

Submission to
the Standing Committee on Social Policy
on behalf of
the Ottawa Carleton District School Board
with respect to
Bill 98, *Better Schools and Student Outcomes Act, 2023*
May 9, 2023

Please accept this submission on Bill 98, *Better Schools and Student Outcomes Act, 2023*, on behalf of the members of the Board of the Ottawa Carleton District School Board (OCDSB). This submission is in addition to and intended to supplement the oral submissions made by the Board Chair, Lyra Evans during her presentation to the Standing Committee on May 9, 2023..

As a general statement, while the OCDSB supports certain provisions of the proposed legislation, we also have significant concerns with several aspects of the legislation and their potential impact on locally elected school boards. Many of the changes being proposed in Bill 98 include language that grants the Minister of Education expanded “power” and “authority” to issue regulations, establish policies, issue guidelines, and create new reporting requirements in a number of areas. We are concerned with the scope and breadth of these changes and their potential adverse impact on the local autonomy of school boards to act in the best interests of their communities.

Since many of the areas covered by the legislation will only be determined through future regulations, policies or guidelines, it is difficult to foresee the exact nature of the changes and their potential impact. In cases where the exact nature of the changes are still to be determined, we would strongly urge the government to commit to meaningful consultations that engage local school boards like the OCDSB, the Ontario Public School Boards Association and other relevant stakeholders at the local and provincial levels prior to the issuance of any such instruments. At a minimum, we submit that the government and Minister should commit to working with school board / trustee associations, as the representative of locally elected boards, in a collaborative manner in the development of all relevant regulations, policies and guidelines. It is our submission that the proposed legislation would have benefitted from prior consultation and collaboration with school boards and other relevant partners.

The OCDSB is supportive of changes that have been demonstrated to improve student achievement and wellbeing for all students and that lead to increasing confidence in the public education system. However, we believe our vision of student success must go beyond the classroom and grades. At the OCDSB, our goal is to prepare students to be successful in life, by helping all students develop into collaborative, globally aware, goal-oriented, innovative and resilient members of society, who are academically diverse, digitally fluent, critical thinkers, effective communicators and ethical decision-makers. This work begins in kindergarten and we hope that by the time students graduate, they will move confidently into the world, equipped with a strong academic foundation and the learning skills they need to navigate their future pathways, whatever they may be - work, apprenticeship, college, university or community living.

Below are our comments regarding particular aspects of this proposed legislation. For ease of reference, we have organized our submissions according to the pillars outlined in the Ministry’s own summary document.

ACCOUNTABILITY AND TRANSPARENCY

Provincial Priorities Framework (Proposed Amendments in force upon Royal Assent)

Description of Proposed Amendments

- Establish authority for the province to set provincial education priorities on student achievement.
- Require school boards to publicly report on progress towards these priorities and offer at least two meetings with parents each year to discuss priorities and the progress towards them.

- Where school boards need support to advance provincial priorities, enable the deployment of support personnel, with corresponding obligations for boards to cooperate.

Submissions:

1. The OCDSB supports education related priorities that promote student achievement **and** wellbeing. As indicated above, we believe the success of public education is not measured only by graduation rates and standardized test scores. In order to meet our legislative duty to promote both student achievement and wellbeing, school boards must have the ability to set annual and multi-year strategic priorities that align with local needs, in addition to including the established provincial priorities.
2. The OCDSB strongly supports and encourages active local parent engagement in establishing education goals and priorities and local accountability. School boards should have the flexibility to determine what, when, and how best to engage with and report to their parent communities. If the requirement for the two meetings with parents is maintained in the legislation, there should be additional clarity on whether it can be satisfied by reporting through regularly scheduled board meetings or requires a special meeting dedicated to this purpose.
3. Clarity is also needed with respect to the assignment of “support personnel” by the Ministry, including how and when they are deployed, the length of their deployment, their authority in relation to the local board of trustees and senior administration, the reporting structure etc. To ensure that local accountability and public trust are maintained, the legislation and any related regulations should be as clear as possible, including that support personnel should report jointly to the Board and the Ministry.
4. School boards, their respective provincial associations, and CODE must be involved in the creation of regulations prescribing provincial priorities in education in the areas of student achievement and well-being. These parties have important local knowledge about their communities and can contribute to a shared understanding of important issues that make learning the most relevant for students and parents.

