



DURHAM DISTRICT SCHOOL BOARD

NOTICE OF MEETING

GOVERNANCE AND POLICY COMMITTEE PUBLIC SESSION

Chair: Emma Cunningham
Vice Chair: Kelly Miller

DATE: Wednesday, April 24, 2024

TIME: 7:00 p.m.

LOCATION: Hybrid

ATTACHMENTS: Agenda

Copies to:

All Trustees and Student Trustees
Director of Education
All Superintendents

Code of Conduct for Public Meetings 2023-2024



The Durham District School Board is committed to public participation at board and committee meetings, and to ensuring a safe and respectful environment for students, parents/guardians, trustees, staff, and community members in attendance.

All meetings of the Board of Trustees follow formal parliamentary procedures in accordance with DDSB by-laws, policies, procedures, and protocols that must be adhered to by all participants.

All participants attending public meetings must be courteous and respectful at all times.

Disruptions of the meeting will not be tolerated and may result in a request to leave the meeting.

Abusive, discourteous, and/or aggressive behaviour will not be tolerated.

Threats, intimidating language and/or behaviour and any attempt to assault any person is prohibited and may result in criminal charges.

Possessing any form of a weapon while in attendance at a public meeting is prohibited. Security personnel are authorized to exercise discretion to request the inspection of any bag, briefcase, backpack, purse or any other item brought onto DDSB property to ensure a safe and respectful environment.

All individuals attending in-person will be asked to sign-in and show photo identification for the purposes of verifying their identity. Individuals that do not wish to sign in may choose to participate in the meeting virtually through the livestream.

Meetings are recorded by the DDSB for the purposes of the livestream and for security purposes. Those in attendance at meetings are prohibited from using their own recording devices.

Violations of this Code of Conduct will not be tolerated under any circumstances and may result in a person being directed to leave, restricting/prohibiting attendance at future meetings and/or all DDSB properties, or being subject to criminal charges depending on the nature of the conduct.

REVISED AGENDA - GOVERNANCE AND POLICY COMMITTEE MEETING
Wednesday, April 24, 2024
7:00 p.m.

	PAGE
1. <u>Call to Order</u>	Verbal
2. <u>Land Acknowledgement</u>	Verbal
<p>The Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with the territories upon which our school board and schools are located. Today, this area is home to many Indigenous peoples from across Turtle Island. We acknowledge that the Durham Region forms a part of the traditional and treaty territory of the Mississaugas of Scugog Island First Nation, the Mississauga Peoples and the treaty territory of the Chippewas of Georgina Island First Nation. It is on these ancestral and treaty lands that we teach, learn and live.</p>	
3. <u>Declarations of Interest</u>	Verbal
4. <u>Motion to Approve Agenda</u>	Verbal
5. <u>Minutes</u>	
(a) DRAFT minutes of the Governance and Policy Committee meeting of March 27, 2024	1 - 6
6. <u>Information Items</u>	
(a) Bylaws – Public Question Period (Executive Lead Robert Cerjanec, General Counsel Patrick Cotter)	7 - 18
7. <u>Recommended Actions</u>	
(a) Motion: Amendment to Consolidated Bylaws (Trustee Carolyn Morton)	19
(b) Revised Naming of Schools Policy (Associate Director Jim Markovski, Executive Lead Robert Cerjanec, General Counsel Patrick Cotter)	20 - 28
(c) Revised Director of Education Performance Review Policy (General Counsel Patrick Cotter, Executive Lead Robert Cerjanec)	29 - 59

8. Other Business

Verbal

9. Adjournment

Verbal



DRAFT Minutes – Governance and Policy Committee Meeting
Wednesday, March 27, 2024 6:00 p.m., Hybrid

1. Call to Order

Trustee Emma Cunningham, Committee Chair, called the meeting to order at 6:02 p.m.

Members Present: Trustees Michelle Arseneault, Tracy Brown, Donna Edwards, Stephen Linton (virtual), Kelly Miller, Carolyn Morton, Deb Oldfield, Shailene Panylo, Christine Thatcher, Student Trustees Ben Cameron, Kayla Hoare (virtual), Neha Kasoju (virtual)

Regrets: Trustee Jill Thompson

Not in Attendance: Trustee Linda Stone

Staff Present: Director of Education Camille Williams-Taylor, Associate Director Jim Markovski, General Counsel Patrick Cotter, Executive Lead Robert Cerjanec, Superintendent's Heather Mundy and Erin Elmhurst, Human Rights and Equity Advisor Devika Mathur, Senior Manager Lisa Coppins, System Leads Jackie Williams-Leacock and Quincy James, Policy Analyst Ahmad Khawaja (virtual)

Recording Secretary: Gillian Venning

2. Land Acknowledgment

Trustee Emma Cunningham gave the Land Acknowledgement: the Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with home to many Indigenous peoples from across Turtle Island (North America). We acknowledge that the Durham Region forms a part of the traditional and treaty territory of the Mississaugas of Scugog Island First Nation, the Mississauga Peoples and the treaty territory of the Chippewas of Georgina Island First Nation. It is on these ancestral and treaty lands that we teach, learn and live.

3. Declarations of Interest

There were no declarations of interest.

4. Approval of Agenda

MOVED by Trustee Christine Thatcher

THAT THE AGENDA BE APPROVED.

CARRIED

5. Minutes

(a) Draft revised minutes of the Governance and Policy Committee meeting of December 13, 2023

(b) Draft minutes of the Special Governance and Policy Committee meeting of February 5, 2024

MOVED by Trustee Michelle Arseneault

THAT THE REVISED DRAFT MINUTES OF THE DECEMBER 13 GOVERNANCE AND POLICY COMMITTEE MEETING AND THE DRAFT MINUTES OF THE FEBRUARY 5, 2024 SPECIAL GOVERNANCE AND POLICY COMMITTEE MEETING BE APPROVED.

CARRIED

6. Information Items

(a) 2023 Year End Report on Policies, Procedures and Regulations

Executive Lead Robert Cerjanec provided trustees with an overview of the report which summarized the policies, regulations and procedures that were changed, rescinded or developed over the course of 2023, noting that staff continue to prioritize the rescission of regulations in accordance with the March 2020 Board resolution to phase out regulations. The report also included a status update on the number of regulations that remain active.

There were no trustee questions.

(b) Bylaws – Public Question Period

Executive Lead Robert Cerjanec and General Counsel Patrick Cotter provided trustees with an overview of the report which was prepared in response to a motion passed by the Governance and Policy Committee at its December 13, 2023 meeting which relates to trustees seeking clarification of questioners during public question period and the applicable Bylaw. Staff completed a jurisdictional scan of several similar sized school boards in Ontario, and noted that none have a public question period. Staff noted concern around the potential allowance of unstructured follow-up questions during public question period and presentations.

Discussion took place and trustee questions were answered.

Student Trustee Ben Cameron suggested a motion to delete sections 5.13.13 to 5.13.16 of the Bylaws.

MOVED by Trustee Deb Oldfield
 SECONDED by Trustee Shailene Panylo

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT SECTIONS 5.13.13 TO 5.13.16 OF THE BYLAWS BE DELETED AND THAT IT BE CONSIDERED AT THE NEXT MEETING OF THE BOARD OF TRUSTEES.

Further discussion took place, and a second motion was moved, taking precedence over the original motion.

MOVED by Trustee Shailene Panylo
 SECONDED by Trustee Stephen Linton

THAT THE ABOVE FOREGOING MOTION BE DEFERRED TO THE NEXT MEETING OF THE GOVERNANCE AND POLICY COMMITTEE.

CARRIED

As part of the discussion there was some interest in learning about other Boards' processes around public participation in meetings through question period, deputations or other means.

(c) Draft Policy: Board Self-Assessment

General Counsel Patrick Cotter provided trustees with an overview of the report, noting that it was prepared in response to initial discussion which took place at the February 5, 2024 Special Governance and Policy Committee meeting around the establishment of a process for the Board of Trustees to evaluate its own performance and set a framework for continued growth and improvement.

Discussion took place and trustee questions were answered.

MOVED by Trustee Donna Edwards
 SECONDED by Trustee Tracy Brown

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE BOARD SELF-ASSESSMENT POLICY BE ADOPTED, WITH THE AMENDMENT TO SECTION 5.2 (VI):

- PROGRESS ON THE GOALS AND PRIORITIES SET FOR THE PREVIOUS YEAR

AND THAT THE MATTER PROCEED TO THE NEXT MEETING OF THE BOARD OF TRUSTEES FOR CONSIDERATION.

CARRIED

7. Recommended Actions

(a) Rescission of Accessible Customer Service Policy and Regulation

Superintendent Heather Mundy provided trustees with an overview of the report, noting that it has been revised since its initial presentation at the December 13, 2023 meeting of the Governance and Policy Committee. The revised report includes information about additional consultations that took place with the Special Education Advisory Committee to consider rescission of the Accessible Customer Service Policy and Regulation and the move of relevant and applicable provisions into the new Accessibility Procedure that has been adopted as part of the Human Rights, Anti-Discrimination and Anti-Racism Policy.

Discussion took place and trustee questions were answered.

MOVED by Trustee Donna Edwards
SECONDED by Trustee Christine Thatcher

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE ACCESSIBLE CUSTOMER SERVICE POLICY AND REGULATION BE RESCINDED AND THAT THE MATTER PROCEED TO THE NEXT MEETING OF THE BOARD OF TRUSTEES FOR CONSIDERATION AND THAT STAFF CONSULT WITH PARTNERS IN DEVELOPING AN ACCESSIBILITY POLICY.

Further discussion took place, and Trustee Deb Oldfield proposed that the original motion be divided into two separate parts.

MOVED by Trustee Deb Oldfield
SECONDED by Trustee Kelly Miller

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE ACCESSIBLE CUSTOMER SERVICE POLICY AND REGULATION BE RESCINDED AND THAT THE MATTER PROCEED TO THE NEXT MEETING OF THE BOARD OF TRUSTEES FOR CONSIDERATION.

CARRIED

MOVED by Trustee Donna Edwards
SECONDED by Trustee Tracy Brown

THAT STAFF CONSULT WITH PARTNERS IN DEVELOPING AN ACCESSIBILITY POLICY AND REPORT BACK TO THE GOVERNANCE AND POLICY COMMITTEE.

CARRIED

**(b) Child Care, Early Years and After-School Recreation Programs:
Rescission of Regulations and Consolidation of Policies**

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Superintendent Erin Elmhurst provided trustees with an overview of the report, noting that the recommendation to rescind three regulations and consolidate and revise three policies into a single consolidated policy is being made following in depth consultation guided by a working group that was established in 2021. The draft consolidated policy considered feedback from individual staff and a variety of child care, education and community partners.

Discussion took place and trustee questions were answered.

MOVED by Trustee Shailene Panylo
SECONDED by Trustee Carolyn Morton

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT:

1. THE EARLY YEARS, CHILD CARE AND AFTER-SCHOOL EARLY YEARS RECREATION PROGRAMS REGULATIONS BE RESCINDED;
2. THE EARLY YEARS, CHILD CARE AND AFTER-SCHOOL EARLY YEARS RECREATION PROGRAMS POLICIES BE CONSOLIDATED INTO ONE NEW COMPREHENSIVE POLICY AND THAT THE MATTERS BE REFERRED TO THE NEXT MEETING OF THE BOARD OF TRUSTEES FOR CONSIDERATION.

CARRIED

(c) Update and Recommendations: Human Rights Advisory Committee

Associate Director Jim Markovski introduced System Lead Jackie Williams-Leacock and Human Rights and Equity Advisor Devika Mathur who provided trustees with an overview of the report which shared an update on actions taken to establish the Human Rights Advisory Committee and seeks the Committee's approval of the staff recommended selection criteria, recruitment strategy and number of committee members.

Discussion took place and trustee questions were answered.

Trustee Donna Edwards requested that the selection criteria for Committee members should include a candidate with experience advocating on behalf of people with disabilities and that AODA training be a requirement for all Committee members.

MOVED by Trustee Kelly Miller

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE COMMITTEE SELECTION CRITERIA, RECRUITMENT STRATEGY AND NUMBER OF COMMITTEE MEMBERS BE APPROVED, WITH THE INCLUSION OF THE FOLLOWING ADDITIONAL INFORMATION UNDER RECOMMENDED RECRUITMENT STRATEGY:

- EXPERIENCE AND EXPERTISE WITH ACCESSIBILITY ADVOCACY.

