontario Secondary School Literacy Test (OSSLT), which is administered in Grade 10.

Teachers and administrators receive training support from the EQAO, along with a package of sample performance tasks. Samples and supporting information are also available on the EQAO website at [www.eqao.com](http://www.eqao.com). Information for parents and students is also available on the website.

The EQAO individual school and board results are used to inform board-wide and school-based planning and practices in order to maximize the opportunities for success for all students.

## EQAO Testing in Elementary Schools

The Grade 3 and Grade 6 Assessments of Reading, Writing and Mathematics are based on the reading, writing and mathematics expectations in the Ontario Curriculum, Grades 1 to 8. These assessments provide both individual, school and system data on students' achievement. The EQAO assessments require each student to demonstrate their skills and knowledge of reading, writing and math.

## EQAO Testing in Secondary Schools

In cooperation with EQAO, school boards administer two annual tests to secondary students:

- The Grade 9 Assessment of Mathematics is an assessment designed to measure student achievement of Grade 9 mathematics expectations for the applied and academic courses. It provides valuable data for student improvement and program implementation. Teachers have the option of including the marks with students' report card grades. The testing is conducted in January for students enrolled in a first-semester course, and near year-end for students studying in a

full-year course or second-semester course.

- The Ontario Secondary School Literacy Test (OSSLT), written in Grade 10, is designed to assess the reading and writing skills that students are expected to have learned across all subjects by the end of Grade 9, as outlined in the Ontario Curriculum. Students are assigned a pass or fail rating, not a score. Those who pass receive notification of success only. Those who fail receive a performance profile to guide their remedial work. The OSSLT is the standard method for students to obtain the graduation literacy requirement for the Ontario Secondary School Diploma (OSSD). All schools must provide students who fail the OSSLT with opportunities to receive remedial help and to repeat the test. Students who are unsuccessful may choose to take the grade 11 Literacy course as a form of remedial follow-up. Students who fail the test may also enroll in the Ontario Secondary School Literacy Course (OSSLC). Students who pass the OSSLC will have met the graduation requirement. The OSSLC is a full credit course.

## National and International Tests

Ontario also participates in several national and international standardized tests. These tests are administered to random samples of students and the results provide an indication of the strengths and weaknesses of Ontario's education system when compared with many other jurisdictions around the world and across Canada.

- There are various international tests, such as the Trends in International Mathematics and Science Study (TIMSS) and the Progress in International Reading Literacy Study (PIRLS); these are conducted through the International Association for the Evaluation of Educational Achievement (IEA). The Programme for International Student Assessment (PISA) test is conducted by the Organization for Economic Cooperation and Development (OECD).
- The Pan-Canadian Assessment Program (PCAP) conducted through the Council of Ministers of Education, Canada (CMEC) tests random samples of students in reading, mathematics and science. It was administered for

the first time in 2007 and replaced the previous Canada-wide School Achievement Indicators Program (SAIP).

## Positive School Climate

In recent years there have been a number of legislative changes which stipulated requirements for school boards to review and implement policies and procedures to create positive school climates for learning and working for students and staff. The research identifies a very clear link between student achievement and school climate where students and staff are feeling included, valued, respected and safe.

Programs and activities integrated within the Ontario curriculum and integral to the fabric of a school are essential in a prevention and intervention strategy approach to support students in developing positive behaviours. Some examples of these programs are character development, anti-bullying, positive space, mentorship and peer leadership. In addition, school boards use school climate surveys, at least once every two years, to collect information from pupils, staff, and parents to determine the board's

effectiveness in promoting positive school climate.

For more information, please see PPM 145 (Progressive Discipline and Promoting Positive Student Behaviour) at <http://www.edu.gov.on.ca/extra/eng/ppm/145.pdf>.

## Special Education

Every school board is required by the *Education Act* to provide special education programs and services for its exceptional students. An exceptional student is defined in the *Act* as "a pupil whose behavioural, communication, intellectual, physical or multiple exceptionalities are such that he or she is considered to need a placement in a special education program by a committee ... of the board."

A school board must detail, in its Special Education Report, how the school board will meet the special education needs of students with exceptionalities. The programs or services required to facilitate learning by a student with exceptionalities will vary depending on the strengths and needs of the student. Each school board determines the range of special education programs and services required to meet the needs of its students with exceptionalities, and must describe these in its Special



Education Report. Each school board's Special Education Report must be current at the beginning of each school year and must be available at the school board's office for review by the public. A school board may provide its own special education programs and services, or it may purchase them from another school board. Ontario Regulation 306/90: Special Education Programs and Services provides additional information.

### Special Education Advisory Committee

Every school board must have a Special Education Advisory Committee (SEAC) that monitors the board's special education programs, services, and plans. Details of this requirement are set out in Ontario Regulation 464/97: Special Education Advisory Committee.

The SEAC is composed of representatives of local associations, members of the school board, and, in specific cases, other members of the community. Each local association that meets the

criteria should be invited to participate in the SEAC, up to a maximum of 12 representatives. A new SEAC is formed every four years following the election of the board of trustees.

The board must appoint three trustees or 25 per cent of the total number of trustees on the board (rounded down), whichever is fewer. Where the regulations require a school board to have one or more First Nation representatives, its SEAC must also have one or two First Nation members to represent the interests of First Nation students.





The SEAC must meet at least 10 times in each school year. It is mandated to make recommendations for establishing, developing, and delivering special education programs offered by the school board. The board must give the SEAC an opportunity to be heard before making any decisions on SEAC recommendations.

Further, the board must ensure that the SEAC has an opportunity to participate in the review of the board's Special Education Report.

The SEAC also has the opportunity to review the board's annual budget process, and financial statements. More information

is available at: <http://www.edu.gov.on.ca/eng/general/elemsec/speced/seac/>.

## Identification and Placement of Students with Exceptionalities

The identification and placement of students with exceptionalities is governed by Ontario Regulation 181/98: Identification and Placement of Exceptional Pupils. Students with exceptionalities are identified by special education Identification, Placement and Review Committees (IPRCs). Every school board must establish at least one IPRC. Each IPRC must be made up of at least three individuals and at least one of these must be a principal or a supervisory officer. Trustees may not be IPRC members.

The IPRC is mandated to collect information about a student who has been referred to the committee. This information must include an educational assessment and may also include a psychological assessment and/or a medical assessment if these are deemed appropriate by the committee and if the parents (and the student, if 16 or over) approve. The parents and the student (if 16 or over) have the right to participate in all IPRC discussions about

the student, be present when the IPRC makes its decision, and bring an advocate to help them.

The IPRC's written decision must indicate the following:

- Whether the student has been identified as exceptional and, if so, the categories and definitions of any exceptionalities
- A description of the student's strengths and needs
- The placement decision
- Any recommendations regarding special education services and programs.

The needs of the vast majority of students with exceptionalities can be addressed in a regular classroom with the help of instructional, environmental, and/or assessment accommodations or some curriculum modification or both. The regulation states that before considering the option of placement in a special education class, an IPRC must first consider whether placement in a regular class, with appropriate special education services, would meet the student's needs and be consistent with parental preferences. Placement options that may be considered include: regular classroom with indirect support, regular

classroom with resource assistance, regular classroom with withdrawal assistance, special education class with partial integration, and special education class full time. If the IPRC has decided that the student should be placed in a special education class, the decision must state the reasons.

In some instances, a student may need to attend a provincial school for the deaf, blind, or deafblind, or a provincial demonstration school for students with severe learning disabilities.

The identification and placement of a student who has been identified and placed by an IPRC must be reviewed at least annually by the IPRC, although parents may provide a written statement to waive the IPRC review. Also, the IPRC must review the placement if the parents make this request to the school principal any time after the placement has been in effect for three months.

Parents who disagree with the IPRC's decision may:

- Within 15 days of receiving notice of the decision, request a follow-up meeting with the IPRC to discuss the decision

OR

- Within 30 days of receiving notice of the decision, file a notice of

appeal with the Special Education Appeal Board.

Parents who remain dissatisfied after the follow-up meeting may also, within 15 days of receiving notice of the reviewed decision, file a notice of appeal. Many parents may agree to a resolution of the dispute through mediation before proceeding with an appeal.

The special education placement decision may be implemented if one of the following applies:

- The parent has consented in writing
- The parent has failed to initiate the appeal process within the specified time period following the IPRC decision or the Special Education Appeal Board process
- The parent has appealed to the Special Education Tribunal but subsequently abandoned the appeal
- The Special Education Tribunal has directed the board to place the student.

Pending an IPRC meeting and decision, a student is entitled to an appropriate education program. This program must be appropriate to the student's apparent strengths and needs, must include education services to meet the student's apparent needs, and must be in a regular class if this meets





the student's needs and is consistent with the preferences of the parents.

The broad categories of exceptionalities set out in the *Education Act* [s. 1(1)] (Behaviour, Communication, Intellectual, Physical and Multiple) are designed to address the wide range of conditions that may affect a student's ability to learn. They do not exclude any medical condition, whether diagnosed or not, that can lead to particular types of learning difficulties. All students with demonstrable learning-based needs are entitled to appropriate accommodations in the form of special education programs and services, including classroom-based accommodations. The

determining factor for the provision of special education programs or services is not any specific diagnosed or undiagnosed medical condition, but rather the needs of the individual students based on the individual assessment of strengths and needs.

### Special Education Appeal Board

The board must establish a special education appeal board (SEAB) if it receives a notice of appeal. Each SEAB has the following members, who must not have had any prior involvement with the case:

- A person nominated by the school board who must not be an employee of the board or the

Ministry of Education; the person does not need to be a supervisory officer

- A person nominated by the parent or student
- A chair selected jointly by the two members.

If the nominees are unable to agree on a chair, the appointment is made by the ministry's regional manager.

The SEAB will convene a meeting or meetings with representatives of the school board, the parents and any other person who, in the opinion of the SEAB chair, may be able to contribute information on the matters under appeal.

The SEAB has two options: it may agree with the IPRC and recommend to the school board the implementation of the IPRC's decision; or, it may disagree with the IPRC and make an alternative recommendation concerning identification and/or placement. The recommendation must be forwarded to the board within three days of the end of the meeting. The board must, within 30 days, decide on the action it will take and inform the parent of its decision. The notice to the parent must explain the parent's further right to appeal to the Ontario Special Education (English or French) Tribunal.



## Special Education Tribunal

Following receipt of the notice of decision by the school board, a parent who disagrees with the board's decision may appeal to the Special Education Tribunal (SET), which is established by the Ministry of Education under the *Education Act*. The appeal proceeds before the SET as a formal hearing between the parents and the school board. At the conclusion of the hearing, the SET may dismiss the appeal, or grant the appeal and make any order it

considers necessary for the identification or placement of the student. The decision of the SET is final and binding on the parents and the board. However, the parents or board have recourse to the courts if the SET makes an error in law or in procedural fairness.

Before the tribunal agrees to hear the appeal, the tribunal secretary asks both parties whether they will consider mediation.

## Individual Education Plan

Regulation requires that an Individual Education Plan (IEP) be developed for students with exceptionalities. The requirements for IEPs are further set out in the Ministry of Education's policy document *Individual Education Plans: Standards for Development, Program Planning, and Implementation, 2000*.

Every student who has been identified as having an exceptionality by an IPRC must be provided with an





IEP within 30 school days of the start of the placement. School boards may also provide a special education program and/or related services for a child who has not been identified as having an exceptionality. In such cases, an IEP should be developed for that child. The plan must be developed by the student's teachers, under the supervision of the principal and in consultation with the parents and the student, if the student is 16 or older.

An IEP is a written plan that describes the student's learning strengths and areas of need. It identifies the special education program and/or services that will be provided.

Key components of an IEP include:

- Any accommodations, such as special teaching strategies, support services, or assistive devices, that a student needs to achieve learning expectations, including accommodations to be provided during provincial assessments
  - Any modified learning expectations, reflecting changes to the expectations set out in the Ontario curriculum
  - Any alternative learning expectations for program areas not found in the Ontario curriculum, such as personal care skills, social skills, and anger management training
- Information on how the student's progress will be monitored, evaluated, and reported to parents
  - A transition plan for all students who have an IEP, whether or not they have been identified as having an exceptionality by an IPRC; this includes students identified as having an exceptionality solely on the basis of giftedness. This is required by PPM 156 (Supporting Transitions for Students with Special Education Needs). Further information on the transition plan is available at: [www.edu.gov.on.ca/extra/eng/ppm/ppm156.pdf](http://www.edu.gov.on.ca/extra/eng/ppm/ppm156.pdf).



School boards have been encouraged by the province to develop the tools and processes needed to examine the quality of their IEPs against the requirements set out in the standards.

Further information on the development, implementation, and monitoring of IEPs is available in the ministry document *The Individual Education Plan (IEP): A Resource Guide, 2004*.

