



**REGULAR BOARD MEETING
Tuesday, March 10, 2009 at 7:00 p.m.
Windsor Essex Catholic Education Centre
John Paul II Boardroom**

AGENDA

- | | | |
|----|--|--------|
| I | In-Camera Meeting – 6:00 p.m. | Page # |
| II | Regular Meeting of the Board - 7:00 p.m. | |

1. Call To Order
2. Opening Prayer
3. Recording of Attendance
4. Approval of Agenda
5. Questions Pertaining to Agenda
6. Disclosure of Interest - Pursuant to the Municipal Conflict of Interest Act.
7. Presentations
 - a. Student Learning - Part II (L. Staudt/C. Geml) - -
8. Delegations:
 - a. Delegation Regarding Items Not on the Agenda
3:11.1 Any person(s) wishing to make a formal presentation to the Board shall make their intent known, in writing, to the Secretary at least one week prior to the regular meeting. They shall briefly explain in their petition the nature of their business. Discussion shall be limited to the petition and shall be not longer than ten (10) minutes. The time limit can be waived by the consent of the majority of the Board.
 - b. Delegations Regarding Items On the Agenda
3:11.2 Any person(s) wishing to appear before the Board and speak on an item appearing on the agenda of the Board Meeting has until NOON of the day of the Board meeting to make a request to the Secretary. They shall explain briefly the nature of their business. The discussion shall be limited to the item on the agenda and shall be no longer than ten (10) minutes.

9. Action Items:
 - a. Approval of Minutes
 - i) Minutes of In-Camera Meeting, February 24, 2009 - -
 - ii) Minutes of Regular Meeting, February 24, 2009 1 - 10
 - b. Items from the In-Camera Meeting of March 10, 2009 - -

10. Communications:
 - a. External (Associations, OCSTA, Ministry):
 - i) Memorandum from B. Nolan, Shibley Righton LLP dated February 19, 2009 11 - 18
re: Conflict of Interest Under the *Municipal Conflict of Interest Act*
 - b. Internal (Reports from Administration):
 - i) Report: Administrative Staff Report (P. Picard) 19 - 20
 - ii) Report: Legal Services - January 2009 (M. Iatonna) 21 - 22

11. Unfinished Business:
 - a. *Deferred* Report: Board Policy Amendments H:07 Selection Process - Principals and Vice Principals (P. Picard) 23 - 24
 - b. *Deferred* Report: Board Policy Amendments H: 15 Transfer of Principals and Vice Principals (*for approval in principle*) (P. Picard) 25 - 29
 - c. *Deferred* Report: French Immersion Advisory Committee - Terms of Reference and Summary of March 4, 2009 Meeting (C. Geml) *Handout*

12. New Business:
 - a. Field Trips: Nil.

13. Committee Reports:
 - a. Verbal Report: Ad Hoc West Windsor Accommodation Review Committee (L. Staudt)
 - b. Verbal Report: Ad Hoc East Windsor Accommodation Review Committee (L. Staudt)

14. Notice of Motion

15. Remarks and Announcements:
 - a. Chairperson
 - b. Director of Education
 - c. Board Chaplain

16. Remarks/Questions by Trustees

17. Pending Items

18. Continuation of In-Camera, if required.

19. Future Board Meetings: (unless stated otherwise all meetings will be held at the Windsor Essex Catholic Education Centre - 1325 California Avenue, Windsor at 7:00 p.m.)



- Tuesday, March 31, 2009
- Tuesday, April 14, 2009
- Tuesday, April 28, 2009
- Tuesday, May 12, 2009
- Tuesday, May 26, 2009
- Tuesday, June 9, 2009
- **Monday**, June 22, 2009

20. Closing Prayer

21. Adjournment

Fred Alexander
Board Chairperson

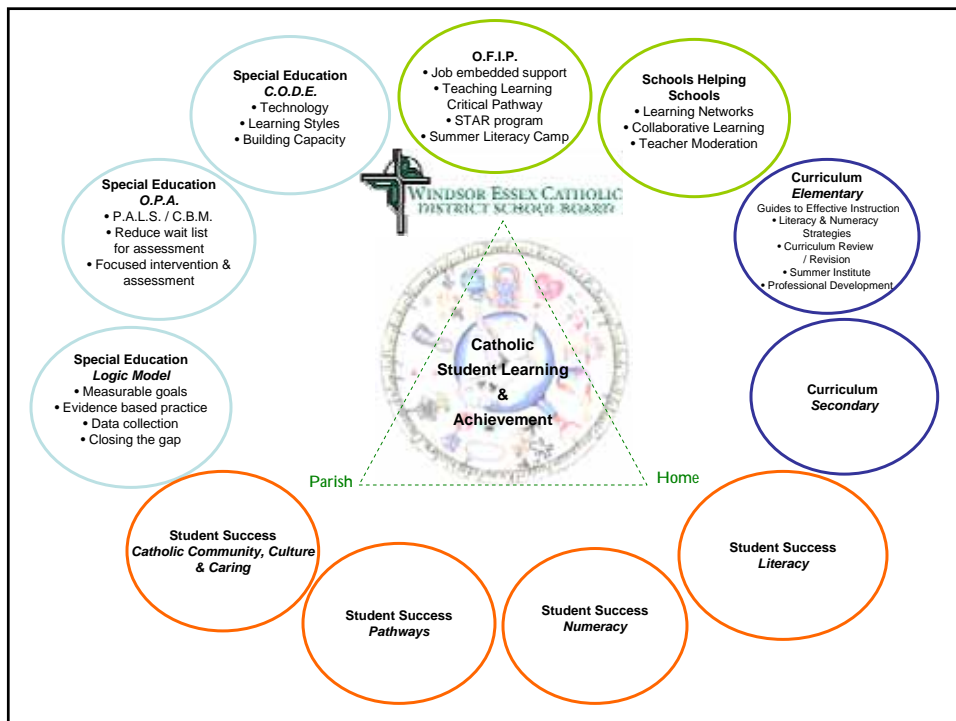
Joseph Berthiaume
Director of Education & Secretary-Treasurer



Parish Home





**Student Learning ~ K – 12
(Part 2)
March 10, 2009**

*Cathy Geml
Linda Staudt
Emelda Byrne
Sharon O'Hagan-Wong*



**Curriculum
Secondary**

- Differentiated Instruction
- Curriculum Review / Revision
- Assessment & Evaluation
Summer School
- Professional Development



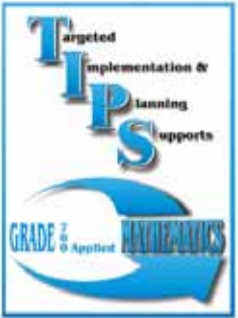





**Student Success
Literacy**

- Think Literacy & Differentiated Instruction
- ELL Support
- Literacy Support / Strategies



Student Success Numeracy

- T.I.P.S. & Differentiated Instruction
- ELL Support
- Numeracy Support / Strategies



Student Success Pathways

- Specialized Programming
- Early Leaver Project
- Transition Strategies



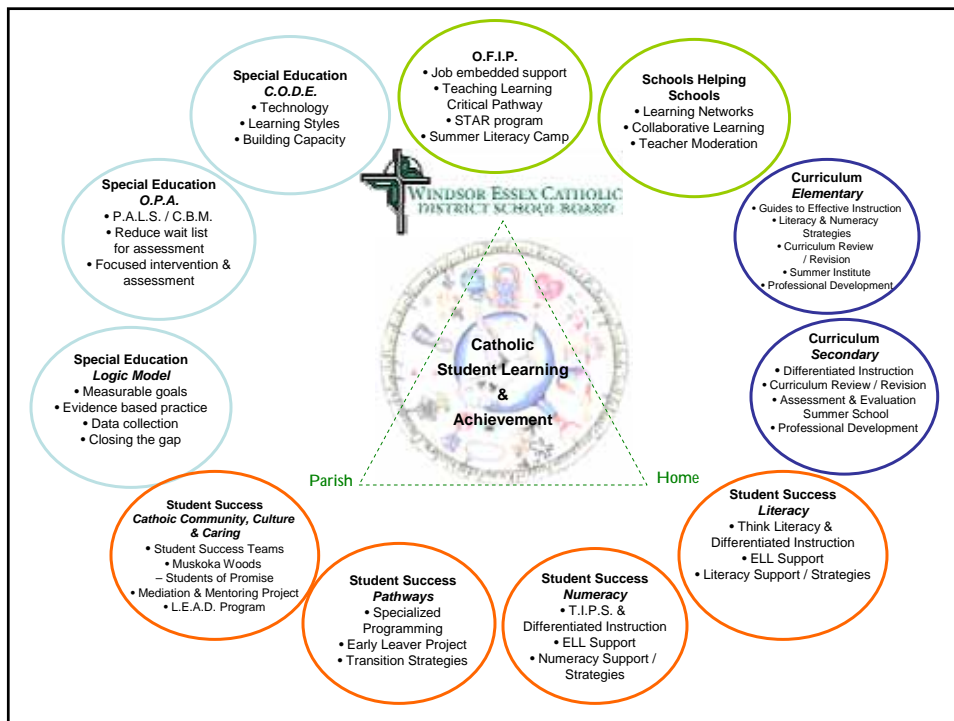


**Student Success
Community, Culture
& Caring**

- Student Success Teams
 - Muskoka Woods
 - Students of Promise
- Mediation & Mentoring Project
 - L.E.A.D. Program







