

Open Letter Issued by the Bureau of Municipal Research, 24 Isabella Street, Toronto 5



TELEPHONE RANDOLPH 5444

An independent fact-finding organization
reporting to the public on civic affairs.

CIVIC AFFAIRS

October 12, 1951

STRENGTHENING THE BOARD OF EDUCATION

Fellow Citizens:

In recent weeks attention has been focussed on the expenditures questioned by the City Auditor in his official report on the Board of Education accounts for the year 1950. The keynote sounded in much of the newspaper reporting has been an attack on the fitness of Board-approved payments for entertainment and travelling. At the same time, it has been suggested that the Board of Control has been remiss in failing to protest these expenditures as soon as the Auditor's report came under its review.

As matters stand, it is not easy for the City Council to take a strong line in attacking the spending pattern of the Board of Education. It is true that the City acts as the collector of school taxes and is required to turn over the money to the Board for authorized school expenditures only. On the other hand, the Council cannot hold back tax payments that follow the budget which has been set up to govern school expenditures and cannot reject the budget in the first place on the grounds that the expenditures proposed are extravagant or otherwise ill-advised. The City Council has long been a witness to Board of Education expenditures of the sort queried by the Auditor without exercising its right of protest when reviewing the annual budget of the Board.

Whether or not the City Council should have the right to supervise the current expenditures of the Board of Education is a question that has been debated periodically in recent years. At the 1951 convention of the Ontario Municipal Association the topic came up several times. In the final session a resolution was approved requesting the Province to authorize two members of a municipal council to sit as the council's representatives on the local school board. On previous occasions the suggestion has been made that the budget of the school board should require approval by the Council before the education mill rate is struck. Some people would like to go even further. They would do away with the school boards altogether and give municipal councils full local authority over educational matters.

The Bureau has long favoured the telescoping of as many municipal functions as possible under the direct jurisdiction of the City Council. The plan which is followed in England of making the common council responsible for all types of civic business has a ready appeal. Nevertheless, the situation in this Province when it comes to the local responsibility for education is quite different. For more than a century Ontario has had

a dual school system. Our school trustees are voted into office in the one case by public school supporters, in the other by separate school supporters; members of Council are elected by all municipal voters. Consequently, the only practical way to represent the wishes of the public school electors in the management of the public school system would appear to be through the election of their own school board as we have it now.

Believing that the control of education must continue under a separate elected body, it is from this premise that any suggestions for changes in the formal and informal relations between the Board of Education and the City Council must be considered. Trustees in Toronto are responsible in the main to the school electorate who have chosen them as their representatives. At the same time, their duties are outlined in Provincial statutes and their work is supervised by the Provincial authorities. To make the work of the trustees subject as well to overriding authority by the City Council is bound to place these men and women in a difficult and unsatisfactory position.

The periodic demands that the actions of school boards should be curbed may rest on no more valid argument than that school taxes have been going up. The sustained criticism, however, may indicate some measure of dissatisfaction with the way in which the trustees are doing their job. If the Toronto Board of Education shows any signs of weakness, if its membership is not always of sufficiently high calibre, the situation is not likely to be improved by making more of its actions subject to final approval by the City Council. Good men are not likely to stand for a Board which cannot make its own decisions. Indeed, the Bureau believes that the major changes which are needed today should be designed to make the Board of Education more fully accountable to the electors and better equipped to carry out their wishes.

RECOMMENDATIONS

With this purpose, the Bureau presents seven definite recommendations which are intended to strengthen the Board of Education. Some of the proposals will require changes in provincial legislation. Two recommendations would call for local referendum backing. All are needed to achieve a fully satisfactory reform.

1. Prepayment Audit of Board of Education Expenditures: For more than forty years the expenditures of the City have been subject to prepayment audit by the City Auditor's Department. The City Auditor is also by statute the auditor for the Board of Education and in this work stands in precisely the same relationship to the Board as he does to the City Council. The long list of Board expenditures whose legality has been questioned this year and in previous years would soon disappear if the auditor were in a position to hold up the payment of accounts until proper authority for payment had been determined. Prepayment audit would give him the necessary power. It would appear that the change can be brought about without any new provincial legislation, although statutory backing might be desirable.

When expenses approved in one year by the Board of Education are questioned by the auditor in the following year, it is only natural for the new Board, whose membership may be quite different, to pay less attention to the criticism. It is easy for them to feel that the payments are water over the dam and, knowing that the condition has continued a long time, to regard the whole affair as a legal quibble.

