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

**Thursday 2 November 2006**

## **Journal des débats (Hansard)**

**Jeudi 2 novembre 2006**

**Standing committee on  
the Legislative Assembly**

Education Statute Law  
Amendment Act  
(Learning to Age 18), 2006

**Comité permanent de  
l'Assemblée législative**

Loi de 2006 modifiant des lois  
en ce qui concerne l'éducation  
(apprentissage jusqu'à l'âge  
de 18 ans)

Chair: Bob Delaney  
Clerk: Tonia Grannum

Président : Bob Delaney  
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE**

Thursday 2 November 2006

Jeudi 2 novembre 2006

*The committee met at 1610 in committee room 1.*

EDUCATION STATUTE LAW  
AMENDMENT ACT  
(LEARNING TO AGE 18), 2006

LOI DE 2006 MODIFIANT DES LOIS  
EN CE QUI CONCERNE L'ÉDUCATION  
(APPRENTISSAGE JUSQU'À L'ÂGE  
DE 18 ANS)

Consideration of Bill 52, An Act to amend the Education Act respecting pupil learning to the age of 18 and equivalent learning and to make complementary amendments to the Highway Traffic Act/ Projet de loi 52, Loi modifiant la Loi sur l'éducation concernant l'apprentissage des élèves jusqu'à l'âge de 18 ans et l'apprentissage équivalent et apportant des modifications complémentaires au Code de la route.

**The Chair (Mr. Bob Delaney):** Good afternoon, ladies and gentlemen. This is the hour I'm sure we've all been awaiting. Our order of business today is Bill 52, An Act to amend the Education Act respecting pupil learning to the age of 18 and equivalent learning and to make complementary amendments to the Highway Traffic Act.

Members have before them a package of motions that have been received in the office of the clerk. Are there any additional motions that a member would like to table at this time? Are there any comments, questions or amendments and, if so, to which sections?

**Mr. Rosario Marchese (Trinity-Spadina):** I guess this is our opportunity to speak to the bill, and I simply want to put on the record that New Democrats have been opposed to this bill from the very beginning. That's why we offered no amendments. We don't believe we can fix a bad bill.

We believe that if you fixed the funding formula and brought back some of the programs that we've lost, such as industrial arts programs that have virtually disappeared across the province; technical programs that virtually have disappeared across the province; if you brought back youth workers who worked with kids at risk, you would be helping those kids who desperately need the help from an early age, as well; if you brought more guidance counsellors into the system it would really be helpful; if you brought more English-as-a-second-

language teachers into the system, it would really help kids who desperately need it.

We have more students without ESL teachers under a Liberal administration, and the facts are obvious. Mr. Kennedy used to accept People for Education reports as factual. I'm assuming this government accepts them now. They report that we have more students in the GTA coming from out of the country who do not have a teacher, and it is worse today than it was under a Conservative administration, and it was bad then. Imagine how bad it is today.

We have special education problems that have not been fixed by a Liberal administration. If they did that, kids at risk would be helped. It is reported by People for Education that there are still 40,000 students who have been assessed and waiting for services. They report that there are still students who haven't gone through the identification placement and review committee because in some parts of the province we don't have the staff to make those assessments, meaning that kids at risk are not getting not only the identification they need to be able to provide the program but they're not getting the programs, meaning that those kids who don't get the help they require get pushed ahead without any of those preventive measures that would help these students. Unless we fix the funding formula that would permit boards to have these kinds of additional resources, we're always going to put students at risk.

So, rather than expanding the programs that we have now and making them more effective, and rather than bringing back many of the programs we used to have in high school and at the elementary level that would give those students an opportunity to be able to have alternative programs, we simply have destroyed all of that and are now saying we want to be able to provide alternative programming for students outside of the educational system. We'll debate your amendments for sure, but what we are arguing with is whether or not those programs are going to be taught by teachers—and we'll ask you those questions when you introduce your amendments—whether or not those students will have to pay fees, and whether or not you can guarantee that the kinds of programs they're going to get will be equal to and/or better in terms of what the current system is providing.

We object to this bill fundamentally. We do not believe that you can fix the problem the students have

had for 16 years at age 17 or 18. You cannot do it, unless you fix the social, economic, psychological and educational problems the students have, starting in the primary grades and go on to grade 12. If you do not fix those problems during that time, it means that it becomes very complicated to do anything with them at age 17. Does it mean you shouldn't try? No; absolutely you should. But I disagree with your bill that forces students to stay until age 18 no matter what.

You clearly have made some amendments where you were going to fine parents, and you moved it from the old Tory days of 200 to 1,000 bucks; now you're going back. Clearly, you realize you were being not too intelligent in that regard, so you're going to make that amendment. Clearly, you were going to fine the employers who wittingly or unwittingly were hiring people who should have been in school, based on this bill, and you were going to fine them up to 1,000 bucks. It went up from the 200 bucks the Tories had it to 1,000 bucks; you're amending that.

Clearly, you've been beaten up by wise, intelligent deputants and others who have written to you, saying to you that to get rid of the licence for students who haven't completed their degree was not a terribly bright idea, and you have dealt with that in your amendments.

The only thing left is, are these equivalency programs going to be taught by certified teachers? This is the question that is still unclear, and I wait for the amendments to be read to see what you have to say. So that is the only thing left in terms of any possible amendment that might do something with this bill in terms of saving face with the teacher federations. I don't believe you're going to deal with this in an adequate way, and I don't believe the teachers are going to be very happy with you. Some of them might be okay with some of the amendments you're introducing, but I believe they're going to be as angry as I am.

I am angry at the fact that you're introducing a very unintelligent bill that was worthy of the Conservative Party but not really worthy of the Liberals. So I have a different beef with you in general, but I do agree with teachers that these programs should be taught by certified teachers, and I think they should be, by and large, in the educational system. You provide a lot of these programs, such as co-op programs, youth apprenticeship programs and other alternative programs; you provide them now. Why not expand these programs, if you believe they're working? Why not expand the programs you've got now? You can do that under the current legislation without having to bring in another bill that will force students to stay until age 18. You're dead wrong in this regard. I believe that parents are on our side, and I believe the majority of teachers are on our side in terms of taking this view.

We oppose the entire bill because it cannot be reformed in any meaningful or intelligent way that I can see. So I wanted to introduce those remarks as a way of telling you that we did not introduce amendments because we cannot fix a bad bill.

Merci.

**The Chair:** Bienvenue. Thank you very much.

**Mr. Frank Klees (Oak Ridges):** I'm happy too to make a comment.

We did submit some amendments, because we know how this government works; that is, they certainly wouldn't accept our recommendation to repeal the bill, so they'll forge ahead. We wanted to get on record that, at least with some aspects of the bill, we feel if we can help to shape some of it we will have done our job.

**1620**

There's no question that this bill is historic in the sense that, in the time that I've been here, there has never been a piece of legislation presented through the public hearings process where there has been such consensus among stakeholders that it's bad legislation.

*Interjection.*

**Mr. Klees:** There has never been a piece of legislation, Ms. Mossop, in the time that I've been here, which is a little longer than you, where there have been so many stakeholders coming forward and saying, in all sincerity, "Look, you've made a big mistake here. This is impractical. It won't work. It's counterproductive, and please repeal the legislation." Every stakeholder, from teachers' unions to home schooling groups to parents to students, has appealed to this committee and to the government to repeal this legislation.