CARRIED

(d) Update and Recommendations: Anti-Black Racism Advisory Committee

Associate Director Jim Markovski introduced System Lead Quincy James who provided trustees with an overview of the report which shared an update on actions taken to establish the Anti-Black Racism Advisory Committee and seeks the Committee's approval of the staff recommended selection criteria, recruitment strategy and number of committee members.

Discussion took place and trustee questions were answered.

MOVED by Trustee Tracy Brown

SECONDED by Trustee Michelle Arseneault

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE COMMITTEE SELECTION CRITERIA, RECRUITMENT STRATEGY AND NUMBER OF COMMITTEE MEMBERS BE APPROVED, WITH THE INCLUSION OF THE FOLLOWING ADDITIONAL INFORMATION UNDER RECOMMENDED RECRUITMENT STRATEGY:

- EXPERIENCE AND EXPERTISE WITH ACCESSIBILITY ADVOCACY

CARRIED

8. Other Business

There was no other business discussed.

9. Adjournment

MOVED by Trustee Tracy Brown

THAT THE MEETING DOES NOW ADJOURN.

CARRIED

The meeting adjourned at 7:15 p.m.

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Governance and Policy Committee

DATE: April 24, 2024

SUBJECT: Consolidated Bylaws – Public Question Period

PAGE: 1 of 4

ORIGIN: Robert Cerjanec, Executive Lead, Strategic Initiatives & External Relations
Patrick Cotter, General Counsel

1.0 Purpose

The purpose of this report is to provide an update on the nature of public question periods during Board Meetings following discussion that took place at the March 27, 2024 meeting of the Governance and Policy Committee and to recommend that staff undertake further investigation in contemplating suggestions and/or alternatives for the Committee to consider.

2.0 Background

The Durham District School Board recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

The Durham District School Board is committed to providing learning and working environments that centre human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive, and free from all forms of discrimination, oppression, harassment, and harm.

March 27, 2024 Governance and Policy Committee Meeting

At the March 27, 2024, Governance and Policy Committee meeting, staff presented a report (attached as Appendix A) at the request of trustees that provided information relating to governance practices around public question period to assist trustees in reviewing the relevant sections of the Consolidated Bylaws. Discussion took place relating to the elimination of public question period and the following motion was moved:

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT SECTIONS 5.13.13 TO 5.13.16 OF THE BYLAWS BE DELETED AND THAT IT BE CONSIDERED AT THE NEXT MEETING OF THE BOARD OF TRUSTEES.

Trustees deliberated and a new motion was introduced to defer the discussion to the next meeting of the Governance and Policy Committee:

THAT THE ABOVE FOREGOING MOTION BE DEFERRED TO THE NEXT MEETING OF THE GOVERNANCE AND POLICY COMMITTEE.

As part of the discussion at Committee, there was some interest in learning about other Boards' processes around public participation in meetings through question period, deputations or other means.

If the elimination of public question period is approved the following sections of the Consolidated By-Laws will be deleted:

5.13.13 Members of the public may also pose questions of a general nature or regarding Board processes to the Board at any regular Board meeting.

5.13.14 The Board encourages questions on a wide variety of topics, while making sure that adequate time is available for regular business. The Chair shall establish time limitations as necessary to achieve these objectives and may group together questions of a similar nature. In order to complete the business of the Board, public question period shall not exceed 30 minutes. Time may be extended in extenuating or special circumstances at the discretion of the Chair or a majority of the Board. Any approved questions not answered at the Board meeting shall be responded to through the website.

5.13.15 The Board reserves the right to deny an individual or party the opportunity to ask a question, or to otherwise limit a question where the question is designed or framed in a manner that would be contrary to the Board's commitments and statutory duties and responsibilities under the Education Act, the Ontario Human Rights Code, the Board's Human Rights Policy and/or the Board's Indigenous Education Policy and Procedures. If there is concern with the manner in which a proposed question is designed or framed, the requester is to be given an opportunity to rectify the issue prior to any denial. If the denial is maintained, the proposed question shall nonetheless be circulated to all trustees by email.

5.13.16 The following procedure applies to public question period:

- (a) Before the beginning of the Board meeting, the Questioner shall submit the question in writing through the appropriate form made available on the DDSB website;
- (b) The approved question shall be displayed on the screens in the Boardroom;
- (c) The Questioner shall be allowed to ask the approved question. At the discretion of the Chair, the Questioner may be prompted if further clarification is required on the answer provided and/or direct the Questioner to the email address to which the question may be submitted;
- (d) The Questioner shall have the option to ask their question in-person or virtually subject to availability and at the discretion of the Chair;
- (e) The Questioner or, if the Questioner prefers, the Chair, shall read the question;
- (f) The question shall be addressed by the Chair who may direct staff to answer;
- (g) Questions to individual Trustees or staff will not be addressed at public question period;
- (h) Individual Trustees will not respond or comment on questions posed

3.0 **Analysis**

As noted in the March 27, 2024 report to the Governance and Policy Committee, a jurisdictional scan has taken place of similar school boards and no other school board reviewed provides for public questions by members of the public at Board meetings.

Public engagement with the Board takes place in many different formats including but not limited to meetings of the Board, public presentations at Standing Committee meetings, through advisory committees such as the Parent Involvement Committee and the Special Education Advisory Committee, the public concerns policy and procedure, participation in public consultations on a variety of topics, providing feedback through surveys, and engagement through social media, e-mail, phone, and other formats.

While undertaking a cursory review of the public engagement practices of other school boards in Ontario at board meetings, various approaches are taken. These include allowing the public to speak unrestricted for a maximum of 5 to 10 minutes and/or allowing presentations similar to our existing process where public presentations are made to Standing Committee. In some cases, these activities are strictly related to items on the Board agenda and in other cases, they can be relevant to the mandate of trustees. At some meetings, trustees have the ability to ask questions of those speaking but such questions are not directed to staff and staff do not provide commentary. There are usually limits placed on the amount of time this process can take place, the number of speakers, the residency of speakers (i.e. must be a resident within the District) and/or how many times in a year an individual can appear before the Board in order to allow for the business of the Board to take place.

It is important for the Board to consider whether any alternative process maintains the changes made last year to public question period and presentations at Standing Committee to ensure that questions are not designed or framed in a manner that would be contrary to the Board's commitments and statutory duties and responsibilities under the Education Act, the Ontario Human Rights Code, the Board's Human Rights Policy and/or the Board's Indigenous Education Policy and Procedures.

Furthermore, a communications audit is taking place and is intended to improve the DDSB's communications with all staff, families, and community members. The review includes an assessment of communication and engagement strategies, a review of existing data, and the collection of new data through surveys, ThoughtExchange, interviews and focus groups. While the communications audit is not focused on the process at Board Meetings, there may be some insights to gain from this process. The audit is not expected to be completed until May 2024, however, additional time will be needed after the audit to analyze and review the results and recommendations in order to inform system practice.

4.0 Financial Implications

Not applicable.

5.0 Communication Plan

If revisions to the bylaws are made by the Board of Trustees, the revised bylaws will be shared with relevant staff and will be posted on the Board's website.

6.0 Conclusion and/or Recommendations

In addition to the structures that the Board already has in place, there is an opportunity to consider and expand on this once we learn more from the ThoughtExchange, focus groups and surveys as part of the Communications Audit consultations, alongside the data that previously informed the Ignite Learning Multi-Year Strategic Plan. Due to the short amount of time from the last Governance and Policy Committee to this one and current initiatives underway, it is recommended that staff undertake further investigation in contemplating suggestions and/or alternatives for consideration.

7.0 Appendices

Appendix A: March 27, 2024 Report to Governance and Policy Committee

Report reviewed and submitted by:



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

**DURHAM DISTRICT SCHOOL BOARD
ADMINISTRATIVE REPORT**

REPORT TO: Governance and Policy Committee

DATE: March 27, 2024

SUBJECT: Bylaws – Public Question Period

PAGE: 1 of 5

ORIGIN: Robert Cerjanec, Executive Lead, Strategic Initiatives & External Relations
Patrick Cotter, General Counsel

1.0 Purpose

The purpose of this report is to present information on the nature of public question periods during Board meetings.

2.0 Background

The Durham District School Board recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

The Durham District School Board is committed to providing learning and working environments that centre human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive, and free from all forms of discrimination, oppression, harassment, and harm.

Prior Motions

At the December 13, 2023, Governance and Policy Committee meeting, staff presented a report at the request of a trustee that provided the applicable sections of the Consolidated Bylaws related to public question period to assist trustees in reviewing the relevant sections of the Bylaws. Discussion took place and the following motions were moved, one of which was defeated and the other carried:

MOVED by Trustee Christine Thatcher
SECONDED by Trustee Stephen Linton

IT IS RECOMMENDED THAT SECTION 5.13.16 OF THE CONSOLIDATED BYLAWS BE AMENDED TO INCLUDE LANGUAGE THAT INDIVIDUAL TRUSTEES MAY RESPOND TO QUESTIONS AT BOARD MEETINGS FOR THE PURPOSES OF CLARIFICATION.

DEFEATED

MOVED by Trustee Deb Oldfield
SECONDED by Trustee Carolyn Morton

IT IS RECOMMENDED THAT STAFF BRING FORWARD A REPORT AND RECOMMENDED LANGUAGE ON THE ISSUE OF BEING ABLE TO REQUEST CLARIFICATION OF SPEAKERS AND PRESENTERS AT BOARD MEETINGS.

CARRIED

Contextual Background

Members of the Durham District School Board (DDSB) community have the opportunity to engage with the DDSB in many different formats including through public questions at Board meetings, public presentations at Standing Committee meetings, participation in public consultations on a variety of topics, providing feedback through surveys, and engagement through social media, e-mail, phone, and other formats.

The DDSB has a long-standing practice of having public questions at Board meetings and public presentations at Standing Committee meetings. Appendix A includes sections of the By-laws covering public participation in meetings through question period and presentations.

In 2023, during the public question period process, multiple questions on the same or similar topics came forward and meetings descended into chaos, resulting in multiple recesses being called and the public being cleared from the gallery. Safety concerns were raised by trustees, staff and members of the public in attendance at meetings. There was threatening behaviour and vulgar slurs made at these meetings.

In response to challenges and disruptions at Board meetings in 2023, the Governance and Policy Committee undertook a detailed review of, and brought forward recommended changes to, the provisions of the By-laws that address public question period to provide additional clarity around the public question period process, including time limits, making provision for hybrid participation, providing trustees with copies of any questions that were not approved, and providing clarity around the use of supplemental questions.

These changes were intended to ensure that the public had the opportunity to participate in meetings in a fair and equitable way while ensuring that the business of the Board could move forward in a timely and professional manner. This was keeping in the spirit of the By-laws with respect to allowing questions on a wide variety of topics of a general nature, but also ensuring public question period takes place in a structured manner that respects all participants at meetings, including staff who are answering questions in a public format.

In addition, and in response to significant concerns about discriminatory comments causing harm, contrary to the Board's legal obligations, the Board put in place additional safeguards to ensure that questions are not designed or framed in a manner that would be contrary to the Board's commitments and statutory duties and responsibilities under the Education Act, the Ontario Human Rights Code, the Board's Human Rights Policy and/or the Board's Indigenous Education Policy and Procedures.

As noted by the Court in [Carolyn Burjoski v. Waterloo Region District School Board, 2023 ONSC 6506](#) these types of limits are reasonable to protect all participants of meetings from discrimination and harm.

2023 Public Question Periods

The following table lists the number of public questions that were asked at every regularly scheduled Board Meeting in 2023:

Meeting Date	Number of Public Questions
January 23, 2023	2
February 21, 2023	2
March 20, 2023	5
April 17, 2023	6
May 15, 2023	13
June 19, 2023	4
September 18, 2023	4
October 16, 2023	3
December 4, 2023	3

The District also adopted additional safety and security measures for public meetings, including the creation of a [Code of Conduct for Public Meetings](#). Since then, Board staff have received multiple requests for public questions that continue to be contrary to the Board's commitments and statutory duties and responsibilities under the Education Act, the Ontario Human Rights Code, the Board's Human Rights Policy and/or the Board's Indigenous Education Policy and Procedures.

3.0 Analysis

In recent years with the COVID-19 pandemic and various topics of interest to various communities, the public question period process has been used as a method to engage in advocacy and debate. This was one of the reasons why additional safety and security measures were put in place for public meetings and additional changes to the By-laws as noted above.

