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(Hansard)**

Mercredi 3 mai 2006

**Standing committee on
estimates**

Ministry of Education

**Comité permanent des
budgets des dépenses**

Ministère de l'Éducation

Chair: Cameron Jackson
Clerk: Katch Koch

Président : Cameron Jackson
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ESTIMATESCOMITÉ PERMANENT DES
BUDGETS DES DÉPENSES

Wednesday 3 May 2006

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The committee met at 1556 in room 228.

MINISTRY OF EDUCATION

The Chair (Mr. Cameron Jackson): I'd like to call to order the standing committee on estimates. We have before us the Minister of Education with her deputy and ADM Nancy Naylor. We have three hours and 21 minutes remaining. I believe, Mr. Marchese, you have 10 minutes remaining in your cycle.

Before I begin, Deputy, do you have any responses to the outstanding questions with you today?

Mr. Ben Levin: Chair, I'd like to first of all explain to the committee my absence yesterday. I had a long-standing speaking engagement in Winnipeg, which is why I was not here. I certainly intended no disrespect to the committee by not being here.

I believe we will have some material to table before the end of today, in response to some of the questions.

The Chair: Mr. Marchese.

Mr. Rosario Marchese (Trinity-Spadina): Thank you very much. I accept the explanation. I'm glad to have been offered one. That makes sense.

Yesterday, we were on the topic of the class size cap, and I asked, "What mechanism is being used to monitor class sizes?" and the minister said that we have school boards that provide information. I wonder whether the minister and/or the deputy might add anything to that. Is that the only mechanism we have? Is there a different kind of mechanism that we use to monitor class size, or is that it?

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): I think my deputy may be able to add as well, but we were saying yesterday that the mechanism is in terms of numbers. Because the board budgets are constantly changing, for us to look at this year's numbers, which were the ones you were asking for—we won't have them completed. They are constantly changing, but we're planning, as you know, to be releasing this information publicly. So we now are in this back-and-forth with boards to confirm their numbers. They are going to be public shortly, and they'll actually be posted on the website.

Mr. Marchese: Which is good, but the mechanism is the board? They provide the information? There is no other evidence-based kind of procedure that we use? They collect the numbers, you get them, and that's how you know, right? Basically.

Hon. Ms. Pupatello: Yes.

Mr. Marchese: So we don't have this year's numbers, but we have last year's numbers in terms of capping. Is that correct?

Hon. Ms. Pupatello: We do have some numbers from last year as well. Again, we are negotiating—things certainly have changed financially between the government and the boards. As you know, with our accounting practices we are entering into a whole new relationship financially with our boards. For that reason—

Mr. Marchese: Sure. But does that change the fact you will have the numbers for capping this year, and there are numbers presumably available for last year? In spite of what you said, I'm assuming the numbers are available. Could we make them available? Could you give them to us?

Hon. Ms. Pupatello: The numbers that we are seeking, given what our mandate is in this term, when we want more detailed information—we are now setting up that relationship and working with our boards to be able to determine and get that level of detail. We are now working with our boards—

Mr. Marchese: Okay. But I remember the former Minister of Education saying "40%." "We've now achieved, I believe, 40% of capping in all of our Ontario schools." I'm assuming, based on that figure, that he knows. He must have some evidence for it. So I'm saying to you, can I have that evidence? Can we share it so that I can say, "Okay, the minister is right, and here's where the numbers are?"

Hon. Ms. Pupatello: Yes. We know that when we began in 2003 the number was at 30% of the class size. Now we know that the numbers are growing. We are looking for more detail. I'm going to ask my assistant deputy minister as well to address the numbers that existed prior so you can have some comparisons.

Mr. Marchese: Right. I don't want detail. All I'm saying is, whatever numbers you've got, based on which statements have been made around the issue of capping, could we have them? I know you're saying that this information is changing; that's fine. We can get whatever additional information there might be on this, based on changes the following year. But whatever you've got for past years, I'm saying, share it with me. Can you do that?

Ms. Nancy Naylor: As the minister said, our starting point on classes under 20 in the JK to grade 3 was around 32%, so you may have heard the previous minister refer

to that. We did collect the 2004-05 numbers, and on an expedited basis we're trying to get the 2005-06. We're in the final stages of confirming that data back and forth with boards. We expect to release that, as the minister said, on the website fairly shortly, as soon as those confirmations are—

Mr. Marchese: So that's 2005-06. Do we have 2004-05? Is that available? Can you share it with us?

Ms. Naylor: We're doing 2004-05 as well. The reason why is that we've always collected it on an average class-size basis, so collecting it literally on a class-by-class basis to have the student numbers in every class is a slightly different data collection. That's what we're finalizing so that we can post it on the website.

Mr. Marchese: How was the previous minister able to say that 30% of our classes have been capped? How does he say it without, presumably, having some evidence for it?

The Chair: Ms. Naylor, the question is to staff about how the calculations are occurring.

Ms. Naylor: That was a 2003-04 number that Minister Kennedy used. Approximately 30% was a 2003-04 number.

Mr. Marchese: So if he was able to make that statement, it was based on evidence. All I'm saying is, can you share the evidence with us?

Ms. Naylor: That would be public when the data goes on the website.

Mr. Marchese: You understand my difficulty. The minister makes a statement and we are all supposed to believe that, based on evidence that you are regularly collecting. We have no way of objecting or being critical, because we have no objective evidence to prove or disprove it one way or the other. I'm certain that staff and the politicians are—

Hon. Ms. Papatello: Is that the question?

Mr. Marchese: Question?

Interjection.

Mr. Marchese: I see. All I want is—and I keep asking the same question: Can you share the data on which the minister based his 30% figure with me? I'm hearing that you can't.

The Chair: Mr. Marchese, again, I have to assist the researcher, who's responsible for putting this down.

Mr. Marchese: Yes.

The Chair: Are there freedom of information issues or confidentiality issues around any of this data, Ms. Naylor?

Ms. Naylor: No, we don't believe so, and we are planning to publish that. We've made that commitment, and that will be eventually public.

The Chair: Okay. The data is available now; it's just not ready for your website. That doesn't mean it isn't ready for this committee. Mr. Marchese will take the raw data. He doesn't need the interpretation. That's what the request is.

Ms. Naylor: There are a number of boards where we are still confirming their class counts, so we don't consider it complete.

The Chair: So you would be able to share the data with this committee, minus those boards that you're still trying to clear up from last year.

Ms. Naylor: This year.

Mr. Marchese: I'm not sure we can give more clarity, but keep on trying.

The Chair: Mr. Marchese has asked for data for a year ago and the current-year data. You're assembling current-year data, but last year's data you have, whether it's in dispute or not. We're asking for last year's data.

Ms. Naylor: The 2004-05 data?

Mr. Marchese: The 2004-05 data, yes. That's what I was asking, three times.

Ms. Naylor: Yes, I think that's possible.

The Chair: You think it's possible. Deputy Levin, do you have a degree of more certainty for the committee?

Mr. Levin: We can share 2004-05 data that the boards reported to us by numbers of classes.

Mr. Marchese: Exactly. That's great. Thank you.

The Chair: Thank you very much.

Please proceed.

Mr. Marchese: Can the ministry produce a complete list of the sizes of every class in every school in the province? Boards report that to you, and you would probably have a good sense of that.

The Chair: Ms. Naylor?

Mr. Marchese: The minister is saying no and Ms. Naylor was saying yes, I think, but I don't know.

The Chair: Whom are you asking the question to, Mr. Marchese?

Mr. Marchese: It doesn't matter, as long as I get an answer. So if the minister doesn't know, the deputy might know, and he hopefully will share with us.

Mr. Levin: The challenge in sharing class-by-class data in the current year is that those numbers essentially change on a daily basis.

Mr. Marchese: Right.

Mr. Levin: They're always frozen at a point in time.

Mr. Marchese: So if the numbers change, how can we prove class sizes have been capped anywhere? They're constantly changing. How can we say anything about capping?

Hon. Ms. Papatello: I think it's fair to say it was clear in the capping of classes from JK to 3—

Mr. Marchese: Yes, I know your commitment.

Hon. Ms. Papatello: That's what we're committed to doing, and all of the primary class size initiatives are around JK to 3.

Mr. Marchese: Minister, I understand your commitment. Often your Premier talks about capping; often your former minister would talk about capping and then talk about reduction of class sizes. They're not the same, and I think everybody understands that. All I'm saying is that if these numbers are constantly changing, then how can we say anything about what we've capped?

Hon. Ms. Papatello: The back and forth with the boards now is so that when it becomes published material, we want to be certain that the board understands

that this is the number we're using and that is the most accurate number.

Mr. Marchese: So this year we're going to get an accurate number, whereas last year it was not accurate. Because we've changed the mechanism?

Hon. Ms. Pupatello: I can't speak for the former minister, but I can tell you that when we started as a government, the boards knew, according to the regulations and the act, that they were looking at averages of classes across the board, which is why, in your own riding, for example, you might have some schools that were wildly over but other areas within the board wildly under, and then they would average out at a number. But we did change all of the mechanisms of reporting, because in JK to 3 we weren't asking for board averages. We began asking for the real number per class. It became a big, difficult challenge for boards.