Further information about special education policies and procedures can be found at <http://www.edu.gov.on.ca/eng/parents/speced.html>.

## Adult and Continuing Education

Continuing education enables people to engage in purposeful learning activities at various points in their lives. It involves the provision of credit and non-credit courses for individuals who wish to study part-time, or full-time for a short term, outside the program offered in elementary or secondary schools. Programs offered through Adult and Continuing Education may be provided by a school board and may include:

- Adult Day School
- Adult Continuing Education Day School

- Night School
- Summer School
- Correspondence self-study including e-learning
- Secondary crossover or transfer courses
- Elementary and secondary reach-ahead courses
- Elementary international language courses
- Prior Learning Assessment and Recognition\* (PLAR) for mature students
- Adult Native language

*\*Prior Learning Assessment and Recognition (PLAR) for mature students is a formal evaluation and accreditation process carried out under the direction of a school principal. Through this process the principal may grant secondary school credits to mature students.*

Secondary school credit courses for independent study at a distance that meet the requirements of the Ontario Ministry of Education are available through TVOntario's Independent Learning Centre (ILC). For more information visit [www.ilc.org](http://www.ilc.org).

Many school boards also offer programs funded by other ministries, including:

- Adult non-credit programs for English or French as a Second Language and Citizenship offered by the

Ministry of Citizenship and Immigration.

- Adult non-credit programs for Literacy and Basic Skills offered by the Ministry of Training, Colleges and Universities.





## CHAPTER 9

### Education Funding

Budgeting is a vital and integral part of the overall planning responsibilities of a board. Board operating and capital budgets should align with the long-term strategy that school boards develop to ensure effective stewardship of the board's resources. School boards are required to develop a balanced budget within the funding allocated to them by the Ministry of Education.

#### **Funding Sources**

Since 1998, the provincial government has had full control of education property tax revenues. At that time, the government introduced a

series of funding formulae that determines the revenue each board receives on an annual basis. The overarching funding, known as the Grants for Student Needs (GSN), has undergone significant evolution since it was first introduced.

Property taxes continue to support the education system. Under the present system, the government sets a uniform tax rate, based on a current-value assessment system, for the education portion of property taxes, for all residential properties in the province. The provincial government also sets a rate that varies by

municipality for the education portion of business property taxes. Municipalities collect the education portion of property taxes for the respective school boards on behalf of the provincial government. The Ministry of Education, using the funding formula, determines each board's overall allocation. Property tax revenues form part of the allocation, and the provincial government provides additional funding up to the levels established by the funding formula.

## Grants for Student Needs (GSN)

The GSN supports funding for the classroom, school leadership and operations, specific student-related priorities and local management by school boards. The GSN's purpose is to help the system achieve key goals, close the gaps, so that all students benefit from a strong educational system attuned to individual needs and enhance public confidence in our education system.

The Province invests about \$25 billion a year in education. A major part of enhancing confidence is ensuring accountability for the use of these resources.

The Province, through the Ministry of Education, is accountable for the public education system as a whole and the policy decisions that determine funding for school boards. Given their key role in providing services at the local level, school boards have important accountabilities to students, parents and others with a stake in outcomes, as well as to the ministry.

A cornerstone of Ontario's education system is the principle that school boards have a responsibility to ensure the effective stewardship of resources. Thoughtful, transparent budgeting, aligned with a

focused strategy, is vital and integral to this goal.

With respect to the GSN, a robust financial accountability framework has been developed between school boards and the Province. This framework recognizes that accountability to the ministry must be balanced against the need for school board flexibility to address local conditions. It includes:

- Legislative requirements, such as the provision that school boards balance their budgets
- Requirements around budgeting and financial reporting, as well as monitoring, audit, review and, in some cases, supervisory activities by the Province
- Enveloping, which means requiring that certain grants be used only for the purpose intended
- Program/grant-specific reporting requirements overseen by various branches of the ministry.

Annual adjustments are made to grants, informed by the ministry's ongoing contact with the sector, including the annual GSN funding consultations and collaborative working groups with various stakeholders that make technical recommendations on how to improve the GSN.

A board's total GSN allocation is determined by: the formulas in the Pupil Foundation Grant; the School Foundation Grant; a variety of special purpose grants and allocations; and funding for Debt Service Support. These grants are intended to provide a total amount of revenue based on the specific needs of a board and its students.

## Pupil Foundation Grant

The Pupil Foundation Grant, which accounts for about half of the GSN, supports the components of classroom education that are generally common to all students. The grant provides funding, on a per-pupil basis, to cover the basic costs of educating a student related to the following:

- Classroom teachers [including supply teachers, specialist teachers/preparation time (elementary), Student Success teachers/preparation time (secondary)], secondary programming teachers, and professional development
- Early childhood educators in full-day kindergarten classrooms
- Classroom consultants
- Library and guidance services
- Educational assistants



- Professional and paraprofessional supports
- Elementary supervision
- Textbooks and learning materials
- Classroom supplies
- Classroom computers.

The grant is calculated on a per-pupil basis. There are four different per-pupil amounts at the elementary level, depending on the grade in which a student is enrolled – kindergarten, primary (grades 1 to 3), junior (grades 4 to 6), intermediate (grades 7 to 8) – and one per-pupil amount for secondary students.

### **School Foundation Grant**

This grant supports the costs of salaries and benefits for principals, vice-principals,

and office support staff, as well as supplies for school administration purposes. The grant includes measures which:

- Recognize a school's size as well as its remoteness and whether it is operating in a minority language context; and
- Provide greater funding overall for principals in combined elementary and secondary schools (subject to minimum enrolment limits), and in elementary or secondary schools with multiple buildings (subject to minimum enrolment limits).

### **Funding for Specific Priorities and Locally Managing a System**

There are a variety of special purpose grants that recognize the cost of education varies significantly depending upon the needs of the students and where the students live. These grants may change from time to time to reflect government priorities. Examples of the special purpose grants include:

- **Special Education Grant** – provides funding for students with special needs. It supports the incremental costs of providing the additional programs, services and equipment needed to support the educational requirements of students with special needs. Boards may use the grant only for special education, and must set aside any unspent funding to use for special education in a future school year. There is flexibility in how they may use some of the individual allocations within the grant, as long as the funds are spent on special education.
- **Language Grant** – for language instruction, including: French-as-a-First Language, Actualisation linguistique en français, and Programme d'appui



- pour nouveaux arrivants; English as a Second Language; French as a Second Language.
- Indigenous Education Grant – for programs designed for First Nation, Métis and Inuit students as outlined in the Ontario First Nation, Métis and Inuit Education Policy Framework, 2007 (see [www.edu.gov.on.ca/eng/aboriginal/fnmiframework.pdf](http://www.edu.gov.on.ca/eng/aboriginal/fnmiframework.pdf)).
  - Geographic Circumstances Grant – this funding recognizes the higher costs related to the remoteness of rural boards and schools. It takes into account several factors, including board and school size, board distance from urban centres and dispersion of schools over a board's geographic area.
  - Safe Schools Supplement – for prevention support, for early intervention and discipline programs and services, and opportunities for students to continue their education.
  - Continuing Education and Other Programs Grant – this grant supports a range of programs aimed at adult learners (21 and older) and day school students, including secondary students who have completed more than 34 credits and wish to continue their studies.
  - Cost Adjustment and Teacher Qualifications and Experience Grant – this grant provides additional support for classroom staff who have qualifications and experience above those provided for through the Pupil Foundation Grant.
  - Student Transportation Grant – for transporting students to and from school.
  - Declining Enrolment Adjustment – much of a school board's revenue is determined by enrolment. When enrolment goes down, funding also declines. School boards can adjust their costs downward as well, but this may take more than one year. The declining enrolment adjustment recognizes this need for extra time to mitigate costs.
  - School Board Administration and Governance Grant – this grant provides funding for board administration and governance costs, including those related to board-based staff and board offices and facilities.
  - School Facility Operations and Renewal Grant – this grant supports the costs of operating, maintaining and repairing school facilities. Under the formula, funding is

adjusted for boards that have older schools with unique design features such as wide hallways, large shop spaces, and auditorium spaces.

## Capital Funding

### Capital Priorities

The Ministry of Education's Capital Priorities funding is designed to address school building and major renovation projects at school boards through a business case approach. As part of the Capital Priorities program, boards are asked to identify major capital projects (new schools and additions) that are required within the next three-year timeframe. The ministry focuses its efforts on helping to ensure that school boards are able to meet their project completion timelines, as well as identifying upcoming accommodation issues.

Boards are asked to rank their business case requests based on their highest and most urgent accommodation priorities dealing with accommodation pressures, facility conditions and school consolidations.

### School Condition Improvement

The School Condition Improvement program addresses school renewal needs. This funding focuses

on ensuring facilities are in good condition, energy-efficient, accessible and that they meet modern service standards. The funding helps boards address their school consolidation needs in cases where an existing school can accommodate the students through renovations without the need to increase the building footprint.

### Amount for Temporary Accommodation

This allocation is designed to address the estimated annual cost of temporary accommodation for boards. The funding is based on a combination of expected lease costs reported by boards and a model of portable needs activity. The funding can be used for portable moves, leases and purchases, as well as lease costs for permanent instructional space.

### Education Development Charges

An education development charge (EDC) is a levy on new construction in a municipality. A school board may pass bylaws to collect EDCs on new real estate developments within all or part of the board's jurisdiction when elementary enrolment exceeds its elementary capacity and secondary enrolment exceeds its secondary capacity within

a defined region of the board, or when a board has an existing EDC deficit. The revenue is to be used solely to pay for new school sites. The legislative framework for this appears under Part IX, Division E of the *Education Act* and Ontario Regulation 20/98: Education Development Charges – General.

### Reforms to the Funding Formula

Over the past decade, the funding formula has undergone significant reform. Improvements have been shaped and informed by consultations and discussions with education stakeholders, which includes trustees and school board/trustee associations. Consultations take place in advance of the release of the annual regulation that sets out the GSN for the coming school year.

In addition to improving funding adequacy, structural changes to the funding formula have made it more responsive to student and board needs. These structural changes include:

- Introducing measures to support student achievement and to reduce gaps in achievement
- Moving to a more school-based funding formula

- Aligning grants and school board costs
- Updating grants by using the most recent available census data
- Providing better support for rural and northern schools
- Improving the condition of school buildings.

### Budget Development

A board's budget must be developed based on the educational needs of its students and within the funding allocation provided by the Ministry of Education. The board will ensure that this balanced budget reflects the board's vision, is responsive to the needs of the community and supports the goals of the board's multi-year strategic plan.

The fiscal year for school boards is September 1 to August 31. A financial plan or budget is developed and approved each year by the board.

The process of budget development is one of the most crucial tasks that a school board undertakes and demonstrates its effectiveness and transparency as a democratic institution. Budget development is a consultative process that allows staff, school councils, employee groups, and others in the community to provide advice on priorities and

potential budget choices. It is also a public process: boards must be able to demonstrate to their communities that they are accountable in making the best decisions possible for the students in their schools.

While developing a balanced budget, boards must demonstrate that they have allocated the available funds effectively throughout the system. This requires boards to analyze difficult issues, such as:

- Which programs/services to maintain
- Which programs/services to enhance
- Which available funds to redirect to other programs/services
- What transportation policies and service levels should be
- Where to locate new schools
- Whether to close schools and, if so, which ones
- How to align the catchment areas for schools (i.e. how to set school boundaries).

While the *Education Act* and its regulations set out a number of requirements related to how boards set their budgets, the most significant of them is the requirement that they adopt balanced budgets [s. 231]. The government also

sets legislative/regulatory expectations to do with budgets in the following areas:

- Class size
- Trustee remuneration
- Board administration and governance
- Special education (restrictions against spending it elsewhere)
- Pupil accommodation (restrictions against spending it elsewhere).

The *Education Act* also gives boards the authority to invest and borrow money, but at the same time puts limits on this authority [s. 241 to 249].

School boards are expected to actively manage their cash flow, prudently invest any excess funds, and ensure that any arrangements for short and long-term financing are made at competitive rates.







## CHAPTER 10

### Collective Bargaining

School boards and unions share a commitment to public education and work together towards positive labour relations. As employers, school boards engage in the process of collective bargaining with the unions representing the employees of the school board to achieve a collective agreement.

#### Collective Bargaining with Unionized Staff

The *School Boards Collective Bargaining Act (SBCBA)* became law in 2014 and was amended in 2017. It serves to formalize a collective bargaining process that

has over a period of nearly a decade evolved into a two-tier structure – a central tier and a local tier. Please see SBCBA: Process Map on opposite page.

