



SELECTION OF THE DIRECTOR OF EDUCATION

Procedures

1.0 Board Expectations

1.1 The Selection Committee

- 1.1.1 When the Board is aware that the position of the Director of Education will become vacant, the Board may select a consultant to assist in the screening and selection process. The consultant may be asked to perform any of the duties related to the search and selection process, including reference checks and qualifications of the applicants.
- 1.1.2 To ensure that the selection process considers local needs, the Board will gather information about the strengths of the system, the challenges for the coming years, and the qualities and skills that are perceived as necessary for the Director of Education. Those to be consulted may include the senior team, trustees, employee groups, and the Parent Involvement Committee.
- 1.1.3 The consultant, or a designate of the Selection Committee (if no consultant is hired), is responsible for the in-service training of the committee as required to ensure a consistent and fair process.
- 1.1.4 The Board will stress the importance of confidentiality and respect for all candidates throughout each step of the process.

1.2 The Board Interview

- 1.2.1 Once the Board has ranked all internal and external applicants, it shall recommend an appropriate number of candidates for final consideration in an interview with the Board.
- 1.2.2 All Trustees of the Board, except the student trustees, will be involved in the Board interview for the Director of Education's position.

1.3 Final Decision

- 1.3.1 If a candidate is supported by majority of the Board in Committee of the Whole In-Camera, a recommendation will go to open session that the Board hire the candidate and send a letter requesting the Ministry of Education to appoint the selected candidate. The Board motion shall include the length of term of the personal service contract of the new Director of Education and the start date. The Chair will then offer the position to the successful candidate, which will be held in confidence, as they await the Ministry of Education letter granting the appointment.

1.4 Appointment

- 1.4.1 The Chair of the Board or retiring Director shall write to the Ministry of Education requesting permission to appoint the selected candidate for the position of Director of Education and Secretary to the Board.
- 1.4.2 Upon receipt of Ministry approval of the candidate selected, District School Board Ontario North East will make a formal resolution in open session to appoint the candidate as Director of Education and Secretary to the Board.
- 1.4.3 The announcement of the acceptance and appointment of the new Director will be coordinated with the new Director of Education and the communication person of the board.

Appendices

Appendix A: Ontario Leadership Framework

Appendix B: Supervisory Officers: Certification, Appointment and Notice of Suspension/Dismissal (2011)

Appendix C: Bill 177 (amended 2009)

References

Education Act, S 279 Duty of Board to Employ a Director of Education

Education Act, S 283 Chief Executive Officer

Education Act, S 283.1 Additional Duties of Director of Education

Ontario Regulation 239 Supervisory Officers

Municipal Freedom of Information and Protection of Privacy Act

Ontario Leadership Framework 2012 (Appendix A)

Revised Guide- Supervisory Officers: Certification, Appointment and Notice of Suspension/Dismissal. December 2011 (Appendix B)

Bill 177, the Student Achievement and School Board Governance Act, 2009 (Appendix C)

Appendices

Reference

Appendix A

SYSTEM-LEVEL LEADERSHIP

Leadership is the exercise of influence on organizational members and diverse stakeholders toward the identification and achievement of the organization’s vision and goals.

Leadership practices described in the School-level Leadership section of the Ontario Leadership Framework (OLF) are equally useful for both school- and system-level leaders, but those practices are enacted in qualitatively different ways. This placemat of system-level leadership practices adds to those common leadership practices a set of unique practices demanded of system-level leaders organized by the nine characteristics of strong districts outlined in the *District Effectiveness Framework* (DEF). The practices and personal leadership resources below capture how system leaders contribute to the development of strong districts.