I was hoping, following the introduction of this bill by Mr. Kennedy, that Ms. Pupatello, as the incoming education minister, would take the opportunity to turn the leaf and do exactly that; she didn't. Now we have the third education minister within just a few weeks of Ms. Pupatello's appointment, and she missed the opportunity as well. So we will proceed to listen to the government.

I think it's fundamentally wrong because it's not needed. There isn't anyone in this room and there isn't a member of this Legislature who doesn't agree with the preamble to the bill. Who doesn't want kids to stay in school till they're 18? Who doesn't want our kids to get the best possible education? Who doesn't believe in alternative learning, in terms of ensuring that young people have a curriculum and have opportunities if they're more technically inclined, for example, to pursue those studies. But the reality is—and we heard it in submissions—that those opportunities are already available in the province today and some very excellent programs are being delivered throughout the province by various school boards, so what we don't need is another piece of legislation to enable that; we simply need the resources being provided to school boards and to teachers to expand those programs and make them available, to search out the best practices across the province and to implement those.

What we have here, really, is what we said it was from the beginning, and that's an attempt on the part of this government to, I think, in one way, shoehorn its way into one of the commitments it made, and that is to achieve a 75% pass rate.

We also heard from many witnesses here that what is inherent in this bill is that the standards are going to be lower; that, through the provisions that basically open the door to instruction taking place by unqualified instructors, the diplomas that will be issued are not going to be equivalent at all and that a grade 12 diploma is not going to be a grade 12 diploma; it will get to the point in this province where employers won't know what standard of education students have when they pass through the other side of this. It's wrong.

With regard to the issue of the licence suspensions, again, I don't recall one presenter who agreed with that provision. I also know—and I won't embarrass any of the members of the government here—from speaking to other members of the Liberal Party and backbenchers that they agree that it's wrong and it's not the right thing to do. They were hoping that the minister would at least repeal that part of the bill. I would have applauded that. But I can see from the stack of amendments that we have that that's missing too. So we forge on, and we keep that punitive, impractical, impossible-to-enforce provision. I don't understand, but we'll proceed, and we will rest our case, having made every effort to point out that this is bad legislation, that it should be repealed in total, and predict that it is just one more level of bureaucracy that is not going to do anything for education.

**The Chair:** Thank you. Mr. McMeekin, please carry on.

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** Just by way of brief comment, learning is clearly a lifelong process. This government prides itself on its willingness to listen to and to learn with its partners and then to act in what it believes is the best interests of our students. Mr. Marchese made a number of good points about some of the things we need to be doing. I would just respond by saying quickly that the government has taken leadership in many of those areas. Mr. Klees has made some comments which I appreciate—some, predictable. I think, when we get into the amendments, you'll see that some of the concerns that you've listed have in fact been addressed.

The minister specifically asked me to take a minute at the outset to offer a particular word of thanks to all those who made presentations during a very elaborate and elongated public hearing process, and to specifically thank our educational stakeholder partners who fortunately have chosen to work with the government—through the working table, the Student Success Commission and other vehicles; a lot of meetings with the minister, parliamentary assistants and others—to try to enhance this bill. I think, by the time all the dust settles today, the bill will be dramatically enhanced.

As members may know, the Ontario Secondary School Teachers' Federation have a students-first plan which is really excellent, by the way. I don't think there's anything in the plan that the government doesn't fundamentally concur with. They had a news conference earlier today where they said some very positive things

about the changes that were being proposed by the government in its amendments.

Just a moment ago, I was handed a news release that came out at 3:54 this afternoon from the Ontario English Catholic Teachers' Association, which I'd like to just quickly read—it's short—into the record, and then I'll cease my comments. It reads as follows: "OECTA Applauds Student Success Strategy"—November 2 etc.

"Ontario's Catholic teachers are endorsing the McGuinty government's strategy to help students at risk stay in high school until they graduate.

"Members of the Ontario English Catholic Teachers' Association ... applaud the plan to match individual students' strengths, interests and career goals," says OECTA president Donna Marie Kennedy.

"We agree that all secondary school students deserve an equal opportunity to graduate and that the government is prudent in taking steps to remove barriers that impede success for those at risk."

"Bill 52, also known as the Learning to 18 Act that supports the student success strategy, is expected to be passed into law before Christmas.

"Donna Marie Kennedy says that the strategy has a better chance of succeeding because the government is working with all the stakeholders to make the legislation relevant to students and parents and the community at large. 'The government heard teachers' concerns about maintaining the integrity of the secondary school diploma. We look forward to working with the government on the details of implementation.'"

We've struggled to make the meaningful and intelligent changes that member Klees has spoken to. I think the amendments presented by members of this committee will enhance this bill and will help us to together celebrate our greatest resource, and that's our young people.

1630

**The Chair:** Thank you very much.

On section 1: Comments, questions and amendments?

**Mr. Klees:** I move that the definition of "driver's licence" in subsection 1(1) of the Education Act, as set out in subsection 1(1) of the bill, be struck out.

The reason for this is that, as I stated at the outset, we believe that the entire section related to suspension of driver's licences should be struck. We have to, of course, deal with that at the end of the section when we come to that, but the reason I want to propose that we remove this definition is that if there isn't a section dealing with driver's licences, then we don't need a definition for driver's licences. So I was hoping we might get support from the government right at the outset and we don't have to worry about the rest of it.

I want to take a minute to just make this point in speaking to this amendment. I want to read to you from a submission that was presented to the committee by the OSSTF on the issue of the enforcement via driver's licences:

"While OSSTF members support the goals of the act to motivate all students to stay in school, continue

learning and earn a diploma, we were totally surprised by the heavy-handed enforcement provisions that were placed in Bill 52. These provisions will prove difficult, if not impossible, to implement, and will sour parents and students alike on the program. Instead of parents supporting a laudable educational initiative, they are criticizing the ‘Big Brother’ approach the bill takes.”

Then they go in their submission to give several practical reasons as to why the OSSTF does not believe that this enforcement mechanism will work. They talk about the administrative problems. They talk about the punitive aspect of it. They talk about the challenges that students in rural areas and in the northern parts of the province will have, and that the plan punishes only those who don’t yet have a driver’s licence. If a student moves quickly to get a G1 licence, they suggest, after turning 16, and then drops out at age 17, there will be little deterrent value. In short, they are suggesting that, notwithstanding the good amendments that we’re going to be dealing with later relating to educational standards, that this—and I have not yet heard any support expressed by any stakeholder for this provision of the legislation.

I want to make one more point. We have hundreds of these, but I think it’s important as we move forward that we have a sense that the government fully understands how wrong-headed they are in pressing forward with this aspect of the bill.

I want to quote to you a letter that Gerard Kennedy received and Dalton McGuinty was copied on—and I’m sure that all members of this committee received copies of it—from Clive Holloway, who is a professor emeritus at York University:

“Sir, as a high school dropout who has been a full professor at one of your universities for many years, I would like to disagree with your draconian attempts to force youth to stay in school by denying driving licences.

“I dropped out of a prestigious high school with excellent teachers that I still revere today. My reasons were partly to do with family finances and partly to do with my own feelings that I should get out into ‘real life.’

“Within a year I was able to afford a used vehicle and get a driving licence. This enhanced my working opportunities, and the freedom encouraged me to explore more. One of my explorations led to education upgrading at night school. With my equivalent of a higher diploma, and the freedom to move a driving licence gave me, I was later able to resume my education full-time at a college and work at nights in a hotel restaurant. Finishing my college education with an industrial diploma, I was able to enter graduate school and earn the M.Sc. and Ph.D. which put me on the road to university teaching and research.”