1325 California Avenue
 Windsor, ON N9B 3Y6
 CHAIRPERSON: Fred Alexander
 DIRECTOR OF EDUCATION: Joseph Berthiaume

REGULAR BOARD MEETING
Tuesday, February 24, 2009 at 7:00 p.m.
Windsor Essex Catholic Education Centre
John Paul II Boardroom

MINUTES

PRESENT

Trustees:

- | | |
|---------------------------------------|----------------------------------|
| F. Alexander, Chair | P. Keane |
| J. Courtney (<i>electronically</i>) | J. Macri (entered at 7 :45 p.m.) |
| M. DiMenna, Vice-Chair | S. Porcellini |
| B. Holland | L. Soulliere |
| C. Janisse | |
| C. Resendes, Student Trustee | |
| Rev. L. Brunet, Board Chaplain | |

Regrets:

N. Lau, Student Trustee

Administration:

- | | |
|--------------------------|-----------------|
| J. Berthiaume (Resource) | J. Bumbacco |
| C. Geml | P. Murray |
| M. Iatonna | C. Norris |
| P. Picard | S. O’Hagan-Wong |

Recorder:

D. Steffens

1. Call To Order - Chair Alexander called the meeting to order at 7:05 p.m.
2. Opening Prayer - Fr. Brunet opened the meeting with a prayer and reading of intentions.
3. Recording of Attendance - Trustee Macri entered the meeting at 7:45 p.m. due to a previous business commitment. Trustee Courtney participated electronically. Student Trustee Lau sent regrets due to a previous out of town commitment.
4. Approval of Agenda- Chair Alexander noted that that the two attachments for agenda item *12d Long Term Debenture By-Law* are at trustee places and were previously provided to trustees electronically.

Amendments:

- 13b French Immersion Advisory Committee Meeting of February 18, 2009 - A written report request for Board approval of the Committee’s Terms of Reference is being provided in addition to the verbal summary of the February 18, 2009 Committee meeting.

- Correction: On page 10 of 45, (Public Salary Disclosure Act, 1996 – Disclosure for 2008) the position title for L. D'Angelo, has been corrected to indicate she is a Department Head and the position title for L. Conte has been corrected to indicate he is a vice principal.

Moved by Trustee Keane and seconded by Trustee Holland that the February 24, 2009 Regular Board meeting agenda be approved as amended. Carried.

5. Questions Pertaining to Agenda - None.
6. Disclosure of Interest - Pursuant to the Municipal Conflict of Interest Act. - None.
7. Presentations:
 - a. P.E.E.R. Pals (Peers Establishing Effective Relationships Pals) - Trustees received a student achievement presentation that provided an overview of the implementation plans for the new P.E.E.R. Pals Program designed to provide structured social skills training for children with autism both inside and outside the classroom. The rollout of the P.E.E.R. Pals program will include ten pilot elementary schools, with initial training of school teams taking place on February 26th, and follow-up training in the spring. There will be another half-day training and follow-up with the initial ten schools in May and at that time all of the remaining Healthy Active Living teachers (H.A.L.T.) that were not trained in the first round will receive training. The initial ten pilot schools are Sacred Heart, Notre Dame, W.J. Langlois, Holy Name, St. John (Windsor), St. Rose, Immaculate Conception, Holy Cross, St. Louis and St. Gregory.
8. Delegations:
 - a. Delegation Regarding Items Not on the Agenda - None.
 - b. Delegations Regarding Items On the Agenda - None.
9. Action Items:
 - a. Approval of Minutes
 - i) Minutes of In-Camera Meeting, February 10, 2009
Moved by Trustee DiMenna and seconded by Trustee Janisse that the minutes of the Committee of the Whole Board In-Camera meeting of February 10, 2009 be adopted as corrected. Carried.
 - ii) Minutes of Regular Meeting, February 10, 2009
Moved by Trustee Keane and seconded by Trustee DiMenna that the minutes of the Regular Board meeting of February 10, 2009 be adopted as distributed. Carried.
 - b. Items from the In-Camera Meeting of February 24, 2009

Vice Chair DiMenna reported the Windsor-Essex Catholic District School Board convened a closed Committee of the Whole Board meeting on February 24, 2009 pursuant to the Education Act - Section 207, to consider specific personnel, real property matters, labour relation matters, and other matters permitted or required to be kept private and confidential under the Freedom of

Information and Protection of Privacy Act. Trustees Keane and Porcellini declared a conflict of interest during the In-Camera Session and excused themselves from the relevant discussion items.

Moved by Trustee DiMenna and seconded by Trustee Soulliere that the recommendations and directions of the Committee of the Whole Board at its in-camera meeting of February 24, 2009 be approved. Carried.

Vice Chair DiMenna made the following announcements:

- receipt of the Administrative Staff Report, dated February 24, 2009
- the appointment of Arlene Davis to the position of Interim Secondary Vice-Principal - Safe Schools, effective February 23, 2009
- the appointment of Jeremy Schiller to the position of *Acting* Administrator at Cardinal Carter Catholic Secondary School, effective February 23, 2009

10. Communications:

a. External (Associations, OCSTA, Ministry): None.

b. Internal (Reports from Administration):

i) Report: Administrative Staff Report

Moved by Trustee DiMenna and seconded by Trustee Holland that the Board receive the *Administrative Staff Report on hiring, retirement and resignation of staff dated February 24, 2009 for information. Carried.*

ii) Report: Public Salary Disclosure Act, 1996 – Disclosure for 2008

Trustees received the Record of Employees' 2008 Salaries and Benefits, in accordance with the Ontario Public Sector Salary Disclosure Acts 1996 that requires employers receiving public funding from the Government of Ontario to disclose annually the names, position titles, salaries and taxable benefits of their employees who are paid \$100,000 or more in a year. Administration indicated two corrections will be made to the official report prior to submission to the Ministry.

Moved by Trustee DiMenna and seconded by Trustee Holland that the Board receive the *Public Sector Salary Disclosure Act, 1996 – Disclosure for 2008 report as information. Carried.*

iii) Report: Employee Purchasing Cards Use 2007-08

In accordance with Board Procedure PR A:27 Purchasing Cards, trustees received a report summarizing Board purchasing cards (P-Cards) use for the 2007-08 budget year.

Moved by Trustee Holland and seconded by Trustee Janisse that the Board receive the *Employee Purchasing Cards Use 2007-08 report as information. Carried.*

iv) Report: Ministry of Education School Board Operational Review

Trustees received a report indicating that the Ministry of Education is in a three-year process of conducting operational reviews of all 72 school boards in the Province. The Ministry recently advised that the Windsor-Essex Catholic District School Board has been scheduled for review in the spring of 2009.

Moved by Trustee Soulliere and seconded by Trustee Holland that the Board receive the report on the Ministry of Education School Board Operational Review as information. Carried.

v) Report: Compensation for Use of Auto - Annual Review of Mileage Rate

Trustees received a report indicating that, pursuant to the most recent review of the mileage rate for automobile use, no change in the rate be considered at this time.

Moved by Trustee Janisse and seconded by Trustee Soulliere that the Board receive the report on Compensation for Use of Auto - Annual Review of Mileage Rate as information. Carried.

11. Unfinished Business:

- a. Notice of Motion from February 10, 2009: Trustee Porcellini - *“At the next Regular Board meeting, I will move or cause to be moved that the Board establish an Ad Hoc Committee to examine opportunities for system-wide and magnet programming to attract enrolment, and that the committee report back to the Board with recommendations by January 26, 2010.”*

Trustee Porcellini stated it was her intent when she tabled this Notice of Motion to begin a discussion about moving the Board forward into the twenty-first century so that every Catholic child in our community would have opportunity to attain the Catholic education they are entitled to. However, it has come to her attention that the conversation that would ensue would likely devolve into a discussion that would centre on staffing, and as such she would be in conflict with her own motion, due to the employment of her husband. Therefore, Trustee Porcellini withdrew the motion.

12. New Business:

a. Field Trips:

- i) Holy Names Catholic High School - New York

Moved by Trustee DiMenna and seconded by Trustee Janisse that the Board approve the Holy Names Catholic High School field trip to Carnegie Hall, New York City from Friday, April 24, 2009 – Monday, April 27, 2009. Carried.

Trustee Macri entered the meeting at 7:45 p.m.

- b. Report: Board Policy Amendments H:07 Selection Process - Principals and Vice Principals and H: 15 Transfer of Principals and Vice Principals (*for approval in principle*)

Trustees received a report outlining proposed amendments to Board Policies H: 07 Selection Process Principals and Vice-Principals, and H: 15 Transfer of Principals and Vice-Principals that were reviewed by a Policy Working Subcommittee as part of a scheduled policy review.