The Chair: Thank you, Minister.

Mr. Marchese: You remember my first question: What mechanism is being used to monitor class sizes? You told me that the boards give you that information. I was asking for a mechanism to determine what was used in 2004-05, and now 2005-06, as a way of understanding differences. I wasn't getting a sense of what mechanism you were using. Now we're getting—

Hon. Ms. Pupatello: The boards now are being required to do this real, hard count. Prior to us, two years ago, they weren't having that requirement, so it became a great deal of work for them to be producing data that we requested.

The Chair: One minute, Mr. Marchese.

Mr. Marchese: Bill 78 refers to maximum average size of classes. Could the minister explain what this is and how it's arrived at?

Hon. Ms. Pupatello: My deputy is happy to address that. And this is the bill that is not yet law.

Mr. Marchese: That's right, that will be soon debated, next week maybe, in committee.

Mr. Levin: What is currently in the Education Act is a provision that specifies a maximum average class size in both the elementary and the secondary panel. That was monitored because the boards would essentially report to the ministry each fall on the total number of classes and the total enrolment in those grades, and you could do the division and see if they were within the averages or not.

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Mr. Marchese: Right. Are class sizes going to be determined by grade, by division, by school or by board? Do you know?

Mr. Levin: Do you mean on the assumption that the new legislation is passed and the provisions are changed?

Mr. Marchese: Of course. I suspect they have a majority, and they usually get their way. But I could be wrong. On that assumption.

Mr. Levin: The legislation provides that the class size limits could be set in regulation. I don't believe a decision has yet been made as to precisely what those regulations would look like.

The Chair: Mr. Wilkinson.

Mr. John Wilkinson (Perth–Middlesex): Mr. Chair, could you just clarify for us, on the basis that we would yield our time now, how much time we have left?

The Chair: First of all, we do that with all-party agreement, and that's done through the Chair but not using time to do it. So right now you've got a 40-minute cycle at your disposal, if you'd like to use it.

Mr. Wilkinson: And if we don't use that 40 minutes, then we have how much time—

The Chair: I'm not prepared to negotiate on the record.

Mr. Wilkinson: I'm not negotiating; I'm just asking a question.

The Chair: Well, it's three hours and 10 minutes left of estimates, and we have an hour and 40 minutes left today, okay?

Mr. Wilkinson: Then we have no questions of the minister.

The Chair: Okay, thank you. Mr. Klees.

Mr. Frank Klees (Oak Ridges): I am looking forward, Chair, to questioning the representatives from the college of teachers. I understand they'll be here at 5 o'clock. I will defer the time I have to questioning them.

The Chair: Mr. Marchese.

Mr. Marchese: The bill refers to "maximum average size" of classes, and it will be done by regulation. That's what the bill says. But the minister probably doesn't know—for good reasons, I imagine, because it will be done by regulation. Deputy, do you have a sense of what that means? Do you have a sense of how it might be determined? Because how we determine maximum average class size is very significant. How that is done, whether it's by grade, by division, by school or by board, is important to us in terms of knowing how all that is going to happen. Can you comment on who will look at that, how that might be determined, what input people might have?

Mr. Levin: There are a number of ways in which that could be done, and of course the decision as to the contents of the regulation will be made through the normal process, through either the minister or the LGIC, depending on whether it's a ministerial or an LGIC reg. But one could anticipate a number of different ways in which one might do this. For example, given the class size cap in JK to 3, one might well want to have a different maximum in regulation for JK to 3 than for 4 to 8, whereas in the existing legislation there is one max across the elementary panel. Even prior to the current effort to cap class sizes, a number of boards had chosen to keep their JK to 3, their primary class sizes smaller, which resulted in their intermediate class sizes being larger. So one decision will be whether to have a single class size average for JK to 8 or one for JK to 3 and one for 4 to 8. In the secondary it becomes more complicated, because there are not only grades, which in my view don't seem to be a very logical way to organize class sizes, but there are the various tracks in the high school program. So one might want to think about whether one

would want to have smaller maximum class sizes, say, for applied courses or other kinds of—

Mr. Marchese: Yes, all those are good considerations.

Mr. Levin: I assume those will be the considerations that the government will want to address.

Mr. Marchese: Let me ask first the minister: There is no talk of caps in Bill 78. What there is talk of is maximum average class size. Is there a reason why we don't talk about caps in the bill versus talking about maximum average class size, whatever that means?

Hon. Ms. Pupatello: We did say, in a number of areas, if the bill becomes law, that we would engage this sector—boards, teachers, all of our partners—in discussing the items that would be under the area that's considered of interest to the public, and in that negotiation and discussion we would land on the kinds of items required in regulation for us to achieve those quality levels in education.

Mr. Marchese: That doesn't mean anything to me. I wondered, are you interested at all—you know that your Premier is interested in capping, because he talks about that. You talk about it too. If you want capping, why isn't capping included in the bill, in terms of capping at the primary grades?

Hon. Ms. Pupatello: The bill is being written so that it really is a bill. If it becomes law, it's about quality items in education. I think quality can be achieved on a number of fronts. Given the direction that we're heading in now, with the items that we've talked about—lowering the dropout rates, increasing scores in literacy, numeracy and all of those—

Mr. Marchese: I understand all that.

Hon. Ms. Pupatello: —you would anticipate that that would be the kind of discussion we would be having if we consider those to be quality markers.

Mr. Marchese: But I'm worried because you're not talking about capping. It's not there. All we have in Bill 78 is something that talks about maximum average class sizes, which we had under the Tories, but I don't know what it means because it's not yet defined. All I know is that capping is not talked about, even though you and the former minister and your Premier talk about capping all the time. If I don't see it, it means it's not there.

Hon. Ms. Pupatello: Well, I'm happy to take recommendations from you as to what should be included in regulation. If you'd like to make a submission on including the capping in regulation, I'm happy to see that from you.

Mr. Marchese: I think, given that it's important to you, and you're the government, you'd better consider that. I'm raising the flag. You're the minister; it's up to you to prove me wrong and prove to me that you're genuinely interested in capping and that you're going to achieve it, as you promised.

Let me get to the issue of autism, because we've raised a number of questions vis-à-vis that and I have a lot of questions in this regard. First of all, just a general statement: the government has been fighting with parents

of children suffering from autism spectrum disorder. I'll refer to autism spectrum disorder as ASD so I don't have to spell it out every time. For some time now, in an effort to limit and deny treatment to needy children, as well as going to court to deal with the problem, the ministry has come up with the concept of ASD consultants to meet the needs of autistic children. I'm going to be focusing on the ASD consultants to meet the needs of autistic children. Could the minister please tell us why the funding for the ASD program was capped at \$22 million?

The Chair: Deputy?

Mr. Levin: I believe that program is under the Ministry of Children and Youth Services—the consultants.

Mr. Marchese: While that is true, it is equally true that—let me just find the line for you—

The Chair: Ms. Naylor, can you identify the line?

Mr. Marchese: No, I'm looking for the line that simply says that the Ministry of Children and Youth Services and the Ministry of Education are doing this jointly. So it isn't something that that ministry is doing on their own; they have joint responsibility. I was looking for the document that speaks to that. Would you confirm that?

Mr. Levin: Well, it's joint in the sense that the consultants, who are funded through the Ministry of Children and Youth Services, work closely with schools. Those consultants are in schools, working with teachers and principals, but the financial responsibility for them is in the Ministry of Children and Youth Services.

Mr. Marchese: So when I ask whether this \$22 million that was capped arrived at because of an evidence-based needs assessment in the province, you wouldn't be able to answer it?

Mr. Levin: No, I would not.

Mr. Marchese: Does the ministry have an interest in understanding that?

Mr. Levin: We've had many and ongoing discussions with the Ministry of Children and Youth Services and with a variety of autism service organizations such as the Geneva Centre around how we can most effectively support families and children with autism, preschool and in school. I think some significant progress has been made on that front, but I'm sure everyone would recognize that there are still concerns and issues.

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Mr. Marchese: Oh, absolutely. I'm about to get to them. The final report, which I've got here in my hands—and it's tabbed—of the implementation working group school support team, autism spectrum disorder, claims that this funding, the \$22 million, works out to be one ASD consultant for every 30 autistic children in the province. So this report, which worked on this file, says that the \$22 million means you have one ASD consultant for every 30 autistic children in the province, and we know how complicated it is to deal with and teach children who have autism. How is that ratio supposed to meet the needs of one of the most high-needs groups in the province, and is this process intended to replace the IBI—which stands for intensive behavioural interven-

tion—which the government doesn't want to fund past the age of six?

Mr. Levin: I don't know that I can answer that question except to say that there has been a considerable expansion of services for autistic children and families over the last three years, so the whole development of the school consultants is a new development. They are providing a very valuable service to schools. They are helping to result in the improvement to services for autistic children. But as I said, anyone who works in this field or knows people with autistic children recognizes that there are some very significant challenges, and no one would argue that everything has been done.

