

**The *Fewer Schools Boards Act* and the Toronto District School Board:  
Educational Restructuring 1997- 2003**

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## Overview

On September 12, 1995, in a closed meeting with senior educational officials, Minister of Education and Training (MET), John Snobelen, remarked to senior MET officials that Ontario's educational system no longer worked, and that he needed to invent a crisis to bring about fundamental educational reforms. Although he later apologized for his comment, the impact of the large-scale reforms that were implemented<sup>1</sup> by the then Ontario Conservative government did not fix the crisis (Levin, 2005; MacLellan, 2002; Sears, 2003). In some cases, they exacerbated already strained political relations and contributed to the current situation where some Ontario school boards, faced with funding shortfalls, are considering selling board assets to continue to provide educational programs and services to their students (Kalinowski, 2007). This paper will examine one of the Ontario Conservative government's legislative reforms, the *Fewer School Boards Act* (Bill 104), and its affect on Toronto District School Board (TDSB) from 1997-2003.

In 1997,<sup>1</sup> the Ontario government passed the *Fewer School Boards Act*, (Bill 104), which brought a significant number of administrative and structural changes to elementary and secondary school boards across the province. In particular, this *Act* removed education from the residential property tax base, which means that school boards no longer collect property tax to support their programs and services; instead, all school-board related funding is derived from the provincial government. The *Act* reduced the number of school boards in Ontario from 124 to 72<sup>2</sup>, and this resulted in a severe decrease in the number of school-board trustees from 1,900 to 700, and trustee remuneration was decreased from \$40,000<sup>3</sup> to \$5,000 per year.

In the same year, the Ontario government also passed legislation that amalgamated the former City of Toronto with its five surrounding cities<sup>4</sup> to create the New City of Toronto. This legislation also included the integration of these six English Public school boards (including Metro) into the newly created Toronto District School Board. A total of 74 trustees were replaced by the new TDSB, which consists of 22 trustees responsible for over 300,000 students, 21,000 employees, and almost 600 schools. Each trustee represents a ward containing nearly 100,000 residents (Bedard & Lawton, 2000). Following implementation of the *Fewer School Boards Act*, the TDSB<sup>5</sup> became entangled in an ongoing battle over the funding and governance with the Ontario Ministry of Education.

## Brief Evolution of School Boards

Historically school boards are viewed as democratically elected organizations that enable citizens to have a voice in the education of elementary and secondary public students in local jurisdictions across North America (Howell, 2005; MacLeod & Poutanen, 2004). Interestingly, many school boards existed before the *British North America Act*, 1867 came into fruition. While three orders of government are active in the

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<sup>1</sup> Some of the reforms implemented by the Ontario Conservative government were initiated by the Ontario New Democratic Party government. These included: The Royal Commission on Learning and the Ontario School Board Reduction Task Force.

<sup>2</sup> Initially, the number was set at 68 but changed due to concerns over the size of some of the northern boards.

<sup>3</sup> This amount was reflective of the salary paid to trustees in the large urban boards.

<sup>4</sup> The following cities were to be amalgamated with Toronto: East York, Etobicoke, North York, York, and Scarborough.

<sup>5</sup> Both the Ottawa Carleton District School (OCDSB) Board and Hamilton District School Board (HDSB) were locked in adversarial relations with the Ministry of Education.

delivery of elementary and secondary education in Canada, final authority rests with the provinces and the territories. The *Constitution Act*, 1982, and its predecessor, the *British North America Act*, 1867, provide provincial governments the legal, administrative, and financial responsibility for elementary and secondary. Most provinces delegate the operation of school systems to locally elected school boards of “trustees” or “commissioners”. The establishment of the *Charter of Rights and Freedoms* equality clause came into effect in 1985. Therefore first-language education is guaranteed to French and English minorities, where reasonable numbers warrant (Woolstencroft, 2002; Young & Levin, 2002).

School boards are responsible for setting annual budgets; delegating responsibility for professional administration of schools; setting policies to be implemented by local professional educators and board staff; hiring, promoting, and dismissing teachers and administrators; building schools and purchasing supplies, and to manage grants from the provincial department of education. In some provinces, boards are authorized to levy residential and commercial property tax. Historically, school boards have had comprehensive taxing powers along with the ability to negotiate contracts and initiate management decisions within a local school district (Dunning, 1997; Young & Levin, 2002). Yet, regardless of the size and importance of some of the cities within which school boards exist, these cities and boards are still “creatures of the province” (Magnusson, 2005, p. 905).

School boards consist of locally elected trustees, whose exact number is established by each province’s *Education Act* according to a formula based on the number of electors in each board’s jurisdiction. Trustees fulfill the democratic principle of representation for taxation; they represent the local community, providing liaison between electors and their designated education system (Woolstencroft, 2002). The need to govern education at the local, community level, where elected representatives who are familiar with local conditions can ensure that local concerns are met has been a source of tension with the need to spend both local and provincial funds in an efficient and equitable manner (Ontario School Board Reduction Task Force, 1996). In Ontario, trustee elections are held at the same time as municipal elections. The term of office is now four years. In the case of Ontario, there are four school board systems: English Public, English Catholic, French Public, and French Catholic.

During the post World War Two era, as school systems expanded and became more complex; school boards underwent significant organizational and structural changes to enable them to coordinate the complex curricular changes that were being introduced by provincial educational officials across Canada (Carlson, 1992; Howell, 2005; Manzer, 2003). By 1961 there were 3700 school boards across Ontario.<sup>6</sup> In 1968, Premier Robarts’s government passed legislation that reduced the number of school boards in Ontario from 3700 to 230 (Gidney, 1999). During the next decade, as a result of further reorganization initiatives, the number of school board eventually settled at approximately 168 by the 1980s but further reductions were to follow.

