OPSBA Submission Regarding the Proposal for Regulation Under the *Education Act* to Require Confirmation of School Board Resolutions and Motions in English-Language District School Boards

August 12, 2026

The Ontario Public School Boards' Association (OPSBA) appreciates the opportunity to provide feedback on the proposed regulation under the *Education Act* that would require the Chief Executive Officer (CEO) to confirm certain resolutions and motions passed by the board of trustees before they take effect.

OPSBA's Position

OPSBA recognizes the government's objective of strengthening governance, accountability, and effective decision-making within Ontario's publicly funded education system. However, OPSBA has concerns about the proposed regulation which include:

i. The confirmation process creates unnecessary red tape, duplication, and procedural delay for school boards,
ii. The proposed process is contrary to recognized good governance norms, and
iii. The "purpose or intent" criterion is vague, and overbroad.

OPSBA recommends that the government not proceed with the proposed CEO confirmation requirement. It is unnecessary, duplicates safeguards that already exist, and is contrary to sound public-sector governance.

Unnecessary Duplication and Red Tape

The proposed confirmation process duplicates functions that are already part of effective school board governance. School board chairs already manage board meetings and rule motions out of order under board procedure by-laws. CEOs and senior staff already advise trustees on legal, regulatory, financial, procedural, and operational implications. Adding a further approval after trustees have debated and voted does not fill a governance gap; it gives an unelected official an effective veto over decisions of the elected governing board.

In legislatures, municipal councils, and boards of other public institutions such as hospitals and universities, the governing body makes decisions, the presiding officer manages procedure, and executive leaders advise and implement. In these comparable governance settings, there is no requirement for the top administrative official to validate a decision after it has been adopted as it reverses roles and blurs accountability.

The board of trustees is expected to oversee and hold the CEO accountable, yet the proposal would allow the CEO to prevent a duly adopted decision from taking effect. This is likely to create unnecessary conflict, weaken the collaborative relationship on which effective governance depends, and encourage greater deference to provincial direction at the expense of local priorities.

CEO confirmation is therefore unnecessary red tape under every proposed criterion. Existing board procedures allow the chair to rule on order, staff to provide advice, and trustees to amend, defer, reconsider, or decline to proceed with a motion. A second approval process is not required.

Cumbersome Timelines and Public Accountability

The proposed timelines are unnecessarily cumbersome. The cumulative process for review, written notice, reconsideration, and a subsequent decision could leave a motion unresolved for months. That is incompatible with timely governance of budgets, services, facilities, staffing, safety, and other matters affecting students and communities.

If the government proceeds with this regulation, the process must be substantially shortened and provide for matters requiring immediate action. A decision already debated and adopted by the board should not face routine delay.

Where confirmation is withheld, the CEO's written reasons should be provided promptly and posted publicly as soon as possible. The decision and reasons should also be recorded in the board's next public minutes, but disclosure should not wait until those minutes are approved.

The 'Purpose or Intent' Criterion is Vague and Overbroad

OPSBA has significant concern with the proposed criterion that would permit a CEO to withhold confirmation where a motion is 'inconsistent with the purpose or intent of the Education Act.' This criterion should be removed in its entirety.

Although the *Education Act* contains broad statements concerning the purpose of public education, the proposed regulation provides no objective test for determining whether an individual board motion is inconsistent with the purpose or intent of the Act as a whole.

The criterion could therefore permit confirmation to be withheld from a motion that contravenes no express statutory or regulatory requirement, based instead on a single official’s interpretation of legislative purpose or policy alignment.

Any mechanism required for confirmation of a motion must be confined to clear, objective, and demonstrable non-compliance with an express statutory or regulatory requirement. It must not permit the CEO to reassess the policy merits of a board decision.

Application to only English Language School Boards

The proposal also applies only to English-language public and Catholic district school boards. Establishing a different decision-making framework for English-language boards, without a clear governance rationale, is concerning and creates unequal treatment across Ontario's publicly funded education systems.

Implementation during the nomination period

Advancing this fundamental change while the 2026 municipal and school board election nomination period remains open is particularly inappropriate. The period runs from May 1 to August 21, 2026. Candidates are filing based on the established trustee role; changing that role mid-process undermines transparency for candidates and voters and may discourage participation in local public service.

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OPSBA Recommendations

- **Do not proceed.** Withdraw the proposed CEO confirmation requirement and rely on existing governance, procedural, legal, and accountability mechanisms.
- **Remove the vague criterion.** If the government proceeds, remove in its entirety the criterion concerning inconsistency with the 'purpose or intent' of the Education Act.
- **Preserve governance roles.** Confirm that the chair remains responsible for procedural rulings, the CEO provides professional advice, and the board of trustees remains the governing decision-maker.
- **Shorten the process.** Eliminate unnecessary stages and timelines so a duly adopted motion cannot remain unresolved for weeks or months, and provide for urgent decisions.
- **Require immediate transparency.** Require written reasons for any refusal to be provided promptly, posted publicly as soon as possible, and recorded in the next public minutes.
- **Address unequal application.** Explain and reconsider the decision to apply this governance restriction only to English-language public and Catholic district school boards.
- **Respect the election process.** Do not implement a fundamental change to the trustee role during the open 2026 nomination period; at minimum, implementation should follow the election and completion of trustee orientation.

Conclusion

The proposed regulation would add delay and uncertainty, blur the distinction between elected governance and administration, erode public confidence in local democracy, create inconsistent governance across Ontario's school systems, and alter the trustee role during an active election process. OPSBA therefore urges the government not to proceed with the CEO confirmation requirement.