[Français](http://www.ontario.ca/fr/lois/loi/96e11)

Education Quality and Accountability Office Act, 1996

S.O. 1996, CHAPTER 11

**Consolidation Period:** From April 1, 2024 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2023, c. 5, Sched. 2, s. 7](http://www.ontario.ca/laws/statute/S23005" \l "sched2s7).

Legislative History: 1997, c. 31, s. 148; [2004, c. 8, s. 46, Table](http://www.ontario.ca/laws/statute/S04008" \l "s46s2); [2004, c. 17, s. 32](http://www.ontario.ca/laws/statute/S04017" \l "s32); [2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1); [2006, c. 35, Sched. C, s. 29](http://www.ontario.ca/laws/statute/S06035" \l "schedcs29); [2017, c. 20, Sched. 8, s. 80](http://www.ontario.ca/laws/statute/S17020" \l "sched8s80s1); [2017, c. 34, Sched. 46, s. 12](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s1); [2019, c. 7, Sched. 17, s. 62](http://www.ontario.ca/laws/statute/S19007" \l "sched17s62); [2023, c. 5, Sched. 2, s. 7](http://www.ontario.ca/laws/statute/S23005" \l "sched2s7).

Definitions

**1** In this Act,

“board” has the same meaning as in section 1 of the Education Act; (“conseil”)

“Minister” means the Minister of Education or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the Executive Council Act; (“ministre”)

“Office” means the Education Quality and Accountability Office; (“Office”)

“test” means any method of assessing the academic achievement of elementary and secondary school pupils. (“test”) 1996, c. 11, s. 1; 1997, c. 31, s. 148 (1); 2017, c. 34, Sched. 46, s. 12 (1).

**Section Amendments with date in force (d/m/y)**

1997, c. 31, s. 148 (1) - 01/01/1998

[2017, c. 34, Sched. 46, s. 12 (1)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s1) - 01/01/2018

Education Quality and Accountability Office established

**2** A corporation without share capital known in English as the Education Quality and Accountability Office and in French as Office de la qualité et de la responsabilité en éducation is established. 1996, c. 11, s. 2.

Objects

**3** The Office has the following objects:

1. To evaluate the quality and effectiveness of elementary and secondary school education.

2. To develop tests and require or undertake the administering and marking of tests of pupils in elementary and secondary schools.

3. To develop systems for evaluating the quality and effectiveness of elementary and secondary school education.

4. To research and collect information on assessing academic achievement.

5. To evaluate the public accountability of boards and to collect information on strategies for improving that accountability.

6. To report to the public and to the Minister on the results of tests and generally on the quality and effectiveness of elementary and secondary school education and on the public accountability of boards.

7. To make recommendations, in its reports to the public and to the Minister, on any matter related to the quality or effectiveness of elementary and secondary school education or to the public accountability of boards. 1996, c. 11, s. 3; 2017, c. 34, Sched. 46, s. 12 (2).

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 12 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s2) - 01/01/2018

Office may require co-operation of boards

**4** (1)  Without limiting the powers or capacities of the Office, for the purpose of carrying out its objects, the Office may,

(a) require a board to administer tests to pupils enrolled in schools of the board, mark the tests and report on the results of the tests to the Office and to the general public within the jurisdiction of the board; and

(b) require a board to provide information to the Office, including personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act and section 28 of the Municipal Freedom of Information and Protection of Privacy Act. 1996, c. 11, s. 4 (1).

(2)  Repealed: 1997, c. 31, s. 148 (2).

Directives: when a pupil need not take a test

(3)  The Office may issue directives regarding the circumstances in which a pupil need not take a test under this section. 1996, c. 11, s. 4 (3).

*Legislation Act, 2006*, Part III

(4)  A directive issued under subsection (3) is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. 1996, c. 11, s. 4 (4); 2006, c. 21, Sched. F, s. 136 (1).

Compliance of boards

(5)  A board shall do anything that it is required or directed to do under this section, within the time and in the manner and form specified by the Office. 1996, c. 11, s. 4 (5).

Compliance of pupils

(6)  A pupil shall take any test administered to him or her in accordance with this section. 1996, c. 11, s. 4 (6).