Considerable discussion and debate occurred around the implications of the proposed language amendments and the continuing role of trustees in the appointment and transfer process for principals and vice-principals. The proposed draft documents were deferred to the March 10, 2009 meeting in order to allow time for administration to consult legal counsel on specific requirements under the *Education Act* and *Employment Standards Act*. In the meantime, the "Specific Directives" of each draft policy will be further amended to include reference to trustee input and an additional directive requiring that the selection and placement procedures be open, accountable and transparent.

Moved by Trustee Porcellini and seconded by Trustee Holland that Board approval in principle of Board Policy Amendments H:07 Selection Process - Principals and Vice Principals and H: 15 Transfer of Principals and Vice Principal be deferred to the Regular Board Meeting of March 10, 2009. Carried.

- c. Report: Canada Day Designation 2009

Trustees received this annual report for approval, which is required in order to comply with the collective agreement with CUPE Local 1358.1 that outlines their members are paid for the holiday on the last scheduled day of work in June.

Moved by Trustee Holland and seconded by Trustee Janisse that the Board approve the designation of July 1, 2009 as Canada Day with the exception of CUPE Local 1358.1 which would be June 26, 2009. Carried.

- d. Report: Long Term Debenture By-Law - Good Places to Learn Phases 2 and 3 *A handout providing attachments pertaining to the report was distributed and previously provided to trustees electronically.*

Trustees received a report indicating that, as of August 31, 2008, the Board has expended all of its allocation from the Ministry of Education for Good Places to Learn Stage 2 (GPL2) and a portion of its allocation for Good Places to Learn Stage 3 (GPL3). The Ministry of Education has now provided a mechanism for the Board to transition these capital expenditures to long term financing through the Ontario Financing Authority (OFA).

Moved by Trustee Janisse and seconded by Trustee Macri that the Board approve the execution of By-Law 2009-1 deemed to be read three times pertaining to the loan agreement between the Ontario Financing Authority and the Windsor-Essex Catholic District School Board in the amount of \$5,467,882 for the long term financing of expenditures incurred up to August 31, 2008 related to Good Places to Learn Stages 2 and 3. Carried.

BY-LAW NUMBER 2009-1

A by-law to authorize a loan from the Ontario Financing Authority in the principal amount of \$5,468,082 pursuant to a loan agreement under section 12 of Ontario Regulation 466/97

WHEREAS subsection 247 (1) of the Education Act R.S.O. 1990, c. E.2, as amended (the “Education Act”) and the regulations made thereunder, provides that, subject to any other provision of the Education Act and, specifically, the regulations made under subsections 242 (1) and 247 (3) of the Education Act, a district school board may by by-law borrow money or incur debt for permanent improvements and may issue debentures or issue or execute any instrument prescribed under clause 247 (3) (f) of the Education Act in respect of the money borrowed or the debt incurred;

AND WHEREAS section 12 of Ontario Regulation 466/97, as amended by Ontario Regulation 462/06 (the “Regulation”), provides that (1) a board may by by-law borrow money for permanent improvements by way of a loan from the Ontario Financing Authority with an initial maturity of more than one year and that (2) a board that obtains a loan mentioned in subsection 12 (1) shall ensure that the proceeds of it are used for permanent improvements;

AND WHEREAS the Windsor-Essex Catholic District School Board (the “Board”), which under the Education Act constitutes a district school board, has undertaken urgent and high priority renewal projects at schools of the Board listed in any one or more of: (i) Appendix B of the document entitled “Good Places to Learn: Stage 1 Funding Allocation”; (ii) Appendix C of the document entitled “Good Places to Learn: Stage 2 Funding Allocation”; and (iii) Appendix B of the document entitled “Good Places to Learn: Stage 3 Funding Allocation”, some of which projects are described in Schedule “A” attached to the Loan Agreement, as hereinafter defined (individually a “GPL Eligible Project”, collectively the “GPL Eligible Projects”) and pursuant to Ontario Regulation 85/08, each GPL Eligible Project constitutes a “permanent improvement” as defined in subsection 1(1) of the Education Act. In the event that the Board will borrow the principal amount specified in paragraph 2.1 under the Loan Agreement in respect of a single GPL Eligible Project, the term “GPL Eligible Projects” means that GPL Eligible Project;

AND WHEREAS the GPL Eligible Projects are collectively referred to as the “Eligible Projects”. In the event that the Board will borrow the principal amount specified in paragraph 2.1 under the Loan Agreement in respect of a single Eligible Project, the term “Eligible Projects” means that Eligible Project;

AND WHEREAS before the Board authorized each of the Eligible Projects and before authorizing additional cost amounts in respect of the Eligible Projects (if any), the Treasurer of the Board updated the Board’s most recent annual debt and financial obligation and liability limits as determined in accordance with the provisions of Ontario Regulation 472/98 and determined that the estimated annual amount payable by the Board in respect of each Eligible Project and each such additional cost amount (if any), would not cause the Board to reach or exceed its updated limits, with the result that the Board authorized each Eligible Project and each such additional cost amount (if any) without the prior approval of the Minister of Education referred to in section 4 of the Regulation;

AND WHEREAS the Board has financed the Eligible Projects by way of temporary borrowing from a financial institution or from a reserve account and the Board intends to borrow money from the Ontario Financing Authority for the purpose of financing the Eligible Projects on a

long-term basis, and in this connection the Board intends to borrow by way of a loan with an initial maturity of more than one year from the Ontario Financing Authority the principal amount of \$5,468,082 (the "Loan") pursuant to a loan agreement in the form attached hereto as Schedule "A" (the "Loan Agreement") which Loan Agreement constitutes an instrument prescribed under clause 247 (3) (f) of the Education Act and which sets out the terms and conditions on which the Ontario Financing Authority will make the Loan available to the Board;

NOW THEREFORE THE WINDSOR-ESSEX CATHOLIC DISTRICT SCHOOL BOARD ENACTS AS FOLLOWS:

1. The Board hereby authorizes the Loan that is to be made available to the Board pursuant to the Loan Agreement on the basis that it constitutes a loan under section 12 of the Regulation and that the Loan Agreement constitutes an instrument prescribed under clause 247(3)(f) of the *Education Act*.
2. The Board is hereby authorized to enter into the Loan Agreement pursuant to which the Loan will be made available to the Board and the Chair of the Board and the Treasurer of the Board are hereby authorized to execute for and on behalf of the Board the Loan Agreement which provides for instalments of combined (blended) principal and interest as hereinafter set forth, substantially in the form of Schedule "A", with such changes thereto as may be suggested by the Ontario Financing Authority and as such authorized officials of the Board shall approve.
3. The Director of Education of the Board, the Treasurer of the Board and any other financial officer of the Board are hereby each individually authorized generally to do all things and execute all other documents, instruments and agreements in the name of the Board in order to give effect to the Loan Agreement.
4. The Loan shall be paid in instalments of combined (blended) principal and interest over a 25 year amortization period on the specified dates set out in the amortization schedule attached as Schedule "B" to the Loan Agreement with the first interest payment on May 15, 2009 and thereafter semi-annual instalments to November 15, 2033 with the final payment on March 13, 2034 in each of the years during the currency of the Loan as set forth in such schedule. The Loan shall bear interest at the rate of 5.062% on the outstanding principal amount owing thereunder from time to time from the date thereof, which interest shall be payable in arrears as part of the equal instalments of combined (blended) principal and interest payable on such days in each year of currency of the Loan as are set out in Schedule "B" to the Loan Agreement.
5. In accordance with the provisions of the *Education Act* and the regulations made thereunder, during the currency of the Loan, the Board shall provide in its estimates for each fiscal year for setting aside out of its general revenue in the fiscal year the amount necessary to pay the principal and interest coming due on the Loan in the fiscal year and, on or before each due date in each such year, the Board shall pay out of its general revenue the principal and interest coming due on the Loan in the year. Such sums of principal and interest payable on the Loan shall be provided for in accordance with subsection 247(5) of the *Education Act*. Subject to the foregoing, on or before each due date in each year during the currency of the Loan, the Board shall pay out of its general revenue the amount necessary to pay the specific sums of principal and interest payable on the Loan shown for the respective year as set forth

in Schedule “B” to the Loan Agreement; but such amount shall be paid out of the Board’s general revenue only to the extent required after taking into account funds available from other sources.

6. Any amounts payable by the Board in respect of the Loan including interest on overdue principal and interest in respect of the Loan together with fees and other amounts payable by the Board under the Loan Agreement, if applicable, shall be paid out of the Board’s general revenue or any other available funds.
7. The proceeds of the Loan, shall be used to finance the Eligible Expenditures, as defined in the Loan Agreement, in respect of the Eligible Projects on a long-term basis and for no other purpose except as permitted by the *Education Act* and the regulations made thereunder.

13. Committee Reports:

- a. Report: Special Education Advisory Committee (SEAC) Minutes of January 15, 2009
Moved by Trustee Soulliere and seconded by Trustee Janisse that the Board receive the Minutes of the January 15, 2009 Special Education Advisory Committee meeting as information. Carried.
- b. Verbal Report: French Immersion Advisory Committee Meeting of February 18, 2009 (*A handout report was distributed and previously provided to trustees electronically.*)

Moved by Trustee Porcellini and seconded by Trustee DiMenna that the Board approve the Terms of Reference for the French Immersion Advisory Committee as presented. (*Motion was deferred.*)

Discussion occurred on specific sections of the draft Terms of Reference that were provided in the distributed report. The draft Terms of Reference were deferred to permit further review by the Committee.

