

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO
1 CHARLES III, 2023

Bill 98

An Act to amend various Acts relating to education and child care

The Hon. S. Lecce
Minister of Education

Government Bill

1st Reading April 17, 2023

2nd Reading April 24, 2023

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on Social Policy
and as reported to the Legislative Assembly May 29, 2023)*

(The provisions in this bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.
The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

EXPLANATORY NOTE

SCHEDULE 1 EARLY CHILDHOOD EDUCATORS ACT, 2007

The Schedule makes several amendments to the *Early Childhood Educators Act, 2007*, including the following:

1. Authorizing the Complaints Committee to require a member to undertake ~~remedial training or education a specified continuing education or remediation program~~.
2. Authorizing the Complaints Committee and the Discipline Committee to deal with members convicted of an offence under the *Criminal Code* (Canada) in particular ways.
3. Having the Registrar, as opposed to the employer, become the complainant when an employer's report is filed.
4. Removing the requirement that a child be, in the opinion of the College, supervised by a member in order to be eligible for funding in relation to a complaint or report against the member that the child was the subject of sexual abuse, a prescribed sexual act or a prohibited act involving child pornography. Instead, a person is eligible for funding if, in the opinion of the College, the member's practice facilitated the relationship between the child and the member or the member's access to the child.
5. Addressing transitional matters.

SCHEDULE 2 EDUCATION ACT

Various amendments are made to the *Education Act*, including the following:

1. The French version of the Act is amended to update language relating to special education.
2. The Act is amended to add Minister's powers and regulation-making powers, and other related provisions, respecting provincial priorities in education in the area of student achievement.
3. Regulation-making powers are added governing boards' participation in the prescribed activities, and relating to school board controlled entities.
4. The Act is amended to add Minister's powers and regulation-making powers, and other related provisions, respecting the provision of equivalent apprenticeship learning to pupils.
5. Amendments are made addressing when a board may or must sell, lease or otherwise dispose of a school site, part of a school site or school property, and giving the Minister various powers over such dispositions, including regulation-making powers.
6. Boards are required to adopt codes of conduct that apply to the members of the board. Amendments set out the process that shall apply where there is an allegation of a breach of the code of conduct.
7. The following Minister's powers are also added:
 - i. To issue guidelines respecting the review and revision of curricula.
 - ii. To issue policies and guidelines setting out the training to be completed by board members, directors of education, supervisory officers and superintendents.
 - iii. To charge a fee for the evaluation of textbooks, library books, reference books or other learning materials for selection and approval.
 - iv. To establish policies and guidelines respecting student mental health and communications with parents.
8. Various other related and consequential amendments are made.

SCHEDULE 3 ONTARIO COLLEGE OF TEACHERS ACT, 1996

The Schedule makes several amendments to the *Ontario College of Teachers Act, 1996*, including the following:

1. Providing that the references to "student" in subsection 58.1 (3) are references described in subsection 1 (3).

2. Moving the exception to the prohibition respecting the use of the title “Inactive/Non-Practising” from the Act to the by-laws.
3. Allowing the Registrar to revoke a certificate of qualification and registration if the certificate has been suspended under subsection 24 (1) for more than three years or for a time period set out in regulations.
4. Authorizing the Investigation Committee to require a member to undertake remedial training or education.
5. Authorizing the Investigation Committee and the Discipline Committee to deal with members convicted of an offence under the *Criminal Code* (Canada) in particular ways.
6. Having the Registrar, as opposed to the employer, become the complainant when an employer’s report is filed.
7. Prohibiting the Registrar from removing a suspension of a certificate or issuing a certificate unless the member whose certificate has been suspended or revoked successfully completes the sexual abuse prevention program requirements.
8. Making a contravention of subsection 43.2 (3.1) or (3.2) or subsection 43.3 (1.1), (1.2) or (1.3) an offence for which an employer, on conviction, is liable to a fine of not more than \$25,000.
9. Removing the requirement that a student be, in the opinion of the College, supervised by a member in order to be eligible for funding in relation to a complaint or report against the member that the student was the subject of sexual abuse, a prescribed sexual act or a prohibited act involving child pornography.
10. Addressing transitional matters.

An Act to amend various Acts relating to education and child care**CONTENTS**

Preamble	
1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Early Childhood Educators Act, 2007
Schedule 2	Education Act
Schedule 3	Ontario College of Teachers Act, 1996

Preamble

The Government is committed to re-focusing Ontario's education system on student achievement, prioritizing hands-on learning and skills development in reading, writing and math. Legislative changes are needed to advance a vision for Ontario's kindergarten to grade 12 education system that is centred on preparing students to succeed in life and work and on putting highly qualified educators in the classroom while strengthening the voices of parents. The Government believes that these reforms would ensure students graduate with a competitive advantage while learning modern curricula in modern schools, preparing them for the jobs of the future.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Better Schools and Student Outcomes Act, 2023*.

**SCHEDULE 1
EARLY CHILDHOOD EDUCATORS ACT, 2007**

1 (1) Clause 31 (5) (e) of the *Early Childhood Educators Act, 2007* is repealed and the following substituted:

- (e) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act, the regulations or the by-laws, including,
 - (i) issuing a caution, reminder, advice or admonishment to the person complained against, or
 - (ii) requiring the member to complete ~~remedial training or education~~ a specified continuing education or remediation program.

(2) Subsection 31 (9) of the Act is repealed and the following substituted:

Application of section, related criminal conviction

(9) If a member has been convicted or found guilty of an offence under the *Criminal Code* (Canada) for the same conduct or action that is the subject matter of a complaint, the Complaints Committee may refer the matter, in whole or in part, to the Discipline Committee and, in that case, subsections (1) to (8) cease to apply and the Registrar shall notify the complainant of the referral.

~~**2 Section 33.2 of the Act is amended by adding the following subsection:**~~

~~**No hearing**~~

~~(8) Despite clause 33 (1) (a), the Discipline Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under this section if,~~

- ~~— (a) the matter has been referred to the Committee under subsection 31 (5) or (9); and~~
- ~~— (b) the member has been convicted or found guilty of an offence under the *Criminal Code* (Canada) for conduct or action that involves or includes conduct or action referred to in subsection (2) and,~~
 - ~~— (i) the time for an appeal has expired, or~~
 - ~~— (ii) an appeal was dismissed or abandoned and no further appeal is available.~~

~~**2 Section 33.2 of the Act is amended by adding the following subsections:**~~

~~**No hearing**~~

~~(8) Despite clause 33 (1) (a), the Discipline Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under section 33 if,~~

- ~~— (a) the matter has been referred to the Committee under subsection 31 (5) or (9) and involves or includes an act referred to in subsection (2) of this section; and~~
- ~~— (b) the member has been convicted or found guilty of an offence under the *Criminal Code* (Canada) for the same conduct or action that is the subject of the matter and,~~
 - ~~— (i) the time for an appeal has expired, or~~
 - ~~— (ii) an appeal was dismissed or abandoned and no further appeal is available.~~

~~**Same**~~

~~(9) For greater certainty, section 33 applies, with necessary modifications, even if, in accordance with subsection (8) of this section, a hearing is not held.~~

3 Section 49.2.1 of the Act is repealed and the following substituted:

Employer report deemed to be complaint

49.2.1 Where the Registrar refers an employer's report filed under section 49.1 or 49.2 to the Council or a committee of Council established under section 19, the report is deemed, for the purposes of Part V, to be a complaint that was filed on the day the Registrar referred the report and the Registrar is deemed to be the complainant.

