



# Governance and Policy Committee Agenda

GPC:004A

Wednesday, May 3, 2023

4:30 p.m.

Boardroom, Main Floor, 5050 Yonge Street, Toronto

## Trustee Members:

Yalini Rajakulasingam (Chair), Sara Ehrhardt, Liban Hassan, Patrick Nunziata, Weidong Pei,  
Anu Sriskandarajah

	<b>Pages</b>
<b>1. Call to Order and Acknowledgement of Traditional Lands</b>	
<b>2. Approval of the Agenda</b>	
<b>3. Declarations of Possible Conflict of Interest</b>	
<b>4. Delegations</b>	
To be presented	
<b>5. Community Advisory Committee Reports</b>	
5.1 Parent Involvement Advisory Committee Report, February 28, 2023	
1. PR542, Changing a Timetable Consultation Process	1
<b>6. Staff Reports</b>	
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7.2 PR740, Workplace Harassment Investigation (Non-Code): New  
Procedure [4527]

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**8. Adjournment**



**Statutory Committee**

**Name of Committee:** Parent Involvement Advisory Committee (PIAC)

**Meeting Date:** 28 February 2023

**Directed To:** Governance and Policy Committee

A meeting of the Parent Involvement Advisory Committee convened on 28 February 2023 from 7:00 p.m. to 9:46 p.m. via Zoom with PIAC Co-Chairs Sharon Grant and Andrew Waters presiding

<p><b>Attendance:</b></p>	<p>Sarah Ali (W2), Kaydeen Bankasingh (W8), Janice Barnett(W11 ), Manna Begum(W10), Shanti Chand (W19), Liesha Earle (W12), Jenny Gannon (W14), Sharon Grant (PIAC Co-Chair), Tamasha Grant(W4), Madelaine Hamilton(W16), Zuojun Han(W20), Nadia Judunath(W22), Ayan Kaillie(W7) Felicia Lau (PIAC OPICA Liaison), Susan Lee(W12 ), Chris Levien(W20), Nicole Marshall (W22), Melanie Medeiros-Sims(W9), Seema Mitchell(W18), Abdul Azeem Mohammed (W21), Tanya Ono (W17), Bruce Oyelowo(10), Sandreen Porter (W5), Alice Romo (W7), Jessica Ruiz (W4), Nazerah Shaikh (W14), Zena Shereck(W5), Crystal Stewart (W6), Karin Trajcevski (w9), Jennifer Volk(W15), Andrew Waters (PIAC Co-Chair), Nicole Williams(W17), Mohammad Yousuf(W15), Jenny Zeng (W13), Jun Zheng (W13), Charles Zhu(W11)</p> <p>Exec Superintendent Shirley Chan, Chris Ferris Senior Manager, Garry Green Senior Manager Trustee Debbie King, Latha John (Committee Assistant), Michelle Munroe (Central Coordinator, PCEO), Lisa Nantais (Policy Officer), Associate Director Audley Salmon</p>
<p><b>Regrets:</b></p>	<p>Erin Clarke (W1), Anshu Grover (W8), Towhid Noman (CLG), Exec Superintendent Uton Robinson, Frances Shawera (W2), Saira Somani (W3)</p>

## Recommendations

### PR542, Changing a Timetable Consultation Process

PIAC recommends:

- (a) That the Board and the Director provide PIAC with information on the consultation process, per procedure PR542, Changing a Timetable on the scheduling for the 2023/2024 year of all secondary schools;
- (b) That PIAC community members and all stakeholders be consulted on the revision of procedure PR542, Changing a Timetable; and
- (c) That decisions made to transition high schools to semester be reviewed following consultations referenced above.

**Report Submitted by:** Executive Superintendent Shirley Chan, Executive Superintendent Uton Robinson and Michelle Munroe Central Coordinator PCEO



## **Purchasing Policy (P017) Review, Phase 5, and Rescission of Architect Selection Policy (P026)**

**To:** Governance and Policy Committee

**Date:** 3 May, 2023

**Report No.:** 03-23-4495R

### **Strategic Directions**

- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

### **Recommendation**

It is recommended that:

- (1) the revised Purchasing Policy (P017), as presented in this report, be approved; and,
- (2) the Architect Selection Policy (P026) be rescinded.

### **Context**

At the March 21, 2023 Governance and Policy Committee and subsequently the April 26, 2023 Board meeting, the Board of Trustees requested additional information and referred consideration of the Purchasing Policy (P017) Review, Phase 5, and Rescission of Architect Selection Policy (P026) to the May 3 Governance and Policy Committee.

The Purchasing Policy (P017) (Appendix A) is being reviewed in accordance with the Policy Review Schedule and Policy Review Work Plan (Appendix B) approved by the Board of Trustees on September 25, 2019.

As outlined in the approved Policy Review Work Plan, the Architect Selection Policy (P026) (Appendix C) is merged with and incorporated in the revised Purchasing Policy.

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The Architect Selection Policy will be rescinded after approval of the revised Purchasing Policy. Architect selection processes will be detailed in the Architects and Engineering Consultants Selection Procedure (PR513). Appendix G of this report provides detail of the continued participation of trustees and school community in the design phase of a capital project.

Revisions to the Purchasing Policy (P017) are based on a review of legislative requirements, government policy directions, including the Ontario Broader Public Sector Procurement Directive, Supply Chain Code of Ethics, Board Member Code of Conduct (P075), decisions of the Board of Trustees, including Board resolution of October 26, 2022 respecting social procurement (Appendix D), Integrity Commissioner recommendations of May 5, 2022 regarding removal of Trustee participation in the selection of architects for capital projects and outside legal counsel (Appendix E), as well as best practices and operational requirements.

One of the proposed revisions to the Purchasing Policy (and architect selection) relates to mitigation of risks associated with Trustee participation in the procurement of architects and external legal services. As outlined in the Integrity Commissioner's recommendations, the inclusion of political considerations is not consistent with the independent nature of public sector procurement, and accordingly, political inclusion and/or interference in purchasing could be seen as an improper use of influence of the office. Furthermore, operational decisions (such as procurement) are properly in the domain of staff, with general governance oversight to be provided by the Board of Trustees, not by individual Trustees. The proposed changes to the Policy are consistent with the practices of majority of school boards (Appendix F), as they align with the Broader Public Sector Procurement Directive and mitigate potential risks related to conflict of interest and/or contravention of the Board Member Code of Conduct (P075).

The revised draft Policy provides opportunity for Trustees and school communities to provide input as part of the consultations process and participation in school design selection/discussions as per the process outlined in Appendix G.

As part of the policy review process, policy consultations took place between April 8 to May 23, 2022. The feedback obtained through public consultations was reviewed and is reflected in the draft revised Policy.

The revised Purchasing Policy (Appendix H) is being presented to the Committee for consideration and approval.

## **Action Plan and Associated Timeline**

Subject to the Governance and Policy Committee's directions, the revised Policy will be provided to the Board of Trustees for consideration and final approval. Staff will initiate the review of existing and, as required, development of new operational procedures to support implementation of the Policy.

## **Resource Implications**

No additional resources will be required for implementation of the Policy at this time.

## **Communications Considerations**

Following Board approval, the revised Policy will be communicated to the system and posted on the Board's public website.

## **Board Policy and Procedure Reference(s)**

- Architect Selection Policy (P026)
- Architects and Engineering Selection Procedure (PR513)
- Board Member Code of Conduct (P075)

## **Appendices**

- Appendix A: Purchasing Policy (P017) – current
- Appendix B: Policy Review Work Plan
- Appendix C: Architect Selection Policy (P026) – to be rescinded
- Appendix D: Board Resolution – Social Procurement
- Appendix E: Integrity Commissioner Recommendations
- Appendix F: Summary of Selected Policies and Practices of Other School Boards
- Appendix G: Summary of Trustee and School Community Participation in School Design Phase
- Appendix H: Purchasing Policy (P017) – revised draft

## **From**

Stacey Zucker, Associate Director, Modernization and Strategic Resource Alignment, at [Stacey.zucker@tdsb.on.ca](mailto:Stacey.zucker@tdsb.on.ca) at 416-397-3188

Craig Snider, Executive Officer, Finance, at [craig.snider@tdsb.on.ca](mailto:craig.snider@tdsb.on.ca) at 416-395-8469

Chris Ferris, Senior Manager, Administrative Services, at [chris.ferris@tdsb.on.ca](mailto:chris.ferris@tdsb.on.ca) at 416-395-8036

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# Toronto District School Board

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Policy P017

Title: **PURCHASING**

Adopted: October 24, 2001

Revised: April 10, 2002; January 28, 2004; September 21, 2005;  
January 31, 2007; May 18, 2011; **June 17, 2015**

Reviewed: November 2011

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## 1.0 OBJECTIVE

To establish administrative requirements for the purchase and supply of materials, equipment and services

## 2.0 RESPONSIBILITY

Associate Director, Finance and Operations

## 3.0 DEFINITIONS

*Consultant* means a person or entity that under an agreement, other than an employment agreement, provides expert or strategic advice and related services for consideration and decision-making. An individual or organization is considered a consultant if they provide the following services:

- Management Consulting (i.e. helping improve performance, primarily through the analysis of existing problems and development of plans for improvement. This includes organizational change management assistance and strategy development);
- Information Technology Consulting (i.e. advisory services that help clients assess different technology strategies, including aligning their technology strategy with their business or process strategy);
- Technical Consulting (i.e. strategic advice related to actuarial science, appraisal, community planning, employment/placement, engineering, health sciences, interior design, realty, social sciences);
- Policy Consulting (i.e. the provision of advisory services to provide policy options, analysis and evaluation);
- Communication Consulting (i.e. the provision of strategy and advice in conveying information through various channels and media

*Consulting Services* is the provision of expertise or strategic advice that is presented for consideration, and decision making.

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*Non-Consulting Service Provider* is an individual/company who contracts to provide services, other than consulting services to another individual or business. Examples may include “consultants” such as property brokers, head hunters or trainers.

(See Appendix A for examples of consulting services and non-consulting service providers and exemptions.)

#### **4.0 POLICY**

##### **4.1. General**

- (a) Purchasing and Distribution Services shall be responsible for the purchase and supply of all materials, equipment and services required by the Board, except land purchases, insurance, employee fringe benefit contracts and miscellaneous petty cash and purchase-card purchases.
- (b) Purchasing and Distribution Services shall not make any purchases on behalf of employees or members of the Board.

##### **4.2. Musical Instrument Repair**

Schools shall use only the vendors approved by the Board when purchasing repairs to musical instruments.

##### **4.3. Legal Services**

Prior to a Request for Proposal being issued for legal services, staff shall present a clearly defined selection process, including trustee participation, for the Board’s consideration, and the participating trustee or trustees shall be appointed by the Board.

##### **4.4. Approval Authority**

- (a) Contracts for consulting services\* up to \$50,000 shall be acquired using the Request for Quotation process and may be approved by the Director, or designate.
- (b) Contracts over \$50,000 for consulting services shall be acquired using the Request for Proposal process and approved by the Board prior to an award.
- (c) Where a sole-source consulting services contract exceeding \$50,000 is deemed necessary, the user department shall receive Board approval prior to an award.
- (d) Contracts for goods and non-consulting services over \$50,000 and up to \$175,000, exclusive of taxes, may be approved by the Director, or designate,

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\* See definitions below

and presented to the appropriate standing committee for information, except those undertaken by Facility Services.

- (e) Contracts for goods and non-consulting services over \$175,000 and up to \$250,000, exclusive of taxes, may be approved by the appropriate standing committee and presented to the Board for information.
- (f) Contracts for goods and non-consulting services over \$250,000, exclusive of taxes, shall be approved by the Board, except those undertaken by Facility Services.

#### 4.5. Facility Services Contracts

- (a) Contracts for goods, non-consulting services, and construction/maintenance undertaken by Facility Services over \$50,000 and up to \$500,000 may be approved by the Director, or designate, and presented to the appropriate Board standing committee for information.
- (b) Contracts for goods, non-consulting services, and construction/maintenance undertaken by Facility Services over \$500,000 and up to \$1,000,000 may be approved by the appropriate standing committee and presented to the Board for information.
- (c) Contracts for goods, non-consulting services, and construction/maintenance over \$1,000,000 undertaken by Facility Services shall be approved by the Board.
- (d) The approval requirements in the purchasing policy shall not apply in the event of an emergency which includes, but is not limited to situations where a risk to health and/or safety of students and/or staff exists, or situations where a risk exists of imminent damage to any of the Board's school sites, properties or facilities.
- (e) The Director, in consultation with the Chair of the appropriate standing committee, may call meetings to approve contracts during months where there are no scheduled meetings and report such approvals at the first scheduled Board meeting.

#### 4.6. Collaborative Services

The Board is committed to working collaboratively with other boards and, where applicable, other public sector agencies, to develop cooperatives and shared services in a wider range of board operations.

#### 4.7. Accountability

The Director shall present a report to the Board, in October of each year, outlining all collaborative ventures entered into by the Board during the previous fiscal year including the measurements and effectiveness of existing collaborative ventures.

**5.0 SPECIFIC DIRECTIVES**

The Director has authority to issue operational procedures to implement this policy.

**6.0 REFERENCE DOCUMENTS**

PR.680 Consulting Services

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1. Examples of Consulting Services

- (a) Communications – an individual or organization is engaged to develop a communications strategy;
- (b) Training – an individual or organization is engaged to develop a training plan for the organization;
- (c) Professional Services – an architect is engaged to develop a ten year strategy;
- (d) Information Technology – an organization is engaged to develop an IT strategy;
- (e) Operations – an individual or organization is engaged to assess operational performance;
- (f) Executive Management – an individual is engaged to advise the executive team on communicating to the media;
- (g) Employment – an individual is engaged on retainer to provide ongoing expertise to the organization.

2. Examples of Non-Consulting Service Provider

- (a) Communications - an individual or organization is engaged to design a newsletter;
- (b) Training – an individual is engaged to develop and deliver a specific training program;
- (c) Professional Services – an architect is engaged to design a specific building;
- (d) Information Technology – an individual is engaged to create a data base that will support an IT implementation;
- (e) Operations – an individual or organization is engaged to implement process improvements on specific operational processes;
- (f) Executive Management – an individual is engaged to facilitate executive team building sessions;
- (g) Employment – a specialist is engaged on a temporary basis to manage a specific assignment but is **not** on the payroll;
- (h) Employee – an individual is hired on a full or part time temporary basis and is on the payroll.

Exemptions

Services that do not constitute Consulting Services as defined above include:

- (a) Services provided under an employee-employer relationship and paid through Payroll;
- (b) Contracted-out/outsourced services which include, but may not be limited to, snow removal, cafeteria operations; cartage; etc.;
- (c) Fees, which include, but may not be limited to, honoraria, training courses instruction, etc.;
- (d) Tendered work for which the task to be done and the method used to do it are both known, and suppliers/contractors compete only on price;
- (e) Temporary clerical and/or technical staff that is hired directly or through agencies (e.g. Office Overload, Pinstripe, etc.) on a per diem basis to address peak period needs and/or temporary staff shortages;
- (f) Auditing and Banking services.

**POLICY REVIEW WORK PLAN**

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Date: [August 22, 2019](#)

All policies will be reviewed to ensure consistency with the TDSB’s Mission, Values and Goals Policy (P002), the Equity Policy (P037) and the Board’s Multi-Year Strategic Plan.

**POLICY INFORMATION**

Policy Title and Policy Number: [Purchasing Policy \(P017\)](#)

Review during fiscal year: [2019/2020](#)

Last reviewed: [June 17, 2015](#)

Director’s Council member responsible for this Policy review: [Associate Director, Business Operations and Service Excellence](#)

**Phase I. PLANNING AND OBTAINING TRUSTEES’ DIRECTIONS**

This Policy Review Plan has been discussed with the Policy Coordinator:

- Yes
- No

This Policy Review Work Plan will be discussed at the Governance and Policy Committee meeting held on:

**Phase II. REVISIONS**

**Formatting Changes**

The Policy will be reformatted to ensure alignment with the current Policy Template (Operational Procedure PR501, Policy Development and Management, Appendix A):

- Yes
- No

**Content Changes**

The Policy requires content revisions:

- Yes
- No

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The content changes are due to the following reason(s):

- Legislation
- Government directives/policies
- Board decisions
- Multi-Year Strategic Plan requirements
- Operational requirements
- Simplify and/or update using plain language
- Alignment with Equity Policy

Detailed information on the proposed content changes:

- Incorporate relevant policy statements found within the Purchasing and Distribution department's internal document such as:
  - Including general requirements under the competitive bidding process as well as non-competitive purchasing;
  - Introducing the total cost of ownership model and the relationship of purchasing to Board priorities including the stewardship of Board resources;
  - Adding provisions relating to suppliers, including vendor of record process, vendor performance and vendor responsibilities;
  - Expanding the Collaborative Purchasing section with information on cooperative purchasing; and
  - Including general statement regarding public tender/proposals process.
- Alignment of the policy with requirements of the Canada Free Trade Agreement and the Canada-European Union Comprehensive Economic and Trade Agreement, specifically:
  - Collection and reporting of procurement statistics;
  - Revised/expanded rules and procedures around bid posting periods, evaluation criteria, posting of contract award information, and vendor debriefings
  - Bid dispute procedures
- Consider merging of the Purchasing Policy (P017) with the Architect Selection Policy (P026);
- Incorporate and/or clarify elements of the Broader Public Sector Procurement Directive as necessary;
- Enhance the Accountability section of the Policy including introduction of Code of Ethics and Conflict of Interest sections;
- 
- Include environmental purchasing consideration as a criterion for procurement; and
- Equity considerations as part of the purchasing criteria, consistent with the



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TDSB's Equity Policy (P037).

A review of leading practices for similar policies across jurisdictions has been completed and is included with this Work Plan.

**Phase III. INTERNAL REVIEWS AND SIGN-OFFS**

The Policy review will include TDSB divisions affected by the Policy:

- Business Operations and Service Excellence
- Equity, Well-Being and School Improvement
- Human Rights and Indigenous Education
- Learning and School Improvement
- School Operations and Service Excellence

In addition, the following departments will be required to sign-off on the proposed Draft Policy:

- Legal Services
- Governance and Board Services
- Government, Public and Community Relations

A sign-off from the Director of Education will be obtained before proceeding with external consultations and/or Committee/Board approval.

- Director of Education

**Phase IV. EXTERNAL CONSULTATIONS**

Are external consultations applicable to this Policy?

- Yes
- No (*Ministry of Education mandated policy or corporate policy without external stakeholders*)

Mandatory external consultations will include, at a minimum:

1. Posting of the working draft Policy on TDSB website for public feedback (45 days minimum): 45 days
2. Extending invitations for consultation to:

Student Senate

and

all Community Advisory Committees of the Board and conducting consultations with the Community Advisory Committees that expressed interest (either individually with each interested committee or collectively with representatives of all interested committees): [January - February 2020](#)

- Alternative Schools Community Advisory Committee
- Black Student Achievement Community Advisory Committee
- Community Use of Schools Community Advisory Committee
- Early Years Community Advisory Committee
- Environmental Sustainability Community Advisory Committee
- Equity Policy Community Advisory Committee
- French-as-a-Second-Language Community Advisory Committee
- Inner City Community Advisory Committee
- LGBTQ2S Community Advisory Committee
- Parent Involvement Advisory Committee (PIAC)
- Special Education Advisory Committee (SEAC)
- Urban Indigenous Community Advisory Committee

In addition to mandatory consultations, other external participants and projected dates of consultation(s) include:

- School Councils
- Professional Associations and Unions
- Other:

The following methods will be applied in the external consultations:

- Public meeting
- Facilitated focus group
- Call for public delegations
- Expert panel discussion
- Survey
- Posting on the TDSB website
- Other:

## **Phase V. COMMITTEE/BOARD APPROVALS**

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Following external consultations and revisions, the working draft Policy will be presented to the Governance and Policy Committee on the following date: [March - April 2020](#)

Following recommendation by the Governance and Policy Committee, the revised Policy will be presented to the Board on the following date: [May - June 2020](#)

Once approved, the revised Policy will replace the existing policy on the TDSB website.

## Phase VI. IMPLEMENTATION

Following Board approval, the final revised Policy will be communicated through:

- Posting of the revised Policy on the TDSB website through the Policy Coordinator
- Sharing with staff through the System Leaders' Bulletin and the TDSB Connects
- Informing departments at staff meetings and channeling information to the school principals through respective superintendents
- Implementation of a broad communication plan for internal and external audiences, include summary of policy revisions and expected outcomes

Policy implementation will include:

- Conducting information/training sessions to TDSB staff affected by the Policy

The projected time period for conducting information/training sessions to staff will be: [June – September 2020](#)

- Review of associated procedures or initiate development of new procedures
  - [Consulting Services Procedure \(PR680\)](#)
  - [Delegation of Authority Procedure \(PR711\)](#)
  - [Occupational Health and Safety Purchasing Specifications \(PR674\)](#)

# Toronto District School Board

Policy P026

Title: **ARCHITECT SELECTION**

Adopted: November 24, 1998

Effected: November 24, 1998

Revised: June 26, 2003; **October 26, 2016**

Reviewed: March 2012, February 2013; October 26, 2016

Authorization: Board of Trustees

## 1.0 RATIONALE

The Architect Selection Policy establishes measures to ensure fairness and appropriateness during the selection of architects when required for major projects.

## 2.0 OBJECTIVE

To set out requirements for architect selection committees for major projects.

## 3.0 DEFINITION

*Board* is the Toronto District School Board, which is also referred to as “TDSB”.

*Major project* is a design and construction project at a single site with an estimated cost in excess of \$5 million, or a building addition of more than 2500 sq. ft. (232.34 m2).

## 4.0 RESPONSIBILITY

Associate Director, Facilities, Sustainability and Employee Services

## 5.0 APPLICATION AND SCOPE

This policy applies to Board staff involved in procurement and management of architect services.

## 6.0 POLICY

6.1 For major construction projects, an architect selection committee shall be established to interview architects and to recommend the best candidate to the Board for consideration. The architect selection committee will comprise staff representatives, as prescribed in the corresponding operational procedure, and shall include the local trustee.

6.2 Architect services will be procured in accordance with the TDSB Purchasing Policy (P017).

**7.0 SPECIFIC DIRECTIVES**

The Director is authorized to issue operational procedures to implement this policy.

**8.0 EVALUATION**

This policy will be reviewed as required, but at a minimum every four (4) years after the effective date.

**9.0 APPENDICES**

Not applicable

**10.0 REFERENCE DOCUMENTS**

- Purchasing Policy (P017)
- Architects and Engineering Consultants Selection Procedure (PR513)

Governance and Policy Committee, Report No. 09, October 6, 2022

**Governance and Policy Committee  
Report No. 09**

GPC:009A

Thursday, October 6, 2022

4:30 p.m.

Electronic Meeting

Members Present            Trustees Yalini Rajakulasingam (Chair), Michelle Aarts, Harpreet Gill, Shelley Laskin, Anu Sriskandarajah, Jennifer Story and Chris Tonks

Also Present                Trustees Rachel Chernos Lin, Stephanie Donaldson, Trixie Doyle, Dan MacLean, Robin Pilkey, Aleem R. Punja, Student Trustee Naomi Musa and Indigenous Student Trustee Isaiah Shafqat

All trustees participated by electronic means in accordance with [amendments to Section 7 of Ontario Regulations 463/97, Electronic Meetings](#).

Part A: Committee Recommendations

**1. P062, Alternative Schools Policy: Policy Review, Phase 5 [4409]**

The Committee considered a report from staff (see GPC:009A, page 1) presenting a revised policy regarding Alternative Schools.

**Moved by:** Trustee Laskin

**Seconded by:** Trustee Sriskandarajah

The Governance and Policy Committee **RECOMMENDS** that the revised policy **P062, Alternative Schools, as presented in the report, be approved.**

**Carried**

**2. PR582(b), Trustee Expense: Revised Governance Procedure [4410]**

The Committee considered a report from staff (see GPC:009A, page 19) presenting revisions to governance procedure PR582(b), Trustee Expense.

**Moved by:** Trustee Aarts

**Seconded by:** Trustee Laskin

Governance and Policy Committee, Report No. 09, October 6, 2022

The Governance and Policy Committee **RECOMMENDS** that the revised governance procedure PR582(b), **Trustee Expense**, as presented in the report, be approved.

Carried

### **3. Renaming Schools Reference Committee: Update [4411]**

The Committee considered a report from staff (see GPC:009A, page 75) presenting an on the work of the Renaming Schools Reference Group.

**Moved by:** Trustee Sriskandarajah

**Seconded by:** Trustee Laskin

The Governance and Policy Committee **RECOMMENDS** that the report be received.

Carried

Staff undertook to revise the report based on Committee discussion and share the revised report at the next Regular Board meeting on October 26, 2022.