That’s just a very practical example of how wrong-headed this part of the bill is, and I will leave it for members of government to contemplate. I know they’re pushing forward with this, but we’ve made an effort here through this amendment to perhaps have the government give some pause.

**The Chair:** Further debate?

**Mr. McMeekin:** Just to note that we won’t support this because it goes a little further than we want. There is some reference to driver’s licences later in the amendments, an amended option referencing truancy courts. I can say that in one of our amendments, we deal with removing sections dealing with the Highway Traffic Act anyway.

**The Chair:** Further debate? I’ll put the question. Shall the motion carry? Those in favour? Opposed? I declare the motion lost.

Additional comments on section 1?

**Mr. McMeekin:** I move that the definition of “equivalent learning” in subsection 1(1) of the Education Act, as set out in subsection 1(1) of the bill, be struck out and following substituted:

“‘equivalent learning’ means a learning situation that falls outside the instruction traditionally provided by a board, that is approved under paragraph 3.0.1 of subsection 8(1) and for which a pupil’s success can be reasonably evaluated; (‘apprentissage équivalent’).”

That amendment comes about directly as a result of our discussions with our important stakeholders. In fact, it’s part of the whole education loop that has been created in this bill. We’re pleased to move that.

**Mr. Marchese:** I would like the parliamentary assistant or some other civil servant to explain the effect of this change on the old wording of the bill. What is the effect of what you either added or subtracted? Why the change? What did you take out or include?

**Mr. McMeekin:** We dropped the three specific references in (a), (b) and (c) that were there. We didn’t want to be as specific and as pointed as those were, and that was part of our discussion with stakeholders. The definition of “equivalent learning” now includes reference to the minister’s power to approve providers and programs under paragraph 3.0.1 of subsection 8(1). Therefore, only those approved by the minister will fit the definition of equivalent learning. There was a sense out there that equivalent learning needed a definition and that the minister needed to work with school boards and stakeholders to spell that out. Therefore, the various types of equivalent learning were removed, not wanting to pre-judge that process.

**Mr. Marchese:** If I may, just for clarity, the old bill said, “Traditionally provided by a board and for which a pupil’s success can be reasonably evaluated, including, but not limited to....” So it makes some specific suggestions and the language suggests that it’s not limited to, meaning other programs could be offered. Your point is, you didn’t want to be specific based on the discussions you had with the stakeholders, whoever they may be. Now what you’re saying is that you’re going to be less specific even though the old language allowed you to do virtually anything you wanted, and only those programs approved by the minister are what really matters. Is that more or less—

1640

**Mr. McMeekin:** That’s more or less true. In later amendments, we also define how guidelines, policies and

standards will be arrived at. That's covered off later in the provisions.

**Mr. Marchese:** You said there were some discussions with stakeholders. Can I ask you who they were?

**Mr. McMeekin:** We heard from a number of people who made presentations, as you know. This was referenced on a couple of occasions. We certainly had discussions with those folks.

**Mr. Marchese:** Did you have any other private meetings with any of the other federations after those deputations were made?

**Mr. McMeekin:** I haven't had any private meetings. Meetings the minister has had would be meetings that she's privy to, and I suspect it's out there that she's been having some discussions. Clearly, we want to walk the walk with our stakeholders and they with us, and we've been doing that.

**Mr. Marchese:** Okay. Thank you.

**Mr. Klees:** Would the parliamentary assistant please help me, then, with this paragraph 3.0.1? What is left? Are you stripping out everything that was in this section, which is essentially the equivalent learning definition?

**Mr. McMeekin:** No.

**Mr. Klees:** Okay. Clarify again what's coming out.

**Mr. McMeekin:** We're just dropping the (a), (b) and (c) provisions and putting in place a process to more appropriately talk about the kinds of learning experiences that would constitute a bona fide equivalent learning experience.

You said, "What are we doing?" We're doing exactly what we said all along we would do: Work with our stakeholders—the working groups, the student success group and other groups that have been walking the walk with us—to help ensure that the regulations that come out with respect to this bill are appropriate. That's what we're doing.

**Mr. Klees:** At what point do you address the qualification of the instructors?

**Mr. McMeekin:** You'll see in one of the amendments that there's a reference to education—we're getting ahead of ourselves, Mr. Chair, but I'll try my best. There's an amendment which will ensure that the education will not be of a lesser quality than is currently provided. That's a specific amendment that will be coming up for discussion.

**Mr. Klees:** What section is that?

**Mr. Marchese:** It's the next page.

**Mr. Klees:** Okay. I'll deal with it then.

**The Chair:** Further debate? Shall the motion carry? Carried.

Shall section 1, as amended, carry? Carried.

Section 2: Comments and amendments?

**Ms. Jennifer F. Mossop (Stoney Creek):** I move that section 2 of the bill be struck and the following substituted:

"2.(1) Subsection 8(1) of the act is amended by adding the following paragraph:

"Equivalent learning

"3.0.1 establish policies, guidelines and standards with respect to equivalent learning and may,

"i. require that boards develop and offer equivalent learning opportunities to their pupils in accordance with the policies, guidelines or standards,

"ii. subject to subsection (2), in accordance with criteria set out in the policies, guidelines or standards, designate groups, organizations or entities that are approved to provide equivalent learning to pupils of a board,

"iii. in accordance with criteria set out in the policies, guidelines or standards, designate programs, courses of study or other activities that are approved for the purposes of equivalent learning.'

"(2) Subsection 8(1) of the act is amended by adding the following paragraph:

"Agreements concerning equivalent learning

"24.1 subject to subsection (2), enter into an agreement with one or more groups, organizations or entities respecting the provision of equivalent learning to pupils of one or more boards.'

"(3) Section 8 of the act is amended by adding the following subsections:

"Minister's duties re equivalent learning

"(2) In determining whether to approve an organization or entity under paragraph 3.0.1 of subsection 8(1) to provide equivalent learning and in entering agreements for the provision of equivalent learning under paragraph 24.1 of that subsection, the minister shall have regard to the need to ensure that a pupil who participates in equivalent learning will not, by so doing, receive educational benefits of a lesser quality than those provided in the traditional education system.

"Restriction re credits for equivalent learning

"(2.1) The minister may not, in the exercise of his or her authority under subsection (1), authorize any person other than the principal of a school to issue a credit to a pupil for his or her participation in equivalent learning."

**The Chair:** Debate on the motion?

**Mr. Marchese:** Could the parliamentary assistant or a civil servant indicate to us the difference between what you've introduced and what was specifically laid out in the original bill?

**Mr. McMeekin:** Let me give it a try. Paragraph 3.0.1, of course, has been rewritten to clarify that only the minister can approve the equivalent learning programs. There's a reference to the word "standards" to indicate that the approval will be based upon the program group meeting ministry standards. This eliminates the possibility that school boards will in fact be able to set their own policies regarding equivalent learning programs and organizations, and that's important because you could have a radically different set of standards between boards.

It provides the minister with the authority to enter into agreements for the provision of equivalent learning students' boards. Right now, boards can only agree to enter into agreements with other boards. This will allow a province-wide potential. The equivalent learning organi-

zation will have to enter into an agreement on behalf of the school boards, and the minister will need to consider that the students who take the equivalent learning programs do not receive—repeat, do not receive—a lesser-quality education than those who don't.

This also ensures that in the minister's policies no person other than the principal of the school can be named to award the credits. We felt, on reflection and with the advice from a number of people, that made a lot of sense. We heard a lot of that kind of suggestion during our hearings.

