

**Response to the  
Department of Education Report**

**“Increasing the Effectiveness of School  
Board Governance in Nova Scotia Schools”**

Prepared by the  
Education & Training Committee  
Halifax Chamber of Commerce  
August 26, 2008

The Halifax Chamber of Commerce is a best practice business advocacy organization that strives to make Halifax an even better place to live, work and play. The oldest Chamber in North America with roots dating to 1750, it is the first Chamber in North America to become ISO certified. It is an active and important voice for business at the municipal, provincial and federal levels.

Based on direction from members, the Chamber identified three key priorities for its activities-one of which is “education, skills and training.” To support this priority, the Chamber has in place a standing committee on Education and Training, led by Cheryl Hodder, a partner with McInnes Cooper. The Chamber committee firmly believes that Nova Scotia will not have a strong education system without strong, highly-functioning school boards. The Committee has drafted a document on school board governance, “Revitalizing the HRSB - An Opportunity for Excellence in Student Achievement.” A copy of this document is found attached.

In response to the Minister’s report, “Increasing the effectiveness of school board governance in Nova Scotia,” the Chamber supports the suggested changes to the *Education Act*. An essential element of good governance is the creation of policies that define board responsibilities in detail. Some of these are defined in the proposed changes. However, it is our view that the changes do not go far enough and further changes in school board governance are needed to avoid future school board governance problems and to ensure school boards stay focused on their primary goal - student achievement.

The Chamber’s Education and Training Committee has thoroughly researched school board governance issues, complete with an examination of best practices in Europe and throughout North America. This research has included visits to boards of education in Alberta and Ontario and meetings with the provincial ministries of education in Nova Scotia and Alberta.

The key issues identified in the July 2008 “Increasing the Effectiveness of School Board Governance in Nova Scotia” document will be addressed in the order in which they appear.

### **Ensuring a Consistent Approach to School Board Procedures**

- *The Chamber recommends adoption of a results-based hybrid policy model for the Halifax Regional School Board and suggests adoption of a similar model for all provincial school boards.*

- a) Any legislation adopted should be very clear that School Boards are **not** responsible for the day- to-day administration of the school system. The role of any School board should be governance, not administration. Boards should focus on policy development, the board-staff relationship and the governance process itself and leave the day-to-day administration to those who are qualified and hired to perform it - principals, superintendents, administration and support staff.
- b) Clarity of roles, a climate of trust and candour, rigorous decision making and a constant desire for improvement should be essential ingredients of a highly functioning School Board.
- c) It is difficult for a board to monitor performance and oversee an organization if they do not receive appropriate information on a timely basis. This is necessary for making informed decisions. All boards must have the option, legislated or not, of insisting that it receive adequate information from staff on a timely basis.
- d) Board members must resist going directly to managers within the organization with issues or requests for information. It is more appropriate for these requests to be addressed to the Superintendent. Approaching the Superintendent rather than staff with such matters protects against the possibility of school board members pursuing personal and political agendas. Any mandatory policies or legislation must define what matters must be directed to superintendents and those which are more properly directed to school staff.
- e) The roles of board members, the superintendent and the boundaries of their relationships should be clearly defined. (A valuable example of this is provided by the *Municipal Government Act*.) The *Education Act* should do the same for the roles of school board officials, the superintendent and the relationships among them.

### **Ensuring that all Boards Follow a Minimum Set of Expectations in a Code of Ethics**

- *Any changes to the legislation should include both a uniform oath for school board officers and chairs and a uniform code of ethics for all provincial school boards.*

The code of ethics should have robust conflict of interest provisions and must include references to respect and confidentiality, both of which are vital to the operation of any board. To reinforce the information in both the oath of office and the code of conduct, training sessions should be held to educate board members on what their duties and responsibilities as board members are.

The Chamber has compiled characteristics of and a valuable school board member. These can be found in the Appendix to this document.

## **Strengthening the Authority of School Boards to Discipline their Members**

- *The Chamber has determined through research that the best, most functional boards thrive in “a virtuous cycle of respect, trust and candour.” This cannot be achieved if school board members are not required to meet basic standards of decorum.*

The present Education Act does not define the requirements for good comportment and positive behavior necessary in a school board member. Considering recent interpersonal challenges in more than one board, spelling out these requirements would seem to be a logical first step.

The best governance model in the world will not assist a board in functioning if the right people are not at the table. Any Code must spell out what kind of behaviour school board members should expect from each other and what type of behaviour will not be tolerated. Right now, the *Education Act*'s section (3c) (6) states: “A school board, in carrying out its responsibilities under this Act, shall meet education, programs, service and performance standards established by the Minister.” It is unclear, from this reading, whether such educational, programs, service and performance standards have been established by the Minister. Any legislation defining the limits of tolerable behaviour must not be so restrictively written so that it stifles dissent and the free and frank exchange of opinions necessary to advance students' educational interests.

Any such Code should be constructed to ensure that school board members' relentless focus stays on what is best for students and for education.

