

## Submission on Proposed Regulations under the Education Act Re: Bill 33 – *Supporting Children and Students Act, 2025*

### Police Access to School Premises and School Resource Officer Programs

---

#### Introduction and Purpose

The Ontario Public School Boards' Association (OPSBA) appreciates the opportunity to provide feedback on the Ministry of Education's proposed regulations under the *Education Act* flowing from Bill 33, *Supporting Children and Students Act, 2025*.

As publicly elected, and First Nation-appointed, officials, trustees are directly accountable to the students, families and communities we serve. Our governance responsibilities require us to balance student safety with our legal obligations under the *Education Act*, the *Ontario Human Rights Code* as well as related youth, privacy and accessibility legislation. These responsibilities are informed by evidence, lived experience and the voices of students and families that we hear from in our roles, particularly those from Indigenous, Black, disabled, Muslim, 2SLGBTQIA+ and other historically marginalized communities.

**School boards and trustees share the Ministry of Education's goal of promoting student safety and recognize the important role police services play in emergency response and broader community safety.** At the same time, the Ontario Human Rights Commission (OHRC) has been clear that police presence and increased surveillance in schools can exacerbate systemic discrimination, and that policies which appear neutral can produce adverse, disproportionate impacts in practice.

This submission focuses on whether the proposed regulation, as drafted, appropriately balances safety, human rights and local governance and aligns with the intent of the Provincial Model for a Local Police/School Board Protocol that boards currently have in place.

It builds on the commentary and feedback shared with the Ministry of Education at its recent stakeholder consultation and includes input from our Black Trustees' Caucus (BTC) and trustee work groups: the Education Program and the Policy Development Work Groups. These consultative groups include trustees from OPSBA's five geographical regions and include representatives from the Black Trustees' Caucus (BTC), The First Nations, Inuit and Metis Trustees Council (FNMITC) and a student trustee from the Ontario Student Trustees' Association. At OPSBA we believe in the African proverb "Unity is strength, division is weakness," as it reflects the power of working together.

#### Regulatory Context and Guiding Framework

The Provincial Model for a Local Police/School Board Protocol establishes a restrictive, rights-based framework governing police involvement in schools. It does not mandate routine police presence, nor does it embed police into daily school operations. Instead, it emphasizes:

- Clear division of roles between educators and police

- Police involvement limited to exigent circumstances, serious criminal matters, and defined safety roles
- Prevention, diversion, and restorative approaches over enforcement
- Strong protections for student privacy, dignity, and human rights
- Shared governance, community input, and regular review

Multiple Ontario district school boards, including Toronto, Peel, Hamilton-Wentworth, Greater Essex and Ottawa-Carleton, have conducted evidence-based reviews of traditional School Resource Officer (SRO) models. These reviews found no demonstrable improvement in school safety. Instead, they documented significant hurt, including discrimination and racism and negative impacts on student well-being, trust and sense of belonging, particularly for Black, Indigenous, racialized, newcomer, and 2SLGBTQIA+ students. Collectively, the evidence highlighted the role of police-in-schools programs in reinforcing a “school-to-prison pipeline,” which is one of the reasons the OHRC suggested further examination before going through with reinstatement.

Against this backdrop, regulations under Bill 33 must be carefully tailored to avoid normalizing or expanding police involvement beyond what evidence, human rights obligations and the Provincial Protocol support.

The protocol and proposed regulation appear to be grounded in an outdated view of school communities, one in which schools functioned as central community hubs and were supported by a dense network of readily accessible community resources. That reality has shifted significantly over the past decade. Many schools are now operating in contexts marked by reduced community infrastructure, strained social services and increased complexity in student needs. As a result, any effort to re-integrate external systems, such as police, into schools cannot simply assume past conditions still exist. Implementation within today’s school realities is inherently more complex and requires a different approach.