Mr. Marchese: Okay. I was talking about the ratio of one ASD consultant for every 30 autistic children in the province. I know it's difficult for you to tackle that one, but I can tell you, as a former teacher, it's really tough. Who gets the funding for ASD programs and how are they held accountable? Do you know that?

Mr. Levin: It depends what funding you mean.

Mr. Marchese: We're still talking about this \$22 million that goes for ASD programming.

Mr. Levin: No, again, that's children and youth services money, so I'm not familiar with how they're allocating it.

Mr. Marchese: So you wouldn't know what the yearly average salary for ASD consultants is either.

Mr. Levin: No.

Mr. Marchese: And you wouldn't know what specific qualifications an ASD consultant needs to get the job.

Mr. Levin: I'm afraid not.

Mr. Marchese: Does the ministry oversee the qualifications and hiring of ASD consultants at all?

Mr. Levin: Our ministry? No.

Mr. Marchese: What role do school boards play in the hiring and deployment of ASD consultants?

Mr. Levin: I don't believe school boards play a role in that; I believe it's done through third parties.

Mr. Marchese: The role of ASD consultants does not seem to be clearly defined, from what I know. Sorry to put you on the spot, Deputy, but can the minister or the deputy define for us what these people are supposed to do?

Mr. Levin: In a general sense, the role of the consultants is to support schools and teachers in trying to provide effective services for children with autism or autism spectrum. That could take a variety of different forms, and my understanding is, it does take a variety of different forms in different parts of the province, depending on the views of school divisions, the third parties that they're dealing with—a variety of factors.

I think autism is a field in which we still have a huge amount to learn about what effective service is and how to provide it, and in my view it's quite appropriate to have a variety of different modalities as we try to learn what works.

Mr. Marchese: You're absolutely right, except the problem is that the program will not provide direct

services to children and youth with ASD. They do not provide direct programming. You acknowledge that.

Mr. Levin: Yes.

Mr. Marchese: This means that ASD consultants are not in the classrooms.

Mr. Levin: They are in classrooms working with teachers—at least in some cases they are. The consultants would be working, in some cases, directly with teachers.

Mr. Marchese: In the classroom?

Mr. Levin: In the classroom in the sense of working with a classroom teacher. Whether that actually takes place in a classroom, I don't know.

Mr. Marchese: As far as I know, it doesn't, which presents a problem, because I don't really know what they're doing. I don't really know whether they're getting out to the teachers. I don't know whether the teachers are talking to the ASD consultants. I don't know what direct service they're providing. If they don't have a direct connection to the students, what it means to me is that ASD consultants have no basis upon which to determine the feasibility of options within the regular classroom. Does that present a problem for you, as the deputy?

Mr. Levin: As I said, we are trying to sort out how best to service autistic children. I think there would be a strong view in many parts of the special education community and the special education research community that a central challenge is to increase the capacity of classroom teachers to teach effectively a more diverse group of learners, which could include many children with ASD. Anything we can do that helps classroom teachers be more effective with the range of learners is, in my view, good education policy and practice.

Mr. Marchese: You're absolutely right, except that the problem is, for the \$22 million, all we've got is one ASD consultant for every 30 autistic children.

The Chair: Deputy?

Mr. Marchese: I just wanted them to work out whatever. So you've got one ASD consultant for every 30 autistic children in the province. Everyone in the educational field understands how difficult it is to teach a regular classroom, where you have 20, 22, 24, 30, 34 at the elementary grades, including special education children who may not even be autistic, let alone having children who are autistic in the regular classroom. You've got one consultant for every 30 autistic children. How is it that we can increase the capacity of these teachers to deal with all these problems that they have? Do you think it's happening?

Mr. Levin: Yes. Whether it's happening as quickly and as fully as one might like, I'm sure is arguable. But I have, I must confess, only anecdotal evidence on this, and the anecdotal evidence I have is that, at least in some places, that works quite well. It's uneven across the province.

Mr. Marchese: You're obviously getting some information. Do they provide you a report on how things are going? Does the Ministry of Children and Youth Services actually have a report that they share with you to say, "This is what we're doing. This is how much we're

getting paid. This is who it is; they're teachers, they're not"? Do you get that information?

Mr. Levin: I have not seen that. I'm sure the Ministry of Children and Youth Services could provide that information. But we meet with them regularly, at my level with my colleague, and then at the staff level, the director level and the working staff level, to try to make sure that the services are coordinated and as effective as we can make them.

Mr. Marchese: Given that you have joint responsibility in this file, can I ask, through you, to request of them that we get a report to answer all these questions that we couldn't answer today, including the few that I'm going to ask next?

Mr. Levin: I'm only too happy to pass on a request to my colleague in children and youth services.

Mr. Marchese: Pass on and get?

The Chair: Mr. Marchese, could I ask a technical question?

Mr. Marchese: Sure.

The Chair: Earlier, Deputy, you responded that the money, the \$22 million, came from the ministry. Is that a transfer from the other ministry to your ministry or do you fund the program?

Mr. Levin: No, they fund the program; it's in their budget. We have no responsibility directly for that \$22 million.

The Chair: The only reason I'm asking that is, when we do these estimates we will pursue the questions that Mr. Marchese has asked. Are you satisfied that the \$22 million that they're spending is being spent in your schools—in your school boards, to be more specific?

Mr. Levin: As far as I know, having no direct responsibility for those funds, which is why I want to qualify that, that money is being spent to provide support services to schools to serve children with autism spectrum.

The Chair: Thank you. Thank you, Mr. Marchese.

Mr. Marchese: The reason we're asking all these questions is because what we know from this report is that they provide support for school board staff. That's all we know. The ministry often makes this claim about how much money we're spending. We have no clue how it's being spent or whether it's having an effect. We have no evidence-based kind of analysis—the ministry is fond of talking in terms of evidence-based—in terms of knowing whether this money is actually doing anything.

Hon. Ms. Pupatello: I think it's fair to say that if you were to have a request of the ministry for children to come forward at estimates, had you selected that ministry, that information is likely available to you.

Mr. Marchese: Sure. I understood—

Hon. Ms. Pupatello: And you also realize that some of the programming has begun this year and/or started last year and is in full implementation this year. More and more information is becoming available as these programs are becoming implemented.

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Mr. Marchese: All I'm saying is that because it's a joint program, I was asking the deputy to get this report. I

think we are all interested in knowing, because it is an education issue.

Are we aware of whether the ASD consultants are present at the identification policy review committees?

Mr. Levin: I don't know that, but I would be surprised if that were the case. Normally a consultant would be called in after an identification has been made. But I don't know that; that's an assumption on my part.

Mr. Marchese: Okay. That would be a question we're asking.

All I wanted to say by way of all of the questions, for which we hope to have answers, is that this program is a very, very poor substitute for the intensive therapy that students need. I think it does little to assist the parents of ASD children or those who work with them on a daily basis. I profoundly believe that. That's why I hope we're going to get this report, so it can help me and you to determine whether this \$22 million that is going there is actually doing something useful.

I wanted to touch on the issue of capital funding. Your investigator for the Dufferin–Peel Catholic board asks, where are the school closure guidelines the minister has supposedly been working on?

Hon. Ms. Pupatello: They are currently under review. Obviously, as a new minister in the ministry, I am doing a review of all the items that were in midstream or prepared to go, so that I have a comfort level with them. I'm not prepared to release that type of policy yet, and there is still more work to be done.

Mr. Marchese: Right. When the government got elected, they brought in a moratorium. Then they said they were going to do a review. Is it fair to say that we've now been doing this review for the last two years?

The Chair: Minister?

Mr. Marchese: Or the deputy, because you weren't there.

Hon. Ms. Pupatello: I can't speak for the former, but regardless of what has happened in the last two years, I can tell you that I wasn't comfortable on some of it. Even if it's just pending and ready to go, as the new minister I need to get a handle on all the level of detail, because you realize that those capital items have everything to do, for example, with how it relates to grants, and boards are currently waiting for their 2006-07 grants. We need to finalize items and policy as we prepare our grants for this year.

Mr. Marchese: When do you think you might have those guidelines ready?

Hon. Ms. Pupatello: It's hard to say, but they would have been at a minimum of 10 hours earlier without the estimates committee.

Mr. Marchese: So if you weren't here, you would have been able to prepare them in a week?

Hon. Ms. Pupatello: At least 10 hours earlier, yes.

Mr. Marchese: Given that maybe we've been here too long, in your view, your sense is that as soon as we're done, it might take possibly two weeks, or have we delayed you so long that we might not be able to recover?

Hon. Ms. Pupatello: That, and the preparation just to be here at estimates, you can imagine, has taken up an enormous amount of my time. I can't tell you when with any sort of exactness—it's going to be done—but I can tell you that there has been some significant review. We've also asked, in the area of capital, boards to propose to us five-year capital—

Mr. Marchese: I'm getting to that. I know that too.

