
Duncan Maclellan

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Academic Leadership Journal

Introduction

On January 01, 1998, the Fewer School Boards Act, (Bill 104), came into effect in Ontario. Bill 104 led to significant administrative and structural changes to school boards across the province. In particular, the Act disallows school boards from collecting property tax to support their programs and services; instead, all school-board funding is now derived from the provincial government. The Act also reduced the number of school boards in Ontario from 124 to 72, and this led to a sharp decrease in trustee seats from 1,900 to 700. Remuneration for Ontario school board trustees, which had been up to $40,000 per year in large school boards, was set at a flat fee of $5000 annually.

This paper will examine the seminal events leading up to passage of the Fewer School Boards Act (Bill 104), and its impact on the newly created Toronto District School Board (TDSB). While the focus of this paper will be on Bill 104, it is important to note that significant structural changes needed to occur in Toronto and its neighbouring municipalities before Bill 104 could take effect. To facilitate these changes, the Ontario government introduced and passed Bill 148 An Act to Establish a New City of Toronto. Bill 148 amalgamated the City of Toronto with the surrounding cities of East York, Etobicoke, North York, Scarborough, and York to create the “New” City of Toronto with a combined population of 2.5 million citizens. Passage of Bill 148 cleared a path for the Ontario government to then pursue passage of Bill 104. Passage of the Fewer School Boards Act amalgamated Toronto’s Public School Board with its five neighbouring cities but it also terminated the Metropolitan Toronto Public School Board. Where 74 trustees had represented citizens in Metropolitan Toronto, the newly elected 22-member TDSB became responsible for over 300,000 students, 21,000 employees, and almost 600 schools. Each trustee represents a ward containing nearly 100,000 residents (Bedard and Lawton 2000). While this study will focus on Toronto, both Bills 148 and 104 were part of a larger agenda by the Ontario Progressive Conservative government to restructure a number of Ontario sectors, with education being the most predominant. As Leithwood, Fullan, and Watson note, the latter half of the 1990s in Ontario can be viewed as “the most tumultuous in the province’s history” (2003, 1).

Related Literature and Research Questions

A number of scholarly resources dealing with school board restructuring and public policy making were reviewed during the early stages of this study. In particular, Ben Levin’s book, Reforming Education: From Origins to Outcomes provided a suitable foundation because he examines school board restructuring in the following jurisdictions: England, New Zealand, Canada, and the United States.

*The author would like to acknowledge the financial support of a Ryerson University Faculty of Arts Scholarly Research and Creativity (SRC) Grant and to extend thanks to the referees who reviewed this paper.

In the case of Canada, Levin focuses on Alberta and Manitoba. Levin presents four stages in relation to the public policy process: Origins, Adoption, Implementation, and Outcomes as the framework within
which to situate his study of large-scale educational change in these particular locations. For this study, these same four public policy stages will be applied to events leading to the creation and operation of the Toronto District School Board from 1997-2003. Specifically, this study seeks to answer the following research questions:

· What impact did the removal of property taxing power from Ontario school boards have on the ability of the TDSB to maintain its financial autonomy?

· In response to The Fewer School Board Act, both the number of school boards and trustee remuneration were reduced, how did these changes affect the governance capacity of the TDSB?

· Has replacing school board taxing powers with provincial grants and the requirement that board operate balanced budgets influence the TDSB’s ability to introduce programs that are unique to its diverse student population?

Methodology

The primary objective of this study is to gain insights into impact of the Fewer School Boards Act upon the newly created Toronto District School Board. Given the nature of this work, it was determined that a qualitative study would address the multiplicity of factors that could emerge (Le Compte and Preissle 1993; Maxwell 1996). With this in mind, “[t]he qualitative researcher has an obligation to be methodical in reporting sufficient details of data collection and the process of analysis to permit others to judge the quality of the results” (Patton 1990, 402).

Site and Time Line Selection

The TDSB was chosen because its creation resulted from amalgamating the previous six school boards and termination of the Metropolitan Toronto School Board. In addition, the TDSB is located in Canada’s most diverse cities, and so its programs need to reflect and support its ethno-cultural student population. The study was delimited to available documentary data and to interviews with selected participants. The starting point of 1997 was selected because this was when Bills 104 and 148 were introduced into the Ontario legislature. The end point of 2003 marked an election year in Ontario, which led to the Liberal government replacing the Progressive Conservative government. However as Tymkow notes, “[r]egardless of what time period is selected for a study, it will in some sense appear arbitrary” (1980, 1).

