



Legislative Assembly  
of Ontario  
Second Session, 38<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario  
Deuxième session, 38<sup>e</sup> législature

## **Official Report of Debates (Hansard)**

**Monday 15 May 2006**

## **Journal des débats (Hansard)**

**Lundi 15 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)

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Copies of Hansard**

Copies of Hansard can be purchased from Publications Ontario: 880 Bay Street, Toronto, Ontario, M7A 1N8.  
e-mail: [webpubont@gov.on.ca](mailto:webpubont@gov.on.ca)

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

### **Exemplaires du Journal**

Des exemplaires du Journal sont en vente à Publications Ontario : 880, rue Bay Toronto (Ontario), M7A 1N8  
courriel : [webpubont@gov.on.ca](mailto:webpubont@gov.on.ca)

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
SOCIAL POLICY**

**COMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE**

Monday 15 May 2006

Lundi 15 mai 2006

*The committee met at 1551 in committee room 1.*

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 (Mr. Shafiq Qadri):** Ladies and gentlemen, colleagues, I call this meeting of the standing committee on social policy to order. As you're aware, we're here for deliberations on Bill 78, An Act to amend the Education Act, the Ontario College of Teachers Act, 1996 and certain other statutes relating to education.

NATASHA CUDDY

**The Chair:** I begin by calling our first presenter, Dr. Natasha Cuddy. On behalf of the committee, I'd also like to thank the Cuddy family for graciously agreeing to reschedule their presentations. They were in fact here at an earlier date and agreed to reschedule to allow us to keep our own schedule.

Dr. Cuddy, I'd like to inform you and others that the protocol for individuals is 10 minutes; for groups, 12 minutes. As you've probably seen, any time remaining will be distributed evenly amongst the parties for questions and comments. I invite you to begin now.

**Dr. Natasha Cuddy:** Before beginning, Deborah Campbell, whose story Martin Thomason read to the committee last Monday, has asked me to read into the record the end of her testimony, which was cut off then:

"Ministry of Education representatives stated they had no jurisdiction to intervene in decisions of school boards. This is very troubling, given the Wynberg decision, which held the failure to ensure school boards were providing appropriate special education programs and services violated the minister's obligation under the

Education Act. Efforts for three years with the board, trustee and ADR also failed.

"We must act in the best interest of our child and now must leave the province, friends, home and family to provide health care and appropriate educational services for Johnathan.

"Although this account is one family, I stand here for hundreds of families currently before the Ontario Human Rights Commission seeking appropriate accommodation and educational services from the government and school boards in Ontario, for thousands of special education students who show no gains in performance in the EQAO report of 2005 in grades 3, 6 and 9, and for the thousands of children languishing on wait lists for programs and services allowing them their right to access education in Ontario.

"Well, I don't really stand here. I want to bring my family home.

"Thank you,

"Deborah Campbell."

I'd like to introduce myself. I'm Dr. Natasha Cuddy. My academic qualifications include a Ph.D. and a CFA. Professionally, I managed billions of dollars of investments over 20 years, both here on Bay Street and in London, England. I am here today as a parent to talk about Bill 78, especially the new section 11.1 to increase school boards' accountability to the Ministry of Education.

Ian Urquhart quoted Minister Kennedy as saying, when he introduced this bill: "As it stands ... 'all we [the government] can do is throw money at a problem.' There is no guarantee the dollars will arrive at their intended destination once they have been filtered through the boards." This bill is designed to give the elected government of Ontario that control and that guarantee.

This is vital, as our experience from 1998 to 2002 in the Toronto board, and home-schooling since, will show this committee. We are convinced that this bill is an essential first step. Some reaction has been along the lines of shock at taking power away from the boards, "the oldest expression of democracy in Ontario," as Murray Campbell wrote. Our personal experience and the research we've had to conduct to get an explanation for that experience show that these boards are out of control: no control on actions, no accountability.

You've already heard from parents: Testimony from Anna Germain and Deborah Campbell, who can't get

special ed services for their children who really need them, despite the fact that boards and the ministry are obliged in law to provide those services and since 1998 have been given specific ISA funds for intensive support for such children.

In the case of our eldest son, the lack of controls and accountability at the board took an opposite form. From 1998 to 2000, the board put us and our son under massive pressure to say he was learning disabled and needed to be in a separate, special class. This has become known in Ontario as diagnosis for dollars, and results directly from the lack of any control or accountability.

In 1999, while our son was in grade 2, the TDSB produced a psychological assessment that said he did not know all the letters of the alphabet and could only read at kindergarten level: two years behind. It designated him as "LD, learning disabled," a concept that was not explained to us then or for years to come. Only later did we discover that "two years behind" was required by the current definition of LD for a significant discrepancy between IQ and academic achievement. In 2001, the US federal government discarded this definition as without scientific basis and as actively harmful to children.

We fought against this assessment at the time. In 1999, we brought the principal of Sylvan Learning Centre to a school team meeting about this psychological report to show Sylvan's testing on our son. They had been teaching him for about a year. Far from being two years behind, Sylvan tested him at grade 3 level in reading: one year ahead. We had great difficulty understanding what the school and the board were doing. We put it down to incompetence and our son's rapid progress in catching up taking them unawares. But we believed that in the middle of grade 3, January 2000, the psychological report about being two years behind and any talk about separate, special classes had been finally dealt with and gotten rid of.

It was only when a new principal arrived at the school in grade 6, September 2002, took a look at the documentation in our son's OSR and actually put him in a separate, special class for LD that we discovered what had been going on through grades 3, 4 and 5. We had been comprehensively misled.

In late 2002, we discovered a mass of secret documentation in the board's psychology file, which showed what had been going on since our son began school. In grade 2, the school and board psychologists, after completing the 1999 two-years-behind psychological report, had secretly tested our son's reading again. She then found our son's reading tested not two years behind but at grade 2 level. But the school psychologist buried the extra test in the secret psychology file, and instead of withdrawing the two-years-behind report, she and the school pressed on with it in the clear knowledge that it was false.

The 1999 psychological report, which we thought had been overturned and consigned to the trash, remained in his Ontario school record and continued to be used without our knowledge. Based on it, the school and board

had continued to treat our son as LD. In grade 4, they tricked us into agreeing to a bit of in-class extra help "to reinforce grade level class work," we were told, for perhaps 20 minutes a day, and then into signing a form for funding for this bit of extra help. Only in late 2002 did we discover that this had been an official area IPRC designation in February 2001, for which the school framed secret reports describing our son as so severely disabled that he could not survive in a classroom without full-time, one-on-one support—documents which by law should have been shown to us at the time, but which we only discovered later in the secret board psychology file. This 1999 two-years-behind report was used again for this. Of course, none of the significance of any of this was explained at the time.

There has never been anything physically or mentally wrong with our son. We have never wanted any special education services for him because we never believed he needed any. The only problem our son ever had was that he entered grade 1 in September 1997 unable to read and left grade 1 in the same condition after a year of extra help from the school. The school had made up its mind that our son was LD and needed special ed. For the next four years they continued to insist on this, despite all evidence to the contrary.

#### **1600**

Our son, therefore, is the other side of the coin to the genuinely disabled children who cannot get adequate special ed programs, which they and their parents know they need. Our son represents the other reality: the majority of children labelled with highly subjective and debatable disabilities, given minimal, if any, special help, but still claimed for massive sums of special ed funding. The first, genuinely disabled, group cannot get into appropriate special ed; the second, subjectively labelled, group cannot get out of special ed, no matter how hard they try. Our son's case shows the lengths of deception, fraudulent reports, hidden tests and secret files which the school and board have been and remain prepared to go to in order to obtain special ed funding.

Why did the school and board go to such lengths? A senior special ed bureaucrat came to the school in October 1999, at the beginning of Grade 3, to try to bully us into a special ed class, even after our son had caught up and Sylvan had tested him a grade ahead. Why did the school board refuse to recognize that our son had caught up, and insist on documenting, in secret, a severely disabled boy who did not exist, while all the while lying to us about what was happening to our son?

When we discovered what had been happening in late 2002, we were shocked. It took months of research to work out why this had happened. Over the last three years, we have shared our son's story and our research with Ministers of Education and Health, Premier McGuinty, the education critics, senior ministry bureaucrats and many parent organizations. This is why we are here today. The boards, and so the schools, of Ontario are not accountable to anybody: not to parents, not to taxpayers, not to the Ministry of Education. If proper controls and

safeguards had been in place, neither school nor board could have done this to our son or to countless thousands of other parents of children diagnosed and mislabelled for funding dollars. This bill is one of several first steps in putting this right, which must go further, and quickly.

ISA and diagnosis for dollars—using children for bounty money and as cash cows—was supposedly abolished in 2004, after Minister Kennedy's press conference with Lynn Ziraldo of the Learning Disabilities Association of Ontario. I was told to my face on several separate occasions, in 2004 and 2005 and 2006, that "We're not doing ISA anymore," by Minister Kennedy, MPP Wynne, Deputy Minister Levin and Director Bruce Drewett, but as we will see, the boards have been very busy this year in rounding up as many children as possible for the last round of ISA, with the full knowledge and blessing of the ministry.

As Dr. Bruce Ferguson was quoted in the Star this weekend about the 30% dropout rate: "One third were identified as having special needs, most often attention deficit disorder." Why doesn't it occur to anyone that the fraudulent diagnosis of ADHD, Ritalin drugging and labelling for ISA dollars is the main reason these kids drop out?

Education took a major wrong turn in Ontario with ISA, which has infected the whole education system. I ask you to read the testimony of Julie Berry Cullen before the US presidential commission on special education in 2002, which is attached to the submissions of the next presentation by Dr. Neil Cuddy. If the facts contained in that testimony are accepted, together with the accountability measures of Bill 78, there is finally a chance here in Ontario to put things right for our children.

**The Chair:** Thank you, Dr. Cuddy. I have to commend you on the exact precision of your timing. That was exactly 10 minutes. Unfortunately, that leaves no time for questions and comments.

#### NEIL CUDDY

**The Chair:** I invite your other half, I presume, Dr. Neil Cuddy, to perhaps continue the presentation. Dr. Cuddy, you also have 10 minutes.

**Dr. Neil Cuddy:** My name is Neil Cuddy. I'm a parent with a strong interest in the passing of this bill, given our experiences in Ontario schools over the past 10 years. I'm also a qualified academic historian, with a first-class Oxford BA and a D.Phil., and many years' experience teaching at Western, York and the University of Toronto. I bring that perspective to analyze the wider issues behind our son's experience with the TDSB since 1997.

Our eldest son entered Grade 1, unable to read, in 1997-98, just as the PC Harris government revolutionized education, changing the funding formula and amalgamating school boards. Suddenly the Ministry of Education was the paymaster as well as the regulator. Boards could no longer raise extra money from property taxes at

their discretion. They could not escape from the funding formula, tied to enrolment and classroom space, except for one door left open: the intensive support amount—ISA—for students with such severe special needs that they needed one-on-one support for most or all of the day. Such students were to be individually claimed for \$12,000 or \$27,000 per year to the board.

ISA was designed with no adequate controls. Boards needed virtually no documentary proof for their claims in 1998. An IEP and a local IPRC would do, if available; if not, never mind. No mechanism was ever designed to get behind the paper claims and check what was actually happening in classrooms.

The TDSB massively overclaimed for one in 35 of its enrolment, double the provincial average of one in 72. This was our son's grade 1 year, when the school failed to teach him to read. They claimed him then for ISA—\$27,000 per year. The newly amalgamated TDSB spotted at once that ISA was an independent way to raise more funds. The extra money from the ISA claim compensated almost exactly for what the TDSB was supposed to save through amalgamation: a total of over \$117 million, which was paid every year after. The TDSB had sidestepped the government's funding formula.

The government spent the next six years trying to control ISA, to shut the door after the horse had bolted. Every year of ISA claims—1999, 2000, 2001-03—was an inquest into what happened in 1998. Existing 1998 claims were required to be resubmitted with massively fuller documentation. This was why the school pressured us so hard in grades 2 and 3 to get exactly this documentation. We couldn't understand: Why insist on a two-years-behind psychological assessment when everyone knew he was at grade level and beyond? ISA was the answer. Our son being two years behind was worth \$27,000 a year to school and board, so that's what the assessment said.

The ministry's paperwork controls failed, however. The 1998 claim was paid in successive years, unless a board could submit a higher claim. Many boards that had not spotted the funding loophole in 1998 caught up in 1999 or 2000. The TDSB, however, sidestepped the inquests. It already had twice the provincial average of claims, so in 2000 it submitted no ISA claim at all. Yet at the school level, the pursuit of paperwork on our son continued in secret. A comprehensive review of all ISA claims started in September 2001, our son's grade 5 year, ending midway through his grade 6. This gave the board a long deadline, so in grades 4 and 5 we were told our son was in regular class and that his reports were at grade level, while IEP, with practically invisible entries saying he was still two years behind in spelling, prepared for a renewed ISA claim which would be required soon.

Our son was finally claimed again under the ISA comprehensive review when a new principal arrived in grade 6 and put our son in a full-time withdrawal LD class. We agreed to a new psychological assessment to rule out any problem with our son. The same school psychologist who did the fraudulent 1999 assessment did

a new one for ISA, completing the secret \$12,000-a-year ISA application form for the ministry deadline. We soon found it in the secret file; otherwise we'd never have known ISA existed, let alone that our son was being claimed for it. By February 2003, school and board refused to explain or amend our son's record, and gave an ultimatum to return him to the school or to home-school. Both our children have been home-schooled since then.

Our son should never have been claimed for ISA. This money was intended for severely disabled children requiring constant one-on-one support. The board had finally sidestepped the ministry's controls in the comprehensive review.

We tried to get explanations and accountability. Our MPP, George Smitherman, wrote to the board in December 2003 three pages outlining the diagnosis for dollars in our son's case. We shared our conclusions with the Ministry of Education. Smitherman's office sent a position paper to Minister Kennedy in February 2004, outlining potential LD profit centres at boards abusing the ISA process for extra funds. The new Liberal government was proclaiming education reform, so some steps were taken.

In July and August 2004, the ministry held a joint press conference with the LDAO about ISA and boards' overidentification of students with severe special needs. A report showed that ISA claims had doubled during the comprehensive review, from \$500 million to \$1 billion, and prevalence went up from one in 71 to one in 36, as the other boards caught up with the TDSB. Almost all the growth had come in the categories of LD and behaviour. ISA was to be abolished and a working table headed by Kathleen Wynne and Sheila Bennett was set up to devise a replacement.

