Ministry of Education

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Ministère de l'Éducation

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Ontario

MEMORANDUM TO: Directors of Education

FROM: Bruce Drewett
Director
Leadership, Collaboration and Governance Branch

DATE: September 13, 2017

SUBJECT: Engagement on governance supports

The Ministry of Education is engaging with its education partners on several governance topics to identify and support effective practices that strengthen board governance, including:

- Integrity commissioner and trustee code of conduct
- Trustee honoraria
- Electronic participation in board and committee meetings
- Student trustee term of office and election process
- Broadening the director of education qualifications

We are seeking feedback from the following board advisory committees:

- Audit Committee
- Special Education Advisory Committee
- Parent Involvement Committee
- Indigenous Education Advisory Committee
- Equity/Diversity/Inclusion Committee

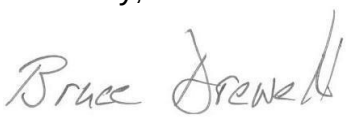
We are asking for your help to engage members of these committees by ensuring that they receive the attached cover letter and discussion guide. These materials provide background information and questions on each topic for their consideration.

Committees are asked to submit their responses by **November 13, 2017**.

If you have any questions, please contact Kyle Kubatbekov, Senior Policy Advisor, at kyle.kubatbekov@ontario.ca or (416) 325-7692.

Thank you very much for supporting this important engagement.

Sincerely,



Bruce Drewett

Attachment: Cover letter to board advisory committees
Discussion guide

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September 13, 2017

To: Members of
Audit Committee
Special Education Advisory Committee
Parent Involvement Committee
Indigenous Education Advisory Committee
Equity/Diversity/Inclusion Committee

Dear Member:

Strong and healthy school board governance is important to the achievement of our goals articulated in *Achieving Excellence: A Renewed Vision for Education in Ontario*. The ministry appreciates the importance of providing supports to our elected boards that contribute to building strong, accountable and transparent governance, inspire public confidence and lead to positive student outcomes.

Ongoing conversations with our education partners continue to inform the focus and format of supports to school boards, and help to identify effective practices that strengthen board governance.

To this end, the Ministry of Education is engaging with our education partners on several governance topics. Some topics — including the trustee honoraria formula and electronic meeting participation rules — have been raised by our partners who have identified the need to update and strengthen these governance supports. As part of this engagement, we are also seeking feedback on effective practices that could support boards in their efforts to strengthen local accountability and transparency frameworks.

We invite your committee to join this important conversation by sharing your feedback on the following topics:

- Integrity commissioner and trustee code of conduct
- Trustee honoraria
- Electronic participation in board and committee meetings
- Student trustee term of office and election process
- Broadening the director of education qualifications

The attached discussion guide provides background information and questions on each topic for your consideration.

We value diverse cultural, linguistic, geographic and ability perspectives, and look forward to advice from all individuals and groups, including those from First Nations, Métis, Inuit, Francophone, and northern, rural and remote communities.

Please e-mail your responses and any questions you may have to LDB-DDL@ontario.ca by **November 13, 2017**. You can also mail your written submissions to:

Ministry of Education
Leadership, Collaboration and Governance Branch
900 Bay Street, 13th Floor
Toronto, ON M7A 1L2

We welcome and value your input as we work together to foster high levels of public confidence in our education system. We look forward to receiving your submissions.

Thank you,

Bruce Drewett
Director

Discussion Guide

School Board Governance Supports

Introduction

The academic success and well-being of students in schools across the province relies on the focused and collaborative efforts of school boards, educators, school and system leaders, parents and guardians, and other education stakeholders. Working in partnership toward the goals of achieving excellence, ensuring equity and promoting well-being, we can continue to foster high levels of public confidence in our education system.

Recognizing how important strong and healthy governance is to the achievement of our shared goals articulated in *Achieving Excellence: Renewed Vision for Education in Ontario*, it is essential to provide supports to school board trustees and to promote effective governance practices. Ongoing dialogue with our education partners continues to inform the focus and format of those supports, and to help identify those practices that foster accountable and transparent governance.

