

# LDAO Public Policy Manual 2002

## Section R: Accountability

The policies in this section relate to the need for accountability by the Ministry of Education, school boards, schools and personnel in meeting the obligations imposed by educational legislation in Ontario.

### Policies

- R1 Accountability I
- R2 Accountability II
- R3 School Board Accountability
- R4 School Board Accountability for Special Education Funding
- R5 School Councils I
- R6 School Councils II
- R7 Ministry Accountability
- R8 Minister's Advisory Council on Special Education ("MACSE") I
- R9 Minister's Advisory Council on Special Education ("MACSE") II
- R10 Accountability of Principals and Vice-Principals

### Policy R1 – Accountability I

LDAO advocates the introduction of appropriate accountability and compliance measures, both incentives and penalties for non-compliance, designed to ensure that the Ministry of Education at all its levels including the district offices, school boards, school authorities, Provincial and Demonstration schools and other relevant service delivery agencies fulfill their legal obligations to exceptional students and their families in Ontario.

#### Rationale

The legislated rights of exceptional students and their families are of little use, if the educational system, ranging from the Ministry to every classroom throughout the Province, is not required to fulfill its legal obligations.

#### References

- Education Act, ss8(3), 170, Ministry of Education, 1990
- Regulation 306
- Standards for School Board Special Education Plans, Ministry of Education, 2001
- Student focussed funding formulae, 1997-2001
- Response to the above two documents, LDAO, 1998-2001

### Policy R2 – Accountability II

LDAO advocates that in addition to fiscal accountability, the Government of Ontario mandate the following program effectiveness and quality accountability measures for all public service agencies, organizations and institutions and hold these groups accountable for compliance with them:

- compliance with legislation,
- meeting the institution's stated legal mandate,
- setting and meeting programme and service related goals, objectives and on plans.

### **Rationale**

Bill 46, the Public Sector Accountability Act, 2001,\* was introduced in May 2001 and had second reading on June 6, 2001. \*Did not get enacted into law.

The purposes of this Act are described as follows:

1. To initiate best practices in public sector organizations by measuring their performance against their established goals and by reporting publicly on the progress made.
2. To improve program effectiveness and accountability to the public by promoting a stronger focus on the results and the quality of service of public sector organizations.
3. To improve the delivery of service by requiring that each public sector organization prepares a plan to meet identified objectives and to provide information about the results and quality of service that are achieved.
4. To improve decision-making in public sector organizations by ensuring that relevant information is made available to the public about the organization's objectives and about the effectiveness and efficiency of its activities.
5. To improve the fiscal responsibility of public sector organizations by requiring them to prepare a balanced budget each year.

The legislation, although not yet approved, primarily focuses on enhancing and supporting fiscal accountability. This is not enough to ensure that the public sector is truly accountable to the community it serves as well as to the government.

### **References**

Public Sector Accountability Act, Government of Ontario, 2001  
Response to Bill 46, LDAO, 2001

## **Policy R3 – School Board Accountability**

LDAO advocates that each school board in Ontario be held accountable by Ministry of Education for fulfilling its obligations to students identified as exceptional as set out in the Education Act and related regulations.

### **Rationale**

The Education Act sets out the obligations of each school board with respect to students identified as exceptional. However, at present a school board can ignore the law with impunity. This is unacceptable.

Ultimate responsibility for special education programs and services rests with the Minister of Education and Training. Therefore, Ministry of Education must ensure that each school board fulfills its obligations by instituting a system of reporting and supervision and, where necessary, imposing punitive measures against those school boards who fail to meet their obligations.

### **References**

Education Act, ss8(3), 170(7)  
Regulation 306

## **Policy R4 – School Board Accountability for Special Education Funding**

LDAO advocates that the Ministry of Education institute compliance and accountability measures for the use of school boards when they report on the expenditure of special education grants, with punitive measures imposed for non-compliance.

### **Rationale**

At present, there are no consequences for non-compliance with the obligations imposed on school boards by the Education Act and related regulations. The introduction of measures to facilitate and track compliance would increase accountability, with punitive measures in place for those school boards who do not comply.

### **References**

Education Act s170(1)(7)

Regulations 306, 464

Funding formulae, Ministry of Education, 1998

Response to the consultation on the funding of education, Ministry of Education, 1997

## **Policy R5 – School Councils I**

LDAO advocates that all school councils include representation of students with disabilities and parents representing parent associations for children with special needs.

### **Rationale**

The Ministry of Education has mandated that each school in Ontario establish a school council, with membership drawn from the following sectors:

- parents
- students (from Grade 7 on)
- teachers
- community representatives

The Ministry of Education has issued guidelines which include the powers of school councils. These powers are diverse and could have an impact on the provision of special education programs in the school.

At least one parent representative should be chosen to represent the interests of exceptional students. It is important also to consider those exceptional students who may be placed in the school but for whom this is not the home school. These students and/or their parents should, where appropriate, be considered for council membership.

