

May 13, 2026

OPSBA Submission for the Regulatory Proposal for Bill 101, Putting Student Achievement First Act, 2026

The Ontario Public School Boards' Association (OPSBA) is providing initial commentary on this current regulatory posting regarding matters contemplated in the *Bill 101, Putting Student Achievement First Act, 2026*. We anticipate that many of the implementation details will be addressed in future regulations and will look to share our collective knowledge and experience as these regulations are developed, and more specifically when they are released.

Regarding the legislation, it is consistent with other government measures recently taken and directed at school boards and municipalities with a similar theme of more centralization and less local decision making. It appears to take more control away from school boards and trustees, standardize what happens in classrooms across Ontario, and restructure leadership, bargaining, and oversight.

Bill 101 makes substantial changes to the structure of school boards and the role of trustees across the province. While we are pleased to see that the position of locally and democratically elected trustee remains, this legislation proposes significant changes to local governance and outlines different sets of operating rules for Ontario's English public, English Catholic and French boards. This differential approach does not seem consistent with the government's stated goal of greater provincial consistency.

OPSBA has always welcomed collaborative discussions with the ministry to improve the educational experience for students and their families and was hopeful for a provincial discussion about these major reforms. In the absence of these discussions, OPSBA and education stakeholders remain concerned about the legislation's local community impact on students, families, and communities. This is particularly acute in boards currently under supervision where elections are underway and voters do not know if their candidate will ever get the opportunity to serve the role they have been duly elected to.

It also remains unclear why the government has chosen to make these significant structural changes at this time when the majority of school boards have demonstrated fiscal responsibility and shown continued accountability. Recently passed legislation (Bill 33, *Supporting Children and Students Act, 2022*) had already allowed the Minister to intervene and use supervision powers to address specific concerns if they arise. On May 12, the Auditor General of Ontario provided a report on special education and raised concerns about funding levels similar to those that OPSBA has previously highlighted. We remain hopeful that Special Education will receive additional funding when Core Education Funding amounts are released. That said, improving Special Education requires more than just additional funding, and we are hopeful that the ministry will consider the other recommendations made by the Auditor General, in addition to recommendations from other education sector experts, including OPSBA.

OPSBA has engaged legal counsel for a full review of the draft legislation and its potential impacts. The Association has engaged the members of its Education Program and Policy Development Work Groups to initially discuss a response to the regulatory proposal. These groups include trustees from all regions across the province and representatives from our First Nations, Inuit, and Métis Trustees'

Council, Black Trustees' Caucus, Student Trustees from OSTA-AECO, and OPSBA's Board of Directors.

We support the overall purpose of the *Education Act* and agree that all partners have a role to play in enhancing student achievement and well-being, closing gaps in student achievement and maintaining confidence in the province's publicly funded education systems.

OPSBA is pleased to provide feedback in the following pages that address the broad themes of governance and accountability, supervision, labour, capital, communications, student learning and teaching.

Supervision

For those boards currently under supervision, we continue to request that the government outline a detailed plan with clear goals and benchmarks for trustees to be returned to their roles. The Minister has stated he's looking for "long term stability" in board budgeting and financing, which is currently the responsibility of the Supervisor. Coupled with this new legislation, school board budget development is now ultimately the responsibility of the Chief Executive Officer, with trustees providing community input. As such, there should be no financial management risk to trustees returning to their community and governance functions under the new legislative framework.

Another area of concern in these boards is the loss of community voice provided through the key roles of appointed First Nations Trustees and Student Trustees.

Nominations for municipal council and school board elections have recently opened. This now means the government expects communities to vote for their next school trustees this fall without any clarity on if or when the people they elect would be sworn in and begin their role and responsibilities. We are concerned about the chilling effect this may have on an important democratic process. We respectfully request that the ministry put plans in place to transition the boards in question out of supervision at the beginning of the 2026 term of office or sooner so that the newly elected school boards are able to govern from day one. This would allow the Supervisors to go through the current budget cycle, address any concerns that exist, and then allow the newly elected trustees to begin their role with the board back on track.