4 Paragraph 1.1 of subsection 49.3 (1) of the Act is repealed and the following substituted:

- 1.1 If a referral respecting a member is made under subsection 31 (9), the Registrar shall notify the employer of the referral.

5 Clause 59.2 (3) (a) of the Act is repealed and the following substituted:

- ~~— (a) it is alleged in a complaint or report against a member received by the College that the child was the subject of sexual abuse, a prescribed sexual act or a prohibited act involving child pornography; or~~

(a) it is alleged in a complaint or report against a member received by the College that the child was the subject of sexual abuse, a prescribed sexual act or a prohibited act involving child pornography and, in the opinion of the College, the member's practice facilitated the relationship between the child and the member or the member's access to the child; or

6 The Act is amended by adding the following section:

Transition, *Better Schools and Student Outcomes Act, 2023*

59.1.2 (1) In this section,

“transition date” means the day subsection 1 (1) of Schedule 1 to the *Better Schools and Student Outcomes Act, 2023* comes into force.

Transition, s. 31 (5)

(2) Subsection 31 (5), as amended by subsection 1 (1) of Schedule 1 to the *Better Schools and Student Outcomes Act, 2023*, applies to a complaint that is made before the transition date if no decision has been made in respect of the matter before that date by the Complaints Committee under subsection 31 (5) of this Act.

Transition, s. 31 (9)

(3) Subsection 31 (9), as re-enacted by subsection 1 (2) of Schedule 1 to the *Better Schools and Student Outcomes Act, 2023*, applies to a complaint that is made before the transition date if no decision has been made in respect of the matter before that date by the Complaints Committee under subsection 31 (5) of this Act.

Transition, s. 33.2 (8)

(4) Subsection 33.2 (8) applies to a matter referred to the Discipline Committee before the transition date if a hearing by a panel of the Discipline Committee respecting the matter has not been commenced before the transition date.

Commencement

7 This Schedule comes into force on the day the *Better Schools and Student Outcomes Act, 2023* receives Royal Assent.

**SCHEDULE 2
EDUCATION ACT**

1 (1) Subsection 1 (1) of the *Education Act* is amended by adding the following definition:

“equivalent apprenticeship learning” means a learning situation,

- (a) in which a pupil participates in an apprenticeship program within the meaning of the *Building Opportunities in the Skilled Trades Act, 2021*, and
- (b) that meets the criteria set out in the regulations; (“formation équivalente en apprentissage”)

(2) The definition of “equivalent learning” in subsection 1 (1) of the Act is repealed.

(3) The French version of the definitions of “exceptional pupil”, “special education program” and “special education services” in subsection 1 (1) of the Act are repealed.

(4) The French version of subsection 1 (1) of the Act is amended by adding the following definitions:

«élève ayant des besoins particuliers en éducation spécialisée» Élève présentant des anomalies de comportement ou de communication, des anomalies d’ordre intellectuel ou physique ou encore des anomalies multiples qui appellent un placement approprié, de la part du comité créé aux termes de la sous-disposition iii de la disposition 5 du paragraphe 11 (1), dans un programme d’éducation spécialisée offert par le conseil :

- a) soit dont il est élève résident;
- b) soit qui admet ou inscrit l’élève autrement qu’en conformité avec une entente conclue avec un autre conseil en vue de lui dispenser l’enseignement;
- c) soit auquel les frais d’instruction de l’élève sont payables par le ministre. («exceptional pupil»)

«programme d’éducation spécialisée» Programme d’enseignement fondé sur les résultats d’une évaluation continue et modifié par ceux-ci en ce qui concerne un élève ayant des besoins particuliers en éducation spécialisée, y compris un projet qui renferme des objectifs précis et un plan des services éducatifs qui satisfont aux besoins de l’élève. («special education program»)

«services en éducation spécialisée» Installations et ressources, y compris le personnel de soutien et le matériel, nécessaires à l’élaboration et à la mise en oeuvre d’un programme d’éducation spécialisée. («special education services»)

2 (1) Subsection 8 (1) of the Act is amended by adding the following paragraph:

provincial priorities in education

- 0.1 establish policies and guidelines respecting the provincial priorities in education in the area of student achievement prescribed under subsection 11.2 (1), and require boards to comply with the policies and guidelines.

(2) Paragraph 3 of subsection 8 (1) of the Act is amended by adding the following subparagraph:

- (a.1) issue guidelines respecting the review and revision of curricula, which may address how often reviews shall occur to determine whether revisions are required and shall require revisions to be informed by experts on pedagogy and labour market needs,

(3) Subsection 8 (1) of the Act is amended by adding the following paragraph:

policies and guidelines: training for board members, others

- 3.4.1 establish policies and guidelines setting out training, including the content, timing and frequency of training, to be completed by board members, directors of education, supervisory officers and superintendents and require those individuals to comply with the policies and guidelines;

(4) Subsection 8 (1) of the Act is amended by adding the following paragraph:

fee for evaluation of textbooks etc.

- 6.1 charge a fee for the evaluation of textbooks, library books, reference books or other learning materials for the purposes of selection and approval under paragraph 6;

(5) Subsection 8 (1) of the Act is amended by adding the following paragraph:

equivalent apprenticeship learning

- 22.1 establish policies and guidelines respecting equivalent apprenticeship learning and require boards to comply with them, and require boards to develop and offer equivalent apprenticeship learning to their pupils in accordance with the policies and guidelines;

(6) Paragraph 27.1 of subsection 8 (1) of the Act is amended by striking out “and” at the end of subparagraph (b), by adding “and” at the end of subparagraph (c) and by adding the following subparagraph:

(d) to make the report available to the public in any manner that the Minister considers appropriate;

(7) Subsection 8 (1) of the Act is amended by adding the following paragraph:

board communication with parents and guardians

27.3 establish, and require boards to comply with, policies and guidelines governing boards' communications with parents and guardians, including policies and guidelines,

- (a) specifying informational materials that boards shall provide to parents and guardians, including materials setting out parents' and guardians' rights and responsibilities under this Act in relation to matters such as special education, or requiring boards to develop such materials,
- (b) respecting the form and content of the materials and the frequency and manner in which they shall be provided to parents and guardians or made publicly available, and
- (c) requiring boards to develop and comply with a protocol setting out standards for responding to parent and guardian inquiries, specifying the content that the protocol must include or address and requiring boards to make the protocol publicly available;

(8) Subsection 8 (1) of the Act is amended by adding the following paragraph:

student mental health

29.6 establish policies and guidelines respecting student mental health, including respecting the use of learning materials relating to student mental health, and require boards to comply with the policies and guidelines;

(9) Section 8 of the Act is amended by adding the following subsection:

Records of training

(2) If board members, directors of education, supervisory officers or superintendents are required by a policy or guideline issued under paragraph 3.4.1 of subsection (1) to complete training, the board shall keep records relating to the completion of the training for at least four years.