Moved by Trustee Porcellini and seconded by Trustee Holland that the approval of the French Immersion Advisory Committee’s draft Terms of Reference be deferred to the Regular Board Meeting of March 10, 2009. Carried.

14. Notice of Motion - None.

15. Remarks and Announcements:

- a. Chairperson Alexander remarked on the February 20th roundtable discussion with members of the Governance Review Committee in London, provided comment on his meeting today with Bishop Daniels and the Director of Education, and encouraged fellow trustees to read the Ontario Catholic Schools Trustees’ Association Response to Consultation Paper concerning Ontario School Board Governance for the 21st Century.
- b. Director of Education Berthiaume provided comment on recent professional development provided to staff in support of student achievement, including: Schools Helping Schools, Conflict Management, OFIP - PLC, Differentiated Instruction for Secondary School Teams, PEER Pals Training, and Teacher Leadership Program. In addition, School Student Success

Teams will receive Ministry In-service on March 4. Members of Student Success Teams include: the Principal/Vice-Principal, Guidance Counsellors, Student Success Teacher, Literacy Success Teacher, School-to-Work Cooperative Education Teacher, and Special Education Department Head. Director Berthiaume commented on his attendance at the Social Justice Workshop for students recently held at the University of Windsor and his meeting with the Chair and Bishop Daniels. Director Berthiaume expressed his appreciation to OECTA Secondary leaders for working with the Board to achieve an agreement in principle on the continuing education program at Rhodes Campus.

- c. Board Chaplain Fr. Brunet reflected on the upcoming season of Lent and reminded everyone of this important opportunity for spiritual renewal with prayer, fasting and alms giving.

16. Remarks/Questions by Trustees

- Trustee Janisse inquired into the registration numbers for the St. Mary French Immersion program.
- Trustee Soulliere commented on the first meeting of the Safe Schools Subcommittee.
- Trustee Keane commented on the note received from the Chair providing an update on City of Windsor Boundary Review and suggested the Board look at the possibility of “at large” trustee representation for the 2010 Municipal elections. Trustee Keane reminded everyone that the deadline for submitting a letter to officials regarding the new international border is this Friday.
- Trustee DiMenna congratulated the staff and students of St. Anthony Catholic Elementary school for receiving the Windsor-Roseland Rotary Peace School Designation for 2009 and congratulated two specific students for capturing first place in a recent Special Olympics bowling fundraiser event.
- Trustee Porcellini reported that the concept of “at large” representation was discussed with the City of Windsor consultant and it was indicated that all communities may not be represented due to voter turnout in elector areas, and suggested that if trustees want to start considering that concept a committee needs to be formed to look at all of the implications.
- Trustee Macri commented that ideas such as changing the voting procedure is not appropriately introduced under trustee comments and that it needs to go forward through a Board motion.
- Student Trustee Resendes provided an overview of the recent Ottawa OSTA Board Council Conference and reported that the next Student Senate meeting is scheduled for tomorrow.

17. Pending Items - None.

18. Continuation of In-Camera - Not required.

19. Future Board Meetings: (unless stated otherwise all meetings will be held at the Windsor Essex Catholic Education Centre - 1325 California Avenue, Windsor at 7:00 p.m.)

- Tuesday, March 10, 2009
- Tuesday, March 31, 2009
- Tuesday, April 14, 2009
- Tuesday, April 28, 2009
- Tuesday, May 12, 2009

- Tuesday, May 26, 2009
- Tuesday, June 9, 2009
- **Monday**, June 22, 2009

20. Closing Prayer - Fr. Brunet closed the meeting with a prayer.
21. Adjournment - There being no further business, the Regular Board meeting of February 24, 2009 adjourned at 9:04 p.m.

Not approved.

Fred Alexander
Board Chairperson

Joseph Berthiaume
Director of Education & Secretary-Treasurer



memorandum

SHIBLEY RIGHTON LLP

To: FRED ALEXANDER, CHAIRMAN OF THE BOARD
JOSEPH BERTHIAUME, DIRECTOR OF THE BOARD

From: Brian P. Nolan

Date: February 19, 2009

Re: CONFLICT OF INTEREST UNDER THE *MUNICIPAL CONFLICT OF INTEREST ACT*

The recent decision of the Ontario Superior Court of Justice in the case of Michael Baillargeon v. Oliver Carroll is the most comprehensive and important decision for school boards and trustees on conflict of interest under the *Municipal Conflict of Interest Act* since the Benn v. Lozinski case.

You have requested a brief analysis of the Carroll decision and its implications. Therefore, this opinion will only touch briefly on the general principles and provisions of the Act. Carroll turns on the more difficult issues of the application of the Act when more subtle and "grayer" issues arise, such as a trustee, who has a conflict because of one of the defined relationships in the Act, votes on the budget of the Board, or part of the budget.

This overview will touch on the following:

- background to the Carroll case and the basic principles of the Act
- how does the Court approach and apply the Act
- is a trustee in conflict if he/she participates in general budget discussions but not the specific items that affect the interests of the trustee that gave rise to the conflict?
- related to the above, if the approval process for the budget is segmented, can the trustee participate in discussions and vote on the parts of the budget other than the specific line or segment which would give rise to the conflict?
- is it a conflict for a trustee who has a spouse or child who is an employee of the Board, to engage in discussions with the union or individual members of the bargaining unit, which may affect staffing or working conditions for members of that employee group?
- what is the proper procedure for a trustee in attendance at committee meetings of the Board if a matter over which the trustee has a conflict is on the agenda or otherwise arises?
- what is the role of Board counsel: can an individual trustee rely upon or seek advice from the Board's counsel?

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- what are the legal cost implications for a trustee who is found to be in conflict?
- can trustees be protected from the cost consequences through insurance?

Background

a) The Act -

The Act provides that a trustee with a conflict of interest must declare that interest and refrain from discussing the issue that gives rise to the conflict before, during or after it is dealt with by the Board or a committee of the Board.

The Act covers only conflicts in which the trustee has a direct or indirect pecuniary interest. Thus, while there may be matters that arise that one may perceive, in a broad sense, create a conflict of interest for a trustee, it is irrelevant for purposes of the Act and its jurisdiction unless it is a matter in which the trustee has or could have a direct or indirect pecuniary interest.

Under the Act the pecuniary interest, direct or indirect, of a parent, spouse or child of a member is deemed to be the pecuniary interest of the member (trustee).

b) Mr. Carroll –

Mr. Carroll was a former Chair of the Toronto Catholic District School Board (the "TCDSB") and had been a trustee for five years. At the relevant time he was also Chair of the Budget Committee. Mr. Carroll's daughter was a low in seniority teacher with the Board and his son was an occasional teacher with the Board who had the prospect of being hired as a regular teacher depending on alternatives for staffing being discussed in the budget process. At the same time, depending on budgetary decisions which would result in either teacher lay-offs or program cuts, Mr. Carroll's daughter could face lay-off.

The Board faced a \$25 million deficit and was required by the Ministry to produce a plan and a budget to eliminate it. Cost cutting would affect many aspects of the Board's operations and specific decisions could impact Mr. Carroll's children.

The Board obtained two legal opinions from Mr. Eric Roher of the firm Borden Ladner Gervais ("BLG"). The first opinion reviewed the Act and its requirements and the existing case law. The second, in response to trustee requests, focused upon what became the central issue in the Carroll case: "If a trustee declares an interest in a specific budget line, can the trustee then vote on the budget minus that line?"

The opinions were circulated to trustees. Administration and the Board counsel, Paul Matthews, advised trustees with respect to the opinions.

Mr. Carroll participated in meetings in committee and at Board meetings, and in parts of discussions and in discussions, and even made motions on budget issues which would

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conceivably impact on staffing and/or programs. The matters were presented and discussed on a "line", or "stepped up", or "segregated" basis, ostensibly to comply with the BLG opinion.

The Approach of the Court to the Act

The Court approaches the Act as a public interest/public trust statute. The Court approaches the Act from an objective standard. In other words, the subjective view of the conflicted trustee and the trustee's intention is not relevant or determinative. Justice Kelly in the Carroll case said that the trustee's decision and conduct will be looked at severely and the Act is meant to be applied "harshly", an unusual word to find in a judicial decision on the application of a statute.

Carroll makes it clear that there is no such thing as a small or slight conflict, that actual benefit to the member or the member's parent, spouse, or child is not relevant, nor does there have to be actual damages to have befallen the Board as a result of the member's conduct or decisions, nor does corrupt or malicious intent have to be present.

Carroll states that if a member is found to be in conflict, unless the defence of inadvertence or error of judgment is objectively established on the evidence, the Court has no discretion but must declare the member's seat vacant. The Judge does have discretion of imposing a further penalty of barring the member from seeking re-election or re-instatement for up to seven years.

Justice Kelly also made it clear that it is difficult for an experienced trustee (Mr. Carroll, a former Chair of the Toronto Catholic District School Board, had been a trustee for five years) to satisfy the onus of proving that he/she acted inadvertently or just made an error in judgment. Carroll establishes that the onus shifts to the member found to be in conflict to establish on an objective test, that these defences apply.

