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**Official Report
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(Hansard)**

Monday 26 October 2009

**Journal
des débats
(Hansard)**

Lundi 26 octobre 2009

**Standing Committee on
Social Policy**

Student Achievement
and School Board
Governance Act, 2009

**Comité permanent de
la politique sociale**

Loi de 2009
sur le rendement des élèves
et la gouvernance
des conseils scolaires

Chair: Shafiq Qadri
Clerk: Katch Koch

Président : Shafiq Qadri
Greffier : Katch Koch

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 26 October 2009

Lundi 26 octobre 2009

The committee met at 1402 in committee room 1.

SUBCOMMITTEE REPORT

Le Président (M. Shafiq Qadri): Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la politique sociale. We are here, as you know, to consider a bill on the education file, Bill 177, the Student Achievement and School Board Governance Act.

Before moving to the presentations, I would invite the entry of the subcommittee report, for which I will call on Ms. Mitchell.

Mrs. Carol Mitchell: Your subcommittee on committee business met on Thursday, October 15, 2009, to consider the method of proceeding on Bill 177, An Act to amend the Education Act with respect to student achievement, school board governance and certain other matters, and recommends the following:

(1) That the committee meet for the purpose of holding public hearings on Monday, October 26 and Tuesday, October 27, 2009, in Toronto;

(2) That the clerk of the committee, with the authority of the Chair, place an advertisement for one day about the public hearings in major newspapers in Sudbury, Thunder Bay, Ottawa, London, Windsor, including the Toronto Star, the Globe and Mail and L'Express;

(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 177 should contact the clerk of the committee by Thursday, October 22, 2009, at 5 p.m.;

(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 10 minutes;

(7) That the deadline for written submissions be Thursday, October 29, 2009, at 12 noon;

(8) That the deadline for filing amendments to the bill with the clerk of the committee be Thursday, October 29, 2009, at 5 p.m.;

(9) That clause-by-clause consideration of the bill be scheduled for Monday, November 2, 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 Qadri): Thank you, Ms. Mitchell. Any further comments or amendments? Ms. Jones.

Ms. Sylvia Jones: I move that the report of the subcommittee dated Thursday, October, 15, 2009, be amended by striking out paragraph 9 and replacing it with:

"(9) That clause-by-clause consideration of the bill be scheduled for Monday, November 16, 2009."

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Jones. Any further comments on the amendment to the subcommittee report before we proceed to the vote? Ms. Mitchell and then Mr. Marchese.

Mrs. Carol Mitchell: Just a question: Does that alter number (8) then?

Ms. Sylvia Jones: No, I don't think it's necessary to change the date in point (8).

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

Mr. Rosario Marchese: I just wanted to say that I talked to Liz Witmer, who obviously said that she couldn't be there for that day, and your House leader said she was happy to accommodate this date. So I just wanted to express my support for the moving of the date to accommodate the Conservative member.

The Chair (Mr. Shafiq Qadri): Fair enough. Thank you. Ms. Mitchell.

Mrs. Carol Mitchell: We are certainly supportive.

The Chair (Mr. Shafiq Qadri): Thank you. We'll proceed to the vote. Those in favour of the amendment? Those opposed? The amendment carries.

May I have a motion, unless there's further consideration, for the adoption of the subcommittee report, as amended?

Interjection.

The Chair (Mr. Shafiq Qadri): Ms. Mitchell. All in favour? Those opposed? Carried.

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STUDENT ACHIEVEMENT
AND SCHOOL BOARD
GOVERNANCE ACT, 2009

LOI DE 2009
SUR LE RENDEMENT DES ÉLÈVES
ET LA GOUVERNANCE
DES CONSEILS SCOLAIRES

Consideration of Bill 177, An Act to amend the Education Act with respect to student achievement,

school board governance and certain other matters / *Projet de loi 177, Loi modifiant la Loi sur l'éducation en ce qui concerne le rendement des élèves, la gouvernance des conseils scolaires et d'autres questions.*

The Chair (Mr. Shafiq Qaadri): We'll now proceed to our presenters. For all who are going to present and those who may be listening and watching elsewhere, we'll have 10 minutes per group, which will be enforced with military precision. Any time remaining within those 10 minutes will be distributed evenly amongst the parties for questions and comments and cross-examination.

ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

The Chair (Mr. Shafiq Qaadri): I'd now invite our first presenters of the day to please come forward: the Ontario Public School Boards' Association, Ms. Schenk, Ms. Fife, Ms. Anderson, Ms. McIntyre, Mr. Brockington and Mr. Sprang. I'd invite you to please individually introduce yourselves as you're speaking for the purposes of Hansard recording the permanent record. Your time officially begins now.

Ms. Colleen Schenk: Good afternoon. I'm Colleen Schenk, president of OPSBA, the Ontario Public School Boards' Association. I'm joined here today by my vice-presidents Catherine Fife and Riley Brockington.

Thank you for this opportunity to comment on Bill 177. We will leave a more detailed written submission that addresses our points of concurrence, our main challenges with the bill and recommended revisions.

Bill 177 flows, to a great extent, from the report of the minister's governance review committee. OPSBA and its member boards were actively involved in this government consultation process. We know that reaction to the bill was complicated by the release this summer of the ministry's consultation paper on the provincial interest regulations, which flow from earlier amendments to the Education Act made in 2006.

There is, without a doubt, overlap between these two pieces of legislation, and, taken together, they raise significant issues for us. These could be characterized as increases in responsibility and accountability for school boards accompanied by diminishment of school board authority. This is why we consistently emphasize the need for support, collaboration and partnership among all levels of government. We all have a shared and vested interest in making sure that all children in the province have every opportunity to succeed in school and in life.

When the governance review committee's report was released, it affirmed the importance of school boards as an effective and vital level of governance for promoting democracy and civil engagement at the local level. We did, however, take issue with directions in the report that expanded scope for imposing supervision on school boards. This was contrary to our input. OPSBA supports the need for greater clarity around each partner's respective roles, responsibilities and scope of accountability.

Today, we want to talk about specific provisions in Bill 177. There are some that we clearly support and others that we believe require more work. Our comments follow the order in which provisions appear in the bill.

Purpose: We strongly support a preamble to the bill that provides an overall purpose. It identifies the shared and common purpose of all the partners in education, and is a strong and positive statement of our societal responsibility to students, their parents and the broader community.

Regulations and responsibilities of boards: This provision enables enactment of regulations to govern the roles, responsibilities, powers and duties of boards and board members. Because this relates so directly to our work and purpose, we recommend that the provision include a formalized commitment to consultation with trustee organizations whenever regulations arising from this proposed section are considered or amended. This would be similar to the language found in the Education Act, section 11.1.

Parent involvement committees: Parent engagement is a critical component of an effective school system, and the active role of parents is a key factor in student achievement. School boards should be consulted about any proposed regulations in this area, including how such committees will align with comparable committees that already exist in boards.

Duties and powers of school boards: Under duties and powers of school boards, we emphasize our commitment to a primary focus on students and their success, to school board accountability and to transparent reporting to parents, community and the Ontario public. These are key values for us and the cornerstones of our commitment to an excellent public education system.

We point out here that this section intersects with the amendments made to the Education Act in 2006 under Bill 78 relating student achievement. The combined provisions will lead to provincial interest regulations. The experience of our dialogue with the ministry over the summer on this matter underscores for us the critical role we need to have in contributing to the development of these regulations. We understand that the ministry intends to solicit this kind of contribution from all education partners.

We emphasize the need for our contribution because it is important that there be a whole-child approach to the concept of student outcomes; it is important that the accountability of boards for student achievement and student well-being be linked to and supported by a clear recognition of the responsibilities of the Ministry of Education and other levels of the government, and recognition of relevant conditions that are outside the control of school boards; and it is important that the measures to be incorporated into multi-year plans are realistic and do not adversely affect the intended programs designed to support students.

We urge a formalized commitment to consultation with trustee organizations and locally elected school boards in the development of relevant regulations.

Finally, in this particular section, we emphasize that a critical factor in a board's capacity to meet its requirements is having adequate and appropriate funding from the ministry to cover all the obligations for training school boards as well as program, policy and political support to meet the full range of needs of the children and youth for whom we carry a shared responsibility.

Duties of board members: OPSBA supports section 218.1. The described duties of board members are consistent with the role they currently perform. We do, however, propose two wording changes. With regard to board resolutions, we recommend the word "uphold" rather than "support." As elected officials, trustees should be able to communicate and explain board decisions, including why they may not have voted for a particular decision. We expect all trustees to uphold any final board decision. We support language that balances freedom of expression while reinforcing responsibilities.

In subsection (e), we recommend that the wording be changed to "entrust the day to day operations ... to the director of education and senior staff." This is more respectful and positive than "refrain from interfering in the day to day management of the board by its officers and staff." It should be noted that the provincial governance review committee did not support this negative sentiment.

Code of conduct and enforcement of code of conduct: Many school boards currently have policies in this area, and we believe that these codes already contribute to confidence in public education and respect for the integrity of the trustees in the community.

OPSBA supports provincial guidance regarding a code of conduct and its consistency across the province. A clear board-supported process is needed concerning sanctions and how they are imposed and enforced. These processes must also incorporate due regard for the elected role of trustees.

We understand that details on how such a provision would be administered will be found in regulations and ultimately be contained within individual board code of conduct policies. We strongly request a commitment on consultation with trustee organizations in the development of regulations.

In our submission to the governance review committee, we endorsed the concept of an external third party to investigate alleged breaches of conduct. This would respect the principle of finding of fact and consideration of appropriate consequences by a party that carries no political interest. We see this as a step to be pursued once everything has been done at the local board level to resolve the alleged breach. The governance review committee supported this suggestion and recommendation.

We have strong concerns about the inclusion of specific sanctions in subsection (3) of this part of Bill 177. The provisions would impose sanctions on elected trustees that have no parallel in the standing orders of Parliament and do not apply to any other elected official. This reinforces an approach we see in other provisions in the bill that point to a diminishment of the role of trustees

and an erosion of their status as individuals democratically elected to the office as the board of trustees. A trustee is an elected position that carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a trustee.

With regard to First Nation trustees, we suggest that there should be recognition of the unique role of the First Nations community and the chief and council in the appointment of a trustee. This would include an understanding and written protocol between the First Nation government and the boards or ministry with regard to any decision affecting a First Nations trustee. There is a unique government-to-government aspect in this case.

To conclude, Bill 177 has inspired vigorous discussion among stakeholders in the education sector. We are confident that this presentation and our written submission bring clarity to the issues we have as school boards and as elected trustees.

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The amendments to the Education Act and development of regulations should reflect the consistency between a profound responsibility for student achievement and well-being and the stewardship that trustees undertake when they run for office. School boards were the first model of local governance established in Canada by European settlers. They have a long, effective and successful history, and that's because they work. They work for students and parents, the school community and taxpayers.

Thank you for listening. We look forward to a strong, consultative role in regulations that will flow from this proposed legislation.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Schenk, for your exactly timed remarks on behalf of the Ontario Public School Boards' Association.

ONTARIO CATHOLIC SCHOOL TRUSTEES' ASSOCIATION

The Chair (Mr. Shafiq Qadri): I would now invite our next presenters to please come forward: Ms. Peroni and Ms. Kirby of the Ontario Catholic School Trustees' Association. Welcome, and please introduce yourselves individually. Please begin.

Ms. Paula Peroni: Thank you. I'm Paula Peroni and I'm the president of the Ontario Catholic School Trustees' Association. I'm also a trustee with the Sudbury Catholic District School Board, and I was also very honoured to serve on the governance review committee as a member.

Ms. Carol Devine: I'm Carol Devine. I'm the director of legislative and political affairs with OCSTA.

Ms. Paula Peroni: Thank you for having us. As time constraints are not going to permit us to go over our entire brief, we're going to bring out some highlights for your information.

