

Director of Education Performance Appraisal

1.0 Rationale

- 1.1 The Director of Education is responsible for implementing the elected Board of Trustees's Multi-Year Strategic Plan and Policies, and has overall responsibility for staff, operations, and programs at the Durham District School Board ("DDSB").
- 1.2 One of the key responsibilities of the Board of Trustees is to monitor and evaluate the performance of the Director of Education in meeting the obligations of the position under the *Education Act*, the Board's Policies and Procedures and the Board's Multi-Year Strategic Plan.
- 1.3 The Board of Trustees is committed to ethical leadership, a healthy workplace culture and to fostering public confidence in our system. This policy supports these commitments.
- 1.4 Ontario Regulations 83/24 under the Education Act (the "Appraisal Regulations") stipulates certain minimum requirements for the Director of Education's performance appraisal. This policy incorporates the requirements of the Appraisal Regulations.

2.0 Policy Objective

- 2.1 The objective of the Director's Performance Appraisal Policy is to establish a transparent and objective process for the Board of Trustees to appraise the Director of Education's performance, to ensure compliance with the Appraisal Regulations, and to set a proactive framework to support the Director of Education in achieving the performance expectations of the position.
- 2.2 This policy is to be interpreted and applied in accordance with the DDSB's commitment to promoting and upholding Indigenous rights, human rights, and the Safe and Respectful Workplace and Harassment Prevention Policy in all of its learning and working environments. To align with this commitment, all performance appraisal assessment tools, meetings and processes will be accessible and will uphold rights and responsibilities under these policies and procedures.

3.0 Application

- 3.1 The performance of the Director of Education is appraised annually in accordance with the terms of this policy and the Appraisal Regulations. The employment contract of the Director of Education shall be subject to this policy regarding the Director's performance appraisal.
- 3.2 The Director of Education performance appraisal is confidential and will be conducted in private, in accordance with the provisions of Section 207(2)(b) of the *Education Act*. Therefore, any reference in this policy to the Board of Trustees includes reference to the Committee of the Whole Board, as appropriate.
- 3.3 The Board of Trustees will keep the public informed as to when the annual appraisal has been completed by annually posting written confirmation that the performance appraisal has been completed together with the list of the parties under section 4.3.2 (i) that provided input into the appraisal.

4.0 Process

4.1 Director of Education Performance Appraisal Committee

- 4.1.1 There shall be a Director of Education Performance Appraisal Committee (“Committee”), the terms of reference of which are to:
- (i) In consultation with the Director of Education, oversee the selection of, or renewal of the engagement of, an external consultant with at least five years of experience conducting multi-source executive performance assessments;
 - (ii) Work with the external consultant to implement the Director of Education’s Performance Appraisal in accordance with this policy and the Appraisal Regulations and to carry out any other activities specified in this policy; and
 - (iii) Work with the external consultant to develop and implement the self-assessment performance evaluation tools for the Director of Education.
- 4.1.2 There shall be a minimum of three Trustees and a maximum of seven Trustees on the Committee. The membership of the Committee shall be established by the Board annually at the Organizational Meeting.
- 4.1.3 The members approved at the annual Organization Meeting shall constitute the Committee effective as of the following May 15 with responsibility for the period commencing on July 1 and ending on June 30 of the following year.
- 4.1.4 If the Committee is reduced to less than three members, then additional members shall be placed on the Committee by the Board of Trustees.

4.2 Performance Plan

- 4.2.1 The Chair of the Committee shall, together with the other members of the Committee and the external consultant, work in collaboration with the Director of Education to annually prepare a Performance Plan document for the upcoming evaluation cycle. The Performance Plan shall be finalized by July 31. The Chair of the Committee will thereafter, and by no later than August 15: share a copy of the Performance Plan with members of the Board of Trustees; post on the Board’s website confirmation of finalization of the Performance Plan; and provide the requisite written notice to the Minister.
- 4.2.2 The Performance Plan shall include the following:
- 1) A list of the actions that the Director of Education will implement during the evaluation cycle to achieve each of the following goals:
 - i. Advance the provincial priorities in education in the area of student achievement set out in Ontario Regulation 224/23 (Provincial Priorities in Education - Student Achievement).
 - ii. Manage human, capital and fiscal resources to achieve the goals identified in the Board’s multi-year plan developed under clause 169.1(1) (f) of the Education Act.
 - iii. Promote a healthy and inclusive workplace with effective systems for staff selection and oversight.