The Lozinski case established the now accepted principles of direct or indirect pecuniary interest in the context of collective bargaining in the education sector where one collective agreement affects another, from board to board, let alone within a board. Carroll extends the considerations beyond voting or not on collective agreement ratifications or participating in collective bargaining. It raises the spectre that trustees with a direct or indirect pecuniary interest may be susceptible to a finding of conflict whenever there is a financial decision to be made, especially one that directly or indirectly affects staff. A conflict issue can arise if budget considerations involve staffing levels or reductions or program decisions.

Participation in General Budget Discussions and Approvals

It is clear that a trustee who would have a conflict on an element of the budget, which is the Board's operating financial document and will influence if not determine decisions with respect to all matters covered by the budget when the budget is presented, discussed and voted upon as a "package" for want of a better term, must declare a conflict, recuse himself or herself from the discussions and proceedings whether in committee or full meetings of the Board and not privately discuss or question the matters with other trustees, before or after decisions are made.

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Participation in the Budget Approval Process where the Budget Approval is done in a Stepped Process

The question which was at the core of the Carroll case is whether an otherwise conflicted trustee who declares an interest in a specific line, can vote on the budget minus that line.

On the facts in the Carroll case at least, the answer is no. The background to the budget deliberations was the need to reduce costs which, among other things, would require reductions in teaching positions and/or program cuts, which would also impact on the numbers of staff required.

Interestingly, previous legal opinions had guardedly stated that the stepped process could be feasible and proper. In 2007, Mr. Peter Lauwers, now Mr. Justice Lauwers of the Superior Court, in a presentation to OCSTA which was an update of an earlier paper, stated in answer to a question from the floor, "If the budget approval is done in a stepped process so that the teacher salary component is separated from all the others, and the votes are held on each individual item or group of items, then you can vote on everything else except that".

In his opinion to the TCDSB in 2008, Eric Roher, without reference to Mr. Lauwers, used those identical words. Mr. Roher did go on to say, "The trustee also would have to consider any length [sic – "links"] between the budget item in question with the remainder of the budget."

Significantly, Mr. Carroll testified that he was aware of and relied upon the opinion of Mr. Roher, at least the first part: he could vote on all budget matters except the matter on which he declared conflict. Madame Justice Kelly did not accept this.

It is implicit if not explicit from her judgment that she found the budget items linked, especially where there are deficits to be eliminated which require spending cuts.

Thus Carroll casts doubts, at least, on the proposition that the process of voting on the budget by considering and voting on its component parts in a stepped matter can save a trustee from an allegation of conflict. It is my opinion that that proposition was flawed from the beginning, and the flaws were exposed in Carroll. By the nature of the budget, the parts are linked, particularly in times of financial cutbacks. For example, if a trustee with a child who is a teacher votes to reduce custodial spending, that may mean the money can be used to maintain a classroom program, which may mean a teaching position does not have to be lost, or a teacher laid off. The examples could be endless. It is important to remember that the member or his or her child does not have to receive an actual benefit for there to be a finding of conflict.

Thus Carroll goes beyond the proposition that as long as one does not vote on the teacher (or other, depending on the conflict) salary item, one has not contravened the Act.

Can a trustee who has a spouse, parent or child who is a member of a board bargaining unit, communicate directly with the union or members of the unit in order to advocate for them on matters that would affect the budget?

-5-

Aside from the governance issues and potential labour relations issues, there is the possibility that a conflict question could arise. If the matter would require a declaration of conflict by the member when brought to a meeting of the Board or a committee of the Board, S. 5(1)(c) of the Act is broad enough to bring such conduct within the purview of the Act. S. 5(1)(c) states that a member with a conflict "shall not attempt in any way whether before, during or after the meeting to influence the vote ...". Mr. Carroll was found by Justice Kelly to have violated the Act when, after declaring a conflict at a meeting of a committee of the Board, he questioned a member of the committee about the proceedings and decision of the committee. Justice Kelly stated, "He (trustee Carroll) should not have intervened in the question at all and he should not have spoken to anybody about the motions before the Board".

In Carroll trustees who could be in conflict because of the employment with the Board of a parent, spouse or child had been advised that they should not meet with or discuss issues with employee groups on matters that could impact the budget as they could be in conflict. Mr. Carroll engaged in discussions with the union president. Justice Kelly stated: "This is particularly aggravating since the trustees had been advised in May, 2008, that they should not participate in meetings with union members if they had children or spouses who were teachers."

What is the proper procedure for a trustee in attendance at committee meetings of the Board if a matter over which the trustee has a conflict is on the agenda or otherwise arises?

It is significant that one of the occasions on which Kelly, J. found Mr. Carroll to have been in violation of the Act was his conduct at a meeting of the Board's Administrative and Corporate Services Committee. S. 5 of the Act (Duty of Member) sets out the procedure for a member at any meeting, public or in-camera, full Board or committee, in which there is a declaration of conflict. S. 5(2) of the Act states that if the meeting is closed to the public, in addition to complying with the requirements of subsection 5(1), "the member shall forthwith leave the meeting or the part of the meeting in which the matter is under consideration."

Again, the issue is perception and the public interest. If the member remains present while the issue is discussed, out of public scrutiny, there may be a perception that he/she has influenced or intimidated his/her colleagues despite the declaration of conflict. Therefore the best practice and compliance with the Act requires withdrawal.

What is the role of Board counsel: can an individual trustee rely upon or seek advice from the Board's counsel?

The fact is that Mr. Carroll had advice from counsel for the Board, Mr. Paul Matthews, regarding conflict issues, particularly the voting on budget matters in a stepped process. It did not save Mr. Carroll from the numerous grounds in which he was found to be in conflict, including voting on only one part of the contentious budget proposal. Nor did it mitigate the penalty imposed by the Court, although this may be due in part to the Court's finding that he accepted the advice of counsel and administration when it suited him and disregarded it otherwise.

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In his opinion to the Board on conflict issues, Mr. Roher approved of a broader role for Board counsel than this counsel would be comfortable with. The TCDSB counsel, Mr. Matthews, testified that the advice he gave regarding the participation in budget discussions was general advice and not specific to individuals and that "individual trustees have to govern their actions according to their individual circumstances," and that he "is not in a position to tell them specifically what conflicts they may incur ...".

As counsel to school boards for the past thirty years, I agree with this approach. Significantly, Justice Kelly accepted this and was not critical of Mr. Matthews. As Mr. Peter Lauwers, as he then was, in his role as counsel to OCSTA stated on this issue, "Questions like that [am I in conflict if ...?] put the Board's solicitor in a bit of conflict, since he is not the trustee's solicitor. As the cases note, his advice may cost the trustee his seat."

It is my practice that if the question goes beyond what the Act says, or a general interpretation of the Act or a general response to a question posed to counsel by the Chair, the individual trustee should be advised to seek independent legal advice. This is also for the protection of the trustee, as it would likely mitigate any penalty if the trustee acts on that advice and a Court subsequently disagrees, provided the trustee acted *bona fide* in seeking the advice and relying on it.

What are the legal cost implications for a trustee who is found to be in conflict?

Simply put, the financial implications are significant. Costs would likely run in the tens of thousands of dollars. If the trustee is found to be in conflict, the Board cannot pay those costs or reimburse the trustee. If the trustee is successful in defending the action, he/she may petition the Board to pay the costs. If a motion to that effect is passed, the Board may do so.

Can trustees be protected from the cost consequences through Board insurance?

Under the Act a trustee's legal costs in a conflict action can only be paid through a policy of insurance if the trustee is found not to have violated the Act.

Interestingly, one of the grounds on which Mr. Carroll was found to have violated the Act was for introducing a motion requesting the Board adopt a policy to pay the defence costs of trustees charged with conflict of interest under the Act when he knew of the possibility he could be in conflict.

Again, there are public policy reasons for these restrictions. If boards were permitted to pay trustee costs regardless of the outcome, or insure for payment of those costs, trustees would be more likely to act with impunity or ignore the Act.

CONCLUSION

The Carroll case has far reaching implications for trustees who have a parent, spouse, or child in the employ of the Board. These implications go beyond the specific facts in Carroll. The

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effective role and level of participation of such trustees in Board deliberations and decisions in financial matters will likely become more limited.

RESPECTFULLY SUBMITTED

Brian P. Nolan



SHIBLEY RIGHTON ^{LLP}
Barristers and Solicitors

Education Law eBulletin

A newsletter for educators

February 2009

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Conflicted Interests: Ontario Court Removes Trustee From School Board

Earlier this month, the Ontario Superior Court of Justice released a decision which provides a comprehensive discussion of conflict of interest issues as they relate to school boards and trustees.

In 2006 an Ontario school board had accumulated a substantial deficit in contravention of the *Education Act*; a Deficit Management Plan was subsequently implemented requiring the Board to balance its budget within a three-year period. In order to meet cost cutting requirements, in 2008 a report was put before the Board proposing the elimination of a number of elementary teaching positions.

