



# **Bill 33: Proposal for Amending the *Education Act* Related to School Board Accountability, Transparency, Safety and Rights**

**Submitted to:** Ministry of Education  
**Submitted by:** Ontario Bar Association  
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## Introduction

The Ontario Bar Association (“OBA”) appreciates the opportunity to provide feedback on Bill 33, *Supporting Children and Students Act, 2025* (“Bill 33”), which proposes amendments to the *Education Act* (the “Act”) related to school board accountability, transparency, safety and rights. Our submission provides specific recommendations on the proposed amendments to ensure the continued preservation of administrative safeguards and to assist the Ministry in effectively advancing its intended policy objectives. We would be happy to provide further feedback on specific questions or proposals that may arise from our submission.

## Ontario Bar Association

Established in 1907, the OBA is the largest and most diverse volunteer lawyer association in Ontario, with close to 16,000 members, practicing in every area of law in every region of the province. Each year, through the work of our 40 practice sections, the OBA provides advice to assist legislators and other key decision-makers in the interests of both the profession and the public and we deliver over 325 in-person and online professional development programs to an audience of over 20,000 lawyers, judges, students, and professors.

This submission was prepared and reviewed by members of the OBA’s Education section. Members of this section include lawyers who represent virtually every stakeholder in the education sector, including boards of education, principals, students, parents and teachers.

## Comments & Recommendations

The OBA has thoroughly reviewed Bill 33 and appreciates the government’s efforts to support improved outcomes for children, youth, and students. In particular, the OBA applauds the proposed amendment under Schedule 1 to the *Child, Youth and Family Services Act, 2017*, which seeks to expand the requirement to provide information to



children and young people about the Ombudsman. In doing so, some of the most vulnerable children and young people will be made aware of available recourses, enabling them to avail themselves and ensure their grievances are heard.

Nevertheless, the OBA has identified several areas of concern related to proposed amendments introduced under Schedule 2 and respectfully encourages the Ministry to implement the recommendations presented below.

Please note that, for ease of reference, the following comments are presented in accordance with the structure and headings used in Bill 33. The text presented in blue boxes reflects direct language from the Bill, whereas green boxes contain the OBA's proposed recommendations.

## ***Schedule 2 Education Act***

3 Subsections 11.1 (2) to (5) of the Act are repealed.

Under Schedule 2 of Bill 33, subsections 11.1 (2) to (5) of the *Act* are proposed to be repealed. If enacted, this amendment would remove the Minister's obligation to consult with specific education entities and relevant stakeholders before the Lieutenant Governor in Council makes a regulation under subsection (1). This amendment raises concerns, as these consultations are essential to ensuring stakeholders are involved in the decision-making process that directly affects them. Stakeholders bring a necessary and relevant lens, and consultation encourages evidence-based policymaking, diverse perspectives, and builds trust through a transparent, open and collaborative process. Accordingly, we *strongly* recommend maintaining the requirement to consult under subsections 11.1 (2) to (5), as outlined below.

### ***Proposed Recommendation:***

#### **Consultation**

**11.1** (2) Before the Lieutenant Governor in Council makes a regulation under subsection (1), the Minister shall consult with,

- (a) the Ontario Public School Boards' Association;



- (b) the Ontario Catholic School Trustees' Association;
- (c) l'Association des conseillères et des conseillers des écoles publiques de l'Ontario;
- (d) l'Association franco-ontarienne des conseils scolaires catholiques; and
- (e) any other persons and entities that, in the Minister's opinion, have an interest in the proposed regulation. 2006, c. 10, s. 4.

**Notice**

(3) The Minister shall give the persons and entities listed in subsection (2) and members of the public notice of the proposed regulation, in the manner he or she considers appropriate, at least 60 days before the regulation is filed with the Registrar of Regulations. 2006, c. 10, s. 4.

**Same**

(4) The notice need not contain a draft of the proposed regulation, but shall summarize its content and intended effect. 2006, c. 10, s. 4.