Establish broadly shared mission, vision and goals founded on aspirational images of the educated person	Provide coherent instructional guidance	Build district and school staff’s capacities and commitments to make informed decisions	Create learning-oriented organizational improvement processes	Provide job-embedded professional learning	Align budgets, time and personnel/policies/procedures with district mission, vision and goals	Use a comprehensive performance management system for school and district leadership development	Advocate for and support a policy-governance approach to Board of Trustee practices	Nurture productive working relationships with staff and stakeholders
<ul style="list-style-type: none"> Ensure that a transparent visioning/direction-setting process is carried out Consult extensively about district directions as part of the process Spend sufficient time to ensure that the mission, vision and goals (directions) of the system are widely known, understood and shared by all members of the organization Articulate, demonstrate and model the system’s goals, priorities, and values to staffs when visiting schools Embed district directions in improvement plans, principal meetings and other leader-initiated interactions 	<ul style="list-style-type: none"> Align curricular goals, assessment instruments, instructional practices and teaching resources Insist on ambitious goals for teaching and learning Advocate for attention to the best available evidence to inform instructional improvement decisions Expect schools to focus on needs of individual as well as groups of students Encourage staff to be innovative within the boundaries created by the district’s instructional guidance system 	<ul style="list-style-type: none"> Use data from all available sources to assist decision making in the central office Insist on the use of the best available research and other systematically collected evidence to inform decisions wherever possible Encourage collaboration in the interpretation and uses of data Build system’s capacity and disposition for using systematically-collected data to inform as many decisions as possible Provide training for principals and staff on the use of data and research literature to sustain decision-making Model evidence-informed decision making to school staffs Ground interactions with, and advice to, trustees in sound evidence 	<ul style="list-style-type: none"> Require improvement processes to be evidence-informed Set a manageable number of precise targets for district school improvement Include school-level leaders in decisions about district-wide improvement decisions Create structures and norms within the district to encourage regular, reciprocal and extended deliberations about improvement progress within and across schools, as well as across the system as a whole Develop and implement board and school improvement plans interactively and collaboratively with school leaders Create structures to facilitate regular monitoring and refining of improvement processes Acknowledge provincial goals and priorities in district and school Allow for school-level variation in school improvement efforts 	<ul style="list-style-type: none"> Provide extensive professional learning opportunities for both teachers and school-level leaders, most of it through some form of learning community or on-the-job context Use internal system networks as the central mechanism for the professional development of school-level leaders Align the content of professional training with the capacities needed for district and school improvement Require individual staff growth plans to be aligned with district and school improvement priorities Hold staff accountable for applying new capacities by monitoring the implementation of school improvement plans 	<ul style="list-style-type: none"> Align the allocation of resources with district and school improvement goals Align personnel policies and procedures with the district’s improvement goals Align organizational structures with the district’s improvement goals Provide principals with considerable autonomy in the hiring of teaching staff Expect and assist schools to allocate instructional resources equitably 	<ul style="list-style-type: none"> Use the best available evidence about successful leadership (e.g. OLF) as a key source of criteria for recruiting, selecting, developing and appraising school and district leaders Match the capacities of leaders with the needs of schools Provide prospective and existing leaders with extended opportunities to further develop their leadership capacities Develop realistic plans for leadership succession Promote co-ordinated forms of leadership distribution in schools 	<ul style="list-style-type: none"> Encourage trustees to focus on district policy and the achievement of the district’s goals and priorities (policy governance model of trustee practice) Encourage participation of the elected board in setting broad goals for its use in fulfilling its policy-setting and policy-monitoring responsibilities Regularly report to the board progress in achieving these broad goals 	<p>Internal district and school staffs</p> <ul style="list-style-type: none"> Adopt a service orientation toward schools Develop communication systems and processes throughout the district to keep all members informed Develop open, accessible and collaborative relationships with principals Encourage reciprocal forms of communication with and among schools Promote high levels of interaction among school leaders. These interactions should include all school leaders and be driven by a shared sense of responsibility among school leaders for system improvement Create structures to facilitate reciprocal forms of communication. These structures and norms should result in deeply interconnected networks of school and system leaders working together on achieving the system’s directions. Buffer schools from external distractions to the district’s and schools’ priorities and goals <p>Local Community Groups</p> <ul style="list-style-type: none"> Routinely consult with community groups on decisions affecting the community Encourage staff to participate directly in community groups Demonstrate the importance the district attaches to its community connections <p>Parents</p> <ul style="list-style-type: none"> Hold schools accountable for developing productive working relationships with parents Influence the work of schools toward fostering improved educational cultures in the home environments of their students <p>Ministry of Education</p> <ul style="list-style-type: none"> Develop/maintain high levels of engagement with the provincial ministry of education Engage frequently with the ministry proactively rather than only responsively Make flexible, adaptive use of provincial initiatives and frameworks, ensuring that they contribute to, rather than detract from, accomplishing system goals and priorities

PERSONAL LEADERSHIP RESOURCES

Leaders draw upon the personal leadership resources to effectively enact leadership practices

Cognitive Resources	Social Resources	Psychological Resources
<ul style="list-style-type: none"> Problem-solving expertise Knowledge of effective school and classroom practices that directly affect student learning Systems Thinking* <p>*Especially important for system leaders</p>	<ul style="list-style-type: none"> Perceiving emotions Managing emotions Acting in emotionally appropriate ways 	<ul style="list-style-type: none"> Optimism Self-efficacy Resilience Proactivity* <p>*Especially important for system leaders</p>

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**RMM: 03**

MEMORANDUM TO: Directors of Education
 Secretaries and Supervisory Officers of School Authorities

FROM: Joan Fullerton
 Regional Manager

DATE: December 23, 2011

SUBJECT: Revised Guide - *Supervisory Officers: Certification, Appointment and Notice of Suspension / Dismissal*

It is part of the ministry's ongoing work to ensure that all supervisory officer appointments and designations of responsibility are made in accordance with the requirements of the *Education Act* and regulations. The enclosed guide entitled *Supervisory Officers: Certification, Appointment and Notice of Suspension / Dismissal* is intended to provide boards with information on the legislative requirements and ministry procedures for the certification and appointment of supervisory officers.