With respect to the purpose, OCSTA supports the addition of the preamble to the Education Act entitled "Purpose." We are disappointed, however, that the

preamble makes no specific reference to the fact that the publicly funded school system in Ontario is made up of four distinct and equal school systems: English public, English Catholic, French public and French Catholic. In order to reflect that reality, OCSTA recommends that subsection 0.1(3) of the bill be amended to read, "All partners in the education sector have a role to play in enhancing student achievement and well-being, closing gaps in student achievement and maintaining confidence in the province's four publicly funded school systems."

With respect to the regulations: roles, responsibilities, powers and duties of the board. OCSTA is pleased that the governance review committee consultations and these standing committee hearings have provided the opportunity to comment on potential changes to the roles and responsibilities of boards, trustees, chairs and directors of education.

Section 4 of Bill 177, however, leaves open the possibility of further changes to these roles and responsibilities, which could be made by regulation at any point in the future, with or without consultation. OCSTA finds it unacceptable that a simple regulatory change could alter the critically important governance role of duly elected school trustees and school boards. We believe very strongly that changes affecting governance deserve the public scrutiny and opportunity for comment that is inherent in the legislative process in the House. OCSTA therefore recommends that section 4 regarding regulations on responsibilities of board be removed from Bill 177.

OCSTA is pleased that the proposed legislation affirms the importance of the role of democratically elected trustees. We note, however, that this list of duties is by no means exhaustive. Trustees now carry and will continue to carry many additional responsibilities, including those which arise from the distinctive nature and mandate of the four systems.

Section 16 of Bill 177 requires boards to further the province's educational agenda, as specified in regulations made under section 11.1 of the act, by developing, reviewing, resourcing and communicating to supporters and employees comprehensive multi-year plans to achieve those provincial ends. This is a clear shift toward an increasingly centralized focus. It is essential that all school boards be adequately resourced to accomplish not only the ministry's goals but also those that respond to their own mandate and the needs of their local community. Boards must not be restricted in any way from pursuing their own local goals, as defined in their system mission developed in collaboration with their constituents. Funding allocations must be sufficient and sufficiently flexible to allow boards to pursue their distinctive objectives. That is a message we heard time and time again as we consulted around the province with the governance review committee.

OCSTA also has serious concerns about new clauses 218.1(d) and (e) of the act, which state that, "A member of a board shall,

"(d) support the implementation of any board resolution after it is passed by the board."

As a matter of law, a trustee has a fiduciary duty to their board. This duty requires a trustee to act honestly and in good faith, and to be loyal to and act in the best interests of the board. Given this well-understood obligation, we believe clause 218.1(d) is unnecessary and inappropriate. It goes well beyond the existing fiduciary responsibility and is inconsistent with the concept of freedom of expression. It provides for no exception and thus would appear to prohibit a member from moving a motion for reconsideration of any resolution previously approved by the board. Given the responsibility of a trustee to bring to the board table the needs and point of view of their local constituents, which can vary across the board's jurisdiction and change over time, this is unacceptable. OCSTA recommends that clause 218(d), regarding the duty of a member of a board to support the implementation of any board resolution after it is passed by the board, be removed from Bill 177.

Clause 218.1(e) of the bill states that a member of a board shall "(e) refrain from interfering in the day to day management of the board by its officers and staff." OCSTA agrees that the appropriate role of the board of trustees is in setting strategic directions, making policies and monitoring policy implementation, and not in becoming involved in the day-to-day operations of the board. However, a more positive restating of that intention would be more acceptable. OCSTA recommends that the language of 218.1(e) be amended to read, "entrust the day to day management of the board to the director of education."

OCSTA supports the provincial guidance regarding a code of conduct, and we look forward to participating in the process by which provincial guidelines will be determined. It is essential that the bill recognize the need for local boards to retain the autonomy to adopt or add to the provincial template as appropriate for their distinctive mandate and local circumstances and to decide on appropriate sanctions, should the code of conduct be breached.

The authority the bill gives the boards for enforcement of a code of conduct significantly exceeds the authority of any other publicly elected body in the province, including Parliament. The power of a board to sanction one of its members should be subject to some limit. Any sanction imposed must be reasonable and reasonably related to the nature and severity of the breach.

OCSTA does not support a reduction in a trustee's honorarium as a sanction for a breach of the board's code of conduct. We are concerned that this aspect of the bill would give a power to trustees that is not available to the Legislature or municipal councils. We recognize that the city of Toronto and perhaps other cities provide for similar penalties, but in that case there is a guarantee of objectivity in examining alleged breaches. It singles out trustees as having more power than is given to senior levels of government. Although we believe that trustees would exercise these powers with caution and fairness, we know that any law, once enacted, is subject to abuse. OCSTA recommends that subsection 218.3(3), item 2, regarding reduction of the honorarium as a possible sanction, be removed from Bill 177.

OCSTA is also concerned with the possibility that a board could use the process of sanction to actually remove one of its members from the office of trustee. The Education Act provides that a member of a board vacates his or her seat if he or she absents himself or herself without being authorized by resolution from three consecutive regular meetings of the board. Implicit in this provision is the concept of the voluntariness of the absence. If a board were to use the sanction to bar a member who has breached the code of conduct from one or more board meetings, such events could and may result in the disqualification of the member.

We recommend that Bill 177 be amended to provide that as a sanction for a breach of the board's code of conduct, the board's authority to bar a member is limited to, perhaps, a single regular meeting of the board. Any resolution barring a member from a regular meeting of the board shall be entered in the minutes and, regardless of actual text, shall be deemed to include board authorization for the absence of the trustee.

OCSTA agrees that a meeting of a board should not be closed to the public under subsection 207(2) only because a sanction is or may be imposed at that meeting. We agree with the need for elected trustees to be held accountable to their constituents and for board processes to be transparent. Nonetheless, we believe that it would be inappropriate and in fact contrary to privacy rights of the member generally that principles inherent in clause 207(2)(b) of the Education Act and the context of the Municipal Freedom of Information and Protection of Privacy Act for board discussions about an alleged breach of the code of conduct to publicly disclose personal information about a member of a board or any other person named in section 207(2).

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

Ms. Paula Peroni: Thank you.

Such matters would have to be discussed in private. We therefore recommend that Bill 177 be amended to include the following: "That a meeting of the board shall be closed to the public in the event that there may be disclosure of intimate, personal or financial information with respect of the member."

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In the absence of a formal appeal procedure at the local board level, a member found by a board to have contravened the code of conduct would be forced to seek redress of an improper finding. Provision for the appointment of a neutral third party is not currently part of Bill 177, and we would request that that become part of 218.2, with respect to the code of conduct.

The OCSTA recommends, in principle, the establishment of board audit committees to act in such an advisory capacity to the board of trustees. Such committees are already in place and working well in many boards. We look forward to playing an active role in the consultations on the Ontario regulations that will specify the composition of those audit committees.

Thank you for allowing us to speak with you this afternoon and sharing some of our concerns.

The Chair (Mr. Shafiq Qaadri): On behalf of the committee, I'd like to thank you, Ms. Peroni and Ms. Devine, for your deputation and presence on behalf of the Ontario Catholic School Trustees' Association.

OTTAWA-CARLETON DISTRICT SCHOOL BOARD

The Chair (Mr. Shafiq Qaadri): I would now invite our next presenters, Ms. Scott and Mr. Thomson, of the Ottawa-Carleton District School Board, to please come forward—with or without your Ottawa MPP, as you wish.

Mr. Rosario Marchese: Without.

The Chair (Mr. Shafiq Qaadri): Please begin.

Ms. Lynn Scott: Thank you very much for allowing us to address you this afternoon. The Ottawa-Carleton District School Board certainly supports the stated purpose of Bill 177; that is, to ensure a strong public education system. It is perhaps emblematic of the roles we play that our director of education, Dr. Lyall Thomson, is here today with me, Lynn Scott, chair of the Ottawa-Carleton District School Board, to present some of our thoughts about this very important piece of legislation.

Our first concern is that we want to see the province get this right to start with, at the outset. There's always a tendency to place all the details in regulation, but we see the legislation itself as setting the policy framework for those regulations. To that end, we believe it is very important to have the basic principles laid out very clearly in Bill 177.

With regard to student outcomes and board responsibility for student outcomes, in the absence of the regulations, it is really difficult to understand what you actually mean by "student outcomes" in this legislation. This is a beautiful example of where we believe that clarification in the legislation itself would be beneficial, because that, in turn, establishes the scope of those regulations when the province comes to create them.

In our district, we certainly are well aware that student outcomes encompass a wide variety of achievements. This is not something that can be measured simply by EQAO test scores. EQAO testing provides no data whatsoever on the accomplishments and achievements of students who have been exempted for a variety of reasons. It does not fully take into account the extent of the impact of special education, English-as-a-second-language and socio-demographic factors that may impact how any particular student achieves.

We believe that we would see the province and school districts working together to develop student achievement measures that evaluate the whole student, simultaneously working together to develop plans, monitoring mechanisms and resource allocations so that we can reach those province-wide and board-wide goals for student learning.

We strongly support multi-year planning. Multi-year planning is nothing new to our district; we believe it is an

important factor. To this end, we would look for provincial co-operation in trying to provide more coordination of grant announcements and so on, so that our planning would be facilitated over a longer period of time.

With regard to duties of board members, you have heard from those who spoke before us today. There certainly are concerns in the Ottawa-Carleton District School Board about these. Again, the issue is primarily clarity of meaning. We do not support simply requiring trustees to support board resolutions without their having freedom of expression on behalf of their constituents, nor do we believe that board members should be required to support any decision that might be taken contrary to legislation or regulation, having heard already from the director or other members of staff that this is not the advice of those who understand the statutes and regulations.

We therefore would like to see, at the very least, a save-and-except clause. Even better, we would like to see something that explicitly states that trustees have the right to convey constituent concerns to express their disagreement. Even though they uphold that board resolution, they still have a responsibility to serve as representatives of their constituents.

Similar issues arise with regard to the code of conduct. Where board members now have a selection of sanctions available to us, this legislation would extend those and put in more specificity. Yet we have to say that the use of sanctions beyond censure must still respect the fact that it's the electorate that decides its representative, and stop short of impairing the representative role a board member has.

Some of the technical issues are explained in our written submission, but I would also point you to a couple of pieces of the legislation that would potentially cost boards some money, knowing that money is an important thing, the first of these being references to discontinuing the issuance of debentures by school boards. Given that our banking fees are part of an overall package that depends on banks having the possibility of fees from long-term debt placement, without that possibility, it is very likely that other banking fees would rise, and this of course represents an expense we do not have at present.

Similarly, we need some clarification around the concept of the audit committee. Our board has had a very successful audit committee, conducting internal value-for-money and other audits for a good number of years. Yet we're now looking for external representation. Bill 177 sets the stage for having, and possibly even requiring, external representation. We are not clear, from the legislation, why external representatives are considered necessary, and we're also not clear what the province's vision is for where these representatives would come from, whether there would be reimbursement and whether or not there would be funding provided to allow a very functional audit committee to do its work. Again, it's a cost issue.

Fundamentally, we believe that it's important to articulate a clear and common understanding of how student achievement is defined. We believe that many

parts of this legislation are good and necessary. We support greater clarity in roles and responsibilities, but we do regret that it appears the government intends to provide that clarity through regulation rather than through legislation. As I said at the beginning, it's the policy framework for the regulations that you are establishing in Bill 177, and certainly there is considerable concern when we are facing some unknowns we have not seen in the past. We respectfully request that you consider our written submission and secure some changes to improve Bill 177, a step in a good direction that we support, but with need for clarification. Thank you very much for your time.

The Chair (Mr. Shafiq Qaadri): Thank you. We have 40 seconds per side, beginning with Ms. Witmer.

Mrs. Elizabeth Witmer: Thank you so much for your presentation. You say at the end, on page 7, that "the timing ... and the proposed provincial interest regulation has created fear about the intentions...." What do boards perceive the underlying intention is?

Ms. Lynn Scott: I think that boards are certainly concerned about further erosion of boards' ability to act autonomously on behalf of their constituents to address local needs in education.