**Section Amendments with date in force (d/m/y)**

1997, c. 31, s. 148 (2) - 01/01/1998

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

Agreements re tests

**5** (1)  The Office may enter into agreements with a person operating,

(a) a private school, as defined in section 1 of the Education Act;

(b) a school provided by a band, the council of a band or an education authority where the band, the council of the band or the education authority is authorized by the Crown in right of Canada to provide education for Indians; or

(c) a school provided by the Crown in right of Canada,

about administering tests to pupils enrolled in the school, marking the tests and reporting the results of the tests. 1996, c. 11, s. 5 (1).

Fees

(2)  Without limiting the generality of subsection (1), an agreement may provide for the charging of fees by the Office to a person operating a school described in subsection (1). 1996, c. 11, s. 5 (2).

Capacity to enter agreements not limited

(3)  This section shall not be interpreted to limit the ability of the Office to enter into agreements with any person. 1996, c. 11, s. 5 (3).

Minister: directives and policies

**6** (1)  The Minister may issue written directives and establish policies on matters relating to the objects of the Office. 1996, c. 11, s. 6 (1); 2017, c. 34, Sched. 46, s. 12 (2).

Same

(2)  The board of directors of the Office shall ensure that the Office operates in accordance with the directives and policies issued or established under subsection (1). 1996, c. 11, s. 6 (2).

*Legislation Act, 2006*, Part III

(3)  A directive issued under subsection (1) is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. 1996, c. 11, s. 6 (3); 2006, c. 21, Sched. F, s. 136 (1).

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

[2017, c. 34, Sched. 46, s. 12 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s2) - 01/01/2018

Crown Agency

**7** The Office is a Crown agency as defined in the Crown Agency Act. 1996, c. 11, s. 7.

Delegation of powers of Minister

**8** (1)  Any power or duty conferred or imposed on the Minister under any Act may be delegated by him or her to the board of directors of the Office, as he or she considers necessary or advisable for the carrying out of the Office’s objects. 1996, c. 11, s. 8 (1); 2017, c. 34, Sched. 46, s. 12 (2).

Delegation subject to conditions

(2)  A delegation under subsection (1) shall be in writing and is subject to any conditions or restrictions set out in it. 1996, c. 11, s. 8 (2).

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 12 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s2) - 01/01/2018

Capacity and powers

**9** (1)  For the purposes of carrying out its objects, the Office has all the capacity and powers of a natural person, except as limited by this Act and by section 11.0.1 of the Ministry of Infrastructure Act, 2011. 1996, c. 11, s. 9 (1); 2023, c. 5, Sched. 2, s. 7.

Real property

(2)  The Office may not acquire, hold or dispose of an interest in real property, other than a leasehold interest, without first obtaining the approval of the Lieutenant Governor in Council. 1996, c. 11, s. 9 (2).

Borrowing

(3)  The Office may, if it first obtains the approval of the Lieutenant Governor in Council, borrow money or give security against its property, subject to any conditions imposed by the Minister of Finance. 1996, c. 11, s. 9 (3).

Guarantee

(4)  The Lieutenant Governor in Council may by order authorize the Minister of Finance, on behalf of Ontario, to agree to guarantee the repayment of loans made to the Office, including interest. 1996, c. 11, s. 9 (4).

Same

(5)  A guarantee given under subsection (4) is subject to any conditions that the Minister of Finance imposes. 1996, c. 11, s. 9 (5).

Collection of personal information

(6)  The Office may collect personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act and section 28 of the Municipal Freedom of Information and Protection of Privacy Act for the purpose of carrying out its objects. 1996, c. 11, s. 9 (6).

**Section Amendments with date in force (d/m/y)**

[2023, c. 5, Sched. 2, s. 7](http://www.ontario.ca/laws/statute/S23005" \l "sched2s7) - 01/04/2024

Non-application of certain Acts

**10** The Not-for-Profit Corporations Act, 2010 and Corporations Information Act do not apply to the Office, except as specifically made applicable by this Act or the regulations made under this Act. 1996, c. 11, s. 10; 2017, c. 20, Sched. 8, s. 80 (1).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 80 (1)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s80s1) - 19/10/2021

Board of directors

**11** (1)  The Office shall be managed by its board of directors, which shall be composed of a minimum of seven and a maximum of nine directors appointed by the Lieutenant Governor in Council. 1996, c. 11, s. 11 (1).

