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Assemblée législative  
de l'Ontario  
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## **Official Report of Debates (Hansard)**

**Monday 8 May 2006**

## **Journal des débats (Hansard)**

**Lundi 8 mai 2006**

**Standing committee on  
social policy**

Education Statute Law  
Amendment Act  
(Student Performance), 2006

**Comité permanent de  
la politique sociale**

Loi de 2006 modifiant des lois  
en ce qui concerne l'éducation  
(rendement des élèves)

Chair: Shafiq Qadri  
Clerk: Trevor Day

Président : Shafiq Qadri  
Greffier : Trevor Day

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICYCOMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Monday 8 May 2006

Lundi 8 mai 2006

*The committee met at 1601 in room 1.*

## SUBCOMMITTEE REPORT

**The Chair (Mr. Shafiq Qaadri):** Ladies and gentlemen, welcome to the standing committee on social policy hearings on Bill 78, An Act to amend the Education Act, the Ontario College of Teachers Act, 1996 and certain other statutes relating to education.

I'll ask now for a member to move adoption of the previous subcommittee report and to introduce that into the record. Ms. Wynne.

**Ms. Kathleen O. Wynne (Don Valley West):** Thank you, Dr. Qaadri.

Your subcommittee met on Thursday, April 20 and Thursday, May 4, 2006, to consider the method of proceeding on Bill 78, An Act to amend the Education Act, the Ontario College of Teachers Act, 1996 and certain other statutes relating to education, and recommends the following:

(1) That the committee meet in Toronto on May 8, 9, and 15, 2006, for the purpose of holding public hearings.

(2) That the committee clerk, with the authorization of the Chair, post information regarding public hearings on Bill 78 in the English and French dailies for one day, during the week of April 24, 2006, and that an advertisement also be placed on the Ontario parliamentary channel and the Legislative Assembly website.

(3) That the start of the meeting on Tuesday, May 9, 2006, be delayed by half an hour after the end of routine proceedings and that the committee request the agreement of the House leaders to ask approval from the House to extend the meeting time on May 9 past 6 p.m. by the same period of time.

(4) That interested parties who wish to be considered to make an oral presentation contact the committee clerk by 5 p.m. on Thursday, May 4, 2006.

(5) That groups be offered 12 minutes and individuals 10 minutes for their presentation. This time is to include questions from the committee.

(6) That the committee invite the Minister of Education to appear before the committee at 3:30 p.m. on Monday, May 8, 2006.

(7) That the Minister of Education be offered up to 10 minutes for a presentation, followed by 10 minutes of questions and comments by each caucus.

(8) That the deadline for written submissions on Bill 78 be 5 p.m. on Tuesday, May 9, 2006.

(9) That the research officer prepare a summary of the first week's presentations by 9 a.m. on Monday, May 15, 2006.

(10) That, for administrative purposes, proposed amendments should be filed with the clerk of the committee by 5 p.m. on Monday, May 15, 2006.

(11) That the committee meet for the purpose of clause-by-clause consideration of Bill 78 on Tuesday, May 16, 2006.

(12) That the clerk of the committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

**The Chair:** Thank you, Ms. Wynne. Is there any further discussion or deliberation on the subcommittee report? Seeing none, I take it the members are ready to vote. All those in favour of adopting the subcommittee report as read? Any opposed? Carried.

EDUCATION STATUTE LAW  
AMENDMENT ACT  
(STUDENT PERFORMANCE), 2006  
LOI DE 2006 MODIFIANT DES LOIS  
EN CE QUI CONCERNE L'ÉDUCATION  
(RENDEMENT DES ÉLÈVES)

Consideration of Bill 78, An Act to amend the Education Act, the Ontario College of Teachers Act, 1996 and certain other statutes relating to education / Projet de loi 78, Loi modifiant la Loi sur l'éducation, la Loi de 1996 sur l'Ordre des enseignantes et des enseignants de l'Ontario et certaines autres lois se rapportant à l'éducation.

**The Chair:** We will now move to our next agenda item. If it be the will of the committee, seeing that we are still awaiting our minister's presentation, we can move to the first individual presenter, Ms. Anna Germain. Would that be agreeable?

**Mr. Rosario Marchese (Trinity-Spadina):** So we're going to listen to the deputants and then have the minister speak in between the deputants? I would prefer to eliminate the minister's statement to move on.

**The Chair:** I need unanimous consent for this.

**Mr. Khalil Ramal (London–Fanshawe):** Which one are we voting on? The minister's statement or to start before the minister?

**Mr. Frank Klees (Oak Ridges):** Chair, I would suggest that, in light of the fact that the minister isn't here, who obviously doesn't think it's important, we move on with the deputants and eliminate the minister's statement.

**Mr. Marchese:** With all due respect to the minister, I think we started our deliberations late because of a number of things that happened in the Legislature. If it's all right with everyone, with all due respect to the minister, I would prefer that we simply start with the deputants and let that go through; otherwise, if it's not the will of the Liberals to support such a move, I would say we wait for the minister to come and then begin.

**Ms. Wynne:** My understanding is that the minister is on her way; so she's coming. I don't think either Anna Germain or Annie Kidder is here, actually. So the first two deputants are not here. I think the minister is about to appear, and it certainly has nothing to do with her not being interested. She absolutely wants to come and do this. I think she's about to appear; if we can just give her one minute.

**The Chair:** May I have consent of the committee for possibly a five- to 10-minute recess?

**Mr. Marchese:** Or less.

**The Chair:** Or less. Thank you. This committee is recessed.

*The committee recessed from 1606 to 1609.*

#### MINISTRY OF EDUCATION

**The Chair:** Now it's my privilege to resume the committee. Thank you, committee members, for your indulgence of the initial delay. On behalf of the standing committee on social policy, I'd now like to welcome the Honourable Sandra Papatello, Minister of Education. Minister, I invite you to make an opening 10-minute comment. Please begin.

**Hon. Sandra Papatello (Minister of Education, minister responsible for women's issues):** Thank you so much. I'm glad for your indulgence. We did get caught up with some scrums after question period. I'm pleased to be here today to speak about some very important legislation for the direction of education in Ontario.

If passed, Bill 78, the student performance bill, would be a tremendous boost for improved student performance. This bill is a significant tune-up that will modernize education as a condition for the success of students. The bill contains several limited but substantive amendments to the Education Act and the Ontario College of Teachers Act. These amendments provide the legal support necessary to enable the most important objective in education in this province: improved student performance.

There are four main points: initiatives to support teaching excellence, clarification of responsibilities for boards and the ministry, a partnership in education based on respect, and openness to the public. This legislation

also proposes critical changes to enhance teaching excellence. For example, it would revoke the pen-and-paper test that didn't evaluate a teacher's actual classroom experience and effectiveness in favour of a new teacher induction program. Legislation would also facilitate the extension of teacher collective agreements, beginning in September 2004, from two- to four-year terms.

Our government believes it's time to revitalize and depoliticize the Ontario College of Teachers. It should become a true professional body. The legislation would revitalize the Ontario College of Teachers by having a majority of classroom teachers on its council to carry out its mandate. With the proposed addition of six elected classroom teachers to the college council, there would be 19 elected teacher positions on the council, giving teachers a clear majority. We are committed to ensuring that classroom teachers who sit on council serve the public interest and not the interest of a specific organization. That's why we included in the bill specific conflict-of-interest provisions, including a requirement for council members to take an oath of office and that the college have a public interest committee to support and strengthen teachers in this important function.

I know that principals and vice-principals have requested that their own peers be involved in all reviews or hearings involving a principal or vice-principal, conducted by the college's investigation, discipline and fitness-to-practise committees. Our goal is to continue to create the conditions for increased respect and support for principals and vice-principals across the province. We've discussed this issue with them, and we agree. To address the issues they've raised, I intend to propose a motion to amend the bill to enable such peer reviews for principals and vice-principals. We're strongly committed to supporting our teachers, and we believe that giving our teachers the respect they deserve is a key way of working toward obtaining teaching excellence.

The proposed legislation also contains measures that would support our government's ability to build confidence in public education, with new responsibilities for school boards and the Ministry of Education. The ministry has identified areas of key provincial interest, such as class size, fiscal responsibility, improvements in literacy and numeracy, and safe schools. This legislation, if passed, would clarify ministry and board responsibilities as they relate to these interests and particularly as they relate to student performance. Achieving excellence in education demands a genuine partnership characterized by shared respect, mutual responsibility-taking and agreement about results at every level of the education system.

This legislation, if passed, would help build on a new era of respect and partnership that is already evident in the system. It would respect school board trustees for the important work they do by giving them realistic supports, removing extreme penalties in the act related to trustee compliance, and strengthening and clarifying their role in stewarding education. This bill would respect student

trustees by empowering and recognizing them through new scholarships, non-binding votes, procedural rights and increased resources. And this legislation would enhance respect for teachers through a revitalized Ontario College of Teachers.

I would like to reflect a little bit on the role of school board trustees. I think we can all agree that trustees deserve to be treated and be seen to be treated with greater respect if the public is to understand their role appropriately. That includes the topic of remuneration: Trustees' hard work and contribution towards increased student success has resulted in a productive environment of peace and stability, school progress through improved student achievement and improved services. Trustees' capacity to undertake their role is an important ingredient in successful education improvement.

If passed, the bill would permit school boards to set trustee compensation up to provincial limits that would be set in regulation, in line with school boards elsewhere in Canada, and would grant authority for regulations to provide a retroactive increase to trustees' honoraria for the current school year and provide a process for community input into appropriate levels of trustee honoraria. It would also eliminate arbitrary and paternalistic personal penalties for trustees enacted by the previous government. And it would provide some clarification about respective roles in stewarding education.

I know that there have been those in the sector who are unhappy with some of the aspects of trustee remuneration, and that some oppose a plan to determine the level by factoring in the size of the student population. I'd like to clarify that the size of a student body would not entirely determine the level of remuneration—it would be one of several factors. We know that a one-size-fits-all approach doesn't work well, because it doesn't allow us to recognize the unique and local circumstances facing boards of varying size, both in terms of a board's geographic size and size of its student body.

There have been many questions regarding the role of the citizens' advisory committee. I want to assure you that there will be consultations on these regulations.

Establishing and enhancing partnerships based on respect means giving more flexibility to boards so they can make decisions locally. We intend to create a new era of local flexibility and autonomy by empowering trustees in local funding and policy decision-making. If passed, this bill would introduce the authority for government, in consultation with school boards and other stakeholders, to make regulations to promote quality in education. It would also permit regulations to clarify ministry and board responsibilities related to significant goals such as:

- effective use of resources;
- student outcomes, including elementary literacy and numeracy, and high school graduation rates;
- parent engagement;
- special education;
- health of pupils;
- safety of pupils and staff; and
- publication of reports.

Understandably, some boards have expressed concern that this section of the bill could be misused and boards could lose local authority in some areas because of an arbitrary standard expressed in regulation. I know there are concerns about the proposed new authorities of the minister, particularly concerning future governments; that Bill 78 would give future governments the power to override some local decisions, such as objectives in student outcomes. The government understands that the delivery of education programs and services is through a partnership of both the government and boards. We understand the importance in consultation and having buy-in regarding any standards that may be established.

This legislation follows our commitment to remove barriers to greater student performance. Our government has a solid track record of advancing its goals through consultation and co-operation, and we're going to continue this approach. I intend to introduce a motion at this committee that would specify a requirement in the act for the government to conduct public consultations prior to finalizing certain regulations that promote education quality.