### **Education Under the Microscope**

During the 1980s and continuing into the 1990s, educational systems in many industrialized countries began to face criticism for their inability to provide students with the necessary skills to enter university or the increasingly competitive technologically-based workforce.<sup>7</sup> Critics complained that academic standards were slipping, teachers’

<sup>6</sup> This was a decrease from the 4200 that existed in 1950.

<sup>7</sup> One can trace this criticism to the April 1983 report, *A nation at risk*, released from the National Commission on Excellence in Education and its critical assessment that the American educational

unions were too influential in school governance issues, and school funding had increased significantly but with few discernible results in terms of enhancing the quality of student achievement (Lawton, Bedard, MacLellan, Li, X., 1999). In Canada, the problem of school governance began to be underscored by a number of provincial and national reports critical of the overall performance of elementary and secondary education in Canada.<sup>8</sup> These reports pointed to a shift in industrialized countries away from the production of goods and the reliance on material resources toward the provision of services and the reliance on human knowledge (Economic Council of Canada, 1992)

Furthermore, to compete in this new arena, provinces would require a better-educated work force. These reports recommended that provincial educational authorities needed to tighten the provincial standards of educational achievement and the mechanisms of accountability. In selected areas, management should be decentralized to school boards, school councils and teaching staff, while ensuring that accountability to the policy-determining centre is preserved. The scope of groups participating in educational decisions should be expanded to include business interests to assist in preparing schools for rapid technological changes. As Manzer (1994) surmised so clearly:

[R]eports on public education in Canada...presented the attainment of 'educational excellence' as the central problem of public education....They interpreted relatively high drop-out, widespread functional literacy, and mediocre results in international mathematics and science tests as evidence of the failure of public education. They believed these educational failures to be the result of muddled purposes, fragmented curricula, and inadequate accountability....these reports advocated the externally established curriculum and standards of a uniform education transformed to meet the competitive demands of the new global economy. (p. 212)

In particular, the *Ontario study of the relevance of education and the issue of dropouts*, recommended that the province invest in human capital to compete effectively in the global marketplace. To achieve this goal, the report called for: standardized tests every two years in elementary schools in reading comprehension, greater emphasis on writing, including grammar, spelling, and punctuation, more attention placed on mathematics, reasoning, problem-solving, and learning skills (Radwanski, 1988).

A number of these reports recommended a redirection in the governance of education. The idea of education as individually-based should be replaced by a move towards general curricula that was adaptable to the global economy and not necessarily structured to individual students. The decentralized nature of educational decision-making that gave prominence to department officials, trustees, and teachers' federations as key players began to be questioned because of its lack of accountability coupled with the rising cost of education. In addition, a number of the reports' authors pointed to the

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system was on the brink of collapse and this was a security risk. In response, there were call for tighter accountability and stringent testing of American students. This led to growing concern within Canadian political and educational circles that our educational system was also vulnerable.

<sup>8</sup> Reports were generated from the following organizations: Economic Council of Canada, the Business Council on National Issues, the Canadian Chamber of Commerce, the Conference Board of Canada, the Prosperity Secretariat of the Federal Government, and the Premier's Council of the Government of Ontario along with others. (Refer to Manzer, 1994)

absence of valid and reliable methods for measuring student achievement against preferred benchmarks.

The release of these reports led to pressure on the Ontario New Democratic Party (NDP) government to take action. In May 1993, the NDP appointed the Royal Commission on Learning (RCOL),<sup>9</sup> and this was followed in February 1995 with the appointment of the Ontario School Board Reduction Task Force.<sup>10</sup> In January 1995, the Royal Commission on Learning reported its finding with the release of its four-volume *For the Love of Learning*. While the Ministry of Education and Training began implementing selected RCOL recommendations, the outcome of the June 08, 1995 provincial election brought to power the Ontario Conservative Party led by Mike Harris.

### **Education and the Common Sense Revolution (CSR)**

The Ontario Conservative Party was assisted to office on the strength of its election platform booklet. *The Common Sense Revolution*, which promised less spending, lower taxes, and a reduction of the province's deficit. Education was one of the first areas identified as needing reform. The CSR booklet had the following to say about education in Ontario:

Too much money is now being spent on consultants, bureaucracy, and administration. Not enough is being invested in students directly. Our principle of 'classroom-based budgeting' will help ensure that this essential service is protected and, indeed, that excellence in education is enhanced. (Progressive Conservative Party, 1994, p. 8)

The CSR document stated that a province-wide core curriculum and standardized testing at all levels would enhance the quality of education. By cutting some school costs, reducing the number of trustees, allowing boards to opt-out of junior kindergarten, and shortening the secondary school program from five to four years, savings could then be directed toward the goal of improving Ontario's educational system (Progressive Conservative Party, 1994). Soon afterwards, the Ontario Conservative government began to implement a number of its election platform promises aimed at reducing public spending and streamlining government programs and services. In the educational sector, a cut of \$400 million was announced, user fees were introduced for junior kindergarten, and legislation was passed empowering school boards to accommodate budget reductions through local negotiation of cost-cutting provisions with teachers (Bashevkin, 2006; Gidney, 1999). As Graham and Phillips (1998) note in their analysis of the events surrounding the Common Sense Revolution (CSR):

It is important to note the education was key, both to particular elements of the Common Sense Revolution agenda and to the 1995 election debate. In terms of the competitiveness agenda, the Conservatives were concerned that Ontario

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<sup>9</sup> Two full-time co-chairs were selected, Monique Bégin and Gerald Caplan. Bégin had been a teacher and Minister of National Health in the Trudeau government from 1977-1984. Caplan, a long-time NDP supporter, was also active in a number of fields, including media commentary. The part-time members of the committee included two well-known members of the educational community and a senior high-school student.