### **4. Social Procurement**

**Moved by:** Trustee Sriskandarajah

**Seconded by:** Trustee Aarts

The Governance and Policy Committee **RECOMMENDS:**

**Whereas, to increase vendor options for the Toronto District School Board by providing diverse vendors and social purpose business (as certified by a Vendor Certification Organization) with equitable access to tender opportunities; and**

**Whereas, this will have financial benefits by allowing the TDSB to achieve best value by looking at a full range of procurement offerings; and**

**Whereas, this is in keeping with the Board's commitment to equity and principles of sustainability and community well-being; and**

**Whereas, this will demonstrate a commitment to equity through the Board's purchasing power; and**

**Whereas, policy P017, Purchasing is currently under review;**

**Therefore, be it resolved:**

**That the Director consider equity, diversity and social responsibility, where appropriate and feasible, in reviewing policy P017, Purchasing.**

Carried

Governance and Policy Committee, Report No. 09, October 6, 2022

Part B: Information Only

**5. Call to Order and Acknowledgement of Traditional Lands**

An electronic meeting of the Governance and Policy Committee was called to order at 4:31 p.m., with Yalini Rajakulasingam, presiding.

**6. Approval of the Agenda**

At the Committee meeting, Trustee Sriskandarajah requested that the agenda be reordered to allow for consideration of agenda item 6.1, Social Procurement (Trustees Sriskandarajah and Rajakulasingam), following item 5.2, PR582(b), Trustee Expense: Revised Governance Procedure [4410]

On motion of Trustee Aarts, seconded by Trustee Laskin, the agenda was approved, as amended.

**7. Declarations of Possible Conflict of Interest**

No matters to report

**8. Delegations**

No matters to report

**9. PR582(a), Employee Expense: Revised Procedure [4412]<sup>1</sup>**

The Committee noted information provided on revised procedure, PR582(a), Employee Expense (see GPC:008A, page 95).

**10. PR737, Disconnecting From Work: New Procedure [4408]<sup>2</sup>**

The Committee noted information provided on revised procedure, PR737, Disconnecting from Work (see GPC:008A, page 153).

<sup>1</sup> Note: On November 10, 2021, the Board decided, inter alia, that operational procedures be included in the committee agenda package for information only and would not be presented by staff during the meeting, with questions and discussion held until the end of the meeting, as required.

<sup>2</sup> Note: On November 10, 2021, the Board decided, inter alia, that operational procedures be included in the committee agenda package for information only and would not be presented by staff during the meeting, with questions and discussion held until the end of the meeting, as required.



Governance and Policy Committee, Report No. 09, October 6, 2022

**11. PR697, Promoting a Positive School Climate: PPM 144 Updates [4413]<sup>3</sup>**

The Committee noted information provided on revised procedure, PR687, Promoting a Positive School Climate (see GPC:008A, page 163).

**12. PR597, French Immersion/Extended French: Revised Procedure [4377]<sup>4</sup>**

The Committee noted information provided on revised procedure, PR597, French Immersion/Extended French (see GPC:008A, page 207).

**13. Adjournment**

On motion of Trustee Laskin, seconded by Trustee Aarts, the meeting adjourned at 6:02 p.m.

**Part C: Ongoing Matters**

No matters to report

Submitted by: Yalini Rajakulasingam, Committee Chair

<sup>3</sup> Note: On November 10, 2021, the Board decided, inter alia, that operational procedures be included in the committee agenda package for information only and would not be presented by staff during the meeting, with questions and discussion held until the end of the meeting, as required.

<sup>4</sup> Note: On November 10, 2021, the Board decided, inter alia, that operational procedures be included in the committee agenda package for information only and would not be presented by staff during the meeting, with questions and discussion held until the end of the meeting, as required.



**ADR**  
C H A M B E R S

**Integrity Commissioner Office**  
for the Toronto District School Board

MICHAEL L. MAYNARD  
Integrity Commissioner  
Toronto District School Board  
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May 5, 2022

**Purchasing Policy P017 – Proposed Amendments,  
Review by Integrity Commissioner, Michael L. Maynard**

I was requested to provide my input on a proposed amendment to the Board's Purchasing Policy respecting the selection of architects for capital projects and outside legal services. I have reviewed the proposal in the context of the ethical obligations of Trustees under the Trustee Code of Conduct ("Code") and have also considered the role of elected representatives in procurement more broadly.

- Under the Code, Trustees "...should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real (s. 6.1(c));
  - There is the potential for ethical issues to arise where elected representatives are involved in bid evaluation. As a general rule, there should be no political interference in the awarding of government contracts. Given that they are elected representatives, the role of Trustee is inherently political.
  - While it is understandable that Trustees, as representatives of their communities, may be involved in discussions of elements of school design via community comment / feedback processes (as these decisions directly affect the community), evaluation of bids for architectural services through an open tender process is the best left to qualified staff who are able to evaluate bids from a neutral standpoint on the basis of applicable economic and technical considerations. The Margaret Wilson Report<sup>1</sup> (pp. 10-14) lays out a number of concerns with direct Trustee involvement in procurement and hiring.

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<sup>1</sup> [Review of the Toronto District School Board \(gov.on.ca\)](http://gov.on.ca)

- Ontario's Broader Public Service Procurement Directive<sup>2</sup> (which applies to school boards) sets out certain rules, including, among others, that: "Mandatory criteria (e.g., technical standards) should be kept to a minimum to ensure that no bid is unnecessarily disqualified," while conversely "Maximum justifiable weighting must be allocated to the price/cost component of the evaluation criteria," (s. 7.2.9). Furthermore, "Organizations must not discriminate or exercise preferential treatment in awarding a contract to a supplier as a result of a competitive procurement process," (7.2.14).
  - The inclusion of political considerations is not consistent with the independent nature of public sector procurement, and accordingly, political inclusion and/or interference in purchasing could be seen as an improper use of influence of the office.
- Section 6.9 of the Code outlines the obligations of Trustees vis-à-vis their relationship to staff, and highlights that Trustees are required to carry out their duties as defined in section 218.1 of the *Education Act*. This references the role of Trustees to be involved in governance, but not in day-to-day operations, which is the remit of staff (who are responsible to the Board as a whole, not to individual Trustees). Accordingly, it is my view that operational decisions (such as procurement) are properly in the domain of staff, with general governance oversight to be provided by the Board, not by individual Trustees.
- In my experience, it is unusual for individual elected representatives to be directly involved in the evaluation of bids (except in limited circumstances which, to my knowledge, does not include capital projects).
  - The Toronto Catholic District School Board does not include individual Trustees in the selection of architects for capital projects.
  - The Peel District School Board's *Selection of Architects Policy* provides for a committee to select pre-qualified bidders, and then to evaluate individual bids from that pre-qualified pool. No Trustees are on this committee.
  - While I did not canvass every municipality in the Province, it is my understanding and experience (as a Municipal Integrity Commissioner / IC investigator in numerous municipalities) that individual elected officials are not involved in the operational aspects of procurement. Municipal Councils may become involved at the point where

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<sup>2</sup> [Broader Public Sector Procurement Directive \(gov.on.ca\)](http://gov.on.ca)

recommendations are put before them for approval (which is in line with the governance role of the elected body). Specific rules are generally in place that require elected individuals to refer any procurement questions that may come their way to the responsible staff person(s).

- Lobbying restrictions are in place at all levels of government to avoid the improper influence of interested parties on elected officials and public servants, in order to prevent the potential for corruption and/or unfairness in procurement or even the perception thereof. This is critical to maintaining public trust in how public money is spent by public institutions.

All of the above comments also apply to section 4.3 of P.017 (Purchasing Policy), which currently requires trustee participation in the selection of outside legal counsel. Again, there is a strong ethical and business “best-practices” basis for the removal of such provision and the cessation of Trustee participation in the selection of external legal services providers.

- This approach is supported by the example set out at the Toronto Catholic District School Board in section 5 of policy A.12 (Legal Services), which states: *“The Board will acquire legal services through the appropriate procurement process as prescribed by the Broader Public Sector (BPS) Procurement Directive, to ensure that external legal counsel are providing the highest quality professional services at a competitive price.”*

Please note that none of the above constitutes legal advice and it is provided strictly in accordance with my role as the Board’s independent ethics officer. Accordingly, the Board should consult with its own legal team in regard to any legal questions that may arise from these (or other) considerations relative to the proposed policy amendments.

Yours very truly,



Michael L. Maynard  
Integrity Commissioner  
Toronto District School Board

## Summary of Selected Policies/Practices of Other School Boards

This summary includes selected policies/practices of other comparable school boards as it relates to the role of elected officials in architect selection. Through a scan of at least eighteen (18) school boards (i.e., Toronto Catholic DSB, Toronto DSB, Peel DSB, York DSB, Thunder Bay Catholic DSB, Lakehead DSB, Waterloo Catholic DSB, Waterloo Region DSB, Halton DSB, Halton Catholic DSB, Ottawa-Carleton DSB, Simcoe DSB, Thames-Valley DSB, Dufferin-Peel Catholic DSB, DSB of Niagara, Lambton-Kent DSAB, Rainbow DSB and Durham DSB), the majority of organizations do not engage Trustees during the pre-qualification or bidding process (exceptions were Durham DSB and Rainbow DSB). Instead, Trustees are generally involved in discussions of elements of school design via community comment/feedback processes, with the staff presenting a report and recommendation to the Board for tender award.

## Role of Elected Officials in Architect Selection Policies

### Peel District School Board

Peel District School Board's *Selection of Architects Policy* provides for a committee to select pre-qualified bidders, and then to evaluate individual bids from that pre-qualified pool. No Trustees are on this committee, which is comprised of the Associate Director, a Superintendent of Education, Controller of Planning and Accommodation, Controller of Facilities and Sustainability, and Manager of Design and Construction (or their designates). The Committee puts forward a recommendation for Board of Trustees' approval.

Source: <https://www.peelschools.org/documents/1e0258d9-e7ce-4ca2-9e8f-c40eb17671f8/POLICY%2034%20-%20Selection%20of%20Architects.pdf>

### Toronto Catholic District School Board

The Toronto Catholic District School Board does not include individual Trustees in the selection of architects for capital projects.

Source: <https://www.tcdsb.org/o/corporateservices/page/procurement-services> and <https://assets.tcdsb.org/TCDSB/2235008/FP01-Related-Purchasing-Procedures-Manual.pdf>

### York Region District School Board

In the York Region District School Board's Appointment of Architects Policy, the Board of Trustees is responsible for:

- a. reviewing the Appointment of Architects policy in accordance with the priorities in the Trustees' Multi-Year Plan and the approved policy review cycle;
- b. understanding and communicating with members of the community about the Appointment of Architects policy, as required; and

- c. reviewing and approving the list of pre-qualified architectural firms which is prepared by a staff Committee every three to five years

As outlined in the operational procedure, staff on this Committee is responsible for the development of the pre-qualification document, evaluation and final recommendation of architectural firms deemed appropriate to be placed on the list of pre-qualified architectural firms. Trustees are not on this Committee and instead are provided with a recommended pre-qualified architect selection list for the approval of the Board of Trustees.

Source: <https://www2.yrdsb.ca/PP-408-AppointmentofArchitects>

### **Halton Catholic DSB**

Halton Catholic District School Board's Purchasing Policy and Procedure states that every competitive process requires a team that will be responsible for evaluating all compliant bids, with evaluation team members selected and their participation confirmed before the competitive documents have been posted publicly. Board evaluation team members will have been included in the development of the evaluation criteria and general requirements, and must sign a Conflict of Interest Declaration and Non-Disclosure Agreement. The Board must consider any Conflict of Interest during procurement activities applicable to all evaluation team members. Based on Halton Catholic DSB's policy, procedure and information available on its practices, it does not appear that Trustees are involved in the pre-qualification/selection process of vendors.

Source: <https://www.hcdsb.org/wp-content/uploads/2020/12/VI-11-Purchasing.pdf>

### **Simcoe County DSB**

Simcoe County District School Board's General Purchasing Policy and Procedure does not include Trustees in the pre-qualification/selection process of vendors.

Source:

<https://www.scdsb.on.ca/common/pages/DownloadFileByUrl.aspx?key=KOmgYGMAG6PhrATz4kjkKakzoHslpJznoGQhgFb509xVS%2fvzMn7RvAvtQGgXiPotODbAPhHes3DDQI0fzY0E5AsiAuQ%2bh8OplNcLXSOv15GerTPFv077CTfhxLlrm%2fMkldWGwlboRfj1yMWMB97Zq%2b0aVCRXWc8v%2f4NAQBzCWwifnbly7GhW6yBogd0qxqEOFiIRg%3d%3d> and <https://www.scdsb.on.ca/common/pages/DisplayFile.aspx?itemId=4976770>

### **Rainbow District School Board**

At Rainbow DSB which has approximately 41 schools and 14,500 students, the Chair of the Board or their designate is involved in the "submission opening committee" to review bids, specifically for Tenders of \$100, 000 and over. The submission opening committee consists of the Chair of the Board or designate; the manager of finance or designate; and the superintendent or manager of the originating department or their designate.

Source: <https://www.rainbowschools.ca/wp-content/uploads/2022/05/Purchasing-Code-of-Ethics-and-Procedures-May-2022.pdf>

### **Durham District School Board**

Durham District School Board's New Construction Policy, which was last reviewed in 2018, outlines the tender process for building construction projects. According to their Policy, building construction projects, will be publicly tendered and opened after the closing time by a Committee and where appropriate, a pre-qualification process may be used to evaluate prospective contractors prior to the tender process. As part of this pre-qualification process, the committee will consist of one Trustee, the Superintendent of Education/Facilities Services or designate (to act as a Chairperson), the architect (if applicable) for the project, and the Manager of Purchasing or designate.

Source: [https://durhamschboard.service-now.com/sys\\_attachment.do?sys\\_id=69ad6869dbdd7f405f6be3a84b9619c1&view=true](https://durhamschboard.service-now.com/sys_attachment.do?sys_id=69ad6869dbdd7f405f6be3a84b9619c1&view=true)

## Summary of Trustee and School Community Participation in Selection of School Design

The TDSB Capital Services is committed to a transparent and fair procurement process for major Capital project Architect selection. The first step in the selection process includes issuing a Request for Proposal (RFP) by the Purchasing team, with support from the Capital team. Once the Architect RFP proposals are received, the selection committee evaluates and completes the reference checks to determine the successful Architect.

The procedure for Architect selection includes an evaluation process based on 4 main criteria:

1. Firm experience and quality of team, with an emphasis on experience with institutional as well as school projects similar in size, value and scope
2. Technical & design abilities with demonstrated design excellence and creative solutions, as well as addressing budgetary and project timelines requirements
3. Professional fees
4. Interview of top candidate(s) based on the evaluation measures above

The proposed fees are weighted with the highest points in the evaluation, followed by the experience and technical abilities criteria. The top candidate(s) from this process progresses to the interview component of the evaluation with a pass or fail metric.

The Capital project evaluation committee consists of the manager of Purchasing Services (or designate), the manager of Capital Project Development and Community Consultation, the manager of Capital Project Delivery (or designate) and a designated Design Coordinator or Project Supervisor. As per the Broader Public Sector Procurement Guidelines, to ensure consistency in the evaluation process – the persons who undertake the interview must also have completed the evaluation of the other components/information set out in the evaluation matrix – as noted below:

*7.2.12 Mandatory Requirement #12: Evaluation Matrix Each evaluation team member must complete an evaluation matrix, rating each of the submissions. Records of evaluation scores must be retained for audit purposes.\*  
Issued by the Management Board of Cabinet, effective July 1, 2011.*

Once the Architect is selected and approved by Board, the design phase will include a multi step community consultation process. The Trustee and school will be invited to the Core Design Team (CDT) meeting at the initial stages of design to discuss project priorities and building location. The New School Review Team (NSRT) consisting of the CDT and parent representatives will meet during the early design phase to provide feedback and approval on the design proposal. At the end of the schematic design phase, a community presentation will be held, hosted by the school and/or Trustee, to share the design layouts with the community.



The project team will continue to update the Capital Project website providing key information and milestones to the public through the design and construction of each project. Additional community update presentations will be held at key points in the project life cycle. For more information on the Capital process and updates on current Capital projects, please visit: <https://www.tdsb.on.ca/About-Us/Facility-Services/Capital-Projects>

## Toronto District School Board

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 Policy P017

Title:	<b>PURCHASING</b>
Adopted:	October 24, 2001
Effectuated:	October 24, 2001
Revised:	April 10, 2002, January 28, 2004, September 21, 2005, January 31, 2007, May 18, 2011, June 17, 2015, <b>[new date]</b>
Reviewed:	November 2011, <b>[new date]</b>
Authorization:	Board of Trustees

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### 1. RATIONALE

This Purchasing Policy (the “Policy”) governs how the Toronto District School Board (the “Board” or “TDSB”) plans, acquires, and manages the sourcing of goods and services. As a public sector organization that is responsible to taxpayers and the larger school community, the Board is committed to integrity, fairness, and transparency for all procurement processes and decisions.

The Policy is consistent with the *Education Act* and all applicable laws, the Broader Public Sector Procurement Directive, as well as related interprovincial, federal, and international trade agreements.

### 2. OBJECTIVE

To establish the rules and requirements for the procurement of goods and services through purchasing methods and decisions which maintain the integrity of the procurement process and provide the best overall value to the Board.

### 3. DEFINITIONS

*Best Overall Value* refers to an optimal balance of quality/performance and cost which is based on pre-determined evaluation criteria. In competitive purchasing, this is best represented by the highest-ranked bid.

*Bid* is a quotation for goods and/or services usually in competition with other vendors.

*Board* is the Toronto District School Board, which is also referred to as the “TDSB”.

*Capital Project* refers to a design and construction project at a single site with an estimated cost in excess of \$5 million, for new construction and/or replacement, or a building addition of more than 5,000 sq. ft. (464.52 m<sup>2</sup>).

*Competitive Purchasing* refers to the acquisition of supplies, equipment, and services through a competitive process that ensures the best overall value for the funds expended to meet specific needs and promotes fair dealings and equitable relationships.

*Conflict of Interest* refers to situation(s) in which personal or private interests conflict with the interests of the Board or when there is a reasonable basis for the perception of such conflict.

*Consultant* means a person or entity that, under an agreement, other than an employment agreement, provides expert or strategic advice and related services for consideration and decision-making (source: Procurement Directive).

*Consulting Services* is the provision of expertise or strategic advice that is presented for consideration, and decision making. Consulting services may be related to management, technical, internet technology or communications, etc.

*Emergencies* refer to circumstances or situations beyond control which have the potential of affecting the health, well-being, life or safety of students or other personnel, or result in undue financial losses.

*Historically and Currently Underserved Communities:* Persons and communities who have experienced, and or, are more likely to experience, and or, are experiencing Bias, Oppression, disadvantage or Discrimination based on one or more of these factors: Colour, Creed, Culture, Ethnicity, linguistic origin, Disability or level of ability, socio-economic class, Age, Ancestry, Nationality, Place of Origin, Biological Sex, Gender Identity, Gender Expression, Sexual Orientation, Family Status, and Marital Status.

*Lobbying*, for the purpose of this Policy, means an attempt to influence staff or elected officials with respect to a decision related to procurement, TDSB Purchasing Policy and associated procedures.

*Non-Competitive Purchasing* refers to purchasing methods including single and sole source, as well as emergency purchases.

*Pre-Qualified Vendor List* refers to a selection of qualified vendors for goods and services based on specifications and standards established by the Board.

*Procurement* means the act of obtaining goods or services that includes the concepts of purchasing, leasing and renting, from an external source via tendering or competitive bidding process.

*Professional Services* means services rendered by an external provider with specific skills to successfully complete the task(s) required.

*Request for Proposal (RFP)* means a procurement document used by the Board to request vendors to supply solutions for the delivery of products or services, or to

provide alternative options or solutions to resolve an issue or technical, professional or management problem.

*Request for Tender (RFT)* means a formal written request for price submissions, normally accompanied by generic descriptions, performance specifications, and specific terms and conditions of supply.

*Single Source* refers to a purchasing method, -used for emergency, to ensure compatibility, maintain warranties or a statutory monopoly where there may be another supplier or suppliers capable of delivering the goods or services.

*Sole Source* refers to a purchasing method when there is no competition because there is only one known source of supply for particular goods or service requirements.

*Specification(s)* refers to the technical and descriptive requirements of a product and its intended use of application. Specifications ensure proper quality levels, suitability based on intended use, and assist in evaluating bids.

*TDSB* is the Toronto District School Board, which is also referred to as the “Board”.

*Total Lifecycle Cost* refers to the direct and indirect costs associated with a product, service or operation over its entire lifecycle and consideration of all costs, including but not limited to: acquisition, delivery, installation, removal, operating and disposal costs rather than solely the lowest price received.

#### **4. RESPONSIBILITY**

The Director of Education holds primary responsibility for implementation of this Policy.

Within the Director’s Office, the responsibility for the day-to-day management and coordination of the Policy is assigned to the Associate Director, Modernization and Strategic Resource Alignment.

#### **5. APPLICATION AND SCOPE**

This Policy applies to all Trustees, employees, goods and service providers and agents of the Board engaged in procurement activities on behalf of the Board.

The provisions of this Policy apply to the purchasing of goods and services by the Board. Real estate transactions are not governed by this Policy.

## 6. POLICY

### 6.1. General

- 6.1.1. Procurement at the TDSB will be open, competitive, and transparent with limited use of single- and sole-source methods under clearly stated conditions.
- 6.1.2. TDSB will procure goods and services in accordance with the mandatory requirements of the Broader Public Sector Procurement Directive, and in compliance with applicable legislation (e.g., Ontario's *Broader Public Sector Accountability Act, 2010*), international/ interprovincial trade agreements and treaties (e.g., Canada-European Union Comprehensive Economic and Trade Agreement (CETA), Canadian Free Trade Agreement (CFTA), see related operating procedure for a comprehensive list), and applicable Board policies and procedures.
- 6.1.3. Purchasing decisions will be based on the merits of the submissions, focussing on Best Overall Value where quality, functionality, safety, environmental and other requirements are met.
- 6.1.4. TDSB will make purchasing decisions that are consistent with the Human Rights Code (Ontario), privacy legislation, and all TDSB policies and procedures, including the Equity Policy (P037), Accessibility Policy (P069) and the Environment Policy (P028).
- 6.1.5. Contracts or purchases will not be divided to circumvent the requirements of this Policy or other TDSB policies and procedures including the Delegation of Authority Procedure (PR711). The annual or total project cost will be considered.
- 6.1.6. TDSB is prohibited from using public funds to hire lobbyists in accordance with the *Broader Public Sector Accountability Act*.

### 6.2. Supply Chain Code of Ethics and Ethical Behaviour

- 6.2.1. TDSB endorses the requirements and overall spirit of the Supply Chain Code of Ethics, which govern the conduct of supply chain activities as outlined in the Broader Public Sector Procurement Directive.
- 6.2.2. All employees and Trustees will maintain personal integrity and professionalism, accountability and transparency, and compliance and continuous improvement in all purchasing decisions in accordance with the Supply Chain Code of Ethics.
- 6.2.3. All employees and Trustees must avoid situations which may result in an actual or apparent conflict of interest and comply with all TDSB policies and procedures, as applicable, including:

- a) Employee Conflict of Interest (P057)
  - b) Employee and Community Partners Conflict of Interest (PR673)
  - c) Board Code of Conduct (PR585)
  - d) Board Member Code of Conduct (P075)
- 6.2.4. In accordance with the Employee and Trustee Expenses Policy (P016) and accompanying Employee Expense Procedure (PR582a), acceptance or offer of hospitality may constitute actual or perceived conflict of interest. Therefore, employees must consider the potential risks and exercise caution before accepting or offering gifts. An employee may only accept the hospitality of a gift over the course of the professional relationship, if all of the following criteria are met:
- a) The gift is an estimated value of \$50 or less and is infrequent and non-recurring, such as holiday candies or inexpensive giveaways;
  - b) An employee believes that the gift giver is not trying to obligate them, or improperly influence a decision;
  - c) It is considered normal and acceptable business practice for the purposes of courtesy and good business relations; and
  - d) Acceptance of the hospitality does not conflict with Board policies and procedures, and generally accepted ethical standards.
- 6.2.5. TDSB employees will decline any gifts and hospitality of value from vendors when the estimated value exceeds \$50. Acceptance of gifts and hospitality from vendors may be perceived as a conflict of interest.
- 6.2.6. Notwithstanding sections 6.2.4 and 6.2.5 above, employees involved in the evaluation of procurement bids , including assessment of bids, are prohibited from accepting any gifts.
- 6.2.7. Trustees are required to adhere to the rules outlined in the Board Member Code of Conduct (P075) pertaining to gifts, benefits and hospitality. Conflict of interest violations for Members of the Board will be managed in accordance with the Board Member Code of Conduct (P075). Trustees should consult with the Integrity Commissioner for advice on whether a matter constitutes an actual or perceived conflict of interest.

**6.3. Segregation of Duties and Responsibilities**

- 6.3.1 TDSB's central Purchasing Services Department is responsible for the purchase of supplies, materials, services, equipment, construction projects and insurance required by the Board, except for real estate (purchase and sale) which are provided by Toronto Lands Corporation. The Purchasing Services Department is also responsible for the disposal of surplus equipment.
- 6.3.2 TDSB will segregate at least three (3) of five (5) functional procurement roles: requisition, budgeting, commitment, receipt and payment. The responsibilities will be conducted by different departments or, at minimum, by different personnel.
- 6.3.3. Approval authorities which are authorized to approve procurements for different dollar thresholds will be outlined in the Delegation of Authority Procedure (PR711).