Transparent and Accountable Use of Resources (Proposed Amendments in force upon Royal Assent)

Description of Proposed Amendments

- Require standardized reporting of funding received and how it was spent.
- Increase accountability over school board spending including setting limits on funding envelopes, prescribing activities relating to a school board’s business activities and governing school board’s participation in the activities, and expanding authorized financial investigators.
- Establish authority to set out financial policy and accountability matters for school board controlled entities.

Submissions:

1. School boards have been and continue to be good stewards of their financial and capital resources, and are already subject to regular internal and external audits, ministry audits, and auditor general engagement. Standardized reporting mechanisms would be welcomed, but should be streamlined and designed with a view to easing the administrative burden/red tape.
2. School boards need at least some local flexibility for spending envelopes. Board may overspend some funding lines because of their unique local needs, such as supports for students with disabilities, supports for students living in poverty and student transportation needs, and this must be considered. There should not be a one-size-fits-all approach to funding education.
3. Clarity is required regarding the definition of “business activities,” as well as a definition of “school board controlled entities” that aligns with public sector accounting standards to maintain consistency and transparency. We are concerned that these provisions will lead to

unnecessary regulation of activities that have benefitted local boards and will curtail local school boards' autonomy to meet local needs.

4. In particular, we are concerned that the expanded authority to regulate "school board controlled entities" could be applied to and impact OSBIE (Ontario School Boards Insurance Exchange), the Board's current insurer. For many years, OSBIE has been able to offer school boards, including the OCDSB, more comprehensive insurance policy options than are available on the private market while returning surpluses in the form of refunds; this has represented significant savings for the board. We urge the government to reconsider any measures that could impact the long-term sustainability of OSBIE.

School Board-Municipality Cooperation in support of Child Care Programs – Proposed Amendments in force upon Royal Assent

Description of Proposed Amendments

- Formalize a requirement for school boards to cooperate with municipalities in child care planning for their communities.

Submissions:

1. The current Child Care and Early Years Act, 2014, as well as the Canada-Wide Early Learning and Child Care Agreement, already require consultation and cooperation with Municipal Service System Managers and the OCDSB already works well with our municipal child care counterparts. This has been the case since the introduction of full day kindergarten and before-and-after school programs (2010), and the inception of the Ontario Early Years Policy Framework (2013) and Ontario's Renewed Early Years and Child Care Policy Framework (2017) .
2. The requirement for cooperation should remain reciprocal and municipal partners should continue to work with school boards on the implementation of child care.
3. While the board supports measures intended to increase the availability of and access to childcare, school boards must not be forced to offer or make available space that has been established for instruction, nor should any additional costs be incurred to subsidize early learning and child care programs from other parts of their budgets at the expense of students.

Accelerated Apprenticeship Pathways (Proposed Amendments in force upon proclamation, pending consultations)

Description of Proposed Amendments

- Enable an accelerated apprenticeship pathway starting in Grade 11 (pending consultations).