#### Employer Bargaining Agencies

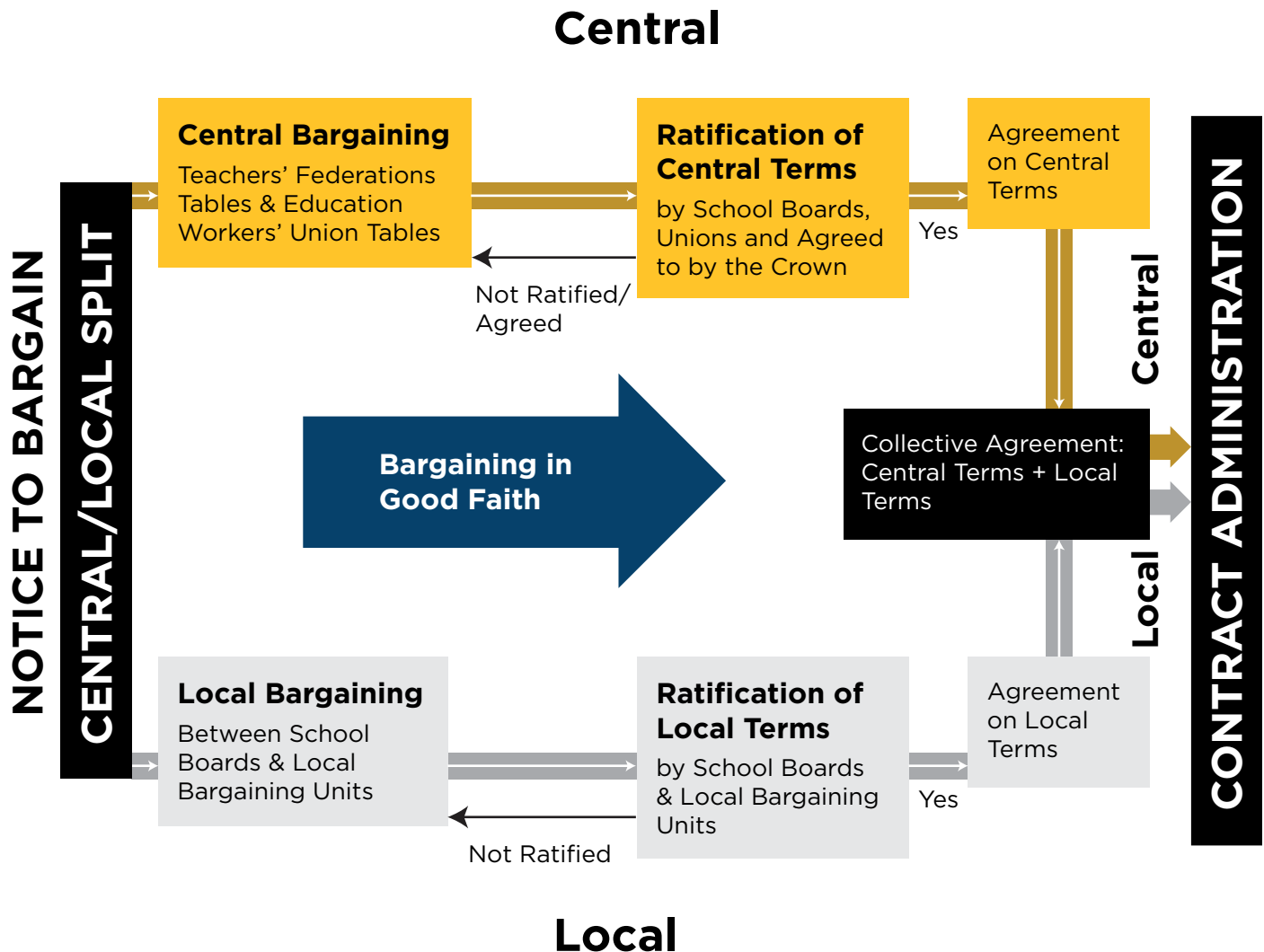
The SBCBA designates each of the four school board/trustees' associations as the statutory employer bargaining agency for their respective school boards at the central tables. This school board representation at a central table is:

- Association des conseils scolaires des écoles publiques de l'Ontario

(ACÉPO), representing the French-language public boards

- Association franco-ontarienne des conseils scolaires catholiques (AFOCSC), representing the French-language Catholic boards
- Ontario Catholic School Trustees' Association (OCSTA), representing English-language Catholic boards
- Ontario Public School Boards' Association (OPSBA), representing English-language public boards.

## SBCBA: Process Map



Under the SBCBA:

Local bargaining may occur at the same time as, or after, central bargaining.

A collective agreement is only completed once both central and local agreements are ratified.

*Provided by the Ontario Ministry of Education, Education Labour Relations Office*

### Employee Bargaining Agencies

The SBCBA has further designated through amendment that all unionized/federated employees would participate in central bargaining. For teachers these groups are:

- Association des enseignantes et des

enseignants franco-ontariens (AEFO)

- Elementary Teachers' Federation of Ontario (ETFO), which represents teachers in English public elementary schools
- Ontario English Catholic Teachers' Association (OECTA), which represents teachers in English-language

Catholic elementary and secondary schools

- Ontario Secondary School Teachers' Federation (OSSTF), which represents teachers in English-language public secondary schools.

The establishment of bargaining tables for education workers is more complex because a job



classification might be differently unionized in various boards. For example, the Canadian Union of Public Employees (CUPE) may represent educational assistants in some boards while OSSTF represents them in others. Additionally a single union may have members in school boards in more than one sector. As a result, the *Act* directs that the employers' designated bargaining agencies form a Council of Trustees' Association (CTA) to collectively bargain at central tables. The Central Bargaining Tables established in 2014 to bargain and through the extension agreements to 2019 are described to the right.

### Central Bargaining Tables for 2014-2017 and 2017-2019

Employee Groups	Council of Trustees' Associations and the Crown
Canadian Union of Public Employees (CUPE)	ACEPO, AFOCSC, OCSTA, OPSBA
Ontario Secondary School Teachers' Federation Education Workers (OSSTF)	ACEPO, AFOCSC, OCSTA, OPSBA
Elementary Teachers' Federation of Ontario Education Workers (ETFO)	OCSTA, OPSBA
Education Workers Alliance of Ontario (EWAO): <ul style="list-style-type: none"> <li>Association des enseignantes et des enseignants franco-ontariens et sa section (AEFO)</li> <li>Association of Professional Student Services Personnel (APSSP)</li> <li>Dufferin-Peel Educational Resource Workers' Association</li> <li>Educational Assistants Association</li> <li>Halton District Educational Assistants' Association</li> <li>Service Employees International Union / Union internationale des employées et des employés de service</li> <li>Unite Here</li> </ul>	AFOCSC, OCSTA, OPSBA
Ontario Council of Education Workers (OCEW): <ul style="list-style-type: none"> <li>COPE Ontario &amp; Locals 103, 429, 454, 527, 529</li> <li>Educational Resource Facilitators of Peel</li> <li>Essex and Kent Counties Skilled Trades Council</li> <li>Labourers' International Union of North America Local 837</li> <li>Maintenance and Construction Skilled Trades Council</li> <li>Ontario Public Service Employees Union</li> </ul>	OCSTA, OPSBA



With the amendment of the SBCBA mandating all unionized employees be represented in central bargaining, these tables will be redefined in 2019. The Minister of Education has a role in establishing the composition of bargaining tables inside the requirement of the *Act*.

## Terms and Conditions for Non Union Employees

Not all employee groups in a school board are unionized and in fact some job classifications are deemed to be excluded from unionizing. Classifications deemed ineligible are excluded because of their role with their school board or because of the type of information to which they have access. They include:

- Supervisory officers, including the director of education
- Principals and vice-principals
- Some executive/administrative assistants
- Most management staff in non-academic areas
- Some human resources staff who have responsibility for aspects of collective bargaining
- Some financial services and information technology staff.

For these employees, employment terms and conditions may be addressed in personal service contracts, group agreements, or other terms and conditions set by the board and complying with statute and regulation, usually following discussions with the affected staff.

While not included under the SBCBA, the Ministry of Education has committed to a similar two-tier process of good faith discussions with employer representatives and the principals and vice-principal associations namely; Association des directions et directions adjointes des écoles franco-ontariennes (ADFO), The Catholic Principals' Council of Ontario (CPCO), and Ontario Principals' Council (OPC). To facilitate discussion a Provincial Discussion Table is established when consideration is being given to changing the terms and conditions of employment for principals and vice-principals.

## Legislation Impacting Collective Bargaining

Several statutes and regulations define a board's relationship with its employees, and their conditions of employment including the following:

- *Education Act*

- *School Boards Collective Bargaining Act, 2014, amended 2017*
- *Ontario Labour Relations Act, 1995*
- *Employment Standards Act, 2000*
- *Occupational Health and Safety Act*
- *Pay Equity Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- Ontario Human Rights Code

Statutes and regulations govern the operation of elementary and secondary schools, including the school year calendar, class size, and instructional time.

Regulations and statutes take precedence over collective agreements.

## The Role of the Bargaining Agents

### Employee Bargaining Agency

Trade unions are legally obliged to represent their members in matters relating to the collective agreement. These obligations include negotiating the terms and conditions of employment on behalf of their members and representing their members' rights under the collective agreement.



Teacher federations and education worker unions also provide other services to their members such as professional development.

### **Employer Bargaining Agency**

- Develops a central bargaining mandate based on the concerns of the local school boards
- Represents the interests of school boards during bargaining at a particular central table
- Bargains in good faith upon the matters to be included within the scope of central bargaining at the central table
- Co-operates in good faith with the Crown in preparing for and

conducting central bargaining

- Conducts a ratification vote on the memorandum of settlement of central terms
- Conducts, if required, a vote on the lockout of employees in respect of central bargaining.

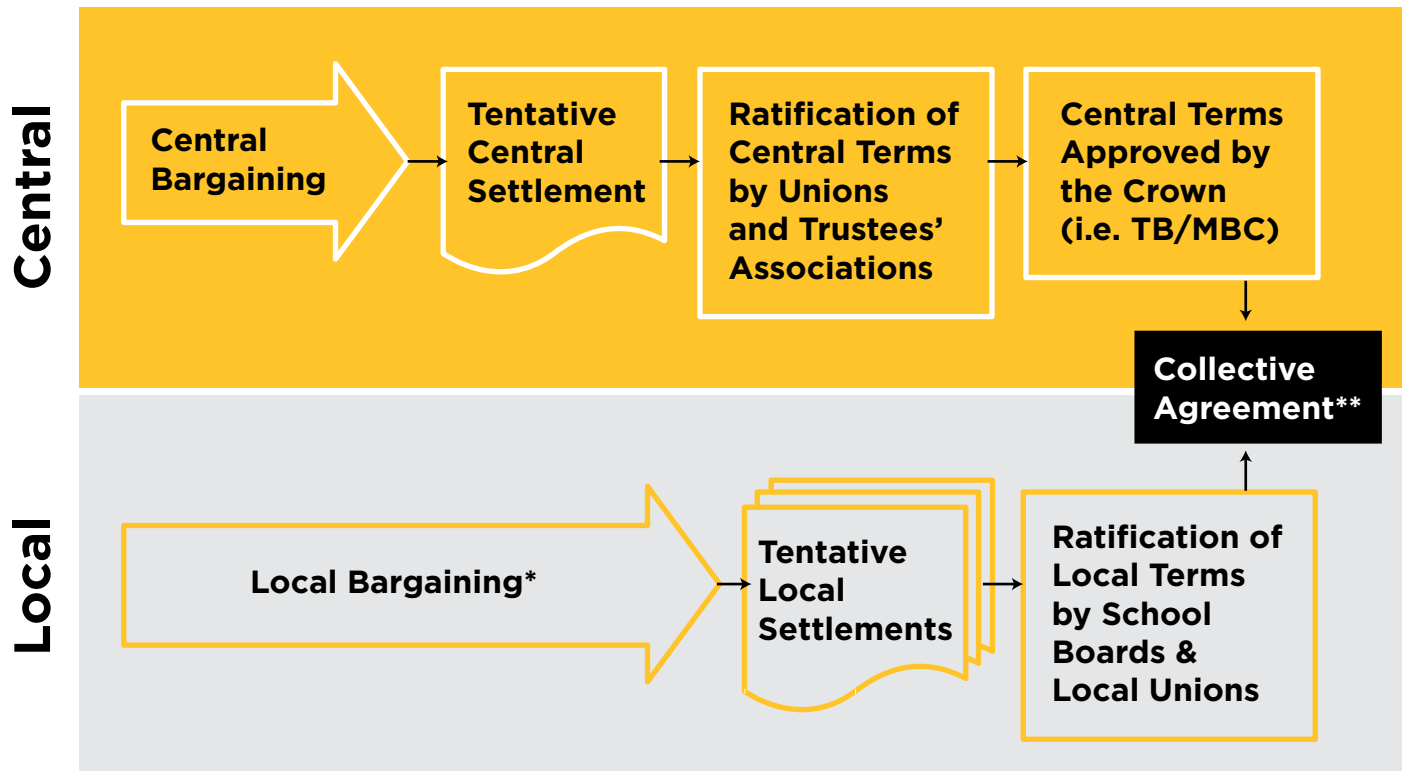
### **Boards of Trustees of Local School Boards**

- Bring the concerns of the local school board to the attention of the employer bargaining agency for the purposes of developing a central mandate
- Approve/modify the local bargaining mandate
- Ratify settlements of locally negotiated terms and conditions of the Board's agreements

- Authorize lockouts at the local tier
- Pay any fees required by the Minister of Education to a school board/trustees' association that represents the school board as the employer bargaining agency.