We hope that these guidelines will appear soon. I speak on behalf of so many who have been waiting patiently in the north, the south, the west and the east. I know that you'll get on to it.

On a related note, the Ontario Catholic trustees note in their January submission to your ministry the following: "The March 18 B memo provided additional information with respect to allocations for school repairs under the Good Places to Learn initiative and included timelines for the Good Places to learn policy. According to the B memo, final school closure guidelines and school valuation templates, along with guidelines for the capital process, were to be provided to school boards during the spring of 2005. Long-term capital plans were to be submitted to the ministry in October 2005. These guidelines and related templates have yet to be received by school boards."

When will these templates be provided to the boards, and why have they been delayed? I understand you weren't there—

Hon. Ms. Pupatello: My deputy is happy to give you a little bit of background.

Mr. Marchese: That's what I was thinking.

Mr. Levin: Of course, some of this happened before I came to Ontario and became deputy minister, but I think there has been some progress in some areas on the capital front related to closings, although we do understand that boards have been waiting for some time for the actual guidelines. There were draft guidelines released with Good Places to Learn last spring, so those provided at least a sense of direction to boards, and a number of boards have in fact been proceeding with various accommodation reviews.

In the Good Places to Learn document, a very fundamental change was made in capital policy, in the change in the new pupil places funding, which formerly provided, in some cases, an incentive for boards to close schools in order to receive funds to build new schools. That incentive was removed. That decision in itself changed the economics and therefore the nature of the decisions boards would want to make about closings. Many boards were quite well along in processes in which, through accommodation reviews and through recommendations from external consultants, for example, they were proposing to close 25% or 30% of all their schools as a way of generating funds to build a much smaller number of new schools. As of last February-March, that became moot and, in a number of cases, boards had to start over that process.

The capital planning process is quite well advanced. Capital plans have taken longer for boards to prepare. It

took longer for the ministry to produce the guidelines for capital planning than we had anticipated, in fairness. It has also taken significantly longer for boards to prepare capital plans as they've discovered the complexities of trying to sort out how to think about their accommodation needs over the long term.

Mr. Marchese: Let me ask you this: The former minister announced \$275 million for capital projects, which is essentially paying for the mortgage for these projects over a 25-year period. What I know you have spent so far in the last two and a half years, going close to three years, is \$75 million, which amounts to, more or less, 20% of all the school needs that were identified in 2002-03, which was an entire Ontario board review of their capital plans. It was quite thorough. So what you've spent so far is \$75 million out of that \$275 million promised, for which the government, the former minister, Liberal members, are continually saying, "We're spending \$4 billion on capital projects." What we know is that you've spent \$75 million, we believe, so far, which constitutes approximately, more or less, about \$1 billion worth of capital projects. So we've only achieved 20% of that capital expense program plan.

Given that boards did that thorough review in 2002-03, when Ms. Naylor was there—and they all know they have to have the shovel in the ground in order to get the money; they all know this—why is it that we now have asked them for another five-year review, which means to me we don't know what other money may come the following year, which means that in three years all we've spent so far is \$75 million? What are we doing?

Mr. Levin: You won't be surprised to learn I wouldn't quite characterize it that way. I think the recap exercise in 2002-03 was not a capital plan in the same sense; it was a review of the actual condition of each school.

Mr. Marchese: Yes.

Mr. Levin: As far as I know, we did not ask boards in 2002-03 to do a capital plan projecting their enrolment and building needs. We asked them to look at their existing buildings, and not just them; we actually had an independent firm go through every school building in Ontario and assess its condition. On that basis, the first stage of the Good Places to Learn capital renewal money was released last spring. That was to fund about \$1 billion, as you quite correctly point out—

Mr. Marchese: It was \$75 million.

Mr. Levin: Yes—of the most high and urgent needs that had been identified in the recap assessment in 2002-03. It didn't, of course, fund all of those needs—

Mr. Marchese: We know that.

Mr. Levin: —it funded a portion of them. As it turned out, the boards could not usefully do all that work in the first year. We did not want, for example, to be driving up the price of roofing by having every board in the province trying to re-roof all its schools in the same year, so we did say to boards from the very beginning, "Use the money judiciously. Get done this year what you can reasonably get done." Some boards already have projects

planned, could not add more projects, and, “You’ll keep the money and you’ll be able to use it in the future.”

1640

Mr. Marchese: Sure, but the point you made—and I thought I was clear, and we’re both in the same kind of direction—is that 2002-03 identified really urgent needs, something that’s got to be done right, right now, and then identifies all the other repairs and rebuilding that have to be done. That, to me, is a plan that says, “Here are the problems.” So we could move, and what I hear you saying is that boards could not do the work in the first year. Why not?

Mr. Levin: For several reasons: (1) because of the availability of contractors, and (2) because by the time those funds were released—that announcement was made in February of 2005, I think—in some boards they already had a plan for capital projects in the summer, so their maintenance staff was occupied and they were planning work on certain schools with their other capital funds.

Mr. Marchese: You said there would be templates. These guidelines and templates have not been released. We’re still waiting. Did I hear you answer when these templates are coming, the guidelines and templates?

Mr. Levin: Do you mean the school closing guidelines? The minister had already answered that question.

Mr. Marchese: The capital programming guidelines—

Mr. Levin: We’ve provided guidelines. Ms. Naylor can speak to this in much more detail, but we have provided guidelines to boards for capital plans, and we have indeed received a substantial number of capital plans.

Mr. Marchese: The long-term capital plans were to be submitted to the ministry by the school boards in October 2005. Do we have them?

Mr. Levin: That was the plan in the spring of 2005. In fact, it turned out to be more complicated to produce the templates, so those did not come out in time for boards to submit by October.

Mr. Marchese: Do we have them now?

Mr. Levin: I’ll ask Ms. Naylor how many we have of the capital plans we have had submitted from boards.

Ms. Naylor: We have about half of them in now.

Mr. Marchese: We have half, so we need to wait for the other half?

Ms. Naylor: The boards are submitting them—

Mr. Marchese: Slowly.

Ms. Naylor: Yes.

Mr. Marchese: Do they have a timeline or deadline, or are they just trickling in on their own?

Ms. Naylor: We’re working with the boards who have more complex plans. In general, we know when we expect them; we expect most of them by May and June.

Interjection.

Mr. Marchese: I want to get to you. Don’t worry, we will.

Can we begin on capital projects without having the rest of—we can? Are we?

Ms. Naylor: Yes.

The Chair: Ms. Naylor—

Mr. Marchese: She said yes.

The Chair: —for Hansard purposes a nod really doesn’t work well, so if we can just say a clear “yes” or “no,” that would be great.

Mr. Marchese: Very good. So we’ve spent \$75 million, half of the boards have submitted their long-term capital plans, we’re not waiting for all of them to move, so we are proceeding. So the guidelines and related templates—have school boards received the templates them, or not yet?

Ms. Naylor: Yes, they have. It’s a guideline in terms of submitting their capital plans, so we’ve asked for information about their capital plans in a number of areas; for example, their capital—

Mr. Marchese: So the guidelines are there and the school boards are responding?

Ms. Naylor: That’s correct.

Mr. Marchese: So when can we expect the next phase of the capital project announcements out of that \$275 million?

Hon. Ms. Pupatello: I think it’s fair to say that in the next several weeks there will be several announcements, the largest of which is the grants for 2006-07. Some information will be embedded with the grant announcement, some information will come out in advance and some afterwards. But there will be a series of pieces of information coming out over the next several weeks.

Mr. Marchese: I see.

Previously we asked for a school-by-school list of expenditures under the stage 1 initiative for capital expenditures, “previously” meaning the last time.

Hon. Ms. Pupatello: At estimates committee?

Mr. Marchese: A school list of expenditures under the stage 1 initiative. Minister Kennedy promised it on November 2 last year and claimed they had an excellent project-by-project database; that’s what he said to us. Given that the former minister said they had an excellent database, given that we requested this last year, is it possible to get these data now?

Hon. Ms. Pupatello: I believe that you were provided with all of this information before this estimates committee began with education.

Mr. Marchese: You provided this data?

Hon. Ms. Pupatello: We tabled information for you.

Mr. Levin: Two weeks ago, approximately.

Mr. Marchese: On this issue?

Mr. Levin: Yes. I believe there is a board-by-board listing of all the projects.

Mr. Marchese: Do you have that, Frank? Do you have it, Chair?

The Chair: We’re checking on that immediately.

Mr. Marchese: Okay.

The Chair: Mr. Marchese, sorry to interrupt.

Deputy, the answers to those questions we’re looking for, have they arrived yet?

Mr. Levin: No.

The Chair: Can I take a five-minute recess and allow you to call your office and find out where they are?

Mr. Levin: Certainly.

The committee recessed from 1645 to 1652.

The Chair: The committee reconvenes now. Mr. Marchese, thank you for your patience.

Mr. Marchese: I appreciate the fact that the ministry did send me the board-by-board breakdown. I was asking for the school-by-school, and I understand from the deputy, Ms. Naylor, that it can be made available to me. Thank you.

