

Education Governance in New Brunswick

**District Education Council
Handbook Volume 1**



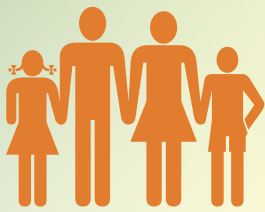
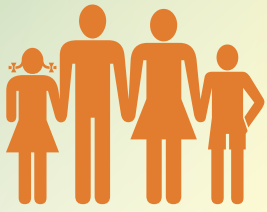


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The Importance of Local Voice in Education

New Brunswick's Shared Education Governance Model

The minister of Education and Early Childhood Development, district education councils and the parent school support committees share a common goal of student achievement and wellness. Each body has separate legal authorities.

The minister has the responsibility to ensure that basic standards are in place across New Brunswick. These standards are found in the *Education Act* and *Regulations* and Department plans and policies. They define the level of service that New Brunswickers expect from their education system, and ensure fundamental curriculum, safety, and service requirements are met.

District education councils are corporate bodies. They provide guidance, oversight, and accountability for district performance on behalf of the community. They ensure community priorities and standards are represented in the district's goals and policies. They do not provide management or supervision of day-to-day operations as the *Education Act* delegates operational management and authority to the superintendent.

Council members are not education experts; people elected or appointed to the DEC are members of the public who care about the quality of education in their communities and are willing to work to as a team to further student achievement.

Why is local voice important in Education?

Democracy

DEC members have an impact on the fate of two cherished community resources, children and money. It is important that the decision-making authority and policy governance is provided by locally elected community volunteers advocating for public education for students.



In Canada, school boards were established to ensure that parents have access to decisions that affect their children's education. This right is part of our democratic society.

The DEC's are the community's window into district operations and overall student performance. Research shows a connection between high community confidence and high student success rates. The DEC's true value lays in their ability to promote community confidence and academic optimism.

Community Voice

DECs keep the public in public schools. They balance what a community wants for their schools with the needs of the district for the common good. The council must be accessible and accountable to the community, they conduct official business in meetings open to the public and the records of these meetings are published online.

DECs prioritize student achievement by creating conditions for learning to occur and, through policy, they ensure the learning reflects the community's view of what students should know and be able to do.

DECs that practice good governance keep these values and hopes in mind and reflect them in all their actions. Community engagement is a true partnership, made possible by frequent and ongoing dialogue and collaboration with the community.

Student Wellness and Academic Success

Research shows that successful councils demonstrate strong leadership, advocacy, accountability and transparency which, in turn, significantly affects student wellbeing and success. District education councils provide board leadership, community engagement and a commitment to policy development and monitoring. Councils have better positive impacts on student success when members are knowledgeable about board procedures, the council's role, and their responsibilities. Councils need clear policies that demonstrate a shared vision of what they want to accomplish on behalf of the community.

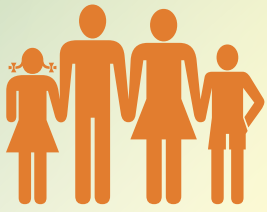
Oversight of Public Funds for Education

Councils have a responsibility to ensure the financial needs of the district are met. DEC's must provide the minister with a district expenditure plan. The expenditure plan reflects the DEC's priorities and outlines how the district will spend the money they receive from the department. The council monitors the financial reports and holds the superintendent accountable for the overall budget rather than approving individual expenses.

Local Advocacy

The district education councils speak on behalf of the district and the community to advocate for public education. They may raise concerns or emerging trends with the department, other government offices and stakeholders to address issues or advocate for change. The DEC's may be asked to provide a local perspective on provincial policy, funding formulas, and issues such as the location of new schools.

School governance is one of the oldest forms of democracy in Canada. You can find a history of DEC's and school governance in New Brunswick in Appendix A.



Introduction to New Brunswick's Education Structure: Education System Overview

Governance is the responsibility of the Minister and the District Education Councils but responsibility for student success is the shared responsibility of many partners. Knowing who handles various aspects of education will help with collaboration and an overall understanding of the education system in New Brunswick.



Department of Education and Early Childhood Development (EECD)

The provincial government has sole responsibility for financing public schools and is committed to equal opportunities for all students. The minister of Education and Early Childhood Development prescribes the curriculum in collaboration with the DEC's through the Provincial Curriculum and Evaluation Advisory Committee. The minister sets educational goals and standards and oversees early childhood programs and services.

French and English Educational Services in New Brunswick

Serving Canada's only officially bilingual province, New Brunswick's education system offers students the opportunity to learn in both French and English through two parallel but separate education systems. Each linguistic sector of the Department of Education and Early Childhood Development has its own curriculum and assessment.

New Brunswick set up separate education sectors in 1981 following the recommendations of the Elliot-Finn Report. New Brunswick's language rights in education were later embedded in the *Canadian Charter of Rights and Freedoms* with the addition of section 16.1 (1).

The Educational Services Division

The Educational Services Division (ESD) handles the establishment of provincial education standards, programs, and services as well as the monitoring of system effectiveness for the education system K-12. ESD contributes to the development, implementation and monitoring of the Anglophone Education Plan and the public accountability processes.

ESD staff also work with provincial, regional, national and international stakeholders and external partners to improve learning and service delivery for students.

The Anglophone division consists of five branches: Office of First Nation Perspectives, Curriculum Development and Implementation (K12), Education Support Services, Assessment and Evaluation, and Professional Learning Services.

Early Childhood Development

The Early Childhood Development Division is the lead across the province for the early childhood services, birth to age 8 (and 0-12 years of age for daycare). It has responsibility for leading strategic planning and delivery of all provincial early childhood programs and services.

Policy and Planning

The Policy and Planning Division is divided into three branches: Policy and Legislative Affairs, Corporate Data Management and Analysis, and Teacher Certification.

The Division coordinates the Department's legal affairs, including litigation and legal advice requests, and responses to Legislative Officers. It also provides expertise in school governance related issues.

The division collects and analyses key statistical information and develops and implements relevant data gathering instruments to ensure timely and sound information, project management, surveys, accountability tools and performance indicators.

Corporate Services

The Corporate Services Division has responsibility for providing efficient and effective support in the following five branches: Performance Excellence and Continuous Improvement, Finance and Services, Accountability and Quality Assurance, Infrastructure and Pupil Transportation, and IT Strategy and Planning for the K-12 and Early Childhood sectors in liaison with the school district offices.

The School District

District Education Councils

The District Education Councils are corporate bodies and are legally distinct from the Department. They provide governance and oversight of the school districts through policy development and monitoring.

They are accountable to EECDC for the District Improvement Plan and District Expenditure plan.

The DEC hires one employee, a superintendent, to manage the day-to-day decisions and administration of the school district.

The responsibility and authority of the District Education Council is outlined in section 36.9 of the *Education Act*.

Superintendent

The superintendent is hired by the DEC on a 5-year contract. The Minister must approve the hiring of a superintendent to ensure they meet the necessary qualifications under the *Education Act*.

The superintendent is responsible for all other district staff and is accountable to the DEC for the performance of the district.

The DEC provides instruction and limitations for the superintendent through policy and measures performance through monitoring.

The responsibility and authority of the superintendent is provided in section 48 of the *Education Act*, and the details about how superintendents are appointed are found in section 47.

Principal

The principal is the educational leader and administrator of the school and is responsible for the school, teachers, and other employees at the school. Principals oversee the educational progress and safety of students in the school. They are hired by the superintendents and are accountable to them.

DEC members will interact with principals when attending school functions and taking part in PSSC meetings. The DEC does not have direct authority over the principal. Communications, presentations, or other collaborations with principals must be coordinated through the superintendent.

The duties of the principal are outlined in section 28 of the *Education Act*.

Teachers

Teachers have many responsibilities and work closely with our students following the policies, guidelines and curriculum requirements. They report to the principal and send year-end reports to the superintendent at the end of the school year.

The DEC and its members do not have direct authority over teachers or other school staff. Any teacher engagement strategies, presentations, or communications must be coordinated through the superintendent.

Teacher responsibilities are outlined in *Regulation 97-150 of the Education Act*.

Parent School Support Committee (PSSC)

A Parent School Support Committee (PSSC) ensures that the parent voice is heard by advising the principal on setting education priorities and planning improvements in the schools. They have a governance role in setting the education priorities, providing input on school policy, and development and monitoring of the school improvement plan. PSSCs are not involved in day-to-day operations of the school or in raising money.

A member of the PSSC must be invited to take part in the hiring of principals and vice-principals at the school.