In addition, our government plans to embark on a special consultation with trustees and other education partners around the nature of provincial outcomes and which areas of increased flexibility should be opened up. Discussions will seek to clarify the role and the responsibility of trustees, as well as the relationship between school boards and the ministry.

Student trustees are an equally critical component of our view for partnerships in education based on respect. As a first step in ongoing student trustee development, the legislation, if passed, would provide student trustees with a variety of rights, including a scholarship at the completion of their term, equal access to all board resources, and the same right to attend trustee training opportunities as board members.

On the topic of students, I know that there are some concerns around privacy regarding the collection of student information by the ministry. I want you to know that we have been working closely with the Ontario Information and Privacy Commission and, in response to the issues raised, I'll be tabling a motion to clarify this section of the bill to ensure it conforms to federal and provincial privacy legislation.

The legislation, if passed, would open up education to the public and foster greater accountability. It would give the ministry the ability to require school boards to publish reports respecting their compliance with specific operational requirements that will be set out in regulation. And, if passed, the bill would expand authority to make ministry grants to enhance community use of schools and increased access for not-for-profit groups. Ensuring public reporting of board and provincial initiatives would provide greater accountability and public transparency. The government is taking responsibility for education in Ontario and giving our partners in education the respect they deserve.

1620

I hope this bill will find the support of my colleagues because, ultimately, it represents what we all desire to accomplish in education: openness, partnership based on respect, and improved student performance.

I'm happy to say that I'm very pleased to be part of a government that is finally discussing quality when we talk about education.

**The Chair:** Thank you, Minister, for your presence as well as the precision timing of your remarks. We now offer the floor to all members of the committee, beginning with the official opposition.

I remind you, Mr. Klees, respectfully, you have 10 minutes in which to make questions and comments, beginning now.

**Mr. Klees:** Minister, I'm interested in comments that you made regarding your intention to pass a motion that would require the government to conduct consultations before implementing regulations that I believe you said relate to quality education. When do you intend to table that motion?

**Hon. Ms. Papatello:** I believe that that is slated to happen during clause-by-clause, which is at the end of our hearing dates.

**Mr. Klees:** I just wonder if it's possible to get a copy of that before clause-by-clause so that we have an opportunity to review it.

**Ms. Wynne:** Could I just clarify, Mr. Chair? In the subcommittee report we've asked that amendments be filed by 5 p.m. on Monday, May 15, so that would be the very latest time that you'd get the amendment.

**Mr. Klees:** I understand that. I'm assuming that the minister already has this ready. If she does, it would be helpful to have that. So I'm simply asking if that would be possible.

**Hon. Ms. Papatello:** The draft of the amendment isn't ready today, but I will endeavour to get you that information in advance of it being tabled to the committee.

**Mr. Klees:** Minister, would that also apply to regulations that would relate to the Ontario College of Teachers?

**Hon. Ms. Papatello:** All of the participants in the discussions around the college are actively involved with this now. Of course, in the absence of the bill becoming law, we can only go so far in our discussions around regulation or it would be seen as being in contempt of the Legislature. But when the bill is passed and if the bill becomes law, at that point we're prepared to engage with our partners in the discussion around regulation regarding the college of teachers as well.

**Mr. Klees:** Just to clarify, before the government moves forward on implementing regulations relating to changes to the college of teachers, you're committing that there would public consultations on those regulations in accordance with this motion that you'll be tabling. Is that right?

**Hon. Ms. Papatello:** No. To be certain, in the section of the bill—if you just give me a moment, I will find this

for you. I don't want to use up your 10 minutes. Do you want—

**Mr. Klees:** Do you know what? Could you give me a quick explanation as to why not, because I heard you say—

**Hon. Ms. Papatello:** I think it's pretty clear that there's a significant section of the bill that deals with the interests of the public. Clearly they're around issues of quality that I think all parents are interested in, and we've committed with those partners to engage in consultation. That's the language that I've used. As to the degree of that consultation, we are now determining how specific the language will be for the amendment.

**Mr. Klees:** So are you saying that the college of teachers has nothing to do with quality education?

**Hon. Ms. Papatello:** No. I'm suggesting that what you were referencing just now—in the speech that I just gave or the comments that I just made, what I said was that we are committing to consultation with the sector, with the individual, with the boards, for example, as the regulation will be spelled out, around the quality areas in that public interest section of the bill. We did not commit to public consultations. Whether it's a play on words here or not—I'm not sure what you're inferring. We have clearly suggested, and I have said in numerous conversations with boards, for example, that we're very prepared to engage in serious discussion around what the regulations would be as they relate to the public interest section of this bill.

**Mr. Klees:** Minister, I welcome that. I'm saying that I think that's a positive step forward. I welcome the fact that your government is willing to consult with stakeholders in education. I'm assuming that parents are stakeholders as well. My only question is, why would you exclude regulations relating to the college of teachers from that consultation before the government implements them? Surely you would benefit from that.

**Hon. Ms. Papatello:** I have to say that, in all of my discussions with the boards around that section on public interest, which is a whole different part of this Bill 78, not one of the boards that I have talked to has wanted to engage with me a conversation around the college of teachers section. There are certainly other organizations that would like to, and I believe that you might be one of those organizations. I'm happy to have a chat with you around the regulations that you feel might attend Bill 78 as it relates to the college of teachers. I suspect I might know your opinion already, but I am happy to have additional meetings with you as, certainly, an interested party in the makeup of the college and the regulations that attend the college. I'm happy to have that conversation with you.

**Mr. Klees:** I'd like to broaden that out and suggest to you that it's not just myself, but there are many education stakeholders who would like to engage in that conversation with you. I'm simply hoping that you are open to that and you would include the regulations relating to the college of teachers in that dialogue before you proceed to implement those regulations that you're contemplating.

**Hon. Ms. Pupatello:** I'm going to take all of your comments under advisement. Thank you for them.

**Mr. Klees:** Thank you.

Minister, there are a number of concerns. I'm glad to hear that you've consulted with the privacy commissioner relating to this collection of personal information. As you know, I had expressed concerns relating to that. I look forward to your amendments concerning that.

I wanted to ask you, with regard to eliminating the qualifying test, are you giving any consideration to some amendments to this legislation to reconsider that?

**Hon. Ms. Pupatello:** At this point, I want to say that, as this bill is before its hearing and the hearing is clearly starting today, we are open to listening to all of the commentary that is coming forward from all of the groups. That's really the purpose of committee hearings. We have so many who have applied to speak to the committee that it would just be really undermining if we were to say at this point that we're shutting the door on any possible improvements to the legislation. I'm happy to hear everyone's comment. We wouldn't presuppose where we're going to land on any particular part. In fairness to all of those who are coming to speak to us, we're certainly open to hear their comments. I think we probably have a good track record of suggesting that we don't know everything, and that there are many people out there in the field whom we have been working with in partnership to improve education, and we're happy to hear the good advice that they may have for us.

**Mr. Klees:** With regard to the increased compensation for trustees, what was the rationale for making that increased fee retroactive?

**Hon. Ms. Pupatello:** I can't speak for the former minister on a specific item. I will say broadly that I think there was a significant consensus that boards would have difficulty, depending on when this bill became law in-year, if it became law and when it would be instituted—how the boards might pay for it. You're probably very interested to note that we are entering into a significant change in relationship with our boards. We don't want to be punitive in nature with the trustees, but we do want to work with them. We acknowledge that the level of remuneration that your government had offered to them is significantly less and often makes it quite difficult for trustees to properly or fully represent their constituents.

**Mr. Klees:** Finally, the class size changes proposed in this legislation: You've shifted from terminology relating to a cap on class sizes, and the bill references "average" class sizes. Does that indicate a change in your government policy away from capped class sizes?

**Hon. Ms. Pupatello:** No, I think the best predictor of what may, if the bill becomes law—again, we can't preempt that cycle—that it's very clear that our performance so far as a government has been to fund to cap class sizes, to arrive, ultimately, at a cap that would see 90% of our classes across the province, from JK to 3, capped at 20 or less, and understanding the reality of moving students in-year—that some boards need to have some flexibility when a student lands in January in a new

community and might make that class of 20 into 21; so, acknowledging that. But I will tell you that if the bill becomes law, we plan to entertain significant conversation and consultation with our boards around the appropriate language that might be in a regulation.

Ultimately, our goal is that from JK to 3 we have significantly smaller class sizes. I think you would agree, in looking at our funding, that we have spent tens of millions of dollars to assist boards in achieving this goal.

**1630**

**Mr. Klees:** So there is a change in your government's policy, because up to this point, up until Bill 78, the former minister was very clear. Every time he spoke about elementary class sizes, he spoke about your commitment to capping class sizes. There is no reference here. So you're recognizing that there's a need to provide boards—and by the way, I'm not suggesting that's bad; I'm saying—

**The Chair:** Thank you, Mr. Klees, for your questions and comments. I will now offer the floor to the representative of the NDP.

**Mr. Marchese:** Mr. Chair, I understand we've been given permission to sit past 6 of the clock by half an hour today as well. They may have moved a motion while we were sitting here. I think that will be all right. I'm just going to say that I've already spoken to this bill. I've asked the minister many questions in estimates. I'd like to forgo my time and move on immediately to the deputants.

**The Chair:** Thank you, Mr. Marchese, for your generous gesture. I will now offer the floor to the Liberal Party, beginning with Mr. McMeekin.

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** I'll be very brief. I've only had the privilege of being the parliamentary assistant in the ministry for about six weeks. I want to just say that what has struck me about the ministry is that there seems to be a working paper on just about everything—discussion groups with stakeholders everywhere.

I mention that because it is very reflective of the kind of strategy that we use in my own riding. One of the first things I did when I was elected was put together a listening advisory group on education. We have 60 members: parents, teachers, principals, students; you name it. We've met and worked very, very hard over the years at trying to develop what I call a shared sense of purpose. Unfortunately, that shared sense of purpose has seen us rallying together to fight for better parent involvement, community use of schools, to stop the closure of rural schools. We've even had morale evenings for teachers, educators who in many instances have felt quite disrespected. We've talked a lot about building issues, mistrust. I think we collaborated very well on one of our primary goals, to get rid of the previous government's appointed supervisor in the last term. So community consultation is a good thing.

My question to the minister: I intuit that the ministry is being collaborative and consultative and wanting to build partnerships. We certainly do that in our riding. Minister,

can you just comment quickly on what sort of consultation took place prior to and in preparation for the presentation of this bill?

**Hon. Ms. Pupatello:** Let me speak even more broadly than that in terms of consultation. I think it's fair to say that a number of the individuals who will come forward and speak, either on their own behalf or on behalf of their organization, will tell us that they are engaging very much with the Ministry of Education. Some might even go as far as to say, "We're consulting too much with the Ministry of Education." I see that as problems of plenty here.

We have gone 180 from where the last government was with our partners in education. It was a crisis management of the system. It was an opportunity for the government to remove \$2 billion from the education system. That was the legacy of the last government. Clearly, they were not elected for education. That was not their purpose. They had a completely different agenda, and they were elected for it. That's what they had.