Data Collection

Interviews and documents were the principal sources for this study, although data obtained were often fed back into the data collection as qualitative practice suggests (Le Compte and Preissle 1993). This study also relies on two concepts outlined by Kerlinger (1973) that relate to studies having a historical component, these are: external and internal criticism. External criticism is the search for sources and the evaluation of their authenticity. Internal criticism is the evaluation of the relevance, meaning, and dependability of data gathered from these sources. Awareness of these concepts encourages the researcher to maintain a cautious attitude toward information and data gathered from these sources.

Most documentary data were reviewed before the interviews; however, printed sources that became available during participant interviews were also reviewed. An in-depth depository of information was
compiled from the following sources: annual reports, mission statements, policy documents, organizational charts, press releases, and newspaper. One should note, however, that documents may also be biased in terms of how events are reported and access to certain documents may be blocked (Merriam 1991; Yin 1994).

**Interviews**

A list of potential participants was compiled, based on a review of documents related to the time period specified for this project. This study required information from particular individuals knowledgeable in specific topics pertinent to data collection. Therefore, participants were identified using non-probability sampling techniques, also referred to as purposeful or purposive sampling (Le Compte and Preissle 1993; Vidovich 1999). Using this method, the researcher was able to contact qualified participants who served, first as trustees on one of the pre-amalgamated Toronto or neighbouring school boards, and who were then elected to the TDSB between 1997-2003. Seven potential participants were identified and each was contacted first by an introductory letter and then a follow-up email in which the project’s purpose was reiterated. All the individuals contacted agreed to be interviewed for this study. Given the nature of this topic, the researcher consulted elite interviewing literature for guidance (see, for example, Anderson 1990; Ozga and Gewirtz 1994). In general, elite interviewing is described as focusing on each participant’s definition of the situation; encouraging participants to structure the account of the situation; and enabling them to introduce, to a considerable extent, his or her motives for what he or she considers relevant, instead of relying on the researcher’s notion of relevance (Ozga and Gewirtz 1994).

Separate interviews were conducted with each participant; however prior to beginning each interview, participants were asked to review and sign the study’s consent form. In accordance with Ryerson University’s Research Ethics Board requirements, the researcher assured participants that every effort would be made to protect the confidentiality of the information drawn from the interviews. While pseudonyms were used in this study, participants were aware that anonymity could not be guaranteed and that they were free to withdraw from the study at any point, prior to its completion. Permission to tape the interviews was granted by all participants and the researcher compiled brief written notes. The interviews ranged in length from one to two hours. Interviews were conducted using a semi-structured approach because it allows depth to be achieved by providing opportunities for the interviewer to probe and expand participants’ responses. The interviews yielded almost 100 pages of transcriptions. While interviews can muster insights into how events have been interpreted through the eyes of specific participants, they are also subject to the common problems of bias, poor recall, and inaccurate articulation (Yin 1994).

**Data Analysis**

As Bogdan and Bilken insist:

Data analysis is the process of systematically searching and arranging the interview transcripts, field notes, and other materials that you accumulate to increase your understanding of them and to enable you to present what you have discovered to others. Analysis involves working with data, organizing it, breaking it into manageable units, synthesizing it, searching for patterns, discovering what is important and what is to be learned, and deciding what you will tell others.
As the interviews were completed, ongoing detailed analyses of both the documentary and interview data were undertaken and annotated notes were made and classified, based on the research questions. A typewritten transcript of each interview was produced, which allowed for common themes to emerge and for data discrepancies to be rectified. Where contradictory evidence emerged from the data, consideration was given to frequency of mention, or to the perceived degree of authority of the respondent. Ascribing such weight is, necessarily, a matter of judgment. Therefore, considerable attention was given to validity, reliability, and ethical dimensions (Le Compte and Preissle 1993). Data collected for this study were cross-checked continually. If variations emerged in participants’ recalling the same events, where necessary, the researcher exercised judgment based upon weight of the evidence.