The guide has been updated and supersedes the previous version dated July 2009. A section has been added on the requirement and process for boards to notify the Minister when a supervisory officer, including the director of education, is suspended or dismissed. Please also note that in light of Bill 177 changes to the *Education Act*, boards are no longer required to provide a board resolution respecting a supervisory officer appointment when requesting confirmation of the eligibility for the position.

Any person who is performing the duties of a supervisory officer as set out in legislation must meet the appropriate supervisory officer's qualifications in the Act and regulations. I would like to remind you that prior to appointing a supervisory officer, a board must obtain the Minister's confirmation that the person is eligible for the position. Please also note that senior administrators whose appointment as a supervisory officer has not been confirmed by the Minister should not sign documents attributed to supervisory officers in the legislation.

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If there is an individual who has the appropriate supervisory officer's qualifications but whose appointment has not been confirmed, or an individual who is not qualified for their designated supervisory responsibilities working in your board, please contact me immediately. I will be able to provide you with further information and discuss with you the steps to correct the situation.

If you have any questions, please contact Debbie Cummings, Education Officer, at 705.725.7634 or 1.866.896.3922 or by email at Debbie.Cummings@ontario.ca. Thank you for your attention to this matter.



Joan Fullerton,
Regional Manager

Attachments

Link to full document for:

Supervisory Officers: Certification, Appointment and Notice of Suspension/Dismissal, 2011

https://www.edu.gov.on.ca/eng/policyfunding/memos/dec2011/SO2011Certification_Appointments_Guide.pdf

BILL 177 (royal assent 2009)

An Act to amend the Education Act with respect to student achievement, school board governance and certain other matters

Note: This Act amends the Education Act. For the legislative history of the Act, see the Table of Consolidated Public Statutes – Detailed Legislative History at www.e-Laws.gov.on.ca.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Education Act is amended by adding the following section:

Purpose

Strong public education system

0.1 (1) A strong public education system is the foundation of a prosperous, caring and cohesive society.

Purpose of education

(2) The purpose of education is to provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens who contribute to their society.

Partners in education sector

(3) All partners in the education sector have a role to play in enhancing student achievement and well-being, closing gaps in student achievement and maintaining confidence in the province's publicly funded education system.

2. (1) The definition of "co-instructional activities" in subsection 1 (1) of the Act is repealed.

(2) The definition of "secretary" and "treasurer" in subsection 1 (1) of the Act is repealed.

(3) Subsection 1 (1.2) of the Act is repealed.

3. (1) Paragraphs 26.1 and 26.2 of subsection 8 (1) of the Act are repealed.

(2) Subsection 8 (1) of the Act is amended by adding the following paragraph:

professional activity days

28. establish policies and guidelines respecting criteria and topics for the professional activity days that are required by regulation and require boards to comply with the policies and guidelines;

4. Section 11 of the Act is amended by adding the following subsection:

Regulations: responsibilities of boards, etc.

(2) The Lieutenant Governor in Council may make regulations governing the roles, responsibilities, powers and duties of boards, directors of education and board members, including chairs of boards.

5. Section 17.1 of the Act is repealed and the following substituted:

Parent involvement committees

17.1 The Lieutenant Governor in Council may make regulations requiring boards to establish parent involvement committees and providing for the composition, mandate and functions of the committees.

6. Section 38 of the Act is repealed.

7. Subsection 43.1 (4) of the Act is repealed and the following substituted:

Exception

(4) A right under subsection (1) is extinguished if the school becomes another type of school within the meaning of subsection 37 (2).

8. Subsection 48.1 (4) of the Act is repealed and the following substituted:

Exception

(4) A right under this section is extinguished if the school becomes another type of school within the meaning of subsection 37 (2).

9. (1) Clauses 58.1 (2) (g) and (h) of the Act are repealed.

(2) Subclause 58.1 (2) (k) (i) of the Act is repealed.

(3) Subclause 58.1 (2) (k) (vi) of the Act is amended by striking out “officials of old boards, officials of district school boards” and substituting “officials of district school boards”.

