



ONTARIO PUBLIC  
SCHOOL BOARDS'  
ASSOCIATION

**Leading Education's Advocates**

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November 2, 2023

To: The Honourable Stephen Lecce, Minister of Education

Re: OPSBA Submission to Ontario's Regulatory Registry for the *Education Act's* New Regulation: Director of Education Performance Appraisal (DPA)

The Ontario Public School Boards' Association (OPSBA) appreciates this opportunity to respond to the current regulatory posting regarding Director of Education Performance Appraisal (DPA). The Association was pleased to participate in an earlier stakeholder consultation between the Ministry of Education and our Policy Development Work Group to discuss this important matter more deeply and to share local experiences and feedback with ministry staff. This group includes trustees from our five regions across the province and includes representatives from our Indigenous Trustees' Council and Executive Council. This submission includes the feedback captured at that meeting and expertise from our senior staff.

The Director of Education (*hereafter referred to as "the Director" unless referring to the DPA*) provides leadership that promotes student achievement and well-being, as well as the growth, development, and success of the organization. The Director has leadership responsibilities for implementing the elected board's Multi-Year Strategic Plan (MYSP), and for developing and maintaining an effective organization with programs and services that operationalize the board's policies. It is important to note that the Director and senior staff work closely with trustees as they develop the plan. This creates a sense of joint ownership that can lead to better outcomes.

The Director is the chief executive officer of the school board and acts as secretary of the board, and is the sole employee who reports directly to the board of trustees. We believe that a strong DPA policy contributes to confidence in public education and respect within the community for the accountability trustees bring to their role.

The *Education Act* requires each board of trustees to monitor and evaluate its Director's performance. Since one of the Director's primary responsibilities is to operationalize the board's MYSP, it is incumbent on the board of trustees to base its appraisal of the director's performance on the progress made in working toward or realizing the priorities and goals of the Plan, along with any components included in the Director's job description.

The new proposed regulation, "*would establish consistent requirements and a standardized process for Boards of Trustees to monitor and evaluate the performance of the Director of Education, including progress on the provincial education priorities for student achievement as*

set out in [Ontario Regulation 224/23: Provincial Priorities In Education - Student Achievement:](#)

1. *Achievement of Learning Outcomes in Core Academic Skills*
2. *Preparation of Students for Future Success*
3. *Student Engagement & Well-Being*

OPSBA welcomes greater consistency in the form and process of the DPA and is invested in Director performance enabled by a strong and frequent appraisal process. We also want to recognize the importance of flexibility and ensuring that any process reflects the local context at each school board.

We would also expect that flexibility would be built in to accommodate the needs of the system when circumstances are out of a board's control (i.e. the COVID-19 pandemic.)

**The following Guiding Principles should be considered:**

- Effective leadership is a critical foundation needed to enhance and sustain system-wide improvement.
- Accountability and transparency build trust.
- Collaborative engagement of trustees and stakeholders is key.
- Leadership capacity is supported through continuous feedback and mutual understanding of expected performance outcomes.
- Confidentiality and Respect are foundations to a sound process.

The regulatory proposal posted on the Ontario's Regulatory Registry included several elements for a DPA. OPSBA's commentary for each is below:

**Evaluation Cycle**

- The Director of Education Performance Appraisal should be conducted annually, aligned with the school year, and include regular opportunities for the board of trustees to provide feedback throughout the year.
- The annual review process should be well understood and communicated with timelines and dates for work to be completed and update reports delivered.
- A review process should include scheduled "check ins" with at least one mid-year assessment of progress.

*Note: New Directors should be evaluated on an "entry plan" that allows time to learn about the system, culture, legal obligations, and structures. Consideration should be given to recognize a Director's level of experience and flexibility and provide room for adjustments based upon extenuating circumstances (i.e. global pandemics, prolonged labour sanctions, etc.).*

**Evaluation Criteria**

- Directors should be measured against:
  - actions taken to achieve the goals of the MYSP (including the established provincial priorities),
  - local priorities and mutually agreed upon performance goals, and
  - their demonstrated leadership ability with staff, the board of trustees, students, and the community.
- Evaluation metrics used should be as objective as possible – there is a risk in including overly subjective metrics that rely too much on personal opinions.

*Note: We suggest that the Ministry of Education review the work done by The Institute of Education Leadership and their [Ontario Leadership Framework](#). This resource was last revised in 2013 so updates should be supported by the Ministry to modernize its content. We suggest the ministry work with the Institute and that school board/trustee associations be consulted on revisions to the framework. A shared vision of leadership across the education sector is fundamental to student achievement and well-being in every part of the province.*

### **Methodology**

- The DPA process should be well-structured and effectively conducted, ultimately:
  - benefitting all students and the entire school system
  - assisting the board in providing quality education programs and services
  - fostering a strong ongoing relationship between the Director and the elected board based upon common goals and expectations
  - modelling the importance of, and contributions to, continuous improvement throughout the board
  - providing helpful, concrete and objective feedback to the Director to optimize personal development and future performance
  - ensuring accountability for the effective leadership and management of the school system
  - recognizing the contributions of the Director
- The methodology should include the identification of recommendations for areas of growth.
- The Director should have access to a first draft of any report and be provided with an opportunity to submit comments and a self-assessment.