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

Mr. Rosario Marchese: There's just not enough time. Oh, we have 45 seconds each?

The Chair (Mr. Shafiq Qaadri): Forty-five seconds each.

Mr. Rosario Marchese: There are so many parts of it. The one that really offends me is the one on conduct of members of school boards. But I really want to make a comment about socioeconomics, because that does impinge on learning. You say "may," but it does impinge on learning, and there's no talk about how mental illness or special education problems or poverty and how that affects learning and how it affects teachers, in terms of being able to do their jobs. So you say "may," but you really want to say "does impinge," don't you?

1440

Ms. Lynn Scott: I think that what we do want to say is that boards need to be able to consider as many factors as impact student achievement in their district so that we can attempt to address all of those student needs.

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

Mrs. Liz Sandals: Thank you very much, Ms. Scott. I'm looking at page 3, and I hear what you're saying about "uphold" versus "support," but you then went on to talk about a save-and-except clause. I wonder if you could explain a little bit what you were talking about there.

Ms. Lynn Scott: Quite simply, in the definition of the duties of the director of education, there is an expectation that directors would advise boards where things were contrary to regulation. It is historic fact that some boards have, from time to time, approved resolutions that were contrary to legislation or regulation. In such cases, a save-and-except—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Sandals, and thanks to you, Ms. Scott and Mr. Thomson, for your deputation on behalf of the Ottawa-Carleton District School Board.

BLUEWATER CITIZENS FOR EDUCATION

The Chair (Mr. Shafiq Qadri): I would now invite our next presenter to please come forward, Ms. McDougall of the Bluewater Citizens for Education. Welcome, Ms. McDougall. Please begin.

Ms. Lesa McDougall: I would like to thank the standing committee for giving us the opportunity to present today. My name is Lesa McDougall. I represent Bluewater Citizens for Education. I'm a parent, first and foremost, a former teacher, and a very concerned citizen.

Bluewater Citizens for Education formed in April 2009 as a result of experiences shared by parents, community members and staff throughout the district, namely, frustration with a lack of accountability, transparency and good governance at the board level.

Bluewater District School Board is located in Grey and Bruce counties and provides instruction to approximately 19,000 students. Our board, if you will, is a test case of exactly what Bill 177 is intending to address, I believe.

Overall, we're supportive of the act's stated purpose to provide students with the opportunities to realize their potential and to develop skills. Amendments to the Education Act have been highly anticipated and long awaited, and we appreciate the acknowledgement that change is necessary within the realm of education in Ontario. We believe that changes to the act will result in a more effective education system for our students.

We're particularly pleased with an interest in a strong public education system that introduces the bill; the establishment of parental-involvement committees as advisory bodies; the clarity in roles of trustees and directors; and provincial consistency and codes of conduct for all.

However, there are areas of the bill where the intent of the legislation does not go far enough, in our opinion, or does not target the appropriate bodies, or where there is little substantive change in order to produce the desired outcome of accountability, transparency and good governance.

We are saddened by the fact that this bill seems to erode, in part, the trustees' status as individuals who are democratically elected and who are meant to represent their constituents. The undermining of the role of trustee with board administration to address parental and student concerns is of grave concern to us.

We're concerned about the accountability for student achievement that rests on the boards that are based on test scores, which of course do not give the whole picture; we're concerned about the lack of accountability for student achievement at the ministry level; we're concerned about the punitive nature of the bill, should boards fail to meet arbitrary, artificial, numerical goals

which do not reflect student achievement solely; and we're concerned about the absence of accountability at both the board level and the provincial level.

Some of the earlier presentations have already dealt with some of the things I was going to discuss, so I'm going to pass over those and just articulate briefly why we in Bluewater are so concerned about what is going on now in our board.

We have had children who were assaulted on school property, and protocols that were put in place were followed, to no avail. Parents went to boards, parents went to superintendents, parents went to directors. We followed the chain of command. We went to the Ministry of Education, we went to the Ontario College of Teachers, we went to the Ombudsman for Ontario, to no avail. I was told repeatedly to go back to my trustee, who repeatedly told me that the board said that there would be no more discussion on my matter. This has been echoed in other situations as well.

Of late, however, I've learned that I'm not the only parent who has endured what our family has endured. Thanks to MPPs Bill Murdoch and Carol Mitchell, the situation in Bluewater was brought to the fore and the ministry was asked to support. Ms. Wynne sent support, but accountability does not come with surveys, meetings and denial that there are no problems. Mine is not, sadly, the only story that illustrates this lack of governance, accountability and transparency.

We are therefore suggesting that there needs to be an objective third party, as has been alluded to previously today. We recommend that amendment 283.1 include the Ombudsman for Ontario and his ability to intervene if complaints focus on acts or emissions that would render students unsafe. Further, if boards have failed in their duties as outlined in the Education Act, the Ombudsman would have jurisdiction.

To ensure real accountability, transparency and integrity in education, there needs to be governance. The Ministry of Education's position that school boards are duly constituted corporations and therefore outside its jurisdiction appears to be in conflict with the ministry's own mandate of oversight of said boards. However, who holds the ministry, then, to account but taxpayers who will vote in the next election, potentially years away?

We have found that there continues to be an erosion of the public's faith in the Bluewater District School Board. Declining enrolments are not nearly a result of changing demographics, which are somewhat universal, but conscious decisions made by parents concerned about the quality of public education. As parents, teachers and community members, BC for E wants to continue to be supportive of public education which does seek to provide the kind of education that produces caring, knowledgeable and skilled citizens who contribute to society—education that puts students first.

However, there are examples of impropriety in our system, which, if not dealt with now, will seriously further continue to erode public confidence. What happened to some of us in Bluewater could happen in any

board in Ontario, potentially, but by the grace and the good leadership of many, it has not.

The education of our children, though, should not be left to the discretion of a few. It needs to be ensured with clear acts and laws which govern school boards. Otherwise, what has and is happening in our area will happen in other parts of the province. Accountability needs to be restored and good governance implemented in a board that remains in a self-professed crisis and ensure that this never happens again.

I hope that I've left enough time for questions.

The Chair (Mr. Shafiq Qaadri): Certainly. About a minute and a half per side, beginning with Mr. Marchese.

Mr. Rosario Marchese: Thank you, Lesa. I was one of the members who heard your deputation where you and four other parents talked about child assaults or abuse, sexual in nature. I have to admit that there's nothing in this bill that would ever deal with the failure of the system, in terms of a trustee not listening, a principal not listening, a board not listening. I'm not quite sure where the ministry stood in relation to the particular issue you raised. But—

Ms. Lesa McDougall: They told me to call 911.

Mr. Rosario Marchese: Right. I think the system fails us from time to time, and I'm not sure how you fix that. I do remember the bill that I had introduced, which was, I think, Bill 90 or 91, which would authorize the Ombudsman to be able to have the power to address issues of your sort. I think that that's the way to go. I really do believe that he has played a tremendous role in doing a serious study of an issue that you raise and then forcing the government to be able to respond and make them accountable. I think you supported that, if I recall.

Ms. Lesa McDougall: Very supportive of that, yes

Mr. Rosario Marchese: You support it still.

The Chair (Mr. Shafiq Qaadri): I'll need to intervene there, Mr. Marchese. To the government side, Ms. Sandals.

Mrs. Liz Sandals: Just for the record: In fact, the Auditor General already has the authority to review school boards in his annual audits—

Mr. Rosario Marchese: It's not the same.

Ms. Lesa McDougall: My recommendation on page four means to include it in the act and amend section 169 to include specifically accountability annually, or semi-annually, or even periodic or rotating audits of the school board. I didn't see that in Bill 177.

1450

Mrs. Liz Sandals: It's in the Auditor General Act, is what I was saying. He has the authority.

Ms. Lesa McDougall: Right. It would be very good to have it included in Bill 177 too.

The Chair (Mr. Shafiq Qaadri): To the PC side, Ms. Witmer.

Mrs. Elizabeth Witmer: Thank you very much, Lesa. I recently had the occasion to meet with four parents regarding bullying and unsafe situations in schools, and despite what the government believes their bill has accomplished, it's obvious it hasn't. I just received a

letter on Friday at home from a mother whose child had to move from one secondary school to the other because the school was not able to provide protection for her, and it was obvious there was no accountability.

I think this is a huge issue, and I appreciate your stepping forward. I believe this issue needs to be addressed. We simply can't have students who are afraid to go to school and parents who are constantly out there advocating on behalf of their children, trying to do the best they can. If that's to extend the jurisdiction of the Ombudsman to include school boards, so be it, but our children must be safe and feel safe.

Thank you very much for coming forward today.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Witmer, and thanks to you, Ms. McDougall, for your deputation on behalf of Bluewater Citizens for Education.

ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION

The Chair (Mr. Shafiq Qaadri): I'd now invite our next presenters to please come forward: the OSSTF, Ontario Secondary School Teachers' Federation, Mr. Coran and Mr. Brockwell and others. Welcome, and please begin.

Mr. Ken Coran: Thank you. Yes, my name is Ken Coran, and I'm the president of the Ontario Secondary School Teachers' Federation. With me is Lori Foote, who is our director of communications/political action and was formerly from our education services department, so she is well versed in all aspects of our organization.

When I look around the table, there's a lot of experience around this table dealing with educational issues. We were next door watching for the last few minutes. I think a lot of concerns have already been voiced, so I will try to streamline the presentation. It's only two and a half pages, which, for OSSTF, is somewhat of a record in its brevity.

You do have a lot of documentation already with regard to our position on Bill 177, and you're all aware that first reading passed in the first week of May. On June 30, there was a memo that went out with regard to the provincial interest regulations or some potential inclusions in that. There was a request that people provide submissions by August 30, which our organization has done. So there is a tremendous amount of paperwork already on those regulations.

What we thought we would do today is very clearly and succinctly outline what our main two concerns are with regard to this bill. First of all, it's well intentioned, as all bills are well intentioned, but the problem comes in the clarity and the explanation and the procedures that accompany the intent of the bill. What we see as a potential problem comes along with the annual reports. When you looked at the provincial interest regulations, you saw that the annual reports contain approximately nine different items. The work that's associated with commenting on those nine items—some of it is objective;

some of it is subjective, so it very much has to be clarified so that we could actually achieve the results that we are hoping to achieve.

The ultimate goal of all of this is obviously to support student success, which then becomes the big problem. Time and time again, we hear reference to student achievement and different criteria that can be utilized to determine student achievement, and we hear of things such as credit accumulation, EQAO test scores and graduation rates. These are all very measurable, but they really don't give the true definition of student achievement.

Anyone who has been in the education sector for a long period of time knows that, as time passes, you run into X students, some of whom were very high achievers with regard to test scores, some who were a little bit more challenging in the classroom, some who were great athletes and some who were great musicians. So there's an entire diversity of what means something to students and what they become after their secondary school graduation or, in some cases, non-graduation.

I had a situation like that on Saturday night. I was at a restaurant where a student who was probably suspended more than any other student in one of the secondary schools I taught at yelled at me from across the restaurant and said—and I'm not trying to blow my own horn—“You taught me a lot.” This student didn't pass a test, ever. He was a Canadian champion arm wrestler, and that was his claim to fame, but what he learned in the process of playing sports and being in the classroom and being with other peers was how to gain the respect of others, and in turn also how to be nice to other people and be polite and be an honourable citizen. Those sorts of things aren't measured by EQAO test scores, by the number of suspensions—the number of suspensions would have proved this student to be a failure, but in fact, he was not a failure. He was a great gentleman, that night anyway, and his kids were the same, so he learned a lot.

What we are saying is, we need to really come up with a definition of student achievement, and I don't think it's going to be easy. I think the thrust of our concerns with Bill 177 deals with trying to come up with that definition of student achievement. We know that subsection 11.1(2) of the Education Act gives the minister some powers with regard to the development of regulations. You can see that our recommendation at the end of page 3 is that we would hope that representatives from our organization would be included in some kind of consultation whereby we can hopefully help in the development of student achievement or a definition if that is something that is doable.