Submissions:

1. The OCDSB supports the expansion of pathways that are available for students. We also support efforts to encourage more individuals, especially women and members of other under-represented groups, to pursue the skilled trades as a viable career path, by reducing stigma and providing early exposure. The skilled trades and apprenticeships need to be promoted as respected pathways in ways that do not undermine their value or the value of school-based education.
2. We have concerns about the potential unintended negative consequences for students of an accelerated program, as follows:
 - a. Potential fast-tracking could result in students leaving high school without having had the full opportunity to gain the critical numeracy and literacy skill sets needed to

- understand our increasingly complex world and which may be required for their chosen field.
- b. Placing students into apprenticeships in the workplace starting as early as grade 11 raises potential supervision and safety concerns; measures will need to be taken to safeguard students participating in these programs.
 - c. The amount of missed classroom time and the impact on healthy peer socialization.
 - d. Ensuring students are not forced to determine their pathway too early. A significant amount of work has been done and continues to be done in the sector, for example, through de-streaming in grades 9 and 10, to avoid students, especially those from racialized or under-served communities, from limiting their pathways too early in their high school career..
 - e. Additional mandated credits may create scheduling barriers for students, especially students enrolled in programs like French Immersion, who have little flexibility in their timetable. These challenges are even greater in smaller high schools.
3. Much more consultation is needed to address the above concerns and to ensure that boards have the necessary infrastructure, staff, and funding for this policy to be successfully implemented.

GOVERNANCE AND LEADERSHIP

Training (Proposed Amendments in force upon Royal Assent)

Description of Proposed Amendments

- Enable standardized training requirements for trustees, Directors of Education and other senior school board officials as set out by the Minister.

Submissions:

1. We support access to consistent governance orientation and professional development for elected trustees. We are, however, concerned that the standardized training requirements contemplated by the legislation would be determined solely by the Minister of Education and would urge the government to commit to a process that would include relevant stakeholders, including CODE and the school board associations like OPSBA in the development of these programs.
2. The involvement of organizations like CODE and OPSBA in professional development offerings will help to ensure optimization of best practices, provide subject matter expertise, and avoid duplication across the sector. School boards, working with and through their various associations are best placed to develop and deliver effective professional development. Further, the content, timing and frequency of any professional development should also be determined in partnership with these associations, who have the expert staff and a solid track record of developing relevant and quality learning opportunities for years.
3. Clarity is required with regard to compliance measures or consequences.

Trustee Conduct (Proposed Amendments in force upon proclamation)

Description of Proposed Amendments

- Create an impartial Integrity Commissioner-led process for resolving code of conduct complaints and expand sanctions for breaches of conduct.

Submissions:

1. The OCDSB supports mandatory codes of conduct for school boards and the introduction of an integrity commissioner process to assist with handling breaches of the Code. The OCDSB also supports boards having a Code of Conduct policy that includes a minimum set

of requirements or principles. We also agree that complaints should only be brought by fellow board members, and not by other parties.

2. We do have several concerns with respect to the proposed language, specifically regarding “Breach of Code of Conduct” and the investigations process outlined therein. First, we do not agree with including or involving the Director of Education, as a substitute for the Chair, in alleged breaches that concern the Chair. We submit that it is important to maintain a distinction between the Director’s role leading the operations of the school district and the governance functions involving the board and alleged breaches of the code. An alternative, such as the vice-chair, should be considered in matters involving the Chair. Alternatively, any matters related to a breach could be referred directly to the Integrity Commissioner. Further, the current provisions do not make clear what role the Chair or the Director are expected to play, if any, to resolve the matter within the ten day period.
3. The provision of ten days for an informal or first review of any alleged breach is too short and does not account for the realities of a school year. At a minimum, there should be discretion for the member raising the complaint to extend the timeframe where they are satisfied with the efforts underway to resolve the matter informally.
4. We are concerned with the current provisions of the legislation that vest Integrity Commissioners, rather than school boards, with final decision-making authority for determining whether a breach has occurred and in determining what sanctions are appropriate. While Integrity Commissioners, having conducted a fair and impartial review or investigation into an alleged breach could provide an opinion, or recommendation, on whether a breach has occurred and, where applicable, what sanctions would be appropriate in the circumstances, final decision-making on these matters should rest with the Board. The delegation of these powers that currently reside with the elected body to an appointed Integrity Commissioner, is, as far as we are aware, unprecedented.
5. We believe all boards should have equal access to a roster of Integrity Commissioners (ICs) and appropriate funding to cover their use, including the appeal process. The roster members must have a set of standard qualifications, consistent advice, and rules to follow. There would have to be some sort of oversight to ensure ICs retain independence and neutrality. One possibility worthy of consideration for management and oversight of the integrity commissioners may be through the Ontario Education Services Corporation (OESC) which is already established and governed by all four school board/trustee associations, as well as CODE.
6. We support providing a broader range of sanctions and these should include the use of remedial and restorative solutions among the list, as well as mandated professional development. These options can, in some circumstances, lead to more productive and sustained outcomes. However, sanctions should never include the power to impose a sanction that removes a trustee from office or effectively vacates their seat. Trustees are democratically and locally elected by their constituents and their removal from office should be reserved to those circumstances already set out in the Act.