*Note: There is an emerging trend of boards abandoning the 360-degree assessment in favour of other tools. Particularly for those boards with leaders given a 'change' mandate, concerns have been expressed regarding the 360's ability to provide useful data, and the objectivity of the feedback provided, especially in the current climate.*

*Some of our member boards use the method of COPs – Conversations, Observation, and Product – to capture assessment information. Other boards also use a "Performance Review Dashboard" that outlines performance goals upon which trustees can review evidence of progress/achievement and development.*

### **Supports for a Comprehensive and Effective Appraisal Process Including the Use of External Professional Services**

- Many trustees/boards have expressed support for the ability (if the need is agreed upon by the trustees) to access the expertise of an external consultant to aid in this process. The neutral third-party consultant would work with the trustees and help with training and understanding of the overall process.
- Trustees overwhelmingly expressed the need for Professional Development for this trustee responsibility and for the ministry to fund the training and resources needed to support their important work.
- OPSBA would support dedicated Human Resources Professional Development in this area for trustees and Directors. Trustees should be supported in their role and this important responsibility with Professional Development provided by their school board associations and the Ministry of Education.

- For a future discussion, the consideration of how external consultants could be part of a roster that could be accessed via the Ontario Education Services Corporation (OESC) or the individual school board/trustee associations.

*Note: If a board chooses to use an external third party to conduct the appraisal, the consultant must have the skills and expertise to guide this work. This includes understanding school board governance, human rights, equity, diversity, and inclusion (EDI). Costs should be covered by the Ministry of Education.*

### **Rating System**

- A performance review should primarily emphasize growth and feedback. If a scale is implemented, it should be simple (with clear definitions) and be required by all school boards to ensure consistency.
- Trustees reported that a rating scale is difficult to implement fairly.

### **Process following an Unsatisfactory Rating**

- The DPA should include a Dispute Resolution Process and a Performance Improvement Plan provision, when warranted. If external partners are needed to execute the process, this should be fully funded.
- The Dispute Resolution Process should be clearly communicated and understood.
- The Performance Improvement Plan should clearly identify the areas of improvement, expectations, required actions, and timelines.

*Note: The DPA process is intended to be ongoing, supportive, and constructive. If conducted appropriately, the Director should not be surprised by the results of their review.*

### **Reporting/Accountability**

- The DPA process and discussions are to be conducted in private session (either by the whole board or a subcommittee).
- A Public Statement of Completion should follow the receipt of the board report. This could be posted on the board's website and shared with the Ministry of Education. This would inform the public that an effective process has been conducted and good governance was practiced.
- The public should be assured that the policy exists and is being followed.
- This is a personnel matter and confidentiality must be maintained

*Note: MYSPs and Annual Reports are shared with the public and the Ministry of Education. These contain the provincial priorities and are therefore communicated and shared among a board's communities and key stakeholders.*

*The DPA should be a confidential document between the board of trustees and their employee. There is no purpose for the Ministry of Education to get involved in a DPA unless requested by the board. Ministry involvement in the DPA should be limited to regulatory development, receiving confirmation of annual completion, and helping school boards who request support/guidance.*

**Additional OPSBA Recommendations:**

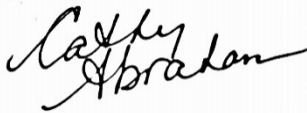
- The Director of Education Performance Appraisal process should be included as a board policy, as opposed to a board by-law or procedure. By placing this work in a policy document, it allows the board to adapt and/or modify when necessary. The policy should be included in a board's regular policy review cycle and be easily accessible to the public.
- The DPA report content is confidential and should be kept with the board's Human Resources department in the Director's personnel file.
- The inclusion of and reference to the DPA policy should be part of or referenced in the Director contract.

As one of their key responsibilities, school board trustees understand the importance of ensuring the evaluation of their respective sole employees is conducted in the best way possible. Any DPA process should be simple, clear and easy to understand, and demonstrate procedural fairness.

As the ministry moves forward on the implementation of a regulation, we ask for continued and regular communications with the sector to ensure success. Part of that success would be to provide Professional Development opportunities and resources for all parties.

Thank you for your consideration.

Sincerely,



Cathy Abraham  
President, Ontario Public School Boards' Association

cc.

Kate Manson-Smith, Deputy Minister, Education  
Phil Graham, Assistant Deputy Minister, Strategic Policy & Planning Division, Education  
Dasha Androusenkov, Director, Stakeholder Relations, Minister's Office

The Ontario Public School Boards' Association represents English public district school boards and public school authorities across Ontario, which together serve more than 1.3 million public elementary and secondary students. The Association advocates on behalf of the best interests and needs of the public school system in Ontario. OPSBA is seen as the credible voice of public education in Ontario and is routinely called on by the provincial government for input and advice on legislation and the impact of government policy directions.