**Mr. Marchese:** Just a little detail, but it now reads, "Establish policies and guidelines with respect to equivalent learning which may specify, but are not limited to specifying...." Your language says, "Establish policies, guidelines and standards with respect to equivalent learning and may...." I don't see any difference there in terms of that specific language. Is there any difference that I don't see?

**Mr. McMeekin:** I think I've done my best to outline what the intent was.

**Mr. Marchese:** Yes, and I was being very specific. That's okay. I obviously don't see the language change. It still says "may" and the original language says "may." It still has "boards develop and offer equivalent ... policies...." I'm not quite sure where boards are going to be doing anything different in your motion now versus where it was, except your addition on page 3, where you specify that "the minister may not, in the exercise of his or her authority under subsection (1), authorize any person other than the principal of a school to issue a credit...." Are you suggesting that under the old rules it wasn't a principal, that it would have been somebody else? Who might it have been under the old bill?

**Mr. McMeekin:** In response to that, there was a concern expressed by a number of presenters as we went through the public hearing phase that they didn't want to see us get into a series of ad hoc, uncontrolled, non-standardized learning modules that would detract from the integrity of the Ontario secondary school diploma. We wanted to clean up the language to ensure that that wasn't the case.

1650

**Mr. Marchese:** I don't see that. I don't see how the ad hoc programs that may emerge are any different with your new language. The fact that you've now added that says that no one other than the principal of a school can issue a credit: I don't know how that makes it any different; I really don't, first of all. Ted, if any civil servant wants to speak in this regard to help us out with clarity, I'd be very happy if you could permit us to do that.

**Mr. McMeekin:** Oh, I'm easy. We have several here.

**Mr. Marchese:** Chair, if we could have any civil servant who could comment on this, that would be helpful.

**Mr. McMeekin:** Maybe Grant could handle that, or Deborah. Deborah Goldberg is our legal services person

and Grant Clarke is the director of the student success branch.

**The Chair:** Although I'm sure you absolutely remember the protocol, please remember to identify yourselves for the purposes of Hansard first.

**Mr. McMeekin:** What we might want to do to save time is invite these two wonderful public servants to stay at the end of the table.

**Mr. Marchese:** Exactly what I was thinking. You can stay there in case we have other questions for you.

**Mr. McMeekin:** We have some other wonderful public servants here too whom I'll name as appropriate.

**The Chair:** Could you please identify yourselves for Hansard? The floor is then yours.

**Ms. Deborah Goldberg:** I'm Deborah Goldberg, legal counsel of the Ministry of Education.

**Mr. Grant Clarke:** I'm Grant Clarke. I'm the director of the student success/learning to 18 strategy policy branch.

**Mr. Marchese:** Thank you. Did you hear the question? Okay, great.

**Ms. Goldberg:** If you look at the original Bill 52, there are six examples of the types of policies the minister can issue. At the time that the bill was introduced, there was thought given that school boards would be able to develop their own policies. If you look in the original bill at subclauses v and vi of section 3.0.1, "v. criteria or standards that an organization must satisfy in order to be acceptable as a provider of equivalent learning,

"vi. criteria or standards that a program, course of study or other activity must satisfy in order to be acceptable for the purposes of equivalent learning."

"Acceptable" meant that the ministry had said that it would be acceptable for a school board to decide on the providers and the criteria. A decision has been made subsequently that the school boards will not be able to decide on the providers or on the programs. That will all be left to the minister.

**Mr. Marchese:** So that will be clarified later, not in this section but later.

**Ms. Goldberg:** That's in this amendment.

**Mr. Marchese:** It's in this amendment that we just read out. It's where, again?

**Ms. Goldberg:** It's on page 3, section 2 of the bill, under "equivalent learning."

**Mr. Marchese:** Sorry, are you talking about the old bill or the new amendments?

**Ms. Goldberg:** I'm using both together. If you compare the two of them, the amendment is considerably shorter than what was in the existing bill. That was because we took out all references to school board authorities to determine which were the equivalent learning providers and which could be equivalent learning programs. It will now all be left to the minister.

**Mr. Marchese:** Can I ask you, is this the section where we would know whether the programs offered would be by certified teachers, or is there another section that will deal with it later?

**Ms. Goldberg:** I believe that it would be in the policies, standards and guidelines that will be issued under this section.

**Mr. Marchese:** So what we will get, and it's not clear here today but it's clear in your mind, under paragraph i of section 3.0.1, is, "require that boards develop and offer equivalent learning opportunities to their pupils in accordance with the policies, guidelines or standards." This is what you point to, to say that the equivalent learning programs will be provided by certified teachers.

**Ms. Goldberg:** If that's done, it will be through those policies. I can't tell you right now what those policies—

**Mr. Marchese:** I understand: "If that's done"; that's the question I'm asking you, because teachers are worried about that and so am I. You're saying, "If that is done, it's not clear that it will be so." You're saying, "If that is done by the minister."

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

**Mr. Marchese:** So I'm not sure that teachers' federations were clear on this—maybe they are; maybe they're not. I wasn't clear and I didn't believe for a moment that these programs would be offered by teachers. So what is clear to me today is that this may happen or it may not. What I suspect is that, given that the intention of this government was never to have certified teachers, that will continue. But you can't comment on that because that's a political question. I understand. You made it very clear that nowhere in this section does it say that these equivalent programs will be offered by teachers except and unless the minister says yea or nay.

**Ms. Goldberg:** Through the policies.

**Mr. Marchese:** Thank you very much.

**The Chair:** Further debate?

I'll call the question: Shall the amendment carry? Carried.

Further amendments?

**Mr. Klees:** I will withdraw that.

**The Chair:** Mr. Klees has withdrawn his amendment.

Shall section 2, as amended, carry? Carried.

Section 3: Amendments?

**Mr. Klees:** I move that subsection 11(8.2) of the Education Act, as set out in section 3 of the bill, be struck out.

**The Chair:** Any debate?

**Mr. McMeekin:** This is precisely similar to motion 6, which follows, which we submitted. I don't know who got there first but it doesn't matter. The intent is the same, so we're pleased to accept that page 5.

**Mr. Marchese:** Could you explain for the record what the intent of that is, Parliamentary Assistant?

**Mr. McMeekin:** I can indeed. You'd be shocked if I couldn't, right?

**Mr. Marchese:** It's good for people to know on the record.

**Mr. McMeekin:** The government proposes—in this case the PC motion is exactly similar to the government's; the intent is the same—to withdraw the requirement that 16- to 17-year-olds obtain a notice of

confirmation from their school principal before they can apply for any class of driver's licence. These regulations are therefore no longer necessary.

**Mr. Marchese:** I recall, Parliamentary Assistant, that the minister, when she was just a regular member, was so happy with this stuff. Obviously she's been listening to people like you and to other parents. So it's a great thing that you guys listened. Is that the argument?

**Mr. McMeekin:** To her credit, the honourable minister is probably the most adroit human being at listening I've ever met. She has, and I don't think there's any secret that several members on the government side had, some considerable anxiety about this. This is why I was sure to invite several young people from my own constituency to come out and share their concerns. So we're pleased that we've been able to come to a meeting of the minds on this.

**Mr. Marchese:** I was so delighted to see the minister being so malleable, or at least flexible, in this regard. It's so good to see, because she was such a determined soldier, and she was going to soldier on with that, but in the end she gave in. This is really great.

**The Chair:** Be careful. She may quote you on that.

Further discussion on the amendment?