OPSBA is well-positioned to support the Ministry of Education in acknowledging and responding to this shift. Through trustees’ close connection to students, families and local communities, OPSBA can assist in shaping implementation approaches that meaningfully honour student voice and local context through authentic community engagement. OPSBA is committed to working collaboratively with the ministry to support implementation that is responsive, locally informed and reflective of how school–community relationships function today as opposed to how they once did.

## **Key Concerns with the Proposed Regulation**

### **1. Overbreadth of Mandatory Police Access and Participation**

The proposed regulation would require school boards to permit police access and participation across a wide range of activities and programs including student well-being programs, learning and mentorship initiatives, youth engagement activities, and a range of relationship-building programs.

As drafted, these categories are broad, undefined and not clearly linked to public safety or emergency response. These risks shift police involvement from exceptional and purpose-specific to routine and normalized, contrary to the intent of the Provincial Protocol and against the advice of the OHRC.

#### **Recommendations:**

The regulation should clearly distinguish emergency and safety-based access from routine participation and simply require that any non-emergency police involvement be:

- Purpose-specific and time-limited
- Invited and approved by the board
- Clearly documented and publicly communicated

Local autonomy and decision-making regarding the specific type of police supported educational involvement should be upheld. Boards should be able to develop programming in collaboration with police services that are reflective of the student demographics that the board serves (i.e., In densely populated urban areas with newcomer families, or in regions where First Nation communities are in close proximity or Indigenous student populations are considerable, student well-being is more thoughtfully accounted for when students can “see” themselves in the roles that are being modelled.)

An example of tailored support comes from Toronto Police Chief Myron Demkiw: “We are investing in the neighbourhood community officer model. Those officers, where we have them, where the schools want officers engaging, we’re doing that now. And where we have neighbourhood officers, they do engage with local schools where the schools feel that need.” Demkiw emphasized the community component of NCOs, “because schools are part of that broader community...We’re continuing to develop our NCO program, which includes relationships with local schools and the most important part is the kids who go to those schools. Because their day doesn’t stay in the school only. What we want is relationships in the community with the kids and, to the extent that’s in and around schools, we are doing that as appropriate and welcomed. Not every community sees their needs identical to the next.”

## **2. Erosion of Local Board Discretion and Governance**

Ontario’s education system is grounded in local democratic governance. Trustees must retain the authority to make decisions based on community context, lived experience, and evidence of impact.

The proposed regulation risks undermining this principle by:

- Mandating access and participation without sufficient flexibility
- Limiting boards’ ability to pause, redesign or withdraw police involvement where hurt, discrimination or racism emerges
- Omitting any review or evaluation of the program

#### **Recommendations:**

### **The regulation must explicitly preserve board discretion to:**

- Decline or redesign police involvement, with evidence of reasonable grounds, such as community feedback, clear indications of potential harm, human rights concerns, and other unforeseen circumstances that impact student safety
- Suspend or terminate programs based on evidence of hurt, discrimination, racism or community feedback
- Ensure alignment with local equity, accessibility and human rights obligations

### **3. School Resource Officer Programs and Memoranda of Understanding**

While the requirement for a Memorandum of Understanding (MOU) is appropriate, the regulation implicitly treats SRO or “youth engagement officer” programs as a default or expected model.

This assumption is inconsistent with:

- Board-led evidence demonstrating harm
- OHRC guidance cautioning against mandatory or embedded police presence in schools

#### **Recommendations:**

The regulation should:

- Explicitly state that SRO programs are optional, not mandatory
- Require MOUs to include:
  - Narrow role definitions
  - Explicit prohibitions on discipline, surveillance, and informal behaviour management
  - Clear review timelines and exit mechanisms that ensure community involvement
  - Alignment with the Provincial Model for a Local Police/School Board Protocol
  - Meaningful engagement of trustees, PICs, Indigenous Education Councils, and SEACs in the development of the MOU.

### **4. Human Rights, Equity and Training Gaps**

The proposed regulation does not require explicit human rights safeguards or training for officers engaging with students. This omission creates significant legal and equity risks.

The OHRC has emphasized that understanding systemic racism, disability rights and trauma-informed practice is essential in school contexts.