<sup>10</sup>The Ontario School Board Reduction Task Force was chaired by John Sweeney, a former Director of Education in Kitchener, a Liberal education critic, and later an Ontario Cabinet Minister for Community and Social Services. Refer to the Ontario School Board Reduction Task Force (1996).

students were not 'up to standards,' despite the large commitment of public funds to education. The province's school boards were criticized for being bloated with politicians and administrative staff. There were suggestions that the curriculum in Ontario schools was not relevant for the new economy. In addition, there were long-standing conflicts over the distribution of resources for education across the province, and this lay just below the surface for many Ontarians, not just the Harris Tories. (p.178)

The Ontario Conservative government decided to support a number of RCOL recommendations that the former NDP government had begun to put into place. Chief among these was the creation of a College of Teachers and standardized testing of students in grades 3, 9, and 12.<sup>11</sup> Of the 167 RCOL recommendations approximately 40 or 25% related directly to the operation, funding and structure of schools boards. Many of the Conservative-supported RCOL recommendations were in keeping with tenets of its *Common sense revolution* document.

In February 1996, the *Ontario School Board Task Force Final Report* was released. The Task Force offered 30 recommendations in relation to the existing school boards across Ontario. The critical recommendation was that the number of school boards be reduced from 124 to 72 (a decrease of 50%). The report also recommended that amalgamated boards should not have fewer than 5,000 students and no more than 55,000. Yet later in the report, it was recommended that with over 90, 0000 students there be 13 trustees.<sup>12</sup> The Task Force recommended the Metropolitan Toronto School Board be dissolved and, depending on pupil enrolment, that the honorarium for trustees be a minimum of \$5000 and a maximum of \$15,000 annually. The report also called for an equitable amount of direct classroom expenditure per pupil to be phased in over five years. Furthermore, the authors suggested that during this five year period, the government not reduce the total amount of grant money provided to school boards.

In May 1996 Al Leach, Minister of Municipal Affairs and Housing, announced the establishment of the "Who Does What Advisory Panel" (WDW) to offer advice on a wide-ranging number of provincial and municipal services, including: social services, education, property assessment, and public health. WDW's goal was to assess avenues to reduce costs and decrease duplication of services. David Crombie, former Mayor of Toronto, led this panel. Concerns about the future role of school boards that may emerge from the upcoming WDW recommendations or future Ministry of Education policy directives were exacerbated when John Snobelen, Minister of Education and Training, commented that it might be advisable to abolish all school boards in Ontario and have the province directly fund educational spending in classrooms<sup>13</sup> (Walker, 1996).

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<sup>11</sup> Both of these recommendations caused increased friction between the Ontario government and selected school board and teachers' unions in Ontario.

<sup>12</sup> The Task Force recommended the following: for up to 30,000 students, there be 7 trustees; for up to 60,000 students, there be 9 trustees; for up to 90,000 students, there be 11 trustees, and for over 90,000 students, there be 13 trustees. Refer to Ontario School Board Reduction Task Force, 1996

<sup>13</sup> In a related matter, the Minister of Education and Training appointed Leon Paroian, in August 1996, to provide advice and recommendations on collective bargaining by teachers and school boards. Paroian's, *Review of the school boards'/teachers' collective negotiations process in Ontario* was released in November 1996. Among his recommendations was adoption of a regional model of collective bargaining in negotiations between teachers and employers.

Delivered in December 1996, the Who Does What Panel included over 200 far-reaching recommendations. In particular WDW recommended that both social services and education be funded provincially (Bashevkin, 2006; Tindal and Tindal, 2004). Graham and Philips (1998) indicate that Crombie was clear that if a choice had to be made between placing education or health and welfare on the property tax, preference be given to the property tax for funding of education, and that school boards be given the authority to raise an additional 5 per cent on the residential base for local enrichment.<sup>14</sup>

Just a few weeks after the WDW released its finding, the Ontario government, appeared to shift gears by announcing that it would assume all of the education costs, previously the responsibility of residential property tax payers, while downloading on municipalities increased responsibility for social programs. Grahams and Phillips posit that “[i]n term of the disentanglement initiative, the inner circle had already decided that the central issue was to gain full control of education” (p. 187). As Tindal and Tindal noted, the January 1997 announcement was “a proposed realignment of responsibilities that ignored the recommendations of Who Does What in several key respect” (p. 187).