Former Minister Kennedy claimed on November 15 that all 120 prohibitive-to-repair schools would be going by “next year.” That’s what he said last year. By that, we mean they’d be repaired. We would like a current list of all of the 120 schools and the progress to date.

Hon. Ms. Papatello: If you would be prepared to wait, as we get into the summer, because of construction season, we’ll have a much greater list for you as we move through this spring and summer, because with a number of the projects, as you know, they’ll do a lot of the planning etc., but the actual construction begins this spring. So, depending on how fulsome a list you’d like, if you wait until the fall, the list will be even longer. We’ll prepare for you what is currently available.

Mr. Marchese: Exactly. If you—

Hon. Ms. Papatello: But if you want all of it, we’re happy to do that too.

Mr. Marchese: I want all of it, except I’d like whatever you’ve got now, and whatever you’re going to have later would be great to have; two separate occasions.

That’s it for my questions. Thank you.

The Chair: Now, in accordance with a request made by the committee—and I recognize that they are present with us today—I’d like to call Marilyn Laframboise, the chair of the council of the Ontario College of Teachers, and Doug Wilson, the registrar and chief executive officer, if they could come to the forefront.

Mr. Wilkinson: Is it back to our rotation?

The Chair: No. By prior agreement, when we’d always reserve the time for Mr. Klees to use—

Mr. Wilkinson: I agree, but were we done this rotation?

The Chair: No. The rotation was off when you yielded, and Mr. Klees agreed—

Mr. Marchese: Mr. Chair—

The Chair: I’m answering one question at a time.

Mr. Wilkinson: I thought the government went last.

The Chair: This time has been reserved by Mr. Klees. He yielded his time in order to get it. We’ll make sure you get the equity of your time, but the rotation will skip to Mr. Klees.

Mr. Wilkinson: I just had a question—

The Chair: That’s helpful to me. Do you have questions for this group?

Mr. Wilkinson: Yes, I do, of the minister.

The Chair: All right.

Mr. Wilkinson: Minister—

The Chair: Excuse me, Mr. Wilkinson. We have invited guests here. We will just be dealing with them, for as much time as the committee wishes. How much time do you wish to discuss with the college of teachers, who are here before us? I don’t want to hold them here longer than they need to be.

Mr. Wilkinson: I have one question to the minister that will take a minute. I thought it was my turn to ask a question. I just thought—boom, boom—our turn to ask a question of the minister.

The Chair: I’m in the committee’s hands. If Mr. Wilkinson has a brief question, that’s fine. I’ve got Mr. Klees. They are here for up to one hour. You do not have any questions for them?

Mr. Wilkinson: It will come back to us and we’ll decide that. Yes, sir.

The Chair: No. Mr. Klees can use the full hour if he chooses. He has that much time left.

Mr. Wilkinson: But we do have a vote coming on our opposition day motion.

The Chair: That is correct, but he will use—unless you say to me, “We have questions,” there isn’t a rotation.

Mr. Wilkinson: We do not have questions for the college.

The Chair: Mr. Marchese?

Mr. Marchese: I have no questions.

The Chair: Okay. So when Mr. Klees is finished with his questions, then we can thank our guests and they can go. Is that agreed? That’s how I’ve always done it, and that’s the way I want to continue to do it.

Mr. Marchese: Mr. Chair, can I ask—I think Mr. Wilkinson wants to ask the question of the minister before the college speaks.

The Chair: That’s fine. I have no problem with that.

Mr. Marchese: Is that what you want?

Mr. Wilkinson: Yes.

The Chair: I just want to get all the questions and clarification done and not disrupt the flow here. So we’re clear on what we’re about to do?

Mr. Wilkinson: Yup.

The Chair: Mr. Wilkinson, please ask your brief question.

Mr. Wilkinson: Minister, I had a chance to look at the estimates, and I do not see an estimate line for the college of teachers. Are they an estimate line in your estimates?

Hon. Ms. Papatello: There is no appropriation line from the Ministry of Education to the college. We do not turn over any funding to the college, nor are they part of any of the ministry budget. So it’s quite interesting that this committee chooses to call the college, as a function of the Ministry of Education, for estimates, because it’s totally separate. They could easily call the college and ask them to come and have a meeting in their offices, for all the difference that is. It’s totally unaffiliated.

Mr. Wilkinson: And do you, as the Minister of Education, have any influence as to how their money is spent at the college?

Hon. Ms. Pupatello: No, we don't. The college has its own funding and spends its own money.

Mr. Wilkinson: Thank you.

The Chair: Mr. Zimmer?

Mr. David Zimmer (Willowdale): That being the case, that's there's no funding relationship in terms of estimates between the ministry and the college, then I assume the minister can be excused at this time.

The Chair: Which?

Mr. Zimmer: The minister can leave now, be excused.

The Chair: If she wishes to, she can, and when we're finished with the college, if she's available, that'd be great.

Hon. Ms. Pupatello: I'm happy to use up the estimates time to allow the college to come before the committee.

Mr. Marchese: Mr. Klees has asked for an hour.

The Chair: Well, we're not even going to get a full hour, because we have a vote tonight and we're aware of it. But I think it's clear. If we're ready to proceed—if Mr. Klees is going to use his full time and the minister wishes to leave, then that's fine.

Mr. Klees: Chair, I have no problem with the minister leaving. She hasn't answered questions in the time she's been here—

The Chair: Let's just deal with whether or not you need her to be here.

Mr. Klees: I'm happy to have her leave.

Hon. Ms. Pupatello: As long as I'm making you happy. That's why I'm here, as you know.

1700

The Chair: The only thing I'm going to ask is, if Mr. Klees is finished at a certain time, then the committee will be comfortable if we just adjourn at that time? Okay.

Wait a minute. Ms. Naylor, your attendance is required, because we may have technical questions, and you are still there. The person wishing to ask the questions—Mr. Klees has not said he needed the minister here, but the presence of the deputy or support staff is required, in the event that there are technical questions that may flow from the discussions. Thank you.

Ms. Laframboise and Mr. Wilson, please come forward, be comfortable. Any chair there is fine. First of all, let me thank both of you for attending today at the request of the committee, through a request made by Mr. Klees. Do you have an opening statement you'd like to make? No? I will now call upon Mr. Klees.

Mr. Klees: First, let me thank you for being here. My purpose in inviting you is very straightforward. I believe the Ontario College of Teachers is a very important institution in this province. It has an important history in terms of coming to be. It has profound responsibilities in the education system. While it may not have a line item in the ministry, it is incredibly important to ensuring that we have a quality education system in this province. You, Madam Chair, as the chair and the registrar, have leadership roles. It's important for me to know the direction of the college and what is happening in terms of its over-

sight. I think it's important that the public have an understanding of your role as well and the effectiveness with which your work is being carried out. It's for that reason that I want to dedicate this time to asking you some questions. It's for my own enlightenment and, I think, that of the broader constituency as well.

I'd like to start off by addressing some specific questions to the chair of the college. I wonder if you could just set the stage for us by describing to us what your responsibility is as the chair of the college of teachers.

The Chair: Ms. Laframboise, please introduce yourself for your first time commenting, and the same with Mr. Wilson, for Hansard.

Ms. Marilyn Laframboise: Marilyn Laframboise, chair of the college of teachers. Your question is a very interesting one, Mr. Klees, as I'm sure you can appreciate. As chair of council, I am the leader of the council of the college. As you know, the council is composed of 17 elected members and 14 appointed members. We deal with the issues for which the college is responsible: the certification of teachers in this province, the discipline of teachers in this province, and the accreditation of the providers of pre-service and in-service training to our teachers as well. All of this is done in the public interest, so we spend a great deal of time looking at those issues. The college is also responsible for the standards of practice for the teaching profession. In its now almost nine-year history, we moved in this province from having no stated standards of practice to having standards that were developed through consultation with our members and which have recently been reviewed. Very shortly, in June, we'll be looking at the reviewed standards. We thought it was important to go out to the teachers to find out what they think they want to see in terms of standards of practice, and they were very, very eloquent in terms of their submissions to us, in terms of their participation.

It's very key. I think everyone knows something about teachers, because we all spent a lot of time in schools, but it's a source of pride for the college to have been able to bring forward those standards so that everyone, every Ontarian, can see, "This is what it means to be a teacher in Ontario," and, further to that, the importance that we place on being able to assure the public that if a teacher is licensed, they're capable of doing the job they've been hired to do. That's an awesome responsibility that we take very seriously.

Mr. Klees: To the registrar: I wonder if you would kindly explain to us your role at the college, please.

Mr. Doug Wilson: Doug Wilson, registrar and chief executive officer of the Ontario College of Teachers. I'm the administrator at the college, responsible for the day-to-day running of the college. I'm also responsible and accountable to the council in terms of their policy-making abilities. Council meets four times a year, and it's our responsibility to provide council with alternatives to the issues we are addressing. I'm also a non-voting member of council; it's a unique situation that was put in the Ontario College of Teachers Act in 1996.

Mr. Klees: Ms. Laframboise, is your position a full-time position?