**6.4. Competitive Purchasing**

- 6.4.1 Before any external purchases are made, Purchasing Services Department will consider whether the requirements can be fulfilled through an existing contract or agreement to take advantage of volume economies and honour contractual obligations with vendors.
- 6.4.2 TDSB will post available open competitive purchase opportunities (e.g., Requests for Tenders and Requests for Proposals) through an electronic tendering portal accessible to all vendors.
- 6.4.3 Timelines for public posting of procurement of goods and services valued at \$100,000 or more require a minimum response time of fifteen (15) days. High complexity, risk or dollar value opportunities (excluding emergencies) will be given an appropriate response time where possible.

**6.5. Evaluation Criteria, Notifications and Appeals**

- 6.5.1 Evaluation criteria will be established, reviewed, and approved by the appropriate authority prior to the commencement of the competitive purchasing process.
- 6.5.2 A panel comprised of TDSB employees will evaluate all compliant bids based on an evaluation matrix. All bids submitted will identify and comply with the specifications outlined in the Records Retention Schedule. Evaluation scores will be retained for audit purposes.

- 6.5.3 Employees involved in purchasing decisions must agree to conflict-of-interest declarations and non-disclosure of confidential information agreements, and maintain the confidentiality and commercial sensitivity of all bids and information received in the process.
- 6.5.4 TDSB will disclose in its competitive purchasing documents, the evaluation methodology and process used in assessing submissions, including the method of resolving tie scores.
- 6.5.5 Successful bidders will be notified regarding contract awards. For procurements valued at \$100,000 or more, TDSB will post, in the same manner as the procurement documents were posted, contract award notification.
- 6.5.6 For procurements greater than \$100,000, bidders may request a debriefing session following a contract award notification. TDSB will disclose the opportunity for debriefing in its competitive purchasing documents. Bidders will have sixty (60) calendar days following the date of contract award notification to request a debriefing session.
- 6.5.7 TDSB will implement and make available an appeal and dispute resolution process.
- 6.5.8 For purchases over \$25,000 but less than \$100,000, staff must consult with the Purchasing Services Department to either obtain a minimum of three written competitive quotations or post through the electronic public tendering portal.
- 6.5.9 Purchases with a value of less than \$25,000 may be made without a competitive process. However, it is encouraged that multiple quotations be obtained to ensure best value. Purchasing Services Department reserves the right to request additional quotations prior to the purchase requisition process.

**6.6. Non-Competitive Purchasing**

- 6.6.1 Purchasing Services Department may engage in single and sole source purchasing in narrowly defined circumstances.
- 6.6.2 Single and sole source purchasing requires review and completion of the Sole/Single Source Form with appropriate sign-off and supporting documentation including rationale/justification of why a competitive process was not undertaken.



6.6.3 In the case of emergencies, the Board has the authority to obtain goods and/or services in the most expedient manner possible regardless of the amount.

**6.7. Architect Selection for Capital Projects**

6.7.1 Selection of vendors, including architect service providers, will be conducted by Purchasing Services department staff in accordance with the procurement requirements. Once an architect service provider is selected and awarded the contract, local Trustees and representatives from the school communities will be able to participate in the design development process and provide feedback on the designs for new schools and the additions in their corresponding wards.

**6.8. Collaborative Purchasing**

6.8.1 In an effort to maximize administrative efficiencies and financial benefits from joining networks which can enhance buying power, the Board is committed to working collaboratively with other boards and/or other public sector organizations to develop cooperatives and shared services in a wider range of Board operations.

**6.9. Social and Environmental Procurement**

6.9.1 TDSB purchasing decisions will reflect the Board's commitment to equity as outlined in the Equity Policy (P037) and improve access to address economic disadvantage, discrimination, and barriers to equal opportunity by embedding practices which facilitate supply chain diversity within procurement processes and contribute to inclusive economic growth.

6.9.3 TDSB will identify opportunities to source goods and services from historically and currently underserved communities and include social procurement criteria as part of its bid evaluation process, where applicable, to improve access, supplier diversity and support the Board's commitment to equity.

6.9.4 TDSB will purchase goods and services in accordance with the Environment Policy (P028) and support overall environmental objectives of the TDSB's Climate Action Plan.

**6.10. Contract Management**

- 6.10.1 TDSB will establish a framework for review and approval of Board contracts, taking into account legislative and policy requirements, as well as risk mitigation strategies and internal controls.
- 6.10.2 All procurement documentation, including contracts and agreements, will be retained and managed in accordance with the Board's records retention schedule, Records and Information Management Policy (P097), and corresponding procedures.
- 6.10.3 All staff and members of the Board will protect vendors' confidential and commercially sensitive information when handling, storing, and maintaining the records in accordance with the Broader Public Sector Procurement Directive, its requirements and applicable privacy laws.
- 6.10.4 All requirements, designs, documentation, plans, and information documents obtained by the bidder in connection with a bidding opportunity remain property of the Board and must be treated as confidential and not used for any other purpose than replying to the tender and fulfilment of any subsequent contract. All designs, documents, plans, and information will be returned to TDSB upon request.
- 6.10.5 The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) applies to information provided to TDSB by vendors. Vendors should identify any information in the tender or bid response or any accompanying documentation supplied for which confidentiality is to be maintained by the Board. The confidentiality of such information will be maintained, except as otherwise required by law or court/tribunal order.
- 6.10.6 All documents related to procurement and purchasing will be retained and kept in a recoverable form for a period of seven (7) years for reporting and auditing purposes.
- 6.10.7 Conflict of interest provisions will be included on purchasing documents and requests.
- 6.10.8 Should there be any subsequent increases to the original facilities project contract value of \$500,000 or more, staff will report the change amount and the rationale for the change to the appropriate Board Committee for information on a quarterly basis at minimum.

## 6.11. Vendor Requirements

- 6.11.1 TDSB staff will practice and maintain the highest possible standards of ethics in all its dealings with vendors.
- 6.11.2 TDSB will maintain a list(s) of approved, qualified contractors and consultants for construction-related services and pre-qualified vendors list(s) for consumable products and non-construction services. Capital construction projects will be tendered through an open competitive process.
- 6.11.3 TDSB will not conduct business with any vendors where:
- a) there is an actual or perceived conflict of interest between the vendor and the Board;
  - b) there are any current, pending or threatened lawsuits or alternative dispute resolution proceedings between the vendor and the Board; and/or,
  - c) there has been a previous termination of legal relationship between the vendor and the Board on the basis of failure to perform by the vendor.
- 6.11.4 Lobbying during a competitive procurement call is prohibited. Communication with anyone other than the authorized TDSB staff as identified in the bid document, from the time of issuance, up to and including the time of award, is strictly prohibited.
- 6.10.5 Vendors who violate the lobbying prohibition will be subject to disqualification from the current project and may be disqualified from future procurements at the Board's discretion.
- 6.10.6 Vendors (including their subcontractors) will comply with all safety and insurance requirements in accordance with any agreement(s), including *Occupational Health and Safety Act* and *Workplace Safety and Insurance Board Act* requirements.
- 6.10.7 The Board will determine police reference checks and screening requirements for TDSB's vendors on a case-by-case basis, taking into consideration the nature and scope of services provided, risk assessment, risk mitigation strategies and internal controls.

## 7. SPECIFIC DIRECTIVES

The Director of Education is authorized to issue operational procedures to implement this Policy.

**8. EVALUATION**

This Policy will be reviewed as required but at a minimum, every four (4) years.

**9. APPENDICES**

N/A

**10. REFERENCE DOCUMENTS**

## Legislation

- *Broader Public Sector Accountability Act*
- Broader Public Sector Procurement Directive
- *Education Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Occupational Health and Safety Act*
- *Workplace Safety and Insurance Board Act*

## Policies

- Accessibility Policy (P069)
- Board Member Code of Conduct (P075)
- Employee and Trustee Expenses Policy (P016)
- Employee Conflict of Interest (P057)
- Equity Policy (P037)
- Executive Signing Authority (P082)
- Occupational Health and Safety Policy (P048)
- The Environment (P028)

## Procedures

- Architects and Engineering Consultants Selection (PR513)
- Board Code of Conduct (PR585)
- Consulting Services (PR680)
- Delegation of Authority (PR711)
- Employee and Community Partners Conflict of Interest (PR673)
- Employee Expense Procedure (PR582a)
- Occupational Health and Safety Purchasing Specifications (PR674)
- Trustee Expense Procedure (PR582b)



## **P067, Learning Opportunities Index (LOI) Policy: Phase 1**

**To:** Governance and Policy Committee

**Date:** 3 May, 2023

**Report No.:** 05-03-4518

### **Strategic Directions**

- Transform Student Learning
- Create a Culture for Student and Staff Well-Being
- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

### **Recommendation**

It is recommended that the Policy Review Work Plan, as presented in this report be approved.

### **Context**

The Learning Opportunities Index Policy (P067) (the “LOI Policy”) (Appendix A) was adopted on February 11, 2009, and last revised on June 17, 2015. On June 1, 2022 the Board of Trustees adopted a resolution which directed staff to initiate the review of the LOI Policy (P067) (Appendix A) by December 2022.

In accordance with the resolution and the Policy Review Schedule approved by the Board on February 1, 2023, the Policy Review Work Plan (Appendix B) was developed. Under the Work Plan, the review of the LOI Policy will be conducted in combination with the results of the LOI methodology review (Appendix C) and the jurisdictional scan of comparable policies of school boards. The review will focus on advancing the principles of equity through application of the LOI in decision-making and allocation of resources. Details on proposed matters for review and consideration are outlined in Appendix B. As part of the LOI Policy review, staff recommends holding consultations and focus groups with the Inner City Community Advisory Committee, staff, and trustees during the Policy drafting phase (Phase 2) and during the consultation phase (Phase 4), with

an emphasis on providing opportunities for feedback from key stakeholders (e.g., ICCAC) during the review of the LOI Policy. The public consultations will be conducted with community members, key stakeholders, and the public during a 45-calendar day term.

The Policy Review Work Plan (Appendix B) is provided for Committee's consideration and approval.

## **Action Plan and Associated Timeline**

Subject to approval of the Policy Review Work Plan by the Board of Trustees, staff will initiate public consultations and conduct the policy review in accordance with the Work Plan.

Subject to the Governance and Policy Committee's recommendation and the Board of Trustees approval, a draft LOI Policy will be developed in accordance with the Policy Development Work Plan. Following public consultations, it is expected that the revised Policy will be presented for consideration to the Governance and Policy Committee in late Fall 2023 or early winter 2024, and subsequently, to the Board of Trustees for final approval in Winter 2024.

## **Resource Implications**

No additional resources will be required for the review of the Policy.

## **Communications Considerations**

Following Board approval, the Policy will be communicated and implemented in accordance with the Policy Review Work Plan.

## **Board Policy and Procedure Reference(s)**

- Learning Opportunities Index (PR526)

## **Appendices**

- Appendix A: Learning Opportunities Index Policy (P067) - Current
- Appendix B: Policy Review Work Plan
- Appendix C: LOI Methodology Review

## **From**

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# Toronto District School Board

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Policy P067

Title: **LEARNING OPPORTUNITIES INDEX**

Adopted: February 11, 2009

Revised: **June 17, 2015**

Reviewed: June 2013

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## 1.0 OBJECTIVE

To provide direction to staff regarding the use of the Learning Opportunities Index

## 2.0 RESPONSIBILITY

Director of Education

## 3.0 DEFINITIONS

*Learning Opportunities Index:* A Board-designed tool that ranks schools based on a range of indicators that measure external challenges affecting student success. Many of the indicators reflect levels of poverty. There are two indices, one for elementary schools (including junior high schools) and one for secondary schools.

The index measures external challenges in a way that compares each school to all other schools. It applies exactly the same set of consistent, reliable, and objective measures to each school and removes the subjectivity that may enter into the perceptions held about individual schools.

The index lists schools according to ranking. The highest ranking (number 1) indicates the school with the greatest external challenges to student success. The index also provides a score for each school. A higher score leads to a higher ranking.

*External challenges* Conditions that are outside the control or influence of the school or Board and that have an impact on student success.

*Resources* Funds, staffing, goods, and services allocated to schools in order to help students succeed.

## 4.0 POLICY

- 4.1. The Board recognizes that the Learning Opportunities Index is an effective tool for measuring external challenges to student success.
- 4.2. The Board recognizes that all students can learn and succeed. A ranking on the index shall not be used as a negative label for a school or its students.

- 4.3. In order to provide a more equitable distribution of resources, the Learning Opportunities Index shall be used when resources are being allocated to schools, except where the need for an appropriate exception can be demonstrated.
- (a) An exception to this direction is permitted where allocations are directed to all students and schools to meet basic needs (such as essential learning resources, heating and lighting) and to meet standards in legislation and collective agreements (such as teachers to meet class size requirements).
  - (b) Another exception to this direction is permitted where allocations are directed to needs that can be more appropriately measured by other means. (Examples of more accurate measurements include resources for English Language Learners based on students' countries of origin, resources for Special Education based on students' identified needs, and resources for major capital repairs in schools based on measures of facilities' condition).
- 4.4. Applications of the Learning Opportunities Index in determining allocations to schools shall result in a greater concentration of resources in schools that have greater need.
- 4.5. Whenever feasible, the scores of schools on the index shall be used in preference to the rankings of schools when determining the amount of an allocation.
- 4.6. The index may be used in a variety of ways, including the use of cut-offs, stepped cut-offs, scaling, or a combination of these approaches. Information shall be made available to Board employees and the public outlining how to use the Index for best results.
- 4.7. The index is used in allocations among specific schools. As a result, nothing in this direction shall prevent decisions about allocations before they are distributed among schools. For example, an allocation may be directed only to students of a specific grade, and, once that direction is determined, the index would be used in decisions about distribution among schools with those grades.
- 4.8. The most recent version of the index shall be used when determining the allocation of resources.
- 4.9. The most recent index and explanatory information shall be easily accessible in the Board's communications vehicles that provide information to staff and the public.
- 4.10. The factors used to calculate the index shall be reviewed every five years to ensure that they reflect current research concerning external challenges to student success and take account of changing availability of valid, reliable, and consistent data.
- 4.11. The index shall be recalculated and republished every three years.



4.12. An analysis shall be generated every three years to assess the impact of the use of the index in allocation of resources to schools during the previous 36-month period. The analysis shall be presented to the Board and its advisory committees.

**5.0 SPECIFIC DIRECTIVES**

The Director is authorized to issue operational procedures to implement this policy.

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**POLICY REVIEW WORK PLAN**


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Date: [May 3, 2023](#)

All policies will be reviewed to ensure consistency with the TDSB's Mission, Values and Goals Policy (P002), the Equity Policy (P037) and the Board's Multi-Year Strategic Plan.

**POLICY INFORMATION**Policy Title and Policy Number: [Learning Opportunities Index \(LOI\)](#)Review during fiscal year: [2022-2023](#)Last reviewed: [June 17, 2005](#)Executive Council member responsible for this Policy review: [Associate Director, Instructional Innovation and Equitable Outcomes](#)**Phase I. PLANNING AND OBTAINING TRUSTEES' DIRECTIONS**

This Policy Review Work Plan has been discussed with the Policy Coordinator:

- Yes  
 No

This Policy Review Work Plan will be discussed at the Governance and Policy Committee meeting held on: [Spring 2023](#)**Phase II. REVISIONS****Formatting Changes**

The Policy will be reformatted to ensure alignment with the current Policy Template (Operational Procedure PR501, Policy Development and Management, Appendix A):

- Yes  
 No

**Content Changes**

The Policy requires content revisions:

- Yes  
 No

The content changes are due to the following reason(s):

- 
- Legislation
  - Government directives/policies
  - Board decisions
  - Multi-Year Strategic Plan requirements
  - Operational requirements
  - Simplify and/or update using plain language
  - Alignment with Equity Policy

Detailed information on the proposed content changes, including findings of the policy equity assessment:

Considerations:

- Findings of the policy equity assessment will be integrated into the LOI Policy Review – such as application of the Learning Opportunities Index (LOI) in accordance with the principles of equity (e.g., broad use guiding principles with regard to resource/allocation) and the Equity Policy (P037)
- Outline requirements for regular review of the LOI methodology, including variables that constitute the LOI (e.g., socio-economic factors); and embed best practices regarding the application of LOI (e.g., review of other school boards/public institutions and how indices are used to inform decision making).
- Considerations surrounding broad use guidelines of the LOI, for example:
  - regarding term (frequency) for regular recalculating of the LOI
  - publishing the LOI
  - assessing the impact of the use of the LOI in the equitable allocation of resources to schools
  - guiding principles on what the LOI could be used for and how it can be used (e.g., use of cut-offs, stepped cut-offs, scaling, or a combination of these approaches).
- Consultations and focus groups to be held with the Inner City Community , Advisory Committee, staff, and trustees during the Policy drafting phase (Phase 2) and during the consultation phase (Phase 4), with an emphasis on providing opportunities for feedback from key stakeholders (e.g., ICCAC) regarding the review of the LOI Policy.
- Define the variables that constitute the LOI (i.e., median income, Percentage of Families Whose Income is Below the Low Income Measure, Percentage of Families Receiving Social Assistance, Adults with Low Education, Adults with University Degrees, Lone-Parent Families)
- Recommend provisions related to communications of LOI (e.g., currently lack of knowledge on LOI methodology and how it is used within the system)
- Define terms such as cut-offs, stepped cut-offs, and scaling that appear in the current Policy

- Ensure consistency of the Policy with the approved Policy Template
- Update Responsibility section of the Policy to include Associate Director, Instructional Innovation and Equitable Outcomes

A review of leading practices for similar policies across jurisdictions has been completed and is included with this Work Plan. [Phase 1, a jurisdictional scan of school board indices is included in the LOI Methodology Review. Further details are attached to this Work Plan].

### Phase III. INTERNAL REVIEWS AND SIGN-OFFS

The Policy review will include TDSB divisions affected by the Policy:

- Learning Transformation and Equity
- Modernization and Strategic Resource Alignment
- Organizational Transformation and Accountability
- Instructional Innovation and Equitable Outcomes
- Human Rights and Indigenous Education

In addition, the following departments will be required to review and provide feedback on the proposed draft Policy:

- Research Department
- Legal Services
- Policy Services
- Government, Public and Community Relations

Following internal reviews and TDSB departments' sign-offs, the draft Policy will be submitted to Executive Council on: [Spring / Summer](#)

A sign-off from the Director of Education will be obtained before proceeding with external consultations and/or Committee/Board approval.

- Director of Education

### Phase IV. EXTERNAL CONSULTATIONS

Are external consultations applicable to this Policy?

- Yes
- No (*Ministry of Education mandated policy or corporate policy without external stakeholders*)

If Yes, mandatory external consultations will include, at a minimum:

1. Posting of the working draft Policy on TDSB website for public feedback (45 days minimum): [Fall 2023](#)
2. Posting of the working draft Policy on TDSB website for public feedback  
[45 days](#)
3. Extending invitations for consultation to:

Student Senate

and

all Community Advisory Committees of the Board and conducting consultations with the Community Advisory Committees that expressed interest (either individually with each interested committee or collectively with representatives of all interested committees): [Fall 2023](#)

- Urban Indigenous Community Advisory Committee
- 2SLGBTQ+ Community Advisory Committee
- Alternative Schools Community Advisory Committee
- Black Student Achievement Community Advisory Committee
- Community Use of Schools Community Advisory Committee
- Early Years Community Advisory Committee
- Environmental Sustainability Community Advisory Committee
- Equity Policy Community Advisory Committee
- French-as-a-Second-Language Community Advisory Committee
- Inner City Community Advisory Committee
- Parent Involvement Advisory Committee (PIAC)
- Special Education Advisory Committee (SEAC)

In addition to mandatory consultations, other external participants and projected dates of consultation(s) include:

- School Councils
- Professional Associations and Unions
- Other: [\[provide details\]](#)

The following methods will be applied in the external consultations: [\[at least two or more methods must be selected\]](#)

- Public meeting
- Facilitated focus group
- Call for public delegations
  
- Survey
- Posting on the TDSB website
- Other (e.g., electronic communication)

#### **Phase V. COMMITTEE/BOARD APPROVALS**

Following external consultations and revisions, the working draft Policy will be presented to the Governance and Policy Committee on the following date: Winter 2024

Following recommendation by the Governance and Policy Committee, the revised Policy will be presented to the Board on the following date: [Winter 2024](#)

Once approved, the revised Policy will replace the existing policy on the TDSB website.

#### **Phase VI. IMPLEMENTATION**

Following Board approval, the final revised Policy will be communicated through:

- Posting of the revised Policy on the TDSB website through the Policy Coordinator
- Sharing with staff through the System Leaders' Bulletin
- Informing departments at staff meetings and channeling information to the school principals through respective superintendents
- Implementation of a broad communication plan for internal and external audiences, include summary of policy revisions and expected outcomes

Policy implementation will include:

- Conducting information/training sessions to TDSB staff affected by the Policy

The projected time period for conducting information/training sessions to staff will be: [Winter 2024](#)

- Review of associated procedure: [Winter 2024](#)  
[PR526 – Learning Opportunities Index Procedure](#)



## RESEARCH SUMMARY TO SUPPORT: P067 Learning Opportunity Index

This research summary was prepared for the Policy Department to support the ongoing review work of the Toronto District School Board's (TDSB) Learning Opportunity Index (LOI) Policy (P067). The information provided includes:

- contextual background on the TDSB's LOI;
- a rapid review of similar indices found across school boards and government agencies; and
- a summary outlining the process of the TDSB's LOI methodology review.

### Contextual Background

#### What is the LOI?

The LOI ranks each school based on measures of external challenges affecting student success. The school with the greatest level of external challenges is ranked number one and is described as highest on the index. It is important to acknowledge that students in all schools have some external challenges, even those schools that are ranked very low on the LOI. The LOI measures relative need and compares all schools on exactly the same set of data collected in a consistent, reliable, and objective manner. The LOI removes the subjectivity that may shape perceptions of individual school needs. There are two indices – one for elementary and one for secondary. Under various names, the Toronto District School Board (TDSB) and its legacy systems have calculated some variation of the index for over 40 years.

#### Why was the LOI developed?

Public education is designed to give all children an equal opportunity to succeed. The TDSB recognizes that students face varying degrees of challenge which can impact their opportunity to achieve high educational outcomes. Educational research has demonstrated that children from socio-economically challenged families face more significant barriers in achieving high educational outcomes. Because of its commitment to achieving equitable academic opportunities, the TDSB wants to ensure that every student has an equitable opportunity to succeed. This means ensuring all students have access to available resources. The LOI is first and foremost a research tool that acts as a school-level proxy for socio-economic challenge. It can help to ensure that children who have access to fewer resources at home and in their neighbourhoods have increased access to available resources in their schools. The LOI assists with steering additional resources to the schools serving students who face greater challenges.

### What are the components of the current LOI?

The LOI is composed of variables which are combined into a single index. The variables used are:

- 1. Median Income** – A measurement of income levels, at which half the residents earn more and half of them earn less. This is measured at the level of the student’s neighbourhood.
- 2. Percentage of Families Whose Income is Below the Low Income Measure (Before Tax)** – Also known as the Low Income Measure, this is the percentage of families in a student’s neighbourhood whose income is at or less than half the median income in the city.
- 3. Percentage of Families Receiving Social Assistance** – The proportion of families in a student’s neighbourhood whose income comes from government sources.
- 4. Adults with Low Education** – The percentage of adults (25-64 years of age) in a student’s neighbourhood without a high school diploma.
- 5. Adults with University Degrees** – The percentage of adults (25-64 years of age) in a student’s neighbourhood with at least one university degree.
- 6. Lone-Parent Families** – The proportion of families in a student’s neighbourhood where the parent does not live with either a spouse or common law partner.

Please note the variables described above in 1, 2, 3, and 6 are based on data about families with children.

### LOI’s relation to Student Achievement

The LOI is one of the TDSB’s tools in responding to external challenges affecting students. The variables in the LOI have been identified as external factors that impact educational achievement. The variables that constitute the LOI have been statistically tested against the student success indicators of TDSB students and have been shown to correlate with measures such as the Education Quality and Accountability Office (EQAO) Primary and Junior assessment results, the Ontario Secondary School Literacy Test (OSSLT), and credit achievement.

The LOI does not use any variables of achievement in the calculation, given that the intention of the Index is to examine external socio-economic challenges that would affect student achievement.

### How is the LOI used?

There is a wide range of applications for the LOI within the TDSB to help allocate staff and other available resources. An example is, during the staffing allocation process, the LOI is used as one input along with other types of information such as student headcount or full-time equivalent (FTE) status.



## TDSB LOI Methodology Review

While the LOI has existed in its current form since 2009, variations of the index have been calculated for over forty years in the TDSB and its legacy boards. The current methodology of the LOI is based on the 2007 system review. A subsequent review of the LOI in 2014 led to the conclusion that no changes were necessary. Following board policy, an LOI Methodology review is to take place every five years. This current 2019-20 review consists of two phases.