The working table report, sitting on Minister Kennedy's desk since January 4, has just been released, an 18-page essay that took a year to write. Its explicit remit was to fix the doubling in ISA claims, yet its funding proposal sets in stone the current ISA grant—at least twice what it should be, the ministry said in 2004—plus every extra child the boards can find to claim this year—which is exactly what boards have scrambled to do while the working table report sat on the minister's desk—converted into a board-specific per pupil amount for high needs, to be multiplied by enrolment for the future. This proposal to replace ISA did not take a year to devise. It was taken off the shelf. It was actually framed in 2002 by the ministry's ISA working group chaired by Peter Gooch, then of the ministry, now of the TDSB, which had earlier devised the very comprehensive review that caused the doubling of claims in the first place. This was not a replacement for ISA then, nor is it now: It was the boards' second choice for the future state of ISA. Their first choice in 2002 was to continue it exactly as it was.

#### 1610

There are still no mechanisms in the report to enable the ministry to check what the boards are doing with this money. The records and experiences of students like our son, who was claimed for ISA dollars, will still remain

unfixed. In 1999 and 2001, the Provincial Auditor issued reports on special education that said there was no way of telling how boards spent their supposed special ed. dollars or with what effect. The working table report has nothing to say about that and it has proved itself to be a disgraceful waste of time and money.

So Bill 78 is all the more vital for imposing controls on boards. ISA is an example of what can happen when a government tries to influence what happens in classrooms using only the remote control of financial incentives. Governments, if they want to get elected and re-elected, want direct control of this all-important issue. As Ian Urquhart quoted Minister Kennedy: "As it stands, says Kennedy, 'all we [the government] can do is throw money at a problem.'" There is no guarantee the dollars will arrive at their intended destination once they have been filtered through the boards.

The United States of America invented LD. Like so much else, Ontario adopted it, unlike for example the United Kingdom. In the USA, the perverse incentive of federal IDEA dollars led to an epidemic of LD diagnoses, in pursuit of comparatively tiny federal sums of about US\$1,200 per head. But this was recognized and put right at exactly the time ISA was being devised and exploited in Ontario. The President's Commission on Excellence in Special Education reported in 2002, distinguishing between real disabilities, such as blind and deaf, which are stable in incidence, and school-diagnosed ones like LD, which increase to match the available money. That has happened spectacularly in the USA since 1980. In 2001, national hearings, part of No Child Left Behind, abolished the two-years-behind discrepancy definition of LD. Instead, children were to be taught to read with IDEA funds and without labelling; only long-term lack of response to proper intervention would justify an LD label. The re-enactment of the IDEA in November 2004 put this into legislation.

In 1995, the Ontario royal commission For the Love of Learning had already come to the conclusion of the US federal government six years later: Genuine remedial intervention should be tried for years before the last resort of using a pseudo-medical label like LD because the discrepancy definition could diagnose almost any child as LD, and LD numbers rose magically to meet available funding.

Yet in 1998 to 2004 in Ontario, despite the royal commission only three years before, despite what was so clearly happening at the same time in the US, ISA put a bounty of \$27,000 on each child who could be diagnosed with that now-discredited LD discrepancy definition. The boards could not resist temptation. Nowhere else on earth has the price per pupil's head been set so high. Nowhere else has there been such huge and sudden apparent growth in severe special educational needs.

The ministry assumed the power of paymaster in 1998. Now it must finally assume the responsibility to see how the money is spent. Bill 78 is a step in the right direction. It and the other measures that are needed to ensure full accountability are vital to stop what happened

to us and to our son, and thousands of other children too, from happening again, what the Toronto Sun has already called in print a “Scandal in Special Education” and a “fraud”: “It’s up to the education minister to quit worrying about the toes he’ll step on and end this injustice to some of Ontario’s most vulnerable.” That certainly applies still to the new minister.

**The Chair:** Thank you to the doctors Cuddy for your presence, your contribution and your written submissions.

#### ONTARIO TEACHERS’ FEDERATION

**The Chair:** I will now move to our next presenter, Ms. Marilies Rettig, president of the Ontario Teachers’ Federation. Please come forward and with your colleagues please be seated. As you’ve seen, our protocol for organizations such as yours is that you’ll have 12 minutes in which to make your complete presentation. Any time within that remaining will be distributed evenly amongst the various parties for questions and comments. I invite you to begin, and please identify yourselves for the purposes of the permanent record should you have other colleagues speak. Please begin.

**Ms. Marilies Rettig:** Thank you very much. My name is Marilies Rettig. I’m president of the Ontario Teachers’ Federation. I’m here together with my colleagues. To my right is Hilda Watkins, first vice-president and incoming president of the Ontario Teachers’ Federation; to my immediate left is Ruth Baumann, secretary treasurer; and to my far right is Lindy Amato, who is director of professional affairs. It is certainly a privilege and a pleasure for me to be here today to present on behalf of the 145,000 teachers the Ontario Teachers’ Federation represents, teachers who work in the publicly funded system in the francophone and English school boards, both at the elementary and secondary school level.

Our brief is before you, and in our submission we point out that we are supportive of and applaud some of the changes that are introduced in Bill 78, but we certainly have some concerns that we’d like to express to you, both through the context of our written submission and to you briefly today. They focus on three different areas: the new teacher induction program, including proposed amendments to the performance appraisal process for new teachers; amendments to the Ontario College of Teachers Act; and the increased regulatory authority clauses, which are also alluded to.

With respect to the new teacher induction program, I’d like to first turn to Hilda who will provide an outline of some of our issues and concerns.

**Ms. Hilda Watkins:** OTF would like to commend the government for its proposed removal of the Ontario teacher qualifying test and the introduction, instead, of the new teacher induction program, NTIP. The NTIP is to include mentoring, orientation and professional development components for new teachers, all of which have been shown to increase teacher retention rates in the early years of professional practice.

OTF believes that the principal’s role in deciding on the appropriate elements of the NTIP for individual teachers is one that should be undertaken in discussion with the new teacher and, where appropriate the mentor teacher, and should not unilaterally be determined by the principal. Accordingly, we are recommending that the addition of the phrase “in consultation with the new teacher” be included in this section of the bill.

**Ms. Rettig:** Our submission then goes on to highlight a number of other concerns, of which I will only briefly reference one, and that is the exclusion of occasional teachers from the new teacher induction program.

Since many of those who are entering the teaching profession, beginning teachers coming out of faculties of education, begin their employment in the part-time occasional capacity, we feel it is imperative that occasional teachers are also incorporated into the new teacher induction program. Without doubt, those beginning teachers, whether working in a full-time or a part-time capacity, on contract or an occasional teacher contract, will be well served, and they certainly need the same kind of supports as do those who are entering the profession on a full-time basis.

Likewise, we have a concern that these teachers may be discriminated against in terms of the hiring process. Indeed, they may be less successful in obtaining permanent teaching positions if they are not incorporated to some extent in the new teacher induction program.

We certainly look forward to the process of consultation on other details regarding the streamlined performance appraisal process. We can then go into further depth on the other issues we raised, both in our submission today and other issues we would like to deal with in more detail.

The next area is that of the amendments to the Ontario College of Teachers Act. Most pointedly, I’d like to begin by referencing the issue of composition of the governing council, and I do so by quoting the 2004 paper entitled Revitalizing the Ontario College of Teachers, in which the government stated “that teachers deserve the privilege of self-regulation. Ontario teachers exercise a significant trust in their everyday working lives by making discretionary decisions about the needs and development of our children and young adults. It follows that they should be extended the respect of controlling how their profession operates to serve the public interest.”

Indeed, there is a dichotomy in the presentation, in our response that we’re providing to you today and in our submission. On the one hand, the federation is very encouraged by the proposal to increase the composition of the governing council from 17 to 23 persons who are members of the college and who are elected by members of the college. However, we believe that all fee-paying members of the Ontario College of Teachers who are in good standing should be eligible to both run for the college council and to vote for the college council. Once elected, clearly it is absolutely essential that the OCT councillors should be directed by conflict of interest

guidelines which assist in identifying conflicts of interest and provide such direction.

The federation believes that providing a majority of teachers on the governing council is a necessary first step. It's absolutely essential in terms of encouraging and engaging a greater sense of confidence among teachers in the profession. Since the inception of the college, we've seen a decline of confidence on the part of teachers in the college of teachers. I think it's indicative of the very poor turnout we've seen over the number of years in elections for representatives to the council of the college of teachers.

#### 1620

In 1997, 32% of the teachers of this province took part and voted in electing their representatives to the council. That declined in 2000 to 13.9%, and subsequently, by the spring of 2003, it had dropped to 4.4%. Clearly teachers in this province are not engaged, or there is a disconnect between teachers and the council or the college of teachers.

Increasing classroom representation, I believe, is the first step, and OTF does believe it's a first and a positive step. We certainly fundamentally disagree that this small majority of one turns power over to teachers' unions, particularly when it appears that regulations may preclude certain teachers from being eligible to be elected to the council.

Currently, there are 13 elected councillors on the college of teachers, eight of whom are classroom teachers, two of whom are occasional teachers, and three of whom are elected at the local level or are officers who work for their teachers at the local level.

The profession, and indeed the public interest, has been well served by this council. When doing an analysis of the OTF relations and discipline committee, the group that was the predecessor to the inception of the college of teachers, the numbers of cases that were dealt with, the way in which they were dealt with and the decisions that were rendered were very consistent with the statistics as we have seen them applied to the college of teachers over the last number of years. There is no indication whatsoever that involvement in federation activities has in any way curtailed the ability of teachers to act professionally: to make professional decisions that are in the best interests of the profession, short-term, long-term, and indeed in the public interest.

At this time, in other parts of this country, provincial teacher organizations are charged solely with this responsibility. They do so successfully, they do so effectively, and they do so with the public interest at stake. I draw upon experiences both in Saskatchewan and in Alberta, where that structure continues to exist.

The last reference I'll make is to the General Teaching Council for Scotland, where there is an inextricable link between teachers who are leaders of national teachers' organizations and the college of teachers. In every instance, the decisions of the General Teaching Council for Scotland have been in the best interests of the profession, prevented dilution of the profession, ensured that the

regulatory authority was appropriate in terms of the pre-service programs, and served both the profession and the public interest well.

Again, we believe that any member who is in good standing and is a fee-paying member should be eligible to both vote and run for elected office.

The other issue I'd like to briefly highlight before I turn it back to Hilda is the grave concern we have with the reduced term for councillors. We believe that six years is far too short a time frame. The nature of the committees that individuals have to participate on, the nature and substance of the work they have to do, the kinds of decisions they have to render, and the information they need as they grow in those roles speak to the absolute necessity of continuing with the current 10-year term. We encourage this committee to bring that forward.

I turn it back to Hilda to discuss peer review.

**Ms. Watkins:** I was told to say my name: Hilda Watkins.

While peer review is not contained in the printed version of the bill, we understand that Minister Pupatello informed the standing committee that she will bring forward an amendment to the Ontario College of Teachers Act to provide what she characterized as peer review for principals. This idea is not a new one. It has been discussed at the governing council several times before and rejected. The concept is not supported by a majority of the members of the college, or by the governing council of the college. The peers of the Ontario College of Teachers are the qualified teachers of the province and are not limited to those in similar roles.

The minister's stated intention raises questions of whether teachers in other job classifications will claim the right to the same kind of peer review.

We are also concerned that such a provision would leave many decisions of disciplinary panels vulnerable to challenges based on the definition of "peer review." For example, could elementary teachers challenge decisions of panels with only secondary teachers? Could teachers challenge panel decisions based on gender, race or religion of members of the panel?

We join with all others who have previously pointed out the flaws in such a provision in the Ontario College of Teachers Act and strongly advise against such a recommendation.

Marilyn will conclude.

**Ms. Rettig:** We have—and I will not go over it for very long—provided an overview for you in our brief of some of the concerns we have relative to the increased regulatory that is prescribed by the bill. While there is no definition of what constitutes "provincial interest," the bill provides a wide-ranging authority for the government to take over school boards. We certainly have concerns about that and have articulated that for you within the context of our brief.

Finally, we believe that the college is at a critical turning point in terms of how it will operate in the future. We acknowledge and respect the role of the college of

teachers to act in the public interest. It remains the professional regulator and as such must have the respect of the teachers who are its members. We must ask, will it be given the necessary structure to enable it to be governed democratically by the members of the profession, or will it continue to operate and be viewed by its membership as a largely unresponsive or unrepresentative bureaucracy? Will the government deliver on its promise of creating a truly self-regulatory body for teachers, or will teachers be left feeling, once again, that they have not received the professional respect and the trust that they deserve?

It is OTF's hope that the regulation will be drafted in such a way as to respond positively to these questions, resulting in a truly revitalized Ontario College of Teachers that will serve this profession well and will serve the public interests of the people of this province very well.

**The Chair:** Thank you, Ms. Rettig, as well as your colleagues here on behalf of the Ontario Teachers' Federation.

#### WINDSOR-ESSEX CATHOLIC DISTRICT SCHOOL BOARD

**The Chair:** I now invite our next presenter, Ms. Barbara Holland, trustee of the Windsor-Essex Catholic District School Board. Ms. Holland, if you'll come forward, I'm reminding you that you also will have 12 minutes in which to make your combined presentation, including questions and comments. You may begin now.

**Ms. Barbara Holland:** Thank you very much. It is a pleasure to be here. It is my first time in this building, and I must say that I need to come back again and bring my family with me.

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** If you do that, I'll take you on a tour.

**Ms. Holland:** Would you? That would be lovely. Thank you. I'll hold you to that. They're outside circling the building because we weren't sure how this would work today.

My name is Barbara Holland. I am a trustee for the Windsor-Essex Catholic District School Board. I am a businesswoman in the city of Windsor. Along with my husband, we have four children who are currently in elementary school, secondary school and university.

My history began as an involved parent at school. I served on our elementary school council and then on our secondary school council. The leap to trustee seemed the natural thing to do. But I must tell you, I certainly had no idea what I was getting myself into.