(4) Subclause 58.1 (2) (k) (vii) of the Act is repealed.

(5) Clauses 58.1 (2) (p) and (q) of the Act are repealed.

(6) Subsection 58.1 (9) of the Act is amended by striking out “subclauses (2) (k) (i) to (iii)” wherever it appears and substituting in each case “subclauses (2) (k) (ii) and (iii)”.

(7) Subsection 58.1 (10) of the Act is repealed and the following substituted:

Number of members of a district school board

(10) Subject to subsections (10.0.1) to (10.1), the number of members of a district school board, not including members appointed under subsection 188 (5), shall be the number of members determined for the board for the purposes of the regular election in 2006.

Same

(10.0.1) A district school board may by resolution request the Minister to increase its number of members.

Same

(10.0.2) In response to a request by a district school board under subsection (10.0.1), the Minister may by order increase the number of members of the board if, in the Minister's opinion, the increase is justified by a demographic change in the board's geographical area of jurisdiction or by a change in the size of the board's geographical area of jurisdiction.

Same

(10.0.3) A request under subsection (10.0.1) shall not be made later than 90 days before the first day on which a nomination for an office may be filed under the Municipal Elections Act, 1996.

Same

(10.0.4) A Minister's order under subsection (10.0.2) shall not be made later than 60 days after the deadline set out in subsection (10.0.3).

Same

(10.0.5) An increase under subsection (10.0.2) may be smaller than that requested by the board under subsection (10.0.1).

(8) Subsection 58.1 (10.1) of the Act is amended by striking out "to a number lower than the number provided in a regulation made under subclause 58.1 (2) (k) (i)" at the end.

10. Sections 58.2 and 58.3 of the Act are repealed.

11. (1) Subsection 58.4 (1) of the Act is repealed and the following substituted:

General or particular

(1) A regulation made under section 58.1 may be general or particular.

(2) Subsection 58.4 (2) of the Act is amended by striking out "or 58.2".

12. Clause 58.5 (2) (a) of the Act is repealed.

13. Section 61 of the Act is amended by adding the following subsection:

Decrease in number of members

(4.1) Before the first day of July of an election year, the board of a district school area that has five members may, by resolution approved at a meeting of the public school electors, determine that the

number of members to be elected shall be decreased from five to three and, at the next following election, three members shall be elected.

14. Subsection 89 (4) of the Act is amended by striking out “a secretary and a treasurer or of a secretary-treasurer” and substituting “a treasurer”.

15. Section 165 of the Act is amended by adding the following subsection:

Transition, special case

(3) Despite subsection (2), before the first day of July of an election year, the Protestant Separate School Board of the Town of Penetanguishene may, by resolution approved at a meeting of the Protestant separate school supporters, determine that the number of members to be elected shall be decreased to a number greater than three and, at the next following election, that number of members shall be elected.

16. Part VI of the Act is amended by adding the following section after the heading “Duties and Powers”:

Board responsibility for student achievement and effective stewardship of resources

169.1 (1) Every board shall,

- (a) promote student outcomes specified in regulations made under section 11.1;
- (b) ensure effective stewardship of the board’s resources;
- (c) deliver effective and appropriate education programs to its pupils;
- (d) develop and maintain policies and organizational structures that,
 - (i) promote the goals referred to in clauses (a) to (c),
 - (ii) promote the well-being of the boards’ pupils, and
 - (iii) encourage pupils to pursue their educational goals;
- (e) develop multi-year plans aimed at achieving the goals referred to in clauses (a) to (c);
- (f) monitor the performance of the board’s director of education, or the supervisory officer acting as the board’s director of education, in meeting his or her obligations under the plans referred to in clause (e); and
- (g) annually review the plans referred to in clause (e) with the board’s director of education or the supervisory officer acting as the board’s director of education.

Multi-year plans

- (2) A multi-year plan is a plan for three or more school years.

Measures in plans

(3) Every board shall ensure that the plans referred to in clause (1) (e) include measures respecting the allocation of resources to improve student outcomes that fall below the outcomes specified in regulations made under section 11.1.

Communication

(4) Every board shall take steps to,

(a) bring the plans referred to in clause (1) (e) to the attention of supporters and employees of the board; and

(b) report to supporters and employees of the board about progress in implementing the plans referred to in clause (1) (e).

Effective stewardship

(5) Every board shall,

(a) effectively use the resources entrusted to it;

(b) use the resources entrusted to it for the purposes of delivering effective and appropriate education; and

(c) manage the resources entrusted to it in a manner that upholds public confidence.