1. Governance and Accountability

A. Strengthen district school board financial accountability

- OPSBA has traditionally and regularly provided Professional Development (PD) to its member boards (trustees and senior staff). This has proven to be extremely efficient and economically sensible. In fact, Bill 98, Better Schools and Student Outcomes Act, 2023 included the provision of *mandatory* PD. This was delivered jointly with the Ministry of Education and school board/trustee associations to support the implementation of the legislation. It included sessions at pre-determined events that were attended by hundreds of individuals. (Examples include the annual Public Education Symposium and the Education Labour Relations and Human Resources Symposium).
- Our Association provides school boards with a suite of shared services that enhance system efficiency and support responsible use of public resources. Through centralized labour expertise, governance training, and policy and communications guidance, OPSBA enables boards to access high-quality central supports that would be significantly more costly and duplicative to develop individually. School boards actively rely on OPSBA's

professional staff to navigate complex labour negotiations, comply with evolving legislative and regulatory requirements, and strengthen trustee effectiveness. These services help prevent disputes, reduce legal and consulting costs, and promote consistent, informed decision-making across the publicly funded education system. This is particularly helpful for smaller and rural boards that may not have as many senior staff or access to resources.

- OPSBA was the founding member of the Ontario Coalition for Children and Youth Mental Health in 2010, which provides ongoing advice to the Ministry of Education and brings resources and partnerships to the sector.
- OPSBA continues to support Student Nutrition Programs and school food with its designation as an Endorser of the Coalition for Healthy School Food. In 2026, the Association also worked with the Coalition's Ontario chapter on an *Understanding School Food Programs in Ontario* survey that was distributed to school leaders across the province in order to gather clear, up-to-date information about how food programs operate in Ontario's publicly funded schools.
- Other provincial committees this year that involve OPSBA expertise include: the Online Learning Working Group, FSL Provincial Working Group, Provincial Committee on Ministry Initiatives, PPM 128: Provincial Code of Conduct Implementation Task Force, and the High School Too Working Group.
- Pooling expertise and coordinating efforts across boards allows us to deliver economies of scale that benefit not only our members but the province as a whole. From a purely financial perspective, which the government says is a primary concern, the return is more than \$4 of savings for every \$1 received in membership fees. This amounts to significant and direct savings to boards and ultimately the province and taxpayers.
- Clarity is needed to understand which external organizations and membership fees are being considered. Does this include OPSOA/CODE, COSBO, OSTA-AECO? How and who would determine if professional development and conferences are essential and non-essential?
- With a new term beginning in Fall 2026, it is imperative that PD be provided for new and veteran trustees, including well planned and accessible orientation.
- We support consideration of providing appropriate discretionary expenses for mileage costs and any equipment to fully support the trustee role. This includes attending board and committee meetings, community engagement activities, statutory committee membership etc.) This is all outlined in the [Education Act section 218.1 Duties of board members](#).
- Trustee honoraria should consider the local realities across boards and not be a one-size-fits-all model. School boards and their communities are vastly different and the number of students, schools, families, and community members will directly impact a trustee's workload and time commitment. The honoraria should consider student population and constituency numbers.
- Capping trustee honoraria may disproportionately impact individuals who face additional barriers related to income, caregiving responsibilities, accessibility needs, employment flexibility, transportation costs, or other socio-economic factors that can affect participation in public office.
- We support an increased honoraria for school board chairs and vice-chairs who have extra responsibilities and traditionally been compensated more for their additional time and workload. This is described in the [Education Act 218.4 Additional duties of chair](#) and in recent regulations (for example, Electronic Meetings and Meeting Attendance).

Note re: Section 68 School Authorities

We understand there has been a shift in the Ministry of Education's approach to appointments for the 2026 to 2030 term. School Authorities will not be asked to post positions, identify, or put forward candidates for the 2026 to 2030 appointment cycle. Instead, candidates will be identified directly by the Minister of Education. We respectfully suggest that that this approach be re-considered. School authorities have historically had healthy governance structures and candidates for trustee appointments should have first-hand knowledge and expertise. Local experts are best placed to identify candidates connected to these unique school communities. The collaborative approach between the local boards and the Minister's Office has long produced effective governance and supported the Minister's appointment process. We hope this can continue.