- iv. Create and maintain respectful and collaborative relationships with students, parents/guardians, staff, school board communities, community partners and stakeholders, Ministry staff and the Minister.
 - v. Demonstrate leadership that maintains or improves the reputation of and public confidence in the board.
 - vi. Ensure compliance with, and uphold responsibilities under, applicable laws, Ministry policies and guidelines, and Board mandates, in a manner consistent with section 2.2.
- 2) Identification of leadership competencies and practices needed to achieve the goals set out in paragraph 1 and actions that the Director of Education shall implement during the evaluation cycle to improve at least one of those competencies or practices.
- 3) One or more methods of:
- i. Determining whether the Director of Education successfully implemented the actions set out in the Performance Plan during the evaluation cycle, and
 - ii. Measuring, qualitatively or quantitatively, the degree to which the actions achieved the goals set out in paragraph 1.
- 4) Any additional appraisal elements determined by the Committee, in consultation with the external consultant and with input from the Director of Education. If the additional appraisal elements include additional goals, a list of the actions that the Director of Education will implement during the evaluation cycle to achieve those goals.
- 4.2.3 The actions listed under paragraph 1 of section 4.2.2 shall include professional development activities that the Director of Education will undertake during the evaluation cycle.
- 4.2.4 The leadership competencies and practices identified under paragraph 2 of 4.2.2 shall be described in accordance with any guideline issued by the Minister under subsection 287.6 (1) of the Education Act.
- 4.2.5 Near the end of the evaluation cycle, and by no later than June 10, the Director of Education shall update the Performance Plan to include the following:
- 1) Confirmation of which of the actions listed for the purposes of paragraphs 1, 2 and 4 of section 4.2.2 have been implemented by the Director of Education during the evaluation cycle;
 - 2) A description of how each action that was implemented assisted in achieving the goals set out in paragraphs 1 and 4 of section 4.2.2, as applicable; and
 - 3) For each action that was not implemented by the Director of Education, a rationale for why the action was not implemented.
- 4.2.6 The Director of Education and the Chair of the Committee shall each sign the Performance Plan and each of them shall retain a copy for at least six years. The Committee Chair's copy shall be held in a secure cabinet in the office of the General Counsel.

4.3 Annual Performance Appraisal

- 4.3.1 The Committee will facilitate the annual appraisal which shall culminate in the *Performance Appraisal Report*, a complete and concise confidential report on the results of a performance appraisal, which shall be submitted to the Board for approval.
- 4.3.2 Each full evaluation cycle shall commence on July 1. The performance appraisal in a full evaluation cycle shall consist of the following:
- (i) In the first full evaluation cycle and every second full evaluation cycle thereafter, a *performance appraisal questionnaire*, to be completed anonymously, to collect feedback and data on the performance of the Director of Education. The following parties are to be asked to complete a *performance appraisal questionnaire*:
 - (a) All members of the Administrative Council and any other person that reports directly to the Director of Education.
 - (b) All Trustees.
 - (c) Student Trustees.
 - (d) Each member of every statutory, ad hoc or other committee of the Board.
 - (e) Members of any Advisory Committees established by the Board.
 - (f) Each parent/guardian member of the school community council at each school of the Board.
 - (g) One representative nominated by and from each of the Board's local unions, federations and the Ontario Principals' Council local representative.
 - (h) Parent Council Chair.
 - (i) A representative sample of community groups and partners, as identified by the Committee with input from the Director of Education, and
 - (j) If required under the terms of the Appraisal Regulations, the Minister of Education (which feedback may be provided using a performance appraisal questionnaire or such other manner as the Minister may deem appropriate).
 - (ii) The completion of a self-assessment performance evaluation tool by the Director of Education in order to facilitate the update of the Performance Plan by the Director of Education as called for in section 4.2.5 above.
 - (iii) The *performance appraisal questionnaire(s)* and the self-assessment performance evaluation tool shall be prepared by the external consultant based on the objectives of this policy and the Performance Plan utilizing their independent professional judgment and in consultation with the Committee and the Director of Education.

4.4 Mid-Year Review

- 4.4.1 There shall also be a mid-year review in which the Chair of the Committee shall, through the external consultant, solicit and collect feedback from members of the Board of Trustees using a *performance appraisal questionnaire*. The questionnaire shall be provided to members of the Board by no later than January 11 and shall be completed and returned to the external consultant by no later than January 21. The external consultant shall summarize the results in a report and shall facilitate a meeting between members of the Committee and the Director of Education to review progress toward implementing the actions and achieving the goals set out in the Performance Plan and to discuss other matters relevant to the Performance Plan.