2. Consolidation and Complete Re-write of Provincial Statutes Governing the Conduct of Local School Boards in Ontario: The Toronto Board of Education obtains its main powers and duties from no less than four provincial statutes, all of which must be read together to determine what the law actually is. Expenditures that are clearly authorized under the Public School's Act may have a much more doubtful footing in the High School's Act. Nowhere is there clear direction as to the overhead expenditures which a Board of Education is allowed for matters affecting primary and secondary schools jointly. All four acts are antiquated and have been built up to their present form by frequent amendment. In the Public Schools Act it is not at all clear which powers of the school board, in Toronto's case the Board of Education, are mandatory and which are permissive.

The present controversy as to the legality of a sizeable number of Board of Education expenditures affords an excellent opportunity for the Toronto Board of Education to direct an earnest appeal to the Province to re-write and consolidate all the legislation which directs its actions. There is no good reason for retaining separate acts covering the different schools and school boards. Consolidation would bring sensible uniformity into the law.

One of the inconsistencies of Provincial school statutes lies in control over capital spending by boards of education. If the board wants to issue debentures to build a new school, the City Council must approve the amount and issue the bonds on the Board's behalf. If the Board of Education is prepared to pay for the school out of current revenues, it can do so without any permission from the City Council. However, in the case of secondary school expenditures, capital spending from current funds is limited to \$5,000 a year unless approval for a larger amount is obtained from the Ontario Municipal Board. No parallel supervision is provided in the case of public school expenditures, although approval of expenditures for payment of Provincial grants affords some check.

In 1950, the Toronto Board of Education spent \$575,000 on capital items out of its current budget. Some \$273,000 was used for public school items and the remaining amount of over \$300,000 went to secondary schools. From its inquiries the Bureau is unable to find any authorization for the amount in excess of \$5,000 spent on secondary schools. It would appear that the provision calling for Ontario Municipal Board approval is being ignored by all the parties concerned.

The Bureau is a strong supporter of the principle of paying for small and recurrent capital items out of current funds. There is much to be said as well for financing larger capital items at least partly on a pay-as-you-go basis. The present situation, however, well illustrates the urgency of amending and clarifying the Provincial statutes. Respect for law is weakened when ill-advised regulations are allowed to remain on the books without being enforced.

3. Payment of Trustees: The Bureau is of the firm opinion that in this day and age city trustees need to be compensated for the time taken from their own businesses or occupations. The allowance to the ordinary trustee should be sufficient to enable him to devote adequate time to Board business and to cover the costs of his own incidental transportation. Chairmen of committees should receive a somewhat higher allowance in view of the added time and attention that their duties require. The Chairman of the Board should be paid on the basis of a full time job for, in the City of Toronto, the Chairman's work if properly done takes a full working day throughout most of the year.

Our school trustees are voted into office in the one case by public school supporters, in the other by separate school supporters; members of Council are elected by all municipal voters. Consequently, the only practical way to represent the wishes of the public school electors in the management of the public school system would appear to be through the election of their own school board as we have it now.

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The periodic demands that the actions of school boards should be curbed may rest on no more valid argument than that school taxes have been going up. The sustained criticism, however, may indicate some measure of dissatisfaction with the way in which the trustees are doing their job. If the Toronto Board of Education shows any signs of weakness, it is not likely to be improved by making more of its actions subject to final approval by the City Council. Good men are not likely to stand for a Board which cannot make its own decisions. Indeed, the Bureau believes that the major changes which are needed today should be designed to make the Board of Education more fully accountable to the electors and better equipped to carry out their wishes.

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4. A Review of Board Expenditures Designed to Eliminate Payment in Kind to School Trustees: In recent years the Board of Education has put on an elaborate banquet for the retiring chairman and made a presentation to him of an expensive gift. The entire cost has been met from public funds. If trustees were paid even a modest cash salary or allowances, all arguments in favour of a chairman's banquet on the present scale would disappear. Payment of trustees would also make it possible to cut down on the liberal use of Board cars by trustees - an expenditure which has been subject to much public criticism. Again, it is doubtful if trustees who were adequately compensated for their work would be nearly as keen to attend conventions of a technical nature which are of most direct value to the Board's paid officials.

It has been suggested that a City as large as Toronto should not be too much worried by the present school board budget for travelling, entertainment and the like. In relation to the millions of dollars required each year for the direct operation of our schools, such expenditures are certainly small. But they are not picayune. Free spending of this sort defeats the economies that a great city should obtain through large-scale operations.

5. Longer Term for Trustees: The Bureau has continually advocated extending the term of office for members of Council and school trustees. The Bureau is not opposed to annual elections but believes that the best system would combine these with overlapping three-year terms for the individual trustee. In this way elected representatives can be given an assured term of adequate length and continuity is guaranteed in the consideration of Board business.