**Mr. Klees:** Let me just add that we certainly are pleased that there has been some listening that has taken place to the official opposition on this issue on behalf of all stakeholders who came forward and made their point, notwithstanding, as Rosario said, what was interesting about this is, if we look at Hansard, the number of times the minister vehemently defended this part of the legislation. There obviously was an awakening, and we're glad to see it. What we're hopeful is that, as time goes on, there might be even some more listening that takes place in other parts of her ministry.

**The Chair:** In this spirit of camaraderie, shall we try the question? Shall the amendment carry? Carried.

Number 6, identical to the amendment from the government, is therefore out of order and is withdrawn.

Shall section 3, as amended, carry? Carried.

There being no amendments proposed for section 4, shall section 4 carry? Carried.

Section 5: Amendments?

1700

**Mr. Klees:** I move that subsection 21(1) of the Education Act, as set out in subsection 5(1) of the bill, be amended by striking out "18 years" wherever it occurs and substituting in each case "16 years."

**The Chair:** Thank you. Discussion?

**Mr. McMeekin:** Other than the fact that it contradicts everything we're trying to do, it would be a great motion. So we will obviously reject it on this side.

**Mr. Klees:** You can't blame us for trying.

**The Chair:** With the positions thus staked out, Mr. Marchese?

**Mr. Marchese:** Just a brief comment. I just want to put for the record, because I didn't do this, what I think are the motives of this government as to why it is they're pushing the age up to 18. They're having a difficult time

dealing with the fact that one in three drops out of school and that if you're able to hold students until age 18, that would be a way of saying to the parents out there, "We are succeeding. More and more students are staying in school." God bless you, because the studies don't show that you're going to have much of a success in this regard in terms of this bill, putting yourself under this process. I think the studies show that where they made it obligatory to stay until age 18 you've got a 1.1% or 1.2% increase. So I suppose you might argue that even for that marginal increase it's better than nothing. I put to you that if you—

**Ms. Mossop:** Every body counts.

**Mr. Marchese:** Pardon, Madame Mossop?

**Ms. Mossop:** Every person counts.

**Mr. Marchese:** Yeah, every person counts.

I put to you that if you put back some of the programs we lost at the high school level, so many of those programs we've lost under the Tories that have continued to disappear under your jurisdiction, a lot of those students would have more opportunities to have hands-on programs, and they have been lost. Why you would move to go to some outside program instead of dealing with it within the system and provide the programs that work so well—in fact, improve them—is beyond my reasoning. I just don't get it. Put that for the record.

**The Chair:** Thank you. So noted.

Shall we try the question? Shall the amendment carry? All those in favour? All those opposed. I declare the amendment lost.

Further amendments?

**Ms. Mossop:** I move that subsection 21(1.1) of the Education Act, as set out in subsection 5(1) of the bill, be struck out and the following substituted:

"Participation in equivalent learning

"(1.1) A person shall be considered to be attending school when he or she is participating in equivalent learning if the equivalent learning program, course of study or other activity and the group, organization or entity providing it have been approved under paragraph 3.0.1 of subsection 8(1)."

**The Chair:** Discussion?

**Mr. Marchese:** If I can, the effect of this, again, from our friendly civil servant, Deborah—

**Mr. McMeekin:** I can answer that.

**Mr. Marchese:** Or the parliamentary assistant, sure.

**Mr. McMeekin:** The purpose of the subsection is pretty self-evident, I think. It's to ensure that a student will not be considered absent from school while attending an equivalent learning program. The amendment, of course, underscores once again the fact that the equivalent learning program must be one approved by the minister. It's that simple.

**Mr. Marchese:** Thank you.

**The Chair:** Further discussions or debate? Shall the amendment carry? Carried.

Shall section 5, as amended, carry? Carried.

Section 6: Amendments?

**Mr. Klees:** I move that section 21.2 of the Education Act, as set out in section 6 of the bill, be amended by adding the following subsections:

"Home schooled persons

"(8.1) A person who is receiving satisfactory instruction at home need not request confirmation from a board that he or she is in compliance with section 21 and may, for the purpose of demonstrating to the Ministry of Transportation that he or she is not disentitled from applying for a driver's licence or driver's licence endorsement or from taking a practical or written examination in respect of a driver's licence under the Highway Traffic Act, deliver to the Ministry of Transportation a statement, signed by the parent or guardian of the person, in which the parent or guardian confirms that,

"(a) he or she is aware that the person is required to attend school in accordance with section 21 unless excused; and

"(b) he or she is providing the person with satisfactory instruction at home such that the person is, in his or her view, excused from attendance at school and is in compliance with section 21.

"Signed confirmation sufficient

"(8.2) The Ministry of Transportation shall accept the signed confirmation described in subsection (8.1) as proof, in the absence of evidence to the contrary, that the person in question is in compliance with section 21."

**The Chair:** Debate? Discussion?

**Mr. McMeekin:** Just that it's clearly the government's intent to remove those sections, so I think this is redundant.

**The Chair:** Further discussion, debate?

Shall the amendment carry? Those in favour? Those opposed? I declare the amendment lost.

Further amendments to section 6? Ms. Mossop.

**Ms. Mossop:** I move that sections 21.2 and 21.3 of the Education Act, as set out in section 6 of the bill, be struck out.

**The Chair:** Discussion and debate?

**Mr. Marchese:** Just for the record, an explanation, please?

**Mr. McMeekin:** Sure. I'm pleased to provide the very simple explanation that the government proposes to withdraw the requirement that 16- and 17-year-olds receive a notice of confirmation from their school principal before they can apply for any level of driver's licence; these sections are therefore no longer necessary.

**The Chair:** Further discussion or debate?

I'll put the question. Shall the amendment carry? Carried.

Shall section 6, as amended, carry? Carried.

Section 7: Amendments? Ms. Mossop.

**Ms. Mossop:** I move that subsection 7(1) of the bill be struck out and the following substituted:

"7(1) Subsections 30(1), (2) and (3) of the act are repealed and the following substituted:

"Offences: non-attendance

"Liability of parent or guardian

“(1) A parent or guardian of a person required to attend school under section 21 who neglects or refuses to cause that person to attend school is, unless the person is 16 years old or older, guilty of an offence and on conviction is liable to a fine of not more than \$200.

“Bond for attendance

“(2) The court may, in addition to or instead of imposing a fine, require a parent or guardian convicted of an offence under subsection (1) to submit to the Minister of Finance a personal bond, in a form prescribed by the court, in the penal sum of \$200 with one or more sureties as required, conditioned that the parent or guardian shall cause the person to attend school as required under section 21 and, upon breach of the condition, the bond is forfeit to the crown.

“Employment during school hours

“(3) Anyone who employs during school hours a person required to attend school under section 21 is, unless the person is 16 years old or older, guilty of an offence and on conviction is liable to a fine of not more than \$200.’

“(1.1) Sections 30(1), (2) and (3) of the act, as re-enacted by subsection (1), are repealed and the following substituted:

“Offences: non-attendance

“Liability of parent or guardian

“(1) A parent or guardian of a person required to attend school under section 21 who neglects or refuses to cause that person to attend school is, unless the person is at least 16 years old and has withdrawn from parental control, guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

“Bond for attendance

“(2) The court may, in addition to or instead of imposing a fine, require a parent or guardian convicted of an offence under subsection (1) to submit to the Minister of Finance a personal bond, in a form prescribed by the court, in the penal sum of \$1,000 with one or more sureties as required, conditioned that the parent or guardian shall cause the person to attend school as required under section 21 and, upon breach of the condition, the bond is forfeit to the crown.