Staff have considerable concerns around the allowance of unstructured follow-up questions.

The safeguards now in place in the Board's By-laws regarding the vetting and approval of questions could be compromised by an imprudent follow-up question from the Board table.

The current By-laws for public question period contain the following provisions which were reviewed the last time trustees considered changes to this section of the By-laws:

5.13.16 (h) Individual Trustees will not respond or comment on questions posed.

Based on the public nature of Board Meetings and the importance of providing clear and accurate information to the public and trustees, staff are not supportive of changes that would verge on debate between staff and trustees or members of the public at Board meetings. This has the potential to create a risk of undue harm and could expose the Board to litigation. The current process gives members of the public the ability to ask questions at Board Meetings. Questions are submitted in advance, providing the ability to carefully review the questions in accordance with the by-laws and to consider appropriate responses which are then posted on the Board's website for the benefit of all. In addition, based on previous events there are significant concerns over the safety and well-being of staff, trustees, and community members.

The current By-laws regarding public presentations at Standing Committee meetings allow for questions to be posed to presenter(s) provided that the total presentation time and questions for each presentation do not exceed 15 minutes.

A jurisdictional scan has taken place of school boards of a similar or larger size (including the Ottawa, Peel, York, and Toronto District School Boards) to the DDSB and no other school board reviewed provides for public questions by members of the public at meetings.

Should the Committee still wish to include a provision in the By-laws to ask questions of clarification to those participating in public question period, the Committee may wish to consider the following language as an addition under Section 5.13.16:

Trustees are each permitted to ask one question of clarification to the Questioner.

Should that change be added to the By-laws, trustees should expect that staff will not have anything further to add in responding to questions posed other than what was already provided.

4.0 Financial Implications

Not applicable.

5.0 Communication Plan

If revisions to the bylaws are required by the Board of Trustees, the revised bylaws will be shared with relevant staff and will be posted on the Board's website.

6.0 Conclusion

For the reasons outlined in the report, no further changes are recommended to the by-laws. This report is provided to the Governance and Policy Committee for information.

7.0 Appendices

Appendix A: Sections of the Board's By-laws applicable to public participation

Report reviewed and submitted by:



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations



BYLAWS

Consolidated Bylaws

4.2 Committee of the Whole and Committee of the Whole - Standing

4.2.8 Public presentations to the Committee of Whole - Standing are welcomed. The individual or group seeking to make a presentation shall follow the process and rules set out in these Bylaws.

4.2.9 The terms of reference of the Committee of the Whole – Standing are as follows:

- (c) Receive and seek representations and opinions from staff, area residents, and others, with respect to Board policy, including proposed new policy or a proposed amendment to an existing policy;

5.13 Public Participation in Meetings

5.13.1 In keeping with the Board's Policy on Public Consultation, the Board welcomes presentations by individuals and groups. Presentations shall be made in the first instance to the Committee of Whole – Standing.

5.13.2 In order to obtain permission to make a presentation to the Committee of Whole – Standing, the person shall email the Director at least eight working days before the next scheduled meeting of the Committee of Whole – Standing. A presenter to the Committee of Whole – Standing may also be invited to present at a Board Meeting, at the discretion of the Chair of the Board.

5.13.3 Any application submitted to the Director shall be forwarded to the Chair of the Committee of Whole - Standing.

5.13.4 An email requesting permission to present to the Committee of Whole - Standing shall:

- (a) State the matter to be discussed;
- (b) Include materials intended to be distributed to trustees and/or be presented at the meeting;
- (c) Provide the name of any organization or interested party to be represented;
- (d) Confirm the authority of the spokesperson.

5.13.5 Any application to present at the Committee of Whole – Standing Committee may be approved at the good faith discretion of the Chair of the Committee of Whole – Standing who shall, in considering whether to grant approval:

- (a) Consider if an opportunity for presentation is available through any other public consultation process, which shall be utilized prior to approval being given;
- (b) Consider if the matter is a matter within the scope and authority of the Board of Trustees or whether the matter is operational in nature or within

- the jurisdiction of the Ministry of Education or some other entity;
- (c) Consider whether the proposed presentation would be consistent with the Board's commitments and statutory duties and responsibilities under the Education Act, the Ontario Human Rights Code, the Board's Human Rights Policy and/or the Board's Indigenous Education Policy. If there is a concern with the manner in which a proposed presentation is designed or framed, the requester is to be given an opportunity to rectify the issues prior to any denial. If the denial is maintained, the proposed presentation shall nonetheless be circulated to all trustees by email with a summary note as to the nature of the presentation and the basis of the denial. If two or more trustees are concerned about the denial of a proposal, a motion may be brought at the next meeting of the Board for consideration of the presentation and shall reference the summary note but not include the proposed presentation. Provided there is a two thirds majority to have the motion debated, the Chair will declare the motion to be on the floor and it is debatable. Where appropriate, the Board may move into closed session of Committee of the Whole to debate the matter. In the absence of a two thirds majority, the motion is not debatable, and the Chair shall call a vote.
 - (d) Consider the time available for presentations at a given meeting and whether allowing the proposed presentation will allow the Committee of Whole – Standing sufficient time to conduct its business.
- 5.13.6 The Chair of Committee of the Whole-Standing shall inform the members of the Board when an application has been denied, including the rationale.
- 5.13.7 The Chair may waive the eight working days' notice period.
- 5.13.8 Presenters should use the appropriate format and protocol for presentations, available from the Director's office.
- 5.13.9 Anyone wishing to make a presentation shall be informed if the issue to be addressed will be discussed at any meeting of the Board or Committee of Whole - Standing prior to her or his opportunity to present.
- 5.13.10 Presenters shall be limited to speaking not more than 15 minutes including time for questions. At the discretion of the Chair of the Committee of Whole – Standing, this may be extended for a specific amount of time or deferred to a later point in the meeting.
- 5.13.11 Presenters shall be restricted to topics outlined in the application.
- 5.13.12 One or more presentations on a topic do not necessarily lead to a Committee of Whole - Standing or Board decision. The topic of a presentation should not be debated by Trustees unless and until it is on an agenda.
- 5.13.13 Members of the public may also pose questions of a general nature or regarding Board processes to the Board at any regular Board meeting.
- 5.13.14 The Board encourages questions on a wide variety of topics, while making sure that adequate time is available for regular business. The Chair shall establish time limitations as necessary to achieve these objectives and may group together questions of a similar nature. In order to complete the business of the Board, public question period shall not exceed 30 minutes. Time may be extended in extenuating or special circumstances at the discretion of the Chair or a majority of the Board. Any approved questions not answered at the Board meeting shall be responded to through the website.

5.13.15 The Board reserves the right to deny an individual or party the opportunity to ask a question, or to otherwise limit a question where the question is designed or framed in a manner that would be contrary to the Board's commitments and statutory duties and responsibilities under the Education Act, the Ontario Human Rights Code, the Board's Human Rights Policy and/or the Board's Indigenous Education Policy and Procedures. If there is concern with the manner in which a proposed question is designed or framed, the requester is to be given an opportunity to rectify the issue prior to any denial. If the denial is maintained, the proposed question shall nonetheless be circulated to all trustees by email.

5.13.16 The following procedure applies to public question period:

- (a) Before the beginning of the Board meeting, the Questioner shall submit the question in writing through the appropriate form made available on the DDSB website;
- (b) The approved question shall be displayed on the screens in the Boardroom;
- (c) The Questioner shall be allowed to ask the approved question. At the discretion of the Chair, the Questioner may be prompted if further clarification is required on the answer provided and/or direct the Questioner to the email address to which the question may be submitted;
- (d) The Questioner shall have the option to ask their question in-person or virtually subject to availability and at the discretion of the Chair;
- (e) The Questioner or, if the Questioner prefers, the Chair, shall read the question;
- (f) The question shall be addressed by the Chair who may direct staff to answer;
- (g) Questions to individual Trustees or staff will not be addressed at public question period;
- (h) Individual Trustees will not respond or comment on questions posed.



Durham District School Board

April 24, 2024 Governance and Policy Committee Meeting

Re: Motion to Amend Consolidated Bylaws

MOVED by: Trustee Carolyn Morton

Motion:

THAT THE GOVERNANCE AND POLICY COMMITTEE RECOMMEND TO THE BOARD OF TRUSTEES THAT THE BYLAWS BE AMENDED AS FOLLOWS AND THAT THE AMENDMENT BE CONSIDERED AT THE NEXT MEETING OF THE BOARD OF TRUSTEES:

Section 5.12.21: ~~At Board and Committee meetings, a motion that has been moved and seconded is considered to be on the floor and will be decided by a vote. A motion need not be seconded during a Committee meeting, except during meetings of Committee of the Whole and Committee of the Whole — Standing.~~

Background:

This motion is proposed to provide greater clarity and ensure consistency at Board and Committee meetings by requiring that all motions must have a mover and a seconder in order to be debated and voted on. This proposed change has come out of the collective work on governance that trustees and staff have engaged.

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Governance and Policy Committee

DATE: April 24, 2024

SUBJECT: Revised Naming of Schools Policy

PAGE: 1 of 3

ORIGIN: Jim Markovski, Associate Director of Equitable Education
Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations
Patrick Cotter, Legal Counsel

1.0 Purpose

The purpose of this report is to, at the direction of the Board of Trustees, bring forward proposed revisions to the Naming of Schools Policy pursuant to a resolution passed at the January 22, 2024 Board Meeting. The report also brings forward additional proposed changes to the Policy to provide more clarity to the process of renaming a school.

2.0 Background

The DDSB recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

The DDSB is committed to learning and working environments that are centered around human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive and free from discrimination.

At the January 22, 2024 Board Meeting, the Board of Trustees considered the renaming of Lord Elgin Public School which was renamed by the Board to Ontario Street Public School. As part of the debate that took place, there was some interest among trustees to explore sending the recommendation of a School Naming Committee back to the Committee for further consideration.

The following resolution was made at the meeting:

THAT THE BOARD OF TRUSTEES REFER THE SCHOOL NAMING POLICY TO THE GOVERNANCE AND POLICY COMMITTEE TO CONSIDER PROVIDING MORE FLEXIBILITY TO THE BOARD OF TRUSTEES WHEN A RECOMMENDATION FROM THE SCHOOL NAMING COMMITTEE COMES FORWARD.

3.0 Analysis

In line with the resolution passed by the Board, staff have drafted language that would allow the Board to either accept one of the proposed names from the Naming Committee, or refer the matter back to the Naming Committee to seek recommendations of additional proposed names. The language proposed for inclusion is listed below:

The Board can refer the matter back to the School Naming Committee for recommendations of additional proposed names.

In addition, when reviewing the Policy and receiving feedback from Superintendents who have organized the process, working with the School Naming Committee to consider the renaming of a school, additional recommendations are being proposed to the Policy.

Determining the Decision Point in Renaming a School

Concerns have been raised over whether it is proper to consult on keeping the name of a school after the Board has determined that a renaming process should commence because one or more of the renaming criteria in Section 5.4 of the Policy has been engaged. Of particular note, if the Board determines that a proposed name does not align with the Board's commitment or legal responsibilities to Indigenous rights, human rights, anti-oppression, anti-racism, anti-discrimination and equitable and inclusive education, seeking feedback on keeping the name has the potential to cause significant harm.

As a result, additional changes are being proposed to the Policy so that if the Board decides to start the process of renaming a school, the school will end up having a new name. The School Naming Committee will no longer have the option to consult on or recommend that the name of a school remain unchanged.

Delivering a Report to the Board from the Director Following a Written Request to Rename an Existing School

The existing Policy also indicates that upon receiving a written request to rename an existing school, the Director of Education must bring forward a report to Trustees in order to determine whether the request meets the renaming criteria. The language in the current policy means that any written request must be brought forward in the form of a report by the Director to the Board, even if the Director has determined following a review that the renaming criteria in the Policy is not engaged.

Changes are being proposed to this section of the Policy to provide greater clarity. The Director will still be required to review any written request, but a report would only come forward to the Board if the Director is satisfied that the request is, or is likely to be a concern that engages one or more of the renaming criteria in the Policy.

4.0 Evidence of Impact

Accurately maintaining current policies and completing timely reviews are essential to effective Board governance, system operations and in supporting system leaders in operational implementation.

5.0 Financial Implications

Not applicable.

6.0 Communication Plan

Should any revisions to the policy be made by the Board of Trustees, the revised policy will be shared with relevant staff and will be posted on the Board's website.