B. Equip English Public and English Catholic district school boards with qualified leadership

- There are many questions about timing, process and communications associated with the creation of the two new positions of Chief Executive Officer (CEO) and Chief Education Officer (CEdO) How will these roles be defined to ensure effective school board leadership? Will there be a stakeholder consultation about the CEO qualifications? And when would these qualification requirements come into effect? What is the expectation for a board who is currently in a hiring process?
- We support trustees maintaining the authority to hire the new Chief Executive Officer and pleased to see that current Directors of Education will transfer to this new title. There are concerns about the potential additional costs for this new senior level position of Chief Education Officer and hope this has been accounted for in Core Education Funding.
- The relationship between trustees and school boards senior leaders is critical. A strong partnership is essential to ensuring effective, efficient, and co-ordinated leadership that fosters system alignment. Further, as the elected voice of community, trustees understand the value and need for robust public engagement in the work of school boards to maintain and enhance public trust. OPSBA remains very committed to fostering this trust and continuing to build enduring relationships with school board leadership as we chart the path forward collectively.
- Concern has been expressed about a boards' ability to recruit qualified Directors of Education and based on the government communications to date, there is an appearance of prioritizing financial expertise over educational leadership. This may have an impact on community perception of education quality in their school board.
- We seek clarification about how the CEO will participate in board meetings as a non-voting member. In practice, will this be similar to student trustees who can vote but it is not binding? How will some resolutions or motions require CEO confirmation? Will new requirements also require boards to change by-laws and other board practices?
- We would like more clarification about budget process and trustee involvement. Concerns have been expressed that the budget process will exclude community voice and past practices of community engagement.

C. Professionalize school board bargaining

It is worth noting that OPSBA has a long history of professional school board bargaining with clear processes and structures and central trustee involvement in a governance capacity. Our deep commitment to professional school board bargaining is unwavering. OPSBA staff continuously undertake significant work to support school boards on labour relations matters as well as ongoing

engagement with key stakeholders (Provincial Unions/ Federations and the Crown), through work led by the OPSBA Labour Relations Team:

- **Supported school boards with bargaining/discussion processes**, including the implementation/interpretation of the 2022-26 central terms, support for local bargaining upon request, implementation of the 2023-27 Principal-Vice Principal Provincial Terms and Conditions of Employment, and preparation for the upcoming 2026 bargaining cycle.
- **Led and supported dispute resolution efforts**, including hearing grievances through the central grievance and arbitration processes, pursued dispute resolution of provincial matters on behalf of School Boards, and jointly developed a streamlined arbitration model with OSSTF. In addition, co-chaired meetings of Central Labour Relations Committees to problem solve & build relationships with Union leaders.
- **Collaborated and facilitated learning and networking** for school board HR leaders and delivered presentations on labour relations matters.
- **Participated in meetings** with the Technical Advisory Group (TAG), OPSBA Labour Relations Council, PCODE, and the Council of Trustees' Associations.
- **Participated and acted as a liaison** to the employee life and health trusts (ELHTs) on benefits matters in all benefits committee meetings.
- **Collaborated with the Crown and federations** to review and provide recommendations on revisions to PPM 128.
- **Organized and delivered** OPSBA's annual Education Labour Relations & Human Resources Symposium to over 145 attendees in 2026.
- **Provided sector leadership** by participating in and presenting at several provincial and national public sector conferences.

Participated in the following central committees/working groups:

- Provincial Working Group: Health & Safety
- Benefit Committees (OSSTF, ETFO, CUPE, EWAO, OCEW)
- Education Worker Diverse and Inclusive Workforce Committee
- Ministry Initiatives Committee
- ETFO Supports for Students Committee
- OSSTF-EW LTD Sub Committee
- P-VP Provincial Liaison Committee
- Learning and Services Continuity and Absenteeism
- Task Force/Task Force on the Utilization of Sick Leave – Education Workers & Teachers

As a result of this work, OPSBA has supported school boards through coordination, guidance, and system leadership. OPSBA has fostered consistency and shared understanding across school boards while working collaboratively with Union and government partners. In recognition of this critical work, OPSBA is committed to a smooth, staged, approach to transitioning the OPSBA Labour Relations team to CODE to support the continuity, alignment, effective change management, and readiness for the upcoming round of central bargaining.

D. Enhance capital projects delivery

- Boards and their experienced senior staff work extremely hard to ensure capital projects are managed well and completed on time and on budget. We acknowledge that delays occur from time-to-time due to unintended conditions and out-of-control circumstances (i.e. supply issues, increased costs, delivery challenges, weather, etc.). We are pleased to see the example in Near North DSB of leveraging expertise from across the sector to assist with local issues. Provincial bodies like OPSBA, CODE, and COSBO are well-placed to

assist with more of this inter-board coordination to achieve greater efficiency and effectiveness.

