



Legislative Assembly
of Ontario

First Session, 39th Parliament

Assemblée législative
de l'Ontario

Première session, 39^e législature

**Official Report
of Debates
(Hansard)**

Monday 4 May 2009

**Journal
des débats
(Hansard)**

Lundi 4 mai 2009

**Standing Committee on
Social Policy**

Education Amendment Act
(Keeping Our Kids Safe
at School), 2009

**Comité permanent de
la politique sociale**

Loi de 2009 modifiant
la Loi sur l'éducation
(sécurité de nos enfants
à l'école)

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



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

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Monday 4 May 2009

Lundi 4 mai 2009

The committee met at 1415 in room 151.

**EDUCATION AMENDMENT ACT
(KEEPING OUR KIDS SAFE
AT SCHOOL), 2009**

**LOI DE 2009 MODIFIANT
LA LOI SUR L'ÉDUCATION
(SÉCURITÉ DE NOS ENFANTS
À L'ÉCOLE)**

Consideration of Bill 157, An Act to amend the Education Act / Projet de loi 157, Loi modifiant la Loi sur l'éducation.

TORONTO POLICE SERVICE

The Chair (Mr. Shafiq Qadri): Mr. Decker, welcome to the social policy committee. Please begin now.

Mr. Thomas Decker: Thank you. Good afternoon. My name is Thomas Decker. I'm a police constable employed with the Toronto Police Service, and I'm currently assigned to the community mobilization unit serving the lesbian/gay/bisexual/transgender community as their liaison officer.

I am speaking today in my capacity as LGBT liaison officer, and I would like that acronym to be understood comprehensively: encompassing lesbian, gay, bisexual, transgender, transsexual, intersex, queer, questioning, two-spirited and allies. My primary focus is on LGBT youth, and on homophobic, biphobic and transphobic bullying—henceforth called homophobic bullying—and violence. However, many of the comments I'm going to make today are hate-crime-generic; that is, they are applicable to hate- or bias-motivated acts against any of the identifiable groups mentioned in the Ontario Human Rights Code.

My comments today will focus on three areas: first, mandatory intervention, section 300.4 of the bill; second, mandatory reporting, section 300.2 of the bill; and mandatory parent or guardian notification and exception, section 300.3 of the bill.

I would just like to give you a brief history of the Toronto Police Service's involvement in this area. The Toronto Police Service provides policing services in one of the most diverse and multicultural cities in the world. Its area of jurisdiction is also home to one of the largest populations of members of the LGBT community in

North America. The service is the largest municipal law enforcement agency in Canada. Although the city of Toronto is considered one of the most diverse cities in the world, there is still crime motivated by hate or bias which affects a number of communities.

One of the communities that is very much at the receiving end of hate and bias is the LGBT community, and unfortunately, it is especially youth who are affected by this hatred, both as victims and perpetrators. Our service has recognized this reality and continues to make it a priority to deliver policing services to our most vulnerable groups.

In your package, you will find a paper on the history of the Toronto Police Service's involvement in efforts to reduce homophobic violence and bullying. Information about a program called RHVP—Report Homophobic Violence, Period—which has been adopted by a number of policing agencies in the province of Ontario and which consists of a public service announcement and sample lesson plans developed under the guidance of Professor Gerald Walton of the faculty of education at Lakehead University in Thunder Bay, and a suicide prevention guide developed by Rosemary Hardwick, an LGBT youth suicide prevention specialist with CAMH.

Research conducted in Canada as well as internationally and corroborated by the Toronto Police Service's annual hate and bias crime statistical report, published since 1993, showed the following trends:

The LGBT community traditionally ranks third among victim groups.

Half of the victims of hate crimes in Canada are between the ages of 12 and 24.

Two thirds of all persons accused of the commission of a hate crime in Canada are between the ages of 12 and 24.

Educational facilities rank second among hate crime offence locations.

A disproportionately high percentage of hate crimes committed against members of the LGBT community were violent in nature—crimes against the person.

Hate and bias victimization is severely underreported.

All those findings have been put forward in the safe schools action team report, as well as most recently in Egale Canada's first national school survey.

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First, mandatory intervention: Mandatory intervention can be seen as a means of crime prevention. The concept

of crime prevention has become much broader and more extensive in its meaning. It has come to encompass the work of agencies which until recently had not seen crime as a legitimate concern of theirs. School administrators today more than ever are called to assist in crime prevention. Crime prevention traditionally employs a number of key strategies. Some of those are targeting key sites of violence—if hate crime is very much a youth phenomenon, we need to go into schools; early prevention and intervention—this is exactly what this section of the bill is calling for; improved service delivery; and victim support.

Section 300.4 of the bill can be seen as applying these crime prevention principles in the context of Ontario's schools. The safe schools action team in its report perfectly summarized and applied these principles to the school context in one short but very valuable sentence: "Behaviour that is not addressed becomes accepted behaviour"—page 9 of said report.

Mandatory reporting: Victims of hate- or bias-motivated actions are often reluctant to report their victimization for a number of reasons. LGBT youth are exceptionally vulnerable as they may not have fully come to terms with their sexual orientation, or they may not have come out to their parents and friends; and by "coming out" I mean having disclosed their sexual orientation. A sad reality is that if left to their own devices and subjected to constant bullying and harassment, their last resort often is suicide. LGBT youth are seven times more likely to have attempted suicide than straight youth. One—a single one—of those suicides in the province of Ontario is one too many.

However, it is also important to note that homophobic bullying affects to a very large degree straight youth. As such, it must be considered a highly destabilizing factor for the entire school climate. This provision takes away some of the burden placed on victims and ensures that all efforts are taken in order to stop the offending behaviour and support the victim. This provision may assist in breaking the cycle of escalating violence and may be one of the most effective suicide prevention tools.

Once reported to the principal, the various school protocols in effect in the province of Ontario govern the investigation of offending behaviour. These protocols have proven to work effectively in reducing violence in Ontario's schools. Laws are only as good as their implementation. Mandatory reporting and measures to correct offending behaviour will ensure that this bill has the desired effect.

Finally, mandatory parent or guardian notification: Parent or guardian notification is essential. However, the bill recognizes that notification has to serve the best interests of the pupil. Notification must not increase the victimization the pupil already experiences. LGBT youth are especially vulnerable in this regard. They may not have come out to their parents or guardian. They are often afraid that by doing so, they might lose their parents' love and affection. Principals, maybe assisted by community school liaison officers or school resource

officers, must conduct a thorough investigation into the offending behaviour and the victim's needs and concerns. The safe schools action team recognized the need to collaborate with local community service providers, police agencies and other branches of government in order to ensure the safety and the best interests of a pupil who experiences bullying or violence. The safety of our youth is best served by a whole-of-government and a whole-of-community approach. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Decker. We have about two or three minutes per side, beginning with the PC caucus. Ms. Savoline.

Mrs. Joyce Savoline: Thank you for being here today. I'm aware of the issues that you speak of. As chairman of Halton region, we were very active with our health department, the police services board and other organizations in the region to safeguard against incidents in Halton, so we're both on the same page on that one.

However, I think we're having a difference of opinion on what exactly is mandatory intervention. What do you mean when you use the words "mandatory intervention"? Does that mean a definite reporting, and if the reporting doesn't happen, there are consequences?

Mr. Thomas Decker: What I mean by "mandatory intervention," and what I believe the bill, as written, now means—let's take, for an example, verbal harassment, verbal bullying, which is already against the code of conduct as decreed by the Ministry of Education, pursuant to section 13 of the Education Act—

Mrs. Joyce Savoline: I'm more meaning sexual abuse.

Mr. Thomas Decker: Well, that can very well be the case. If, for instance, an LGBT youth were sexually abused, there needs to be some form of intervention. A staff employee of the board cannot turn a blind eye to a heterosexist pinching of a girl, for instance, and say, "Well, boys will be boys." That is simply unacceptable.

Mrs. Joyce Savoline: So you believe there should be a consequence to not reporting—

Mr. Thomas Decker: Yes.

Mrs. Joyce Savoline: But this bill doesn't speak to that. Are you aware of that?

Mr. Thomas Decker: Then I may—

The Chair (Mr. Shafiq Qaadri): I need to intervene there, with respect. Mr. Marchese.

Mr. Rosario Marchese: Thank you, Thomas. A quick question that I want to ask as many people as I can: The Toronto District School Board's community safety advisory panel, chaired by Julian Falconer, also recommended the creation of a provincial school safety and equity officer to be a central repository for the reporting of serious issues of school safety. The government has never spoken about that particular recommendation, but Mr. Falconer said that this is one of the most important things that he felt should be done. Do you have an opinion on that?

Mr. Thomas Decker: I would second that, yes. I would think it would be a very good idea.

Mr. Rosario Marchese: Thank you, Thomas.

The Chair (Mr. Shafiq Qaadri): To the government side, Ms. Sandals.

Mrs. Liz Sandals: Thank you, Mr. Decker. I wonder if you could go back and finish what you were going to say about intervention, because I think it's important to understand how you would see intervention being helpful to LGBT kids.

Mr. Thomas Decker: I would like to see an onus placed on the teacher, on any staff member of a school board, if that person witnesses or receives knowledge that offending behaviour occurred, especially in the context of homophobic, transphobic, biphobic bullying, that this cannot be ignored anymore. It must be addressed either by addressing it on scene with that particular pupil who is offending or in a classroom context, and it needs to be reported to the principal so that education can take place to stop this behaviour before it reaches the level of criminality, before it reaches the criminal threshold.

Mrs. Liz Sandals: So you're not suggesting that everything negative that happens in a school would automatically be reported to the police. What you're saying is that the staff in the school need to intervene with homophobic comments, with sexist comments, with pinching and that sort of stuff, that the school needs to take responsibility for intervening, not necessarily that that means that the police are going to get called, until we escalate to those things that are on the school board police protocol.

Mr. Thomas Decker: No, certainly not. I think the school board police protocols, as they stand now, are very effective. We don't need to be in there all the time, but it may be good—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Sandals, and thanks to you, Mr. Decker, for your deputation and written submission on behalf of the Toronto Police Service.

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SUBCOMMITTEE REPORT

The Chair (Mr. Shafiq Qaadri): We have a subcommittee report and a motion to be entered, but in the meantime, I'd invite Mr. Doug Morrell, president-elect of the Ontario Principals' Council, and colleagues to please be seated and also be on standby.

Ms. Sandals.

Mrs. Liz Sandals: So you would like me to start by—

The Chair (Mr. Shafiq Qaadri): The subcommittee report, Ms. Sandals, please.

Mrs. Liz Sandals: Your subcommittee on committee business met on Thursday, April 23, 2009, to consider the method of proceeding on Bill 157, An Act to amend the Education Act, and recommends the following:

(1) That the committee meet for purpose of holding public hearings on Monday, May 4, 2009, in Toronto.

(2) That the clerk of the committee, with the authority of the Chair, place an advertisement for one day about public hearings in major newspapers.

(3) That the clerk of the committee post information regarding the hearings on the Ontario parliamentary channel and the Legislative Assembly website.

(4) That interested people who wish to be considered to make an oral presentation on Bill 157 should contact the clerk of the committee by Thursday, April 30, 2009, at noon.

(5) That the clerk of the committee provide a list of all interested presenters to the subcommittee following the deadline for requests.

(6) That the length of presentations for witnesses be 15 minutes for groups and 10 minutes for individuals.

(7) That the deadline for written submissions be Wednesday, May 6, 2009, at 5 p.m.

(8) That the deadline for filing amendments to the bill with the clerk of the committee be Thursday, May 7, 2009, at 5 p.m.

(9) That clause-by-clause consideration of the bill be scheduled for Tuesday, May 12, 2009.

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

The Chair (Mr. Shafiq Qaadri): Thank you. Are there any further comments or questions before we adopt that subcommittee report? I'll take it as adopted.

Ms. Sandals, your motion please.

Mrs. Liz Sandals: I move that the Standing Committee on Social Policy receives evidence in closed session, with no audio record or Hansard transcript produced, for the witnesses appearing—or scheduled to appear, may I say—this afternoon at 1:50 p.m., 3 p.m. and 4:20 p.m. in order to provide protection to the witnesses.

The Chair (Mr. Shafiq Qaadri): Thank you. Any further comments before we adopt that motion? Motion adopted.

ONTARIO PRINCIPALS' COUNCIL

The Chair (Mr. Shafiq Qaadri): I'd now invite you, Mr. Morrell, and your colleagues of the Ontario's Principals' Council. Please do introduce yourselves individually for the purposes of Hansard recording. Your 15 minutes begins now.

Mr. Doug Morrell: Thank you, and good afternoon. My name is Doug Morrell, and I'm principal of a secondary school in Shelburne in the Upper Grand District School Board. With me today are Vicki Shannon, an elementary principal from Thunder Bay, and Naeem Siddiq, a secondary principal from Toronto. In addition to our day jobs, we are all members of the provincial executive of the Ontario Principals' Council, the OPC.

Thanks to the members of the Standing Committee on Social Policy for the opportunity to comment on Bill 157. In light of our limited time here today, we have prepared a more detailed submission that outlines our main concerns. We will leave that with all members of the committee,

but we'll take this time to highlight our recommendations.

The Ontario Principals' Council is the professional association representing principals and vice-principals in Ontario's publicly funded school system. Although membership is voluntary, we currently represent over 5,000, or about 98%, of the practising school leaders in both elementary and secondary public schools across the province.

Principals and vice-principals support the concept of mandatory reporting and intervention, the two key elements of this bill. Although we know that some MPPs have concerns with aspects of the bill, we are pleased that all parties are in general agreement with the intent, purpose and need for the legislation. But we do have some suggested changes.

First, it is imperative that the bill be amended to mandate that all staff be required to intervene in circumstances where student behaviour is likely to have a negative impact on school climate, rather than leaving this to policy.

The bill also needs to require that all staff in schools must be responsible for such interventions at all times during the school day. This would apply whether the staff member is teaching, on a scheduled break or on a prep period in any area of the school.

Resources must be provided to schools to ensure a sufficient adult presence in the hallways and on the schoolyard, particularly during breaks and transition time.

The legislation should clearly define the term "intervention" and should include the responsibility to address the situation in the moment and discipline in the moment.

Our fifth recommendation: In addition to being required to intervene, all staff members should be individually responsible for reporting serious incidents directly to the principal as soon as possible.

We know that there has been much discussion during the debate on this bill around the issue of reporting to parents. While we acknowledge there may have been incidents in which parents were not notified about an incident involving their child, those incidents are, according to our research, very rare. While we don't condone incidences in which policies are not followed, we also do not support the assumption that this is occurring on a regular basis. Both the minister and the parliamentary assistant have described situations in which such a report may bring more harm to the student.

Principals must use their professional judgment, experience and knowledge of a student's home life when making a determination about whether or not a report should be made. We support the intent and language around this as it is presently drafted. Principals must have the discretion to decide if and when to make a report to a parent.

To address concerns expressed by some legislators, the bill could be amended so that principals would need to consult with others, such as supervising officers, guidance counsellors, teachers, children's aid worker or

health services agency before deciding not to notify parents. This decision would be based on the safety and best interests of the student.

We are concerned that there is no definition of "harm" in the bill. We believe that such a definition should include both physical injuries requiring medical attention by a medical professional and any injury that has a severe and/or significant emotional impact, such as bullying.

We continue to urge the government to fund more trained adults for schools who can provide the necessary teachable moments to prevent and deter inappropriate behaviour instead of simply focusing on responding to such incidents.

Everyone in the school has an overriding responsibility to create a safe environment for all students at all times of the day. Prevention and intervention are necessary components to any safe school plan and must be given priority.

Once again, we thank you for the opportunity to comment on this aspect of the safe schools action team report. We look forward to the opportunity to take part in any further consultations as you proceed with other recommendations made by the team.

The Chair (Mr. Shafiq Qaadri): Thank you. We have about three minutes per side, beginning with Mr. Marchese.

Mr. Rosario Marchese: Thank you for coming and thank you for the report. I have a few quick concerns about the bill: My criticism of the bill is that mandatory reporting is one component of the problem, but it doesn't deal with the problems that come into the school for which you get very little support. So if you've got children who were sexually abused at home or they were in an environment where there was substance abuse—alcohol or drug—or where there's mental illness or where there are any sorts of problems, including fetal alcohol syndrome, which most teachers and principals and even doctors don't know how to deal with because they can't identify the problem, if you don't get the support you need, how do you then deal with the problem? That is my point. Do you want to comment on that, any one of you, all of you, some of you?

Mr. Naeem Siddiq: Of course we'd like to have more supports, more resources available. Why we support the intent of this bill is that in any of those situations something still needs to happen, and we want to be part of that process of delivering help to those students. What you're speaking to is one of the reasons why we think we need some discretion around notification, because there are some complicated issues sometimes, and we need to be helping everyone understand what's best for the student in that case. That being said, we would love more resources but we still think we have a responsibility to do something.

Mr. Rosario Marchese: Of course. With respect to reporting, I think you should have the discretion. But what if there's a serious issue that happens to a student and the principal doesn't deal with it or procrastinates or delays it for months and months? What do you think should happen in those cases?

Ms. Vicki Shannon: I think certainly there are responsibilities within every job. There are policies to be followed and board mandates, and a decision made not to report, as we're stating it in this amendment that we're bringing forward, is looking at the fact that we would be in consultation with our supervisory officers, with other agencies, with the people that we would need to, before a decision not to report to parents would be made. So in that instance, I think that would need to be followed up at a different level, because that would be the exception to the rule. I think most people dealing with conflict to the extent we're seeing it these days are very, very clear on the fact that if intervention is going to take place and if things are going to change, reporting needs to be done somehow, some way. We are simply looking at the safety of kids and want to make sure that that is the foremost consideration we have.

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Mr. Rosario Marchese: Reporting was happening in the past, was it not? Does this bill do anything different for you?

Mr. Naeem Siddiq: One of the things that we hope the bill will do is help share that duty and that sense of duty that—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Marchese. To Ms. Sandals.

Mr. Rosario Marchese: He's brutal.

Mrs. Liz Sandals: Yes. Thank you.

Ms. Vicki Shannon: I'd like to have him teaching in my school.

Mrs. Liz Sandals: I have two questions. First of all, with respect to your recommendation number 7 around notification, what you're saying here, in essence, is that you would not be averse for there to be a duty to consult with a supervisory officer or children's aid worker or some sort of similar person who could bring some value-added to the decision.

Mr. Doug Morrell: We definitely think that if a report is not going to be filed, then we need to consult with other individuals to at least make sure the wheels are set in motion to assist the student.

Mrs. Liz Sandals: Okay. You then get into a discussion of harm. I presume that is because the section contemplates further harm to the student being the reason that you wouldn't report. The definition that you're suggesting is a mainly physical harm sort of definition. I think you were here when Sergeant Decker was testifying. He was suggesting the sort of thing where the student has been the subject of homophobic bullying and has said, "But I'm not out to my parents, so I don't really want you discussing it with them," which doesn't come under physical harm, most likely. Are you saying it should only be physical harm, or are you looking for something that would be a broader definition of "risk of harm"?

Mr. Naeem Siddiq: We would support what the previous speaker said, and think it has to be broader. For myself, one of the common things I deal with is helping female students with issues that they're afraid to talk to

me about, and afraid how that goes home. I've suspended young men for saying things inappropriately to a student in the hallway and then had the young lady say, "Don't tell my parents I even talk to boys." Then they've described what would happen if I did.