### **The Fewer School Boards Act (Bill 104)**

Early January 1997, is often referred to as “Mega week” because of the rash of proclamations that were made by the Ontario Conservative government. Starting off was Al Leach, Minister of Municipal Affairs and Housing, who announced that legislation would be forthcoming to amalgamate Metro and the six constituent lower-tier municipalities into one, single-tier municipality to be known as the *New City of Toronto Act* (Mega City). This would be known as Bill 103. Leach was followed by Minister of Education and Training, John Snobelen’s announcement of the *Fewer School Boards Act* (Bill 104) would:

1. Remove completely education from residential property taxes;
2. Enable the province would set the full rate for commercial and industrial taxes, establish a new funding formula and allocate the revenue locally;
3. Reduce from 164 to 66 (later amended to 72) the number of school boards and rename them school districts;
4. Cut the number of trustees from 1,900 to 700 with a maximum salary of \$5,000 a year;
5. Disallow school board employees from running for school board elected office in the province;
6. Limit boards to have between 5 and 12 trustees, except (Metro) Toronto where 22 trustees will serve 300,000 students;
7. Mandate school advisory councils with more input permitted on local programs, reporting on student progress and discipline;
8. Authorize the government to publish its own report card on education and ask the public and parents for a grade on its efforts; and

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<sup>14</sup> With respect to education, the Crombie Panel also recommended that Ontario: develop a new allocation formula; establish an advisory body to review and recommend changes to the formula on a regular basis; define a core grant per pupil and outline the components of this grant, including support for teachers, classroom supplies, computers, libraries, and other classroom supports; and recognize the role that the learning readiness of children entering the school system plays in the cost of providing education (Paquette, 1998).

9. Establish an Education Improvement Commission (EIC)<sup>15</sup> to oversee the mergers occurring in the next four years. The EIC would study the merits of contracting out support services and examine ways to strengthen advisory school councils. Board would lose much of their fiscal decision-making power. All major transactions and the budget must be approved by the EIC (Paquette, 1998, p. 17)

In response to the sweeping powers of Bill 104, Opposition party members in the Ontario Legislature scheduled around-the-clock filibuster sessions to review the thousands of *Fewer School Board Acts* amendments that were offered. One legislative sitting lasted for nine consecutive hours; however, the government passed a time-allocation bill that allowed it to skip debate by the Committee of the Whole<sup>16</sup> of Bill 104, and it was moved directly into a voting position (Jefferson, 1998).

Bill 104 was a far-reaching piece of legislation. While redefining school board boundaries, conferring on cabinet the power to make regulations, establishing representation and electoral parameters and establishing new district boards, Bill 104 also proposed the Education Improvement Commission (EIC) to oversee and implement the government's restructuring agenda. The EIC was given sweeping powers to: order a board to furnish information, records, or documents in its possession; undertake an audit and prosecute anyone who obstructs an EIC-mandated auditor; exercise its main functions free from the freedom of information legislation; and act without liability for damages caused by "good-faith" actions (Jefferson, 1998; Paquette, 1998).

The proposed legislation aimed to give the province complete control of education financing with each school board receiving its funding from the province on the basis of per-student grants. The amalgamation of school boards was viewed as an attempt to establish new governance structures. As Neil Thomlinson noted, former co-chair of the Royal Commission on Education, Gerald Caplan, viewed Bill 104 as signaling the arrival of the crisis state:

In a real sense, existing school boards in Ontario have been put in receivership, with the role of democratically elected trustees summarily superseded by the unelected commission [Education improvement Commission] and its sweeping mandate. It will oversee the complete financial affairs of school boards, with the power to review the 1997 budgets and amend them in any way it considers appropriate; the criteria it will use are entirely unknown. The inevitable result will be to create chaos and anxiety within existing school boards and among teachers, whose collective bargaining rights will be directly impacted (sic) by commission decisions—a fine way to improve learning in Ontario. Yet this commission is not accountable to a single parent, teacher, or trustee in the province. And its decisions can't be reviewed by the courts. (p.227)

In April, 1997 the *Fewer Schools Boards Act* (Bill 104) and *An Act to replace the seven existing tiers municipal governments of Metropolitan Toronto by incorporating a*

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<sup>15</sup> Dave Cooke, former Ontario NDP Education Minister of Education and Training and Ann Vanstone, former Metro Toronto School Board Chairwoman, were appointed Co-Chairs of the EIC.

<sup>16</sup> The proposed legislation goes through clause-by-clause amendments.



*new municipality to be known as the City of Toronto* (Bill 103) collided in the Ontario provincial legislature. As Bill 104 was set to receive passage, it was blocked in the Ontario Legislature by the Opposition parties stalling tactics that focused on stopping Bill 103. In spring 1997, both Bills 103 and 104 received passage and were to become effective on January 01, 1998; however, before Bill 104 came into play it faced a court challenge.

### **Challenging Bill 104**

Shortly after the *Fewer School Boards Act* (Bill 104) was announced, the Ontario Public School Boards' Association along with the Toronto City School Board, Metropolitan Toronto School Board, and the Ontario Secondary School Teachers' Federation challenged Bill 104 in the Ontario Court of Justice (General Division). Applicants argued that Bill 104 violated their rights in 8 areas, some which included:

1. That the Supreme Court of Canada's decision in *Adler v. Ontario* had extended section 93 denominational rights protection to the public school system;
2. That the statutory powers of the Education Improvement Commission (EIC) and its agents to compel production and inspection of boards' business records infringed the right to be secure from unreasonable search and seizure under section 8 of the *Charter*; and
3. That the *Act's* prohibition of employees of existing and proposed district boards, and their spouses, from running for election violated equality rights under section 15 of the *Charter*. (Dickinson, p. 431)

