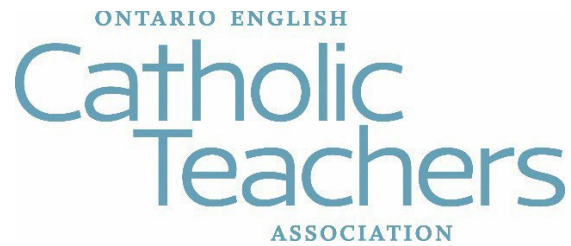


**PROPOSAL FOR
AMENDING ONTARIO
REGULATION 263/25:
TRANSITION OF BOARDS
UNDER REVIEW OR
SUPERVISION UNDER
THE *EDUCATION ACT***

Submission to the Ministry of
Education

October 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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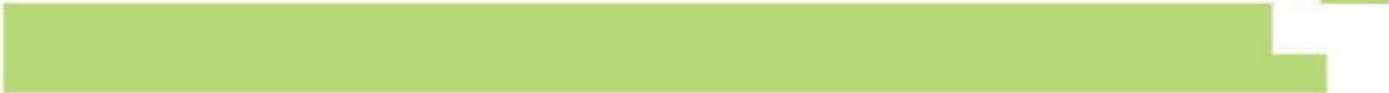


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INTRODUCTION

The Ontario English Catholic Teachers' Association (OECTA) welcomes the opportunity to provide input on behalf of 45,000 teachers working in Ontario's publicly funded Catholic schools regarding the proposed amendments to Ontario Regulation 263/25, *Transition of Boards Under Review or Supervision*, under the *Education Act*.

In addition to changing the title of the regulation, the proposed amendments would establish procedures for the transition between outgoing and newly elected trustees at school boards under supervision. The amendments would also provide that the Minister of Education or an appointed individual, such as a supervisor, would call the first meeting of the newly elected board. The proposal also indicates that trustees at Catholic and French-language school boards would continue to make decisions concerning denominational and linguistic matters and would meet to address those matters when needed.

The Association recognizes the importance of clear procedures governing the transition of trustees into office and the organization of a newly elected school board. However, these procedures have implications beyond administrative continuity. Decisions about when trustees may meet, who may convene those meetings, and how trustees exercise their retained responsibilities directly affect democratic accountability and the protection of denominational rights.

Catholic teachers have consistently emphasized that governance structures in publicly funded education must preserve meaningful local representation, transparency, and responsiveness to school communities. For Catholic school boards, these structures must also respect constitutionally protected denominational rights.

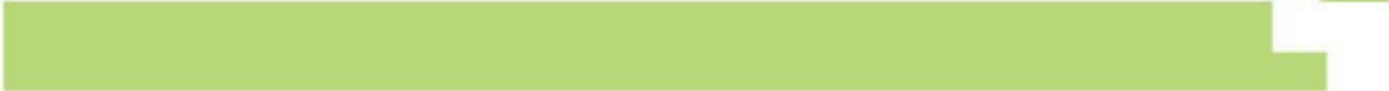
The proposed amendments must therefore provide clear timelines, enforceable procedural safeguards, and meaningful opportunities for trustees to exercise their responsibilities, including the explicit protection of denominational rights. They must also be considered within the broader need to restore elected local governance at boards under supervision.

This submission outlines the Association's key concerns and recommendations to ensure that the proposed regulatory amendments preserve democratic accountability, protect denominational rights, and enable trustees to meaningfully exercise their responsibilities. In particular, the submission addresses:

- Preserving democratic accountability;
- Upholding denominational rights;
- Ensuring timely meetings and continuity
- Clarifying roles and responsibilities; and
- Restoring local governance.

PRESERVING DEMOCRATIC ACCOUNTABILITY

Locally elected trustees provide an important connection between school boards and the communities they serve. Their role enables students, families, community members, teachers and education workers, to raise concerns, influence local priorities, and hold decision-makers accountable.



Supervision substantially changes this relationship by transferring decision-making authority to the Minister or an appointed supervisor, and away from democratically elected trustees.

Transferring authority to the Minister or a provincially appointed supervisor does not, in itself, strengthen accountability. It shifts decision-making away from representatives directly accountable to local school communities and toward officials whose authority flows from Queen's Park.

Without meaningful requirements for transparency, public participation, and responsiveness to local concerns, this arrangement risks weakening the very accountability that supervision is intended to improve.

To ensure continuity and accountability, newly elected trustees must therefore have the ability to assume office promptly and exercise their responsibilities from the beginning of their terms.