I think the last speaker did a very good job of explaining that the harm can be more than just physical, and it's our job to be very careful about the action we set in place and how it affects the lives of our students.

Mrs. Liz Sandals: So we shouldn't read your recommendation 8 as being the only things that we would need to capture in a reg or a policy guideline or whatever, to give you direction?

Mr. Doug Morrell: Not just physical, but social and emotional, definitely.

Mrs. Liz Sandals: Okay, thank you. That's very helpful.

The Chair (Mr. Shafiq Qaadri): Ms. Savoline.

Mrs. Joyce Savoline: First of all, I want to thank you for the job you do every day. My kids have been through the public system and they're thriving, and a lot of it is due to the kind of work that you do. I really admire what you do, and I value what you do.

Mr. Doug Morrell: Thank you.

Mrs. Joyce Savoline: But we don't live in a perfect world, so in any job you find inconsistencies. I think what I'm trying to do, through this bill, is nail down those things that fall between the cracks, and I don't find that this bill covers it. I need to understand: In sexual abuse, repeated sexual abuse, student to student, within a school, if it is the discretion of the principal, the teacher, whoever, not to report it further to the police, to the parents, is there a consequence to that? Are there consequences? Have things happened to principals who have not reported that?

Ms. Vicki Shannon: I'd have to say that those are the types of issues that we want help with and we're interested in having consultation with. The fear for us is simply extending it before we're ready with the proper information.

I dealt with a series of six girls who were involved with a young man as early adolescents—who were doing some experimenting, so to speak—and had to call the parents of those girls. Two of the responses blamed the girls for the behaviour of the boy, so that became a bit problematic in the sense that now you're wondering, what's happening in that house.

What we do is we look for help, so certainly the police were consulted. You would bring in the agencies that give you the support. Now, if someone weren't doing that, I think that's a performance issue that would belong someplace else.

I'd have to say, though, that with all of the colleagues I work with, and certainly the teachers, we have a great team. We are looking for help. These are tough decisions. They're not ones that we enter into lightly.

The Chair (Mr. Shafiq Qaadri): Mr. Shurman.

Mr. Peter Shurman: I have a question. I'm finding it hard to believe I'm listening to principals. Teachers and principals, in my experience, generally do not like being

surrogate parents. This bill, if it were written correctly, in my view, would take that burden off you. Wouldn't you want to have this immense burden taken away from you and put in the hands of the proper authorities, being parents?

Mr. Naeem Siddiq: I would suggest that we are quite comfortable with the role of parenting. I would suggest that the Education Act even asks us to do that. What we're asking for is basically more parents in the building, more people thinking that way. What we're asking for is help, not to turn our backs on the kids who are in crisis, but more agencies, more people coming into the building to do that.

I'm not sure about your experience of people who don't want that role. Maybe what they're really doing is saying they're frustrated in doing that role alone.

Mr. Peter Shurman: No. What I'm saying is that parents tend to like maintaining the role of parent, and teachers, in my experience—and you're principals, so you're teachers—tend to like not having to take on that role when they don't have to. In this particular case, mandatory reporting stops at a particular level—to wit, you—and you could pass it on—

The Chair (Mr. Shafiq Qadri): I need to intervene there, Mr. Shurman. Thanks to you, Mr. Siddiq, Ms. Shannon and Mr. Morrell, for your presentation on behalf of the Ontario Principals' Council.

ELEMENTARY TEACHERS' FEDERATION OF ONTARIO

The Chair (Mr. Shafiq Qadri): I would now invite our next presenters to please come forward: Mr. Clegg, Ms. Rettig and Ms. McCaffrey, of the Elementary Teachers' Federation of Ontario. You've seen the protocol. Our clerk will be pleased to distribute that. Please be seated and introduce yourselves for the purpose of Hansard recording, and I would invite you to please begin now.

Mr. David Clegg: Thank you, Mr. Chair. To my left is seated Marilies Rettig, our deputy general secretary, and to my right is Vivian McCaffrey, executive assistant. My name is David Clegg. I'm president of the Elementary Teachers' Federation of Ontario. We appreciate this opportunity to participate in the hearings on Bill 157 on behalf of our 73,000 members.

The current government has introduced a number of initiatives aimed at making Ontario schools safer and more inclusive places to learn and work. ETFO supported the move towards a more progressive discipline approach introduced through Bill 212 in 2007. We were particularly pleased that bullying was identified as a possible ground for student suspension.

We also welcome the safe schools action team's December 2008 report on gender-based violence, homophobia, sexual harassment and inappropriate sexual behaviour, as well as the equity and inclusive education strategy released a few weeks ago.

As the Minister of Education acknowledged when introducing Bill 157, much of the legislation simply

formalizes common practices. Teachers, as part of their daily classroom responsibilities, address antisocial behaviour and, when necessary, report serious behaviour to the school principal. Rather than a cure for a systemic problem, the bill is a response to incidents that recently received high-profile attention in both the media and the Ontario Legislature.

ETFO supports the bill's general thrust. It makes sense to have a clear protocol to report serious incidents that occur at school. It's important for parents and guardians to be notified in a timely fashion of such incidents except in situations where so doing would put the student at risk of harm. There should be clear expectations that adults in the school intervene when they witness inappropriate behaviour that negatively affects the school climate.

Although ETFO supports the general intent of the bill, this submission raises a number of concerns and identifies issues that should be addressed once the Ministry of Education turns its attention to developing the various regulations, policies and guidelines for which the bill creates ministerial authority.

Section 300.1 adds a new section to the Education Act that gives the principal the authority to delegate his or her powers and duties to either the school vice-principal or a teacher on staff. The delegation power in the bill is not clearly defined and raises a number of concerns.

Bill 81, the Safe Schools Act, introduced by the former Conservative government in 2000, gave teachers the authority to suspend a student for up to a day. ETFO cautioned its members not to exercise that authority, but to defer decisions regarding student suspensions to the principal or vice-principal. Bill 212, the 2007 legislation, acknowledged our concern related to this provision and repealed it.

Section 300.1 of Bill 157 appears to return us to the situation where teachers could be asked to make decisions about student suspensions. The federation does not support this.

Further, there should be clear limitations applied to protect teachers' liability. Specifically, a teacher delegated under this provision should not be expected to replace the principal in terms of making decisions about student suspensions or reporting to the police.

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When serious incidents occur in a school during a period when a teacher has been designated as the teacher in charge, that teacher should only be expected to intervene to end inappropriate student behaviour and ensure a safe school environment and, if necessary, to move the offending student to the principal's office. It should be the responsibility of the principal to follow up regarding appropriate student discipline, documentation and reporting regarding the incident. Downloading such authority to teachers could lead to inconsistent decisions related to suspensions at the school level and also leave teachers vulnerable to unfair liability and involvement in litigation for their decisions. Authority for making such determinations properly lies with school administrators.

Currently, there are occasions when teachers are asked to stand in for absent principals, to be the teacher in

charge. Under our members' collective agreement provisions, this temporary designation is voluntary. Bill 157, or the regulations drafted to support its provisions, should clearly indicate that teachers may only be delegated authority under section 300.1 on a voluntary basis and that such delegation not conflict with the provisions of the teachers' collective agreement.

The attendant regulations, policies and guidelines need to address when the principal's delegation of authority to a teacher may occur, how teachers who undertake these obligations will be protected, what training will be provided, and whether teachers accepting this delegation will be provided with legal counsel or other supports during the exercise of these powers and any appeals or lawsuits flowing from the exercise of such powers.

Reporting to the principal: Subsection 300.2(1) of Bill 157 requires school board employees who become aware of a student activity that is subject to suspension or expulsion to report that activity to the principal. The subsection further states that an employee doesn't have to make the report if the employee understands that the report has been made by someone else or if his or her report wouldn't provide additional useful information. This section potentially leaves school employees vulnerable in terms of verifying that they have fulfilled their legal obligation to report.

If the bill is passed, the federation will be advising members to provide reports in writing to their principals and to request a signoff of that report. School employees could also be left open to the charge that they should have reported what they believed to be redundant information. In situations where a group of employees witness a serious incident, there should be a clear process in place to avoid situations where members of the group erroneously assume that one of them has made a report and leave themselves vulnerable to the charge that they failed to report.

Review of the reporting policies and procedures: Much of the bill is devoted to creating ministerial authority to establish policies and guidelines related to violent incidents on the part of students. Until these elements are identified, it is impossible to fully assess the potential implications and full impact of the legislation. Drafting the policies and guidelines associated with Bill 157 should not be done outside of a holistic review of all existing policies and guidelines related to reporting violent incidents.

Bill 157 does not change existing policies regarding mandatory reporting to police and documentation of serious incidents. The Ministry of Education needs to develop standard policies and procedures for the documentation of all violent incidents, not just those that are subject to suspension and expulsion.

For a number of years, ETFO has raised concerns related to the administration of the ministry guideline governing the Ontario student record, the OSR, which has been in place since 1994. It needs to be part of an overall review of guidelines and policies. The OSR should be regarded as a key tool in ensuring a safe school

climate. A teacher needs to be fully informed regarding previous serious anti-social behaviour on the part of a student who enters his or her classroom for the first time. There have been situations where violent incidents have been reported to the police but have not resulted in suspensions and were not recorded in the OSR. Since considerable discretion is given to boards and principals regarding the interpretation of the OSR guidelines, there is a lack of consistency across the province regarding what is documented.

ETFO believes that all forms of student-to-student violence and student-to-teacher violence should be documented and placed in the student's OSR through the use of a violent incident form. These forms should describe the incident, state the resolution or remedial measures taken with the student, and indicate whether the police or other agencies were involved and whether further education or action is necessary. This type of documentation will also provide teachers with the necessary knowledge and ability to monitor a student's progress and prepare an individual program designed to ensure the student's future success.

Workplace violence and harassment bill: The Ministry of Labour introduced Bill 168, the Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), on April 20, 2009. The bill proposes to require employers to provide employees with information, including personal information, related to a risk of violence if that employee is likely to encounter that person in the course of his or her work. This section would appear to address our concerns about documentation of serious incidents on a student's OSR. Given the provisions of the Ministry of Labour bill, there is clearly a need for the Ministry of Education to incorporate the policies of Bill 168, if passed, when drafting regulations, policies and guidelines related to Bill 157.

Since Bill 157 will be codifying school employees' responsibilities regarding reporting and intervening with respect to serious student behaviour, it exposes these employees to new risks of reprisal, discipline and legal action. In order to protect school employees from increased liability, the government has a responsibility to provide the funding and training to ensure that employees are well informed about their new legal responsibilities and the procedures they are expected to follow.

Since Bill 157 is not slated to take effect until February 1, 2010, there should be an opportunity for the Ministry of Education to undertake a full review, in consultation with education stakeholders, of all policies, guidelines and regulations related to reporting and documenting incidents of student violence. Such consultation is fundamental to ensuring that the concerns identified in this submission, as well as those by other employee organizations, are effectively reviewed and addressed.

In conclusion, I would draw your attention to the five recommendations at the end of our submission. If there's time, I'd be happy to take any questions.

The Chair (Mr. Shafiq Qadri): Thank you. We do have 90 seconds per side. Ms. Sandals.

Mrs. Liz Sandals: Thank you for recognizing that there's still a lot of work to be done in terms of policies, procedures and guidelines. I'm sure we'll be talking to all of you during that process.

I'm interested in your comments around some sort of standard form to record violent incidents. It has often occurred to me that it would make this whole area a lot easier if perhaps there was a checklist around progressive discipline issues that teachers and principals deal with as well. I take it that this suggestion is driven by your membership, to some degree, wanting some sense of, "I need to do this, this and this, in this circumstance."

Mr. David Clegg: Absolutely. All too often, particularly when students transfer schools, the OSR is vital for the receiving teacher to understand the needs of that student. We've found, too many times, that issues regarding students coming into the school pertaining to their behaviour, particularly violent behaviour, are not part of the OSR record. This allows opportunities for, unfortunately, incidents to recur where foreknowledge potentially could have prevented that.

Mrs. Liz Sandals: Okay. Thank you.

The Chair (Mr. Shafiq Qaadri): Ms. Savoline.

Mrs. Joyce Savoline: Understanding that there are some exceptions, Mr. Clegg, our research indicates that, first of all, teachers are already doing that reporting. There are very few drops on that, if any. But as I say, given that we understand that there are exceptions to what can be reported in some instances, would it be beneficial to mandate that principals must report this type of behaviour to the parents, to the board, to law enforcement officials, and document everything in a timeline?

Mr. David Clegg: The documentation is something that we believe—and it's inherent in our submission—has to happen if there's going to be consistent help for the students and help for the environment of the school.

With respect to the timeliness of reporting, we recognize that principals have to have a responsibility to ensure that the students whom they're concerned about are protected. That also does include those students who are potentially the transgressors. Providing information, in some circumstances, may in fact place those students at risk.

We do believe that there has to be a very clear line of reporting. With anything, there has to be some opportunity for sober reflection, to make sure that the reporting, in and of itself, does not create a further hazard.

That having been said, the duty to report is already in legislation. When any teacher believes that a student has been placed or is in—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Savoline. Mr. Marchese.

Mr. Rosario Marchese: Two quick things: First of all, I wanted to agree with you with respect to the issue of a teacher's obligation to intervene. I said, in my own remarks in the Legislature on this bill, that I felt that it leaves you very, very open to legal action and a risk of reprisal. There's nothing in the bill that deals with that.

Mr. David Clegg: No.

Mr. Rosario Marchese: It just simply says that you have a duty to intervene. I say to myself, "Holy cow. What does that mean in terms of what exactly I'm going to do in a very risky situation?" So I wanted to agree with you in that regard, and then ask another question, which the principals raised, once I reread it here, where they say that "more emphasis must be put on prevention and intervention." I really do agree with that, because reporting is one thing, but dealing with all the problems that you teachers have to deal with is really what we're not dealing with. There's sexual abuse, mental illness and substance abuse, and you get all of that in a school. If we don't get help to deal with that, you're left with reporting a particular problem, and then it comes back. That problem never disappears; it comes back. Any comment on that?

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Mr. David Clegg: Schools are a microcosm of the society in which they exist. Quite clearly, the influences that come into the school itself dictate, quite often, the type of behaviours that students exhibit and have to be accounted for. You have to get the underlying issues if, in fact, you want to do anything more than simply have a reporting mechanism.

The schools in this province, just like our society, have changed considerably. The underlying issues of students, whether they be the victims or the transgressors—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Marchese, and thanks to you, Mr. Clegg, Ms. Rettig and Ms. McCaffrey, on behalf of your deputation and presence and written submission on behalf of the Elementary Teachers' Federation of Ontario.

LONDON ANTI-BULLYING COALITION

The Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward: Ms. Kathryn Wilkins of the London Anti-Bullying Coalition.

Please come forward, Ms. Wilkins and colleague. You've seen the protocol: 15 minutes. Please introduce yourselves. Please begin now.

Ms. Kathryn Wilkins: Honourable Chair, members and fellow speakers, good afternoon. My name is Kathryn Wilkins, and this is Corina Morrison. We are the co-founders of the London Anti-Bullying Coalition. We thank you for taking the time to listen and for providing us with the optimistic hope that together we can build a system more responsive to our victims.

Five years ago, a freelance journalist, having heard the similar tales of our families' struggles with bullying in our schools, arranged for Corina and I to meet. Initially, we provided emotional support to each other as we struggled to work within the system to resolve our concerns and found ourselves getting nowhere. It was the news of the tragic suicide of a local teenager, followed by the denial of the principal that his school had a bullying problem, that propelled us towards the formation of the London Anti-Bullying Coalition. Listening to the boy's father, Mr. Melo, talk about cutting his son out of a tree

and witnessing the pain that we only too recently ourselves had avoided led us to the mantra, “Never again shall we lose a child to bullying!”

Within three hours of announcing the formation of the London Anti-Bullying Coalition on a local radio station, we received 12 phone calls. I have listed a few of the concerns that were brought to our attention.

A teenager was set on fire getting off the school bus. During the period that followed, while both the school principal and the bus line were assigning responsibility to each other for keeping this child safe, the young man was set on fire a second time, which led the bus driver to advise the parents to put their child on another bus, as he could not guarantee that their son would arrive home safely.

A seven-year-old female was lured into a corner of her school playground, held down and sexually assaulted, resulting in a vaginal infection and suicidal ideation. All of the children were aware of what they called “the gross corner”; why weren’t the staff? The response to the mother by the principal when she sought assistance was, “To be fair, your daughter started a kissing club.” The principal’s solution was to send the daughter back to school because it was winter, she had snow pants on and she’d be safe on the playground.

As a result of a five-year-old boy being terrorized on the playground daily until he is so anxious that he throws up before school, the father films the playground and shows the video to the principal, who refuses to view the material. The next time the father is filming the playground, the principal calls in a false report of a suspected pedophile and three police cruisers arrive with lights and sirens going to stop the father from filming.

A mother who was concerned with sexually inappropriate behaviour of a teacher and was demanding resolution is banned from her children’s school and is not allowed to attend her daughter’s grade 8 graduation.

Under the mentorship of David Millen from the Ottawa Anti-Bullying Coalition, we held a media conference to announce the formation. Our media conference was attended by John and Maria Melo, Mike Neuts and Cindy Wesley, all of whom lost a child due to this issue and strongly supported the formation of a parents’ voice advocacy group.

At our town hall meeting the next week, we were surprised, as the 40 attendees we expected turned into 120 participants. We were a little overwhelmed. It seems like people thought we were already established and came looking for support, but here we were, just two moms who felt like we were in over our heads. It was made apparent that our community was fed up and looking for some answers. TVO was in attendance filming for their documentary *Battling Bullies*, which was nominated for a Gemini award and featured families who became political as a result of the system’s failure to protect their children.

The LABC does not hear success stories; the LABC hears stories of situations being unaddressed and of policies and procedures either being ignored or used

incorrectly. The LABC has been told that the ministry does not micromanage their boards, and the boards state that they do not micromanage their administrators. Is it micromanaging to expect adherence to policy? Is it micromanaging to place accountability pieces into legislation? Is it micromanaging to consequence an administration that, despite adequate training, fails to respond to parents in a positive, collaborative way? We don’t think so.

When policy and procedure fail, when the victim is blamed for being provocative, when the incident is overlooked because “boys will be boys,” when parents are forced to seek alternative education for their children or are simply told that if their children stopped twitching, being gay, eating, reacting to the situation, it would improve, then who’s responsible for making it right? At this point, no one is. Parents who contact the ministry are given no redress. Parents who contact their boards are offered no hope. Situations that are handled inappropriately by their schools are not remedied, and those who failed them are not held accountable. Where do parents go when the three systems appear to collude with each other to avoid accountability?

Without exception, our membership reports that they have been made to feel like overly involved, overly sensitive, unreasonable parents. They have been advised to teach their children some street smarts, enrol them in outside-of-school activities to help rebuild their damaged self-esteem, and to safety-plan with their child alternate routes to walk to school, how to avoid high-risk areas or how to turn the other cheek. Without exception, the victims and parents of victims do not feel heard, validated or valued. In our review of Bill 212 and now Bill 157, we feel that the victim is once again being ignored.

