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Wednesday 5 April 2006

Mercredi 5 avril 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 5 April 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 5 avril 2006

The House met at 1845.

ORDERS OF THE DAY

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

Resuming the debate adjourned on April 3, 2006, on the motion for second reading 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 Deputy Speaker (Mr. Bruce Crozier): The member for Trinity–Spadina.

Mr. Rosario Marchese (Trinity–Spadina): It's a pleasure to continue with the time that I have left to speak to Bill 78. I welcome all of the Liberal backbenchers and ministers who are here to listen to this debate. I'm sure they will find it interesting.

I welcome the citizens of Ontario because I know there are a lot of people watching who really care about education, and I want to provide some insights that they're not going to be able to get from the Liberal backbenchers and/or the minister and/or ministers.

I want to be as helpful as I can to those Liberal members who are interested to know the facts around some of these issues so they can learn a little more about a field that I think they should know a lot more about, and learn more about a field that I don't think they get even from their own minister or will get from the minister just appointed.

I talked the other day about Bill 78 and said that there were a few things that I agreed with, but that even in those matters where I agreed with them I still found disagreement. I began to talk about that.

I did say that we supported the matters connected to trustee honoraria. By regulation, they will have boards consider the manner in which consultations will happen so that trustees could increase the \$5,000 honorarium that the Conservatives had set into place. They tell us that,

through regulation, we will know about what caps there will be. We hear through the background that the caps are likely to be \$20,000 and that there will be differentials, recognizing that some boards are bigger than others and recognizing that some boards have greater responsibility than others, based on size mostly, and I think that that was a very useful thing to do.

I pointed out that trustees serve an important role in the educational system, that education is political and that many of them do a full-time job and they deserve a remuneration that is in keeping with the time commitment that trustees make. I did point out, however, that while they speak about partnerships with trustees and teachers, they have kept a clause that deals with personal liability of members of the board, and that clause reads as follows: "If a board that is subject to an order made under subsections 257.31(2) or (3) applies any of its funds otherwise than as the minister orders or authorizes, the members of the board who voted for the application are jointly and severally liable for the amount so applied, which may be recovered in a court of competent jurisdiction."

My point about this is that it has no respect for boards. There is no partnership. When boards disagree with this government, this ministry and this minister—the former one we just had a couple of days ago—they apply the law and the strength of the law. It is this section that the Peel board recently was subjected to. The minister, when he could not get agreement from the chairman of that board and the board itself, in spite of his efforts to have them submit to his power, in spite of the efforts that his assistants made to get the board to find a way to suppress that \$15-million deficit they said they could not but keep because they were unwilling to make the cuts, the minister went in, with the power that he has, and told them, "We're going to send an investigator." I've got to tell you, Speaker—and you don't know this necessarily—that your former minister would often bully anybody who disagreed with him, as indeed he bullied the Peel Catholic board. Some members might find it hard to believe, including some of the staffers who may work for the ministry, or who may not want to say so publicly, but the former minister was a bully.

1850

Hon. Mike Colle (Minister of Citizenship and Immigration): Oh, come on. He was a lot of things, but not a bully.

Mr. Marchese: No, no. Minister of Citizenship, I tell you sincerely: He's a bully. He was. Not only was he a bully but he was a serious micromanager, to the point of

being pathological, almost. Recall that he used to attack the Tories for having such an illness. He wasted no time in picking up the same illness that plagued a lot of Conservative ministers—not all of them, but some of them. Mr. Kennedy was indeed one of the best at doing it. God bless him. I wish him luck in his future endeavours. But I know first-hand that in his meetings with the Peel board he was not gentle, he was not kind, he was not nice. He was a bully. He told them, “Look at all the money we’re giving you. You’re not going to have a government like ours ever again.” He reminded them that the Conservative government was so bad that they wouldn’t want to have such a government ever again and that, God knows, they wouldn’t want to have a revisiting of such a government on this place and on our school boards. The point Monsieur Kennedy was making was, “Just accept what we give you, because it’s the best you’re ever going to get.” Even if it isn’t enough, he was trying to persuade the board, the trustees and others that what they were getting was good and they shouldn’t be complaining; they should scurry along in their humble way back to their own workplaces and be happy with what the former minister was saying.

To any member who wants to stand up and say that I’m not speaking to the bill, I say that personal liability of members of boards is still in the bill, and I’m speaking to that, member for Mississauga West. If he follows this speech carefully, he’ll be careful not to move a motion, but he could; I welcome him.

Mr. Jim Wilson (Simcoe–Grey): Don’t feed the bears.

Mr. Marchese: No, I welcome his intervening in his best way possible, because any contribution is better than nothing, I suppose.

My point, to the member for Mississauga West, is that whenever your former minister didn’t get agreement, he was there saying to them, “I’m going to beat you up, and I’m going to beat you up good.”

So the investigator comes up with a report—all the good teachers that are here—and the investigator said that in order to deal with the \$15-million deficit, “the board continue with a hiring freeze.” I know the member from—Kathleen Wynne—

Hon. Mr. Colle: Don Valley West.

Mr. Marchese: —Don Valley West, was saying, no, what our leader was saying today isn’t true. I’m reading from the report, member from Don Valley West, should you be listening to this. The investigator said that “the board continue with the hiring freeze.” It’s a serious problem, in my view. Are we saying to boards, whenever they’ve got a problem, that maybe they should consider a hiring freeze as a way of dealing with it, even if a hiring freeze entails the lack of staff that might be needed wherever they may be or for whatever purpose they might be used? The investigator continues, “that the continuing education budget be reduced....” Interesting. I thought that continuing education was something of value to the minister, something that we value as educators and as politicians. He continues: “That the board

defer some maintenance projects.... That the board reduce its supply teaching budget.... That the board reduce its complement of vice-principals.... That, with regards to custodial and maintenance staff, the board return to 2002-03 staffing levels”—cut by \$2.6 million; “That the board reduce the cost of the present reading recovery program,” \$2 million. It goes on and on.

The point I make here is that boards are having a hard time making ends meet, but if they don’t respect the government through its powers and its desires, the government then says, “We’ve got a clause here to take care of you.”

Moving on to other issues, the government says it wants to introduce teacher induction programs designed to replace the teacher qualifying test that the Conservative government introduced when they were in power.

Mr. Bob Delaney (Mississauga West): You’ve got to be in favour of that.

Mr. Marchese: The member from Mississauga West is participating. This is good, because it means he’s listening, and that’s a good thing.

When the Tories were in power, they designed a so-called test, to test new teachers. What I want to say to the member from Mississauga West, because he may or may not know this, is that 99% of new teachers passed that test. So it’s clear to me—and clear to the member for Mississauga West, because obviously he now knows—that that qualifying test was silly, that it wasn’t helping anybody. It was simply a political manoeuvre designed to convince the public that they were being tough on teachers and that they were testing them and, “Don’t worry; we’re going to make sure we only get the best in our school system.” The problem is that we were wasting a whole heap of money on testing teachers. We found that 99.9% of those teachers passed the test. What’s the point of having money wasted on a test like that?

So the government introduces a teacher induction program. It’s really professional development, mentoring programs and the like. We don’t have anything yet. The bill is vague; this is true. But it’s a good thing. I’m assuming that the new minister is going to get on this issue right away, and that, given that it’s going to cost a couple of bucks, the member from Mississauga West is going to go to the new minister, Minister Papatello, and say to her, “Look, this induction program is going to cost a couple of bucks. I hope you’re going to give boards some money to deliver the program.” You’re going to do that, aren’t you, member from Mississauga West? You wouldn’t want the boards to be stuck with a program for which they have to pay, would you?

I am looking forward to the member from Mississauga West and other members in the backbenches who are education specialists to make sure we don’t download this responsibility to the boards of education, knowing full well that they are starved for cash. All the good Liberal members who are here have now heard, and they will pass it on to Minister Papatello. They must be hearing from their own boards too about some of the problems they’re having. I will get to that, as I can, to be helpful wherever I can, member from Mississauga West.

Another matter that has been introduced is the Ontario College of Teachers. I should point out for the record that New Democrats said that the college of teachers should have teachers as two thirds of its members. We make no bones about it; we don't hide from that. That was our platform in the 2003 election. I believe that the college of teachers ought to be represented by teachers. I don't agree with the Conservatives when they say that we now are going to have a highly politicized body of teachers. Quite frankly, I don't know what the Conservatives think these teachers are going to do. What do they think the teachers in this college of teachers are going to do to manipulate the teaching system, to protect teachers from I don't know what, to somehow devise a system to hurt students, maybe to hurt principals and maybe to hurt superintendents and directors, maybe to go after trustees, maybe to go after politicians? I don't know what they think this college of teachers is going to do. They're so frightened. Mr. Klees is so frightened of this that he has had a question here today. I've got to tell you, I'm perplexed by the Conservative position, but that is another matter. That is another matter.

1900

Nineteen out of 37 isn't a great majority, but there is one more that otherwise they would not have. So it's a simple majority. I, quite frankly, think that while it doesn't go as far as we want it to, it still gives teachers a majority, and I think that's a good thing.

I should point out, for the record, that when the college of teachers was proposed by the previous government, I supported it. I believe that boards of education have a lot of powers to do the job that the college of teachers is doing. I believe that. So, in many ways I thought that it is a redundancy to have a college of teachers. It really is. On the other hand, I thought that if the government wants to introduce a college of teachers, okay; it's not a big problem. We're going to give work to some people; they're going to be doing something; God bless. Put them on.

I'm not really that tied to this whole issue of the college of teachers because, quite frankly, I don't see them as a threat. Most people don't know what they do. Most people don't know they exist. Most people won't ever hear from them. Most of these issues get dealt with at the local board level by the trustees of most local boards. Some issues may get to the college of teachers—

Interjection.

Mr. Marchese: —and there you are. Okay.

But here's where my criticism of the Liberal government is in this regard. Member from Ancaster, here's my criticism. You are so frightened of the Tories that you now are going to force the teachers who are going to be part of this college to take an oath. I find that silly. They have to take an oath to reaffirm their commitment to serve the public interest. I've got to tell you, I find that silly; I really do. But the idea of taking an oath is designed to appease the Tories or to appease the critics. So now that they are duty-bound to take an oath, not yet determined, we are really going to make sure that those at the college of teachers are going to represent the public

interest and not themselves, as if to say, member from Ancaster and all the other titles that go with it, that we don't trust the college of teachers; that we don't trust the teachers.

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): You take an oath.

Mr. Marchese: Sorry? There was—okay. There was no oath before, but now that they've given the college of teachers a majority of teachers, they want to balance it by saying, "In order to protect ourselves, as Liberals, from the criticism of Tories, we're going to introduce an oath, and that will protect us, Liberals, from them, Tories, when they accuse us that somehow these teachers might not have the public interest at hand." I want to tell Liberals hearing this, watching this or in this chamber: It's silly what you're doing.

Not only that; you compound the silliness by introducing yet another layer of bureaucracy called the public interest committee. They're going to hire another three or five people and give jobs to a lot of good people who are out there looking for work—and I understand that. It's a good public works committee—public interest works committee—and they will be highly paid. I have no doubt that they will be well paid. They will prescribe the form of the oath as part of their job, they will determine the contravention of that oath, and also they're going to be governing conflicts of interest around issues presumably of the oath.

I've got to tell all the good Liberals who are here listening—maybe not listening—and those watching: That's the silliest thing I've ever heard. Not only do they create an oath that means nothing, but they're going to create another body, a public interest committee, highly paid, three to five people—to supervise whom and to do what? All to protect themselves from the Tories whom they fear, when they're subjected to the attacks by the Tories saying, "We now have a highly politicized body and we need to have a depoliticized body."

Are you disagreeing with me?

Mr. McMeekin: Yes.

Mr. Marchese: I'm looking forward to the two-minute response from one or two fine Liberals on the backbenches just to see what they have to say about this added layer of useless bureaucracy, which we will attack, which I will attack viciously when we get into committee. I have to tell you that.