The goal of any research is to further our understanding of the phenomenon under study. The limitations of this study relate to the research method and the examination and analysis of documentary data supported by participant interviews. The methods employed in this study recognize that by exploring people’s perspectives, there will be biases. How one sees the world is largely a function of where one views it from (Anderson 1990). As Sacken and Median indicate, “[i]nterviews with political actors about their own activities also have more than the normal possibility for self-interested revisionism” (1990, 392). The very act of choosing concepts and distinguishing among events involves the researcher in the construction and interpretation of the events, and this is not a value-free or intellectually neutral position for the fact that the researcher applies judgment. Every effort was made to base findings on sound evidence and to understand the nature of divergent view points.

**Creating the Toronto District School Board: Restructuring Education and the Policy Process**

As noted earlier, this paper draws from Levin’s study of educational restructuring and policy outcomes in a number of international settings. Levin’s public policy categories of: Origins, Adoption, Implementation, and Outcomes were utilized for this study to provide a framework for examining educational restructuring and the policy process within the Toronto District School Board from 1997-2003.

**Origins**

Within this category are the following three sub-topics: problem recognition, political events, and policy proposals. These sub-topics will help explore why Bill 104 emerged on Ontario’s political landscape.

**Problem Recognition**

During the 1980s and continuing into the 1990s, educational systems in many industrialized countries began to face increasing criticism for their inability to provide students with the necessary skills to enter either university or the increasingly competitive technologically-based workforce. In the United States, the report, *A Nation at Risk* complained of slipping academic standards, the increasing influence of teachers’ unions in school governance issues, and diminishing educational quality (National Commission on Excellence in Education 1983). In Canada, the problem of school governance was underscored by a number of national and provincial reports critical of the overall performance of elementary and secondary education. 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 (Radwanski 1988). Common to these reports was recognition of a shift in many developed countries away from producing industrial products and more toward a greater reliance on the provision of services based on human knowledge (Manzer 1994). Levin notes that “[a]s education has become more and more tightly connected to an economic agenda, business interests have come to play a more and more important role in education policy formation” (2001, 72).

Political Events

The release of these reports, and the problems they identified, pressured the Ontario New Democratic Party (NDP) government to take action, and it did this on two fronts. First, in May 1993, the NDP government appointed the Royal Commission on Learning (RCOL) to set a blueprint for Ontario’s education as the 21st century drew closer. Second, in early 1995, the NDP government appointed the Ontario School Board Reduction Task Force to examine the state of school board funding and governance across the province. In early 1995, the RCOL released its four-volume report, For the Love of Learning. Under the section on governance, the Commissioners offer the following comment on Ontario’s education system:

Many submissions raised questions and concerns about possible duplication of [education] services, the existence of too many levels of bureaucracy, and ineffective use of resources. Such briefs came from education reform groups, business, and some parents, as well as from educators. Many called for reductions in the number of school boards and trustees. (Royal Commission on Learning 1994, 49)

While the RCOL did not call directly for a reduction in the number of trustees, its recommendations noted that:

- the Ministry of Education set a remuneration scale for school board trustees, with a maximum of $20,000;

- school boards be allowed to raise a sum, from residential property tax assessments, that is not greater than 10 percent of their provincially determined budget; and

- the Metropolitan Toronto School Board system be terminated and replaced by an administrative consortium of school boards in the Metropolitan Toronto area (Royal Commission on Learning 1994).

The Ontario Ministry of Education and Training began implementing selected RCOL recommendation; however, the results of the June 08, 1995 provincial election brought to power the Ontario Progressive Conservative Party (PCP) led by Mike Harris. In part, the Ontario PCP was elected to office based on its election platform, The Common Sense Revolution (CSR). The CSR document includes a section on restructuring Ontario’s educational system by reducing the number of trustees and related costs, along with a host of additional expenditure reductions to increase educational efficiency and accountability (Progressive Conservative Party 1994). The CSR booklet offers the following overview of Ontario’s educational system:

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
According to Trustee E, “My general reaction was actually to be quite supportive of the blueprint for change [Common Sense Revolution] because many of the things they talked about were things that I myself had felt desperately needed to be addressed.”