Nevertheless, when all is said and done, and we did win and become the government, we had an altogether different agenda from theirs. Ours is about education. The Premier was elected to be the education Premier, and that means education for all of our students, the best that we can, and actually engaging our partners in discussing qualitative issues in education. Since 1995, when I sat as a legislator my first year, I never experienced the discussion about quality. It was always about: How much money was the board getting? Was the board in deficit? How would they cover their deficit? It was never about: Do we have classes that are small enough to better suit the students and their needs? It was never about teacher development and our teachers getting the training that they're demanding in order to suit the needs of students today. The student in today's classroom is altogether different from what we may have faced 20 years ago. It calls for new methods, new instruction, and the teachers demand it. That's the kind of conversation I'm pleased to have.

**The Chair:** Mr. Fonseca?

**Mr. Peter Fonseca (Mississauga East):** Minister, congratulations on your new role. I guess it's not so new now; you've been in it for a while.

Every time I go by schools within my community, I always look over, and two words come to mind: opportunity and hope. As our students go through school, I know that is where they are going to spend most of their waking hours. We want to make sure those are places of learning, places where they will have opportunity and will be able to venture to new heights, and the only way that can happen is if we work in partnership. So I am happy to hear you talk about the great partnerships that our government and your ministry have built. I meet regularly with parents, with parent councils, trustees, teachers and principals in the community to discuss what is happening in our schools. I do get a chance to visit and tour our schools within the community, and what I have found is that today our schools are—

**Mr. Klees:** On a point of order, Mr. Chair: With all respect—my apologies, Mr. Fonseca—I just want to make something clear. Mr. Marchese stood down his time. We are in a time constraint here. We do not have authority to sit past 6 o'clock. As a result of that, it may be prudent for you to defer your time, because I think it's important that the people who are here understand that we have to close off at 6 o'clock. I just wanted to raise that caution.

**The Chair:** Thank you, Mr. Klees. Mr. Fonseca.

**Mr. Fonseca:** What I want to bring up to the honourable member is how much better our schools are today because of the values that we've brought to our schools, because of our interest in public education and making sure it's the best and that it's there today and for years to come—so bringing respect, dignity and partnership into our schools and setting those values, and now we've really set ourselves up with lofty goals. We talk about capping our class sizes in the early years, making sure kids get the best start. You're so open and we are so open to looking not only inside the box, but we've looked to other jurisdictions and what some of the best countries are doing around education and how we can improve. Then the last part is putting the resources into that. I know we've increased funding in new dollars by about \$2.2 billion into education.

Minister, can you tell me, in your opinion, what are some of the most important resources that we've provided to schools to be able to achieve some of the lofty goals that we've set for ourselves?

**Hon. Ms. Pupatello:** I think you rightly point out that we have, first of all, set some lofty goals, and that means that they're difficult. If it were easy, it would have been done a long time ago. But we can't be put off by the fact that it's tough to start meeting standards, because I think parents do demand standards. I will say that some of the best initiatives will likely be seen to be through literacy and numeracy initiatives, through our Learning to 18, our student success strategy. We indeed want to achieve success. I think it's fair to say that we have some immediate responses already and data suggesting to us that it is working. We still have a way to go. In addition to that, we want kids to know that everyone who is employed in the sector of education is happy to be there, because that makes all of us work better.

So we have some lofty goals. I think we're halfway to achieving them. If, in fact, we continue with the success—

**The Chair:** Thank you, Minister, for your deputation and for your presence here. On behalf of all members of the committee, we'd like to thank both you and your staff on this bill and moving forward. Thank you very much.

ANNA GERMAIN

**The Chair:** We now invite our next presenter, Ms. Anna Germain, who will come to us in her capacity as a private individual. Anna, if you are available, please feel free to come forward. Please be seated. I remind you

respectfully that you have 10 minutes in which to make your presentation. Any time remaining will be shared equally among the parties. We will begin with the NDP. Mr. Marchese, I would invite you to make any additional comments that you were asking about previously during any time remaining.

Ms. Germain, please begin. Your time has started.

1640

**Ms. Anna Germain:** Honourable members, Minister Papatello, thank you for hearing me today. I'm speaking to Bill 78 because of a number of serious concerns. As I make my points, I can assure you that thousands would cheer me on, so pretend that some of them are standing in this diminutive room.

For a minister to get such regulatory powers is indeed a very big deal. Like a box of chocolates, you don't always know what you're going to get. The two greatest issues are enforcement and accountability. There are many issues to address. Here are a few regarding students with disabilities:

(1) Labelling: Regulation 181/98 requires boards to assign specific labels to each identified exceptional student. The developmental disability label prejudices academic failure by stating that the student cannot benefit from instruction. It says, "Don't bother teaching this student." So perhaps it is understandable that so few students are even placed in regular classes across Ontario.

(2) Placement: Canada has committed to inclusive education through several international agreements, including the UNESCO 1994 Salamanca Statement. The statement urges all governments to "adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools." It states, "Legislation should recognize the principle of equality of opportunity for children, youth and adults with disabilities in primary, secondary and tertiary education carried out, insofar as possible, in integrated settings." The guiding principles for action at the national level are put forth, emphasizing equality of opportunity—necessary for fighting exclusion of persons with disabilities and for the preparation for adult life.

Board attitudes, policies and actions do not reflect the UNESCO Salamanca Statement. Placement statistics vary greatly from board to board, so which board is the government referring to when saying that "regular class placement is the norm," as has been stated in government special education policy since 1994?

Some history: (a) In the Hysert case, appeal in tribunal, Minister Marion Boyd intervened to ensure regular placement; (b) In June 1994, Education Minister Dave Cooke called together all the provincial associations to announce that regular classroom placement was to be the placement of first choice; (c) The decision concerning Emily Eaton was based upon testimony by the Attorney General on behalf of the Ontario government to the Supreme Court that regular class placement is the norm in Ontario.

October reports show secondary students placed in segregated class without having a legally required IPRC. That's the placement piece.

(3) Government policies are not supporting our students who have disabilities. The few success stories are because of parents' involvement and a few wonderful teachers and an occasional superb principal. Even the laws designed to help them are not being enforced or even monitored. Board policies contravene their rights.

We have two layers of politics, local and provincial, and they keep passing the buck, and this means that conflicts escalate. Boards have no incentive to resolve issues and improve students' education. This means school boards face no pressure to become accountable.

(4) School board attitude and denial of disability-related accommodations: I will illustrate with a quote from a letter, with the family's permission, and I have the family's signed permission to do this today. The student was moved illegally without an IPRC and without informed consent. "Informed" is very key here because this family only speaks a little bit of English. The mother speaks only Urdu. I've been involved in helping this family.

"You have been advised that TDSB allocates special needs assistants staff to support students for two reasons—to provide for the safety or the health needs of students with special needs. We have been informed by the special education staff that Saira does not qualify under these conditions."

It's not true; if you take a look at the contract for the SNAs, this is not true.

Of course, health and safety issues are important, but providing custodial support and denying academic support is wrong. This is not what "special education program" is defined as in the Education Act. This is not what "individual education plan" means in regulation 181. This is not what is meant by education accommodations under the Human Rights Code.

No wonder, then, that at the IPRC they will determine that the student's needs cannot be met in regular class placement because they have refused to do so. The label "developmental disability" assumes that students don't have academic needs and the decision that assistants are only provided for non-academic needs.

(5) Legal attitude: At a legal session for Ontario school boards, a lawyer, talking about inclusive education, stated that parents who want their child educated in regular class are unreasonable because we just want to exercise our rights for rights' sake. He then illustrated with the following two examples: (a) Ernst Zundel—such hate—exercised his right because it was his right; (b) While it may be our right to stand out naked at the bus stop in November, scaring all and sundry, is it the right thing to do?

How can school board trustees be representing the interests of parents when their lawyer representatives say that parents like me are either criminal or irrational because we defend our children's right to regular class placement and quality education programming?

(6) Outcomes: Katherine Underwood at the Monk Centre for International Studies is doing research that links inclusive education practice to long-range outcomes

for health and social integration, networking for jobs and economic well-being for people with disabilities. There is a narrower gap for literacy in provinces with more inclusive policies.

I should just mention that Matt Germain has a very brief comment to make when I'm done.

**Conclusion:** The education ministry must enforce the law if there is to be accountability. This is the role of government. Students must not be prejudged. There would be less conflict if school boards were required to work with parents and to set higher learning goals for exceptional students. Without enforcement of the laws and without requiring full accountability from the boards, nothing will improve and it will worsen. More funding will improve nothing if you don't deal with enforcement and accountability first.

Now Matt's going to say a quick word.

**The Chair:** Thank you, Ms. Germain, for your comments and being mindful of the time. We would of course be pleased to invite your co-presenter. If you might, Matt, just introduce yourself.

**Ms. Germain:** He wants to be called.

**The Chair:** Mr. Matt Germain, please come forward to the podium. Thank you very much for coming, sir. Please begin.

**Mr. Matt Germain:** Ladies and gentlemen, I am working very hard on getting all my high school credits. It is hard work but I am getting there. I don't want my school board to hold me back. I want a good future and a good job, and to pay taxes. My mom has worked to fight hard to keep me in a regular class and to get me help to learn. Thank you. Have a good day.

**The Chair:** Thank you very much, Mr. Matt Germain, and thank you very much, Ms. Germain.

1650

#### PEOPLE FOR EDUCATION

**The Chair:** I now move immediately, with your permission, to our next presenter, Ms. Annie Kidder, who's the executive director of the provincial parents' organization People for Education. Ms. Kidder, we welcome you, and I remind you respectfully, you have 12 minutes in which to make your comments. Please begin.

**Ms. Annie Kidder:** It's been so long. Thank you very much for having me here today, and I'm glad you're having hearings on this bill. I think it's very important that this bill be talked about. I'm only going to focus on one aspect of the bill because there's a kind of everything-but-the-kitchen-sink quality in the bill. The "kitchen sink" part is kind of apt, because a lot of it is housekeeping. There's a lot of cleaning up in this bill. There's a lot of stuff that just has to get into legislation in order to be in the Education Act. I am not going to touch on those parts of the bill. I understand that that has to happen in governments when we change certain policies.

There's one aspect of the bill that has nothing to do with housekeeping, and for which there is no rush and nothing that has to be changed immediately for any other

reason in the Education Act, and that is the section that covers standards and gives the minister the power to make regulations prescribing, respecting and governing the duties of boards to promote the provincial interests in education. There is a small list in the bill about what those provincial interests might be, but it's certainly not necessarily limited to those interests because, as we know, it's regulations and you can add regulations as you deem fit.

Right now, they are listed in the bill as possibly involving student outcomes, parent involvement, special education standards, the health of pupils, safety, reports that boards have to make on their compliance with the bill, and graduation rates. There are further sections in the bill covering compliance with the regulations that have to do with the process that we all know too well about: the minister's power to appoint an investigator when the minister feels the board has done something or omitted to do something in support of these regulations.

I just listened to the minister speak, and I was interested to hear her saying that she was going to propose an amendment obliging the government to consult widely on this particular section of the bill, because she wanted to discern which standards should be set in consultation with everybody involved and where there should be flexibility. I guess she inspired me to decide that I wanted to propose my own amendment, which is that this section be taken out of the bill for now, until after the consultation. I find it very worrying that what we're going to build into the bill is that there's going to be consultation on something that's already set in law. I would really respectfully beg that we actually take this section out. We have a new Minister of Education with new desires, feelings, opinions about education, perhaps a little bit less of a desire to be directly involved in the day-to-day workings of boards, and perhaps it would be worth not having this part in the bill.