In August 1997, Justice Campbell ruled that while he recognized the depth of concern from the applicants regarding the extensive structural changes that would emerge from Bill 104; he identified the limited role of the court in these kinds of cases. Campbell commented that the government, through its command of the majority in the democratically elected Legislative Assembly, enjoys enormous powers. The government is entitled to exercise those powers to the full limit of its constitutional authority in relation to valid legislative objects such as the reorganization of the educational system. In his decision, Justice Campbell ruled that the part of the *Fewer School Boards Act* that was under contention could not be grounded until actual evidence of such harm could be demonstrated (Dickinson, 1998). Shortly after their defeat, the Metro public school boards spent \$350,000 on a television and radio advertising campaign that opposed Bill 104 (Girard, 1997). In September 1997, the Ontario government introduced The *Education Quality Improvement Act*, (Bill 160), which sought to overhaul even more components of Ontario's educational system.<sup>17</sup>

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<sup>17</sup> This 224-page document, known as Bill 160, was one of the most centralizing pieces of legislation to affect Ontario schools, pitting the provincial government against the teachers' federations. Minister Snobelen's timetable was to have Bill 160 take effect by January 1998. Opposition to Bill 160 resulted in a strike/protest that lasted ten teaching days (Monday October 27 to Friday, November 7, 1997) and it became the largest in North American history, involving most of Ontario's 126,000 teachers and affecting 1.2 million students. Refer to MacLellan, 2002.

### **Educational Restructuring and the Toronto District School Board**

In December 1997, eight months after the *Fewer Schools Boards Act* became law, the Education Improvement Commission released, *The road ahead-two: A report on the role of School board trustees*. The Commission noted that “[c]urrent reforms in educational governance should not be seen as a step towards the elimination of school boards” (p, 7). Furthermore the Commission stated that during their province-wide consultation, many citizens were concerned that many school boards in Ontario may face elimination or further amalgamation (Education Improvement Commission, 1997). Commissioners affirmed that the political role that elected trustees perform can be time-consuming, involving activities related to school events, community functions, meeting parents and community groups. The report noted that under the *Fewer School Boards Act*, each trustee will represent more constituents over a larger area. For this reason trustees will need to devote significant time to pulling their communities together to overcome the “loss” of their “local” board in favour of a district board. Many citizens may feel more distant from the district board than the local board (Education Improvement Commission, 1997).

On January 01, 1998, the *Fewer School Board Act* came into effect across Ontario. The newly amalgamated Toronto District School Board became the largest in Canada with over 300,000 students, 21,000 employees, and 600 schools under the leadership of 22 trustees. Interestingly, if the Harris government had followed the advice from the *Ontario school board reduction task force report*, there should have been between 27-29 trustees.<sup>18</sup> The TDSB is situated in one of the most diverse cities in the world. For these reasons, the TDSB is in a unique and sometimes challenging position with respect to responding to its multi-ethnic, socio-economic, and demographically diverse student population to ensure student retention, curricular revisions, and ongoing school policies are followed consistently. With these factors in mind, responding to major restructuring efforts will affect the TDSB in ways that set it apart from other school boards in Ontario.

The effects of the *Fewer School Board Act* mean that local boards can no longer raise property taxes to fund the shortfall from ministry grant allocations because taxes raised are redistributed by MET. In keeping with the new law, school boards are required to separate expenditures into two broad categories: classroom spending and non-classroom spending. School boards are to produce detailed “Financial Report Cards” on their spending and budget allocations (Morgan, 2006). School boards have to budget their expenditures according to a per-pupil funding formula that is stipulated by the Ministry of Education. If enrolment declines, then funding also declines. One problem with this formula is that it does not account for both variable and fixed costs. A school board is able to adjust variable costs, which vary according to school enrolment. Costs related to teaching, school supplies, classroom spending can be reduced or decreased. The other half of pupil spending consists of fixed costs, which include: maintenance services, school buildings, computing and telecommunications systems, school management staff, and other costs. Fixed costs cannot easily be adjusted to change in student enrolment (Morgan, 2006).

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<sup>18</sup> Depending on the measures utilized, some argue the TDSB is the largest in North America. Shortly after amalgamation, the TDSB was given \$750 million over four years to phase in the necessary changes that resulted from amalgamating the seven school boards that became the TDSB-Toronto: East York, Etobicoke, North York, York, Scarborough, and Metro.

In the months after Bill 104 became law, the new Minister of Education, Dave Johnson,<sup>19</sup> delayed announcing the new funding formula for school boards. These delays caused serious problems for boards and their employees. New labour contracts had to be negotiated across the province, but that could not begin until the boards knew what resources would be available. When the funding formula was finally announced in March 1998 to take effect in September 1998, concerns began to be raised in the larger boards (especially the newly amalgamated seven pre-existing boards). The formula called for more in class spending and this meant reductions in funding sports programs, adult-education day school, and settlement language services for new immigrant children (these programs were offered mainly in larger boards such as the TDSB and the Ottawa Carleton District School Board (OCDSB) (Beer, 2002; Morgan 2006). Given that the new legislation disallows local boards from collecting property taxes to finance education, control now rests with the Ontario government. Observers predicted that the TDSB and the OCDSB would be the most disadvantaged because they will no longer have access to commercial and industrial taxes-revenues that will now be distributed more equitably across the province (Morgan, 2006). The new TDSB Chair, Gail Nyberg, maintained that Toronto has special needs, based on its size of its immigrant population and the incidence of child poverty that need to be recognized by the province (New Toronto school board, 1998)

In April 1998 early figures based on the new funding formula were released and the TDSB was informed it would see a decrease from \$92 million to \$63 million for textbooks and classroom supplies, including: books, learning materials, workbooks, resource materials, computer software, CD-ROMs, and internet expenses.<sup>20</sup> On October 29, the TDSB announced in a public meeting the possible closing of 120 schools slated for September 1999 due to a decrease in grants from the Ministry of Education and Training. These closures would affect the city-run day care centres located within these schools. Mayor Lastman and several city councilors attended the TDSB's announcement to show their support. Lastman noted that schools are used by community groups in the evenings and that closing schools will affect property values and the city's assessment base (Chamberlain, 1998a). A few weeks later, Minister Johnson agreed to add \$54 million a year to the TDSB's \$2 billion annual budget, which would mean the closing of 20-30 schools. Even with this announced infusion of cash, the TDSB was still expected to have a shortfall of \$63 million for the 1998-1999 operating budget (Chamberlain, 1998b).