Levin (2001) refers to Kingdon’s use of the term “policy window” to explain an opportunity for a political issue to rise above others. In this case, the Ontario Progressive Conservative Party identified reforming education as being high on its agenda. Soon after taking office in fall 1995, the Progressive Conservative government’s Education, Minister John Snobelen, uttered his “creating a crisis in education” comment to push forward large-scale education reforms. A number of important education stakeholder groups were critical of Snobelen’s statement, notwithstanding his apology which followed the next day. Snobelen’s crisis comment soured early relations with some educational groups (Krueger 1995). According to Levin (2001), a crisis can result from internal pressures, and Snobelen’s comment regarding the need to create a crisis would support this observation. The Ontario Progressive Conservative government began implementing a number of its post-election CSR promises aimed at reducing public spending and streamlining government programs and services. In the education 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 (Gidney 1999). As Graham and Phillips surmise:

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 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 [Premier] Harris’ Tories. (1998, 178)

As Trustee F notes, “Relations between Minister Snobelen and most boards across Toronto were … really, really quite stormy. It was a tempest in a teapot because he [Snobelen] came in right away to create the crisis.”

Policy Proposals

While recommendations from both the Love of Learning and the Common Sense Revolution planted seeds for reforming school boards, release of the government-commissioned Ontario School Board Task Force Final Report was a major catalyst. Among the 30 recommendations to restructure Ontario school boards were the following:

- the number of school boards be reduced from 124 to 72;
- amalgamated boards should not have fewer than 5,000 students and no more than 55,000;
- the Metropolitan Toronto School Board be dissolved; and
- annual remuneration for trustees be a minimum of $5000 and a maximum of $15,000. (Ontario School
The authors also recommend the government set out a five-year timetable to ensure an equitable amount of direct classroom spending per pupil is achieved. Furthermore, the authors suggest that during this five year period, the Ontario government not reduce the total amount of grant money it provides to school boards. Shortly after release of the School Board Task Force Final Report, Minister Snobelen, “tested the policy waters” by commenting that it might be advisable to abolish all school boards in Ontario, and the province directly fund educational spending in classrooms (Walker 1996).

Adoption

Levin (2001) refers to adoption as the process of moving from a policy proposal to an actual piece of legislation. In early January 1997, An Act to Establish a New City of Toronto (Bill 148) and the Fewer School Boards Act (Bill 104) were introduced into the Ontario Legislature by their respective ministers. Bill 148 proposed that Toronto’s Metropolitan (two-tier) government be terminated and its six municipalities be amalgamated into a single-tier known as the New City of Toronto. Bill 103 proposed the following changes to Ontario’s schools boards:

- remove completely education from residential property taxes;
- reduce from 164 to 66 (later amended to 72) the number of school boards and rename them school districts;
- cut the number of trustees from 1,900 to 700 with a maximum salary of $5,000 a year;
- disallow school board employees from running for school board elected office in the province;
- limit boards to have between 5 and 12 trustees, except Toronto where 22 trustees will serve 300,000 students;
- authorize the government to publish its own report card on education and ask the public and parents for a grade on its efforts; and
- establish an Education Improvement Commission (EIC) to oversee the forthcoming school board mergers. The EIC would study the merits of contracting out support services and examine ways to strengthen advisory school councils. (Paquette 1998, 17)

The combined effect of Bills 104 and 148 meant Toronto would be merged with its five neighbouring cities, and local educational programs would be offered by one district-based school board. As Trustee A notes, “One of the benefits of having the six predecessor boards…is more decentralized decision making…there were strong positive cultures in the previous boards….”
The proposed Education Improvement Commission (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). Trustee D had this to say about the Fewer School Boards Act, “Absolute disappointment, absolute fear, and absolute anger. We went kicking and screaming the entire way, as did every other area of the city. It was not sought after, it was not welcomed, and at that time, many of trustees decided not to continue on.” According to Trustee F’s response to the same question, “I remember it very clearly. It was a very, very, very sad time for this province in terms of our education standards and our goals for student success.”