The letter that we received from Gerard Kennedy in December was probably the first thing I've received in six years that used the word "respect" in the same paragraph as "trustee," and that was most welcome. Therefore, to see Bill 78 come out with the intent, as part of it—because it's such a huge bill—to show respect for the trustee and the role of trustee is also welcome.

I'm only going to address, on behalf of my colleagues at the Windsor-Essex Catholic District School Board, three areas that we are a little bit concerned about. The first area is governance by regulation, the second is personal liability and the third thing is honoraria and the way in which they affect us directly as trustees.

We see ourselves as key decision-makers in our community, and we thank the government for seeing that as well—for seeing trustees as being effective, efficient, and that we are called to represent with ethics while maintaining oversight and accountability. We take our role very seriously.

The part of the regulatory transfer that concerns us is the loss of the voice of the stakeholder. That concentration of authority at the provincial level without what we consider proper checks and balances is a bit disturbing. It is our hope that the government will build into that process a way to hear the voice of the stakeholder and to aid trustees in protecting the public interest in education.

The second issue that I bring to you on behalf of my fellow trustees is personal liability. I thank you for eradicating some of the things put in by the previous government, but there is still one that is of concern to us, and that is subsections 257.31(2) and (3), which still hold trustees jointly and severally responsible if funds are not spent as ordered or authorized. In essence, what that means is that we have to be taken to court, and then we could be ordered to pay those funds back. I understand the need for accountability; I understand the need for oversight. But I must say, I don't know of any other elected official in the province of Ontario who is subject to this. So I would ask that the committee please review that, because this does not speak to respect of the trustee, as Bill 78 wishes to do, but rather of distrust. I like to think of that as an oversight.

#### 1630

The last thing I'd like to speak about is personal honoraria. Although I am so pleased that the government is looking at personal honoraria and bringing trustee pay scales back up to where they should be—as most of you know, we were reduced to \$5,000 per year several years ago, and we have maintained that level—one of the things that we find disturbing is that there is going to be a base pay and then almost what we call at our board a population pay. So basically, if a trustee resides in a large urban area, that is reflected in that honoraria. The rationale used is that because there are so many more pupils, that relates or transcribes into a greater volume of work. I would say that I disagree with that. The rationale put forth really does not justify the difference proposed. It doesn't take into account the difficulties that rural trustees may have. It doesn't take into account the complexities of negotiations, contract disputes—although I hope we don't have any of those for a very long time—school closures etc. Those things are what they are regardless of the number of pupils you represent.

The last thing, and probably the only thing that justifies what is said in the discussion paper about trustee honoraria based on the number of students, is that it

maintains community engagement. But again, I have difficulty with that, saying that I have so many ratepayers that I must represent and must be engaged with. It's not supported by the Ontario Legislature. Compensation of members of provincial Parliament is based on uniform salary, without differentiation of the constituency represented. For example, the honourable member for Brampton West–Mississauga represents 189,000 citizens according to the 2001 census and is paid \$86,000, the same salary received by the honourable member for Timiskaming–Cochrane, who represents approximately 69,000.

I would suggest to you that perhaps the best way to go when discussing trustee honoraria is to set a base pay someplace between \$15,000 and \$26,000, and do what you do in the Legislature, which is allow for additional salary based on work—additional committee work etc. There is a lot of that at the trustee level. I know I, in one year alone, sat on nine different trustee committees, which saw me working pretty well full-time as a trustee.

The other thing to remember as well: In the discussion paper, Mr. Kennedy said that he saw the role of a trustee as part-time employment. There are times when I would disagree with that, but I would suggest respectfully that if that is the case, then 20 hours of work in Windsor is worth the same as 20 hours of work in Toronto or anywhere in the province of Ontario.

The other troubling feature of the discussion paper, and one which I'm sure was not intended in any way, shape or form, is that by basing our honoraria the way that it looks like it might happen, you will see public school trustees being paid higher than Catholic school trustees and getting paid higher than French school trustees. That taints the whole paper with an air of discrimination, which I'm sure was not the intent.

On behalf of my peers at the Windsor-Essex Catholic District School Board, I ask you to please look at those areas and hear us and the association, which will be coming up later, which represents all trustees province-wide. I want to thank you for this opportunity to have input on this important bill.

**The Chair:** Thank you, Ms. Holland. We'll have about a minute and a half per side, beginning with the opposition.

**Mr. Frank Klees (Oak Ridges):** I wanted to ask you a question with regard to the liability issue. What is the impact of that on trustees?

**Ms. Holland:** The impact would be that we would be second-guessing ourselves all the time. It really implies that we would have to look at what the superintendent of business is bringing forward, and almost audit his or her work to ensure that all of the regulatory issues have been solved. We do that now, but we also do it with a mind to what the people in our community need and see as a need. So now you're going to have trustees sitting back saying, "If I vote on this, am I going to have to pay back a million dollars and sell my house etc. to do so?" So it makes the whole process tentative. I think there are times when we are dealing with so many complex issues that

we need to move quickly and assuredly, based on all of the information that we have in front of us.

**Mr. Klees:** Would there have been circumstances in Windsor where this might have applied in recent history?

**Ms. Holland:** Looking back I wonder, in all honesty, if there are places where that could have impacted on us, perhaps not so much in negotiations, because we were assured that that would be covered, but in other areas, and specifically in special education, where we have provided funding and gone above what is offered in that envelope to offer more services to people. Now I would have to sit back and say, "Are we allowed to do that?"

**The Chair:** Thank you, Ms. Holland.

**Mr. Rosario Marchese (Trinity–Spadina):** Ms. Holland, we're just going to go around quickly, with a minute and a half. It's fair to say that the Conservative government had that clause that dealt with liability individually and/or jointly liable. You were hoping that, based on the fact that the government talks about respect for trustees and teachers, they might have taken that section out. Is that basically what you were saying?

**Ms. Holland:** That's correct.

**Mr. Marchese:** It didn't work, did it?

**Ms. Holland:** No, it didn't work.

**Mr. Marchese:** But you're still working on the whole idea of accomplishing the—

**Ms. Holland:** There's hope. That's correct.

**Mr. Marchese:** Yes, of course. It's so important to have hope.

There was a clause there that deals with the issue of teacher induction in the bill—not a clause, but there are teacher induction programs. You've read parts of this?

**Ms. Holland:** I've read the bill. Yes.

**Mr. Marchese:** Do you think there should be principal induction programs built into the bill?

**Ms. Holland:** I really can't comment on that. I'm more involved in how our administration is looking at teacher induction, so I couldn't respond appropriately. I'm sorry.

**Mr. Marchese:** Okay. The teachers' salaries is a complicated one, because in Toronto, for example, they expect you to be full-time even if you're not, and that might be the case in every other board across the province. Would it be fair to say that if the government established a base, that would be good, but allow boards to be able to then add another \$5,000 or \$10,000, depending on their own needs and their own areas?

**Ms. Holland:** I would think so, yes, because every board operates differently. So I would respect the need to establish a solid base but then get rid of the population item and let us do it based on committee work. This way the trustees who are doing the most work—

**The Chair:** Ms. Holland, with apologies, I will have to intervene. Thank you, Mr. Marchese.

We'll move it to the government side.

**Mr. McMeekin:** Ms. Holland, I just want to begin by saying thanks. Just looking at your work schedule and the kind of payment that has been made for—it's not even an honorarium; it's less than half the minimum wage. So we

certainly want to show a lot more respect for trustees than that in some kind of tangible way. How we end up doing that is going to be something that we're going to have to do.

I was particularly interested in your reference to the voice of stakeholders and how that could be guaranteed. In my riding we have an education listing group with 60 parents, students, principals etc. I meet with them four times a year. It helps. How would you see this happening, from a trustee perspective, to guarantee that stakeholder involvement?

**Ms. Holland:** From a trustee perspective, we have a parent umbrella group at both the secondary and elementary level and we hear those voices. As trustees, some of us communicate electronically with our stakeholders, consistently with the chairs of those councils. So we really see ourselves already as parent representatives. When we are told that regulations will be enhanced or enacted without stakeholder information, we almost feel like we're being locked out of the process, that we're being seen as the enemy rather than the voice of the people.

**Mr. McMeekin:** By definition.

**Ms. Holland:** Uh-huh.

**Mr. McMeekin:** Kathleen Wynne may have something.

**The Chair:** Just 20 seconds, Ms. Wynne.

**Ms. Kathleen O. Wynne (Don Valley West):** I just wanted to let you know that I have asked the question of the legal folks about the liability, and I'm assured that if this bill passes, the liability for trustees will be the same as the liability for municipal councillors. Okay? So I have asked that question.

**Ms. Holland:** Thank you. I appreciate that very much.

**The Chair:** Thank you to all members of the government and the committee, and to you as well, Ms. Holland, for your deputation.

1640

#### TORONTO SCHOOL ADMINISTRATORS' ASSOCIATION

**The Chair:** I would now invite our next presenters from the Toronto School Administrators' Association: Ms. Helen Evans, chair, and Mr. Karl Sprogis, vice-chair and former principal of schools in the great riding of Etobicoke North. I welcome you and invite you to begin your presentation now.

**Ms. Helen Evans:** Thank you. We are very delighted to be here this afternoon, ladies and gentlemen. I am Helen Evans. I am chair of the Toronto School Administrators' Association. Beside me is Karl Sprogis, who is vice-chair, and he will be taking over the chair position next year.

We are here representing TSAA, which is a professional association having 1,000 active members—vice-principals and principals—in both the elementary and the secondary panels. We bring a school-based perspective to much of this discussion today, and, typical

of principals, we have left you homework. We have a handout here that we hope you will be able to find even deeper information in. It's our plan to present on two or three issues and hopefully leave lots of time for a conversation.

The two issues I'd like to speak on are from an elementary perspective, the first one having to do with supervision and the second one having to do with school tone and culture.

In data collected from our principals and vice-principals this past year we are indicating the schools are showing that they are not as safe. Over half of our people are saying that schools are not as safe as they were last year, and let me explain why.

With this new collective agreement there are now capped minutes on the amount of supervision that teachers can do in the elementary panel. This year we are at 100 minutes. Next year we have to reach, through our best efforts, 80 minutes per week of supervision. Principals try to make things work. To do so they have cordoned off playgrounds so we have more children playing in smaller areas, with fewer teachers monitoring those children. We also have hallways, lunchrooms and bus areas that have fewer adults watching over them. It's interesting to note that in our student safety assessments they are also talking about seeing fewer teachers in their hallways. In fact, many of them are saying they feel less safe, and they even comment about rowdy behaviour.

In this collective agreement we only have time measured in two ways: one, supervision, and the other, instructional time. Well, let me tell you what gets left out. We often leave out the teachers who go into the hallways just to mix and mingle with children—15 minutes at the beginning of the day, five minutes at lunchtime, and sometimes during our rotary times. Here's where great teachers engage in great conversations. It might be that they say, "Do you know what, Shafiq? That was a great catch you had yesterday in baseball." "Kathleen, did you remember to bring your pencil case to class?" "Karl, would you please go back to your locker and get ready for the afternoon?"

Teachers focus conversation. They also monitor safety. That focused conversation and that focus on education means it follows them into the classroom. This government, and indeed all governments, have really worked hard to ensure student success. Student success means that kids are focused; they're listening in classrooms. When our teachers are in a place where they think, "I'm not on scheduled supervision, therefore I don't have to go out into the hallway," some of that gets lost.

I don't even need to remind you that the extra ears and eyes of teachers to make sure behaviour of students is right and to make sure that the correct people are in those hallways are paramount in all of our eyes.

In my own school, which was a middle school, we had to put extra staffing in in the morning when we discovered that kids were coming to school fighting. We also discovered that the marvellous invention of MSN

networking was causing some of our kids to start some insults on the Outlook sessions they were using, and they were coming ready with their dukes up the next day.

Also in my middle school—it was one of those convoluted schools with lots of little nooks and crannies—I needed extra teachers out there for the footprint of the school to make sure that behaviour was right and correct.

I'd like to go on now to school tone and culture. I've been an educator for 40 years. I've been that way with such great pride and honour in this profession that I have chosen, and to acknowledge concerns around school tone and culture really does grieve me. Over 80% of our principals and vice-principals are now talking to me about a disappointing change in the working relationship with staff. Our collective agreements, in my opinion, define what people won't do as opposed to what they will do. They also make it easier for mediocrity to be the common meeting ground, not something we want to happen, with high expectations for our students. I must hasten to add, though, that the majority of our teachers recognize the need to be vigilant and responsible for monitoring/correcting student behaviour at all times, not just when they are on duty.

We need a clearer definition of the responsibilities of teachers, or these sorts of conversations will happen, as I have heard from my colleagues:

—“If you want to meet with me after school to discuss my reading program, you'll have to pay me time and a half.”

—“Your staff will walk out of the staff meeting when you bring in a guest speaker.”

—“It's not my job to meet with parents in the evening interviews.”

—“You know, there are two kids fighting in the hall, Principal. You'd better go and check about that. I'm not on duty.”

Fortunately, the number of school principals reporting these comments does not represent the majority of teachers' views in the system. However, it does highlight the idea that we need a clearer understanding of teacher responsibilities. I have put those teacher responsibilities in your handout that you have.

I'd like to move, if I could, to ask Karl Sprogis to speak from the secondary perspective.

**Mr. Karl Sprogis:** Thank you, Helen. I'd like to complement Helen's comments with three issues from a secondary point of view. Those three issues are school supervision; size of caps on classes; and a third issue, which deals with a group of students who are at risk, and you know that term very well, but another group that I'd like to talk about, the students who are risky in our schools.

On the basis of supervision, it's on a regular basis that principals, vice-principals and hall monitors are the ones who are responsible for student supervision in their schools. The supervision duties of teachers are very limited. So with little or no teacher presence in the halls, the cafeterias, the school grounds, this is a situation that creates a concern for my colleagues, principals and vice-

principals across the Toronto District School Board. The safety of students should not depend on the eyes of three or four people.

When schools are unable to cover absenteeism in their schools because teachers are away and not enough occasional teachers come in, it's the principal and the vice-principal who are given this problem of looking after a group of students, not that that's something they should not be doing, but in the meantime, they are also responsible for duties and other activities that need to happen.