Scope

This discussion guide provides background information and questions on each topic for your consideration:

1. Integrity commissioner and trustee code of conduct
2. Trustee honoraria
3. Electronic participation in board and committee meetings
4. Student trustee term of office and election process
5. Broadening the director of education qualifications

Please e-mail your responses or comments to LDB-DDL@ontario.ca.

Alternatively, you can mail your responses to:

Ministry of Education
Leadership, Collaboration and Governance Branch
900 Bay Street, 13th Floor
Toronto, ON
M7A 1L2

Please provide your response by **November 13, 2017**.

We value diverse cultural, linguistic, geographic and ability perspectives, and look forward to advice from all individuals and groups, including those from First Nations, Métis, Inuit, Francophone, and northern, rural and remote communities.

To help us make the most effective use of your comments, please consider identifying your school board or, if you prefer, your geographic region of the province (for example, northwestern Ontario) or whether you live in a rural or urban area.

If you are providing comments on behalf of an organization, please provide its name. If you are providing comments on behalf of a school board, please provide its name and indicate whether the submission has been endorsed by a board resolution.

Please note the ministry may summarize and share your input, including with other ministries and the public. Names of organizations and persons who indicate an affiliation may also be shared.

Discussion Topics

1. Integrity Commissioner and Trustee Code of Conduct

Strong, accountable and transparent school board governance contributes to Ontario's four goals for publicly funded education: achieving excellence; ensuring equity; promoting well-being; and enhancing public confidence. Every day, Ontario's school board trustees strive to achieve the highest standards of professional and ethical conduct to realize these goals in their local communities.

Together with our education partners, the Ministry of Education is exploring promising practices that will support trustees to foster strong, accountable and transparent governance. As part of this conversation, the Ministry is asking for input on the trustee code of conduct and a possible role for the office of an integrity commissioner to enhance local accountability and transparency frameworks.

Integrity Commissioner – Background

In Ontario, integrity commissioners are an integral part of the accountability framework for Members of the Provincial Legislature, and for many municipalities. An important part of their role is to provide education and advice to elected officials on ethical matters affecting them in their day-to-day activities. For example, in providing conflict of interest advice, the Ontario Integrity Commissioner helps prevent ethics violations before they occur.

On May 30, 2017, the Government passed *Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017*, which contains provisions amending the role and appointment of the municipal integrity commissioner. If/when these provisions are proclaimed, municipalities would be required to provide all members of municipal council with access to an integrity commissioner, who would:

- provide education and advice to members on their obligations under the member's code of conduct, other rules governing the ethical behaviour of local members, and the Municipal Conflict of Interest Act; and
- investigate complaints under the member's code of conduct and the Municipal Conflict of Interest Act.

Currently, there are no legislated requirements for an integrity commissioner in school boards, but nonetheless, boards have the ability to create this position individually. The Toronto District School Board (TDSB) appointed an integrity commissioner following the

recommendations in the 2015 Report of the TDSB Governance Advisory Panel ("the Hall Report"). When the Hall Report was released the Minister of Education committed to engaging education partners on possible accountability offices for school boards.

Trustee Code of Conduct – Background

Currently, there is no legal requirement for school boards to have a trustee code of conduct; however, the Minister of Education has authority under the Education Act to require boards to have a trustee code of conduct and to include specific provisions as part of their code of conduct.

Under the Education Act, only a trustee can bring forward a code of conduct complaint against another trustee. The board must look into the complaint If the board finds that a trustee has contravened the code of conduct, the board may:

- censure the trustee
- bar the trustee from attending all or part of a board or committee meeting
- bar the member from sitting on committees for a period of time specified by the board.

Almost all Ontario school boards have posted on their website a trustee code of conduct, which sets out rules of conduct and ethical behaviour that all members of the board agree to uphold and respect.

School boards determine the content of their trustee code of conduct locally. Although they vary from one school board to another, most codes of conduct include rules relating to civil behaviour, the use of board resources, and avoidance of personal advantage, including rules around acceptable gifts. School boards may also have other policies, rules and procedures that govern the ethical behaviour of trustees. These may address issues such as workplace harassment, treatment of confidential information and other matters.

<u>Discussion Questions</u>

1. What effective practices and structures could support school boards to strengthen board accountability and public confidence?