The worsening financial situation at the TDSB continued well into 1999, and it once again attracted the attention of Toronto City Council. At its October 26, 1999 Council meeting, councillors asked that City Council be consulted before Toronto school boards close any facilities or dispose of school property. Councillors expressed concern because the 10 public schools expected to be closed in September 2000 provide a range of services beyond schooling that included: 11 hectares of outdoor recreation space, six daycare centres with 325 spaces, and facilities for city recreation programs utilized by almost 10,000 participants. The City estimated that it would cost \$2.4 million to replace those lost daycare spaces. City Council decided unanimously that it should be asked for input before any school properties are closed or disposed of and that the city's investment in facilities located at these schools be consulted (Rusk, 1999).

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<sup>19</sup> In October 1997, Premier Harris announced a cabinet shuffle; John Snobelen was moved from Minister of Education and Training to Minister of Natural Resources. Dave Johnson, former Management Board Chairman became Minister of Education and Training.

<sup>20</sup> Based on the new funding formula, each board received \$100 for textbooks and class supplies for each high school student in its district and \$75 per elementary student for textbooks and learning supplies.

The concerns being expressed by the Toronto District School Board received support with the January 2000 release of the *Third interim report on the progress of Ontario's new district school boards* from the Education Improvement Commission.<sup>21</sup> The report discussed positively the degree to which many school boards were able to reduce their board administrative staff, for example, the TDSB reduced its staff from 755 to 519. While the report was supportive of the new funding model, the Commissioners noted the need to consider more carefully the unique situation of large urban boards.<sup>22</sup> In the section of the report dealing with large urban school boards, the authors noted that:

The large urban centres of Ontario serve a diverse population-linguistically, socioeconomically, racially, and ethnically-with Toronto being the largest and most complex of our cities. This diversity presents both benefits and challenges. The delivery of all social services, including education, in these large urban centres is a complex process....We believe that the issues facing large urban centres, particularly Toronto, deserve special attention. (Education Improvement Commission, p.15)

The Commissioners expressed concern that large boards with programs that focus on English-as-a-second-language (ESL) are often under funded to meet existing needs. Three issues were raised by the Commissioners:

1. Funding for student who are born in Canada but raised in homes where English is not spoken;
2. Students may require ESL support from more than the three-year period that the formula covers; and
3. Eligibility for funding is based on the country from which the student arrives. Therefore, a board is not likely to receive ESL funding for a recently arrived non-English-speaking students who spent time in an English-speaking country, such as the United States or the United Kingdom before immigrating to Canada. (Education Improvement Commission, p.15)

Many urban boards are experiencing rapid growth in enrolment based on students who have come from diverse cultural and socioeconomic backgrounds. Under the previous provincial funding model, the pre-TDSB boards worked with their municipalities to deliver programs and services addressing the diverse social and economic needs of children in Canada's most diverse metropolitan areas. In the years following amalgamation, the TDSB has spent countless hours determining what programs are covered and who should pay. For example, if the TDSB were to stop providing some of its services (such as immigrant and settlement programs for students) without alternative providers stepping in, Canada's largest city would experience a substantial drop in public service (Education Improvement Commission, 2000).

Another example of the complexity of service delivery that are entangled with the City of Toronto are child care and the community use of schools. While other boards experience similar problems, the issues in Toronto are deeper because these arrangements have been in place for decades. With input from the public, officials at all

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<sup>21</sup> Two interim reports were completed: the first studied four boards and was released in March 1999, and the second reviewed 41 boards and was released in July 1999.

<sup>22</sup> The Commissioners also signaled the need to focus greater attention toward French-language and First Nations students

levels of government must determine which services should be delivered and paid for by school boards, and which by municipalities, provincial ministries, and federal departments. Large urban boards with complex models for delivering social services should work with their municipal, provincial, and federal government partners to re-evaluate their role in providing these services (Education Improvement Commission, 2000).

The report noted that the funding based on a per-pupil model requires school boards to do more to maximize the benefits of the funding received. The Commissioners recognized that the level of learning opportunities funding for the Toronto District Board and the Toronto Catholic Board is insufficient to meet the high degree of need that exists in Toronto. The two Toronto boards face an extraordinary combination of challenges and circumstances in bringing to a state of readiness to learn, students who live in poverty or unstable home environments, students who come from diverse backgrounds, students who have recently immigrated to Canada, and students who do not speak the language of instruction in their schools. Toronto's particular circumstances suggest that the Ministry of Education should re-examine the learning opportunities provisions of the formula-particularly the factors being used to determine need and to ensure the funding levels are adequate to meet special needs of students throughout the province (Education Improvement Commission, 2000). While the Commission was quite forthright in documenting the issues before large urban school boards such as the TDSB, this did not appear to alleviate the looming financial crisis. The Fewer School Board legislation requires board to submit a balanced budget to the Ministry of Education or face the consequences, which were soon to unfold in three public school boards across Ontario.<sup>23</sup>