There you go on the college of teachers. I should point out to all the fine Liberals who are here that I introduced a bill today that would have oversight by the Ombudsman over educational matters. Why wouldn't they pass such a bill? Why wouldn't they move such a bill themselves if they are truly interested in the protection of students and parents, to help students and parents when they have a grievance, be it of a nature having to do with ESL or the lack of ESL programs, be it of a nature having to do with special ed or the lack of services of special ed across Ontario? We know that loads of boards are deficient in the area of providing special education services. We know that the Safe Schools Act has presented many problems vis-à-vis the racial profiling of students who

are black or people of colour in general, and that young students with disabilities are disproportionately targeted for suspensions and expulsions.

If you did a little bit of that kind of work and if you introduced a motion that says, “We’re going to have oversight of education by the Ombudsman,” I think that would be a good thing. But you didn’t introduce that. You’re introducing another layer of bureaucracy, and I don’t know what we’re going to do to pay them a good salary. I know they’ll be looking forward to earning good pecunia on that committee.

I’ve got to tell you something else. It would be so nice if the Liberals in this chamber could introduce a motion that would keep a Liberal promise having to do with creating a standing committee on education. I know the member from Ancaster made reference to this, but I’ve got to tell the member from Ancaster, it’s not in this bill. It’s not here. I’m not convinced that your former minister would have done anything about it in spite of my entreaties over the years to say to him in various committee hearings, “Gerard, when are you going to keep that promise to have a standing committee on education?” He would say, “Soon.”

It’s like Michelangelo. When the Pope went to Michelangelo and said, “When is this all going to be finished?” he screamed from the top, “Soon.” It took him two years. Michelangelo was able to paint the Sistine Chapel faster than this Liberal government is able to produce a standing committee on education. We still don’t have one, even though it was a Liberal promise in the 2003 campaign. I’ve got to tell you, member from Ancaster, it’s not coming. That committee is not coming. Ms. Papatello, the new minister, has no clue about this committee, and I can guarantee it’s not going to come under her stay in that ministry.

We talked about the trustees. We talked about the induction programs. We talk about the college of teachers. We talked about the public interest committee. I don’t know what this government is proud of with this bill. I really am not convinced of it. But let me get to a few other matters that are equally important.

There is a section in this bill, which I will find momentarily, that speaks to the new powers of the government in relation to quite a number of matters. It’s subsection 11.1(1), regulations re provincial interest: “The Lieutenant Governor in Council may make regulations prescribing, respecting and governing the duties of boards so as to further and promote the provincial interest in education,” and then it lists them.

1910

“(2) A regulation made under subsection (1) may require a board to”—these are the prescriptive elements and what we call the centralization elements that the former micromanager is putting into this bill:

“(a) adopt and implement measures specified in the regulation to ensure that the board’s funds and other resources are applied,

“(i) effectively, and

“(ii) in compliance with this act, the regulations and the policies and guidelines made under this act;

“(b) adopt and implement measures specified in the regulation to ensure that the board achieves student outcomes specified in the regulation”—I’ll get back to this in a minute. I’m just reading the list for the benefit of Liberals listening and the citizens interested.

“(c) adopt and implement measures specified in the regulation to encourage involvement by parents of pupils of the board in education matters specified in the regulation;

“(d) adopt and implement measures specified in the regulation with respect to the provision of special education services by the board;

“(e) adopt and implement measures specified in the regulation to promote the health of the board’s pupils”—God knows what this is, but it sounds like gym classes.

“(f) adopt and implement measures specified in the regulation to promote the safety of the board’s pupils and staff”—I wonder what that means, but we’ll see.

“(g) publish reports respecting the board’s compliance with regulations made under this section, in accordance with such rules about form, frequency and content as may be specified in the regulation.”

So what a number of people are saying, after hearing all of these new centralized powers that the government is giving itself, is, “What is left for boards to do?” The ministry can unilaterally implement measures in every field it wants. In fact, the chair of the Toronto board, who is a good person and a Liberal, said the following about this bill—

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): He’s got to be a good person. He’s a Liberal.

Mr. Marchese: Sorry? I didn’t want to equate “good person” with “Liberal.” I wanted to say, she’s a good person and happens to be a Liberal at the same time.

“Bill 78 is probably one of the most dangerous bills I’ve ever seen. There is almost no role left for us”—and they’re planning a committee to examine and comment on the bill. I am convinced that the Liberal backbenchers are not frightened about this, that they probably will say that the chair of the board is misguided, I suspect, that they’ll probably say she really hasn’t read the bill very well. It could say, “We really are not going to do any of the things that she fears and”—of course—“there’s a great deal of flexibility for boards, even though there’s so much that we prescribe,” and blah, blah, blah. I am convinced a lot of the Liberal members who are teachers might comment on this. I hope they will in their two-minute responses. Already, the chair of the Toronto board is very worried about the powers it’s giving itself, and I’ve got to tell you, I am too.

One of the measures is the following: “(b) adopt and implement measures specified in the regulation to ensure that the board achieves student outcomes specified in the regulation.”

I have to say this: For quite some time now, standardized test results in Ontario have been manipulated by governments eager to win public favour.

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): Nonsense.

Mr. Marchese: I know, David. It's hurting you already.

When the Harris Conservative government wanted to create a crisis in education, standardized test results were interpreted to indicate the system was failing. When the same government wanted to solve the crisis, test results began to improve. I remind you that I accused the Conservative government of manipulating the test, and Mr. Kennedy, my colleague in opposition, did the same: accused the Conservative government of manipulating the test, as I did.

In 2003, Dalton McGuinty pledged that 75% of students would pass their Education Quality and Accountability Office test, and now test results are better than ever. Or are they?

Mr. John O'Toole (Durham): No, they're not.

Mr. Marchese: You don't mind that, do you, John?

In the spring of 2005, the EQAO tests, otherwise known as the Education Quality and Accountability Office tests, were administered to grade 3 and grade 6 students. The tests that were administered were drastically different from previous tests and were virtually guaranteed to produce higher results, to support the Liberal government's education policies and to keep the promises made by the Minister of Education.

Imagine an opposition party promising to bring 75% of the students to a level where they would be achieving at the standardized test levels that were determined by the government. I understand how complicated it is to bring students who are at the 50%, 52%, 55% level on the basis of the standardized tests that were devised by the previous government—imagine how complicated it is to bring 75% of the student body to that standardized level.

It may be just a figure, but it would be so nice if some of the principals who are now ministers and who are now Liberal MPPs would comment on this, because, as former teachers, they would know how difficult this is. I would love to hear from teachers and other people who are trustees in the field say, "Oh, we stand by it," because I've got to tell you, you can't do it. You cannot bring the 52%, 53%, 54% level of achieving that to 75%. It means you've got to work like you never have worked before to change the result ever so slightly. Even if you could change it slightly without changing any of the criteria, it would be an accomplishment. But without changing the criteria, you can't move those benchmarks; it's simply impossible.

So how did the Liberal government accomplish a moving up of the benchmarks so that students were achieving not at 55% levels but at 60% levels? This is how they did it: The total amount of material in the test was reduced such that the suggested length of time for the test was reduced from 12 hours to six hours. Teachers were told that additional time could be allowed and students were to be given all of the time they needed to complete a section. Do you understand? If you're there

for six hours, you could be there for 12—all the time that you need to be able to do the answer.

There was a higher percentage of multiple-choice questions in the mathematics test. Children were allowed to use calculators for all mathematics questions, including the multiple-choice questions. There were denials from the minister, but we know that this was the first time that calculators were used in the grade 3 and grade 6 tests. The tests were described by teachers as more manageable and easier than in previous years.

Do you understand? It is very tempting for a government, whether it's Conservative or Liberal, to influence the results, particularly when the scores have been used as the main measure of the system and when they have enormous political consequences.

The body that governs standardized testing in Ontario, the EQAO, is said to be an independent agency with a mandate to evaluate and report on the quality and accountability in Ontario's publicly funded schools. It's actually governed by a board of directors directly appointed by the cabinet of the Ontario government, which creates, in my view, an unhealthy relationship between the two institutions. While many of those EQAO members are honourable and I don't question their ability, there is a problem.

It may be that some of the changes have some merit. The problem is that, by all accounts, the 2005 tests were easier, and the changes that were made to the tests should have received as much publicity as the minister's promise of higher test scores. They didn't.

1920

The minister got a lot of publicity for saying that 75% of students would pass their EQAO tests. Lo and behold, last year the test results were higher. I can guarantee to you, Speaker, and to those who are teachers in the Liberal backbenches and former principals, that the results next year are going to be higher. More and more students will achieve at higher levels, as prescribed by the Liberal government. It is inexorable. It is inevitable. The government has willed that the marks and the percentage will go up. And we now have it—

Interjection.

Mr. Marchese: Member from Mississauga West, I'm looking forward to your participation—we now have it in the bill as part of the provincial interest.

Interjection.

Mr. Marchese: He's really having fun; I'm so happy to hear him.

As part of the provincial interest, here's what the government says: "adopt and implement measures specified in the regulation to ensure that the board achieves student outcomes specified in the regulation." Do you understand what I just read? You see, my problem is that I don't know what the members understand. But what I just read to you says that, "The boards and teachers will achieve the measure that we establish; 75% of the students will measure up, will achieve at- or above-average levels established by the government." They will do it. It's written. It's written in the regulation. They will do it.

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): Do you know why? More resources in the classroom.

Mr. Marchese: More resources.

Mr. Brownell: Yes, we put more resources in the classroom.

Mr. Marchese: I just pointed out to the member from Stormont–Dundas–Charlottenburgh that you manipulated the test, but I know you don't want to hear that. And all the members are so funny; they say, "What do you mean?" I read to you all of the things you've done, manipulated, to achieve the result you want, and all you can say is, "But no, it's not true."

Mr. Brownell: We put more resources in the schools for teachers.

Mr. Marchese: No, member from Stormont–Dundas–Charlottenburgh, what you've done is reduced the length of the test from 12 hours to six hours. Teachers were told that additional time could be given to any student to finish the questions, to take as much time as they needed, which was not done before. There was a higher percentage of multiple-choice questions. They could use calculators, which they couldn't use before. And overall, it was easier. That's what teachers have said. You can say what you like, but these are the facts.

Mr. Brownell: Why not treat students with respect?

Mr. Marchese: Yes, teach them with respect.

What other things do we have here that speak to other measures having to do with special ed?

Interjection.

Mr. Marchese: John, I've got something more for you.

Mr. O'Toole: I'm taking notes.

Mr. Marchese: Item 4, otherwise known as (d) here in the bill, is: "adopt and implement measures specified in the regulation with respect to the provision of special education services by the board." I've got a lot to say in this regard, because I have dealt with this for a long time. Gerard and I have had a good time in committee about this. I want to talk to you about it.

In 2004, the Liberal government clawed back \$83 million from the boards of education related to special ed. The minister and all the Liberals who were following this issue denied it. I usually say that the government stole monies from boards that had put money in their reserves. The reason boards did that is because they couldn't spend the money in the later part of the year when the money was given. So if you can't spend it at the end of the year, you put it in your reserve account to spend it for September. The minister said in 2004, "The board stashed away money it's not spending for special ed, and we're going to take it back." So they steal the money that they had given on the basis of the forms that had been filled out by teachers, and then the government a year later slowly starts to dole out the money that had been taken from the boards, all the while presenting it as new money. So for a couple of years, boards of education have been getting very little money for special ed.

Remember that under the Conservative government there were 40,000 students waiting to get services,

waiting for an IPRC, otherwise known as identification placement review committee, which reviews the special need and then suggests a curriculum, a program, for that individual on the basis of what the various specialists determined was the problem. That waiting list is still as big under this Liberal government as it was under the Conservative government.

Not only that, when we went into committee last year, we asked the Minister of Education, "Are you capping the amount of dollars that is going to special ed?" He denied it. Three times I asked him the question: "Are you capping money that would otherwise go to special education students?" You know that most of the students would be getting \$17,000 a person. What we discovered, after three tries—and I read from documents by a director of the board of the ministry and an assistant minister, the commentary by two people that said they were capping the amount of money that would go to special ed, and that cap was \$40 million. So, irrespective of needs, the government was going to cap the amount of special education dollars no matter what.