This system keeps parents at arm’s length, blames them for not preparing their children for the real world and generally takes away the parents’ ability to make the situation right. No one wants safety and a good education for their children more than the parent. The parent should be empowered by a system that works. The parent should have a process in which their energy is utilized in keeping their children safe. When you take away a parent’s voice, when you do not assist them in making things right, you create parents who get political, involve lawyers in their battle, file human rights complaints, go to the media, pull their children from school or perhaps join a coalition.

The lack of accountability and the frustration with a broken system is what created us. Our parents are well aware of the policy and procedures, rules, regulations and legislation relative to their struggle. With millions of dollars put into safe schools, our members continue to ask us one simple question: “Who is ultimately responsible for keeping my child safe while they are in school?”

Bill 157 is a simple bill, and our members want more teeth put into it. They are seeking support for the victims and accountability when the system fails.

A recent statement in the House pointed to the fact that 93% of Ontario’s two million students in publicly

funded education feel safe in their schools. Well, 7% of two million is 140,000 children in Ontario who are daily afraid to go to school. You can extrapolate those numbers out to include bystanders, bullies, parents on both sides and administrators, which makes the number huge, and it's a number that is not acceptable. If legislation was clear and concise, these numbers would be much smaller. It is on behalf of the silenced voices that I appear before you here today.

In our critique of Bill 157, which is included in the package we handed out, you will notice that all of our suggestions and amendments focused on the accountability piece and the support for the victim. We trust our ministry and our boards to create legislation, policy and procedure, and we know that they employ experts to inform the decisions that they make. We ask that you include the accountability piece, which includes timelines for responding, to give the parents a tool with which to resolve their child's concern and to assist in creating a culture of caring and respect in their schools.

The LABC is also pleased to announce that we are mentoring parents in other areas of our province on establishing their own coalition, with accountability and victims' rights as their focus. We do receive calls from every province, as it seems that most established coalitions are filled with rhetoric and are fearful of challenging the system. That being said, Corina and I have been compared to Mothers Against Drunk Driving, who, with time, changed the way that the issue of drunk driving was looked at and dealt with and in fact changed the cultural message about drinking and driving. It is our hope that we will reach a place where bullying is dealt with the right way all the time and angry parents don't have to form political movements.

1510

We encourage you to read the package of information provided. Enclosed is a detailed copy of our suggested amendments to Bill 157, some comments from our membership and a copy of the coalition's three-year report.

In the end, if no accountability or support for the victim is built into legislation, we will continue to assist parents navigating the bullying maze and we will continue to lobby our officials to ensure safety for all students. Thank you for the opportunity to speak with you today.

The Chair (Mr. Shafiq Qadri): About two minutes per side. Ms. Savoline.

Mrs. Joyce Savoline: Thank you, both of you, for being here today. What I'm hearing is that, as the bill stands right now—let me put it this way: Would there be any difference in what happens to these kids once this bill is passed, the way it reads now?

Ms. Corina Morrison: No. Kids will still fall through the cracks.

Mrs. Joyce Savoline: What changes? You say "accountability" and "timelines." What specifically do you mean by "accountability"—that there is a consequence to those who did not follow through the reporting process?

Ms. Corina Morrison: Correct.

Mrs. Joyce Savoline: And you don't see any consequence in there now?

Ms. Kathryn Wilkins: None.

Mrs. Joyce Savoline: Peter?

Mr. Peter Shurman: I have one question. Can you define "mandatory reporting" as you would like to see it defined?

Ms. Corina Morrison: What we would like is to make sure that when an incident is reported—it must be mandatory. We have trouble explaining to our parents that there is a difference between conflict and bullying. When it is truly bullying, we want the child to be able to report it to a teacher. We understand that teachers report to principals, but our parents want to know, if the principal does not do their part, where do they go next?

Mr. Peter Shurman: So mandatory reporting should go beyond the principal; that's what you're saying?

Ms. Corina Morrison: Absolutely.

Mr. Peter Shurman: Thank you.

The Chair (Mr. Shafiq Qadri): Mr. Marchese?

Mr. Rosario Marchese: Thank you both. I'm going to read your amendments as soon as I get a chance. My focus has been, in terms of the debate on this bill, on prevention, on those interventions and supports that give teachers the ability and tools to help so many problems that we're getting in the school system. So I focused on that. But I must admit, when I hear some stories about the inadequacy of principals not dealing with the problem, that upsets me as well. I don't see a problem with timelines. Timelines for reporting a problem or responding to a problem are a critical component. I think we need to deal with that. I think the government needs to focus on that.

Ms. Kathryn Wilkins: Our parents are waiting three or four months just to get a letter or a phone call back from their first complaint. There have to be some timelines. How long do you be patient waiting for people to work with you?

Ms. Corina Morrison: The other thing we wanted to mention was that our government has put millions of dollars into training our teachers, training our principals, yet on Thursday night we had a phone call from a parent whose grade 5 boy is being bullied and the principal gave the parent a list of five things the victim should do differently in order to remain safe in the school. So with all the millions being put in, why are we still re-victimizing?

Mr. Rosario Marchese: Do I have any time?

The Chair (Mr. Shafiq Qadri): Thirty seconds.

Mr. Rosario Marchese: As a former teacher, I just wanted to say that it's the role of the principal to establish that kind of caring environment—and the parents, of course, if they're active. We can deal with bullying but it requires all the players to come together and deal with that. Thank you so much.

The Chair (Mr. Shafiq Qadri): Ms. Sandals?

Mrs. Liz Sandals: I'm just trying to really quickly read through your suggested amendments. Just to note that the word used in Ontario legislation that says you

“must” is “shall.” So that’s the one that we must put into legislation, and it means, “Thou shalt.”

There is another amendment you’ve suggested around the age—17- to 18-year-olds. All that stuff is already determined in law. That’s a standard exemption. I note that you’re saying “24 hours” instead of “as soon as reasonably possible.” So having noted that, what would be the main amendment that you would want, other than the things I just enumerated?

Ms. Kathryn Wilkins: Truly, if “shall” means “shall,” then we’d like to see “shall” mean “shall,” because we have seen “shall” mean “perhaps” and we’ve seen “shall” mean “possibly.” So if no one is prepared to change the wording to “must” and then say, “If you do not do it, here is what happens,” if no one is prepared to do that—if “shall” means “shall,” then we need to see “shall” mean shall.”

Mrs. Liz Sandals: Yeah, “shall” means “must” in law.

Ms. Kathryn Wilkins: That’s what we’re told.

Mr. Rosario Marchese: It’s not happening.

Ms. Kathryn Wilkins: It’s not happening—

Mrs. Liz Sandals: And that’s why I’m asking, what is it that you would actually like to see—

Ms. Corina Morrison: Accountability and support for victims. We are tired of hearing that the aggressors will remain in school. We’re doing everything humanly possible to keep them in school, but what are we doing for victims? We’re allowing them to drop out of school; we’re allowing them to go and get private education when we’re paying public school tax dollars. Where is peace for the victim?

The Chair (Mr. Shafiq Qadri): Thanks to you, Ms. Morrison and Ms. Wilkins, for your deputation on behalf of the London Anti-Bullying Coalition.

I would now respectfully inform members of the committee as well as our audience that we again are going into closed-door session, so I would respectfully ask all those who are not involved with the next presentation to please leave and to remind that Hansard microphone systems and all recording systems be off.

The committee continued in closed session from 1515 to 1526.

JUSTICE FOR CHILDREN AND YOUTH

The Chair (Mr. Shafiq Qadri): I’m going to invite Ms. Martha Mackinnon, executive director of Justice for Children and Youth, to please come forward. Ms. Mackinnon, you’ve seen the protocol and I’d invite you to please begin. We’ll distribute that for you. Your 15 minutes begin now. Go ahead.

Ms. Martha Mackinnon: I’d like to thank you for allowing us to appear before you today. I am Martha Mackinnon. This is Andrea Gatti, a lawyer of my office.

The first thing I wanted to say is that Justice for Children and Youth has acted for the kids who do bullying and the kids who have been bullied; for those who are charged with doing things for which they could get

suspended, expelled or excluded and those who don’t feel safe when they go to school; and for those who feel that they get punished when they report not feeling safe at school. All of these are the kinds of clients who we represent and have for 30 years, so I hope that we can bring to you a sort of balanced approach and some useful comments on the legislation.

The first thing I wanted to say about Bill 157 is that if everyone in the school system were honestly doing all of their job all of the time every day, we probably wouldn’t even need this legislation. Teachers already have a duty to maintain order and discipline in the school. Similarly, regulation 298 requires people to report to parents when there has been a transgression or a breach of school rules. However, the tragedy at C.W. Jefferys has made us aware that formalizing expectations, debating them in public and having this proceeding are all part of something that could help students further than they have been in the past.

We are generally supportive of Bill 157, as it exists, as part of an ongoing effort to make schools safe and welcoming learning environments for all of our students. However, there are some concerns, many of which we think can be addressed by way of regulation or program policy memoranda.

The first is that we can’t go back to the zero tolerance, mandatory consequences regime that we had seven or eight years ago. It will be important, in our submission, to carefully monitor and ensure that disciplinary responses do not dramatically increase because of this legislation. We don’t want to net-widen; we want to make sure that kids learn how to behave appropriately with each other in schools in preparation for the rest of their lives, where we hope they’ll behave appropriately with each other as they wander through the public streets and in their workplaces.

In order to make sure that we don’t net-widen and that the effects are not discriminatory, which had been the allegation of the Human Rights Commission about the zero-tolerance regime, I’d ask you to consider just a few cases that might not happen thousands of times every day but are predictable or known.

The first is if a special education teacher who’s teaching a young person who has Tourette’s syndrome reported every time the teacher was sworn at, it would waste a lot of principal time and not actually fix anything. We need to be careful about the definitions and careful that we’re not creating zero tolerance by using words that are fuzzy around the edges. I would ask you to consider the impact on special needs students, because no one wants to further make their lives difficult. They struggle enough as it is.

Similarly, when a five-year-old girl kisses an unwilling five-year-old boy in kindergarten, we shouldn’t be calling it sexual assault. But I can tell you, and we refer to some of that in our written submission—I apologize it’s not in French as well; we didn’t have enough time to get it in both languages—that schools are describing that as sexual assault. When parents, not surprisingly,

complain because they're worried that it makes their five-year-old daughter look like a pervert, what the school does, if they are willing to reduce the language, is change it to inappropriate touching, which is just code for the same thing. Again, there isn't a parent who doesn't know that inappropriate touching means sexually inappropriate. It doesn't mean it was one degree too hard or one degree too soft.

So it's important, again, that we define and use terms like "sexual assault" carefully. In my submission, they ought to include some kind of intent. One of the problems when you use language that's in the Criminal Code in an education setting, so language like "sexual assault," is that there's a whole body of literature about what that means under the Criminal Code, a whole body of stuff that can help us know whether or not it's a crime. But that can't be used by schools to decide whether—I mean, it might be better if they would, but they don't. It's an administrative law setting, and they're just trying to correct conduct; they're not trying to identify criminals. So the definitions are really important, and the intention of the child has to be part of that determination.

The next thing is we agree that it absolutely can only improve a school if a principal knows what's going on in the school, and they can't know everything unless they're told, so that can only be good. But we have existing police protocols. We have the existing violence-free schools policy, and those require the calling of police in many circumstances, including sexual assault.

What you may not know is that while if a nine-year-old—this was a call about an hour ago—a nine-year-old boy has been accused of sexually assaulting some seven-year-old, if the school calls the police because they feel they need to, because that's what the violence-free schools policy says, and the police come and the kid's nine, they can't charge him anyway, but they write it down. They write down their notes; they have their notebook. In 10 years, when that nine-year-old wants to get into a faculty of education or an early childhood education program, that child may not be able to get in because the police record, if it includes the word "sex" or some variation of "sex," is subject to the police records retention policy, not what the Youth Criminal Justice Act says about how long they keep records. Most police forces, certainly Toronto and the GTA police forces, keep those records forever—forever—so that people who are 27 are stunned to find out that somebody thinks they are sexually deviant and they're banned from jobs forever, when no one really intended that, I don't think. It's about silly kid behaviour where they're exploring and learning and trying to figure out how to relate to each other.

All of that is to say I am very grateful that this legislation is not to come into force until February 2010, because one of the really good things about Bill 212 was that it gave a long lead time and there was time to develop appropriate PPMs and regulations and to consult and to inform, to educate teachers and caretakers and the catering staff and everyone in the school systems about

their new responsibilities. So it leaves time for the education piece and to develop policies that are more sophisticated.

The one part that I am concerned may need to be amended in the bill itself—I'm always happy to be persuaded that I'm wrong about that—is the notion that the principal must, and you've heard many people talking about it, unless it's not in best interests, report to the parents of the person who was allegedly harmed. The person who was allegedly harmed is in the best position to know what's in their own best interests. One of the things that I find ironic is that a child who is 15 could be injured at school physically, may need stitches, may have to go off to the hospital, and the hospital need tell nothing to the parents. The child, at 15, can probably decide whether or not they want stitches or whether they do or don't want a blood transfusion. They can make their own health care determinations, but they can't stop the school from reporting to their parents.

The Education Act, in my submission, needs to be more congruent with the other legislation that affects kids. So health is a capacity issue; there's no magic age at which you can consent to health care. The Municipal Freedom of Information and Protection of Privacy Act, which applies to the information held by schools, gives all of the rights of an adult, with respect to guarding their own information, to kids at 16; and yet the Education Act just says that if you're under 18 and living at home, then the choice will be made by a principal.

The Eaton case, which was Eaton and the Brant County—as we then had—Board of Education, was a case that went to the Supreme Court of Canada and was finally decided in 1996, with a decision released in 1997. What the court said then was not that there's a magic age but that when you're trying to decide the best interests of a child, the most important voice in that is the child's own voice. If they can express their views, then that is the most significant in determining their best interests.

So that is, in my submission, something about the bill that needs to protect the privacy, recognize the autonomy of young people and recognize that they're in an education system where their capacities develop every year.

Those are our submissions.

1540

The Chair (Mr. Shafiq Qadri): Thank you. About 90 seconds per side. Mr. Marchese.

Mr. Rosario Marchese: Thank you, Martha, for coming again. You have made deputations here often, and I've always appreciated your views on everything that you've presented.

I agree with you. We can't go back to the zero tolerance policies, although I'm not quite sure we've left them completely, but I agree with that.

I agree with your point about how we deal with children who have certain problems like Tourette's syndrome or fetal alcohol syndrome and our desire or our ability to identify that and then say, "How do we deal with that so that we don't re-victimize some of the students?" I agree with that.

One of the problems we're dealing with as well, including doing prevention and making sure that teachers have support to deal with all these problems to begin with, is the fact that some incidents don't get reported by principals where they actually should be. We might disagree on what type of issue, and there has to be some judgment, but where in my mind it's clear they should be reporting and they're not, that's a problem. So the point to you is, what do you think about that?

Ms. Martha Mackinnon: Sadly, I think you can't actually pass a law that makes people have good judgment.

Mr. Rosario Marchese: No, that's true.

Ms. Martha Mackinnon: I wish you could.

Mr. Rosario Marchese: What about timelines for reporting?

Ms. Martha Mackinnon: The legislation says "promptly" or "as soon as possible."

Mr. Rosario Marchese: What does that mean?

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Marchese. To the government side.

Mrs. Liz Sandals: I'll just follow up. I've got two. As a lawyer, when you see something that says "as soon as reasonably possible," what does that throw into your mind? The second one is, we will be doing a manual on what is sexual assault, because it's so difficult. Understanding that the criminal definition may not be the useful definition, do you have any places to point us to find useful guidelines for not ending up with nine-year-olds who have been identified as sexually deviant?

Ms. Martha Mackinnon: The first one first, the "as soon as possible" piece: If you're actually evacuating the school because somebody has phoned in a bomb threat, reporting can be delayed until that's over. But it sure means before you leave that day, and it's a higher priority than anything else. You'd have to have a really good reason why something else was more important. That's my legal analysis of that.

The sexual assault piece: The truth is I probably remember from—not my childhood, I guess—my younger brother's childhood, good touch, bad touch. It's actually about touching without consent. It's not mostly about the sex part at all. If it's an actual sexual assault with intent—those are pretty clear; they're pretty police-driven things—there are likely to be charges—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Sandals. Ms. Savoline?

Mrs. Joyce Savoline: You say you can't legislate against bad judgment. I totally agree with you, but should there be a consequence when someone in authority uses bad judgment and the process hasn't been followed?

Ms. Martha Mackinnon: I'd even back this up further. The code of conduct that every school is required to have says that teachers and principals are required to follow it, but the only people with consequences are kids.

Mrs. Joyce Savoline: So there is no consequence for the person using bad judgment, but there should be. You say the voice of the victim is the best voice. What happens in the case when the victim is scared out of their wits and they can't come forward, they can't sleep at

night, they're wetting their pants, they're committing suicide? We're talking about violent sex crimes, student on student, where there is total fear. Where is the voice then?

Ms. Martha Mackinnon: If I understand you, what I was talking about is the voice of the child to decide whether or not the principal needs to report to the parent of that child as opposed to the incident coming to the attention of the principal to begin with, because if it doesn't—that's what this bill attempts to overcome, and if it doesn't get to the attention of the principal, nobody can do anything.

Mrs. Joyce Savoline: How does a six-year-old—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Savoline, and thanks to you, Ms. Mackinnon and to your colleague, for your deputation and presence on behalf of Justice for Children and Youth.

CANADIAN UNION OF PUBLIC EMPLOYEES ONTARIO

The Chair (Mr. Shafiq Qadri): I invite our next presenters, members of CUPE, Terri Preston and Stella Yeadon, to please come forward. You've seen the protocol. You have 15 minutes in which to make your presentation, and I would respectfully ask you to please begin now.

Ms. Terri Preston: In Ontario, CUPE represents over 50,000 school board workers who are working in unionized, non-teaching occupations. Our members' work contributes on a daily basis to the safety and security of students in Ontario's schools. Providing safe and secure learning environments is a key goal of CUPE members employed throughout the publicly funded school boards in Ontario.

We commend the Ontario government for making school safety for students and education workers a priority. However, we have several concerns regarding the implementation of Bill 157 as currently written.

Bill 157 has four sections that attempt to answer stakeholder concerns with the current Education Act to improve student safety. These are sections 300.1, 300.2, 300.3, which is the notice to parent or guardian, and 300.4, intervention by board employees. We're not going to address, in our presentation, the notice to the parent or guardian, but we'll focus on the other three sections of the act.

Regarding the delegation by principals, we feel that this section makes no change to existing practice in Ontario schools and, as such, represents an unnecessary legislative involvement in the operation of Ontario schools.

We also submit that with the funding issues that are facing schools, what happens when there is a teacher in charge is that, generally speaking, there is no supply teacher to take on their duties. While they're in charge, they're also teaching a class. If there is an incident that comes up, that person is then pulled away from a class, and you have 20 to 25 students that somebody is going to have to be assigned to. Sometimes that ends up being an

educational assistant or someone else who shouldn't be assigned to overseeing the instruction of children.

We also submit that the act needs to be clear that there are limits to the delegation of authority of the principal and that, while it is written in this part of the act, we want to make sure that it stays within this part of the act. For labour relations purposes, we think it should be the principal who is in charge of the school.