I wanted to also say that some of the indicators that were proposed in these provincial interest regulations really don't take into consideration—and I heard Mr. Marchese mention it—that we have students at risk and we have special-needs students, and sometimes achieving certain criteria is impacted by the types of students we have. Those students generally require a lot more resources and a lot more individual attention, and nowhere in this process to date, and I'm sure it will be clarified, does

it state what some of the repercussions of not meeting some of these criteria are.

We know that a board will come up with a plan, that schools will come up with a plan, and if we don't make improvements, what happens is, quite possibly a supervisor could be sent to the school board. But what happens if that supervisor isn't successful? It doesn't go past that stage, so it needs a lot more development before any kind of implementation, and that's the purpose of these kinds of meetings: to get this kind of feedback, digest it and see what the next steps are.

I want to quote a couple of items, because we know how Bill 177 came about. There was, first of all, a great consultation with regard to a governance structure review. Here are some of the quotes that were in that initial paper. A school board stated that “accountability implies some sort of measurement of our ‘product,’ the young people we serve. While testing and other tools used to measure student achievement are useful, they can never tell the whole story. Student success is more than graduation rates and test scores.” That relates back to the earlier story I told you of my Saturday night dinner.

The committee's report also stated that “parents are particularly adamant that student success should not be defined exclusively by provincial assessment scores.”

What we believe in this whole process is that we want to make it fair to everyone, we want to make it doable by everyone and, overall, we want to make sure that the integrity of a credit is maintained through this process.

I think that sums up our main concerns. As I said, there were a lot of other ones included in the earlier submissions.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Coran. There are about 40 seconds per side, beginning with Ms. Sandals.

Mrs. Liz Sandals: Thank you very much for your presentation. I was listening really carefully and I think what I heard was that your concerns are around the provincial interest regulation, not directly around Bill 177.

Mr. Ken Coran: I don't know if you could separate it from Bill 177. You'd have to look at it in its entirety, but Liz, we really are concerned about the student achievement component and what that definition is.

Mrs. Liz Sandals: And as you know, the minister has indicated there will be further consultations.

1500

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

Mrs. Elizabeth Witmer: Thank you very much, Ken and Lori. As a secondary school teacher, I actually found that your concerns are very similar to my concerns. I guess I'm not sure, to this day, what the purpose of this is. I hope it's not to be a buffer between the government and local communities, and that boards are going to lose their ability for any real decision-making. That's really quite frightening.

I share your concern about the definition of student achievement. Having taught special-needs children myself, certainly their achievement is defined quite differently. I hope the government does pay heed to the

concerns that have been raised here, and that they'll take a little more time before they approve—

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

Mr. Rosario Marchese: Just quickly, on the purpose: The first purpose is, "A strong public education system is the foundation of a prosperous, caring and cohesive society." How can you disagree? It's obvious.

The second is "to provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens," blah, blah, blah. It's a given; I'm assuming that's what we're doing.

I think the third one is the real purpose of it: "All partners in the education sector have a role to play in enhancing student achievement and well-being" and "closing gaps." It seems to me that it leaves you the responsibility to close the gaps. No matter how you do it, whatever the problem, it's your problem, not the government's. Is that basically it?

Mr. Ken Coran: That's correct, and that's why we said we want this process to make sure credit integrity is of utmost importance, so that we have a true product that represents what education can offer.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Coran and Ms. Foote, for your deputation on behalf of the Ontario Secondary School Teachers' Federation, OSSTF.

DUFFERIN-PEEL CATHOLIC DISTRICT SCHOOL BOARD

The Chair (Mr. Shafiq Qaadri): I would now invite Mr. Pascucci and Ms. Abbruscato of the Dufferin-Peel Catholic District School Board. Welcome. I invite you to please begin.

Mr. Mario Pascucci: By unanimous board motion, we present our document on Bill 177, which I'll present right after our presentation.

With me today is Sharon Hobin, trustee, Dufferin-Peel; Thomas Thomas, trustee, Dufferin-Peel; and Tony da Silva, trustee, Dufferin-Peel: four of 11 trustees or, if you wish, 37%.

The board of trustees of the Dufferin-Peel Catholic District School Board believes that the ultimate goal of our Catholic school board is, through partnership between church, home and school, to provide opportunities for our students to become productive citizens, which will benefit our cities and our country. Student achievement is always at the forefront of any decisions the board has made as elected representatives of our wards and as one governing board.

Response to Bill 177: The formal role of the trustee goes back to the Public School Act of 1807. While this act formally established the role of public trustees in Ontario, before 1807, men and women were working hard in their small towns to build schools and provide education for their children, many times using their own money. So we follow a long line of historic heroes who sacrificed home and finances to provide education to the public.

It is because of this long-established history of representational trustee governance that we come to you today with grave concerns regarding Bill 177 and the resulting regulations that are to follow. It is a grave concern of our board that, as Bill 177 currently reads, a regulation will provide the minister the opportunity to change the roles and responsibilities of boards, trustees and directors without any kind of consultation. This flies in the face of representational governance. Our constituents elect us to represent them, and if our role is constantly changing, it will be confusing to parents, ratepayers and school boards.

A trustee does not act alone but as part of a collective whole, which is the board. He/she, however, needs to be able to voice concern and disagreement with the board's position with respect to any matter, as long as the trustee respects the decisions of the board and is able to reopen any matter, provided it is done within the accepted procedures and bylaws of that board.

Student success should be a key priority for school boards. The board of trustees cannot be held accountable for the achievement of specific provincially mandated standards in literacy, numeracy or graduation rates across their system. Trustees are not educators, nor do they provide direct service to the classroom.

Boards are responsible, however, for ensuring, through the director of education, that a comprehensive plan is designed, monitored and revised as necessary to ensure that all students are provided with the instruction and services required to help them achieve maximum potential. Ultimately, school boards are held accountable by the electorate for their performance and outcomes.

On accountability, we have great concerns that any language written into the regulations should avoid student outcomes and measures that determine supervision. While we have great respect for our current Minister of Education, we do not have any way of predicting how or why such regulations could be used in the future. Working toward increased student achievement must be done in partnership with school boards.

Trustees should not be held to a higher level of accountability than other branches of elected government. This is not good public policy. Intervention by the minister should be supportive, not punitive. Support could include sharing best practices and possibly additional funds. Any ministry intervention must involve partnership, collaboration and dialogue.

Many factors can impact a student's performance. This is why dialogue is so important. Boards must report on their performance to their communities and to the Ministry of Education on a regular basis. Boards should review their EQAO results annually and, based on these results, report to their constituents and set objectives for the year ahead.

In Dufferin-Peel, we have embarked on a strategic review of the Dufferin-Peel board as an organization, a gutsy move that will result in a five-year plan to serve our communities, fight declining enrolment and ultimately increase student achievement.

Role of director: The director of education should not have a dual reporting relationship to the board and to the Minister of Education. The director of education must follow the Education Act, ministry and board policies and bylaws, and the laws of the land, but must answer to the board of trustees who, in turn, answer to the Ministry of Education. Boards cannot authorize a director of education to implement a policy that contravenes ministry directives.

There will be times when board priorities do not reflect, or may even be diametrically opposed to, a government political focus. In these situations, the director of education should be taking direction from, and supporting, the board's priorities.

Code of conduct: With respect to the code of conduct, it is especially important that Catholic trustees recognize the important role they play, given the fragile nature of fully funded Catholic education, and behave accordingly. Nonetheless, it is unfair if trustees are held to greater accountability and a higher standard than other elected officials. It should be the goal of this committee to develop regulations that will be supportive and not punitive.

I quote from page 132 of our publication, *Catholic Education in Dufferin Peel: A Story Worth Telling*: "Education is a two-way street. The link between teacher effectiveness and student input is strong. Across the province, Dufferin-Peel is regarded as 'an exciting place to teach.' And this is due in no small measure to the positive interaction between teacher and student. It is to both that we must attribute our success. Students are the lifeblood of our school system. Dufferin-Peel is vital and thriving."

We look forward to a continued positive relationship with the province, the ministry and with our stakeholders. We thank you for your time and wish you the very best in your endeavours.

The Chair (Mr. Shafiq Qadri): Thank you. About a minute and a half per side, beginning with Ms. Jones.

Ms. Sylvia Jones: You made reference that if Bill 177 is passed as is, you believe trustees would be held to a higher standard than other elected officials. Can you expand on that?

Ms. Sharon Hobin: One example was actually said to me by a ratepayer. They said, "When the province provides funding to a municipality to do infrastructure, do they actually go in and make sure they actually filled every pothole they were going to fill?" I guess we, as trustees, feel we are going to be held to a higher standard than perhaps you or a city councillor. We have to answer to the ministry through the Education Act, but we have to answer to the people who elected us. We feel that's the ultimate responsibility.

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

Mr. Rosario Marchese: Thank you, Mario and thank you all; it's good to see all of you again.

I have to tell you that this bill offends me. This bill centralizes power in the hands of the minister and the ministry unlike anything I've seen before. I find it par-

ticularly offensive, on page 6, that they say a board member "shall attend and participate in meetings." It diminishes you; you "shall attend," as if you're kids. The second one says to "support the implementation of any board resolution," meaning all, which suggests you are not elected; you're just little kids running around and that you're not doing your job right. I think you would find this offensive. Do you not? Don't hold back.

Mr. Tony da Silva: We're not sure of the intent, but we're concerned—

The Chair (Mr. Shafiq Qadri): That might be construed as leading the witness, Mr. Marchese.

Mr. Tony da Silva: We are concerned that, going forward, this could be misinterpreted in its current state if not addressed, and really would hold us to a higher accountability than any other elected official, as my colleagues have said.

Mr. Rosario Marchese: Absolutely. What about the snitch clause on page 7, which says, "A member of a board who has reasonable grounds to believe that a member of the board has breached the board's code of conduct may bring the alleged breach to the attention of the board." It's a snitch clause. What do you think about that? Don't you find that offensive—anyone?

1510

Mr. Mario Pascucci: Yes. Look, we're all big boys and girls.

Mr. Rosario Marchese: You think?

Mr. Mario Pascucci: The fact of the matter is, we as elected trustees—we have as a board taken the initiative to meet with other governing bodies, including our city councils etc. We are there—

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

Mrs. Liz Sandals: You spoke about directors of education who currently in the Education Act—their appointment must be by both the ministry and the board. So that's what the act already said. Then you said that this will give them dual reporting responsibility, and I'm wondering how you read that into the act.

Ms. Sharon Hobin: They way we've read it into the act—and I don't have the exact section. But it seemed clear to us that it was going to put the director of education in a position that if the board wasn't following all the policies and regulations—and we understand that the director now has to do that, but we felt it was putting the director in a very awkward position. Right now, in Dufferin-Peel, we work as a team, and we feel that the director of education, bottom line, has to follow the Education Act, and so does the board. But we feel that we would like our director of education to answer to the board, like in any other organization.

Mr. Mario Pascucci: No organization could answer to—or no individual could answer to two masters. It's just virtually impossible.

Mrs. Liz Sandals: Sorry, I don't see the change in the act. My experience as a trustee was that the director always did inform the board if there was a motion on the floor which would have contravened the act. In fact, I

would have been extraordinarily displeased with my director if they didn't—

The Chair (Mr. Shafiq Qaadri): Thank you, Mrs. Sandals, and thanks to Mr. da Silva, Mr. Pascucci, Mr. Thomas and Ms. Abbruscato for your deputation on behalf of the Dufferin-Peel Catholic school board. I would now invite out next presenter—

Mr. Mario Pascucci: Mr. Chair, I want to thank you very much. Anna Abbruscato, unfortunately, due to a family commitment, couldn't make it, so it's Sharon Hobin.

Ms. Sharon Hobin: Sharon Hobin.

The Chair (Mr. Shafiq Qaadri): I'm sorry. Thank you.