7.0 Conclusion and/or Recommendations

It is recommended that the Governance and Policy Committee consider and approve the revised Naming of Schools Policy as included in Appendix B, and that the matter be considered at the next meeting of the Board of Trustees.

8.0 Appendices

Appendix A: Naming of Schools Policy (Tracked Changes)

Appendix B: Naming of Schools (Clean Version)

Report reviewed and submitted by:



Jim Markovski, Associate Director of Equitable Education



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations



Patrick Cotter, General Counsel



POLICY

Business – School Operations

Naming of Schools

1.0 Rationale

- 1.1 The naming of a school and the consideration of a potential school re-naming are important for the school community. A policy for school naming ensures community involvement and a transparent, equitable, accessible and reasonable process.
- 1.2 Durham District School Board (DDSB) believes that school names should promote a safe, equitable, welcoming, respectful and inclusive environment for teaching and learning. DDSB respects the diverse identities, strengths, experiences and perspectives of our communities and values their contribution to school naming.

2.0 Objective

- 2.1 The objective of this policy is to establish the process and parameters for the naming or re-naming of schools that supports the Board's commitment and legal responsibilities to Indigenous rights, human rights, anti-oppression, anti-racism, anti-discrimination, and equitable and inclusive education and to inform Board Procedure to operationalize this Policy.
- 2.2 Durham District School Board recognizes that Indigenous rights are inherent and distinct. Recommendations of possible names for schools will not be such as to infringe or otherwise offend the inherent rights of Indigenous Peoples and will support the rights of all student and employees to an environment that is free from discrimination.

3.0 Definitions

In this Policy,

- 3.1 Board refers to the Board of Trustees for Durham District School Board.
- 3.2 District refers to the corporate entity of Durham District School Board.
- 3.3 Staff refers to any individual who is employed by DDSB.

4.0 Responsibilities

- 4.1 Trustees: For the purposes of this policy, Trustees are responsible for setting the strategic direction of the Board and developing and maintaining policies. They are also responsible for monitoring and evaluating the effectiveness of policies developed by the Board in supporting the Multi-Year Strategic Plan.
- 4.2 Director of Education: For the purposes of this policy, the operations of the District are the responsibility of the Director of Education (and designates) and include measures to operationalize and ensure compliance with Board Policy by adapting and implementing appropriate Procedures and by providing professional learning and training to staff to support implementation. A focus on enhancing understanding of Indigenous rights, human rights, anti-oppression, anti-racism and anti-discrimination, and addressing discriminatory assumptions, stereotypes, biases, barriers, experiences and outcomes is required.

5.0 Policy

- 5.1 To name a new or consolidated school, a School Naming Committee shall be established to provide a short-list of recommendations to the Board based on the naming conventions set forth in sections 5.6 and 5.7 of this Policy and consistent with the terms of any procedure adopted under this policy.
- 5.2 The School Naming Committee shall reflect the diverse communities DDSB serves and be comprised of the area Trustees (no fewer than two Trustees), and the Family of Schools Superintendent, together with those representatives from the community and the school's staff and students as may be selected in accordance with the procedure adopted under this Policy.

5.3 If a written request is received to rename an existing school, the Director will review the request, and if satisfied that it is, or is likely to be a concern that engages one or more of the renaming criteria stipulated in section 5.4 of this Policy, then the Director shall deliver a report to the Board. the Director shall bring a report to Trustees to determine whether the request meets one or more of the renaming criteria stipulated in section 5.4 of this Policy. In addition, either the Board or Administrative Council may, on their own initiative, determine that one or more of the renaming criteria stipulated in section 5.4 of this Policy are engaged. The rationale for a name change, the composition of the School Naming Committee and a financial analysis of the associated costs will be included in the report to Trustees.

5.3 If, based on the report provided by the Director of Education the Board is satisfied that any of the criteria of section 5.4 are engaged such that and that the name of the school is to be changed, based on the report provided by the Director of Education, a School Naming Committee shall be struck. and If, in any case, one or more of the renaming criteria are engaged, a The School Naming Committee will be established to provide a short list of recommendations to the Board based on the naming conventions set forth in sections 5.6 and 5.7 of this Policy and consistent with the terms of any procedure adopted under this Policy.

- 5.4 A school shall be eligible to be renamed under this policy if:
- a) The current name does not align with the Board's commitment or legal responsibilities to Indigenous rights, human rights, anti-oppression, anti-racism, anti-discrimination and equitable and inclusive education; or
 - b) the current name constitutes a significant departure from generally-recognized standards of public behaviour which is seen to undermine the credibility, integrity or relevance of the Board's contemporary values; or

- c) the current name was appropriated from a culture or community without the necessary engagement and consultation with representatives from the community; or
- d) The Board, in conjunction with the school community, has developed a new identity for the school.

5.5 ~~Notwithstanding the establishment of a School Naming Committee, the Committee has the discretion to recommend that the name of school remain unchanged. Further, the Board will may choose to accept or reject any the recommendation of thea School Naming Committee and but shall not choose a any name not on the short-list of names recommended by the School Naming Committee. The Board can refer the matter back to the School Naming Committee for recommendations of additional proposed names.~~

5.5.6 The name for a school shall align with 2.1 and 2.2 of this Policy and include:

- a) the name of a renowned individual of historical significance whose contribution to the local community, Canadian society or to the world is recognized and valued and would be seen by the community as representative of the values of the DDSB; or
- b) The name of a geographic landmark associated with the location of the school including a street name and the name of the community including any historical name for the community or area; or
- c) The name of a significant Canadian event.

5.65.7 In no case, shall any school be named after a corporation, a sitting politician, a current employee of the Board, a member of the Board, or a member of the immediate family of the foregoing.

6.0 Evaluation

6.1 This Policy is subject to review and revision as may be deemed appropriate by the Board, but it shall be brought to the Board for review at least every five years.

7.0 Reference Documents

7.1 Procedures

- Naming of Schools

Appendix:

None

Effective Date

1985-06-10

Amended/Reviewed

2003-09-03

2003-11-17

2006-08-02

2013-05-22

2013-11-20

2021-04-19

2024-03-XX

POLICY

Business – School Operations

Naming of Schools

1.0 Rationale

- 1.1 The naming of a school and the consideration of a potential school re-naming are important for the school community. A policy for school naming ensures community involvement and a transparent, equitable, accessible and reasonable process.
- 1.2 Durham District School Board (DDSB) believes that school names should promote a safe, equitable, welcoming, respectful and inclusive environment for teaching and learning. DDSB respects the diverse identities, strengths, experiences and perspectives of our communities and values their contribution to school naming.

2.0 Policy Objective

- 2.1 The objective of this policy is to establish the process and parameters for the naming or re-naming of schools that supports the Board's commitment and legal responsibilities to Indigenous rights, human rights, anti-oppression, anti-racism, anti-discrimination, and equitable and inclusive education and to inform Board Procedure to operationalize this Policy.
- 2.2 Durham District School Board recognizes that Indigenous rights are inherent and distinct. Recommendations of possible names for schools will not be such as to infringe or otherwise offend the inherent rights of Indigenous Peoples and will support the rights of all student and employees to an environment that is free from discrimination.

3.0 Definitions

In this policy,

- 3.1 Board refers to the Board of Trustees for Durham District School Board.
- 3.2 District refers to the corporate entity of Durham District School Board.
- 3.3 Staff refers to any individual who is employed by DDSB.

4.0 Responsibilities

- 4.1 Trustees: For the purposes of this policy, Trustees are responsible for setting the strategic direction of the Board and developing and maintaining policies. They are also responsible for monitoring and evaluating the effectiveness of policies developed by the Board in supporting the Multi-Year Strategic Plan.
- 4.2 Director of Education: For the purposes of this policy, the operations of the District are the responsibility of the Director of Education (and designates) and include measures to operationalize and ensure compliance with Board Policy by adapting and implementing appropriate Procedures and by providing professional learning and training to staff to support implementation. A focus on enhancing understanding of Indigenous rights, human rights, anti-oppression, anti-racism and anti-discrimination, and addressing discriminatory assumptions, stereotypes, biases, barriers, experiences and outcomes is required.

5.0 Policy

- 5.1 To name a new or consolidated school, a School Naming Committee shall be established to provide a short-list of recommendations to the Board based on the naming conventions set forth in sections 5.6 and 5.7 of this Policy and consistent with the terms of any procedure adopted under this Policy.
- 5.2 The School Naming Committee shall reflect the diverse communities DDSB serves and be comprised of the area Trustees (no fewer than two Trustees), and the Family of Schools Superintendent, together with those representatives from the community and the school's staff and students as may be selected in accordance with the procedure adopted under this Policy.
- 5.3 If a written request is received to rename an existing school, the Director will review the request, and if satisfied that it is, or is likely to be a concern that engages one or more of the renaming criteria stipulated in section 5.4 of this Policy, then the Director shall deliver a report to the Board. The rationale for a name change, the composition of the School Naming Committee and a financial analysis of the associated costs will be included in the report to Trustees.

If, based on the report provided by the Director of Education, the Board is satisfied that any of the criteria of section 5.4 are engaged such that the name of the school is to be changed, a School Naming Committee shall be struck. The School Naming Committee will provide a short list of recommendations to the Board based on the naming conventions set forth in sections 5.6 and 5.7 of this Policy and consistent with the terms of any procedure adopted under this Policy.

- 5.4 A school shall be eligible to be renamed under this policy if:
 - a) the current name does not align with the Board's commitment or legal responsibilities to Indigenous rights, human rights, anti-oppression, anti-racism, anti-discrimination and equitable and inclusive education; or
 - b) the current name constitutes a significant departure from generally recognized standards of public behaviour which is seen to undermine the credibility, integrity or relevance of the Board's contemporary values; or
 - c) the current name was appropriated from a culture or community without the necessary engagement and consultation with representatives from the community; or
 - d) the Board, in conjunction with the school community, has developed a new identity for the school.
- 5.5 The Board will accept the recommendation of the School Naming Committee and choose a name on the shortlist of names recommended. If required, the Board can refer the matter back to the School Naming Committee for recommendations of additional proposed names.
- 5.6 The name for a school shall align with 2.1 and 2.2 of this Policy and include:
 - a) the name of a renowned individual of historical significance whose contribution to the local community, Canadian society or to the world is recognized and valued and would be seen by the community as representative of the values of the DDSB; or
 - b) the name of a geographic landmark associated with the location of the school including a street name and the name of the community including any historical name for the community or area; or
 - c) the name of a significant Canadian event.

- 5.7 In no case, shall any school be named after a corporation, a sitting politician, a current employee of the Board, a member of the Board, or a member of the immediate family of the foregoing.

6.0 Evaluation

- 6.1 This Policy is subject to review and revision as may be deemed appropriate by the Board, but it shall be brought to the Board for review at least every five years.

7.0 Reference Documents

- Naming of School Procedure

Appendix:

Appendix A: Naming of Schools Flowchart

Effective Date:

1985-06-10

Reviewed and Amended:

2003-09-03

2003-11-17

2006-08-02

2013-05-22

2013-11-20

2021-04-19

2024-04-XX

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Governance and Policy Committee **DATE:** April 24, 2024

SUBJECT: Revised Director of Education Performance Review Policy **PAGE:** 1 of 2

ORIGIN: Patrick Cotter, General Counsel
Robert Cerjanec, Executive Lead, Strategic Initiatives & External Relations

1.0 Purpose

The purpose of this report is to provide a revised Director of Education Performance Review Policy to the Governance and Policy Committee for consideration.

2.0 Background

The Durham District School Board recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.

The Durham District School Board is committed to providing learning and working environments that centre human rights and equity and are safe, welcoming, respectful, equitable, accessible, inclusive, and free from all forms of discrimination, oppression, harassment, and harm.

In October 2023, the Ministry of Education invited school boards to provide input on key elements of a proposed standardized process for the Director of Education Performance Appraisal, specifically:

- Evaluation cycle
- Evaluation criteria
- Methodology
- Supports for a comprehensive and effective appraisal process including the use of external professional services
- Rating system
- Process following an unsatisfactory rating
- Reporting/accountability

Following completion of the consultative process, [Ontario Regulation 83/24: Director of Education Performance Appraisal](#) (Appendix A) came into force on March 4, 2024.

In response, the DDSB's Director of Education Performance Review Policy has been revised (Appendices B and C) to align with the new regulation.