“Employment during school hours

“(3) Subject to subsection (3.1), anyone who employs during school hours a person required to attend school under section 21 is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

“Exception

“(3.1) Subsection (3) does not apply when the person required to attend school is employed during school hours as part of equivalent learning if the equivalent learning and the group, organization or entity providing it have been approved under paragraph 3.0.1 of subsection 8(1).”

**The Chair:** Discussion and debate?

**Mr. Marchese:** Just for the record, I remember debating with Mr. Kennedy once where I pointed out that there was a change from the old bill to the new bill that he had proposed, and he said, “Oh no, there’s nothing

different. The Conservative government was doing the same thing,” and I pointed out that they went from 200 to 1,000 bucks, and he pretended not to hear. I also pointed out that it was such a dumb, dumb thing to do, in terms of trying to punish parents. Imagine—as if parents don’t want their kids to be in school. To even suggest that somehow parents were holding these kids back while they should be in school and that we should punish them with a \$1,000 penalty was, I thought, one of the dumbest things you Liberals were proposing. Then you went after the employers as well, as if they were at fault, of course; not that they wouldn’t want them if they could get them for cheap labour, because any employer will take cheap labour any time for any small price. But I thought that too was equally dumb.

**1710**

So I am happy to hear that once again your minister, who was a staunch soldier—she was really committed to this bill; how moving and how moved she was—heard that we had Liberal members in this committee who obviously must have been very persuasive and that she, obviously, was listening. God bless. You see, it’s possible to get some ministers to move away from their original positions. So there you go; you went from something very unintelligent to something more reasonably intelligent.

**Mr. McMeekin:** We’re committed to that.

**The Chair:** Further comments? Shall the amendment carry? Carried.

Further amendments? Ms. Mossop.

**Ms. Mossop:** I move that subsection 7(2) of the bill be struck out and the following substituted:

“(2) Subsection 30(5) of the act is repealed and the following substituted:

“Habitually absent from school

“(5) A person who is required by law to attend school and who refuses to attend or who is habitually absent from school is, unless the person is 16 years old or older, guilty of an offence and on conviction is liable to the penalties under part VI of the Provincial Offences Act and subsection 266(2) of this act applies in any proceeding under this section.’

“(2.1) Subsection 30(5) of the act, as re-enacted by subsection (2), is repealed and the following substituted:

“Habitually absent from school

“(5) A person who is required to attend school under section 21 and who refuses to attend or is habitually absent is guilty of an offence and for that purpose the following apply:

“1. Subsection 266(2) of this act applies in a proceeding under this subsection.

“2. A proceeding under this subsection shall be conducted in accordance with part VI of the Provincial Offences Act.

“3. Every reference to “16 years” in the definition of “young person” in section 93 of the Provincial Offences Act shall be read as a reference to “18 years.”

“4. A court may, on convicting a person of an offence under this subsection, impose any penalty under part VI of the Provincial Offences Act.

“Additional penalty: driver’s licence suspension

“(5.1) In addition to any other penalty it imposes on convicting a person of an offence under subsection (5), a court may order that the person’s driver’s licence be suspended and for that purpose the following apply:

“1. The order shall specify a date on which the suspension ends, which shall be no later than the date on which the person is no longer required to attend school under section 21.

“2. Once the suspension ends, the person may apply for the reinstatement of his or her licence to the registrar of motor vehicles appointed under the Highway Traffic Act.”

**The Chair:** Mr. Marchese?

**Mr. Marchese:** Mr. Chair, just to point out that we got these amendments at 1 o’clock. The reason why I’m asking the parliamentary assistant to speak to these changes is that I haven’t had an opportunity to compare these changes to what was in the bill. We didn’t have much more than a half-hour to review some of this stuff, so could you put on the record what changes there are between what we had and what you’re proposing?

**Mr. McMeekin:** Yes, I’d be delighted to. We did, but they didn’t get them until today. We didn’t get—

**Mr. Marchese:** One o’clock is when we got them, yes.

**Ms. Mossop:** Really? Oh.

**Mr. McMeekin:** Yes, I’d be delighted to do that.

Subsection (2) is a new section of the bill that allows for the separation of penalties for students under 16 and those over 16. The amendment exempts 16- and 17-year-olds from prosecution for habitual absence. Penalties for 16- and 17-year-olds will, of course, not come into effect until proclaimed at a future date. That’s why we prepared, with the capable assistance of the ministry stalwarts, the grid.

The reference to the driver’s licence as part of a court proceeding is to provide a judge, should he or she wish to—I didn’t know until we got into the discussion that a judge can currently incarcerate someone who is chronically truant. It is hoped that this would give a judge another tool of last resort, short of incarceration. We thought that made sense.

**Mr. Marchese:** Okay.

**The Chair:** Further debate?

**Mr. Klees:** If I could ask the parliamentary assistant: What you’ve essentially done is to take out the provision for licence suspensions as a matter of course through the bill. But what you’ve done now is slipped it in the back door, saying that if a judge feels it’s appropriate to do that, then you’re providing that latitude. Is that right? That’s essentially what you’re doing here.

**Mr. McMeekin:** With respect to the characterization, we’re not trying to slip anything in any back door. We’re trying to be realistic. There are a number of difficulties that were highlighted by a wide plethora of speakers, as

you know, in our public hearings. It also became clear to us in the process of looking at this that there were some considerable administrative problems, everything from MTO right through to different principals interpreting things in different ways. So we just felt this was a good way to resolve the issue and remove the requirement that 16- and 17-year-olds must go to their principal and get a certificate indicating that they are, in fact, in school in order to get any class of driver’s licence. That, on reflection, didn’t make sense to us, so we’ve removed it. The provision in the court is a legitimate attempt to provide his or her honour with some other options, short of incarceration.

**Mr. Klees:** May I ask what the procedure is that you contemplate, then, for the suspension? Who notifies MTO of the suspension? Is it an immediate one?

**Mr. McMeekin:** I’d have to yield to Deborah Goldberg, our legal counsel. That would be a legal process if it were a court-ordered action.

**Mr. Klees:** Can you explain how you envision that?

**Ms. Goldberg:** The court order is sent from the court directly to MTO. They already have procedures in place to do this under other legislation. They’re permitted to do it under the Provincial Offences Act, so we anticipate that it will be the same.

**Mr. Klees:** And how long does it typically take to have the reinstatement of the licence processed by MTO?

**Ms. Goldberg:** I know that when the suspension is over, the person has to apply to be reinstated. I can’t tell you how long it takes; I’m sorry.

**Mr. Klees:** Are you aware that for any reinstatement application there’s usually at least a six- to eight-week period of time before MTO can process this?

**Ms. Goldberg:** I was not aware, no.

**Mr. Klees:** Is the parliamentary assistant aware that this is the case?

**Mr. McMeekin:** We appreciate your drawing that to our attention, and we’ll look at any and all ways we can improve that legally.

*Interjection.*

**Mr. McMeekin:** Yes, I think there were four cases, but potentially 250 students across the province could hypothetically fall under that category.

**Ms. Mossop:** But realistically only four.

**Mr. McMeekin:** I think there are four, or seven actually.

**Ms. Mossop:** Four.

**Mr. Klees:** And what do you base that on?

**Ms. Mossop:** That was the information we were provided of how many kids actually end up in court facing this situation. It’s a small tool, that’s all.

**Mr. Klees:** A small tool.

**Ms. Mossop:** It’s realistic, I think, to indicate that if there is a child or a student who is truant without good reason, there’s something much more tangible about the potential of losing a driver’s licence than there is about their parents potentially being fined and the other tools that are available to a judge.