As the designated employer bargaining agencies for their respective school boards at the central tables, school board/trustees' associations play a critical role in the collective bargaining process. Subject to the appropriate ratification process, school board/trustees' associations have the authority to bind the school boards in their respective systems to centrally negotiated terms and conditions of employment, which then become part of the local collective agreement, once local issues are also settled and ratified. School board/trustees' associations are also required to establish their own policies and procedures to fulfil their statutory duties and responsibilities, including conducting votes to ratify centrally negotiated agreements.

## School Boards Collective Bargaining Act: Ratification Pathway



Under the SBCBA:

\*Local bargaining may occur in concert with central bargaining or sequentially.

\*\*A collective agreement is only completed once both central and local agreements are ratified.

*Provided by the Ontario Ministry of Education, Education Labour Relations Office*

### Negotiating a Collective Agreement

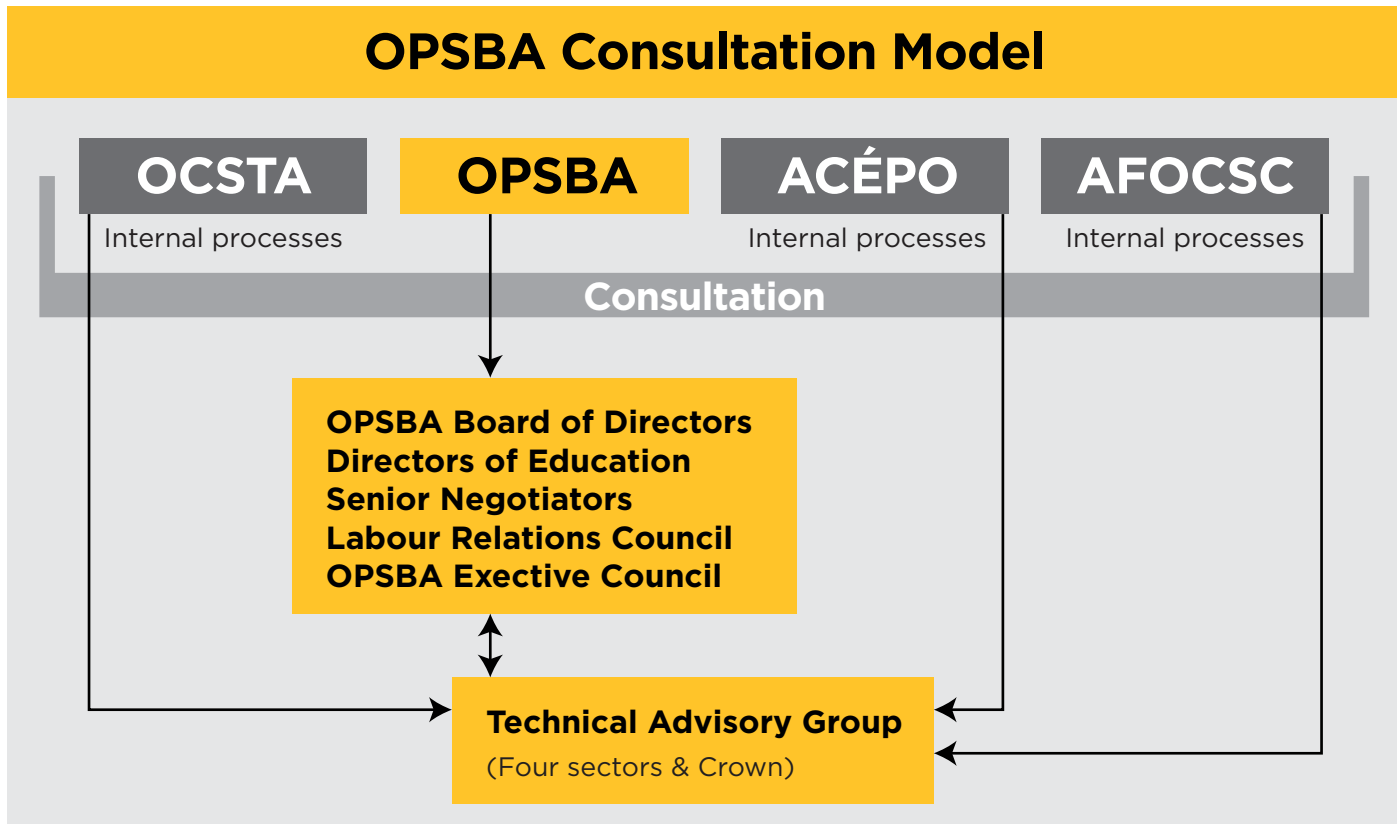
Each school board will have a single separate legally binding collective agreement with each of its unionized employee groups that will include the terms negotiated at central tables and any locally negotiated terms. There is no final collective agreement until there is a ratification of both central terms and of local terms.

### Preparation for Collective Bargaining

In order for the employer bargaining agents to identify the proposed matters to be centrally bargained and bargaining positions, each school board/trustees' association will consult with consideration for student achievement and well-being, equity and inclusion, fiscal sustainability and comparable settlements.



## OPSBA Consultation Model



In establishing matters to be bargained centrally, the parties engage in the sharing of their respective lists of these matters and reach agreement.

If agreement cannot be reached, the Ontario Labour Relations Board (if requested) will render a decision based on the following factors for deciding whether a matter is within the scope of central bargaining:

- The extent to which the matter could result in a significant impact on the implementation of provincial education policy.
- The extent to which the matter could result in a significant impact on

expenditures for one or more school boards.

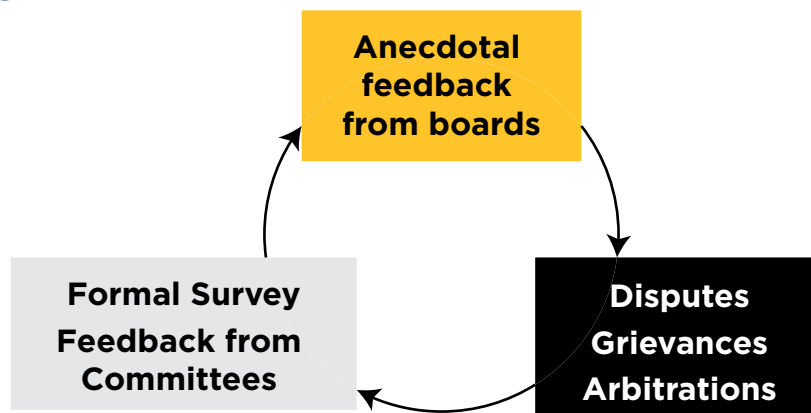
- Whether the matter raises common issues between the parties to the collective agreements that can more appropriately be addressed in central bargaining than in local bargaining.
- Such other factors as the Board considers relevant in the circumstances.

*Anything that has not been deemed a 'Central Item' is available for local bargaining.*

### Data Gathering

Data is gathered regarding interpretation of the current collective agreement. The figure to the right illustrates the various sources of data. All school board labour relations and human resources practitioners have access through their school board/trustees' associations to a web-based provincial portal which offers a variety of information and data on labour relations issues. The portal is maintained by the Ontario Education Services Corporation (OESC). School boards/trustees' associations also provide professional development sessions for negotiators.

## Data Gathering Sources



Following notice to bargain, the parties meet to begin the process of negotiating the collective agreement. At the central tier these negotiations include the Crown. When notice to bargain centrally is given it is deemed that local notice has also been given to the corresponding local parties.

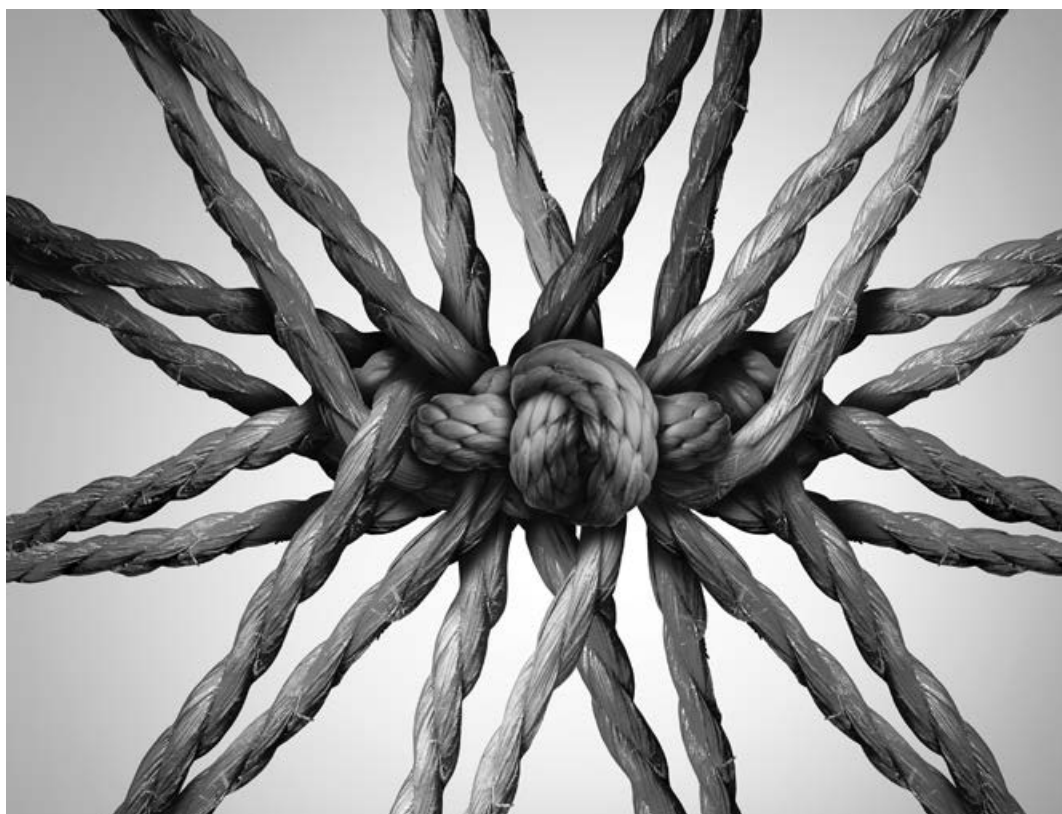
Most collective agreements are settled without conflict.

Should negotiations break down, unions and federations have the right to strike and the employer has the right to lock out their employees and, under certain conditions, to impose new terms and conditions of employment. A strike includes any action or activity undertaken collectively with the intent to stop or limit the normal operation of the board, including regular classroom programs. The following are considered strike actions: withdrawing services; working

to rule; and curtailing the performance of the duties of employee. The right to strike and lock out exists at both the central and local levels, for the two tiers of bargaining. The initiation of the following steps does not preclude continuing to work toward the settlement of a collective agreement.

The following must occur before unions/federations can strike or an employer may lock them out:

- One party has served the other with notice of intent to bargain
- The collective agreement has expired



- There has been conciliation conducted by a conciliation officer appointed by the Ministry of Labour
- A strike has been supported by a majority of the employees voting in a strike vote
- One or both parties have provided five calendar days' notice for any strike or lockout activity.

A bargaining party does not necessarily exercise sanctions just because it is in a legal position to do so, but only if it deems that the action is necessary to achieve a settlement. However, a school board may alter conditions of employment after the release of a "no-board report." There are limitations on what can be changed. A proposed change must be raised with the union and changes generally involve imposition of positions previously introduced by the board at the bargaining table.

Should a strike occur, the government could choose to enact back to work legislation if the Education Relations Commission advises that the school year is in jeopardy.

Even though a strike or lockout may be ongoing, the parties remain under a duty to seek a negotiated settlement and to bargain in good faith.

### **Mediation and Arbitration**

While mediation services are often initiated by the Ministry of Labour if a strike or lockout occurs or is likely to occur, both parties may jointly agree to the appointment of a mediator in an attempt to resolve outstanding issues at any time.

Arbitration is an alternative to the negotiation/sanction process. At any time during the bargaining process the parties may jointly agree to refer all matters remaining in dispute to final and binding arbitration.

Binding arbitration carries both risks and advantages and should only be requested after consultation with legal counsel and/or other professionals experienced in such proceedings. Binding arbitration is often included in "back to work" legislation.