We also think there should be time limits to the length of time that someone can be assigned to be the delegate authority in charge of the school. This doesn't talk to that kind of time limit, but we would submit that this is meant to cover when somebody's out of the school for a meeting, as opposed to away for a two-week or a week-long period.

Regarding reporting to the principal, we have serious concerns with this section of the bill. We think it's unworkable. It talks about two exceptions to the reporting. While CUPE members are prepared to report, it doesn't talk about the form that the reports should take, whether it's written or verbal. We submit now that it may become part of legislation. We would be telling everybody to do a written report so that they are not liable for not reporting, or somebody saying, "I didn't get a report on that." We think it will create volumes of unnecessary and repetitive reports from CUPE members and other school board staff.

The two exceptions also create a problem. You're supposed to report unless you know that somebody else has already reported the incident. Well, how do you really know that somebody else has reported the incident? Again, we would be telling everybody, "Make sure you report." The other exception is that you don't have to report if you believe that your report would not provide the principal with any useful additional information. How would you know that unless you report and the principal has all the pieces of the puzzle? So we think those exceptions really don't add anything to the act. In fact, in our case, we would be saying, "Report everything, and do it in writing." We think that's going to create a problem in schools.

1550

We would also suggest that when it comes to student behaviour, we also think of "students" as the students in continuing education classes, such as international language classes, and adult students, whether they be in the adult day school or ESL classes or other classes, so that those provisions apply to all students attending school boards.

Regarding intervention by board employees, the act talks about asking staff to make judgment calls about the type of student conduct that is, the act says, "likely to have a negative impact on the school climate." That's very broad. Somebody's interpretation of somebody's behaviour and whether it has a negative impact on the school climate is wide open for interpretation. So I think you'll have people intervening in things based on a personal judgment.

Another issue that has been raised by educational assistants, in particular if you're working with a special-

needs student and you observe two students engaged in inappropriate dialogue with each other, you have an obligation under this act to intervene, but you're walking down the hall with a special-needs student whom you are in charge of. So often in schools, it's not a question of just saying to somebody, "That comment's inappropriate; stop," and that's the end of it. There's often an exchange that goes on between the intervener and the student, and in the meantime you have responsibility for a special-needs student. So I think there are some questions about the type of intervention and who you're actually asking to intervene in these situations.

We also have some concerns—and Stella will address these concerns—regarding the legislated intervention and changes in the Occupational Health and Safety Act that have just been introduced. Stella will address those.

Ms. Stella Yeadon: Bill 168 is the amendments to the Occupational Health and Safety Act. First, I want to point out that in Bill 157 there's no clear definition of concepts and things like "direct contact," "intervention," and "useful additional information." Normally in bills that are proposed legislation, in the preamble there's a definition. There's almost a glossary of terms and what they entail. That's missing from this. So that leaves the enforcement of Bill 157 open to judgment calls, and Terri has mentioned that.

Specific to Bill 168, there is a section in the proposed bill that allows workers the right to refuse with the threat of a potential danger and to actually physically leave the immediate hazard area. We feel that this piece of legislation that calls on people to intervene and that piece of legislation that allows people who feel a perceived hazard or threat to actually leave the worksite or that immediate area—

Ms. Terri Preston: I would just like to add that in terms of taking our role seriously as part of the school community, we are prepared to support efforts that take on the issues of gender-based violence, homophobia, sexual harassment etc. We need training at all staffing levels, though, to ensure that people are trained in appropriate intervention on those issues. Support staff working within school boards are not often receiving that kind of training, and any training that's initiated there would have to extend to everybody who's expected to intervene.

I think that's it.

The Chair (Mr. Shafiq Qadri): Thank you. We have about 90 seconds per side, beginning with Ms. Sandals.

Mrs. Liz Sandals: I wonder if we could go back to the delegation by principals. It's clear in the bill that if it's a teacher in charge, that's just while the principal and vice-principal are out of the school, but I was interested in your comments that delegation should never be for any purpose other than student discipline, which is what I think I heard you say, and delegation could be to a vice-principal. Wouldn't one have, in many situations, delegation to a vice-principal being much broader than simply student discipline?

Ms. Terri Preston: Yes, and in that case we're referring to, we don't want labour relations issues to be

dealt with by teaching staff. But we recognize that vice-principals do have supervisory responsibilities.

Mrs. Liz Sandals: Okay, so this isn't "Don't give VPs supervisory"; it's just narrowing in on the temporary nature of the teacher in charge.

Ms. Terri Preston: Right, yes.

Mrs. Liz Sandals: I'm glad we sorted that out.

The Chair (Mr. Shafiq Qaadri): To Ms. Savoline.

Mrs. Joyce Savoline: Mr. Shurman.

Mr. Peter Shurman: I expect you to come here and advocate for your members, so labour relations is what you're discussing, but you point out that a lot of this is already there when it comes to reporting, and I believe that's true. It speaks to amendments that are required to create a mandatory flow. Why don't you believe that right now, with amendments, we couldn't get a good process in place of mandatory reporting and a flow all the way up so that the decision-making was taken away from your members?

Ms. Terri Preston: What I'm saying is that the act as it's currently written is going to create an incredible paper flow that you have not anticipated. So what I said was, if it is legislated, we will comply, but we will be complying in writing to make sure that there are no liability issues for our members.

Mr. Peter Shurman: There's a legitimacy—

Ms. Terri Preston: We're not saying, "Don't go there"; we're saying that if you go there as it's currently written, unless there are explicit changes to the act as it's currently written, we think it's going to create problems.

Mr. Peter Shurman: That's why we have hearings: to get some amendments that do that. Let me ask you for a moment, in the brief time that we've got left: You referred to judgment calls a couple of times. Isn't it inherent in any job, notably one where there's so much responsibility involved, as teachers and principals would have, that judgment calls have to be made, based on expertise?

Ms. Terri Preston: Yes. I believe that, but I think what you might end up having is, are you intervening because you don't like the way—

The Chair (Mr. Shafiq Qaadri): I need to intervene here. Thanks, Mr. Shurman. Mr. Marchese.

Mr. Rosario Marchese: He's brutal, I'm telling you.

Mr. Peter Shurman: He is.

Mr. Rosario Marchese: Terri and Stella, thank you. I agree with many of the concerns you've raised, in fact. There are serious personal safety implications that can arise for school board employees who will be legislated to intervene. I believe that there are a lot of people who just don't know how to intervene on some very delicate matters, and you will be required to do so. That requires teachers, as well, in some cases to put themselves at risk. So I do worry, and I don't know how they've dealt with that.

I agree with your point that "It is the view of CUPE ... that only properly trained school board employees should be making interventions with students." You make that on page 4. And your point about writing everything on

paper: You're going to have to. You make some very good points on page 3, the last two points about how an employee with confidence can know that a report about an incident has already been made to a principal. You'll never know. You're just going to have to write everything. Similarly, with the second point that you made at the end in the other paragraph, no one's going to know anything. You're going to have to write everything, so a whole lot of people will be writing a whole lot of reports. I don't think the government may have thought that through.

The Chair (Mr. Shafiq Qaadri): Thanks to you, Ms. Preston and Ms. Yeadon, for your deputation on behalf of CUPE.

Et pour vous, monsieur Marchese, la brutalité est l'égalité.

M. Rosario Marchese: Voilà.

KAREN SEBBEN

The Chair (Mr. Shafiq Qaadri): We now move to our next presenter, Ms. Karen Sebben.

Welcome, Ms. Sebben, to you and your colleagues. You've seen the protocol. You have 10 minutes in which to make your deputation. I'd respectfully ask you to please begin now.

Ms. Karen Sebben: My name is Karen Sebben, and my family and I live in York region. I have my son Daniel here with me today as well, my moral support. Daniel wants to be present simply because the outcome of this bill will ultimately reflect on the safety of future students. It's too late for him, but he wholeheartedly supports any student who has lived the experiences he has. To be fearful of your life and contemplate suicide is too much to bear at any age, let alone at a young age and in an environment he expected to be safe in. As a result, he lost his high school years, which is something he can't get back.

1600

I'm here today because of my dissatisfaction with our government as it relates to the emotional and physical well-being of some of our schoolchildren, and our own personal history as it relates to a school system that I feel is fundamentally in need of change.

Parents in our region often have to deal with school and administrative reluctance to get involved with excessive bullying issues. Board administrators often use legislation that is built around individual cases and "schools know best" policies on how to deal with excessive bullying and student-on-student violence as an excuse for non-compliance in many cases. This is widespread throughout our province.

Clear legislative language that is not up for interpretation and clear actions defined in this legislation on how to deal with bullying and student-on-student violence issues are needed to ensure streamlined board and school compliance.

I have concerns with certain language like "shall" as opposed to "will"—that has since been clarified—and "as

soon as reasonably possible” as opposed to a clearly defined time limitation. The language in this bill is open-ended and subject to different interpretations. A clear course of action is desperately needed to fix the problems this legislation was intended to tackle. It is required, should there ever be a difference of opinion between a principal and the legal guardian of a child. A time limitation would offer something definitive and, further, it would provide the principal with a support mechanism as his or her actions would not be called into question.

Bill 157 is flawed in that it leaves reporting to police to the discretion of principals. What you and I deem “a serious nature” may differ and it sends two messages. Firstly, if an incident is not reported to the police, the aggressor may not suffer the consequences necessary. Secondly, a message is sent to the victim that his or her worth within the school community is of no importance.

The Ontario Principals’ Council has stated that “criminalizing students for their involvement in minor altercations is an overreaction.” I disagree. Our Criminal Code is clear. If there is an act of aggression or even a minor altercation that falls within the list of offences included as grounds for suspension or expulsion, then it is not a minor altercation and police must be called. We can all remember the young boy who had a belt taken to him by two older students. It was assault, pure and simple. How will accountability be addressed if a parent feels that police should have been called, but the principal, using discretion, made the decision not to?

Ms. Sandals has also stated that mandatory reporting to police is clear and that all school boards have police protocols that comply with provincial guidelines and, therefore, did not need to be included in legislation. I disagree for the following reason: I took the time to meet with my police force to discuss the protocol and to specifically find out how they would deal with a criminal situation if it takes place in a school community as opposed to the mall parking lot. I was told that the same situation in either location would be treated the same and that extrajudicial measures would be followed.

As a result of that meeting with police, I had discussions with teachers at the high school level who work closely with their beat police. These beat police have made it very clear that there have been instances in the past where they would have liked to proceed with laying criminal charges but advised that school administration was tying their hands. Since when does school administration dictate how our police force does its job, and further, as a parent, how do I digest this conflicting information?

On March 23, 2009, Minister Wynne stated “We remain committed to helping all kids reach their potential.” She further stated that “The only way that we will ensure safety for all of our students at school is if all people involved in students’ lives take responsibility and work together.” Indeed, and well said. It takes a community to raise a child, but I don’t understand how this can be accomplished with open-ended and unclear language within our legislation and police force confusion on how to uphold the Criminal Code on school grounds.

I firmly believe it is every child’s right to receive a safe education. Differences between our children shouldn’t matter. It shouldn’t matter if that child is gifted or with special learning needs, but it does matter if that child is an aggressor or victim. Our safe schools legislation thus far is very clear in that the focus of our government is for the benefit of the aggressors of our school communities.

Teachers have told me that when they routinely intervene as they come across negative or disrespectful behaviour that requires disciplinary measures, they are not always supported and discipline is not always followed through with at the administration level. This cannot be considered working together. What accountability can a parent expect if consequences for the negative behaviour of a student are not followed through with on an administrative level?

Currently within Bill 212, there are procedures in place to assist aggressors within our school communities to remain in school and move forward with their education. It’s a good step and it’s necessary, but Bill 212 does not speak to all kids either. The safe schools action team, in their report of December 11, made good recommendations relating to victims. It is a shame that out of these recommendations, Bill 157, if passed, will not address removing the alleged aggressors. In our personal situation, the fact that the aggressor remained in my son’s school exacerbated the degree of unacceptable risk he endured. What does our Ministry of Education intend to do with some or all of the very good recommendations put forth by the safe schools action team? For example, in our area, prior to Bill 112:

“Discretionary Expulsion Criteria ...

“(ii) the student has engaged in an activity (on or off school property) that causes the student’s continuing presence in the school to create an unacceptable risk to the physical or mental well-being of another person(s) in the school or board.”

In our situation, an unacceptable risk to our son was most definitely present. The injurious behaviour from his aggressor continued for three years. My child was under the care of an outside psychologist and my school administration was aware of this. The aggressor’s continued presence in the same school as my son for three years created an unacceptable risk to the physical and mental well-being of my child. As a result of policy not being followed, the consequences that the aggressor endured did nothing to change the behaviour. The aggressor remained at school and continued to learn; my child continued to decline academically and emotionally. He became suicidal and to this day still suffers from chronic stress.

There was a board policy displayed on the website. It was plain and clear for any parent like me to read and understand, yet my child endured for three years. It’s either policy to be adhered to or it’s not policy. What is the purpose of an operational policy if it is not adhered to by administration on grounds of discretion and interpretation?

I wrote to Minister Wynne on a number of occasions to request that she direct the safe schools action team to

consider the possible life-long ramifications of a once academically successful and happy student who has become a student at risk as a direct result of student-on-student violence. At the same time, I explained our personal plight. I received no direct answer; I received no empathy or sympathy from the minister; I received no acknowledgment that something, somewhere, went wrong; and I certainly received no accountability. I received Bill 157, which is clearly devoid of any type of accountability due to the lack of clear action and directions needed to address the problems that our school system currently faces.

Ms. Sandals has also stated in the past that “sadly, we know there are young people who do not feel safe.” If this is truly unacceptable, why did the ministry allow my son to continue looking over his shoulder for three long years while he attempted to learn—three long years of waiting to see that he mattered? He’s not the only student who has experienced this, and he won’t be the last. It would—

The Chair (Mr. Shafiq Qaadri): You have about a minute left, Ms. Sebben.

Ms. Karen Sebben: Okay.

In conclusion, I would like to state that I have a difficult time believing that local school boards and their officials, once granted the right to interpret this legislation, will ever actually coincide with the spirit of this bill or this committee. I’d like to take the opportunity of thanking the committee for attending here today and for listening to our family experience, which happened as a direct result of discretionary powers.

The Chair (Mr. Shafiq Qaadri): Thank you very much. We really have just 30 seconds. We’d like to offer that to any takers.

Thank you, Ms. Sebben, to you and your family for coming forward.

Ms. Karen Sebben: Thank you.

ONTARIO ENGLISH CATHOLIC TEACHERS’ ASSOCIATION

The Chair (Mr. Shafiq Qaadri): I would now invite our next presenters to please come forward: Mr. James Ryan of the Ontario English Catholic Teachers’ Association and his colleague.

We’d invite you gentlemen to be please be seated. Please begin. Just before you do, I’d inform the committee that we will be having a vote in the House at some point, for which purpose I will suspend the committee for about 10 minutes. Of course, your time will be maintained, but we may be interrupting at some point. Please begin.

Mr. James Ryan: Thank you. My name is James Ryan. I’m the first vice-president of the Ontario English Catholic Teachers’ Association. On my immediate left is Marshall Jarvis, the general secretary of the Ontario English Catholic Teachers’ Association. Combined, we represent over 40,000 teachers who teach in our English Catholic publicly funded schools.

1610

Let me start by saying that safe schools are a very serious concern for our members. They’re absolutely adamant that all staff, all students, all parents and all of our greater community be safe in the province’s publicly funded schools.

In terms of the legislation, we do have some concerns. First of all, in terms of ongoing consultation, we believe that it’s important that the government of Ontario, the Ministry of Education, continue to consult not just with the Ontario English Catholic Teachers’ Association but all of the stakeholder groups on safe schools issues.

I’d like to give you an example of where this consultation will be important in the future—and certainly we have had talks with the ministry on this, up to this date—and that’s on the issue of the sharing of information. I used to be a teacher at Sunnybrook and Women’s College Hospital in the adolescent psychiatric unit. Often we’d return students to schools after a problematic experience, but I was never able to share with those schools, principals and teachers some of the concerns because of privacy legislation. That exists with reference to the criminal justice system as well. Often, our teachers and our principals in schools are not equipped to deal with the specific problems that students have in those areas. I just wanted to point that out as an example of where we need to have ongoing consultation with the Ministry of Education and why that is so vital.

I refer you to our document here on page 3 and to section 1.09. This is an area where we have a grave amount of concern where we of course put on our lawyer’s hat, and that’s with the delegation to someone called “the teacher in charge” under this legislation. Here we feel that it’s absolutely important that this must be a voluntary assignment and that it must be posted. There are a lot of potential liabilities for members who take on the role of the teacher in charge. We feel that they certainly have to be protected, and boards do not always—in fact, rarely—legally protect our members. We are usually responsible for doing that.

To give you an example—and obviously I can’t use names or anything—of where one of our members was exposed on an issue like this was in a school where there was a zero-touch policy. That teacher, at a sports event, directed a student by tapping them on the shoulder to go to another section of the stadium. As a result of that tap, there was actually a Catholic Children’s Aid Society investigation of that member. That investigation cost us many thousands of dollars—the association; it was not the school board that defended that member. So we do have concerns about this position and what liabilities members might potentially encounter.

On page 4 we go on to look at the role of the teacher in charge. We’d like to really limit what they do, for the same reasons. Here, what we really think should happen is, their responsibilities need to be limited to reporting to their superordinate—either the principal, superintendent or vice-principal in that school—and relaying that event rather than calling the parents and being subject to that

liability. In a lot of our schools, particularly our secondary schools, there are more than one administrator in the building. They have principals and vice-principals. In those cases, we think there should always be an administrator on site. There should never be a situation where all of the vice-principals and all of the principals are called away to a meeting, which does happen now. Principals go to an awful lot of meetings at the board. They're out of the school, in our members' opinions, far too often. But in schools where there are multiple administrators, there should be a policy that one administrator is always on site.

I'd also like to draw your attention to page 6. On page 6, we state that Bill 157 should be amended to require principals who receive a report under this to report on the results back to the teacher. Too often when teachers report incidents to principals, there is a feeling on behalf of the members that it doesn't go anywhere, that it stays in the principal's office and doesn't go beyond that. What we really need to do is require that when principals are reported to on a safe schools issue, not only do they carry that on, but they relay to the teacher who gave them the initial report that they have carried this action out and what they've done.

Finally, just drawing your attention to the duty to intervene, going back to that first incident at the ball game, I'd just like to say why that is a concern. It really puts our teacher members in a vulnerable position legally. We have many responsibilities. We have legal responsibilities and we also have responsibilities to the college of teachers, and we are very concerned that a duty to intervene here, as much as teachers do naturally intervene in behavioural incidents, would leave our members liable, especially if that were to require a physical intervention which our members are not trained for.

I would thank the committee for the opportunity to present today, and I'd be prepared to accept questions.

The Chair (Mr. Shafiq Qaadri): Thank you. A very opportune moment. You have, actually, about seven minutes for questions, which we will reconvene for.

I inform the committee that we have a vote within, I believe, 10 minutes or so, so I'll suspend committee proceedings—

Mr. Vic Dhillon: Seven minutes, Chair?

The Chair (Mr. Shafiq Qaadri): Seven minutes for questions; 10 minutes for the vote.

I will now suspend the committee so that we may go and actually vote. Thank you.

The committee recessed from 1615 to 1632.