Bill 104 aimed to give the Ontario government complete control of education financing with each school board receiving its funding from the province on the basis of per-pupil grants. 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…. The inevitable result will be to create chaos and anxiety within existing school boards and among teachers…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. (Thomlinson 2005, 227)

Political Opposition

In organizing opposition or support for a bill, all those involved will attempt to “frame” the debate to promote their position (Levin 2001). The Ontario government framed Bill 104 around the politically ideological goals of increasing accountability and efficiency with the aim of putting more financial resources into Ontario’s schools. Many school boards viewed Bill 104 as an attempt to weaken both their democratic mandate and terminate their financial autonomy. Building on these concerns, the Ontario Public School Boards’ Association along with the Toronto City School Board, the Metropolitan Toronto School Board, and the Ontario Secondary School Teachers’ Federation challenged Bill 104 in the Ontario Court of Justice (General Division). Applicants argued Bill 104 violated their rights because the:

- Supreme Court of Canada’s decision in Adler v. Ontario extended section 93 denominational rights protection to the public school system;

- 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 of Rights and Freedoms; and

- 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 of Rights and Freedoms. (Dickinson, 431)
In April, 1997 both *An Act to Establish a New City of Toronto* and the *Fewer Schools Board Act* (Bills 148 and 104 respectively) arrived, only days apart, for final consideration in the Ontario legislature. Opposition parties attempted stalling tactics against the Progressive Conservative government in the Ontario legislature to derail Bill 148 but were not successful. Then Opposition party members scheduled an around-the-clock filibuster session, lasting nine hours, in the Ontario legislature to review the thousands of amendments related to the *Fewer School Board Acts*. In response, the Ontario government passed a time-allocation bill that allowed it to move directly into a voting position on Bill 104 (Jefferson 1998). Both Bills 148 and 104 were proclaimed and scheduled to come into effect on January 01, 1998.

On a related note, in August 1997, the court case filed after Bill 104 was introduced into the Ontario Legislature was decided. 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, the Ontario government is entitled to exercise the full limit of its constitutional authority in relation to valid legislative objects, such as reorganizing its educational system. In his decision, Justice Campbell ruled that the sections of Bill 104 under contention could not be halted until actual evidence of such harm could be demonstrated (Dickinson 1998). Shortly after this ruling, the Metropolitan Toronto School Board spent $350,000 on television and radio advertising campaigns that opposed Bill 104 (Girard 1997).

Commenting on the passage of Bill 104 and the Ontario Court’s ruling, Trustee F notes, “We felt deflated…dehumanized … a total loss [due to] the [long] commitment we provided to public education. Some trustees decided not to run again …, but some of us decided that we would continue just to fight this government.”

**Implementation**

In this stage, we consider the work that is done to move a legislative act that has received proclamation to the implementation stage. Often, a series of difficulties – some of them generic to policy implementation and others particular to the site(s) where the policy is to be implemented may hinder this process. Governments are keen to have their policies put into effect so they can promote their agendas. To achieve these ends, governments have a series of policy levers and instruments at their disposal, classified as: voluntary, mixed, and compulsory. The choice of which policy lever(s) to use is at a government’s discretion and may be influenced by political considerations (Levin 2001). In the case of the *Fewer School Boards Act*, the Ontario government used its compulsory lever, which relied on legal and regulatory authority, to help it implement school board restructuring.

One particular compulsory policy instrument that came into effect just prior to Bill 104 being proclaimed was the Education Improvement Commission (EIC). The EIC released, *The Road Ahead-Two: A Report on the Role of School Board Trustees*, one month before Bill 104 became law. The Commissioners note that “[c]urrent reforms in educational governance should not be seen as a step towards the elimination of school boards” (1997, 7). Furthermore the Commissioners state that during its province-wide consultation, many citizens were concerned that a number of Ontario schools boards may face elimination or further amalgamation (Education Improvement Commission 1997). The report notes that under the proposed *Fewer School Boards Act*, fewer trustees will represent more constituents over a larger area than was the case previously. 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. In addition, citizens may feel more distant from the district board than the local
board (Education Improvement Commission 1997). While the EIC was cognizant of citizen concerns related to restructuring Ontario school boards, the EIC remained in favour of Bill 104.

Implementation and Resistance at the Toronto District School Board

Levin (2001) notes the contested nature of organizational life because implementation is often an ongoing struggle over the control of the organization. Those critical of a reform many view this as heroic in relation to protecting what they value in terms of educational goals. On January 01, 1998, the Fewer School Board Act came into effect across Ontario. The newly amalgamated TDSB became Canada’s largest school board, composed of a multi-ethnic, socio-economic, and demographically diverse student population with varying educational needs. With these factors in mind, many TDSB trustees recognize that implementing a “one-size fits all” education policy could affect their board in ways that set it apart from other Ontario school boards. As Trustee B notes, “I would say that within the province of Ontario, Toronto is unique because it is the urban capital of basically Ontario.” According to Trustee F, “Toronto’s very diverse, very eclectic. One size does not fit all. ..when you look at a diverse city with many immigrants settled here, how could you give a $2.2 billion budget to Toronto and give $2.2 billion [to a small board]?”