One of the trustees who would otherwise participate in budgetary discussions, O.C., had a daughter who was a low-seniority teacher. In addition, O.C.'s son had also just graduated teacher's college and had applied for, and been approved, to be on the list of supply teachers for the Board commencing on September 1, 2008. Given O.C.'s daughter's level of seniority, it was possible that any proposed reductions would have impacted her employment. Accordingly, when issues regarding the budget and staffing reductions were first raised, the issue regarding O.C.'s potential conflict of interest was raised. O.C. did not participate in budgetary discussions at that time.

The Board subsequently obtained two external legal opinions regarding the conflict of interest issue from a law firm. In short, it was confirmed that if the budget were brought before the Board as a whole, and a trustee were conflicted with respect to an element of the budget, he or she could not discuss or vote on the budget. However, if the budget were brought before the board in pieces, or in a "stepped" process, then a trustee could discuss and vote on those issues where there was no pecuniary interest. The second opinion also cautioned that trustees should be wary of participating in matters that were linked to issues in which a conflict exists.

Following the board meetings in which the opinions were discussed, O.C. participated in a series of discussions related to the school board's budget and made several motions related to staffing. The issues directly related to staffing had been presented in pieces, presumably to comply with the legal opinions that had been previously provided to the Board. However, there was little question that the pieces in which O.C. participated were linked to staffing issues.

An application was subsequently brought by a ratepayer requesting a declaration that, by discussing and voting on issues related to staffing, O.C. had acted in conflict of interest contrary to the *Municipal Conflict of Interest Act*.

In finding that O.C. had committed a number of acts of conflict of interest contrary to the *Act*, the Court held that an individual must make objective inquiries to determine whether a conflict of interest exists in any given situation. That is, although O.C. subjectively believed that the material had been separated and he could discuss and vote on certain budgetary matters, those issues remained objectively linked to staffing, and thus O.C.'s participation was clearly in conflict of interest. Further, the Court held that the defences of inadvertence and error in judgment were not available to O.C. given that the trustee had participated in the conflict of interest information sessions and was aware of the existence of his pecuniary interest. O.C.'s participation could not be categorized as a "good faith error in judgment" as the trustee's voting and discussion of the budget were all done when O.C. was aware of the conflict of interest.

Having found O.C. to have violated the *Act* and that the statutory defences were not available to the trustee, the Court stated that under the *Act* it was mandatory to declare the trustee's seat vacant and that the trustee be removed from the Board.

This decision by the Ontario Superior Court provides timely comment on school board trustees' involvement and participation in budgetary or other school board matters where there exists a conflict of interest. It calls into question the theory that a trustee otherwise in conflict can participate in budget discussions and vote on portions of the budget as long as she or he declares his or her conflict on the specific part of the budget dealing with that trustee's direct or indirect pecuniary interest. The case also emphasizes that the *Act* is a public interest statute which will be strictly applied and enforced by the Court.

For more information regarding this decision and its impact on school boards and trustees, please contact Brian Nolan, a partner at Shibley Righton LLP at 519-969-9844, who has acted for school boards for over 30 years and has performed an in-depth review and analysis of the *Baillargeon v. Carroll* decision.



1325 California Avenue
Windsor, ON N9B 3Y6
CHAIRPERSON: Fred Alexander
DIRECTOR OF EDUCATION: Joseph Berthiaume

Meeting Date:
March 10, 2009

BOARD REPORT

Public **In-Camera**

PRESENTED FOR: Information Approval

PRESENTED BY: Senior Administration

SUBMITTED BY: Joseph Berthiaume, Director of Education
P. Picard, Superintendent of Human Resources
J. Bumbacco, Assistant Superintendent, Human Resources
P. Littlejohns, Manager of Human Resources

SUBJECT: ADMINISTRATIVE STAFF REPORT

RECOMMENDATION:

That the Board receive the *Administrative Staff Report* on hiring, retirement and resignation of staff dated March 10, 2009 for information.

SYNOPSIS:

BACKGROUND COMMENTS:

FINANCIAL IMPACT:

TIMELINES:

APPENDICES:

- Administrative Staff Report dated March 10, 2009

REPORT REVIEWED BY:

<input checked="" type="checkbox"/> EXECUTIVE COUNCIL	Review Date:	March 2, 2009
<input checked="" type="checkbox"/> SUPERINTENDENT	Approval Date:	March 3, 2009
<input checked="" type="checkbox"/> DIRECTOR OF EDUCATION:	Approval Date:	March 3, 2009

March 10, 2009

**Windsor-Essex Catholic District School Board
Administrative Staff Report**

	Employee Name	Position	Date
HIRING:			
RESIGNATION:	Jennifer Morris	Occasional Teacher	February 27, 2009
RETIREMENT:	Julie Henry	Elementary Teacher	January 31, 2009
	Carmela Staley	Elementary Teacher	June 30, 2009
OTHER:			



1325 California Avenue
 Windsor, ON N9B 3Y6
CHAIRPERSON: Fred Alexander
DIRECTOR OF EDUCATION: Joseph Berthiaume

Meeting Date:
 March 10, 2009

BOARD REPORT

Public **In-Camera**
PRESENTED FOR: Information Approval
PRESENTED BY: Senior Administration
SUBMITTED BY: Joseph Berthiaume, Director of Education
 Mario latonna, Superintendent of Business
SUBJECT: **LEGAL SERVICES – JANUARY 2009**

RECOMMENDATION:

That the Board receive the report Legal Services – January 2009 as information.

SYNOPSIS:

By the terms of the agreement with the Board, the Board’s solicitor, Shibley Righton LLP, is required to report fees and services on a regular basis.

BACKGROUND COMMENTS:

This report is supported by documentation that has been provided to and reviewed by Senior Administration. Records provided indicate hourly rates, time billed, description of services and total amount invoiced.

FINANCIAL IMPACT:

For the month of January 2009 legal fees submitted are as follows:

*Real Estate and Property Matters	\$2,340.00
*Labour (incl. Grievances, Contract Administration and Arbitration)	\$13,620
*Litigation (inc. OLRB Hearings, Spec Ed., Human Rights and Safe School Issues)	\$2,800
*Contract Negotiations	\$350.00
*Other Misc. (On-going Legal Advice and Consultation)	\$5,730

TOTAL **\$24,840.00**

The above fees do not include disbursements and GST.

TIMELINES: N/A

APPENDICES: None

REPORT REVIEWED BY:

- EXECUTIVE COUNCIL
- SUPERINTENDENT
- DIRECTOR OF EDUCATION:

Review Date: March 2, 2009

Approval Date: March 2, 2009

Approval Date: March 3, 2009



1325 California Avenue
 Windsor, ON N9B 3Y6
CHAIRPERSON: Fred Alexander
DIRECTOR OF EDUCATION: Joseph Berthiaume

Meeting Date:
 March 10, 2009
Deferred from:
 February 24, 2009

DEFERRED AND REVISED BOARD REPORT

Public **In-Camera**

PRESENTED FOR: Information Approval

PRESENTED BY: Senior Administration

SUBMITTED BY: Joseph Berthiaume, Director of Education
 Paul Picard, Superintendent of Education - Human Resources
 Jamie Bumbacco, Assistant Superintendent
 Colleen Norris, Coordinator of Policy Development

SUBJECT: **DEFERRAL OF DRAFT POLICY AMENDMENT**
- H: 07 Selection Process Principals and Vice-Principals

RECOMMENDATION:

That the Board defer consideration of the proposed amendments to Board Policy H: 07 Selection Process Principals and Vice-Principals until the pending recommendations of the Minister of Education’s Governance Review Committee are finalized.

SYNOPSIS: That the Board defer consideration of the proposed amendments to Board Policy H: 07 Selection Process Principals and Vice-Principals that were presented for approval in principle at the Board meeting of February 24, 2009, pending recommendations of the Minister of Education’s Governance Review Committee.

BACKGROUND COMMENTS: Board Policy H: 07 Selection Process Principals and Vice-Principals was circulated for public feedback as part of the Director’s Annual Policy Review Plan 2008-2009. A Policy Working Subcommittee worked with human resource staff and senior administration to review the policy and prepare a draft-amended policy. The draft policy was circulated for public input to affected stakeholders.

A draft policy was presented to the Board for approval in principle at its last meeting, February 24, 2009. The matter was deferred for two weeks for further consultation and for referral to the Board’s Solicitor.

The Policy Working Subcommittee and Senior Administration recommend a further deferral of the policy amendment proposal, to be returned after receipt and consideration of the recommendations of the Minister of Education’s Governance Review Committee.

The Ministry Committee was established on November 4, 2008 and part of its terms of reference includes: "Modernizing the Education Act to update and clarify the duties, powers, and accountabilities of school boards, chairs, individual board members and directors of education..."

The recommendations are expected to be published in the spring of this year and may be of assistance to the Board in addressing issues and concerns raised by the Trustees in relation to the proposed amendments to Board Policy H: 07 Selection Process Principals and Vice-Principals.

FINANCIAL IMPACT: N/A

TIMELINES: Deferral pending receipt of Governance Review Committee recommendations

APPENDICES: None.