The *Education Act* gives any DEC member the authority to “attend and participate” in any PSSC meeting in the district. DEC members do not represent individual schools and are not part of the PSSC. They are non-voting participants and may respond to questions or provide clarification as necessary with regards to the work of the DEC.

DEC members use the information they hear at PSSC meetings to inform DEC discussion and the development of policies for the benefit of all students. The DEC does not get involved in individual school matters, however, keeping in contact with the PSSC can help the DEC identify governance issues that impact all schools in the district.

PSSC should communicate issues they want to address with the superintendent or district staff through the principal or directly to the district office.

The duties of the Parent School Support Committee are outlined in section 33 of the *Education Act*.

Parents

Parents and guardians have a vital role in the education of their children. Parents may need to consult with the teacher or principal of the school to discuss their child’s education. Parents are expected to conduct themselves in a respectful manner and to follow school procedures.

There are limited circumstances in which the DEC would be involved in a parent’s appeal of a decision affecting a student. DEC members should know how to appropriately direct parents and guardians to the proper people when they have complaints or concerns. The district will provide information on how to appropriately direct parent concerns. In most cases parents must attempt to resolve problems at the school level by addressing concerns with the teacher and principal before proceeding to contact district staff or the superintendent.

The DEC may engage parents as a stakeholder group when working at the policy level for the benefit of all students.

The role of parents is outlined in section 13 of the *Education Act*.

Students

Students must attend school until they graduate from high school or until they are 18 years old. The *Education Act* prohibits children from being hired to work during school hours because they are expected to be in school.

Students are expected to be respectful, do their homework, and are responsible for their conduct. Students have the right to be informed of their educational progress on a regular basis.

DEC members work for the benefit of students. When planning community engagement, the DEC must consider the input of students as a segment of the community. DEC members can use tools such as student forums, surveys and

presentations to obtain meaningful feedback from those who are most impacted by the DEC's policies. The DEC must work with the superintendent to coordinate student engagement initiatives.

The duties of students are outlined in section 14 of the *Education Act*.

Other partners

Council of DEC Chairs

The elected chairs and vice chairs of the four Anglophone District Education Councils work collectively as the Council of DEC Chairs to advocate for the public education system. The Council meets regularly in conjunction with the minister's forums, and as needed, to share best practices and discuss issues of common concern. They facilitate collaborative work between the districts, with the Department of Education and Early Childhood Development and their Francophone counterparts, to move forward on the priorities they set each year.

The person elected chair of the Council of DEC Chairs directs the work of the DEC manager. That person is involved in the annual performance review and makes HR decisions relevant to the DEC manager.

DEC Manager

Section 38.2 of the *Education Act* requires the minister to provide a dedicated support person for the DEC's to work on behalf of the councils. The DEC manager is the councils' representative within the Department of Education and Early Childhood Development and works as a liaison for the DEC's to EECD. To prevent conflict of interest and political interference, the *Education Act* requires the DEC manager to work under the direction of a DEC Chair elected by the other DEC chairs.

The DEC manager provides governance support for the DEC chairs, helps with collaboration and communication among the DEC's and develops training resources and professional development opportunities for DEC and PSSC. This includes an annual provincial symposium for DEC members and PSSC representatives. The event is an opportunity for information sessions, professional development and networking with other councils.

Community

Community partners can make valuable contributions to local schools. Breakfast programs, reading programs, fundraisers and other volunteer activities can have a positive impact on student achievement.

The DEC has a responsibility to ensure they represent the needs of the community when making decisions on their behalf. The DEC may engage the community in discussions about the future of education, local priorities, and the impact of DEC policy and infrastructure decisions. The community has a responsibility to vote in DEC elections to choose candidates they trust to make decisions on their behalf.

Our community has a significant impact on student achievement in the public education system. Bringing together a diverse group of community members with different perspectives can help the DEC understand the needs of our public education system. Community engagement contributes to a strong and democratically involved community and the council is directed by the community in how they work to enrich the learning environment and contribute to student achievement.

If the DEC neglects its relationship with the community, the school district suffers as a result. The council must inform the community about its schools, consult with them on important issues, collaborate with them through advisory committees and focus groups.

In addition to communicating with parents, the DEC must also engage community members who do not have, or who no longer have children in the education system. Keeping the community engaged with the schools and the district is one of the most important roles of the DEC.

Provincial and National Partners

Fédération des conseils d'éducation du Nouveau-Brunswick (FCÉNB)

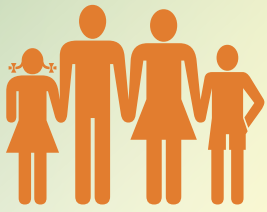
The Fédération des conseils d'éducation du Nouveau-Brunswick was created in 2003 by the Francophone district education councils with the mission of ensuring that they have the right conditions to successfully govern New Brunswick's Francophone school districts. The FCÉNB provides tools to the education councils, is their spokesperson in provincial issues and in concerted activities aimed at improving the working conditions of the members of the DEC's and the future of the francophone community. The DEC members work together for the advancement of francophone education.

Canadian School Boards Association (CSBA)

CSBA is made up of representatives from provincial school board associations throughout Canada. They represent over 250 school boards serving more than three million elementary and secondary school students across Canada. The CSBA advocates educational success for every student and promotes the value of locally elected school boards. Members maximize actions through collaboration, information sharing and new communications technologies. The Anglophone District Education Councils are members of the CSBA.

Fédération nationale des conseils scolaires francophones (FNCSF)

FNCSF represents 28 francophone and Acadian school boards in Canada. These councils provide educational services in French to more than 170,000 students in nearly 700 schools. The Federation protects French minority language interests Canada-wide. The Federation also advocates, represents and collaborates with its partners, while protecting French-language schools. Francophone councils attend and participate in FNCSF meetings.



The DEC's Role in Education

Governance Role

District education councils provide local governance specifically through policy. This means the members of the DEC work together to:

- Provide governance and oversight for the district by creating and monitoring policies that ensure community priorities, values, and standards are represented in local education.
- Provide guidance, vision, goals and priorities using policies.
- Establish limits on the superintendent's discretion through established policies that outline the standards and values the community expects from the district.
- Provide local accountability for district performance through monitoring of these policies and reporting results to the community they represent.



Limitations

The authority of the DEC is limited to the mandate set by the *Education Act*. DEC's do not get involved in day-to-day operations. DEC's exercise overall control by using policy to guide or limit the superintendent.

Misconceptions about the DEC's role can lead to frustration when council members expect to be involved in operational activities such as the school calendar, storm days, school bus stops, or specific budget expenses. It can also be difficult for new members when parents or members of the public ask a DEC member to get involved without understanding how the DEC works.

DEC's must be aware of their limitations and be careful not to drift outside their scope. It is normal for DEC members to express interest in school operations. They may want information about schools in their community, but it is important to be clear that these requests are for information purposes and the DEC does not have authority to make decisions on operational issues.

Training is important to help DEC members understand the expectations and limitations of their role.

Decisions and actions of the district education council must be taken collaboratively and democratically; all members are expected to support the will of the majority. Council members only have the power and opportunity to affect education when they work collectively.

Role of Members

Individual Responsibilities– every member working for all students.

The council works as a unit and each member is expected to contribute to the collective work of the DEC. All DEC members must know their role and what is expected of them.

Understand the governance structure

Each member is expected to become familiar with the education system and the DEC's governance model. Knowing the scope of the mandate and the limitations will help avoid confusion and focus on the work of the DEC for the benefit of all students.

Work collectively

It is important for each member to actively take part in the work of the DEC. The strength of any DEC is in considering the diverse views and opinions of the members to develop an agreed upon position or decision. It is equally important that each member respect the official position of the council once a vote is recorded as a motion in the minutes. Every council member must publicly support the decision of the DEC -even if they personally disagreed and voted against it. This is referred to as 'speaking with one voice.'

Each member must follow council policies about public statements, media interviews and social media to ensure united and consistent messaging.

Be engaged and participate in all meetings

Members have been elected or appointed to this position because people trust them to make carefully considered decisions and to exercise their vote. It is your responsibility to be familiar with the materials provided to you in advance of the meeting, to ask questions, to participate in the discussion and debate, and to vote.

Maintain high ethical standards

Each DEC has a code of conduct that outlines expectations for professional and ethical behaviour. Each member must adhere to the code of conduct and hold other members accountable for the way they represent the public and the school district.

Maintain confidentiality and never discuss individual students or personnel issues.

Students and staff have privacy rights. Each DEC member has a duty to uphold these rights under the law as part of the government and as an employer.