**Mr. Klees:** I'm simply pointing out that we have, within this government, some process problems. I'm sure members here have dealt with constituents who've gone through the process of trying to get a licence reinstated; eight weeks, 12 weeks, sometimes much longer from the time the suspension is over and you supposedly have served your time. Now you move into another complexity of trying to get that licence back. I'm just suggesting to you that it's already going to be a hardship, which I think is inappropriate. Whether it's imposed by the judge or by the Ministry of Education through its policies, I think it's fundamentally wrong. You have to be aware that not only are you going to be taking that driver's licence away for the period of the suspension; that person won't be able to drive for at least another six to eight weeks, at a minimum, while MTO processes that reinstatement application. At the very least, I would have thought that you would have thought this through and there would be some form of bypassing that bureaucratic process so that there would be an immediate reinstatement without having to go through, as this reads, the normal MTO reinstatement process.

1720

**Mr. McMeekin:** I think the point's well taken. We had some background information that I recall reading that suggested—and I'm just going from recall; I'm scrambling to see if I have it, but I don't—that the process didn't take that long. But the point's been made, and I think every member of this committee and every member of the Legislative Assembly is always anxious to ensure, whenever we make some suggestion that will wind its way into law, that it's done in a way whereby processes to undo a penalty are expedited. We'll certainly note the concern. I think that's all we can do at this point.

**The Chair:** Further discussion or debate? Shall the amendment carry? Carried.

Shall section 7, as amended, carry? All those in favour? All those opposed? Section 7 carries.

Shall section 8 carry?

**Mr. McMeekin:** Mr. Chair, we have motion 14. The government recommends removing this section in its entirety, and we're told that, procedurally, the only way we can do that is to vote against it.

**The Chair:** So noted. Shall section 8 carry? I declare section 8 lost.

There being no amendments proposed for sections 9 through 11, may we consider sections 9 through 11 as a block? Okay. Shall sections 9 through 11 carry? Carried.

Section 12: Amendments?

**Ms. Mossop:** I move that paragraph 7.3 of subsection 170(1) of the Education Act, as set out in section 12 of the bill, be struck out and the following substituted:

“Equivalent learning

“7.3 in accordance with any policies, guidelines or standards issued under paragraph 3.0.1 of subsection 8(1), develop and offer equivalent learning opportunities to their pupils.”

**The Chair:** Discussion?

**Mr. Klees:** Was the previous wording “develop and implement”? I just can't find it right now.

**Mr. Marchese:** Deborah?

**Ms. Goldberg:** Yes.

**Mr. Klees:** So I just have this question: What is the difference? Why did you change the word “implement” to “offer”?

**Mr. McMeekin:** Sorry. I think there's something wrong with the mikes here.

**Mr. Klees:** Okay, we'll try again. The original wording was “develop and implement” equivalent learning opportunities. You've changed the word “implement” to “offer.” Why? What is the difference? There obviously must be a reason for that.

**Mr. McMeekin:** I'll try, and then maybe staff can. I think when you say that you're going to implement something, it carries the connotation that you're imposing something rather than offering it to students as part of a choice. I think that would be the simple answer, but there's some other stuff here.

**Mr. Marchese:** Any comment from the civil servant, perhaps?

**Ms. Goldberg:** It's an amendment to subsection 170(1) of the Education Act, which relates to requirements for school boards, school board duties. It was drafted to be consistent with section 2 of the bill amending subsection 8(1) of the act, which is the minister's powers. Where there were six powers of the minister with respect to policies, two of those dealt with boards being able to have their own policies for their own approval of providers and programs. This board authority here was to be consistent with that. Now that we've changed 8(1), we've changed this to match the new 8(1) and the inclusion of “standards.”

**Mr. Klees:** Okay. If I could just follow that up, why did you change that word in the first place? I understand that you now have to make this consistent with the first change that you made, but why was that word changed in the first place?

**Ms. Goldberg:** I believe they were changed to make sure it was clear that only the minister, and not the school boards, could approve the providers and the programs.

**The Chair:** Further debate? Shall the amendment carry? Carried.

Shall section 12, as amended, carry? Carried.

Section 13: Amendments?

**Ms. Mossop:** I move that section 13 of the bill (section 189.1 of the Education Act) be struck out and the following substituted:

“13(1) The act is amended by adding the following section:

““Agreements re equivalent learning

“189.1(1) Subject to subsection (2), one or more boards may enter into an agreement with one or more groups, organizations or entities approved under paragraph 3.0.1 of subsection 8(1) to provide for equivalent learning opportunities for pupils of the board or boards and every such agreement shall address such matters and include such requirements as the minister may specify.

“Minister’s approval

“(2) Prior to entering into an agreement, a board shall submit the proposed agreement to the minister for his or her approval.”

“(2) On the later of the day subsection (1) comes into force and July 1, 2008, subsection 189.1(2) of the act, as enacted by subsection (1), is repealed and the following substituted:

“Minister’s approval

“(2) The minister may require boards to submit proposed agreements for his or her approval before entering into them.”

**The Chair:** Discussion?

**Mr. Marchese:** Could the parliamentary assistant provide an explanation for this section?

**Mr. McMeekin:** I’d be delighted to respond to my good friend Mr. Marchese. This provision has been amended specifically to clarify that school boards can only enter into agreements for equivalent learning with organizations that have been approved by the minister. Obviously, there’s a quality control and a best practice aspect to this. Until July 1, 2008, school boards must submit their proposed agreements for equivalent learning to the minister for approval. After July 1, 2008, that requirement may well be repealed based on our experience with the process.

**Mr. Marchese:** That’s why I thought it was a problem. You have made the argument that you need ministerial approval on a regular basis because you don’t want any ad hoc programs. But after you’ve had some experience, you won’t need that anymore, and the minister may require boards to propose agreements, but not necessarily. You argue that once you’ve had your initial experience, everything will be okay. Is that more or less the way the argument would go?

**Mr. McMeekin:** I think we’re prepared to accept the possibility that has been highlighted so very well by my articulate friend Mr. Marchese, that the minister will continue on with her very adroit inclination to listen. Based on that, if it’s working, why would we not want to—

**Mr. Marchese:** I’ll tell you why.

**Mr. McMeekin:** Go ahead. Tell me why.

**Mr. Marchese:** If it is important that we not have ad hoc programs, as you were saying earlier on, there is absolutely no indication that once you’ve had your experience with whatever communities want to offer programs, everything will be okay. I’ve got a problem with your language that says, “The minister may.” You understand this. You’ve been around a long time, as a former mayor as well as a long-time politician. “May” may suggest that it may happen; it doesn’t require that it does happen.

1730

So what it means is that there will be no oversight. There could be if there was a problem and, indeed, there will be problems that will draw your attention or the minister’s attention to it. All of a sudden, the minister will get involved and deal with the problem. If you

believe that this could be a problem and you want to eliminate ad hoc programs and you require ministerial approval, I suggest to you that this is bad.

Jennifer Mossop, do you want somebody to comment?

**Ms. Mossop:** You wanted to comment?

**Mr. Clarke:** We can provide further clarification.

**Mr. McMeekin:** Sure, if you want. Go ahead.

**Mr. Clarke:** The provision for boards to actually submit all of their agreements until July 2008 doesn’t change the fact that all equivalent learning under section 2, subsection 8(1) and 3.0.1 may only be approved by the minister. So even though the ministry might not be scrutinizing every local agreement, local agreements can only include equivalent learning instances that have been reviewed and approved against the standards that will be developed through policy and in consultation with stakeholders. So there is no latitude after that point for programs to go—

**Mr. Marchese:** Mr. Clarke, why is it important? If you’ve now put language that says they will have to follow guidelines, policies, procedures, if you feel good about that, why is it that you feel at this specific time that we need the minister to approve these programs? Are you or the government not feeling comfortable or good with the fact that your procedures or policies are there and that you are supervising them and that I have nothing to fear? Don’t you feel comfortable with that?