I have many concerns about the bill, and we do, as parents, have many concerns about the bill that have to do with the notion of setting one standard for all school boards in all areas of the province. It's very difficult, then, to recognize the differences among boards. It may limit individual school boards' capacity to focus on local priorities. My overriding concern, which may be a little bit more soft, is that it may accelerate the trend that we're already seeing in education to narrow the definition of education—that we end up focusing just on those things that we can measure, just on those things for which we can display nice, simple outcomes and that we start to lose, in other areas in education, other parts of education that are as important to the whole education of a student. These would include extracurricular activities or the arts, areas like that. Is the province's intention eventually to set standards for every subject? It's hard to know. If there are no standards for student achievement in areas like social studies, philosophy, design and technology, the arts, will school boards then tend to support those subjects less? I think there are many things in this bill that do need to be discussed. I think it is time to have another

new conversation about the purpose of public education in that way and about what the areas are in which we want to have standards and what the areas are in which we want to have flexibility. I like the minister's idea of a broad consultation on this section of the bill, but I think it's very, very important that that consultation happen before this bill is passed. Again, I would respectfully request that this particular section of the bill be taken out of the bill until after the consultation.

**The Chair:** Thank you, Ms. Kidder. We'll now move to approximately two minutes per side. We'll begin with the government side. Ms. Wynne.

**Ms. Wynne:** Hi, Annie. Thanks for being here. It's interesting, because I think one of the balances we're trying to get at in this act is the balance between local autonomy and provincial—I don't want to say the word "control," but provincial guidance. The consultation that I think is really critical—you're talking about section 4 in the bill.

**Ms. Kidder:** Yes, section 4.

**Ms. Wynne:** The consultation that I think is critical is that there be a really robust conversation between the boards and the ministry as they decide what the standards are that should be met.

Anna Germain, before you, was talking about special education and inclusion of kids in mainstream classrooms. It's very possible, given the special education working table discussions, that in the future we may want to look at how boards are doing on putting kids in mainstream classrooms.

I know from my work as a parent activist that one of the things we called for years ago was direction from the province on what the expectation was of boards on a variety of things. When my kids started school, there was no direction on class size, for example. We couldn't get a policy statement on some of the achievement levels and the kinds of things that we're looking for here.

So in this section we're trying to expand the expectation, really, of that dialogue between the ministry and the boards so that there will be some clear guidelines and that clear responsibility. The previous government really muddled those roles and responsibilities. We're trying to take that back and make clearer what our role here at the ministry is, what the role in the local boards is and how we have that conversation. Can you talk about your concerns around the balance between autonomy and provincial guidance, because I've heard you say in the past that you'd like to have provincial guidance on certain things.

**Ms. Kidder:** I think guidance and expectations are different, even if just in language, from standards in that way, and then enforceable standards, which must be met or there are punitive measures that come over.

What's also interesting about what you say is that you talk about making it clearer, and I think that is very, very important, and that's why I—

**The Chair:** Thank you, Ms. Kidder, for your remarks. I should have actually offered it to the NDP, and, with

the PC side's permission, offer it now to the NDP. Mr. Marchese.

**Mr. Marchese:** How much time do we have?

**The Chair:** You have about two and a half minutes or so.

**Mr. Marchese:** Thank you for coming. There are some areas of concern, and that is one of the big ones for me. The second-most-important one for me is the public interest committee, which sets up another bureaucracy to oversee and/or to give advice to the college of teachers. I've spoken strongly against that, and I wondered whether or not you have a quick remark on the so-called provincial interest committee that will have no fewer than three and no more than five. Do you have an opinion on that before I get to the other question?

**Ms. Kidder:** No, my opinion has very strictly to do with section 4 of the bill, over the standards, which those would also be setting.

**Mr. Marchese:** Very good. I just wanted to let you know that I have serious concerns about setting up another bureaucracy, which is going to be very expensive, and I don't know what the heck they're going to do. I was just hoping for an opinion, but it doesn't matter.

I'm equally concerned about section 4. Part of the comments I have made around this is that it is vague. We don't know what those regulations are going to say and/or prescribe. So while some members talk about guidelines to do with what the province and boards might or might not do, this section is unclear. I'm worried about what it might prescribe around special ed, for example. I'm worried about what it might prescribe around student outcomes as a way of achieving what the province wants rather than what may be in the interest of students across the board. Do you want to comment specifically to my questions or do you want to just leave it to your general concerns?

**Ms. Kidder:** I would like to quickly say that I think it is very important that the province makes very clear what it expects of school boards and also makes very clear that there is provincial policy that needs to be met. I don't think it's necessary in some cases to set it in a bill, but I think what's important is that we talk about it all very thoroughly first, because, as you say, it's worrying that you can change these things in regulation. New governments can come in and do whatever they like with that part of the bill. It's an enormous change to education policy in Ontario and should be treated that way.

1700

**The Chair:** Thank you, Ms. Kidder. We'll now move to the PC side; again, two and a half minutes. Mr. Klees.

**Mr. Klees:** Chair, in the interests of ensuring that we get everyone participating who has come here, I'm willing to defer my time.

**The Chair:** Thank you, Mr. Klees. Graciously accepted.

Ms. Kidder, I'd like to thank you on behalf of the committee for your presence and your deputation.

ONTARIO SECONDARY SCHOOL  
TEACHERS' FEDERATION,  
PROVINCIAL OFFICE

**The Chair:** We now move immediately to our next presenter—and we'll begin, by the way, with the PC side for questions and comments—Ms. Rhonda Kimberley-Young, president of the Ontario Secondary School Teachers' Federation, provincial office. Please be seated, Ms. Kimberley-Young. I invite you to begin now.

**Ms. Rhonda Kimberley-Young:** Thank you very much, and thank you for the opportunity to make this presentation on behalf of OSSTF. I believe that members of the committee are receiving the presentation just now, and I will speak to some of the highlights from the presentation.

I think the question of balance between local autonomy and provincial control that was mentioned in the last question-and-answer session is really the theme underlying what I'd like to speak about.

In general, when we look at the breadth of this legislation, we are very concerned with the sweeping regulation-making powers that it gives the government. More than 50 different items are listed for inclusion in regulations. Since regulations can be issued, really, at the whim of the government of the day, it will create a permanent condition of uncertainty and a considerable degree of centralized control.

We are concerned, as it mentions on page 2, about some of the potential misuse of the regulations around collecting personal information. I won't go on at length about those concerns, but we do have concerns that personal information on students and teachers can be collected and cross-correlated with performance indicators and could be misunderstood and certainly misused.

In terms of the restoration of professional development days, we are pleased to see two of the days restored that had been eliminated previously. We know that ongoing learning is essential if we all want to improve student success. If new programs and initiatives of the government are to be implemented successfully, the training is needed, not just by teachers but other members of the school team as well.

I won't speak at length about the provincial interest since the last speaker highlighted that in her remarks, but you will see in the presentation that we have serious concerns about the areas of regulation that regard provincial interest—in fact, what will be the provincial interest, how it will be defined and what different categories like “effective use of resources by school boards” might mean. Of course, we're very concerned that it might be too easy to define student success outcomes strictly in terms of standardized testing or other measures that don't give a real picture of how well our schools and our students are succeeding. So we don't want to see simplistic targets being used that don't measure real learning.

We do support the provisions of the bill with respect to student trustees and the recognition that is placed on these individuals and their contribution.

While we welcome the deletion of class sizes from the Education Act, we do not support class sizes being dictated by regulation. Class sizes didn't start with either this government or the previous government. They were negotiated into collective agreements years and years ago between federations and school boards that wanted to address student learning conditions. We are very concerned that by putting the ability to change class sizes in regulation, we're possibly overriding each collective agreement with each newly elected government simply by the stroke of a pen.

Similarly, teacher workload and teaching time are the appropriate subjects of free collective bargaining. When local agreements are worked out to meet the working and learning conditions of students in those communities, they work out far more effectively. Once again, in this bill, by adding these regulatory powers, central power is being consolidated over all areas of education. The same is true with distance education: How it is applied in one community is different from another.

In all of these examples, this government, when in opposition, indicated the important role of local decision-making and the problems that we came across in Ontario because of a one-size-fits-all approach. This legislation and these regulatory powers, however, are the exact opposite of that sentiment. They do not meet the balance that was spoken about in terms of local autonomy versus provincial control. Control will be completely centralized and decision-making taken out of the political arena through these regulatory powers.

We welcome the deletion of the \$5,000 cap on trustee remuneration. We know that trustees, and especially board chairs, work long hours and contribute to education in their community. There are safeguards in the bill to protect the public interest without punishing those who serve as trustees and in fact giving them some recognition for the time commitment they make to education.

We welcome the restoration of funding for such vital services as child care in our schools. We know how important that is. We hope, in light of the federal government's decision, that this part of the legislation will remain.

We applaud the government for implementing a new teacher induction program. That's something that we as a federation have been asking for for more than 15 years as a way to support new people who come into the profession, to help retain them in the profession and make sure that they are getting the skills, advice and guidance they need in those early years. We do have some specific recommendations which you'll see on page 6 and on to page 7. There are some exceptions in the bill with respect to new-teacher induction that we think should be addressed so that it's made more widely available, perhaps to teachers on long-term occasional contracts and others who could benefit by a proper induction into the profession. Again, you'll see those outlined. I won't go through them in detail. With respect to that, we think that the new teacher, himself or herself, should have some role in what their induction looks like and in their mentoring process to make sure that it's a positive one.

Skipping over to page 8 of the presentation: In terms of the college of teachers, we make a number of concerns known in this presentation. We recognize that positions are being added, and you'll see mention of that at the bottom of page 8. The concerns we have, however, are that the minister has indicated to the Ontario College of Teachers that these new positions—there should be six set aside for regional positions for full-time, in-school classroom teachers and six for part-time classroom teachers; as well, that local and provincial elected officers of federations and other organizations should be ineligible from seeking office.

The concerns we have here are that by putting such onerous limits on who can run for the college, despite the fact that all people pay fees regardless of how many days they teach, it will limit the number of people eligible. In fact, it might disenfranchise someone who is on a pregnancy or parental leave the year prior. Surely we don't want to see a situation where teachers are further disenfranchised from holding office in the college. Only 4% of teachers voted in the last college elections. Any recommendations that reduce the number of people eligible to seek and hold office will only further the distance between teachers and the college of teachers. This is certainly not the revitalized college that we had expected to see, given the Liberal government's mention in the throne speech and in their platform.

We have a real concern as well that people holding local office might be ineligible to stand for office. There was an unbiased external audit in 2005 of the governing college and of the conflict-of-interest provisions. There has never been any finding that the college is not acting in the interests of the public and not fulfilling its duties, so to introduce restrictions on eligibility simply is unwarranted and unnecessary.

The minister is also suggesting a very detailed oath. This really is unprecedented in a regulatory body. The college already has a set of conflict-of-interest provisions and bylaws. A regulation dictating such an oath is unnecessary, and teachers will find it insulting. We might suggest a similar approach to that used by the British Columbia college, which was in fact set by a self-governing body in bylaw as opposed to under the direction of the education minister. In fact, it addresses an oath of office that would be more appropriate.

We're also concerned with a time limit being set on college positions. We fear that this will ensure a rookie group of governing council on a regular basis. It does take time to learn the issues, to learn the college structure and to be able to be an effective voice there as a member of the governing body.