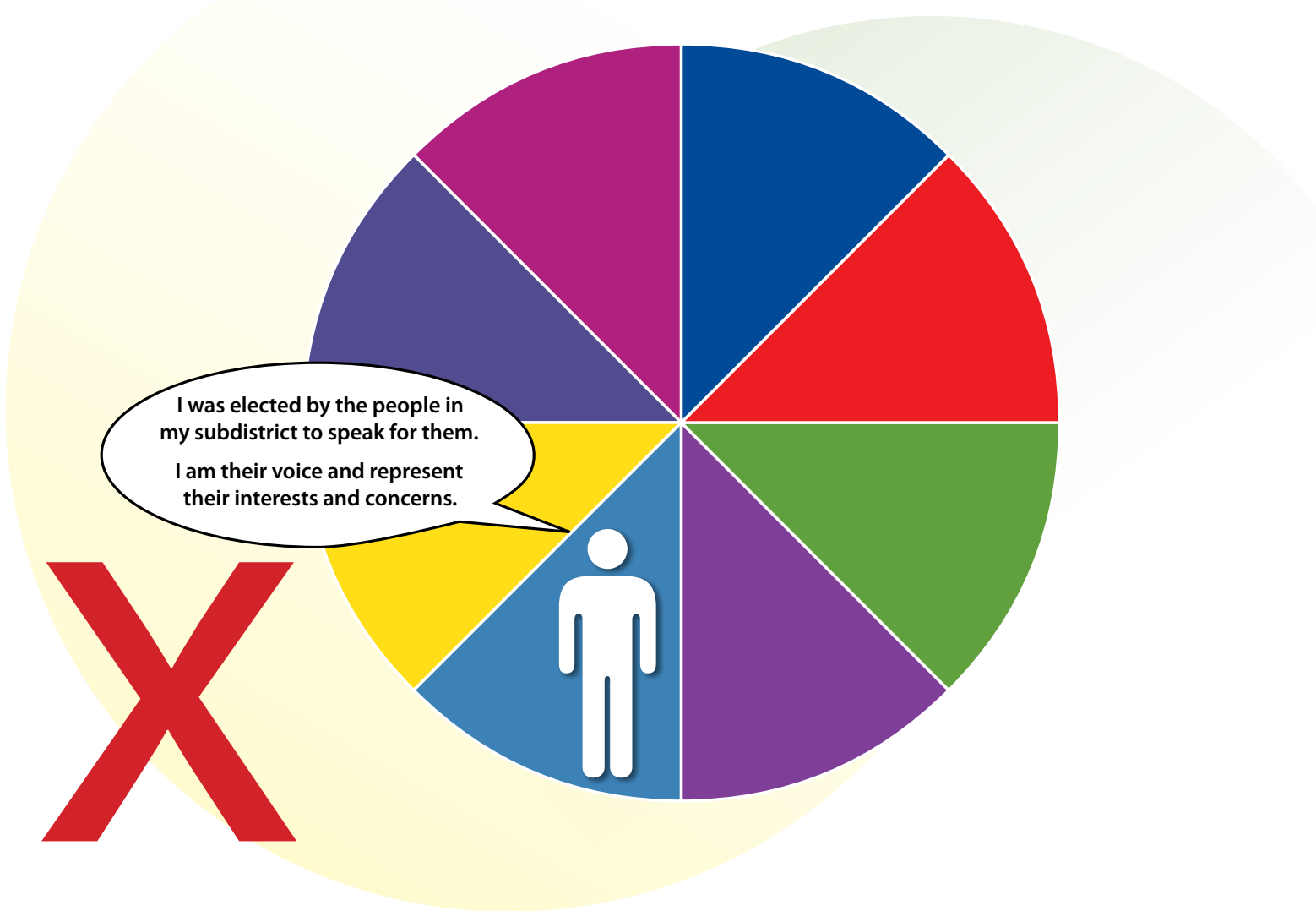
Consider the best interests of all students and the entire school district.

Each DEC member is elected by their community to represent the entire school district. It is important that you avoid appearing to favour the schools in the neighbourhood where you were elected over

the best interests of all schools. You are obligated to consider all the information before the council and to work with your peers to decide what is best for the whole district.

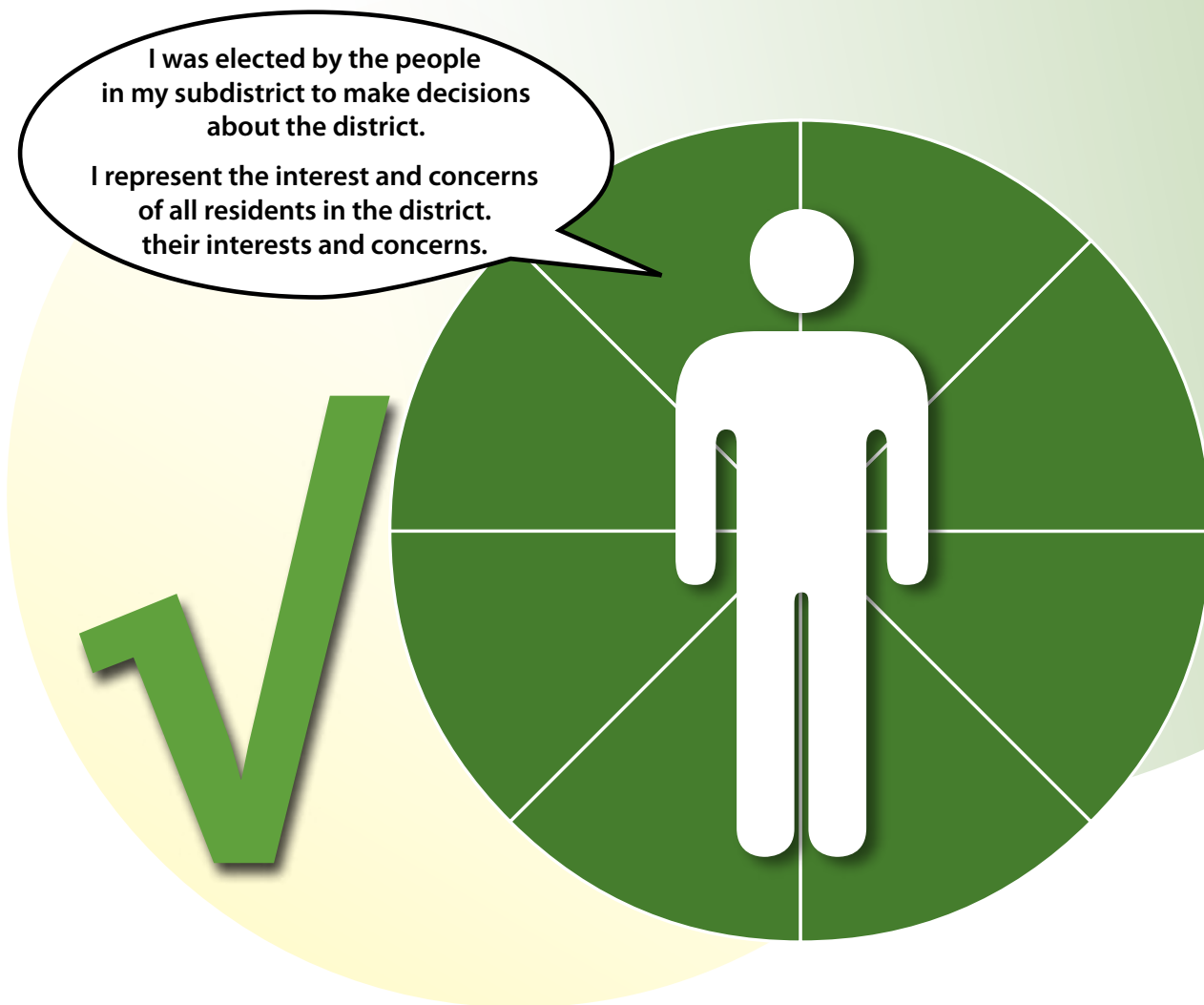
Who do I represent?

It is easy for people to get caught up in the language of 'my schools' and 'my subdistrict' but once the oath of office is signed, all the schools in the district are 'your schools' and each member must now act in the best interests of all the students and people in the district – not only for the people that elected them.



It is a misconception that members represent and advocate for the students and schools in their subdistrict.

When we look closely at the section 36.21(1) of the *Education Act* it explains that subdistricts are "for the purpose of the election of councillors". Subdistricts are not mentioned in any other part of the *Act*. Subdistricts are used to ensure representation is divided equally across the province and that individuals in both urban and rural areas are at the table when education decisions are made.



Members are chosen by the people in a subdistrict to represent and advocate equally for all students and schools and the entire district.

These same principles apply to the First Nations representative and student DEC members. They are appointed to ensure there is representation from these stakeholder groups at the table. These members do not represent only students or First Nations communities, they are full members of the DEC and must also consider what is best for all students, all schools and the district.