### **Balancing Budgets and the TDSB**

At its July 31, 2002 meeting, 12 of 22 TDSB trustees voted not to submit a balanced budget to the Ministry of Education and Training for the 2002-2003 school year. These trustees were in violation of the *Education Act* and the TDSB was in a deficit of almost \$90 million.<sup>24</sup> By early August the three public boards in Toronto, Hamilton, and Ottawa had still not submitted a balanced operating budget to the Ministry of Education and Training for the upcoming school year. Minister of Education, Elizabeth Witmer<sup>25</sup> announced that these three boards would be under Provincial supervision, if they did not submit balanced budgets. At the TDSB, the debate around submitting a balanced budget led to the formation of two rival groups that emerged: those in favour of the funding formula (Compliance Budget), and those who proposed a Needs-Based Budget (NBB)<sup>26</sup> that focused on the real needs of Toronto schools.<sup>27</sup> This internal

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<sup>23</sup> In 2001-2002, tensions between MET and the TDSB increased but they became much more noticeable during 2002. Refer to Beer, 2002 and Carrol, 2003.

<sup>24</sup> When restructuring costs and other possible adjustments are included, the estimate is that the TDSB's deficit was closer to \$140 million. Rosen, A. (2002). *Investigation report to the Minister of Education, province of Ontario regarding the Toronto District School Board*. Toronto, ON: Ministry of Education.

<sup>25</sup> In 1999, the Conservative Party was re-elected to govern Ontario, and Janet Ecker was appointed Minister of Education and Training until April 2002, when Elizabeth Witmer then became the Minister of Education and Training. Former Education Minister Dave Johnson was not re-elected to the Ontario Legislature.

<sup>26</sup> Ironically, one of the leaders who worked tirelessly as Vice Char of Budget in favour of the NBB is the current Minister of Education, Kathleen Wynne.

<sup>27</sup> The Needs-Based Budget (NBB) activist trustees in Toronto looked to the Ottawa-Carleton District School Board (OCDSB) for guidance because the OCDSB refused to approve their staff's Compliance

conflict split the TDSB in half and led to significant tensions that persisted throughout 2002-2003 (Beer, 2002: Carrol, 2003).

In early August, Al Rosen was appointed by the Elizabeth Witmer, Minister of Education and Training, to investigate the financial affairs of the Toronto District School Board.<sup>28</sup> In his TDSB report, Rosen acknowledged that:

The TDSB is the largest [s]chool [b]oard in Canada. The demographic of its student based are in many ways different from those of most of other [s]chool [b]oard in Ontario. The TDSB is responsible for about one-seventh of the Ontario-funded [s]chool [b]oard population. (Rosen, 2002, p.2)

Furthermore, Rosen and his team expressed concern that “a disproportionate share of available funding dollars have been, and are being, diverted away from classrooms and for some trustees ...virtually every societal issue is thought to have educational roots”(2002, p.4). Rosen submitted his report on August 19, 2002, and almost immediately Witmer removed the decision making power of the TDSB by appointing Paul Christie<sup>29</sup> as Supervisor of the TDSB with the power to govern all of its activities, including its budgeting procedures.

Christie announced he would look for the \$90 million in cuts in administration and that no schools would close in the next two years. He noted that his budget would even show an increase in spending on classroom teaching and books. Christie unveiled his budget on November 19, 2002 and upon close inspection, it showed cuts to classroom spending of close to \$30 million.<sup>30</sup> To achieve the \$90 million benchmark, most of the cuts to the non classroom included: saving \$13 million from school maintenance; saving \$11.5 million by cutting 237 central office jobs; saving \$5.7 million by eliminating 63 vice-principal positions; saving \$2.3 million by eliminating 100 school secretary positions; saving \$5.8 million by reducing staff development funding; saving \$2.1 million by reducing teacher sick day and supply teachers; and saving \$10-15 million from a host of smaller personnel related cuts, hiring freezes, and cuts to discretionary spending (Carrol, 2003). Upon closer examination of Christie’s budget by the Campaign for Public Education and media outlets, it was determined that he had made a number of deep cuts and questionable budgetary maneuvers.<sup>31</sup> Commenting on the degree of control exerted by Christie, TDSB trustee Elizabeth Hill made the following comment:

Paul Christie cancelled our board and committee meetings. As well, nothing could go on my website without his approval....Christie cancelled the trustee newsletter which by our board policies are allowed twice a year, paid for by the board and distributed to all residents in my ward. He also disallowed trustees to send materials out in the board mail system...Christie and the Province [are] going beyond the education act and infringing on the rights of elected trustees and parents. (Glover, 2003, p.70)

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budget, which fit with provincial guidelines and called for major cuts to schools and special education programming. For a detailed examination of the OCDSB situation, refer to Beer, 2002.

<sup>28</sup> Earlier, Rosen also investigated financial situation of the Ottawa-Carleton and Hamilton public boards.

<sup>29</sup> Paul Christie was a former city councilor and one time Progressive Conservative campaign manager.

<sup>30</sup> Cuts were directed at outdoor education, adult education, and secondary summer school.