Ms. Laframboise: No, it isn't, not currently, although you may be aware that council did make a request of the minister that the legislation be amended so that council itself could make the decision as to whether the chair ought to be full-time.

For the first two and a half years of my mandate as chair of council, essentially I was in Toronto when I had meetings. The rest of the time I was teaching in my home school. Since the beginning of February, I have been teaching in my school one day per week and have been in the service of the college for the other four days. Council is hoping that the position will be full-time from September to the end of my term, which would be November 8, and they're hoping to be given the mandate to make the decision as to whether the chair should be a full-time position.

Mr. Klees: So the decision that the chair should be full-time has not been made?

Ms. Laframboise: I'm sorry?

Mr. Klees: It has not been made. There has been no decision by the council that your position should be full-time. Do I understand that correctly?

Ms. Laframboise: Not quite. Council did move and pass a motion that the chair's position be a full-time position; however, our legal advisers indicated that we may require a slight change to the legislation in order for that to happen. My understanding is that it relates to the language in the legislation that provides for paying the employer for the absence of any member of council. As it now stands, the board would receive replacement cost for any member of council.

Mr. Klees: I understand that the letter that was sent to the minister, dated August 2, 2005, specifically asked the minister for that change in legislation.

Ms. Laframboise: That's correct.

Mr. Klees: Have you heard back from the minister as to whether or not the minister supports that change in legislation?

Ms. Laframboise: No.

Mr. Klees: Notwithstanding that, you're saying that a motion was passed by council to make the position full-time. Is that correct?

Ms. Laframboise: That's correct.

Mr. Klees: I'd be interested in your view as to the appropriateness of that. One would think that one would get the legislative authority to do that before actually taking it upon oneself to pass a resolution. I'd like your comments, please.

Ms. Laframboise: Certainly. I'd be happy to make them. When council made the decision to move in this direction, it was following, once again, some extensive consultation with our members. While I appreciate your comments, I'm hoping that you can also appreciate that, from our perspective, it is helpful to be able to state to the minister that council has in fact considered this and this is where they want to go; therefore, we're asking you to make a change to the legislation in order to permit that.

Mr. Klees: Have you had any indication from the minister's office as to whether they will accommodate a change in the legislation?

Ms. Laframboise: We didn't see any changes in the bill.

1710

Mr. Klees: So what is your next step?

Ms. Laframboise: I'm hoping to have an opportunity to meet with the new Minister of Education and raise the issue with her.

Mr. Klees: I think the registrar indicated that the council meets four times a year. Who chairs those meetings?

Ms. Laframboise: I'm the chair of council, but we have speakers who facilitate the workings of the council.

Mr. Klees: So you do not chair the meetings?

Ms. Laframboise: Not in the terms of "chair" that I think you are thinking of.

Mr. Klees: Can you help me to understand what prompted this move of the council requesting a full-time chair? Was there a review of the task of the chair? Were there specific recommendations that were considered—time you are spending at this job such that it has expanded into a full-time position?

Ms. Laframboise: Certainly. Council struck an ad hoc committee to study the question of a full-time chair. In fact, they looked at both the chair and the vice-chair positions to determine whether it would be appropriate to move in that direction.

One of the things we learned from our members through the many consultations that have occurred on the governance issue, on the standards of practice issue, etc., was that it was very clear that members felt they didn't know enough about the college. It was a criticism we listened to very carefully. When we were out speaking to our members, we asked them, "What would help?" One of the things they said was, "We need to know who the people are."

One of the things I noticed when I would go out to these consultation sessions—and I had the opportunity to go to a few—was that when I would present myself to them, they were quite surprised to see that I was just a regular teacher like they were. They were really quite pleased to see that the college wasn't necessarily this large, bureaucratic organization in Toronto and that in fact there were teachers from all over the province who sat on the council and were making decisions for them. We heard a lot of comments about how the college is misunderstood, how it's not clear to people why the college is there and what its responsibilities are.

The ad hoc committee that studied the whole question of the full-time chair looked at how we can resolve some of these issues, how we can essentially bring the college out to the members, because, being in Toronto, you can't always bring members in to the college, and I think you can appreciate that.

One of the issues that was foremost in the minds of the committee was outreach and providing opportunities for the chair to actually go out and meet with more of our members to find out what we can do to help them better understand the college.

We have a very short history, as you know. We've only been in the business for the past nine years. Some of our existence has been coloured with a great deal of controversy, as I'm sure you can remember, and the committee felt strongly that we need to find a way to reach out to our 200,000 members, most of whom would never have any contact with the college, other than getting their membership card in the mail once a year. We knew that we needed to do more. When the committee considered what the responsibility of the chair would be, outreach became very important, realizing that in order to do that meant a great deal of time.

That, I think, was one of the driving forces. Also, there's a belief that, given the responsibility that council has for oversight in terms of everything that goes on at the college—ultimately, it is the council that is responsible—it would be important to have the elected head of the organization closer to what goes on on a day-to-day basis, and they felt quite strongly about that as well, not based on any lack of trust, but based more on transparency and feeling most confident that their elected leader was very aware of everything that goes on at the college, why decisions are made, how decisions are made and in what way council needs to become more involved in those decisions.

Mr. Klees: You referred to the term “their elected leader.” Is that how you see yourself? Is that your role? Are you describing yourself there?

Ms. Laframboise: I'm the leader of council, yes. I am the political person. The 31 members of council are political people, and I was elected by that group to be their leader.

Mr. Klees: I see. So it's the council that made the decision?

Ms. Laframboise: That's correct.

Mr. Klees: Okay. Essentially, what I hear you saying is that your primary responsibility as a full-time chair would be to get the message out about what the college does, to put a face to the college and to do public relations and communications kinds of work; is that right?

Ms. Laframboise: That would be a large part of it. Also, the chair of council is expected to sit on committees. As you know, most of the work of the college, in terms of council, is done by various committees, and all members of council share those responsibilities as equitably as possible, given various positions. So the chair also sits on a number of committees.

Mr. Klees: Okay. How do you get paid? Do you get a per diem, or is it a salary?

Ms. Laframboise: I receive my salary from my school board, and the school board bills the college of teachers. So I'm paid according to what I am paid on my grid for my particular board.

Mr. Klees: I'm confused now. You're not getting a full-time salary for being on the board—

Ms. Laframboise: From the college, no. I get my full-time salary from my board.

Mr. Klees: And the college pays the board?

Ms. Laframboise: For when I am in service to the college, yes.

Mr. Klees: Is that done on a per diem basis? Just so I understand, because you're not full-time and so there would be—perhaps the registrar could explain how that works.

Ms. Laframboise: I'm going to ask the registrar to explain that.

Mr. Wilson: It is on a per diem basis, yes. School boards invoice us anywhere between every month and every six months.

Mr. Klees: What does that work out to currently, if you extrapolate it over the next 12 months? Would it be 100%? It sounds as though you're spending a lot of time.

The Chair: Mr. Klees, there are some privacy issues that we will undertake here. If you're asking for a global number of what the transfers are, I think that's quite in order. But if the chair wishes to disclose her salary, that's her personal business.

Mr. Klees: Well, it's the college of teachers, which is a very public organization. The reason I'm asking the question is that I would expect that that might be information that's available. However, I won't pursue that.

Essentially, could I ask what percentage of your current grid salary might be payable by the college currently?

Ms. Laframboise: Since the beginning of February, 80%.

Mr. Klees: Eighty per cent?

Ms. Laframboise: That's correct.

Mr. Klees: Thank you. Does that include benefits, or are benefits in addition to that? How is that handled?

Mr. Wilson: They're in addition to that.

Mr. Klees: Okay. I find it interesting—as you know, there are some 35 other self-regulatory bodies in the province of Ontario. None of the other regulatory bodies have a full-time chair, and so this is quite unique. I would ask you what might make your circumstances different from the chairs of 35 other regulatory bodies.

Ms. Laframboise: We're quite well aware of that, and when the ad hoc committee was examining information, that was one of the things they looked at, and we're quite well aware of that fact. Keeping in mind that the Ontario College of Teachers is the largest regulatory body in Canada, with over 200,000 members, in terms of the amount of work that goes on there is quite a bit to be done.

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But I think the other issue as well is that—I'm going to speak very frankly here—the college of teachers has had an image problem from the very beginning. It was brought in at a difficult time, it was brought in in a difficult way and many members feel that it was imposed. Given, however, the important responsibility you alluded to in your opening remarks, I think it's critical at this time, as we enter our 10th year, that we deal head-on with that image problem and that members truly understand what the role is of the Ontario College of Teachers, that we're not in conflict with any other partner in

education, we're not in conflict with the teachers' federations, we're not in conflict with the associations, but we have a key role to play with our members. Council believes that it's crucial, as we enter into our 10th year, that we be given the opportunity, if we choose to do so by releasing the chair on a full-time basis, to deal with those issues and help our members to understand.