**Mr. Clarke:** These are new programs, and we’re in a pilot project phase-in, if you will. I believe there has been considerable input to the ministry about the need to track the success of students in these programs to be clear that the curriculum that is part of the programs follows the provincial templates. So, yes, we are going to look more closely at these programs to make sure that actually does happen.

**Mr. Marchese:** So if we now need ministerial approval, it means we’ll track better, versus, when the minister is no longer required to do it, the tracking will be less stringent? What does it all mean, really?

**Mr. Clarke:** We will be tracking all of these programs, as we do now, for student success.

**Mr. Marchese:** So why do we need the minister to approve it if we’ve got guidelines?

**Mr. Clarke:** In the instance of new partnership agreements with particular sectors around, for example, the high-skills majors that are being piloted this year in the province, we want to be sure that the elements that may be included along with the curriculum delivered in the school actually reflect what has been approved provincially.

**Mr. Marchese:** Sorry, I thought, if we have guidelines—I’m not sure why we need the minister to get involved. Guidelines reflect ministerial approval, ministerial involvement, do they not?

**Mr. McMeekin:** What gets measured gets done.

**Mr. Marchese:** I understand that.

**Mr. McMeekin:** There’s no sense having standards unless you’re going to track and make sure they’re being met.

**The Chair:** Gentlemen, one at a time, and let's keep it coming through the Chair.

**Mr. McMeekin:** Through you, Mr. Chair.

**Mr. Marchese:** I agree with you, Ted, through the Chair. No question about the need to track and the fact that we will track, whether you have the minister or not. That's not the issue. The point is, guidelines reflect the minister's wishes, generally speaking. Otherwise, guidelines would be different. So why do we need the minister to be involved?

**Mr. McMeekin:** We're looping this back to the provision earlier that the minister asked to approve all of the other educational—

**Mr. Marchese:** Isn't that micromanaging a little bit, perhaps?

**Mr. McMeekin:** You know what? We don't mind trying to answer that suggestion in the interest of guaranteeing the success of our students. We're interested in making sure that this works. We're not interested in processes for the sake of process. We're interested in making sure it works.

**Mr. Marchese:** It's a rare thing that the minister gets involved in having to see each project. It's a very rare thing, for some of us who've had that experience. We sometimes read a lot of documents that come to our attention, and some ministers don't. Some ministers simply don't have the time to micromanage these projects. It's a bit odd.

**Mr. McMeekin:** That's reflective of the importance we attach to it.

**Mr. Marchese:** Sure. That's reflective of the pressure some federations are putting on you and you want to just try to make it—

**The Chair:** Gentlemen, can we keep it focused on the amendment?

**Mr. Marchese:** Of course, through you, Chair, the issue here is that the minister is profoundly worried about some of the pressure that she's been getting from some of the teachers. Of course, I am just stating an opinion. I could be wrong. Because of this, the minister is saying, "These projects have to be approved by me and that will make you, OSSTF, feel good. But after the first year it will all be gone, after we get re-elected, and I won't have to review it because the ministry staff is there in place." It's just as clear as limpid waters in southern Italy.

**Mr. McMeekin:** Far be it from me to suggest that my good friend might be wrong. He suggested he could be wrong, and he could. He's very schooled in these matters, but far be it from me to suggest that.

We do attach a lot of importance to it. We feel this keeps it consistent. It's about best practice. It's about making sure we're in line, that we're walking together. I think the comments of the OSSTF and the Ontario English Catholic Teachers' Association earlier were helpfully instructive in pointing to their pleasure with some of the amendments that we made and too, in fairness, articulating some of their concerns and wanting to make sure that we take care of that in the process. We're trying to do that.

**Mr. Marchese:** I'm going to do my best to let the teachers know, by whatever limited means I've got, what we're passing here today. So don't you worry.

**Mr. McMeekin:** I never worry.

**Mr. Marchese:** Chair, I'm voting against everything, but on this, I want it to be on the record just in case. Could we have a recorded vote on this matter?

**The Chair:** We can absolutely have a recorded vote, Mr. Marchese. Are we ready for the question? Good. On this amendment, a recorded vote.

#### Ayes

Levac, McMeekin, Mossop, Peterson, Racco.

#### Nays

Klees, Marchese.

**The Chair:** I declare the amendment carried.

Shall section 13, as amended, carry? Carried.

Section 14: Amendment? Ms. Mossop.

**Ms. Mossop:** I move that subsection 14(2) of the bill be struck out.

**Mr. Marchese:** Could you explain it to me, please?

**Mr. McMeekin:** Of course. It's redundant and no longer necessary because Bill 78 has actually repealed the relevant provision in the Education Act; therefore, it's not necessary.

**The Chair:** Further discussion? Shall the amendment carry? Carried.

Shall section 14, as amended, carry? Carried.

Section 15: Shall section 15 carry? I declare section 15 lost.

Section 16: Shall section 16 carry? I heard a no. All those in favour? All those opposed? I declare the section lost.

Section 17: Ms. Mossop.

**Ms. Mossop:** I move that section 17 of the bill be struck out and the following substituted:

"Commencement

"17(1) Subject to subsection (2), this act comes into force on the day it receives royal assent.

"Same

"(2) Sections 2 and 3, subsections 7(1.1), (2.1) and (3), sections 12 and 13 and subsection 14(1) come into force on a day to be named by proclamation of the Lieutenant Governor."

**The Chair:** Discussion? Shall the amendment carry? Carried.

Shall section 17, as amended, carry? Carried.

The preamble: Ms. Mossop.

**Ms. Mossop:** I move that paragraph 2 of the preamble to the bill be amended by striking out "strong education system" and substituting "strong, publicly funded education system."

**Mr. Marchese:** I want to go on the record as supporting that, Mr. Chair.

**The Chair:** Don't get ahead of yourself, Mr. Marchese.

In the case of a bill that has been referred to a committee after second reading, a substantive amendment to the preamble is admissible only if it is rendered necessary by amendments made to the bill.

I find that the bill has not been amended in such a way as to warrant this amendment to the preamble.

I, therefore, find this amendment out of order.

Shall the preamble carry? Carried.

Section 18: Ms. Mossop.

**Ms. Mossop:** I move that section 18 of the bill be struck out and the following substituted:

“Short title

“18. The short title of this act is the Education Amendment Act (Learning to Age 18), 2006.”

**The Chair:** Discussion? Shall the amendment carry? Carried.

Shall section 18, as amended, carry? Carried.

The title: Ms. Mossop.

**Ms. Mossop:** I move that the long title of the bill be amended by striking out “and to make complementary amendments to the Highway Traffic Act” at the end.

**The Chair:** Discussion? Shall the amendment carry? Carried.

Shall the title of the bill, as amended, carry? Carried.

Shall Bill 52, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

Thank you very much, ladies and gentlemen. That concludes our business here today. The meeting is adjourned.

*The committee adjourned at 1740.*







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Mr. Grant Clarke, director, secondary school policy and programs branch,

Ms. Deborah Goldberg, counsel, legal services branch,

Ministry of Education

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Ms. Anne Stokes

#### Staff / Personnel

Mr. David Halporn, legislative counsel