



Northeastern Catholic District School Board

DIVISION OF DUTIES AND RESPONSIBILITIES BETWEEN THE BOARD OF TRUSTEES AND THE DIRECTOR OF EDUCATION

Policy Number: T-13

Authority: 13-08/17-13

POLICY STATEMENT

In accordance with Bill 177, “An Act to amend the *Education Act* with respect to student achievement, school board governance and certain other matters” which came into force on December 15, 2009, this policy serves to clearly delineate the division of duties and responsibilities between the Board of Trustees and the Director of Education. Bill 177 requires trustees to entrust the day-to-day management of the board to its staff through the Director of Education. In accordance with the *Education Act*, the Director of Education is the only board official who reports directly to the board of trustees. All other board staff, including principals and supervisory officers, report to the Director of Education. The board exercises its responsibility for the management of the board and the engagement of its staff through its employment agreement with the Director.

REFERENCES

- Education Act, Section 58.5 (1) Corporate Status
- Education Act, Section 218.1 Duties of Board Members
- Education Act, Section 279 Supervisor Officers, Director of Education, District School Boards
- Education Act, Section 283 (1.1) Additional Duties of the Director of Education
- Education Act, Section 283 (2) IDEM
- Bill 177, “An Act to amend the *Education Act*”

DEFINITIONS

Nil

POLICY REGULATIONS

1. The *Education Act* establishes accountabilities that are hierarchical in nature. School boards are corporations pursuant to subsection 58.5(1) of the *Education Act*, which provides:

“Every district school board is a corporation and has all the powers and shall perform all the duties that are conferred on or imposed on it under this or any other Act.”

It is clear from subsection 58.5(1) that the *Education Act* confers powers and duties on the corporate board.

2. Members of the board are accountable to the provincial government for matters expressly referred to in the *Education Act*, including the financial affairs of the school board, the delivery of

the provincial curriculum and ensuring class sizes comply with the law. Under section 218.1 of the *Education Act*, the Board of Trustees is required to entrust the day-to-day management of the corporate board to its staff through the Director of Education. The hierarchical accountabilities in the *Education Act* mean that the Board of Trustees holds the Director of Education accountable for ensuring the policies and processes are in place that are consistent with legislation, and board policies and priorities. The Board of Trustees exercises its responsibility for the management of the corporate board and the engagement of school board personnel through the Director of Education.

3. Bill 177 establishes duties of individual trustees, which include:
 - 3.1 assisting the board in fulfilling its obligations under the *Education Act*;
 - 3.2 attending board and committee meetings;
 - 3.3 bringing the concerns of their constituents to the attention of the board;
 - 3.4 consulting with parents, students and supporters of the board about the board's multi-year plan;
 - 3.5 entrusting the day to day management of the board to its staff through the Director of Education;
 - 3.6 maintaining focus on student achievement and well-being;
 - 3.7 complying with the board's code of conduct; and
 - 3.8 upholding the implementation of any board resolution after it is passed by the board.

4. As a group, trustees are responsible for ensuring that all the duties of the board and its staff, as established in the *Education Act* are carried out. For example, the duties of the Board of Trustees include:
 - 4.1 to promote student achievement and well-being;
 - 4.2 to ensure effective stewardship of the board's resources, including budget;
 - 4.3 to deliver effective and appropriate education programs to its pupils;
 - 4.4 to develop a multi-year plan; and
 - 4.5 to monitor and evaluate the performance of the board's Director of Education.

5. The Board of Trustees carries out its duties and responsibilities by:
 - 5.1 setting policy;
 - 5.2 providing direction for allocating board resources; and
 - 5.3 hiring a Director of Education and holding him or her accountable for operating the board in a way that is consistent with legislation and board policy.

6. As part of its responsibilities, the Board of Trustees is required to develop a multi-year plan. The plan, which is to have a scope of a minimum of three years, is to be reviewed annually with the Director of Education. The Board of Trustees is required to bring the plan to the attention of its supporters and employees and report to them on progress in implementing the plan.

The multi-year plan is intended to be a road map for the school board's vision and goals. With a focus on student achievement, the plan is intended to set out what the board intends to achieve, what its priorities are and how it plans to achieve its goals.

Individual trustees of the board have no authority, powers or duties. Powers and duties are prescribed to school boards under the *Education Act* and the school board may only act through resolution passed at duly constituted school board meetings. The school board may only pass resolutions that are within its jurisdiction under the *Education Act*. The school board may only carry out its statutory duties and powers through resolutions. Individual trustees have no independent decision making authority over the school board or its employees.

7. In turn, the *Education Act* establishes the Director of Education as the chief executive officer of the corporation and provides that the Director of Education is accountable to the board members. The position of the Director of Education is established by section 279 of the *Education Act*, which provides:

“Every district school board shall, subject to the regulations, employ a supervisory officer as Director of Education and such other supervisory officers as it considers necessary to supervise all aspects of the programs under its jurisdiction.”

In addition to his or her duties as a supervisory officer, subsections 283(1.1) and 283(2) further establish the role of the Director of Education. Those sections provide:

“A Director of Education is the chief education officer and the chief executive officer of the board by which he or she is employed.”

The chief executive officer of a board shall, within policies established by the board, develop and maintain an effective organization and the programs required to implement such policies. As the chief executive officer and chief education officer for the board, the Director of Education has a statutory duty to develop and maintain an effective organization and the programs required to implement the board’s policies. It is the role of the Director of Education to hire, monitor, evaluate and assign school board personnel, either directly or indirectly, through a designate or designates, including the responsibility to determine what positions are required.

Bill 177 requires trustees to entrust the day-to-day management of the board to its staff through the Director of Education. In accordance with the *Education Act*, the Director of Education is the only board official who reports directly to the board of trustees. All other board staff, including principals and supervisory officers, report to the Director of Education. The board exercises its responsibility for the management of the board and the engagement of its staff through its employment agreement with the Director.