**Exception**

- (5) Subsections (2), (3) and (4) do not apply if the regulation, in the Minister's opinion,
- (a) is needed to deal with an urgent situation;
  - (b) is needed only to clarify the intent or operation of this Act or the regulations; or
  - (c) is of a minor or technical nature. 2006, c. 10, s.

## ***Work with local police services***

4 The Act is amended by adding the following section:

**Work with local police services**

**170.0.2** (1) Every board shall work with its local police services to, in the prescribed circumstances, (a) provide the local police services with access to school premises; (b) permit the local police services to participate in school programs; and (c) implement school resource officer programs, where such programs are available.

Moreover, Bill 33 proposes the inclusion of section 170.0.2, which would amend the *Act* to require that “every board *shall* work with its local police services to, in the prescribed circumstances.” We recommend the mandatory language of “*shall*” be replaced with the optional language of “*may*”. The rationale for this recommendation is that school boards ought to maintain discretion to determine whether they will work with local police services and in what circumstances and capacity. Numerous boards have already made the decision to remove police from schools following lengthy community and student input. As such, school boards, not the local police, are in the best position to determine access,



programming and the nature of their relationship. Accordingly, we recommend that the proposed subsection 170.0.2 be amended, as set out below.

***Proposed Recommendation:***

**170.0.2** (1) Every board ~~shall~~ may work with its local police services to, in the prescribed circumstances,

- (a) provide the local police services with access to school premises;
  - (b) permit the local police services to participate in school programs; and
- implement school resource officer programs, where such programs are available.

**Same**

- (2) A board shall perform its duties under subsection (1) in accordance with any regulations and any policies or guidelines established under subsection 301 (7).

**Regulations**

- (3) The Lieutenant Governor in Council may make regulations,
  - (a) governing the manner in which boards ~~shall~~ can work with local police services;
  - (b) prescribing the circumstances in which boards ~~shall~~ may provide local police services with access to school premises or permit local police services to participate in school programs, and governing such access and participation;
  - (c) prescribing the circumstances in which boards ~~shall~~ may implement school resource officer programs, and governing such programs, including respecting their development and implementation, participation in the programs and review of the programs.

***Review of orders, etc.***

**(4) The Minister may at any time review any order made by the Minister under subsection 230.3 (1) and confirm, amend or revoke it.**

10 Section 230.17 of the Act is repealed and the following substituted:

**Revocation of order**

230.17 The Minister shall revoke an order made under subsection 230.3 (1) if the Minister is of the opinion that the affairs of the board no longer need to be administered under this Part.

Lastly, Bill 33 proposes amendments to the revocation of orders. We recommend maintaining the ability of a member of a board to apply to the Divisional Court to revoke an order under subsections 230.17(2) and (3) of the *Act*. This is a core principle of justice—providing board members with a formal mechanism for reconsideration ensures fairness, accountability and due process. Its removal would limit the available recourses and



challenge procedural fairness. We therefore recommend maintaining this provision, with our proposed changes shown in blackline below.

***Proposed Recommendation:***

**Revocation of order**

230.17 (1) The Lieutenant Governor in Council shall revoke an order made under subsection 230.3 (2) if the Lieutenant Governor in Council is satisfied that the board is in compliance with the requirements specified under subsection 230.2 (2). 2000, c. 11, s. 7; 2006, c. 10, s. 24 (1).

**Same**

(2) A member of a board that is subject to an order made under subsection ~~230.3 (2)~~ 230.3(1) may apply to the Divisional Court for an order revoking the order made under subsection 230.3(1) ~~230.3 (2)~~. 2000, c. 11, s. 7.

**Same**

(3) The Divisional Court shall make the order applied for under subsection (2) if it is satisfied that the board is in compliance with the requirements specified under subsection 230.2 (2). 2000, c. 11, s. 7; 2006, c. 10, s. 24 (2).

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*The OBA would be pleased to discuss this further and answer any questions that you may have.*