MICHAEL BAILLARGEON

The Chair (Mr. Shafiq Qaadri): I now invite our next presenter, Mr. Baillargeon, who comes to us in his capacity, I presume, as a private citizen; it says "elector." I'd welcome you. We'll certainly distribute your written materials. Please begin.

Mr. Michael Baillargeon: Mr. Chairman, committee members, guests, ladies and gentlemen, good afternoon. My name is Michael Baillargeon. You may recognize my name as an individual elector who filed a successful application under the Municipal Conflict of Interest Act against a Toronto Catholic District School Board trustee, resulting in his seat being declared vacant. *Baillargeon v. Carroll* is the most important decision involving a school board trustee since the Municipal Conflict of Interest Act was first proclaimed in 1972.

I am here this afternoon to relate some of the experiences of the last 16 months, lessons learned, and to make recommendations that I believe are important to making the Education Act more effective.

A section of the Education Act requires that in their declaration, all trustees, amongst other things, solemnly declare they will "disclose any pecuniary interest, direct or indirect, as required by and in accordance with the Municipal Conflict of Interest Act." That being said, the Education Act has incorporated the Municipal Conflict of Interest Act as its enforcement arm.

To be clear, that's where the problem begins. The Municipal Conflict of Interest Act is flawed and requires amendment. It has no teeth and is fundamentally impotent. This problem is exacerbated when you have a minister who has gone missing and has been wilfully blind in its enforcement. I'll speak more about that later. For the present, there needs to be serious, constructive debate on the Municipal Conflict of Interest Act's effectiveness. If the Minister of Education is going to continue to represent the Municipal Conflict of Interest Act as a vehicle to enforce trustees' conflicts of interest, then it must be amended.

The act cries out for reform. First proclaimed in 1972, it has been 19 years since it has been amended. It is in definite need of an overhaul. The advance of communications alone dictates that we implement reform.

The Municipal Conflict of Interest Act is an invitation to contravention. My experience since May 16, 2008, when I first learned of the allegations against TCDSB trustees contravening the act, is that the reason there are so few applications filed is not that there have been few contraventions but that, in its present circumstances and form, the act is more likely to deter enforcement than it is contravention. Let me repeat that: In its present circumstances and form, the act is more likely to deter enforcement than it is contravention.

The relationship between the Education Act and the Municipal Conflict of Interest Act requires not just amendment but clarity of purpose. There are numerous problems in the application of the Municipal Conflict of Interest Act as it applies to trustees, some of which I have outlined below.

The Municipal Conflict of Interest Act is permissive. Contraventions "may" be, not "shall" be adjudicated. Thus, no matter how serious the offence, there is no guarantee it will ever be adjudicated. Contrary to the opinion forwarded from political staff at the Ministry of Education, the minister does have an obligation to enforce the act as it presently relates to the Education Act. As written, 209.1 is a statute under the act, and as long as it remains, the obligation and responsibility for its enforcement remains with the minister.

The term "elector" is being abused by those in governance as an excuse not to enforce the Municipal Conflict of Interest Act. The ministry and school boards refuse to get involved because, in their words, it's up to the elector to enforce the Municipal Conflict of Interest Act. Well, it's time for an epiphany of sorts. The word "elector" was meant to be all-encompassing; inclusive, not exclusive.

As for a personal decision of involvement, no one gets a pass. A witness to wrongdoing or contravention or anyone becoming aware of wrongdoing or contravention may file an application. The act does not state that only an elector may file an application, excluding the Minister of Education, a director of education or any other board or ministry staff. It definitely does not exclude trustees themselves from filing applications. The point is, it excludes no one.

For an elector who, under the act, decides to challenge a trustee with an application before a Superior Court judge, a significant burden accrues, and none more daunting or unfair than absorbing the cost of prosecution. Justice comes at a heavy cost. In my case, the cost of removing a guilty trustee under the Municipal Conflict of Interest Act was in excess of \$80,000. The defendant had legal defence insurance paid by the school board, and had he won, all his costs would have been covered.

You are perceived as challenging two levels of government: the local school board and the province. The immediate effect of this is being cast in an adversarial position—you're the bad guy. Bluntly stated, they will position you as the enemy.

In my case, filing an application meant the following: I was immediately treated as an adversary; the supervisor refused to meet with me; I was blamed for damaging

Catholic education; the majority of trustees blamed me for the demise of the trustee; and no matter how often I was promised a response, my letters to the minister, to this day, remain unanswered. My requests for co-operation and assistance were answered with actions that clearly bordered on misrepresentation and obstruction. No matter how important the need or objective or how hard I tried, I received absolutely no help from the ministry. I was treated as a threat. I was patronized and generally treated with disdain and disrespect.

The question is now just how serious a contravention of the act need be before a minister feels obligated to take action. The Minister of Education should have done something about the serious allegations of conflict of interest that permeated the Toronto Catholic board last year and in the present. The act needs to be amended to ensure that she does so in the future.

For the record, the Minister of Education knew, should have known and knows of the allegations that some Toronto Catholic trustees had contravened the act. On six different occasions, these contraventions were made available to her.

The summary and recommendations: I've consulted with numerous lawyers, and all of them state the obvious: The Municipal Conflict of Interest Act, in relation to the Education Act, is flawed. In its present form, it is unlikely that there will ever be an elector launching a case against a trustee for a conflict of interest. The enforcement of the Education Act should not be left solely in the hands of private citizens, the so-called elector. There must be a more rational ability to enforce conflict of interest.

There must be accountability and consequence to contravening the act. Enforcement cannot be left to chance or, as with the present process, impracticality due to cost. A trustee is in a position of public trust and must abide by their declaration. Not to do so must have severe consequences, and therefore, there must be enforcement of the act.

1520

Enforcement cannot be optional. "May" and "shall" have to be reasonably applied. The minister may have an option; integrity does not. The prescribed six-week limitation period on filing an application is just that—limiting—and needs to be amended to allow for a longer time frame to seek remedy.

Under the present act, private sessions of board meetings would seem to preclude enforcement—a circumstance requiring remedy.

Applications should have access to funding resources, and the Minister of Education must have a direct link to enforcing the act. The Education Act must be amended to rectify the flaws.

The Minister of Education must put politics aside and take responsibility for the enforcement of the act.

There's more, but with today's time constraints, I recognize this will have to do. Just the same, it's a start. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you. There's 30 seconds per side, beginning with Mr. Marchese.

Mr. Rosario Marchese: So, Michael, number 4 there, "Applications should have access to funding resources," what you're saying is that if a citizen wants to take a trustee to court on the basis of a conflict, you should have the money to be able to do so. Is that what you're saying?

Mr. Michael Baillargeon: I believe there should be some type of panel set up that deals with the applications or the possibility of conflict of interest prior to an application being taken. It should be a panel that's set up with governance so that if there is a reasonable contravention, then that should be—

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

Mrs. Liz Sandals: If Mr. Baillargeon wants to continue with his description—

Mr. Michael Baillargeon: What I'm saying is that right now a person has six weeks to take an application out, from the time you hear about it. It's six years to file an application, but the individual finds out within six weeks. He then has to file the application within that time frame. What I'm saying is, it's his resources. The act leaves it up to an individual—

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

Ms. Sylvia Jones: I don't have anything further so if you want to finish your answer.

Mr. Michael Baillargeon: The act leaves it up to an individual to file the application, and it's ridiculous. I mean, it should not be left up to an individual citizen. If it's part of the Education Act and if the Education Act wants to enshrine the Municipal Conflict of Interest Act, then it's a statute within the Education Act and the Minister of Education should take responsibility and she should be responsible for—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Jones, and thanks to you, Mr. Baillargeon, for your deputation and written materials.

JOSH MATLOW

The Chair (Mr. Shafiq Qadri): I would now invite our next presenter to please come forward: Josh Matlow, trustee of St. Paul's. Welcome. Please begin.

Mr. Josh Matlow: Thank you very much, Mr. Chair and committee members, for allowing me this opportunity to address you today.

I want to be very clear off the start that I'm not here representing the Toronto District School Board. My board will make a deputation, I understand, within the next couple of days. I also have no intention or interest to repeat many of the deputations that you will hear from our fellow school boards, along with our related associations.

I'm here to give you a candid analysis as far as I, as an individual trustee, can give you about some specific and very important sections of this bill that I believe we need

to take another look at and potentially have further consideration about their wording.

Allow me to begin by going to the first page, where, number one, the Education Act is amended by adding the following section, and let me go to section 1, "A strong public education system is the foundation of a prosperous, caring and cohesive society." Then we get into the purpose of education, which is "to provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens who contribute to their society."

As a principle, I think this is wonderful. I think that most reasonable people in our province would agree with this principle. I'd respectfully submit to you, though, that the definition of the purpose of education is frankly subjective to the individual. There are some people in Ontario who may believe that the purpose of education is to seek personal fulfillment and happiness. There might be one senior citizen in Ontario who is not looking to pick up new skills but in fact wants to explore a subject that he or she has never explored before and wants to better themselves. So this is not a serious area of concern for me. The principle is beautiful, and I think it makes a lot of sense to most reasonable people, but I would submit to you that when we put language into legislation that is supposed to be there for us all, that we do take into consideration the fact that there's a diversity of opinion about definitions such as "for education," which is important to every single one of the people of Ontario.

I'd like to turn now to conduct of members of school boards, on page 6. This is in section 218.1, and I'd like to go specifically to item (d) which reads, "A member of a board shall support the implementation of any board resolution after it is passed by the board." Now, as you can see, I am here in my capacity as the trustee for the community which I have served for six years. Sometimes my community may have a different opinion than another community; sometimes, I, as an elected official, may have a different opinion than my colleagues might have.

I'll give you one example: The matter of the Afri-centric school in the past year was an incredibly divisive, controversial and important matter that we discussed. I believe that in the boardroom, it was a very respectful debate. I actually think it was probably one of the most thoughtful, passionate but genuine debates we've had in many years, because we all care about our marginalized students. But I can't, in good faith and in good conscience, support a resolution that I don't. I can't pretend to go to my constituents and say that I do. Now I would never deliberately obstruct the implementation of a resolution, but certainly I can't, in good conscience, support it.

I wonder if this follows the intent of our charter. I wonder if this might be reworded in a way that might be able to still represent the intent of this item, and I recognize that the intent is to have an orderly, functional board, but I would submit to you, with all due respect, that we need to realize that we do have elected trustees, and that being so, we should have the opportunity to voice the priorities, the needs and the views of our

constituents in good faith and in full honesty, and not pretend to believe in something or support something that we don't.

Perhaps you could consider, as a committee, to reword this in a way that follows the intent but allows us the freedom of independence, because, frankly, as you know well, we don't have a party system and we do understand that we have allowance to speak as independent voices rather than have any sort of cohesive, caucus type of decision-making process.

Another question I would ask for your consideration: I understand it to be true that a board in this province cannot pass a resolution that would pass a deficit budget. It is actually, in fact, against the Education Act, which this bill intends to amend, to pass a deficit budget. Now, the TDSB, in the past, has passed a deficit budget, as you all know. If my board decided to pass a deficit budget, according to this amendment, I would have to support breaking the very law that this bill intends to amend. I believe that this specific item, actually, is contradictory to the very bill that it seeks to amend, and I would ask you, respectfully, to reconsider the wording to allow trustees the independence that you have publicly said that you would like to allow us and also ensure that we are not forced to break the very law that this bill intends to amend.

Lastly, as part of the code of conduct matter, I commend this government for bringing this bill forward to update the Education Act, to promote student achievement and board governance and accountability. I think that we need to do a better job at every board all the time, and as thoughtful people, we always try to do a better job.

However, I believe that the process we have now—this has been the experience of some of us who have been subject to some of the current codes of conduct that we have at our board—that it would be a utopian world if every trustee could be fair and objective with each other. The reality at our boards—many of you have been trustees; Liz and Rosario as well—and you know that some of us are politically partisan, some of us have ideologies that might be different than others, and some of us may have had personality clashes. I know this never happens at Queen's Park, but it does happen at some of our school boards.