Time Commitment and Remuneration

The specific time commitment will vary from district to district. Each DEC must have a minimum of 10 public meetings a year. Attendance at public meetings is important. The *Education Act* allows the council to remove a member who misses more than 3 meetings a year.

The council can decide how best to organize its work and may plan for additional meetings, information sessions, committees, etc. Councils may also conduct sustainability studies, community engagement events and other special meetings as needed. A study in 2015 found that the estimated time a DEC member spends on their duties is equal to 15 workdays a year, the bulk of that time is for meetings which are generally held on weeknights.

Each DEC member receives \$3,000 in remuneration each year. The chair receives \$6,000. These payments are taxable income.

Role of the Council Chair

The person you elect to be the chair of the DEC will be the primary person responsible for ensuring meetings are orderly, discussion is productive and fair, and that the council is following its own policies and rules of order. The chair is elected for a 4-year term.

Each council sets the specific responsibilities and limitations for their chair in a policy and the role of the chair will be slightly different from district to district. Typically, the chair is the spokesperson for the council and handles media interviews and public statements on behalf of the council.

The position of chair involves a great deal of time and commitment. The survey in 2015 estimated that the role of chair required an additional 41 days per year above the time required by other DEC members. The travel requirements for a Chair may be significantly reduced with the increased use of virtual meetings.

A vicechair is elected to act in the role of the chair if the chair is unable to perform the duties due to illness, a conflict of interest, or for other reasons.

The Chair's Role as Leader

The leadership skills and style of the chairperson can directly affect the DEC's efficiency and effectiveness. The chair should be good at problem solving, facilitating discussion, and resolving conflict.

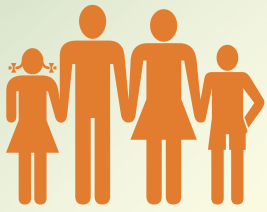
The chair needs flexibility to use their discretion when carrying out their duties; however, the council can always vote to overturn the decision of the chair.

Giving the superintendent direction is the responsibility of the whole council. The chair does not have any special authority over the superintendent and must respect the superintendent's right to make decisions on matters that have been delegated by governance policies or legislated in the *Education Act* and *Regulations*.

The chair works with the superintendent between meetings and may be authorized by the council to make interpretations on administrative matters including scheduling meetings and setting agendas.

The chair and superintendent represent the interests of the district at provincial meetings with the minister and may occasionally be asked by EECD for advice or input on confidential matters such as draft provincial policies.

The chair must plan meetings and schedule the work of the DEC to ensure there is time to properly develop, review, and monitor DEC policies and provide direction and accountability for the district.



Policy Governance

In New Brunswick, the District Education Councils were created in the *Education Act* based on the Policy Governance model created by John Carver. DEC's have the authority to make policies that determine local priorities and standards to ensure the district and schools deliver education in a way that is consistent with the needs and values of the district they serve.



Good Governance

A governance model refers to the way an organization is structured to achieve the long-term goals of the owners of that organization.

Governance is how a board of directors, or in this case the District Education Councils, represent and interpret the best interests of owners, direct the organization to achieve these goals and set the standards to be upheld in achieving these goals.

A good governance model has governing policies intended to provide a clear distinction between council and superintendent roles.

Who do DEC's serve?

DEC must be clear on whose behalf they are making decisions and which group of people are they are helping with their efforts when they make policies.

Owners = Community

In the corporate world the board is accountable to the shareholders who own the company. It is less obvious who 'owns' education. District Education Councils are elected or appointed to make these decisions on behalf of the people in the district. Councils must consult with the owners to develop policies that reflect public expectations.

Beneficiaries = Students

Beneficiaries are the students the district exists to benefit. The term 'customer or client' is used in corporate boards. It is true that the community at large benefits from a good education system, but the DEC is focused specifically on contributing to this greater good by enriching the lives of students.

Stakeholders = Parents, neighbours, and local businesses

The parents, business owners, and others are your stakeholders. They are groups who may be affected by the decisions of the council. The DEC is accountable to the owners and not to specific stakeholder groups. For instance, when the council is studying a school's sustainability, they have an obligation to hear from the people who will be affected by the proposed changes. Community stakeholders such as parents, neighbours, and local businesses must have the opportunity to provide input to help inform the decisions. However, the council does not make decisions based on the best interests of specific community groups.

The DEC is given the authority to act on behalf of the owners (community), with consideration of input from stakeholders (parents, neighbours, businesses) to make decisions and enhance the lives of the beneficiaries (students).

Vision Statements, Mission Statements and Policies

All DEC members should be familiar with the district's vision statement and mission statement before developing policy. A council cannot provide leadership without a collective understanding of where it is leading the district.

A vision statement is the council's wish for the future. A mission statement defines the district's role in creating that future. Revisiting the mission can help focus the DEC's efforts and ensure the policies are moving the district towards these objectives, called Ends.



The vision and mission statements are part of the district education plan the DEC submits annually to the minister.

Governing by Policy

Establishing policy is an efficient way to ensure the day-to-day operations are working towards your vision in a way that is in line with community values and in the best interests of the students.

Policy Governance Principles

In his book *Putting Policy Governance to Work*, Rick Maloney outlines 10 principles of Policy Governance.

| Principle | Policy Governance Principles | How these principles are implemented in District Education Councils |
|-----------|---|---|
| 1 | The Board stands in for constituents, those to whom the Board is obligated to answer. | The DEC is an important link between the people living in the community and the district. They empower the superintendent and are responsible to the public for the direction they give the superintendent and monitoring of district performance expectations. |
| 2 | The Board speaks with one voice, through written policy decisions, or not at all. | The DEC only makes decisions as a group at official council meetings. |
| 3 | The Board directs through policy, expressing in writing the values of the community. | <p>The DEC for each district has its own policies. These policies are public and can be found on the district website. The DEC's policies derive from the mission statement and shape the superintendent's decisions and actions. The DEC's policies are written agreements. Policy governance divides these agreements into four types:</p> <ul style="list-style-type: none"> Agreements on how you will work as a team to make decisions, Agreements on how you will communicate with your superintendent, Agreements on what you want the district to accomplish, and Agreements on the standards and values that must be upheld in delivering those goals. |

| Principle | Policy Governance Principles | How these principles are implemented in District Education Councils |
|-----------|--|--|
| 4 | The Board instructs no staff except the Superintendent. | The <i>Education Act</i> prohibits DEC members from interfering with the work of district staff, including principals and teachers. |
| 5 | Policies are written for Ends (what is to be achieved) and Means (all other issues). | DECs dictate the Ends (goals) and limit the means. |
| 6 | Ends policies are defined positively (telling the superintendent what is to be achieved). | DECs use Ends policies to prioritize long-term goals and set expectations. |
| 7 | Staff means are defined negatively (what is unacceptable and should therefore be avoided). | Executive Limitations policies specifically state what is not allowed. The superintendent does not require DEC approval for any other means and methods if they do not violate these policies. |
| 8 | The Board sets expectations first in broadly stated values, then through progressively more detailed language. | The first policy in the section is a broad umbrella statement of the general intention and overall principles for all following policies. The DEC can develop further policies under each umbrella statement to provide more specific guidance for the superintendent or council. |
| 9 | The Board may change the level of specificity at any time. | The council should periodically review policies to ensure they are only allowing the interpretation intended by the DEC. This is often done following monitoring. |
| 10 | The Board evaluates the superintendent only against criteria written in policy. | The DEC's policies are the written instructions for the superintendent. The superintendent's performance is measured solely on how they carried out these instructions and if they used a reasonable interpretation of the DEC's policies. |

The four categories of DEC policies

Governance Process

Governance Process policies are agreements on how your council works together. The DEC can only make decisions as a group at council meetings. (*Principle 2*)

To be efficient and effective, it is important that the council has clear rules about how decisions are made, the roles and responsibilities of members, and appropriate conduct for members inside and outside the boardroom.

These policies ensure the council shares a collective understanding of things such as the role of the chair and communication protocols.

Ends

Ends policies are the council's long-term goals for the district on behalf of the community it represents. These policies specify the priority areas and provide the superintendent with clear written direction on the council's expectations for student achievement and the success of the district.

The superintendent has the responsibility to set district goals in these areas and must prove to the DEC that the district is making reasonable progress toward the council's vision for public education. (*Principles 5 and 6*)

Executive Limitations

The DEC can place boundaries and controls on superintendent decisions using policy. Executive limitation policies prevent the superintendent from making decisions or taking actions that are not in line with the community's values and standards.