Recently the majority of the trustees have supported the longer term. Current threats to the Board's autonomy should encourage Board members to redouble their efforts in this direction. A two-year staggered term could be secured by a referendum, while the three-year term which seems preferable would call for a change in provincial legislation.

As the law stands now there is little apparent consistency in the length of term allowed. In elementary school sections, trustees are given a three-year staggered term. On the other hand, the two-year staggered term is the normal rule for public school boards with two major exceptions: 1) In cities over 100,000 population boards can obtain the three-year staggered term. 2) Metropolitan area boards (suburban) combine members elected for one year from the constituent municipalities and six members elected at large for a two-year straight term. The length of term and composition of district high school boards, which are appointed bodies, is quite complicated; generally, however, the system is based where feasible on a three-year staggered term. Municipal boards of education are given a two-year staggered term but can switch to the one-year term. A further complication is introduced under the Municipal Act which empowers the municipal electors to bring in a two-year term either straight or overlapping and to make this applicable to its local school trustees.

6. Election of all Trustees on City-wide Vote: In its dealings with City Council, the Board of Education suffers by the fact that none of its elected trustees represent more than a single ward in the City. When the education tax rate seems high, the public is likely to look to the Mayor and Board of Control for a remedy because these men have a city-wide responsibility. If the school board members were elected at large the responsibility for the education rate would be seen more clearly as theirs.

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One of the inconsistencies of Provincial school statutes lies in control over capital spending by boards of education. If the board wants to issue debentures to build a new school, the City Council must approve the amount and issue the bonds on the Board's behalf. If the Board of Education is prepared to pay for the school out of current revenues, it can do so without any permission from the City Council. However, in the case of a secondary school expenditures, capital spending from current funds is limited to \$25,000 a year unless approval for a larger amount is obtained from the Ontario Municipal Board. No parallel supervision is provided in the case of public school expenditures, although approval of expenditures for payment of Provincial grants affords some check.

In 1950, the Toronto Board of Education spent \$275,000 on capital items out of its current budget. Some \$273,000 was used for public school items and the remaining amount of over \$2,000 went to secondary schools. From its inquiries the Bureau is unable to find any authorization for the amount in excess of \$2,000 spent on secondary schools. It would appear that the provision calling for Ontario Municipal Board approval is being ignored by all the parties concerned.

The Bureau is a strong supporter of the principle of paying for small and recurrent capital items out of current funds. There is much to be said as well for financing larger capital items at least partly on pay-as-you-go basis. The present situation, however, will illustrate the urgency of amending and clarifying the Provincial statutes. Respect for law is weakened when ill-considered regulations are allowed to remain on the books without being enforced.

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More important is that the Board of Education's own business undoubtedly suffers by the jockeying for improvements between one ward and another. One result in past years has been the placing of too great emphasis in Board deliberations on improvement of school buildings and too little, until recently, on payment of adequate salaries for teachers.

Under present Ontario law, a newly-created board of education in a city like Toronto would start out with election of the trustees at large. However, to change now from our present ward system requires a favourable referendum vote by the school electors. The question should be put before them at the earliest opportunity.

7. Reduction of the Size of the Board: The present Board of twenty members is a decidedly unwieldy body. Its large membership leads to lengthy debates and holds up decisions on many matters of Board business. If the Board were changed from ward representatives to trustees elected by general vote the number of members would automatically be reduced under the present law from twenty to fourteen. In the opinion of the Bureau, even a membership of fourteen is more than is actually required to make the Board of Education sufficiently representative. And certainly a school board of from six to nine members could act with greater dispatch. To bring about such a change, an amendment of the Boards of Education Act is necessary. While school legislation generally is under review, the Province should be asked to create the option of smaller boards of education. A small board could be assisted by co-opted members to serve on its committees in the way that the Vocational Committee of the Board of Education is now constituted.

Cooperation Still Important

These measures which have been proposed with the objective of raising the status of the Board of Education will not by any means eliminate the need for the Board and the City Council to cooperate on civic business. Indeed, the stronger the Board of Education becomes the more necessary it will be for school board and council to work together. General service and school expenditures have both to be provided for from the same local tax rate. If the Council and the Board of Education play their separate interests off against each other the taxpayer is the one who suffers. Candidates for either body should be required to subscribe to the principle of cooperation and to demonstrate a cooperative outlook once elected.

In an earlier release, the Bureau urged that "the Board of Control and the Finance Committee of the Board of Education sit down together, along with their staff advisors,-----in the preliminary stages of budget preparation". The advice was not acted on in 1951. Public opinion should demand that this practical step be taken in the coming year. It would help to set the stage for a continuing liason on all matters of mutual interest to the Board of Education and the Council.

LaJanet
President

Eric Hardy
Director

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