#### **Recommendations:**

The regulation should mandate initial **in-person** onboarding and ongoing training for any officer engaged in schools on:

- Anti-Black and anti-Indigenous racism
- Indigenous Cultural competency
- Disability rights and the duty to accommodate
- Youth mental health, adolescent development and trauma-informed practice
- Training on other equity-deserving groups, historically and currently under served groups, 2SLGBTQIA+ communities and neurodiversity.

Evaluation must prioritize student well-being, belonging and trust, not solely incident counts. As the Honourable Justice Murray Sinclair stated: "Education is what got us here, and education is what will get us out."

## **5. Critical Oversight: First Nations Policing, OPP, and Rural and Northern Communities**

A significant oversight in the proposed regulation is the absence of explicit consideration of First Nations policing and Ontario Provincial Police (OPP) services, particularly in rural, northern and remote communities.

While education is a provincial responsibility, First Nation education is a federal jurisdiction and tuition funding for First Nations students to attend Ontario publicly funded schools flows through First Nations and/or Indigenous Services Canada to school boards to deliver this service. Most First Nation students will attend a provincial school at some point in their educational journey as many First Nations lack schools of their own. First Nation trustees are responsible for reporting back to the First Nations on the education services delivered. As a result, boards are serving federally funded students within provincially regulated systems, often in communities where:

- Policing is provided by First Nations police services
- OPP, rather than municipal police, serve as the primary law enforcement presence
- Jurisdictional complexity already creates gaps in accountability and service delivery

The proposed regulation excludes how boards are expected to navigate:

- Relationships with First Nations police services
- Community-specific governance and nation-to-nation considerations
- Distinct histories of policing, colonial harm and mistrust in Indigenous communities

Additionally, there are significant numbers of First Nation, Inuit, and Métis students living in municipalities and attending local provincial schools daily. The needs of urban Indigenous communities are a noted priority in health care, child welfare, the justice system, housing and homelessness, education and policing among all other sectors.

This omission cannot be ignored. Applying a one-size-fits-all regulatory approach risks exacerbating inequities that are known risk factors for overrepresentation in the prison systems, Missing and Murdered Indigenous Women and Girls, addictions, housing, and homelessness etc. It also goes against Ontario's own commitment to Truth and Reconciliation.

Exceptional relationships between schools and local police services and First Nation police services already exist in Ontario. These successes should be built-upon, not re-routed.

**Recommendations:**

The regulation should:

- Explicitly recognize First Nations police services and OPP within its scope
- Require engagement with Indigenous communities and leadership, Indigenous Education Councils, Afro Indigenous peoples and First Nation trustees where Indigenous and Afro Indigenous students are affected
- Acknowledge the unique jurisdictional realities of federally funded students in provincially operated schools
- Ensure that police involvement in schools aligns with truth and reconciliation principles and commitments, are conducive to culturally relevant and safe practices in Ontario schools.

## 6. Oversight, Review and Accountability

Effective regulation requires strong accountability mechanisms. The proposed regulation lacks clear requirements for monitoring, review and withdrawal where harm re-emerges.

**Recommendations:**

The regulation should require:

- Regular, time-bound reviews of police involvement
- Meaningful community and student input into evaluations
- Public reporting on outcomes related to student well-being and equity
- Clear criteria and authority for boards to discontinue police involvement, with evidence of reasonable grounds
- That any new initiatives recognize and support the existing mandate of the Anti-racism act to enable data-based decision making to reduce harm and prevent systemic discrimination.

Of special consideration for the regulation, OPSBA's Black Trustees' Caucus (BTC) and First Nations, Inuit and Metis Trustees Council (FNIMTC) note that in order to move forward, the past must be addressed. We also can't ignore the broader context. Ontario students came out of COVID isolation having watched police violence unfold on their screens. They continue to witness it today. Positional authority no longer exists in the same way that it did and pretending otherwise only deepens harm. Trust must be intentionally rebuilt.