Directors of Education Performance Appraisals (DEPA) (Proposed Amendments in force upon proclamation)

Description of Proposed Amendments

- Create the authority to standardize the process for Directors of Education performance appraisals through regulation that would include mandatory elements and require school boards to engage the Minister in the Directors of education appraisal process, when requested by the Minister.

Submissions:

1. The Director of Education is the sole employee who reports directly to the board of trustees. The proposed amendment which grants power to the minister to become involved in this

- human resources function gives rise to significant concerns and is, in our view, an inappropriate overreach. There does not appear to be any rationale for such an intervention.
2. Clarity is needed with respect to what format (and weight) “parental input” might take in the appraisal process.
 3. Greater consistency in the form and process of the Director of Education performance appraisal process across the province is not a concern. We would encourage the Ministry to consult with OPSBA and CODE and to consider the processes that are already available and in use in the sector, as these have been developed with the benefit of expert professional advice and through the sharing of best practices.

MAXIMIZING CAPITAL ASSETS

Leveraging Surplus School Board Property (Proposed Amendments in force upon proclamation)

Description of Proposed Amendments

- Establish a regulatory framework for property not needed by school boards to meet current or future pupil accommodation needs.

Submissions:

1. The OCDSB has advocated for the moratorium on school closures to be lifted and for the release of the revised Pupil Accommodation Review Guidelines (PARG). The OCDSB, like other boards, is committed to maximizing our schools and other capital assets to address local needs and priorities. Unfortunately, the moratorium has prevented us from undertaking critical reviews and other processes that would not only benefit students and allow for a more efficient use of space but also create opportunities for the disposition of land and other capital assets to support other public entities, including local school boards, and generating proceeds of disposition to support future capital initiatives.
2. The OCDSB strongly opposes any provisions granting ministerial authority to direct a school board to sell, lease or otherwise dispose of a school site that is “not needed”, and views this as an infringement on local autonomy and decision-making. Locally elected trustees know their communities best and are uniquely placed to determine the surplus status of a property. Our program and accommodation strategies, which take a long-term view of enrolment patterns and trends, already reflect schedules for reviewing non-operating school sites for potential disposition.
3. Further clarity is needed in terms of the circumstances where reports/information would be requested regarding operating or non-operating school sites, and the criteria and process that would be used to determine if a site is no longer required. We are also concerned about the potential this would have to add to an already significant administrative burden for staff.
4. As indicated above, we have serious concerns about the potential implications of these changes overall, and further consultation with school boards is critical prior to enacting this section.

Addressing High Growth Areas/Needs (Proposed Amendments in force upon proclamation)

Description of Proposed Amendments

- Establish a regulatory framework that reduces barriers for school boards to facilitate agreements for schools in multi-use buildings.
- Aligns with corresponding policy in the Ministry of Municipal Affairs and Housing’s proposed new Provincial Planning Statement.