### **Contract Administration**

The SBCBA includes provisions for a central grievance arbitration process that contemplates the continuation of local grievance and arbitration provisions. This means that arbitration and settlements can continue to be used to resolve disputes at the local level involving both central and local terms. The Designated Employer and Employee Bargaining Agencies will have access to

final and binding arbitration or settlement to resolve differences about any central terms of a collective agreement. For central grievances, the parties are school board/trustees' associations and provincial unions. The Crown is not a party to central grievances, but will have the right to participate in arbitrations and its agreement is required for a settlement.





## CHAPTER 11

### Parent and Community Engagement - Working with School Councils, Parent Involvement Committees, and Communities

Education is a shared responsibility. Trustees are part of a team that includes parents, guardians, students, teachers and other board staff, community agencies, interest groups, and the provincial government and its agencies.

The involvement of parents and community members in the education system enriches the learning environment and directly contributes to student achievement and well-being. Active community involvement also helps to create strong, democratically vibrant communities.

School boards can promote a healthy partnership with parents and the community by:

- Ensuring schools and the school system are accessible and welcoming to parents and other members of the community
- Allowing the public open access to relevant information about educational policies, programs, and services
- Encouraging meaningful opportunities for input and advice into decision-making at the school and board level.

Strong school-community partnerships are good for schools and good for the communities they serve. Each school is a rich community resource with assets that include its facilities (both inside and outside), equipment and materials, entertainment (sporting or artistic events), human resources (both the staff and the students), programs for students, and courses for the broader community.



## Promoting Parent Engagement

Parents want to know what their child is supposed to be learning and doing at school, how they are progressing and how they can help their child at home.

Parent engagement strategies should create a welcoming environment for parents and make it easier for them to participate in their children's education. When schools succeed in engaging parents there is a strong and positive connection to improved student achievement.

The evidence of the benefits of families being involved in their children's education is

overwhelming. Parental engagement in their children's learning positively affects the academic performance in both primary and secondary schools and leads to:

- Improved academic achievement
- Greater cognitive competence
- Greater problem-solving skills
- More school enjoyment
- Consistent school attendance
- Fewer behavioural problems at school.

Studies show that children whose parents are involved demonstrate greater social

and emotional development including:

- More resilience to stress
- Greater life satisfaction
- Greater self-direction and self-control
- Greater social adjustment
- Greater mental health
- More supportive relationships
- Greater social competence
- More positive peer relations
- More tolerance.

These advantages continue throughout childhood into adulthood.

Examples of parent engagement encompass a wide range of activities, including:

- Participating on School Councils, Parent Involvement Committees (PICs) or school board advisory committees
- Attending school events and committee/board meetings
- Volunteering for field trips and school activities
- Ensuring a quiet place is available to do homework
- Helping with homework and actively reading with children
- Meeting with teachers and other school staff
- Spending time talking to children about their day at school.



Whether the activity is in the school or in the home, parents can be authentically engaged in their children's education and contributing to their success.

## Parent Engagement Policy

Parents in Partnership: A Parent Engagement Policy for Ontario Schools (2010) formally recognizes and supports a vision of parents as both valued partners and active participants in their children's education. This policy:

- Recognizes, encourages and supports many forms of parent engagement
- Recognizes and supports the important role parents have in contributing to their children's learning at home and at school
- Identifies strategies to remove barriers to parent involvement (e.g. communications and language)
- Supports parents in acquiring the skills and knowledge they need to be engaged and involved in their child's learning
- Provides a parent voice at the local level through PICs, school councils and individual parents talking to teachers and principals.

The policy provides the vision of parent involvement, sets out four strategies to support parent engagement, and includes an action plan for schools, boards and the Ministry of Education. The policy also showcases some of the many exemplary practices across the province. The full policy is available at: [www.edu.gov.on.ca/eng/parents/policy.html](http://www.edu.gov.on.ca/eng/parents/policy.html).

There are two formalized groups that support parent engagement: School Councils and PICs. The mandate and structure of each group is set out in Ontario Regulation 612/00:

School Councils and Parent Involvement Committees.

Within the Ministry of Education, the Parent and Community Engagement Office helps develop and implement parent engagement initiatives across the province in support of student achievement and well-being. This includes the publication of *School Councils: A Guide for Members and Tips for School Councils*. Both resources are available on the Ministry of Education website, at [www.edu.gov.on.ca/eng/general/elemsec/council/guide.html](http://www.edu.gov.on.ca/eng/general/elemsec/council/guide.html).







## The Role of School Councils

Active and involved school councils offer parents and guardians an effective way to contribute to their children's learning. Every publicly funded school in Ontario is required to have a school council. Improving student achievement and promoting accountability are among the key purposes of a school council. School councils are made up of individuals representing parents, the school, and the community. They provide advice to principals and, where appropriate, to the local school board. Part of a school council's advocacy is to ensure their school responds to local needs and reflects local values.

Strong school councils help build strong school communities. The school council provides an avenue for consultation, advice, and information sharing among all members of the school community. School councils are encouraged to represent and share the views of their community and to establish open, inclusive practices that invite participation.

School boards and principals are required to consult school councils before they make decisions on certain matters. A comprehensive list of the areas requiring consultation with school councils by principals and school boards is set out in regulation as well as in the ministry's guide. School councils are,

in turn, expected to consult parents of their school community about matters under their consideration.

School councils are required to operate within the framework of the regulations and any applicable board policies. School boards are encouraged to work collaboratively with school councils to ensure that the regulations and board policies are clearly understood and that all parties comply.

## The Role of Parent Involvement Committees

Every school board is required to establish a PIC. Regulation sets out provisions for the composition, function,

and mandate of the PIC. The ministry provides funding to support the work of this committee.

PICs are formal structures and important advisory bodies to the board. They are a vehicle for the participation of parents at the board level. Their purpose is to support, encourage and enhance meaningful parent involvement to improve student achievement and well-being throughout the board and its schools.

The PIC is a parent-led committee; the chair/co-chairs are parents and the majority of members are parents. The director of education, a trustee of the board and up to three community representatives are also members of the PIC. Subject to board by-laws, a PIC can include a principal, teacher and/or support staff. PICs help the school board to communicate with parents and to ensure parents have a voice.

While school councils are school-based advisory structures, PICs focus on matters that affect more than one school. The PIC provides information and advice to the board on effective parent engagement strategies and practices. PICs also communicate with and support school councils,



and undertake activities to help parents support their children's learning at home and at school. The PIC regulation also provides that the ministry may solicit the advice of PICs on matters that relate to student achievement and well-being.

PICs can assist school boards by identifying strategies to increase parental engagement, including outreach to parents who find involvement more challenging due to language, recent immigration, poverty, newness to the system or other factors. PICs can

promote the initiatives of school councils, encourage dialogue on relevant board policies and help share effective practices that support parent engagement in their children's learning. They can also help to identify parent and school council training needs within the district and contribute to the development of workshops, forums and conferences to address these needs.

### Parents Reaching Out Grants

Ontario's Parents Reaching Out (PRO) grants encourage



parent engagement at the local, regional and provincial levels. They are designed to support parents in identifying barriers to parent engagement in their own community and to find local solutions to get more parents involved in their children's learning.

There are two types of grants:

- PRO Grants to School Councils support school-based parent engagement projects.
- Regional/Provincial Grants for which parent organizations, PICs, publicly funded school boards, non-profit organizations and postsecondary institutions operating in Ontario can apply.

More information about application requirements and deadlines can be found at [www.edu.gov.on.ca/eng/parents/reaching.html](http://www.edu.gov.on.ca/eng/parents/reaching.html).

## Promoting Community Involvement

School boards and school communities can also encourage partnerships with:

- Local professionals, seniors, and other individuals
- Community associations, such as multicultural associations, service clubs, and citizen groups
- Child care centres and community groups (YMCA, Boys and Girls Clubs, recreational programs, etc.)
- Religious institutions
- Artists, musicians, and cultural organizations
- Municipalities (through parks, libraries, and other community facilities)
- Community colleges and universities
- Police and fire services
- Health care institutions, such as hospitals, nursing homes, and family health clinics
- The private sector, including businesses, boards of trade, and chambers of commerce.

All of these potential partners can help to enrich the quality of life in the school community.

## Community Engagement

Community engagement in public education values the right of community members to have input into the decisions that affect the lives and education of the community's children. It is the process of building relationships with community members who will work with the school board as an ongoing partner and support its mission with the end goal of making the community a better place in which to live.

The *Education Act* underscores the importance of community engagement when the elected board sets strategic directions and establishes its goals. Trustees are expected to consult with parents, students, and constituents of the board on the board's multi-year strategic plan. The elected board must make its constituencies aware of the plan and report on progress on implementation of the plan. The plan demonstrates the board's responsiveness and accountability to its community and reflects community values and priorities.



Community engagement is not an exercise in public relations. It is a collaborative process aimed at reaching a shared understanding of preferred solutions to identified problems or key community needs and priorities.

**How Trustees Can Support and Promote the Parent and Community Voice**

Trustees can support the work of school councils and PICs by:

- Promoting the value of school councils and PICs to the community

- Facilitating communication among school councils within the trustee's area
- Helping to establish contacts between councils and their communities and between councils and the board's PIC
- Providing a communication link among school councils, the PIC and the board
- Ensuring that the board establishes policies for school councils, in consultation with school councils
- Ensuring that school councils are able to provide input into the development of board policies related to the areas listed in Ontario Regulation 612/00
- Ensuring the board reports back to school councils or the PIC on the actions taken by the board in response to advice provided by school councils or the PIC (Boards are not bound by school council or PIC recommendations, but they are required to report back on actions taken or not taken)





- Evaluating the board's method of reporting back to school councils
- Making school councils and the PIC aware of relevant board policies
- Ensuring that all those who are involved with school councils and the PIC work within the provisions of the regulations and any applicable board policies
- Promoting and encouraging collaborative relationships among the board, school councils, the PIC, and the broader school community.

### Inviting Public Input

Trustees have an important role to play in informing school councils and community members about

how they can influence decision-making at the board level, either through public deputations or, in some boards, through board advisory or consultative committees. All district school boards have procedures for public deputations to the board of trustees or its standing committees. Some boards also have advisory or consultative committees to represent the viewpoints of parents, other community members, and secondary students. The goal in all cases is to invite public input in a way that is focused, inclusive, time-efficient, and accessible.

The Ministry of Education's Multi-Year Strategic Planning: A Guide for School Board Trustees (<http://www.edu.gov.on.ca/eng/policyfunding/>

[leadership/guide\\_school\\_board\\_trustees.pdf](#)), released

in 2017, is a resource designed to support Ontario school boards with their responsibility to develop, implement, and monitor a multi-year strategic plan. This guide makes a distinction between two types of engagement with stakeholders: ongoing community engagement and formal stakeholder engagement. It includes questions such as:

- What is the level of parent and community engagement in our board?
- What have we done to identify and remove barriers that prevent marginalized families from becoming more involved?

### Making Connections in the Community

In addition to working in their own school board, some trustees choose to sit on other boards in the community, such as library boards, district health councils, hospital boards, and boards of trade. Trustees may also participate in community service clubs. Although this involvement is not a requirement of the trustee's role, the building of links with other services and agencies in the community strengthens mutual understanding of the needs of students and



families and promotes confidence in publicly funded education.

### Strategies for Engaging Communities in the Key Work of School Boards

**Be committed.** A school board should not simply view community engagement as one of its projects but as a way of doing business.

**Be accountable.** Let the community know that the board leadership is committed to engaging with them and be clear about roles and responsibilities for maintaining communication. Let the community know that

their input makes a difference in outcomes and keep them informed of the progress in strategic planning efforts.

**Be transparent.** Board information, business practices and decision-making processes should be highly visible, easily accessible and accountable and open to participation.

**Schedule public forums appropriately.** At forums, consider limiting verbal input to three to four minutes per person, and invite presenters to provide a short summary to serve as the “official record” of their presentation.

**Build trust.** This means building or rebuilding relationships with constituent groups including board staff, students, parents, volunteers, community members and business leaders.

**Know the board's communities.** Get to know stakeholders thoroughly. Take the time to gather more information if it is needed.

**Make effective use of all communication vehicles.** Don't underestimate the power of clear, succinct messages in parent newsletters and the local media. Take advantage of







every school gathering. Ask to speak at local civic organizations. Most people want to know what is going on and want to support public education.

**Use technology and online communities.** Social media platforms help give voice to citizens who care about public schools but do not want to attend public engagement activities.

**Be clear and use simple language.** Every message should be viewed as a “report to the shareholders.” Don’t assume prior knowledge. Every message should stand on its own. Only use educational terms if absolutely necessary and then define them.

**Use graphics and lists where appropriate.** Key information in point-form or conveyed through an appealing graphic is more user-friendly than dense text.

**Deliver key messages in ways most likely to reach the target audience.** Audiences want to hear what the core message is. They don’t want it buried in the process that was followed.