Term

(2)  The directors shall be appointed for such terms as may be determined by the Lieutenant Governor in Council and may be reappointed for further terms. 1996, c. 11, s. 11 (2).

Remuneration

(3)  The directors shall receive such remuneration and expenses as may be determined by the Lieutenant Governor in Council. 1996, c. 11, s. 11 (3).

Vacancies

(4)  If the position of a director becomes vacant, the Lieutenant Governor in Council may appoint a person to hold office for the unexpired portion of the term or for a new term. 1996, c. 11, s. 11 (4).

Temporary vacancies

(5)  If the position of a director becomes temporarily vacant because of a leave of absence, the Lieutenant Governor in Council may appoint a person to hold office as acting director during the leave. 1996, c. 11, s. 11 (5).

Chair

**12** (1)  One director shall be designated by the Lieutenant Governor in Council to act as the chair of the board of directors. 1996, c. 11, s. 12 (1).

Acting chair

(2)  If the chair is absent or unable to act, the directors shall appoint from among themselves an acting chair. 1996, c. 11, s. 12 (2).

Meetings

**13** (1)  The directors shall meet at the call of the chair and, in any event, at least four times a year. 1996, c. 11, s. 13 (1).

Quorum

(2)  A majority of the directors shall constitute a quorum. 1996, c. 11, s. 13 (2).

By-laws

**14** The board of directors may pass by-laws regulating its proceedings, specifying the powers and duties of the officers and employees of the Office and generally providing for the management of the Office. 1996, c. 11, s. 14.

Conflict of interest and indemnification

**15** Sections 132 and 136 of the Business Corporations Act apply with necessary modifications to the Office and to its directors and officers. 1996, c. 11, s. 15.

Chief Executive Officer

**16** (1)  The Lieutenant Governor in Council shall appoint a chief executive officer, after consulting with the directors. 1996, c. 11, s. 16 (1).

Powers and duties

(2)  The chief executive officer is responsible for the operation of the Office, the implementation of policies established by the board of directors and the performance of such other functions as are assigned by the board of directors. 1996, c. 11, s. 16 (2).

Delegation

(3)  The board of directors may delegate any of its powers or duties, including any power or duty delegated to it by the Minister, to the chief executive officer, and may impose conditions and restrictions on the delegation. 1996, c. 11, s. 16 (3); 2017, c. 34, Sched. 46, s. 12 (2).

Same

(4)  The chief executive officer may, in writing, delegate to another employee of the Office any of the chief executive officer’s powers or duties, including any that have been delegated to him or her by the board of directors, and may impose conditions and restrictions on the delegation. 1996, c. 11, s. 16 (4).

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 12 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s2) - 01/01/2018

Employees

**17** (1)  Such employees as are considered necessary for the proper conduct of the affairs of the Office may be appointed under Part III of the Public Service of Ontario Act, 2006. 2006, c. 35, Sched. C, s. 29.

Same

(2)  The chief executive officer of the Office may exercise any powers and perform any duties or functions that the Public Service Commission may delegate to him or her under Part III of the Public Service of Ontario Act, 2006 in respect of employees appointed under that Part. 2006, c. 35, Sched. C, s. 29.

(3)  Repealed: 2006, c. 35, Sched. C, s. 29.

Professional and other assistance

(4)  The Office may engage persons other than those employed under subsection (1) to provide professional, technical or other assistance to or on behalf of the Office and may prescribe the terms of engagement and provide for payment of remuneration and expenses of such persons. 1996, c. 11, s. 17 (4).

**Section Amendments with date in force (d/m/y)**

[2006, c. 35, Sched. C, s. 29](http://www.ontario.ca/laws/statute/S06035" \l "schedcs29) - 20/08/2007

Fees

**18** (1)  Subject to the approval of Management Board of Cabinet, the Office may set fees for any class of goods or services provided by it to any class of persons. 1996, c. 11, s. 18 (1).