When I showed him the documents—because he wanted to see them; I was very courteous, of course, and I went to him and gave him the documents—that revealed that his ministry was capping the amount, he had to admit that he had been caught. He didn't say that, but he had to admit that it was a problem, that he had a problem on his hands. In spite of what he tried to do with the civil servants to keep it under wraps, he couldn't. It was on paper. I had it, and I showed it to him. Two days later, last year, he issued a correction and made it appear like he was doing this. He didn't give Rosario Marchese any credit for catching him in a manufactured position. He didn't say, "Rosario made me do it." He made it appear like he issued a correction.

I've got to tell you, I don't trust this government. I didn't trust the former minister to deliver more money for special ed. I have no faith that the new minister will do this, because I have to say this: The ministry staff is on record as telling directors of education that the goal is to get down to an 8% incidence rate for special education. Even the Harris Tories had an incidence rate going of 12%. The McGuinty government has also indicated in the two memos to directors of education that special education funding for net new needs in the province was to be capped. That was part of the same memo. So what is it that the ministry is looking to do? Reduce the incidence rate of identification of special ed.

Mr. O'Toole: Exactly.

Mr. Marchese: John, I've got to tell you, your guys and gals wanted to do the same, but these Liberals want to reduce the incidence rates even further. What does it mean? It means that boards are being asked to redo the way in which they identify special ed students in such a way as to reduce the incidence rate, reduce the number of students who would otherwise need special ed. It's on the record.

To the member from Mississauga West—okay, he'll be back shortly; oh, here's my buddy, because I want to

engage you—it says, “to adopt and implement measures specified in the regulation with respect to the provision of special education services by the board.” In other words, the ministry says, “Reduce the incidence rate.” The ministry said, “We were going to cap,” until I caught you in the mendacity trap. Then, once we’d done that and the minister was caught, what are they to do? We are vigilant, we are watching. We were watching the former minister; we’re going to watch this minister.

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Mr. Gilles Bisson (Timmins–James Bay): Kathleen Wynne.

Mr. Marchese: No, no, we’ve got Papatello. We’re going to watch this minister and we’re going to prepare Minister Papatello for what is to come, because we’re going to invite her to estimates committee, where she’s going to have to defend herself. I hope she’s well prepared to deal with these issues because, I’ve got to tell you, we’re going to see less and less money, less and less services going to special ed than we’ve ever seen before; similarly with autism. This government has broken its promise on issues of autism, and Shelley Martel from Nickel Belt has been keeping this government accountable on a day-to-day basis, month after month.

I’ve got to say to you, the Minister of Education didn’t have a clue about this and neither did the other minister, the Minister of Comsoc, who was dealing with this matter. Here’s what they’re doing: They’re giving \$25 million to an outside agency—and they may or may not be teachers—to provide autism support to teachers in the system. Remember, these consultant types, whether they be teachers or not—because we don’t know; some of them may or may not be teachers—are not allowed to teach. They cannot go in the classroom; all they can do is provide support. We estimate, based on the money, that there is one teacher for 30 students that require autism support. Imagine that. Where they normally get autism support for a whole day by a teacher—not a whole day, but a one-to-one kind of teaching—they’re having one consultant for every 30 students that require autism assistance. They can’t go in the classrooms, they’re not really doing anything hands-on, and that is what this government claims it is doing by giving more money.

These additional powers it’s giving itself under section 11.1, under “Regulations re provincial interest,” are all designed to control things centrally in a manner that is worse than what the Tories did. Instead of dealing with a flawed funding formula that is still the same flawed Conservative funding formula of 1997-98, we are prescribing all sorts of things that are in the interests of the Liberal Party, which is now the government, and nothing to do with kids in the educational system. If they were really interested, they would deal with the capital problems we have in the entire Ontario system. There’s \$4 billion they claim they’re giving, and that \$4 billion is to be assisted by their own money to carry the loan. They were going to give 275 million bucks to carry the loan for \$4 billion worth of projects. So far, in the last three years, all they have given is 75 million bucks, and now the rest

of the \$200 million is rolled over into a new five-year plan the boards are supposed to engage themselves in, even though we had the most thorough of studies in 2002-03 revealing where the problems were in our school system. Instead of getting to the matter, we’re going to delay the \$200 million that should be going to fixing our schools and rebuilding those broken-down schools.

We’re wasting a whole lot of time not helping anyone out, and we’re not fixing that flawed funding formula that would genuinely help to get more special education services: ESL services, to get librarians into the system, to get music teachers, guidance teachers, young people who used to work with kids at risk in the Toronto board who are no longer there, who are suffering on their own. There is so much work to be done. This bill doesn’t help students very much. It’s all designed to advance the political Liberal interests of this province, and nothing more.

I’m looking forward to the two-minute rebuttals that the Liberals have. I hope that some former teachers, trustees and principals will comment on what I had to say.

The Deputy Speaker: Questions and comments?

Mr. McMeekin: I wish I had more time than the two minutes allotted to respond to my good friend from Trinity–Spadina, whose love for education and the students in this province is well-known; who has a passion for this, which I admire; who is clearly prepared to go, in some instances, much further than we’re prepared to go, but we’re trying to take a responsible, balanced approach here.

I want to just say, in the brief time I have, that we’re big fans of “what gets measured, gets done.” We’re big fans of establishing some standards. The 75% passage on the test is a high standard, admittedly, and would be tough to meet, but we’re wanting to marshal resources to do that. We’re serious about that. We think that’s what parents and others want to see happen.

I was a little surprised, to be honest, that the member, for whom I have so much respect, actually argued, if I understood what he was saying, that he was opposed to having members of the college taking an oath to protect the public interest.

Interjection: What?

Mr. McMeekin: To take an oath to protect the public interest. The argument is, we want to depoliticize the college and we want to make sure that we’re not running federation slates of members. We want to keep it clean and with a virtuous intent. That’s to enhance education. So I really am surprised. We take an oath of office here, and people who are dedicated to the college and its objectives won’t fear taking an oath.

Mr. O’Toole: It’s always a pleasure to listen to the member from Trinity–Spadina. I would compliment him very directly, as his time as a trustee and as a member here and as the education critic is very well-informed. In fact, I’ve been on a number of panels with the member from Trinity–Spadina and have a great respect for his knowledge and some of what he perceives as criticism of

the government, not just on Bill 78. I would say respectfully that my sense is that the member from Don Valley West, Kathleen Wynne, and Mr. Marchese and myself have been on programs, and I'm often diminished in those programs because of their insight and commitment to education.

But I think he raises a very good number of points. In the very brief time I have, in the comments he has made in the last hour, he's talking about the deficiency between what Mr. Kennedy and the Ministry of Education say they're doing and the reality. I think Mr. Kennedy is actually getting out just in time, because clearly it was peace at any price during the time of Mr. Kennedy. My wife's a teacher, so I have the greatest respect—there is no criticism intended here—but I'm reading an article here in a Toronto paper and it's warning, "Deficits Ahead." What it says here is that the Toronto board—not just the Peel board; I would say about 60% of the boards of education—as Mr. Kennedy leaves the ship of education, the Good Ship Lollipop, it is going down. I put to you that about half the boards are in deficit, and Mr. Marchese has pointed out the reasons why.

Mr. Shafiq Qadri (Etobicoke North): I think we on the government side have posed ourselves this question: What will it take for our future generations to succeed in the new knowledge-based economy? I think it's clear that one of the components, one of the pillars, one of the building blocks of that is the education of our grade school kids, of our youth, because it's only once they've acquired the appropriate skills and the appropriate milieu has been set up, where learning is not only a task but a pleasure, and also the whole idea of lifelong learning is instilled, that we as a province, as a people, as a nation, will be able to succeed. For example, in the student performance bill, Bill 78, there are a number of different components. Whether it's a reference to peace and stability, student performance, teacher excellence, all of these things are part and parcel of the components of the new era, I would say, of respect, mutual understanding and synergy between governments, parents and of course the student population.

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It was George Bernard Shaw who said, once upon a time, that you should never let your schooling interfere with your education. I think this particular bill, Bill 78, actually refers to that in spirit: to remove some of the barriers; to open up opportunities; to reconfigure the tests, whether it's moving towards the digital age to allow the use of calculators, for example, and so much else; whether it's dealing with lower class sizes or basically changing around some of the contract negotiations and obligations that we as a government have.

All in all, this is part of the McGuinty commitment to education, which we know is the route to empowering our next generation for success in a knowledge-based economy.

The Deputy Speaker: Questions and comments.

Mr. Bisson: First of all, I want to explain math to the government House leader's office. I think we need to

understand how we add four to whatever premise you put together when it comes to mathematics, if four by 9:30 or four within 30 minutes—anyway, you know where I'm going. That's inside baseball. Nobody knows what that was all about. It was inside baseball.

I want to say that my good friend Rosario Marchese, the member from Trinity–Spadina, is well-known as an advocate for education. I think he raised a number of points. But I want to ask him a couple of questions because I think they are questions that need to be answered.

The first question is, we all know that when education was transferred over and the deal was made between the province and the local school boards by the Conservative government, there was a shortfall. We all understand that. As a result of that shortfall, a number of programs—plus some reductions that were made on the part of the Conservatives at the time—

Interjection.

Mr. Bisson: I don't want to beat up on you guys too bad, because that was—

Mr. O'Toole: That was then; this is now.

Mr. Bisson: That was then; this is now. That was Ernie Eves?

Mr. O'Toole: Dave Cooke. Dave Cooke was the guy.

Mr. Bisson: Dave Cooke? I remember him too.

The question I want to ask of my good friend the member from Trinity–Spadina is that we are in a situation where the Rozanski report came back and said it was going to offer a solution to dealing with the funding inequities of education. My question to my good colleague and friend is this: The francophone community, when it comes to education—I just met with a number of them last night—is saying that in order to fill the gap, we should have been at about \$120 million. What I'm really curious in finding out, if he can give an explanation, is to what degree this government has kept its commitment to fund Rozanski when it comes to the overall funding envelope to education, but specifically to the education formula when it comes to francophone school boards. I'd be really interested in seeing what those numbers add up to, if they add up to four by 9:30 or four within 30 minutes—

The Deputy Speaker: Thank you. The member for Trinity–Spadina, you have two minutes to respond.

Mr. Marchese: I'm not going to address the speakers, because there's so much to say. So in two minutes I'm going to try to summarize as much as I can.

There is a matter dealing with regulation governing class size in the schools. This regulation is designed to establish the methods to be used by a board in determining class size. The fear we have about that is, it leaves the door wide open for the government to manipulate the enrolment stats and declare that the classes are open. Are class sizes going to be determined by grade, by division, by school, by board, or by whatever method will provide the most flattering picture? We're worried about that. I didn't have time to talk about that particular matter.

I wanted to also raise that, while teachers are going to have a teacher induction program, much of the appraisal

process for teachers obviously is going to be done by principals. There is nothing in this bill that talks about an appraisal process for principals. It's all about appraising the qualifications, the skills of a teacher, but not of a principal. We know that principals are vital in our school system, and I would have liked to have seen something vis-à-vis that.

I want to say that while the government speaks about peace and stability—the Liberals hide behind this peace and stability clause and they do it ad nauseam; it just makes you sick after a while, I have to admit.

Members talk about McGuinty having an education commitment. If he did, he would be dealing with the special education problems. If he did, we would have the new transportation funding model that they've promised for the last year and a half. If he did, he would deal with ESL problems. If he did, he would deal with the capital project problems that we have. He would also fund the lack of services in our French-language education. While they give some money, we're still short by millions and millions. We have a discredited funding formula that we've been using since 1997. If he were so committed, he would be dealing with all the issues, and this bill doesn't do it.

The Deputy Speaker: Further debate?

Mrs. Liz Sandals (Guelph-Wellington): I'm very pleased to be able to speak tonight in support of Bill 78. I would like to begin by congratulating our new Minister of Education, Sandra Pupatello. I'm absolutely delighted that Sandra is going to be our new Minister of Education. She brings passion to every job that she does, and I am sure that the passion she brings will be appreciated by the students, parents and teachers in our province.