### Methodology Review Framework

Guiding previous methodology reviews were eight conditions that needed to be satisfied when adding or subtracting variables that comprise the LOI Index. These conditions are as follows.

- 1) Literature such as peer-reviewed articles, white papers, and reports arguing the importance of the variable on academic achievement must exist.
- 2) The variable needs to be external to the school and therefore not be able to be manipulated by the school.
- 3) There needs to be an extremely fine level of detail for the variable such as student level, postal code level, or dissemination area. A dissemination area is a small area composed of one or more neighbouring dissemination blocks and is the smallest standard geographic area for which all census data are disseminated<sup>1</sup>.
- 4) The variable needs to be available regularly over time (e.g., consistent access to the same variable for consecutive LOI calculations).
- 5) The variable needs to be reliable for usage and affordable to obtain.
- 6) The variable needs to be applicable to all schools within the TDSB.
- 7) The variable needs to be highly correlated to the other existing socio-economic status (SES) variables.
- 8) In combination with the existing variables, the new composition needs to show a greater correlation to achievement than the current LOI.

These conditions still hold true and were used as a guiding framework for the 2019-20 LOI methodology review. To ensure a rigorous methodology review, the current review was divided into two phases. The first phase was a consultation session with representatives from school board research departments across Ontario followed by a scan for additional indices similar to the current TDSB LOI.

### Phase 1: School Board Consultation Session and Indices Scan

A consultation session was held on June 19<sup>th</sup>, 2019 to discuss indices used at various school boards within Ontario. In total there was representation from 10 school boards excluding the TDSB. School

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<sup>1</sup> Statistics Canada (201). Retrieved <https://www150.statcan.gc.ca/n1/en/catalogue/92-169-X>

boards included: Durham DSB, Grand Erie DSB, Halton DSB, Hamilton-Wentworth DSB, Ottawa-Carleton DSB, Peel DSB, Thames Valley DSB, Waterloo Catholic DSB, York Catholic DSB, and York Region DSB.

Most school boards that presented their indices shared slightly different methodologies to that of the TDSB. Factor analysis or principal components analysis were the primary techniques used to calculate the various indices. Cluster analysis was also utilized by a few school boards. There was general consensus surrounding the variables that best describe external social challenge – these being, income and parental education. There was consensus that all variations in variables need to strongly relate back to academic achievement; however, there was discussion on the relevance of only including academic achievement. In terms of the different variables in Board’s indices, it was noted that there may be regional differences that could explain why certain variables provide strength to the calculation of an index in one school board, but not another (e.g., home ownership).

## **Phase 2: Indices Scan**

The summary table presented below consists of fifteen indices and/or measures, similar to the LOI. A majority of the indices described below are education-based and have specifically been developed by school boards and other government agencies to help all students achieve educational equity despite external challenges that may impacts student achievement. As the search expanded, also included are a number of indices used to assess neighbourhood well-being in various municipalities in Ontario. Finally, there are a small number of indices associated with the public health sector that have been developed primarily to assess the level of health inequality in certain regions or areas in Canada.

## **Methodology of the Literature Scan**

The scan of indices began with a primary focus on educational indices, similar to the LOI, used by various school boards in Ontario (a number of these indices were presented at the school board consultation session). The search was then expanded to include educational indices used by other provinces in Canada. Since the results were limited within Canada, the search explored indices in the international education community.

The search was also expanded to include indices that are not found in the education system. These indices were developed for use in municipalities or public health sectors, primarily in Ontario. Though they are not used in an educational context, the indicators presented in the indices used by municipalities and public health sectors reflect some of the external challenges that can create inequities in communities or neighbourhoods.

Each index presented below is broken down into:

- The school board, organization or municipality that developed the index along with the location the index originated from
- Brief Definition of the index including how it is calculated along with statistical methods used to compute the index
- Variables that form the index
- How the index is used



**Similarities to the LOI:**

- All the indices include a variable that is a proxy for family income – normally the Low Income Measure. In some cases, after-tax income is used rather than before-tax income. Family Income is also measured by Median Income in a number of the indices, and in some cases uses Average Income as the measure.
- A third of the indices consist of an indicator related to social assistance; in some instances, the variable is referred to as government transfer payments.
- Most indices are also comprised of a variable pertaining to parent education (low education is defined as those without a high school diploma whereas higher education is normally defined as those with any kind of post-secondary education including a certificate, diploma or degree).
- Over half of the indices are comprised of a lone-parent family variable.
- Approximately half of the indices use factor analysis (statistical technique that reduces a large number of variables to a smaller number of variables by identifying commonality among variables) or principal component analysis (data reduction technique which summarizes the variance of multiple but closely related variables) to produce the set of variables that forms the index.
- For the education-based indices, the index is calculated separately for elementary and secondary schools, and for one index in particular, the index is also calculated separately for middle schools.
- The most common use of the indices pertains to equitable resource allocation.

Index/Measure	School Board/ Organization (Location)	Definition	Variables	Application
The Socioeconomic Vulnerability Index (SVI)	Peel District School Board <b>(Ontario, Canada)</b>	<p>The SVI is a school level index that identifies vulnerable students and communities based on family and community characteristics that affect student achievement. This index consists of two measures: <i>average socioeconomic vulnerability score</i> (determines which schools overall are most at risk) and <i>percent most vulnerable students</i> (where the students most at risk are located) irrespective of the overall vulnerability level of a school. Data is analyzed at the postal code level and the index is calculated separately for the elementary and secondary panel. Schools are split into six clusters ranging from <i>low</i> to <i>very high</i> vulnerability with clusters 4-6 consisting of the most vulnerable schools.</p> <p><b>Statistical methods used:</b> Factor analysis, standard deviation</p>	<p>1) Median Household Income 2) Percent Living in Poverty (Below \$40,000 income) 3) Percent Homeowners 4) Percent without a High School Diploma 5) Percent with a University Degree</p> <p><b>Other Variables Considered:</b></p> <ul style="list-style-type: none"> <li>• Percent of lone parent families</li> <li>• Unemployment Rate</li> <li>• Percent managerial and professional occupations</li> <li>• Percent Recent Immigrants</li> <li>• Percent Indigenous identity</li> <li>• Percent of Households with greater than 200K income</li> <li>• Percent from racialized groups</li> <li>• Percent without official language knowledge</li> <li>• Percent of income from government transfers</li> </ul> <p>Variables above were not included as they did not provide additional information to the index.</p>	<ul style="list-style-type: none"> <li>• Board and school effectiveness planning</li> <li>• Budget and resource allocation</li> <li>• Basis for developing equity strategy plans</li> <li>• School and board grant applications for vulnerable communities</li> <li>• Coordinated regional-municipal partnership resource allocation</li> </ul>
TCDSB Demographic Indicators	Toronto Catholic District School Board <b>(Ontario, Canada)</b>	<p>School demographic indicators that are used to identify the neediest schools in the board. Schools in the board are divided into nine equal sized groups by Ntiles (analytic function that divides dataset into equal distributions by ranking). Ntiles 1-3 identifies the neediest schools in the board. Separate Ntiles are calculated for elementary and secondary schools.</p> <p><b>Statistical methods used:</b> Ntiles</p>	<ol style="list-style-type: none"> <li>1) Government Transfer Payments</li> <li>2) Low Family Income</li> <li>3) Single Parent Families</li> <li>4) Born Outside of Canada</li> <li>5) Second Language at Home</li> <li>6) Parent Unemployment</li> <li>7) Rental Housing</li> <li>8) Parent Education</li> </ol>	<p>These set of indicators make up a significant portion of LOG funding and is used to fund things such as:</p> <ul style="list-style-type: none"> <li>• breakfast programs</li> <li>• homework clubs</li> <li>• reading recovery</li> <li>• independent supports</li> </ul>

Index/Measure	School Board/ Organization (Location)	Definition	Variables	Application
Resource Allocation Index based on Socioeconomics (RAISE)	Ottawa Carleton District School Board (Ontario, Canada)	<p>RAISE is an index consisting of a set of indicators that have been revealed to be associated with barriers to student learning; it is used to help mitigate these socioeconomic and demographic barriers to learning. Data is collected at the individual student level and statistical methods are used to combine the indicators into a single index-value for each school. RAISE measures relative need to other schools in the district and is calculated separately for elementary and secondary schools. Priority funded schools are determined as those that have an index value of 1.0 and above.</p> <p><b>Statistical methods used:</b> Standard deviation</p>	<p>1) Poverty</p> <ul style="list-style-type: none"> <li>• Income</li> <li>• Social Assistance</li> <li>• Low Income Measure (After-Tax)</li> </ul> <p>2) Family/Community</p> <ul style="list-style-type: none"> <li>• Single Parent Families</li> <li>• Students Living in Foster Care/Group Homes</li> </ul> <p>3) Mobility</p> <ul style="list-style-type: none"> <li>• Absenteeism</li> <li>• Entries/Withdrawals (Transience)</li> <li>• New Students (Transitions)</li> </ul> <p>4) Cultural/Linguistic</p> <ul style="list-style-type: none"> <li>• Needs ESL support</li> <li>• New Immigrants</li> <li>• First Language Other than English or French</li> </ul> <p>5) Readiness to Learn</p> <ul style="list-style-type: none"> <li>• Learning Skills and Work Habits</li> </ul> <p><b>Other Variables Considered:</b></p> <ul style="list-style-type: none"> <li>• Aboriginal self-identification</li> <li>• Gender Identity</li> <li>• Access to Public Transportation</li> </ul> <p>Aboriginal identification did not meet the criteria of variability across schools to add to the overall model as only a small percentage of the student population identifies as Aboriginal. As for gender identity and access to public transportation, there is currently not a process in place to systematically collect data relating to these variables.</p>	<ul style="list-style-type: none"> <li>• Allocates additional funding to school to be used in various forms such as educational arts programming, field trip transportation, enrichment resources, etc.</li> <li>• Allocates additional staffing resources to schools</li> </ul>

Index/Measure	School Board/ Organization (Location)	Definition	Variables	Application
Student Equity Index (SEI)	Waterloo Region District School Board <b>(Ontario, Canada)</b>	<p>The SEI is a needs-based, data-driven model to allocate school board resources objectively. The index ranks schools based on measures of socioeconomic and educational need to allocate resources to students who are faced with the greatest external challenges so that outcomes for all students can be improved. Data for each student is gathered by the census defined dissemination area based on student address. The SEI is calculated every year. Separate indices are calculated for elementary and secondary schools. Schools are ranked in order of SEI with higher numbers indicating higher need.</p> <p><b>Statistical methods used:</b> Cluster analysis (classifying data into groups that are similar), multiple regression</p>	<ol style="list-style-type: none"> <li>1) Family Income (average household income)</li> <li>2) Parental Education</li> <li>3) Lone Parent Families</li> <li>4) Transiency (percent of students moving out of a school area during the past 3 years)</li> <li>5) School Achievement (average achievement of Primary EQAO reading assessment during the previous 3 years for elementary and for secondary, percent of students who fail or do not write the OSSLT in the previous three years)</li> </ol> <p><b>Other Variables Considered:</b></p> <ul style="list-style-type: none"> <li>• Percentage of students with an IPRC designation</li> <li>• Percentage of students with an Individualized Education Plan (IEP)</li> <li>• Early Development Index</li> <li>• Percentage of students identified as English Language Learners</li> <li>• School Boundary Density</li> </ul> <p>The variables above were not considered as they did not demonstrate a strong relationship with school achievement, were not objective, were not readily available (would have to collect information directly from school staff, students and parents), would be difficult to extract and analyze the data, and did not show good reliability.</p>	<p>The SEI is used to inform the allocation of a range of resources such as:</p> <ul style="list-style-type: none"> <li>• psychological services</li> <li>• speech/language services</li> <li>• early literacy intervention</li> <li>• vice-principal time</li> <li>• English language learner resources</li> <li>• Educational assistants</li> <li>• Full-day kindergarten sites</li> </ul>

Index/Measure	School Board/ Organization (Location)	Definition	Variables	Application
Index of Educational Disadvantage Analysis	Government of South Australia - Department for Education and Child Development <b>(South Australia, Australia)</b>	<p>A socio-economic index developed by the state government department who is in charge of delivering education throughout the state of South Australia. The index is used in determining school resource allocation to address educational disadvantage associated with socio-economic status. Schools are divided into seven categories with category 1 representing schools in the most socio-economically disadvantaged communities and category 7, the least disadvantaged. The data is analyzed at the individual student level based on the addresses of students living in a collection district (similar to a census dissemination area; a collection district consists of approximately 250 households).</p> <p><b>Statistical methods used:</b> Principal component analysis, statistical clustering</p>	<ol style="list-style-type: none"> <li>1) Parental economic resources (income and wealth)</li> <li>2) Parental education and occupation</li> <li>3) Aboriginality</li> <li>4) Student mobility</li> </ol>	<ul style="list-style-type: none"> <li>• School resource allocation</li> </ul>



Index/Measure	School Board/ Organization (Location)	Definition	Variables	Application
Student Equity Need Index (SENI)	Los Angeles Unified School District (LAUSD) (California, USA)	<p>SENI is an equity based index that is used to identify the highest need schools in the LAUSD to allocate additional funding in order to effectively address achievement gaps. Most variables in the index are attributed to the school with a few exceptions attributed to zip codes when necessary. Quintiles are generated to group schools, with the lowest need schools in the 0-20<sup>th</sup> percentile and the highest need schools in the 81<sup>st</sup> – 100<sup>th</sup> percentile. The index is calculated separately for elementary (K-5), middle (6-8) and high school (9-12).</p> <p><b>Statistical methods used:</b> Standard deviation, z-scores</p>	<ol style="list-style-type: none"> <li>1) Percentage of Foster Youth</li> <li>2) Percentage of Homeless Youth</li> <li>3) Percentage of English Learners</li> <li>4) Percentage of Standard English Learners</li> <li>5) Percentage of Low Income students</li> <li>6) Percentage of Unduplicated Students</li> <li>7) Suspension Rates</li> <li>8) 1<sup>st</sup> Grade Dynamic Indicators of Basic Early Literacy Skills</li> <li>9) Incoming 6<sup>th</sup>/9<sup>TH</sup> Grade Math Assessment</li> <li>10) Incoming 6<sup>th</sup>/9<sup>TH</sup> Grade English Language Arts Assessment</li> <li>11) Chronic Absenteeism</li> <li>12) I-Star Reports (California Standardized Tests)</li> <li>13) Asthma Severity Rate</li> <li>14) Non-Fatal Gunshot Injuries</li> <li>15) High School Completion</li> </ol>	<ul style="list-style-type: none"> <li>• Grant additional Local Control Funding Formula (LCFF) funds (funding formula that sends more resources to higher needs schools in California)</li> </ul>
Socioeconomic environment Index (IMSE)	Ministry of Education and Higher Education (Quebec, Canada)	<p>The IMSE is an index that reflects a school’s level of underprivileged. Variables chosen for this index have been demonstrated to be highly correlated with non-academic success. It is calculated by geographic units that are attached to postal codes and based on Quebec families with children age 0-18 using the Canadian Census results. Schools are ranked in ascending order by index score and divided into ten equal groups. Quebec public schools ranked 8, 9 or 10 are considered to be the most disadvantaged and those ranked 1 contains students with mostly advantaged backgrounds. The index is calculated separately for elementary and secondary schools.</p> <p><b>Statistical methods used:</b> Decile ranking (splitting data into 10 equal groups)</p>	<ol style="list-style-type: none"> <li>1) Maternal under education (proportion of families in which the mother does not have a secondary school diploma)</li> <li>2) Parental economic inactivity (neither parents are unemployed)</li> </ol>	<ul style="list-style-type: none"> <li>• Resource allocation</li> <li>• Provide additional support to disadvantaged schools in regards to mathematics competencies development</li> </ul>

Index/Measure	School Board/ Organization (Location)	Definition	Variables	Application
Social Risk Index (SRI)	Human Resources and Social Development Canada <i>Previously used by Peel District School Board (Canada)</i>	An index developed in Canada that provides a general picture of socioeconomic vulnerability in different communities or schools using variables found in the Canadian Census. SRI scores are calculated based on students' postal codes. SRI scores range from 0 (little to no social risk) to 9 (high social risk). Schools are grouped into five clusters from low SRI to high SRI with somewhat low, moderate and somewhat high in between.  <b>Statistical methods used:</b> Cluster analysis	<ol style="list-style-type: none"> <li>1) Average household income</li> <li>2) Unemployment rate</li> <li>3) Education level (percent of population over age 15 without high school diploma)</li> <li>4) Owner Occupied dwellings</li> <li>5) Mobility over one year</li> <li>6) Knowledge of Canada's official languages</li> <li>7) Proportion of recent immigrants</li> <li>8) Lone Parent Families</li> <li>9) Government Transfer Payments</li> </ol>	<ul style="list-style-type: none"> <li>• Target poverty reduction initiatives and programs</li> <li>• Program placement</li> <li>• Resource allocation</li> <li>• Staff allocation</li> <li>• Grant applications</li> <li>• Distribution of grant funding</li> </ul>
PISA index of economic, social and cultural status (ESCS)	Programme for International Student Assessment (PISA) <b>(International)</b>	An index derived from several variables that relate to students' family background. Schools are classified as economically advantaged if they are among the 25% of schools with the highest values on the index in their country or economy and are classified as economically disadvantaged if they are among the lowest 25% with those in the middle classified as having an average socioeconomic status.  <b>Statistical methods used:</b> Principal component Analysis	<ol style="list-style-type: none"> <li>1) Parents' education</li> <li>2) Parents' occupations</li> <li>3) A number of home possessions related to family wealth (including the number of books and other educational resources available in the home e.g., works of classical literature, books of poetry, and works of art)</li> </ol>	<ul style="list-style-type: none"> <li>• Draw comparisons between students and schools with different socioeconomic profiles</li> </ul>

Index/Measure	School Board/ Organization (Location)	Definition	Variables	Application
INSPQ Deprivation Index	National Institute of Public Health of Quebec <b>(Québec, Canada)</b>	The INSPQ deprivation index assists in monitoring social inequalities in health. The index is composed of six socioeconomic indicators that are connected to health and social concerns and are associated with material and social deprivation. The data is calculated based on census dissemination areas which can be linked to postal codes on an individual level. The index divides dissemination areas into quintiles where 1 refers to the most privileged group and 5, the most deprived group. <b>Statistical methods used:</b> Principal component analysis	1) Proportion of people aged 15 and over without high school diplomas 2) Employment to population ratio for population aged 15 and over 3) Average personal income of population aged 15 and over 4) Proportion of population aged 15 and over living alone 5) Proportion of population aged 15 and over who are separated, divorced or widowed 6) Proportion of single parent families	It can be used to: <ul style="list-style-type: none"> <li>• Monitor social inequalities</li> <li>• Target health interventions</li> <li>• Evaluate services</li> <li>• Develop policies and programs</li> <li>• Allocate resources</li> </ul>
Ontario Marginalization Index (ON-Marg)	Public Health Ontario, Centre for Urban Health Solutions - St. Michael's Hospital <b>(Ontario, Canada)</b>	A census-based, geographically derived index (using dissemination areas) that seeks to understand inequalities in health and social well-being either between population groups or between geographic areas in Ontario. ON-Marg measures multiple facets of marginalization in urban and rural Ontario including economic, ethno-racial, age-based, and social marginalization. It has been associated with various health outcomes such as depression and youth smoking. The data from this index is analyzed using factor scores (lower scores correspond to the least marginalized areas and higher scores to the most marginalized areas) or quintiles (with 1 representing the least marginalized geographic areas and 5 the most marginalized geographic areas). <b>Statistical methods used:</b> Principal component factor analysis	1) Residential instability <ul style="list-style-type: none"> <li>• Percent living alone</li> <li>• Percent of youth (5-15) years</li> <li>• Persons per dwelling</li> <li>• Percent living in apartment buildings</li> <li>• Percent single, divorced or widowed</li> <li>• Percent home ownership</li> <li>• Percent moved within the last 5 years</li> </ul> 2) Material Deprivation <ul style="list-style-type: none"> <li>• Percent 20+ without a high school diploma</li> <li>• Percent lone families</li> <li>• Percent of families receiving government transfer payments</li> <li>• Percent 15+ who are unemployed</li> <li>• Percent living below income cut off</li> <li>• Percent of homes needing major repair</li> </ul> 3) Dependency <ul style="list-style-type: none"> <li>• Percent of seniors (age 65+)</li> <li>• The ratio of pop aged 0-14 and 65+ divided by the population aged 15-64</li> <li>• Labour force participation</li> </ul>	It can be used for: <ul style="list-style-type: none"> <li>• Planning needs and assessment</li> <li>• Resource allocation</li> <li>• Monitoring of inequities</li> <li>• Research</li> </ul> It has been used to: <ul style="list-style-type: none"> <li>• Explore health-care utilization patterns in Peel using emergency department visits and hospitalization data</li> <li>• Identify elementary schools in Peel in which students are at high risk for dental cavities</li> </ul>

			4) Ethnic diversity <ul style="list-style-type: none"> <li>• Percent recent immigrants</li> <li>• Percent visible minorities</li> </ul>	
Index/Measure	School Board/ Organization (Location)	Definition	Variables	Application
Neighbourhood Equity Index (NEI)	City of Toronto <b>(Ontario, Canada)</b>	<p>The NEI is an index that uses a quantitative approach to assess neighbourhood well-being in Toronto and build equitable outcomes across all neighbourhoods. It was primarily developed to support the <i>Toronto Strong Neighbourhoods Strategy 2020</i> and as a part of the strategy, assist in identifying <i>Neighbourhood Improvement Areas (NIA's)</i>. NIA's are chosen based on which neighbourhoods face the most inequities. The NEI consists of two measures: <i>Neighbourhood Equity Score</i> (score resulting from the 15 indicators of inequity that make up the index) and <i>Neighbourhood Equity Benchmark</i> (composite score resulting from a series of benchmarks; the benchmark indicates that due to inequities faced by a particular neighbourhood, immediate action is required). The data was provided by Urban Health Equity Assessment and Response Tool UrbanHeart@Toronto under the World Health Organization. Most of the indicators used in this index are from the 2011 Census and National Household Survey. The data is calculated based on Statistics Canada Census tracts that are used to divide Toronto into 140 neighbourhoods.</p> <p><b>Statistical methods used:</b> Principal component analysis, standardization</p>	1) Economic Opportunities <ul style="list-style-type: none"> <li>• Unemployment</li> <li>• Low Income</li> <li>• Social Assistance</li> </ul> 2) Social Development <ul style="list-style-type: none"> <li>• High School Graduation</li> <li>• Marginalization (ON-Marg)</li> <li>• Post-Secondary completion</li> </ul> 3) Participation in Decision-Making <ul style="list-style-type: none"> <li>• Municipal Voting Rate (percent of eligible voters who voted in the last municipal election)</li> </ul> 4) Physical Surroundings <ul style="list-style-type: none"> <li>• Community Places for Meeting (Average number of meeting places within a 10 min. walking distance measured from each residential block in the neighbourhoods)</li> <li>• Healthy Food Stores (The average number of healthy food stores within a 10 minute walking distance from each residential block in a neighbourhood)</li> <li>• Green Space</li> </ul> 5) Healthy Lives <ul style="list-style-type: none"> <li>• Premature Mobility</li> <li>• Mental Health (Percentage of those age 20+ reporting very good or excellent mental health)</li> <li>• Preventable Hospitalizations</li> <li>• Diabetes (Number of people age 20+ with diabetes per 100)</li> </ul>	<p>It can be used to:</p> <ul style="list-style-type: none"> <li>• Allocate more resources to neighbourhoods that face the most inequities</li> <li>• Enhance community infrastructure (community hubs, kitchens, dedicated youth space, cultural facilities)</li> <li>• Address historic under-investment in social infrastructure in some Toronto neighbourhoods</li> <li>• Strengthen neighbourhoods and monitor well-being</li> </ul> <p>It has been used to:</p> <ul style="list-style-type: none"> <li>• Create more access for youth to recreation spaces</li> <li>• Create more mental health resources, awareness and support for parents, families and youth</li> <li>• Provide more after school and community</li> </ul>

				support to high school aged youth
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Index/Measure	School Board/ Organization (Location)	Definition	Variables	Application
Ottawa Neighbourhood Equity Index (NEI)	City of Ottawa <b>(Ontario, Canada)</b>	<p>The NEI, developed by the Social Planning Council of Ottawa, is a tool to help residents, planners, key stakeholders and decision-makers identify inequities between neighbourhoods and use this data to make evidence-based decisions to create more equitable neighbourhoods in Ottawa. While it has similar characteristics to the Toronto Neighbourhood Equity Index above, it also differs from Toronto due to Ottawa’s unique composition that includes quite a number of rural communities. The data is calculated based on Statistics Canada Census tracts. The index score for neighbourhoods are broken down into four categories– strong equity concern, possible equity concerns, nominal equity concerns and no equity concerns.</p> <p><b>Statistical methods used:</b> Principal component analysis, standardization</p>	<p>1) Economic Opportunity</p> <ul style="list-style-type: none"> <li>• Low Income</li> <li>• Working Poor</li> <li>• Median Employment Income</li> <li>• Working Part-Time</li> <li>• Number of Local Jobs</li> <li>• Consumer Debt</li> <li>• Financial Assets</li> <li>• Housing Affordability-Renters (percentage of renter households spending more than 30% of income on housing)</li> <li>• Housing Affordability-Owners (percentage of owner households spending more than 30% of income on housing)</li> </ul> <p>2) Social and Human Development</p> <ul style="list-style-type: none"> <li>• Proximity to Childcare</li> <li>• Early Development Instrument (EDI)</li> <li>• Secondary Education</li> <li>• Post-Secondary Completion</li> <li>• Not Participating in Labour Force</li> </ul> <p>3) Physical Environment Domain</p> <ul style="list-style-type: none"> <li>• Community Places for Meeting</li> <li>• Walkability score</li> <li>• Transit score</li> <li>• Usable Green Space</li> <li>• Commute Time (% of people spending over 45 minutes on commute)</li> <li>• Availability of Rental Housing</li> </ul> <p>4) Health</p> <ul style="list-style-type: none"> <li>• Diabetes Related Health Service</li> <li>• Mental Health</li> <li>• Falls among Seniors</li> </ul> <p>5) Community and Belonging</p> <ul style="list-style-type: none"> <li>• Mobility Status</li> </ul>	<p>It can be used to:</p> <ul style="list-style-type: none"> <li>• Identify priorities for investment (for neighbourhoods facing the most inequities)</li> <li>• Support community planning</li> </ul>