- School boards have Long-Term Program and Accommodation Strategies in order to develop and support their changing student populations and communities. These plans are often more than 10 years ahead and the strategies to implement them already reflect the board's schedules for reviewing non-operating school sites for potential disposition. In some circumstances, schools that have been "closed" need to be retained by the school board and become critically important sites that are used as temporary space; to hold students from development areas with schools currently under construction, areas with no school, or schools that have insufficient capacity.
- We would support the Ministry of Education sharing and communicating any additional thresholds that might be considered being added to already scheduled monthly meetings between the ministry and school boards, to ensure timelines and targets are being met.
- Boards have policies with respect to vendor selection for capital work. Will there be a continued effort to support local labour markets?

E. Improve school board communications: Provide ministerial authority to establish policies regarding school board public communications.

- Local school boards carefully craft communications strategy and messaging to meet the needs of diverse communities. Any centralized policy should recognize the many differences between school board communities across Ontario and allow for message tailoring as needed.
- We must state that schools are not operating in a vacuum and that world events inherently impact students and families. A proposed blanket policy to prohibit any 'political' communication may have the effect of stifling appropriate public engagement with communities at the board level in school boards across the province. The Ontario Human Rights Commission's *Dreams Delayed* report, and related research, specifically highlights the importance of inclusive learning environments and stresses that duty holders in education must foster "positive, inclusive, and non-discriminatory learning spaces." We are concerned that a forthcoming communications policy may have an unintended detrimental impact on supporting student achievement and learning and fostering critical thinking. Further, we are concerned about the impact on boards' ability to offer robust public engagement strategies in a constrained communications environment.
- Elected officials have a fundamental right—and responsibility—to communicate with their constituents in order to respond transparently and thoughtfully to the diverse needs of their communities. It is reassuring to hear the Minister state recently that he cannot control the political opinions of private citizens, and that trustees "can communicate any way (they) like" and that the government "can't and shouldn't" regulate what a trustee says on their own time or their own personal social media. We have seen a global proliferation of polarized public debate for many years. No sector is immune. Although there have been some regrettable public communications at every level of elected government, it is important to note the long history of elected trustees' responsible and thoughtful use of their public platforms in service of students and communities. OPSBA has no doubt that the strong leadership of trustees in their communities will continue.
- It is important to note that school board Chairs maintain their additional role to act as spokesperson to the public on behalf of the board.

2. Ensuring Consistent and Effective Learning Practices

A. Mandate consistent learning resources: Provide Ministerial authority to establish policies respecting the use of educational materials

- OPSBA is supportive of cost saving measures that could be achieved through Supply Ontario and adheres to the requirements of the new procurement directive. It is hoped that Ontario educators will have input into the selection process and will also be involved in the creation of resources to meet the needs of Ontario students as they have in the past.
- There is some concern that this could lead to more single-sourced resources. Ideally, there will be regular checks and balances to ensure a variety of perspectives are raised and considered to promote critical thinking.
- Will educators be able to use their own supplemental materials to support student learning?

B. Mandate assessment standards for secondary school students: Provide Ministerial authority to establish policies for the assessment of student achievement.

- Will there be consultation with educators regarding assessment policies and practices?
- What research has informed the decision to have examinations? Will most recent and consistent performance still be considered in assessing students? Will Growing Success be modified to reflect the changes and will educators have input into the revisions?
- How will students with Individual Education Plans be supported as they often have modifications and sometimes do not write final exams? Will the issue of dealing with modifications be addressed in Growing Success? Will the Ministry provide guidance on how to assess attendance and participation?
- OPSBA agrees that school attendance is a significant area of concern. However, OPSBA notes that such an approach may penalize students who have legitimate barriers and may widen gaps for students who are already vulnerable. The approach does not identify the root causes such as mental health challenges and social conditions and oversimplifies the complex problem of attendance that marks and grading cannot solve. Are there ways to improve attendance without punishing students for non-attendance? What other measures can be used to improve attendance and engage students? What supportive and incentivizing approaches have been considered? How will students in challenging situations be supported? Will there be increased staff devoted to attendance issues?
- OPSBA supports consultation with attendance counsellors and other dedicated school staff who are familiar with attendance issues and who are informed about effective practices.