(10) The French version of subsection 8 (3) of the Act is repealed and the following substituted:

Programmes d'identification et programmes et services en éducation spécialisée

(3) Le ministre veille à ce que les enfants ayant des besoins particuliers en éducation spécialisée de l'Ontario puissent bénéficier, conformément à la présente loi et aux règlements, de programmes et services en éducation spécialisée qui soient appropriés et pour lesquels les parents ou tuteurs résidents de l'Ontario ne soient pas obligés d'acquiescer de droits. Il prévoit la possibilité, pour les parents ou les tuteurs, d'interjeter appel de la décision de placement d'un élève dans un programme d'éducation spécialisée et, à ces fins, le ministre :

- a) exige que les conseils scolaires mettent en oeuvre des méthodes d'identification précoce et continue de l'aptitude à apprendre et des besoins des élèves, et il fixe des normes régissant la mise en oeuvre de ces méthodes;
- b) définit les anomalies des élèves en ce qui concerne les programmes et services en éducation spécialisée, établit des classes, groupes ou catégories d'élèves ayant des besoins particuliers en éducation spécialisée, et exige que les conseils utilisent les définitions ou les classements établis aux termes du présent alinéa.

3 (1) The French version of paragraphs 5 and 6 of subsection 11 (1) of the Act are repealed and the following substituted:

programmes d'éducation spécialisée

5. régir la création, la mise en oeuvre, l'organisation et l'administration de ce qui suit :

- i. les programmes d'éducation spécialisée,
- ii. les services en éducation spécialisée,
- iii. les comités pour identifier les élèves ayant des besoins particuliers en éducation spécialisée, s'occuper de leur placement et le réexaminer;

appels relatifs à l'identification et au placement d'élèves

6. régir la marche à suivre pour les parents ou tuteurs qui veulent appeler de l'identification et du placement d'élèves ayant des besoins particuliers en éducation spécialisée dans des programmes d'éducation spécialisée;

(2) Section 11 of the Act is amended by adding the following subsection:

Regulations: equivalent apprenticeship learning

(2) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations governing the provision of equivalent apprenticeship learning, including regulations prescribing criteria for the purposes of the definition of “equivalent apprenticeship learning”.

(3) Section 11 of the Act is amended by adding the following subsections:**Regulations: board participation in activities**

(5) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations prescribing activities relating to a board’s business activities and governing boards’ participation in those activities.

Regulations: school board controlled entities

(6) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations in respect of school board controlled entities, including,

- (a) defining “school board controlled entity” and prescribing persons or organizations that are school board controlled entities;
- (b) prescribing requirements relating to finance and accountability and requiring school board controlled entities to comply with the requirements.

4 The French version of clause 11.1 (6) (d) of the Act is repealed and the following substituted:

- d) la prise et la mise en oeuvre des mesures qui y sont précisées en ce qui concerne la prestation de services en éducation spécialisée;

5 The Act is amended by adding the following section:**Regulations re provincial priorities**

11.2 (1) The Lieutenant Governor in Council may make regulations prescribing provincial priorities in education in the area of student achievement.

Review

(2) The Minister shall review a regulation made under subsection (1) at least every three years for the purpose of determining whether any amendments are advisable.

6 (1) The French version of subsection 13 (4.1) of the Act is repealed and the following substituted:**Idem**

(4.1) Une école d’application peut offrir, sous le régime de l’internat ou de l’externat, des programmes et services en éducation spécialisée aux élèves ayant des besoins particuliers en éducation spécialisée qui ont des troubles d’apprentissage ou un handicap auditif ou visuel.

(2) The French version of subsection 13 (5) of the Act is amended by striking out “élèves en difficulté” in the portion after clause (b) and substituting “élèves ayant des besoins particuliers en éducation spécialisée”.

7 The French version of clause 13.1 (7) (b) of the Act is amended by striking out “d’enfants en difficulté” and substituting “d’enfants ayant des besoins particuliers en éducation spécialisée”.

8 Subsection 21 (1.1) of the Act is repealed and the following substituted:**Participation in equivalent apprenticeship learning**

(1.1) A person shall be considered to be attending school when he or she is participating in equivalent apprenticeship learning.

9 (1) Subsection 30 (3) of the Act is amended by adding “Subject to subsection (3.1)” at the beginning.**(2) Section 30 of the Act is amended by adding the following subsection:****Exception**

(3.1) Subsection (3) does not apply when the person required to attend school is employed during school hours as part of equivalent apprenticeship learning.

10 The French version of subsection 49.2 (7) of the Act is repealed and the following substituted:**Élèves ayant des besoins particuliers en éducation spécialisée**

(7) Le présent article ne s’applique pas aux personnes suivantes :

- a) les personnes qui sont identifiées à titre d’élèves ayant des besoins particuliers en éducation spécialisée en vertu de la présente loi et qu’un comité d’identification, de placement et de réexamen de l’éducation spécialisée a recommandé de placer dans un programme scolaire de jour;

b) les personnes qui sont membres d'une catégorie de personnes prescrite en vertu du paragraphe (8).

11 The French version of the heading before section 57 and section 57 of the Act are repealed and the following substituted:

TRIBUNAUX DE L'ÉDUCATION SPÉCIALISÉE ET COMITÉS CONSULTATIFS DE L'ÉDUCATION SPÉCIALISÉE

Tribunaux de l'éducation spécialisée

57 (1) Le lieutenant-gouverneur en conseil crée un ou plusieurs tribunaux de l'éducation spécialisée.

Nomination

(1.1) Le lieutenant-gouverneur en conseil peut nommer les membres des tribunaux de l'éducation spécialisée et fixer la durée de leur mandat.

Rémunération et indemnités

(1.2) Les membres d'un tribunal de l'éducation spécialisée reçoivent la rémunération que fixe le lieutenant-gouverneur en conseil et le remboursement des dépenses raisonnables et nécessaires qu'ils engagent afin d'assister aux réunions et de conduire les affaires du tribunal.

Présidence

(1.3) Le ministre peut nommer à la présidence l'un des membres d'un tribunal de l'éducation spécialisée.

Vice-présidence

(1.4) Le président d'un tribunal de l'éducation spécialisée peut nommer à la vice-présidence l'un des membres du tribunal.

Idem

(1.5) En cas d'absence ou d'empêchement du président d'un tribunal de l'éducation spécialisée, le vice-président peut exercer ses pouvoirs ou fonctions.