			<ul style="list-style-type: none"> <li>• Seniors Living Alone</li> <li>• Crime against the Property</li> <li>• Crime against the Person</li> <li>• Pedestrian and Cyclist Collisions</li> </ul>	
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Index/Measure	School Board/ Organization (Location)	Definition	Variables	Application
Neighbourhood Information Tool	Region of Peel <b>(Ontario, Canada)</b>	<p>The Neighbourhood Information Tool is a tool that uses quantitative and qualitative data to assess neighbourhood well-being in order to improve the conditions in particular neighbourhoods. The intent of the tool is to help governments, service providers, community groups and residents plan together and take action to support communities to increase well-being. The data is calculated based on Census Tracts (CTs) across 6 domains and 21 indicators, which are combined to create an index score – the measure of well-being for each census tract.</p> <p><b>Statistical methods used:</b> Not available</p>	<ol style="list-style-type: none"> <li>1) Demographics                             <ul style="list-style-type: none"> <li>• Child Youth Population</li> <li>• Senior Population</li> <li>• Visible Minority</li> <li>• Immigration Status</li> <li>• Mobility Status</li> <li>• Lone-Parent families</li> </ul> </li> <li>2) Economic Opportunity                             <ul style="list-style-type: none"> <li>• Prevalence of Low Income</li> <li>• Household Shelter Costs</li> <li>• Unemployment Rate</li> <li>• Youth Unemployment Rate</li> <li>• Low Educational Attainment</li> <li>• Post-secondary Education</li> </ul> </li> <li>3) Resident Engagement and Community Belonging                             <ul style="list-style-type: none"> <li>• Sense of Belonging to Local Community</li> <li>• Resident usage/enrollment in city parks and recreation programs</li> <li>• Resident usage of municipal library</li> </ul> </li> <li>4) Safety                             <ul style="list-style-type: none"> <li>• Crime Rate</li> </ul> </li> <li>5) Health                             <ul style="list-style-type: none"> <li>• Healthy Child Development (EDI)</li> <li>• Self-rated health</li> </ul> </li> <li>6) Physical Environment                             <ul style="list-style-type: none"> <li>• Proximity to Community Meeting Places</li> <li>• Proximity to Food Retailers</li> <li>• Housing Conditions</li> </ul> </li> </ol>	<p>It can be used to:</p> <ul style="list-style-type: none"> <li>• Effectively target supports to improve neighbourhood conditions</li> <li>• Support community planning at the resident level</li> </ul>





Index/Measure	School Board/ Organization (Location)	Definition	Variables	Application
Neighbourhood Financial Health Index	Canada <b>Various cities and municipalities</b>	<p>The Neighbourhood Financial Health Index (NFHI) is a measure of household financial health at the neighbourhood level that takes into account critical factors that determine financial well-being. Users of this index are able to determine how well individual neighbourhoods are doing. The data source for the variables in this index are from <i>Environics WealthScapes</i>. Index scores are calculated using Statistics Canada dissemination areas.</p> <p><b>Statistical methods used:</b> Z-scores standardization method</p>	<ol style="list-style-type: none"> <li>1) Average Household Income</li> <li>2) Neighbourhood Poverty (defined as the proportion of households in a community with total incomes below \$30,000/year)</li> <li>3) Liquid Assets</li> <li>4) Real Estate Assets</li> <li>5) Consumer Debt</li> <li>6) Mortgage Debt</li> </ol> <p><b>Other Variables Considered:</b></p> <ul style="list-style-type: none"> <li>• Ratio of debt to income</li> <li>• Ratio of debt to assets</li> <li>• Ratio of home price to income</li> <li>• Credit risk score</li> <li>• Ratio of savings to income</li> <li>• Low Income Measure (After Tax) population</li> </ul> <p>These variables were not considered as the ratios were either too difficult to interpret or there were challenges associated with converting postal geographies to census geographies for some of these variables.</p>	<p>It can be used to:</p> <ul style="list-style-type: none"> <li>• Target financial help and supports to neighbourhoods where they are needed most</li> <li>• Design more effective policies and programs to reduce financial vulnerability</li> </ul>

**Conclusion**

Currently, the TDSB Research Department has worked through the two phases noted above. This work has confirmed that TDSB's existing LOI process and method are sound both from a Canadian and an international perspective. At present there are no new variables that will be added or removed from the current LOI.

The Research Department is now recalculating the 2019-2020 schools using the existing method and variables. This will result in an updated LOI for both elementary and secondary schools.

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## **Status Update P021 Fundraising Policy – Preliminary Provisions**

**To:** Governance and Policy Committee

**Date:** 3 May, 2023

**Report No.:** 05-03-4519

### **Strategic Directions**

- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

### **Recommendation**

It is recommended that the Status Update on the Fundraising Policy (P021) be received for information.

### **Context**

The purpose of this report is to provide the Board of Trustees with an update on the review of the Fundraising Policy (P021) (see Appendix A – Draft Preliminary Provisions).

The Fundraising Policy (P021) (see Appendix B) was adopted by the Board of Trustees on March 28, 2001, and last reviewed on June 26, 2003. On November 3, 2016, the Policy Review Committee (now Governance and Policy Committee) initiated review of the Fundraising Policy.

Proposed changes to the Policy include: new provisions regarding the Systems Priorities Fund (formerly the Central Equity Fund), updates to align with updated Ministry guidelines and clarifying provisions regarding donations and online donations.

Pre-consultations occurred with PIAC beginning February 28, 2023, and PIAC was offered several weeks to provide input. Further pre-consultations in the form of one-on-one interviews also took place with stakeholders as part of a Service Excellence design thinking innovation challenge.

**Action Plan and Associated Timeline**

Following receipt of the preliminary provisions by the Board of Trustees on May 24, 2023, a draft policy will be developed. Upon completion, the draft policy will be posted to the Board’s website for consultation from May 29<sup>th</sup> – October 10<sup>th</sup>, 2023 (an extended consultation term of 60 days).

Proposed Consultation Process:

<b>Stakeholders to be Engaged</b>	<b>Consultation Method</b>
Parent Involvement Advisory Committee (PIAC)	Focus Group
Special Education Advisory Committee (SEAC)	Focus Group
Urban Indigenous Community Advisory Committee	Survey
2SLGBTQ+ Community Advisory Committee	Survey
Alternative Schools Community Advisory Committee	Survey
Black Student Achievement Community Advisory Committee	Survey
Community Use of Schools Community Advisory Committee	Survey
Early Years Community Advisory Committee	Survey
Environmental Sustainability Community Advisory Committee	Survey
Equity Policy Community Advisory Committee	Survey
French-as-a-Second Language Community Advisory Committee	Survey
Inner City Community Advisory Committee	Survey
TDSB Community and the general public	Survey
Student Senate	Survey
School Councils	Survey
Unions/Professional Associations	Survey

Additionally, staff will provide Trustees with messaging for distribution via their weekly newsletters, which will include a survey link, before the end of the 2022-2023 school year.

The feedback will be used to inform revisions to the draft Policy, which will then be presented to Trustees for consideration and approval at the Governance and Policy Committee and then the Board of Trustees in the fall, 2023.



## **Resource Implications**

N/A

## **Communications Considerations**

The Policy will be communicated in accordance with the Policy Review Work Plan.

## **Board Policy and Procedure Reference(s)**

- Advertising & Distribution of Materials Policy (P006)
- Fundraising Policy (P021)
- Fundraising Procedure (PR508)
- International Disaster Relief (PR609)
- Scholarships, Awards and Trust Funds Procedure (PR685)

## **Appendices**

- Appendix A – Draft Preliminary Provisions: Fundraising Policy (P021)
- Appendix B – Fundraising Policy (P021) – current

## **From**

Stacey Zucker, Associate Director, Modernization and Strategic Resource Alignment, by email at [Stacey.Zucker@tdsb.on.ca](mailto:Stacey.Zucker@tdsb.on.ca)

Craig Snider, Executive Officer, Business Services by email at [Craig.Snider@tdsb.on.ca](mailto:Craig.Snider@tdsb.on.ca).

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**DRAFT PRELIMINARY PROVISIONS: FUNDRAISING POLICY (P021)****Definitions:**

- *Crowdfunding* is a fundraising method where a large number of people each give an amount of money to pay for an initiative or project, especially by using a website to collect the money.
- *Donation* is a voluntary contribution to the Board or to a school in the form of a financial donation, gift in kind or gift of service.
- *External Charity Groups* are registered charities that are not legally affiliated with the Board. They may fundraise for their own organizational purposes, or for TDSB schools. Examples of these groups are alumni associations, Home & School Associations.
- *Fundraising* is a local school or system-wide activity to raise money or other resources and is a collaborative effort among parents/guardians/caregivers, students, staff and the school community to raise funds in support of:
  - local school programs/initiatives;
  - central campaigns;
  - external initiatives/charities to benefit TDSB schools/students; or
  - external initiatives/charities supported by TDSB to benefit external organizations/causes.
- *Fundraising Activities* may include, but are not limited to:
  - Donations (in-kind or monetary)
  - Fun Fair events
  - Grant, Scholarship/Contest/Bursary applications
  - Internet-mediated registries (Board approved crowdfunding sites)
  - Product sales
  - Games of Chance (i.e. 50/50 Draw, Bingo, Lotteries and Raffles)
  - Sponsorship opportunities
  - Voluntary contributions from stakeholders
- *School Community* refers to students, parents/guardians/caregivers, staff, school/student councils, Trustees, and members of the broader community, partners and others, who support the local school and student achievement.
- *School Council Funds* (generated through school council accounts) are raised or collected from sources other than the Board's operating and capital budgets.
- *School-Funded Project* is work that the school has identified as a priority and has funds to pay for in whole, either through the principal's school budget or through fundraising (including grants), such as a playground or school yard enhancement. School-funded projects do not include routine maintenance,

emergency repairs or major capital improvements such as roofing or boilers. A school-funded project should not result in a significant increase in school or TDSB operating or capital costs (e.g. air conditioners).

- *School Generated Funds* are funds that are raised and collected in the school or broader community in the name of the school by school councils or other school or parent/guardian/caregiver administered groups. These funds are administered by the school principal (through non-Board accounts).
- *Sponsorship* is an agreement between the Board and an association or company by which the sponsor provides financial or resource support for which they may receive recognition and/or advertisement.
- *System Priorities Fund* means a central fund established by the Board for the purpose of managing undesignated donations or donations designated for the fund. This fund assists in addressing system needs across all schools and/or helps move resources based on equitable principles.

### **Provision 1: Application and Scope of the Policy**

This Policy applies to all employees, members of school councils and community members involved in planning, implementing and supervising fundraising activities and managing donations to/for the Board.

School council fundraising activities are governed by this Policy and must conform to the school council's mandate of improving pupil achievement and enhancing the accountability of the public education system through the active participation of parents/guardians/caregivers, in accordance with Ontario Regulation 612/00.

### **Provision 2: Accountability of Funds**

The school principal is ultimately responsible for all fundraising activities conducted in the name of the school, including school council activities. The principal will have financial oversight of all school generated funds. Where a separate school council bank account exists, the signing officers of the bank account must include the principal and a member of the school council.

Central staff will have financial oversight of all system-wide fundraising activities and donations.

**Provision 3: Community Fundraising to Support External Organizations, Charitable Organizations, Foundations and/or Other Causes**

Community-based fundraising to support external organizations or causes, that are initiated or led by a community/charitable organization, will require approval of the local school principal if the fundraising activity is carried out on school property. The principal and school staff will not be involved in the collection or holding of any funds raised for this purpose. Responsibility for the funds will rest solely with the external community-based group.

The Board will not provide tax receipts for these funds; this will be the sole responsibility of the external organizations/charities.

No external registered charity or arms-length entities will fundraise in the name of the school, operate as a school council of the school, or conduct fundraising or other activities in a school, or use the school's name, without the Principal and the Board's consent and approval.

Any charitable organization affiliated with schools will conform to Board and Ministry of Education policies and applicable legislation, including Ontario Regulation 612/00.

Central fundraising activities, including Board-initiated campaigns, including international disaster relief efforts will be managed by central staff.

**Provision 4: System Priorities Fund**

To facilitate improved equity of resources among schools with different socioeconomic status, a *System Priorities Fund* will be maintained to redirect designated/undesignated donations from external sources and/or voluntarily directed surplus funds generated by school communities.

A process for the allocation of funds will be determined by the accompanying Fundraising Procedures.

**Provision 5: Conflict of Interest**

Donations and fundraising activities must not result in any person, including students, staff, school/student council members, parents/guardians/caregivers, relatives, trustees or volunteers benefiting materially or financially from a fundraising activity, whether an actual, potential or perceived conflict of interest, in accordance with the Employee Conflict of Interest Policy (P057).

**Provision 6: Funds Management**

Fundraising activities must be accountable and transparent, with school/student councils and their local school communities being informed about how fundraising proceeds are used by the school. Funds must be raised for a designated purpose and used for that intended purpose. Resources generated through fundraising activities will be used within a two-year period unless designated for a specific project. The plan will be documented in the school generated funds plan. Designated projects at the school council level must be approved with a resolution at a formal meeting of the council.

All financial activities regarding school generated funds must be tracked and reported to the Board for year-end financial reporting purposes. If the designated purpose is no longer applicable or if there are unused surplus funds remaining from historic fundraising activities, the funds can be redirected to other purposes after consultation with and approval by the school council and school Principal.

**Provision 7: Promotional Materials for Fundraising Activities**

All promotional materials related to fundraising and/or sponsorship activities require approval by the principal prior to distribution to the community and must comply with the Board's Advertising and Distribution of Materials Policy (P006).

**Provision 8: Participation and Consent**

Participation in fundraising activities is strictly voluntary. No individual should feel compelled to participate in any fundraising activity supporting internal or external initiatives, nor should they be subject to penalties, or denied any benefits, if they choose not to participate.

**Provision 9: Safety Considerations**

Safety of students is a primary consideration in all fundraising activities. Parents/Guardians/Caregivers must be informed of all fundraising activities before they are undertaken by students. Written consent may be required. Student fundraising activities require supervision and should be age-appropriate.

- Door-to-door canvassing by elementary school students is not permitted unless accompanied by an adult.
- Secondary school students canvassing in the community must work in a group of at least three students and during daylight hours when fundraising in the community.

**Provision 10: Procurement Requirements surrounding Fundraising Activities**

Schools must use Board approved Fundraising/Fun Fair Vendors to ensure the company is in good standing. Products used for school fundraising will be of good quality and provided by reputable companies as defined by the Board's purchasing guidelines to reflect the school community's standard of propriety and the Board's Mission, Values and Goals Policy (P002). New fundraising vendors are added throughout the school year to a directory on the Board's website, granted they are in full compliance with the Board's policies and procedures.

**Provision 11: Raffles and Lotteries**

Schools planning to fundraise using a 'game of chance' (i.e. raffles, bingo, break open tickets or draw) must apply for a Lottery License. All such activities are governed by the Gaming Control Act and all of its Regulations.

**Provision 12: Donations, Grants and Sponsorships**

Central Agreements are required for Grants, Scholarships/Contests/Bursaries, Sponsorship and Donations. The Fundraising Procedure (PR508) will outline the procedures related to Agreements. Donors and sponsors will be recognized in accordance with the Advertising and Distribution of Materials Policy (P006).

**Provision 13: School Council Funds**

All school council fundraising activities and expenditures must be conducted in accordance with Board policies, Ministry directives and applicable legislation. School Council activities must also align with the annual School Generated Funds Plan, as approved by the school principal.

**Provision 14: Online Fundraising and Crowdfunding**

Fundraising may be conducted online, using only the TDSB's approved online donation portal or other centrally approved module. Fundraising may not be conducted using external fundraising websites and applications.

**Provision 15: Eligible and Ineligible Uses of Fundraising proceeds (Ministry guidelines)**

Funds raised for school purposes are to be used to complement, not replace public funding for education. In accordance with Ministry of Education directions, money raised through fundraising is not to be used to provide resources necessary for the delivery of curriculum or a safe learning environment, i.e. sanitation, emergency repair, textbooks required to deliver curriculum, school administration, employee positions covered under collective agreements.

School ground projects are an eligible use of fundraising proceeds, but prior central approval is required before departments and/or schools begin to fundraise for this purpose. Examples of school ground projects include: playscapes, tree planting, artificial turfs, etc.



# Toronto District School Board

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Policy P021

Title: **FUNDRAISING**  
Adopted: March 28, 2001  
Revised: October 24, 2001, June 12, 2002  
June 26, 2003 (Replaces E.011: Fundraising)  
Review:

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## 1.0 OBJECTIVE

To provide guidelines to direct schools when planning fundraising activities

## 2.0 DEFINITIONS

*Fundraising* A local school activity that is a collaborative effort among parents, students, school staff and the school community to raise funds to enhance the school program and support school initiatives. Fundraising activities may include sponsorships and donations.

## 3.0 POLICY

- 3.1. To ensure equity, a central equity fund shall be maintained that will hold funds voluntarily donated through a system-wide, curriculum-based fundraising criteria.
- 3.2. Local charitable foundations affiliated with schools shall conform to Board policy.
- 3.3. Parent and student participation in any fundraising activity shall be voluntary.
- 3.4. Door-to-door canvassing by junior elementary school students shall not be permitted without written parental/guardian consent and when accompanied.
- 3.5. No products to be sold for fundraising purposes shall be sent home with students without written parental consent.
- 3.6. Products used for school fundraising shall be of good quality and provided by reputable companies as defined by the Board's purchasing guidelines, appropriate for student consumption or use; in keeping with the school community's standard of propriety; and reflective of the Board's values.
- 3.7. Secondary school students shall be encouraged to work in a group of at least three students and during daylight hours when fundraising in the community.

- 3.8. Where incentives are warranted, class or group awards are acceptable.
- 3.9. Money raised through fundraising is not to be used to provide resources necessary for the delivery of curriculum or a safe learning environment, i.e. structural repair; sanitation, emergency repair, textbooks required to deliver curriculum, school administration, staff positions covered under collective agreements.  
  
Exception: Funds raised or donations received for special purpose areas of a school (see policy P047, Naming Schools and Special Purpose Areas, section 4.7)
- 3.10. Resources generated through fundraising activities will be used within a two-year period unless designated for a specific project.
- 3.11. School councils shall be informed about how fundraising proceeds are used by the school as required by O. Reg. 612/00, School Councils.

#### **4.0 SPECIFIC DIRECTIVES**

- 1.0. The Director is authorized to issue operational procedures to implement this policy.

#### **5.0 REFERENCE DOCUMENTS**

Operational Procedure PR508, Fundraising

Board Policy P002, Mission and Values

Board Policy P047, Naming Schools and Special Purpose Areas

O. Reg. 612/00, School Councils

R.R.O. 1990, Reg. 298, Operation of Schools – General



## **P013, Out-of-Area Admissions Policy: Revisions**

**To:** Governance and Policy Committee

**Date:** 3 May, 2023

**Report No.:** 05-03-4521

### **Strategic Directions**

- Provide Equity of Access to Learning Opportunities for All Students

### **Recommendation**

It is recommended that the revised Out-of-Area Admissions Policy (P013), as presented in this report, be approved

### **Context**

Changes are being proposed to the TDSB's Out-of-Area Admissions Policy (P013) to address identified gaps and to remove reference to Alternative Schools now that the Alternative Schools Policy (P062) has been updated and approved.

### **Overview of Proposed Revisions to the Policy**

#### **First Nations, Métis and Inuit Students' Access to Regular Programs**

The current Policy gives students who self-identify as First Nations, Métis and Inuit access to schools outside of the Out-of-Area Admissions process. Clarification is being added to reflect that the access is for Regular Programs in schools. There exist admissions procedures for Special Education and Inclusion Intensive Support Programs, French Language Programs, Central Student Interest Programs and Caring and Safe Schools programs and this Policy does not supersede these various procedures.

#### **Extending Support for Educational Continuity**

In Appendix A of the Policy, priority #3 supports students who are attending a school that is not their designated school by address, where access was gained through the school-based Pre-School care. Added to this priority is the scenario where an in-area

student moves out-of-area and wishes to remain at their current school rather than attend their new designated school by address.

Appendix B of the Policy, which contained the exact language from the former Optional Attendance Policy that pertained to Alternative Schools admissions practices was included to ensure oversight and policy direction for the year, while the Alternative School Policy was being reviewed and updated. The Appendix is no longer needed and will be removed given that the revised Alternative Schools Policy (P062) is in place. Alternative Schools have also been added to the section outlining programs whose admissions are not covered in the Policy.

The timeframe in which a student may depart the Before and After school Program has been updated to accurately reflect the Out-of-Area Admissions and Withdrawal from Childcare (545C) document that has been in use. If a student ceases to attend the program before the end of Grade 3, they must apply through Out-of-Area Admissions to remain at the school.

### **Housekeeping Items**

- The first part of Section 6.1.4 that referred to the number of applications that were permitted during the 22-23 school year has been removed.
- Changing “Centralized Programs” to “Central Student Interest Programs”.
- The status of Limited (Siblings and Feeder School) is being updated to Limited (Siblings or Feeder School) to more clearly outline who is eligible to apply. The applicant must be either a sibling OR attend the feeder school, they need not be both.

### **Action Plan and Associated Timeline**

Subject to the Governance and Policy Committee’s recommendation, the Policy will be presented to the Board of Trustees on May 24, 2023 for final approval.

Following Board approval, the associated Operational Procedures will be finalized and brought to the Governance and Policy Committee at the end of May 2023 for information.

### **Resource Implications**

N/A

### **Communications Considerations**

Following Board approval, the revised Policy will be posted on the Board’s public website. In addition, a message will be circulated to the System Leaders’ Bulletin.

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A detailed communication plan and roll-out will be developed for all key interested parties, including school and central staff, parents/guardians and students to support the implementation of the revised Policy and the associated Operational Procedures.

### **Board Policy and Procedure Reference(s)**

- Student Interest Programs (P100)
- Alternative Schools Policy (P062)
- Out-of-Area Admissions Procedure (PR545)
- Alternative Schools Procedure (PR584)
- Admission to Specialized Schools and Programs (PR612)

### **Appendices**

- Appendix A: Draft P013: Out-of-Area Admissions Policy (revised clean)
- Appendix B: Draft P013: Out-of-Area Admissions Policy (revised tracked changes)

### **From**

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## Toronto District School Board

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Policy P013

Title: Out-of-Area Admissions (**formerly Optional Attendance**)

Adopted: October 27, 1999

Effectuated: October 27, 1999

Revised: May 3, 2000, December 15, 2004, **May 25, 2022**

Reviewed: May 25, 2022

Authorization: Board of Trustees

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### 1. RATIONALE

The Out-of-Area Admissions Policy (P013) (the “Policy”) supports implementation of the legislative requirements as outlined in Section 171(1), para. 7 of the *Education Act*, which authorizes the Toronto District School Board to determine attendance areas for each school and assign students to particular schools based on the address of the parents/guardians.

This Policy aligns with Board policies, including the Equity Policy (P037), Human Rights Policy (P031) and is consistent with the *Ontario Human Rights Code*. This Policy supports the Board’s commitment to the Truth and Reconciliation Commission of Canada: Calls to Actions and the United Nations Declaration on the Rights of Indigenous Peoples as a framework for reconciliation.

### 2. OBJECTIVE

- To provide policy direction about access to schools outside a student’s designated attendance area; and,
- To affirm the Board’s commitment to providing strong programming in local schools and to ensure equitable educational access, experiences, and opportunities for all students in alignment with the recommendations made in the Enhancing Equity Task force, the equity priorities of the Multi-Year Strategic Plan and the vision of Secondary Program Review.

### 3. DEFINITIONS

*Alternative Schools* refer to smaller school environments providing unique pedagogy, forms of governance, and staff/student/parent involvement that are open to any resident of Toronto. Each alternative school has a distinct identity and

focus and provides an educational experience suited to individual learning styles/preferences and/or needs.