<sup>31</sup> Christie did acknowledge that his budget still came up about \$15.8 million short

In December 2002, the Report of the Education Equality Taskforce led by Dr. Rozanski titled, *Investing in public education: Advancing the goal of continuous improvement in student learning and achievement* was released, and it called for a significant infusion of funds into Ontario's educational system. In particular, the report noted that provincial government funding cuts were hurting Ontario's schools and that schools were being underfunded by \$2.1 billion. Furthermore, schools needed regular increases of \$400 million to cope with increasing costs and inflationary pressures. In particular, the report highlighted that an additional \$250 million should be directed to Toronto schools (Report of the Education Equality Task Force, 2002).

Well into 2003, the TDSB board continued to be split between those who supported the Needs Based Budget approach against those in favour of the Compromise Budget as set out by Paul Christie. The Ontario Conservative government now led by Premier Ernie Eves<sup>32</sup> began to signal that it would consider the recommendations from the Task Force and increase funding to schools. Premier Eves called an election for October 02, 2003 and his Conservative government promised more educational funding as part of its election platform. When the results of the Ontario provincial election were announced, the Ontario Liberal Party under the leadership of Dalton McGuinty won 72 of the 103 seats in the Legislature, and Eves's Tories won 24 seats. When the Ontario Liberals assumed office on November 01, 2003, Gerard Kennedy, the newly appointed Minister of Education, announced that the three Provincial Supervisors appointed by Ontario's previous Conservative government to supplant school boards in Toronto, Ottawa, and Hamilton resigned. The Liberal Government promised it would "turn the corner" and revitalize funds for Ontario's educational system, including the role and function of school boards.

## Conclusions

School boards occupy an interesting place in our society. In Ontario, they are under the jurisdiction of the provincial government but board members are elected at the same time and for the same length of office as municipal officials. While school boards report to the Ministry of Education, they also have electoral responsibilities to the wards from which they are elected, and school facilities are often utilized by community groups with cities and communities leasing space for daycare and/or recreational facilities. From the mid-1990s until 2003, as this paper has shown, school boards in Ontario have gone through a whirlwind of change. One can surmise that both *For the Love of Learning* and the *Ontario School Board Reduction Task Force Final Report*, focused on how the economic climate of the mid 1990s led to governments, including Ontario, to explore interrelated reforms initiated to respond to demands for improvements in the quality of education at time of severe financial constraints. This continued with Bill 104, the *Fewer School Boards Act* and then the appointment of a Supervisor to oversee the TDSB, who then resigned when the Ontario Liberal Party was elected to office. Ontario's educational landscape was transformed quite significantly in less than a decade.

Neil Guppy and Scott Davies (1999) ask why these major educational reforms were introduced and whether there was public support. The two researchers studied three time points: 1974, 1984 and 1995.<sup>33</sup> At all three time points, the researchers determined that Canadians had become disappointed in the educational system because expectations of the educational system were not being met. Certainly the reports published in the late 1980s and early 1990s that were critical of the educational

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<sup>32</sup> Ernie Eves became leader of the Ontario Conservative Party and Premier in spring 2002.

<sup>33</sup> Guppy and Davies used two sources, the Canadian Institute for Public Opinion (Gallup) data archives at the University of British Columbia and the Decima Data Archives at Queen's University.

system support the findings uncovered by Guppy and Davies for the 1995 time period.<sup>34</sup> Because many of these reports called for substantial business involvement in educational reform and new curricular reforms in math, science, literacy, and technology as needing greater attention.

Some observers argue that a related reason for the 1997 school board amalgamation legislation was to seize financial resources from the Toronto City School Board, which generated significant revenue from its large property tax base. Under the *Fewer School Boards Act*, these funds could be distributed to other boards in areas where the Conservative government was more popular. In addition, since the 1960s, the Toronto City School Board has been somewhat innovative, progressive, and high spending and this irritated some of the suburban and rural boards. The new system reigns in the spending, curtails creative policy-making and this puts the school boards in a weaker position when dealing with the Ministry of Education. Given the size and responsibilities of the amalgamated boards, especially the TDSB, reducing the salary of trustees to \$5000.00 may act as a deterrent for attracting well-qualified candidates. On the issue of representation, David Reid, former TDSB Director has posited the idea that a mix of elected and appointed trustees may be a preferable system (Morgan 2006). Next to funding, effective governance is the biggest issue facing boards across Canada and the US. Given the importance of the work of trustees, a \$5000 salary does not reflect accurately the work of trustees. They also have the legitimacy of being elected.

In addition, one of the arguments in favour of amalgamating school boards was to increase efficiency. Christopher Berry reviewed studies of school board consolidations in the United States from 1900-1998 and found, in many cases, that consolidation has not always increased efficiency. One of the reasons is that large districts tend to have larger schools, which in turn may produce depressed student outcomes (Berry, 2005). This is especially important in larger cities where programs geared to particular student needs may contribute to higher student achievement. Now that the TDSB funding formula does not take into account the special responsibilities of big cities to educate new Canadians, adult students, and the challenges of addressing the issues of cultural diversity, and poverty, this may become a more pervasive issue.

Observers have noted that we should consider returning boards to their former decision-making power with realistic taxing power. For this to happen, it would be necessary to advocate for a top-to-bottom re-think of governance and finance which would result in a plan that parents, teachers, and education workers across Ontario could support. Schools are important agents of change in our society and because they are governed by elected officials, by examining this period in time, we may be able to gain insights into the effects of massive educational reform in large and diverse urban school boards across Ontario.

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<sup>34</sup> The point should be noted that disenchantment with many public institutions, including education, was evident in many industrialized countries both in North America, United Kingdom, and Europe.



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