



POLICY PRIMER:

Bill 131: The School Board Members Duties Clarification Act What I Says, What It Means, and Proposed Amendments

Title of Bill:

What it Says: "School Board Members Duties Clarification Act"

What It Means: Clarifying the Duties consistent with a strict Corporate Governance model without any reference to an individual board members' role representing parents, taxpayers, or school communities.

What It Should Say: "School Board Good Governance Act"

Purpose of the Bill:

What It Says: "To clarify the role and duties of school board members."

What It Means: To legislate corporate governance by mandating that "school board members" (plural) are expected to "respect the superintendent" and delegate "management of the school board" to the senior staff officer.

What It Should Say: "To clarify the roles of individual school board members in relation to the board chair and superintendent, employed by the school board."

Title of New Section:

What It Says: "Duties of School Board Members"

What It Means: School Board Members (plural) are recognized, in law, as a group or corporate entity.

What It Should Say: "Duties of a School Board Member." Then to be followed by sections clarifying "Duties of a Board Chair" and "Duties of a Superintendent" in working collaboratively with an elected school board.

Clause-By-Clause Analysis:

Clause 63A

What It Says: "Every member of a school board shall:"

What It Means: Every member, collectively, is expected to follow this mandate.

What It Should Say: "A school board member shall", using the singular expression to recognize the representative function in law, then do the same for "the board chair" and "the superintendent."

Clause 63A (a)

What it Says: “ (a) maintain a focus on the achievement of all students enrolled in the school board’s schools and programs.”

What It Means: Clarifying the Duties consistent with a strict Corporate Governance model without any reference to a board members role representing parents, taxpayers, or school communities.

What It Should Say: “(a) maintain a focus on student achievement and well-being.”

Clause 63A (b)

What it Says: “ (b)respect that the superintendent is responsible for the day-to-day management of the school board; and”

What It Means: “Respect the superintendent” in all matters before and after every meeting when you gather as a corporate entity and adhere to a strict “policy role” where you have the right to vote on staff generated reports and present the odd trustee motion. When you attend School Advisory Council meetings you do so only as a parent or community member.

What It Should Say: “(b) entrust the day-to-day management of the board to staff through the superintendent of education.”

Clause 63A (c)

What it Says: “ (c) act in the best interest of the school board and carry out his or her responsibilities in a manner that assists the school board in fulfilling its duties pursuant to this Act.”

What It Means: Act in the best interest of the school board and represent the board in your dealings with students, parents, taxpayers, and the public. You have no recognized status as a representative of the public, your constituents, or local school communities.

What It Should Say: “c) carry out his or her responsibilities in a manner that assists the board in fulfilling its duties under this act....”

Missing Clauses –on the Representational Role*

What It Says: Missing from the Bill

What It Means: Elected school board members have no role, in law, recognizing their prime responsibility in representing the public, parents, students, and taxpayers.

What It Should Say: “(d) consult with parents, students and the public (supporters of the board) on policy matters and in the shaping of multi-year school board plans; e) bring the concerns of parents, students, and supporters of the board to the attention of the board; f) uphold the implementation of any board resolution after it is [passed by the board; g) comply with the board’s code of conduct.”

See Ontario Bill 177, the Student Achievement and School Board Governance Act 2009, Sect. 218.1, 218.4, 283.1, defining the roles of the Board Member, Board Chair, and Director of Education .