2. What role could an integrity commissioner play in fostering strong, accountable and transparent board governance?

3. Should there be minimum provisions for a trustee code of conduct required for all school boards? If so, what would those be?

4. In addition to those already contained in the Education Act, should there be a broader range of sanctions for code of conduct violations?

2. Trustee Honoraria

Trustees play an important role in publicly funded education in Ontario. In our diverse boards across the province, trustees work toward the goals of achieving excellence, ensuring equity, promoting well-being, and fostering high levels of public confidence in our education system.

The board of trustees sets the vision for the school board, develops policies, allocates resources, and sets the goals that lay the foundation and drive programs and operations in the board. Collectively, they create the board's multi-year strategic plan for student achievement and well-being. They recruit and monitor the performance of the director of education to ensure the board's progress in meeting its goals. In carrying out their role, trustees engage in a number of important activities, including:

- Preparing for and attending regular board meetings and participating on various committees. Certain committees of the board are required by law to have trustee members: the Audit Committee, the Parent Involvement Committee, the Supervised Alternative Learning Committee, and the Special Education Advisory Committee.
- Responding to calls, e-mails and queries from constituents.
- Engaging with parents and communities to ensure their concerns and priorities are brought to the decision-making table.
- Hosting community meetings, attending school council meetings and other community events and school functions.
- Advocating for public education and engaging with municipalities and other levels of government to support education priorities.

The focus of their work can vary depending on the board's goals and on internal and external factors (e.g. growing and declining student enrolment). In a board that embraces good governance practices, trustees demonstrate responsiveness and strive for excellent communication with partners and constituents, which contributes to the time a trustee must commit to fulfill her or his role.

Outgoing trustees set the trustee honoraria policy for the four-year term of office, prior to elections for the new term of office. There are maximum amounts determined by a formula set out in a regulation made under the Education Act:

- Annual **base amount** limit of $5,900 for each trustee, with an additional $5,000 for the chair and $2,500 for the vice-chair.
- Annual **enrolment amount** limit based on the board's prior year student enrolment numbers. The enrolment amount fluctuates with enrolment growth or decline. The enrolment amount limit for a trustee can vary from $100 – $300 in the smallest boards per trustee per year, to $16,000 – $22,000 in the largest boards. The chair and vice-chair are entitled to a higher enrolment amount, from $500 – $5,000 for the chair and from $250 – $2,500 for the vice-chair depending on enrolment.

- **Attendance amount** limit of $50 for attending meetings of certain board committees[1].
- **Distance amount** limit of $50, applies to geographically large boards for travel exceeding 200km to attend a meeting of the board or certain committees[2].

Discussion Questions

1. Should the formula for calculating the level of trustee honoraria be simplified?
2. If so, what components of the current formula should be preserved?
3. Which ones should be changed?
4. Should any components be added?

[1, 2] These are the Audit Committee, the Parent Involvement Committee, the Supervised Alternative Learning Committee, and the Special Education Advisory Committee.

3. Electronic Participation in Board and Committee Meetings

Currently, trustees can attend board meetings electronically; however, each trustee must physically attend at least three board meetings in the 12 months beginning December 1 of the first year and ending November 30 of the following year.

The board chair or his/her designate must attend all meetings of the board or the committee of the whole board in person. In addition to the board chair, at least one additional trustee and the director of education or his/her designate must be physically present at the meeting.

For committee meetings, the requirement is for the chair or his/her designate and the director of education or his/or her designate to be present in person.

Some school boards in Ontario have large geographic jurisdictions, ranging from 40,000 km^2 to over 65,000 km^2. Trustees in these boards may need to travel a full day each way to attend meetings.

Discussion Questions

1. What impact, if any, do the current electronic meeting rules have on the leadership of the board?
2. Are there appropriate circumstances for a board or committee chair to participate electronically? If so, what are those circumstances?
3. What practices and resources could facilitate effective meetings where the chair or other members participate electronically?

4. Student Trustee Term of Office and Election Process

Student trustees represent the interests of students by bringing the voice of students, and their multiple perspectives, to the board table. Working side by side with school board trustees, they provide input on policies that directly affect students in their board schools. Student trustees do not have a binding vote on matters before the board or its committees. However, with only a few exceptions, they have the same opportunities to participate at board and committee meetings as any other board members.