The Chair (Mr. Shafiq Qaadri): We'll reconvene our committee. We have quorum. We'll begin with the PC side. I just inform you, Mr. Ryan and your colleague, that you have precisely two minutes and 37 seconds per party. Mr. Shurman.

Interjection.

Mrs. Joyce Savoline: Okay, well then I will. Thank you for being here today. I understand the points you made, and as you might well imagine, they mirror some of the things that the elementary teachers' federation also said to us.

I guess my question to you is, without a timeline actually being codified and without a clear understanding about which kinds of incidents—which obviously aren't the one-offs in the playground. Nobody is talking about stuff like that; we're talking about the serious stuff. Do you agree with the suggestion of putting in place a mechanism where parents, the school board and others know about it so that there's a clear, concise process that everybody can rely on, but should it not be followed by the authorities so that there is a consequence to that process not being followed appropriately? Who decides? How do we create that mechanism?

Mr. James Ryan: I guess I won't respond quite directly, but what I'd say is I think that's reasonable but I think our perspective here is that teachers themselves not be required to make that report directly to parents but they be required to make it to their superordinate, the principal—

Mrs. Joyce Savoline: Which they're already doing.

Mr. James Ryan: —or the vice-principal.

Mrs. Joyce Savoline: Yes.

Mr. James Ryan: I think it could be reasonable to expect principals and vice-principals to make those reports to parents.

Mrs. Joyce Savoline: Should it be expected that there would be a consequence somewhere down the line, some accountability, if that doesn't happen?

Mr. James Ryan: In terms of teachers, and also—

Mrs. Joyce Savoline: I'm talking about within the process.

Mr. James Ryan: I can only speak for teachers, principals, superintendents, directors. We're all members of the Ontario College of Teachers, and because we're members of a professional association, there are guidelines and rules of misconduct that we have to follow, and we are subject to the discipline of the college for not carrying out our responsibilities. Not only does that go for teachers but also our superordinates as well. I would say that's taken care of by the standards of practice and the professional standards of the college.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Savoline. Mr. Marchese?

Mr. Rosario Marchese: Thank you both for the presentation. I have to tell you in my own remarks, the duty to intervene bothers me because it doesn't define what kind of intervention, but in my mind it implies everything. It may imply that you intervene in some physical altercation, that you've got to get involved in that altercation and if there's some exchange, which is tough, however those views are, there's a duty on you to intervene. It could impose a problem on you, physical, I suspect, usually. It could be something else, but usually it's physical. I don't think they thought that through either. I understand the duty to report, but I think the duty to intervene has a lot of implications for teachers, so I wanted to say that I agree with that.

I also agree with your point about making sure that there are support materials for boards to assist principals with a process for investigating incidents, including in-

vestigations involving students in special ed. You just list one or two examples, but you're talking about a whole list of things, I'm assuming, in terms of training?

Mr. James Ryan: Correct.

Mr. Rosario Marchese: And I'm assuming they're getting some of that training, but maybe it's not complete and/or thorough. Is that possible?

Mr. James Ryan: Certainly in terms of teachers, the training isn't there. As far as principals, we're not completely aware of the training they receive. Is that in my personal opinion? Yes, I would agree with you.

Mr. Rosario Marchese: You talk about the idea of a teacher in charge, that it should be voluntary, and the Ontario Elementary Teachers' Federation said as much as well. I'm assuming you told that to the government in discussions you might have had, or is this the first time you're raising it?

Mr. James Ryan: Our government relations staff meets, as you know, with all of the members of the House—

Mr. Rosario Marchese: So they know about it?

Mr. James Ryan: Actually, I'd direct that to my general secretary, as he's more intricately involved in that.

Mr. Rosario Marchese: What did they say when you raised it with them?

Mr. Marshall Jarvis: What I can tell you is that we are involved in discussions with the government, through the Ministry of Education, in a number of different forums. We have raised this issue. We will find out what they'll say when the final form of the legislation comes forward.

Mr. Rosario Marchese: I see. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Marchese. Ms. Sandals?

Mrs. Liz Sandals: I just note that in terms of the duty to intervene, the reason that there is regulation-making authority is to make sure that we can actually come up with exemptions to make it clear that we aren't suggesting that people should insert themselves in the middle of a knife fight or something. It's clear that we don't want our staff, at any level, coming to harm. We understand that we need to do some work in the policy guidelines.

1640

I'm interested in the whole issue of reporting back to teachers who have reported to principals that something has gone amiss. Could you share with us: How often do you find that teachers don't get information back about what has happened in response to certain incidents?

Mr. James Ryan: I'll have to speak out of my experience as a classroom teacher, having been in the classroom less than two years ago. Quite often, our members do experience that: They report an incident, they often document it, and in some cases where, let's say, there's a suspension, they get paperwork back and they'll get communication. In many cases, however, they don't know what has happened, especially at the secondary level. There is no communication back to them. When I was a staff rep in the school, on the issue of child welfare cases

with children's aid and Catholic children's aid and Jewish family services, I'd often have to tell them that it's not good enough to just take the principal's word that they've reported to these agencies. You have to make sure, because they're liable in those cases. But many colleagues have reported to me that they've gotten no feedback on it.

Mrs. Liz Sandals: You've just raised something that's really important, because I hear you say that you're getting feedback about discipline by principals, but you don't necessarily get feedback from children's aid. It may well be that the principal and the board got no feedback from children's aid either—the responsibility, because you're switching pieces of legislation, that usually there is no feedback to the board either on children's aid reports.

Mr. James Ryan: Our main concern is the feedback from the principals—

The Chair (Mr. Shafiq Qadri): Thanks to you, Mr. Ryan and Mr. Jarvis, for your presentation on behalf of the Ontario English Catholic Teachers' Association.

ASSOCIATION DES ENSEIGNANTES ET DES ENSEIGNANTS FRANCO-ONTARIENS

Le Président (M. Shafiq Qadri): Notre prochain présentateur est M. Benoît Mercier, président de l'Association des enseignantes et des enseignants franco-ontariens. Bienvenue, monsieur, et comme vous avez vu, vous avez 15 minutes pour votre présentation, et si le temps le permet, des questions avec tous les partis politiques. Commencez, s'il vous plaît.

M. Benoît Mercier: Comme il était mentionné, je m'appelle Benoît Mercier. Je suis le président de l'Association des enseignantes et des enseignants franco-ontariens. Je suis fier de représenter les quelque 9 500 membres de la profession enseignante qui œuvre dans les écoles de langue française en Ontario.

Mesdames et messieurs, permettez-moi tout d'abord de vous remercier d'avoir accepté d'entendre la présentation de l'Association des enseignantes et des enseignants franco-ontariens traitant du projet de loi 157. Nous avons jugé important d'intervenir dans ces audiences pour quatre raisons :

(1) L'AEFO est d'avis que les écoles de l'Ontario doivent offrir aux élèves un milieu sain et sûr dans lequel ils peuvent apprendre et s'épanouir comme individus.

(2) L'AEFO croit que le projet de loi 157 ne constitue pas une réponse adéquate aux problèmes liés au harcèlement et à l'intimidation que vivent certains élèves dans nos écoles.

(3) L'AEFO regrette que le projet de loi 157 ne reflète pas l'ensemble des recommandations du rapport de l'Équipe d'action pour la sécurité dans les écoles, notamment celles qui sont axées sur la prévention et qui assureraient davantage la sécurité des élèves.

(4) L'AEFO déplore que le projet de loi 157 augmente la responsabilité du personnel enseignant sans offrir les moyens de s'attaquer aux racines du problème.

Depuis plusieurs années, l'AEFO travaille de façon proactive avec le Centre ontarien de prévention des agressions à réduire, à prévenir le harcèlement et l'intimidation dans les écoles de langue française en offrant des ateliers, des formations d'appoint et des outils pour aider autant les élèves ayant subi de l'intimidation que ceux ayant intimidé.

Comme nous l'avons souligné dans notre mémoire, le projet de loi 157 contient des lacunes importantes. Nos principales préoccupations se retrouvent sous huit thèmes. Il s'agit de la délégation, du rapport à la direction d'école, de l'avis aux parents, de l'intervention, de la formation, du curriculum et des ressources, de l'impact sur les tâches et les conditions de travail des membres de l'AEFO, et finalement, de l'impact particulier sur les écoles de langue française.

Nous croyons très important de vous préciser quatre des thèmes.

L'AEFO croit que la sécurité des élèves doit relever de la direction d'école et que celle-ci ne doit pas déléguer les responsabilités, qui lui sont attribuées en vertu du projet de loi 157, à une enseignante ou à un enseignant. De par leur connaissance des différentes lois et de leur formation en matière de divulgation, de confidentialité et de protection des droits, l'AEFO estime que les directions d'école sont les mieux placées pour exercer un vrai rôle de surveillance dans la sécurité dans les écoles.

L'AEFO croit que le projet de loi 157 n'est pas suffisamment clair quant au sens que l'on doit donner à plusieurs thèmes, tels que « raisonnablement », « supplémentaires utiles ». Afin d'éviter toute confusion ou ambiguïté, nous demandons que soient clarifiées l'intention et l'interprétation du projet de loi en ce qui touche les conditions qui pourraient faire en sorte qu'une enseignante ou un enseignant soit obligé ou ne soit pas obligé de faire rapport à la direction d'école. De plus, nous recommandons fortement au ministère de l'Éducation de développer un formulaire provincial uniforme de rapport à la direction. L'AEFO déplore que le projet de loi 157 manque de clarté et croit que le ministère de l'Éducation doit définir clairement tous les termes qui touchent l'obligation ou non d'intervenir et les types d'interventions qui sont appropriées.

Pour le bien-être de ses membres et des élèves qui sont sous sa responsabilité, l'AEFO croit qu'il est essentiel de développer des directives et des conditions claires sur les types d'interventions appropriées et de communiquer ces directives dans le cadre de formation appropriée. L'AEFO formule cette recommandation dans le but de permettre au conseil de former adéquatement leur personnel durant les heures de travail. L'AEFO recommande alors que le projet de loi 157 ne soit pas mis en vigueur avant que les paragraphes du projet de loi 157 qui touchent l'intervention des employés du conseil ne soient clairement définis par le ministère de l'Éducation et que les employés du conseil n'aient reçu une formation appropriée selon leurs rôles et leurs responsabilités.

Comme nous l'avons mentionné dans notre mémoire, l'AEFO s'inquiète des répercussions possibles de la mise

en œuvre du projet de loi 157 sur l'évaluation du rendement des enseignantes et des enseignants. L'AEFO croit qu'aucun élément découlant du projet de loi ne doit faire l'objet ou avoir d'incidence sur l'évaluation du rendement des enseignantes et des enseignants.

L'AEFO tient aussi à faire part au comité permanent que les conseils scolaires doivent assumer, à leurs frais, la protection, la défense et la représentation de tout membre de leur personnel accusé de ne pas avoir rapporté un incident et/ou de ne pas être intervenu correctement auprès d'un élève, d'un parent, de l'aide à l'enfance ou de la police.

L'AEFO veut s'assurer que le Comité permanent de la politique sociale est conscient de l'importance qu'il faut accorder au fait français dans la mise en œuvre et dans l'application du projet de loi 157. La mise en œuvre de ce projet de loi pose des défis particuliers aux écoles de langue française. Ces défis sont notamment dus à la pénurie de ressources, de personnel qualifié, de matériel adéquat en français, de services d'appui pour les élèves, de services gouvernementaux en français et d'organismes communautaires pouvant offrir des services en français. La bonne mise en œuvre d'un projet de loi mérite un financement qui tient compte de la réalité particulière des écoles et de la communauté qu'elles desservent.

En conclusion, l'AEFO croit qu'il faut des règlements pour encadrer le fonctionnement. Cependant, afin d'assurer la sécurité dans les écoles, il faut offrir aux élèves davantage de services d'appui. Comme l'AEFO l'a souligné dans ce mémoire, le projet de loi présente plusieurs lacunes. L'AEFO demande donc au Comité permanent de la politique sociale de tenir compte de ses recommandations et d'amender ce projet de loi pour qu'il appuie davantage le personnel scolaire et les écoles franco-ontariennes dans la mise en place de mesures qui assureront aux élèves des milieux d'apprentissage sains et sûrs.

Monsieur le Président, c'est comme cela que se termine ma présentation.

1650

Le Président (M. Shafiq Qadri): Merci, monsieur. Nous avons approximativement deux minutes pour chaque parti, commençant avec M. Marchese.

M. Rosario Marchese: Merci, Benoît. Une question que j'ai posée aux autres auparavant : l'obligation d'intervenir. C'est un problème, quant à moi, et c'est un problème pour tous les enseignants, comme j'ai dit. Pouvez-vous parler un petit peu sur ce problème ?

M. Benoît Mercier: Tout à fait. Je crois que les enseignantes et les enseignants ne sont pas des juges de ligne dans la Ligue nationale de hockey pour intervenir lorsqu'il y a des bagarres ou lorsqu'il y a des malentendus au niveau des élèves. Alors, intervenir physiquement dans une altercation : les enseignantes et les enseignants pourraient subir des conséquences physiques, ce qui nous inquiète vraiment. Avec l'adoption de ce projet de loi et de la Loi sur la santé et la sécurité au travail, où les membres peuvent refuser un travail qui pourrait poser des difficultés au niveau de la santé et la

sécurité de l'employé, quelle loi prendrait préséance ici ? Pour nous c'est une grande inquiétude, et si on est pour aller dans cette direction-là, il nous faut des formations précises et claires afin que tout le monde s'entende sur les mécanismes.

M. Rosario Marchese: J'ai entendu pour la première fois que M^{me} Sandals a déjà dit ou commenté qu'ils vont faire des changements. Pour moi, c'est une bonne chose. J'imagine que c'est une bonne chose pour vous aussi, non ?

M. Benoît Mercier: Bien, il faudrait des définitions claires et précises : quelles sont les circonstances dans lesquelles une enseignante ou un enseignant peut intervenir sans que sa santé ou sa sécurité soit mise en péril ?

M. Rosario Marchese: Vous recommandez que le terme « raisonnablement » soit clairement défini dans les politiques. Moi, je suis d'accord avec ça aussi. Comme terme défini, qu'est-ce qu'on cherche : immédiatement, dans deux jours, dans une semaine, dans deux semaines ?

M. Benoît Mercier: Cette définition-là également doit être claire, précise et nette parce que « raisonnablement », dans du langage contractuel ou dans une loi, pourrait laisser beaucoup d'interprétations. Nous n'avons pas une formation légale dans ce que ça veut dire, les termes « raisonnable » ou « utile ». Pour nous, ce sont des préoccupations et qu'il faudra avoir des définitions claires.

M. Rosario Marchese: Merci, Benoît.

Le Président (M. Shafiq Qadri): Madame Sandals.

Mrs. Liz Sandals: Benoît, first off, just to clarify, what I said was that there would be regulations setting out circumstances in which board staff are not required to intervene, and that would clearly include not endangering yourself. But there's actually the authority in the bill already to make those regulations, so that doesn't require amendment.

I was interested in your statement that you were concerned about the implications of performance appraisal for Bill 157. I didn't understand how you connected Bill 157 to performance appraisal.

M. Benoît Mercier: Mon collègue M. Ryan a fait état de ce qui pourrait se passer avec l'Ordre des enseignantes et des enseignants. Les conseils scolaires pourraient adopter des politiques en matière de supervision qui pourraient tenir en ligne de compte que le manque d'intervention auprès d'un enseignant dans une situation pourrait se refléter dans une évaluation de l'enseignante ou de l'enseignant. Alors, je pense qu'on est en train de brouiller les cartes. Il y a des choses qui ne sont pas nécessairement claires et précises. Il faudrait préciser certains éléments du projet de loi. Toute question de supervision, effectivement, relève de la direction d'école. Si, par exemple, il y a un enseignant désigné, a teacher in charge, à qui on remet cette responsabilité-là, nous, en tant que syndicat, prenons la position qu'un membre n'évalue pas un membre. Nous avons un code de déontologie qui prévient des situations où nous allons rapporter des situations problématiques quand c'est entre membres. Je ne sais pas si j'ai répondu à votre question.

Mrs. Liz Sandals: Well, other than to note that in the bill, the delegation to a teacher is only temporary while the principal and vice-principal are out of the school. So I think it would be highly unlikely that a board would set up policies that a teacher in charge is to run around and do performance appraisals while the vice-principal's out of the school. That would seem to be very odd.

M. Benoît Mercier: Comme vous savez, tout peut être tenu en ligne de compte lorsqu'on parle d'évaluation des enseignantes et des enseignants. Il y a dans la loi sur la supervision des enseignantes et des enseignants des critères qui sont—

The Chair (Mr. Shafiq Qadri): Thank you, Mrs. Sandals. Maintenant la parole revient à M. Shurman.

M. Peter Shurman: Merci, monsieur le Président et monsieur Mercier. Est-ce que votre organisme peut nous offrir sa propre définition de reportage mandataire ?

M. Benoît Mercier: Bien, pas nécessairement à ce moment-ci. Je crois que les enseignantes et les enseignants, lorsqu'ils sont témoins de plusieurs situations, vont en parler, que ce soit avec leurs collègues—

M. Peter Shurman: Comme témoins, ils ont une responsabilité, n'est-ce pas ?

M. Benoît Mercier: Tout à fait. Ils ont une responsabilité quand ça vient à la santé et la sécurité des gens. Nous croyons qu'il existe déjà plusieurs lois à cet effet-là, que ce soit la loi sur les abus sexuels ou que ce soit d'autres lois où les enseignants sont obligés de rapporter des situations. Nous croyons que ce projet de loi ne vient pas enlever d'autres responsabilités qu'ont les enseignantes et les enseignants, d'après nous, déjà.

M. Peter Shurman: Mais je cherche, apparemment, une définition plus exacte concernant ce que c'est que le reportage mandataire ou pas mandataire. Vous n'avez aucune réponse à cela ?

M. Benoît Mercier: Je sais que la Loi 212 stipule certaines situations en ce qui concerne la sécurité dans les écoles. Lorsque nous avons été consultés, le ministère nous a dit, « Tout effet, en ce qui concerne le reportage d'incidents, tombe dans le cadre de la Loi 212. » Alors, c'est à voir si ça va se concrétiser de cette façon-là. Nous avons quand même certaines inquiétudes.

M. Peter Shurman: Vous avez une recommandation, le numéro 5, où vous dites que les seules personnes responsables d'aviser les parents sont la direction d'école etc. Est-ce que vous recommandez que ce soit mandataire en tous les cas ?

M. Benoît Mercier: Si les enseignantes et les enseignants font les suivis auprès de la direction d'école, nous croyons que les directions d'école sont les mieux placées pour informer les parents de ce qui s'est passé. Nous croyons que ces personnes-là ont la formation légale, ont reçu des formations de par les cours qu'elles ont suivis, de faire ces suivis-là auprès des parents. Nous, les enseignantes et les enseignants, rapportons par rapport à l'évaluation, au rendement des élèves, alors à ce niveau-là je pense qu'il faut avoir une différence entre les pouvoirs que peut exercer un enseignant—

Le Président (M. Shafiq Qadri): Merci, monsieur Shurman, et vous aussi, monsieur Mercier, pour votre

soumission et témoignage aujourd'hui pour l'Association des enseignantes et des enseignants franco-ontariens.

I'd now advise members of the committee and our audience that we will be going once again into closed session, so I would respectfully ask all those who are not part of the next presentation to please leave.