As such, Catholic teachers are concerned that assigning control over the first meeting to the Minister or supervisor, without clearly identified limits or requirements, could make trustees' ability to organize themselves dependent on the discretion of the same authority exercising supervision over their board. This is particularly consequential where trustees retain responsibility for denominational matters. The proposed amendments contemplate a process whereby the Minister or supervisor may fail to call a timely first meeting, which could prejudicially affect denominational rights.

A newly elected board should have a clear and timely opportunity to complete the procedural steps necessary to exercise its responsibilities. These arrangements must support meaningful elected representation and provide certainty to trustees and the communities that elected them.

At the same time, a newly elected board of trustees must be assessed on its own actions and capacity to govern, rather than treated as wholly responsible for the decisions of its predecessors. The election of a new board should therefore prompt a timely review of whether continued supervision is justified, rather than an automatic continuation of supervision.

The regulation should also preserve applicable requirements for public notice, access to meetings, and the publication of agendas and minutes. Supervision should not create uncertainty about how the public can follow decisions or make representations concerning matters within trustees' jurisdiction.

UPHOLDING DENOMINATIONAL RIGHTS

The Association acknowledges the proposal's recognition that Catholic school board trustees would continue to be responsible for decisions concerning denominational matters. However, this recognition must be supported by concrete and expressly outlined procedures that enable trustees to exercise those responsibilities effectively and without prejudicial government interference.

Section 93 of the *Constitution Act, 1867* protects particular rights and privileges relating to Ontario's publicly funded Catholic education system. The *Education Act* also contains

protections concerning denominational rights, including limits on ministerial interference with or control over the denominational aspects of Catholic school boards under its supervision provisions.

These protections must be fully respected in both the wording and operation of the amended regulation. Procedural arrangements must not impede trustees' ability to exercise responsibilities that remain within their jurisdiction. Indeed, the *Constitution Act, 1867*, ensures that denominational rights and privileges are protected from such prejudicial government interference.

The proposal states that trustees would meet to address denominational matters "when needed." This broad wording leaves important questions unanswered, including who determines that a meeting is necessary, how trustees may request one, and what happens if the Minister or supervisor declines or delays that request.

A framework that acknowledges denominational rights in its wording, but withholds the practical means necessary to exercise them, fails to provide meaningful protection for those rights. Trustees must be able to exercise their denominational responsibilities in practice, and procedural restrictions must not become a means of undermining that authority.

The regulation should therefore expressly confirm that nothing in its provisions authorizes the Minister or a supervisor to limit, interfere with, or otherwise prejudice constitutionally protected denominational rights.

ENSURING TIMELY MEETINGS AND CONTINUITY

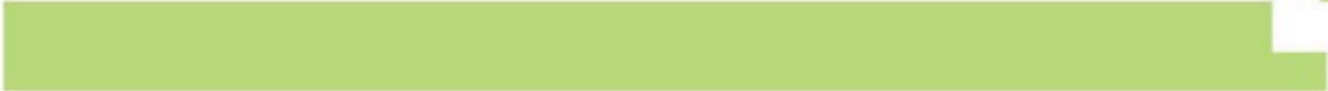
The *Education Act* typically requires a newly elected board of trustees to hold its first meeting within seven days of the commencement of its term. The proposal does not clearly explain whether this deadline would continue to apply at supervised boards.

There are several consequences that could flow from delaying the first meeting. For instance, as currently written, the regulation would result in delaying the election of the board chair, undermining the school board's ability to organize itself and exercise its retained responsibilities.

This is particularly difficult to reconcile with the government's own 2021 amendments to the *Education Act*, which tied chair elections to the first meeting of a new board and, in subsequent years, to the anniversary of the board's term, replacing the previous December schedule.

The Association thus recommends that the government expressly maintain the general requirement that a board hold its first meeting not later than seven days after the day on which the term of office of the board commences. Identifying who calls the meeting is insufficient without a corresponding obligation to act within a defined period.

Having established that framework, the government must ensure that ministerial or supervisory discretion over meeting dates does not frustrate the timely selection of board leadership and the other obligations of the board and trustees, as noted above.



In addition, given that outgoing trustees would leave office when their successors' terms begin, transition procedures must prevent any gap in the practical ability to exercise responsibilities. This includes arrangements for required declarations, selecting a chair where applicable, accessing information, and addressing urgent matters.

CLARIFYING ROLES AND RESPONSIBILITIES

The proposed regulatory framework does not adequately clarify how the denominational responsibilities of Catholic trustees interact with the authority exercised by the Minister or supervisor. This creates a foreseeable risk of conflicting interpretations of their respective jurisdictions.