Règlements

(2) Le lieutenant-gouverneur en conseil peut, par règlement, prévoir ce qui suit en ce qui concerne les tribunaux de l'éducation spécialisée :

- a) leur organisation et leur administration;
- b) leurs règles de pratique et de procédure;
- c) les frais que doivent assumer les personnes qui comparaissent devant eux.

Droit d'appel

(3) Le parent ou le tuteur d'un élève qui a épuisé tous les droits d'appel prévus par règlement en ce qui concerne l'identification ou le placement de l'élève à titre d'élève ayant des besoins particuliers en éducation spécialisée et qui n'est pas satisfait de la décision prise à cet égard peut interjeter appel de celle-ci devant un tribunal de l'éducation spécialisée.

Audience du tribunal de l'éducation spécialisée

(4) Le tribunal de l'éducation spécialisée entend l'appel et peut :

- a) soit le rejeter;
- b) soit l'accueillir et rendre l'ordonnance qu'il estime nécessaire en ce qui concerne l'identification ou le placement.

Décision définitive

(5) La décision du tribunal de l'éducation spécialisée est définitive et lie les parties.

12 The French version of section 57.1 of the Act is amended by striking out "pour l'enfance en difficulté" wherever it appears and substituting in each case "de l'éducation spécialisée".

13 (1) Subsection 169.1 (4) of the Act is repealed and the following substituted:

Communication re multi-year plan

(4) Every board shall,

- (a) publish the plan referred to in clause (1) (f), in the form required by the Minister, on its website;
- (b) take steps to,
 - (i) bring the plan referred to in clause (1) (f) to the attention of parents of pupils, supporters and employees of the board, and

- (ii) report to parents of pupils, supporters and employees of the board about progress in implementing the plan referred to in clause (1) (f); and
- (c) meet with parents of pupils about the plan referred to in clause (1) (f),
 - (i) within the first two months of each school year, to discuss the plan as it applies to that school year, and
 - (ii) within the last two months of each school year, to report on progress and results achieved in that school year.

Meetings

(4.1) Meetings required under clause (4) (c) must include information on planned and actual spending related to the plan, and provide means for parents of pupils to participate in the meetings and engage with all other participants.

(2) Section 169.1 of the Act is amended by adding the following subsections:

Support personnel

- (6) The Minister may assign support personnel to work with a board where,
 - (a) the board's multi-year plan referred to in clause (1) (f) fails to address all the elements required under that clause, except as it relates to clause (1) (b); or
 - (b) the Minister is unsatisfied with the board's progress in implementing the multi-year plan or achieving the goals of the plan, except as it relates to clause (1) (b).

Same

- (7) The board has a duty to co-operate with the support personnel assigned by the Minister under subsection (6).

14 The Act is amended by adding the following section:

Provincial priorities for student achievement, multi-year plan

169.2 Every board shall develop the multi-year plan referred to in clause 169.1 (1) (f) in a manner consistent with the policies and guidelines established under paragraph 0.1 of subsection 8 (1), with the aim of achieving goals related to the provincial priorities in education in the area of student achievement prescribed under subsection 11.2 (1).

15 (1) The French version of paragraph 7 of subsection 170 (1) of the Act is repealed and the following substituted: programmes et services d'éducation spécialisée

- 7. offrir, conformément aux règlements, des programmes et des services d'éducation spécialisée aux élèves ayant des besoins particuliers en éducation spécialisée ou conclure une entente avec un autre conseil à cette fin;

(2) Subsection 170 (1) of the Act is amended by adding the following paragraph:

equivalent apprenticeship learning

- 7.3 in accordance with any policies or guidelines established under paragraph 22.1 of subsection 8 (1), develop and offer equivalent apprenticeship learning to their pupils;

(3) Subsection 170 (1) of the Act is amended by adding the following paragraph:

collaboration with municipalities

- 8.1 collaborate with municipalities to plan for the early and integrated development of school sites and the establishment of child care centres within schools to meet current and future needs of the board;

(4) Subsection 170 (1) of the Act is amended by adding the following paragraph:

co-operation re child care

- 19. co-operate with service system managers, as required by subsections 51 (4) and 52 (2) of the *Child Care and Early Years Act, 2014*, for the purposes of developing and implementing child care and early years programs and services plans.

16 The French version of paragraph 40 of subsection 171 (1) of the Act is amended by striking out "élèves en difficulté" and substituting "les élèves ayant des besoins particuliers en éducation spécialisée".

17 The French version of subsection 190 (3) of the Act is amended by striking out "enfants en difficulté" and substituting "enfants ayant des besoins particuliers en éducation spécialisée".

18 The Act is amended by adding the following section:

Information and reports re school property

193.1 (1) A board shall provide to the Minister such information and reports as the Minister requires respecting school sites, parts of school sites or other property of the board and respecting the board's plans for current and future school sites, parts of school sites and property of the board, including information respecting,

- (a) the condition of school sites, parts of school sites and property of the board; and
- (b) the board's plans for the acquisition, sale, lease or other disposition of school sites, parts of school sites or property of the board.

Same

(2) The information and reports shall be provided in the form and manner and at times requested by the Minister.

19 Subsections 194 (3) to (5) of the Act are repealed and the following substituted:

Power to dispose of site or property

(3) A board may sell, lease or otherwise dispose of a school site, part of a school site or other property of the board in the circumstances prescribed by the regulations.

Exception

(4) Subsection (3) does not apply in respect of real property described in subsection (1).

Requirement to dispose of site or property

(5) A board shall sell, lease or otherwise dispose of a school site, part of a school site or other property of the board in the circumstances prescribed by the regulations.

~~Direction by Minister~~

~~(6) The Minister may direct a board to sell, lease or otherwise dispose of a school site, part of a school site or other property of the board if it is not needed to meet current or future pupil accommodation needs of the board, as determined in accordance with the regulations.~~

Direction by Minister

(6) The Minister may direct a board to sell, lease or otherwise dispose of a school site, part of a school site or other property of the board if it is not needed to meet the board's current pupil accommodation needs or its pupil accommodation needs for the next 10 years, as determined in accordance with the regulations.

Conduct of sale, lease, disposition

(7) A sale, lease or other disposition of a school site, part of a school site or other property of a board under this section shall be conducted in accordance with the regulations.

Notice or approval

(8) In the circumstances prescribed by the regulations, a board shall give notice to the Minister of a sale, lease or other disposition of a school site, part of a school site or other property of a board under this section, or obtain the approval of the Minister for the sale, lease or other disposition.

Application of proceeds

(9) The board shall apply the proceeds of a sale, lease or other disposition of a school site, part of a school site or other property of a board for the purposes of the board.