I would invite, momentarily, those presenters coming forward for the closed session.

The committee continued in closed session from 1657 to 1706.

CANADIAN CHILDREN'S RIGHTS COUNCIL

The Chair (Mr. Shafiq Qadri): Mr. Grant Wilson, please come forward. Mr. Wilson, I welcome you on behalf of the committee in your role as president of the Canadian Children's Rights Council. As you've seen, you have 15 minutes in which to make a presentation, beginning now.

Mr. Grant Wilson: Good afternoon. I'm here today to bring your attention to the inherent problems in communication between parents and/or guardians and schools, and to discuss the implementation problems of section 300.3 of Bill 157, which requires a principal to inform one parent or guardian and not all parents and/or guardians.

In the today of a 40% divorce rate, resulting in many parents not living together, and considering parents who have never lived together, the current system used by schools to communicate with parents of students is always insufficient. Educators are the first to state how a child will do better in school if both of the child's parents are involved in the child's education. In practice, they exclude parents from getting important information and often take illegal direction provided by one parent. Whether a court order for parenting time has been made by a court or not, schools don't keep basic information about both parents and systemically don't deliver information that parents need to help their children.

For example, 12 years ago the computer system used by the Peel District School Board only had data fields for a single parent. Another simple example is when a school board uses automated telephone call systems to inform a parent that his or her child didn't attend high school. They only call one household; they should be calling both parents' homes.

The delivery system for notices, report cards and such things as school calendars is flawed because they are sent home with students and schools don't have a system for distributing all this important information to both parents—and that would include all the information you're talking about in this particular bill. For example, if a child is parented alternately by the parents a week at a time, the parents will each get partial information.

I know of one school of the Limestone District School Board which, last year, had the school calendar on the Internet website for that particular school; this year, they don't have it. The parent who we specifically dealt with had had problems for many years in the past and still

can't get a school calendar, let alone other information relating to the welfare of their child. Some principals have actually acted illegally by not providing report cards and other important documents to both parents, even when they have court orders for joint custody.

The Canadian Children's Rights Council has covered this issue for nearly 19 years and not much has changed. When a parent calls us, we explain that it's his or her right to get all the information about his or her child directly from the school. We explain that it is their responsibility to get the information for the purpose of being a good parent involved in their child's education. We encourage them to volunteer at their child's school, attend all school events and become a parent volunteer.

Many parents, upon separation or divorce, re-evaluate their participation in their child's life and realize that they now have responsibilities which were provided for differently when they lived with the other parent. Some parents give illegal direction to schools to stop the other parent from being a volunteer at the school or to allow the child to be with a parent during certain times and dates in contradiction of court orders. We've even followed cases in which the principal has stated to a parent volunteer that he or she isn't allowed to acknowledge their own child or speak with that child should they pass them in the school hallway. How absurd.

When we bring up such issues with directors of education and school boards, they send out directions to schools, and notices and phone calls are made for a short time, but that soon fails since the schools have no systemic way of maintaining the communication with both parents.

Making two phone calls to two households means double the work for staff at schools. Schools claim that their budgets are too limited and don't provide for the costs relating to supplying school information to both homes. Some of the costs are for the teachers' time, office labour, photocopying, postage, envelopes required to deliver teachers' notes, notices, school calendars and all information, including any kind of reports to both parents that are prepared as a result of this bill. If all the information comes to a parent from the other parent, a gatekeeper function can cause problems between the parents. Parents whose children are doing poorly in school—they didn't hand in assignments on time or are having behavioural problems at school—don't find out about them and can't take corrective action. Having two parents to deal with that means the teachers have double the number of parent-teacher interviews, that they must talk with both parents to keep them informed. Parents, when living together, may rely upon information provided by the other parent, but upon separation or divorce, that can be counterproductive. I'd be happy to discuss that further in the question session.

Schools are presented with Family Court parenting orders. These are hard to understand, they're not standardized, and in any event, schools can't possibly follow them, no matter what technology they have in every teacher's hands. There's no way to know if a court order

is authentic or if it is the most current order. We have asked directors of education and principals to address this issue, to change the law so that schools are not responsible for following any court orders other than no-parent-child contact orders, which are very infrequent.

When a parent calls a school and wishes to see his or her child's Ontario scholastic record, the OSR, school staff often make discriminatory statements that appear to be qualifying questions which discourage parents from contacting schools. They ask dumb questions like, "Is there a no-contact order prohibiting you from seeing your child?" If such an order existed, that parent may not tell the truth. The OSR would have that information, and only children subject to such orders should be red-flagged by school staff and those children subject to those orders known to the school.

Schools even tell parents that they aren't allowed to see the school records. If such an order did exist, the school would surely have been provided the order by the other parent, and it would be in the OSR. Teachers and principals are pressured so much by lobbying parents that they even withhold children from going with a parent, in contravention of a court order. Ontario courts dealing with family law issues and parenting time schedules should be required to provide parenting time orders and make separate court orders relating to all other issues in court orders.

Schools get all sorts of very personal information about personal finances and other information provided in court orders that is none of their business and that violates privacy laws, in our opinion. These court orders are public documents, but there is no need to provide information that isn't about parenting time to caregivers and teachers. Even with a current court order for parenting times, schools should not be held accountable for the implementation of them. They can't possibly keep track of exactly who that child should be with at that particular moment in time. You get court orders coming out that say, "Starting on October 5, 2003, every other weekend thereafter the child will be with this parent, and it will be with the other parent during these other times." It's impossible, no matter what technology you have, to know what the situation is at that particular moment in time. The only children you need to be concerned about are really the children who are the subject of a no-contact order because the child's been sexually abused by a parent or neglected so badly that they have been taken away from the parent.

One case that comes to mind, specifically, with the Limestone District School Board was just a few weeks ago, where a vice-president's daughter was beaten up at school and he didn't even find out about it until he saw blood on his daughter's clothing. Then he found out that it was her stepbrother that had assaulted her at school.

We've also found out that having parents involved at all levels—and that means both parents—is essential to the child's well-being. One recent case, where a child was in three different schools in this last school year and was getting straight Ds, came out because the father went

to court and pressured the school into giving him the information. He finally got all this information and discovered that the child was not being educated properly and there were some huge problems at school, including bullying and all sorts of other things that were going on. So sometimes parents hide these things from the other parent, and it's extremely important that we have the means there of communicating directly with all these parents, whether they're custodial, non-custodial or whatever.

That's an extremely important point that we need to address, and it has to be included in this bill. It should be included in the Education Act in every sense and not just talk about informing "a parent." There could be quite a number of different parents involved. There could be step-parents as well. You need to define what "parent" means. In my quick examination of the Education Act this morning on my computer, all 337 pages of it, it doesn't define the word "parent." It defines "guardian"—perhaps I'm wrong.

Are there any questions you've got regarding the parent-child relationship and the importance of that within the school?

1720

The Chair (Mr. Shafiq Qadri): Have you finished your deputation, Mr. Wilson? Thank you. We have about two minutes per side, beginning with the PCs. Ms. Savoline.

Mrs. Joyce Savoline: Do you feel that there should be consequences in the act for non-compliance, for not reporting incidents? I know that there are exceptions that have been spoken about today. I agree that there should be mechanisms to allow for exceptions, but clearly, what I am talking about is violent sexual behaviour, which we've also heard described today, mostly in the in camera portions. Do you feel that there should be consequences to that, that there should be accountability for not seeing the process through?

Mr. Grant Wilson: There needs to be an inclusion in all of this of the primary caregiver of the child, which is both parents. Any reporting that's done should be open and transparent to the parents; it should be available to them. They should be able to look at all of this, which is part of the school records. They should be able to look at any of this. Anything that's been written down by any teacher, as far as we're concerned, is part of the school record and should be open to these parents to evaluate. It's their job to take care of the children, and it's their children first.

Mrs. Joyce Savoline: What should the consequence be for not doing that?

Mr. Grant Wilson: Well, fundamentally, you can't even get the most basic information to both parents right now—

Mrs. Joyce Savoline: No, but the consequence to the authority that does not follow through. Should there be a penalty?

The Chair (Mr. Shafiq Qadri): I'll need to intervene there, Ms. Savoline. Mr. Marchese.

Mr. Rosario Marchese: Grant, I just wanted to agree with much of what you said, because I think there should be an obligation, a legal obligation, for the school community to connect with both parents, in spite of whatever budgetary problems there are and shortages in staffing and secretaries and so on. I think the two parents should be notified, unless there is a particular problem where there is no parental contact or some serious violation—one parent against the other or against the child and so on. But where that's not apparent, I think both parents should be contacted, and I think that we need to address that. I don't know whether Ms. Sandals has thought about this, but I think we need to deal with that.

Mr. Grant Wilson: And there shouldn't be a funneling of information from one parent, because when you send home forms and say, "We have to update the information," you only get that from one parent, and in some circumstances there has to be a change even of residency or temporary assistance by the other parent to overcome some of these obstacles, whether bullying on the way to school or whatever it may be.

Mr. Rosario Marchese: I agree.

Mr. Grant Wilson: The other parent can step in to help there, and sometimes there's hiding by one parent from the other because they don't want to look bad or they're not supervising the child properly, and there might be financial consequences.

Mr. Rosario Marchese: I agree, Grant.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Marchese. Ms. Sandals.

Mrs. Liz Sandals: In your experience, where parents are not getting all of the information, is that consistent with the court order, or is there a court order that says that both parents will have co-custody or whatever?

Mr. Grant Wilson: First of all, my understanding is that with regards to Ontario—and I'm trying to keep track of many different acts in different provinces and territories—under the Education Act, it doesn't matter whether you're a custodial or a non-custodial parent. In fact, quite often, no order is made at all: You are a custodial parent. The parents are separated and it's never been to court, so you are a custodial parent unless a court takes—

Mrs. Liz Sandals: Unless it says you're not.

Mr. Grant Wilson: And even then—and we should have equal, shared parenting, which is another question. We're 20 years behind the times in our laws. That's why I talk about parenting time orders, which is what they have in Australia. They don't have visitation down there. They don't have the word "custody" in their family law.

Mr. Rosario Marchese: It depends on the circumstances.

Mr. Grant Wilson: Well, they have equal, shared parenting, and they also have—

Interjection.

Mr. Grant Wilson: No, they don't have the word "custody" in their family laws. Australia's Family Law Act, 1975, and the amendments to it do not use the word "custody." In fact, if you want to get a Canadian version

of that, you have to have it converted, because they have parenting time orders—a parenting order is made.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Sandals, and thanks to you, Mr. Wilson, for your deputation on behalf of the Canadian Children's Rights Council.

ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

The Chair (Mr. Shafiq Qadri): I now invite our next presenter, David Walpole, a director at the Ontario Public School Boards' Association. Mr. Walpole, welcome. You've seen the protocol. You have 15 minutes in which to make your presentation. I invite you to begin now.

Mr. David Walpole: Thank you, Chair. Good afternoon, committee. We did make a written submission. I don't think I will read the whole thing verbatim to you, but I'll try and hit the highlights.

The Ontario Public School Boards' Association represents the interests of 33 public school boards from all across Ontario and 1.2 million elementary and secondary school students. We've always been strong advocates for ensuring that the schools of Ontario are safe places for our students to learn and our staff to work, and it's our belief that the key to violence-free schools and the reduction of violence in society lies in long-term preventative initiatives. Thus, we support the concept of mandatory intervention and reporting, which are the two key elements.

We've been involved in this for some time. In December 2005, we wrote to MPP Liz Sandals, chair of the safe schools action team then and now. We stated that "While the focus of this submission has been on the Safe Schools Act as it relates to students who have been suspended or expelled for their actions, it is important not to ignore our commitment to support victims of violence and their families. Assistance from school staff, board specialists and appropriate referrals to community agencies is vital to the healing of students who have been victimized." At that time, OPSBA was involved with other education partners in developing a working committee to address violence, especially violence in the media. That committee continues today, and it's done some very, very good work. I'm sure you're aware of that.

On the issue of interventions, we support the active intervention and reporting requirements prescribed in this bill. Reporting incidents after the fact is not sufficient. There needs to be a greater emphasis on prevention and on intervention. We know that intervening during or, in some cases, before an incident occurs is a preferable way to deal with inappropriate behaviour. An appropriate intervention will usually de-escalate a situation and lessen the chances of undesirable outcomes.

We draw the standing committee's attention to a successful model of early intervention in place in a school board which has had some mention previously, and that's the Limestone District School Board. It's called the com-

munity threat assessment protocol. It involves collaboration among school boards, police, staff from child protection, youth justice, children's mental health, local health units, and child and youth services. Strategies are based on the work of Kevin Cameron, who is the founder of the Canadian Centre for Threat Assessment and Trauma Response. The school board has a behaviour action team that is convened within 24 to 48 hours of a need being identified and will call on support from any of the partners identified above. It's reported that parents feel that what was once solely a disciplinary matter is now looking at the interests of both the student who caused the incident and the victim.

Incidents which cause harm to students and negatively affect the climate of the school can happen before and after school and both within and without the school. So it's important that staff and others who may be in the school understand that vigilance and intervention are shared responsibilities of all adults in the school. Ignoring unacceptable behaviour, either consciously or unconsciously, not only results in that incident being overlooked but also sends the tacit message to students that unacceptable behaviour is condoned. That's a very difficult message to change once it has been sent out.

We believe it's important, in section 300.4, to be clear in the requirement that all staff be expected to intervene in circumstances where student behaviour is likely to be harmful to others and have a negative impact on school climate. We believe a clear statement of expectations and an understanding of what is unacceptable behaviour, when combined with vigilance and enforcement by staff and school administration, will increase student understanding that their unacceptable behaviours will not be tolerated.

On reporting to principals, we basically say that we believe it should happen. In addition to being required to intervene, staff members should be required to be individually responsible for reporting serious incidents directly to the principal in a timely fashion. It should include both the behaviour of the student and the intervention taken by the staff member.

I'd like to pause on reporting to parents for a moment, because we think it's important. We support reporting of inappropriate behaviours in schools, especially those which bring harm to students from others, to third parties, including parents, social service agencies and the police. Every school board has a policy and procedures in place which identify when a parent should be notified by a principal of an incident involving a son or daughter, and there are serious consequences for not following through with that for principals. When a student is injured at school or on an activity, there's no issue in notifying the parents of the issue and the steps taken to provide attention and care. However, when the harm is caused by another, we run into the issues of privacy, and those have been a source of frustration for many parents.

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OPSBA supports the intent and the language of 300.3(3) as presently drafted. Relying on their pro-

fessional judgment and expertise, principals must have the discretion to decide if and when to make a report to a parent. However, it is also incumbent on the principal to document clearly the reasons why the decision was made to withhold reporting to the parent or guardian.

We concur with OPC on the definition of harm, which needs to be quite clear, in that harm can come both in physical injuries requiring medical attention and those where severe or significant emotional impacts have occurred from bullying.

I would stop there and answer questions.

The Chair (Mr. Shafiq Qadri): About two and a half minutes per side, beginning with Mr. Marchese.

Mr. Rosario Marchese: David, I understand the point you make about intervention and that that's a shared responsibility by everyone. The problem is the word "intervention," the duty to intervene, doesn't explain what kind of intervention we're talking about. You could see where some racial remarks or inappropriate terminologies used against gays and lesbians, for example—a teacher can intervene in some of those areas. But where there is physical involvement in a serious situation between two students, that could cause harm to the teacher. You probably would agree with that. Do you think we should define what kind of intervention? I'm assuming that's what Liz Sandals was talking about, where they will define intervention in regulation—and I'm assuming we'll be happy with the final result. I'm assuming you agree that we need to define what that kind of intervention means, right?

Mr. David Walpole: I think teachers understand what intervention means. I think that where a teacher would be clearly at risk—and I taught high school for many years. If there was a ruckus in the hall, the little female teacher across the hall would not step in between the two big boys, but you would certainly make it known to others that an intervention was required, and that would happen. So I think we need to talk about the ability to have one and then talk about those things which would be inappropriate—

Mr. Rosario Marchese: David, the duty to intervene is not qualified. You're describing a situation where you might get involved or might not, but when you have a duty to intervene it's a problem in terms of what discretion you use in that intervention. Anyway, I wanted to raise that.

You say there are serious consequences for a principal if the procedures are ignored. We heard three parents today who talked about serious sexual violence, sexual abuse, against their children, and it was inadequately dealt with by the trustees, by the board, by the principals. So it appears from the language that there are serious implications and consequences if you don't deal with certain issues, but in some of the matters that have been described to us, there haven't been those consequences—except for the incredible damages done to the family and those kids. How would you deal with that?

Mr. David Walpole: Not having been—

The Chair (Mr. Shafiq Qadri): With apologies, we'll have to intervene there. Ms. Sandals.

Mrs. Liz Sandals: You've got lots of interesting ideas here, but I wanted to check a few.

Talking about reporting to parents, you've made a suggestion that it would be reasonable that that be documented when it's not, so that there would be some written documentation as to why, and also that it would be appropriate for a principal, in circumstances, to consult with somebody else. OPC actually went so far as suggesting that we amend to actually include the requirement that a principal who isn't going to report to parents consult with somebody like the superintendent. Would the boards be amenable to having a requirement that we include some responsibility to consult with somebody else if you're not going to report to the parents?

Mr. David Walpole: I think if I were writing the procedures manual, I would make that a clear suggestion: that the expectation is that you will report to parents, and if you're not going to do so, then you have to clearly state the reasons why you did not.

Mrs. Liz Sandals: So that's something that would go in the regs or the policy guidelines?

Mr. David Walpole: I would think so.

Mrs. Liz Sandals: Thank you.

The Chair (Mr. Shafiq Qadri): To Mr. Shurman.

Mr. Peter Shurman: To continue with my colleague's line of questioning, we've heard from parents all afternoon, in camera, who were literally hung out to dry with their kids in the wake of incidents involving their kids—reporting breakdowns on the parts of principals. How can you justify any discretion whatsoever? Are parents, or are they not, the final arbiters of the welfare of their children?

Mr. David Walpole: Well, Mr. Shurman, I don't think we've heard from all the parents. I think we've heard from a few. Yes, there will be incidents where parents have not had what they see as a satisfactory process, and I'm very sorry when that happens, but I think that the great majority of incidents are handled quite professionally, with the discretion of principals being the driver for that to happen. I think if you take that away, we get back into that mandatory kind of process that the old Safe Schools Act was hampered by, and I don't think we want to go there.

Mr. Peter Shurman: But we use the term "mandatory reporting" in this bill, and it'll become law, and mandatory reporting means one thing to one set of people and one thing to another. The mandatory reporting here, in my view, doesn't go far enough. You seem to disagree with that. What's mandatory reporting to you?

Mr. David Walpole: I think it's quite clear that if there is an incident, the parents are going to be notified of the incident and the consequences that occurred to the student who was involved in victimizing their son or daughter. I think that's a good thing. With respect to the privacy issues that exist, they're still there, so we have to respect that.

In terms of the process, however, I do think that the principal has to have discretion. We don't pay them \$100,000 a year just to bind them by policies that give them no licence and no latitude.

Mr. Peter Shurman: Do you believe in full documentation, on tracking of all incidents at the level of the principal?

Mr. David Walpole: I believe that incidents of serious violence should be documented quite clearly, yes.

Mr. Peter Shurman: But who is the arbiter of what is serious violence?