I think a regulatory body ought to in fact be a very quiet partner in the education landscape, as the other regulatory bodies are as well. You don't often hear doctors or nurses talk about their regulatory body. Their bodies have the advantage of being around for a very long time. The college of teachers is new. It's misunderstood. That needs to be fixed. I believe that if council thinks, based on the information they have, based on their many, many years of experience in education, that one of the ways to help our members better understand what the role and the responsibilities of the college are is by having a chair who can actually go out and provide some of that clarification, then I think they ought to be permitted to do that. I feel very confident that council, when it makes those types of recommendations, has considered every possible angle.

Mr. Klees: Okay. Thank you. Interesting that you use the word "crucial," because I have in front of me here a statement that I want to read to you and get your thoughts about. It's as follows:

"It's crucial to our plan that no one interest group has control of the college, and that all members put aside their own particular perspectives in the service of maintaining the highest professional standards. In the decisions about structure and membership of the college, it must be clear that the college of teachers will be completely separate from and independent of the teachers' federations, whose functions, although occasionally overlapping, are in fact quite distinct." I'll end the quote there.

You're probably familiar with the source of this. It comes out of the Royal Commission on Learning, Dr. Avis Glaze, who is highly esteemed in education circles. I'm sure you know her well. She is now appointed by the minister to a very special task, and I'm sure we all respect her. This really comes from that report. On a number of occasions in the course of the delivery of that Royal Commission on Learning, she referred to this essential independence of this college if in fact it was going to carry out the responsibilities that we discussed.

Do you share the view that it's essential that the college and its council is independent and not affiliated, is not dependent, is not aligned with teachers' federations or other groups?

Ms. Laframboise: Absolutely, and I can say that without hesitation. I would also add that I think the past nine years have demonstrated that it is.

Mr. Klees: To that end, I want to perhaps move on to Bill 78. You're familiar, no doubt, with the—

The Chair: Mr. Klees, I'm going to rule that it would be inappropriate to ask any agency a comment about legislation that is before the House. That's been my

ruling in the past, so I'm not picking this one out of thin air. We're fortunate that the college has agreed to come before us today, but they're not required to get into discussions about legislation which is yet to be reviewed by a committee of this Legislature and debated further in the House. So that would be my ruling.

Mr. Klees: Fair enough. Let me put it to you this way, then: In terms of conflict-of-interest provisions, do you believe that there is a possibility that there may well be conflict issues in the way the college currently is established in terms of the requirement of federation members being on this board? What is your view relating to the current weighting, if I can put it that way, of the council? Is it functioning well? Are there potential conflicts? What does the council have in place to guard against conflicts that may arise?

Ms. Laframboise: We do have conflict-of-interest guidelines related to any financial gains, obviously. Those are in place and those are quite clear. If I understand your question, it's conflict with regard to other groups that may attempt to influence. Is that correct?

Mr. Klees: Yes, that's right.

Ms. Laframboise: I certainly would never say that there is never a conflict of interest. We all come to the table with very varied backgrounds. We all come to the table with our own ideas, our own beliefs, so to state that there would never be any conflict of interest I think would be very much overstating the reality. We're dealing with educators. We're dealing with people who come to the table with experience in education or some connection to education, and everyone comes to the table with opinions.

I've always prided myself on my encouraging the importance of debate around the table. I'm the only member of council who's been there since the very beginning. When I look back over the past almost nine years, I'm quite confident that all of the decisions that have been made by council have been in the public interest. Members of council truly understand what that means. I believe they truly understand what it means to be a self-regulatory body. In spite of the fact that we all bring our own experiences to the table, I think that our history and the decisions we have made over the past nine years are a very powerful testament to how seriously all members of council take that duty.

While I agree that there could be a perception of conflict of interest, I think that history and reality would demonstrate that that hasn't been the case around the council table.

Mr. Klees: I want to refer to a document that is a report of the secretary-treasurer to the OTF spring board of governors' meeting, April 8. One of the sections deals with the OTF's responsibility of liaising with governing councillors and staff at the Ontario teachers' college. I'm going to read into the record part of that report:

"Our liaison activities with the elected members of the governing council and staff at" the Ontario College of Teachers "have been somewhat infrequent this winter, but nevertheless important. OTF and affiliate staff met

with the OCT councillors who are members of OTF prior to the council meeting of March 30–31, 2006, at which time we examined Bill 78 and its specific impact on the College of Teachers Act. Not surprisingly, the councillors expressed consternation over the conflict-of-interest provisions proposed in the bill and the planned creation of a public interest committee to serve as a watchdog over council.”

I’m interested—would you have been part of that meeting?

Ms. Laframboise: Yes.

Mr. Klees: And did you share the concern as expressed here regarding the conflict-of-interest committee?

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The Chair: Mr. Klees, we’re wandering back into this thing again. I just want to be careful and cautious. We have guests here. They’re not compelled to answer these kinds of questions. We do have an all-party legislative committee that can select agencies, boards and commissions for a thorough and absolute review. We have that mechanism. We are walking a very fine line here with the college, which is here voluntarily.

So if you wish to answer, fine, but I think we’re moving into the internal workings, dealing with a piece of legislation that is yet to be before the board. I’m still giving that ruling, but I’m in your hands, Ms. Laframboise. I want to respect your right and your comfort level.

Mr. Klees: And, Chair, I want to respect that right too. If the chair chooses to answer, I’m interested in the response; if not, we’ll move on.

Ms. Laframboise: I’ve made it clear that I think that our record demonstrates that decisions we have made have been in the public interest. I will stand behind that. I feel very strongly about that.

Mr. Klees: It’s interesting; we look at the Ontario Teachers’ Federation website. The reason I’m raising this is because it goes to the issue of independence. I want to believe that this body is independent, because if it’s not, it may as well not exist.

The OTF website states the following under, “It is the responsibility of OTF....

“18(a) to be the co-ordinating agent in the monitoring of the work of the Ontario College of Teachers.

“(b) to hold regular meetings with the elected councillors of the Ontario College of Teachers to:

“(1) discuss directions for the council and college;

“(2) review relevant OTF policies and procedures;

“(3) develop advice to the OTF on college matters; and

“(4) prepare reports to affiliated bodies.”

What interests me about this are these meetings that are taking place with OTF and these elected members to the college, particularly when it refers here to it being a responsibility of OTF to provide direction for the council and the college. I’d be interested in your view as to whether it is appropriate for the OTF, for the teacher unions, to be providing direction to the elected members of this council who have a responsibility, as we talked

about earlier, to make independent decisions in the public interest. It’s the public interest that has to be served by the college.

Ms. Laframboise: I think the question is “discuss directions,” and I see a difference between—I believe you read “discuss directions”—

Mr. Klees: Yes.

Ms. Laframboise:—and I do see a difference between discussing directions and providing directions.

I think that as a classroom teacher I’m very far away from the political world. I do my teaching. I teach my children. I contact my parents. I prepare all of the work that goes along with that. And yet as a member of council I’m expected to come to the table and make some very serious, very important decisions about the teaching profession in the public interest.

I am also a member of the Ontario Teachers’ Federation—I must be, as you know—and I’m proud to be a member of the Ontario Teachers’ Federation. If as a member of council I receive additional information and I’m given an opportunity to talk about some of the issues, I think that can only assist my making a decision at the council table. I can assure you that I’ve never been told by anyone how to do anything. I make my own decisions. While the Ontario Teachers’ Federation may certainly provide me with additional information and they may certainly provide me with an opportunity to talk about some of these issues before we get to the very formal council table, when I vote, I vote what I think is best. I always have and I always will. I cannot speak for other members of council, but I’m quite confident that they do the same.

Mr. Klees: The current makeup of the council: How many members in total?

Ms. Laframboise: Thirty-one.

Mr. Klees: And of the 31, how many are public appointments, non-teachers?

Ms. Laframboise: Fourteen.

Mr. Klees: Fourteen. And the balance would be, as you describe, classroom teachers? That’s the term that I think the previous Minister of Education used when he discussed it.

Ms. Laframboise: Let me clarify. Currently, there are 13 of the 17 elected, which are either system or regional positions. The system positions: That means that to run in that category, you have to be employed within that system. For example, I’m the representative from the French Catholic elementary panel, so I need to be employed within there. There are six regions as well, so you need to live in that region to run there.

In addition to those 13 positions, there is one that is a principal/vice-principal position, so you need to be working as a principal or vice-principal to hold that position. One is a private independent school representative, so again, you need to be employed within that system. One is a faculty of education representative, so you would need to be employed there. The fourth is a supervisory officer position.

To go back to your original question, we could say that 13 would be classroom teachers, and then the other four are defined. In terms of voting as well, only those persons who could hold that position can vote for those positions. That's how those are spelled out.

Mr. Klees: When I hear "classroom teacher," I assume that it is someone who does, as you were telling me—you're in your classroom, you're teaching every day, other than when you're doing college work. Is that what all these other people are doing? Are they actual teachers in the classroom?

Ms. Laframboise: No, not all of them are. I don't have the list in front of me, so I don't want to say exactly how many. I know we have some full-time elementary, some full-time secondary. The independent private school representative is a full-time teacher. There are some who are released for federation duties full-time. There are two who are occasional teachers, so they're not currently full-time teachers. They would have been elected in the regional positions rather than in the system positions.