Imagine yourselves in your offices here in this legislative building with 30 youngsters in the anteroom outside your office. You need to supervise them, and then at the same time carry out your government responsibilities as well as looking after the interests of your constituents. That's the situation that principals and vice-principals face on a regular basis in our schools. It is not a situation that lends itself to safety in our schools. It is in that circumstance that misbehaviours increase, that intimidation begins to occur and that bullying situations are created in our schools—not a good thing for youngsters.

To remedy this, we need to reinforce the ability of principals, under the Education Act, to provide teacher supervision as they see necessary. It is also supervision that needs to be provided in the hallways, the cafeterias, the campuses and as well in the neighbourhood of the schools that they reside in.

The provision of caps on our classes is also something that concerns secondary school principals. It is because of these caps that youngsters are increasingly unable to get the programs they need, that students moving into a school are unable to get the program they want, and that people who have transferred into a school find themselves having to take what is left over as opposed to what it is they need and want. Because of caps, certain specialized programs in the arts, technology and business, and courses such as the locally developed courses or pathways or workplaces courses, get short shrift and are unable to do the job they are intended to do, and that is to interest the youngsters who attend those schools. So once again, when you find youngsters unable to get the courses they want, supervision problems are compounded.

There's another issue I'd like to look at, and that is at-risk students. The government has done a great deal to try to deal with this most vulnerable group of students in our schools, and they need to be applauded for the proactive initiatives they have put in place to deal with the at-risk student. But there's another group, and that is the risky student: the student who comes to us with very few credits, who has come to us because of misbehaviours in other schools and needs to find a different school, and a student whom it is hard to find programming for. These risky students not only make dealing with the at-risk students very difficult, but also put other students at risk. Here again, supervision problems occur, and it makes it very difficult to organize a school for the safety and the success of the students in that school when we have those problems.

Bill 78 presents all of us with an opportunity to improve the education of our students. We are heartened to be participants in a process that honours time—time to reflect, time to listen—to seek suggestions on improvements to this bill. We respectfully suggest that a number of changes need to be made to the bill in order to ensure that the government's priorities for 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.

Thank you for listening to us.

1650

**The Chair:** Thank you, Ms. Evans and Mr. Sprogis. We have about 20 seconds each. We'll move to Mr. Marchese of the NDP.

**Mr. Marchese:** We've seen the loss of many people who were the eyes and ears. We saw that loss through the Conservative government and we still see it under the Liberals: fewer vice-principals, fewer caretakers, fewer guidance teachers, fewer secretaries and so on. You didn't talk about that.

**Mr. Sprogis:** Those are all people who need to be in the school, but the responsibility of looking after students lies in the hands of principals and vice-principals. They're the ones who need to give direction to all those other eyes, and that is the teachers in the classrooms, and that could help us tremendously.

**The Chair:** To the government side, Ms. Wynne.

**Ms. Wynne:** I just want to clarify that a lot of what you're talking about either flows out of or is part of collective agreements, and just to be sure you're aware that the Provincial Stability Commission is having a conversation about many of those supervision issues. Are you aware of that?

**Ms. Evans:** We are heartened to see that it has started up. What you will see in our proposal is a definition around the defining of entry time, transition time and general supervision care.

**Ms. Wynne:** Those specifics, yes.

**The Chair:** Thank you, Ms. Wynne. Mr. Klees, 20 seconds, please.

**Mr. Klees:** Is there now, by regulation or legislation, an absolute requirement that principals have the overall supervision responsibility in a school?

**Mr. Sprogis:** It is there in the Education Act, but unfortunately, it is eroded by parts of the collective agreement and understandings that exist among teacher unions and teachers. We need to reinforce what principals are able to do in terms of assigning supervision.

**The Chair:** Thank you, Helen and Karl. Thank you for the homework. You both did very well.

#### ONTARIO STUDENT TRUSTEES' ASSOCIATION

**The Chair:** I'll now call upon our next presenter, Sarah Chown, past president of the Ontario Student Trustees' Association. Ms. Chown, as you've seen the

protocol, there are 12 minutes in which to make your presentation. Your time begins now.

**Ms. Sarah Chown:** "The foundation of every society is in the education of its youth."

The proposal before this committee today reflects this quote; the proposed changes are focused on increasing student success and providing youth with a strong foundation to ensure bright futures. Bill 78 proposes a number of changes that would improve our education system and benefit students.

My name is Sarah Chown, and I am honoured to be here today from the Ontario Student Trustees' Association to offer a student perspective on the proposed legislation. The president, Nathan Lachowsky, regrets that he is unable to present to you today.

Student trustees currently play a very important role in the education system, a role they have developed and expanded since they were created. The dedication and commitment shown by student trustees over the past several years has allowed the minister to consider changes to the position that are before you today. We believe that student representation is a vital component of our education system and that students will thrive when provided opportunities to become involved in their education.

In accordance with this belief, I will focus my presentation on the improvements to the position of student trustee at the end of my presentation. It will be addressing each of the three objectives the minister has outlined: improved student performance, partnership in education, and openness to the public.

Replacing the pen-and-paper tests for teachers with hands-on experience will make a real difference in the classroom. The new teacher induction program gives teachers a chance to receive feedback on their approach to the classroom from experienced teachers and students as well as others in a school setting. The program will ensure that teachers develop strong delivery skills and are able to teach effective and informative lessons and increase opportunity for teacher success. It is important that the assessment that remains is carried out by many of the partners in our system and is designed to allow teachers to further develop and improve their skills.

Supporting first-year teachers through a mentoring program and other supports will help to retain new teachers. Mentoring provides an additional resource and accessible experience that encourages and motivates success and confidence.

Increased opportunities for professional activity will ensure that all teachers are developing, and provide opportunities for them to learn from each other and demonstrate a commitment to lifelong learning. Increased professional activity should be mandatory, address a wide variety of issues, and be monitored to ensure it is having a positive impact on teachers in the classroom.

Clarifying the role of the ministry and boards will increase accountability and reaffirm that the education system is focused on ensuring students are successful. Outcomes must acknowledge that success is not determined solely by academic performance. With enhanced

authority comes great responsibility, and this initiative will allow greater adaptability within the system as a whole. The education community cannot cope with changes accompanied by each new minister and each new government. Therefore, it is important to acknowledge that some degree of consistency is required for students to remain in the forefront of the education system.

Extending collective agreements minimizes the frequency of potential disputes and demonstrates respect for the needs of both students and teachers.

Reducing class size has been an important priority for this government. It is encouraging to see work towards creating the best environment for students and teachers alike—small classes. A hard cap is a bold step; however, it does not take into account the unique circumstances that each school community faces. For instance, in schools with low enrolment, such as rural schools, a hard cap is difficult to implement and often results in a more challenging learning environment, such as several split-grade classes, than a slightly larger class. Students in split-grade classes are confronted with a number of social and development issues. Also, boards may be faced with larger expenditures to accommodate these teacher requirements. The regulations must address classes from kindergarten to grade 12 as small class sizes are beneficial at all levels, not solely in the primary division.

Education is a very important part of early child development, and child care spaces in school will ensure that education is the focus of early child care. Child care spaces in schools will create school communities that will support children as they develop and mature, as well as help foster student success and lifelong learning.

E-learning is a great tool to reach all types of learners and those who struggle in a traditional classroom setting. This is an exciting initiative with great potential that must be further developed and explored.

Increasing participation in the Ontario College of Teachers by teachers is a great step to ensure that the college is a strong professional body that garners widespread public respect. Improving the structure of the college demonstrates a commitment to teachers and ensures that they are considered a contributing partner in education.

Increasing trustee remuneration acknowledges the commitment made by trustees to improving public education and provides incentive for the community to become involved in the education process. It is important that trustees come from diverse backgrounds so that they have a strong understanding of the impact their decisions have and can consider situations from numerous perspectives. By encouraging people to run for the position of trustee, increased remuneration means greater competition for the trustee position and results in trustees who take their job seriously and are passionate about improving education.

Public reporting will increase accountability for school boards and help generate public interest in the education system. Reporting is an effective way for boards to

communicate with the public and remain accountable, yet it must not consume excessive time and resources or divert energy from helping students succeed.

Community use of schools invites the public into the education system and increases the presence of a school in the community. Opening school doors to community organizations encourages student involvement in the community and proves that schools are more than just bricks and mortar. Provisions must be made to accommodate schools that struggle to compete with newer and more accessible school facilities.

In November 2005, OSTA-AÉCO's press release "Student Trustees Are Ready for Change" drew attention to the Student Trustee: Today and Tomorrow report. This report contained eight recommendations to enhance the position of student trustee and improve the quality of student representation. These recommendations address the responsibilities, integration, resources and election and term of student trustees. They included democratic election, participation in portions of in camera meetings, the power to make motions and vote, equal access to board resources and trustee training, a cap of three student trustees per board and a student advisory group. Many of these recommendations are included in the proposed legislation.

We believe that these changes will improve student representation, engage students in their education and ensure that students are at the centre of the education system. However, we feel that it is important for students in primary and junior divisions to have a voice. Student trustees should represent all students. These students deserve an equal voice with their older counterparts.

Democratic election of student trustees is important to legitimize the position, increase awareness of the position and engage students in their education. The ministry should provide boards with options for models of election, set a campaign spending limit of no more than \$100, ensure that trustees are elected no later than March 31 and that the contact information for all students is provided to both the ministry and OSTA-AÉCO.

#### **1700**

Student trustees should receive a scholarship of \$5,000 upon successfully completing their term in order to remunerate them for the work in a similar fashion as adult trustees. This scholarship would be paid directly to the post-secondary institution chosen by the student trustee. For those who choose to pursue options other than post-secondary education, they shall receive an honorarium in the amount of \$2,500.

Student trustees of 2005-06 have demonstrated dedication and commitment to student representation. They have diligently promoted the Student Trustee: Today and Tomorrow report and responded to questions arising from the report from the media, district school boards and stakeholders. A retroactive application of this scholarship would recognize the tireless contributions of these education partners.

The transition and professional development that student trustees receive is a significant factor in the

success of student representation. Therefore, we encourage incoming student trustees to attend open sessions and meetings of the board and participate in OSTA-AÉCO professional development. We encourage incumbent student trustees to act as mentors to incoming student trustees and we suggest that boards provide resources and information on the current standing of the board to incoming student trustees.

Finally, population-based decisions are not an appropriate way to ensure high-quality student representation. Population-based decisions will not only distort the provincial voice of OSTA-AÉCO, but it will limit boards' capacity to create flexible and successful student trustee policies.

The minister spoke of more relevance, including future voting privileges, for student trustees, which clearly acknowledges that the proposed changes will significantly enhance student trustees' ability to represent the students. The changes will help create civic-minded youth and give all students a role in shaping their education. This also serves as an inspiration for future student trustees to continue the work of those before them and to bring student representation to new heights.

**The Chair:** Thank you, Ms. Chown. We have about a minute each, and we'll begin with the Liberal side.

**Mr. McMeekin:** Sarah, thanks very much for your presentation. Very well done. You're very positive about the bill. Is there anything you don't like?

**Ms. Chown:** It would be great to see more of the recommendations that we made put into the bill, just because we really feel that by giving student trustees a vote and the power to make motions, it will significantly enhance it and ensure that boards are giving student trustees the respect they deserve.

**Mr. McMeekin:** When I was at university, I sat in the student senate and, I felt, made quite a contribution. You obviously agree with that.

**Ms. Chown:** That's perhaps the most important thing. The one recommendation that we made was that student advisory groups be given to each board so each student trustee would have a group of other students from which they could draw opinions, and that isn't part of this bill. That would be the number one recommendation not included that we would like to see included.

**The Chair:** We'll move to the PC side.

**Mr. Klees:** Thank you, Sarah. Excellent presentation. I appreciate your submission. A proposal was made by the York Region District School Board that student trustees should not be subjected—I think that was the way they positioned it—to certain meetings where, for example, personnel matters are discussed, with the view that it may be placing too much onus or responsibility on students.

**Ms. Chown:** We actually addressed that in the Student Trustee: Today and Tomorrow report. We feel that there are certain circumstances in which it would be inappropriate for student trustees to be involved. However, we feel that a lot of decisions happen in in camera meetings, and it would just improve the quality of

student representation if we were able to attend and participate.

**Mr. Marchese:** A statement and two quick questions. One, your suggestion of a scholarship or honoraria of \$2,500 if students don't go on with post-secondary, is a very useful one because it recognizes that student trustees put in a great deal of time. If we don't do that, we don't acknowledge it the way we should.

The other two points that I wanted to make were: Another student trustee talked about the fact that a lot of students simply don't know what you do and who you are. That suggests that the board, through the province, should provide some extra money and/or a mechanism to publicize what you do. You talked about how "Outcomes must acknowledge that success is not determined solely by academic performance." I'm not sure this is what they're recommending.

**Ms. Chown:** We feel that if there was a democratic election process, that would definitely increase awareness of the position, as well as if there was a student advisory group, because both of those things would require some participation from students and the board.

**The Chair:** Thank you, Mr. Marchese. Thank you to you as well, Ms. Chown, for your deputation on behalf of the Ontario Student Trustees' Association.

#### LEARNING DISABILITIES ASSOCIATION OF ONTARIO

**The Chair:** I now invite our next presenter, Peter Chaban, who is the vice-chair of the Learning Disabilities Association of Ontario. Please be seated, sir. As you've seen, the protocol is that you have 12 minutes in which to make your combined presentation, beginning now.

**Mr. Peter Chaban:** That's a tough act to follow.

The Learning Disabilities Association of Ontario, which is a provincial organization advocating on behalf of and providing support to individuals with learning disabilities in Ontario, is pleased to comment on various aspects of Bill 78 and its potential impact on students with learning disabilities.

The LDAO was originally founded in 1963 to assist parents of children with learning disabilities to obtain access to special education services and supports. In the more than 40 years since its formation, the LDAO has expanded its activities and services to also include youth and adults with learning disabilities in both post-secondary and employment sectors. As part of our mandate, the LDAO has always responded to the government on legislation that affects individuals who have learning disabilities.

As has been the association's past practice, the recommendations that we are putting forward for consideration in this submission focus on the most positive and productive ways of helping vulnerable students, including but not limited to students with learning disabilities. Let me begin to address the amendments to the Education Act.