3.0 Analysis

Revisions to the Policy ensure its alignment with provincial requirements and brings clarity to the process for the Board of Trustees and staff. Accurately maintaining current policies and completing timely reviews are essential to effective Board governance, system operations and in supporting implementation.

4.0 Financial Implications

Not applicable.

5.0 Communication Plan

Following approval of the recommended revisions, the policy will be shared with relevant staff and will be posted on the Board's website.

6.0 Conclusion and/or Recommendations

That the Governance and Policy Committee consider and approve the revised Director of Education Performance Review Policy, and that the matter be considered at the next meeting of the Board of Trustees.

7.0 Appendices

Appendix A: O. Reg. 83/24: Director of Education Performance Appraisal

Appendix B: Revised Director of Education Performance Review Policy (tracked changes)

Appendix C: Revised Director of Education Performance Review Policy (clean)

Report reviewed and submitted by:



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead, Strategic Initiatives and External Relations

ONTARIO REGULATION 83/24

made under the

EDUCATION ACT

Made: December 7, 2023

Filed: March 4, 2024

Published on e-Laws: March 4, 2024

Published in *The Ontario Gazette*: March 23, 2024**DIRECTOR OF EDUCATION PERFORMANCE APPRAISAL****CONTENTS**

1.	Definitions
2.	Application and interpretation
3.	Performance appraisal committee
4.	Timing of evaluation cycles
5.	Actions to be taken during full evaluation cycle
6.	Actions to be taken during interim evaluation cycle
7.	Actions to be taken after evaluation cycle
8.	Bi-annual feedback
9.	Performance plan
10.	Performance appraisals and ratings
11.	Records to be kept by the board
12.	Commencement

Definitions

1. In this Regulation,

“committee” means a committee established under subsection 3 (1); (“comité”)

“community partners and stakeholders” means persons or entities that interact with a board, including advocacy groups, First Nations, Métis and Inuit partners, business and labour organizations, municipal and childcare partners and social service agencies; (“partenaires et intervenants communautaires”)

“evaluation cycle” means the period of time during which the performance of a director of education is appraised; (“cycle d’évaluation”)

“full evaluation cycle” means an evaluation cycle that commences July 1 in a year and ends June 30 of the following year; (“cycle d’évaluation complet”)

“interim evaluation cycle” means an evaluation cycle determined in accordance with section 4. (“cycle d’évaluation intérimaire”)

Application and interpretation

2. (1) This Regulation applies to performance appraisals of directors of education conducted under Part XI.1 of the Act.

(2) For the purposes of applying this Regulation to the Centre Jules-Léger Consortium established under subsection 13.1 (1) of the Act, a reference in this Regulation to a school council is deemed to be a reference to the parent and program advisory committee within the meaning of Ontario Regulation 194/18 (Centre Jules-Léger Consortium - Object and Composition of the Parent and Program Advisory Committee) made under the Act.

(3) If two or more school authorities have appointed a director of education under section 281 of the Act, each school authority is responsible for conducting a performance appraisal of the director of education, but they may jointly retain the entity mentioned in subsection 8 (1).

Performance appraisal committee

3. (1) No later than May 15 in each year, each board shall establish a committee responsible for conducting a performance appraisal of the director of education for the board, composed of not fewer

than three and not more than seven board members, one of whom shall be elected by a majority of the committee to act as its chair.

(2) If a board is composed of three members and a vacancy occurs,

- (a) the board shall appoint a member to the committee as soon as possible after the vacancy on the board is filled; and
- (b) despite subsection (1), the committee may be composed of two board members until the vacancy is filled.

(3) The committee is responsible for conducting any performance appraisal required under this Regulation in respect of any of the director of education's evaluation cycles that occur with the board during any portion of the period beginning on July 1 in the year that the committee is established and ending on June 30 in the following year.

Timing of evaluation cycles

4. (1) A director of education whose start date in that role with a board is a date described in Column 1 of the Table to this section shall have,

- (a) an interim evaluation cycle that has an end date set out opposite the start date of the role in Column 2 of the Table; and
- (b) a first full evaluation cycle that has a start date set out opposite the start date of the role in Column 3 of the Table.

(2) If a director of education has an interim evaluation cycle with a board, the interim evaluation cycle begins on their start date in that role with the board.

(3) After a director of education's first full evaluation cycle with a board, they shall have full evaluation cycles annually with that board.

TABLE

Item	Column 1 Start date of role as director of education	Column 2 End date for interim evaluation cycle	Column 3 Start date of first full evaluation cycle
1.	Before March 1, 2024.	None	July 1, 2024
2.	On or after March 1, 2024 and on or before June 30, 2024.	June 30, 2025	July 1, 2025
3.	On or after July 1 in a year and on or before the last day of February in the following year.	The first June 30 following their start date.	The first July 1 following their start date.
4.	On or after March 1 in a year and on or before June 30 in that same year.	June 30 in the following calendar year.	July 1 in the following calendar year.

Actions to be taken during full evaluation cycle

5. (1) During a director of education's full evaluation cycle, the person or entity set out in Column 1 of the Table to this section shall take the actions set out opposite the person or entity in Column 2 of the Table on or before the date set out in Column 3.

(2) The action required by item 8 of the Table to this section shall not be taken before February 1 in the full evaluation cycle.

TABLE

Item	Column 1 Person or entity	Column 2 Action	Column 3 Date
1.	Committee chair and at least one other member of the committee	Meet with the director of education to develop and finalize their performance plan.	July 31
2.	Committee chair	Provide a copy of the director of education's performance plan to every member of the board.	August 15
3.	Chair of the board	1. Provide written notice to the Minister that includes the following information, i. the date that the person began their role as director of education for the board, ii. whether the steps set out in subsection 8 (1) are required to be taken during the current full	August 15

		evaluation cycle, and iii. confirmation that the director of education's performance plan has been put in place for the current full evaluation cycle. 2. Post a copy of the confirmation on the board's website.	
4.	Minister	If it is a full evaluation cycle in which the steps set out in subsection 8 (1) are required to be taken, provide written notice to the board and the director of education indicating whether the Minister intends to provide feedback under section 8.	December 1
5.	Committee chair	Request feedback from every member of the board in respect of the director of education's progress toward implementing the actions and achieving the goals contained in the performance plan.	January 11
6.	Each member of the board	Provide any feedback requested in item 5 to the chair of the committee.	January 21
7.	Committee chair and at least one other member of the committee	Meet with the director of education to review their progress toward implementing the actions and achieving the goals contained in the performance plan and to discuss other matters relevant to the performance plan.	January 31
8.	Entity described in subsection 8 (1)	If it is a full evaluation cycle in which the steps set out in section 8 are required to be taken, perform the step described in paragraph 1 of subsection 8 (1).	April 30
9.	Entity described in subsection 8 (1)	If it is a full evaluation cycle in which an assessment is required to be performed under section 8, provide the report described in paragraph 2 of subsection 8 (1) to the committee and the director of education.	May 15
10.	Director of education	Update the performance plan in accordance with subsection 9 (4).	June 10
11.	Committee chair	Provide a copy of the draft performance appraisal report, prepared in accordance with section 10, in respect of the director of education to every member of the board.	June 20
12.	Each member of the board	Provide any feedback on the draft performance appraisal report to the committee.	June 30

Actions to be taken during interim evaluation cycle

6. During a director of education's interim evaluation cycle, the person or entity set out in Column 1 of the Table to this section shall take the actions set out opposite the person or entity in Column 2 of the Table on or before the date set out in Column 3.

TABLE

Item	Column 1 Person or entity	Column 2 Action	Column 3 Date
1.	Committee chair and at least one other member of the committee	Meet with the director of education to develop and finalize their performance plan.	The date that is 30 days after the person's first day in the role of the director of education for the board.
2.	Committee chair	Provide a copy of the director of education's performance plan to every member of the board.	The date that is 45 days after the person's first day in the role of the director of education for the board.
3.	Chair of the board	1. Provide written notice to the Minister containing the following information, i. the date that the person began their role as director of education for the board, and ii. confirmation that the director of	The date that is 45 days after the person's first day in the role of the director of education for the board.

		education's performance plan has been put in place for the current full evaluation cycle. 2. Post a copy of the confirmation on the board's website.	
4.	Committee chair	Request feedback from every member of the board in respect of the director of education's progress toward implementing the actions and achieving the goals contained in the performance plan and to discuss other matters relevant to the performance plan.	The date that is 20 days before the date determined for item 6.
5.	Each member of the board	Provide any feedback requested in item 4 to the chair of the committee.	The date that is 10 days before the date determined for item 6.
6.	Committee chair and at least one other member of the committee,	Meet with the director of education to review their progress toward implementing the actions and achieving the goals contained in the performance plan and to discuss other matters relevant to the performance plan.	The closest weekday to a date that is midway between the date on which the action in item 3 is taken and final day of the interim evaluation period.
7.	Director of education	Update the performance plan in accordance with subsection 9 (4).	June 10
8.	Committee chair	Provide a copy of the draft performance appraisal report, prepared in accordance with section 10, in respect of the director of education to every member of the board.	June 20
9.	Each member of the board	Provide any feedback on the draft performance appraisal report to the committee.	June 30

Actions to be taken after evaluation cycle

7. (1) During the months of July and August that follow a director of education's interim or full evaluation cycle, the person or entity set out in Column 1 of the Table to this section shall take the actions set out opposite the person or entity in Column 2 of the Table on or before the date set out in Column 3.

(2) The meeting required by item 2 of the Table to this section shall not take place during the seven-day period that commences on the day that the director of education is provided with the draft performance appraisal report under item 1 of the Table.

TABLE

Item	Column 1 Person or entity	Column 2 Action	Column 3 Date
1.	Committee chair	Provide the draft performance appraisal report for the interim or full evaluation cycle to the director of education	July 7
2.	Committee chair and at least one other member of the committee	Meet with the director of education to: i. review the actions implemented by the director of education to achieve the goals contained in the performance plan and discuss other matters relevant to the performance plan, ii. review and update the director of education's performance plan for the following evaluation cycle, if necessary, iii. review and discuss the committee's draft performance appraisal report, and iv. provide the director of education an opportunity to respond to the committee's evaluation, performance rating and explanation for the rating.	July 31
3.	Committee	1. Finalize the performance appraisal report, taking into consideration, among other things, i. the feedback from the members of the board and the director of education	August 10

		ii. the feedback set out in the report required by section 8, if applicable, and iii. the survey information mentioned in subparagraph 3 ii of subsection 10 (5). 2. Provide the final performance appraisal report to the board and the director of education.	
4.	Board	1. Provide written confirmation to the Minister that the performance appraisal for the interim or full evaluation cycle, as applicable, has been conducted and that the final performance appraisal report has been adopted by board resolution. 2. If it is a full evaluation cycle in which the steps set out in section 8 are required to be taken, provide to the Minister a list of the community partners and stakeholders identified by the committee under paragraph 7 of subsection 8 (2) from whom feedback was requested. 3. Post a copy of the confirmation and, if applicable, the list of community partners and stakeholders on the board's website.	August 15

Bi-annual feedback

8. (1) In a director of education's first full evaluation cycle, and every second full evaluation cycle after that, the board shall ensure that an entity that has at least five years of experience conducting multi-source executive performance assessments takes the following steps:

1. Request feedback from the persons listed in subsection (2) in respect of the director of education's performance.
2. Prepare a written report summarizing and analyzing the feedback.

(2) The persons mentioned in paragraph 1 of subsection (1) are:

1. Each member of the board.
2. Each student trustee of the board.
3. Each member of every statutory, ad hoc, or other committee of the board.
4. Each staff member of the board who reports directly to the director of education.
5. Each parent member of the school council at each school of the board.
6. A representative nominated by each local employee association representing employees of the board.
7. A representative sample of community partners and stakeholders, as identified by the committee with input from the director of education.
8. If notice has been provided in accordance with item 4 of the Table to section 5, the Minister.

(3) When determining whether to provide feedback in response to a request made under subsection (1), the Minister shall consider the director of education's leadership and progress in respect of,

- (a) achieving the goals set out in the multi-year plan developed in accordance with section 169.2 of the Act that relate to the provincial priorities in education in the area of student achievement set out in Ontario Regulation 224/23 (Provincial Priorities in Education - Student Achievement); and
- (b) maintaining or improving the reputation of and public confidence in the board in relation to advancing the provincial priorities in education in the area of student achievement set out in Ontario Regulation 224/23.