We can't understand why some public interest committee would be needed to protect the public itself when the role of the college is to serve in the public interest. This is an unnecessary added layer and, frankly, if the government appoints people as they do to the college, one would expect that they are serving that duty of protecting the public through that role. We believe the audit has shown that all members of the governing council

have taken that role very seriously, whether elected or appointed. So to add another layer is really an insult to those who now serve on the governing council, to those who might be appointed as government appointees as well as to those who would be elected. We can see no reason why our profession should be treated differently than doctors, nurses or lawyers and have some separate and additional layer in terms of governance.

#### 1710

I do want to conclude on a few areas—the presentation goes through the comments I've made in much more detail, but I know our time is very limited. We are very pleased to see a number of changes in this legislation: the added respect for student trustees and for trustees; the teacher induction program, which is very necessary; and the additional PD days. However, we don't believe there is anything here that will truly revitalize the college of teachers or, for that matter, provide the respect deserved by the profession. Of most concern are the sweeping regulatory powers provided in this legislation which will centralize control of education and will not achieve the balance between local and provincial autonomy that was spoken about earlier by a member. Decisions around something as important as education in this province should be a matter for public discourse and debate, and should not be made through regulatory powers at the stroke of a pen away from the public.

**The Chair:** Thank you, Ms. Kimberley-Young. Regrettably, there is no time remaining for questions and comments, but the committee thanks you for your deputation and your presence today.

#### JOE ATKINSON

**The Chair:** I now move to our next presenter, Mr. Joe Atkinson, who comes to us in his capacity as a private individual. Mr. Atkinson, I respectfully remind you that you have approximately 10 minutes in which to make your remarks, which begin now.

**Mr. Joe Atkinson:** Thank you for the opportunity to appear before you today. My name is Joe Atkinson, and I was the second registrar of the Ontario College of Teachers. Margaret Wilson, the college's founding registrar, wanted to join me today but is out of the country. She asked me to speak on her behalf. In my presentation, I wish only to address the issue of governance of the Ontario College of Teachers. I am here to express our concerns about changes proposed in Bill 78 that will adversely affect the college's ability to protect the public interest.

Put simply, Bill 78 will pass control of the Ontario College of Teachers to the teacher unions. The bill threatens the college's mandate to protect Ontario's students, and it makes a mockery of the concept of self-regulation. In case you get the wrong idea, neither I nor Margaret Wilson are anti-union; quite the contrary. Together, we spent more than 40 years in combined service to teachers' unions in elected and staff positions. We realize that unions advocate on behalf of their members. It's their job

and they do it very well. However, the issue at hand is not one of teacher advocacy but of public interest. To change the law to give the teacher unions control of the professional body is flat-out wrong.

You cannot teach in a publicly funded school in this province until you have been licensed by the Ontario College of Teachers and meet Ontario's high standards for qualification. The college accredits teacher education programs at Ontario's universities so that people entering the profession are prepared to meet those standards. The college also accredits the basic and additional qualification programs teachers take throughout their careers. Equally important is the college's responsibility to discipline educators who do not live up to the profession's ethics and standards of practice.

The public relies on the college to ensure that teachers are prepared to teach, that they uphold the sacred trust we put in them to teach and that they commit to keep students safe. We do not exaggerate when we say that the college's ability to protect the public interest is in peril if Bill 78 passes as written.

Former education minister Gerard Kennedy said he wanted to revitalize the college and give control to working teachers. I'd like to put this myth of working teachers to rest once and for all. The college council has 31 members. The government appoints 14. The other 17 elected members must all hold a teaching certificate. Some, such as those elected by principals and supervisory officers, are simply teachers with additional qualifications. Teachers are already the majority on the college council. Adding more union members makes no sense at all.

When the Royal Commission on Learning established by the NDP government recommended creating a college of teachers to oversee the teaching profession in the public interest, it was explicit. The commission specifically recommended that no one body within the profession should have a majority on the college council. This view has been echoed by principals' groups, supervisory officer groups, independent schools and faculties of education.

As an aside, I was heartened to see on TVO Studio 2's 4th Reading segment late last week that four former ministers of education, representing all three political parties, also share this view. The only groups not advocating such a position are the teacher unions.

Bill 78 proposes that a public interest committee be created to ensure that the college fulfills its mandate to protect the public interest. This does nothing more than give the appearance of public accountability. If the government truly wants to make the college council more accountable to the public, it can impose new safeguards on the existing structure. There is no need to increase the size of the council by adding six more union members.

If the government proposes to solve the problems of this legislation through conflict-of-interest regulation, it is misguided. Trying to block unions from running slates in council elections ignores the college experience. Council members have included officers of the Ontario

Teachers' Federation and the union affiliates. The first two chairs of the council were district presidents on full-time release from teaching to attend to union business. Union members still caucus before council meetings and decide as a bloc in advance how they will vote on issues. The OTF lists as one of its responsibilities "to hold regular meetings with elected councillors"—with elected councillors—"of the Ontario College of Teachers to discuss directions for the council and college."

We ask you: When decisions need to be made, what prevails, allegiance to the union or dedication to the public interest?

Let there be no mistake. The unions will fight tooth and nail to maintain the right to nominate the people who will best serve their interests. Moreover, there are few teachers in this province who would put their names forward independently for election to the council and invite the scorn of their unions. The intimidation factor here is high and cannot be ignored. This is why few candidates stand for election now, many are acclaimed, and why few members even vote, because the outcome is a foregone conclusion.

Margaret Wilson and I wrote jointly to the former minister in March 2004 when he first announced plans to revitalize the college. We provided a detailed perspective of the college's history, the reasons for tension with teacher unions and our thoughts going forward. We offered to meet to discuss it further. Not only was there no meeting; we were never even given the courtesy of a reply to our letter. Clearly, the minister, on behalf of the government, had already made up his mind. Bill 78 simply fulfills a promise the government made to teacher unions prior to the last election, but the cost to the government and to the people of Ontario is an abandonment of the public interest.

We ask you: Do we want unions to accredit university training for new teachers; do we want unions to certify teachers; and do we really want unions to serve as prosecutors, defenders and judges in cases of professional misconduct? This is not the case with other regulators—not the doctors, not the lawyers, not the nurses. It should not be the case with the teaching profession.

Unfortunately, the college got caught in the crossfire of tensions between the previous government and the teacher unions. Bill 78 is an ill-conceived attempt to erase those tensions. In fact, it does the exact opposite by politicizing the college, something the former minister said he did not want to do. If the college is to have the respect of both the public and its members, its decision-making body must be as free of conflict of interest as human frailty allows.

To do its work successfully, the college must involve the entire teaching profession, from classroom teachers to directors of education, and include occasional teachers, vice-principals, principals, supervisory officers, independent school teachers and faculty of education members. Each job category brings different skills and knowledge to the debate and to the work of college committees and panels.

In closing, we ask that you as legislators rally to support the public interest so that the college can honestly, with no conflict, guarantee to the public that teachers are properly trained, certified and competent, and that all Ontario children are safe in their charge. We contend that the clauses in Bill 78 related to the governance of the college threaten any such guarantees.

I would be pleased to answer any questions.

1720

**The Chair:** Thank you, Mr. Atkinson. We'll have less than a minute per side, strictly enforced. Mr. Marchese.

**Mr. Marchese:** Thank you, Mr. Atkinson. Are you equally incensed by the addition of a public interest committee?

**Mr. Atkinson:** Yes.

**Mr. Marchese:** You haven't expressed it, though. Doesn't that worry you a bit?

**Mr. Atkinson:** It does, and I think I've addressed it in my presentation.

**Mr. Marchese:** No, you didn't, that I could tell. Your worry is about the unions.

**Mr. Atkinson:** No, my worry is also that in fact if this committee is introduced, it shows nothing other than false accountability to the public.

**Mr. Marchese:** I hear you. The members who are going to be elected to this college of teachers are regular teachers, but you're saying that the mere fact that they belong to a union suggests that they will be speaking on behalf of a union rather than themselves.

**Mr. Atkinson:** That is the case now.

**Mr. Marchese:** That's interesting. Were you a member of a union yourself?

**Mr. Atkinson:** Absolutely.

**Mr. Marchese:** And you were proud of that?

**Mr. Atkinson:** Absolutely. I still am.

**Mr. Marchese:** I'm glad to hear that.

**The Chair:** Thank you, Mr. Marchese. We open it to the government side. Mr. McMeekin, you have about 40 seconds.

**Mr. McMeekin:** Okay. Sir, thanks for your presentation. You did mention that it was part of the government's platform and you did, in passing, cover off the protections that the government is purporting to be putting in place. I guess my point would be that we need to see the whole thing in balance.

My own perspective, by the way, for what it's worth—and we may just have to agree to disagree—is that with the protections we have in place, a teacher who is elected to this body is first and foremost a teacher. Their first and foremost interest is with the students, not with touting any kind of union line—at least the teachers I know—particularly with the protections we've put in place.

**The Chair:** Thank you, Mr. McMeekin. Mr. Klees.

**Mr. Klees:** Mr. Atkinson, thank you so much for your very bold and straightforward statement on a very important issue. The minister heralds Bill 78, the provisions relating to the Ontario College of Teachers, as

depoliticizing it. I would be interested in your comments to it.

**Mr. Atkinson:** I think it politicizes it more than ever before. If I was a member of the public and not involved in the profession, I'd be very concerned. I have children who are teachers and I have grandchildren who are students, and it worries me.

**Mr. Klees:** And of course, sir, anyone who challenges this new governance structure is accused of union-bashing. I'd be interested in your response to that.

**Mr. Atkinson:** Well, I hope I've made that clear to Mr. Marchese: I'm not at all bashing the union. I'm proud of my involvement in the union.

**The Chair:** Thank you very much, Mr. Klees, and thank you as well to you, Mr. Atkinson, for your deputation as well as your written submission.

#### ELEMENTARY TEACHERS' FEDERATION OF ONTARIO

**The Chair:** I now move briskly to our next presenters, representing the Elementary Teachers' Federation of Ontario: Emily Noble, president; Barbara Burkett, vice-president; and Vivian McCaffrey, government relations officer. Please be seated. I invite you to begin your presentation. For the purposes of recording for Hansard, if you might just identify yourselves as you make your presentation. Please begin.

**Ms. Emily Noble:** Thank you very much. My name is Emily Noble. I'm president of the Elementary Teachers' Federation of Ontario. With me are Vivian McCaffrey, our staff officer, and Vice-President Barbara Burkett.

I want to say, thank you very much. I'm pleased to be here today and to participate in the committee's deliberations regarding Bill 78. Our remarks today will focus on three main aspects of the bill. You have our document, but I will just be highlighting some things. The first is the provisions that are designed to support beginning teachers, the second is the broad expansion of regulatory powers that the bill gives the government in regard to the operation of school boards and teacher working conditions, and the third I want to refer to is the reform of the Ontario College of Teachers.

The federation supports the cancellation, through Bill 78, of the Ontario teacher qualifying test. From the very beginning, this test was a simplistic and problematic measure that failed to accomplish its stated objective of assessing the skills of faculty of education graduates. Accountability for teacher competence rests with the stringent standard evaluation process conducted by the school principal and school board supervisory officers at the school level.

Bill 78 proposes to streamline the evaluation process for beginning teachers, and the federation supports these changes. The changes are also supported by a broad group of educational stakeholders that include teachers, principals, supervisory officers, school boards, faculty of education reps and parents.

Bill 78 also paves the way for an induction program for new teachers that would include orientation, mentor-

ing and performance appraisal. The federation believes that the induction program is key to providing beginning teachers with the support they need to be successful in the classroom. It also addresses the relatively high rate of new teachers leaving the profession in the first five years of their careers.

