Review of the Toronto District School Board

Executive Summary

Submitted to
the Honourable Liz Sandals,
Minister of Education

January 15, 2015

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Dear Minister Sandals:

Please find enclosed my review of the Toronto District School Board (TDSB). I received a high level of cooperation from Board senior staff and had a number of very frank conversations with trustees, outgoing, re-elected and newcomers. I conducted over sixty interviews of at least an hour in duration and received a very large number of documents and letters, and copies of hundreds of email strings related to the issues you had instructed me to review.

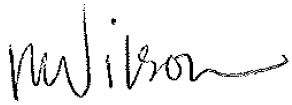
A number of the senior staff I met with were academic superintendents who work directly with TDSB schools to improve student achievement and well-being. Their enthusiasm for their jobs was infectious and they provided evidence that the schools are on a continuous improvement track.

I am also pleased to report that in many of the financial and business process areas which were addressed in the Ernst and Young Forensic Audit (2013), the Special Assistance Team Report (2013) and the PwC Resource Allocation Review, the Board and its capable staff have made real progress. Financial controls have been substantially improved and policies and systems put in place for expense reporting, including reporting of trustee expenses. In both the Finance and Operations Section and Facility Services, procurement remains an issue, but both areas are making major efforts to get more value for money. However, Capital Assets and Facilities Repair remain major problems for the Board.

Regrettably, I saw little recognition among experienced trustees that they might be responsible for at least some of the "climate of fear" which the Ernst and Young Forensic Audit identified as permeating the Board. Nor did I see any recognition among very senior staff that they too had a part in creating that climate. Cooperation between trustees is too often focused on making deals for mutual support. The level of trust between the senior administration and the trustees is low. Despite the recommendations in all three reports referenced above, there has, to date, been no attempt to review the Board's governance model to remove the trustees from day-to-day operational decision making and to prevent interference, on the part of many trustees, in the operation of "their schools in their wards".

In nine of my recommendations to you, I have tried to focus on reforms which support changes in behaviour at the leadership level of the Board. One would then hope for a positive change in climate. Unfortunately, the culture of fear is not new, and it may be extremely difficult to stamp out. (In an appendix to the Falconer Report, December 2007, it was identified as being "endemic".) Therefore, my tenth recommendation is that you examine the possibility of structural changes to the Board in the interest of enabling trustees to focus on broad governance issues and student achievement and well-being.

Respectfully submitted,



Margaret Wilson

Conclusion

As I listened to both trustees and staff, many common themes emerged. Only a few people were oblivious to the effect on the schools of Board and staff behaviour. Most expressed real concern that the ability of the schools to concentrate on student achievement and well-being was being negatively affected. Excellent work was becoming unsustainable. Too many were pessimistic about the Board's ability to change course, and they felt that someone would have to come in and "fix it". They wanted a supervisor, or a group, with the power to change things, sell schools and do; whatever the Board has been unable, or unwilling, to do on its own. Most thought that leaks to the media were killing morale in the schools and throughout the Board. Some thought that a solution might be an integrity commissioner or an ombudsman for the Board. Some were looking for better ways to provide information to parents, perhaps through a one-stop-shopping window which addressed parent and community concerns. One perceptive person said, "The Board is not too big to manage; it's too big to manage like other school boards". He thought a different governance structure was worth exploring. A number of others identified attitude and behaviour, not size, as the problem. Some people suggested that electing trustees at large might do more to change the culture of fear and entitlement than any other change.

I have tried, in my recommendations, to guide the Board towards its main, collective responsibilities: good policy development and long-term planning to support student achievement and well-being. If acted upon, these recommendations should address at least one of the causes of the culture of fear, which is trustee intrusion into day-to-day management. The mending – or, for new trustees, building – of relationships and the development of trust and cooperation among, and between, trustees and staff will be more difficult without a change in behaviour.

