School Board Update

Consultation Regarding the Director of Education Performance Appraisal

Date: October 10, 2023

The Ministry of Education has announced that a new regulation may be proposed which would set out the requirements and process for monitoring and evaluating the performance of directors of education. The Ministry of Education has begun a consultation seeking input from stakeholders on this initiative. The details of the consultation are discussed below.

Background

As we previously reported, the *Better Schools and Student Outcomes Act, 2023* received Royal Assent on June 8, 2023, amending the *Education Act*, among other legislation. Prior to the amendments, section 287.4 of the *Education Act* provided that the Lieutenant Governor in Council may make regulations respecting performance appraisals of supervisory officers, principals and vice-principals including, but not limited to, regulations respecting the frequency and timing of appraisals, the competencies to be evaluated in conducting appraisals and the rating scale to be used in conducting appraisals. On a date to be named later by proclamation, “directors of education” will be added to the list of individuals for which regulations respecting performance appraisals may be made.

New Proposed Regulation

The Ministry of Education is currently seeking input from stakeholders regarding a new proposed regulation regarding the Director of Education Performance Appraisal provided for in section 287.4 of the *Education Act*.

The proposed regulation would set out a standardized process and requirements for boards of trustees to monitor and evaluate the performance of directors of education. The monitoring and evaluation would include, among other things, progress on the following provincial education priorities for student achievement set out in Ontario Regulation 224/23: Provincial Priorities in Education Under the *Education Act*:

- achievement of learning outcomes in core academic skills
- preparation of students for future success
- student engagement and well-being

Director of Education Performance Appraisal

The Ministry of Education is seeking comments and feedback regarding the following elements of the Director of Education Performance Appraisal:

- evaluation cycle
- evaluation criteria
- methodology
- supports for a comprehensive and effective appraisal process including the use of external professional services
- rating system
- process following an unsatisfactory rating
- reporting/accountability

Interested stakeholders are invited to provide comments by **November 2, 2023**.

If you have any questions about the new proposed regulation, the Director of Education Performance Appraisal or the Ministry of Education's process for consultation, please contact your regular Hicks Morley lawyer.

Editor's Note: After this consultation, O. Reg. 83/24: Director of Education Performance Appraisal *was filed and came into force on March 4, 2024.*