Executive Limitations can be awkward to read because they are written in negative language. (*Principle 7*) The DEC does not specify all the things the superintendent *must* do, or *may* do, instead, the DEC uses executive limitations to forbid the superintendent from allowing outcomes or situations that are unacceptable. For example, the community expects that students will be safe at school. Instead of listing all the ways in which the superintendent must ensure students are safe, the DEC can simply state that the superintendent shall not allow students to be unsafe. The superintendent must then prove to the DEC that his or her actions have created safe schools. The DEC does not have to include in these policies things that are already prohibited by the *Education Act*, provincial policies, and other laws.

Council-Superintendent Relations

Council-Superintendent Relations policies are agreements on the way the DEC will work with the superintendent. The Council-Superintendent Relations policies put in writing the DEC's delegation of day-to-day operations (*Principle 4*), how the DEC will communicate their expectations to the superintendent, and how the council evaluates the superintendent's performance. (*Principle 10*).

To ensure the superintendent is getting one set of instructions instead of having to balance the demands, questions, and priorities of each individual member, the councils have clear policies that require members to work together and speak to the superintendent with one unified voice.

(Principle 2)

Outcomes not Operations

Policy Governance provides clarity of role and allows each partner to focus on their respective task so the district can operate at its best. The *Education Act* divides the authority for education and assigns specific authority to each group. There are roles and responsibilities that only the DEC can assume. It is the unique role of the DEC to monitor district-wide performance and student outcomes across the district. This a perspective and a focus no other stakeholder has.

Those closest to the student, such as teachers and principals, have the greatest influence on student achievement but research has shown that it also takes the support of a superintendent and council to improve student outcomes across the district.

The Policy Governance model requires DEC members to focus on outcomes instead of operations. DEC members are not expected to be, nor to become, experts in education or management because they do not have to make decisions about the day-to-day operations. The *Education Act* only requires the DEC to hold 10 meetings a year, the councils were clearly not designed to supervise the wide range of daily activities across the school district.

Accountability not Supervision

The governance model establishes a powerful working relationship between the council and the superintendent. This relationship requires trust – but not blind trust. The DEC allows the superintendent to make decisions within the boundaries it has set in its policies and evaluates results by reviewing data that explains the district's performance.

Micromanaging the superintendent would be a misuse of the limited meeting time the DEC has on a monthly basis. The superintendent is hired by the DEC for his or her administrative expertise and educational experience to implement the vision outlined in the DEC's Ends. Unless the superintendent's management style or work habits contravene DEC governance policies, the focus should be on how his or her leadership contributes to district performance.

By delegating operations to the superintendent, the DEC can focus on goals that achieve the community's vision for the district.

DEC's Legal Responsibilities

The DEC is only legally responsible for the decisions within their mandate. Some DEC members believe they must scrutinize operational decisions because the DEC will be liable for the decisions made by the superintendent.

The *Education Act* gives the superintendent legal authority under Article 48 (2) to make operational decisions and the superintendent is responsible for everything in the district except those responsibilities assigned to the DEC under section 36.9.

Every decision the superintendent makes must reflect the values and standards set by the DEC in their policies. The DEC's liability lies with how they conduct DEC business and the decisions they make within the DEC mandate. With regards to the work of the superintendent, the DEC must be able to demonstrate:

- Reasonable steps were taken to ensure the hiring of a well-qualified superintendent.
- The DEC set clear and reasonable goals and limitations for the superintendent in policy.
- The DEC regularly reviews its policies.
- The DEC regularly monitors the implementation of the policies and holds the superintendent responsible for reasonable interpretation and district compliance.

Most councils have clear policies that insist the members of the DEC do not deal directly with staff. The *Education Act* s.40 (c) prohibits individual members from exercising authority over staff. All requests for information or action must be made as a council and requested through the superintendent. Council members must hold themselves, and each other, to this restriction.

Staffing and management decisions must belong to the superintendent.

The DEC cannot hold the superintendent responsible if the council has overstepped and made decisions about operations. It would be unfair to hold the superintendent accountable if that person was not free to make the decision. The DEC could become liable for any legal issues or negative outcomes of that decision.

Liability insurance

Some corporate or non-profit boards have liability insurance to protect members. It is not necessary for the DEC's to purchase liability insurance; the *Education Act* provides legal protection for DEC members. The government will cover the legal fees and other expenses provided that the actions taken by the council were done in good faith and were in compliance with the *Education Act*. The Minister is not obligated to provide legal support or to cover costs if the council is sued for an action or decision that is outside their mandate in the *Act*. The DEC members would be personally responsible for the costs if the council is sued for acts or decisions not within the authority of the council.



Governing Effectively and Efficiently

Policies make governance more efficient in big and small ways; saving council meeting time and simply making the council run more smoothly. Making agreements on priorities and how the council will conduct business provides clear expectations for DEC members, the district and the public.

Making the most of your meeting time

Efficient councils have written job descriptions, committees with clear mandates and terms, and strategic plans. These plans include time for self-assessment to ensure the council is making the most of its meeting time and making progress on the Council's goals.

Because the DEC has little time to complete their work, it is important to organize meeting time to ensure as much time as possible is spent discussing matters which impact the success of all students.

The DEC should use meeting time to:

- act as a leader to guide the district to the future vision the Council has established in their vision statement and take time to self-assess the Council's actions towards that goal,
- carefully review the monitoring reports throughout the year, and
- set aside meeting time to do their community engagement work.

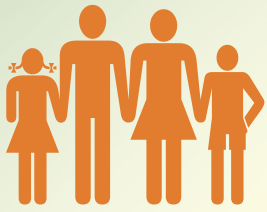
Policy work is proactive.

Policy should be proactive – not reactive. A specific incident may be the spark for a discussion, but policies are not written to deal with individual issues. Policies are forward-looking and provide an opportunity to be proactive and prevent future problems.

Policy is not a quick fix; developing good policy takes time, consultation, and debate to ensure it will have the desired outcome. It can be tempting to jump in with a new policy to show that the DEC is taking action on an issue, but it is often wise to wait and take time to reflect on best practices and areas for improvement. The DEC can then decide how these lessons can be applied to create or revise a policy with a focus on the long-term impact on students, staff and the district.

The DEC is never stuck with a policy. While stability is important for the district, regular and meaningful monitoring is the DEC's mechanism for quality control and process improvement. Monitoring is too often treated as rubberstamping reports from the superintendent. Monitoring is the opportunity to consider if the superintendent's decisions reflect the goals and values set in policy and that the interpretations and actions are having the intended impact. Monitoring keeps the DEC informed and allows the flexibility to adapt when problems are found, or guidelines need to be clarified.

Good governance is a learned skill. Council members can work together to increase their understanding of the educational system and best practices in governance. The following chapter will explore some of the common barriers that councils face and how DEC's can position themselves for success.



Succeeding in Governance

People run for office because they want to have a positive impact on education. However, it is not just what DEC's do – it is how it is done that matters. The attitudes, beliefs, and operations of the council can have a positive – or negative - impact on student achievement in the classroom.

Effective Leadership

It is important that the DEC operates in a way that supports the school district to create the conditions that allow all students to succeed.



The Iowa Lighthouse Study (2000) demonstrated a connection between how boards conduct their work and the success of the school district. Since the Lighthouse Study, new studies consistently show that when boards actively work to improve their own governance practices there is a corresponding increase in student achievement.

DECs who operate effectively and ethically can contribute to student success. DEC's that get lost in micromanaging and dysfunction may be holding the district back or having a negative impact on the district, the staff and student success.

Knowing that its actions and attitudes have repercussions, the DEC has the duty to establish and maintain standards, the duty to commit to respecting the principles of good governance and the duty to do no harm through its actions.

The DEC is focused on governance and building governance capacity

Effective school district leadership also means focusing on governance first and building the governance capacity of the DEC, as this is what will make a difference for students and the school district.

To focus on governing the school district, the DEC should be constantly asking:

- Where should our school district be headed in the long term?
- What should our school district be now and in the short term?
- How well is our school district performing?

To develop its capacity to govern the district, the DEC can adopt 4 strategies:

- Develop the DEC, building the governance knowledge and skills of the DEC and its members;
- Use well-designed DEC committees to do work on governance-related details that are better accomplished outside the monthly meeting;
- Building the self-assessment capacity of the DEC and its members;
- Fostering close collaboration among DEC members, making it a more cohesive governance team.

Professional Development

Good governance is a learned skill. Each DEC has a budget for expert advice, resources, and training to assist them in their work.

Sometimes board members are reluctant to spend money on workshops and training because they fear that the public will criticize the travel costs or the costs associated with professional development and board training. The Department of Education and Early Childhood Development, on the other hand, promotes the benefits of being lifelong learners and believes that it is important to invest in the people who make decisions about education.