Mr. David Walpole: The principal would be, but I think we clearly understand what serious violence would look like. It isn't a great mystery that if there is a serious physical incident or sexual harassment incident, that's what it looks like.

Mr. Peter Shurman: Thank you.

The Chair (Mr. Shafiq Qadri): Thanks to you, Mr. Walpole, for your deputation on behalf of the Ontario Public School Boards' Association.

ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION

The Chair (Mr. Shafiq Qadri): I would now invite, on behalf of the Ontario Secondary School Teachers' Federation, Mr. Coran and Mr. Leckie and colleagues and entourage. You've seen the protocol. You have 15 minutes in which to begin, and I invite you to begin now.

Mr. Ken Coran: I am Ken Coran. I'm the president of the Ontario Secondary School Teachers' Federation. We do represent more than just teachers. We also represent support staff workers in the elementary panel, French and Catholic panel, as well as the public panel.

When we were aware of the legislation and the standing committee, we did send out an e-mail to all of our bargaining unit presidents, of which there are 140 across the province, and we did solicit information from those 140 people as to what some of their concerns were with the legislation. So what you will hear today and what you will read on Wednesday with the written submission speaks volumes for 60,000 workers across the province.

One of the things we wanted to highlight is that safety for OSSTF members and the students has been a priority for quite some time. We believe very strongly in preventive measures with regard to safety. In fact, we have developed a lot of resource materials and workshops that deal with safety—workshops that deal with students at risk, with bullying, with cyber-bullying, with crisis awareness. Our intent all the way has been to make sure that our members are trained to deal with situations. So we have not been sitting back waiting for legislation. We have been very proactive with regard to safety.

Safety can be defined so many different ways. It doesn't matter what party is in power. Various parties have put forward legislation that they firmly believed in, and it was the hope of that government that the legislation would solve problems. I look over to our colleagues on the right over here—Bill 81, which was way back in 2000, the Safe Schools Act, was put forward because they firmly believed that how it was defined then would solve the problems. It was well-intentioned but it didn't work. There were shortfalls. The whole mandatory

aspect of suspensions and expulsions just didn't work. That was the whole zero tolerance.

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Then another government came into power and they looked at school safety again, and Liz Sandals was one of the leaders in that one. We had the safe schools action team which, first of all, looked at bullying. I think that was in 2004. Subsequent to that, in 2005, the next project was very much to re-look at the Safe Schools Act. They put together a team of experts from all walks of life to look at the Safe Schools Act and they did come forward with those recommendations, which we now know are Bill 212. This, obviously, is a subsequent move to try to improve how we deal with safety in schools.

I think all of us in this room are trying to do what's best for students. What we're trying to do through this process is very much show the panel that we are willing to help with how we can achieve improved safety in the schools. The one overriding comment we do have is that we don't want to rush this through. We've got a lot of professionals, a lot of people who care, who have a lot of expertise, and we're saying, let's just slow down a bit. We realize that some of the ideas are well-intentioned but we have to fine-tune them. Let's slow down. Let's get some suggestions. Let's work with education stakeholders and make sure that what is finally produced will in fact be what is in the best interest and what's easily understood, so that all the roles and responsibilities are clearly defined.

I'll turn it over. I've got my two partners here. Dale Leckie is our director of protective services and Lori Foote is our director of communications, political action, who is in fact responsible for developing a lot of the workshops that deal with school safety.

Mr. Dale Leckie: I will go through a few of the points that we do have concerns about. You know it's built in four sections.

The first section is having the delegation of responsibilities. We believe that should be a very rare event, and the overriding need is to have the administrator in the school. We think an overriding safety message is sent to staff and students when an administrator is in the school and visibly leading the safety. If there is a need—certainly in some small schools—a rare event that no administrators are available, then it should be delegated in writing and for the duration that it needs to be. We certainly are concerned with any—and we think the bill reads currently that blanket delegations can't be done, or that there can't be any permanent delegation of a portion of the responsibilities.

Also, the concern that we have from our members, in some cases, is that reporting is done and there is no return of an outcome of the reporting to that person. We expect that there is going to be some trail of the currents, the result of the reporting and a verification that a report was made.

In 300.3, an overriding concern is the need for training in many of these pieces, and certainly in 300.3 and 300.4 there are a lot of descriptors that are very subjective. The

concerns raised by the parties before us certainly lend credence to ours, that in 300.3 this should be a portion that is not delegated, that a principal or senior official should be the one doing the reporting to the parents and that should not be part of a delegated duty to anyone else.

Also in 300.4, in part of the intervention process, it is contingent on many different thresholds—one board could have a threshold, another board could have a different threshold on the responsibilities of intervention. We think the term “intervention” is an inappropriate term to use, but we also think that this is really a matter for policy and guidelines. It isn't a matter for language inside a bill. We think 300.4 should be removed from the bill and be part of a policy and guideline document.

Just some general concerns:

Liability: The liability that our members have for reporting or not reporting is a real concern.

Reprisals: We have many education workers who have many duties. An education assistant is responsible for a high-needs student. Should they leave their charge of the high-needs student to intervene or to report? What is the hierarchy of their responsibility? Should a teacher leave their classroom to intervene in the hallway and leave the classroom unattended, which is not allowed by the act—that type of thing?

Training: We think the gap, really, if there is a gap, is in the training of education staff, not in the need for legislation.

Protection: Is there ongoing protection for a reporting person?

Exemptions: There is a future list of exceptions. Needing to know that ahead of time is going to be important in the development of the bill.

Identification purposes: Two kids were fighting and they had brown shirts and blue jeans. How is that worker going to be able to identify those kids in order to effectively report the incident without having to take them with them?

Is there any other interaction between other bills with the appropriate legislation, like the safety legislation?

Ms. Lori Foote: Thank you, Dale.

When you look at our concluding remarks, you'll have a summary of the recommendations. But as a teacher of many years who has been responsible, as Ken said, for developing many of the workshops that we've taken across the province, let me tell you that as a teacher my first response was always to protect the students. I've been involved, unfortunately, in many melees in my career where I was physically put at threat, but my first response was to protect the students who were with me, and I will say that with educational workers, their first response is to do that as well. Without the legislation, we are doing that.

Sometimes where it falls down is where the reporting occurs and we do not have the reporting back to us on what is occurring at the higher levels. So while we may report it to administration, that's where sometimes we run into those blocks, and we don't have any information back to us and we don't know what has happened with

the parents, with the guardian or anyone else who might be an interested party.

We have several collective agreement provisions across the province that limit how we can use teachers in charge and what their duties are in terms of disciplining students and reporting. We think it's very important that Bill 157 not override any of those collective agreement provisions. We've all been signing authorities to those together across the province, so we don't think a bill should come in and override those and we think it's very important for the bill to take its time, go through the process of a full and extensive consultation with all of the stakeholders and ensure that we iron out some of these problems that are clearly identified here today at the hearing before the bill reaches final reading and becomes law.

We really believe that we're all trying to work together for the sake of students, but the only way we can do that is to ensure that that proper consultation takes place, that the training is there, that we all have clearly identified roles and that we are very clear on the definitions of any actions that must be taken by any authority in the school environment.

Finally, as you can tell from my passion for this, OSSTF truly does believe that a healthy and safe work environment is a healthy and safe learning environment. The two cannot exist in isolation. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you. About 90 seconds per side. Mrs. Sandals.

Mrs. Liz Sandals: Just to follow up on the delegation issue, this is one place where the legislation allows for policies and guidelines to be established by the ministry, so clearly there will be further consultation on that. But just to confirm, when you're talking about delegation to the teacher, you would support the concept that that's not permanent—that that's very much time-limited. I think one of the other federations made the comment that it shouldn't include discipline, that the responsibility for discipline would be staying with principals and vice-principals, and by extension, I suspect your comments were a not requiring reporting to be delegated to the teacher in charge. Have I correctly heard your comments?

Mr. Ken Coran: Yes, you did. There are so many different groups talking about this right now. With the provincial framework agreements that were established, we have something call the TTAC and the SWAG, which are two work groups. Part of these discussions is being conducted in that forum as well, which shows why we want to consult and make sure we don't override collective agreements and we carry forward in a pattern that will be successful, as opposed to not successful.

Mrs. Liz Sandals: Thank you.

Mr. Dale Leckie: Ideally, there would be no need for delegation.

Mrs. Liz Sandals: However, if not a large secondary issue, it is certainly a small elementary issue.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Sandals. Ms. Savoline.

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Mrs. Joyce Savoline: I know that when these issues arise, it's an emotional time for everybody, so I can understand the nervousness on the part of administrators, and even teachers, who wonder, "What's going to happen? Who's going to blame me for something?" Usually, in these situations, human nature dictates that blame wants to be laid.

But let's be clear. If there is a process and that process is not followed, and the sole responsibility for knowing anything that happened rests with the principal, who then adjudicates whether the principal has done their job or not? How does it move up that ladder through the hierarchy, and where are the consequences for somebody who does not follow the rules?

Mr. Ken Coran: Well, one of the things we suggested was obviously this paper trail. Once the report is made, we'd like to see what the outcome of the reporting is. From that point on, it becomes more of an administrative responsibility. We would expect that the superintendents would follow through on that, or else, if nothing has happened—every situation is a teachable moment. If something happens in the classroom or in the hallway, and there's an action that occurs and is reported and nothing is resolved from it, then what has been gained? We want to set the tone of the school so that things happen as a consequence of actions.

Mrs. Joyce Savoline: Ken, I think I'm talking about serious, violent acts.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Savoline. Mr. Marchese.

Mr. Rosario Marchese: Oh, I have to go fast.

Mrs. Joyce Savoline: It's not happening, Ken.

Mr. Rosario Marchese: Ken, I was going to put you on the spot, but I'm not going to do that.

Mr. Ken Coran: Oh, come on.

Mr. Rosario Marchese: No, no. Liz Sandals, as you know, is part of that group, the safe schools action team, and she has 78 recommendations, and there are only two. I know you said we have to go slow, but I want to be able to retire and see at least 10 or 12 of those recommendations.

Mrs. Liz Sandals: You'll get more, I guarantee it.

Mr. Rosario Marchese: At this rate, I'm just going to age, get grey hair, and I'm going to lose it all.

The Chair (Mr. Shafiq Qadri): Is that an announcement, Mr. Marchese?

Mr. Rosario Marchese: The second point, about the duty—I just wanted to make this point, because he's going to cut me off. The duty to intervene is in the bill. You have no option; you've got no choice. It doesn't say, "Oh, it's discretionary." It's a duty to intervene. That's in the bill.

The parliamentary assistant might say, "Oh, but we'll fix that in regulation," but I don't know whether you can fix a duty to intervene in law. I don't know, Dale, whether you have a comment on that.

Mr. Dale Leckie: Well, I mean even using the term "intervene" is a problem for us. I think that sends a

different message than the training would suggest. But that's why we have asked that that portion be removed from the bill itself—

Mr. Rosario Marchese: I agree with that, actually.

Mr. Dale Leckie: —and that guidelines and policy govern that very flexible, grey, subjective area.

Mr. Rosario Marchese: I agree with that. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Marchese, and thanks to you, Mr. Coran, Mr. Leckie and Ms. Foote, for your deputation on behalf of the OSSTF.

TORONTO CATHOLIC
DISTRICT SCHOOL BOARD
ONTARIO CATHOLIC SUPERVISORY
OFFICERS' ASSOCIATION

The Chair (Mr. Shafiq Qaadri): We have our next presenter, Mr. Paul Crawford, superintendent of education at the Toronto Catholic District School Board. Welcome, Mr. Crawford. You're more than familiar with the process here. I invite you to begin now.

Mr. Paul Crawford: Thank you. I'm just going to preface by saying I'll have my full written comments to you by Wednesday.

What I want to focus on specifically are elements of the bill that are of concern to us from a superintendent and management point of view, in terms of writing the policies that would happen at the board. I'm not going to comment on any of the things that have happened before, because I think you've heard the comments.

Specifically, section 300.2, where it "does not require an employee to report to a principal" if they know that the report has been made and they have no reason to believe that their report will provide their principal with useful information: Please take that out, because you'd have to know the mind of the principal to know whether it was going to be useful to the principal or not. As a principal in four different schools before I became a superintendent, I know that multiple reports on the same incident are frighteningly different sometimes, so I don't want some person, a staff member, to presuppose that just because they heard that somebody else told the principal about it, they would give the same point of view. I would respectfully ask that that be omitted from the bill.

In terms of subsection 300.3(3), "A principal shall not notify a parent or guardian ... if in the opinion of the principal doing so would put" the student at risk: In the regulation, please make specific reference to police protocols and children's aid protocols, which are the hangers, if you will. When a principal doesn't do this, they need to have some justification. In the regulations, those are the two areas that allow a principal, under the current status of things, not to report. It would be very helpful if you had that specific reference in the regulations, because it would give everybody the parameters they need in order to understand how to actuate that.

In regard to the next, I agree with earlier statements that have been made in regard to harm, because "harm" is

really in the eye of the victim. Clause (4)(c), which talks about "the nature of any disciplinary measures," is in direct conflict with subsection (5) if you take a victim's point of view. Many parents who come to us—if things do come to my level, as has been earlier referenced—when they're not happy with what happens with the principal, it comes into the superintendent's domain. They will clearly tell you that the nature of any disciplinary measures referred to in (4)(c)—they specifically want to know what happened and to whom. So (4) and (5) are in conflict, in the eye of the victim, in terms of how it moves forward.

In terms of section 300.4, in reference to all of the previous speakers and some of the people who represented various other associations and unions, the idea of intervention, as broad as it is—and in reference also to some of the comments made—you need language in the regulation like "a firm, judicious parent"—something that used to be in the Education Act and allowed people to give some idea of how to look at it, because it is very judgmental in terms of what intervention could be. There will be lots of trepidation about going into that zone for the first time, in many people's eyes.

If you reference back to children's aid legislation, which changed the requirement of a report from a principal to the individual receiving the information, this is analogous to that, so we've gone through a similar sort of thing and we're still working our way through that. Even though that has been in the system for a few years, there are still many instances where principals are being asked by staff members, "Please report something. This is what a child told me," and the principals are having to tell the staff member to report and even some of the principals are trying to help them out by reporting it themselves. We've seen analogous sorts of legislation, so please keep that in mind.

One of the biggest worries I have is on subsection 301(5.1), the delegation—can it be refused? I don't want to have a principal in a school running around trying to get someone to take charge because they have to go out for something that's legitimate board business. In the regulation, it has to clearly state that it cannot be refused. If the principal has faith in that person's ability to handle the delegation, that should be good enough.

I agree with the idea of specific length of time and to keep it time-bound.

Subsection (5.2) under that section: Please revise the provincial code of conduct to include these sections because, as a board, all our policies flow from our code of conduct, which flows from the provincial code of conduct, so that as a necessity you must revise the provincial code of conduct either with legislation as a companion piece so that we do not wind up with anything that's going to involve people's actions that's not referred to in the code of conduct. That's absolutely necessary.

Subsection (5.3): Cafeteria staff, people who come in and work on our boilers, all those people who are outside of this will now be inside of this legislation. The amount of work we're going to have to do with those people is

immense, plus all the employers who work in our schools, because, in our particular board, we do not own the cafeteria workers, if you will. We contract it all out as a cost-saving basis, and there are many other Catholic boards I know that do that, so that's a concern. The amount of time it's going to take to in-service this is going to be enormous.

I agree with the regulation on section 300.2. Please make sure that you have a protocol of acceptance of delegation in your regulations so that boards can just follow it and you've hammered out all the issues with the various unions before it comes to the boards so we're not doing a one-off with all our unions; in other words, you've taken care of all of the various incidents and you can deal with it accordingly.

In regard to the act coming into force on February 1, 2010, that only happens if all of this is in the hands of the school board by June 15. For anything beyond June 15, add a month to the other end, minimum. To give you a "for instance," in our board regulation, before we modify our code of conduct, we have to take it to every union group. We have a committee to do that; that takes time. Consultation back and forth takes time. The training takes time. So for everything beyond June 15, start adding months to February at the other end. Our experience from the last time when we had legislation that came in June that required us to have changes by February 1 was that we just made it to the January board meetings and it was just-in-time delivery, and that was the same sort of feel to it. We had to do some consultation and we had to go out.

So those are my comments today. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Crawford. About, I guess, two and a half minutes per side, beginning with the PCs. Ms. Savoline.

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Mrs. Joyce Savoline: Does your board track—I'm going to use the word "violent"—student-on-student abuse?

Mr. Paul Crawford: We have a progressive discipline tracking form that's built in as an electronic base, if you will; it's web-based. If a report was made to an administrator or even by a teacher, we have the ability to have that tracked, yes.

Mrs. Joyce Savoline: If the report that was made was not properly handled, does your board have consequences in place for those who did not handle it properly?

Mr. Paul Crawford: If something comes to me as a superintendent—say, a parent said, "Something happened to my child, and nothing happened"—that would come in as a parent complaint. HM30 is our policy that we use to deal with that; HM19 is a related one. There is a whole policy that sets out what we would do and how we would deal with it. It's fairly structured and it deals with issues, whether it's a complaint about any level of staff member below the superintendent.

Mrs. Joyce Savoline: Have principals in your board suffered consequences for not reporting these violent abuses?

Mr. Paul Crawford: There have been situations where superintendents have had meetings with those parents and the principals to get a reconciliation coming out of a misunderstanding out of situations. Have people been fired? Not to my knowledge; not in my superintendency, but I wouldn't know the full spectrum. We have worked through situations where people felt that there were not consequences, if you will. Most of the situations involved parents of some exceptionally young children in grades 1 and 2 who weren't happy that the child who hurt their child wasn't given more consequences than was felt reasonable by the principal. It usually involves a lot of discussion over what is age-appropriate in the eye of the victim and the victim's parents, which predominates these days. That is an enormous issue that we have to deal with in lots of circumstances, getting some idea of what's age-appropriate and what's balanced.

Mrs. Joyce Savoline: Just a quick yes or no: Do you agree that the principal should document their actions, whether they proceed or they decide not to proceed further after a report?

Mr. Paul Crawford: I agree.

The Chair (Mr. Shafiq Qadri): Thank you. Mr. Marchese.

Mr. Rosario Marchese: Paul, a few quick questions. With respect to delegation, it should not be refused. You designate me as a teacher and I can't refuse is what you're saying?

Mr. Paul Crawford: Yes, the situation we don't want is a principal having to run around—

Mr. Rosario Marchese: I understood that. But you designate a teacher, and that teacher cannot refuse? Is that what you're saying?

Mr. Paul Crawford: We would like the regulation to be very specific.

Mr. Rosario Marchese: That's very interesting.

Duty to intervene: I understand that that should be defined in regulation, but do you agree that that language should be in the bill?

Mr. Paul Crawford: If the intention of the bill is to be as broad as I believe it is, then the answer is yes.

Mr. Rosario Marchese: The language in the bill is not very clear. You have a duty as a teacher to intervene.

Mr. Paul Crawford: That's why I asked that it be defined. That was one of my comments: Nail it down.

Mr. Rosario Marchese: The third point: I found it very troubling; three parents came today to talk about incidents of serious sexual violations against their children. It was obvious, there was evidence, and it was dealt with badly by the principal. The trustees evidently didn't get involved, or they said they did but didn't. The boards failed them miserably. What do you say to that?