Regulations

(10) The Minister may make regulations governing the sale, lease or other disposition of school sites, parts of school sites or other property of a board, including regulations,

- (a) prescribing the circumstances in which a board may make or shall make a sale, lease or disposition;
- (b) respecting the conduct of a sale, lease or disposition;
- (c) prescribing the circumstances in which a board shall give notice to the Minister of a sale, lease or disposition or obtain the approval of the Minister for the sale, lease or disposition;
- (d) respecting to whom school sites or parts of school sites or property may or must be offered;
- (e) respecting the price or other consideration for a disposition or class of dispositions;
- (f) respecting the use of the proceeds of a disposition or class of dispositions;
- (g) respecting the purposes for which school sites, parts of school sites or property that is disposed of to other boards must be used by the transferee board;
- (h) requiring a transferee board to return a school site or part of a school site or property to the transferor board if no longer used for the purposes referred to in clause (g);
- (i) respecting the price or other consideration for a return or class of returns required under clause (h).

Same

(11) The Lieutenant Governor in Council may make regulations,

~~—(a) for the purposes of subsection (6), governing the circumstances when a school site, part of a school site or other property is not needed to meet current or future pupil accommodation needs, and authorizing the Minister to determine whether the circumstances exist;~~

—(a) for the purposes of subsection (6), governing the circumstances when a school site, part of a school site or other property is not needed to meet a board’s current pupil accommodation needs or its pupil accommodation needs for the next 10 years, and authorizing the Minister to determine whether the circumstances exist;

(b) providing for transitional matters that, in the Lieutenant Governor in Council’s opinion, are necessary or desirable in connection with the implementation of section 19 of Schedule 2 to the *Better Schools and Student Outcomes Act, 2023*.

Conflict with transitional regulations

(12) In the event of a conflict between this Act or the regulations and a regulation made under clause (11) (b), the regulation made under clause (11) (b) prevails.

20 (1) Subsection 195 (1) of the Act is amended by striking out “(1.1) and (1.2)” and substituting “(1.1), (1.2) and (1.5)”.

(2) Section 195 of the Act is amended by adding the following subsections:

Shared use of site

(1.5) Where a board plans to acquire a school site for pupil accommodation and the site will not be occupied or used exclusively by the board, or exclusively with another board, municipality, child care centre or other prescribed entity, the board shall do so in accordance with any regulations.

Regulations

(1.6) The Minister may make regulations governing the acquisition of a school site referred to in subsection (1.5), including regulations providing that an acquisition is subject to the Minister’s approval, and prescribing entities for the purposes of that subsection.

(3) Subsection 195 (4) of the Act is amended by striking out “Subject to section 196 or subsection 197 (1)” at the beginning and substituting “Subject to subsections 195 (1.5) and 197 (1)”.

21 The Act is amended by adding the following section:

Joint use of schools

195.1 (1) The Minister may direct two or more boards to enter into an arrangement with each other for the joint construction, ownership, control, management, maintenance, operation, location or use of a school site, part of a school site or other property of a board.

Regulations

(2) The Minister may make regulations governing the arrangements referred to in subsection (1).

22 Section 196 of the Act is repealed and the following substituted:

Approval of Minister re demolition

196 Despite any provision of this or any other Act, a board shall not demolish a building unless, in addition to any other approval that may be required, the board has obtained the approval of the Minister.

23 The Act is amended by adding the following section:

Functional specifications etc.

196.1 (1) The Minister may require boards to use particular functional specifications, designs or plans when constructing, renovating or making additions to school buildings or premises.

Same

(2) For the purpose of subsection (1), the Minister may issue policies and guidelines and require boards to comply with them.

Legislation Act, 2006, Part III

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a policy or guideline of the Minister under this section.

24 Sections 218.2 and 218.3 of the Act are repealed and the following substituted:

Code of conduct

218.2 (1) A board shall adopt a code of conduct that applies to the members of the board.

Regulations

- (2) The Minister may make regulations governing codes of conduct that apply to board members, including,
- (a) prescribing codes of conduct or parts of codes of conduct;
 - (b) prescribing matters to be addressed by codes of conduct.

~~Breach of code of conduct~~

~~218.3 (1) A member of a board who has reasonable grounds to believe that a member of the board has breached the board's code of conduct may notify the following person, in writing, of the alleged breach:~~

- ~~—1. The director of education, if the notice relates to the conduct of the board chair or vice chair.~~
- ~~—2. In all other situations, the board chair.~~

~~Same~~

- ~~(2) If notification of an alleged breach is given under subsection (1), the person to whom the notification was made shall,~~
- ~~—(a) immediately provide a copy of the written notice to the member whose conduct is the subject of the alleged breach and to the entire board; and~~
 - ~~—(b) if the matter is not resolved within 10 days after the member received the notice under clause (a), refer the matter to an integrity commissioner appointed by the board.~~

Breach of code of conduct

218.3 (1) A member of a board who has reasonable grounds to believe that a member of the board has breached the board's code of conduct may notify the following persons in writing of the alleged breach:

- 1. The director of education, if the notice relates to the conduct of the board chair or vice-chair.
- 2. In all other situations, the board chair.

Same

(1.1) If a person other than those described in paragraph 1 or 2 of subsection (1) is prescribed by regulation, the notification shall be given to the prescribed person instead of the persons described in those paragraphs.

Same

- (2) If notification of an alleged breach is given under subsection (1), the person to whom the notification was made shall,
- (a) immediately provide a copy of the written notice to the member whose conduct is the subject of the alleged breach and to the entire board; and
 - (b) if the matter is not resolved within 10 days after the member received the notice under clause (a), or within such other time period as may be prescribed by regulation, refer the matter to an integrity commissioner appointed by the board.

Roster

(3) The Minister may create a roster of integrity commissioners, following consultation with each trustees' association identified in the definition of that term in subsection 2 (1) of the *School Boards Collective Bargaining Act, 2014*.

Appointment of integrity commissioner

(4) If the Minister has created a roster of integrity commissioners, an appointment under subsection (2) shall be from the roster.

Same

(5) The qualifications for members of the roster and the processes relating to the creation of the roster are subject to any requirements prescribed by the regulations.

Regulations

~~(6) The Lieutenant Governor in Council may make regulations,~~

- ~~—(a) prescribing the qualifications of integrity commissioners;~~
- ~~—(b) prescribing fees to be paid to integrity commissioners or the manner of calculating such fees, and requiring boards to pay them;~~
- ~~—(c) prescribing the process, including the participants and their roles in the process, by which a person may be added to the roster of integrity commissioners;~~
- ~~—(d) governing reviews of the roster, which may include prescribing the timing and frequency of reviews and how long a person may be on the roster.~~

Investigation

~~(7) Subject to subsection (8), the integrity commissioner appointed by a board shall commence an investigation into the alleged breach of the board's code of conduct no later than 14 days after being appointed under subsection (2) and shall provide the member with the opportunity to respond to the allegations, as well as a right of reply, where appropriate.~~

Investigation

(7) Subject to subsection (8), the integrity commissioner appointed by a board shall commence an investigation into the alleged breach of the board's code of conduct no later than 14 days after being appointed under subsection (2), or within such other time period as may be prescribed by regulation, and shall provide the member with the opportunity to respond to the allegations, as well as a right of reply, where appropriate.