Same

(2)  Despite subsection (1), the approval of Management Board of Cabinet is not required in relation to fees referred to in subsection 5 (2). 1996, c. 11, s. 18 (2).

Revenues and investments

**19** (1)  Despite the Financial Administration Act, the revenues and investments of the Office do not form part of the Consolidated Revenue Fund. 1996, c. 11, s. 19 (1).

Payments to Consolidated Revenue Fund

(2)  When ordered to do so by the Minister of Finance, the Office shall pay into the Consolidated Revenue Fund any money that the Minister of Finance determines is surplus to its requirements. 1996, c. 11, s. 19 (2).

Reserves

(3)  In determining the amount payable under subsection (2), the Minister of Finance shall allow such reserves for the future needs of the Office as he or she considers appropriate, and shall ensure that the payment ordered under subsection (2) will not impair the Office’s ability to pay its liabilities, to meet its obligations as they become due or to fulfil its contractual commitments. 1996, c. 11, s. 19 (3).

Temporary investments

**20** The Office may invest money that is temporarily surplus to its requirements in,

(a) notes, bonds, debentures and other evidences of indebtedness issued or guaranteed as to principal and interest by Canada, a province of Canada, an agency of the Government of Canada, an agency of the government of a province of Canada, a bank listed in Schedule I or II to the Bank Act (Canada) or another financial institution authorized to carry on business in Canada; and

(b) deposit receipts, deposit notes, certificates of deposit, acceptances and other investment instruments issued, guaranteed or endorsed by a financial institution authorized to carry on business in Canada. 1996, c. 11, s. 20.

Fiscal year

**21** The Office’s fiscal year begins on the 1st day of April in each year and ends on the 31st day of March in the following year. 1996, c. 11, s. 21.

Annual budget

**22** (1)  The board of directors shall submit to the Minister of Education and Training for his or her review and approval, annually, on or before a date specified by the Minister, the Office’s proposed budget for the next fiscal year. 1996, c. 11, s. 22 (1).

Same

(2)  The Minister may require the board of directors to make any changes to the proposed budget that he or she considers appropriate. 1996, c. 11, s. 22 (2); 2017, c. 34, Sched. 46, s. 12 (2).

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 12 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s2) - 01/01/2018

Annual plan of operation

**23** (1)  The board of directors shall submit to the Minister of Education and Training for his or her review and approval, annually, on or before a date specified by the Minister, a plan for the Office’s next year’s operations. 1996, c. 11, s. 23 (1).

Multi-year plan

(2)  The Minister of Education and Training may require the board of directors to submit to him or her for review and approval a plan for the Office’s future operations projected over several years as specified by the Minister. 1996, c. 11, s. 23 (2).

Changes required by Minister

(3)  The Minister may require the board of directors to make any changes to a plan submitted under this section that he or she considers appropriate. 1996, c. 11, s. 23 (3); 2017, c. 34, Sched. 46, s. 12 (2).

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 12 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s2) - 01/01/2018

Accounting

**24** (1)  The board of directors shall establish and maintain an accounting system satisfactory to the Minister. 1996, c. 11, s. 24 (1); 2017, c. 34, Sched. 46, s. 12 (2).

Auditors

(2)  The board of directors shall appoint one or more auditors licensed under the Public Accounting Act, 2004 to audit the Office’s accounts and financial transactions annually. 1996, c. 11, s. 24 (2); 2004, c. 8, s. 46.

Disclosure to Auditor General

(3)  The board of directors shall make available to the Auditor General, on his or her request, the auditor’s report and all accounts, records and other documents relating to the audit. 1996, c. 11, s. 24 (3); 2004, c. 17, s. 32.

Audit required by Minister

(4)  The Minister may require that any aspect of the Office’s accounts or financial transactions be audited by an auditor appointed by the Minister for the purpose. 1996, c. 11, s. 24 (4); 2017, c. 34, Sched. 46, s. 12 (2).

