



**AD HOC BOARD AND DIRECTOR EVALUATION
COMMITTEE
Report No. 24-073**

9 May 2024

**UPDATE ON ONTARIO REGULATION 83/24 DIRECTOR OF
EDUCATION PERFORMANCE APPRAISAL**

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PURPOSE:

1. To initiate the 2023-2024 Director Performance Evaluation process and to provide an update on changes to the evaluation process based on Ontario Regulation 83/24: Director of Education Performance Appraisal.

STRATEGIC LINKS:

2. Effective governance is a key feature within the social responsibility pillar of the 2023-2027 Strategic Plan and the Director's performance appraisal process is a good governance practice.

CONTEXT:

3. The [Better Schools and Student Outcomes Act, 2023](#), received Royal Assent on June 8, 2023, amending the *Education Act*, among other legislation. The amendments included adding "directors of education" to the list of individuals for which regulations respecting performance appraisals may be made. In March 2024, [Ontario Regulation 83/24 - Director of Education Performance Appraisal](#) came into effect, which means the annual director of education performance appraisal must now follow this new regulation.

The Board currently provides for evaluation of the director's performance through Board [Policy P.051.GOV Evaluation of Director of Education and Secretary of the Board](#) (the policy) and the process is well established.

Both the policy and the newly introduced regulation offer clear directives for evaluating the performance of directors of education. To ensure compliance and alignment with regulatory requirements during this time of transition, the Board should follow its policy for the 2023-2024 evaluation of the director of education. Simultaneously, the Board must transition to the requirements outlined in the regulation for the 2024-2025 evaluation cycle. This strategic approach ensures a

seamless transition while upholding the integrity and effectiveness of the evaluation process..

KEY CONSIDERATIONS:

4. Regulation and Policy Comparison

The following table notes similarities and differences between the regulation and the Board's current policy:

Regulation	Current OCDSB Policy
<p>Frequency of Evaluation: Requires evaluation cycles based on the start date of the director of education and mandates evaluations annually and comprehensive evaluations every second year.</p>	<p>Frequency of Evaluation: Requires annual evaluations, with comprehensive evaluations occurring at least once during each contractual term.</p>
<p>Purpose of Evaluation: Focuses on accountability, strategic plan contribution, and identifying areas for improvement.</p>	<p>Purpose of Evaluation: Focuses on accountability, strategic plan contribution, and identifying areas for improvement.</p>
<p>Evaluation Process: Outlines a structured process involving committees, stakeholder feedback, and performance plan updates.</p> <p>Requires a committee to conduct performance appraisals during specific evaluation cycles, finalize performance plans, and facilitate meetings with the director of education. Additionally, it outlines actions the committee must take after the evaluation cycle, such as finalizing appraisal reports and providing written confirmation to the Minister.</p>	<p>Evaluation Process: Provides a structured process for mid-year, annual, and comprehensive evaluations with opportunities for input from the board, director, and stakeholders (where and when required).</p> <p>Requires the Ad Hoc Committee to manage the evaluation process, including the creation of the assessment guide, determination of the need for a comprehensive evaluation, managing the facilitator selection process, and planning stakeholder consultation.</p>
<p>Documentation and Evidence Requires the use of a performance assessment plan which outlines the specific actions and goals to be achieved by the Director of Education during the appropriate evaluation cycle. Requires defining the leadership competencies and practices to achieve the goals and the actions the director shall implement to improve practice.</p> <p>Provides for a structured process with specific</p>	<p>Documentation and Evidence Requires the use of the performance assessment guide which focuses on setting expectations and evaluation criteria to present evidence. The guide sets out expectations, evidence, and quality indicators, with a focus on observable evidence as shared by the Director.</p> <p>Emphasizes feedback and areas for improvement without explicitly assigning</p>

<p>performance ratings.</p> <p>Establishes the retention schedule for the documentation.</p>	<p>practices or ratings.</p> <p>No explicit reference to documentation retention. Understood that the policy for the management of corporate records will be followed.</p>
<p>Timelines and Reporting</p> <p>Specifies actions to be taken during interim and full evaluation cycles, with deadlines for meetings, feedback requests, and report submissions to the Ministry and the public.</p> <p>Stipulates a cycle with hard deadlines throughout the entire year including July and August.</p>	<p>Timelines and Reporting</p> <p>Establishes timelines for annual, mid-year, and comprehensive evaluations, with reporting and facilitator involvement where required. Offers some flexibility with a range of dates for the completion of some key steps. No reporting to the Ministry is required, however we currently report on the evaluation in public through the report to the Board meeting in November.</p> <p>Shares a cycle that features actions from May to November.</p>
<p>External Facilitation</p> <p>Involves the contracting of an executive management and leadership firm with specific experience for support in the evaluation processes, including preparation of reports and facilitating survey as part of a bi-annual process throughout a director's term.</p>	<p>External Facilitation</p> <p>Involves contracting a mutually agreeable external facilitator/consultant for support in the evaluation processes, including preparation of reports and facilitating surveys as part of the comprehensive evaluation once in a director's contract term.</p>

5. Timeline
 One of the most significant differences between the regulation and the policy is the timeline for the work of the performance appraisal committee and its associated communication. The regulation sets out very specific dates for required action and although it contemplates key deliverables during July and August it is conceivable that with an efficient and coordinated approach, the committee could complete its objectives by the end of June so as to avoid meetings over the summer months.

The following table summarizes important deadlines and associated actions shared in the regulation:

Date	Action
May 15	Appoint a committee.