## **Clarifying the Authority of the Minister of Education to Respond to Concerns about School Board Member Conduct**

- *It is right for the Minister to codify his/her authority to respond to school board member conduct, as the proposed legislative changes seem to do. However, the legislation should clearly define grounds that will trigger censure.*

At present and in the proposed legislative agenda, school board members cannot be censured for behaviour obstructive to the proper functioning of the board. In section 7 of the proposed changes, the following grounds for censure are listed as follows: “health, safety or educational welfare of the students of a school are endangered, resources of the school board not being used responsibly, school board failed to meet standards, or school board failed to comply with a request by the Minister to take corrective action.” Failure to work together effectively and/or adhere to predetermined standards of behaviour should be added as reasons to trigger censure.

## **Defining a Process to Fill Vacant School Board Seats, Including Eliminating the Requirement to Hold By-Elections**

- *Leaving school board seats vacant should not be encouraged by any legislation.*

Making provisions to eliminate by-elections in certain select cases, as section 8 seems to mandate, is a practical solution. Triggering a by-election for each vacancy would deplete the board of resources and be harmful to students' education.

## **Ensuring that all Members have Access to a Fair and Transparent Appeal Process**

- *The establishment of an appeals process from censure is necessary and valid.*

Section 8 of the proposed changes states: "Any action taken by the Minister can only be challenged through the courts." In a previous section (5), the change set out is that a "censured board member will have the right to appeal the censure by the board through a one-person adjudicator." This is inconsistent. Appeal to a one-person adjudicator is not the same as an appeal to the court process. The appeal process can include both a one-person adjudicator and an appeal to courts. But if the process does include appeal to a one-person adjudicator, it should spell out precisely whether this is a final appeal to an adjudicator or whether the aggrieved party can further appeal to the court process. Essentially, the Education Minister should define any appeal process more precisely than the proposed legislative changes do now.

## **Extending the Term of the School Board Chair**

- *The Chamber's Education and Training Committee agrees with extending the term of the Board Chair to two years.*

Lengthening the term allows for continuity, lessens disruption and goes well toward ensuring the smooth running of the school board.

## **Consideration to Abolishing Elected School Boards**

- *Elections are expensive. In many instances, only one person runs and is selected by acclamation. An appointment process would be more efficient, would attract better candidates and would also be more cost-effective.*

When considering the question of whether School Board elections should be abolished and School Board members should be appointed, it is instructive to consider that, historically, School Board members were elected because the district had the ability. The initial idea was that there should be no taxation without representation.

Now that this premise no longer exists, it makes sense to consider appointing School Boards through a transparent process whereby individuals apply for positions in the same manner as appointments are made to agencies, boards and commissions. A matrix of the desired qualifications for the various positions could be created and individuals would apply based on how they meet the criteria.

### **In Summary**

- *The Chamber recommends adoption of a results-based hybrid policy model for the Halifax Regional School Board and suggests adoption of a similar model for all provincial school boards.*
- *Any changes to the legislation should include both a uniform oath for school board officers and chairs and a uniform code of ethics for all provincial school boards.*
- *The Chamber has determined through research that the best, most functional boards thrive in “a virtuous cycle of respect, trust and candour.” This cannot be achieved if school board members are not required to meet basic standards of decorum.*
- *It is right for the Minister to codify his/her authority to respond to school board member conduct, as the proposed legislative changes seem to do. However, the legislation should clearly define grounds that will trigger censure.*
- *Leaving school board seats vacant should not be encouraged by any legislation.*
- *The establishment of an appeals process from censure is necessary and valid.*
- *The Chamber’s Education and Training Committee agrees with extending the term of the Board Chair to two years.*
- *Elections are expensive. In many instances, only one person runs and is selected by acclamation. An appointment process would be more efficient, would attract better candidates and would also be more cost-effective.*

### **Conclusion**

The Chamber looks forward to reviewing a final draft of the proposed legislative changes to the Education Act in the fall.

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## Appendix A

### **Characteristics of a Good School Board Member**

#### **Passion and Commitment**

- Strong belief in the value of public education
- Willingness to learn about the Province's vision of education
- Interest in working with the Board on its vision, goals and objectives and to understand the interests served by the board
- Willingness to spend time learning about the Board, education issues, people involved in education, parents and related organizations
- Willingness to bring a positive, constructive outlook
- Belief that improvements can be made
- Willing to commit the necessary time required to make good decisions

#### **Integrity and Leadership**

- Willingness to represent the interests served by the Board
- Willingness to represent the Board and to stand up for its decisions
- Conceptual thinker, linking seemingly independent issues
- Ability to see the big picture
- Ability to set aside differences and personal opinions to act in the best interests of the students
- Possessing core values of integrity and reliability
- Possessing impact and influence skills; high degree of self-awareness
- Ability to think independently and act courageously, even in the public eye
- Process-oriented; having ability to make decisions and seek outcomes by applying a consistent application of logical sequence of steps
- Open-minded and information-seeking

#### **Interpersonal Strengths and Teamwork**

- Ability to work in a team towards shared goals
- Seeks constructive conflict, with the intention of moving the board's decisions forward
- Willingness to delegate, as well as to share the load
- Ability to identify 'group think' and move forward
- Ability to participate in a positive manner
- An effective communicator with excellent listening skills
- Possessing common sense and using it
- Ability to tolerate ambiguity and remain positive
- Possessing useful skills and talents that will add to the perspectives of the Board