17. (1) Paragraph 1 of subsection 170 (1) of the Act is amended by striking out “appoint a secretary and a treasurer or a secretary-treasurer” and substituting “appoint a treasurer”.

(2) Paragraph 2 of subsection 170 (1) of the Act is amended by striking out “or secretary-treasurer” at the end.

(3) Paragraphs 7.1 and 7.2 of subsection 170 (1) of the Act are repealed.

(4) Subsections 170 (2.5), (2.6), (2.7) and (2.8) of the Act are repealed.

18. Subsection 170.1 (4) of the Act is repealed.

19. Subsection 181 (3) of the Act is repealed.

20. Subsection 190 (5) of the Act is repealed.

21. Subsection 198 (6) of the Act is repealed and the following substituted:

Business administrator

(6) Where a board determines that one or more persons should be employed full time to carry out the duties of a treasurer, it may appoint one or more business administrators and one or more assistant

business administrators and may assign to a person so appointed any of the duties of the treasurer and the supervisor of maintenance of school buildings.

22. Sections 200, 201, 202, 203, 204 and 205 of the Act are repealed.

23. Subsection 208 (5) of the Act is amended by striking out “and the chair shall preside at all meetings” at the end.

24. (1) Subsection 209 (1) of the Act is amended by striking out the portion following “deemed to have resigned:” and substituting the following:

1. I solemnly declare that I am not disqualified under any Act from being a member of (name of board).

2. I solemnly declare that I will truly, faithfully, impartially and to the best of my ability execute the office of board member, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office and that I will disclose any pecuniary interest, direct or indirect, as required by and in accordance with the Municipal Conflict of Interest Act.

(2) Subsection 209 (3) of the Act is repealed and the following substituted:

Oath or affirmation

(3) Every person elected or appointed to a board, before entering on his or her duties as a board member, may take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath or affirmation of allegiance in the following form, in English or French:

I swear (affirm) that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (or the reigning sovereign for the time being).

(3) Subsection 209 (4) of the Act is repealed and the following substituted:

Filing of declaration and oath

(4) The declaration and, if any, the oath or affirmation of allegiance shall be filed with the secretary of the board within eight days after it is made or taken, as the case may be.

25. Section 210 of the Act is repealed.

26. Part VI of the Act is amended by adding the following sections:

Conduct of Members of School Boards

Duties of board members

218.1 A member of a board shall,

- (a) attend and participate in meetings of the board, including meetings of board committees of which he or she is a member;
- (b) consult with parents, students and supporters of the board on the board's multi-year plans under clause 169.1 (1) (e);
- (c) bring concerns of parents, students and supporters of the board to the attention of the board;
- (d) support the implementation of any board resolution after it is passed by the board;
- (e) refrain from interfering in the day to day management of the board by its officers and staff;
- (f) maintain focus on student achievement and well-being; and
- (g) comply with the board's code of conduct.

Code of conduct

218.2 (1) The Minister may make regulations providing for a code of conduct for board members, including but not limited to regulations,

- (a) respecting rules that may be adopted under subsection (3);
- (b) respecting the powers, duties and functions of the chair and other officials of the board in matters related to the code of conduct.

Same

(2) The code of conduct provided for under subsection (1) applies to every board and every board member.

Same

(3) A board may adopt additional rules as part of its code of conduct for its members and in that case the code of conduct as supplemented by the additional rules applies to the board and its members.

Enforcement of code of conduct

218.3 (1) A member of a board who has reasonable grounds to believe that a member of the board has breached the board's code of conduct may bring the alleged breach to the attention of the board.

Same

(2) If an alleged breach is brought to the attention of the board under subsection (1), the board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether the member has breached the board's code of conduct.

Same

(3) If the board determines under subsection (2) that the member has breached the board's code of conduct, the board may impose one or more of the following sanctions:

1. Censure of the member.
2. Reduction of the honorarium payable to the member under section 191.
3. Barring the member from attending all or part of a meeting of the board or a meeting of a committee of the board.
4. Barring the member from sitting on one or more committees of the board, for the period of time specified by the board.

Same

(4) A meeting of a board shall not be closed to the public under subsection 207 (2) only because a sanction is or may be imposed at the meeting.

Duties of Board Chair

Additional duties of chair

218.4 In addition to any other duties under the Act, the chair of a board shall,

- (a) preside over meetings of the board;
- (b) conduct the meetings in accordance with the board's procedures and practices for the conduct of board meetings;
- (c) 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;
- (d) ensure that members of the board have the information needed for informed discussion of the agenda items;
- (e) act as spokesperson to the public on behalf of the board, unless otherwise determined by the board;
- (f) convey the views and decisions of the board to the board's director of education or the supervisory officer acting as the board's director of education;
- (g) provide leadership to the board in maintaining the board's focus on the multi-year plans established under section 169.1; and
- (h) assume such other responsibilities as may be specified by the board.