**Frame the essential questions to guide dialogue.** Reflective thinking can be enhanced by pointed questions. Invite key constituents to respond to these questions. Wide-open public forums may invite confusion and grandstanding.

**Have a clear challenge process after decisions are made.** After any public debate is complete and decisions have been made, ensure that the process used to reach the decision is known. If individuals still object to the outcome, make sure everyone knows in writing what the challenge process is – if there is one – and make it available to the unhappy stakeholders.

**Explore new tactics.** Be creative in the methods used to encourage stakeholders to become actively engaged in the board and its schools. From parents and senior citizens, to business and religious communities, take the necessary steps to target information to them and invite their increased awareness and participation in ways that work uniquely for them.

**Have welcoming schools.** How do people in the community feel about approaching the schools? Are they made to feel welcome or are they made to feel like they are intruding?



## CHAPTER 12

### Communications, Media Relations and Social Media

Communicating with the community is an important part of the trustee's role. All board community members need and have a right to know about what students are learning and how well they are learning. They also have a right to know how their tax dollars are being spent and a right to participate in discussions on the allocation of education resources in their community.

This chapter offers tips to help trustees communicate effectively, either through direct contact, in person or online, with parents, other

ratepayers, school councils, community associations, or the media.

#### **Board Communication Responsibilities**

##### **Start with a Communication Plan**

A communication plan helps to ensure that school board communications efforts are aligned with the board's multi-year strategic plan. A good communication plan supports consistency in school board messaging, both internally and

externally, and helps the board make progress toward meeting its strategic and operational goals.

The school board communication plan should be developed by staff in consultation with the Board of trustees.

##### **Key Parts of a Communication Plan**

The following is a guideline for developing or updating the school board communication plan:

- **Background:** the strategic plan and/or other research and facts outlining the need for the communication plan.





- **Goals:** what the board wants to achieve through communications during a set timeframe, with an emphasis on one or two priorities. The goals of the communication plan, like all that a board does, need to be aligned with the goals of the board's strategic plan.
- **Strategies:** the specific ways in which the board hopes to reach its communication goals, connect to audiences, share information and receive feedback. It is important to consider different methods of communication to ensure information is accessible to all community members.
- **Audiences:** the various groups the board wants to engage using the communication plan (e.g. parents, students, staff, education partners, government leaders, the media, etc.).
- **Key messages:** the main points and positions the school board wants target audiences to understand and retain.
- **Responsibilities:** the individuals and groups who are charged with implementing various elements of the communications plan (e.g. trustees, school board communication staff, etc.).
- **Timelines:** when things need to happen (e.g. issuance of a news release, meetings with the media, community town halls, etc.).



- **Evaluation tools:** items used to measure the effectiveness of the plan (e.g. surveys, analysis of generated media, operational audits, etc.).

It is important for school boards to review the board's communication plan periodically and evaluate the effectiveness of the strategies being used. In addition to surveying target audiences to gauge and measure engagement, it is also important to examine the ways in which effective communications have helped to advance the strategic and operational goals of the board.

### Tips for Planning and Assessing Communication Efforts

- Assign communications responsibilities to individuals or subcommittees and make sure the responsibilities are clear.
- Use a variety of information-sharing approaches, including letters, newsletters, phone/email networks, websites, blogs, social media, radio, community-access television and print media.
- Prepare information sheets on important topics.
- Be aware of and respond to communication barriers, such as language, culture

and accessibility needs. For example, boards can often arrange for translations of board and school communications and interpreters for critical meetings and interviews.

- Be mindful of who needs to know, when they need to know and how they usually access information.
- Focus on listening as much as telling. Explore two-way communication, feedback and input throughout the community.
- Be informative, but do not impose your views. Welcome a range of viewpoints and seek common ground.
- Design committee structures that allow for maximum participation from school councils, parents, students and other community groups.
- Involve community volunteers in the initial planning of major initiatives.

### Guiding Principles

Regardless of the audience, and whether speaking or writing, certain principles apply. Always strive to be honest, prepared clear, calm, alert and proactive. These same principles apply to all board communications, but have been described below for individual trustee communications.

### Be Prepared

Whenever possible, have a good grasp of the board's position on an issue before speaking to it in public or in a written statement. Bear in mind the chair of the board is the official spokesperson for the board, unless designated otherwise. Refer to the communication plan for the appropriate key messaging (if it is available) or follow up with board communication staff or the director of education's office for guidance on messaging. Remember the purpose of key messages is to build trust and understanding among the key stakeholders and audiences of the board.

Good key messages are short and simple that trustees can use to articulate the board's position on a given issue. Key messages are designed for a specific audience and address those aspects of an issue that the board ultimately wants the audience to understand and remember.

When making a presentation or preparing for an interview, write out the main points using the board's key messages and rehearse them. Think of all possible questions that may be asked. If confronted with an unanticipated question, take time to think before answering. If you don't know the answer, indicate that

and if possible refer the person to someone who is likely to know.

Being prepared and having practiced the message makes it easier to follow the ten Cs: being confident, consistent, credible, clear, calm, compelling, correct, compassionate, candid and concise.

### **Be Honest**

Always tell the truth. Use factual and credible points that are not open to interpretation, and state the facts candidly.

If an issue can't be discussed, such as an in-camera matter, you should state that you are not able to discuss the matter and indicate it will be dealt with in the future. If you don't know the answer, say so, and refer the person to someone who may know. Don't risk the long-term consequences of speaking recklessly.

Never say "no comment" to a reporter as it may appear that there is something to hide. Instead of saying "no comment," explain why the question can't be answered.

Trustees also have an obligation to respect confidentiality. As members of the school board, trustees must comply with protection of privacy legislation. Most of the board's business is done

in full view of the public and the media. A board's policies will determine what information is confidential, but in all cases a trustee must not reveal discussions or material from a board's private session to a member of the media.

It is important that trustees support the process of democratic decision-making. During board meetings, some disagreement or controversy is almost inevitable, however once a decision has been made, trustees are required to uphold all decisions and should be able to explain the rationale for those decisions, even if they did not support them individually.

### **Be Clear**

Speak and write in clear, concise language. Avoid educational jargon. When talking to reporters, remember that they cannot present information clearly if they can't understand it themselves.

### **Be Calm**

Stay calm during any discussion or interview. Losing your temper will only hurt the message and damage your reputation. Try a relaxation technique when angry, tense or nervous.

### **Be Alert**

Don't say things that shouldn't be heard in any public situation. Anticipate words being printed. Listen for cues from the reporter that can indicate the story they want to tell versus information that a trustee would want shared. Avoid speaking in opposition to the message to be shared.

### **Be Proactive**

The *Education Act* requires a board to make its meetings public. As a trustee, encourage attendance at board meetings by highlighting the issues that will be discussed. Posting information on a personal website or social media is an effective and timely way to inform the media and the community of emerging issues or potential controversies.

Confirm with board staff that background information is also available to the public on the school board website and that they or the spokesperson (e.g. chair of the board) will send it automatically to local media. Where the situation warrants, boards can also hold information briefings and public information meetings. If a board proves itself to be a credible source for information about

difficult issues, the media and the public are more likely to listen when the board wants to share its good news.

Monitor the media. Be aware of current education issues and fast-breaking news stories. Most media outlets have websites that are updated regularly. Using social media, such as Twitter or Facebook, is also an efficient way to keep up with the latest news on various topics relevant to the school board and to one's role as a trustee.

### Tips for Better Writing

- Write the way you speak. Use a conversational tone.
  - Avoid jargon.
  - Keep it simple. Readers tend to be turned off by long, complicated text.
  - Include only one idea per paragraph.
  - Be selective about what is printed. Don't include all the background details.
  - Don't assume readers have the same knowledge as a trustee.
- Be aware of and comply with copyright laws when reproducing materials.
  - Be positive and constructive. Be an advocate for the school board.
  - Make it clear what is wanted from the reader (Call for action?).
  - Have several people proofread your material to be sure it is understandable and free of errors.







- When possible, use handwritten notes to thank people or to encourage their participation.
- Reply promptly to concerns and requests for information.

## Working with the Media

For many people in Ontario, what they learn about schools comes from the media. Media outlets are aware that a large percentage of their audience are parents with children at local schools or other residents who

are concerned about the impact local schools have on community life.

Trustees, in partnership with school board staff, are encouraged to provide their local media with ongoing, timely and newsworthy information about schools in the region. When a reporter calls about a story they are working on, it is equally important to respond in a timely and professional manner. This helps to both develop positive working relationships with local media and to ensure the school board position is included in their story, when appropriate.

Keep in mind that each school board's policy on communication with the media will differ because of varying needs and resources. Trustees should understand their board's policy before contacting or responding to media.

## Taking a Story to the Media

Wherever possible, trustees should consult with board staff and/or the chair before taking an unsolicited story to the media. When you do want to share a story, "think like an editor" and let the media know the key facts and the potential story idea.

While parents are interested in a great deal of information, reporters are interested in news. News is judged by assessing the impact of the story on a reader or viewer.

The following questions can help determine whether the story or event to be covered will be newsworthy to a reporter:

- Is it new? Does it highlight new people, new programs, new ideas, or new ways of teaching and learning?
- Is it current? Stories about certain technology, for example, may be in vogue this year but less so next year.
- Is it superlative? Does the story illustrate the fastest, highest, smallest or biggest of something? If so, what credible, third-party evidence exists to back up the claim?
- How is the event tied to a major news story? The media are constantly looking for ways to bring a local perspective to major national or international news stories.
- What is the impact? Reporters think about if/how news will impact their readers/viewers. Will it cause them to take action on something? What's in it for them?
- Is there a human interest angle? Reporters are

always looking for interesting stories about people in their communities doing something unique and that their viewers/readers can relate to.

- Are there interesting visuals? What visual appeal does the story offer – for example, students participating in an activity that lends itself to a compelling photograph for the newspaper's print or digital versions, or for television footage?

Once again, it is important to refer to the board's communication policy/procedure or communication staff for guidance prior to working with media.

### **Making the Reporter's Job Easier**

Most often, reporters are dedicated, well-meaning individuals who are usually facing time pressures. They may well be pursuing several stories in a single day, against the clock, with hourly or daily deadlines.

The reporter assigned to cover an event may be a specialist like an education reporter, but more likely will be a general reporter, who deals with a different topic in every story. This is almost always true in radio and television. It is primarily newspapers that have

reporters solely assigned to cover education, and this is increasingly rare. As a general rule, most reporters have limited knowledge of schools or school boards and how they operate.

Accordingly, it is essential to make it as easy as possible for reporters to tell a story. Where possible, work with board staff to provide written fact sheets about schools, contact numbers for parents (who have already provided their permission to share their contact information), and suggestions for lively pictures or upcoming photo or video opportunities to accompany a story. In short, think of ways to help the media do the best job they can within their time constraints.

### **Responding to the Media**

If a reporter approaches a trustee with questions about a current issue or event, don't panic. Follow the tips discussed in this chapter. Be ready.

Each school board's policy on communication with the media will differ because of varying needs and resources. Some boards have communications staff direct media calls through the office of the director of education. The *Education Act* stipulates that the chairperson acts as the spokesperson on behalf of the Board of Trustees unless the Board determines





otherwise. The key is to remember that the media require a consistent and available spokesperson.

Reporters may also approach individual trustees for comment, especially if the issue is connected to a school in a particular trustee area. If that happens, follow the board's policy on communicating with the media. This may include informing board communication staff of the interview request so they can assist with key messages and interview tips.

To ensure that the board is able to present its side of an issue, it will be important to respond to a media call within the deadlines specified.

A reporter covering a contentious issue at the board or an incident at one of the schools has probably been sent there by an assignment editor. Typically, the reporter has only a few hours to turn in the finished story.

If possible, avoid turning down a reporter's request for an interview, especially when it involves bad news. If the board's official spokesperson refuses to cooperate, the reporter will inevitably get information from other sources, including those with less knowledge on the issue, which is never helpful. There are cases when interviews aren't the best way to respond or aren't possible based on the reporter's deadline. In these cases, consult with the

board's communication staff or director of education's office for guidance in developing a written response or a holding statement if information is still being gathered to inform a response.

Make sure to understand what the reporter wants and how the material is to be used. For example, the recorded comments could be part of a 30-second clip on the nightly news, or incorporated into a feature segment on a radio documentary, or form part of an analysis piece for the local newspaper.

It is not difficult to anticipate what a reporter's questions will be if they are calling about a specific issue. When receiving a call unexpectedly, trustees have the right to ask for a reasonable amount of time to gather information, inform board communication staff and prepare thoughts. When a reporter calls, take the time to ask the reporter questions to gather as much information as possible about their story, including questions they would like to ask to support the preparation. It's also worth asking who else the reporter is interviewing to help anticipate how others may be responding to the questions.