REPORT REVIEWED BY:

<input checked="" type="checkbox"/>	EXECUTIVE COUNCIL	Review Date:	March 2, 2009
<input checked="" type="checkbox"/>	SUPERINTENDENT	Approval Date:	March 3, 2009
<input checked="" type="checkbox"/>	DIRECTOR OF EDUCATION:	Approval Date:	March 3, 2009



1325 California Avenue
 Windsor, ON N9B 3Y6
 CHAIRPERSON: Fred Alexander
 DIRECTOR OF EDUCATION: Joseph Berthiaume

Meeting Date:
 March 10, 2009
Deferred from:
 February 24, 2009

DEFERRED AND REVISED BOARD REPORT

Public **In-Camera**

PRESENTED FOR: Information Approval

PRESENTED BY: Senior Administration

SUBMITTED BY: Joseph Berthiaume, Director of Education
 Paul Picard, Superintendent of Education - Human Resources
 Jamie Bumbacco, Assistant Superintendent
 Colleen Norris, Coordinator of Policy Development

SUBJECT: **DRAFT POLICY AMENDMENT**
- H:15 Transfer of Principals and Vice-Principals

RECOMMENDATION:

**That the Board approve in principle Draft Amended Policy H: 15
 Transfer of Principals and Vice-Principals.**

SYNOPSIS: Policy H: 15 Transfer of Principals and Vice-Principals was reviewed by a Policy Working Subcommittee. From that review, the Subcommittee recommends the attached draft revised policy for approval in principle.

BACKGROUND COMMENTS:

Board Policy H: 15 Transfer of Principals and Vice-Principals was circulated for public feedback as part of the Director’s Annual Policy Review Plan 2008-2009. A Policy Working Subcommittee worked with human resource staff and senior administration to review the policy and prepare a draft-amended policy. The draft policy was circulated for public input.

A draft policy was presented to the Board for approval in principle at its last meeting, February 24, 2009. The matter was deferred for two weeks and revisions were made.

Proposed Changes to Existing Policy/Procedure:

- Draft amended policy H: 15 Transfer of Principals and Vice-Principals is proposed as a revision to existing Board Policy H: 15 and includes the following suggested amendments:
 - i. Separation of policy from procedure in accordance with the Board’s policy development process.

- ii. Inclusion of the following specific directives:
 - That the Director develop administrative procedures to ensure principal and vice-principal transfers are instituted when it is determined to be in the best interest of the school and school system.
 - Prior to implementation of a transfer, the Director shall consider the views of the Board Trustee (s) representing the affected school (s), the Principals/Vice-Principals being considered for transfer, and school councils.
 - The Director shall report as information to the Board of Trustees all Principal/Vice Principal transfers prior to public announcement.
- iii. Assignment of responsibility for implementation of the policy to the Director and his or her designate (s).

* Sections of the draft policies are underlined for highlighting purposes to reflect new wording (underlining will be removed upon final approval).

Source and Rationale for the Proposals

- The Policy Working Subcommittee reviewed the existing Board policy with consideration for the Education Act and its regulations, as well as current Board practice.

Results of Public Consultation Process:

- A draft policy and draft administrative procedure were forwarded for feedback to Board Trustees, Student Trustees, principals, vice-principals, and union and association representatives on January 14, 2009. Principals were asked to forward the drafts to their school council chairs.
- A draft policy and draft procedure were also posted to the public web site for public input and the complete text of that draft policy and procedure currently remain posted to the web site.
- The Committee received input from two principals that primarily addressed the proposed administrative procedures. The Committee is considering those suggestions, and the administrative procedures shall be provided to the Board as information upon final approval of the policy.
- Several Trustees made suggestions for amendments to the draft policy at the Board meeting of February 24, 2009. The Policy Working Subcommittee considered those suggestions and amended the original draft policy, adding sections 3.2 and 3.3 as specific directives. Section 4.1 was amended to clarify the responsibility of the Director and his or her delegates for the implementation of the policy.

Impact On Other Policies and Procedures:

- The revised draft policy is consistent with other board policy/procedure.

Timetable For Implementing Policy and Procedure:

- The revised policy shall be implemented upon final approval.

Benefits of the Policy Proposals:

- The draft policy establishes clear guiding principles and directs the establishment of procedures that comply with applicable legislation and that allow for consultation with affected stakeholders.

Risks of Policy Direction and Mitigation Strategies – N/A

Impact on Stakeholders and Plan For Communicating the Policies:

- Upon final approval, the policy will be forwarded to principals/vice-principals and union representatives for communication to Board employees, and will be posted to the Board's public web site.

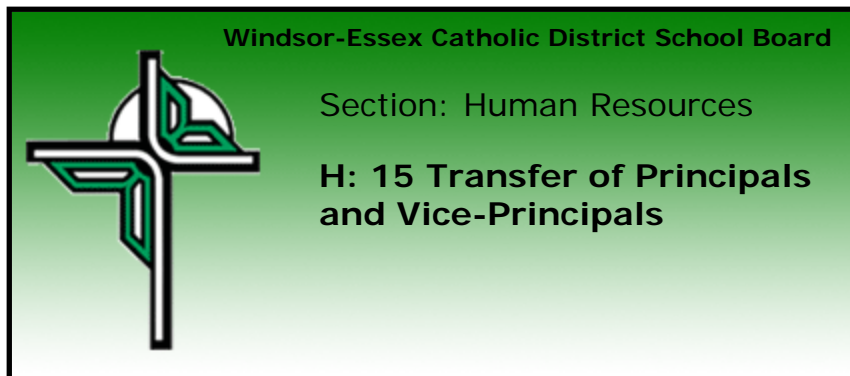
FINANCIAL IMPACT: N/A

TIMELINES: Immediate implementation

APPENDICES: Draft Policy H: 15 Transfer of Principals and Vice-Principals

REPORT REVIEWED BY:

<input checked="" type="checkbox"/>	EXECUTIVE COUNCIL	Review Date:	March 2, 2009
<input checked="" type="checkbox"/>	SUPERINTENDENT	Approval Date:	March 3, 2009
<input checked="" type="checkbox"/>	DIRECTOR OF EDUCATION:	Approval Date:	March 3, 2009



POLICY:	H:15
EFFECTIVE:	
AMENDED:	
RELATED POLICIES:	H: 07 H:05 H: 01, Pr H: 01B, Pr H:15
REPEALS:	
REVIEW DATE:	2011-2012

1.0 Objective

DRAFT

- 1.1 To provide for principal and vice-principal transfers that are beneficial to school communities and the school system.

2.0 Guiding Principles

- 2.1 The Windsor-Essex Catholic District School Board recognizes that the transfer of principals and vice-principals can be beneficial to the students, teachers, as well as the school community.
- 2.2 The Board believes that principal and vice-principal transfers provide a broader experience base for each principal and vice-principal and expose various school communities to new leadership.

3.0 Specific Directives

- 3.1 The Director of Education shall develop administrative procedures to ensure that principal and vice-principal transfers are instituted when it is determined to be in the best interest of the school and school system.
- 3.2 Prior to implementing a transfer, the Director shall consider the views of the Board Trustee (s) representing the affected school (s), the Principals/Vice-Principals being considered for transfer, and school councils.
- 3.3 The Director shall report as information to the Board of Trustees all Principal/Vice-Principal transfers prior to public announcement.

4.0 Responsibility

- 4.1 The Director and the Superintendent of Human Resources are and his or her designate (s) are responsible for the implementation of this policy and for regularly reporting all principal/vice-principal transfers and placements to the Board, and any supporting procedure.

H: 15 Transfer of Principals and Vice-Principals

5.0 Review and Evaluation

5.1 This policy shall be reviewed in the 2011-2012 policy review cycle.

6.0 References

Board Policy H: 01 Staff Performance Management

Board Policy H: 05 Hiring Procedures – Administrative and Support Staff

Board Policy H: 07 Selection Process Principals and Vice-Principals

~~Board Procedure Pr H: 07 Selection Procedure for Principals and Vice-Principals~~

Board Procedure Pr H: 15 Transfer of Principals and Vice-Principals

Board Procedure Pr H: 01B Staff Performance Management for Principals and Vice-Principals



1325 California Avenue
Windsor, ON N9B 3Y6
CHAIRPERSON: Fred Alexander
DIRECTOR OF EDUCATION: Joseph Berthiaume

**HANDOUT
DEFERRED AND REVISED
BOARD REPORT**

Meeting Date:
March 10, 2009
Deferred from:
February 24, 2009

Public **In-Camera**

PRESENTED FOR: Information Approval

PRESENTED BY: Senior Administration

SUBMITTED BY: Joseph Berthiaume, Director of Education
Cathy Geml, Superintendent of Education

SUBJECT: **FRENCH IMMERSION ADVISORY COMMITTEE
- Approval of Draft Terms of Reference**

RECOMMENDATION:

That the Board approve the Terms of Reference for the French Immersion Advisory Committee as presented.

SYNOPSIS: As a result of a recommendation approved at the special public meeting of the Board on February 3, 2009, an initial meeting of Trustees, Board personnel and parents took place on February 18, 2009. The purpose of this meeting was to begin the process of establishing a permanent French Immersion Advisory Committee. The intent of the advisory committee will be to promote and support French Immersion within the WECDSB. The original report was deferred in order to include suggestions from the February 24, 2009 Board meeting and are reflected in the amended Terms of Reference (Appendix A).