4.5 Interim Evaluation

- 4.5.1 Any newly hired Director of Education may be subject to an initial interim evaluation before starting a full evaluation cycle (which always commences on July 1). The steps and timing of an interim evaluation are as set out in the Appraisal Regulations.

4.6 Performance Appraisal Report

- 4.6.1 The Committee shall, through the external consultant, prepare a draft performance appraisal report summarizing the performance appraisal, setting out a performance rating and providing an explanation for the rating. In this regard, the Committee shall assign one of the following performance ratings to the Director of Education:

- 1) Meets all expectations.
- 2) Meets most expectations.
- 3) Meets some expectations.
- 4) Does not meet expectations.

- 4.6.2 In preparing the report and determining which performance rating to assign to the Director of Education, the Committee shall consider the following factors:

- 1) The extent to which the Director of Education worked diligently and consistently toward the implementation of the actions identified in the Performance Plan.
- 2) The efforts made by the Director of Education to engage Board staff, community partners and stakeholders, and others in the development of the goals and implementation of the actions identified in the Performance Plan.
- 3) The degree of success the Director of Education had in achieving the goals set out in the Performance Plan, as informed by data available to the Board including the feedback and information set out in any report under section 4.3 of this policy and the information collected by any school climate surveys (under section 269.1(2.1) of the *Education Act* in respect of the evaluation cycle, if applicable.
- 4) The rationale provided by the Director of Education for the actions that were not implemented and the goals that were not achieved.
- 5) The effectiveness of efforts made to overcome challenges faced by the Director of Education in implementing the actions identified in the Performance Plan.
- 6) The demonstrated ability and willingness of the Director of Education to address, in the future, the actions that were not implemented and goals that were not achieved.

- 4.6.3 The Chair of the Committee shall by no later than June 20, through the external consultant, provide a draft of the *Director's Appraisal Report* to every member of the Board of Trustees for review and comment. Comments are to be provided by no later than June 30.

- 4.6.4 The draft report is also to be provided to the Director of Education by no later than July 7.

- 4.6.5 Thereafter, and by no later than July 31, the Chair of the Committee and the other members of the Committee shall, together with the external consultant, meet with the Director of Education to

obtain comments from the Director of Education as to the contents of the draft Director's Appraisal Report, including the performance rating and explanation for the rating.

- 4.6.6 The feedback from the members of the Board and from the Director of Education shall be considered by the Committee, in consultation with the external consultant.
- 4.6.7 The Committee shall, through the external consultant, advise the Director by no later than August 1st, whether and how it proposes to address any Feedback from the Director of Education in the final report.
- 4.6.8 In the event that the Director of Education does not agree with the Committee's proposal as to the final report, the Director may advise the external consultant of the objection, following which the external consultant shall coordinate a dispute resolution panel. The deadline for the Director doing so is August 2nd. The panel shall consist of the following:
- (a) One panel member selected by the Director of Education
 - (b) A second panel member selected by the Chair of the Committee and
 - (c) A third panel member of the panel with expertise in mediation, suitable to the two other panel members.
- 4.6.9 The panel members may not be employees of the DDSB. The panel shall control its procedure with a view to a fair but informal and expeditious proceeding that must be concluded by no later than August 8th. This is not a proceeding to which the *Statutory Powers Procedures Act* applies. The panel shall consider all relevant information presented by the Committee, the Director of Education. The panel may request submissions from the external consultant. The conclusion of this process will be a non-binding recommendation(s) from the panel to the Committee as to the form and content of the final report.
- 4.6.10 The final report shall be completed by the Committee and provided to the Board of Trustees and the Director of Education by August 10. The Board of Trustees shall adopt the final report by way of resolution (the contents of the report shall remain confidential) by no later than August 15.
- 4.6.11 By August 15, the Board shall post and deliver the requisite notices and confirmations as called for in the Appraisal Regulations regarding the completion of the appraisal.

5.0 Evaluation

- 5.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but it shall be reviewed at least every 5 years.

6.0 Reference Documents

- 6.1 The Education Act
- 6.2 [Indigenous Education Policy](#)
- 6.3 [Human Rights, Anti-Discrimination and Anti-Racism Policy](#)
- 6.4 Safe and Respectful Workplace and Harassment Prevention Policy

Appendix:
None

Effective Date:

2020-07-09

Reviewed and Amended:

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