Mr. Paul Crawford: My heart goes out to those people. Hopefully, if we were involved in situations, we would take care of it. We like to believe that people out there are competent, and they're doing the things they need to do to keep children safe.

Mr. Rosario Marchese: Yeah, you would like to think. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Marchese. Ms. Sandals.

Mrs. Liz Sandals: Just a couple of questions about the issue of delegation: I take it from what you're saying, then, that the language around telling staff that they may not need to report if they know somebody else has reported and they don't have anything useful to add, you don't find that particularly helpful. You would rather have everybody report and the principal will—

Mr. Paul Crawford: If you know something, tell. Let the sift happen at the decision point, not at the information level.

Mrs. Liz Sandals: We've had a number of people today suggesting that people would need to put all this reporting in writing. Do you want these reports from staff members in writing, or is verbal adequate?

Mr. Paul Crawford: If there's an incident happening right now, and I don't have a pen with me, I'd better tell someone about it quickly if it involves the health and care and safety of a child. I wouldn't expect it necessarily to be written; it doesn't have to be.

Mrs. Liz Sandals: So as a principal, which you've been in your past life, you would prefer to get lots of verbal reports and that allows you to sort—

Mr. Paul Crawford: If it's an immediate action. I've had situations where someone could tell me there was going to be a fight happening in four seconds outside the door. I'd better get out there. I don't need a written report; I need to get out there fast.

Mr. Rosario Marchese: Who said what and who do you believe?

Mrs. Liz Sandals: I think what you're saying is, "Give me lots of information quickly, and then as the principal, I can sort through the information at will."

Mr. Paul Crawford: It would eventually turn into a written report. But if the immediate situation presents itself in a way that you need to protect the interests and the safety of the child, you've got to act immediately based upon whatever you have.

Mrs. Liz Sandals: Thank you.

The Chair (Mr. Shafiq Qadri): Thanks to you, Mr. Crawford, for the deputation on behalf of the Catholic district school board.

BOOST CHILD ABUSE PREVENTION AND INTERVENTION

The Chair (Mr. Shafiq Qadri): I'd now invite Ms. Karyn Kennedy of Boost Child Abuse Prevention and Intervention. Welcome. We'll have our clerk distribute that for you. I would invite you to please be seated. Please begin now.

Ms. Karyn Kennedy: I'd like to commend the Minister of Education on taking further action to protect children and youth in schools.

Boost, formerly Toronto Child Abuse Centre, is pleased to have the opportunity to present a submission on this bill. We've worked in Toronto and surrounding areas for the past 27 years and coordinate a community

response to child abuse. We offer programs and services in the areas of prevention and education, assessment and treatment, and court preparation. We're a not-for-profit charity, and we have a 20-plus-year history of working with the Toronto District School Board and Toronto Catholic District School Board to prevent abuse and violence in children's lives.

We believe that all children and youth have a right to grow up in a safe, healthy and nurturing environment. We're dedicated to the prevention of child abuse and violence through education and awareness and to collaborating with our community partners to provide services to children, youth and their families.

The safety of children and youth in schools is of great importance to Boost, as it is to all of you. We recognize that there are significant concerns on the part of government, as well as the broader community, about the level of violence and aggression in our children's schools and that this bill is an attempt to increase the safety of children and youth while in school.

The bill is a very good beginning, but further work still needs to be done so that it's more comprehensive and includes both prevention and intervention components. I would define intervention differently than the former speakers have defined it. I'm really talking about the kind of support that children, both victims of violence and perpetrators of violence, receive once reports have been made.

By ensuring that teachers and other school personnel are obligated to report, hopefully there will be further opportunities for principals to take action to keep children and youth safe.

We respectfully offer recommendations for two areas addressed in the bill. These recommendations concern the need for prevention and for further support for children and youth.

The numbers of children and youth with aggressive behaviour in schools has increased, with bullying now being identified by educators and parents as a very serious problem in the lives of children and youth.

Internationally recognized expert David Finkelhor emphasized the extent of the problem of child victimization in his recent book:

"Children are arguably the most criminally victimized people in society....

"In reality, most studies now confirm that children face frequencies of assaultive violence far above the levels that most adults encounter, although this reality is not widely recognized."

A recent report entitled, *The Road to Health*, which was commissioned by the Toronto District School Board found that there are a significant number of children and youth in schools across Toronto who are demonstrating sexually acting-out behaviour that spans a continuum from at-risk to severely abusive behaviours toward others.

In my own agency, we receive about three calls a month from schools across Toronto and the GTA wanting to know what they should do in cases where they

have eight-year-olds who are involved with what they're perceiving as sexually abusive behaviour toward each other.

There's strong agreement among community agencies that prevention needs to be a key component in any strategy to address this type of behaviour—sexually acting-out behaviour—bullying or any other type of aggression by children and youth. There needs to be a comprehensive approach that begins with broad-based prevention activities for all children and youth.

Training for teachers, principals and other school personnel is critical and must be seen as a priority. The speaker before me talked about the difficulty that would be involved in training cafeteria staff. In my experience, cafeteria staff as well as other school personnel are often the ones children talk to when they have a problem. I think even the bus drivers need to be trained. The training really does need to be comprehensive, and everybody who works with children in schools needs to understand that the kinds of situations we're talking about are not just physical. There's a lot of verbal bullying and harassment that goes on with children in our schools, and I would hope that this would be an opportunity to address that as well.

Boost offers primary prevention programs that are delivered in classrooms, beginning in grade 1, in an effort to teach children skills to develop pro-social, healthy relationships that ultimately will reduce and, hopefully, eliminate bullying and violence in schools.

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We've worked closely with the TDSB and the TCDSB for many years to develop and implement these programs that are based on increasing children's self-esteem, communication skills and respect for one another. We're now beginning to work with school boards outside of Toronto, including the St. Clair Catholic school board in Wallaceburg, the Ottawa Catholic District School Board and, more recently, the Dufferin-Peel Catholic school board, to implement these programs.

We've had discussions with the Ministry of Education staff and with the safe schools action team in an effort to request that there be mandated primary prevention programs in schools across Ontario. We believe that this would be a significant step forward in preventing the violence and aggression that exists in our children's schools.

The act to amend the Education Act states, "300.2(1) An employee of a board who becomes aware that a pupil of a school of the board may have engaged in an activity described in subsection 306(1) or 310(1) shall, as soon as reasonably possible, report to the principal of the school about the matter."

What is not clear to me in the bill is what action the principal or delegate would take once a report has been made, except to consider suspension or expulsion. Often, these situations are very complex, and the children or youth involved, both victims and the perpetrators, have needs that require more in-depth intervention. In some cases, suspension may even put the child at further risk.

It would be very helpful to require that in cases where the activity involves interpersonal violence of a physical or sexual nature, the principal or delegate must consult with a child protection agency. It's not uncommon for children who engage in aggressive or violent behaviour to have been victims of abuse or violence themselves, and to have even had previous involvement with a child protection agency. By consulting with a CAS, the needs of the child can be more fully considered and steps taken to offer appropriate support and intervention.

Further to this point, amendments to the mandates of child protection agencies need to be reviewed to ensure that they are providing a consistent response to situations involving child-on-child violence. It has been our experience at Boost that some child protection agencies see child-on-child assaults as situations that put children at risk and therefore require their involvement, while other CASs don't feel that they have any responsibility to be involved unless the behaviour is perpetrated by someone in a position of trust or authority. It is essential that schools receive a consistent response from child welfare agencies to address these situations where children are at risk.

In closing, I want to reiterate my support for the steps that the government is taking to protect children and youth in schools, and would encourage the Minister of Education to see this as the beginning of a much more comprehensive strategy that would include prevention and supportive intervention components to keep our children safe. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Kennedy. We have about two and a half minutes per side, beginning with Mr. Marchese.

Mr. Rosario Marchese: Thank you, Karyn. You say you get three calls a month regarding specifically eight-year-olds, involving—

Ms. Karyn Kennedy: Most of the calls we receive are from elementary schools, where teachers have concerns that there has been inappropriate sexual behaviour between children, and they don't know how to deal with it.

Mr. Rosario Marchese: Right. I think I heard you say eight-year-olds.

Ms. Karyn Kennedy: Some of the cases—one of the cases we were recently consulted about was eight-year-olds, yes.

Mr. Rosario Marchese: Do you see that more frequently today than you might have? I don't know—

Ms. Karyn Kennedy: Yes, definitely.

Mr. Rosario Marchese: How do you explain that, if you have an explanation? What's going on?

Ms. Karyn Kennedy: I'm not exactly sure how to explain that. I think that children are exposed, through the media and all kinds of other ways, to more sexually explicit things than they would have ever seen before. But I think, too, sometimes it's a matter of teachers needing to understand what's normal and what's not normal sexual development. Sometimes we get calls about things that really are very minor and are being treated as very serious. The opposite happens too: Something that is very serious is being not seen that way at all.

Mr. Rosario Marchese: Yes. I agree with the idea of supportive—I don't know if you could use the word "intervention"—support on a regular basis to teachers and principals, to understand what's going on and how to deal with that. I'm assuming it's being done but it's sporadic, and some are doing it, some are not. You pointed out that 34% of Ontario school boards have implemented such a policy—your type of program. Is that the case, with that figure?

Ms. Karyn Kennedy: Yes.

Mr. Rosario Marchese: I think supportive interventions are useful. We should be thinking about that. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Marchese. Ms. Sandals.

Mrs. Liz Sandals: Thank you for the work you're doing. One of the things that we found—I've now put on my safe schools action team hat—was a huge variability in the way CASs respond, I would concur with you, when it's child-on-child abuse. The other thing that we found huge variability in was the receptiveness of individual schools to interact with agencies like yours that have expertise in the whole area around sexual abuse of children.

Can you give us any advice on how you get schools to engage with agencies like yours which actually have expertise and take advantage of it? Because, as you've articulated, often the staff and the principals have no comfort level with the behaviours they've run into.

Ms. Karyn Kennedy: Absolutely. I think that it begins with providing education and information to the school staff—to the principals and teachers. The request we often get is, "Come in and talk to the children and try to solve this problem," and our response is, "We'll be happy to do that as long as we get to talk to the teachers as well," because that's where the training has to start.

In terms of getting schools to engage with agencies like ours, I think we need to let them know that the information we have doesn't have to be threatening, it doesn't have to make them more anxious. In fact, I think it will probably ease their anxiety. But there needs to be ways to integrate it into what they're already receiving. I think, ideally, I would love to see this kind of training—recognizing abuse, recognizing the indicators, recognizing what happens amongst peers—in teachers' colleges so that they get the training before they even set foot in the schools.

Mrs. Liz Sandals: You're now part of a long list of about 50 things that must go into teachers' college, but that's another issue.

The Chair (Mr. Shafiq Qadri): Ms. Savoline.

Mrs. Joyce Savoline: I thank you for your presentation today. Based on the experience of your organization, do you think there's value for the CAS to be contacted in serious student-on-student violence, especially sexual violence within schools?

Ms. Karyn Kennedy: Yes, I believe that the CAS should be called every single time, even if just to consult. The response that sometimes schools get is that the child who is perpetrating the violence is not above 16, so they

wouldn't be involved. But I think that making that call just to consult, at least to get them to check their records, gives them an opportunity to look at whether they've ever had involvement with either child or family.

Mrs. Joyce Savoline: Do you think Bill 157 is an ideal opportunity to include that?

Ms. Karyn Kennedy: Yes.

Mrs. Joyce Savoline: Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Savoline, and thanks to you, Ms. Kennedy, for your deputation on behalf of Boost Child Abuse Prevention and Intervention.

JOYCE

The Chair (Mr. Shafiq Qadri): We have now our final presenter of the day, who comes to us via teleconference. I will allow you, our caller and presenter, to identify yourself in as much detail as you see fit. You have 10 minutes in which to make your presentation. Are you there?

Joyce: Yes, I am.

The Chair (Mr. Shafiq Qadri): Please proceed. Your time begins now.

Joyce: Hello, my name is Joyce, a mother of two young girls who currently attend a school in Ottawa. I thank the Standing Committee on Social Policy for giving me this opportunity to speak regarding Bill 157.

Overall, I believe Bill 157 is a positive step toward making Ontario schools safer, and it may reduce the risk of schools and school boards from minimizing or ignoring serious events that occur on school property. The safe schools action team has provided an insightful and comprehensive report on which this bill is based. If passed, it will bring some of the changes that I have been seeking for the past two years.

Having said this, I do feel Bill 157 could be made even stronger by amending it to include a team of trained and independent investigators. They would be specially trained to interview young children about traumatic events, implement rules and procedures, preserve evidence and act as a neutral body in a situation where emotions run high, where there's an instinct to act defensively, and where there is no longer a sense of trust in the system. These investigators would be available anywhere they are needed in the province to conduct the investigation and to aid principals in their decisions as to how to best deal with serious occurrences, to ensure that victims' voices are heard, that the rights of the accused are not violated, and that witnesses can be interviewed with objectivity in a knowledgeable manner. None of the current institutions and pieces of legislation that exist within our province has this ability, but the need for this does exist.

I speak from experience. While the facts of what happened to my then seven-year-old daughter are in dispute, the following is based on her account.

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In May 2007, my daughter revealed to me disturbing incidents that were happening to her at her school. During the months leading up to her disclosure, my

daughter was showing signs that something was seriously upsetting her. She started having nightmares, screaming out during the night, refusing to go to school, losing weight, refusing to eat and becoming very withdrawn. She revealed that up to four of her male classmates were grabbing her on the playground and forcing her against a fence, hidden from the teacher's view by the trees on the playground. As one boy held my daughter's arms behind her back, the others would take turns shoving their hands down her pants and up her shirt to feel her private parts.

In the classroom, the main perpetrator would whisper lewd comments to her, inviting her to touch his penis and saying that he wanted to have sex with her and see her naked in the washroom. My daughter did ask one teacher for help and was told to handle this matter herself. Further requests resulted in this teacher ignoring her plea for help. Finally, my daughter complained to a substitute teacher, who wrote down the details of what my daughter had told him and he provided his notes and his information to the school.

The principal's investigation was completed within two days, despite her cancelling the arrangement with the school social worker to interview my daughter. The majority of the interviews were conducted first by the grade 1 teacher and then by the principal. Both the teacher and the principal agreed that they did not possess any special training or skills needed to do this type of questioning, yet these same two individuals also took it upon themselves to speak to the mother of the main perpetrator the week prior to my daughter's disclosure because this very boy was caught by a teacher being sexually inappropriate toward a different female student.

It was only at my insistence that the principal agreed to involve outside agencies such as the children's aid society. They refused to provide a copy of the note made by the substitute teacher to me. I was treated like a hysterical mother, whereas I wanted the situation properly investigated. After two days, the principal decided this incident did not happen as my daughter described, that this was "a game of soldiers" that my daughter misinterpreted and that the school could offer counselling to her to deal with this uncomfortable situation.

If the main boy involved repeated this offence the school would suspend him, but they could not provide a safety plan as to how to prevent this from happening again to my daughter. I refused this offer and I followed the appeal process, which ends at the upper echelons of the school board. All representatives took the same stance: that this was a game of soldiers that went wrong, that I'm a hysterical mother and the events did not occur as my daughter relayed to me. This hostile stance is still held by the board and their legal representatives to this day.

This stance differs from the feedback provided to me by outside agencies who did become involved, although briefly. While I described to the detective investigating this matter the stance of the school and the school board, he verified my daughter's account. The main perpetrator, when properly interviewed by a children's aid society

worker, admitted to all my daughter's allegations. Her stories were real; she had, in fact, been sexually assaulted in the schoolyard. Further conversation revealed that the principal had withheld some of the information, such as the fact that a teacher refused to respond appropriately to my daughter's pleas for help.

The police would not remain involved as the boys were below age 12, the minimum age needed to be charged with a crime, and the teacher did not commit a crime as the abuser was another child and not an adult. The children's aid society would not become involved with my daughter as I had done the protective action need and removed her from the abusive situation. Also, their role is just to investigate abuse committed by adults, not children.

While I can understand the need for autonomy for a principal to make a decision, without training on how to properly interview children and without a provision for some form of dependable, independent investigation, oversight or an appeal process that extends beyond the school board itself, I fear there will always be some individuals in power who will continue to act defensively and ignore changes that Bill 157 is striving to make.

As I read the SSAT report last December, I was left questioning the steps and processes parents and students can take should schools and school boards not follow the legislation, and I feel that this is not addressed in this current legislation. If something like sexual misconduct or assault happens in the school, there should be a very clear process put in place to immediately respond in a rational and effective manner. Emotions can run high, and there is additional frustration with not being able to know the process or trust the qualifications of the person who is responsible for finding out what happened and respecting the rights of all people involved. It is my request that the standing committee follow the protocols in place to have Bill 157 amended to include this missing piece.

The Chair (Mr. Shafiq Qadri): We have a minute per side. Ms. Sandals.

Mrs. Liz Sandals: Could you just clarify who contacted the CAS eventually and what their response was?

Joyce: Initially, I contacted the principal and asked her to involve CAS. At first, she refused. I told her that CAS had to be involved and that if she didn't call CAS, I would report it and I'd also make it known that she had initially refused as well. She agreed to call based on, I guess, my threat or whatever and reported back to me that CAS refused to investigate it because they felt it wasn't violent enough. However, I called CAS—

The Chair (Mr. Shafiq Qadri): We'll move to the next question. Mr. Shurman.

Mr. Peter Shurman: Joyce, thank you for appearing. Please tell me what you believe "mandatory reporting," as the term is used in the bill, means, where a principal is concerned.

Joyce: The mandatory reporting is that, obviously, if a young boy was showing signs of violence that he was displaying toward my daughter or if he was witnessed by

another teacher the week prior displaying some really disturbing patterns toward another female student, the principal should have brought in CAS right away.

Mr. Peter Shurman: And how about reporting to you?

Joyce: Well, as it turns out, over the weekend my daughter revealed to me what had happened. So, basically, the principal became aware of the facts as I did.

Mr. Peter Shurman: Should the principal have called you?

Joyce: I think the principal should have made it known to the parents of the other involved children right away, and it's my understanding that she did not.

Mr. Peter Shurman: Do you want this legislation to—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Shurman. Mr. Marchese.

Mr. Rosario Marchese: Joyce, I just want to thank you for calling in. We heard three cases with other parents who have deputed here today, talking about incidents of sexual abuse against their children, serious sexual violations where the principal, trustees and the boards have failed them. As we hear more and more of these stories, we realize we need a process in place to deal with it.

Joyce: I agree.

Mr. Rosario Marchese: I just can't tell you how upset I am, and I'm hoping everyone else is around the table. These incidents should not be happening. Principals should not be saying it's a game of soldiers. It's a serious case, it's not a game, and they cannot get away with it. If they need training, then we need to train, but we need a serious process to deal with it.

Joyce: If you find it upsetting, imagine what it is for a seven-year-old—

Mr. Rosario Marchese: Of course. I agree.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Marchese, and thanks to you, Joyce, for your deputation brought by teleconference.

If there's no further business, I'd just remind the committee members that the deadline for written submissions is Wednesday, May 6 at 5 p.m.; filing amendments, Thursday, May 7 at 5 p.m. Clause-by-clause consideration of the bill is Tuesday, May 12.

If there's no further business before the committee, the committee is adjourned.

The committee adjourned at 1827.

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