27. Clause 221 (1) (a) of the Act is amended by striking out "within 60 days" and substituting "within 90 days".

28. Subsections 234 (10), (11), (12) and (13) of the Act are repealed.

29. The Act is amended by adding the following section:

Debentures issued by boards

242.1 This Act, as it read immediately before the day the Student Achievement and School Board Governance Act, 2009 received Royal Assent, continues to apply with respect to debentures issued by boards before that day.

30. (1) Subsection 244 (1) of the Act is repealed and the following substituted:

Provincial guarantee, certain instruments

(1) The Lieutenant Governor in Council may by order authorize the Minister of Finance to guarantee payment by the Province of the principal, interest and premium of debt instruments or other instruments prescribed under clause 247 (3) (f) issued by a board or other debt instruments issued by a corporation established under subsection 248 (1) and any such authorization may relate to a single instrument or to a class of instruments as such class is defined in the authorizing order in council.

(2) Subsection 244 (3) of the Act is repealed and the following substituted:

Validity of guaranteed instruments

(3) Any debt instrument prescribed under clause 247 (3) (f) or other debt instrument, payment of which is guaranteed by the Province under this section, is valid and binding on the board or corporation by which it is issued according to its terms.

31. (1) Subsection 247 (1) of the Act is amended by striking out “issue debentures or”.

(2) Subsection 247 (2) of the Act is amended by striking out “issue debentures or”.

(3) Clause 247 (3) (b) of the Act is amended by striking out “debentures and”.

(4) Clause 247 (3) (c) of the Act is repealed and the following substituted:

(c) governing any dealings by a board with instruments described in clause (b), including but not limited to regulations governing the redemption, surrender, exchange, substitution or offering as security of the instruments;

(5) Clause 247 (3) (f) of the Act is amended by striking out “other than debentures”.

(6) Clause 247 (3) (h) of the Act is repealed and the following substituted:

(h) providing that any provision of, or made under, the Municipal Act, 2001 or the City of Toronto Act, 2006, as the case may be, relating to borrowing or debentures applies, with any modifications specified in the regulations, in relation to borrowing by a board under this section.

(7) Section 247 of the Act is amended by adding the following subsection:

Same

(3.1) Without limiting the generality of clause (3) (a), in making regulations under that clause, the Lieutenant Governor in Council may delegate specified responsibilities related to the borrowing of money and the incurring of debt by the Board for permanent improvements to the Minister or any other body the Lieutenant Governor in Council considers appropriate for those purposes.

(8) Subsections 247 (5), (6), (7) and (8) of the Act are repealed and the following substituted:

Payments re debt instruments

(5) Subject to the regulations, if under subsection (1) or (2) a board issues a debt instrument prescribed under clause (3) (f), the board shall,

(a) provide in its estimates for each fiscal year for the setting aside out of its general revenue in the fiscal year the amount necessary to pay the principal and interest coming due on the debt instrument in the fiscal year and to pay the amount required to be paid into a sinking fund or retirement fund or other fund prescribed under clause (3) (e) in respect of the debt instrument in the fiscal year;

(b) on or before each due date in each year, pay out of its general revenue the principal and interest coming due on the debt instrument in the year; and

(c) where a sinking fund, retirement fund or other fund prescribed under clause (3) (e) has been established in respect of the debt instrument, on or before the anniversary in each year of the issue date of the debt instrument, pay out of its general revenue the amount required to be paid into the sinking fund, retirement fund or such prescribed fund in respect of the debt instrument in the year.

Exception

(6) Despite clauses (5) (a) and (b), the principal and interest that must be paid in a year under those clauses does not include any outstanding amount of principal specified as payable on the maturity date of a debt instrument to the extent that one or more refinancing debt instruments are issued by the board to repay the outstanding principal.

All debt instruments rank equally

(7) Despite any other provision of this or any other Act or any differences in date of issue or maturity, every debt instrument prescribed under clause (3) (f) issued by a board shall rank concurrently and equally in respect of payment of principal and interest with all other debt instruments issued by the board, except as to the availability of any sinking fund, retirement fund or other fund prescribed under clause (3) (e) applicable to any issue of debt instruments.