Part I of Bill 78 makes a series of amendments to the Education Act. LDAO's comments are focused on these

amendments in the bill: The bill recommends that a new section be added to the act, section 11.1, authorizing the Lieutenant Governor in Council to make regulations “prescribing, respecting and governing the duties of boards, so as to further and promote the provincial interest in education.” While the term “provincial interest” has not been formally defined, the LDAO assumes that in this context it means a series of factors, including, and we have three here: (1) the achievement of the stated goals for student learning such as the stated goals for student literacy levels and graduation rates; (2) compliance with all relevant legislation governing school board activities, including the Ontario Human Rights Code, the Education Act and its related regulations; and (3) a greater accountability—and I underline this—for both the allocation of funding and the standards of student achievement.

In subsection 11.1(2), there are a series of topics which may be included in new regulation. It is the LDAO’s recommendation and expectation that the issues raised in 11.1(2)(b), related to student outcomes, and in 11.1(3), related to elementary literacy and numeracy and secondary graduation rates, include all students. While there is no explicit suggestion that exceptional students or students receiving special education services are not included under these categories, we believe that the inclusive—and again, I underline this—nature of these requirements should be stated. For example, in many cases students in special education programs are automatically excluded from activities that focus on enhanced outcomes, such as EQAO testing.

Next, in clause 11.2(2)(d), there are references to the possibility of introducing a new regulation which would specify measures with respect to the provision of special education services. We recommend that if such a regulation is introduced, it be linked to full compliance with the current special-education-related regulations, including regulations 181/98, 306 and 298.

We also hope that if there is a new regulation related to special education programming and services, it will include and mandate the implementation of some of the recent excellent work carried out by groups such as the working table on special education reform, the Expert Panel on Literacy and Numeracy Instruction for Students with Special Education Needs and the earlier exceptionality-specific standards working groups.

#### 1710

Another key component of a new special-education-related regulation would be improved access to services for students whose identification depends on the provision of assessment services by health care professionals, including psychologists. This is particularly important for students with learning disabilities, whose exceptionality is often poorly recognized within the education system, since they have no access to appropriate psychological assessments. In addition, finding patterns of specific strengths and weaknesses through psychological assessments informs decision-making around the development of individual education plans

and maximizes the likelihood of increased student success.

Bill 78 also introduces changes to section 170 of the act related to class size. LDAO recommends that any new regulation related to class size also cover class size for self-contained classes for students with special needs, mandating compliance with section 31 of regulation 298.

Next, part X.0.1 of the act covers issues related to the induction of new teachers. LDAO recommends that new teachers in the profession should not be assigned to teach classes of exceptional students or even classes where there are a number of students with special needs unless they have appropriate qualifications to do so.

Furthermore, training programs for new teachers, as well as professional development programs for experienced teachers, should include specific training in teaching students with special education needs. This also means that the evaluation of both new and experienced teachers by the school principal should cover a review of the teachers’ capacity to implement the IEP for any student with any exceptionality who is placed in the teacher’s classroom. This requirement should be included in the amendments related to section 277 of the act, contained in the bill.

Finally, there are two key issues that we wish to raise regarding the matter of introducing new regulations.

First, the Education Act already contains numerous references to the authorization of the Lieutenant Governor to introduce regulations. However, in many cases there are no regulations. For example, in the past, LDAO requested the introduction of specific regulations to govern the work of the special education tribunal. This has not happened.

Second, there are several regulations which relate to special education programming and services. In spite of the fact that these regulations have been in place for many years, school boards are frequently not held accountable for compliance with the processes and policies included in these regulations and the implementation of their contents. Examples of these include section 31 of regulation 298, which governs class size for self-contained special education classes. In spite of the specific numbers in this section, many school boards either do not offer such self-contained classes for their exceptional students or, if they do, they do not comply with the specified class size.

Similarly, regulation 181/98 specifies the school boards’ obligation to establish identification placement review committees in accordance with section 11 of the Education Act and the right of parents to have access to the IPRC to determine the identification and/or special education placement of their child with special needs. In spite of this, there are boards which do not have the IPRC process in place even in response to written parental request.

Our purpose in commenting on these factors is that there is limited benefit in suggesting that there will be additional regulations if they are not introduced or, when in existence, they are not utilized for the best interests of

students. We strongly urge the Ministry of Education to address these concerns about the introduction of new regulations and compliance with both existing and new regulations. Thank you.

**The Chair:** Thank you very much, Mr. Chaban. We have about a minute and a half for each side, beginning with the PC side.

**Mr. Klees:** Just a practical question for you in terms of the funding implication for special needs: We've seen many times the shift taking place from what is designated for special needs to a school board, and those funds then being used for other programming areas. Could you comment in terms of your experience over the last couple of years? Is that an issue you've come to understand?

**Mr. Chaban:** The LDAO has always felt strongly about having special education funding kept within a protective envelope, and we've also felt very strongly about the fact that there's a need to have some kind of accountability and make sure that that funding is directed towards its appropriate destiny.

**Mr. Klees:** Can you give us some advice in terms of how that accountability could be implemented?

**Mr. Chaban:** Our feeling is that the Ministry of Education should have a stronger stick to carry, shall we say, in order to get boards to be compliant with the demands and regulations the ministry does put forward.

**Mr. Klees:** If you had one word of advice for the new Minister of Education relating to special needs, what would that be?

**Mr. Chaban:** To continue on the route that you're already on.

**Mr. Marchese:** Thank you, Mr. Chaban. I really appreciate the conditions you're trying to instill or impose on what the government intends to do with the idea of regulations re provincial interest around special education and outcomes. It isn't clear what the provincial interest is. I am wary of what that provincial interest is, because I think it's about cutting special education dollars. While it is true that some parents are worried about the fact that some of their kids are misidentified in a way that hurts them, as we had with Ms. Cuddy and Mr. Cuddy, there are other parents who are saying that we need to make sure that we've got services to identify students who are having difficulties, for whatever reason. At the moment, we have cases where an IPRC process doesn't take place but their kids have difficulties.

So you're saying you're worried about what the special interest might be, and you'd like to specify what it is they're trying to dictate by way of this regulation around special ed. Is that correct?

**Mr. Chaban:** We see that one of the functions of the IPRC is to give voice to parents, and that's why we would like to see IPRCs consistent throughout the province. There are boards that practise IPRCs and there are boards that don't practise IPRCs.

**Mr. Marchese:** I agree.

**Mr. Chaban:** If you start to take the power away from the parents, then there's no opportunity for advocacy for their students within a school system.

**The Chair:** We'll move to the government side.

**Ms. Wynne:** Thank you, Peter. Nice to see you. Thanks for coming today. I just wanted to clarify: So you're encouraged by section 4, the 11.1, where there will be an ongoing discussion between the ministry and boards about what some of the standards are around special education that boards will be held to.

**Mr. Chaban:** Yes.

**Ms. Wynne:** On some of your other recommendations, some of them point to a future conversation between the ministry and the boards. I'm assuming that you, as part of MAC—the minister's Advisory Council—the learning disabilities association will be taking those comments to MAC and informing regulations as they're written down the road?

**Mr. Chaban:** Yes, we will.

**Ms. Wynne:** Okay. Thank you very much.

**The Chair:** Thank you, Mr. Chaban, for your deputation on behalf of the Learning Disabilities Association of Ontario.

**Mr. Chaban:** Thanks for the opportunity.

#### ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

**The Chair:** We now move to our next presenter, Mr. Rick Johnson, president of the Ontario Public School Boards' Association, and colleague. I invite you to begin your presentation—a total of 12 minutes, as you've seen, Mr. Johnson.

**Mr. Rick Johnson:** Good afternoon. My name is Rick Johnson. I am the president of the Ontario Public School Boards' Association. I am pleased to have this opportunity to discuss Bill 78, the student performance bill, with you today.

OPSBA represents public district school boards and public school authorities across Ontario, which together serve two thirds of the student population in Ontario's publicly funded schools. The combined budgets of our member boards make up two thirds of the province's total expenditures on education.

We have consulted with our member boards regarding this proposed legislation. School board response to the bill is varied. OPSBA will focus today on issues that will do what the bill is supposed to do—improve student performance.

You have our document before you. In anticipation of today's deadline for proposed amendments to Bill 78, it was submitted to the committee clerk last week to ensure it is included in the clerk's summary of submissions. In my brief comments I would like to highlight some of the key points.

I can't emphasize sufficiently the importance of an open and collaborative partnership between the government and school boards. In the two years that I have been president of OPSBA, I have experienced the benefits of this first-hand. This government has demonstrated its willingness to listen to OPSBA and its member school boards when moving on new initiatives. This doesn't mean that we have always agreed, but we have always been able to discuss issues openly and respectfully and

with the shared purpose of improving the quality of education in the province.

I want to say up front that OPSBA appreciates this kind of constructive dialogue and the collaborative relationship that has flowed from it. We hope that the proposals in Bill 78 not only strengthen this relationship but will be framed in a way that solidifies this model of collaboration between school boards and the provincial government now and in the future. Why? Because working co-operatively and respectfully is in the best interests of students and the education environment we can provide for them. It also demonstrates to students a positive model for problem-solving and innovative sharing of ideas that will serve them well when they enter the world of work. Minister Papatello spoke to this very issue when she addressed you last week.

**1720**

It is the basis of our recommendation that Bill 78 be amended to include a formalized commitment to consultation with school boards whenever regulations arising from the proposed section 11.1 of the Education Act are considered or amended.

By now, you will have heard from some of our member boards regarding the delicate balance between duties and authorities of school boards compared with those of the provincial government. I am referring, of course, to the new regulatory powers set out in the bill. We speak to this issue at length in our document.

The Minister of Education has always had the authority to make regulations that require boards to fulfill a range of obligations. A clear example is the annual grant regulations. These usually include requirements in the area of board finances that boards are obliged to meet. OPSBA supports much of Bill 78's movement of issues from legislation to regulation. It makes sense to put matters such as class size, student trustees, trustee honoraria, and teacher working conditions into regulation. These are issues that will benefit from the adaptability afforded by regulations.

When we look at the proposed regulations surrounding duties of school boards, we must point out that some of our member boards are not comfortable with these proposals. School boards have always agreed that their main obligation is to the students in their system. OPSBA supports a direction that demonstrates that the province undertakes to balance the commitment to student outcomes with the commitment to financial accountability. While there is some discomfort over how these issues of provincial interest are connected to the powers of investigation, our association is committed to working collaboratively with the provincial government to create regulations that will result in direct improvements for the students in Ontario's classrooms.

With respect to the powers of investigation that I just mentioned, OPSBA has asked the Minister of Education to clarify why there are ongoing provisions for investigation without an appeal process. This omission of an avenue of recourse is not found in legislation governing comparable bodies such as municipalities and hospital

boards. Further, we are recommending a formalized process that provides steps for school boards to work with the minister prior to the initiation of a public investigation.

OPSBA appreciates the Bill 78 proposals to repeal some of the Education Act's more punitive clauses, such as the \$5,000 fine and the disqualification from holding public office. We also welcome the changes in Bill 78 that clarify that an investigation can only be initiated by the minister.

On the subject of accountability, OPSBA believes that the focus that Bill 78 places on student performance reflects the key priorities of school boards. School boards, first and foremost, are accountable for student success. Our resources and best efforts are directed to ensuring effective results.

We appreciate the positive measures the minister has taken over the past two years to ensure progress towards student achievement targets. School boards have worked with the ministry's literacy and numeracy turnaround teams and report favourably on their impact on both student success and staff capacity-building. As these aspects of the regulations are implemented, OPSBA looks to the minister to ensure that the accountability of school boards for student achievement is matched with the ministry accountability to put in place the resources required by boards to reach the achievement targets.

We are heartened by the fact that Ontario is taking a proactive supportive approach, rejecting the policies in place in some US jurisdictions which have only served to undermine the public school system and ultimately fail many struggling students. OPSBA sees the shared provincial-school board accountability as the foundation on which implementation of this aspect of the regulations is measured.

Much of the discussion surrounding Bill 78 has focused on the proposals related to regulated outcomes. OPSBA suggests that a more appropriate yet equally potent and measurable mechanism would be to set targets, not outcomes. We have recommended that the sections of the bill that speak to outcomes be amended in order to speak to "targeted outcomes." We believe that a target is a goal, and that school boards completely support setting goals to improve student performance.

On the subject of student trustees, we support the majority of the initiatives in Bill 78. In fact, most of our member boards are already doing what many of the proposals in the bill call for. Our only point of disagreement relates to the participation in private meetings. The primary concern we have is that students not be subjected to the potential for lobbying or pressuring that accompanies the kinds of issues usually restricted to private session debate. Elected school board members can give numerous examples of undue pressure from the media, the public, employee groups, other trustees etc. when sensitive issues are under consideration. Our student trustees are still our students, and as school boards, we have a duty of care. Creating a process that places students in a situation where they can be targeted or pressured is not a responsible reflection of the duty of

care, so OPSBA recommends that Bill 78 be amended to exclude student trustees from all private meetings of the board.

Bill 78 does other things that relate to student success beyond those I have highlighted for you. With respect to the teacher induction program, OPSBA participated in the minister's working table on teacher development, where the initiatives in Bill 78 were discussed and developed. We continue to be in full support of the new teacher development proposals.

With respect to the proposals affecting the Ontario College of Teachers' governance, we made recommendations on this matter to the government over a year ago, and made the following observations: We believe that the structure of the Ontario College of Teachers should ensure the protection of the public trust; we believe that elected union representatives should not be eligible to hold a seat on the governing council; and we ask for an ongoing role for school boards as employers. We believe that the initiatives put forward in Bill 78 fulfill the spirit of our earlier recommendations.

Our only additional concern relates to a mechanism for fair peer review for all college members, including principals and supervisory officers. Every school trustee will tell you that our principals epitomize what we value in a caring leader. They work with students and staff to build school spirit and education excellence, and they work with parents and communities to make their schools a welcoming place. We need to make sure that the mechanisms that review their contribution are respectful of the role. We were pleased to hear Minister Papatello indicate that she will be introducing amendments to achieve this goal.

The last area I want to comment on is the proposal affecting trustee honoraria. On behalf of all Ontario public school trustees, I wish to publicly thank the government for seeing this as a matter of respect and for addressing it. I want to be clear, however, that the current honorarium—small and token as it is—has not prevented Ontario's public school board trustees from pouring their energies, commitment and expertise into improving the quality of education our students receive. It is OPSBA's desire, as the provincial organization representing public school boards, to continue the dialogue with this government and with all future governments to ensure that Ontario's students experience a level of education success that the province and country can be proud of.