I recognize that this is not the first report to recommend a consultation on governance and electoral options for the TDSB. That said, I think that there is good reason to discuss this issue once more with the city's English-language public school supporters and our civic

leaders. Previous consultations on governance of the TDSB have largely been externally driven. What I was hearing was a consistent and persistent call from within for help, from all corners and levels of the Board. Too many employees, and a number of trustees, have no confidence in the ability of the new Board to steer this ship away from the rocks. I was told, and I agree, that, given how the board operates, the position of director is nearly untenable. Given the media frenzy in the past few months, and the fact that some of the trustees who have been feeding the frenzy were re-elected, one can understand the perspective of those who believe that the board needs a new approach to governance. An honest conversation with the public about other ways of governing the province's largest school board would be productive at this point in the Board's history.

In conclusion, I wish to thank all those who willingly assisted me in this review. The road to 5050 Yonge Street is paved with good intentions on the part of those who work there. But in conducting the review, I was deeply disturbed by the acute level of distress which was apparent among many of the professionals who spoke with me. I have not included in this report all the evidence I found of the culture of fear: It would be too easy to identify some of the individuals who gave me information. Many staff members feared that they would be fired if they could be identified through what I wrote. Some were in tears. Several senior staff, in mid-career, were concerned that their professional reputations would be damaged because of their association with the TDSB. Yet invariably, they were proud of the work they were doing in support of the Board's students. They deserve better than a culture of fear. It remains questionable whether the trustees and senior administration can pull together as a whole. The present level of cooperation is so poor, and so hampered by institutional habits and structures, that the effects go beyond undermining public confidence: They also undermine the Board's focus on student achievement and well-being. The Minister's concerns were justified.

Recommendations

I recommend that the Minister immediately direct the Board to:

1. Reform its promotion procedures and policies for all levels of staff (with the exception of the Director of Education) so as to remove individual trustees from decision making. The reformed policies should be consistent with the ministry's *Operational Review Guide for Ontario District School Boards, 4th edition (September 2010)*.

2. Develop and implement a professionally sound policy for the performance appraisal of the Director of Education.

3. Develop and implement a policy clearly delineating the governance role of the Board of Trustees, the responsibilities of the Chair and committees and the day-to-day operational role of the staff.

4. Revise the terms of reference of all committees, including advisory committees, to be consistent with the governance role of the Board. The terms of reference should ensure that the roles and limits of committees are clear and that any staff supporting them are assigned by, and report to, appropriate Board staff.

5. Bring its trustee perquisites and privileges and costs thereof into conformity with those of the other large boards in the Greater Toronto Area.

6. Develop procedures which ensure better Audit Committee oversight of international and non-core projects and partnerships with outside organizations, and direct the current TDSB Audit Committee to review, and provide to the Board of Trustees, the contracts, transactions and documents related to the Confucius Institute, the relationship with the school in Vietnam, the Neo City Café litigation and contract and the Central Tech litigation and legal costs.

7. Limit trustee participation in the Audit Committee to members of the committee and those trustees invited to the committee for specific agenda items.

8. Present a three-year plan for the effective and responsible stewardship of the Board's capital assets to support the delivery of appropriate education programs to students. This must include a detailed work plan on how to significantly reduce unused spaces and address the condition of existing school facilities.

9. Amend the director's contract to comply with the *Broader Public Sector Accountability Act, 2010* and respect the advice provided by the Minister in January 2014 and December 2014.

I also recommend that the Minister:

10. Assign a committee of three to five advisors to make recommendations on governance and electoral representation options for the Board. The consultation should examine the possibility of structural and procedural changes to address the culture of fear, and governance structures to enable trustees to focus on broader policy issues in balance with responsiveness to local concerns. The committee should consult at a high level with representatives of the Board, the senior staff, the employee unions, parent organizations, the City of Toronto, Toronto-based universities and colleges and representatives of the business community. The committee should consult a cross-section of public school supporters to assess their support for the current governance and electoral structure of the Board and any alternative structures which might better support student achievement and well-being.