Registration

(8) Subsections 415 (1), (2), (3), (4), (5) and (7) of the Municipal Act, 2001 or any equivalent provisions of, or made under, the City of Toronto Act, 2006, as the case may be, apply with necessary modifications to a by-law of a board authorizing the issue of debt instruments prescribed under clause (3) (f) that is passed under subsection (1) or (2) of this section, but nothing in this subsection makes valid a by-law if it appears on the face of the by-law that it does not substantially comply with a provision of a regulation under subsection (3) that specifies the maximum term within which a debt instrument prescribed under clause (3) (f) may be made payable.

(9) Subsection 247 (10) of the Act is amended by striking out “clause 58.1 (2) (p)” and substituting “clause 58.1 (2) (p) as it read immediately before it was repealed by subsection 9 (5) of the Student Achievement and School Board Governance Act, 2009”.

32. Subsections 253 (9), (10) and (11) of the Act are repealed.

33. The Act is amended by adding the following section:

Audit committee

253.1 (1) Every district school board shall establish an audit committee.

Regulations

(2) The Minister may make regulations governing the composition, functions, powers and duties of audit committees established under subsection (1).

Same

(3) A regulation made under subsection (2) may provide for a district school board’s audit committee to include individuals who are not members of the board.

Same

(4) A regulation made under subsection (2) may provide that a district school board’s audit committee has all the powers of an auditor under section 253.

Same

(5) A regulation under this section may be general or particular.

34. Section 257.1 of the Act is repealed.

35. (1) Subsection 257.11 (2) of the Act is amended by striking out “or board” after “the municipality”.

(2) Subsection 257.11 (3) of the Act is amended by striking out “or payor board” after “the municipality”.

36. (1) Subsections 257.28 (3) and (4) of the Act are repealed.

(2) Subsection 257.28 (5) of the Act is amended by striking out “and the debentures to be issued for it”.

37. (1) The definition of “indebtedness” in subsection 257.34 (1) of the Act is repealed and the following substituted:

“indebtedness” includes,

(a) any instrument prescribed under clause 247 (3) (f), debentures issued under a repealed provision or other debt of the board,

(b) any interest on any indebtedness of the board.

(2) Clauses 257.34 (2) (b), (c), (d) and (e) of the Act are repealed and the following substituted:

(b) the issue, on the terms and conditions, in the manner and at the times that the Minister may approve, of instruments prescribed under clause 247 (3) (f) or other evidences of indebtedness, in substitution and exchange for any debentures or such debt instruments that are outstanding or in payment and satisfaction of all or any part of any other indebtedness, and compulsory acceptance of those instruments or other evidences of indebtedness in payment and satisfaction of the instruments that are outstanding or other indebtedness;

(c) the issue of new instruments prescribed under clause 247 (3) (f) to cover any consolidation under clause (a) or (b);

(d) the retirement and cancellation of all or any part of the existing debenture debt and debt incurred by any instrument prescribed under clause 247 (3) (f) and debt instruments prescribed under clause 247 (3) (f) that are outstanding, on the issue of new debt instruments prescribed by clause 247 (3) (f) to cover them or in exchange for them;

(e) the terms, conditions, places and times for exchange of new instruments prescribed under clause 247 (3) (f) for debt instruments that are outstanding;

38. Section 257.37 of the Act is repealed and the following substituted:

Minister to approve instrument issues

257.37 (1) Without the approval of the Minister first being obtained, a board that is subject to an order under subsection 257.31 (2) or (3) shall not, under this or any other Act, exercise or be required to exercise any of its powers if that exercise will or may require money to be provided by the issue of instruments prescribed under clause 247 (3) (f) of the board.

Approval of instrument by-laws

(2) Where a board is subject to an order under subsection 257.31 (2) or (3), the board may, with the approval of the Minister, pass by-laws providing for the issue of instruments prescribed under clause 247 (3) (f) or authorizing the sale of such instruments or the offering of such instruments as security, but no such by-law has any force and effect until approved by the Minister.

39. Section 257.107 of the Act is repealed.

40. Subsections 265 (2) and (3) of the Act are repealed.

41. Subclause 277.2 (4) (b) (ii) of the Act is amended by striking out “including but not limited to programs involving co-instructional activities”.

42. Sections 277.24, 277.25, 277.26 and 277.27 of the Act are repealed.

43. (1) Subsection 277.38 (12) of the Act is repealed and the following substituted:

Same

(12) Pending the board's decision whether to terminate the teacher's employment, the director of education for the board, or the supervisory officer acting as the board's director of education, shall,

(a) suspend the teacher with pay; or

(b) reassign the teacher to duties that are appropriate in the circumstances in the view of the director of education or supervisory officer.

(2) Subsection 277.38 (13) of the Act is repealed.

(3) Subsection 277.38 (14) of the Act is amended by striking out "or (13)" at the end.