What I'd like to submit to you is that it would be nice to believe that all of the trustees would be able to fairly judge and try and prosecute their colleagues, but it may not happen all the time. In fact, I think that the very fact we rely on each other for votes and sometimes argue against each other when we're stopping an initiative that we disagree with, or when we're attempting to do so—allowing a board to have its own code of conduct and then try a trustee once a complaint has been brought forward to the board, by its very nature, creates a reasonable apprehension of bias. There is no way that a reasonable person could possibly believe, if they know how school boards operate, at least in Toronto, that we are going to be completely fair and objective with each other.

Therefore, I would suggest that your committee consider the possibility of amending this to have an external body consider complaints. I think it is absolutely just and vital that complaints go somewhere, because we are imperfect. But I do believe that it should go to a fair and objective—whether it be an individual, some type of integrity commissioner office, or perhaps a quasi-judicial body that can be responsible for all 72 publicly funded school boards across Ontario.

1530

To conclude, I believe that, from being a trustee for the past six years, my experience has shown me that the TDSB, along with school boards across Ontario, is in the midst of an evolutionary process. Obviously, we're no longer what we were before 1998 when we were able to levy local taxes to provide towards local priorities. We, I very much hope, are not where we will be one day; in other words, I hope our evolutionary process will continue towards a structure and a governance model that fully functions for the parents, the students and the residents of Toronto and across Ontario.

However, I do believe that this bill, in large, is a positive contribution towards that goal. I do believe that there are variances that are incredibly important to ensure that this bill gets it right. I want this bill to be the best bill it can be, but ultimately, I hope that this government will give further consideration past this bill to what is the best model for school boards in Ontario. If we don't levy local taxes, then how can we be directly accountable?

To be candid, when Mr. Harris was our Premier, he put the TDSB under supervision in a very quick and hasty way—

The Chair (Mr. Shafiq Qaadri): I need to intervene there, Mr. Matlow. Thank you, on behalf of the committee, for your deputation in your various capacities as trustee.

BERNADETTE SECCO

The Chair (Mr. Shafiq Qaadri): I would now invite our next presenter to please come forward, Ms. Bernadette Secco. Benvenuta.

Interjection.

The Chair (Mr. Shafiq Qaadri): The member calls for an extra 10 minutes because you're from Niagara Falls. I don't think I have unanimous support for that, but please go ahead.

Ms. Bernadette Secco: Thank you very much. My name is Bernadette Secco, and I am a resident of Niagara Falls. Other than as a student, I have been involved in the Ontario education system for almost 18 years. I'm neither a teacher nor an administrator, and my comments today represent my own opinions and not those of any other group or persons.

Thank you for the opportunity to address the standing committee regarding Bill 177. My focus is governance. Realizing the need for change is the first step; the challenge for the ministry is where to begin and then how to do it.

While defining the roles and responsibilities of school board members, the director of education and chairs, the provisions of Bill 177, in my opinion, undermine the expectations of responsibility placed in the trustees by the electorate. Trustees lose the right to advocate. This is unthinkable under the Municipal Act or the standing orders of Parliament. How many MPPs here today would want to be sanctioned?

It is the very role of the trustee to engage the other board members and staff in discussions and actions that address the needs of the province, parents, children and constituents. The effect of the restrictions of Bill 177 will be to marginalize students.

As it is, a trustee cannot simply ask staff for a copy of a grant application or a past budget. They have to do it as a motion in an open council requesting it, and they need majority approval. Should the superintendent fail to provide that copy, there's not much that the trustee can do. That's today.

If the ministry is truly looking to define the roles of the administration and to bring consistency across the province in governance, then a critical examination of the loopholes in the Education Act is required. The act is filled with what boards and their administration may do, rather than what they shall, will and are required to do. This is a fundamental flaw. Without clear definitions of roles, responsibilities and consequences, there cannot be consistent governance and decision-making.

There are so many similarities, actually, between municipalities and school boards that serious consideration should be given to adapting the Municipal Act for school boards. The Municipal Act could be the blueprint for establishing the definitions of roles and responsibilities and the jurisdiction of school boards. It would define the relationship between municipalities and school boards and between school boards and the province. It would outline the standards for delivery of education, how to measure the results and address the shortfalls, budgeting and fiscal responsibility, along with clearly defined processes for appealing a board decision. Most importantly, it would establish that board decisions must be based on legislation.

Both municipalities and school boards are granted power by the province. Both have heads of administration, heads of the board, democratically elected representatives, administrative heads and lobbying groups. They also share the same major stakeholder, the taxpayer.

Taxpayers will have rights to representation, input and appeals under the Municipal Act and be denied those very same rights to representation under the proposals of Bill 177. To me, this is like having the provincial laws governing one part of my life and sharia law governing another. I don't want that.

In Niagara-on-the-Lake, the school board wishes to have a parcel of land rezoned institutional, something council has voted against. Consequently, the school board is taking the municipality to the OMB to argue that decision. However, the same school board has decided to

close the only high school in the community. The municipality can appeal the process but not the decision. It pits taxpayer money against taxpayer money, increases frustration, and it is quite challenging to have meaningful discussions when the rights, responsibilities, obligations and judicial review or appeals are so unbalanced.

The ministry's newest draft encouraging facility partnership continues this disparity. It encourages school boards to work with municipalities, but there's no requirement for them to do this. This sets a climate for lip service rather than meaningful dialogue or cooperation.

The importance of third party oversight of school boards cannot be emphasized enough. The ministry and boards may not like it, but with declining enrolment, increases in budgets and school closings, the oligarchy of school boards must be re-examined.

I believe a rewrite of the Education Act will be much more effective in reaching the ministry's goal of improving board governance than the policies flowing from Bill 177.

Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you very much. About a minute and a half or perhaps more per side. Ms. Jones.

Ms. Sylvia Jones: I'm not sure how long you've been sitting and hearing the depositions, but there have been a number that have raised the expansion of the Ombudsman in that third party oversight role. If you have an opinion on that, can you share it with the committee?

Ms. Bernadette Secco: I have no opinion as to who that third party oversight should be, but it should be someone who has the power to change, that we can go comfortably and say, "There's a problem with the decision"—maybe judicial, but that's very expensive and time-consuming.

Ms. Sylvia Jones: Thank you.

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

Mr. Rosario Marchese: Bernadette, I appreciate what you're saying. There are times when boards make decisions, at least if they have the power to be able to make some decisions because there's so very little power left, given that they have so very little financial discretion any more—they have to make those decisions. Presumably, in that democratic process, if we don't like them, we just unelect some of those trustees. How else—otherwise, we would have to have a direct channel to the minister in terms of the minister having to decide everything. Is that maybe what we want so we can get directly to the minister to be able to deal with an issue?

1540

Ms. Bernadette Secco: If I have a problem with a decision you make in the House, I know that I have a process to follow so that I can question your decision. At the school board, I cannot question the decision. I don't believe that school boards should be allowed to make decisions omnipotently without any kind of responsibility, accountability or transparency. They can make the decision; I should be allowed to question it and appeal it without having to wait for the next election. I'm

finding that too many trustees are saying, "Well, you can vote us out." If you look at the number of voters for boards of education—we're bored with them. We know that we can't make any difference.

Mr. Rosario Marchese: So you have no process at the board where you can actually depute and say, "I disagree with that"?

Ms. Bernadette Secco: Correct.

Mr. Rosario Marchese: There's no process at all?

Ms. Bernadette Secco: Correct. I can only appeal the process; I cannot appeal the decision.

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

Mr. Kim Craitor: Bernadette, thanks for taking the time to come up here. It's a pleasure to see you in my neck of the woods. I know why you're up here, and I really appreciated your comments.

Very quickly, I know one of the things that has been a real concern in Niagara-on-the-Lake, which I represent, is the fact that the board there has made the decision to close the only high school in Niagara-on-the-Lake, and I know the frustrations you've had in trying to deal with the board. For the committee, because they may not be aware of it, can you just quickly share the frustrations you've had in dealing with the board and what they're doing with the only high school in Niagara-on-the-Lake?

Ms. Bernadette Secco: Under the process of the ARC review, the community and the municipality followed all the rules. When it came to the decision-making, the board dismissed the guidelines in the ARC, a major guideline of which is that you don't close down the only high school in a town. They can dismiss that because it was merely a guideline; it was not a requirement to keep it open. It was not a "must" or a "shall." The municipality has been fighting very hard to try and get the board to understand the importance of this. The community has spent over \$100,000 of our personal funds to try to get the board to understand this. We've developed programming. We have started athletics. We have done all sorts of things, and the board can simply dismiss everything we've done because it is simply a guideline, and they can bus the students for 40 minutes.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Craitor, and thanks to you, Ms. Secco, on behalf of the committee, for your deputation and presence here.

SHANNON PORCELLINI

The Chair (Mr. Shafiq Qaadri): I would now invite our next presenter, trustee Ms. Porcellini of ward 3 in Windsor. Welcome.

Ms. Shannon Porcellini: I have an extra copy, Mr. Koch.

The Chair (Mr. Shafiq Qaadri): Sure. Thank you, and please begin.

Ms. Shannon Porcellini: Thank you. My name is Shannon Porcellini. I'm a trustee with the Windsor-Essex Catholic District School Board. I represent ward 3 in the city of Windsor, which contains a number of dense urban neighbourhoods, the casino and the downtown core. I'm

here representing my constituents. I am not speaking on behalf of the board.

I'm here to talk about three issues with regard to the proposed legislation which are of concern to my constituents. First, an education system should provide and measure more than just a student's achievement on standardized tests. Second, the provision of funds should be addressed in the legislation. Third, the provisions for the code of conduct for trustees and division of responsibilities should be addressed by board bylaws and policies and developed at the local level in response to local needs and culture.

The preamble itself states that, "The purpose of education is to provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens who contribute to their society."

Measuring, enhancing and closing gaps in student achievement does not build responsible, well-rounded citizens. Measuring, enhancing and closing gaps in student achievement builds an industry to support testing. That's all.

In my community, there are three schools that are underperforming on EQAO and OSSLT. The details of these schools are included in my written submission. The underperformance of these schools does not mean that the children there are illiterate or will not become productive citizens. These schools provide more than just test results, and the tests do not necessarily resonate with the students and their families, particularly in my core city communities.

If we go down this path of student achievement measured through student outcomes being the primary purpose for education in Ontario, then where do these students fit? Right now, schools are safe places for at-risk students. The schools provide intramurals, arts experiences, back-on-track rooms etc., and for years we've been telling parents that EQAO was just a snapshot of a school and wasn't meant to pigeonhole their children. Bill 177, if passed as is, would make that a lie, because it will entrench in legislation two streams: high-achieving students in schools and those who don't measure up.

OFIP and other focused interventions, while admirable and even necessary, are not viewed by the community or by administrations as positive interventions. I've observed that achieving OFIP is viewed as a cause for concern by administrators. School effectiveness frameworks and school improvement plans are linked to EQAO results and are part of principals' annual performance plans. Why would a principal want to transfer to an OFIP or low-achieving school when their opportunities for advancement may be damaged by the school's low performance?

Dollar for dollar, there's a better return for taxpayer money on smaller class sizes, increased supports, increased resources and revitalized spaces than on building a bureaucracy based on testing.

The ministry requires that school boards utilize all their excess capacity, meaning empty classrooms, before

they will fund additions, renovations or new construction. Inner-city schools, like those in my community, in areas of residential decline or transition have excess capacity. That leads to amalgamation or closures and less opportunity for learning, not more.

Schools in my community face low test scores, OFIP and excess space. This is an enormous amount of pressure on students and parents. It does not create situations conducive to learning for at-risk students.

If the ministry is going to entrench student achievement as a purpose for school boards, then the ministry should be obligated to provide funding and interventions at an adequate level as determined not by the ministry but by the community itself.

