



ONTARIO PUBLIC
SCHOOL BOARDS'
ASSOCIATION

Leading Education's Advocates

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Presentation to Standing Committee on Social Policy regarding BILL 177

Good Afternoon.

I am Colleen Schenk, President of OPSBA - the Ontario Public School Boards' Association. I'm joined here today by our Vice-Presidents Catherine Fife and Riley Brockington.

Thank you for this opportunity to comment on Bill 177.

We will leave a more detailed written submission that addresses our points of concurrence, our main challenges with the Bill and recommended revisions.

Bill 177 flows, to a great extent from the report of the Minister's Governance Review Committee. OPSBA and its member school boards were actively engaged in this governance consultation process.

We know that reaction to the Bill was complicated by the release this summer of the Ministry's consultation paper on Provincial Interest Regulations which flow from earlier amendments to the *Education Act* made in 2006. There is, without doubt, overlap between the two pieces of legislation and, taken together, they raise significant issues for us; these could be characterized as increases in responsibility and accountability for school boards accompanied by diminishment of school board authority. This is why we consistently emphasize the need for support, collaboration and partnership among all levels of government; we all have a shared and vested interest in making sure that all children in the province have every opportunity to succeed in school and in life.

When the Governance Review Committee's report was released, it affirmed the importance of school boards as an effective and vital level of governance for promoting democracy and civic engagement at the local level. We did, however, take issue with directions in the report that expanded scope for imposing supervision on school boards. This was contrary to our input.

OPSBA supports the need for greater clarity around each partner's respective roles, responsibilities and scope of accountability.

Today we want to talk about specific provisions in Bill 177. There are some that we clearly support and others that we believe require more work. Our comments follow the order in which provisions appear in the Bill.

Purpose

We strongly support a preamble to the Bill that provides an overall purpose. It identifies the shared and common purpose of all the partners in education and is a strong and positive statement of our societal responsibility to students, their parents and the broader community.

Regulations: Responsibilities of Boards

This provision enables enactment of regulations to govern the roles, responsibilities, powers and duties of boards and board members. Because this relates so directly to our work and purpose, we recommend that the provision include a formalized commitment to consultation with trustee organizations whenever regulations arising from this proposed section are considered or amended. This would be similar to the language found in the Education Act, Section 11.1.

Parent Involvement Committees

Parent engagement is a critical component of an effective school system and the active role of parents is a key factor in student achievement. School boards should be consulted about any proposed regulations in this area, including how such committees will align with comparable committees that already exist in boards.

Duties and Powers of School Boards

Under Duties and Powers of School Boards, we emphasize our commitment to a primary focus on students and their success, to school board accountability, and to transparent reporting to parents, community and the Ontario public. These are key values for us and the cornerstones of our commitment to an excellent public education system.

We point out here that this section intersects with the amendments made to the Education Act in 2006 under Bill 78 relating to student achievement. The combined provisions will lead to Provincial Interest Regulations. The experience of our dialogue with the Ministry over the summer on this matter underscores for us the critical role we need to have in contributing to the development of these Regulations. We understand that the Ministry intends to solicit this kind of contribution from all education partners.

We emphasize the need for our contribution because:

- It is important that there be a whole child approach to the concept of student outcomes.
- It is important that the accountability of Boards for student achievement and student well-being be linked to and supported by a clear recognition of the responsibilities of the Ministry of Education and other levels of government, and recognition of relevant conditions that are outside the control of school boards.
- It is important that the measures to be incorporated into multi-year plans are realistic and do not adversely affect the intent of programs designed to support students

We urge a formalized commitment to consultation with trustee organizations and locally elected school boards in the development of relevant regulations.

Finally on this particular section, we emphasize that a critical factor in a board's capacity to meet its requirements is having adequate and appropriate funding from the Ministry to cover all the obligations pertaining to school boards, as well as program, policy and political support to meet the full range of needs of the children and youth for whom we carry a shared responsibility.

Duties of Board Members

OPSBA supports Section 218.1. The described duties of board members are consistent with the role they currently perform. We propose two wording changes.

With regard to Board resolutions, we recommend the word “uphold” rather than “support.” As elected officials, trustees should be able to communicate and explain board decisions, including why they may not have voted for a particular decision. We expect all trustees to uphold any final board decision. We support language that balances freedom of expression while reinforcing responsibilities.

In subsection (e) we recommend that the wording be changed to “entrust the day-to-day operations... to the Director of Education and senior staff.” This is more respectful and positive than: “refrain from interfering in the day to day management of the board by its officers and staff.” It should be noted that the provincial Governance Review Committee did not support this negative sentiment.

Code of Conduct & Enforcement of Code of Conduct

Many school boards currently have policies in this area and we believe that these Codes already contribute to confidence in public education and respect for the integrity of the trustees in the community.

OPSBA supports provincial guidance regarding a code of conduct and consistency across the province. A clear board- supported process is needed concerning sanctions and how they are imposed and enforced. These processes must also incorporate due regard for the elected role of trustees.

We understand that detail on how such a provision would be administered will be found in regulations and ultimately be contained within individual board Code of Conduct policies. We strongly request a commitment on consultation with trustee organizations in the development of regulations.

In our submission to the Governance Review Committee, we endorsed the concept of an external third party to investigate alleged breaches of conduct. This would respect the principle of finding of fact and consideration of appropriate consequences by a party that carries no political interest. We see this as a step to be pursued once everything has been done at the local board level to resolve the alleged breach. The Governance Review Committee supported this suggestion and recommendation.

We have strong concerns about the inclusion of specific sanctions in Sub-section (3) of this part of Bill 177. The provisions would impose sanctions on elected trustees that have no parallel in the Standing Orders of Parliament and do not apply to any other elected official. This reinforces an approach we see in other provisions of the Bill that point to a diminishment of the role of trustees and an erosion of their status as individuals democratically elected to office and as a board of trustees. A trustee is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a trustee.

With regard to First Nation trustees, we suggest that there should be recognition of the unique role of the First Nation community and the Chief and Council in the appointment of the trustee. This would include an understanding and written protocol between the First Nation government and the Boards or Ministry with regard to any decision affecting a First Nation Trustee. There is a unique government to government aspect in this case.

To conclude, Bill 177 has inspired vigorous discussion among stakeholders in the education sector. We are confident this presentation and our written submission bring clarity to the issues we have as school boards and as elected trustees.

The amendments to the Education Act and development of Regulations should reflect the consistency between a profound responsibility for student achievement and well-being and the stewardship trustees undertake when they run for office. School Boards were the first model of local governance established in Canada by European settlers. They have a long, effective and

successful history. That's because they work. They work for students and parents, the school community and taxpayers.

Thank you for listening. We look forward to a strong consultative role in regulations that will flow from this proposed legislation.

Colleen Schenk

President

Ontario Public School Boards' Association