C. Remove the school climate survey requirement for boards

- It is unclear as to why this requirement is being removed. These were added to the *Education Act* in to help boards determine the effectiveness of programs that promote positive school climate and prevent bullying, while gathering information about students' experiences with respect to inclusion and safety.
- Many boards use the data and feedback from these surveys to improve policies, and board supports for students and families. This has been especially true for racialized and historically underserved students, like those with special needs. Have Ontario students been consulted about their thoughts on the survey?

- Would the Ministry support those boards that want to continue conducting these types of surveys? Is a new survey being created? How will school boards gather climate data to inform their planning?
- Student and Family Support Offices are intended to track issues and concerns. How will this data be used and shared to inform board and school planning?

Removing school climate surveys weakens system accountability and responsiveness. The tool captures key data on safety, well-being, belonging, relationships, discrimination, mental health and school engagement as it gives boards information grounded in student voice and their lived experience rather than assumptions. If removed, the consequences will include:

- A reduction of a critical avenue for student voice, especially for those less likely to speak up.
- It will be more difficult to detect hidden or emerging issues (e.g., subtle discrimination, declining feelings of belonging).
- Limited ability to track progress over time and assess impact of investments made in pedagogy, safety and mental health.
- The removal of a key evidence source for system, departmental and school planning
- Increased risk of misaligned system strategies and reactive decision-making.

Overall impact:

- Shifts decision-making toward assumptions and incomplete data
- Weakens system accountability and responsiveness

When used effectively, the survey remains a powerful tool to advance student well-being, equity and meaningful system improvement towards greater overall student achievement. Its loss will be felt throughout publicly funded school systems.

3. Modernize Education Systems

A. Dissolve the Languages of Instruction Commission of Ontario (LICO) and replace it with a streamlined dispute resolution mechanism.

This is not applicable to the English Public school system.

B. Provide families with the option to receive the Ontario Education Number (OEN) for a child from birth and enhance data collection to improve overall planning and service delivery in the child care and early years sector.

- We are supportive of this option for families. It will be helpful for consistency in the overall education system and transitions from child care to the school system.

C. Clarify regulation-making authority regarding teacher education accreditation requirements.

- OPSBA is supportive of the revised 12-month program. The new program should reflect current needs and best practices in areas such as special education, equity and diversity and Artificial Intelligence.

- Given teacher shortages, there is a need to build a strong and skilled educator workforce that ensures continuity of instruction for students.
- OPSBA supports the expansion of the New Teacher Induction Program (NTIP).

D. Reduce duplication of functions in the Postsecondary Education sector and improve efficiencies by enabling the wind-down of the Higher Education Quality Council of Ontario.

- The HEQCO has played a critical role in ensuring that K–12 education policy in Ontario is informed by independent, province-wide evidence, particularly in relation to equity and student outcomes. Its work has helped ground decision-making in measurable results and has provided an objective lens on whether improvements in student achievement are being experienced consistently across all student groups.
- The proposed removal of HEQCO as an independent body raises important considerations and concerns. Without a clear and robust plan for external research, data collection, and interpretation, there is a risk that key elements of accountability and transparency may be weakened.

Implications include:

- **Reduced independent evidence for decision-making**
The loss of an arm’s-length research body limits access to objective analysis of system performance and equity outcomes. This may increase reliance on ministry-generated data, which may be more limited in scope and perspective.
- **Risks to equity-focused accountability**
Independent research has been instrumental in identifying persistent disparities affecting Ontario students. Without this external lens, there is a risk that achievement gaps may be less visible, less consistently tracked, or slower to be addressed.
- **Impacts on transparency and public confidence**
HEQCO’s independence has contributed to credibility with stakeholders, researchers, and communities. Bringing research functions fully within government may affect perceptions of transparency and reduce public trust, particularly among communities already concerned about equity outcomes.
- **Reduced rigour in program evaluation**
HEQCO has supported outcome-based evaluation of education initiatives. Its absence may lead to a greater emphasis on participation or compliance metrics, rather than clear evidence of impact on student achievement and well-being.
- **Weaker system-wide learning and long-term insight**
HEQCO has provided valuable cross-sector analysis linking K–12 education to postsecondary pathways and outcomes. Without this perspective, opportunities for province-wide learning and long-term planning will be diminished without a robust plan to account for the loss.

Thank you for your consideration of our initial commentary. OPSBA would very much be interested in working collaboratively with the ministry and staff on the development of associated regulations.

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.