One issue that Bill 78 fails to address with respect to the proposed induction program is how occasional teachers—you may hear the words “substitute teachers” or “supply teachers”—will be included. A good number of recent faculty of education graduates enter the profession as occasional teachers. They should also be able to benefit from the school board orientation for new teachers and, if they are long-term occasional teachers, from the teacher mentoring program. Occasional teachers also need these supports to successfully enter the profession. Occasional teachers are also concerned that they will be discriminated against in the hiring process if they don’t have the training and mentoring that other beginning teachers would receive.

The second issue we would like to address is the significant shift from statutory authority to regulatory power proposed by Bill 78. We are concerned that this shift will circumscribe public scrutiny and debate on key political education policies.

Section 4 of the bill, which creates a new subsection 11.1, gives the cabinet considerable power to interject at the school board level with respect to a board’s daily operations. This section, for example, enables the Minister of Education to impose yet-to-be-defined measures to “ensure the board achieves student success outcomes.” Teachers and students are already experiencing extraordinary pressure to ensure that student achievement levels on the provincial tests increase and reach what we believe is a rather unrealistic target. We are very concerned that this government or a future one would have the ability to micromanage school board operations to an even greater degree.

The Ministry of Education clearly has the right and the responsibility to set educational objectives and policy guidelines, but school boards should be trusted with the implementation of these in the context of their local realities.

Bill 78 proposes to shift a number of issues that affect teacher working conditions and student learning conditions from the Education Act to regulations.

Section 3 proposes to transfer the number of professional days to regulation. We support the intention of the present government to increase the number of these days, but we are concerned that moving the determination of the number of days to regulation will make it far too easy for a future, less friendly government to reduce the number.

Similarly, section 10 proposes to move the definition of class size from the act to regulation. We are concerned that this move will open the door to a future government to increase class size arbitrarily and without public debate. We recommend retaining the definition of maximum class size in the act and using regulatory power to

define the calculation for these maximums and to further reduce class sizes when possible.

Finally, section 11 proposes to move the definition of weekly teacher instructional time to regulation. The recent provincial framework agreement reached between the government and the federation focused on addressing the workload issues of preparation time and supervision time for public elementary teachers. Transferring the definition of weekly instructional time from the act to regulation could, in the hands of a non-supportive government, have a serious impact on the hard-won gains made recently by teachers at the negotiations table.

The federation recommends that the current 1,300 minutes of weekly instructional time continue to be defined in the Education Act as the maximum instructional time for elementary teachers. The government can always use its regulatory power to improve upon this standard.

Our final comments focus on the proposed changes to the Ontario College of Teachers. Since its establishment, the Ontario College of Teachers has been fraught with problems related to its governing structure and the extent to which the former government attempted to micro-manage the college’s affairs through the appointed members to the governing council. The current government has not continued the practice of directing the appointed members, and Bill 78 proposes to increase the number of classroom teacher representatives so that their number may more fully represent the membership within the college. The respect for the autonomy of appointed members and the increase in the number of elected members are important steps towards transforming the college into a truly self-governing body.

Because teachers are not only members of the college but also members of a union, a few individuals have suggested that the increase in elected members would result in handing control over to the unions. This is a spurious accusation and one that holds no basis in fact or experience of the college to date.

#### **1730**

First, teachers are no different than nurses or doctors who are also members of both a regulatory body and a union. Why is there such paranoia about teachers? Our members who sit on the governing council of the college clearly understand the role of the college and their role as council members as serving the public interest vis-à-vis the professional practice of teachers. No one has or could suggest that the current elected members of the council have not served the public interest at the highest standard.

The government promised to create a college of teachers that is truly self-governing, but Bill 78 nevertheless indicates that the government does not yet truly trust teachers to take responsibility for the college or its mandate. Bill 78 proposes to establish a public interest committee to serve as a watchdog over the restructured college. In fulfilling its mandate, the college is governed by both conflict-of-interest guidelines and bylaws. No other regulatory body in this province, as far as we can

determine, has a superimposed body comparable to the proposed public interest committee. The creation of the committee undermines the reformed structure of the governing council because it, in effect, adds three to five additional government appointees to the governance structure.

The federation recommends that section 53 of Bill 78, which establishes the committee, be deleted.

In conclusion, we would like to state that Bill 78 contains a number of positive measures that, if implemented, would significantly improve the supports for new teachers. The legislation, however, transfers too much education policy to the realm of regulatory power, and exacerbates rather than solves the problem of undue government interference in the management of the Ontario College of Teachers.

I thank you for your time and, if we have some time, am open for questions.

**The Chair:** Thank you, Ms. Noble. We have strictly enforced one minute per side, and beginning with the—

*Interjection.*

**The Chair:** Thank you for deferring that. We'll now move to the PC side, Mr. Klees.

**Mr. Klees:** I'll defer mine if Mr. Marchese defers his.

**The Chair:** We have a contingent point of order. Mr. Marchese declines. Mr. Klees.

**Mr. Marchese:** No, no, I have questions.

**The Chair:** Agreed. Mr. Marchese declines. Mr. Klees.

**Mr. Klees:** I find it interesting, Ms. Noble, that in your statement you make an absolute statement that the former government directed its appointees to the college, but that the union did not and does not. I find it interesting that you accuse public appointees to the council of being essentially puppets of the government, but union members who are elected are not. Can you tell me on what basis you draw that conclusion?

**Ms. Noble:** I take issue with your conclusion that I'm not talking about the union. What I'm trying to point out is that there has been considerable bashing of the union. It was a known fact that Minister Janet Ecker met on a regular basis with the public appointees and talked with them about what was needed at the college. That was well known. All I'm saying is that if people are going to take potshots at me as a union, then I think they need to be without spot themselves. We meet with our appointees, but they listen to us as teachers. They make up their own minds. The track record at the college, I would argue with anybody, is that those representatives from the teachers in fact vote the way they wish to. They are not directed by the union.

**The Chair:** Thank you, Ms. Noble, and thank you, Mr. Klees. Mr. Marchese, a brisk minute or so.

**Mr. Marchese:** Thank you for coming. As to establishing another bureaucracy of three to five, with staffing, to "advise the council with respect to the duty of the college and the members of the council to serve and protect the public interest," I'm glad you agree with me that we need to get rid of that.

The quick question is, the college functions: They certify teachers, they take licences away and they offer professional development. What could these teachers possibly do that could be harmful to the public interest?

**Ms. Noble:** We see absolutely nothing the teacher unions do that is in any way harmful to the public interest. In fact, teacher unions promote the public interest. If you look through the magazine from the college, in terms of the blue pages and taking issue with—we are a self-regulatory body and we do care about the profession.

**The Chair:** Thank you, Ms. Noble, Ms. Burkett, Ms. McCaffrey, for your deputation from the Elementary Teachers' Federation of Ontario.

#### ONTARIO PRINCIPALS' COUNCIL

**The Chair:** We will now move briskly to our next presenter: Mr. Ian McFarlane, president of the Ontario Principals' Council. Mr. McFarlane, I invite you to make your deputation, for which you have 12 minutes, which begin now.

**Mr. Ian McFarlane:** Thank you, and good afternoon. My name is Ian McFarlane, and I am the president of the Ontario Principals' Council. The OPC thanks the members of the standing committee on social policy for the opportunity to comment on Bill 78.

This bill contains proposed changes to many facets of the Education Act. In light of our limited time here today, we have prepared a backgrounder, which is going around now, that outlines our major issues, proposed revisions to Bill 78 and regulatory changes that would address these concerns. I'll comment very briefly on five items that we've highlighted within the bill.

To begin with, the one we want to spend a little more time on and the one that's most important to principals across the province is the issue of supervision in schools. While it's a small item inside the bill—the would-be regulations around student safety—we feel that it's a little general and doesn't really address the unintended consequences of the framework agreements and collective agreements around the province. What we do know is that the unintended consequences of those agreements are that instructional time has been reduced in some schools, some programs have been limited and supervision has been reduced. We know that is built into the framework agreement in the elementary panel.

We recommend, if you turn to page 4 in the handout, that there are a variety of general statements that we think will allow for those reductions in supervision time to occur in a legitimate way through collective agreements, without impacting negatively and maybe in an unintended way; for example, emergency and extraordinary events not counting on supervision schedules. There's a kind of ongoing duty—we're talking about both panels now—to provide supervision and care for students outside of assigned supervision. There are other suggestions as well.

The second item we want to comment on is class size caps and student success. Lots of folks this afternoon

have commented on class size maxima, and to a point, they make very good sense. Our request is that that is conjoined with a kind of flexibility that doesn't disadvantage students. Unfortunately, there are schools in Ontario that have to turn students away from classes because of the date on which they are attempting to move into those classes or the inflexibility that's built into staffing processes in boards. We do believe that some flexibility, as opposed to hard caps, will allow students to be served by a good initiative.

The new teacher induction program bears all kinds of promise for new teachers and principals to work together. We do believe, though, that there are two items in that part of the bill that may be limiting very positive elements of teacher evaluation. First, we're concerned that the authority of the principal to evaluate a teacher in a non-evaluation year has been taken out. That may, in our view, be an omission rather than a plan. Secondly, it also takes away from the teacher the ability to request an appraisal mid-cycle. That a teacher would request a review may sound like an oddity, but frequently, coming up to a point of promotion, for instance, a teacher does request it. Those two items are missing, and we would like to see them back.

We do want to comment on the Ontario College of Teachers, but I think I can do that very briefly, in that I understand the minister spoke in favour of peer reviews and intends to add an element of peer review. Our notes on that are inside.

Another fairly minor point, but one that we believe is important to a number of principals around the province: The definition of a principal currently uses the words "in respect of a school," but we do note that a number of principals are employed in a variety of roles within school boards. We think that a minor change in language will address that.

The first eight pages are really a summary of my address to you. The remainder are a series of wording recommendations around regulations and the act, which we invite you to look through.

Bill 78 presents an opportunity to improve the education of Ontario students, but we would respectfully suggest that a number of changes need to be made to the bill in order to ensure that the government's priorities of improving student achievement, encouraging students to remain in a learning environment, ensuring a safe learning community and providing ongoing professional development for our educators can be achieved. We encourage the committee to carefully review and consider the proposed legislative and regulatory changes we have proposed.

Thank you for the opportunity to present these views of Ontario's public school principals and vice-principals.

1740

**The Chair:** Thank you, Mr. McFarlane. There's a generous amount of time for questions: about two and half or three minutes for each side. Mr. Klees, please begin.

**Mr. Klees:** Thank you so much for your presentation. I'd like to focus in on the issue of supervision and the

difficulty that the four-year contracts that have been signed has left you with as principals. I'm concerned about your comments, which are very strong, relating to the compromising of safety of students in the schoolyard. I'd like to know from you what can be done now that those contracts are in place to ensure that principals can in fact meet the safety and supervision requirements within your schools.

**Mr. McFarlane:** Certainly, we don't see a world in which those numbers will change or contracts will be annulled. What we do see, though, is an opportunity to use this bill to better define some of the issues that exist. For instance, there's clearly instructional time. That instructional time needs to be protected, as opposed to eroded, in order to make supervision work. We do know that there are places in the school day that are a little bit fuzzy, if I could, and entry time would be an excellent example. We do think this is a great opportunity to clarify those things: What constitutes assignable time and supervision? What constitutes the general duty of care that we would all have in the school for kids?