Parent councils, community members, staff and administrators all expect to be able to contact their trustees about education-related issues. Trustees need to be able to deal with supervisory staff, principals, superintendents and the director without interference. If a senior is concerned about pea stone migrating from the play structure onto the municipal sidewalk and contacts me about it, I shouldn't have to call the director and have the message transferred down the chain of command. That pea stone won't be swept until spring, if the message even gets to the principal intact.

I know of no trustees who do not see themselves as community activists. The code of conduct provisions should be locally relevant and administered through board bylaw and policy. For example, if the board votes to close one of the schools in my neighbourhood, under the new legislation I would be obligated to support the resolution after it passed. But what does "support" mean? Does it mean I would not be permitted to speak against it to my constituents? Does it mean that I would not be able to discuss my opposition to the resolution with the media?

We are all dissidents, every trustee. Please don't muzzle us. Trustees are the most accessible of all four levels of government. We need the capacity to relate to and represent our neighbours.

A summary of the changes to specific sections that I would request be considered is included in my submission.

The purpose of the education system in Ontario is more complex than just higher student achievement. Not including socialization or soft-skills development does a disservice to those students who, for whatever reason, cannot perform well on standardized tests.

High achievement levels and closing the gaps in achievement create a two-tiered system across the province: schools that do well and students who do well; and everybody else.

Special needs, IEPs, behavioural issues—there are a myriad of reasons why some children don't perform at or above ministry guidelines. If student achievement needs to be there, then build all of these factors into student achievement, high and low. Don't relegate kids who don't perform, or schools with low results, to the ghetto of closing gaps in student achievement. It's semantics, but it will make a difference.

If student achievement is mandated by regulation at a particular level or benchmark, then the ministry must be obligated to provide funding to support that achievement. It's simple: Show me the money. Don't just identify the gap and require me, as a trustee, to scrape together the resources, under threat of a supervisor.

The code of conduct and separation of duties should be a matter for boards to shape as fits their communities, through policy and bylaw development, not through legislation.

Thank you for your time, and I'd be happy to answer any questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Porcellini. About a minute or so per side, starting with Mr. Marchese.

Mr. Rosario Marchese: Just a couple of things. To your point: "Support the implementation of any board resolution"—it's exactly what it means. There is no dissent. It's very clear.

Ms. Shannon Porcellini: And that's not fair.

Mr. Rosario Marchese: We absolutely—I find it objectionable, and most trustees are speaking against it. So it's good to see you say that as well.

From the report on school board governance, on the whole issue of academic achievement—to the purpose with respect to student achievement and well-being, closing the gaps. If you don't close the gap—from the report on school board governance, it says, "If a board fails to comply with the continuum of measures, and if there is no improvement or a continued pattern of decline in student achievement, then the minister may appoint a supervisor for that board, as set out in legislation."

We think they mean to do this. It's not in the bill, but we think they mean to do that. It's objectionable.

Ms. Shannon Porcellini: I think it was actually introduced by a previous minister and incorporated into the Education Act prior to Bill 177—

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

Mr. Rosario Marchese: You find it objectionable.

Ms. Shannon Porcellini: Very.

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

Mrs. Liz Sandals: Thank you very much. Welcome. I'm going to ask you a question that reflects back to what Mr. Matlow had to say—I think you were here—because you've raised the issue of this word "support." He gave an example of the Africentric school, which he had—and you can think—

Ms. Shannon Porcellini: I was there for his—yes.

Mrs. Liz Sandals: Okay, so you can think of a similar situation in your own board—

Ms. Shannon Porcellini: Oh, absolutely.

Mrs. Liz Sandals: —I just happen to know that one. If that was the situation in your board and a constituent came to you and said, "I know you disagreed with this policy, but I'd like to know how to participate," would you be agreeable that it's your job to give your constituent the information about how to participate in the implementation?

Ms. Shannon Porcellini: Absolutely, Ms. Sandals, and actually, that's part of our board policy and our policy governance process. That was developed in conjunction with the community and with community input. In fact, all of our policies go through that.

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

Ms. Sylvia Jones: Shannon, I don't have a specific question, but it was an excellent presentation. Thank you for highlighting the importance of the role.

Ms. Shannon Porcellini: Thank you very much.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Jones, and thanks to you, Ms. Porcellini, for your deputation.

JOSEPH W. CROWLEY
BUS LINES LIMITED

The Chair (Mr. Shafiq Qaadri): I would now invite our next presenter, David Crowley of Joseph Crowley Bus Lines Ltd. Welcome, and we'll have that distributed for you. I invite you to please begin now.

Mr. David Crowley: Great. Thank you very much for having this forum this afternoon. I've been here for a couple of hours, and I find it very interesting.

I am here today on my own nickel. I paid for my own tank of gas up and my own parking outside. I represent a small school bus operation that my father and I have owned for over 30 years, Crowley Bus Lines Ltd. in Norwood, Ontario, just east of Peterborough. We are the fraternity of the people who help get the kids to school so you people can help them, teach them and educate them. We're also the people who get them safely home at night.

My problem here today, or the issue that I have with you folks today, is governance and the governance bill—school board governance. We have a consortium in Peterborough county—I'll try and quickly explain it. Student Transportation Services of Central Ontario is the administrative arm that administrates school bus services for Peterborough and the surrounding regions. Our cheque is signed through the school board, the Peterborough Victoria Northumberland and Clarington Catholic District School Board and also the Pine Ridge Catholic school board. They sign the cheques, we spend the money as operators in our community, and STSCO administers the school bus operations.

The problem that we have, as a company, is that we have had a conflict with the Student Transportation Services of Central Ontario over the past year on the management and operations of our routes and financials. We have tried to mediate with them, to no avail, and we've asked for a governance meeting with the governance committee that has been set up. If I can show you through my handout, on the back page, the governance committee of STSCO is comprised of the board chairs, the directors of the boards and the business superintendents.

This meeting took place on October 1 of this year, the first Thursday of the month, and six people were present

from the three boards. They're listed on my handout: Christine Dunn, chairman of the Peterborough Victoria Northumberland and Clarington Catholic District School Board; John Mackle, the director of education; and Isabel Grace, superintendent of business and finance; and representing the Kawartha Pine Ridge District School Board, Angela Lloyd, chairperson; Rusty Hick, director of education; and John R. Lawrence, superintendent of business and corporate services. There was also one other representative, the director of the French Catholic board, but I failed to remember his name.

What bothers us is that in trying to get a resolution of the contractual issues between Joseph W. Crowley Bus Lines Ltd. and STSCO, we were asked to discuss it with the governance committee. The main concern of this meeting was that STSCO's CAO, Joel Sloggett, acted as secretary, recorded the minutes and influenced the discussion of the issues after our delegation left the meeting.

We are also very concerned that all other members of the committee—seven respected members in our community; directors of education, chairs and superintendents of business—allowed this to happen. We believe that this is a blatant conflict of interest and a blatant conflict of proper governance.

Independent school bus operators in our region are absent any legitimate avenue, with school boards they serve, to resolve disputes with the administrative leg, Student Transportation Services of Central Ontario. This has really bothered me—really bothered me.

It's just by fate that I was reading the Toronto Star one morning and saw the ad for Bill 177, so I thought I would come here and present my concerns.

I have looked over the bill. I guess, over the past two hours I have been sitting in this room and in the next room, there has been a continual theme of needing third party oversight of the school boards. That's what I believe we need. I've heard about extension of the Ombudsman, the Auditor General and the Integrity Commissioner.

It upsets me that seven well-educated people would allow an administrator of a company we have a dispute with to act as secretary and minute-holder of the meeting.

Some other possible solutions, I believe, are proper governance protocol education of all senior board administrators and board members.

If the STSCO model is the student transportation model for the province of Ontario, I would like to see third party oversight of this administration, STSCO, to solve disputes as a liaison between operators and the school boards they serve. We have no credible source, as school bus operators who drive the road every day, to connect in a meaningful way with the person who signs our cheques.

I would also ask that the Ministry of Education immediately institute an independent review of the administrative management of STSCO by the school bus drivers. The school bus drivers, the ladies and gentlemen who start the bus every morning, warm it up, kick the tires and check the lights, have never been asked how

they think the system is going. It has been in existence for five years, and I believe it's time that the people who are doing the work and living with the results of the administration are asked how they think things are going. This has yet to happen.

I guess I'm here today to ask the committee: Who do I, as a school bus operator, talk to if I have a problem? Who do I talk to in Queen's Park to get an answer?

My father and I went through the protocols and, to our great frustration, we have no answers. If the committee could tell me or point me in the right direction of whom I can talk to, whether it is in the ministry or the Auditor General or the Ombudsman or the Integrity Commissioner, I would love to know.

Thank you very much.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Crowley. A minute per side. The government: Ms. Sandals.

1600

Mrs. Liz Sandals: I'm just trying to figure out—you've accused the consortium of a conflict of interest, and I don't quite follow. I just want to make sure I understand. You appeared before a committee that included chairs, directors and superintendents of business and finance for two boards, plus I think I heard you say the director of a third.

Mr. David Crowley: Yes.

Mrs. Liz Sandals: Those would be the people whose money is ultimately being flowed. So I don't understand why this is a conflict of interest.

Mr. David Crowley: We think it is inappropriate that the CAO—

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

Mrs. Elizabeth Witmer: Thank you very much. I appreciate your presentation. I'm not sure this is the forum where the question you have can be answered. I certainly share your concerns.

There seems to be nowhere to go for a resolution of some issues. We heard from a parent today who is concerned about the fact that our students aren't safe in schools. I think it's up to the government. Hopefully they're listening, and hopefully they'll provide some response for you.

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

Mr. Rosario Marchese: David, who is your local MPP?

Mr. David Crowley: Jeff Leal. I'm in contact with Jeff Leal. Like I said, this happened fast. We got the letter back from the—

Mr. Rosario Marchese: What did he recommend?

Mr. David Crowley: I talked to him at 2 o'clock today to say I was coming to the committee. He said maybe the Auditor General, maybe he would contact the chairs—

Mr. Rosario Marchese: Ask him to write a letter for you.

Mr. David Crowley: I think it's a blatant conflict that the person you have a concern with is the person taking the minutes and the secretary of the meeting.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Marchese, and thanks to you, Mr. Crowley, for your deputation and written materials.

ROB DAVIS

The Chair (Mr. Shafiq Qaadri): I now invite our next presenter, Mr. Rob Davis, a trustee. Welcome, Trustee Davis. I invite you to please begin.

Mr. Rob Davis: Thank you, Mr. Chairman. I think I have provided each member with copies of two documents. One is a decision with reasons rendered by Justice Kelly. Another is a very extensive legal opinion that was secured by the Windsor-Essex Catholic District School Board, with some comments about the decision.

As most of you may know, I have not been a trustee very long. In fact, I was appointed to replace a trustee who was removed on May 8, 2008, which was the day after the Hartmann report on trustee expenses at Toronto Catholic. My 17 and one half months on the board would be best described by that old Chinese proverb about a blessing and a curse. They have definitely been interesting. I say they have been a blessing, because I have been witness to some of the greatest acts of kindness, generosity, professionalism and sense of community on the part of teachers, staff, trustees and the greater community, but they have been a curse because I have also had a front-row seat to witness everything that can go wrong on a school board in the province of Ontario.

Please don't take any of my comments as being exhaustive, by any stretch of the imagination, in terms of Bill 177; rather, my comments sort of zero in on a few things that I think are important and are lacking in the bill or that perhaps were not considered when the bill was drafted.

I have a couple of recommendations. I'll rhyme them off and then explain them as I continue my remarks.

(1) If you read through the decision by Justice Kelly and read the legal opinion from Windsor-Essex, you come to the conclusion that my number one recommendation should be adopted: Trustees with relatives on staff should be prohibited from being the chair or vice-chair of a board. It's simple. It's plain as day when you actually read the decision and the opinion.