DEC members have the opportunity to participate in provincial and national events such as the annual DEC conference, and the annual conference of the Canadian School Boards Association. They may also request to attend conferences to learn about best practices in school governance, or innovative ideas related to the work of the council which they will then share with the council.

The DEC may also hire trainers to support its work, for example, in the application of policy governance or in its community engagement work.

Training for new members

In the United States, the National School Board Association has estimated that it takes about two years for the average school board to become familiar with board governance and its roles. In order to minimize this learning curve and allow DEC members to take ownership of their work more quickly, it is important to hold a training session for new members to first introduce the work of the DEC, and then provide a snapshot of the school district.

Recognizing that the DEC is the sum of all the individuals who make it up and that its strength is the sum of the commitment, intelligence, knowledge, skills, energy and passion for education of each of its members. The potential of each individual must be maximized for the DEC to become a cohesive team in action as quickly as possible. Appendix B, "Orientation" contains questions DEC members can ask to ensure they have the information they need to actively participate.

Succession Planning is Good Governance

Governance requires boards to look to the future, and part of the DEC's work is to seek out ways to set the DEC up for success following their term of office. There is always the possibility a DEC election will result in an entirely new council. Your DEC should have policies, resources and documentation which allow new council members to step in and effectively take over the governance role. Tips for creating an orientation plan are included in Appendix B, "Orientation".

The DEC has a solid partnership with the Superintendent

In addition to the importance of maintaining a strong sense of teamwork among DEC members, it is critical that the DEC as an entity maintain the relationship it has with the superintendent in order to benefit the students and the school district.

A school district experiences many external, and sometimes internal, pressures during the term of the Council. Examples include school sustainability studies and COVID-19. The school districts that weather these challenges best are those councils who partner with their superintendent.

To create and maintain a strong partnership with the superintendent:

- The DEC formally recognizes in its governing policies the importance of the relationship it has with the superintendent;
- The DEC clearly communicates its expectations of the superintendent through its governance policies;
- The DEC conducts performance appraisals of the superintendent based on specific objectives and results achieved by the school district, not subjective criteria;
- The DEC ensures that it selects a superintendent who recognizes the importance of the DEC's role and is willing to support the DEC when this position needs to be filled.

Conversely, if the DEC does not maintain a strong partnership with the superintendent, students and the district may suffer. It can make it harder for the superintendent to secure partnerships with local organizations that support schools and it may become difficult for the superintendent to get the staff to support and put in the effort to lead change within the district.

The DEC has a strong relationship with stakeholders and the community

The DEC's responsibility as the governance leader for the district uniquely places them in a position to play a diplomatic and political role. The DEC is often seen as a leader who is independent of EECD which allows them to advocate for stability - or change depending on the needs of students in the district.

The DEC is elected by the community to be its eyes, ears, head and heart in education matters. The DEC must demonstrate that it values the community's views, needs, and the desires for its children by diligently developing and maintaining ties to the community throughout its term of office. Connecting with the community encourages support and trust in public education.

Current research shows that school boards contribute to community confidence in the school district, which increases staff motivation and, in turn, increases student motivation and achievement. The DEC should plan its public relations strategy to support the district. This can be done by making presentations, publicly communicating the DEC's position on specific issues and by acting as a liaison between stakeholders and the education system. The DEC must collaborate with the superintendent to ensure key messages are clearly communicated to stakeholders who may have an impact on the district.

A Governance Framework for District Education Councils

Washington State School Directors Association expanded on the work of the Lighthouse study to create a framework for effective governance. The standards provide clarity on board roles and what is expected from elected representatives. The standards below have been adapted to the language and terminology for New Brunswick's education system. The original document, including a full list of indicators DEC can use to determine if they are meeting these standards. <https://www.wssda.org/leadership-development/school-board-standards>

District Education Councils should focus their work on student achievement and student success using the following standards.

Standard 1. The DEC provides responsible school district governance by:

- a. Conducting DEC and district business in a fair, respectful and responsible manner.
- b. Ensuring the DEC is accountable and open to the public including seeking differing perspectives in its decision-making process.
- c. Respecting and advocating mutual understanding of the roles and responsibilities of DEC members and the superintendent.
- d. Adopting policies based on well-researched practices that emphasize a belief that all students can achieve at high levels and that support continuous improvement of student achievement.
- e. Promoting healthy relationships by communicating supportively, inspiring, motivating and empowering others, and exercising influence in a positive manner.
- f. Working as an effective and collaborative team.

Standard 2. The DEC sets and communicates high expectations for student learning with clear goals and plans for meeting those expectations by:

- a. Articulating the conviction that all students can learn and the belief that student learning can improve regardless of existing circumstances.
- b. Leading the development, articulation and stewardship of a vision of learning that is shared and supported by schools and community.
- c. Adopting a collaboratively developed district education plan focused on learning and achievement outcomes for all students. These goals are subsequently represented in the school improvement plans across the district.
- d. Ensuring non-negotiable goals for student achievement, also called Ends, are established and aligned with the district education plan.

Standard 3. The DEC creates district-wide conditions for student and staff success by:

- a. Ensuring the superintendent is providing for the safety and security of all students and staff.
- b. Ensuring the superintendent is employing and supporting quality teachers, administrators and other staff and providing for their professional development.
- c. Advocating and collaborating with EEC and district staff to ensure conditions for success including 21st century curriculum, technology and high-quality facilities.

- d. Monitoring management of the organization, operations, and efficient and effective learning environment.
- e. Adopting and monitoring an annual budget that allocates resources based on the district's vision, goals, and priorities for student learning.

Standard 4. The DEC holds school district accountable for meeting student learning expectations by:

- a. Committing to continuous improvement in student achievement at each school and throughout the district.
- b. Evaluating the superintendent on clear and focused expectations, as communicated in its governing policies.
- c. Measuring student academic progress and needs based on valid and reliable assessments.

Standard 5. The DEC engages local community and represent the values and expectations they hold for their schools by:

- a. Collaborating with families and community members, responding to diverse interests and education needs, and monitoring the district's mobilization of community resources.
- b. Ensuring DEC and district transparency through a process that is open and accountable.
- c. Ensuring information and decisions are communicated to communities throughout the district.
- d. Soliciting input from a wide spectrum of the community, and staff input through the superintendent, so that a diverse range of interests and perspectives on issues is considered.



The impact of board dysfunction on district performance

If we accept that research shows that the DEC can have a positive impact on the district, we must also accept that the reverse is true. Research shows that districts with lower student achievement often have boards that go astray in their governance work.

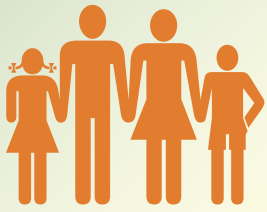
Board behaviors in lower achieving districts

Research on school boards has identified the types of behaviours that distract councils from the important work of improving education for all students. DEC members should constantly self-evaluate and discuss how to improve the way they function, particularly if they find they are falling into habits associated with lowered student performance. The following are examples:

- The DEC is involved in the management of the district and is trying to do some of the work of the superintendent rather than focusing on its own role.
- DEC members do not agree on the role and responsibilities of the DEC and are not working together towards a common goal.
- The DEC spends more time discussing topics such as bus stops or individual budget items than on improving the conditions that enable all students to succeed.
- The DEC sets overly ambitious and unattainable goals in the short term instead of working with the superintendent and understanding that successful transformation of district culture and processes takes time and perseverance.
- DEC members are not actively governing but are bystanders who defer entirely to the superintendent and the district leadership team.
- The DEC is not acting as a champion of change in the district encouraging the community to support innovation to improve student achievement.
- The DEC neglects its relationship with the community by not consulting and collaborating with parents and the broader community.

Protecting the district from dysfunction.

It is the responsibility of the DEC to prevent and address individual misconduct and DEC dysfunction. The minister can apply to the court to dissolve the DEC if it is unable to do its job due to conflict, poor governance, or if the minister believes the board is not in compliance with the *Education Act*. This provides some protection to students and staff from being negatively affected by a dysfunctional DEC. It should be noted that this measure can only be used in extreme situations.



Legal Duties for DEC Members

Accepting a position on the District Education Council means accepting both rights and responsibilities. This comes with the responsibility to work in good faith, to be trustworthy, and keep certain information confidential.

Legal responsibilities and restrictions are in place to ensure fair and ethical governance. Some of the legal terms used below may be new to DEC members but the principles are generally common sense and good practice. Some of the legal requirements are specifically spelled out in policy or legislation and others are common law principles that have been determined by courts over time.