Each year, school boards are required to provide for the election of 1-3 student trustees. Student trustees must be elected either directly by students of the board, or indirectly by student representative bodies such as student councils. However, unlike school trustees who are elected under the same election rules across the province, school boards have some flexibility to determine how the student trustees in their board will be elected. There are many different ways in which student trustees are nominated and elected to office. For example, in some boards, any secondary student may be nominated for student trustee and every secondary student has the right to vote for a student trustee representative. In other boards, the student council in each secondary school elects one or more students to a Student Senate; the student trustee(s) is then elected by, and from, the Student Senate.

To be eligible for the office, a student must be a full-time pupil in the senior division of the board. This requirement does not apply to a student who may not be able to attend a full-time program because of being enrolled in a special education program for exceptional pupils.

Student trustees are elected for a one-year term of office, beginning on August 1 of the election year and ending on July 31 of the following year.

<u>Discussion Questions</u>

1. How can boards increase the student voice in decision-making?
2. How can student trustees be supported to be successful in their role? What effective practices can you share from your board, or boards that you are familiar with?
3. The Education Act and regulations provide for a one-year term of office for student trustees. What are the benefits of a one-year term? What are the challenges?
4. What are the benefits and challenges of a longer term of office?
5. Thinking about the student trustee election process in your board and in boards that you are familiar with, what works well? What could be improved?
6. Should there be greater consistency in the election process for student trustees among school boards? What are the benefits and challenges of having a more consistent process?
7. How can boards promote awareness of the student trustee position within the larger student body?

5. Broadening the Director of Education Qualifications

In its 2015 report, the Toronto District School Board Governance Advisory Panel stated that current rules make it difficult for boards to recruit individuals for the position of director of education from jurisdictions outside Ontario. Currently, candidates from other jurisdictions, including those working in equivalent positions, are required to complete a very rigorous and time-consuming prior-learning assessment and recognition process.

Under the Education Act, the director of education is the chief executive officer and chief education officer (CEO) of the board. The director reports to the board, and also acts as its secretary.

Working closely with the board of trustees, the director of education supports the development of the multi-year strategic plan, which sets long-term strategic priorities and goals of the board. The director is also responsible for implementing and monitoring the implementation of the plan.

As CEO, the director of education is responsible for day-to-day management of the organization, which includes responsibilities for managing all facets of school board operations and implementing board policies.

To qualify for the position of director of education, an individual must be a supervisory officer in Ontario with teaching qualifications. This requires the successful completion of the Supervisory Officer's Qualification Program (SOQP). The Program includes the study of theories and practices of supervision, administration and business organization.

To enrol in the SOQP, applicants must be a certified teacher with five years of teaching experience, hold a master's degree and either principal's qualifications or two years of experience in education administration.

Ontario is the only province in Canada that requires a special credential for supervisory officers and directors.

<u>Discussion Questions</u>

1. What are the necessary competencies for a director of education?
2. How can Ontario school board leaders be supported to prepare for the role of director (e.g. to have the necessary governance, business and Human Resources skills)?
3. How can we increase the number of qualified candidates for director of education positions?
4. How could we make the qualification requirements and recruitment process in Ontario more appealing to potential candidates from other jurisdictions?

5. How can we support the professional learning of directors after they are appointed?
6. What supports do boards need to successfully identify and evaluate director candidates?

Resources

If you have additional questions about the current school board governance framework or the key themes of the review, please refer to the resources below:

- Good Governance: A Guide for Trustees, School Boards, Directors of Education and Communities
- Ontario Education Act
- Ontario Ministry of Education website
- Association des conseils scolaires des écoles publiques de l'Ontario
- Association franco-ontarienne des conseils scolaires catholiques
- Ontario Catholic School Trustees' Association
- Ontario Public School Boards' Association
- Council of Ontario Directors of Education

Contact

If you have any questions, please contact Kyle Kubatbekov, Senior Policy Advisor, at kyle.kubatbekov@ontario.ca or (416) 325-7692.