### **References**

“For the love of learning”, Report of the Royal Commission on Learning, 1995

Response to the report of the Royal Commission on Learning, LDAO, 1995

Guidelines for School Councils, Ministry of Education, 1996

Brief on school councils, LDAO, 1997

Response to the consultation on school councils, LDAO, 1998

## **Policy R6 – School Councils II**

LDAO advocates that any resolution of a school council which may have an impact on special education programs and services be referred to the school board's SEAC for comment and recommendation before implementation.

### **Rationale**

School councils will have wide powers to determine priorities and direction within their school. However, it is the local SEAC which will be aware of the larger issue of how special education is delivered in the school board as a whole and how the decision of one school may affect services to all students.

As such, the local SEAC must have an opportunity to comment and make recommendations before the implementation of any school council initiative which may affect special education, particularly in an instance where a school council may be trying to minimize or eliminate the special education programs in their school.

### **References**

"For the love of learning", Report of the Royal Commission on Learning, 1995  
Response to the report of the Royal Commission on Learning, LDAO, 1995  
Guidelines for School Councils, Ministry of Education, 1996  
Brief on school councils, LDAO, 1997  
Response to the consultation on school councils, LDAO, 1998

## **Policy R7 – Ministry Accountability**

LDAO advocates the introduction of measures designed to ensure the accountability of the Ministry of Education, its district offices and personnel in fulfilling their legal obligation to exceptional students in Ontario in all aspects of their work.

### **Rationale**

The granting of legal rights to exceptional students is of little use if Ministry of Education, its district offices and personnel are not required to fulfil those rights. Requiring accountability to a reporting system and providing for punitive measures where necessary is necessary to ensure compliance.

The Education Quality and Accountability Office ("EQAO") is an independent agency whose purpose includes evaluating the quality and effectiveness of public education and to evaluate the public accountability of school boards. LDAO considers that the mandate of the EQAO should be expanded to include a process for enforcing compliance with legislation on the part of Ministry of Education, school boards and educators.

### **References**

Education Act, ss8(3), 170  
Regulation 306  
Education Quality and Accountability Office Act, 1996  
Response to Bill 30 on the establishment of the EQAO, LDAO, 1995

## **Policy R8 – Minister's Advisory Council on Special Education ("MACSE") I**

LDAO endorses the continued existence and significant advisory role of the MACSE on all items relating to special education programming, services and funding in Ontario.

### **Rationale**

MACSE fulfils many of the roles of a SEAC in offering advice and commentary to the Minister of Education and Training. In this regard, it ensures that the Minister receives advice from a group with diverse representation of parents, students and professionals.

### **References**

Response to the Advisory Council Sunset Reviews, LDAO, 1990, 1995

Letter to the Minister of Education and Training on the appointment of MACSE, LDAO, 1997

## **Policy R9 – Minister’s Advisory Council on Special Education (“MACSE”) II**

LDAO advocates that the continued role of parent organizations on MACSE be mandated by the Minister of Education and Training. LDAO further advocates that:

- representatives of specific disability sectors be required to liaise with the various provincial associations which represent parents and consumers in that sector
- the existence of sector and parent organization representatives on MACSE does not negate or limit the obligation of the Minister of Education and Training and MET to consult with provincial organizations in all matters affecting their members

### **Rationale**

Since its inception in 1978, the number of parent organizations on MACSE has increased, although they are still not a majority of members. The role of parent organizations must be protected in law to ensure appropriate input on MACSE.

On the current MACSE, the exceptionality groupings are represented through “sectors”, which in practice means that the representatives are not necessarily parents involved with the specific parent organizations. Such representatives must liaise with the various parent and consumer organizations representing individuals in that sector to ensure that a broad range of interests are represented. In addition, MACSE must not become an excuse for the Minister or Ministry of Education to restrict or end consultation with parent and consumer organizations. It is not sufficient for the Minister to simply state that consultation has taken place because he or she has consulted MACSE. Consultation on issues affecting all or some individuals with disabilities must include consultation with parent and consumer organizations, even if the organization or sector is represented on MACSE.

### **References**

Response to the Advisory Council Sunset Reviews, LDAO, 1990, 1995

Letter to the Minister of Education and Training on the appointment of MACSE, LDAO, 1997

## **Policy R10 – Accountability of Principals and Vice-Principals**

LDAO advocates that the duties of principals and vice-principals as set out in the Education Act and related regulations be retained as the basis of their employment, regardless of the bargaining unit to which they belong. LDAO further advocates that the Ministry of Education mandate additional specific duties in the areas of:

- the evaluation of teaching personnel
- communicating with parents and school councils

- their role in relation to special education (for example, managing the IPRC process, applications for ISA funding, development of IEPs and the accommodation of exceptional students during any EQAO testing)

**Rationale**

Principals and to a lesser extent vice-principals are the key personnel for ensuring that schools meet their mandated obligations. For this reason, it is important that the role of principals and vice-principals be clearly defined in legislation. These additional duties are important and should be explicitly stated in law.

**References**

Education Act s265

Regulation 298, ss11,12

Letter to Ministry of Education regarding the qualifications and duties of principals and vice-principals, LDAO, 1998