Oath of Office

The work of a DEC member begins with an oath of office. This is not a mere formality; it is a commitment to education and a promise that the person will carry out their duties in the best interests of the DEC, the district and the students. It creates a legal obligation and loyalty to the council.



Oath of Office

I, _____ (name) _____, of the _____ (village/city/etc.) _____
of _____ (place name) _____ in the County of _____ (county)
_____ and Province of New Brunswick, make oath and say that I will truly
and faithfully to the best of my judgement and ability, discharge the duties of a
member of the District Education Council to which I was elected or appointed.

Education Act, Governance Structure Regulation, 2001-48

In taking the oath of office a DEC member accepts two equally important responsibilities:

1. Members must participate in making decisions to set the direction of the district; and
2. Members must support the implementation of those decisions.

There are legal duties that come with this power and responsibility. Members have a duty to exercise due diligence, and a fiduciary duty to the district. The following will provide a brief overview of these legal concepts in the context of a position on the DEC.

Due Diligence: Your Duty to Act Responsibly

Due diligence is a duty to take reasonable care to avoid causing harm. It is the duty to “look before you leap.” Members have a responsibility to be informed, ask questions, and consider outcomes before voting on an issue or acting in their role as a DEC member. It may be helpful to think of due diligence as the opposite of acting haphazardly.

A member of the DEC exercises due diligence by having a strong understanding of the role of the DEC, being prepared, and carefully making decisions. Other ways DEC members can demonstrate due diligence:

- Prepare for meetings,
- Actively take part in decision-making,
- Protect confidential information,
- Consider the impact before making public statements on education, and
- Make informed decisions, based on data and evidence.

Fiduciary duty: Your Duty to the District

Fiduciary duty is your legal obligation to act in good faith, with care, and loyalty.

Fiduciary duty is about trust. The community has indicated that they trust your judgement and they believe you will vote on decisions having considered what is best for education and students in the district.

A fiduciary is a person having a legal duty to act primarily for another person’s benefit and is a person who (a) owes another person the duties of good faith, trust, confidence, and candor; and (b) must exercise a high standard of care in managing another’s property.

20 Questions Directors of Not-for-profit Organizations Should Ask about Fiduciary Duty

Duty of Care = Taking Care of the District

Making decisions about the district is a shared responsibility but each DEC member has a responsibility to ensure they are doing their part to contribute to good governance. Members must actively participate in the work of the DEC to improve district performance.

Negligence is when members do not do their work in contributing to the work of the council. This includes not being prepared for meetings, not attending meetings, and not ensuring the council is fulfilling its mandate.

DEC members exercise their duty when they:

- Attend meetings and vote on decisions,
- Undertake the responsibilities of the DEC under the *Education Act*,
- Monitor DEC policies,
- Participate in the creation of the District Education Plan,
- Recognize issues and community concerns in the district, and
- Review financial reports.

Good Faith = Good Intentions

Good faith is the promise to act honestly and with good intentions. A DEC member must:

1. Make decisions with an honest intent to improve the district; and
2. Honestly intend to uphold and implement the decisions of the DEC.

DEC members are encouraged to discuss, question, and debate the merits of a decision when a motion is made. In fact, it is their duty to tell fellow councillors what they feel is the best decision for the district. Different perspectives are an important part of making good decisions. Once everyone has had a chance to participate in the discussion and there is a vote, the members are bound by the outcome of that vote. Supporting the district means supporting decisions made democratically by the DEC.

The opposite of acting in good faith is acting in bad faith. Bad faith is having a dishonest intent, acting unfairly, causing disruptions to prevent the DEC from doing its work, or working to undermine the decisions of the council.

Duty of Loyalty: Doing what is best for the district.

Individuals become part of the district when they take the oath of office. There is a commitment that their work and actions will support and advance the work of the education system. It is a duty to do what is best for the district and the students.

People are often confused about where elected DEC members owe their loyalty. There is a misconception that because the people in their community give the member the power to make decisions that person must be loyal to that community and vote in the way that supports the community's wishes. When a member takes the oath of office, they assume a duty to the whole district.

Every member must consider all the information and considerations before the council and use their own judgment when they vote. The needs of the district as a whole must be the priority and not one specific community or group of stakeholders. As a member of the DEC, you are equally responsible for every school in the district. Unfortunately, this can mean making decisions that are unpopular. The duty of loyalty means you put the best interests of the district above your own popularity or re-election.

A duty of loyalty involves:

- Considering the needs of all students
- “Speaking with one voice” and upholding the decisions of the DEC even when you disagree
- Disclosing any conflicts of interest
- Inspiring public confidence in the DEC

The fiduciary duty of trustees to their school board is derived from the fact that although elected, they act not as representatives or delegates, but as holders of a public trust for the benefit of students, parents, and constituents in their geographical jurisdiction.

*Dr. J. K. Donlevy,
School Trustees Acting Badly*

Speaking with one voice = Supporting Council Decisions

Not-for-profit Organizations Should Ask about Fiduciary Duty

As a member of the public, people have the freedom to speak out against any organization. As a member of the DEC, you voluntarily become part of a district and agree to work with your colleagues and respect the democratic process.

Speaking with one voice is the duty to publicly uphold the official position of the DEC even if a member personally disagrees with the decision or position taken by the majority. You can ask to have your dissent publicly recorded in the minutes. When asked to comment, rather than speak out against your peers, you can direct the media or the public to the DEC’s spokesperson or simply say that the council has voted and determined what is in the best interests of the district. Think of the adage “If you can’t say anything nice don’t say anything at all.” A duty of loyalty to the district means encouraging public confidence and support. In extreme cases, where a member no longer has confidence in the council, or cannot ethically support the DEC’s actions, the member should resign.

DEC members often believe a right to free speech allows them to publicly speak out against the DEC or the individuals who supported a decision. The *Canadian Charter of Rights and Freedoms* gives Canadians freedom of expression under section 2. This is an important Canadian value - and one DEC members waive, in part, by accepting a position on the DEC. Nobody is forced to accept a position on the council and therefore these limits on your freedom of expression are voluntary. The *Charter* allows for laws to create reasonable limits on this right when it can be justified as necessary.

Most districts have provisions that the Chair is the representative of the council and has the authorization to discuss DEC opinions, decisions, and policy or to otherwise interact with the public, press or other organizations.

“Fundamentally, one could argue that freedom of expression exists to protect the right of all to be heard and that a trustee’s voice is heard loudly and clearly not only in debate upon issues within the board, but also in the vote that binds the board.

In that sense, the rogue trustee has a much louder voice and impact at the board level on educational issues than the ordinary citizen, but the cost to the trustee is that she or he speaks publicly as a trustee not as an ordinary citizen.”

“To cause disorder, harming the board’s ability to act and bringing the board and its processes into disrepute, would be a breach of a trustee’s statutory fiduciary duty to the board.”

“That position—willingly sought and accepted—comes at a price, which is that in their actions they must act democratically and do nothing to disrupt the fiduciary duties of the board.”

Dr. J. K. Donlevy, School Trustees Acting Badly

Accountability: Your duty to report to EEC and the Community.

As an education council, you are accountable to different stakeholders. The *Education Act* requires you to submit certain reports to the minister on July 1st of each year. Having the right to govern public education implies that you also have a duty to report to the public. Accountability can take many forms including monthly public DEC meetings, an annual report, keeping PSSCs informed on the work of the DEC, and community engagement initiatives.

The DEC also demonstrates accountability when they receive the superintendent’s monitoring reports. They review these reports to learn how the district is working to provide all students with the conditions they need to succeed and that these efforts yield concrete results to achieve the DEC’s established short and long-term goals.

Code of Conduct

In addition to the oath of office, DEC members are bound by the code of conduct DEC members create for themselves. The Anglophone DEC members collaborated on the development of a Code of Conduct which has been adopted by each Council as part of their Governance Process Policies. The code of conduct sets out agreements on appropriate conduct and the consequences when individuals do not uphold these standards.

DECs generally operate professionally and without issues of misconduct. Most incidents or breaches can be addressed with an informal conversation, rules of order, or additional training on DEC roles. The code of conduct exists to provide the DEC members with clear expectations and an understanding of the potential consequences. If necessary, the code of conduct provides the process used by the council to formally deal with repeated or serious incidents.

s. 40 of the *Education Act* requires members to follow the code of conduct. Not following the code of conduct is acting in contravention of the *Education Act*.

The DEC is responsible for ensuring members are acting appropriately and in the best interest of the district. Individuals who do not report a breach or a suspected breach may themselves be in violation of the code of conduct.

The DEC may impose sanctions which temporarily limit a council member's right to attend meetings, and in serious cases, the DEC may vote to remove a member by declaring the person's seat vacant.