It has been a pleasure to share our thinking with you today. I thank you for your time.

**The Chair:** Thank you, Mr. Johnson. We have about a minute per side, beginning with the NDP.

**Mr. Marchese:** Quickly, you didn't comment on the whole matter of the creation of the special interest committee, which is going to have three to five people to supervise the college of teachers. Do you have one?

**Mr. Johnson:** We're hopeful that whatever is set up for this will still have the public's concern involved in this. Any college that represents a professional body is made up primarily of members of that body. Hopefully,

when this public body is instituted, when we see the details of what it will look like, it'll still fulfill that.

**Mr. Marchese:** Are you a member of any political party, by any chance?

**Mr. Johnson:** Am I? Provincially, no.

**Mr. Marchese:** Federally?

**Mr. Johnson:** Federally, yes.

**Mr. Marchese:** Which one?

**Mr. Johnson:** The Liberal Party.

**The Chair:** To the governing side.

**Mr. McMeekin:** Thank you, sir, for your presentation. I was intrigued with your reference to targets versus outcomes. I think we've heard a lot from several of the presenters over a couple of days, that what gets measured gets done and that often something that's declared as a goal doesn't get done because it doesn't get measured; there's no accountability. We know from some past experiences that sometimes people shoot an arrow and whatever they hit they call the target. We're anxious to see real outcomes here, and I'm just wondering if that may be watering it down and providing excuses for a school board not to take outcome stuff seriously.

**Mr. Johnson:** I don't think so because how I view a target is if the government, for example, has set a target—raise the graduation rate—that X amount of people will achieve, if the target is going to be 85%, it gives you something to shoot for. I look at a target as something solid and tangible, whereas an outcome is, "We hope for it."

**Mr. McMeekin:** Okay, so—

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

**Mr. Klees:** I don't know if you were here for the earlier presentation, but we heard some very strong language condemning school boards for how they treat the assessment of special-needs students. What was welcome was the fact that a lot of this authority would be taken away from school boards and transferred to the Ministry of Education. What's your sense of this transfer of responsibility and directing more specifically, for example, special-needs funding? Is that something that you support?

**Mr. Johnson:** It's one thing to have the process in place that we want special-needs students to achieve, and targeted funding that goes to addressing specific needs. I think we found that during the last process of ISA funding, where funding was able to be directed towards students with special needs that were identified. Part of the accountability measure that I believe will come out of the regulations will ensure that happens. And if—

**The Chair:** Thank you, Mr. Johnson, for your deputation on behalf of the Ontario Public School Boards' Association.

1730

#### ONTARIO CATHOLIC SCHOOL TRUSTEES' ASSOCIATION

**The Chair:** I now invite our next presenter, Mr. Bernard Murray, who is the president of the Ontario

Catholic School Trustees' Association, and colleagues. Mr. Murray, as you've seen, you have 12 minutes for your full presentation. I would once again invite your colleagues to identify themselves should they also be contributing to today's discussion. Please begin.

**Mr. Bernard Murray:** Good afternoon. I am Bernard Murray, president of the Ontario Catholic School Trustees' Association. I have the pleasure to have with me this afternoon Carol Devine, who is the director of legislative and political affairs, and John Stunt, our executive director. We appreciate the opportunity to address the standing committee regarding Bill 78. Our written brief, which you have received, addresses those initiatives of particular interest to OCSTA. Because time is short, we will highlight some of the key portions of our submission.

Bill 78 would amend section 8 of the Education Act to enhance the minister's power to collect personal information. The amendment is intended to support the proposed new regulatory powers given to cabinet and the Minister of Education. The effect of this amendment is to give school boards an exemption from compliance with the Municipal Freedom of Information and Protection of Privacy Act when they are responding to information requests of the minister.

The difficulty with the proposed provisions is that they may simply be too broad. While OCSTA does not have particular difficulty with the accumulation of statistical or generic information that does not identify individuals directly, we must point out that school boards maintain a great deal of personal information. Every employee of the board has a personnel file, the contents of which range from the simply generic, such as the employee's qualifications, to the deeply personal. OCSTA does not see any particular reason why the Ministry of Education would need to have access to the personnel files of individual employees. If there are extraordinary circumstances in which such information is required, then already-existing legislation contains sufficient power to access such information through the appropriate procedures. We believe that it should not be accessible through the mechanisms established under section 8 of the Education Act. OCSTA recommends that section 8 be further amended so that subsections (2.1) and (2.2) do not apply to the individual personnel records of current or former employees of the educational and training institutions.

Bill 78 would amend section 11 of the act to provide the ministry with regulation-making power over instructional days and professional activity days. We support the proposed amendment. We point out, however, that collective agreements may have language in them that is inconsistent with a new regulation. In order to avoid difficulties respecting collective agreements, we recommend that a further amendment be made to clause 11(7)(a) to permit the regulation to directly address collective agreement compliance and to avoid grievances relating to differences between a collective agreement and the regulation.

The balance of power between Queen's Park, particularly the office of the Minister of Education, and school boards is always delicate. Bill 78 represents a substantial thrust towards centralization of power. Like the chair of the Toronto Catholic District School Board, who addressed the committee last week, we believe that the government has proposed these changes with the best of intentions and that the current minister would exercise her authority with caution. However, any law, once enacted, is subject to abuse.

The technical briefing provided to school boards by the Ministry of Education notes that section 11.1 would permit regulations to clarify ministry and board responsibilities related to those goals set out in the section. We certainly favour clarity. We point out, however, that a number of the powers proposed in section 11.1 already exist elsewhere in the Education Act. The passage of section 11.1 and regulations under it would trigger significant and confusing overlap with these existing provisions.

On balance, we could support section 11.1 if it were amended to include an explicit obligation for significant consultation between the ministry and school boards as regulations are drafted. From a policy perspective, such consultation is critical, since the Ministry of Education needs the information and co-operation of school boards to have effective regulations. This government has recognized the importance of such consultation in other legislation, such as in section 35 of the Commitment to the Future of Medicare Act, 2004. OCSTA therefore recommends that Bill 78 be amended to add section 11.2 requiring consultation. Our brief suggests the appropriate language for such a section.

Section 55 of the amended Bill 78 represents a careful effort on the part of the ministry to respond to the aspirations of student trustees to influence school board votes without giving them a legal vote. OCSTA supports the provisions in section 55, subject to our concerns about the attendance of student trustees at private meetings.

Proposed subsection 55(5) provides that, "A student trustee is not entitled to be present at a meeting that is closed to the public under clause 207(2)(b)," that is, a meeting in which the subject matter involves the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian. Subsection 55(5) would permit student trustees to be present at private meetings where the subject matter includes the other matters listed in subsection 207(2), including the security of the property of the board, the acquisition or disposal of a school site, decisions in respect of negotiations with employees of the board, or litigation affecting the board. OCSTA believes that it would be inappropriate for student trustees to be present for board meetings where any of the matters listed in subsection 207(2) are addressed or to receive related agenda material. These matters do not address directly the kinds of educational issues that are of

particular concern to students and about which they should be consulted. The business end of the board responsibility truly belongs to the adult trustees, who are elected by the ratepayers and can be held accountable by them. Student trustees lack the experience and accountability important for participation in discussion of these matters.

Concerns about confidentiality, which presumably motivated the limited exclusion from private meetings in proposed subsection 55(5), are as critical in these areas as they are in respect of the matters listed in paragraph (b). Negotiations with employees of the board are often highly charged. Teachers, who constitute the largest employee group at any school board, undoubtedly have considerable influence on students. Putting students in the position to possibly be approached by employees to take certain positions in bargaining or to release confidential information about bargaining positions and strategy is both unfair to the students and unwise. OCSTA recommends that subsection 55(5) be amended to provide that a student trustee not be entitled to be present at a meeting that is closed to the public under subsection 207(2).

**1740**

OCSTA is pleased with the positive attitude shown in the ministry document entitled *Respect for Ontario School Trustees*. We appreciate and support the provision for an increase in trustee honoraria. We agree that there is a basis for consideration of different maximum levels of honoraria that vary according to the complexity of the board. We do not agree, however, that complexity of the board, and therefore trustee workload, co-relate directly to student enrolment. Regardless of student enrolment, the trustees of coterminous or predominantly coterminous boards serve the same community and deal with similar and equally complex issues such as those related to social-economic challenges or immigration patterns. OCSTA recommends that the maximum honoraria of coterminous or predominantly coterminous boards be the same. We also recommend that the base for trustee honoraria be increased from \$5,900 to \$10,000, and that the size of complexity factors be adjusted to maintain the proposed \$26,000 maximum.

OCSTA does not support the provisions in subsection 191(4) for regulations requiring a board to engage in public consultation before adopting or amending a policy providing for the payment of honoraria. Trustees are democratically elected officials and are accountable to their electorate for the way in which they exercise their powers, including the power to set honoraria. Trustees already dedicate, as the ministry document notes, considerable amounts of time to their responsibilities. Requiring yet another layer of consultation would be unnecessary and unwelcome bureaucracy. OCSTA recommends that paragraphs (b) to (d) of proposed subsection 191(4) be deleted.

OCSTA welcomes the reduction of penalties for trustees proposed in the amendments. We support the amendment to section 230.12 to remove the possibility of

a fine or conviction for an offence. We point out the need for a concurrent amendment to subsection 230.12(5) and section 257.45 of the Education Act.

Bill 78 proposes to amend section 230 of the Education Act so that it would empower the minister to direct an investigation of a board's affairs if the minister has concerns that an act or omission of a school board contravenes a regulation made under sections 11.1 or 170.1—

**The Chair:** Mr. Murray, I'm going to have to intervene and thank you on behalf of the Ontario Catholic School Trustees' Association for your deputation, written presentation and submission.

LILA MAE WATSON

**The Chair:** I now invite our next presenter, Ms. Lila Mae Watson, who's coming forth in her capacity as a private individual. Ms. Watson, I remind you that you have 10 minutes to make your presentation. Please be seated. Your 10 minutes begins now.

**Ms. Lila Mae Watson:** Thank you. I often speak ad lib, but being aware of the time constraints, I'm going to confine myself to a script.

Good evening, Mr. Chair and members of the committee. I want to thank you for allowing me to speak regarding Bill 78, the Education Statute Law Amendment Act, 2006, specifically part II, the amendments to the Ontario College of Teachers Act, 1996.

I'm presenting my remarks as an individual who has a genuine interest in the teaching profession and its regulation by the Ontario College of Teachers. I believe that I have a profound and broad understanding of education. My working experience has been in business and as a teacher, vice-principal, principal, a centrally assigned principal in charge of special education and a superintendent in the senior administration. I've also served on and been the chair of boards as well as panels for hearings and tribunals. Most recently, I was a member of the council of the Ontario College of Teachers and continue my involvement with the college as a roster member on panels for accreditation of the faculties of education in Ontario universities. I have two daughters who work in education, one in the public system and one in university. I have four grandsons in the Ontario educational system, ranging from grade 1 to university. I offer this personal background to put my comments regarding Bill 78 into context. I believe that I have a multi-faceted, macro perspective of education.

There are two areas of Bill 78 on which I will comment. The first is the change in the size and composition of the council of the Ontario College of Teachers and the second is the public interest committee.

The number of members of the council is being increased from 31 to 37. This is a very large number to augur well for effective meetings. Thirty-seven members, with a significant imbalance between the elected and appointed members, is too large and has the potential to be dysfunctional. If the 23 elected members continue the

practice of caucusing prior to the council meetings, the 14 appointed members will be at a distinct disadvantage to exercise their responsibilities in the interest of the public. If the elected members take a united position, the appointed members will lose the vote every time on every item.

I know that there have been presentations before you already to delineate concerns about the possibility of the federation's retaining control of the elected positions on council. I will not reiterate these concerns but simply state that I concur. The average classroom teacher is not political. He or she does not possess the political expertise required to function in the political realm of the college. If it was the intent to somewhat depoliticize the college, then the proposed changes to Bill 78 will not do it. I would suggest that the council membership be reviewed, taking into consideration the optimum size for an effective body. Since it appears to be the intent to continue to have appointed members on council to represent public interest, then the composition and balance needs to be reviewed as well.

The second area of Bill 78 that I feel warrants reconsideration is the establishment of a public interest committee for non-members of the Ontario College of Teachers. Its duty is to act in an advisory capacity to the council in the public interest and to perform such other duties as may be prescribed by the regulations. There are many questions regarding this body, its composition, its duties and its relationship with the Ministry of Education. The regulations need to outline the mandate and function of the public interest committee and its interaction with the ministry. Since there are already 14 appointed members on the college council, how will the function of this body differ from them and their role? Who defines the public interest? I would suggest that the perception of the current members of council who are appointed, vis-à-vis their roles and duties and those of the public interest committee, need to be addressed. Has their role been diminished on council? Has it been superseded? How will the criteria for the selection of the public interest committee members differ from those for the appointed members?

Bill 78 is silent on the interaction of this committee and the ministry. Will it report directly to the ministry on matters of the college and the council? Will it have veto powers over decisions taken by council? Will they have the authority of the minister to intervene in matters? There is the potential of creating a two-tier system of decision-making and/or accountability in the public interest. Furthermore, will the committee attend council meetings? Will it be an item on the agenda? Recently, the chair of council became a full-time position. Is the legislation consistent with this change? At what point is there too much overlay of monitoring and supervision, especially as it relates to the ability of the college to exercise its regular duties?

Bill 78 states that the public interest committee is to advise council regarding the duties of the college and the council members. Does this imply that the currently appointed council members do not understand and/or

execute their duties as required? Will there be duplication and/or redundancy in the two public positions? I believe that the criteria for the selection and responsibilities of the members appointed by the government to both the college council and the public interest committee need to be clearly defined and transparent. If there is the possibility of superimposing one layer of public interest accountability on another, then I question the need for the creation of a public interest committee and would suggest that the complement on the college council be revised to ensure that the interest of the public is maintained as required.

Finally, I would contend that the selection of all appointed members, but particularly those of the public interest committee, is crucial to the future of education in this province. The regulation of the teaching profession and the education of students for the future is paramount. Members of this committee need to be people with a macro, wise and well-informed perspective on education and the related matters, not only provincially but globally. They need to execute their duties in the interest of the public, but always with a view to its ramifications on the students and the future. The very best minds, wisdom and knowledge are required of these public members. The criteria for membership must extend beyond partisanship and parochial parameters. I cannot state this forthrightly enough.