Same

(5)  The auditor shall submit the results of any audit performed under subsection (4) to the Minister and to the board of directors. 1996, c. 11, s. 24 (5); 2017, c. 34, Sched. 46, s. 12 (2).

**Section Amendments with date in force (d/m/y)**

[2004, c. 8, s. 46, Table](http://www.ontario.ca/laws/statute/S04008" \l "s46s2) - 01/11/2005; [2004, c. 17, s. 32](http://www.ontario.ca/laws/statute/S04017" \l "s32) - 30/11/2004

[2017, c. 34, Sched. 46, s. 12 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s2) - 01/01/2018

Annual report

**25** (1)  The Office shall prepare an annual report, provide it to the Minister and make it available to the public. 2017, c. 34, Sched. 46, s. 12 (3).

Same

(2)  The Office shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

(a) the form and content of the annual report;

(b) when to provide it to the Minister; and

(c) when and how to make it available to the public. 2017, c. 34, Sched. 46, s. 12 (3).

Same

(3)  The Office shall include such additional content in the annual report as the Minister may require. 2017, c. 34, Sched. 46, s. 12 (3).

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 12 (3)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s3) - 01/01/2018

Tabling of annual report

**25.1**The Minister shall table the Office’s annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it. 2017, c. 34, Sched. 46, s. 12 (3).

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 12 (3)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s3) - 01/01/2018

Other reports

**25.2**(1)  The Minister may require the Office to provide other reports on the Office’s affairs, objects, powers or duties. 2017, c. 34, Sched. 46, s. 12 (3).

Same

(2)  Additionally, the Office may report to the Minister at any time. 2017, c. 34, Sched. 46, s. 12 (3).

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 12 (3)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s3) - 01/01/2018

Regulations

**26** (1)  The Lieutenant Governor in Council may make regulations,

(a) governing the decision-making procedures followed at directors’ meetings;

(b) prescribing objects of the Office in addition to those set out in section 3;

(c) making any provision of the Business Corporations Act, the Not-for-Profit Corporations Act, 2010 and the Corporations Information Act applicable to the Office, with such modifications as the Lieutenant Governor in Council considers necessary or advisable;

(d) authorizing personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act and section 28 of the Municipal Freedom of Information and Protection of Privacy Act to be collected by the Office, for the purpose of carrying out its objects, in a manner other than directly from the individual to whom the information relates and regulating the manner in which the information is collected;

(e) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act. 1996, c. 11, s. 26 (1); 2017, c. 20, Sched. 8, s. 80 (2).

Consultation

(2)  Before a regulation is made under subsection (1), the Minister shall consult with the Office about it. 1996, c. 11, s. 26 (2); 2017, c. 34, Sched. 46, s. 12 (2).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 80 (2)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s80s2) - 19/10/2021; [2017, c. 34, Sched. 46, s. 12 (2)](http://www.ontario.ca/laws/statute/S17034" \l "sched46s12s2) - 01/01/2018

Obligation re personal information

**27** (1)  Before disclosing personal information obtained under this Act, the person who obtained it shall delete from it all names and identifying numbers, symbols or other particulars assigned to individuals unless disclosure of the names or other identifying information is otherwise authorized under the Freedom of Information and Protection of Privacy Act. 1996, c. 11, s. 27 (1).

Same

(2)  This section applies to personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act and section 28 of the Municipal Freedom of Information and Protection of Privacy Act. 1996, c. 11, s. 27 (2).

Protection from personal liability

**28** (1)  No proceeding for damages shall be instituted against a director, officer or employee of the Office for an act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any duty or authority under this Act. 1996, c. 11, s. 28 (1).

Crown not relieved of liability

(2)  Despite subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject. 1996, c. 11, s. 28 (2); 2019, c. 7, Sched. 17, s. 62.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 17, s. 62](http://www.ontario.ca/laws/statute/S19007" \l "sched17s62) - 01/07/2019

**29** Omitted (amends or repeals other Acts). 1996, c. 11, s. 29.

**30** Omitted (provides for coming into force of provisions of this Act). 1996, c. 11, s. 30.

**31** Omitted (enacts short title of this Act). 1996, c. 11, s. 31.

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