(4) In preparing a report under clause (1) (b), the entity shall remove any words or names that would identify a parent or student, if a request is made to do so by the parent or student.

Performance plan

9. (1) A performance plan required to be developed and finalized under section 5 or 6 in respect of an evaluation cycle shall include the following elements:

1. A list of the actions that the director of education will implement during the evaluation cycle to achieve each of the following goals:

- i. Advance the provincial priorities in education in the area of student achievement set out in Ontario Regulation 224/23 (Provincial Priorities in Education - Student Achievement).
 - ii. Manage human, capital and fiscal resources to achieve the goals identified in the board's multi-year plan developed under clause 169.1 (1) (f) of the Act.
 - iii. Promote a healthy and inclusive workplace with effective systems for staff selection and oversight.
 - iv. Create and maintain respectful and collaborative relationships with students, parents, staff, school board communities, community partners and stakeholders, Ministry staff and the Minister.
 - v. Demonstrate leadership that maintains or improves the reputation of and public confidence in the board.
 - vi. Ensure compliance with applicable laws, Ministry policies and guidelines, and board mandates.
2. Identification of leadership competencies and practices needed to achieve the goals set out in paragraph 1 and actions that the director of education shall implement during the evaluation cycle to improve at least one of those competencies or practices.
 3. One or more methods of,
 - i. determining whether the director of education successfully implemented the actions set out in the performance plan during the evaluation cycle, and
 - ii. measuring, qualitatively or quantitatively, the degree to which the actions achieved the goals set out in paragraph 1.
 4. Any additional appraisal elements determined by the committee with input from the director of education and if the additional appraisal elements include additional goals, a list of the actions that the director of education will implement during the evaluation cycle to achieve those goals.
- (2) The actions listed under paragraph 1 of subsection (1) shall include professional development activities that the director of education will undertake during the evaluation cycle.
- (3) The leadership competencies and practices identified under paragraph 2 of subsection (1) shall be described in accordance with any guideline issued by the Minister under subsection 287.6 (1) of the Act.
- (4) A performance plan update required under section 5 or 6 shall include,
- (a) a confirmation of which of the actions listed for the purposes of paragraphs 1, 2 and 4 of subsection (1) have been implemented by the director of education during the evaluation cycle;
 - (b) a description of how each action that was implemented assisted in achieving the goals set out in paragraphs 1 and 4 of subsection (1), as applicable; and
 - (c) for each action that was not implemented by the director of education, a rationale for why the action was not implemented.
- (5) The director of education and the chair of the committee shall each sign the performance plan and each of them shall retain a copy for at least six years.

Performance appraisals and ratings

- 10.** (1) The committee shall conduct a performance appraisal of the director of education for the board by,
- (a) in respect of a full evaluation cycle, holding each meeting mentioned in items 1 and 7 of the Table to section 5 and the meeting mentioned in item 2 of the Table to section 7;
 - (b) in respect of an interim evaluation cycle, holding each meeting mentioned in items 1 and 6 of the Table to section 6 and the meeting mentioned in item 2 of the Table to section 7; and
 - (c) evaluating the director of education's success in implementing the actions and achieving the goals set out in the performance plan developed for the interim or full evaluation cycle.
- (2) Despite subsection (1), the performance of a director of education shall not be evaluated in respect of the following periods:
1. A period when the director of education is on an extended leave that has been approved by the board.

2. A period when the director of education is on secondment to a position other than that of director of education.
- (3) The performance appraisal shall be conducted in accordance with this Regulation and with such guidelines as the Minister may issue.
- (4) Based on the results of the performance appraisal, the committee shall assign one of the following performance ratings to the director of education:
 1. Meets all expectations.
 2. Meets most expectations.
 3. Meets some expectations.
 4. Does not meet expectations.
- (5) When determining which performance rating to assign to the director of education for the board, the committee shall consider the following factors:
 1. The extent to which the director of education worked diligently and consistently toward the implementation of the actions identified in the performance plan.
 2. The efforts made by the director of education to engage board staff, community partners and stakeholders, and others in the development of the goals and implementation of the actions identified in the performance plan.
 3. The degree of success the director of education had in achieving the goals set out in the performance plan, as informed by data available to the board including,
 - i. the feedback set out in the report required by section 8, if applicable, and
 - ii. the information collected by the surveys required by subsection 169.1 (2.1) of the Act in respect of the evaluation cycle, if applicable.
 4. The rationale provided by the director of education for the actions that were not implemented and the goals that were not achieved.
 5. The effectiveness of efforts made to overcome challenges faced by the director of education in implementing the actions identified in the performance plan.
 6. The demonstrated ability and willingness of the director of education to address, in the future, the actions that were not implemented and goals that were not achieved.
- (6) The committee shall prepare a draft performance appraisal report summarizing the committee's evaluation, setting out the performance rating and providing an explanation for the rating.

Records to be kept by the board

11. Every board that prepares or receives a document that is required to be prepared by the board or provided to the board under this Regulation shall keep the document for a period of at least six years from the date of the draft performance appraisal report to which the document relates.

Commencement

12. This Regulation comes into force on the latest of the following days:

- 1. December 31, 2023.**
- 2. The day section 29 of Schedule 2 to the *Better Schools and Student Outcomes Act, 2023* comes into force.**
- 3. The day this Regulation is filed.**



Policy

DIRECTOR

Director of Education Performance Review

1.0 Rationale

The Director of Education, responsible for implementing the elected Board of Trustees' Multi-Year Strategic Plan, Policies, and the Equity and Inclusive Education Policy, and has overall responsibility for staff, operations and programs at the Durham District School Board.

One of the key responsibilities of the Board of Trustees is to monitor and evaluate the performance of the Director of Education in meeting the obligations of the position under the *Education Act*, the Board's Policies and Procedures and the Board's multi-year strategic plan.

The Board of Trustees is committed to ethical leadership, a healthy workplace culture and to fostering public confidence in our system. This policy supports these commitments.

Ontario Regulations 83/24 under the Education Act (the "Appraisal Regulations") stipulates certain minimum requirements for the Director of Education's performance appraisal. This policy incorporates the requirements of the Appraisal Regulations.

2.0 Objective

The objective of the Director's Performance Review Policy is to establish a transparent and objective process for the Board of Trustees to review the Director of Education's performance, to ensure compliance with the Appraisal Regulations, and to set a proactive framework to support the Director of Education in achieving the performance expectations of the position.

3.0 Application

The performance of the Director of Education is reviewed annually in ~~accord~~accordance with the terms of this Policy and the Appraisal Regulations. The employment contract of the Director of Education shall be subject to this Policy regarding the Director's performance review.

The Director of Education performance review is confidential and will be conducted in private, in ~~accord~~accordance with the provisions of Section 207(2)(b) of the *Education Act*. Therefore, any reference in this policy to the Board of Trustees includes reference to the Committee of the Whole Board, as appropriate.

The Board of Trustees will keep the public informed as to when the annual review has been

completed ~~and by annually posting written confirmation that the performance appraisal has been completed together with the list of community partners and stakeholders that provided input into the appraisal. will share with the public a summary of the goals and priorities identified through the review.~~

4.0 Process

4.0 4.1 Director of Education Performance Review Committee

~~This Board of Trustees shall establish~~ 4.1.1 There shall ~~be a~~ Director of Education Performance Review Committee, the terms of reference of which ~~will be~~ are to:

- (i) in consultation with the Director of Education, oversee the selection, or renewal of the engagement, of ~~an~~ the external consultant with at least five years of experience conducting multi-source executive performance assessments; that will be retained by the Board and any additional consultant that may be retained as referenced in paragraph 4.1.2;
- (ii) work with the external consultant to implement the Director of Education's Performance Review in accordance with this Policy and the Appraisal Regulations and to carry out any other activities specified in this Policy; and
- (iii) work with the external consultant to develop and implement the self-assessment performance evaluation tool for the Director of Education.

~~4.1.2. All Trustees are eligible to sit on the Director of Education's Performance Review Committee, but there shall be a minimum of three Trustees plus the Chair and Vice chair of the Board and a maximum of seven Trustees on the Committee. The membership of the Committee shall be approved established by the Board annually at the Organizational Meeting.~~

~~4.1.3 The members approved at the annual Organization Meeting shall constitute the Committee effective as of the following May 15 with responsibility for the period commencing on July 1 and ending on June 30 of the following year.~~

~~4.1.4 In an election year, if the Committee is reduced to less than three members, then additional members shall be placed on the Committee at the Organizational Meeting.~~

4.1 Performance Review Process

4.1.1 Position Profile and Objectives 4.2 Performance Plan

4.2.1 The Chair of the Committee shall, together with the other members of the Committee and the external consultant ~~and the Director of Education's Performance Review Committee will~~ work in

collaboration with the Director of Education to annually prepare a ~~Director of Education Position Profile and Objectives~~ Performance Plan document for the upcoming year review cycle. ~~This document shall, with reference to the Multi Year Strategic Plan, outline the annual key strategic priorities for the upcoming year, together with key accountabilities and leadership competencies for the role.~~ The Performance Plan shall be finalized by July 31. The Chair of the Committee will thereafter, and by no later than August 15: share a copy of the Performance Plan with members of the Board of Trustees; post on the Board's website confirmation of finalization of the Performance Plan; and provide the requisite written notice to the Minister.

4.2.2 The Performance Plan shall include the following:

1. A list of the actions that the Director of Education will implement during the evaluation cycle to achieve each of the following goals:

- i. Advance the provincial priorities in education in the area of student achievement set out in Ontario Regulation 224/23 (Provincial Priorities in Education - Student Achievement).
- ii. Manage human, capital and fiscal resources to achieve the goals identified in the board's multi-year plan developed under clause 169.1 (1) (f) of the Act.
- iii. Promote a healthy and inclusive workplace with effective systems for staff selection and oversight.
- iv. Create and maintain respectful and collaborative relationships with students, parents, staff, school board communities, community partners and stakeholders, Ministry staff and the Minister.
- v. Demonstrate leadership that maintains or improves the reputation of and public confidence in the board.
- vi. Ensure compliance with applicable laws, Ministry policies and guidelines, and board mandates.

2. Identification of leadership competencies and practices needed to achieve the goals set out in paragraph 1 and actions that the Director of Education shall implement during the evaluation cycle to improve at least one of those competencies or practices.

3. One or more methods of,

- i. determining whether the Director of Education successfully implemented the actions set out in the Performance Plan during the evaluation cycle, and

ii. measuring, qualitatively or quantitatively, the degree to which the actions achieved the goals set out in paragraph 1.

4. Any additional appraisal elements determined by the Committee, in consultation with the external consultant and with input from the Director of Education. If the additional appraisal elements include additional goals, a list of the actions that the Director of Education will implement during the evaluation cycle to achieve those goals.

4.2.3 The actions listed under paragraph 1 of section 4.2.2 shall include professional development activities that the Director of Education will undertake during the evaluation cycle.

4.2.4 The leadership competencies and practices identified under paragraph 2 of 4.2.2 shall be described in accordance with any guideline issued by the Minister under subsection 287.6 (1) of the Education Act.

4.2.5 Near the end of the evaluation cycle, and by no later than June 10, the Director of Education shall update the Performance Plan to include the following:

1. Confirmation of which of the actions listed for the purposes of paragraphs 1, 2 and 4 of section 4.2.2 have been implemented by the Director of Education during the evaluation cycle;
2. A description of how each action that was implemented assisted in achieving the goals set out in paragraphs 1 and 4 of section 4.2.2, as applicable; and
3. For each action that was not implemented by the Director of Education, a rationale for why the action was not implemented.

4.2.6 The Director of Education and the Chair of the Committee shall each sign the Performance Plan and each of them shall retain a copy for at least six years. The Committee Chair's copy shall be held in a secure cabinet in the office of the General Counsel.

4.1.2 4.3 Annual Performance Review

~~Each year, commencing after the first year in the role, t~~The Director of Education's Performance Review Committee will facilitate the annual review which shall culminate in the ~~Annual Director's Evaluation Report~~Performance Appraisal Report, a complete and concise confidential report on the results of a performance review, which shall be submitted to the Board for approval.