**Mr. Klees:** Have you made some specific recommendations in terms of how they can be achieved?

**Mr. McFarlane:** Yes, we have. We've actually put it in the language of the bill, as well as in the text of my comments.

**Mr. Klees:** Okay. I'd like to ask you as well regarding the issue of the college. You indicate here that a specific definition of panel should be identified. Could you help me understand why you feel that establishing a roster of panellists would be important?

**Mr. McFarlane:** That is a mechanism, in our view, of making peer review work. We do know that we will be a very minor voice on the governing council. Currently, the members of those committees are drawn from the governing council. We do know that the act currently allows for other appointees, and we're just requesting that that be enacted in order to achieve peer review.

**The Chair:** We'll move now to Mr. Marchese.

**Mr. Marchese:** Thank you, Mr. McFarlane. Much space is devoted to the duties of the principal with respect to the appraisal process for teachers, and I think that's good. But if principals are to conduct an appraisal process, should they themselves not be appraised first, or should there be nothing in the bill that talks about who supervises the principal?

**Mr. McFarlane:** I can't disagree with you; in fact, I believe it's simply a timing issue. Discussions have begun on principal and vice-principal performance appraisals. It's there in the act in a very general way, but we'd welcome movement and change there.

**Mr. Marchese:** I just asked for the Liberals, so they remember when they introduce amendments.

You talk about how hard caps are injurious to the educational system in some way or other.

**Mr. McFarlane:** They can be.

**Mr. Marchese:** Or could be; in many cases, it might be. But there is no mention of caps in this bill. You're aware of that, right?

**Mr. McFarlane:** What we're concerned about is in a definition through regulation.

**Mr. Marchese:** Right. That they might then refer—

**Mr. McFarlane:** Yes, inflexible class size maximum—

**Mr. Marchese:** But at the moment, there is no mention of caps in the bill. They just talk about maximum average class sizes.

**Mr. McFarlane:** And we've made some suggestions that would ensure that we can't end up with hard caps of students.

**Mr. Marchese:** I'll try to read it.

The minister and you talked about how this improves student learning. In fact, the Liberals call it the student performance bill. The minister talks about discussing quality education. Could you refer to what is in this bill that will enhance student learning and student performance? It's for my benefit and perhaps for the benefit of the Liberals members who are prepared to learn.

**Mr. McFarlane:** I came prepared to talk about a series of concerns that we had. Boy, you're putting me in the interesting position of talking about a whole bill. To tell you the truth, the very fact that there's concern given in detail in a number of places to revising and renewing how we govern schools and education I think is wise.

**Mr. Marchese:** I know there's nothing here about student performance; that's why I asked you. Because that's what they call this bill, but I think it's dumb to say those things.

There's something here called the public interest committee, and you heard me ask a number of deputants—

**The Chair:** Mr. Marchese, with respect, I will have to intervene and offer it now to the Liberal side. Mr. McMeekin.

**Mr. McMeekin:** I just want to say, thanks so much for your presentation. Principals clearly play a critical role in our education system. I take from what you're saying that you stand, not unexpectedly, for quality at every different level, with every different professional group in our school system. I was particularly pleased with the helpful comments and the format of your presentation, your background paper—I had a quick scan of that. There's some very good stuff there.

My specific query to you would be with respect to the peer issue that the minister spoke to—peer review. Do you view that initiative, that move, favourably?

**Mr. McFarlane:** Well, we'll see what the details are, but that's certainly what we've been asking for since the inception of the college. In our view, a disciplinary hearing that involves a principal ought to have someone—some one—on the panel who has been in that role and understands the complexities from that perspective.

**Mr. McMeekin:** I understand and agree with that. I was pleased that the minister referenced it and I was pleased that you seemed to be affirming it. Thank you.

**The Chair:** Thank you, Mr. McFarlane, for your deputation today.

## TORONTO CATHOLIC DISTRICT SCHOOL BOARD

**The Chair:** I will now call our next deputant: Mr. Oliver Carroll, chair of the Toronto Catholic District School Board. Mr. Carroll, welcome. Please be seated. I invite you to make your comments within the next 12 minutes, which begin now.

**Mr. Oliver Carroll:** Thank you very much, Mr. Chair and members. I would start by saying that we have a very positive relationship with this government and we're very happy with the new minister and, of course, her very capable parliamentary assistant.

**Ms. Wynne:** The two of us?

**Mr. Carroll:** Yes, both.

**Mr. Klees:** What did you get for that?

**Mr. Carroll:** Well, I'm not finished yet. The "ask" is at the end.

They have great integrity and we have confidence that they will, with some outside, external advice, do the right thing.

Having said that, I'm afraid that the minister has inherited a deeply flawed piece of legislation. The regulatory powers contained in this legislation are probably far beyond anything we have ever seen in any other piece of legislation. We ask you to remember, when you're thinking about this, that there are only four sets of truly elected officials in this country: yourselves, municipal councillors, federal MPs and ourselves. We're elected from the general population, and every once in a while—four years, I understand, now—we have to go back to our electorate and explain our actions, which include what has gone on over the last four years—three years, up till now—with the school boards. We believe that while the government has had the best of interests when they've looked at drafting this legislation, we are very concerned that a future government or a future minister might enact or make regulation changes that would in many ways lead to a degree of abuse.

Everybody who has spoken today, from Annie Kidder on, has suggested—except for the principals—that the government needs to take a look at how these regulations are going to be, first of all, presented in the legislation and then enacted. The Ontario Catholic School Trustees' Association—I'm not sure if they have been here already or if they're on the agenda—actually have a proposal around legislation if the government felt that it couldn't remove this section at this point in time, and it's contained in what you have in front of you. What it really does is require very broad discussion, very broad consultation, before any regulatory changes could be enacted. The legal wording for that, so as to make it very easy for your drafters, is actually included in my presentation.

There are a couple of items I'd like to touch on very quickly. I've heard a great deal of discussion about the college of teachers and Mr. Marchese's concern about a public interest body. I agree; I'm not sure why a college of any type, if it's properly constituted, also needs a

public interest body to look over its shoulder. I've been fortunate to be recently appointed to the council of the College of Physicians and Surgeons, and I heard them referred to earlier. The majority of members of that body are not elected from the profession. There are some who are appointed from the universities, but the majority position on that particular council are actually appointees of the government. The reason for that is to assure the public that the college itself is a credible institution and it's looking after the public's interests at all points in time. I'm not sure when it comes to discipline etc., but I would note in that particular body that the majority of any discipline committee are external members. They are not members of the profession.

**1750**

A couple of other items: The privacy provisions concern us, and I do lay out within the presentation what we think should be done there. Let me speak for a minute on trustees particularly. This bill has removed some of the sanctions against trustees but it has left in one of the most critical ones, and that is where trustees can be held severally—how does it go?—individually and severally, or whatever it is, liable in a court for any decisions they take that would have exceeded a minister's order. I think that's excessive. I can't think of any other level of government where that plays out. If the minister feels that her orders have been ignored, she has a recourse to the courts like everybody else, and the courts have more than ample authority to enforce her orders. She doesn't need to provide to the general public the right to sue individual trustees because they may have taken a decision in good conscience when it came to the education of our children.

The honoraria: Of course, we could debate for hours what is an appropriate amount. I'd just like to finish by suggesting that again we have something here where whoever drafted this couldn't decide what they really wanted to do, so at one level said, "We'll have a maximum," and then at the next point said, "But you should discuss that with members of the public, who should be chosen by whoever decides what the process is," while at the end of the day the whole matter goes back to the board that initially thought about it. It seems to me that somebody tried to have both sides of it, as they did with the college of teachers, in that, "We will put on the majority of teachers, but we should look after the public interest and we'll have another body on the outside to look after it," knowing full well that the people who take the decision, whether it be trustees or the college of teachers, are the people who are duly elected to that particular board.

Anyway, those are my comments.

**The Chair:** Thank you, Mr. Carroll. About two minutes each; we'll begin with the NDP side. Mr. Marchese.

**Mr. Marchese:** Mr. Carroll, thank you. This presentation: You're doing it on behalf of all the trustees of the—

**Mr. Carroll:** No, I'm just doing the Toronto Catholic school board. The Ontario Catholic School Trustees' Association, I think, is somewhere on your agenda.

**Mr. Marchese:** And they all agree with your presentation, I'm assuming; right?

**Mr. Carroll:** Yes, the majority does—of the Catholic school trustees.

**Mr. Marchese:** Yes.

**Mr. Carroll:** Yes.

**Mr. Marchese:** Very good. I'm glad that you agree with me. I was just trying to find the point where your board takes a position vis-à-vis the public interest committee, but I'm glad you're taking a position that says that it's an unnecessary bureaucracy that is very expensive, that will require a secretariat of sorts. When we have a shortage of dollars, that's an incredibly egregious waste of time. I'm saying that, but you're agreeing.

You talked about the college of teachers. I wasn't clear what position you were taking, or the board. Are you agreeing with the distribution of numbers according to the way the bill lays it out?

**Mr. Carroll:** I'm pointing out that other colleges that have been used as examples to justify the composition on this board are, in fact, quite different.

**Mr. Marchese:** I agree. Could you comment on the composition of the current college of teacher numbers? They'll have one more teacher, and that puts the emphasis on teachers having control of the board. Are you agreeing or disagreeing with that?

**Mr. Carroll:** As it is now, I don't see any real need for change. If the argument is, "What's one as opposed to five?", there's a huge difference.

**Mr. Marchese:** So you're disagreeing with the changing of this distribution, which gives power, in effect, to the teachers. You're disagreeing with that, and why?

**Mr. Carroll:** I'm suggesting that if the public interest is going to be protected, the majority of people have to be from the public.

**Mr. Marchese:** And what public—if I can—

**The Chair:** Thank you, Mr. Marchese. We'll move now to the Liberal side; two minutes, please. Ms. Wynne.

**Ms. Wynne:** Thanks, Oliver. Thanks for being here. Two things: On the consultation around the regulations and the standards that the minister and the board can discuss—I don't know if you heard the minister today.

**Mr. Carroll:** No, I didn't.

**Ms. Wynne:** She said that she's committed to bringing an amendment to introduce a consultation piece into the legislation on that, and I think that's very important. I know that the ministry officials are looking at other legislation that we've already brought forward, and you've got one example of it here—consultation.

**Mr. Carroll:** We've decided to be helpful.

**Ms. Wynne:** You're very helpful.

I just wanted to ask you this: Having been a trustee and watching boards as they work, would you say it's fair to say that we have to dig out of a hole in terms of public confidence in school boards and in teachers, a hole that was dug by the previous government, so that we have to be really impeccable in terms of having processes? I'm looking at the trustee honoraria issue. That whole issue of public consultation, I think, is part of this need to make it

clear to the public that we're supporting good people doing good work and it's an open process. Could you just comment on that?

**Mr. Carroll:** If I could take out the editorial comment about the previous government and deal with the rest of it—

**Ms. Wynne:** Sure, that's fine; that was my comment.

**Mr. Carroll:** I appreciate that. Obviously, the public has to have confidence in any body, and trustees have in many ways let down the side. We need to get out there with our public and show them the work we're doing on their behalf. We need to consult. Having said that we need to consult, it's not clear to me why we need the minister to, in the first case, lay out what the parameters are or what the maximums are. What we're doing is having him or her say, "Here's the maximum. Now go and consult and you can pass the maximum." It seems to me we may be inviting people into a meaningless consultation.