To kick start implementing, The Fewer School Boards Act, the Ontario government allocated $750 million over four years to the TDSB to phase in the necessary changes. While $750 million may appear to be a significant amount of funding, Trustee C notes, “…a lot of the money was used for severance packages because we had to downsize by enormous numbers of people’s salaries.” While the bridge funding was helpful, it was not sufficient to cover the massive costs associated with amalgamating six schools boards. Trustee E confirms, “We [became] a $2 billion corporation… a huge operation without Board or staff experience or the ability to amalgamate systems related to information technology, human resources or financial. It was a sham…obviously setup to fail.” According to Trustee C, “…bigger is not better or more efficient or more responsive to local community needs. It is remote, communication becomes a problem.” Trustee D notes, “We came together as six equal partners – no one was the boss….”

Implementing the Fewer School Board Act, meant that school boards were not permitted to collect property tax revenues to fund their programs; this would now be the purview of the Ontario government only. In keeping with the new law, school boards are required to separate expenditures into two broad categories: classroom spending and non-classroom spending and then produce detailed “Financial Report Cards” on their spending and budget allocations (Morgan 2006). School boards are required to budget their expenditures according to a per-pupil funding formula stipulated by the Ministry of Education. If enrolment decreases then funding also declines. One problem with this formula is that it does not account for variable and fixed costs. A school board is able to adjust variable costs, which shift according to school enrolment for example, school supplies and classroom spending; however, fixed costs spending related to maintenance services, school buildings, computing and telecommunications systems, and school management staff, are not easily adjusted to student enrolment fluctuations (Morgan 2006).

In the months after The Fewer School Board Act became law, Dave Johnson, Ontario Minister of Education, delayed announcing details of the new school board funding formula. These delays caused serious implementation problems for trustees and their employees. New labour contracts had to be negotiated across the province, but these could not begin until boards knew what resources would be
available. In March 1998, the funding formula was finally announced and it would take effect in September 1998. However, larger boards (specifically, Toronto, Hamilton, and Ottawa-Carleton) became concerned because the formula called for more in-class spending, which could only be accomplished by spending less on adult-education day school, sports programs, and settlement language services for new immigrant children (Beer 2002; Morgan 2006). Considering that most settlement programs are offered in large urban boards, Gail Nyberg, TDSB Chair, maintained that Toronto’s special needs, based on both its large immigrant population and increasing child poverty rates, should be given special consideration in regard to the funding formula (New Toronto school board calls for funding formula, 1998).

Figures based on the new funding formula were released in early April 1998, and the TDSB was informed it would see a decrease from $92 million to $63 million for textbooks and technologically-based resource materials. On October 29, 1998 the TDSB announced publicly the possible closing of 120 schools slated for September 1999, due to a decrease in grants from the Ministry of Education and Training. A few weeks later, Minister Johnson agreed to add $54 million a year to the TDSB’s $2 billion annual budget, which would still mean the closing of 20-30 schools. Even with this announced infusion of cash, the TDSB would have a shortfall of $63 million in its 1998-1999 operating budget (Chamberlain, 1998). In keeping with the new funding formula, Ontario school boards were required to balance their operating budgets or face serious consequences from the Ministry of Education and Training. As Trustee D notes, “We [TDSB] made some major changes to try to get our budget in line with the province’s funding formula. I remember the first meeting …we nearly had a riot because we changed our whole structure… it was very upsetting for everybody. According to Trustee E, ‘… the government began to determine that education goes from 8:30 to 3:00, that school is no longer an asset to the community…we were suddenly confronted with this kind of horrendously blinkered view … and we watched as budgets were shrunk.”