I'm going to attempt to speak to Bill 78 tonight. I will try and address some of the areas that are raised in the legislation because a lot of the comments haven't had a lot to do with it. But the member from Trinity-Spadina did bring up the whole matter of investigation and supervision, and I think it's worthwhile to go back over what happened under the Tories.

Within the Education Act, there has always been the ability for the Ministry of Education to take over a school board if in fact that school board is in financial difficulty. That's not new. What changed with the Tories was the punitive nature of the rules. In particular, one thing that was very offensive to trustees was that they could be held personally liable for any deficit that the board incurred. There were a number of things in the supervision legislation which were personally offensive. Quite frankly, what we're doing in this legislation is putting the language back, closer than it was historically.

If I can bring people back to remembering what happened: In three cases in particular under the Conservatives, they ignored the section in the act that allowed them to bring in an investigator and, much to the surprise of the boards, went directly to a supervisor, who took the board over. In each of the cases, I think the education community would have agreed that the person who was selected to supervise the board was hostile to public

education and to governance by trustees. This was a very, very painful and confrontational time within the history of education governance in Ontario.

What Minister Kennedy has done in this recent situation, where a school board, Dufferin-Peel Catholic District School Board, was suggesting that they were in some financial difficulty, was to go and do what school boards had historically expected that the Minister of Education would do in a case like this. Mr. Kennedy didn't appoint a hostile supervisor; he appointed a knowledgeable investigator. There's a critical difference here: The investigators who were appointed were in fact retired directors of education.

I happen to know one of the investigators quite well. Bill McLean is the retired director of the Niagara school board—a highly respected individual within education circles in Ontario. I have to tell you that when Bill McLean gives a reasoned analysis of somebody's finances, that has high credibility within the education sector in Ontario.

That is what Minister Kennedy—until this morning, Minister Kennedy—received yesterday from Mr. McLean and his co-investigator: a very reasoned analysis with some suggestions as to how the board could come into a balanced budget. I just want to note that there is a critical difference here in the way in which this unfolded. In this case, we have had a supportive investigator who understands the sector and who has made constructive and helpful suggestions.

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What I want to go on to is actually talking about this whole issue of the college of teachers. I have to say that I am personally very supportive of the idea of the college of teachers. It recognizes that teachers are in fact a profession, that they should have a self-governing college and that they should have some sort of governing structure which is similar to other self-regulating professions. I would point out that in the vast majority of self-regulating professions in the province of Ontario, the members of the college—i.e., the doctors, the lawyers, the nurses or the veterinarians; whomever—have the majority of the seats on the governing council of the college.

When the Conservatives set up the college of teachers, they didn't trust teachers. So unlike with all the other professional colleges, they said, "Those people can't have the majority. We're going to give the majority to somebody else because we don't trust classroom teachers." What we are doing in this bill is putting the college of teachers governing structure back to the governing structure that is normal for all the other self-governing professions in the province of Ontario.

The other thing the Tories are going to tell you is that the sky is falling and that these teachers are going to be union members. Well, of course they're going to be union members. There's a law in Ontario that says that every classroom teacher has to belong to a teachers' union. They have to, by definition, be union members. But there is a difference in what we're doing in this

legislation from what the Tories did, because under the Tories, having set up a fight with the teachers—it was, “We don’t trust you, teachers”—what happened was that on the Tories’ college of teachers virtually every teacher representative was actually a member of a union executive—not a rank-and-file member but a member of one of the union executives.

What we have said is that we want separation between the union executive and the rank-and-file teachers. We are saying in this bill that if you are a member of a union executive, you cannot be a member of the governing council of the college of teachers. We are bringing in this legislation the very thing the Tories are complaining is going to happen. What they’re complaining about is already happening, and we’re stopping it. They’ve got it totally backwards. But then I don’t think they really understand teachers.

The member from Trinity–Spadina wasn’t exactly sure about what it was that the college could do differently from what school boards could do. There are a couple of very important functions of the college of teachers which school boards cannot do. One is that the college of teachers is responsible for accrediting the faculties of education and making sure their programs meet the requirements of the college of teachers. The other thing which school boards cannot do—they can certainly discipline their teaching employees, they can dismiss or fire, but what they cannot do is remove the teaching licence. For example, if a teacher—and this would be very unusual—were to be found guilty of sexually assaulting a child, a school board can fire that person. A school board cannot remove the licence to teach in other situations. The college of teachers can do that. So the college of teachers has some very important functions above and beyond that which school boards can carry out.

The whole issue of the teaching test: The Tories thought you could sort of test anything, and they introduced the idea of the teacher test. I actually agree with the member from Trinity–Spadina that the teaching test, after a great deal of kerfuffle about trying to figure out how you write a paper-and-pencil test to discover if someone can actually teach, obviously doesn’t do that very well. The vast, vast majority of people who try the test pass. I think everybody has agreed that it doesn’t, in fact, carry out a terribly useful function in the whole area of teacher education and teacher development.

So what we are doing is removing that teacher test, which I think everybody agrees is not a terribly functional test, if you will, of how people are doing as they come into the profession, and introducing an induction program. What the induction program will do is provide a mentorship to first-year teachers. They will be partnered up with a senior teacher, who will help them with their classroom practice, with their teaching strategies, and make sure that they have a mentor through that first year of teaching.

There was some reference earlier to the fact that this bill references the protocol for teacher appraisal. What’s

going on here is that, in fact, there is quite an extensive system in legislation already for not just teacher appraisal but, I would add, appraisals for directors of education, supervisory officers, principals and vice-principals—all teachers. What this does is amend the teacher appraisal process for first-year teachers so that that mentoring induction process is tied to the appraisal of the first-year teacher. So, as they go through that induction process in the first year, they are being supported, but what’s going on in the classroom is actually being evaluated.

So I would like to suggest to you that we are making some very positive changes here which will support teachers and will support students in their learning. I think that what we are doing is improving our public education system, and I’m very happy to support this bill.

The Deputy Speaker: Questions and comments?

Mr. Marchese: We’ve learned from this member that the college of teachers can pull the licence of a teacher, which boards can’t do. Anything else? So imagine, a whole college of teachers—

Interjection.

Mr. Marchese: Ah, the member will elucidate further in terms of what other powers the college of teachers has that a board doesn’t have or could not have. All I wanted to say was, imagine the incredible bureaucracy we set.

I supported the college of teachers, I’ve got to tell you. It’s not as if I didn’t support it, because I thought, “Okay, we’ll have a college of teachers. They’ll talk about education. They’ll be concerned about educational issues, teachers,” and blah, blah, blah. And I thought, “Okay, but what are they doing?” Not to vilify any members, individually and/or collectively, but I’m sorry; just to be able to pull the licence of a teacher?

My good friend from Stormont–Dundas–Charlottenburgh was talking about how he was in consternation when I stated that the now members of the college of teachers are going to have to take an oath. It was okay before, but all of a sudden now, they’re going to have to take an oath. What a surprise that this member from Trinity–Spadina should say, “Why do we need this? What’s the point of this oath that is designed to articulate a provincial interest? What is that about?” All I said is, it’s silly. It really is, and I repeat it. I’m also saying it’s silly that you’re going to create a public interest committee where you’re going to have three to five members being highly paid to prescribe the form of the oath, determine the contraventions of the oath, and govern conflict of interest. It’s silly. I wanted to repeat it for emphasis.

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Mr. Richard Patten (Ottawa Centre): Thank you for the opportunity. I would like to commend my colleague from Guelph–Wellington, who, in a short period of time, demonstrated her experience and accumulated learning and wisdom related to the whole field of education.

A number of us have been touching on the college of teachers. I must tell you that I was a member of the Legislature at the time this was presented. I did not vote for the bill. I had two concerns. One was that it was not

truly a college of teachers per se. Many professions that have colleges or institutes or overall bodies that represent the profession have a majority—the law society or whatever it may be.

The member from Trinity–Spadina asked, what do they do? Well, they do a lot of things. They have a disciplinary committee, as you know. They provide a process for licensing. They scrutinize applications of teachers from other countries; that takes a considerable amount of work and research, as my friend from Guelph–Wellington would well know. They interface with the minister from time to time, in terms of issues that have been raised that they believe, in the interests of the profession, should be pursued, should be considered further, or that might have some kind of adverse effect on the profession. Therefore, they identify that, representing the best of what the profession can provide.

I commend my friend from Guelph–Wellington for her remarks. I know she carries with her very considerable thought.

Mr. O'Toole: I want to extend my congratulations to the new Minister of Education. I would say that it is a change. Bringing it back to the response to the member from Guelph–Wellington, I'm somewhat surprised, and marginally disappointed, that she wasn't appointed, or the member from Don Valley West, Kathleen Wynne. They are two eminently qualified people who could have made a valuable contribution, given their experience. Having served as a trustee, I could say that many of the points she made were valued, and perhaps pretty much written out for her to read.

In my view, there are several troubling sections in this bill. Members should know that in the explanatory notes there are several sections—in fact, there are 10 sections—that are relevant to the debate tonight. I would say that one of these is section 55, which deals with the role of the student trustee. I endorse embracing that role. Education is really, at the end of the day, about students and their educational opportunities. Their voice, at the moment—we changed it; we mandated a school trustee to be on the board, and I would support that section of the bill strengthening that role.

The governance issue is quite another debate. It's a section that I have certain troubles with. In fact, as our critic, Frank Klees, said, it is peace at any cost. That's what the problem is. We've retreated from the position—quite honestly, there needs to be harmony; there needs to be peace in education. My wife is a teacher; my daughter is a teacher. I recognize that difficult and challenging role. But when I see the difficulties with the Peel board and with the Toronto board, there's more to be done. This bill does not get us even near the point—

The Deputy Speaker: Questions and comments.

Mr. Bisson: I think the member was doing a fine job; we could have given him a bit of extra time. But he ran out of time, and it's my turn, so I'm going to use it. There are just a couple of things I want to touch on, and I'll get a chance later in much more detail as I take my full time to respond to this particular bill. I note that the Minister

of Northern Development and Mines and the Minister of Natural Resources are happy about that. That's good.

Just quickly saying a couple of things, one of the things that I guess is a positive step in regard to the legislation but that I don't think goes to the extent I would like, is the whole issue of who has governance of the college of teachers. I've always believed that with a professional association or licensing body, normally what you end up with is a majority of people, larger than one, who are on the particular board. For example, if you take a look at various colleges out there that are basically in place to license, to regulate, to ensure that individuals are conducting business as per the profession, it seems to me it's not unreasonable to ask that a larger number of people who come from that profession sit on the board.

Mr. Marchese: At least there's a majority, so it's okay.

Mr. Bisson: Yes. There's a majority of one. I guess it's better than what was there before. But I would argue that it should have been more than just one, for all kinds of reasons that I'll get into a little bit later.

The other thing I wanted to touch on—it's a step in the right direction but, again, it would have been nice to do something a bit different—is the whole devaluation of trustees. In the past, we actually devalued trustees by lowering what they were able to make for remuneration, and then said, "We don't value what you do." This legislation does go, to an extent, to try to reverse that, but I don't think it goes to the degree that it needs to. Again, I'll get a chance to speak to that a little bit later. I want to know from the member how she feels about that particular section of the bill.

The Deputy Speaker: The member for Guelph–Wellington has two minutes to respond.

Mrs. Sandals: Thank you to the members for Trinity–Spadina, Ottawa Centre, Durham and Timmins–James Bay for their comments.

I just want to quickly address this issue of the majority of one. I think it's important to note that classroom teachers will now have a majority of one. However, in addition to that, principals and vice-principals, supervisory officers and directors, who are also licensed teachers, will have membership on the college in addition to that. So in fact, in terms of licensed members, the size of the majority is much more than one.

What does the college do? It sets the standards of practice for the profession. It provides accreditation for the faculties of education. It looks at additional qualification courses. It ensures that people in schools are teaching to their actual specialty. It deals with issues of licensing, including licensing of foreign-trained professionals. When a school board goes to hire a teacher, it can pick up the phone, go to the college, and say, "Yes, this person is licensed and qualified and, in particular, they're qualified in the following areas of teaching," so that everybody can deal with that.