**The Chair:** Thank you, Mr. Carroll. We now move to the PC side.

**Mr. John O'Toole (Durham):** Thank you very much, Mr. Carroll. I appreciate the work that trustees have done, having served several years myself as a trustee as well on the provincial board for Catholic school trustees.

I guess my comment really—

**The Chair:** Mr. O'Toole, the Chair would invite you to use the microphone.

**Mr. O'Toole:** Very good. Can you hear me fine?

**Mr. Carroll:** I can hear you, but I'm sure not anybody behind me can.

**Mr. O'Toole:** Just a comment. The Wellington board chair said that Bill 78 takes the autonomy away from the school boards. In fact, if it's a true reflection by one of your peers, you would say that it's actually reducing the autonomy of the board.

If you could comment on that, in light of the recent audit of the provincial school board, Dufferin-Peel, which is a separate board as well—there is a huge gap on the salary grid issue. Would you like to comment on that, in terms of the autonomy of the board and some of the mechanisms in this bill?

**Mr. Carroll:** The fact is that at this moment in time, until the government actually enacts a regulation, it's not clear what autonomy the boards would lose.

Our concern is not that any particular minister or government would be malicious. But we all know the sayings about the abuse of power etc. When a government has it—and I think Ms. Kidder touched on this—the fact of the matter is some other minister may at some other point in time blunder into a degree of control they didn't mean to.

There's no doubt on the second point, Mr. O'Toole. There's no doubt that there are issues that need to be sorted out on the financial side. One of them is the salary benchmark. We're in discussions with the government. Dufferin-Peel, I think, is probably having its set of discussions as well. We're hoping we can resolve those. It'll be an issue of a little give and take before they're actually resolved.

**The Chair:** Than you very much, Mr. O'Toole. And thank you as well, Mr. Carroll, for your presence and deputation.

#### MARTIN THOMASON

**The Chair:** We now move to our final presenter of the evening. Please come forward. Just before that, I would like to acknowledge, on behalf of the committee, the generous rescheduling from the Cuddy family, both Natasha Cuddy and Neil Cuddy, who are, in fact, our next presenters on the schedule, but have agreed to come forward on Monday, May 15. The committee thanks you for allowing us to maintain our parliamentary schedule.

Our final presenter of the day is Mr. Martin Thomason, who comes to us in his capacity as a private individual. Mr. Thomason, you have 10 minutes, beginning now. Please begin.

**Mr. Martin Thomason:** Good afternoon. My name is Martin Thomason. I'm here to read into the record the opinion and personal experiences of a family who could not be here today. They have requested from me and given me their consent to present the following:

"Thank you all for the time afforded me in this very important process regarding Bill 78, through my representative speaker, Mr. Martin Thomason. I will try to demonstrate the circumstances which have compelled me to make arrangements to be heard by this committee.

"In particular, my interest and understanding of this amendment to the Education Act is the proposal to add a new section, section 11.1, which authorizes the Lieutenant Governor in Council to make regulations requiring school boards to adopt and implement measures specified in the new regulations to do the following:

"(1) ensure that a board's funds and other resources are applied effectively in compliance with the act;

"(2) ensure that a board achieves student outcomes ... ;

"(3) encourage involvement by parents of pupils of a board in education matters;

"(4) provision of special education services by a board;

"(5) promote the health of a board's pupils;

"(6) promote the safety of a board's pupils;

"(7) publish reports respecting a board's compliance with regulations made under this section, in accordance with such rules about form, frequency and content.

"Bill 78 proposes to amend section 230 of part VIII of the Education Act, which is the section that deals with when the minister may direct an investigation of a board's affairs, to include a contravention of any regulation made under new section 11.1 as a reason to investigate a board's affairs.

"Through a very brief accounting" of events, "I hope to demonstrate the drastic need for measurable accountability within the Ontario public education system.

"Our particular experience necessitated the writing of the following letters to ... government and school board officials after enduring three years of devastating loss of opportunity for our son to access ... education. [He] failed

to make any progress and actually demonstrated obvious skill, behavioural and social regression ... despite our efforts to advocate for educational programs and services....

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“At the end of his first school year, our board publicly reported a \$2.3-million surplus. Subsequent reports have shown special education surpluses had amassed from 2002 to 2004, totalling over \$100 million for school boards across Ontario. Please review the attached document....

“The experience of one family is insignificant when considering the public interest but the waste of public dollars into a program which has demonstrated continual failure and has no accountability surely is.

“Please consider the highlights of the provincial results from the Education Quality and Accountability Office for the 2004-05 school years (attached) that report [that] grade 3 students with special needs have demonstrated a relatively stable performance in all subject areas over the past four years while their typical peers’ scores have increased substantially over the past four years.

“The Ministry of Education reports a huge influx of education dollars and in particular special education funding over the past two and a half years. The published results and the direct experience of families beg for questions to be asked as to how this money is being used.

“In other words, huge influx of cash equals huge increase in surpluses equals no benefit to children.”

Please consider the following, dated May 16, 2005. This is to a superintendent of student services:

“Over the past five years, since Johnathan was diagnosed with autism, we have had to constantly advocate for treatment and appropriate educational programs, supports and services. We have achieved some ... success ... but for the most part, have endured the devastating consequences—emotionally, financially and physically—of the failure of the Ontario government and the school board to provide appropriate accommodation for Johnathan.... We were constantly battling regression due to inappropriate programs, supports and services within his school placement. We have been strongly advocating for appropriate special education programs and services since April 2002.

“In early December 2004, we came to the realization that despite the countless hours we had spent advocating for Johnathan ... he would [not] receive the programs and services that he required ... based on a number of events including the following:

“(1) participating in good faith in the mediation process throughout the summer of 2004 in order to secure a somewhat more appropriate placement in the school only to discover the agreed placement was never implemented ... ;

“(2) ... two and a half years of Johnathan being in the board without appropriate programs and services being provided and institutional barriers put in place by the board, resulting in an inability of Johnathan to access school/education;

“(3) having received the decision of the Ontario Human Rights Commission not to refer to tribunal the matters before it regarding Johnathan’s rights to an appropriate education ... despite the fact that the factual finding underpinning that decision has since been entirely discredited by the Superior Court of Justice in the case of Wynberg et al vs. Ontario;

“(4) having returned Johnathan to school after a ... request to have his qualified support reinstated ... only to ... half-time” and then her leave the school “as a direct result of the failure on the part of the board to provide her with a full-time position consistent with the 2004 mediation agreement;” and

(5) the Premier’s reversal of a written campaign promise “to provide IBI programming to children over six after getting our vote....”

“... I realized that we were living in a very harmful environment for both Johnathan and his family and needed to look at alternatives.... The failure of Ontario and the school board to provide appropriate accommodation for Johnathan was destroying any chance he could ever hope to have to enjoy the full benefit of education and treatment....

“Acknowledging that we could never give up on what experts had concluded Johnathan required in order to learn and progress ... we looked for options and assistance outside of Ontario and even Canada....”

Our search led us to Calgary, Alberta.

“We contacted government and private agencies, school boards and spoke with some families who lived there in order to understand what it was that we could expect....

“In January 2005,” we went to Alberta to “meet with these people and agencies.... We visited public schools, met or spoke with government officials, spoke with service agencies and toured Janus Academy to understand their school and the application requirements. We studied cost of living, provincial tax bases and potential funding. We learned the application processes ... for any available programs which Johnathan might qualify for until of the age of 18 years.

“We came home and began to weigh our options and look at what opportunities we saw for Johnathan in” Ontario in a school board “for the immediate, near and distant future and the outlook was unchanged.” Moving to Alberta “would mean leaving our home, our family and our friends to meet the needs of our child. It is not a process we began without recognizing the cost and it was one we would never have undertaken if we believed Johnathan would receive the accommodation he requires in Ontario.”

In May 2005, “We all agreed it would be in Johnathan’s best interest to make the move for the duration” of a two-year employment contract offer. Even though the recent two-year court decision had changed the landscape in Ontario, “it was clear at the IPRC meeting on May 9, 2005, the provision of all the clearly identified supports and services necessary for Johnathan to enjoy the full benefit of public education would

continue to be denied and that the government of Ontario had already announced ... their intent to ... appeal the decision up to the Supreme Court of Canada, leaving us with yet more years of uncertainty....

“It is with great sorrow that we are compelled to leave our home province, our friends, and our families in a country and a province that projects an image to the world of compassion and humanity and purports to be a world leader in human rights and child protection and quality education for all.

“The purpose of this e-mail is to inform you” that next year, “Johnathan will not require the educational services offered by the school board which have consistently failed to meet his needs, have denied him his right to be free from discrimination based on disability and have never allowed him the right to an appropriate special education free of cost....

“June 10, 2005

“Minister Bountrogianni:

“The purpose of this letter is to try once again to demonstrate to you and your government the plight of children with autism and how it has been exacerbated by the actions, inactions, statements, broken promises, misrepresentations and ineffective policies and procedures now being perpetrated and relied upon as meeting the needs of these historically disadvantaged persons by your office in particular and the Ontario government as a whole.

“As a parent of Johnathan, a seven-year-and-eight-month-old child with autism, I can confirm the reality of the programs and services available in my community. We are supposed to access the wide range of appropriate services from Ontario—those services which you announce time and time again to the Legislature and the media that are currently in place for children with autism.

“I can clearly demonstrate to you ... that despite the efforts you announce over and over again ... this family (who relied not only on the famous McGuinty promise ‘to extend treatment beyond the age of six’ when we voted but also relied on your statement that you were going to ‘do things right so families would never have to complain again’), does not have the benefit of a single initiative announced by this government.... but actually suffer in worse circumstances with regards to all the perceived available services.

“My family” received “less SSAH support each and every year.... Johnathan has been denied access to school

repeatedly because of the school board’s failure to provide and the Ministry of Education’s failure to ensure appropriate programs and services. Johnathan does not receive any services from the IEIP program despite Justice Kitley’s ruling of April 1, 2005. He does not have access in school to the new ABA consultant initiative.”

Ironically, “Premier McGuinty chose not only to break his promise of extended treatment but actually directly impacted my ability to provide private treatment services by removing \$1,500 per year for health services taxes from our yearly net income, and your office decrease my SSAH allotment by \$540 per year. This new tax which was supposed to increase access to health care for all persons in Ontario has resulted in our inability to do just that....

“Conversations, meetings and e-mails and letters with different bureaucrats from your offices both locally and at Queen’s Park have produced only the political rhetoric responses commonly provided to the press. E-mails, several telephone conversations and a meeting with ... (my elected Liberal MPP) ... have since resulted in no assistance....

“Despite my efforts and the efforts of your local branch office, no one can find the abundance of appropriate services you say exist to meet the identified needs of Johnathan.”

Similar efforts with the Ministry of Education—

**The Chair:** Mr. Thomason, I’d like to respectfully let you know that your time has now expired. On behalf of the committee, I would like to thank you not only for your presence but also for your thoughtful written deputation, which I’m sure we will all consider at leisure.

With that—

**Mr. O’Toole:** On a point of order, Mr. Chair: I would like to request from the researcher a background on the Royal Commission on Learning and its relevant studies on the formation of the college of teachers at the time of the royal commission report, as well addressing the specific issues of independence and composition.

**The Chair:** Thank you, Mr. O’Toole. Your research directive has been duly noted. Thank you as well to all deputants who presented, and to you, Ms. Cuddy, for your deferral. Thank you to members of the committee.

This committee stands adjourned till approximately half an hour after routine proceedings tomorrow. Thank you.

*The committee adjourned at 1808.*

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