

BILL 197 – AMENDMENTS TO THE EDUCATION ACT

Parents, please read this bill to understand how the Ministry of Education has been given the authority to take guardianship of your child and move them from one school to another, and to collect personal information.

Read the overview of these amendments below:

1. Bill 197, COVID-19 Economic Recovery Act, 2020

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-197>

Schedule 5, Education Act:

The *Education Act* is amended in respect of various issues.

An amendment is made to remove the requirement that directors of education must be supervisory officers that are qualified as teachers. The Act is also amended to provide that if regulations prescribe qualifications for directors of education, boards shall not appoint or employ a person as a director of education unless the person holds those qualifications. Related amendments are made to regulation-making powers under the Act.

The Act is amended to provide that the Minister may, in response to the outbreak of the coronavirus (COVID-19), operate one or more demonstration schools for exceptional pupils in either a residential or non-residential setting for the 2020-2021 school year.

Sections 185 and 188 of the Act are amended to allow persons, other than parents or guardians of pupils or prescribed persons, to be prescribed for the purpose of providing written notice to a board that a pupil or prescribed person intends to attend a prescribed school under section 185 or a school of the board under section 188, as the case may be. Sections 185 and 188 are also amended to add regulation-making powers relating to prescribing the persons who may provide notice, governing the conditions under which that notice may be provided by such persons and **authorizing the collection of personal information in the process of providing that notice.**

Finally, the Act is amended to authorize regulations providing that pupils in specified grades of elementary school shall not be suspended, or that such suspensions may only occur in the prescribed circumstances. Related amendments are made.

2. Education Act, R.S.O. 1990, c. E.2

<https://www.ontario.ca/laws/statute/90e02#BK179>

Section 185 - Admission to prescribed schools:

185 (1) A board shall provide for the admission of a pupil of the board or a prescribed person to a prescribed school if the following conditions are met:

1. The prescribed school is operated by a band, a council of a band, the Crown in right of Canada, a prescribed entity or an education authority that is authorized by a band or a council of a band or by the Crown in right of Canada.
2. The board has received written notice from the entity that operates the prescribed school that the entity intends to admit one or more pupils or prescribed persons to the prescribed school.

3. The board has received written notice that one or more pupils or prescribed persons intend to attend the prescribed school from,
 - i. the parent or guardian of each pupil or person,
 - ii. each pupil or person, if they are 16 or 17 years of age and have withdrawn from parental control,
 - iii. each pupil or person, if they are at least 18 years of age, or
 - iv. a person who is prescribed for the purpose of giving written notice in respect of a pupil or person.

4. The notices referred to in paragraphs 2 and 3 shall,
 - i. specify the intended admission date of the pupil or prescribed person to the prescribed school, and

 - ii. comply with any policies or guidelines issued by the Minister pursuant to subsection (2). 2018, c. 8, Sched. 9, s. 2; 2020, c. 18, Sched. 5, s. 3 (1).

Section 188 - Admission of eligible pupils to schools of the board:

188 (1) A board shall admit pupils referred to in subsection (1.1) to a school operated by that board if the following conditions are met:

1. The board has received written notice that the pupil intends to attend the school from,
 - i. the Crown in right of Canada, or
 - ii. a band, a council of a band, a prescribed entity or an education authority that is authorized by a band or a council of a band or by the Crown in right of Canada.

2. The board has received written notice that one or more pupils intend to attend the school from,
 - i. the parent or guardian of each pupil,
 - ii. each pupil, if they are 16 or 17 years of age and have withdrawn from parental control,
 - iii. each pupil, if they are at least 18 years of age, or
 - iv. a person who is prescribed for the purpose of giving written notice in respect of a pupil.

3. The notices referred to in paragraphs 1 and 2 shall,
 - i. specify the intended admission date of the pupil to the school, and
 - ii. comply with any policies or guidelines issued by the Minister pursuant to subsection (1.2).

4. Any conditions, prescribed by the regulations, respecting accommodation for the pupil at the school are satisfied. 2018, c. 8, Sched. 9, s. 3 (1); 2020, c. 18, Sched. 5, s. 4 (1).