Late, bad faith, frivolous or vexatious complaint

- (8) An integrity commissioner may refuse to commence an investigation into an alleged breach if,
- (a) the complaint was made more than 60 days after the day the alleged breach occurred or was discovered, whichever is later, unless the integrity commissioner is satisfied the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay; or
 - (b) in the opinion of the integrity commissioner, the complaint is made in bad faith or is frivolous or vexatious.

Same

(9) If a breach relates to a series of incidents, the 60-day period in clause (8) (a) runs from the day the last incident in the series occurred or was discovered.

Discovery of breach

- (10) A breach is discovered on the earlier of,
- (a) the day on which the member notifying the board first knew that the breach had occurred; and
 - (b) the day on which a reasonable person with the abilities and in the circumstances of the member notifying the board first ought to have known of the matters referred to in clause (a).

Notice

(11) The integrity commissioner shall provide written notice of a refusal to commence an investigation to the member who is the subject of the complaint and to the board.

Decision final

(12) A decision of an integrity commissioner under subsection (8) is final.

Powers

- (13) In the course of conducting the investigation, the integrity commissioner may,
- (a) require the production of any records that may in any way relate to the investigation;
 - (b) examine and copy any records required under clause (a); and
 - (c) require any officer of the board or any other person to appear before him or her and give evidence, on oath or affirmation, relating to the investigation.

Public Inquiries Act, 2009

(14) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation.

Time limit

~~(15) The integrity commissioner shall make a determination with respect to a complaint of an alleged breach no later than 90 days after commencing the investigation, unless the integrity commissioner notifies the board and the member who is the subject of the complaint that an extension is necessary and of the reasons for the extension.~~

Time limit

(15) The integrity commissioner shall make a determination with respect to a complaint of an alleged breach no later than 90 days after commencing the investigation, or within such other time period as may be prescribed by regulation, unless the integrity commissioner notifies the board and the member who is the subject of the complaint that an extension is necessary and of the reasons for the extension.

Transition

(16) If a member of a board brings an alleged breach of the board's code of conduct to the attention of the board before the day section 24 of Schedule 2 to the *Better Schools and Student Outcomes Act, 2023* comes into force and the board has not, as

of that day, made a determination in respect of the alleged breach, section 218.3 of the Act, as it read immediately before that day, applies in respect of the alleged breach.

Determination, sanctions

218.3.1 (1) If the integrity commissioner determines, following an investigation under subsection 218.3 (7), that the member has breached the board's code of conduct, the integrity commissioner may impose one or more of the following sanctions:

1. Censure of the member.
2. Requiring the board to reduce the member's honorarium by an amount not exceeding the prescribed amount, requiring the member to return any excess already paid to the member and authorizing the board to recover the excess from the member.
3. Barring the member from attending all or part of one or more meetings of the board or one or more meetings of a committee of the board, for the period of time specified by the integrity commissioner up to a maximum of 90 days or the balance of the member's term of office, whichever is less.
4. Barring the member from sitting on one or more committees of the board, for the period of time specified by the integrity commissioner, up to a maximum of 90 days or the balance of the member's term of office, whichever is less.
5. Barring the member from becoming the chair or vice-chair of the board or of any committee of the board, or removing the member from any of those positions.
6. Barring the member from exercising the privileges of a board member or acting as a board representative, or removing the member from a position the member holds as a board representative.
7. Subject to any other limits set out in paragraphs 1 to 6, any other sanction that, in the opinion of the integrity commissioner, is reasonable and appropriate in the circumstances.
8. Subject to any other limits set out in paragraphs 1 to 6, any other sanction that, in the opinion of the integrity commissioner, would promote compliance with the board's code of conduct.

Regulation

(2) The Minister may, by regulation, prescribe an amount for the purposes of paragraph 2 of subsection (1).

Sanction re meetings

(3) For greater certainty, the imposition of a sanction under paragraph 3 of subsection (1) barring a member from attending all or part of one meeting of the board shall be deemed, for the purpose of clause 228 (1) (b), to be authorization for the member to be absent from the meeting.

Same

(4) A member of a board who is barred from attending all or part of a meeting of the board or a meeting of a committee of the board under subsection (1) is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.

Notice

(5) The integrity commissioner shall provide the member whose conduct was the subject of the complaint and the board written notice of a determination that the member has or has not breached the board's code of conduct and of any sanctions imposed.

Same

(6) The written notice required under subsection (5) must include,

- (a) the reasons for the determination;
- (b) the reasons for any sanctions; and
- (c) information about the right to appeal under section 218.3.2.

Appeal

218.3.2 (1) Either the board or the member whose conduct was the subject of the integrity commissioner's determination under section 218.3.1 may appeal the determination, the sanctions imposed, or both, and the board and the member are the parties to such an appeal.

Board resolution to appeal

(2) The member whose conduct was the subject of the integrity commissioner's determination shall not vote on a board resolution to determine whether the board will appeal that determination under subsection (1).

Notice of appeal

~~(3) The board or the member who appeals the integrity commissioner's determination shall give written notice of the appeal to the other party and the Deputy Minister no later than 14 days after receiving written notice of the integrity commissioner's determination.~~

Notice of appeal

(3) The board or the member who appeals the integrity commissioner's determination shall give written notice of the appeal to the other party and the Deputy Minister no later than 14 days after receiving written notice of the integrity commissioner's determination, or within such other time period as may be prescribed by regulation.

Appeal heard by panel

(4) The appeal shall be heard by a panel of three integrity commissioners appointed by the Deputy Minister or his or her delegate, but the panel shall not include the integrity commissioner whose determination is the subject of the appeal.

Same

(5) If a roster of commissioners was created under subsection 218.3 (3), the members of the panel shall be appointed from the roster.

Hearing

(6) The panel shall hold a hearing in accordance with the regulations.

Regulations

~~(7) The Lieutenant Governor in Council may make regulations governing hearings required under subsection (6) and prescribing the rules and procedures that shall apply to the hearings.~~

Determination overturned

(8) If the panel overturns the determination made by the integrity commissioner, any sanction imposed by the integrity commissioner is revoked.

Determination upheld

(9) If the panel upholds the determination made by the integrity commissioner, the panel shall, within the time required by the regulations, uphold, vary or overturn the sanction.

Determination varied or overturned

(10) If a sanction is varied or overturned under subsection (8) or (9), the variation or overturning shall be deemed to be effective as of the date the original determination was made under section 218.3.1.

Final determination

(11) The decision of a panel under this section respecting the determination of the integrity commissioner is final.

Records and information

(12) A board shall keep records and publish information on its website about each of the following:

1. A matter referred to an integrity commissioner under subsection 218.3 (2).
2. A decision of the integrity commissioner under subsection 218.3 (8).
3. A determination of an integrity commissioner under section 218.3.1.
4. A determination by a panel under subsection (8) or (9).