#### 1750

Jane Goodall, the renowned conservationist, recently stated, "Young people are crucial—if they lose hope, that's the end."

We are increasingly becoming aware that if there are to be solutions found in time to reverse the rapidly deteriorating environment and the subsequent annihilation of humans, it will be through the education, scientific research and technology of the young people in the next few years.

I recently sat among researchers and educators who categorically stated that unless we educate young people in science and technology to find answers to the global environmental crises, mankind will not exist in 50 years. This is not an overly emotional or melodramatic reaction, but a fact which is validated.

I contend that the decisions taken regarding education at all levels are more critical now than at any other time in history for the students, the educators and the public. I urge that the amendments to the Education Act and the Ontario College of Teachers Act, 1996, be made with this in mind.

I have posed a number of rhetorical questions which I hope will be considered in the future deliberations regarding Bill 78. I thank you for the opportunity to deliver my comments to the standing committee.

**The Chair:** Thank you, Ms. Watson. We have about 20 seconds each. Mr. Klees.

**Mr. Klees:** Thank you for your very thoughtful and informed presentation. What is it that the government is attempting to fix by making the changes that they're proposing to the Ontario College of Teachers?

**Ms. Watson:** Having been a member of the council at the time these changes were first discussed and proposed, I would suggest that there has been a view that the college council, especially in the elected positions, was primarily filled by those who were in positions within the federations.

**The Chair:** I will have to intervene there. Mr. Bisson.

**Mr. Gilles Bisson (Timmins–James Bay):** That was my question.

**The Chair:** Please continue to answer it, then, Ms. Watson.

**Ms. Watson:** Having been around at the time when the college was first formed and first discussed in the 1970s, I know that to be true. It was the intent that the federations—I still call them “federations”—would ensure that the teachers would have, so to speak, control through their representatives of the federations. Having said that, I also understand that there has been a concern that the public interest has not been represented at the table.

**The Chair:** Thank you, Ms. Watson and Mr. Bisson.

To the governing side: Mr. McMeekin, 20 seconds please.

**Mr. McMeekin:** You make the point about not favouring a public interest commission. You recognize, of course, that there’s an oath to be sworn and union officials specifically are not allowed to run for office.

Can I ask you, how did you come to be a member at the college? You were appointed?

**Ms. Watson:** I was appointed.

**Mr. McMeekin:** By whom?

**Ms. Watson:** I was appointed by the previous government.

**Mr. McMeekin:** In what year?

**Ms. Watson:** In 2003.

**Mr. McMeekin:** And you’ve always exercised your duties in the public’s interest?

**Ms. Watson:** Definitely. I am an educator that has public interest at heart—

**The Chair:** Thank you, Ms. Watson, for your presence and deputation.

#### BARB FISHER

**The Chair:** I now invite our next presenter, Ms. Barb Fisher, who also comes to us in her capacity as a private individual. Ms. Fisher, if you are here, please come forward. As you’ve seen the protocol, you also have 10 minutes in which to make your presentation, which begins now.

**Ms. Barb Fisher:** Hello, everybody. It was a little bit of a task finding my way here, as I had a little assistance. I can think of a thousand other places I’d rather be right now.

*Interjection.*

**Ms. Fisher:** Well, I’m going to do my very best. People, some very good friends, spoke to me and knew I was coming here. They said, “Why would they listen to you?”

I guess it’s because I’m not cynical, and I do believe the system does work.

I’m presenting just as a concerned mom, although I wear some other hats. I recognize the honourable intent in which this bill was drafted and the excellence in the wordsmithing in the drafting of this bill, so I am not going to try at all to amend it, rephrase it or anything like that. What I’m going to do is present some concerns and some of the rationale behind that. If anybody has Coles Notes for the Education Act, it would have been valuable.

The concerns were many, but I’m going to stick to three: the increased accountability, concerns around e-learning and, most importantly, regulations regarding provincial interest.

Increased accountability is diverting funds that should be directed to the students. If you take a look at the bill and start counting, there are teacher induction reporting, class size regulation reports, teaching time reports, compliance on finance, student outcomes, parent involvement, special-ed services, and health and safety procedures. Accountability is good, but you must prioritize. It requires double-staffing: It’s the board staff having to create the reports and the ministry having to process those reports. It becomes significantly difficult for small Catholic boards, and there’s a concern when the numbers of students are dropping and we see growing administration.

Moving on to the second concern, which would be section 171 around e-learning: It is nice that we’ve come up to date with the times and recognize this as a valuable tool, but the ministry would be wise to avoid setting minimum standards. This tool should be used only in moderation, as determined by local boards. Extreme use of this tool undermines the intent of public education, especially Catholic public education. The decay of our social fabric is alarming to us, so evident in the 18-year-olds who were most recently involved in a police shooting. It is of paramount importance that students are taught in classrooms, where social behaviours and morals are modelled and expected. It’s extremely important for Catholics to have the opportunity to get together and celebrate masses, paraliturgies, retreats, sacramental preparation and many other community-involved activities. It’s part of our Catholic community.

Now I come to the most important and the most distressing section of this bill. As a mother, in making good decisions, I would go to the experts and do that kind of thing. Then I would do consultation, and I thank you for the fact that you are doing that right now. I thank you for the opportunity to address this. But when I make a decision as a mother, I would make a decision looking at the best-case scenario and I would look at the worst-case scenario. So I’m going to do exactly that for you.

Let’s look at the best-case scenario. The ministry has unlimited funds directed to improved education focus and numerous initiatives, and supports them; they are consultative partners in all aspects of education. Boards are efficient, trying to support all ministry initiatives and squeaking out maybe a few of their own. Resources are

directed to all needs. They're consultative and supportive, and they're filling out the reports. Schools support ministry, board, teacher, parent, student, parish and community initiatives in splendid co-operation. Did I mention that the school boards are filling out reports and the ministry is processing, but now we have super-secretaries and the school is supporting them? The teachers, after playing social worker, behaviourist, therapist, nurse, manager and caregiver, get to educate based on all the above initiatives and meet all the humanly possible Catholic expectations. Yes, they even have, although it's not in the contract, the time to love, the time to listen and the time to follow the students' interests. Yes, a heart attack is just a work hazard. Parents who are overtaxed—pun included—by today's hurry-up society find time to participate in school council, fundraising, school events and to support their children's education. The boards are still filling out reports and the ministry is still processing them. Students? Well, they just try their hardest.

There are two possible outcomes. One, there's euphoria in the streets when we meet those outcomes, but who exactly is going to shoulder the responsibility should we not meet those outcomes?

The second scenario, the worst-case scenario, is a lot briefer. Economic times become challenging, and the sole provincial interest in education becomes economically based downsizing and streamlining. This has that create-a-catastrophe feeling.

**1800**

Without quality education as the vision and the tool, we are effectively bringing about the potential demise of Catholic public education; in fact, all public education. Should we not meet those outcomes, people will see that they've lost faith in public education.

To have centralized authority to the Lieutenant Governor in Council to make regulations so as to further promote provincial interest in education, in this light, could reverse all the progress that's been made in education. It puts our most vulnerable citizens at risk: our children.

While the ministry suggests goals and standards, the process to meet them should be decided at the local level. The ministry, by controlling funds and setting up standards for performance outcomes that could potentially be unattainable, could destroy public confidence.

Bill 78, regarding provincial interest in education, does not pass the best-case and worst-case scenarios. It is too risky to the education of today and the society of tomorrow.

**The Chair:** Thank you very much, Ms. Fisher, for your presentation. We have about a minute each. We'll begin with the NDP.

**Mr. Bisson:** No, that's fine.

**The Chair:** Thank you, Mr. Bisson. We'll divide the time remaining, beginning with Mr. Leal.

**Mr. Jeff Leal (Peterborough):** Thank you, Ms. Fisher, for the presentation.

I was just interested in (ii), where you're talking about e-learning perhaps undermining the Catholicity in that

part of our family that we fund publicly in Ontario. Could you expand upon that?

**Ms. Fisher:** I guess my concern is that we potentially could have kids in isolation taking courses and not involved in a community activity where they're interacting. That's an important part of society, and if we take that away—especially in our Catholic society, where we're trying to build churches and pull people together, praising the Lord. We have specific activities that those children should be involved in, and if they are not in the presence of a school, there's potential loss of that.

**Mr. Leal:** Have you witnessed this over a period of time, this kind of pulling apart, as you say?

**Ms. Fisher:** I guess what I'm concerned about is taking a look at—as I say, my reference was just even those young persons, the 18-year-olds who had shot that police officer. It is paramount at this time that Catholicity thrives and grows and teaches children to honour God and act with love.

**The Chair:** Thank you, Mr. Leal. We'll move to the PC side.

**Mr. John O'Toole (Durham):** Thank you very much for your presentation—

**Interjection:** No, no. Don't go.

**The Chair:** Ms. Fisher, you're still on the podium.

**Ms. Fisher:** I'm sorry. Forgive me.

**Mr. O'Toole:** I was taking that as a backhanded comment, but we're used to that when it comes to the education file.

First of all, thank you for your presentation. I was a separate school trustee for a few terms at one point in time. I was there for the government's—not this government's—full funding of Catholic education. It happened under the Mike Harris government; not Bill Davis; Mike Harris, actually, so you should know that. They're equal now. They weren't before, ever, not even since Bill Davis.

When you talk about the Catholicity, there's a big raging debate about the United Nations and the right of all religious-based schools to have the same access to that, for the same passionate reasons that you espouse. Don't you think, in the sense of fairness and equity—I was a Catholic trustee—that they have the right to practise their faith? I'm not leading you; I'm just trying to—

**Ms. Fisher:** I already have a personal opinion on that.

**Mr. O'Toole:** Good.

**Ms. Fisher:** We're talking about student-focused funding, and we're looking at tomorrow's leaders. If we want as a society to have the best-educated kids possible, then all of them should be provided that X amount of dollars for their education.

**Mr. O'Toole:** Regardless of faith, right? That's a very honest answer, and I appreciate that.

The problem is—right now, the Peel separate board is leading the fight—that the funding gap on the salary grid is \$7,000 per teacher by the way they're funded. That's the issue. It's about \$2 billion. Would you be impressed if this government says, "Do this but there's no money"?

That's what they're doing here. Every board in Ontario is in a deficit. Every single board is in deficit—

**The Chair:** Thank you, Mr. O'Toole. Thank you as well to you, Ms. Fisher, for your presence and deputation.

#### ONTARIO ASSOCIATION OF DEANS OF EDUCATION

**The Chair:** I would invite now our next presenter, Ms. Pat Rogers, the chair of the Ontario Association of Deans of Education.

*Interjections.*

**The Chair:** Order, please.

Ms. Rogers, as you can see, you have entered into the fray. I would invite you to begin your deputation on behalf of the Ontario Association of Deans of Education, beginning now.

**Dr. Pat Rogers:** Thank you very much. I'm very pleased to have this opportunity to meet with the committee and to express the views of the Ontario Association of Deans of Education. I am the chair. I'm also the dean of education at the University of Windsor.

In response to some of the changes, I would like to address three issues only, and those are two issues around the new teacher induction program and also the proposed new structure of the Ontario College of Teachers.

OADE would like to, first of all, say that they commend the government on the improved climate for teacher education for teaching generally in the province. We particularly commend the ministry on the removal of the Ontario teachers' qualification test. I'm sure that's no surprise to you. Nevertheless, while we believe that the NTIP program, the new teacher induction program, is an excellent alternative to the paper-and-pencil test that was applied previously, we believe that the teacher induction component could be strengthened. Furthermore, we anticipate serious consequences for the implementation of our teaching practica arising from the mentoring component, and we're hoping that we can be a solution to this rather than simply complaining about it.

First, teacher induction: We believe that teacher education should be inquiry-based, which means expanding the teacher's understanding beyond their immediate context. We also believe that the involvement of university faculty members could significantly enhance the offerings of school boards and school districts and provide the continuity that we feel is needed between teacher preparation and teacher induction. We hope that there will be room for our involvement in the new teacher induction program.

Secondly, mentoring: Although we agree that mentoring should be a very prominent part of the NTIP program, its impact on the overall availability of associate teachers for our teacher candidates we feel may be serious. The best mentors for new teachers and also the teacher candidates are typically one and the same. We're already experiencing difficulties maintaining an adequate pool of associate teachers because of competition from

private institutions and out-of-province teacher education programs. The Ministries of Education and Training, Colleges and Universities—we'd like to see those two ministries working together to try and address the uneven playing field that has been created by the unfettered tuition fees that private institutions are able to get from students and therefore are able to pay much higher practicum honoraria than those paid by the Ontario publicly assisted faculties and schools of education.

With a program that involves new teacher induction, new teacher orientation and practicum, with those two components being essential to new teacher preparation, it's possible to provide professional development in the area of mentoring, perhaps through AQs. There is an additional qualification on the books right now for associate teacher qualification. One possible solution might be to involve the faculties with some financial support through the ministry in offering mentoring programs or an additional qualification with a greater focus on mentoring to teachers who will be providing the mentoring for the associate teachers and the teacher candidates.

Turning now to restructuring of the Ontario College of Teachers, we note that currently the Ontario College of Teachers council includes principal representation and supervisory officer representation, along with an elected faculty member from the schools and faculties of education. However, it should be noted that having an elected faculty member on the council does not mean that the Ontario faculties of education necessarily have representation. It's not an institutional position.

#### 1810

Given that the college has such a role in the accreditation of new and existing faculty and schools of education programs, because of that role and also because of the role of the college in accrediting our additional qualification programs, we would like to see two OADE members on the council, one representing the franco-phone institutions and the other the English faculties and schools of education. We'd like to see two institutional representatives on the council. I'm trying to hurry this, so I'm afraid I'm gabbling my words. Sorry about this. We feel that having representation from OADE on council will give the council a more rounded view of teacher education than it might have by having elected faculty representatives.

That's really it. I'm very grateful to you for giving us an opportunity to speak, and look forward to seeing the final bill and hope that the input we've provided may have some impact on that.

**The Chair:** Thank you, Dean Rogers. We have a generous amount of time; about three minutes each side, beginning with the Liberals.