Mr. Klees: Would the registrar perhaps be able to tell me the breakdown? He may have more detailed information. How many of those members who are so-called classroom teachers would be full-time federation, released for federation business?

Mr. Wilson: Currently, I have five names who are classroom teachers who actually work directly in a classroom.

Mr. Klees: That's five. And the rest would be—

Mr. Wilson: I haven't had a chance to go through the entire list, but—

Mr. Klees: Would it be possible to get—

Mr. Wilson: Yes, it would be possible.

Mr. Klees: That's great. Much appreciated.

Mr. Wilson: We could send that over to the committee.

Ms. Laframboise: That's a tough question to ask us, you know—

Mr. Klees: No, I know. And I'm not—

Ms. Laframboise: —without having the names in front of us, with respect.

Mr. Klees: This isn't a test, by the way. We're trying to get information. If we get it later, that's fine.

Ms. Laframboise: Sure.

Mr. Klees: Of the 14 seats that are public appointments, how many of those are filled currently?

Ms. Laframboise: As of today, 13. As of May 13, 12. We have a term that's expiring on May 13. We have a term that expired on April 30.

Mr. Klees: And of the 13, how many are filled?

Ms. Laframboise: Currently, of the 14, 13 of the positions are filled and we have one vacancy.

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Mr. Klees: How long does it take the government to fill those once they become vacant?

Ms. Laframboise: That varies. Sometimes we've had someone almost right away. We've waited as long as a year.

Mr. Klees: And what does that do in terms of your ability to carry on business?

Ms. Laframboise: I indicated earlier that a lot of the work of council is done at the committee level. At each committee there is a specified number of members: a specified number of appointed and a specified number of elected. In order to do the work, we need to have always at least one appointed member present or we don't have quorum, so the work doesn't go on.

When we have one vacancy, usually we can manage by asking another appointed person to take over that person's committees. Usually all members of council would sit on two or three or four committees, depending on their availability and their interest. So if someone leaves who sat on two committees, we usually do our best to get some of the other appointed members to fill in to make sure the committee work can go on. If there are a number of vacancies, as we had, I believe, last year—it was quite a challenge. Our appointed people were very, very busy. I made considerable demands on the appointed persons, because we needed to keep moving ahead on a number of our initiatives.

Whether it's appointed or elected, if not every seat is filled, it's always a bit of a challenge; sometimes it's a great challenge.

Mr. Klees: Were you given any reason as to why these appointments were not being made?

Ms. Laframboise: Other than everyone is very busy here, I understand.

Mr. Wilson: Could I add, some of the regulatory bodies in Ontario have in their legislation that they cannot hold a council meeting unless they have a full complement of elected and appointed people. That's not the case with the Ontario College of Teachers Act, so we are not restricted in terms of being able to function as a council with a small number of vacancies.

Mr. Klees: I would think it would be helpful, though, to have a provision like that. It makes your job easier and it puts some pressure on the government to make sure that they do their job as well. That may be something that we should be looking at or the government should be looking at to make your job easier.

Just in the last few minutes that we have left, I'd like to speak to you about the disciplinary side of this. I have to tell you that there is concern. I have letters and I have e-mails from parents concerning this issue of teachers who have been accused of wrongdoing, everything ranging from harassment to sexual abuse. You deal with these issues all the time. It's a huge responsibility of your college. The concern is this: If you have members who sit on these disciplinary panels and they happen to be affiliated with the same union as the individual who stands before them accused and they have to pass judgment, that raises serious concerns relating to potential conflict. Will the public interest be served? I want to just ask you, as someone who I'm sure wants to do the job right, would it not be helpful if in fact there wasn't that potential conflict or perceived conflict in a disciplinary hearing?

Ms. Laframboise: That's a very complex question. Obviously, I would have to say, well, no, it would be best

that there not be a perceived conflict there. I'm surprised to hear that you're getting mail about that, quite frankly, because I think that the discipline process is a very open, transparent process. You do know that our hearings are in public. Our decisions are on the website; they're in the magazine. Members have access to them. It is a critical part of the work that we do, however; you're absolutely right.

It's crucial that we be able to ensure that our children are safe in our classrooms. When a complaint is received by the college, it's dealt with in a very serious manner. Having been a member of the discipline committee and having sat on numerous panels over the last eight years or so, I've never had any sense of there being any conflict whatsoever. We're very highly trained to do what we do. We're constantly reminded that we can only make decisions based on the evidence that's provided to us. We have independent legal counsel who also advises us in those regards. When we've received evidence on a particular matter, before we go off to deliberate, we listen very carefully to the advice that's provided to us by independent legal counsel.

Right at the beginning of every hearing, there's a statement that's read into the record. It says something to the effect of, "This panel is independent from the college," because, while I agree that it needs to be very clear that there is no conflict with any other groups, members who come before the panels also have to understand that when we are there as panel members, we're also not there representing the college. Those three people are independent, and they will make the decision that they make based only on the evidence that's brought to them.

The training that I've received with regard to this whole process has been extensive. We have had numerous lawyers provide us with a lot of training with regard to how to make those decisions, what to look at, how to deal with witnesses, how to deal with children as witnesses, vulnerable witnesses, hostile witnesses. It's a very clean, transparent process.

I think you should come and see a hearing sometime, because I think you would be quite impressed by the level of professionalism. It is a quasi-judicial situation, so we do respect all of the things that would go on in an Ontario court of law. We're bound by the Statutory Powers Procedure Act, the Ontario College of Teachers Act and the Education Act when we do this very important role as discipline.

While I can appreciate the comments and the messages that you've received, that some may feel—I think that if you were to investigate a bit further, you would be quite satisfied that in fact not only is the panel independent from other groups, it's independent from the college. We don't always come forward with a finding of professional misconduct. Members are sometimes found not guilty because the evidence simply wasn't there.

Mr. Klees: That's one of the reasons I wanted to have this opportunity to determine what the process is and to hear from you whether you believe it is in fact working.

I'm going to wrap up on this issue, but I have in front of me three cases, for example, and—

The Chair: Mr. Klees, again, I'm going to rule: We're not here to review—these cases are—

Mr. Klees: Just let me finish, Chair. I'm not about to review the cases.

The Chair: No, I'm not going to let you finish. I'm telling you that we're not putting these people in a position to review prior cases. That's not what we're here for.

Mr. Klees: That was not going to be my question. If you'll allow me to finish the question—

The Chair: Perfect. Then put your question. I apologize; I may have been premature.

Mr. Klees: I have three cases in front of me. I want to speak to the issue of what concerns parents in terms of some of the outcomes. I'm trying to get a sense of what guidelines the members of a disciplinary panel have that guide them in making a decision in terms of the consequences for a teacher: suspension; cancellation of a licence is one of the options that you have. I'm sure that we all understand, and I don't believe there's anyone in this room who would disagree that possession of child pornography, for example, for a teacher, a classroom teacher, is not something that any of us would condone. Surely it cannot be comforting to any parent in this province that someone with a history of that is teaching in our classrooms. In one case, for example, the result of this was a suspension of two years, so the individual is back in the classroom today.

In general terms, I'm trying to get a sense of what is guiding decisions like that. Do you have standard references for certain offences that are published that guide the individuals on the panels, or is this a subjective decision that is made case by case? That's my question.

Ms. Laframboise: Every matter is determined in and of itself, obviously. We do have precedents. The college has now been in operation for about eight years. We rely on those, and legal counsel will frequently bring us to those. We also have precedents from other organizations, and frequently we're called upon to read rather thick factums that provide us with what's gone on elsewhere on a question such as this one. Each matter has to be dealt with on its own, based on the evidence that's brought before it.

The Chair: Ms. Laframboise and Mr. Wilson, our time has come to an end. We're being called to the House for a vote. I want to thank you both for availing yourselves to this committee, for the professional manner in which you presented today, and for your openness and frankness. Do you have a final short statement you'd like to make for the record? If not, we'll—feel free to do so.

Ms. Laframboise: No, other than thanking Mr. Klees for having invited us, and inviting you, Mr. Klees, and any of the other participants today to call me if you have any questions and to visit the college. I'm very serious when I put that invitation out. I think that's how you get to find out how we do what we do.

The Chair: Thank you very, very much.

Mr. Klees: Chair, if I could—

The Chair: With respect, we're being called to the House, so if it's brief and you'd like to thank—

Mr. Klees: I simply wanted to thank our guests for appearing and giving us the opportunity to learn more about how you do business.

Ms. Laframboise: Thank you.

The Chair: I wish to inform the committee that we have about one hour and 40 minutes remaining.

This committee stands adjourned until May 9, at which time we will reconvene in room 228.

The committee adjourned at 1752.

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Also taking part / Autres participants et participantes

Ms. Marilyn Laframboise, chair,
Mr. Doug Wilson, registrar and chief executive officer,
Ontario College of Teachers

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Mr. Katch Koch

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Mr. David McIver, research officer,
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