Same

(13) Where the alleged breach of the board's code of conduct or the determination regarding the breach involves any of the matters described in clauses 207 (2) (a) to (e), the board shall publish only such information as is appropriate.

Same

(14) The *Statutory Powers Procedure Act* does not apply to anything done under section 218.3 or 218.3.1 or this section.

Same

(15) The powers under sections 218.3 and 218.3.1 and this section shall be exercised in a manner that is consistent with,

- (a) the denominational aspects of a Roman Catholic board;
- (b) the denominational aspects of a Protestant separate school board;
- (c) the linguistic or cultural aspects of a French-language district school board; or
- (d) the linguistic or cultural aspects of the Centre Jules-Léger Consortium.

Regulations re codes of conduct

218.3.3 The Lieutenant Governor in Council may make regulations respecting codes of conduct and processes relating to alleged breaches of a code of conduct, including regulations,

- (a) prescribing the person to whom notice must be given under subsection 218.3 (1.1);
- (b) prescribing a time period for the purposes of clause 218.3 (2) (b) for referring a matter to an integrity commissioner;
- (c) prescribing the qualifications of integrity commissioners;
- (d) prescribing fees to be paid to integrity commissioners, or the manner of calculating such fees, and requiring boards to pay them;
- (e) prescribing the process, including the participants and their roles in the process, by which a person may be added to the roster of integrity commissioners;
- (f) governing reviews of the roster of integrity commissioners, which may include prescribing the timing and frequency of reviews and how long a person may be on the roster;
- (g) prescribing rules and procedures that shall apply to the conduct of an investigation of an alleged breach of a board's code of conduct and to the process of making a determination whether there was a breach;
- (h) prescribing a time period for the purposes of subsection 218.3.2 (3) for giving a written notice of appeal;
- (i) governing hearings required under subsection 218.3.2 (6) and prescribing rules and procedures that shall apply to the hearings.

25 Clause 230 (a) of the Act is amended by striking out “paragraph 2 or 3” and substituting “paragraph 2, 3 or 22.1”.

26 Subsection 233 (3) of the Act is repealed and the following substituted:

Regulations re restrictions

- (3) The Minister may make regulations,
- (a) requiring a board to restrict, in the manner and to the extent specified in the regulations, the use of any revenue for the purposes specified in the regulations;
 - (b) prescribing the minimum and maximum amount of a board's revenue that a board must use for a specified purpose in a school board fiscal year;
 - (c) prescribing conditions on a board's use of revenue for specified purposes.

27 Subsection 257.30 (2) of the Act is repealed and the following substituted:

Appointment of investigator

- (2) The Minister may appoint as an investigator,
- (a) an individual licensed under the *Public Accounting Act, 2004* or a corporation that holds a certificate of authorization under that Act; or
 - (b) an employee in the Ministry.

28 Clauses 287.2 (a) and (b) of the Act are amended by adding “directors of education” before “supervisory officers” wherever it appears.

29 Subsection 287.4 (1) of the Act is amended by adding “directors of education” before “supervisory officers” in the portion before clause (a).

30 (1) Subsections 287.5 (4) and (5) of the Act are amended by striking out “the supervisory officer, principal or vice-principal” wherever it appears and substituting in each case “the person who is the subject of the performance appraisal”.

(2) Subsections 287.5 (8) of the Act is amended by adding “the director of education, or to” before “a class of supervisory officers”.

31 Subsection 287.6 (1) of the Act is amended by adding “director of education” before “supervisory officer”.

32 Section 287.7 of the Act is amended by adding “director of education” before “supervisory officer” wherever it appears.

33 The French version of clause 294 (3) (h) of the Act is repealed and the following substituted:

- h) l'élaboration et la mise en oeuvre de programmes d'éducation spécialisée;

Ontarians with Disabilities Act, 2001**34 The French version of the Preamble to the *Ontarians with Disabilities Act, 2001* is amended by striking out:**

La Loi sur l'éducation comprend des dispositions visant à répondre aux besoins des élèves handicapés et identifiés comme «élèves en difficulté». Les conseils scolaires sont tenus d'offrir des programmes d'enseignement et des services à l'enfance en difficulté à l'intention de ces élèves.

and substituting the following:

La *Loi sur l'éducation* comprend des dispositions visant à répondre aux besoins des élèves handicapés et identifiés comme «élèves ayant des besoins particuliers en éducation spécialisée ». Les conseils scolaires sont tenus d'offrir des programmes et services d'éducation spécialisée à l'intention de ces élèves.

Commencement

35 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Better Schools and Student Outcomes Act, 2023* receives Royal Assent.

(2) Section 1, subsections 2 (5) and (10) and 3 (1) and (2), sections 4 to 12, subsections 15 (1), (2) and (4) and sections 16, 17, 19, 20, 22 and 24 to 34 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Section 21 comes into force on December 31, 2023 or on an earlier day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 3
ONTARIO COLLEGE OF TEACHERS ACT, 1996

1 Subsection 1 (3) of the *Ontario College of Teachers Act, 1996* is amended by adding the following paragraph:

10. Subsection 58.1 (3).

2 Subsection 14 (8) of the Act is repealed and the following substituted:

Use of title, inactive/non-practising

(8) No person, except a member who meets the criteria prescribed in the by-laws, shall use the English title “Ontario Certified Teacher — Inactive/Non-Practising” or the French title “Enseignant(e) agréé(e) de l’Ontario — Membre inactif” or an abbreviation of any of those titles to describe themselves or their profession.

3 The Act amended by adding the following section:

Teacher education program, accreditation

17.1 A professional teacher education program offered by a post-secondary educational institution shall not be accredited unless it enables students of the program to acquire knowledge of the Ontario curriculum, particularly in relation to math, reading and literacy, and any other element of a professional teacher education program prescribed by the regulations.

4 Clause 23 (2) (c.1) of the Act is repealed and the following substituted:

(c.1) the notation “Inactive/Non-Practising” for a certificate of qualification and registration, if the person meets the criteria prescribed in the by-laws;

5 (1) Subsection 24 (3) of the Act is amended by adding “Subject to subsection 47.2 (4)” at the beginning.

(2) Subsection 24 (3) of the Act, as amended by subsection (1), is amended by adding “subsection (4) and” after “Subject to”.

(3) Section 24 of the Act is amended by adding the following subsections:

Revocation

(4) The Registrar may revoke a certificate of qualification and registration that is suspended under subsection (1) if the suspension is not removed within three years after the date of the suspension or within such shorter time period as may be prescribed by the regulations.

Application for new certificate

(5) A member whose certificate has been revoked under subsection (4) may apply for a new certificate of qualification and registration in accordance with the regulations.

6 (1) Clause 26 (5) (d) of the Act is repealed and the following substituted:

(d) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act, the regulations or the by-laws, including,

- (i) issuing a caution, reminder, advice or admonishment to the person complained against, or
- (ii) requiring the member to complete remedial training or education.