The Ontario government's implementation gap in relation to funding the TDSB is highlighted in the January 2000 release of the Education Improvement Commission’s Third Interim Report on the Progress of Ontario’s New District School Boards. The report discusses positively the degree to which many school boards have been able to reduce their board administrative staff, for example, the TDSB reduced its staff from 755 to 519. While the report supports the new funding model, the Commissioners remind the Ontario government to consider more carefully the unique situation of large urban boards, in particular:

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 2000, 15)

The Commissioners also expressed concern because large school boards with English-as-a-second-language (ESL) Programs are often underfunded and cannot meet existing needs because:

- funding is insufficient for student who are born in Canada but raised in homes where English is not spoken;

- students may require ESL support from more than the three-year period that the formula covers; and
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 2000, 15)

The EIC’s Report (2000) also notes that if the TDSB stopped 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. The EIC report recognizes that the level of funding to support learning opportunities for many TDSB students is insufficient to meet the high degree of need that exists in Toronto. The TDSB 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;
- come from diverse backgrounds;
- have recently immigrated to Canada; and
- do not speak the language of instruction in their schools. (Education Improvement Commission 2000, 18-19)

The EIC report suggests that Toronto’s particular circumstances warrant the Ministry of Education to re-examine the funding formula’s learning opportunities provisions, to ensure adequate funding levels to meet special needs of students throughout the province (Education Improvement Commission 2000). While the Commission was forthright in documenting the issues before large urban school boards, especially the TDSB, this did not appear to alleviate the looming budget crisis at the TDSB.

At its July 31, 2002 meeting, the TDSB was still $90 million short of achieving a balanced budget to submit to the Ministry of Education and Training for the upcoming 2002-2003 school year. At the end of this meeting, 12 of 22 TDSB trustees voted not to submit a balanced budget; therefore, placing the TDSB in violation of the Fewer School Boards Act, which requires all Ontario school boards to submit balanced budgets to the Ministry of Education and Training. By early August, the TDSB’s 2002-2003 budget remained unbalanced, and so Education Minister Elizabeth Witmer announced that Toronto, Ottawa-Carlton, and Hamilton would be under Provincial supervision, if they did not submit balanced budgets. At the TDSB, debate around submitting a balanced budget led to the formation of two rival groups: those in favour of the funding formula (Compliance Budget) and those who proposed a Needs-Based Budget (NBB) focussing on the real needs of Toronto public schools. This internal conflict split the TDSB in half and led to significant tensions that persisted throughout 2002-2003 (Beer 2002; Carrol 2003). According to Trustee E, “… we came to a point … where my feeling was, I’ve tried to work within the cuts…to obey the law and … to bring to their [Ministry of Education and Training] attention the problems that were being caused. So the 11 of us just said, “Here’s the line in the sand.” Trustee D notes, “The TDSB dug in is heels and said we weren’t going to comply with the government policy which required us to reduced significant staff in order to become compliant with the balanced budget.”

In early August 2002, Al Rosen was appointed by Education Minister Elizabeth Witmer, to investigate
the financial affairs of the Toronto District School Board. In his report, Rosen acknowledges that:

The TDSB is the largest School Board in Canada. The demographic of its student base are in many ways different from those of most of other School Board in Ontario. The TDSB is responsible for about one-seventh of the Ontario-funded School Board population. (Rosen 2002, 2)

Furthermore, Rosen and his team express concern that “a disproportionate share of available funding dollars has been, and continues to be diverted away from classrooms…” (2002, 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 as Supervisor of the TDSB. Christie was given authority to govern all TDSB 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. In addition, Christie stated that his budget would even show an increase in spending on classroom teaching and books. When the “Christie” budget was unveiled on November 19, 2002, it showed cuts to classroom spending of close to $30 million. Commenting on the degree of control exerted by Christie, TDSB trustee Elizabeth Hill made the following public 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 2003,70)

Outcomes

Education policy is always proposed on the basis of its outcomes (Levin 2001). Proponents focus on the upside, while detractors draw attention to the downside. In December 2002, the Report of the Education Equality Task Force led by Mordechai 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 notes that provincial government funding cuts were hurting Ontario’s schools, resulting in schools 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 highlights that an additional $250 million be directed to Toronto schools (Report of the Education Equality Task Force 2002).