BACKGROUND COMMENTS: In accordance to Board By-Law 5:05, an initial meeting to establish the Terms of Reference was scheduled for Wednesday, February 18, 2009. An invitation was extended to the Chairs of the School Councils, or their delegate, of the three elementary French Immersion sites and the four secondary sites. Principals of these respective sites were also invited to attend. Trustees Porcellini and Janisse, who volunteered to sit on the Advisory Committee, were in attendance as well as Principal Barichello and Superintendent Geml. Trustee Porcellini was elected Chair of the Advisory Committee for the 2009 calendar year.

FINANCIAL IMPACT: None.

TIMELINES: Pending Board approval of the Terms of Reference, the next scheduled meeting is Wednesday, April 8, 2009 at the Catholic Education Centre, 7:30-9:00pm.

APPENDICES:

- Appendix A: Draft Terms of Reference
- Appendix B: Notes of the March 4, 2009 Meeting

REPORT REVIEWED BY:

<input checked="" type="checkbox"/>	EXECUTIVE COUNCIL	Review Date: March 9, 2009
<input checked="" type="checkbox"/>	SUPERINTENDENT	Approval Date: March 9, 2009
<input checked="" type="checkbox"/>	DIRECTOR OF EDUCATION:	Approval Date: March 9, 2009



APPENDIX "A"

1325 California Avenue
Windsor, ON N9B 3Y6
CHAIRPERSON: Fred Alexander
DIRECTOR OF EDUCATION: Joseph Berthiaume
Telephone: (519) 253-2481 FAX: (519) 253-0620

FRENCH IMMERSION ADVISORY COMMITTEE

TERMS OF REFERENCE

(DRAFT)

1. Responsibilities

The responsibility of the Windsor-Essex Catholic District School Board French Immersion Advisory Committee is to:

- a) promote and support the system-wide French Immersion program,
- b) exchange information and points of view about the French Immersion program
- c) provide advice, recommendations and feedback to the Board on French Immersion.

2. Membership

The French Immersion Advisory Committee of the Windsor-Essex Catholic District School Board may include the Principal or their designate from both elementary and secondary French Immersion sites.

A parent representative from each of the elementary and secondary French Immersion sites as designated by the School Advisory Council. These would be one-year terms with an option for renewal.

The French Immersion Advisory Committee shall include two Trustees as determined by the Chair of the Board, and Senior Administration as designated by the Director.

Trustees shall be appointed to the French Immersion Advisory Committee at the beginning of each term of office, for a minimum of a 2-year term.

The Chair of the Committee will be appointed annually by the members of the Committee.

The Director of Education or designate shall act as a resource to the Committee. The Director will provide other staff resources as required to assist the Committee in meeting their objectives. Administrative support will be provided.

3. Meetings

The French Immersion Advisory Committee shall meet a minimum of four (4) times a year. Additional meetings shall be at the discretion of the Chair of the Committee.

All agendas and actions taken will be in accordance with Board bylaws.

4. Communications

- a) After each meeting, the French Immersion Advisory Committee will report to the Board of Trustees, either in writing or orally, at the discretion of the Board. The Committee will prepare an annual report, which will be presented to the Board of Trustees.
- b) The Committee shall review its Terms of Reference, practices and procedures annually; including in its annual report to the Board any recommendations for changes to the policy, practices or procedures of the French Immersion Advisory Committee.

BOARD APPROVED: _____



APPENDIX “B”

1325 California Avenue
 Windsor, ON N9B 3Y6
 CHAIRPERSON: Fred Alexander
 DIRECTOR OF EDUCATION: Joseph Berthiaume

FRENCH IMMERSION ADVISORY COMMITTEE

Wednesday, March 4, 2009 at 7:30 p.m.
Blessed Marie Rose Durocher Meeting Room

Present: Shannon Porcellini, Trustee and Committee Chair
 Cathy Geml, Superintendent of Education
 Therese Barichello, Principal
 JoAnne Shea, Principal, St. Thomas of Villanova
 Patti Moulant, Vice-Principal, St. Joseph’s Sec.
 Jeremy Schiller, Acting Vice-Principal, Cardinal Carter
 Carm Casalina, Vice-Principal, Holy Name Elem.
 Renee Saad, Chairperson, Mod. Lang. , St. Joseph’s
 Patti Bezaire, Council Chair, St. Anne French Immersion
 Vicky Fortier, Council Secretary, St. Mary Elementary
 Chrystal Willie, Council Chair, Holy Name Elementary
 Greg Farrah, Council Chair, St. Thomas of Villanova

Absent: Chris Janisse, Trustee

Recording: Simone Lira, Executive Assistant

NOTES

1. Call to Order and Introductions
2. Opening Prayer – S. Porcellini
3. Approval of Agenda

Terms of Reference

In response to questions from Trustees at the last Board Meeting, discussion ensued, changes were made to the document. At the request of Trustee Porcellini, a vote was taken on the completed document and all were in favour of the changes made. Trustee Porcellini recommended that the Terms of Reference be brought for approval at the March 10 Board Meeting.

Report from Therese Barichello

Therese reported the following registration numbers from the following schools to the committee:

- St. Mary – 38 registrations
- Holy Name – 41 registrations

- St. Anne French Immersion – 51 registrations
- St. Thomas of Villanova – 15 registrations with 77 presently in the program. St. Mary will be a feeder school to Villanova.
- St. Joseph's Secondary – 22 registrations with 99 presently in the program
- St. Anne Secondary – no exact registration numbers yet, but with 44 presently in the program
- Cardinal Carter – no exact registration numbers yet, but with 38 presently in program
- St. Anne Secondary and Cardinal Carter personnel stated that very often students wait until the end of the summer (after grade 8 graduation) to register, due to increasing competition and territorial issues among Boards for the French Immersion students.

Regarding the plan for grades 1, 2, 3 and 4 at St. Mary School, Ms. Barichello advised that a letter was sent home inviting families from Holy Name to enrol at St. Mary, along with a form to complete for enrolment. The deadline for return of these letters is March 13, and the letters have begun to come back. After the March 13 deadline, Therese plans to visit the schools and speak to parents, especially those with kindergarten-aged children.

Ms. Barichello is awaiting a meeting with Gary McKenzie, Health & Safety Officer and Gerry Racine, Manager of Maintenance Services regarding renovations at St. Mary School. She would like to initiate a spring "fun fest" for the families at St. Mary School in the hopes of discussing the renovations with them. At that time, Therese hopes to showcase two classrooms so parents can see what to expect for September.

Ms. Barichello reported that she attended the book fair at the Caboto Club for "The Enhancement of Elementary School Library Funds". We were given some of the money from this initiative to purchase books for St. Mary and St. Anne French Immersion. She mentioned purchasing a good number of great books for the programs.

The Letter of Acknowledgement from St. Mary School is being discussed at the Board level and a comprehensive response will be given when completed.

Ms. Barichello has been receiving phone calls from people living out of boundary interested in enrolling their children at St. Mary. She is taking names on a waiting list, and should it be decided that the boundary be opened, she will contact them with approval. Most of the calls are from the South Windsor and Tecumseh/ East Windsor areas.

Parents are also calling with interest in tutoring or remedial support for both their children and themselves, in order to assist their children. It was mentioned that at St. Anne French Immersion, the school provides resources to support them in assisting their children (i.e. Becherelles, French/English Dictionary, suggest reading to their children every night in English). Aside from that, there are no additional supports available.

Discussion ensued regarding timelines involved should boundaries be opened to review. It was suggested by Superintendent Geml that we see what our numbers are at the end of March and into next, up to and including September and if necessary, make a recommendation to the Board to review the issue at that time. In the meantime, we are keeping a list of those families interested. Therese Barichello will be attending the March 10th Board Meeting and will bring the issue of opening the boundaries to the Trustees for

discussion. Trustee Porcellini did a study, timing various routes to St. Mary School and found that the outer boundaries are still reasonable trips to the school. It was felt by the committee as a whole that if there is space in our French Immersion schools, we do not want to lose potential students, given the competitive environment. If students live out of the school boundary, it is understood that parents must provide transportation.

Given that St. Mary is a feeder school to St. Thomas of Villanova, and as we have four years before the first graduating class from St. Mary School, questions involving eligibility of students living out of the boundary and attending Villanova can be considered as time progresses, when we have a better picture of our student numbers. Principal JoAnne Shea is quite eager to welcome all students from St. Mary and to form a solid community base between the two schools.

There was a recommendation that grandfathering be considered to accommodate families who find they have children attending two separate high schools. As French Immersion poses different variables, it was recommended that these issues be handled on an individual basis.

Trustee Porcellini recommended that members come up with ideas for the next meeting regarding a parent/information night to assist parents and offer resources.

A recommendation was put forth that all future meetings be held the second Wednesday of the month at 7:30 p.m. at the Catholic Education Centre. It was agreed that the committee would meet twice between now and the end of the current school year.

The next two meetings will be held April 8th and May 13th, 2009.

4. Closing Prayer and Adjournment

Meeting Adjourned at 9:05 p.m.