Bill 33, Supporting Children and Students Act, 2025, Schedule 2 *Education Act* Submission and Recommended Amendments from the Ontario Public School Boards' Association

November 7, 2025

Ontario Public School Boards' Association

Since its introduction, Bill 33, Supporting Children and Students Act, has been a controversial piece of legislation that has generated significant concern from stakeholders across the province.

Our Association provided initial comments to a very early regulatory posting that aligned with the bill's introduction and has also responded to other regulation consultations. Throughout the summer and fall, many other education partners and community organizations have also voiced their concerns about the unfettered authority this bill would provide a Minister of Education.

The comments below focus specifically on the changes to the *Education Act* being proposed in Bill 33, Supporting Children and Students Act*, 2025*. Similar to our past collaborative and constructive work regarding Bill 98, *Better Schools and Student Outcomes Act*, 2023, OPSBA should be consulted whenever regulations, policies, or guidelines contemplated within Bill 33 are being created.

The current proposed amendments in Bill 33 will significantly expand ministerial oversight, further centralize decision making, and shift control over school boards away from the communities they serve. It would effectively lessen the democratically elected role of public school board trustees across the province. Trustees are the representatives who know their local school communities best and are duly elected members of the governing board. Further, Bill 33 would displace appointed First Nations trustees and student trustees under supervision – both of whom have a statutory role on school boards.

Matters of Public Interest and Investigations

Currently the *Education Act* allows the Lieutenant Governor in Council (cabinet) to appoint a supervisor to exercise the powers of the board of trustees where the board has failed to comply with the Act or regulations, or has failed to meet its financial obligations, as set out in section 230.

Bill 33, as it is currently drafted, proposes to change this narrow list of scenarios to a much broader list described as "Matters of Public Interest," including "any other matter that may be prescribed."

Two key changes are also contemplated:

1) It is no longer the Lieutenant Governor in Council who has the power to make a vesting order placing a school board under supervision. Under Bill 33, the Minister of Education would be able to make such an order without approval from the Premier and cabinet.

2) Bill 33 would also allow the minister to take control of a school board without any investigation being conducted, by notifying the board 14 days beforehand, or as a "provisional action."

The ability for a minister, to make the significant decision of placing a board under supervision without an investigation or cabinet approval is extremely concerning. The decision to supervise a school board is very serious and should never be implemented without appropriate checks and balances, especially at the expense of public transparency and accountability.

The ability to place a school board under supervision with only 14 days' notice or as a "provisional action," without *any* kind of investigation taking place, is an unfair and unreasonable process, and is an unprecedented intrusion into school board governance. Furthermore, given

the costs associated with the supervisors most recently put in place with salaries reportedly around $350,000 per year (more than Directors of Education), extreme caution should be taken when putting in place such a provision.

Bill 33, if passed, would effectively transfer the decision-making powers and responsibilities of school boards and trustees to an unelected supervisor who is accountable only to the Minister of Education, rather than the public.

OPSBA recommends:

- Narrowing the scope of public interest matters with language that clearly defines and limits what constitutes matters of public interest.
- Deleting 230 (1) (2) that includes the language "Any other matter that may be prescribed." The issue at hand or of concern should truly be a matter of public interest, not a personal interest of the Minister of Education.
- Replacing 230 (2) (g) to read "the engagement of parents and guardians of students currently enrolled in a school of the board" and deleting the reference to the vague and unclear term "other entities."
- Maintaining language in 230.2 (2) that requires the Minister of Education to specify to the investigator which legal issues (matters of public interest) are in issue.
- Deleting 230.3 (1) (2) that allows, "In the opinion of the Minister, a board, board member or director of education has done or omitted to do something, or is likely to do or omit to do something, that could affect a matter of public interest."
- Maintaining language (230.3) that allows the board an opportunity to comply with the minister's directions from an investigator's report and before supervision is considered and put in place.
- Including language that specifies the length of time in which the minister can control and supervise a school board. A reasonable consideration could be one year as found in other legislation (i.e. the *Child, Youth and Family Services Act*., section 24[4]).

Supervision should be a last resort following a recognized and well-communicated plan of required steps by all involved parties. If a complaint is made that a matter of public interest has been violated, then the Minister of Education could ask an independent investigator to conduct an investigation, which could result in a report that the board could then respond to and comply with. Supervision should *only* be considered if report actions were not taken and/or there are repeated offences.