It also deals with public complaints. Any member of the public in Ontario can lodge a complaint with the Ontario College of Teachers and it will be investigated.

But I want to go back to this issue of the ability to remove a licence to teach, because the member from Trinity–Spadina made it sound as though this is a trivial issue, and it is not. I know the frustration, as a trustee, when we would fire a teacher who had done something very egregious to a student, to find that that teacher had popped up in some other board with another group of students, with no ability to remove that teacher. Removing the licence is important.

The Deputy Speaker: Further debate?

Ms. Laurie Scott (Haliburton–Victoria–Brock): I'm pleased this evening to address Bill 78, the Education Statute Law Amendment Act (Student Performance), 2006, and start off by congratulating the new Minister of Education, Minister Papatello, and making some comments on the former Minister of Education, who certainly has been very skilled at honing his own image as a politician. There is no doubt why many in the federal Liberal Party regard him as an attractive candidate. Perhaps it's because other leading candidates for the Liberals are ex-socialists, ex-Conservatives and expatriates.

I would also like to note the active involvement of the Toronto Star in encouraging the former minister's candidacy for the Liberal leadership, much like they did 10 years ago when the other leadership was going on in the Liberal Party. I hope the Star continues to support him and doesn't pull the rug out from under him.

One of the many costumes the Premier has tried on and admired himself in is that so-called education Premier, which is what we're speaking about tonight: education. That's certainly not when he's trying out the other costumes: the results Premier or innovation Premier. He thinks all these different outfits make him a master of messaging. All it does, in reality, is make him a master of disguise, which we've noticed here. It's more than passing strange that the education minister would want to abandon the education Premier. When you look at a past government's claims about what it would achieve in education and get to the reality, it becomes clear that the minister decided to get out while the going is good.

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My colleague from Oak Ridges, who is the critic for education, spoke at length this week, and did an excellent job of reviewing the specifics of the bill in his opening remarks. I echo and endorse the comments he made.

I think this is an appropriate time to talk about the former minister's two-and-a-half-year record in education, a legacy he's leaving for the new minister to pick up. It's fitting that this bill has turned out to be the last piece of legislation of the previous minister's reign in education. It contains many symbols and touchstones of this government's approach to education, which might be best described—from a movie I like—as Scarlett O'Hara when faced with unpleasant reality: "I'll think about that tomorrow."

When this party was seeking the votes of parents, they promised the parents of autistic children that, if elected, they would extend support and education services to autistic children over the age of six. After the vote was

over, the government broke that promise, as they broke many other promises; I think we're at over 50 broken promises now of the long list of 240 they made during the campaign. It was articulated very well by the member from Trinity–Spadina about autistic children and not enough funding, especially special-needs funding, in the school system. To add insult to injury, they continued fighting the parents of these autistic children in court. After the ruling that they discriminated against these children, that appeal continues to this very day, the minister's last day in office.

There's another promise the fleeing minister made: the promise to keep rural schools open. We all remember that one.

Mr. Wilson: We had six closed.

Ms. Scott: That's right. The member from Simcoe–Grey says six are closing in his riding.

He stood by while other schools closed: Ross Mineview, Laurentian, and other places like Thunder Bay, Port Hope, Horton, Deep River and Oxford county.

Mr. O'Toole: Durham as well.

Ms. Scott: How many schools closed in Durham?

Mr. O'Toole: We had more new schools when we were in government—

Ms. Scott: Yes, again the Conservative record comes through in education: more new schools built. Certainly in my riding of Haliburton–Victoria–Brock, we had expansions and new schools under the Conservative government.

Interjection.

Ms. Scott: Massive expansion in post-secondary, but we'll get back to public education here and the bill tonight.

One of the signature promises of this government was a hard cap of 20 students in classes from kindergarten through grade 3. Recently, the government admitted that as many as one in 10 classes are not going to meet that standard. Many students in these grades are in portables as we speak—another broken promise.

An interesting historical note: This was not the first Liberal government to promise to cap class sizes in early grades. The Peterson government made that exact promise in the 1987 election. It served them well at the ballot box; they won a huge majority. But it's interesting to note that the five-year-olds who entered senior kindergarten in the fall of 1990, three years after the Peterson election promise, grew up to be the 15-year-olds who wrote the first grade 10 literacy test administered in the fall of 2000. Only 61% of those 15-year-olds passed both the reading and writing parts of the test. Just a little interesting fact that I thought the members opposite might find intriguing.

The minister told the public he wants to prepare our children for the high-tech jobs of the future, but as a parting gift, announced that calculus would be dropped from the high school curriculum. I know very few people who remember calculus fondly. I'm probably one of them, I have to admit, but I suffered through it. But it is essential to the engineering and many other scientific

disciplines. Dropping calculus from high school does nothing to prepare our kids for high-tech careers, and it's setting them up for failure in their first year of university. That's irresponsible. It's short-sighted. It's almost cruel. I hope the new minister will reconsider this reckless move when she has more time to be in her file.

In three years, the departing minister brought forward the lightest legislative load of any education minister in history. But he's travelling the province on the taxpayers' dime, drumming up support for his federal leadership. After all the speculation, finally today he does the announcement, and he's off to contend for the federal Liberal leadership.

The former minister talked about a so-called stability commission for education—a truly Orwellian concept.

Interjection: I like that.

Ms. Scott: Yes, it's a good word. I thought it was fitting; a good word.

Mr. Wilson: It's a layer of bureaucracy you don't need.

Ms. Scott: No. More layers of bureaucracy—something Liberal governments are famous for.

No matter what's happening in the government—school boards, unions, unkept promises, underachievement, lowering standards for the students, underfunding—the minister of the day will say, “We have this lovely commission that's ensuring stability, and everything is going to be great.” Isn't that great? “Peace is war; freedom is slavery,” as the old saying goes.

The first act of obfuscation involving this commission is its very existence. Where is it? The minister said that the commission was in place in November of last year. The boards continue to be promised that it will exist, but it still is not in place, leaving school boards and principals in confusion. That's just one of the many things they're in confusion about.

The school boards have been telling the government for two years now that the busing costs are killing them. In my riding of Haliburton–Victoria–Brock, in all the rural ridings, it's school bus issues—not enough money—and the rubber-burning minister did nothing about that either.

Mr. O'Toole: That's tragic.

Ms. Scott: I know. Let's look at some quotes. “Local school officials would like to see more Kennedy-style leadership taken to readjust an unfair funding system for school buses”—

Mr. O'Toole: He's leaving.

Ms. Scott: That's the leadership. He is leaving, fleeing—“which cause Guelph's two school boards to pay \$1.5 million more for transportation than they get from the government. The problem is that two of the province's biggest school boards, Toronto public and Ottawa-Carleton Catholic, don't have to sign on to any change that means they'll get a smaller slice of the transportation pie. Guelph's school boards, meanwhile, are arguably subsidizing the bus expenses of these other boards.”

That's an issue in my riding, with Trillium Lakelands District School Board and Simcoe school board, where

for decades they had corroborated on school busing issues across borders. I know that many parents have been down here. We've pressed the issue and finally have got a mediator involved. But why does it have to come to that? The school boards need more funding for the buses, and we've been trying to bring that forward.

But all is well: The stability commission is coming, the funding for busing is coming, and the second coming is coming, apparently.

This bill puts what is probably the final nail in the coffin of teacher recertification, one of the most important recommendations of the Royal Commission on Learning, a commission initiated by one of Mr. Kennedy's soon-to-be worthy opponents, or worthy soon-to-be opponents, however you want to put that. Again, a little history lesson: Dalton McGuinty, not long ago, favoured teacher certification. This is what Dalton McGuinty said in the Liberal Party platform from the 1999 election: “Ontario will not only have enough teachers, it will have the highest standards in North America for people training to become teachers. All new teachers will be required to pass certification exams that test their knowledge of teaching techniques, ability to identify learning difficulties, and computer and science literacy.”

Again, they've eliminated the teacher qualification tests. On Focus Ontario on May 22, 1999, Dalton McGuinty said: “I agree that teachers should be tested. New teachers should be tested. I think that teachers should be tested as nothing more and nothing less than professionals, so I think they should have the same responsibilities when it comes to testing as lawyers and doctors and accountants and architects and so on. They're all tested at the beginning of their professional careers in order to be admitted to the profession.” That's the Premier who said this, on Focus Ontario on May 22, 1999, but the legislation before us, Bill 78, eliminates it. The Premier of the province agreed with that, but the Minister of Education is going to eliminate teacher qualifying tests and replace it with something called a “teacher induction” process, a mentoring process. My brother's a teacher. Teacher mentoring does go on now.

The bill does nothing to help struggling school boards meet the cost of the four-year contracts that the former minister encouraged them to sign. They're \$1 billion short of meeting contractual obligations; school boards across the province are saying that. In the past, they only committed \$450 million, so they're \$1 billion short. The minister did go around, made one-time announcements of funding, but the school boards are worried—I read the papers, I listen to the parents and I listen to the members of the school board—about their budgets.

2020

Again, the power was taken from them; it's gone. The minister can come in and override the school boards' decisions on how to spend money. This morning, the runaway minister made a statement, desperately worded to appear that he is not in fact running away or being pushed away by a peeved Premier. He said, in part:

"I know that this revitalization of education is still in process and much more needs to be done. At the same time, I firmly believe that the groundwork for a long-lasting education partnership is in place and I know that the entire government is committed to seeing it go forward, and no one more than the Premier"—McGuinty—"who has been intimately involved every step of the way."

What the minister wants parents, teachers and students to believe is that he has put everything in place, and things will only get better with him gone. Well, I don't think we believe that the last part is true, and we're here today.

The change in the college of teachers: A lot has been said this evening about the college of teachers: It's the governing council. It has 31 members; 17 are elected by members of the college and 14 are appointed by the government to represent the public. Of the 17 elected councillors, six represent regions, seven represent facets of the different school systems and one each represents principals, vice-principals, supervisory officers, and faculties of education and teachers in independent private schools. The college of teachers is supposed to have broad representation to ensure that education is done in a professional way.

What does the Toronto Star say about that? March 11, 2006:

"Education Minister Gerard Kennedy is continuing his relentless campaign to reverse the initiatives of the previous Conservative government.

"The problem is that he is throwing out some good with the bad." This is the Toronto Star; I mentioned the Toronto Star earlier. The Star had supported Kennedy many times in past Liberal leaderships, provincial and now federal. From the Star:

"Take, for example, Bill 78, the so-called 'Student Performance Act,' which was virtually ignored by the Toronto media when it was introduced by Kennedy last week.

"It is an omnibus bill with a wide range of measures, including giving 'working teachers' a majority on the governing council of the college of teachers," which is "the regulatory body for the profession."

I know the member from Trinity-Spadina doesn't believe that it was started by the NDP, but according to the Toronto Star, which I'm sure we all have to believe, it was started by the previous NDP regime. "The college grew up under the Conservative government ... following the recommendation of the Royal Commission on Learning," like I mentioned before.

"But the Liberals, lobbied by those same unions, made an election promise to give 'working teachers' a majority on the college's governing council. Bill 78 delivers on that promise." It's a departure from the very purpose of the college of teachers, and it's regrettable.

We're concerned that it's taking away from the public interest, where parents have the responsibility and the right to believe that students in the classroom and the education system in the province are being guarded by a

professional body with public oversight, and we've just handed that over to the unions. As you said, you would not see that with the College of Physicians and Surgeons of Ontario.

I'm going to read a letter sent by one of the members, a minister in the present Liberal government, Minister Cansfield, sent December 2, 2004:

"Dear Minister Kennedy:

"I am writing to you to express my support for the issues raised concerning the governance of the Ontario College of Teachers. As you know, I have had a long affiliation with the Ontario Principals' Council and have a good knowledge of its background and its *raison d'être*. I met with representatives of the Ontario Principals' Council on December 1, 2004, and agreed to write to you in support of the concerns which they expressed.

"No professional college can act in the public interest when its governing council is controlled by one union whose own mandate it is to defend its members against public charges. This issue must be addressed, as a council controlled by the Ontario Teachers' Federation will further increase the widespread perception that the college is controlled by the teachers' unions and does not adequately protect or represent the public interest."

