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Bill 47

**An Act to amend the Education Act with respect to the
transparency of school boards' dealings respecting school sites**

Mr. M. Colle

Private Member's Bill

1st Reading April 12, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends various sections of the *Education Act* as follows:

1. Section 195 of the Act, which deals with the purchase of school sites by school boards, is amended to require boards to provide the Minister of Education and the public with notice of such an agreement for purchase and sale. These requirements apply regardless of the sources used by a board for funding the purchase, including funding from the imposition of education development charges.
2. Section 196 of the Act currently requires a school board to obtain the prior approval of the Minister in certain circumstances where the board plans to provide accommodation for pupils on a school site that is not to be occupied or used exclusively by the board. The Bill requires the board to provide notice to the public that the board has applied to the Minister for approval to enter into negotiations in respect of such accommodation and to provide similar notice at subsequent stages of the proposal to provide the accommodation. These requirements also apply regardless of the sources used by the board for funding the accommodation.
3. Section 234 of the Act is amended to provide that any grant paid to a board for the construction of facilities is subject to the condition that the board must prepare and make available to the public progress reports respecting the construction of the facilities. The progress reports must also be submitted to the Minister and the municipality in which the construction is taking place.

**An Act to amend the Education Act with respect to the
transparency of school boards' dealings respecting school sites**

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

1 Section 195 of the *Education Act* is amended by adding the following subsections:

Board to provide notice of agreement for purchase and sale

(3.1) If a board enters into an agreement for purchase and sale under which the board purchases a school site, whether the agreement is final or conditional, the board shall, within two business days following the day on which the agreement is entered into,

- (a) notify the Minister of the agreement; and
- (b) post a notice on its website and make the notice available to the public in such other manner as may be prescribed.

Notice

(3.2) The notice shall include full disclosure of the details of the agreement for purchase and sale, including the following information:

1. The parties to the agreement.
2. The amount paid or to be paid under the agreement.
3. The conditions, if any, attached to the agreement.
4. A description, prepared by the board, of the reason for entering into the agreement.
5. A description of all intended uses of the school site, including any proposed capital developments.
6. Such other information as may be prescribed.

Changes to agreement

(3.3) If there is any change made to the agreement for purchase and sale, the board shall, within two business days following the day on which the change was made to the agreement,

- (a) notify the Minister of the change; and
- (b) post a notice of the change on its website and make the notice available to the public in such other manner as may be prescribed.

Clarification

(3.4) For greater certainty, the requirements in subsections (3.1) to (3.3) apply to every purchase of a school site under subsection (1), (2) or (3), including purchases funded in whole or in part by,

- (a) money appropriated by the Legislature for the purpose of the purchase;
- (b) money generated from the imposition of education development charges; and
- (c) any accumulated surplus within the meaning of Part IX.

Same, regulations

(3.5) The Lieutenant Governor in Council may make regulations specifying other information that must be included in a notice required under this section and prescribing any other manner in which the notice must be made available to the public.

2 Section 196 of the Act is amended by adding the following subsections:

Board to provide notice of application for approval

(2) If a board applies to the Minister for approval to enter into negotiations with a person in respect of the provision of accommodation for pupils on a school site that is not to be occupied or used exclusively by the board, the board shall post a

notice on its website of the application and make the notice available to the public in such other manner as may be prescribed within two business days following the day on which the application for approval is submitted to the Minister.

Notice, negotiations

(3) The notice mentioned in subsection (2) shall include full disclosure of the matters in respect of which the board intends to negotiate and the parties to the negotiation.

Board to provide notice of proposed agreement

(4) If, as a result of negotiations with a person, the board proposes to the Minister that it enter into an agreement in respect of the provision of accommodation for pupils on a school site that is not to be occupied or used exclusively by the board, the board shall post a notice on its website and make the notice available to the public in such other manner as may be prescribed within two business days following the day on which the board proposes to enter into the agreement.

Notice, proposed agreement

(5) The notice mentioned in subsection (4) shall include full disclosure of the details of the proposed agreement, including the following information:

1. The parties to the proposed agreement.
2. The amount to be paid under the proposed agreement.
3. The conditions, if any, attached to the proposed agreement.
4. A description, prepared by the board, of the reason for entering into the proposed agreement.
5. A description of all intended uses of the school site, including any proposed capital developments.
6. Such other information as may be prescribed.

Board to provide notice of conditional or final agreement

(6) If the Minister approves the proposed agreement mentioned in subsection (4) and the board enters into the agreement, whether the agreement is final or conditional, the board shall post a notice on its website and make the notice available to the public in such other manner as may be prescribed within two business days following the day on which the agreement is entered into.

Notice, agreement

(7) The notice shall include full disclosure of the details of the agreement mentioned in subsection (4), including the following information:

1. The parties to the agreement.
2. The amount paid or to be paid under the agreement.
3. The conditions, if any, attached to the agreement.
4. A description, prepared by the board, of the reason for entering into the agreement.
5. A description of all intended uses of the school site, including any proposed capital developments.
6. Such other information as may be prescribed.

Changes to agreement

(8) If there is any change made to the agreement mentioned in subsection (4), the board shall post a notice of the change on its website and make the notice available to the public in such other manner as may be prescribed within two business days following the day on which the change was made to the agreement.

Clarification

(9) For greater certainty, the requirements in subsections (4) to (8) apply in respect of every agreement in respect of the provision of accommodation for pupils on a school site that is not to be occupied or used exclusively by the board, including purchases funded in whole or in part by,

- (a) money appropriated by the Legislature for the purpose of the purchase;
- (b) money generated from the imposition of education development charges; and
- (c) any accumulated surplus within the meaning of Part IX.

Regulations

(10) The Lieutenant Governor in Council may make regulations specifying other information that must be included in a notice required under this section and prescribing any other manner in which the notice must be made available to the public.

3 Section 234 of the Act is amended by adding the following subsection:

Condition, grant for the construction of facilities

(1.2) Any grant paid to a board for the construction of facilities shall be subject to the following conditions:

1. The board must prepare and post a progress report respecting the construction of the facilities on its website and make the report available to the public in such other manner as may be prescribed,
 - i. on or before the first anniversary of the day on which the grant is made, and
 - ii. at least every six months following the posting of the first report.
2. The board must submit each progress report to the Minister and to the municipality in which the construction is taking place.

Commencement

4 This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5 The short title of this Act is the *School Boards Property and Development Transparency Act, 2018*.