Each full evaluation cycle shall commence on July 1. The performance review in a full evaluation cycle shall consist of the following:

- (i) In the first full evaluation cycle and every second full evaluation cycle thereafter, aA

360-degree performance review questionnaire, to be completed anonymously, to collect feedback and data on the performance of the Director of Education ~~a critical elements of the Director's responsibilities and performance, as set out in the Director of Education Position Profile and Objectives.~~ The feedback shall be solicited and collected by the external consultant by no later than April 30, following which time the external consultant shall prepare a report summarizing and analyzing the feedback. The following parties are to be asked to complete ~~the~~ *360-degree performance review questionnaire*:

- (a) all members of Administrative Council and any other person that reports directly to the Director of Education;
 - (b) all Trustees,
 - (c) student Trustees,
 - (d) the non-trustee chair(s) or vice chair(s) of the Board's advisory committees each member of every statutory, ad hoc, or other committee of the board.
 - (e) members of any Advisory Committees established by the board.
 - ~~(d)~~(f) each parent member of the school council at each school of the board;
 - ~~(e)~~(g) one representative nominated by and from each of the Board's local unions, federations and the Ontario Principals' Council local representative,
 - ~~(f)~~(h) Parent Council Chair, and
 - ~~(g)~~ A representative sample of community groups and partners, as identified by the Committee with input from the Director of Education, and
 - (i) If required under the terms of the Appraisal Regulations, the Minister of Education (which feedback may be provided using the 360-degree performance review questionnaire or such other manner as the Minister may deem appropriate).
 - ~~(h) any other representative groups as the Director of Education's Performance Review Committee may determine annually in consultation with the external consultant.~~
- (ii) The completion of a self-assessment performance evaluation tool by the Director of Education in order to facilitate the update of the Performance Plan by the Director of Education as called for in section 4.2.5 above.

The 360-degree performance review questionnaire form and the self-assessment performance evaluation tool shall be prepared by the external consultant based on the Performance Plan and utilizing their independent professional judgment and in consultation with the Director of Education's Performance Review Committee and the Director.

4.4 Mid-year review,

There shall also be a mid-year review in which the Chair of the Committee shall, through the external consultant, solicit and collect feedback from members of the Board of Trustees using a *performance review questionnaire*. The questionnaire shall be provided to members of the board by no later than January 11 and shall be completed and returned to the external consultant by no later than January 21. The external consultant shall summarize the results in a report and shall facilitate a meeting between members of the Committee and the Director of Education to review progress toward implementing the actions and achieving the goals set out in the Performance Plan and to discuss other matters relevant to the Performance Plan.

~~A self-assessment performance evaluation tool to be completed by the Director, setting out achievement of previously agreed upon deliverables; high level, measurable goals and priorities to advance student achievement and well-being in alignment with the Board's Multi-Year Strategic Plan; and performance in response to unforeseen circumstances~~

(ii) —→

~~The 360-degree performance review questionnaire form shall be prepared by the external consultant based on their independent professional judgment but the consultant shall consult with the Director of Education's Performance Review Committee and the Director. At the discretion of the Director of Education's Performance Review Committee, a second consultant may be retained to assist the external consultant in developing, administering and summarizing the results of the 360-degree performance review.~~

4.5 Interim Evaluation

Any newly [hired](#) Director of Education may be subject to an initial interim evaluation before starting a full evaluation cycle (which always commences on July 1). The steps and timing of an interim evaluation are as set out in the Appraisal Regulations.

4.6 Performance Appraisal Report

The Committee shall, through the external consultant, prepare a draft performance appraisal report summarizing the Committee's evaluation, setting out a performance rating and providing an explanation for the rating. In this regard, the Committee shall assign one of the following performance ratings to the Director of Education:

1. Meets all expectations.
2. Meets most expectations.
3. Meets some expectations.
4. Does not meet expectations.

In preparing the report and determining which performance rating to assign to the Director of Education, the Committee shall consider the following factors:

1. The extent to which the Director of Education worked diligently and consistently toward the implementation of the actions identified in the Performance Plan.
2. The efforts made by the Director of Education to engage board staff, community partners and stakeholders, and others in the development of the goals and implementation of the actions identified in the Performance Plan.
3. The degree of success the Director of Education had in achieving the goals set out in the Performance Plan, as informed by data available to

the board including the feedback and information set out in any report under section 4.3 of this policy and the information collected by any school climate surveys (under section 269.1(2.1) of the *Education Act* in respect of the evaluation cycle, if applicable.

4. The rationale provided by the Director of Education for the actions that were not implemented and the goals that were not achieved.
5. The effectiveness of efforts made to overcome challenges faced by the Director of Education in implementing the actions identified in the Performance Plan.
6. The demonstrated ability and willingness of the Director of Education to address, in the future, the actions that were not implemented and goals that were not achieved.

The Chair of the Committee shall by no later than June 20, through the external consultant, provide a draft of the ~~Annual~~ Director's *Evaluation Appraisal Report* to ~~shall first be prepared in draft by the external consultant for submission to each of the Director of Education and the Director of Education's Performance Review Committee~~ every member of the board of trustees for review and comment. Comments are to be provided by no later than June 30.

The draft report is also to be provided to the Director of Education by no later than July 7, ~~for review and comment.~~

Thereafter, and by no later than July 31, ~~t~~The Chair and the other members of the Committee shall, together with the external consultant, meet with the Director of Education to obtain comments from the Director of Education as to the contents of the Director's Appraisal Report, including the performance rating and explanation for the rating.

The feedback from the members of the board and from the Director of Education shall be considered by the Committee, in consultation with the external consultant.

The Committee shall, through the external consultant, advise the Director by no later than August 1st, whether and how it proposes to address any Feedback from the Director of Education in the final report.

~~.~~
. In the event that the Director of Education does not agree with the Committee's proposal as to the final report, the Director may advise the external consultant of the

objection, following which the external consultant shall coordinate a dispute resolution panel. The deadline for the Director doing so is August 2nd. The panel shall consist of the following:

- (a) one member selected by the Director of Education
- (b) a second member selected by the Chair of the Committee and
- (c) a third member of the panel, an external party, with expertise in mediation, suitable to the two other members.

The panel shall control its procedure with a view to a fair but informal and expeditious proceeding that must be concluded by no later than August 8th. This is not a proceeding to which the *Statutory Powers Procedures Act* applies. The panel shall consider all relevant information presented by the Committee, the Director of Education. The panel may request submissions from the external consultant. The conclusion of this process will be a non-binding recommendation(s) from the panel to the Committee as to the form and content of the final report.

The final report shall be completed by the Committee and provided to the Board of Trustees and the Director of Education by August 10. The Board of Trustees shall adopt the final report by way of resolution (the contents of the report shall remain confidential) by no later than August 15.

By August 15, the Board shall post and deliver the requisite notices and confirmations as called for in the Appraisal Regulations regarding the completion of the appraisal.

The Annual Director's Evaluation Report shall first be prepared in draft by the external consultant for submission to each of the Director of Education and the Director of Education's Performance Review Committee for review and comment. The external consultant shall consider any comments and exercise their professional judgment in preparing a final draft of the Annual Director's Evaluation Report which shall be resubmitted to the Director of Education and the Director of Education's Performance Review Committee. If there is no objection, the report shall be made final and submitted to the Board of Trustees.

In the event that either of the Director of Education or Director of Education's Performance Review Committee do not agree on the final draft of the Annual Director's Evaluation Report, they shall advise the external consultant of their objection, following which the external consultant shall coordinate a dispute resolution panel. The panel shall consist of the following:

- (a) one member selected by the Director of Education in consultation with the Council of Ontario Directors of Education (CODE);
- (b) a second member selected by the Chair of the Director of Education's Performance Review Committee in consultation with the Ontario Public School Boards Association (OPBSA);
- (c) and a third member of the panel, an external party, with expertise in mediation, suitable to both CODE and OPSBA.

The panel shall control its procedure with a view to conducting a fair but relatively informal and expeditious proceeding. This is not a proceeding to which the Statutory Powers Procedures Act applies. The panel shall consider all relevant information presented by the Director of Education's Performance Review Committee, the Director of Education and the external consultant. The panel may revise the draft report in respect of the matters in dispute and shall deliver the final Annual Director's Evaluation Report to the Board of Trustees. If the panel revises the report, it shall provide a written explanation for the changes.

Notwithstanding the foregoing, every second year, the 360-degree performance review questionnaire called for in 4.1.2 (i) shall also be sent to those stakeholder groups and/or community groups as may be determined annually by the Director of Education's Performance Review Committee in consultation with the external consultant.

~~4.1.3 — Performance Improvement Plan~~

~~In situations where the Director of Education's Performance Review results in a below standard appraisal, the Annual Director's Evaluation Report shall include a Performance Improvement Plan which:~~

- ~~(a) — identifies and explains the area(s) of concern;~~
- ~~(b) — stipulates the matters requiring attention with links to the specific expectations of the role;~~
- ~~(c) — identifies corrective action to be taken;~~
- ~~(d) — identifies indicators of success; and~~
- ~~(e) — contains timelines for completion.~~

~~The Director of Education's Performance Review Committee will work collaboratively with the Director of Education to monitor progress with the plan in accord with the agreed upon criteria and timelines.~~

~~If the Director of Education fails to meet the targets outlined in the Performance Improvement Plan by the timelines outlined, the Board of Trustees may take further action on recommendation of the Director of Education's Performance Review Committee or on its own initiative.~~

~~4.1.4 — Annual Public Communication~~

~~Annually, at a public meeting of the Board, the Board of Trustees shall:~~

- ~~(a) — confirm the completion of the Director of Education Performance Review;~~
- ~~(b) — approve the *Director of Education Position Profile and Objectives* for the upcoming year; and~~
- ~~(c) — confirm that the most current version of the Director's employment contract is posted publicly on the Board website.~~

~~Following approval, the *Director of Education Position Profile and Objectives* will also be posted publicly on the Board website.~~

Glossary of Key Terms

1. ~~Director of Education Position Profile and Objectives~~

~~The *Director of Education Position Profile and Objectives* document outlines the annual key strategic priorities for the upcoming year, together with key accountability and leadership competencies for the role.~~

2. ~~360-Degree Performance Review Questionnaire~~

~~The *360-degree performance review questionnaire* is a document used to collect data on critical elements of the Director's responsibilities and performance, as set out in the *Director of Education Position Profile and Objectives* document.~~

3. ~~Self-Assessment Performance Evaluation Tool~~

~~The self-assessment evaluation tool is to be completed by the Director annually setting out achievement of previously agreed upon deliverables; high-level, measurable goals and priorities to advance student achievement and well-being in alignment with the Board's Multi-Year Strategic Plan; and performance in response to unforeseen circumstances.~~

4. ~~Annual Director's Evaluation Report~~

~~The *Annual Director's Evaluation Report* is a complete and concise confidential report on the results of the performance review which is prepared annually.~~

5. ~~Performance Improvement Plan~~

~~The *Performance Improvement Plan* is a plan which must be included in the *Annual Director's Evaluation Report* if there is a below standard appraisal.~~

Effective Date 2020/07/08

Amended/Reviewed

5.0 Evaluation

5.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but

it shall be reviewed at least every five years.

6.0 Reference Documents

6.1 Policies

6.2 Procedures

6.3 Other Documents (Legislation, Provincial Regulations etc.)
Education Act, 1990

Appendix:

None

Effective Date:

2020-07-08

Reviewed and Amended:

2024-xx-xx



Policy

DIRECTOR

Director of Education Performance Review

1.0 Rationale

The Director of Education, responsible for implementing the elected Board of Trustees's Multi-Year Strategic Plan, Policies, and has overall responsibility for staff, operations and programs at the Durham District School Board.

One of the key responsibilities of the Board of Trustees is to monitor and evaluate the performance of the Director of Education in meeting the obligations of the position under the *Education Act*, the Board's Policies and Procedures and the Board's multi-year strategic plan.

The Board of Trustees is committed to ethical leadership, a healthy workplace culture and to fostering public confidence in our system. This policy supports these commitments.

Ontario Regulations 83/24 under the Education Act (the "Appraisal Regulations") stipulates certain minimum requirements for the Director of Education's performance appraisal. This policy incorporates the requirements of the Appraisal Regulations.

2.0 Objective

The objective of the Director's Performance Review Policy is to establish a transparent and objective process for the Board of Trustees to review the Director of Education's performance, to ensure compliance with the Appraisal Regulations, and to set a proactive framework to support the Director of Education in achieving the performance expectations of the position.

3.0 Application

The performance of the Director of Education is reviewed annually in accordance with the terms of this Policy and the Appraisal Regulations. The employment contract of the Director of Education shall be subject to this Policy regarding the Director's performance review.