The letter goes on:

"A further concern expressed by the" Ontario Principals' Council "surrounds the issue of peer review. I share the belief that there must be a mechanism put in place to ensure peer review for principals and vice-principals. Allowing teachers with limited understanding of these roles to judge school leaders is neither self-regulation nor peer review.

"I also support the" Ontario Principals' Council's "concerns about those conflict-of-interest guidelines which presently allow union leaders to be members of the OPC. They may have to defend the interests of their respective bargaining unit members while, at the same, time investigating, disciplining or judging the fitness to practise of these same individuals. One person cannot be a defender and a judge at the same time.

"I urge you to give serious consideration to finding a resolution to concerns affecting the 5,000 principals and vice-principals who are represented by the Ontario Principals' Council.

"Yours very truly,
"Donna Cansfield."

Is there a member over there who fully understands the teaching profession and the focus on the Ontario College of Teachers? Because unions shouldn't have the majority on the college of teachers, and they're going to now. The parents are concerned. Who's responsible for their child's education? Who's going to discipline her? There are many aspects of this bill that we have concerns about and that I know a lot of the school boards have concerns about. They've been quoted in the paper on various issues.

I just want to wrap up my time here by saying that everything is not in place in this bill. The fleeing minister has not left a good ministry to be picked up by the new,

current Minister of Education. They've just thrown money which school boards cannot finance, and we are going to oppose this bill as far as we can.

The Deputy Speaker: Questions and comments.

Mr. Bisson: I really appreciate the comments that were brought forward, because I thought they were insightful. They raised a number of points that I don't agree with entirely. We have a different political perspective. But I thought that at least it was well thought out. It was basically what I would expect from the member. There are a couple of things that I think are interesting, and I'd like to hear from the member a response to the question that I'm about to ask her, which is: I find it kind of odd that we've got these public interest committees. Why is the government creating public interest committees within the bill to deal with such things as prescribing what the form of the oath should be for teachers to take when they become teachers and determining if there has been a contravention in the oath, when that's what the College of Teachers is for? Right? It seems to me, the very basic thing is that a teacher—there are prescribed responsibilities that they need to follow as far as code of conduct, and part of the code of conduct is found within the oath.

My question is: Why would you need to have a public interest committee of high-paid people in order to oversee what the actual college of teachers is doing? It seems to me it's a duplicate layer. I ask myself, are there a number of people that they want to give jobs to? Is that what the government is up to? Is it that they're trying to create an extra layer because they just like doing that? Or is it just, quite frankly, that they don't know what the heck they're doing? I just look at that and I say, we're the ones as New Democrats who get accused of wanting to support bureaucracy, and I think, as a New Democrat, this is stupid. Why would you have a duplicate bureaucracy and board in order to do the same thing that the college of teachers is all about? It seems to me that the college of teachers, a good thing, is there to oversee the profession and make sure that they follow along what it is they need to do. Why do you need to have a duplicate—what do they call it again?—a public interest committee to do what the board does in the first place?

Mr. John Wilkinson (Perth–Middlesex): I'm glad to join the debate on Bill 78 and comment on my friend the member for Haliburton–Brock–Victoria, or something like that. It's a very simple question that my colleagues in the opposition are going to have to answer to the good people of Ontario. The good people of Ontario know that we were elected to serve under the education Premier with our former Minister of Education, Gerard Kennedy, whom I wish well. I congratulate our new Minister of Education, Sandra Pupatello, who I know will do a wonderful job.

2030

People will want to know on this bill particularly, when we go door to door, that the party that restored peace and stability to the classrooms, who said we weren't going to have a war zone—they will say, "When

you had a chance to vote for a bill that lowered class sizes, did you vote for that? Yes or no?" It will be interesting that there will be some in this House who will have to say, "No, I didn't vote for that." "Do you believe there should be long-term collective agreements with our teaching profession? Did you vote for that?" "No, I didn't vote for that." That's amazing. "Do you believe that formal, on-the-job learning is the second step in a teacher's professional development? Is that important? Did you vote for that?" "No, I didn't vote for that." I know I'm voting for that. I wonder if everyone in this House is going to vote for that. "Did you think there should be a college of teachers that was depoliticized, that represented the public interest? Did you think that was a good idea?" I know I'm voting for that, but others don't.

True professions always have a dual nature, where you have those who represent you as an employee and those who represent your profession. There are some who say that we should not have an independent college of teachers, that, when there is that rare example of a teacher who acts unprofessionally and needs to have their licence revoked—there shouldn't be a college. I am voting for that, because teachers are professionals and people will want to know—

The Deputy Speaker: Thank you.

Mr. O'Toole: I listened attentively to the member from Victoria–Haliburton–Brock, and she knows the plight that rural and remote schools are in. Despite the election promises made by the McGuinty government that the Minister of Education failed to deliver, the departing Minister of Education—halfway through the game he's taking his sweater off and leaving the team. I think she makes the point very well.

If you look at Bill 78, there are actually 10 sections. It's quite an onerous bill. As I understand it, it removes much of the authority of the boards. At the same time, it raises their stipend, which arguably is the right thing to do. But if you look at the evidence on the ground, not just in Durham region—and we heard earlier today the leader of the NDP and Mr. Marchese of Trinity–Spadina making the argument of the plight the school boards are in, the tragedy of the Toronto school board.

I'm looking at a recent release. This article is by Mira McDonald with respect to education. It says, "Warning: Deficits Ahead." We're talking about the Peel board today. There's a really frightening horizon here on education. What Gerard Kennedy did in his legacy is peace at any price, with longer contracts. He's dissolved the boards into a meaningless role with Bill 78. He's dissolved the function of the college of teachers as a self-regulating profession like lawyers, doctors or nurses. We should respect that profession, but I think he's doing a subtly disrespectful move by removing the real autonomy of the boards and giving it back to the unions.

My wife's a teacher and my daughter's a teacher. I'm embarrassed by this particular bill. The member from Victoria–Haliburton–Brock said the right thing.

The Deputy Speaker: The member for Haliburton–Victoria–Brock has two minutes to respond.

Ms. Scott: I thank the member for Durham, who has a long history of public service, including school boards, and many of his family work in the education sector.

This bill has overriding powers for the minister, and I touched upon them lightly. They're taking the local decision-making power away. There are some quotes I want to read. "The idea that Queen's Park knows best—whether the school board is in Thunder Bay or Guelph—obviously stinks for people like Bob Borden.

"Where's the local decision-making?" asks Borden, chairperson of the Upper Grand District School Board. "To me it's overkill."

Wellington Catholic board chairperson Marino Gazzola says, "Bill 78 takes away the autonomy and authority of school boards. The government already has control over many programs by requiring school boards to apply for funding. The government will have the power to take over delivery of programming if school boards aren't meeting provincial standards. That can include rules around use of resources, literacy, graduation rates, parents' involvement in schools, special education, and health and safety."

The boards are struggling. The member from Durham is right: The deficits are ahead. The school boards are trying to figure it out and take money from one thing, pay to another; robbing Peter to pay Paul, I think was used before. That's what they're facing. They're not getting enough money for special education, and the provincial government has overridden their local powers. They have signed contracts. I mentioned the amount of debt they are behind. Where's the money going to come from?

I just reiterate that Bill 78 is just a big omnibus bill that the fleeing minister brought in quickly because he didn't have a legacy to leave behind.

The Deputy Speaker: Further debate?

Mr. Brownell: It's certainly a pleasure to have some time this evening to participate in this debate, a debate on Bill 78, the student performance bill. There's a longer name, but I would like to refer to it as the student performance bill, because that's what it's all about: students.

Before making comments on certain aspects of this bill, I would like to first of all congratulate the new Minister of Education, the Honourable Sandra Pupatello. I know that her work will follow on the good work we've had in this government from our leader in education, the Honourable Gerard Kennedy. He certainly worked hard. He supported public education. He supported teachers and students. In all his work, he had the students at heart.

I'd also like to say this evening, as I speak and as I look into the camera, that there's a lady sitting at 4 Gray Avenue in Long Sault who, every opportunity she gets, watches the proceedings of this House, she being my mother. Out of 12 children, my mother raised two teachers. The two oldest in the family were teachers. My older brother Tom was a teacher for many years and retired in 2001, I believe. I also served many years as an educator in my riding in the old Stormont, Dundas and Glengarry board of education in the Upper Canada board and had a great career. My career centred, in all I did, on the student. The student was held on a pedestal.

I listened to remarks this evening in the House about raising student performance. We're looking at that level of 75% and looking at it very clearly and focusing on getting our students to the 75% level. When I hear comments made that students shouldn't be using calculators, that the resources that would help those students who require it to get to those points in their education—I look at what we're doing as treating those students with respect. I made those comments as the member from Trinity-Spadina made comments; rarely do I shout out here in the Legislature, but I did make—we are treating students with respect.

He made the comments about using calculators. I go back to my very first class in September 1969. I was 19 years old. I had a student in that classroom who was 15 years old. I'll never forget. He was in grade 11, and he had trouble in school with mathematics. He came to me when he was in grade 12 and said to me, "Sir, when I got my hands on a calculator, my whole world in mathematics opened up." He took an accounting course in high school and said, "In taking that accounting course, I knew what adding, subtracting, multiplying and dividing was all about, I understood the concept, but it just wouldn't function up in here."

This is what it's all about. If we can get those students who understand that there's a process but have those deficits, if we can give them the supports, that's what it's all about. When I shouted out here, "Treating a student with respect," that's what I wish I had been able to do when that young man was in my very first class, wanting to excel in math, but he was struggling with math. There was a guy who went on, and I have to say he's a pillar of our community. I meet him often, and he's doing quite well.

2040

As I make my presentation here tonight, I'd also like to say that I have a daughter. In September of this year, she stepped into a classroom as a teacher for the first time. When I saw teachers struggling, understanding that the old Ontario teacher qualification test program, this archaic way of pen-and-paper testing and proving a teacher to be a teacher—when I talked to my daughter about that and talked about this new teacher induction program, she indicated to me that that's exactly what we need in education. We need those opportunities for teachers to mentor those first-year teachers. I have to say, she's at a school right now that is giving some opportunities for experienced teachers to reach out to those teachers who are stepping in for the first time. My daughter is very proud of her work with a teacher by the name of Tina Kilbride in Roxmore Public School in my riding, a very experienced teacher. She has great ideas, and she's going to be the best resource my daughter will have in her first year teaching at Roxmore Public School. She will have a principal who will give her all the supports in the world. She will have a government that has put new textbooks in her classroom. She will have a government that speaks with an understanding that physical education, art education and music education are

important. She will have those supports and she will have that encouragement from her mentor, her friend Tina Kilbride, in doing all she can possibly do to become the best teacher she can be in that first year.

As I return to my riding every week and talk to her—in fact, I had a chance to speak to her on the phone this evening just before coming in here—she's excited about her education, but she's excited because she knows that a teacher induction program will allow more mentoring. Just as when I walked into this Legislature in October 2003—the time certainly is flying—I was proud to have some members who had already had the experience here, and I was able to rely on their expertise, to have them as my mentors.

Mr. Dave Levac (Brant): Name names.

Mr. Brownell: I'm going to name one: Jean-Marc Lalonde, from my neighbouring riding of Glengarry–Prescott–Russell. He stepped forward. I remember I was sitting over on that side in my first year and a half. I'm in the rump now, but that's okay. I get to see the ministers' faces as they're performing. He helped me so much, and that's what a mentor is all about. That's what this teacher induction program is all about: It's to get new teachers, with new opportunities, with those teachers who have had all the experiences in the world.

I'd also like to comment about the professional activity days. There are comments in Bill 78 reflecting on professional activity days. There's nothing finer for a teacher who wants to provide their expertise in a professional development day for teacher education. It certainly was. I was in the education system for many, many years. I retired in the year 2000. I saw the whittling away and the gradual elimination of some of those professional development days. I absolutely enjoyed the opportunities of participating in professional activity days, but I was also excited about providing expertise. I loved history. I loved teaching history. I loved turning students on to history in my classroom, and I loved to do the same thing with teachers. That's what professional activity days were all about. It was to give those teachers the opportunity of learning from teachers, bringing those new ideas back into the classroom, but it was also giving those teachers with experience the opportunity of stepping up and showing some leadership. I absolutely enjoyed that in my profession, being asked by a curriculum committee to provide some professional activities to teachers. That was exciting. But it was also exciting for me to be in some of those other programs to learn.