What is the process for managing misconduct?

Each DEC has the authority to make their own rules, but each code of conduct follows a similar process.

Reporting and initial assessment

Only a DEC member can officially make a complaint against a fellow DEC member. Members of the public or staff can raise concerns with any DEC member or the council as a whole but they cannot demand an investigation. Concerns about member conduct are brought to the attention of the chair or vice chair who decides if a formal investigation is needed or if the matter can be handled informally with a one-on-one conversation or an in-camera discussion with the council.

Accusations of misconduct are never made in public. If there is an official finding of misconduct, the council's motion will be read into a public meeting. Otherwise, all matters are dealt with internally and confidentially.

Investigation

Investigation - When it is determined that an investigation is needed, the code of conduct will indicate who will handle the investigation. It may be the chair, delegate or even an outside committee which will gather information relating to the complaint to be presented to the council in a closed session. In serious cases, the chair may appoint an outside investigator to prepare a report. The accused member can review the information before the meeting and can speak to the council in their own defense.

DEC decides on breach – The council will be asked to vote on whether there has been misconduct. If the majority of DEC members determine there has been a breach of the code, the council can move forward with discussions on the consequences.

DEC decides on consequences – If a member is found to have violated the Code, that person will have the opportunity to provide input on the consequences. Consequences for misconduct can include a written reprimand or a temporary suspension which prevents the member from voting. For serious or repeated misconduct, the council members can vote to remove a member from the council.

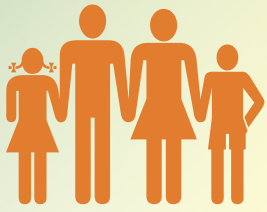
DEC makes a public motion – if there is a finding of misconduct the DEC must prepare a motion to be read at the next public meeting. The motion must include the finding of misconduct and the sanctions imposed.

What if the DEC refuses to deal with conduct issues?

When a DEC chooses to ignore behavior that contravenes the standards of professional conduct established in governance policies and the code of conduct, it undermines its performance and credibility as a governing body. When the DEC tolerates misconduct or negligence, it demotivates members and fails to build a strong team.

In the worst-case scenario, if a council refuses to hold its members accountable for their actions, it risks having the entire DEC declared dysfunctional. The minister can ask the court to dissolve the council if they are convinced that the council is not functioning appropriately.





Appendix A

History of Local Governance

School governance is one of the oldest forms of democracy in Canada

In New Brunswick, governance of the school system has been provided by school trustees since 1816. The role has evolved over time, as this brief history shows.

Elected school boards date back 200 years to Massachusetts when the community decided that the administration of schools should be separate from the administration of towns. By the 1800's they had established a system of school committees to provide oversight of all public schools in the town. This included hiring the school master and providing school facilities. This model was eventually adopted across North America ensuring local community members would have a direct voice in the governance of their schools.

A Brief History of Local Governance in New Brunswick

1784-1871 The beginnings of the public education system in New Brunswick

1784 – Founding of New Brunswick. Only a few private schools exist. On the French side, parents, clergy and some travelling teachers teach the basics of writing and reading.

1816 – The government forms management councils made up of commissioners, landowners, appointed by parish magistrates. Only the children of taxpayers have access to school.

1847 – Adoption of the law creating the Board of Education (Office of Education)

1858 – The *Parish Schools Act* replaces previous laws and entrusts control of schools to the Board of Education and specifies that school commissioners must now be elected.

1871-1970 From the *Common Schools Act* to the *Equal Opportunity for All Program*

1871 – *Common Schools Act*, which upholds free education, establishes a non-denominational education system, divides the province into school districts, introduces control of teaching permits, provides for the hiring of inspectors and superintendents, and organizes schools into elementary and secondary departments.

1963 – The Byrne-Boudreau Royal Commission proposes a comprehensive reform of the school system. The province assumes full responsibility for the administration and funding of education, health, justice and social services from that time forward.

1963 – appointment of two deputy ministers to the Ministry of Education, one of whom is French-speaking.

School districts, still bilingual, are reduced from 422 to 33, each administered by a school board whose members are partly elected and in part appointed by the lieutenant governor who ensures the fair representation of the two language groups.

1970-2000 From Equality to Duality

1981 – A law recognizing the equality of New Brunswick’s two official language communities allows for the establishment of two parallel and independent school systems, following the report of the Elliott-Finn Study Committee, which ends bilingual schools and classes.

1982 – The *Constitution Act of 1982*, which includes the *Canadian Charter of Rights and Freedoms*, is passed. Articles 16 and 23 are particularly important for French-language education.

1991 – The number of school boards in the province decreases from 42 to 18, maintaining the character of linguistic homogeneity.

1996 – School boards abolished and replaced by Provincial Boards of Education, District Parent Advisory Councils and School Parent Advisory Committees

2000 to Today

2000 – A new *Education Act* is passed. It provides for the creation of 14 elected district education councils (DECs), 5 Francophone and 9 Anglophone. Among other things, it gives them responsibility for district education plans, and tells them that they govern by policy. First Nations representation is added to some English councils.

2001 – The first District Education Councils are elected.

2003 – Parental School Support Committees (PSSCs) are set up in each school to allow parents and the community to get involved in the school. This role involves advising the principal on the school improvement plan.

2003 – Francophone education boards create the Federation of New Brunswick Councils of Education (FCÉNB) to provide an environment for DECs and their members to carry out their duties as the primary school manager for the benefit of the Francophone community in the province of New Brunswick.

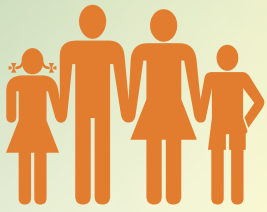
2009 – Student counsellor is added as a member of each of the district education boards

2010 – Integrating Early Childhood Development into the Ministry of Education lays the foundation for a continuum of learning from birth to high school graduation.

2012 – School districts are merged and renamed. This reduces the number of districts from 14 to 7, 4 Anglophone and 3 Francophone.

2019 – EECD releases Green Paper proposing a review of the education governance structure.

2021 – EECD begins a Governance and Alignment Review.



Appendix B - Orientation

A strong understanding of the DEC mandate is essential to good governance. DEC members should have orientation resources to ensure everyone has a strong understanding of their role on the DEC. Training should be available on the DEC's policies, objectives, and the unique challenges of your district. A governance process policy can outline who is responsible for providing training and what topics the training will cover. The policy can also outline the expectation that new members will become familiar with policies or a requirement to complete specific training within a set time.

Some orientation is provided provincially but each district should have its own training to provide DEC members with information on how to process travel claims, contact information, how to direct complaints and other training specific to the council's policies and practices.

A successful board not only looks at their own term of office but takes the necessary steps to ensure ongoing good governance for the district.

Orientation Checklist

Resources

Have you received and reviewed copies of the following items?

- Oath of office
- Handbook
- DEC policies
- Code of Conduct
- Resource guides

Meetings

Do you understand the following meeting protocols?

- Making motions
- Quorum
- Adding items to the agenda
- Receiving the information you need for the meeting i.e., the meeting package
- Knowing where and when the meeting will be held
- Knowing when the meeting has been cancelled
- Notifying the council if you cannot attend a meeting

Concerns and Complaints

Do you understand the following procedures for handling concerns and complaints?

- Parental concerns
- Student and student-related concerns

- Pupil appeal process
- Public concerns
- DEC member concerns
- Hierarchy for public complaint process

Communication

Do you understand the following communication protocols?

- DEC members do not speak individually, but with one voice
- Public relations and messages are distributed to the public by the DEC chair and/or superintendent
- How information will be shared with DEC members and the public in an emergency.
- DEC communications to the Department through the DEC chair
- Communication method with the superintendent
- Communication method among DEC members

Do you have the following contact information (email, phone number, address, etc.)?

- District office
- Superintendent
- DEC members
- PSSCs

Expense Claims

Do you understand the following procedures regarding expense claims?

- How to complete the form for an expense claim
- What expenses can be claimed
- Where to submit expense claims

Remuneration

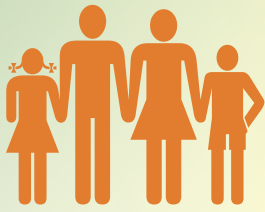
Do you know how to handle any remuneration issues or concerns that you may have?

- Who to contact with issues on your monthly stipend?
- Who to contact if you need to make changes with your banking information?

Technology

Do you know how to handle any technological difficulties or issues that you have?

- Who to contact with technical difficulties with your laptop, iPad, emails etc.?
- Who to contact for issues related to password, login information or portal access?



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