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

Submission to Ministry of Education

August 2026

The Ontario English Catholic Teachers' Association (OECTA) represents the 45,000 passionate and qualified teachers in Ontario's publicly funded English Catholic schools, from Kindergarten to Grade 12.

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INTRODUCTION

The Ontario English Catholic Teachers' Association (OECTA) welcomes the opportunity to provide input on behalf of 45,000 teachers working in publicly funded Catholic schools in Ontario regarding the Ministry of Education's proposed regulation under the *Education Act*, concerning the confirmation of school board resolutions and motions.

Under the proposed regulatory framework, most resolutions and motions duly passed by trustees would not take effect unless and until they are confirmed by the school board's Chief Executive Officer (CEO) – or, in certain circumstances, a designated alternate.

The CEO would also be authorized to refuse confirmation where a resolution or motion is considered inconsistent with applicable legislation, regulations, school board by-laws, approved estimates, other legal obligations, or the purpose or intent of the *Education Act*.

These powers are unreasonably broad and effectively grant the CEO with unfettered discretion to refuse any and all decisions made by locally elected trustees. This is particularly the case given the broad purposes of the *Education Act*.

The contemplated authority of the CEO to supplant the local trustees and effectively ignore their priorities is contrary to the very foundation of Ontario's Catholic Education system, in which the Trustees have a constitutional right to make determinations over denominational and other matters. The trustees' powers should not be left subject to the whims of an appointed administrator like the CEO. The proposed regulation has undemocratic effects and prejudicially affects the constitutional rights of locally elected trustees to manage and control a denominational school system.

The government has once again attempted to frame this proposed regulation as a measure to strengthen school board governance. However, Catholic teachers remain deeply concerned that this continues an established pattern of the government using legislative tools to significantly alter the relationship between locally elected trustees and senior school board administration.

The Association has repeatedly emphasized that governance structures in publicly funded education should reflect the principles of democratic accountability, professional expertise, transparency, and a responsiveness to local communities.

These principles are also supported by research on education governance and leadership. International evidence suggests that effective education systems benefit from meaningful local autonomy, shared responsibility, and opportunities for those closest to students and school communities to participate in decision-making.

Research has also identified a positive relationship where local autonomy is accompanied by appropriate accountability and capacity. Similarly, research on distributed leadership emphasizes the value of drawing upon the collective expertise of teachers and education workers, families, and communities rather than concentrating responsibility within a single administrative office.

The proposed regulation runs counter to these principles. If implemented, it would further erode the authority of elected trustees, introduce unnecessary delay and uncertainty into school board governance, concentrate significant authority in the hands of school board CEOs, and establish a confirmation framework without sufficient independent oversight or procedural safeguards.

The following submission outlines the Association's key concerns with the proposed regulation and offers recommendations intended to preserve effective local governance, democratic accountability, and meaningful oversight. In particular, the submission addresses:

- the erosion of democratic school board governance;
- excessively broad CEO authority;
- the centralization of authority and decision-making;
- delay, administrative uncertainty, and the potential chilling effect on trustees; and
- the need to protect constitutionally guaranteed denominational rights.

UNDERMINING DEMOCRATIC SCHOOL BOARD GOVERNANCE

The proposed regulation would fundamentally alter the relationship between locally elected trustees and senior administration within Ontario's publicly funded education system.

Trustees are elected to govern school boards and to make decisions on behalf of the communities they represent. Senior administration, including the CEO, play an essential role in advising trustees, ensuring compliance with legal and financial obligations, and implementing the decisions of the board.

However, the role of the CEO has historically been one of consultation and assistance in governance issues. They have not had the ability to effectively block a resolution or motion as they see fit.

The proposed regulation would blur these distinct responsibilities by requiring almost all resolutions and motions passed by trustees to receive administrative confirmation before they can take effect. In practical terms, this would make the authority of the elected board conditional upon the approval of its senior administrative official.

Incidentally, as a result of the recent passing of Bill 101, this senior administrative official is also an official that the board cannot dismiss without the prior written approval of the Minister.

A resolution could be debated and duly adopted by trustees, yet remain unimplemented unless – and until – it is confirmed by the CEO or designated alternate. This represents a significant departure from a governance model in which trustees exercise meaningful decision-making. It also introduces an inefficiency in the decision-making process that is simply unnecessary.