**Mr. Khalil Ramal (London–Fanshawe):** Thank you for your presentation. I heard you talking about several things, but the most important thing you said is if we create an induction program and dump the mentoring by the teachers, you're concerned it would create more of a workload for the teachers.

We met with several teachers across Ontario. They came to us, and we met with them. They like to do it,

with happiness; they have no concerns whatsoever about this issue. Also, I don't know how you gather your own information.

The second question—you mentioned you want to strengthen the induction program. Can you give the committee some kind of recommendation?

**Dr. Rogers:** I wanted to restrict it?

**Mr. Ramal:** Strengthen.

**Dr. Rogers:** Oh, strengthen it; sorry. The first question—I'm glad to hear that the teachers are welcoming mentoring as part of the program. What we're concerned about is that the teachers who will be good mentors for new teachers are probably the same teachers who are mentoring our teacher candidates. We're having problems, especially in certain parts of the province, in getting enough associate teachers to mentor our teacher candidates as it is. If they're now having to provide another mentoring role, then we're really worried that we will actually lose associate teachers in that process.

Maybe there's a way of triangulating this relationship so that a mentor would mentor both a new teacher and a teacher candidate too. That could be a really positive experience for all three, I think. But we are concerned about the available supply of associate teachers.

Shall I go to the second question? Strengthening the NTIP program: Where we see a strengthening is in terms of the mentoring role that the teachers would provide. We would like to see perhaps some professional development in terms of the mentoring. That could be the involvement of a faculty of education. But at the moment, the way we see the NTIP program, we don't see a role for the faculties of education necessarily. That may happen in certain jurisdictions, but it's not written into the NTIP program. We would like to have a role in continuing with the teacher candidates into their role as new teachers. We see that really as strengthening the whole system.

**Ms. Wynne:** I just wanted to go back to the first point for a sec and ask whether you've had conversations with the ministry about this concern.

**Dr. Rogers:** Yes, we've raised this concern in a letter to Dr. Ben Levin and we've also discussed it in our monthly meetings.

**Ms. Wynne:** So as this rolls out, that conversation will go on.

**Dr. Rogers:** It will continue.

**Ms. Wynne:** Because you're talking about a finite pool of teachers whom you want to draw from.

**Dr. Rogers:** Yes.

**Ms. Wynne:** Okay. Thanks for your concern.

**Mr. Klees:** Thank you for your presentation. You make reference to the fact that section 10.1 is being replaced with the mentoring induction program, effectively. I'd just like to ask you whether, from your perspective, you believe that to eliminate the qualifying test for teachers is a positive step and not necessarily—I don't believe this should be viewed as having an induction program versus the qualifying test. I don't know of any other jurisdictions, and maybe you can help me,

where there isn't a qualifying test where teachers have come out of their teachers' colleges and then moved into the teaching profession. This government's chosen to eliminate that test and replace it with an induction program. I would think that a combination of those would serve us very well. I'd be interested in your view.

**Dr. Rogers:** This is my view, but I think it is also the view of the majority of my colleagues in OADE: A paper-and-pencil test is not a test of what will make a good teacher. In fact, we already have tests in our faculty of education programs. Our students take paper-and-pencil tests on knowledge as well as other assignments that test their understanding of the information they're learning and their ability to actually apply this in the classroom. So I do see it as a very positive outcome that the OTQT has gone. Whether there is a test as part of the NTIP or not—I don't see it in the language of the bill—I think that teachers grow over time, and that their growth over time is much better served by mentoring and by the orientation program that's envisaged.

**Mr. Klees:** With regard to the college of teachers, do you believe the college of teachers has been doing a good job in terms of its oversight of curriculum and teacher training programs?

**Dr. Rogers:** Doing a good job? I think there are lots of improvements that could be made. The faculties have been concerned right from the beginning at the lack of involvement of faculties on the accreditation panels. There have been significant changes to those panels over time. Having just gone through one myself, I can say that the process this time was a lot fairer and a lot better than it was in the earlier time.

One of my concerns is that there isn't a tremendous amount of information given in the actual accreditation document in terms of what might be improved. In actual fact, when my own team had a faculty of education representative on it, we were given a lot of feedback off the record, which was very helpful to us in terms of developing our program further. So I actually think that the inclusion of members of faculties of education in the college will help everyone. It'll be a win-win all around.

**Mr. Klees:** I would support, by the way: your recommendation to add the two OADE members. That's a very positive suggestion.

**Dr. Rogers:** Thank you.

**The Chair:** Thank you, Mr. Klees. Thank you as well, Dean Rogers, for your presence and written submission.

ROBERT PATERSON

**The Chair:** We have now our final presenter of the committee's hearings today, Mr. Robert Paterson, who comes to us in his capacity as a private individual. Mr. Paterson, we welcome you. Your time, 10 minutes, begins now.

**Mr. Robert Paterson:** I would like to thank the committee for taking the time to hear me. I hope the brevity of my presentation does not diminish its significance.

I'm an employee of the Thames Valley District School Board, with more than 30 years' experience as a salaried contract teacher of adolescents, an hourly-paid adult education teacher, a night schoolteacher of both adults and adolescents, and a summer schoolteacher of adolescents. Broadly placed, we're in the continuing education teacher category.

I believe this group of teachers, hourly-paid continuing education teachers, are the only hourly-paid teachers who are expected by their employers and legally required by the present Education Act to perform duties considered essential to the execution of their profession without being paid for them.

May I give you a couple of examples? In the summer of 1999, I taught two grade 13 mathematics courses to two classes of adolescents. Following the morning writing of a three-hour final examination by all of the students in my classes, I was expected by my principal to fairly mark the approximately 60 examinations and prepare individual reports for each of these 60 students by the next morning. After working approximately 12 hours on these expected but unpaid duties, I was severely reprimanded by my principal for failing to complete my duties on time.

Last fall, a survey which I conducted of my colleagues, who are adult education teachers, indicated that it is quite normal for English teachers to spend an hour of unpaid time outside of the classroom completing their duties for every hour they spend inside the classroom teaching. Commenting on the survey, my own principal, a former English teacher herself, admitted that it would be impossible to do a proper job of teaching an English course in the classroom time that was allotted.

**1820**

I have raised this matter with the Ministry of Labour and have been informed by Minister Peters's office that correcting the obvious inequity is the responsibility of the contract bargaining arm of our teachers' federation, OSSTF. I have also applied to the provincial Pay Equity Office and have been informed that the inequity that exists does not fall within the jurisdiction of the office, but was told, yes, it's the responsibility of the teachers' bargaining group.

Our teachers' bargaining group, however, maintains that the Education Act legally allows the employer to assign to any hourly-paid teacher any duties in accordance with the act. Thus, it seems that only an amendment to the Education Act can correct this obvious inequity. Hence, I am requesting that the committee adopt my proposed addition to the act, which would require school boards, through their principals, to assign only duties to hourly-paid teachers which would be expected to be completed during the time for which the teachers are paid: the condition and right of every other hourly-paid employee in Ontario.

Thank you for allowing me to make this presentation.

**The Chair:** Thank you, Mr. Paterson. We have almost three and a half minutes for each side, beginning with Mr. Klees.

**Mr. Klees:** Mr. Paterson, are you a member of the federation?

**Mr. Paterson:** I am.

**Mr. Klees:** What is it that your federation tells you when you raise this issue with them?

**Mr. Paterson:** The federation tells me that there is nothing they can do because the Education Act allows any duties to be assigned to a teacher. There's no distinction between salaried teachers and those who are paid hourly.

**Mr. Klees:** We heard earlier from principals and others that collective bargaining agreements that have been negotiated in this province apparently supersede a lot of the legislative requirements. In fact, on the supervisory side, we have principals across the province who are in serious trouble because the provisions of the collective bargaining agreement relating to supervision time and so on are actually out of sync with what the legislative requirements are.

Here's my question to you: In light of the fact that the federations have been able to negotiate some pretty strong agreements, notwithstanding what the legislative framework is, why have they not stood squarely behind you?

**Mr. Paterson:** We represent a very small group of the secondary teachers in Ontario. I guess I would like to pose your question to our provincial executive: Why have they not stood squarely behind us?

**Mr. Klees:** And it should be, and I think by virtue of this discussion it's being posed to them. I would also pose the same question to the government—because essentially it was the Minister of Education who negotiated those contracts in the last round—why the government would not stand four-square behind you as well. What I'm hearing is most unfair. You're a very special class of teacher for some reason, and it's almost as though you're an indentured servant. In today's enlightened world, why would this government, which is so strongly supportive of peace and stability—maybe it's because you're not threatening a strike; maybe it's because you're not threatening to disrupt their peace-and-stability motto that nothing's happening for you. What do you think?

**Mr. Paterson:** The flea has a hard time making the elephant change direction.

**Mr. Klees:** I would urge you to take this up in a very public way with your union. I think that if the general public knew you were being discriminated against the way you are, they would side with you. This is the first time I've heard this.

*Interjection.*

**Mr. Klees:** Kathleen Wynne, who is the parliamentary assistant to the Minister of Education, I'm sure will have a good explanation for you as to why you're being treated differently.

**The Chair:** Thank you, Mr. Klees. We'll now move to the government side.

**Mr. Ramal:** Thank you, Mr. Paterson, for your presentation. We both come from London. I'm from London,

Ontario. London–Fanshawe. I think you teach at Wheable?

**Mr. Paterson:** I do.

**Mr. Ramal:** I went to Wheable school. I studied English—

**Mr. Peterson:** Excellent.

**Mr. Ramal:** So I know what your frustration is all about. I want to thank you for coming forward and presenting to us and voicing your concerns.

I want to thank Mr. Klees for paying attention again to education. Hopefully, he'll continue paying attention and supporting public education in this province.

I don't know how we can address your concern—

**Mr. Klees:** Just answer his question as to why you're treating him so differently.

**Mr. Ramal:** I'm going to answer his question.

I wonder how we can address your concern in this bill. This is part of the collective bargaining agreement between teachers and the school boards, and this is what happened. So how can we address it, in your opinion?

**Mr. Paterson:** My opinion, as very strongly put to me by my own principal: "The Education Act gives me the right; I will exercise that right. If you expect to withdraw services by only working during the time during which you are paid, I will consider that to be work-to-rule, approximating a strike."

**Ms. Wynne:** Thank you very much for coming, Mr. Paterson. When I was engaged in doing a review of adult education around the province, I visited the Wheable centre, and it was one of the places that we heard about the discrepancy between instructors and full-time teachers, or teachers with other status. The underlying issue is the change in status of adult education that happened under the previous government.

The concern I have is that, rather than narrowing, what we should be doing is revaluing adult education. It was the first thing that went on the chopping block when the

previous government was in office, and what we need to be doing is recognizing—and that's what my report, Ontario Learns, says—the importance of adult education and the status of the teachers who are delivering those very important programs. If we can get to that point—but it's very difficult. You'll understand the political position we're under, because there were so many other areas that were decimated under the previous government that to make the argument for adult education becomes difficult because people look to the children.

I know that adult educators are aware of the concerns, but underlying it is the real lack of value that the previous government paid to adult education.

*Interjections.*

**Mr. Paterson:** May I respond, please?

**Ms. Wynne:** Absolutely.

**Mr. Paterson:** I have no problem being paid as an hourly-paid teacher.

**Ms. Wynne:** I understand.

**Mr. Paterson:** I find myself currently making less than custodial staff, making less than secretarial support staff, less than virtually every other permanent employee in the board. All I would like to do is to be put in the same position as a custodian or a clerical support staff of being paid for all the work that's expected of me.

**Ms. Wynne:** I take your point, yes.

**Mr. Paterson:** If I don't wish to be paid as an hourly-paid employee, I'm happy to move to a contract. But the way the situation is right now, I am an hourly-paid employee.

**Ms. Wynne:** Thank you.

**The Chair:** Thank you, Ms. Wynne, and thank you to you as well, Mr. Paterson.

Seeing no further business for the committee, I declare the committee adjourned till tomorrow after routine proceedings. Thank you.

*The committee adjourned at 1827.*





## **STANDING COMMITTEE ON SOCIAL POLICY**

### **Chair / Président**

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

### **Vice-Chair / Vice-Président**

Mr. Khalil Ramal (London–Fanshawe L)

Mr. Ted Chudleigh (Halton PC)

Mr. Peter Fonseca (Mississauga East / Mississauga-Est L)

Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale L)

Mr. Jeff Leal (Peterborough L)

Mr. Rosario Marchese (Trinity–Spadina ND)

Mr. John O’Toole (Durham PC)

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

Mr. Khalil Ramal (London–Fanshawe L)

Ms. Kathleen O. Wynne (Don Valley West / Don Valley-Ouest L)

### **Substitutions / Membres remplaçants**

Mr. Frank Klees (Oak Ridges PC)

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot L)

### **Also taking part / Autres participants et participantes**

Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)

### **Clerk / Greffier**

Mr. Trevor Day

### **Staff / Personnel**

Mr. Larry Johnston, research officer,  
Research and Information Services

## CONTENTS

Monday 15 May 2006

<b>Education Statute Law Amendment Act (Student Performance), 2006, Bill 78, <i>Ms. Pupatello / Loi de 2006 modifiant des lois en ce qui concerne l'éducation (rendement des élèves), projet de loi 78, M<sup>me</sup> Pupatello</i></b> .....	SP-659
Dr. Natasha Cuddy .....	SP-659
Dr. Neil Cuddy .....	SP-661
Ontario Teachers' Federation..... Ms. Marilies Rettig; Ms. Hilda Watkins	SP-663
Windsor-Essex Catholic District School Board .....	SP-665
Ms. Barbara Holland	
Toronto School Administrators' Association .....	SP-667
Ms. Helen Evans; Mr. Karl Sprogis	
Ontario Student Trustees' Association .....	SP-669
Ms. Sarah Chown	
Learning Disabilities Association of Ontario.....	SP-671
Mr. Peter Chaban	
Ontario Public School Boards' Association .....	SP-673
Mr. Rick Johnson	
Ontario Catholic School Trustees' Association.....	SP-675
Mr. Bernard Murray	
Ms. Lila Mae Watson .....	SP-677
Ms. Barb Fisher .....	SP-679
Ontario Association of Deans of Education .....	SP-681
Dr. Pat Rogers	
Mr. Robert Paterson .....	SP-682