Toronto Police Chief Myron Demkiw has stated "We've spoken about ringing the alarm bell. There are other players who need to be at this table, whether it's school boards, community leaders, civic leaders, all levels of government. This is a whole system thing that's required to address what we're seeing happening with young people. It's not just a policing matter."

With that framing, what we're proposing is not more policy but clearer, student-centred guidance on the *how* of police engagement. Inconsistent implementation of the Police Protocol was challenging and left lasting traumatic and negative impacts on some communities, and both board staff and police share responsibility for that.

Ontarians have gained critical guidance from the Truth and Reconciliation Commission, UNDRIP, the Ontario Human Rights Commission and other national inquiries. Those perspectives must now be reflected.

## 7. Begin with Acknowledgement and Repair, Not Presence

Where hurt, discrimination, racism and homophobia has occurred, trust cannot be assumed.

### Recommendations:

- Police services must:
  - Publicly acknowledge past discrimination, racism, hurt and disparities
  - Share disaggregated data on school involvement and interactions
  - Participate in facilitated listening sessions with impacted communities
- Re-entry should be framed as repair work, not a return to the status quo

## 8. Honour Local Voice and Lived Experience

As emphasized by the BTC: Safety cannot be imposed; it must be co-created.

### Recommendations:

- Decisions about police involvement must meaningfully include:
  - Indigenous communities
  - Black families and students
  - Disability advocates and experts
  - Youth with lived experience of policing
  - Student mental health and well-being experts
  - 2SLGBTQIA+ students and families
- Engagement must influence positive outcomes, not merely inform them

## Conclusion

The Provincial Model for a Local Police/School Board Protocol, the OHRC's analysis, consultations with trustees and extensive board-led evidence all point to the same conclusion: school safety is strongest when human rights, trust and student well-being, not enforcement, are the foundation.

**To meet its objectives and withstand legal and public scrutiny, OPSBA feels the proposed regulation must:**

- Respect the critical value of local decision-making
- Establish clear parameters that define police involvement in schools
- Embed equity, human rights, and Indigenous considerations.
- Ensure that evidence informs practice, especially in cases where student well-being risk has been demonstrated.
- Engage with partners and committees to ensure that new programming seeks to repair harm and build success.

With these revisions, the regulation can support safety while upholding student dignity, reconciliation commitments and public confidence in Ontario's education system.

**OPSBA is committed to working in partnership with the Ministry to support thoughtful and effective implementation.** Through trustees' close relationships with students, families and local communities, OPSBA is well positioned to support the co-design of implementation approaches that meaningfully centre student voice and local context through authentic community engagement. OPSBA would welcome the opportunity to collaborate with the Ministry to pilot implementation models in diverse school board contexts, test assumptions, identify unintended impacts and refine approaches prior to broader rollout. This collaborative approach would help ensure the regulation is implemented in a way that is responsive, locally informed and aligned with contemporary school–community relationships, while supporting both student well-being and public confidence.

“We have described for you a mountain. We have shown you the path to the top. We call upon you to do the climbing.”

*Honourable Justice Murray Sinclair*

## APPENDIX #1: OPSBA PROPOSED ADDITIONS TO THE REGULATION (DRAFT LANGUAGE)

### 1. Interpretation / Definitions

(New section)

For the purposes of this Regulation:

- **“Indigenous community”** means a First Nation, Métis or Inuit community, including a First Nation whose members attend a school operated by a board pursuant to a tuition or transfer payment agreement. Refers to both on-reserve and off-reserve, urban communities.
- **“First Nations police service”** means a police service established or designated under a federal or provincial agreement to provide policing services to a First Nation or Indigenous community.
- **“Ontario Provincial Police” or “OPP”** means the police service continued under the *Police Services Act* that provides policing services in areas where no municipal police service is established.

### 2. Application of the Regulation

(New section)

1. This Regulation applies to:
  - a. municipal police services;
  - b. the Ontario Provincial Police; and
  - c. First Nations police services, where such services are the primary or supporting policing service for pupils of the school community.
2. Nothing in this Regulation shall be interpreted so as to:
  - a. diminish or derogate from any treaty rights
  - b. limit a school board’s obligation to engage in culturally safe, community-informed decision-making with local communities.