*Before and After-School Programs* refers to licensed child care programs, extended day programs, authorized recreation, and skill building programs in schools serving junior kindergarten to grade 6 students before the school day begins, and after it ends, as defined in the *Child Care and Early Years Act (2014)*.

*Board* refers to the Toronto District School Board, which is also referred to as the "TDSB".

*Centralized Programs* refer to educational programs offered in some Elementary and Secondary Schools. Programming has a specific focus and students apply to participate in the Centralized Program.

*Centralized School* refers to an Elementary School or Secondary School with no Designated Attendance Area. All students at the TDSB are eligible to apply to attend and are required to follow application processes.

*Child Care* refers to licensed early learning and care programs for children from birth to 3.8 years of age.

*Designated Attendance Area* refers to the geographic area served by a designated school.

*Designated school by address* refers to the school identified by the primary residence of the parent/guardian/adult student.

*Elementary school* refers to Grades Kindergarten to 8, or a part thereof. All Elementary Schools offer Regular Programming. Some may offer Centralized Programs, Intensive Support Programs or Intensive French Programs.

*Feeder school* refers to a school from which many or most students progress from an elementary school to a designated elementary or secondary school based on the attendance area or program.

*Intensive Support Program (ISP)* refers to Special Education programs designed to support communities of students with an identified exceptionality who have behavioural, communication, intellectual, or physical needs.

*Local Programs* refer to interest-based programs within a school with a specific focus (e.g., Math/Science, Specialist High Skills Major) that are available only to students registered at that school.

*Out-of-Area Applicant* refers to a student who applies to a school located outside of their designated attendance area.



*Secondary School* refers to Grades 9 to 12 where students earn Ontario Secondary School credits. All Secondary Schools offer regular programs. Some may also offer Centralized Programs, Intensive Support Programs or Intensive French Programs.

#### **4. RESPONSIBILITY**

The Director of Education holds the primary responsibility for overseeing the implementation of this Policy. Within the Director's Office, the responsibility for the day-to-day management and coordination of the Policy is assigned to the Associate Director, Student Well-Being and Innovation.

#### **5. APPLICATION AND SCOPE**

This Policy applies to students, parents/guardians, and staff, including principals, superintendents, and school personnel, involved in the application and registration processes for students seeking to register in a school that lies outside of their designated attendance area.

This Policy does not apply to:

- placements into Special Education Intensive Support Programs (ISPs). Students access these programs through the Identification, Placement and Review Committee (IPRC) process;
- students whose placements are facilitated by the Caring and Safe Schools department;
- the application processes for Centralized Schools or Centralized Programs. See the Student Interest Programs Policy P100.
- the application processes for Local Programs. See the Student Interest Programs Policy P100.

#### **6. POLICY**

##### **6.1. General**

- 6.1.1 The Board is committed to supporting strong, accessible, and inclusive community schools that provide educational programs for the diverse needs of its students.
- 6.1.2 Each student who is eligible to attend school will have the right to attend the regular program in a designated school in accordance with this policy, based on the primary address of the student's parents (or either parent) or of the student's legal guardian. In the case of an adult student, the address where the student resides will determine the appropriate designated school.

6.1.3 The application process for attendance at a school other than the student's designated school will be communicated annually to students, parents, and guardians through the TDSB website.

6.1.4 In the 2022-2023 school year, parents/guardians, on behalf of their children, or students who are 18 years or older (as well as those over 16 years old who have withdrawn from parental control) may apply to up to two (2) regular program/ French Immersion/ Extended French schools outside of their designated attendance area for admission in September 2023.

In the 2023-2024 school year and subsequent years, parents/guardians, on behalf of their children, or students who are 18 years or older (as well as those over 16 years old who have withdrawn from parental control) may apply for one (1) regular program/ French Immersion/ Extended French school outside of their designated attendance area.

## **6.2. Regular Schools (Elementary)**

6.2.1 Children from out-of-area who are enrolled in the school-based pre-school child care program prior to the end of February of the year they are to begin Junior Kindergarten, and who will be enrolled in the Before- and After-School Program ("BASP") at that school, have the option of attending the school in which the child care is located. No Out-of-Area Admissions process is required.

a) If these students no longer attend the BASP prior to the start of Grade 3, they may remain at the current school (and in the same educational program) until the end of the current school year. They are then required to attend their designated elementary school by address. BASP Supervisors are responsible for sharing information around departing families with school administrators.

Students withdrawn from the BASP prior to the start of Grade 3 may apply to remain at the current school via the Out-of-Area Admissions process.

b) In situations where students from out-of-area exceed the age limit or are demitted from a child care program due to operator policy changes, may remain in the school until the end of the grade range of that school.

c) Students who wish to attend the school at the next level into which the school feeds will be required to apply for Out-of-Area Admission to the school they wish to attend.

d) Should a student from Out-of-Area register in school-based pre-school child care after the end of February in the year

they are to begin Junior Kindergarten, the family will be notified by the child care operator that they will not have access to attend the school in September for junior kindergarten.

6.2.2 In-area elementary school students who move out-of-area during the school year may remain at the current school (and in the same educational program) until the end of the current school year (unless the next school year is a graduation year from that school), or may register in the new designated school.

- a) If these students are currently enrolled in the BASP and the new designated school's BASP cannot accommodate them, they may remain in their current school (in the same educational program).
- b) Students who wish to attend the school at the next level into which the school feeds will be required to apply for Out-of-Area Admission to the school should they wish to attend.

### 6.3 Regular Schools (Secondary)

6.3.1 In-area secondary school students who move out-of-area during the school year will be allowed to remain at the current school (and in the same educational program), or register in the new designated school.

### 6.4 Schools with French Immersion/Extended French Programs

6.4.1 All students whose parents/guardians reside within the City of Toronto and are eligible to attend a school operated by the Board will have the option to attend a French Immersion/ Extended French program.

- a) Entry to child care does not guarantee access to a French Immersion/Extended French program in that school.

6.4.2 If a student wishes to attend a French Immersion/ Extended French program at a school other than their designated [French Program school by address](#), the student must apply for Out-of-Area Admission at the requested school. The directions set out in Section 6.2 and 6.3 of this Policy for Regular Schools will apply. No transportation will be provided.

- a) Once admitted to a French Immersion/ Extended French program at a school through Out-of-Area Admission, students may complete the grade range of that school.

- b) Students who wish to attend a school at the next level into which the [French Pathway](#) feeds will be required to apply for Out-of-Area Admission to that school.

## 6.5 Out-of-Area Admissions Status & Random Selection Priorities: All Schools

- 6.5.1 Board staff will determine the Out-of-Area Admissions status of schools annually, determining which schools may accept applications from students outside the designated attendance area based on school capacity and projected enrollment by grade.
  - **Closed** - the school may not admit any students from Out-of-Area. No students may apply for Out-of-Area Admissions.
  - **Limited (Siblings)** - Only students with a sibling currently attending and returning to the requested school may apply for Out-of-Area Admissions.
  - **Limited (Siblings and Feeder School)** - Only students with siblings attending and returning to the requested school and students attending a feeder school may apply for Out-of-Area Admissions.
  - **Limited** - the school may admit students from all of the priorities listed, as space is available. All students may apply for Out-of-Area Admissions.

- 6.5.2 Based on the Out-of-Area Admissions status of schools, students will be provided with opportunities to access schools outside their designated area by applying as an Out-of-Area applicant.

- 6.5.3 Based on current school enrolment and projected enrolment numbers, the school Principal (in consultation with Central Staff) will determine if space is available at the requested school in each grade. Spaces will be filled by grade according to the admission priorities. For each of the admission priorities, a random selection process will be undertaken if the number of applications exceeds available spaces.

Priorities for out-of-area admission will support family cohesiveness (K-8), educational continuity, feeder school group/program continuity, and current TDSB students.

Priorities (Appendix A) may change to meet the needs of the system and will remain aligned with the equity priorities outlined in the TDSB's Multi-Year Strategic Plan and recommendations from the Enhanced Equity Task Force Report.

- 6.5.4 The TDSB will not be responsible for providing transportation for students admitted through Out-of-Area Admissions. Transportation is the responsibility of the applicant.
- 6.5.5 Students admitted through Out-of-Area Admissions who wish to return to their designated school by address may do so at an appropriate transition point (e.g., end of term, semester change, beginning of school year) at the request of the student/ family. If the requested school's Out-of-Area Admissions status is "Closed", a switch may not be possible until the following semester or transition point.
- 6.5.6 Students with more than one designated school by primary address of residence can only switch from one school to the other through the Out-of-Area Admissions process. If the requested school's Out-of-Area Admissions status is "Closed", a switch will not be possible.
- 6.5.7 In keeping with Truth and Reconciliation, First Nations, Métis, and Inuit students will be supported outside of the Out-of-Area Admissions Policy, and given priority access. Admission will be supported at any regular intake time, even in schools closed to Out-of-Area Admissions, where possible.
- 6.5.8 Secondary students whose child(ren) is/are enrolled in a child care centre in the catchment area will be supported outside of the Out-of-Area Admissions policy, and given priority access. Admission will be supported and accommodated at any regular intake time, even in schools closed to Out-of-Area Admissions, where possible.
- 6.5.9 Decisions relating to Out-of-Area Admissions may be appealed through the Superintendent of Education for the requested school.

## **7. SPECIFIC DIRECTIVES**

The Director of Education is authorized to issue operational procedures to implement this Policy.

## **8. EVALUATION**

This Policy will be reviewed at a minimum every four (4) years from the effective date.

## **9. APPENDICES**

Appendix A: Random Selection Process Priorities  
Appendix B: Alternative Schools

## 10. REFERENCE DOCUMENTS

### Legislation

- *Child Care and Early Years Act, 2014.*
- *Education Act, R.S.O. 1990, c. E.2*
- *Ontario Human Rights Code.*

### Policies

- Transportation of Students (P020)
- Early Learning and Care (P022)
- Human Rights (P031)
- Equity (P037)
- Student Interest Programs (P100)
- Alternative Schools (P062)
- French-as-a-Second Language (P080)

### Procedures

- Transportation of Students (PR504)
- Admission Eligibility Requirements (PR518)
- Alternative Schools (PR584)
- French Immersion/Extended French (PR597)

### Other Documents

- Enhancing Equity Task Force: Report and Recommendations, 2017.
- Director's Response to the Enhancing Equity Task Force Report, 2018.
- Multi-Year Strategic Plan
- Ontario Schools, Kindergarten to Grade 12: Policy and Program Requirements, Ministry of Education, 2016
- Truth and Reconciliation Commission of Canada: Calls to Actions, 2015.
- United Nations Declaration on the Rights of Indigenous Peoples, 2007.

### **Appendix A: Random Selection Process Priorities**

Spaces will be filled by grade according to admission priorities. For each of the admission priorities listed below, in order, a random selection process will be undertaken if the number of applications exceeds available spaces.

Priority 1: (Elementary schools only\*\*) Students who have a sibling currently attending the requested school and that sibling will still be attending the requested school the next school year.

Priority 2: Students currently attending a *feeder school* in the same program as the application to the requested school (i.e. in Regular program if applying to Regular program).

Priority 3: (Elementary Schools only) Current students no longer attending the *Before- and After-School Program* of the requested school wishing to remain at the school (see section 6.2.2).

Priority 4: Current TDSB students (and who remain registered as TDSB students for the duration of the school year in which the Out-of-Area application was made).

Priority 5: Other students whose parents'/ guardians' primary residence is in the City of Toronto (e.g. from independent/ private schools, other school boards, home schooling, etc.).

Priority 6: Students whose parents'/guardians' primary residence is outside the City of Toronto.

\*\* students attending a secondary school as of September 2022 may have the sibling rule apply to their younger siblings.

- Applications for September 2023 - Grades 9 - 11 and returning grade 12 students
- Applications for September 2024 - Grades 10 -11 and returning grade 12 students
- Applications for September 2025 - Grade 11 and returning grade 12 students
- Applications for September 2026 - only applies to returning grade 12 students

Effective 2025 - 2026 school year: a new Out-of-Area Admission status of Limited (Feeder School) will be created for Secondary Schools only

## **Appendix B: Alternative Schools**

### **Alternative Schools**

All students who are residents of the City of Toronto are eligible to attend any Board authorized alternative school subject to the guidelines outlined:

#### **Elementary**

- (a) The student and parent meet the required admission criteria for the school developed by that school.
- (b) If more students meet the criteria than there are spaces available, students will be admitted based on a lottery.
- (c) Where possible, first consideration for attendance is to be given to students within an existing alternative school.
- (d) Offers of admission and acceptance adhere to established timelines and deadlines as specified by the Out-of-Area Admissions Policy.
- (e) Transportation will be in accordance with the Board Transportation policy.

#### **Secondary**

- (a) The student meets the required admission criteria for the school developed by that school and has consulted with Board designated guidance staff.
- (b) Where possible, first consideration for attendance is to be given to students within an existing alternative schools pathway.
- (c) Transportation will be in accordance with the Board's transportation policy.

Admissions for Alternative Schools (elementary and secondary) will be overseen by the Alternative Schools Procedure (PR584)

In the 2022-2023 school year, a student may apply to two (2) Alternative schools for admission in September 2023.

In the 2023-2024 school year and every year afterwards, a student may apply for one (1) Alternative school.



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## Toronto District School Board

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Policy P013

Title:	Out-of-Area Admissions ( <b>formerly Optional Attendance</b> )
Adopted:	October 27, 1999
Effectuated:	October 27, 1999
Revised:	May 3, 2000, December 15, 2004, May 25, 2022, <a href="#">[new date]</a>
Reviewed:	May 25, 2022, <a href="#">[new date]</a>
Authorization:	Board of Trustees

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### 1. RATIONALE

The Out-of-Area Admissions Policy (P013) (the “Policy”) supports implementation of the legislative requirements as outlined in Section 171(1), para. 7 of the *Education Act*, which authorizes the Toronto District School Board to determine attendance areas for each school and assign students to particular schools based on the address of the parents/guardians.

This Policy aligns with Board policies, including the Equity Policy (P037), Human Rights Policy (P031) and is consistent with the *Ontario Human Rights Code*. This Policy supports the Board’s commitment to the Truth and Reconciliation Commission of Canada: Calls to Actions and the United Nations Declaration on the Rights of Indigenous Peoples as a framework for reconciliation.

### 2. OBJECTIVE

- To provide policy direction about access to schools outside a student’s designated attendance area; and,
- To affirm the Board’s commitment to providing strong programming in local schools and to ensure equitable educational access, experiences, and opportunities for all students in alignment with the recommendations made in the Enhancing Equity Task force, the equity priorities of the Multi-Year Strategic Plan and the vision of [the](#) Secondary Program Review.

### 3. DEFINITIONS

*Alternative Schools* refer to smaller school environments providing unique pedagogy, forms of governance, and staff/student/parent/[guardian](#) involvement that are open to any resident of Toronto. Each alternative school has a distinct

identity and focus and provides an educational experience suited to individual learning styles/preferences and/or needs.

*Before and After-School Programs* refers to licensed child care programs, extended day programs, authorized recreation, and skill building programs in schools serving junior kindergarten to grade 6 students before the school day begins, and after it ends, as defined in the *Child Care and Early Years Act (2014)*.

*Board* refers to the Toronto District School Board, which is also referred to as the "TDSB".

*Centralized Student Interest Programs* refer to educational programs offered in some Elementary and Secondary Schools. Programming has a specific focus and students apply to participate in the *Centralized Student Interest Program*.

*Centralized Student Interest School* refers to an Elementary School or Secondary School with no Designated Attendance Area. All students at the TDSB are eligible to apply to attend and are required to follow application processes.

*Child Care* refers to licensed early learning and care programs for children from birth to 3.8 years of age.

*Designated Attendance Area* refers to the geographic area served by a designated school.

*Designated school by address* refers to the school identified by the primary residence of the parent/guardian/adult student.

*Elementary school* refers to Grades Kindergarten to 8, or a part thereof. All Elementary Schools offer Regular Programming. Some may offer Central Student interestized Programs, Intensive Support Programs or Intensive French Programs.

*Feeder school* refers to a school from which many or most students progress from an elementary school to a designated elementary or secondary school based on the attendance area or program.

*Intensive Support Program (ISP)* refers to Special Education programs designed to support communities of students with an identified exceptionality who have behavioural, communication, intellectual, or physical needs.

*Local Programs* refer to interest-based programs within a school with a specific focus (e.g., Math/Science, Specialist High Skills Major) that are available only to students registered at that school.

*Out-of-Area Applicant* refers to a student who applies to a school located outside of their designated attendance area.

*Secondary School* refers to Grades 9 to 12 where students earn Ontario Secondary School credits. All Secondary Schools offer regular programs. Some may also offer Central Student Interestized Programs, Intensive Support Programs or Intensive French Programs.

TDSB refers to the Toronto District School Board, which is also referred to as the "Board".

#### 4. RESPONSIBILITY

The Director of Education holds the primary responsibility for overseeing the implementation of this Policy. Within the Director's Office, the responsibility for the day-to-day management and coordination of the Policy is assigned to the Associate Director, Student Well-Being and Innovation.

#### 5. APPLICATION AND SCOPE

This Policy applies to students, parents/guardians/caregivers, and staff, including principals, superintendents, and school personnel, involved in the application and registration processes for students seeking to register in a school that lies outside of their designated attendance area.

This Policy does not apply to:

- placements into Special Education Intensive Support Programs (ISPs). Students access these programs through the Identification, Placement and Review Committee (IPRC) process;
- students whose placements are facilitated by the Caring and Safe Schools department;
- the application processes for Central Student Interestized Programs or Schools or Centralized Programs. See the Student Interest Programs Policy (P100).
- the application processes for Elementary and Secondary Alternative Schools. See the Alternative Schools Policy (P062);
- the application processes for Local Programs. See the Student Interest Programs Policy (P100).

#### 6. POLICY

##### 6.1. General

- 6.1.1 The Board is committed to supporting strong, accessible, and inclusive community schools that provide educational programs for the diverse needs of its students.
- 6.1.2 Each student who is eligible to attend school will have the right to attend the regular program in a designated school in accordance

with this ~~p~~Policy, based on the primary address of the student's parents (or either parent) or of the student's legal guardian. In the case of an adult student, the address where the student resides will determine the appropriate designated school.

6.1.3 The application process for attendance at a school other than the student's designated school will be communicated annually to students and, parents ~~,~~ and guardians caregivers through the TDSB website.

6.1.4 In the ~~2022-2023-2024~~ school year and subsequent years, parents/guardians caregivers, on behalf of their children, or students who are 18 years or older (as well as students those over 16 years or older old who have withdrawn from parental control) ~~may apply to up to two (2) regular program/ French Immersion/ Extended French schools outside of their designated attendance area for admission in September 2023.~~

~~In the 2023-2024 school year and subsequent years, parents/guardians, on behalf of their children, or students who are 18 years or older (as well as those over 16 years old~~ who have withdrawn from parental control) may apply for one (1) regular program/ French Immersion/ Extended French school outside of their designated attendance area.

**6.2. Regular Schools (Elementary)**

6.2.1 Children from out-of-area who are enrolled in the school-based pre-school child care program prior to the end of February of the year they are to begin Junior Kindergarten, and who will be enrolled in the Before- and After-School Program ("BASP") at that school, have the option of attending the school in which the child care is located. No Out-of-Area Admissions process is required.

a) If these students no longer attend the BASP prior to the ~~\_start~~ end of Grade 3, they may remain at the current school (and in the same educational program) until the end of the current school year. They are then required to attend their designated elementary school by address. BASP Supervisors are responsible for sharing information around departing families with school administrators.

Students withdrawn from the BASP prior to the ~~end~~ start of Grade 3 may apply to remain at the current school via the Out-of-Area Admissions process.

b) In situations where students from out-of-area exceed the age limit or are demitted from a child care program due to operator policy changes, those students may remain in the school until the end of the grade range of that school.

- c) Students who wish to attend the school at the next level into which the school feeds will be required to apply for Out-of-Area Admission to the school they wish to attend.
- d) Should a student from Out-of-Area register in school-based pre-school child care after the end of February in the year they are to begin Junior Kindergarten, the family will be notified by the child care operator that they will not have access to attend the school in September for junior kindergarten.

6.2.2 In-area elementary school students who move out-of-area during the school year may remain at the current school (and in the same educational program) until the end of the current school year (unless the next school year is a graduation year from that school), or may register in the new designated school.

- a) If these students are currently enrolled in the BASP and the new designated school's BASP cannot accommodate them, they may remain in their current school (in the same educational program).
- b) Students who wish to attend the school at the next level into which the school feeds will be required to apply for Out-of-Area Admission to the school should they wish to attend.

### 6.3 Regular Schools (Secondary)

6.3.1 In-area secondary school students who move out-of-area during the school year will be allowed to remain at the current school (and [until graduation](#) in the same educational program), or register in the new designated school.

### 6.4 Schools with French Immersion/Extended French Programs

6.4.1 All students whose parents/guardians reside within the City of Toronto and are eligible to attend a school operated by the Board will have the option to attend a French Immersion/ Extended French program.

- a) Entry to child care does not guarantee access to a French Immersion/Extended French program in that school.

6.4.2 If a student wishes to attend a French Immersion/ Extended French program at a school other than their designated [French Program school by address](#), the student must apply for Out-of-Area Admission at the requested school. The directions set out in

Section 6.2 and 6.3 of this Policy for Regular Schools will apply. No transportation will be provided.

- a) Once admitted to a French Immersion/ Extended French program at a school through Out-of-Area Admission, students may complete the grade range of that school.
- b) Students who wish to attend a school at the next level into which the [French Pathway](#) feeds will be required to apply for Out-of-Area Admission to that school.

## 6.5 Out-of-Area Admissions Status & Random Selection Priorities: All Schools

- 6.5.1 Board staff will determine the Out-of-Area Admissions status of schools annually, determining which schools may accept applications from students outside the designated attendance area based on school capacity and projected enrollment by grade.
- **Closed** - the school may not admit any students from Out-of-Area. No students may apply for Out-of-Area Admissions.
  - **Limited (Siblings)** - Only students with a sibling currently attending and returning to the requested school may apply for Out-of-Area Admissions.
  - **Limited (Siblings or and Feeder School)** - Only students with siblings attending and returning to the requested school or and students attending a feeder school may apply for Out-of-Area Admissions.
  - **Limited** - the school may admit students from all of the priorities listed, as space is available. All students may apply for Out-of-Area Admissions.
- 6.5.2 Based on the Out-of-Area Admissions status of schools, students will be provided with opportunities to access schools outside their designated area by applying as an Out-of-Area applicant.
- 6.5.3 Based on current school enrolment and projected enrolment numbers, the school Principal (in consultation with Central Staff) will determine if space is available at the requested school in each grade. Spaces will be filled by grade according to the admission priorities. For each of the admission priorities, a random selection process will be undertaken if the number of applications exceeds available spaces.

Priorities for out-of-area admission will support family cohesiveness (K-8), educational continuity, feeder school group/program continuity, and current TDSB students.

Priorities (Appendix A) may change to meet the needs of the system and will remain aligned with the equity priorities outlined in the TDSB's Multi-Year Strategic Plan and recommendations from the Enhanced Equity Task Force Report.

- 6.5.4 The TDSB will not be responsible for providing transportation for students admitted through Out-of-Area Admissions. Transportation is the responsibility of the applicant.
- 6.5.5 Students admitted through Out-of-Area Admissions who wish to return to their designated school by address may do so at an appropriate transition point (e.g., end of term, semester change, beginning of school year) at the request of the student/ family. If the requested school's Out-of-Area Admissions status is "Closed", a switch may not be possible until the following semester or transition point.
- 6.5.6 Students with more than one designated school by primary address of residence can only switch from one school to the other through the Out-of-Area Admissions process. If the requested school's Out-of-Area Admissions status is "Closed", a switch will not be possible.
- 6.5.7 In keeping with Truth and Reconciliation, First Nations, Métis, and Inuit students will be supported outside of the Out-of-Area Admissions Policy, and given priority access. Admission will be supported at any regular intake time, [in Regular Programs](#), even in schools closed to Out-of-Area Admissions, where possible.
- 6.5.8 Secondary students whose child(ren) is/are enrolled in a child care centre in the catchment area will be supported outside of the Out-of-Area Admissions ~~p~~Policy, and given priority access. Admission will be supported and accommodated at any regular intake time, even in schools closed to Out-of-Area Admissions, where possible.
- 6.5.9 Decisions relating to Out-of-Area Admissions may be appealed through the Superintendent of Education for the requested school.

## 7. SPECIFIC DIRECTIVES

The Director of Education is authorized to issue operational procedures to implement this Policy.

## 8. EVALUATION

This Policy will be reviewed at a minimum every four (4) years from the effective date.