July 31	Committee chair and at least one other member of the committee meet with the director of education to develop and finalize the performance plan.
August 15	Committee chair provides a copy of the director of education's performance plan to every member of the board. Chair of the board: <ul style="list-style-type: none"> ● Provides written notice to the Minister; ● Posts a copy of the confirmation on the board's website.
December 1	The Minister provides written notice to the board and the director of education indicating whether they intend to provide feedback in accordance with section 8.
January 11	Committee chair requests feedback from every member of the board regarding the director of education's progress toward implementing the actions and achieving the goals in the performance plan.
January 21	Each member of the board provides any feedback to the chair of the committee.
January 31	Committee chair and at least one other member of the committee meet with the director of education to review progress and discuss relevant matters regarding the performance plan.
April 30	External executive management and leadership firm performs an assessment and compiles feedback received from a variety of stakeholders including trustees, student trustees, all members of statutory, ad hoc, or other committees of the board, members of the directors executive council, the parent members all school councils, representatives or all local employee associations and a sampling of community partners and stakeholders, as identified by the committee with input from the director of education.
May 15	External executive management and leadership firm provides the report to the committee and the director of education.
June 10	Director of education updates the performance plan in accordance with subsection 9 (4).

June 20	Committee chair provides a copy of the draft performance appraisal report in respect of the director of education to every member of the board.
June 30	Each member of the board provides any feedback on the draft performance appraisal report to the committee.
Once the draft report is complete the following steps need to be resolved:	
July 7	Committee chair provides the draft performance appraisal report for the interim or full evaluation cycle to the director of education.
July 31	Committee chair and at least one other member of the committee meet with the director of education to: <ul style="list-style-type: none"> ● Review the actions implemented by the director of education to achieve the goals outlined in the performance plan and discuss other relevant matters. ● Review and update the director of education's performance plan for the following evaluation cycle, if necessary. ● Review and discuss the committee's draft performance appraisal report. ● Provide the director of education an opportunity to respond to the committee's evaluation, performance rating, and explanation for the rating.
August 10	Committee finalizes the performance appraisal report, considering feedback from the board members, the director of education, the report from the external executive management and leadership firm (during the biannual evaluation) and survey information. Committee provides the final performance appraisal report to the board and the director of education.
August 15	Board: <ul style="list-style-type: none"> ● Provides written confirmation to the Minister that the performance appraisal has been conducted and that the final performance appraisal report has been adopted by the board. ● If it is a full evaluation cycle requiring the report compiled by the external executive management and leadership firm, provide the Minister with a list of community partners and stakeholders from whom feedback was requested. ● Post a copy of the confirmation and, if applicable, the list of community partners and stakeholders

	on the board's website.
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6. Performance Appraisal Committee

One of the requirements of the regulation is the establishment of a committee which is responsible for conducting the performance appraisal of the director of education. The District, through the policy and board resolution, has an established Ad Hoc Committee for Board Self-Evaluation and Director Performance Evaluation Processes which manages both the director and the Board's own evaluation. The appointment is typically made at the Board Organizational meeting. On 14 November 2024 the Board appointed Trustees Bell, Aziz and Nash to this committee of which Trustees Scott and Milburn are also ex-officio members. It is recommended that the Board established committee be used to fulfill the new regulation. This committee meets the composition requirements outlined in the regulation, but will require an amendment to the mandate of the committee.

7. Performance Plan/Performance Guide

The policy includes a comprehensive performance guide which outlines the key responsibilities and expectations for the director of education. The OCDSB guide is robust and has many similarities to the plan as contemplated by the regulation. Staff have created a [draft performance plan](#) (attached as Appendix A) for consideration by the committee. The plan for the 2024-2025 full evaluation cycle must be approved by the Board, shared with the Ministry and posted on the District website by 15 August 2024.

8. Reconciling the Regulation and the Policy

In order to bridge the gap between the policy and the regulation, it will be necessary to follow the established path for reporting and resolving the performance evaluation for the 2023-2024 school year. This involves an exchange with the Director between August and November, utilizing a plan. Additionally, the committee must prepare for the 2024-2025 full evaluation cycle as contemplated by the regulation and outlined in the timeline shared above. This entails developing and approving a performance plan by August 15, 2024. By adhering to these timelines and processes, the committee can ensure alignment with the regulatory requirements while maintaining continuity in the evaluation practices.

RESOURCE IMPLICATIONS:

- 9. The Board will need to allocate funding to hire an external executive management and leadership firm according to the regulatory requirements. It is anticipated that the cost of this work could approach \$25,000.00. Staff will ensure an appropriate amount is committed within the 2024-2025 budget.

COMMUNICATION/CONSULTATION ISSUES:

- 10. Communication on the completion of the 2023-2024 Director’s evaluation will be shared accordingly in November of 2024. Additionally, information on the revised appraisal process and the 2024-2025 director’s performance plan will be shared with the Board, the Ministry and the community no later than 15 August 2024. The policy will undergo a review during the 2024-2025 school year and details and opportunities for providing feedback will be shared on EngageOCDSB.

RECOMMENDATION:

- A. THAT the Board initiate the 2023-2024 performance evaluation process for the Director of Education and direct staff to enter into an agreement with Boyden Executive Search to facilitate the 2023-2024 Director’s performance evaluation.
- B. THAT the Board direct staff to update Policy P.051.GOV Evaluation of Director of Education and Secretary of the Board to ensure alignment with Ontario Regulation 83/24 - Director of Education Performance Appraisal.

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APPENDICES

Appendix A - Director of Education Performance Plan