As the Association has noted on numerous occasions, diminishing the role of elected trustees weakens democratic accountability and reduces the ability of local communities to meaningfully influence education priorities, including decisions affecting student supports, programming, infrastructure, resource allocation, and staffing.

The Association has also cautioned against governance reforms that fundamentally alter the role of school boards, repositioning them from democratically accountable governing bodies to administrative entities with a substantially diminished role for local democratic participation.

These concerns are heightened by the broad application of the proposed confirmation requirement. By outlining limited exceptions for conflicts of interest and some procedural matters, the framework would apply generally to most school board resolutions and motions.

As a result, the CEO would not simply have a responsibility to identify and advise against decisions that are clearly unlawful or impossible to implement; instead, the CEO would be placed in a formal position of solely determining whether a wide range of duly adopted board decisions may come into force.

This approach obliterates the appropriate relationship between governance and administration. Trustees should be accountable for the policy and governance decisions they make.

In the publicly funded Catholic school context, this includes decisions concerning denominational rights and the denominational nature of Ontario's publicly funded Catholic schools. Conflating the roles of trustees and CEOs will not only weaken democratic accountability but will also blur the distinction of responsibilities within school boards.
Catholic teachers believe that effective school board governance depends on a clear and appropriate balance between elected representation and administration. Any measures intended to strengthen governance should support informed trustee decision-making and legal compliance without reducing the authority of the elected school board trustees.

EXCESSIVELY BROAD CEO AUTHORITY

The Association recognizes that under the new governance structure, school board CEOs have responsibility to identify legal, financial, and policy constraints that may affect decisions of the board.

However, the proposed regulation goes dramatically further, by giving the CEO authority to refuse confirmation of a resolution or motion on a number of broad grounds. Of particular concern is the proposed authority to refuse confirmation where a decision is considered "inconsistent with the purpose or intent of the *Education Act*."

This standard is significantly less precise than a requirement that a motion directly contravene an identified statutory or regulatory provision.

Questions of legislative "purpose" or "intent" can involve interpretation and judgment, and even reasonable parties may disagree about how those concepts apply in a particular circumstance. Providing the CEO with broad authority to refuse confirmation on this basis goes well beyond the appropriate role of identifying clear legal non-compliance and into the much broader territory of assessing the substantive merits or permissibility of trustee decisions and the trustees' exercise of their constitutionally protected powers.

Catholic teachers have similar concerns arising from other broadly framed grounds for refusal, including whether a resolution would contravene "any policy, guideline or directive" under the *Education Act*, or "any other legal obligation of the board." If these standards are to support the exercise of such a significant authority, they should be clearly defined and tied to specific, identifiable obligations.

The proposed framework is also unclear about how disagreements between trustees and the CEO would be resolved. Where a CEO refuses confirmation based on an interpretation of the *Education Act*, a Ministry directive, a school board by-law, or another legal obligation, the proposed regulation requires written reasons, but does not appear to establish any independent mechanism for reviewing or resolving the dispute.

The Association has previously emphasized that where authority is expanded, corresponding transparency, oversight, and accountability mechanisms become increasingly important.

A CEO should only be permitted to refuse confirmation where implementation of the resolution would clearly contravene an identified statutory, regulatory, or other binding legal requirement. As such, Catholic teachers strongly recommend that the government narrow considerably and define precisely the grounds upon which any refusal is based.

CENTRALIZATION OF DECISION-MAKING

The proposed regulation must also be considered within the government's broader trend toward increasing centralization of authority within Ontario's publicly funded education system.

By making the decisions of elected school boards subject to confirmation by senior administration, the proposed regulation would further shift meaningful decision-making authority away from locally accountable trustees and toward unelected officials.

Catholic teachers have previously raised concerns about governance reforms that concentrate authority within senior administration and the Ministry of Education, while reducing the independence and decision-making capacity of locally elected school boards.

Taken together, the government's changes have transformed school boards from democratically accountable governing bodies into institutions with increasingly limited discretion to respond to the priorities and circumstances of their local communities.

Centralization also has consequences for the delivery of public education. Local school boards are uniquely positioned to understand the needs of the students, families, teachers and education workers, and communities they serve.