### 3. Indigenous and Jurisdictionally Complex School Communities

(New section)

1. Where a school board serves students from an Indigenous community, including students attending through tuition or transfer payment agreements, the board shall ensure that any police access to school premises or participation in school programs:
  - a. is informed by meaningful engagement with the affected Indigenous community;
  - b. reflects the historical and contemporary impacts of policing on Indigenous peoples; and
  - c. aligns with principles of reconciliation, cultural safety and trauma-informed practice.

2. Where policing services are provided by the Ontario Provincial Police or a First Nations police service, the board and the police service shall:

- a. clearly document jurisdictional roles and responsibilities;
- b. identify culturally appropriate approaches to student safety and engagement; and
- c. ensure that police involvement does not undermine student well-being, dignity or trust.

## 4. Memoranda of Understanding – Additional Requirements

*(Amendment to existing MOU provisions)*

In addition to any other requirements set out in this Regulation, a memorandum of understanding respecting a school resource officer program or any ongoing police participation shall include:

- a. provisions addressing jurisdictional complexity where the OPP or a First Nations police service is involved;
- b. commitments to culturally responsive and trauma-informed practice;
- c. processes for community review, modification and withdrawal where concerns arise; and
- d. confirmation that police participation does not replace or displace education-based supports, including mental health and well-being services.

## 5. Training and Capacity

*(New clause)*

Any police officer participating in school activities, events or programs in a school community that includes students shall receive **in-person** ongoing training in:

- a. the history and impacts of colonialism, residential schools and intergenerational trauma;
- b. Indigenous rights, reconciliation principles and cultural safety; and
- c. trauma-informed, developmentally appropriate engagement with children and youth; and
- d. anti-Black racism, racism, homophobia, transphobia and forms of oppression; and
- e. disability rights and the duty to accommodate

## APPENDIX #2: CLAUSE-BY-CLAUSE MAPPING OF CONCERNs TO REGULATORY AMENDMENTS

The following table maps identified gaps in the draft regulation to proposed regulatory responses, demonstrating how these amendments strengthen clarity, equity and implementation.

Identified Concern	Issue in Draft Regulation	Proposed Amendment
First Nations police services not recognized	“Local police services” undefined	Add definitions explicitly recognizing First Nations police services
Re-entry omission	Urban-centric assumptions regarding past practices	Explicitly include re-entry clause section
Federally funded Indigenous students overlooked	No recognition of transfer payment realities	Define Indigenous community to include tuition/transfer-payment students
Jurisdictional ambiguity	No guidance in mixed or non-municipal policing contexts	Require written clarification of roles and responsibilities
Risk of culturally unsafe engagement	No reconciliation or cultural safety language	Add Indigenous-specific engagement and cultural safety clauses
One-size-fits-all implementation	Uniform requirements regardless of context	Require community engagement in all instances where students are affected
MOU requirements insufficient	MOUs focus on implementation only	Expand MOUs to address jurisdiction, culture and exit mechanisms
Training gaps	No specific training	Mandate trauma-informed and anti-racist focused in-person training
Accountability and exit mechanisms	No clear withdrawal provisions	Require review and withdrawal processes in MOUs that include community engagement
Rural and northern inequities	Regulation assumes municipal policing	Explicitly address OPP-served and remote communities

These amendments do not alter the core intent of the proposed regulation. Rather they reflect the lived realities of boards serving a diverse range of students. They also respect federal-provincial jurisdictional boundaries while addressing practical implementation gaps and reduce legal, human rights and reconciliation risks. They are suggested to support culturally safe, community-informed approaches to student safety and ensure that the regulation is workable in rural, northern and diverse urban contexts. Without these clarifications boards may be left

navigating complex jurisdictional and cultural issues without regulatory guidance, increasing the risk of inconsistent application and unintended harm.