Make sure to agree in advance about the



conditions of an interview. Keep in mind that if a reporter requests an off the record conversation, it is wise to assume that at some point what is said could very well become part of the record. For this reason, it is better to assume that everything said could become part of the record, and proceed accordingly.

**Maintaining a Working Relationship**

The best way to develop a working relationship with the media is to be an accurate source of information. This does not mean that trustees

must tell reporters everything or answer all their questions. It simply means that by facilitating their job, they will likely return to the trustee for information, quotes and opinions on issues. When speaking to the media, it is an opportunity to communicate the school board's key messages on the issue of the day.

**Concerns About Media Coverage**

There are occasions when the story resulting from an interview isn't ideal. When it is an issue of tone or context, there may not be

much one can do to change the piece, and it may in fact keep a negative story in the news for longer than it would have been otherwise. In these cases, although it may be tempting to contact the reporter to voice discontent, if everything in the story is accurate, it's unlikely this will result in any changes. If, however, the story has a factual error, it is important to let the reporter know about the error as soon as possible and provide a suggested correction.

The correction may be issued by the next business day. For many news outlets, the



correction is made to the online version of the story and subsequent searches of the outlet's database will turn up this corrected version. If the trustee is still not satisfied with the reporter's response, talking to the reporter's editor is a course of action. If that doesn't work, sending a letter to the editor or director of the news outlet is another option. If the problem is with a newspaper, contact the National News Media Council at <http://mediacouncil.ca>. Keep notes of the interview with the media so that third parties can judge the facts for themselves.

In all cases, it is advisable to speak with board communications staff and/or the director of education prior to pursuing a correction.

## Social Media

Twitter, Facebook, YouTube, Pinterest, Instagram, LinkedIn, WhatsApp, Snapchat (and whatever else is out there!) – Some trustees may not use any of these tools themselves, but no one can deny their potential communicative power. They offer the capacity to have an informative and interesting Twitter debate, discuss local issues directly with constituents on Facebook, or participate in a successful YouTube video campaign.

While printed school newsletters with messages from local trustees are still being used in some boards, the fact that they can never be as current or as quickly dispatched as an online publication or tweet makes them less popular. Twitter, classroom and school blogs, websites and Facebook pages are changing the way families get news from their local community school. Trustees across Canada are turning to social media to reach their constituents and build support for issues affecting students, staff and local communities. Consider using an online social media platform to communicate with communities.

School boards may have a social media presence (e.g. a board Twitter account) and staff expertise in the areas of social media and digital communications. Consider asking for a training session with staff to get their advice on the practices that would be best for engaging with local audiences. Be sure to ask board staff about applicable policies, procedures and guidelines for social media use.

## Objectives

Before using social media, users with public profiles should decide on their objectives, which

may include:

- Being accountable and transparent to the community
- Extending the reach of strategic messaging by building relationships with relevant social media users including school board stakeholders, other trustees, journalists, bloggers and the wider education community
- Providing leadership and credibility in the education field by sharing useful and timely information about online communication channels
- Monitoring social media accounts and engaging with critics and key influencers to address potential issues and correct factual inaccuracies
- Providing a low-barrier method for constituent feedback and interaction
- Posting live coverage of school board events for those who cannot attend.

## Social Media Presence

Just as with planning other forms of communications, there are no rigid rules for getting messages out through social media, but always keep in mind the following pieces of advice:

- Engaging on social media can demonstrate a genuine interest in



reaching out to and engaging with constituents. Twitter is one way to engage one-on-one with community members, staff and students. It can be a great way to foster positive relationships with constituents – without ever having to physically meet.

- Social media can be used to anticipate future policy minefields and ask constituents for their views in advance of boardroom debate. People will often appreciate the added opportunity to provide

their views on the issues that impact their community.

- Don't let social media accounts go stale. For example, send out a tweet (or two) at least every day to attract followers. Be engaging, punchy, succinct and humorous when appropriate. This will make the tweets, and therefore the information they convey, stand out. At the same time, pay attention to posting standards on each platform (e.g. an Instagram posting isn't required as frequently as Twitter).

These are some of the qualities that will keep content interesting:

- **Varied** – Cover a broad base of content types (e.g. pictures, text, audio) and sources to keep followers interested.
- **Lively** – Don't just regurgitate press release headlines. Posts should be written in conversational English.
- **Timely** – Posts should be about issues of immediate relevancy or upcoming events/opportunities.
- **Credible** – Posts can occasionally have a funny





hook but their connection back to priorities and objectives should always be defensible. If possible, there should be hyperlinks to related content or a call to action.

- **Inclusive** – In keeping with the knowledge-sharing culture of social media, take the opportunity to link to relevant content from a diverse range of sources other than personal or the school board website.

### Content

Often, the hardest part of maintaining social media

accounts is coming up with a variety of great content every day. Capture interesting and educational pieces to link in to everyday life. These can include: news releases, official school board letters and statements, new board campaigns and initiatives, YouTube videos, or sharing followers' content and live tweeting at events. Watch the school board account and other education accounts for content to retweet.

Aim to be established as a “thought leader” in the community. Sharing relevant research, events, awards and news from

elsewhere can position trustees as trusted sources of reliable high-quality, and relevant information.

### Risks of Social Media

Social media may provide many opportunities, it they also come with risks. It's important not to be deterred because risks can be mitigated with some proper planning and discipline. Some good advice for social media users includes:

- **Beware of trolls** – There are social media users out there who are merely looking to create or

encourage disagreement or abusive interaction. Learn to recognize a troll, and don't respond. "Walk" away.

- **People are watching** – It might sometimes seem like messages are sent into the void, but reporters and bloggers are always watching for stories, both online and offline. Saying something inflammatory on Facebook, Twitter and other platforms is no different than posting it on personal websites or newsletters. Don't post anything that shouldn't be said loudly in a crowded room.

- **Find a balance** – Be informative, but do not impose views on others. Welcome a range of viewpoints, and try to seek common ground. Social media must be democratic to be constructive.
- **Be aware of communication barriers** – Consider barriers such as language proficiency, culture and the accessibility needs of communities. For example, if posting an image with text, ensure the text is available in the post itself or via a link so that it can be read by a screen reader.
- **Report harassment** – Most applications have an option to block and report

complaints about other accounts. On Twitter, for example, block users from seeing one's tweets by clicking on their username and visiting their profile. Users can also be reported for disseminating spam and being abusive. Cyberbullying happens to people of all ages and backgrounds. If a user is taking their communications too far and bullying or abuse is felt, consider contacting the local police service.

**Promotion**

Once a trustee's objectives are determined, a format has been selected, and posts have been created, the final aspect in the social media



planning process should be promotion. People need to know trustees are on social media. Here are some ways to grow the audience:

- Post a prominent link on a personal website, Facebook page or blog
- Ask friends, coworkers and other trusted connections to promote proactively from their social media accounts
- Add a link to social media accounts in email signatures
- Add the link to all applicable newsletters, statements and news releases
- Email or call key ward stakeholders to communicate the news about a newly active social media account
- Create a posting calendar and commit to a schedule (e.g. one or two tweets per day).

### Evaluating Success

As with any good strategy, evaluation and follow-up are key to gauging the impact of one's efforts. To measure the effectiveness of social media initiatives, consider tracking things such as the number of followers, the number of retweets/shares, the volume and quality of two-way communication and any feedback from followers. Third party management

tools like Hootsuite can help by automating the tracking of the number of replies, retweets or likes.

It is important to review the plan periodically and evaluate its effectiveness. Ask fellow trustees and the community whether they feel that appropriate information sharing is taking place. Use this information to strengthen the plan going forward. Also, be sure to act on some of the feedback received. Keep a log of good suggestions and take action. If online presence needs refining, look to the approaches that are being successfully used by other individuals or groups.

Finally, don't worry if the audience doesn't grow quickly. Social media audience growth takes time. It's an organic process that builds with trust. Followers should be judged by quality, not quantity. Having 25 local leaders reading tweets every day can be far more effective than having 2,000 engaged followers spread out across the globe.

### OPSBA Social Media Platforms and Resources

OPSBA's social media Twitter account, <https://twitter.com/OPSBA>, allows the Association to communicate directly with key online

audiences as part of its wider effort to be accountable and transparent to the education community. The Twitter account gives OPSBA the ability to extend the reach of its strategic messaging by building relationships with relevant Twitter users including school board stakeholders, trustees, journalists, bloggers and the wider education community and is an excellent example of how social media can be utilized as a valuable communication tool.

OPSBA's Instagram account, [https://instagram.com/opsba\\_official](https://instagram.com/opsba_official), allows for the posting of photos and videos. The popular social media platform gives the Association the ability to communicate directly with stakeholders using visual-heavy tactics.

*"Social Media: An Overview for Publicly Elected Trustees,"* is a helpful resource. Developed by OPSBA, it provides tips and useful information about how to use social media effectively and responsibly as an elected official. This resource is posted on the OPSBA website at [www.opsba.org](http://www.opsba.org).





# Appendix

## The Ontario Public School Boards' Association



### ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

**Leading Education's Advocates**

#### What is OPSBA?

The Ontario Public School Boards' Association (OPSBA) represents 31 English language public district school boards and public school authorities across Ontario, which together serve more than 1.3 million public elementary and secondary

students. The Association advocates for the best interests and needs of students in the public school system in Ontario. OPSBA is seen as a highly credible voice of public education in Ontario and is routinely called on by the provincial government for input and advice on legislation and the impact of government policy directions.

#### Statement of Mission and Beliefs

The mission of OPSBA is to promote and enhance public education by: helping Member Boards to fulfil their mandates; developing

effective partnerships with other groups interested in public education; and providing a strong and effective voice on behalf of public education in Ontario.

OPSBA believes that the role of public education is to provide universally accessible education opportunities for all students regardless of their ethnic, racial or cultural backgrounds, social or economic status, individual exceptionality, or religious preference. Excellence in education is achieved by:

- Promoting high standards of individual achievement
- Providing the understanding and basic





skills required for active, compassionate participation in the life of the family, the community, the province, the nation, and a global society

- Cultivating a love of learning
- Employing highly qualified, highly motivated teachers, strongly committed to ongoing professional development
- Recognizing the value of diversity among learners and communities
- Exploring creative educational alternatives

To maintain excellence, the public school system must be accountable to the communities it serves and must build effective

partnerships throughout those communities.

Local, democratically elected school boards are critical to ensuring that local accountability and service.

## 10 Good Reasons Why School Boards Belong in OPSBA

- Effective advocacy on issues that make a difference for students including: education funding, Indigenous education, children and youth mental health, special education, technology in teaching and learning, transportation, and school accommodation reviews

- High quality professional development opportunities for school trustees
- Media relations, social media and information services support on key issues
- United and credible voice in advocacy and action on legislative and policy changes
- Democratic environment and responsiveness to member board needs
- Access to energy savings and other education services through OPSBA's partnership with the Ontario Education Services Corporation
- Practical support for complying with legislative and regulatory change
- Strategic relations with education partners across Ontario and Canada
- Effective leadership in collective bargaining
- OPSBA is a respected source of consultation by the provincial government for education initiatives

## Membership and Services

Public school boards reaffirm their membership in OPSBA annually by a resolution of the board and payment of the annual membership fee. Individual trustees do not pay membership fees. Once a board has joined OPSBA, all board trustees are automatically members of the Association and can fully participate in all Association activities, programs, and decision-making. In this way, a public school board is a corporate member of OPSBA. The Association's services are designed to benefit and meet the needs of boards as corporate entities, as well as individual trustees.

All public boards are members of OPSBA for many good reasons. These include high-quality services, the collective influence the Association has on provincial government decisions, participation in government work groups and committees that develop education policy, and the money saved through collective action. Every member board saves its annual membership fee many times over through the ongoing initiatives and cost-saving measures that OPSBA undertakes on their behalf.

The financial reasons for membership in OPSBA are matched by the information resources that the Association makes available to its membership. OPSBA has established a number of collaborative staff networks across the education sector. The Association provides numerous opportunities for member trustees to become knowledgeable about vital emerging issues, such as the implications of new legislation and policies. The Association ensures as well that its members have opportunities to hear from and exchange ideas directly with political leaders, senior Ministry of Education staff, federation leaders and legal experts. This exchange of perspectives is highly valued by member board trustees and regarded as an important and essential part of their role.

School board trustees throughout the province benefit from participating in the Association's grassroots operational and policy development mechanisms. Through various committees, work groups, regional councils, and the board of directors, trustees are elected and/or appointed by their peers to participate in all aspects of the Association's business, from influencing provincial policy to planning conferences and honouring

the contributions of fellow school board members through annual awards.

OPSBA is non-profit, non-partisan, democratically run and provides an increasingly effective, unified voice for public education. It is an issue-driven organization and exists to serve its member boards by influencing government legislation and policy and by providing valuable services to member boards in ways that are much more cost effective than would be the case if individual boards acted in isolation.