## 9. APPENDICES

Appendix A: Random Selection Process Priorities

~~Appendix B: Alternative Schools~~

## 10. REFERENCE DOCUMENTS

### Legislation

- *Child Care and Early Years Act, 2014.*
- *Education Act, R.S.O. 1990, c. E.2*
- *Ontario Human Rights Code.*

### Policies

- Transportation of Students (P020)
- Early Learning and Care (P022)
- Human Rights (P031)
- Equity (P037)
- Student Interest Programs (P100)
- Alternative Schools (P062)
- French-as-a-Second Language (P080)

### Procedures

- Transportation of Students (PR504)
- Admission Eligibility Requirements (PR518)
- Alternative Schools (PR584)
- French Immersion/Extended French (PR597)

### Other Documents

- Enhancing Equity Task Force: Report and Recommendations, 2017.
- Director's Response to the Enhancing Equity Task Force Report, 2018.
- Multi-Year Strategic Plan
- Ontario Schools, Kindergarten to Grade 12: Policy and Program Requirements, Ministry of Education, 2016
- Truth and Reconciliation Commission of Canada: Calls to Actions, 2015.
- United Nations Declaration on the Rights of Indigenous Peoples, 2007.



**Appendix A: Random Selection Process Priorities**

Spaces will be filled by grade according to admission priorities. For each of the admission priorities listed below, in order, a random selection process will be undertaken if the number of applications exceeds available spaces.

Priority 1: (Elementary schools only\*\*) Students who have a sibling currently attending the requested school and that sibling will still be attending the requested school the next school year.

Priority 2: Students currently attending a *feeder school* in the same program as the application to the requested school (i.e. in Regular program if applying to Regular program).

Priority 3: (Elementary Schools only) Current students no longer attending the *Before- and After-School Program* of the requested school wishing to remain at the school (see section 6.2.2)- and current students who have moved and wish to remain at the school.

Priority 4: Current TDSB students (and who remain registered as TDSB students for the duration of the school year in which the Out-of-Area application was made).

Priority 5: Other students whose parents'/ guardians' primary residence is in the City of Toronto (e.g. from independent/ private schools, other school boards, home schooling, etc.).

Priority 6: Students whose parents'/guardians' primary residence is outside the City of Toronto.

\*\* students attending a secondary school as of September 2022 may have the sibling rule apply to their younger siblings.

- Applications for September 2023 - Grades 9 - 11 and returning grade 12 students
- Applications for September 2024 - Grades 10 -11 and returning grade 12 students
- Applications for September 2025 - Grade 11 and returning grade 12 students
- Applications for September 2026 - only applies to returning grade 12 students

Effective 2025 - 2026 school year: a new Out-of-Area Admission status of Limited (Feeder School) will be created for Secondary Schools only

### Appendix B: Alternative Schools

#### **Alternative Schools**

~~All students who are residents of the City of Toronto are eligible to attend any Board authorized alternative school subject to the guidelines outlined:~~

#### Elementary

- ~~(a) — The student and parent meet the required admission criteria for the school developed by that school.~~
- ~~(b) — If more students meet the criteria than there are spaces available, students will be admitted based on a lottery.~~
- ~~(c) — Where possible, first consideration for attendance is to be given to students within an existing alternative school.~~
- ~~(d) — Offers of admission and acceptance adhere to established timelines and deadlines as specified by the Out-of-Area Admissions Policy.~~
- ~~(e) — Transportation will be in accordance with the Board Transportation policy.~~

#### Secondary

- ~~(a) — The student meets the required admission criteria for the school developed by that school and has consulted with Board designated guidance staff.~~
- ~~(b) — Where possible, first consideration for attendance is to be given to students within an existing alternative schools pathway.~~
- ~~(c) — Transportation will be in accordance with the Board's transportation policy.~~

~~Admissions for Alternative Schools (elementary and secondary) will be overseen by the Alternative Schools Procedure (PR584)~~

~~In the 2022-2023 school year, a student may apply to two (2) Alternative schools for admission in September 2023.~~

~~In the 2023-2024 school year and every year afterwards, a student may apply for one (1) Alternative school.~~



## **PR739, Promoting Respect in the Workplace: New Procedure**

**To:** Governance and Policy Committee

**Date:** 3 May, 2023

**Report No.:** 05-03-4526

### **Strategic Directions**

- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

### **Recommendation**

It is recommended that the newly developed Promoting Respect in the Workplace Procedure (PR739), as presented in this report, be received.

### **Context**

The newly developed Promoting Respect in the Workplace Procedure (PR739) (the “Procedure”) (see Appendix A) provides guidance and support to Board staff and Trustees in handling complaints raised by members of the public in order to promote responsiveness and to maintain a work environment which provides for the safety and wellbeing of its employees and supports organizational effectiveness and productivity.

The Procedure establishes consistent and transparent processes and practices for handling complaints and conduct in a manner that provides a respectful workplace for TDSB employees. The Procedure is aligned with and supports implementation of the Board Code of Conduct (PR585) and the Code of On-line Conduct (PR571).

The Promoting Respect in the Workplace Procedure (PR739) was approved by Executive Council on April 18, 2023 and is being presented to the Committee for information.

## **Action Plan and Associated Timeline**

Subject to the Governance and Policy Committee's receipt, the Procedure will be provided to the Board of Trustees on May 24, 2023 for information.

## **Resource Implications**

Not applicable

## **Communications Considerations**

The newly developed Promoting Respect in the Workplace Procedure (PR739) will be posted on the Board's website and communicated through the System Leaders' Weekly Bulletin.

## **Board Policy and Procedure Reference(s)**

- Human Rights Policy (P031)
- Workplace Harassment Prevention for Non-Human-Rights-Code Policy (P034)
- Board Code of Conduct (PR585)
- Code of On-line Conduct (PR571)

## **Appendices**

- Appendix A: Promoting Respect in the Workplace Procedure (PR739)

## **From**

Leola Pon, Associate Director, Organization Transformation and Accountability, at 416-395-3903 or [leola.pon@tdsb.on.ca](mailto:leola.pon@tdsb.on.ca)

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# Toronto District School Board

Operational Procedure PR739

Title: **PROMOTING RESPECT IN THE WORKPLACE**

Adopted: April 18, 2023  
 Effected: April 18, 2023  
 Revised: N/A  
 Reviewed: N/A  
 Authorization: Executive Council

## 1. RATIONALE

The Promoting Respect in the Workplace Procedure (the “Procedure”) provides guidance and support to Board staff and Trustees in handling complaints raised by members of the public in order to promote responsiveness and to maintain a work environment which provides for the safety and wellbeing of its employees and supports organizational effectiveness and productivity.

This Procedure is aligned with and supports implementation of the Board Code of Conduct (PR585) and the Code of On-line Conduct (PR571).

## 2. OBJECTIVE

To establish consistent and transparent processes and practices for handling complaints and conduct in a manner that provides a respectful workplace for TDSB employees.

## 3. DEFINITIONS

*Board* is the Toronto District School Board (also referred to as TDSB).

*Culturally Responsive Approach* is an approach that enables individuals and organizations to respond respectfully and effectively to people of all cultures, languages, classes, races, ethnic backgrounds, disabilities, religions, genders, sexual orientations, and other diversity factors in a manner that recognizes, affirms, and values their worth. Being culturally responsive requires having the ability to understand cultural differences, recognize potential biases, have a desire to make a difference, maintaining high standards, having a deep knowledge and care of students and look beyond differences to work productively and affirmatively with children, families, and communities whose cultural contexts are different from one’s own.

*Employee* means an individual employed by TDSB to perform services in exchange for a salary or an hourly wage on a casual, temporary or permanent basis. For clarity, independent and dependent contractors and their staff and subcontractors are not considered Employees.

*Frivolous Complaint* means a complaint or request that has no serious purpose or value or may have little merit and be trivial and is part of a pattern of conduct that amounts to an abuse of the right of access, interferes with the operations of the institution, or is made in bad faith or for a purpose other than to obtain access.

*Principal* includes Principal and vice-principal throughout this document.

*Superintendent* refers to Superintendents of Education

*TDSB* is the Toronto District School Board, which is also referred to as the “Board”.

*Trauma-Informed* means practices that recognize the connections between violence, trauma, negative health outcomes and behaviours. These practices increase safety, control and resilience for people who are seeking services in relation to experiences of violence and/or have a history of experiencing violence.

*Unreasonable Complaint and Conduct* means any behavior which, because of its nature or frequency, raises substantial health, safety, resource, or equity issues for the parties to a complaint. For the purpose of this Procedure a complaint includes a complaint made to the Board, including complaints made in accordance with the Parent Concern Protocol (PR505). Unreasonable complaint and conduct usually takes the form of a pattern of behaviour over time. Examples include:

- Making complaints without any specific grounds/allegation and refusing to specify the grounds of a complaint, despite offers of help.
- Not cooperating with the resolution process.
- Submitting high volume and frequency of communications to one or more TDSB employees.
- Not accepting that certain issues are not within the scope of TDSB to address.
- Insisting that complaints be dealt with in ways which are incompatible with TDSB policies and procedures.
- Making unjustified complaints about employees who are trying to deal with the issues raised in the complaint.
- Behave in a deceitful, abusive, offensive, or threatening manner towards TDSB employees.
- Making excessive demands on the time and resources of TDSB employees with lengthy phone calls and emails, emails to numerous

TDSB personnel, or detailed letters every few days, and expecting immediate responses.

- Refusing to accept a decision or explanation or repeatedly arguing the same points with no new or additional information.
- Making complaints that lack any serious purpose or value. An apparent lack of value would not usually be enough on its own to make a complaint unreasonable but may when considered with other factors.
- The complaint is made as an act of retaliation or is initiated with the intent to embarrass or annoy a TDSB employee or another person or made in an attempt to use TDSB as a tool in a personal dispute.
- Causing distress to employees using intimidation or hostile, abusive, or offensive language, or an unreasonable fixation on an individual employee, including attempts to harm their professional reputation.
- Excessive, repeated, or hostile acts or contact with TDSB employees, which is intended to, or has the effect of causing embarrassment or damage to the reputation of TDSB employees.

*Vexatious Complaint* means a complaint or request without merit, that is pursued in a manner that is malicious, intended to inconvenience, embarrass, or harass the recipient or is a pattern of conduct by the complainant that amounts to the misuse of the complaints processes and procedures.

#### **4. RESPONSIBILITY**

Associate Director, Organizational Transformation and Accountability.

#### **5. APPLICATION AND SCOPE**

This Procedure applies to TDSB employees (including, temporary, permanent and occasional employees).

The Procedure also covers Trustees, parents/guardians, school council members, visitors, third party service providers, volunteers, permit holders, customers of the Board and other members of organizations while partaking in any activities that occur in Board premises or while engaging in Board or school related activities, either in person or online. For clarity, complaints from members of the public or employees about Trustee conduct are dealt with under the Board Member Code of Conduct (P075).

#### **6. PROCEDURES**

##### **6.1. General Principles**

- 6.1.1. All members of the school community, including TDSB staff, must respect differences in people, their ideas and opinions; treat one another with kindness, dignity and respect at all times, especially

when there is a disagreement. Complainants may raise a valid concern however they may not engage in conduct that would negatively impact the well-being of others in doing so.

- 6.1.2. TDSB recognizes the importance of a positive and constructive working relationship with the school community and welcomes feedback from school community members. Most complaints are resolved by the manager/supervisor, Principal, and/ or Superintendent of Education in accordance with related TDSB policies and procedures. Some complainants are not satisfied with the outcome of this process, or with the process itself, and will continue pursuing the matter. A persistent complainant is not necessarily unreasonable and just because a complainant is persistent does not make them wrong.
- 6.1.3. Unreasonable complaints and conduct may impact staff/student wellbeing, reputation, productivity, and school and workplace environment, therefore proactive and collaborative engagement between school staff and parents/guardians/caregivers and school community members is crucial in addressing complaints. For example:
- a) When interacting with TDSB employees, complainants are expected to communicate respectfully in accordance with the Board Code of Conduct Procedure (PR585), and to refrain from further aggravating the situation through aggressive language and/or actions;
  - b) If required, Professional Support Services working with Employee Services will support staff who are experiencing challenges dealing with unreasonable complaints/conduct;
  - c) Managers/supervisors are expected to intervene at an early stage if their staff are involved in a developing challenging issue related to a complaint, and engage Employee Services and/or Legal Services as required.
- 6.1.4. Unreasonable conduct does not mean there is not a valid issue that should be addressed. An individual may be demonstrating unreasonable complaint and conduct as a coping mechanism to help them deal with difficult life circumstances or historical trauma. In accordance with the Equity Policy (P037) and Human Rights Policy (P031), a person's physical and mental disabilities and/or historical trauma is not the basis for disregarding a complaint/complainant. TDSB employees must remain impartial and fair regarding the complaint/complainant and attempt to understand the complaint and de-escalate conflict where possible.



TDSB employees and Trustees should apply unbiased, trauma informed, and culturally responsive approaches when responding to complaints (including vexatious, frivolous, and/or unreasonable conduct).

## 6.2. Dealing with Complaints

### 6.2.1. Responsibility to Investigate

- a) When a TDSB employee receives a complaint, it is their responsibility to deal with the complaint objectively, fairly, and in a timely way, in accordance with TDSB policies and procedures.
- b) If the complainant is not accepting a response to their complaint after several attempts to resolve it, and is escalating in their behaviour, TDSB employees may utilize the DESC (Describe, Express, Specify, Consequences) technique. The DESC technique can be used to help manage unreasonable conduct. The technique suggests that staff:
  - Describe: the problematic behaviour, objectively and descriptively. Specify the issue or number of times something has happened in concrete terms, and without judgment.
  - Express: or explain the impact of the behaviour on you.
  - Specify: or suggest how the behaviour could change. Make a specific and concrete request of what you would like the person to do.
  - Consequences: state – first the positive, then the negative, that relate to the person’s behaviour. Offer the person the choice of what they would like to do.
- c) Managers/Principals or site managers in TDSB schools, departments, and buildings will consider ways to encourage a respectful environment, such as posting signs in the building (see Appendix A for examples of signage), public facing workstations, and communicating expectations in local school newsletters.
- d) To respond effectively and prevent escalation if an individual raises a complaint, TDSB staff will apply the following:
  - Respond promptly to the complaint
  - When working through complaints, prioritize conflict resolution
  - Take the time to listen and demonstrate understanding the complainant’s concern. Engaging in a live conversation (e.g.,

by telephone) instead of exchanging emails may help facilitate a better understanding of the issues.

- Remain respectful in communications, allow complainant to explain and try to identify and address underlying issue; understand that there may be other issues involved that are beyond the control of the Board/school.
- Spend time to listen and resist being defensive; take the concerns seriously as in some cases, an investigation may be necessary
- Focus on the facts and issue at hand, not the emotions surrounding it
- Try to determine what outcome the complainant is seeking
- Explain the TDSB's complaints process and what action will be taken in response to their complaint, including applicable timelines
- Offer an apology if required
- Demonstrate empathy
- Treat people with dignity and respect in accordance with the Human Rights Policy (P031), the Equity Policy (P037), and the Board Code of Conduct (PR585).
- Provide clear and meaningful reasons for decisions, particularly when the outcome is unfavourable for the individual who is affected.

#### 6.2.2. Classification and Review of Complaint

- a) **Document:** There is no rigid test or criteria in deciding whether this Procedure applies as each case will be considered on an individual basis. Employees are expected to establish and document (e.g., emails, letters, employee notes reporting a conversation or incident, voice mails), that the complaint is a form of frivolous or vexatious complaint and/or that the complainant expresses unreasonable complaint and conduct before applying the process outlined in this Procedure. For example, complainants who submit a series of complaints may be deemed as unreasonable, because of the frequency and/or content of their complaint.
  - b) **Consult:** If an employee believes that a complaint is a form of frivolous or vexatious complaint and/or the complainant expresses unreasonable conduct, the employee will consult with their Principal or manager/supervisor (as applicable), provide supporting materials and other related information, including:
-

- The length of time that the employee has been in contact with the complainant and the amount of correspondence that has been exchanged with the complainant
- The number of complaints that the complainant has brought and the status of each
- The nature of the complainant's behaviour
- Other departments and employees the Complainant has also contacted.

In addition:

- Employees are required to document all meetings/calls/emails received from the complainant, being mindful that all documentation could be subject to disclosure under FOI request as per the FOI and Protection of Privacy Policy (P094) and/or legal proceedings.
- Employees will immediately notify their manager/supervisor and Legal Services at [legalservices@tdsb.on.ca](mailto:legalservices@tdsb.on.ca) of any threat of legal action/recourse from complainant.

#### 6.2.3. Reviewing the Complaint Received and Related Information

- a) **Review and Recommend:** Once the employee has provided the related information to their Principal or manager/supervisor about the complaint, the Principal or manager/supervisor will review and then, if confirmed to be unreasonable, frivolous, or vexatious, provide a communications plan and recommendations on implementing some or all restrictions and strategies under 6.2.5 to the appropriate Superintendent/Senior Manager for approval.
- b) **Resolve if Possible:** Appropriate Superintendents and/or Senior Manager of the areas affected by the complaint are responsible for reviewing the complaint received and information provided by Trustees, employees, Principals or department managers and for determining if the provisions of this Procedure are applicable. Where the complainant has raised a genuine issue or concerns that have not been resolved, the Superintendent and/or the Senior Manager will attempt to resolve the complaint.
- c) **Approve any measures and strategies:** Superintendent/Senior Manager will review restriction recommendations presented by the Principal or manager/supervisor (as applicable) and will approve appropriate measures/strategies. Before implementing any of the restriction recommendations outlined in this Procedure (see

6.2.5), the Superintendent/Senior Manager must be satisfied that:

- The complaint has been dealt with properly and in accordance with any relevant policies, procedures, or statutes.
- Employees have made reasonable efforts to satisfy or resolve the complaint and communication with the complainant has been adequate.
- The complainant is not attempting to provide any significant new information when contacting employees.

6.2.4. Trustees may seek staff support in dealing with unreasonable complaint and conduct and/or responding to frivolous or vexatious complaints by directing corresponding communications to the appropriate Executive staff for review and resolution in accordance with this Procedure.

6.2.5. Restrictions and Strategies

- a) The Superintendent/Senior Manager will write to the complainant, identifying the unreasonable complaint or conduct in question, and ask the complainant to communicate respectfully and in accordance with this Procedure, the Workplace Harassment Prevention Policy (P034), Occupational Health and Safety Policy (P048), Human Rights Policy (P031), Equity Policy (P037), and Board Code of Conduct (PR585) as applicable.
- b) Where a Superintendent/Senior Manager has determined that a complaint has been sufficiently addressed in accordance with TDSB policies and procedures, and that all avenues of complaint resolution have been exhausted (including with the Trustee under the Parent Concern Protocol PR505), the Superintendent/Senior Manager may advise the complainant to contact the Ontario Ombudsman's Office if they are still not satisfied, and that TDSB considers the matter closed.
- b) If necessary, the Superintendent/Senior Manager may also take one or more of the following steps to manage the complainant's unreasonable behavior:
  - Limiting communication to a designated person, and disregarding all other communications
  - Limiting the number and frequency of communications that can be sent regarding the complaint

- Limiting the form or mode of communication to a single channel and disregarding all other communications
  - Require the complainant to make contact only through another individuals (e.g., in-house lawyer for legal matters, Ombudsman Ontario)
  - Require that the complainant produce full disclosure of documentation or information before employees will investigate any new complaints
  - Instruct employees not to investigate any complaints regarding an issue that has already been investigated, or which is substantially similar to an issue which has already been investigated
  - In extreme circumstances, instruct employees to severely reduce or completely cease responses to further complaints and correspondence from the complainant
  - In extreme circumstances, implement an email block against the complainant for all employees other than a designated contact person
  - Any other action as deemed appropriate
- 6.2.6. In extreme circumstances, if the complainant persists, the Superintendent/Senior Manager after discussing with appropriate Executive Superintendent/Officer and/or Associate Director will work with Legal Services to write a cease-and-desist letter to the complainant, advising them of the actions that may be put into effect if the complainant's unreasonable behaviour continues.

#### Review

- a) After three (3) months, the cease-and-desist letter may be reconsidered by the Superintendent/Senior Manager after discussing with appropriate Executive Superintendent/Officer and/or Associate Director.
  - b) Where the complainant has stopped their unreasonable conduct after the cease-and-desist letter, the cease and desist should be revoked and normal relations should resume between the parties.
- 6.2.7. New Complaint
- a) Complaints on a separate or new issue from a complainant who has come under this Procedure will be treated on individual merits and reviewed appropriately as outlined within this Procedure.

- b) The Superintendent/Senior Manager will inform the complainant if restrictions are applied to the new complaint.

## 7. EVALUATION

This Procedure will be reviewed as required, but at a minimum every four (4) years after the effective date.

## 8. APPENDICES

Appendix A: Examples of Signage

## 9. REFERENCE DOCUMENTS

### Policies:

- Equity (P037)
- Freedom of Information and Protection of Privacy (P094)
- Human Rights (P031)
- Occupational Health and Safety (P048)
- Workplace Harassment Prevention for Non-Human-Rights-Code Harassment (P034)

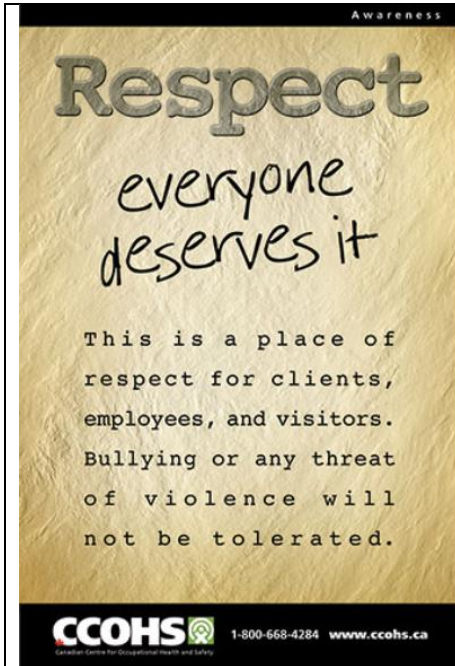
### Operational Procedures:

- Board Code of Conduct (PR585)
- Parent Concern Protocol (PR505)
- Code of On-line Conduct (PR571)

### Government Policies and Directives

- Policy and Program Memorandum 128: The Provincial Code of Conduct and School Board Code of Conduct

APPENDIX A: EXAMPLES OF SIGNAGE



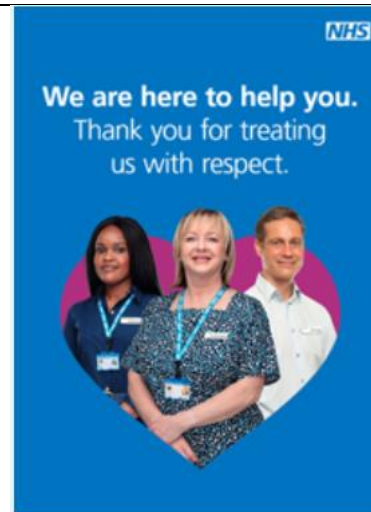
Source: [Canadian Centre for Occupational Health and Safety](#)



Source: [Doctors of BC](#)



Source: [Ontario College of Family Physicians](#)



Source: [Community Pharmacy South Central](#)



Source: [NASUWT The Teachers' Union](#)

**CIVILITY  
AND  
RESPECT  
DON'T  
HURT.**

**HELP BUILD  
A POSITIVE  
WORKPLACE**

KNOW WHAT TO DO  
CANADA.CA/  
WORKPLACE-HARASSMENT-VIOLENCE  
1-800-641-4049

Canada

Source: [Government of Canada](#)





## **PR740, Workplace Harassment Investigation (Non-Code): New Procedure**

**To:** Governance and Policy Committee

**Date:** 3 May, 2023

**Report No.:** 05-03-4527

### **Strategic Directions**

- Create a Culture for Student and Staff Well-Being

### **Recommendation**

It is recommended that the newly developed Workplace Harassment Investigation Procedure (Non-Code) (PR740), as presented in this report, be received.

### **Context**

The newly developed Workplace Harassment Investigation Procedure (Non-Code) (PR740) (the "Procedure") (see Appendix A) pertains to the process for addressing non-*Human Rights Code* workplace harassment at the TDSB. The Procedure supports implementation of the Workplace Harassment Prevention for Non-Human-Rights-Code Policy (P034) and is consistent with the *Occupational Health and Safety Act* (OHSA).

The core set of processes described in this new Procedure were formerly contained within PR515, Workplace Harassment Prevention and Human Rights Procedure, however a separate procedure is required to support operational changes to the handling of complaints and to clarify the distinction between Human Rights Code harassment and workplace harassment under the Occupational Health and Safety Act.

The Procedure provides information and instruction to staff regarding the process to address complaints of workplace harassment that are not based on a *Human Rights Code* ground covering voluntary early resolution process, investigation processes, timing of complaints, protection of privacy and confidentiality, addressing bad faith complaints, and organizational support.

The Workplace Harassment Investigation Procedure (Non-Code) was approved by Executive Council on April 18, 2023 and is being presented to Committee for information.

### **Action Plan and Associated Timeline**

Subject to the Governance and Policy Committee's receipt, the Procedure will be provided to the Board of Trustees on May 24, 2023 for information.

### **Resource Implications**

Not applicable

### **Communications Considerations**

The Workplace Harassment Investigation Procedure (Non-Code) (PR740) will be posted on the Board's website and communicated through the System Leaders' Weekly Bulletin.