If we can get a teacher induction program in place that's going to provide the mentoring, if we can get the programs in place and increase professional day opportunities for teachers, then we are going to, as a government, as a Ministry of Education, have the resources in place, along with those new textbooks we're putting in classrooms and the opportunities for students to use that other part of the brain when they do art and music. We're going to have those opportunities, and that's going to be an exciting time for the new teachers.

As the member from Etobicoke North said, we have a knowledge-based economy and we have to educate our

students in that knowledge-based economy. By doing what we have planned through Bill 78, by giving the educators and the students those opportunities to mature in a very sound way, we will be doing a great—I know the teachers are very happy with what we're doing at the moment. Last Friday, I had three teachers in my office at 4:30 in the afternoon talking about the supports they've been given in their profession by our former minister. Actually, they made a comment to me that they hoped he wouldn't move on. But now they will find out that Minister Papatello has stepped into his shoes, and she certainly has some big shoes to step into for some of the programs we have with Bill 78, some of the things we want to do. I think it's an exciting time for education, an exciting time for students in our classrooms, and an exciting time for teachers in our classrooms as well.

At this stage I'll wrap up. It's been a great opportunity to speak on this bill and to once again hold the teachers of our province on a pedestal—and to hold our students on a pedestal, because that's what teachers do in this province.

The Deputy Speaker: Questions and comments?

Mr. O'Toole: I'm pleased to respond to the member from Stormont–Dundas–Charlottenburgh. I used up half my time saying the riding; I mean that respectfully.

I respect the time you've spent as an educator. I would say publicly that there is no more important job than the educator who's in front of our children and behind our children at the same time, trying to motivate them, encourage them and reinforce the importance of learning. Someone asked earlier if my wife is a teacher. It's very important to say that, yes, she is. I know the time and commitment she has. It's a professional calling; it really is. I have a daughter who's in the same mode.

Where we differ here is the function of the college. It's sort of Inside Baseball. The college, as a self-regulating profession—we talked about it earlier under Bill 14—is one of the areas where I have some trouble. A college shouldn't represent the interests of simply one interest group. In this case, that would be OSSTF or whatever. I think the important thing here in Bill 78 is that it does subrogate some of the responsibilities. It's an acquiescence to the teachers' unions.

2050

I don't vilify teachers. There are teacher unions and teaching as a profession, and in this case, they're going down the wrong road. I think to reward professionalism is important; to differentiate between those who make a valued contribution to children's lives and their education and their pursuits is important. This bill fails in almost every measure that I could respond to in its 10 sections. There's much more that could be said, and the member from Haliburton–Victoria–Brock said most of it in her speech earlier tonight.

Mr. Bisson: To the member: I agree with his premise that teachers need to be valued and teachers need to be applauded for the work they do. There aren't many of us in the Legislature who would disagree. It's not an easy job. I did it as a supply teacher in the trades department.

I'm an electrical worker by trade; an electrician, I guess you would call it. I had the opportunity to teach at the high school level in the trades department. I understand fully that for teachers who go before students every day, it's not exactly an easy job.

At first, it's exciting, for the first two, three or four years, because it's different, and you love working with the kids and sharing your knowledge with other people. But after a while, it gets to be a little bit long in the tooth, basically working with the same people all the time, and eventually, it becomes a bit of an issue to motivate yourself to be in front of the kids over the longer term. I think that's one of the failings of our school system. We need to find some way to re-engage teachers so they can recharge their batteries and get excited again and move forward.

I think some people are really cut out for it and, after 30 or 35 years, they're as fresh as or better than when they started. But for a lot of people, like me, it's a little more difficult, because you need other ways to challenge yourself when you're working with younger people who are maybe not as fulfilling as far as being able to challenge you over the longer run. The issue is: What does this bill do to do that?

What you've basically got is a bill that deals with giving school board trustees an ability to make more money. I don't disagree with that—that's good—but that doesn't do a lot to validate teachers. The bill deals with the issue of the Ontario College of Teachers, which we all agree on. The college is there, but we're creating a duplicate bureaucracy called the public interest committee that's basically going to have the responsibility of, as I see it, overseeing what the Ontario College of Teachers does.

As much as I agree with the comments made by the member, I fail to see what this does to the valuation for what teachers do. I want to thank you, Speaker. It's been a pleasure—

The Deputy Speaker: Thank you. Questions and comments?

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex): Thank you for this opportunity to speak to this bill. I certainly want to speak in favour of the student performance bill.

One of the things that I've noticed in my riding, in particular as a rural riding, is the change that I have seen in education and the change that I have seen in the teachers in my community. Teachers have come forward and said that they're very happy with the peace and stability that the former Minister of Education, Gerard Kennedy, has put into place.

Everyone has been congratulating the new minister, Sandra Pupatello, and I add my congratulations as well. I certainly look forward to her involvement in the education role, because I know she cares about children.

One of the things that I noticed in particular in my riding was the fact that after the former government got through making its changes to education, nobody wanted to run for trustee in the school board. At one point, we

actually had to reopen the nomination process because nobody put their name forward. And it has nothing to do with being paid or how much you're paid; it's the value. It's being valued as a trustee and being given some respect for doing that. People want to be respected when they represent their communities. It's not an easy thing to do. We do it here as MPPs every day. People who are on hospital boards, people who are on school boards—those are undertakings that mean you put yourself out there. When you don't seem to get the respect from your provincial government for doing that, a lot of people don't want to volunteer for those kinds of things.

I am very glad to see that we are now coming back to a point where we are showing respect for our teachers and we are showing respect for our trustees. By doing that, we are going to help our students, because it's going to become an important job again to be involved in the education of our students.

Ms. Scott: It's a pleasure to rise and comment on the member for Stormont–Dundas–Charlottenburgh on Bill 78, the Education Statute Law Amendment Act.

A lot of discussion has taken place tonight around the Ontario College of Teachers. I think the member from Durham has members of his family who are teachers. I, myself, have had, for generations, teachers in our family. There's no doubt that they deserve a great deal of respect and support. But in giving the teachers the majority on the Ontario College of Teachers by adding the six elected teacher positions, we're concerned that it's handing control of the college to the unions, and they're not going to be able to discipline bad teachers and regulate the profession. We all respect the profession, and we want to keep its integrity there. It's a professional body. Again, we say that other professional regulatory bodies are not like that. So we have concerns with that, that it will somehow deteriorate the profession. When the members are saying that, "The teachers are happy with us," I hear opposite things in my riding of Haliburton–Victoria–Brock.

Rural and northern schools are closing across the province. They need a new funding formula. This government is changing the Ontario College of Teachers' composition and giving the minister overriding power, taking away, stripping from local school boards their decision-making abilities. That's no sign of respect for local school boards and their decision-making capacity, or the trustees. The school boards are going to be in deficit positions, and what's this government going to do? "Oh, it's going to happen after the next election." That's kind of irresponsible behaviour, and it's one of the reasons why we're opposed to Bill 78.

The Deputy Speaker: Member for Stormont–Dundas–Charlottenburgh, you have two minutes to respond.

Mr. Brownell: Oh, yes. Sorry about that.

The Deputy Speaker: Sorry to wake you, but you do have two minutes.

Mr. Brownell: Thank you, Mr. Speaker. I'm sorry about that. I was certainly tied up in some other

reflections here. But the members who have spoken: the member from Haliburton–Victoria–Brock, the member from Durham, and the minister—

Mr. Levac: Maria Van Bommel.

Mr. Brownell: Oh yes, the minister—right. She did speak on this, the minister from Lambton–Kent–Middlesex.

I was proud to have been given the opportunity this evening to address this bill and to make comments about the bill. Having spent all that time in a classroom, I felt it important that I say a few words in support of teachers first of all but, more importantly, in support of the students. Every week, I get opportunities to touch base with former students of mine. In fact, this summer I'm going to have an opportunity to touch base with the very first class I ever taught. We're having a reunion over the July 1 weekend. That's going to be a great time to celebrate, but it's also going to be a great time to reflect. I'm hoping I have some time to reflect on that student I talked about, who had the opportunity in grade 11 to get his hands on a calculator. These are the tools that are required in education today. These are the tools that should not be commented about that they do not give to the best in education. They do. They unlock some of the opportunities for students who have deficits, and we should always, always be mindful of that. For the teachers in the schools, the new teacher induction program, it is vitally important for their success and the success of teachers in the future.

The Deputy Speaker: Further debate?

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Mr. Norman W. Sterling (Lanark–Carleton): It's a great pleasure to speak to a bill about which I've had some interest in some of the issues for quite a long time. This bill is an omnibus education amendment act, and I guess at the outset I would note that when the government was in opposition, they would speak very strongly against any bill that dealt with a number of different matters that were not related to each other. In this bill we have a number of different issues being dealt with.

Number one is the Liberal government's move away from their promise in the last election with regard to class sizes. Basically, what they've done is taken the advice of the then Conservative government and said, "Set class sizes but allow flexibility within the system at the local board to reach those goals as you go forward," because, as everyone knows, in any school district there are always different pressures on class sizes. So this is a big retreat; yet another broken promise by the Liberal government during the campaign.

One of the other parts of this bill that I find troubling is removing qualifying tests for teachers. If you asked any parent, if you asked any grandparent—I have six grandchildren now, and I want to be assured that their teachers have passed some kind of test in order to get into the classroom. I believe that test should be somewhat universal, so that everybody in this province should be given it.

Those are two entirely unrelated subjects which are in this bill. But the subject which attracts most of my

attention are the amendments related to the Ontario College of Teachers. For the public who are watching here tonight—those few of them who are—I think the whole notion of how professions manage themselves and how the government relates to them should be explained in fairly empirical terms. Basically, what happens in most professions is that there are two wings to the profession. One is the association—the society, as it is with the engineers. In the legal profession it's the law association—the Canadian Bar Association, the Ontario Bar Association. On that side of the ledger, those groups represent the interests of the profession. In other words, if they want to change the rules, if they want to protect their members from liability, if they want to increase their abilities to be compensated, if they want more services provided by the government—that's what the associations do. That's what the Canadian society of engineers does, and that's what the Canadian Bar Association does.

But, on the other side, we as government create colleges. In the case of the lawyers, it's called the Law Society of Upper Canada. The Law Society of Upper Canada is not there to represent the lawyers; it's there to represent the consumer and the people who are using lawyers' services. Professional Engineers Ontario are there to represent the interests of the public, to ensure that when engineers design buildings or when they work on the site, they are qualified to do what they are doing. And so the public are protected from that building falling down, deteriorating and all those kind of things. So that's what the college side, or the Professional Engineers Ontario, as they're called, and the Law Society of Upper Canada do on this side.

So there are two balancing organizations within most, if not all, professions. And in the case of teachers, until 1996, when the former Conservative government was in, there weren't two organizations. There was the union representing the teachers' side, but there was no counterbalancing side with regard to the profession of teaching. So in 1996, we created the Ontario College of Teachers. And that particular bill was supported by all three parties because it emanated out of a report which the government asked to be done, and that was the recommendation of the report.

I can tell you, from experience as a former minister of the crown, that there was significant resistance from the union of teachers. They were concerned that the Ontario College of Teachers would be difficult to deal with. They would be disciplining their members. The college of physicians, for instance, is there for people of the public to complain about a service which their physician might have provided, and they are there to discipline a physician who has acted incorrectly. The Ontario Medical Association is on the other side, and they are there to protect the physician from attack, or they're there to ask that the physician receive more compensation from the government, receive better access to hospitals etc.