Decisions about student supports, programming, staffing, resource allocation, and other local priorities benefit from governance structures that allow for meaningful community input and responsive local decision-making. Diminishing trustee authority reduces the ability of communities to influence these important education priorities.

Effective publicly funded education requires appropriate standards and accountability, but these should not come at the expense of meaningful local governance. A system in which authority is increasingly concentrated in senior administration risks weakening democratic accountability, reducing responsiveness to local needs, and narrowing the role of school boards as representative public institutions.

DELAY, ADMINISTRATIVE UNCERTAINTY, AND A POTENTIAL CHILLING EFFECT

The proposed regulation introduces significant delays and uncertainty into school board decision-making and governance.

Under the proposed framework, once a school board passes a resolution or motion, the CEO or designated alternate would generally have up to 15 business days to confirm it, refuse to confirm it, or request additional information.

Where additional information is requested, a further 15-business-day period may apply. Even after confirmation, the resolution or motion would ordinarily not take effect until the tenth business day following notice of confirmation, unless an earlier effective date is specifically provided.

These timelines could leave duly adopted board decisions in a prolonged state of uncertainty. In some circumstances, several weeks could pass between the board’s decision and the point at which it becomes effective. This may be particularly problematic where trustees are required to respond in a timely manner to issues affecting schools, students, staffing, programming, facilities, or local operational needs.

The ability of a CEO or alternate to withdraw confirmation before a resolution or motion takes effect introduces an additional layer of uncertainty. A decision that has been debated, adopted, and initially confirmed could nonetheless be prevented from taking effect at a later stage. This creates a governance structure in which the status of a board decision may remain unsettled for an extended period after the vote has occurred.

The proposed framework may also affect how trustees exercise their responsibilities. Where motions are subject to administrative confirmation and potential refusal, trustees may become more reluctant to advance proposals that could be opposed by senior administration, even where those proposals reflect legitimate community priorities or policy differences.

The Association has previously warned that governance structures which create the possibility of administrative or ministerial override can have a chilling effect on trustees’ willingness to challenge proposals or advocate for local priorities.

Effective governance requires both accountability and clarity. Once a board has lawfully adopted a resolution, trustees, teachers and education workers, students, families, and the broader community should be able to understand with reasonable certainty whether and when that decision will take effect. A process that routinely delays implementation and permits confirmation to be withdrawn risks undermining that clarity.

UPHOLDING DENOMINATIONAL RIGHTS

As the government considers regulatory changes to school board governance, it is essential that constitutionally protected denominational rights continue to be respected.

Section 93 of the *Constitution Act, 1867* protects particular rights and privileges relating to Ontario's publicly funded Catholic education system, including control over the denominational aspects of Catholic education. The *Education Act* similarly provides that its provisions must not adversely affect or prejudice rights or privileges guaranteed under section 93.

The proposed regulation would apply broadly to English-language district school boards, including Catholic boards, but does not expressly address the relationship between the proposed confirmation authority and constitutionally protected denominational rights.

The Association therefore recommends that the regulation expressly provide that nothing in the confirmation framework authorizes a CEO, or alternate, to limit or adversely affect or prejudice a right or privilege protected under section 93 of the *Constitution Act, 1867*.

CONCLUSION

The proposed regulation would represent a significant change in the governance of Ontario's English-language district school boards and the publicly funded education system.

By making most school board resolutions and motions subject to confirmation by the CEO or a designated alternate, the framework will diminish the authority of locally elected trustees, blur the distinction between governance and administration, and create new uncertainty around when school board decisions become effective.

Catholic teachers urge the government to reconsider the proposed framework. Research on education governance and leadership underscores the importance of clear accountability, professional expertise, democratic decision-making, meaningful local autonomy, and responsiveness to local communities.

Any reforms to publicly funded education governance must preserve meaningful local oversight and remain focused on supporting student learning, well-being, and success.

RECOMMENDATIONS

Catholic teachers recommend that the government:

- not proceed with the proposed general requirement for CEO confirmation of board resolutions and motions;
- preserve a clear governance structure in which trustees make school board decisions;
- expressly confirm that the regulation must not limit, interfere with, or adversely affect constitutionally protected denominational rights.