(2) Subsection 26 (9) of the Act is repealed and the following substituted:

Application of section, related criminal conviction

(9) If a member has been convicted or found guilty of an offence under the *Criminal Code* (Canada) for the same conduct or action that is the subject matter of a complaint, the Investigation Committee may refer the matter, in whole or in part, to the Discipline Committee and, in that case, subsections (1) to (8) cease to apply and the Registrar shall notify the complainant of the referral.

7 Section 30.2 of the Act is amended by adding the following subsection:

No hearing

~~(8) Despite clause 30 (1) (a), the Discipline Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under this section if,~~

~~—(a) the matter has been referred to the Committee under subsection 26 (5) or (9); and~~

~~—(b) the member has been convicted or found guilty of an offence under the *Criminal Code* (Canada) for conduct or action that involves or includes conduct or action referred to in subsection (2) and,~~

~~——(i) the time for an appeal has expired, or~~

~~_____ (ii) an appeal was dismissed or abandoned and no further appeal is available.~~

7 Section 30.2 of the Act is amended by adding the following subsections:

No hearing

(8) Despite clause 30 (1) (a), the Discipline Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under section 30 if,

(a) the matter has been referred to the Committee under subsection 26 (5) or (9) and involves or includes an act referred to in subsection (2) of this section; and

(b) the member has been convicted or found guilty of an offence under the *Criminal Code* (Canada) for the same conduct or action that is the subject of the matter and,

_____ (i) the time for an appeal has expired, or

_____ (ii) an appeal was dismissed or abandoned and no further appeal is available.

Same

(9) For greater certainty, section 30 applies, with necessary modifications, even if, in accordance with subsection (8) of this section, a hearing is not held.

8 Subsection 33 (4.1) of the Act is amended by striking out “the date of the order” in the portion before paragraph 1 and substituting “the date of the revocation order or the date of the deemed revocation”.

9 Paragraph 2 of subsection 35 (5) of the Act is amended by striking out “under subsection 30.2 (1)” at the end and substituting “on the grounds of professional misconduct”.

10 Subsection 40 (1) of the Act is amended by adding the following paragraph:

14.3.1 prescribing a time period for the purposes of subsection 24 (4);

11 Subsection 41 (1) of the Act is amended by adding the following paragraph:

22.1 respecting the use of the Inactive/Non-Practising title by members of the College.

12 Subsection 42 (1) of the Act is amended by adding the following clause:

(d.4) providing for any transitional matters the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments to this Act made by Schedule 3 to the *Better Schools and Student Outcomes Act, 2023*, including prescribing a date for the purposes of subsection 63.4 (2);

13 Section 43.3.1 of the Act is repealed and the following substituted:

Employer report deemed to be complaint

43.3.1 Where the Registrar refers an employer’s report filed under section 43.2 or 43.3 to the Adjudicative Body of Chairs or a committee established under section 15, the report is deemed, for the purposes of Parts IV and V, to be a complaint that was filed on the day the Registrar referred the report and the Registrar is deemed to be the complainant.

14 Paragraph 1.1 of subsection 43.4 (1) of the Act is repealed and the following substituted:

1.1 If a referral respecting a member is made under subsection 26 (9), the Registrar shall notify the employer of the referral.

15 Section 47.2 of the Act is amended by adding the following subsection:

Removal of suspensions, etc.

(4) The Registrar shall not remove a suspension of a certificate of qualification and registration made under subsection 24 (1), 29 (3), 29.2 (1), 30 (4) or 31 (3) or issue a certificate or remove a suspension of a certificate in accordance with an order made under section 33 or subsection 34 (1) unless the person whose certificate is the subject of the suspension or order provides evidence satisfactory to the Registrar that they have successfully completed the sexual abuse prevention program educational requirements referred to in subsection (3) of this section.

16 Section 48.1 of the Act is amended by,

(a) striking out “or (3)” and substituting “(3), (3.1) or (3.2)”; and

(b) striking out “43.3 (1)” and substituting “43.3 (1), (1.1), (1.2), (1.3)”.

17 Clause 58.1 (3) (a) of the Act is repealed and the following substituted:

(a) it is alleged in a complaint or report against a member received by the College that the student was the subject of sexual abuse, a prescribed sexual act or a prohibited act involving child pornography; or

18 Section 63.2 of the Act is amended by striking out “section 23 of that Schedule” and substituting “section 22 of that Schedule”.

19 The Act is amended by adding the following section:

Transition, *Better Schools and Student Outcomes Act, 2023*

63.4 (1) In this section,

“transition date” means the day section 3 of Schedule 3 to the *Better Schools and Student Outcomes Act, 2023* comes into force.

Transition, s. 24 (4)

(2) If a date is prescribed by the regulations for the purposes of this subsection, subsection 24 (4) does not apply before the prescribed date in respect of a certificate that was suspended before the transition date.

Transition, s. 26 (5)

(3) Subsection 26 (5), as amended by subsection 6 (1) of Schedule 3 to the *Better Schools and Student Outcomes Act, 2023*, applies in respect of a complaint that is made before the transition date if no decision has been made in respect of the matter before that date by the Investigation Committee under subsection 26 (5) of this Act.

Transition, s. 26 (9)

(4) Subsection 26 (9), as re-enacted by subsection 6 (2) of Schedule 3 to the *Better Schools and Student Outcomes Act, 2023*, applies in respect of a complaint that is made before the transition date if no decision has been made in respect of the matter before that date by the Investigation Committee under subsection 26 (5) of this Act.

Transition, s. 30.2 (8)

(5) Subsection 30.2 (8) applies in respect of a matter referred to the Discipline Committee before the transition date if a hearing by a panel of the Discipline Committee respecting the matter has not been commenced before the transition date.

Transition, s. 33 (4.1)

(6) For greater certainty, subsection 33 (4.1), as amended by section 8 of Schedule 3 to the *Better Schools and Student Outcomes Act, 2023*, applies in respect of a certificate revoked before the transition date pursuant to an order made under section 30 or deemed revoked pursuant to section 30.3.

Transition, s. 35 (5)

(7) Paragraph 2 of subsection 35 (5), as amended by section 9 of Schedule 3 to the *Better Schools and Student Outcomes Act, 2023*, does not apply to an order of the Discipline Committee made before the transition date.

Transition, s. 47.2 (4)

(8) Subsection 47.2 (4) applies to a suspension or order that was made before the transition date if the suspension is not removed or the certificate is not issued before that date.

Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

20 Section 38 of Schedule 33 to *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed and the following substituted:

38 Part XII of the Act is repealed.

Commencement

21 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Better Schools and Student Outcomes Act, 2023* receives Royal Assent.

(2) Sections 2 and 4, subsections 5 (2) and (3) and section 11 come into force on a day to be named by proclamation of the Lieutenant Governor.