Well into 2003, the TDSB board remained split between those supporting the Needs Based Budget and those favouring Christie’s Compromise Budget. The Ontario Progressive Conservative government, now led by Premier Ernie Eves, signaled that the recommendations from the Rozanski Task Force related to increasing school funding would be supported by his government. Premier Eves
then called a provincial election for October 02, 2003, and his Progressive Conservative Party won 24 seats, the Liberal Party led by Dalton McGuinty won 74 seats. When the Ontario Liberals assumed office on November 01, 2003, Gerard Kennedy, the newly appointed Minister of Education, announced the three Provincial Supervisors appointed by the previous Progressive Conservative government to supplant school boards in Toronto, Ottawa, and Hamilton had resigned. The Liberal Government promised it would “turn a corner” and revitalize funds for Ontario’s educational system, including the role and function of school boards (Galloway 2003).

Discussions, Conclusions, Implications

- What impact did the removal of property taxing power from school boards have on the ability of the TDSB to maintain its financial autonomy?

“Education reform is a complex phenomenon- a mélange of ideas, politics, institutional structures, history, and culture (Levin 2001, 190). Passage of The Fewer School Boards Act was certainly no exception to Levin’s assertion. After proclamation of The Fewer School Boards Act, Ontario school boards were no longer permitted to raise a portion of their revenues from collecting property tax. This shift in policy posed a serious impediment to those boards accustomed to drawing substantial funding from this source to support a range of student-based programs. Now school boards are completely reliant on the Ministry of Education for funding their programs and activities. There was no consideration given to the unique needs of some large, urban boards that are supporting significant numbers of immigrant students in English-as-a-Second Language (ESL) Programs. The new system reigns in spending, curtails creative policy–making and this puts school boards in a weaker position when dealing with the Ministry of Education (Davies and Guppy 2006).

- In response to The Fewer School Board Act, both the number of school boards and trustee remuneration were reduced, how did these changes affect the governance capacity of the TDSB?

Christopher Berry’s review of school board consolidations in the United States from 1900-1998 found that, in many cases, consolidation does 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 (2005). The newly created Toronto District School Board was faced with the double-edge sword of first, being Canada’s largest school board with each trustee representing constituencies of up to 100,000 residents and second, TDSB trustees receiving remuneration of $5000.00 per year. Trustees, much like their provincial counterparts are elected by democratic means. Due to the rising tide of conflict that arose around the Fewer Schools Board Act, a number of trustees chose not to run for office on the newly created Toronto District School Board. Of those that did run and were re-elected, they faced a governance structure that limited their ability to make decisions for the benefit of their students. As Levin (2001) notes, multiple changes can occur in a short period of time and they may overlap, making governance and implementation more difficult for all parties involved. The growing pains in the TDSB were challenging because of the system-wide reforms that needed to be put in place to try and make the TDSB function well. In addition, the funding model offered by the Ontario provincial government limited the ability of the TDSB to govern effectively.

- Has replacing school boards’ taxing powers with provincial grants and the requirement that boards operate balanced budgets influenced the TDSB’s ability to introduce programs that are unique to its diverse student population?
The Ontario government used its legislative and regulatory powers to support and then implement the *Fewer School Board Act*. While funding was extended to assist with creating the Toronto District School Board, it was not enough to support the range of programs or streamline services from the six former school boards into the newly formed TDSB. The government’s funding formula did not recognize that a “one-size fits all” approach to financing school boards does not recognize the unique needs of some boards based on a host of factors. A balanced budget is certainly a desired goal because it demonstrates to voters that trustees are effective stewards in managing and overseeing school board operating costs. Of the 72 boards in Ontario, the fact that only three were not able to balance their budgets should point to the diversity of needs that exist within these three boards. In the case of the three outlier school boards, and in particular, the TDSB, a balanced budget was not achievable without cutting into the quality of classroom teaching and this is where a group of TDSB trustees drew their line in the sand. The line represented the concerns of these NBB trustees to offer programs that reflected the diversity of Toronto’s student population.

In conclusion, school boards are critical to help create environments that foster and support learning; therefore, developing policies that facilitate student learning and promote knowledge will deepen a board’s place within its community. As policy makers, school board members influence the direction of school curriculum by establishing frameworks within which educators work (MacLellan 2009). Schools are important agents of change in our society and are governed by elected officials. This study has examined a period from 1997-2003, when the policy implications of the *Fewer School Boards Act* shifted significantly the school board landscape across Ontario, but in particular the Toronto District School Board.

**References**


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