Submissions:

1. We support changes that would reduce the barriers for school boards to develop schools in multi-use, high density buildings to alleviate accommodation pressures in urban, high- growth areas. This is a welcome modernization of the provincial policy framework and respects the needs of high density, vertical communities in urban areas.
2. Any obligations with respect to municipalities should be reciprocal rather than one-sided.
3. We need to ensure students in high density urban areas have the same access to specialized spaces that round out education and are AODA compliant including gymnasiums, libraries, greenspaces, playgrounds, etc.
4. We are supportive of the proposed new provincial planning statement and the requirement for consultations with school boards. School boards need access to development funding that supports the acquisition of new space within multi use buildings.

Early and Integrated Planning with Municipalities (Proposed Amendments in force upon Royal Assent)

Description of Proposed Amendments

- Require school boards to collaborate with municipalities to facilitate early and integrated planning for schools to meet current and future needs.
- Aligns with corresponding policy in the Ministry of Municipal Affairs and Housing's proposed new Provincial Planning Statement.

Submissions

1. Measures need to be in place to ensure that school sites are considered early in the planning stages and that reasonable and suitable land is allotted for the purpose of constructing schools. Too often, developers are given priority, leaving school boards with options that are more difficult to develop and service.
2. School boards already work collaboratively with municipal partners. One of the barriers to meaningful collaboration with municipalities has been provincial control of the capital process and a school board's inability to make local decisions as well as the long delays in provincial review/approval of plans.
3. Any requirement for collaboration between school boards and municipalities must be reciprocal.
4. We are generally supportive of the proposed new provincial planning statement insofar as it requires consultation with school boards.

Joint Use of Schools (Proposed Amendments in force no later than December 31, 2023)

Description of Proposed Amendments

- Provide authority to direct school boards to operate schools within joint-use facilities where appropriate.
- To come into force following consultations with school board/trustee associations.

Submissions:

1. We support these amendments in theory as they make sound fiscal and practice sense. However, in practice, there are a number of impediments to considering opportunities for Joint-Use schools with co-terminus school boards, including governance and political barriers as well as policy and administrative and cultural differences. For example, different approaches to the flying of Pride flags, the provision of prayer rooms, and/or cultural and religious days of significance can be difficult to resolve in joint use spaces.
2. Other challenges or considerations include capital funding required to relocate or consolidate buildings, different geographic or community enrolment pressures and timelines, since

coterminous school boards rarely need new facilities at the same time, decision-making on structural matters like design, infrastructure, materials and finishes and differing programming and curriculum which can affect square footage requirements. In some instances, current sites would not accommodate facilities large enough to support both boards' needs. In summary, the availability of space and the needs of coterminous boards do not always align, which makes sharing of space challenging.

Enhancement of Design Standardization (Proposed Amendments in force upon Royal Assent)

Description of Proposed Amendments

- Provide authority to direct school boards to use specific design standards for capital projects.

Submissions:

1. The OCDSB is supportive of strategies that will help to expedite the approval process for capital projects.
2. One benefit may be to use this as an opportunity to focus on reducing newly constructed schools' carbon footprint and to invest in environmentally smart construction methods and alternative heating/cool technology, such as geothermal.
3. However, the imposition of design standards could unduly restrict the board's ability and flexibility to meet local needs. School designs need to reflect the diversity of our local communities. Each building site is unique and design standards should take this into consideration.
4. In the event these provisions are put in place, school boards must be involved in the determination and creation of any design specifications.

TEACHER TRAINING AND OVERSIGHT

Effective Teacher Disciplinary Processes and funding eligibility for children and student victims of sexual abuse (Proposed Amendments in force upon Royal Assent, except for clarifying in-active/non-practicing membership status, which would in force be upon proclamation)

Description of Proposed Amendments

- Enable more efficient disciplinary processes (e.g., giving committees authority to deal with members convicted of Criminal Code offences in faster, more effective ways that protect students).
- Provide clarity on inactive/non-practicing membership status for teachers.
- Expand eligibility for funding for therapy and counselling to all children and student victims of alleged sexual abuse by members.

Submissions

1. We support initiatives that increase the safety of our learning and work environments.
2. We welcome funding to support victims of abuse and initiatives that improve child protection.