### **Board Policy and Procedure Reference(s)**

- Workplace Harassment Prevention for Non-Human-Rights-Code Policy (P034)

### **Appendices**

- Appendix A: Workplace Harassment Investigation Procedure (Non-Code) (PR740)

### **From**

Leola Pon, Associate Director, Organization Transformation and Accountability, at 416-395-3903 or [leola.pon@tdsb.on.ca](mailto:leola.pon@tdsb.on.ca)

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# Toronto District School Board

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Operational Procedure PR740

Title: **WORKPLACE HARASSMENT INVESTIGATION (NON-CODE)**

Adopted: April 18, 2023  
Effectuated: April 18, 2023  
Revised: N/A  
Reviewed: N/A  
Authorization: Executive Council

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## 1. RATIONALE

Toronto District School Board (TDSB) is committed to providing a safe, nurturing, positive learning and working environment, free of harassment and discrimination, where every individual is treated with dignity and respect.

The Workplace Harassment Investigation (Non-Code) Procedure (the “Procedure”) supports the implementation of the Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034).

This Procedure is consistent with the *Occupational Health and Safety Act (OHSA)*.

## 2. OBJECTIVE

To provide information and instruction regarding the process to address complaints of workplace harassment that are not based on a *Human Rights Code* ground.

## 3. DEFINITIONS

*Board* is the Toronto District School Board, which is also referred to as the “TDSB.”

*Complainant* is anyone who makes a complaint under the Board’s harassment and discrimination prevention policies, alleging that harassment or unlawful discrimination has occurred.

*Non-Human Rights Code Workplace Harassment* is a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome and is not based on a protected ground under the Human Rights Policy (P031) or the *Human Rights Code*.

Reprisal is adverse action or threat of adverse action against an individual that is in retaliation: (a) For, in good faith raising concerns, or claiming or enforcing a right under this Procedure, or supporting or assisting someone else to do so; (b) For participating in a process to address a matter under this Procedure; or (c) On the basis of a belief that the individual has engaged in (a) or (b).

Adverse action in the above definition could include, for example:

- Suspending, disciplining, or dismissing a worker;
- Intimidating or coercing a worker not to report a situation;
- Changing a worker's position, shift, work location, work assignments, or the nature of their work;
- Reducing or changing a worker's hours;
- Denying a promotion; or
- Harassing a worker.

*Respondent* is anyone who has a complaint made against them under the Board's harassment or discrimination prevention policies.

*TDSB* is the Toronto District School Board, which is also referred to as the "Board".

Workplace under the *Occupational Health and Safety Act*, is any land, premises, location or thing at, upon, in or near which an employee works, but does not include a private residence and its related lands.

#### **4. RESPONSIBILITY**

Associate Director, Organizational Transformation and Accountability  
Executive Superintendent, Employee Services

#### **5. APPLICATION AND SCOPE**

This Procedure applies to all employees of TDSB.

The Procedure pertains to the process for addressing non-Human Rights Code workplace harassment in accordance with the Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034).

The Procedure does not apply to investigation of harassment based on a protected ground under the *Human Rights Code* that is implemented through the Human Rights Policy (P031) and Workplace Harassment Prevention and Human Rights Procedure (PR515).

#### **6. PROCEDURE**

##### **6.1. Voluntary Early Resolution Process before Filing Complaint**

Any employee who experiences or is aware of an employee who has experienced non-Human-Rights-Code harassment in the workplace may consider trying to resolve the issue themselves or with support of their direct Supervisor/Manager/Principal. If the person who is engaging in workplace harassment is their direct Supervisor/Manager, the employee can go to any Supervisor/Manager.

This step is entirely optional as employees may not feel comfortable or safe in attempting early resolution. Employees may wish to consult with their union/association representative for support.

Bringing concerns forward immediately will normally address the matter quickly and is one of the best mechanisms to bring insight to the individual causing the concern that their behaviour is not acceptable. Often a person may not be aware that their behaviour is offensive, and most will change the behaviour once they are aware of the concern.

## **6.2. Investigation**

- a) If for any reason an employee is unable to resolve matters using the other options or chooses to bypass them, an investigation can be requested through submission of the Workplace Harassment (Non-Code) Complaint Reporting Form (see Appendix A Form P034A) (“Complaint Reporting Form”). Employees are encouraged to complete the Complaint Reporting Form to request an investigation.
- b) The Complaint Reporting Form is to be forwarded to Employee Services Investigations department who will conduct an initial review of the contents of the Complaint Reporting Form and determine if an investigation is appropriate. Specifically, a determination will be made as to whether the matters set out in the Complaint Reporting Form, if true, would violate the Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034). If so, then an investigation will proceed. If not, then Employee Services will communicate back to the employee who submitted the Complaint Reporting Form that the matter will not be proceeding with investigation along with the corresponding reason.
- c) The matter may be referred to alternative investigative processes, if applicable, including those governed by the Human Rights Policy (P031), the Reporting of Suspected Wrongdoing (Whistleblowing) Policy (P066), or the Workplace Violence Prevention Policy (P072).
- d) If an investigation is appropriate, Employee Services will notify the complainant and the respondent of the decision to proceed and will assign an individual to conduct the investigation. Investigations may be conducted by a manager who has no involvement in the matters being investigated either as a party to the complaint or a witness, an internal investigator, or an external investigator.

- e) The investigation will be completed in an expeditious and thorough manner.
- f) It may be necessary to institute interim measures for the length of the investigation, such as changing reporting relationships or work assignments in accordance with Board procedure.
- g) The investigator will meet separately with each party to receive their version of events related to the matters under investigation. Before their meeting, the respondent will be provided with a summary of the allegations against them. Each party will also have an opportunity to provide the investigator with relevant documents and identify relevant witnesses. The investigator will make best efforts to review all relevant information and meet with those individuals with relevant information. The investigator will seek to make factual findings related to all allegations investigated.
- h) All employees of the Board are expected to fully participate in any investigations conducted under this Procedure and provide the investigator with all relevant information.
- i) Board employees have the right to be represented by their union or association in any matters covered by this Procedure. All employees have the right to attend investigation interviews with a support person, provided that the support person agrees to adhere to the confidentiality requirements and is not also a witness in the investigation.
- j) Based on the findings made, the investigator will determine whether a breach of the Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034) has occurred. Upon completion of the investigation, a written report will be prepared by the investigator.
- k) Investigations should be completed as soon as possible, and no longer than ninety (90) days from the first reporting of the instance, other than in exceptional circumstances. If there is any unusual delay in the investigation, the investigator will notify the complainant and respondent.
- l) Where a breach of the Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034) has been determined, a decision on disciplinary and/or other actions will be made.
- m) The complainant and respondent will be advised of the outcome of the investigation and any corrective action to be taken as a result of the investigation.
- n) The Board reserves the right to proceed with an investigation under this Procedure where information about a potential breach of the Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034) comes to its attention, even if no Complaint

Reporting Form has been submitted and/or a complainant has not come forward to report their concerns.

### **6.3. Timing of Complaints**

In order to conduct a proper investigation, it is critical that complaints under this Procedure be reported as soon as possible. The Board reserves the right to decide not to investigate matters that are reported more than one (1) year after the incidents that are the subject of the complaint of has taken place.

### **6.4. Confidentiality and Protection of Privacy**

Any personal information obtained through the reporting and/or investigation process will be kept in accordance with TDSB's privacy obligations set out in *Municipal Freedom of Information and Protection of Privacy Act* and the Freedom of Information and Protection of Privacy Policy (P094).

TDSB will take steps to secure and protect personal information from unauthorized access, use, disclosure and inadvertent destruction by adhering to established safeguards, TDSB's records retention schedule, and the Records and Information Management Policy (P097).

To protect the interests and privacy of the complainant, the respondent, witnesses and any others who may be involved in matter addressed under this Procedure, confidentiality will be required and maintained throughout the process to the fullest extent practicable and appropriate under the circumstances.

Within the work environment of both parties, it is important that all involved ensure that individual privacy and confidentiality are respected. This means that any employee who is advised of or participates in any resolution process described in this Procedure is expected to keep details confidential (i.e., the option being pursued and the subject-matter) and not to discuss this with anyone, other than for the purpose of obtaining professional advice and/or to obtain necessary support.

The processing of any complaint by Board representatives will be limited to only those individuals needed to fulfill the responsibility to mediate, investigate, provide a respectful workplace, and resolve the situation. Any personal information obtained relating to an investigation or a potential violation of the Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034) will not be disclosed unless necessary for an investigation, corrective action relating to the complaint or where required by law.

Any breach of confidentiality is subject to appropriate disciplinary action.

### **6.5. Reprisal**

All employees have the right to report, in good faith, pursuant to this Procedure without fear of reprisal. Reprisal by any person against anyone involved in the resolution or investigation processes described above will not be tolerated and will be subject to discipline, up to and including dismissal.

**6.6. Bad Faith Complaints**

Complaints brought in good faith but which are unsubstantiated are not bad faith complaints.

Where it is determined that malicious, false, frivolous or willfully damaging accusations have been made against an employee, disciplinary action may be taken against the complainant.

**6.7. Organizational Support**

Any eligible Board employee is entitled to utilize the TDSB Employee and Family Assistance Program (EFAP) in connection with any matters covered by this Procedure.

**6.8. Other Proceedings**

Nothing in this Procedure should prevent or discourage a Board employee from taking advantage of any other form of proceeding to address their concerns, such as filing an application with the applicable human rights authority or a grievance where eligible or accessing any other legal avenues available to them.

**7. EVALUATION**

This Procedure will be reviewed as required, but at a minimum every five (5) years after the effective date.

**8. APPENDICES**

- Appendix A: Form P034A – Non-Code Based Workplace Harassment Compliant Reporting Form

**9. REFERENCE DOCUMENTS**

## Legislation

- *Human Rights Code*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Occupational Health and Safety Act*

## Policies

- Human Rights Policy (P031)
- Freedom of Information and Protection of Privacy Policy (P094)
- Reporting of Suspected Wrongdoing (Whistleblowing) Policy (P066)
- Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034)
- Workplace Violence Prevention Policy (P072)

## Procedures

- Workplace Harassment Prevention and Human Rights Procedure (PR515)





PRIVATE & CONFIDENTIAL

**COMPLAINT REPORTING FORM**

**Non-Code Based Workplace Harassment**

**(THIS FORM IS TO BE USED FOR COMPLAINTS THAT ARE NOT RELATED TO A PROTECTED GROUND)**

Please consult the Board’s *Workplace Harassment Prevention for Non-Human-Rights-Code Harassment* policy (P034) prior to completing this form.

Complaints should be submitted within one (1) calendar year. If this matter is older than one (1) calendar year, please indicate the reason(s) for the delay in reporting.

**COMPLAINANT** (Your Details):

First Name:  Surname:

Employee Number:  School/Department/Worksite:

Job Title:  Contact Number (Home/Cell):

Preferred Email Address:

Unionized: Yes  No  If yes, please specify union:

Union Representative and Phone Number (if applicable):

**RESPONDENT 1: (i.e., the person(s) being accused)**

First Name:  Surname:

School/Department/Worksite:  Job Title:

**RESPONDENT 2:**

First Name:  Surname:

School/Department/Worksite:  Job Title:

**Additional Respondent(s) Attached:** Yes  No



**PRIVATE & CONFIDENTIAL**

**Definitions:**

- 1. Non-Code Workplace Harassment: As described in TDSB Policy P034 – Workplace Harassment Prevention for Non-Human-Rights-Code Harassment:** A course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome and is not based on a protected ground under the Human Rights Policy (P031) or the Human Rights Code.

**Important:** Please note that if you are submitting a workplace harassment complaint based on a protected ground under the Human Rights Code, you must submit your complaint to the Human Rights Office at HumanRightsOffice@tdsb.on.ca using form 515A - Human Rights Incident Reporting Form.

**Do not** submit your complaint to both HumanRightsOffice@tdsb.on.ca and WorkplaceHarassmentComplaints@tdsb.on.ca.

If you have already submitted a complaint to the Human Rights Office, please indicate as such on this form (below question on Page 3).

**SUMMARY OF COMPLAINTS:**

Please provide a summary of the complaint. When describing the incidents please include the following:

- **When:** What date(s) and time(s) did the incidents take place?
- **Where:** Where did the incidents occur?
- **Witnesses:** Was anyone else present? Did anyone else hear or see the incidents?
- **Who:** Who is the person that your complaint is about?
- **What:** Please describe what occurred.

**Complaint Incident 1:**

Date and Time:

Location:

Witness(es):

Details of Incident:

**Complaint Incident 2:**

Date and Time:

Location:

Witness(es):

Details of Incident:



**PRIVATE & CONFIDENTIAL**

**Please attach additional pages to summarize additional complaints**

**Additional Pages Attached:**    Yes             No

**Have the matters been previously reported?**    Yes             No

If yes, to whom were they reported and what actions were taken? If no, please indicate why not?

**Resolution Options:** Would you consider alternative resolution or mediation for this matter? Yes     No

If yes, what is your desired resolution?

**Have you filed any other complaints regarding the incidents** (e.g., police report, grievance, Human Rights Tribunal, etc.)?    Yes             No

If yes, please provide details:

**Have you previously filed this complaint using a Form 515A - Human Rights Incident Reporting Form:**

Yes             No

**Accommodation(s)** (Please advise of any accommodation or accessibility needs):

**Declaration:** I certify that the information provided on this form is accurate

Complainant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The information contained on this form is of a highly confidential nature and will be protected in accordance with the provisions of the ***Municipal Freedom of Information and Protection of Privacy Act***.

**INSTRUCTIONS FOR HANDLING THIS FORM:** Once complete and signed, please email the form to: [Workplaceharassmentcomplaints@TDSB.ON.CA](mailto:Workplaceharassmentcomplaints@TDSB.ON.CA)

### **Acknowledgement of Traditional Lands**

We acknowledge we are hosted on the lands of the Mississaugas of the Anishinaabe (A NISH NA BEE), the Haudenosaunee (HOE DENA SHOW NEE) Confederacy and the Wendat. We also recognize the enduring presence of all First Nations, Métis and Inuit peoples.

### **Reconnaissance des terres traditionnelles**

Nous reconnaissons que nous sommes accueillis sur les terres des Mississaugas des Anichinabés (A NISH NA BAY), de la Confédération Haudenosaunee (HOE DENA SHOW NEE) et du Wendat. Nous voulons également reconnaître la pérennité de la présence des Premières Nations, des Métis et des Inuit."

### **Funding Information Requirement**

At the special meeting held on March 7, 2007, the Board decided that to be in order any trustee motion or staff recommendation that would require the Board to expend funds for a new initiative include the following information: the projected cost of implementing the proposal; the recommended source of the required funds, including any required amendments to the Board's approved budget; an analysis of the financial implications prepared by staff; and a framework to explain the expected benefit and outcome as a result of the expenditure.

### **[1]Closing of certain committee meetings**

(2) A meeting of a committee of a board, including a committee of the whole board, may be closed to the public when the subject-matter under consideration involves,

(a) the security of the property of the board;

(b) the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;

(c) the acquisition or disposal of a school site;

(d) decisions in respect of negotiations with employees of the board; or

(e) litigation affecting the board. R.S.O. 1990, c. E.2, s. 207 (2).

(2.1) Closing of meetings re certain investigations – A meeting of a board or a committee of a board, including a committee of the whole board shall be closed to the public when the subject-matter under considerations involves an ongoing investigation under the Ombudsman Act respecting the board

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### **Committee Mandate**

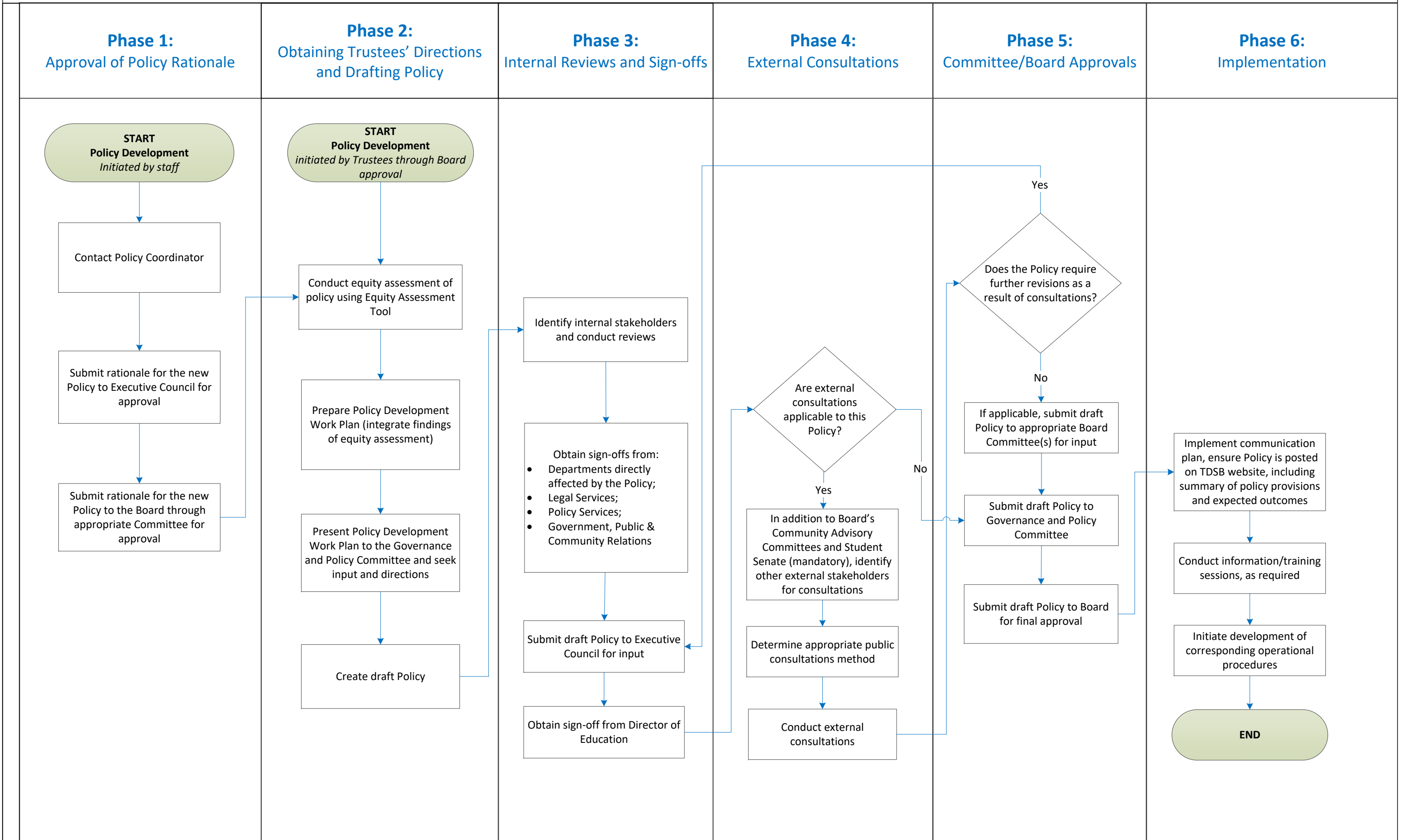
The Governance and Policy Committee's mandate will be to consider and make recommendations to the Board on governance and policy matters referred to it for consideration, including review of Board governance practices and the ongoing development and review of the Board's policies.

### **For Information Only Items**

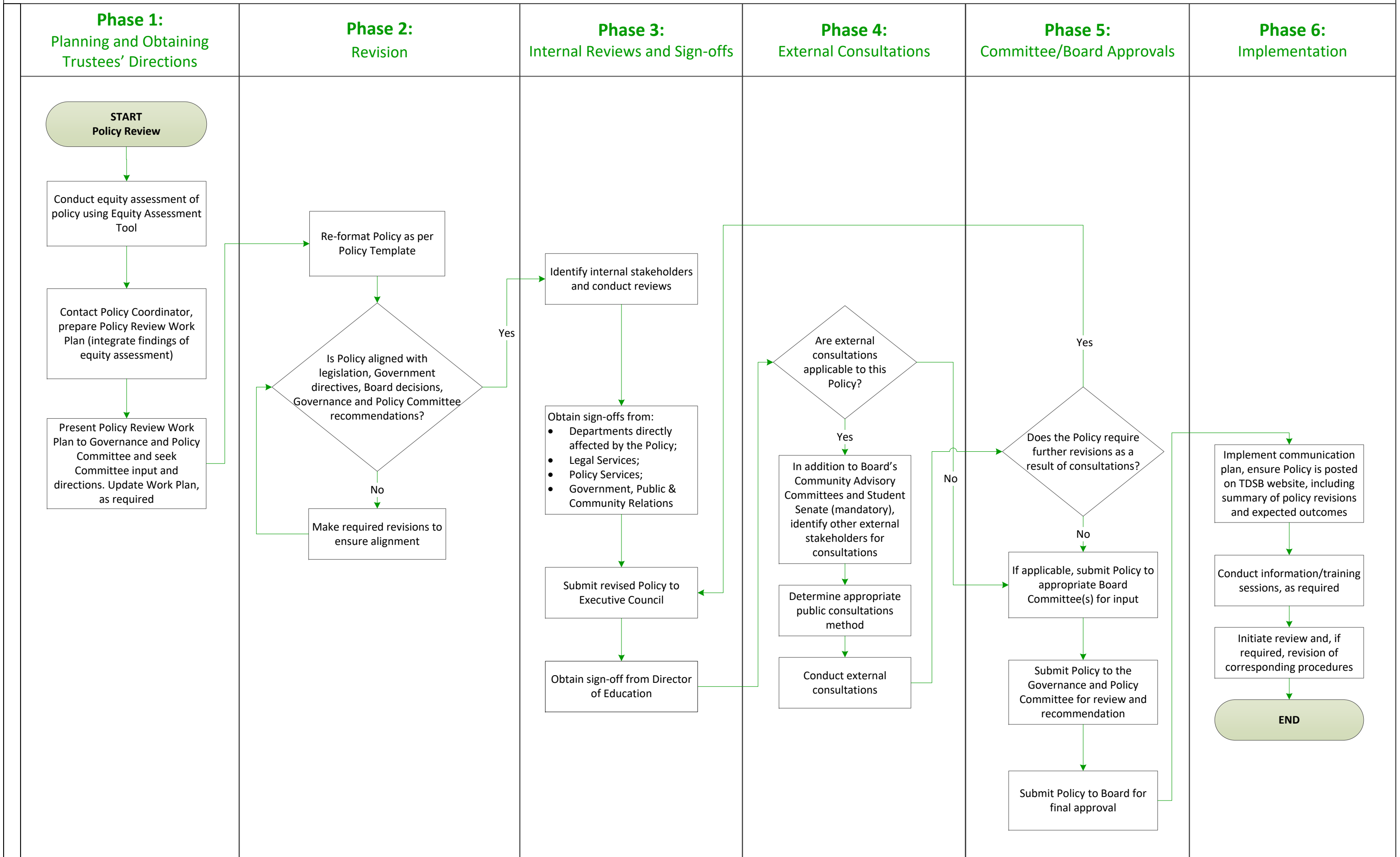
On November 10, 2021, the Board decided:

- (a) That operational procedures be included in the committee agenda package for information only and would not be presented by staff during the meeting, with questions and discussion held until the end of the meeting, as required;
- (b) That procedures for information be included in Trustees' Weekly as a reminder only.

# POLICY DEVELOPMENT PROCESS



# POLICY REVIEW PROCESS





# Our Mission

To enable all students to reach high levels of achievement and well-being and to acquire the knowledge, skills and values they need to become responsible, contributing members of a democratic and sustainable society.

## We Value

- Each and every student's interests, strengths, passions, identities and needs
- A strong public education system
- A partnership of students, staff, family and community
- Shared leadership that builds trust, supports effective practices and enhances high expectations
- The diversity of our students, staff and our community
- The commitment and skills of our staff
- Equity, innovation, accountability and accessibility
- Learning and working spaces that are inclusive, caring, safe, respectful and environmentally sustainable

## Our Goals

### **Transform Student Learning**

We will have high expectations for all students and provide positive, supportive learning environments. On a foundation of literacy and math, students will deal with issues such as environmental sustainability, poverty and social justice to develop compassion, empathy and problem solving skills. Students will develop an understanding of technology and the ability to build healthy relationships.

### **Create a Culture for Student and Staff Well-Being**

We will build positive school cultures and workplaces where mental health and well-being is a priority for all staff and students. Teachers will be provided with professional learning opportunities and the tools necessary to effectively support students, schools and communities.

### **Provide Equity of Access to Learning Opportunities for All Students**

We will ensure that all schools offer a wide range of programming that reflects the voices, choices, abilities, identities and experiences of students. We will continually review policies, procedures and practices to ensure that they promote equity, inclusion and human rights practices and enhance learning opportunities for all students.

### **Allocate Human and Financial Resources Strategically to Support Student Needs**

We will allocate resources, renew schools, improve services and remove barriers and biases to support student achievement and accommodate the different needs of students, staff and the community.

### **Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being**

We will strengthen relationships and continue to build partnerships among students, staff, families and communities that support student needs and improve learning and well-being. We will continue to create an environment where every voice is welcomed and has influence.