The Director of Education performance review is confidential and will be conducted in private, in accordance with the provisions of Section 207(2)(b) of the *Education Act*. Therefore, any reference in this policy to the Board of Trustees includes reference to the Committee of the Whole Board, as appropriate.

The Board of Trustees will keep the public informed as to when the annual review has been

completed by annually posting written confirmation that the performance appraisal has been completed together with the list of community partners and stakeholders that provided input into the appraisal.

4.0 Process

4.1 Director of Education Performance Review Committee

4.1.1 There shall be a Director of Education Performance Review Committee, the terms of reference of which are to:

- (i) in consultation with the Director of Education, oversee the selection, or renewal of the engagement, of an external consultant with at least five years of experience conducting multi-source executive performance assessments;
- (ii) work with the external consultant to implement the Director of Education's Performance Review in accordance with this Policy and the Appraisal Regulations and to carry out any other activities specified in this Policy; and
- (iii) work with the external consultant to develop and implement the self-assessment performance evaluation tool for the Director of Education.

4.1.2. There shall be a minimum of three Trustees and a maximum of seven Trustees on the Committee. The membership of the Committee shall be established by the Board annually at the Organizational Meeting.

4.1.3 The members approved at the annual Organization Meeting shall constitute the Committee effective as of the following May 15 with responsibility for the period commencing on July 1 and ending on June 30 of the following year.

4.1.4 In an election year, if the Committee is reduced to less than three members, then additional members shall be placed on the Committee at the Organizational Meeting.

4.2 Performance Plan

4.2.1 The Chair of the Committee shall, together with the other members of the Committee and the external consultant work in collaboration with the Director of Education to annually prepare a Performance Plan document for the upcoming review cycle. The Performance Plan shall be finalized by July 31. The Chair of the Committee will thereafter, and by no later than August 15: share a copy of the Performance Plan with members of the Board of Trustees; post on the Board's website confirmation of finalization of the Performance Plan; and provide the requisite written notice to the Minister.

4.2.2 The Performance Plan shall include the following:

1. A list of the actions that the Director of Education will implement during the evaluation cycle to achieve each of the following goals:
 - i. Advance the provincial priorities in education in the area of student achievement set out in Ontario Regulation 224/23 (Provincial Priorities in Education - Student Achievement).
 - ii. Manage human, capital and fiscal resources to achieve the goals identified in the board's multi-year plan developed under clause 169.1 (1) (f) of the Act.
 - iii. Promote a healthy and inclusive workplace with effective systems for staff selection and oversight.
 - iv. Create and maintain respectful and collaborative relationships with students, parents, staff, school board communities, community partners and stakeholders, Ministry staff and the Minister.
 - v. Demonstrate leadership that maintains or improves the reputation of and public confidence in the board.
 - vi. Ensure compliance with applicable laws, Ministry policies and guidelines, and board mandates.
2. Identification of leadership competencies and practices needed to achieve the goals set out in paragraph 1 and actions that the Director of Education shall implement during the evaluation cycle to improve at least one of those competencies or practices.
3. One or more methods of,
 - i. determining whether the Director of Education successfully implemented the actions set out in the Performance Plan during the evaluation cycle, and
 - ii. measuring, qualitatively or quantitatively, the degree to which the actions achieved the goals set out in paragraph 1.
4. Any additional appraisal elements determined by the Committee, in consultation with the external consultant and with input from the Director of Education. If the additional appraisal elements include additional goals, a list of the actions that the Director of Education will implement during the evaluation cycle to achieve those goals.

4.2.3 The actions listed under paragraph 1 of section 4.2.2 shall include professional development activities that the Director of Education will undertake during the evaluation

cycle.

4.2.4 The leadership competencies and practices identified under paragraph 2 of 4.2.2 shall be described in accordance with any guideline issued by the Minister under subsection 287.6 (1) of the Education Act.

4.2.5 Near the end of the evaluation cycle, and by no later than June 10, the Director of Education shall update the Performance Plan to include the following:

1. Confirmation of which of the actions listed for the purposes of paragraphs 1, 2 and 4 of section 4.2.2 have been implemented by the Director of Education during the evaluation cycle;
2. A description of how each action that was implemented assisted in achieving the goals set out in paragraphs 1 and 4 of section 4.2.2, as applicable; and
3. For each action that was not implemented by the Director of Education, a rationale for why the action was not implemented.

4.2.6 The Director of Education and the Chair of the Committee shall each sign the Performance Plan and each of them shall retain a copy for at least six years. The Committee Chair's copy shall be held in a secure cabinet in the office of the General Counsel.

4.3 Annual Performance Review

The Director of Education's Performance Review Committee will facilitate the annual review which shall culminate in the *Performance Appraisal Report*, a complete and concise confidential report on the results of a performance review, which shall be submitted to the Board for approval.

Each full evaluation cycle shall commence on July 1. The performance review in a full evaluation cycle shall consist of the following:

- (i) In the first full evaluation cycle and every second full evaluation cycle thereafter, a *360-degree performance review questionnaire*, to be completed anonymously, to collect feedback and data on the performance of the Director of Education. The feedback shall be solicited and collected by the external consultant by no later than April 30, following which time the external consultant shall prepare a report summarizing and analyzing the feedback. The following parties are to be asked to complete a *360-degree performance review questionnaire*:
 - (a) all members of Administrative Council and any other person that reports directly to the Director of Education
 - (b) all Trustees,
 - (c) student Trustees,

- (d) each member of every statutory, ad hoc, or other committee of the board.
 - (e) members of any Advisory Committees established by the board.
 - (f) each parent member of the school council at each school of the board
 - (g) one representative nominated by and from each of the Board's local unions, federations and the Ontario Principals' Council local representative,
 - (h) Parent Council Chair,
 - (i) A representative sample of community groups and partners, as identified by the Committee with input from the Director of Education, and If required under the terms of the Appraisal Regulations, the Minister of Education (which feedback may be provided using the 360-degree performance review questionnaire or such other manner as the Minister may deem appropriate).
- (ii) The completion of a self-assessment performance evaluation tool by the Director of Education in order to facilitate the update of the Performance Plan by the Director of Education as called for in section 4.2.5 above.
 - (iii) The *360-degree performance review questionnaire* form and the self-assessment performance evaluation tool shall be prepared by the external consultant based on the Performance Plan and utilizing their independent professional judgment and in consultation with the Director of Education's Performance Review Committee and the Director.

4.4 Mid-year Review

There shall also be a mid-year review in which the Chair of the Committee shall, through the external consultant, solicit and collect feedback from members of the Board of Trustees using a *performance review questionnaire*. The questionnaire shall be provided to members of the board by no later than January 11 and shall be completed and returned to the external consultant by no later than January 21. The external consultant shall summarize the results in a report and shall facilitate a meeting between members of the Committee and the Director of Education to review progress toward implementing the actions and achieving the goals set out in the Performance Plan and to discuss other matters relevant to the Performance Plan.

4.5 Interim Evaluation

Any newly hired Director of Education may be subject to an initial interim evaluation before starting a full evaluation cycle (which always commences on July 1). The steps and timing of an interim evaluation are as set out in the Appraisal Regulations.

4.6 Performance Appraisal Report

The Committee shall, through the external consultant, prepare a draft performance appraisal report summarizing the Committee's evaluation, setting out a performance rating and providing an explanation for the rating. In this regard, the Committee shall assign one of the following performance ratings to the Director of Education:

1. Meets all expectations.
2. Meets most expectations.
3. Meets some expectations.
4. Does not meet expectations.

In preparing the report and determining which performance rating to assign to the Director of Education, the Committee shall consider the following factors:

1. The extent to which the Director of Education worked diligently and consistently toward the implementation of the actions identified in the Performance Plan.
2. The efforts made by the Director of Education to engage board staff, community partners and stakeholders, and others in the development of the goals and implementation of the actions identified in the Performance Plan.
3. The degree of success the Director of Education had in achieving the goals set out in the Performance Plan, as informed by data available to the board including the feedback and information set out in any report under section 4.3 of this policy and the information collected by any school climate surveys (under section 269.1(2.1) of the *Education Act* in respect of the evaluation cycle, if applicable.
4. The rationale provided by the Director of Education for the actions that were not implemented and the goals that were not achieved.
5. The effectiveness of efforts made to overcome challenges faced by the Director of Education in implementing the actions identified in the

Performance Plan.

6. The demonstrated ability and willingness of the Director of Education to address, in the future, the actions that were not implemented and goals that were not achieved.

The Chair of the Committee shall by no later than June 20, through the external consultant, provide a draft of the *Director's Appraisal Report* to every member of the board of trustees for review and comment. Comments are to be provided by no later than June 30.

The draft report is also to be provided to the Director of Education by no later than July 7.

Thereafter, and by no later than July 31, the Chair and the other members of the Committee shall, together with the external consultant, meet with the Director of Education to obtain comments from the Director of Education as to the contents of the Director's Appraisal Report, including the performance rating and explanation for the rating.

The feedback from the members of the board and from the Director of Education shall be considered by the Committee, in consultation with the external consultant.

The Committee shall, through the external consultant, advise the Director by no later than August 1st, whether and how it proposes to address any Feedback from the Director of Education in the final report.

In the event that the Director of Education does not agree with the Committee's proposal as to the final report, the Director may advise the external consultant of the objection, following which the external consultant shall coordinate a dispute resolution panel. The deadline for the Director doing so is August 2nd. The panel shall consist of the following:

- (a) one member selected by the Director of Education
- (b) a second member selected by the Chair of the Committee and
- (c) a third member of the panel, an external party, with expertise in mediation, suitable to the two other members.

The panel shall control its procedure with a view to a fair but informal and expeditious

proceeding that must be concluded by no later than August 8th. This is not a proceeding to which the *Statutory Powers Procedures Act* applies. The panel shall consider all relevant information presented by the Committee, the Director of Education. The panel may request submissions from the external consultant. The conclusion of this process will be a non-binding recommendation(s) from the panel to the Committee as to the form and content of the final report.

The final report shall be completed by the Committee and provided to the Board of Trustees and the Director of Education by August 10. The Board of Trustees shall adopt the final report by way of resolution (the contents of the report shall remain confidential) by no later than August 15.

By August 15, the Board shall post and deliver the requisite notices and confirmations as called for in the Appraisal Regulations regarding the completion of the appraisal.

The Annual Director's Evaluation Report shall first be prepared in draft by the external consultant for submission to each of the Director of Education and the Director of Education's Performance Review Committee for review and comment. The external consultant shall consider any comments and exercise their professional judgment in preparing a final draft of the Annual Director's Evaluation Report which shall be resubmitted to the Director of Education and the Director of Education's Performance Review Committee. If there is no objection, the report shall be made final and submitted to the Board of Trustees.

In the event that either of the Director of Education or Director of Education's Performance Review Committee do not agree on the final draft of the Annual Director's Evaluation Report, they shall advise the external consultant of their objection, following which the external consultant shall coordinate a dispute resolution panel. The panel shall consist of the following:

- (a) one member selected by the Director of Education in consultation with the Council of Ontario Directors of Education (CODE);
- (b) a second member selected by the Chair of the Director of Education's Performance Review Committee in consultation with the Ontario Public School Boards Association (OPBSA);
- (c) and a third member of the panel, an external party, with expertise in mediation, suitable to both CODE and OPSBA.

The panel shall control its procedure with a view to conducting a fair but relatively

informal and expeditious proceeding. This is not a proceeding to which the Statutory Powers Procedures Act applies. The panel shall consider all relevant information presented by the Director of Education's Performance Review Committee, the Director of Education and the external consultant. The panel may revise the draft report in respect of the matters in dispute and shall deliver the final Annual Director's Evaluation Report to the Board of Trustees. If the panel revises the report, it shall provide a written explanation for the changes.

Notwithstanding the foregoing, every second year, the 360-degree performance review questionnaire called for in 4.1.2 (i) shall also be sent to those stakeholder groups and/or community groups as may be determined annually by the Director of Education's Performance Review Committee in consultation with the external consultant.

5.0 Evaluation

- 5.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but it shall be reviewed at least every five years.

6.0 Reference Documents

- 6.1 Policies

- 6.2 Procedures

- 6.3 Other Documents (Legislation, Provincial Regulations etc.)
Education Act, 1990

Appendix:

None

Effective Date:

2020-07-08

Reviewed and Amended:

2024-xx-x