In other words, on the one side of the ledger you have those people who are acting "in the selfish interests" of

the person practising that particular profession. On the other side, you have the group, like the college of teachers, which is there to protect the public and, in particular in this case, a public which is very vulnerable because while I talked about the college of physicians, the Law Society of Upper Canada, Professional Engineers Ontario and the college of teachers all having essentially the same kind of function, I believe that the college of teachers' function is more important than the other two. The other functions that those three other groups provide are very important, but in all those cases, you have adults interfacing with adults. In most cases, you have an adult client dealing with an adult provider of a service. Most people who go to a lawyer's office are adults. Most people who go to a physician are adults or they bring their children along, and so there's an adult advocate there to represent them. In all of those cases, you have an interface between two people who are on fairly equal levels with regard to their knowledge of the system and their ability to question the service that they're receiving.

In the case of our grandchildren and our children, we put them on the bus, they go to the school, they walk into the school and into the classroom and there's a huge amount of trust that is placed between the parent and the teacher. You know, we have wonderful teachers here in Ontario. That trust is very rarely breached. We have a huge gathering of people who have chosen the teaching profession for all the right reasons. I know my granddaughter Tierney, my grandson Brayden and my granddaughter Madleine all love their teachers. Their teachers are just so much a part of their lives, and they're just great and wonderful people. But you know, when you have 200,000 teachers in the province who are under the Ontario College of Teachers, you're going to have some who are there and shouldn't be there. We've all had the experience of going through school where we had some teachers who were great, and most of them were great: 99% of them were absolutely dedicated to what they were doing and did a great job, but there were always a few in your school that you knew were not putting out full effort and were just not gifted with regard to teaching.

I think it's important for us to have, in this system, the absolute best check on those teachers who do not meet the standards.

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As I said, I was very proud to be part of a government that set up the Ontario College of Teachers. I must say that since 1998, when it was set up, a very small number of teachers have been in front of the discipline committee of the college of teachers. In fact, only 296 teachers have been in front of the board. One of the troubling parts of the college of teachers is that if you have 200,000 teachers, 296 over eight or nine years is not a very large number with regard to the aggregate of 200,000. So one might ask, are they doing their job in protecting our kids? One of the largest percentage of discipline in terms of revoking a licence, for instance—last year 13 licences

were revoked out of 200,000 teachers in the province. That's not a very large number, but the largest percentage of that related to abuse of a student: physical, sexual, verbal, psychological or emotional. The next largest percentage—and you're talking 13 people, so it's not a large number—was conduct unbecoming a member of the profession. When you look at it, that's 296 cases over the last seven or eight years, and only five or six teachers have been asked to leave the profession because of incompetence.

It's hard for me to say that, even though there are 35,000 lawyers in Ontario, there aren't more than five or six who are incompetent. Last year, for instance, the Law Society of Upper Canada, which has only 35,000 in their group, disbarred about the same number of lawyers as teachers who were denied their licence out of 200,000. So there's a 6 to 1 ratio of lawyers who are being disbarred as compared to teachers.

The biggest problem with this bill is that it gives the union, which is supposed to be over here, the ability to control what happens over here in terms of the college of teachers. What happens during the election of the people who are on the college? I can say, with regard to the professional engineers, of which I'm a member, and the Law Society of Upper Canada, that there's a free and open election of the people who sit on the college side. Every member, in electing those members, is not told by the Canadian Society of Engineers or by the Ontario Bar Association whom they should vote for on the regulating side. But that's not the case with regard to the college of teachers. What happens is that the union puts up a slate and says, "We want these people elected to be on the college of teachers." Therefore, it leads one to a great deal of speculation as to what those people are going to do to ensure the safety of our kids in our schools when a teacher is brought in front of them with regard to discipline matters.

So I would have no problem with increasing the number of teachers as suggested in clause 50 of this amendment act if in fact there was within this act a law which said that the union cannot and must not participate in the election of the college of teachers, which they are doing now. They are doing that now and they've done that over the last six or eight years, because they have this mentality that, even though they control the association side and the interest of the teachers' side—that's their job and they can do that, but what they're doing is controlling the other body. That is our concern here with regard to the increase in the number of trustees to give them a lock on the college.

I suspect that as we look at the statistics going forward from the college of teachers, which has a pretty even distribution of teachers and non-teachers at this time—it's about 50-50—what we will see are fewer teachers losing their licence, because what will happen is that the union guys are not only over here but they're over here. They're at the college. They're not representing the interests of the consumer, the citizen, the kid, the student; they're over there representing the interests of the

teachers. That's the concern. That's the overall concern of the functioning of the college of teachers.

If the government would put forward amendments to this bill that would ban and make it an offence for the union to participate in the election of the college of teachers, I would support this bill. I would support that section of this bill. I would have no problem doing that, because that's the way other professions operate. But the bill, as written now, is flawed. I believe that the college of teachers, in its first seven or eight years, has done a commendable job and could increase its role and could do an even better job of protecting our children into the future.

This bill is unfortunately a sell-out to the union that represents the teachers of the province of Ontario. Thirteen out of 200,000, with regard to disciplining them: That makes me a little bit frightened that the number is so small in relation to the overall number of people involved in this profession. I mean, 99.9% of the teachers are absolutely doing a great job. All I want is the 0.1% dealt with. We have 0.01% being dealt with. In spite of the fact that I may be interpreted as being against the teaching profession, we have to protect our kids when we entrust them into the school and into the classroom.

My mom was a teacher for 25 or 30 years. My dad was a principal in a school. I've had a huge number of people come to me and tell me what great people they were as teachers and the trust they put in them. I think that trust would continue on in the future as long as we have a strong college of teachers, and the only way to deal with that is to keep the union out of the college's business.

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The Deputy Speaker: Questions and comments?

Mr. Bisson: I have a couple of specific questions to my good friend Mr. Sterling, the dean of the Legislature, the member from—

Mr. Sterling: Lanark–Carleton.

Mr. Bisson: Lanark–Carleton. I've been here for 16 years and I can't get the ridings right. That's why I never run for Speaker or Deputy Speaker or deputy deputy. I figure, as whip, all I've got to do is figure out names. It's pretty easy in my caucus; there's just a few of us, so it's pretty easy to remember.

I've obviously got a different view in regard to the role of unions and their particular responsibilities.

Mr. O'Toole: You get paid to say that.

Mr. Bisson: Well, I used to be on the payroll of a few unions, but that's not the issue.

The thing I want to ask him is this. We all agree that the idea of the college of teachers is not a bad one to make sure that, like the other professional bodies you spoke of, they have an ability to self-regulate and set in place a code of conduct and the rules when it comes to teacher behaviour and what they're supposed to do in a classroom. But I wonder why the government is creating a second layer within the college of teachers by creating what they call public interest committees. These public interest committees are going to be created and are going to have the specific responsibility to determine the

prescribed form of the oath for teachers and then determine if there are any contraventions of the oath.

I've got to ask my colleague from Lanark–Renfrew—

Ms. Scott: Carleton.

Mr. Bisson: Carleton. See? Even after you said it, I didn't get it.

Why would you need to have two boards within a board? It seems to me that the college of teachers has a board that deals with any complaints brought forward by whomever, but now you've got this other sort of board within a board that oversees what the board is doing in the first place. It just sounds to me quite complicated for nothing. I want to know from my good friend what he thinks of that particular aspect of the bill.

Mrs. Sandals: I'm pleased to respond to the speech from the member from Lanark–Carleton.

I think we need some clarity brought to this argument. The member from Lanark–Carleton is quite correct that within countless professions we have the advocacy group for the profession that is responsible for advocating for compensation and privileges for that particular group of people, and then we have the college that is responsible for protecting the public interest. I agree with him there. But what he has omitted to mention is that many of the people who are board members on the College of Physicians and Surgeons, the public interest group, are also members of the OMA, the advocacy group or union. Many members of the College of Veterinarians, the professional body, are also members of the OVMA, the advocacy group. Many members of the board of the governing council of the college of professional engineers are also members of the society of engineers, the advocacy group. Exactly the same thing is happening with the college of teachers. The people who are on the governing council of the College of Teachers, if they are classroom teachers, are also members of the union, the advocacy group. If they are classroom teachers, they will all be members, because the law requires them to be members of the union—not because there's some evil plot going on, but simply because, by virtue of their position of being employed as a teacher by a school board, the law—the law under the NDP, the law under the Conservatives, the law under all three parties—requires them to be a member of the union. It's that simple.

Mr. O'Toole: I commend the member from Lanark–Carleton for bringing up the most contentious portion of this bill. No one here would want to diminish or demean in any way that the value of education, but the member was just saying that this issue has been—it was a part of the Royal Commission on Learning, the For the Love of Learning document. David Cooke of the NDP had that document, the royal commission. One of the more important parts of it was dealing with the function and governance of the college of teachers. You would know, Ms. Sandals, that David Cooke was unable to find a solution. In fact, he left it rather nebulous. The member from Lanark–Carleton, the dean of this place, a lawyer and an engineer, made a very definitive argument that demonstrates—you tried to make the point between the

OMA and the College of Physicians and Surgeons. The self-regulating professions, by nature, are self-governing. As such, the disciplinary function of the college is independent and autonomous of the disciplinary function of the union. That's where the real anomaly lies here, when the unions themselves actually appoint.

There's no one—again, I repeat—diminishing the importance of the profession of teaching. Perhaps they're doing it to themselves.

Interjection.

Mr. O'Toole: No, no, I mean that. This is the inability of some of the members to understand the argument that's being made by the member from Lanark–Carleton. I'm going to try to find the name of the member who's actually barracking. Mr. Levac, a teacher, knows that this is the professional, ethical question when you read the Royal Commission on Learning. Mr. Levac, as a former principal, should know. When they separated the principals from the union, this is the real argument that's being made. No one wants to talk about the argument here, but Mr. Sterling has done a very good job making that argument, and some of the members don't get it.

The Deputy Speaker: Questions and comments?

Interjection.

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): I'm sure the member for Durham has just about finished his two minutes. I'm pleased to take a couple of minutes while the opportunity presents itself.

I want to take the little bit of time I have and talk about where we've come to. Where we have come to at this point is making a major transformation in education. It wasn't that long ago that one out of three teachers didn't last five years. I'll be interested in seeing, in the not-too-distant future, what those numbers look like. I'm going to wager that far more teachers stay in the system, in just a few years from now, than did under the former government's reign of terror. I can't remember whether it was Dave Johnson or John Snobelen or Janet Ecker who wanted to create a crisis in education, but take your pick, because they helped each other and they achieved that goal.

In October 1997, there were thousands of teachers across this province out on the streets. They didn't want to be there, but the government of the day left them no choice. Today, we have a far different environment in education. We have an environment in education where, through this legislation, young teachers are going to be mentored. They're going to have the opportunity to be

supported in those early teaching years. They're not coming into an environment that is poisoned by a government structure that demeans the profession. They're going to have the type of support that teachers desperately need. I would wager that when we look back in just a few years, we will not see the dropout rate of one in three over five years. Young teachers will stay in the system, and we will benefit because of that.

The Deputy Speaker: The member for Lanark–Carleton, you have two minutes to respond.

Mr. Sterling: It's a great pleasure to have people actually talk about some of the things you said, so I thank the members who responded.

Yes, people who are in the OMA are part of the college of physicians. People who are teachers are in the union, because you don't have any choice whether you're in the union or not, and you're going to be on the college. The point I was making is about the participation of the union in the election of the college of teachers. What they're doing is that they're indicating the slate, packing the deck, for the selection of who sits on the college. That's really dangerous, because in that case the profession puts itself in the vulnerable position of saying that the teachers who are on the college—and many of them were former union representatives in different locals across this province. I know one of them in my area.

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): Name names.

Mr. Sterling: Larry Capstick was his name; he was elected as a former union representative. And there are many others. They should disqualify themselves, if they sat on the union executive, from sitting on the college.

This whole notion that the people on the college are members of the union—that's a non-starter. That doesn't deal with the real problem. It's about the control of the college, as opposed to a free election of the teachers who represent the profession and are going to uphold the profession of the teachers as we go forward.

We are proud of the tremendous advancements that the Conservative government made in education. Tests for kids proved that the system of Mike Harris and Ernie Eves works.

The Deputy Speaker: It being 9:30 of the clock, this House is adjourned until 10 of the clock on Thursday, March 6.

The House adjourned at 2130.

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