CONSISTENT APPROACHES TO STUDENT LEARNING

Curriculum Review Process and Materials (Proposed Amendments upon Royal Assent)

Description of Proposed Amendments

- Create authority to establish formal guidelines for a transparent and predictable curriculum review process that ensures curriculum is reviewed regularly and reflects labour market needs.
- Create authority to charge a fee to publishers to support the ministry's evaluation of textbooks for curriculum alignment.

Submissions:

1. The OCDSB supports a regular and predictable curriculum review cycle that includes the ability to add or delete content, as required. School boards, directly and through their provincial associations, must be included in any ministry advisory groups that are involved in curriculum reviews.
2. A regular review cycle must include appropriate time to develop resources and integrate resulting changes at the board level. This includes necessary support from the Ministry to ensure effective implementation at the local level.
3. We are concerned that the introduction of fees for reviewing textbooks could lead to these additional costs to publishers being passed on to school boards.

Consistency in Student Mental Health supports and Special Education (Consistency in Student Mental Health supports will be in force upon Royal Assent; Consistency in Special Education terminology will be in force upon proclamation)

Description of Proposed Amendments

- Create authority to issue binding policies and guidelines relating to student mental health.

Submissions:

1. The OCDSB supports the implementation of a comprehensive and coordinated mental health and addictions strategy. We urge the ministry to commit to ongoing investments in policies and programs that increase access to culturally appropriate, anti-oppressive, and inclusive mental health supports and services for children and youth.
2. Further clarification is required as to what is meant by "binding policies and guidelines." There must be meaningful consultation and dialogue with school boards and their provincial associations in the development of policies and guidelines related to mental health supports to be delivered through local boards.

Strengthening Parent Involvement (Proposed Amendments in force upon Royal Assent)

Description of Proposed Amendments

- Require school boards to develop and provide parent-friendly information, including materials regarding matters such as special education, and set out minimum timing and subject matter of school board communication to parents.
- Require school boards to develop and make public a service standard protocol for responses to queries from parents/families.

Submissions:

1. The OCDSB already has in place relevant communication and information policies, procedures and practices related to parent communications, managed with the advice of a

professional communications team familiar with local communities and their expectations. The OCDSB also has in place a policy and procedure that addresses how complaints from parents and others will be addressed.

2. Parents/guardians already have a variety of opportunities and mechanisms to communicate through trustees and to engage with the board and staff, including through the Parent Involvement Committee, the Ottawa Carleton Assembly of School Councils, individual school councils and board advisory committees (Advisory Committee on Equity, Indigenous Education Council, Arts Advisory Committee, Alternative Schools Advisory Committee). Parents/guardians who wish to do so can also request to delegate to board and committee meetings.
3. Additional clarification is needed to understand what is meant by minimum timing and subject matter, as well as to whom the service standards would apply. For example, a service standard with timelines for responding to parent inquiries may not be reasonable or feasible, particularly for trustees who work or have other commitments.
4. The minister and ministry should work collaboratively with school boards regarding “the form and content of the materials, and the frequency and manner” of communications of provincial messaging to parents, families and their communities to ensure consistency and minimize confusion among parents and students of the board.
5. The development of any protocols outlining parents’ rights must take a human rights approach, to ensure the rights of all parents/guardians and students are protected.

Concluding Comments

The importance of maintaining the autonomy of elected local trustees cannot be overstated. Local governance by school boards uniquely positioned to understand and respond to community needs, is a key part of the ongoing success of our public education system. Bill 98, in its current form, grants the minister expanded powers which represent a significant and unwarranted infringement on local school boards. At a minimum, local school boards must be properly consulted on the details of important changes to the public education system. It is also important to ensure that any direct or indirect costs that may arise from the proposed legislation or any subsequent regulations, policies or guidelines are fully funded. We welcome the opportunity to work with the Ministry of Education on these changes.