## OPSBA's Service Areas

OPSBA offers a full range of services to its Member Boards in the following areas:

- Education Program Policy
- Policy Development
- Legislation and Regulation Monitoring and Analysis
- Government Relations
- Communications and Media Relations
- Labour Relations and Human Resources
- Education Finance
- Networking
- Conference, Meeting and Event Coordination
- Professional Development and Issues Awareness
- Association Administration and Operations



## Professional Development

OPSBA works with the Ontario Education Services Corporation to provide a suite of professional development modules for trustees. These can be found at [modules.ontarioschooltrustees.org](https://modules.ontarioschooltrustees.org) and [www.opsba.org](http://www.opsba.org).

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## GLOSSARY

### **ACÉPO**

Association des conseils scolaires des écoles publiques de l'Ontario. The association of school boards and trustees serving Ontario's French public school system.

### **ADFO**

Association des directions et directions adjointes des écoles franco-ontariennes. Members include school administrators in French-language schools in Ontario. Related associations for principals include OPC and CPCO.

### **AEFO**

Association des enseignantes et des enseignants franco-ontariens. The French-language affiliate of the Ontario Teachers' Federation.

### **AFOCSC**

Association franco-ontarienne des conseils scolaires catholiques. The association of school boards and trustees serving Ontario's French Catholic school system.

### **AGÉFO**

Association des gestionnaires de l'éducation franco-ontarienne. Members include managers in French-language school boards in Ontario.

### **ASFO**

Association des agentes et agents de supervision franco-ontariens. Members include supervisory officers in French-language school boards in Ontario. Related associations include OASBO, OCSBO, OCSOA, and OPSOA.

**CMEC**

Council of Ministers of Education, Canada.

**CODE**

Council of Ontario Directors of Education. Members include directors of education from all four school board systems – English and French public, and English and French Catholic (See also ECCODE and CODELF).

**CODEC**

Conseil ontarien des directions de l'éducation catholique. Members include the directors of education from the French-language Catholic school boards (See also CODE).

**CODELF**

Conseil ontarien des directions de l'éducation de langue française. Members include French-language directors of education in Ontario of both public and Catholic French-language school boards (See also CODE).

**Collaborative Professionalism**

Collaborative professionalism is defined by the Ministry of Education as professionals at all levels of the education system working together, sharing knowledge, skills and experience to improve student achievement and well-being of both students and staff.

**COSBO**

Council of School Business Officials. Members include superintendents of business or senior business officials from all four school board systems.

**COSHRO**

Council of Senior Human Resource Officials. Members include representative superintendents of human resources or other senior human resources officials from all four school board systems.

**Coterminous Boards**

District school boards that serve all or part of the same geographical area.

**DEF**

District Effectiveness Framework is an overview of the characteristics of high performing school districts.

**DSB**

District school board.

**ECCODE**

English Catholic Council of Directors of Education. Members include directors of education for English Catholic school boards (See also CODE).

**ECE**

Early Childhood Educator. Works in a team with a teacher in full-day kindergarten classrooms.

**EDU**

Ministry of Education. An abbreviation used by the ministry in some of its publications.

**Elementary Level**

Junior Kindergarten to Grade 8 (See also Primary Division, Junior Division, and Intermediate Division).

**EQAO**

Education Quality and Accountability Office. A crown agency established in 1996 to measure and communicate the achievements of students, schools, and school boards, using province-wide assessments of students and other indicators.



**ESA**

Education Services Agreement (commonly referred to as a Tuition Agreement).

**ETFO**

Elementary Teachers' Federation of Ontario. An affiliate of the Ontario Teachers' Federation, representing English public elementary teachers.

**FDK**

Full-Day Kindergarten. This program for four and five year olds was instituted in Ontario on September 2014.

**GSN**

Grants for Student Needs.

**ICT**

Information and Communication Technology.

**IEP**

Individual Education Plan. A special education plan developed for a student who requires specific services, supports and accommodations.

**Intermediate Division**

Grades 7 to 10.

**IPRC**

Identification, Placement and Review Committee. A committee made up of at least three individuals, at least one of whom is a principal or a supervisory officer, who decide whether individual students should be formally identified as exceptional and, therefore, requiring special education support.

**Junior Division**

Grades 4 to 6.

**LRA**

*Labour Relations Act.*

**MACSE**

Minister's Advisory Council on Special Education.

**MFIPPA**

*Municipal Freedom of Information and Protection of Privacy Act.*

**NTIP**

New Teacher Induction Program - supports the growth and professional development of new teachers.

**OASBO**

Ontario Association of School Business Officials. Members include administrators from school boards throughout Ontario. Related associations include ASFO, OCSBO, OCSOA, COSBO, and OPSOA.

**OCSBO**

Ontario Catholic School Business Officials. Members include administrators in Catholic school boards throughout Ontario. Related associations include ASFO, OASBO, CSOA, COSBO, and OPSOA.

**OCSOA**

Ontario Catholic Supervisory Officers' Association. Members include supervisory officers for Catholic school boards throughout Ontario. Related associations include ASFO, OASBO, OCSBO, and OPSOA.

**OCSTA**

Ontario Catholic School Trustees' Association.

**OCT**

Ontario College of Teachers. The Ontario College of Teachers establishes and implements standards for certification, teaching practice, and professional development. It also accredits faculties of education. The OCT is a self-regulating professional body, which may confer, suspend, or rescind the teaching certificates of its members.

**OECTA**

Ontario English Catholic Teachers' Association. An affiliate of the Ontario Teachers' Federation.

**OEN**

Ontario Education Number. A number assigned to each student by the Ministry of Education to facilitate data collection.

**OESC**

Ontario Educational Services Corporation. A non-profit organization set up by the four school board associations (OPSBA, OCSTA, ACÉPO, and AFOCSC) and the Council of Directors of Education (CODE) to provide services to school boards, (e.g., a school energy coalition which intervenes at the Ontario Energy Board to effect savings for boards).

**OLF**

Ontario Leadership Framework is an overview of the leadership practices and personal leadership resources that support creating the conditions in which student achievement can thrive.

**OLS**

Ontario Leadership Strategy.

**OPC**

Ontario Principals' Council. Related associations include ADFO and CPCO.

**OPSBA**

Ontario Public School Boards' Association.

**OPSOA**

Ontario Public Supervisory Officers' Association. Members include supervisory officers in public school boards throughout Ontario. Related associations include OASBO, OCSBO, OCSOA, and ASFO.

**OSR**

Ontario Student Record.

**OSS**

Ontario Secondary Schools, Grades 9 to 12: Program and Diploma Requirements, 1999.

**OSSC**

Ontario Secondary School Certificate.

**OSSD**

Ontario Secondary School Diploma.

**OSSTF**

Ontario Secondary School Teachers' Federation. The federation representing English public secondary teachers.

**OSSLT**

Ontario Secondary School Literacy Test. A province-wide test administered by the EQAO and written by Grade 10 students. The test is based on the Ontario curriculum expectations for language and communication – particularly reading and writing – up to and including Grade 9.

**OSTA**

Ontario Student Trustees' Association. The association representing student trustees from public boards. OSTA-AECO liaises with Regroupement des élèves conseiller.ère.s francophones de l'Ontario, which represents students in both public and Catholic French-language boards.

**OTF**

Ontario Teachers' Federation. An umbrella organization for the following affiliates: OECTA, OSSTF, ETFO, and AEFO.

**PIC**

Parent Involvement Committee. This is a system-level committee of parent representatives established to support improved student achievement and well-being through encouraging and enhancing parent involvement. The Parent Involvement Committee may provide advice to the Board.

**PIRLS**

Progress in International Reading Literacy Study. An international assessment conducted through the International Association for the Evaluation of Educational Achievement (IEA), involving a random sampling of students in more than 30 countries. Ontario students participate in this assessment.

**PISA**

Programme for International Student Assessment. An international assessment in reading, mathematics and science for 15 year olds conducted through the Organization for Cooperation and Development (OECD) involving a random sampling of students in more than 30 countries. Ontario students participate in this assessment.

**Primary Division**

Full-Day Kindergarten to Grade 3.

**Public School Boards**

The non-Catholic English and French-language school boards.

**RECFO**

Regroupement des élèves conseiller.ère.s francophones de l'Ontario. The association representing student trustees from the French public and French Catholic school boards

**Rules of Order**

Rules of Order refer to the parliamentary procedures followed to ensure motions are introduced, debated and voted on in an orderly manner.

**SAL**

Supervised Alternative Learning - relates to policies and programs intended to re-engage young people 14 to 17 years old who are not attending school and are at risk of not graduating.

**School Authorities**

Governing bodies for school systems in remote or distinct communities that are not served by district school boards. In this handbook, the terms school board and board are used to refer to both district school boards and school authorities.

**School Councils**

Advisory bodies composed of parents, community members, and others with a mandate to provide advice to the school principal and the school board on certain matters.

**SEAB**

Special Education Appeal Board. A committee established by a school board to hear an appeal of an IPRC decision, either for or against identifying a student as exceptional.



**SEAC**

Special Education Advisory Committee. A committee established by each school board to monitor the board's special education programs, services, and plans.

**Secondary Level**

Grades 9 to 12 (See also Intermediate Division and Senior Division).

**Senior Division**

Grades 11 and 12.

**SET**

Special Education Tribunal. A tribunal established by the Ministry of Education to hear appeals made by parents who disagree with the identification and/or placement decision made by a school board following a meeting of an Identification, Placement, and Review Committee, and a subsequent meeting with an appeal board. The appeal proceeds before the tribunal as a formal hearing between the parents and the school board.

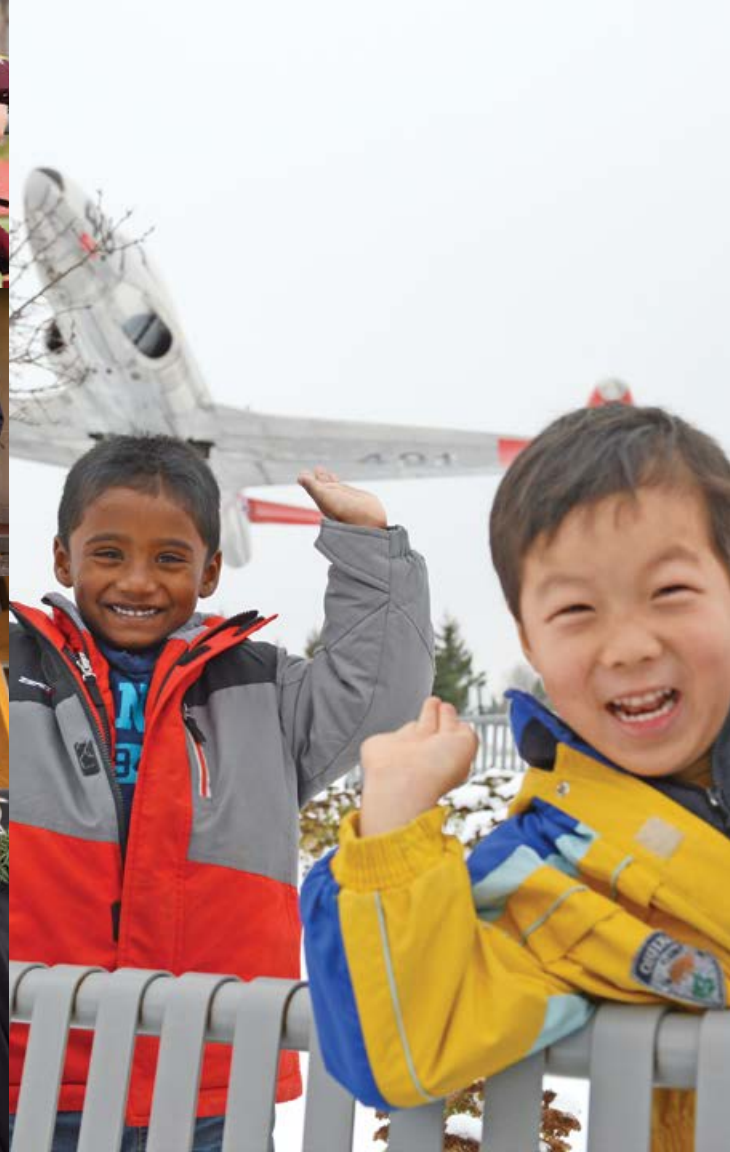
**TIMSS**

Trends International Mathematics and Science Study. Student tests conducted through the International Association for the Evaluation of Educational Achievement (IEA), involving a random sampling of students in more than 30 countries. Ontario students participate in this assessment.

**TPA**

Teacher Performance Appraisal is the appraisal process for teachers and is normally conducted once every five years against province-wide teacher performance standards.









ONTARIO PUBLIC  
SCHOOL BOARDS'  
ASSOCIATION

Leading Education's Advocates

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