44. (1) Subsection 277.39 (1) of the Act is amended by striking out "or (13)" at the end.

(2) Subsection 277.39 (3) of the Act is amended by striking out "or (13)".

(3) Subsection 277.39 (4) of the Act is amended by striking out "or (13), as the case may be".

45. (1) Subsection 277.40.3 (12) of the Act is repealed and the following substituted:

Same

(12) Pending the board's decision whether to terminate the teacher's employment, the director of education for the board, or the supervisory officer acting as the board's director of education, shall,

(a) suspend the teacher with pay; or

(b) reassign the teacher to duties that are appropriate in the circumstances in the view of the director of education or supervisory officer.

(2) Subsection 277.40.3 (13) of the Act is repealed.

(3) Subsection 277.40.3 (14) of the Act is amended by striking out "or (13)" at the end.

46. (1) Subsection 277.40.4 (1) of the Act is amended by striking out "or (13)".

(2) Subsection 277.40.4 (3) of the Act is amended by striking out "or (13)".

(3) Subsection 277.40.4 (4) of the Act is amended by striking out "subsection 277.38 (12) or (13)" and substituting "subsection 277.40.3 (12)".

47. Section 280 of the Act is amended by adding the following subsection:

If no director of education

(4) If a school authority does not appoint a supervisory officer as director of education, then a supervisory officer who is qualified as such as a teacher shall act as the director of education and perform all the duties of the director of education.

48. The Act is amended by adding the following section:

Additional duties of director of education

283.1 (1) In addition to his or her other duties under this Act, the director of education shall,

- (a) annually review with the board the plans developed under clause 169.1 (1) (e);
- (b) ensure plans developed under clause 169.1 (1) (e) establish the board's priorities and identify specific measures and resources that will be applied in achieving those priorities and in carrying out its duties under this Act, in particular, its responsibility for student achievement as set out in section 169.1;
- (c) implement and monitor the implementation of the plans developed under clause 169.1 (1) (e);
- (d) report periodically to the board on the implementation of the plans developed under clause 169.1 (1) (e);
- (e) act as secretary to the board;
- (f) immediately upon discovery bring to the attention of the board 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 this Act or any policy, guideline or regulation made under this Act; and
- (g) if a board does not respond in a satisfactory manner to an act or omission brought to its attention under clause (f), advise the Minister of the act or omission.

Exception, secretary of small boards

(2) Despite clause (1) (e), a board of not more than five elected members may appoint a member of the board to act as secretary to the board.

49. Sections 314.5, 314.6, 314.7, 314.8, 314.9 and 314.10 of the Act are repealed.

50. Sections 334, 335 and 344 of the Act are repealed.

51. The Act is amended by adding the following section:

Order, directive may be filed in court

345. (1) An order or directive made by the Education Improvement Commission under section 58.2 of this Act, as it read immediately before it was repealed by section 10 of the Student Achievement and School Board Governance Act, 2009, or under a predecessor of that section, may be filed in the Superior Court of Justice.

Same

(2) An order or directive that is filed under subsection (1) shall be enforceable as if it were an order of the Superior Court of Justice.

52. Subsection 347 (3) of the Act is amended by striking out “Section 335” at the beginning and substituting “Section 335, as it read immediately before it was repealed by section 50 of the Student Achievement and School Board Governance Act, 2009”.

53. Sections 350 and 351 of the Act are repealed.

Commencement

54. This Act comes into force on the day it receives Royal Assent.

Short title

55. The short title of this Act is the Student Achievement and School Board Governance Act, 2009.

EXPLANATORY NOTE

The Bill amends the Education Act to make various amendments relating to the governance of school boards. New provisions address boards’ responsibilities for student achievement and effective stewardship of its resources and require boards to develop plans aimed at achieving these goals. The Bill sets out duties of the chair of the board relating to the chair’s conduct of meetings of the board, the chair’s relations with the public and the director of education and other matters regarding the chair’s leadership role, and the director of education is also given new duties regarding his or her supervisory role. The Bill lists duties of the members of the board, including duties regarding their attendance and participation in meetings of the board, their relations with parents, students and supporters of the board and their compliance with the board’s code of conduct. A new process is set out in the Bill for dealing with alleged breaches of the code of conduct by members of the board. Various other minor or consequential changes are made regarding the powers and duties of the Minister and of other persons involved in the administration of the education system.

The Bill also removes boards’ ability to finance permanent improvements through the issue of debentures or other debt instruments.

A purpose provision is added to the Act to indicate the purposes of education and a public education system.

Finally, the Bill repeals numerous obsolete and inapplicable provisions of the Act.