For example, a decision involving financial, administrative, staffing, or programming considerations may – and, in fact, typically does – also engage protected denominational responsibilities. A supervisor could characterize the matter as operational and claim authority over the decision, while Catholic trustees identify denominational implications that fall within their protected jurisdiction. The presence of an operational consideration must not, by itself, be treated as sufficient grounds to exclude trustees from exercising that jurisdiction.

Without clear safeguards, such disagreements could delay or prevent Catholic trustees from considering and deciding matters that properly fall within their authority. These risks are heightened where the supervisor also controls access to and the timing of meetings, relevant information, and the administrative support required to implement decisions.

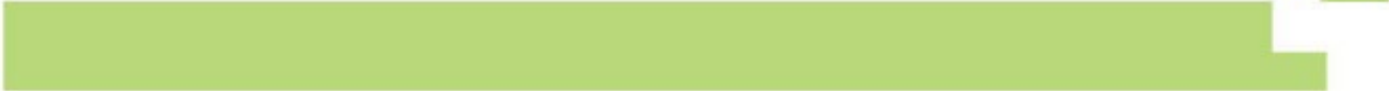
Catholic teachers therefore call on the government to expressly ensure that neither the regulation nor its implementation violate any constitutionally protected denominational rights. These rights must be fully respected in every exercise of ministerial or supervisory authority.

RESTORING ELECTED LOCAL GOVERNANCE

Elected school trustees represent one of Ontario's oldest traditions of local democracy, predating Confederation. Respecting that democratic tradition requires more than simply preserving elections: it requires ensuring that the representatives chosen by school communities retain meaningful authority to govern and remain accountable to those they serve.

Although the proposed amendments focus on transition procedures, they also contemplate the continuation of supervision across an election. This inclusion serves to reinforce the importance of accountability and a return to democratic local governance. An election must not become a procedural or performative exercise in which communities choose representatives who remain unable to exercise meaningful governing authority.

Catholic teachers remain deeply concerned about government measures that concentrate authority within the Ministry while diminishing local representation and democratic accountability.



The Minister has yet to provide a transparent account of the objectives of supervision, the criteria for returning powers to trustees, or the process for assessing progress. Without this information, communities have no clear basis for evaluating whether continued supervision is justified or when elected governance will be restored.

Trustees, teacher and education worker representatives, families, and school communities must have meaningful opportunities to provide evidence about the effects of supervision and inform the restoration of elected governance. Concerns about the Toronto District School Board supervisor prioritizing meetings with real estate consultants over engagement with community stakeholders underscore the importance of these opportunities.

Restoring elected local governance is essential to ensuring that school boards remain democratically accountable, responsive to local needs, and guided by the students, families, teachers and education workers, and communities they serve.

Considered in conjunction with the denominational rights protections noted above, this is a constitutional requirement and a necessary condition to ensuring that Catholic schools thrive in the manner contemplated by the *Constitution Act, 1867*, and the *Education Act* more broadly.

CONCLUSION

Catholic teachers recognize the need for clear and orderly transitions between outgoing and newly elected trustees at all school boards, including those under supervision. However, the proposed amendments must do far more than superficially identify the individual who calls the first meeting.

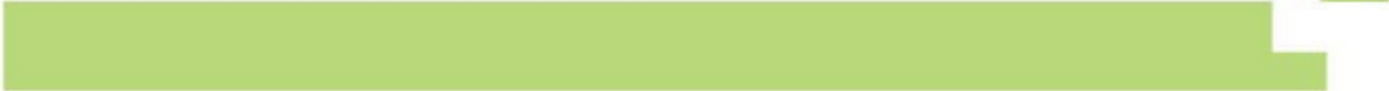
The framework must be comprehensive, and guarantee timely meetings, continuity in the exercise of retained responsibilities, and meaningful protection for Catholic trustees' denominational role. It must also provide transparent procedures for resolving jurisdictional disagreements and clear accountability for restoring elected local governance.

Catholic teachers urge the government to rescind the proposed amendment, and work with education stakeholders to ensure that administrative arrangements support democratic participation and uphold denominational rights.

RECOMMENDATIONS

Catholic teachers recommend that the government:

- not proceed with the amendment as proposed, and develop a revised framework in meaningful consultation with education stakeholders that incorporates necessary protections and safeguards;
- expressly confirm that the regulation must not limit, interfere with, or adversely affect constitutionally protected denominational rights.
- expressly maintain the seven-day deadline for the first meeting, with an established mechanism should the Minister or supervisor fail to act;

- 
- establish clear transition procedures to ensure that newly elected trustees can exercise their responsibilities from the commencement of their terms, without procedural or administrative interruption;
 - publish clear objectives and criteria for ending supervision and restoring elected local governance, supported by public reporting and meaningful consultation with school communities and teacher and education worker representatives.