Ministry Auditor

A new section 252.1 would allow the minister to appoint a ministry employee (or any other person or entity) to act as a Ministry of Education auditor. The ministry auditor would have the authority to enter a building or premises used by a board at all reasonable hours and the right to access to all records of the board. The ministry auditor would also be entitled to require from board members and officers any information and explanation necessary to enable the auditor to carry out their duties.

OPSBA recommends:

- The new section be deleted or amended to include a minimum set of qualifications. There is strong concern as to who could be considered to be a ministry auditor. There are no qualifications included and the authority and access this person would be given is far too broad given the sensitive and possible personal and private contents of some board records.

Appointed First Nations Trustees

First Nations trustees are selected from a First Nation located within the boundaries of a board and are full members of the board with all the rights and obligations of other publicly elected trustees. They represent the interests of the First Nation pupils of that school board and it needs to be ensured that commitments to First Nations partners are respected and upheld.

OPSBA recommends:

- The Ministry of Education include a new provision to require consultation with First Nations Trustees and First Nations themselves concerning any ministerial supervision.
- The Ministry of Education meaningfully consult with OPSBA's First Nations, Inuit, and Métis Trustees' Council (FNIMTC).

Appointed Student Trustees

Student trustees are secondary students elected by their peers to represent the voice of students at the board table. Student trustees are the voice of students in decisions about education and they help keep students informed about important decisions that affect them. They play an important role in the education governance process and are constantly and actively working at the local board and provincial levels on a number of student-focused initiatives.

OPSBA recommends:

- The Ministry of Education include a new provision to require consultation with student trustees concerning any ministerial supervision. We suggest connecting with the Ontario Student Trustees' Association (OSTA-AECO).

School Resource Officer (SRO) Programs

A new section (170.0.2) would require boards to work with local police services – who offer an SRO program – to provide them with access to school premises, permit them to participate in school programs and implement school resource officer programs. In addition to the section regarding ministerial oversight, the inclusion of this new section to the *Education Act* has received the most attention. In our earlier commentary, OPSBA expressed the absolute critical need to engage with communities and organizations that support our Black, Indigenous, LGQBTQ2IA+, and other racialized or marginalized students.

Working with local community partners, some school boards have made the decision to remove a police presence from their schools and end SRO programs for legitimate and evidence-based reasons.

OPSBA recommends:

- This section be deleted while the government commits to an evidence-based provincial review of SRO programs, centering the lived experiences of marginalized and historically underserved students.
- The Ministry of Education consider the comments and feedback provided by the Ontario Human Rights Commission and OPSBA's Black Trustees' Caucus.

Other Bill 33 Proposed Considerations

School Board Internal Auditor – A new section 253.0.1 would require school boards to employ their own internal auditors. Related amendments would be made to the existing provisions on external auditors and audit committees.

School Board Expense Policies – A new paragraph 8 (1) (3.7) would give the minister the power to establish policies and guidelines respecting school board expense policies.

School Names – A new section 174 would require boards to apply to the minister for approval of the name of a new school or to change the name of an existing school.

OPSBA recommends:

- In regard to the items considered above, it is strongly suggested that the Ministry of Education ensure that school board/trustee associations are involved in any sector consultations and resulting policies, guidelines and communications.
- That the implementation and sustainable costs of any of these new requirements are fully funded.

As the fall legislative session continues, OPSBA reminds the government that we cannot forget the essential value school boards bring: the ability to respond meaningfully to the unique needs and realities of local communities across Ontario. Trustees are elected local leaders who are directly accountable to voters. Their lived experience and deep community knowledge give them unique and vital perspectives, knowledge, and local relationships.

Democracy isn't outdated — it's what keeps Ontario's schools accountable to the families they serve. This is how the system makes sure every community has a say in shaping the schools that shape our kids. Elected trustees mean open meetings, transparent budgets, and accountability. Eliminating them silences the only direct, elected voice families have in public education. Our children and youth deserve this voice in the public school system.

The Ontario Public School Boards' Association represents English public district school boards and public school authorities across Ontario, which together serve nearly 1.4 million public elementary and secondary students. The Association advocates on behalf of the best interests and needs of the public school system in Ontario. OPSBA is seen as the credible voice of public education in Ontario and is routinely called on by the provincial government for input and advice on legislation and the impact of government policy directions.

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