(2) The province should create an office of integrity commissioner so that breaches of conduct can be heard in a quasi-judicial framework, allowing for the rules of evidence etc., and so that the rules of natural justice can apply, but also so that members of the public can pursue a remedy, should they wish, when there's an issue of integrity.

(3) You should make it mandatory for the director of education to report potential breaches of the conflict of interest act and compel the director to prosecute through the integrity commissioner's office. You need to create a province-wide code of conduct in consultation with

boards. We have a common curriculum. There's certainly nothing wrong with having a common code of conduct so that, no matter where you are, no matter where you live, you're sure about what the trustees are supposed to do.

(4) You should allow electors as well to launch complaints to the integrity commissioner. Under the current recommendation vis-à-vis the code of conduct, there is no opportunity for electors to pursue remedy if they think their trustees have done something wrong. You need to allow trustees and electors to launch complaints even when a board is under provincial supervision, such as we are. Section 219.3.1 is not explicit in terms of allowing that to happen because it's not just the things that you do in operating as a corporate board, but there are some day-to-day things that you do as a trustee that might force you or put you in a position where you violate the code.

One of my last points is that (5) you should create a whistle-blower exemption to section 218.1(d) when a board takes an action that's contrary to the act or any other act. I think Trustee Josh Matlow spoke to that. Bill 177, as it's written, in essence compels a trustee to abide by an illegal act while at the same time compelling the director of education to report that violation. It's a little bit of a subtle but important nuance in terms of what you should do.

At our board, at my very first meeting, I was witness to what I considered to be a breach of the Municipal Conflict of Interest Act by no fewer than three trustees. The matter in question resulted in a \$14-million deficit, which put our board under ministerial supervision. Prior to the vote, during the meeting, I stood up on a point of order—it was my very first meeting—I raised the concern and, notwithstanding my point of order, the three trustees continued to participate in a budget debate and vote which resulted in the \$14-million loss. But in the audience and in front of no fewer than the chair of the board, the chair of the committee, the director of education and ministry staff, who were sent there to monitor the activities of our board because of some of the controversies, not one of them by law was compelled to do anything—to report it, to prosecute, to alert the minister so that there is some action taken. But the taxpayers are out \$14 million.

Now, one of those trustees has been subsequently removed by judicial order and, as I mentioned, I provided each of you with a copy of that decision. The decision is very revealing because, as I said, trustees who have a parent, a spouse or a child working at their respective boards can't possibly act as a chair or vice-chair without putting themselves and their board at risk. I think it's quite explicit. It's a little bit disturbing that the decision was rendered eight and a half months ago, yet the act and the significant changes to the act don't reflect the reality that exists in case law. I think it's something you really seriously have to consider. If we know that you can't act as a chair or a vice-chair and it's going to put you at risk and it's going to put your board at risk, then simply prohibit that from happening.

I applaud the fact that there is a request or a movement towards a code of conduct. As I mentioned, it should be

common throughout the province. The current framework, I think, could provide for two rather extreme outcomes that are unintended consequences. Firstly, trustees will be loath to single out a fellow trustee who has breached the code of conduct. In a political environment where trustees rely on each other for votes and to support policy initiatives that they want to advance, it's an unlikely prospect that a trustee will complain, and if he or she does, it's unlikely that the complaint will come to a successful conclusion. Worse yet, the act envisions trustees voting on financial penalties and removal from committees. Ladies and gentlemen, this is an enforcement provision that would let Tony Soprano get away with murder if he were a trustee.

Alternatively, the provisions also create an opportunity for the tyranny of the majority to flourish where there may be an unhealthy or a poisoned environment among trustees—and such is the environment that I was sort of dropped into or parachuted into some 17 and a half months ago.

In cases of a more serious breach and ones that rise to the level of conflict of interest, I believe that the director of education should be compelled, as I mentioned, to provide the integrity commissioner for trustees with the evidence necessary for the integrity commissioner to make application to the courts to remove the trustee in violation. Our school board is currently under the care and supervision of the Ministry of Education supervisor, and as such, the proposed code of conduct clause would be rendered ineffectual as a trustee would really be unable to launch a complaint for consideration because trustees can't call board meetings. So trustees actually don't have the right the vote, they don't have the right to call a meeting, and therefore, if that board was under supervision for an extended period of time, the breach would simply sit in limbo until such time as the trustees were no longer under supervision, or the board was no longer under supervision. Again, I think it leaves trustees dangling in the wind and it prevents citizens—the electors, the people we serve, the parents and the students—the opportunity to seek a remedy.

Finally, section 218.1 does not provide protection for a so-called whistle-blower. As an example, many years ago Toronto Catholic trustees voted to provide themselves with health benefits they were explicitly prevented from having. In a worst-case scenario, trustees who held a minority opinion, who could blow the whistle on this practice, could in fact be reprimanded, have their remuneration reduced as punishment, or have themselves removed from committees for alerting the public and the ministry officials of this impropriety.

These are just a few points that I wanted to make known to the committee as it deliberates on the bill, and I'm open to answer any and all of your questions.

The Chair (Mr. Shafiq Qadri): Just a few seconds per side, beginning with Ms. Jones.

Ms. Sylvia Jones: I don't have any questions.

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

Mr. Rosario Marchese: Rob, thanks so much. I wish you'd left a couple of more minutes. None of the suggestions you made are part of what this bill is all about.

Mr. Rob Davis: That's the problem.

Mr. Rosario Marchese: That's not just the problem. This bill is about something else. You would think that, given the nature of governance, somehow we would have your issues that you've raised addressed. So I'm puzzled by this bill, I'm offended by the conduct of member school boards, as it is written—

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

Mr. Rosario Marchese: Are you offended by that?

Mr. Rob Davis: Yes, I am.

Mrs. Liz Sandals: Just to make a comment, clearly this bill does not amend the Municipal Conflict of Interest Act, nor is it the intent of the bill to amend the Municipal Conflict of Interest Act—

Mr. Rob Davis: No, but the bill does compel the director to do certain things when certain things happen. What I'm arguing is that in this act, you could compel the director to report a violation of the Municipal Conflict of Interest Act—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Sandals, and thank you, Trustee Davis, for your deputation.

GEORGE PASICH

The Chair (Mr. Shafiq Qadri): I would now invite our next presenter, Mr. George Pasich, to please come forward. Welcome, and please begin.

Mr. George Pasich: Thank you. My name is George Pasich. I've been involved over the last four years in fighting for the rights of my son, who is illegally excluded and illegally expelled. During the last four years, I've contacted the Ministry of Education, the Ombudsman, the Premier of Ontario, a number of people, and I've gotten nowhere. This is my second presentation; I presented at Bill 212, and that was an eye-opener. Once everybody has this, I'll start.

Bill 177: an oxymoron, deceit or outright lies? Under the Education Act, section 58.5, school boards are granted statutory corporate status. They are not accountable to anyone except under special circumstances, as spelled out in legislation. In reality, they are on their own. If they choose not to obey the Education Act, a parent can take them to court, but this is not feasible in most cases. The Ministry of Education is well aware of this flaw. In fact, they use this flaw to avoid dealing with any serious complaints. At the same time, they have declared that there is no formal complaint system to deal with school boards. The case number that I have must be an illusion.

This situation worked so well the last few years that another government body, the Ontario Human Rights Commission, was forced to step in. Eventually settlements with the TDSB and the Ministry of Education were

reached. Although disobeying a statute is a Criminal Code offence, section 126, somehow this prosecution has not happened. Instead, Bill 212 was the result of a settlement with the Ministry of Education.

However, a Toronto Star article in June 2009 indicated that problems still exist, especially the denial of education. Specifically, the Minister of Education was not aware of the fact that exclusions were on the rise, and she felt this was unacceptable. Apparently she was not at an education law event where a Liberal MPP stated that the exclusion clause was “education’s dirty little secret.”

During the passing of Bill 212, amendments to fix the exclusion clause were defeated and an amendment to make school boards accountable to the Ombudsman was also defeated. Even more distasteful was the fact that timelines to have an appeal resulting from a suspension were purposely extended to prevent the appeal from happening before the suspension ended. That wasn’t the same MPP involved, was it?

It is my belief that the Criminal Code has been breached and continues to be breached with explicit knowledge of the Ministry of Education. Excluded students are routinely denied their right to an appeal. Of course, one cannot expect the Ministry of the Attorney General to look at this and deficiencies in legislation, because this actually falls under their jurisdiction.

The reason why school boards must be held accountable specifically in the area of safe school legislation is because the boards are using forced transfers and other illegal actions to deny education. Forced transfers lead to an increased probability that a student drops out. These dropouts pose significant consequences to society. The TDSB’s dropout rate has been hovering around 25% for the past few years, unchanged.

Miraculously, the public has been saturated with news of continuous improvement in the areas of literacy and math. The grade 9 EQAO math results show a stunning 60% provincial fail rate in applied math. The TDSB fail rate is 73% for applied math students. Applied math students represent one third of all students. The Ministry of Education should get out of its illegal justice act, denying legal and due process, and focus on providing education to all students as is the mandate.

In summary, if you really want accountability for the school boards, make them accountable to someone independent of the education system. Even your Mr. Crowley suggested that. Student achievement is the responsibility of the Ministry of Education. Quit trying to pass the buck.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Pasich. About a minute and a half per side, beginning with Mr. Marchese.

Mr. Rosario Marchese: George, thank you. I’m not sure that this bill was intended to address your issue, or could, but there are often failures in the school system. Sometimes we fail many of our students.

It is true that many reports have been done about students who have been expelled or suspended, and a disproportionate number of them have a disability of sorts

and/or are children of colour. We’ve never dealt with that very well. I really do believe that a bill that I introduced a couple years ago, which would force the Ombudsman to have oversight of complaints, would be the vehicle to help people like you, because the current Ombudsman has a great deal of power to be able to get to an issue, make recommendations and make governments accountable. I don’t think anything else would do that.

Mr. George Pasich: And who denied that in Bill 212?

Mr. Rosario Marchese: Well, my bill never had any support from the government, so it’s a bit of a—

Mr. George Pasich: What about Bill 212? You don’t remember the amendment?

Mr. Rosario Marchese: Which was again?

Mr. George Pasich: To have the Ombudsman.

Mr. Rosario Marchese: Ah, gotcha.

But I thank you for coming, George, and I know it’s difficult. Sometimes the answers are not easy to come by.

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

Mrs. Liz Sandals: Well, I guess I’ll just comment that this act, Bill 177, does not deal with the same subject matter as Bill 212. For the record, Bill 212 did amend the exclusion law, the law and regulations around exclusion, and if a student is excluded from a school, the parent does have a right of appeal.

Mr. George Pasich: And when that parent does get the right, what happens?

Mrs. Liz Sandals: Well, there is a right of appeal.

Mr. George Pasich: And when that right of appeal is not given, then what happens? Should somebody be charged, or is there a right of complaint?

Mrs. Liz Sandals: I don’t know the circumstances of the individual case—

Mr. George Pasich: Well, that’s because you won’t talk to me. You’ve been avoiding me for two years.

Mrs. Liz Sandals: —but I did want to correct the legislative record.

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

Mrs. Elizabeth Witmer: Well, thank you very much, Mr. Pasich, for coming here today. It appears that many people are appearing before us today not really to speak to Bill 177, but because they have concerns with the education system and see nowhere else to turn, so they’ve used this as a forum. I’m sorry that you haven’t been able to find any resolution for the problems.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Witmer, and thanks to you, Mr. Pasich, for your deputiation and presence today.

EDUCATION ACTION: TORONTO

The Chair (Mr. Shafiq Qaadri): I would now invite our next presenter to please come forward, Mr. Paul Dudley of Education Action: Toronto.

Welcome, Mr. Dudley, and please—

Mr. Dudley Paul: I’ll just correct the record, please. It’s the other way around. Dudley Paul. Pardon me.

The Chair (Mr. Shafiq Qadri): Oh, sorry. Dudley Paul. Mr. Paul?

Mr. Dudley Paul: First of all, I represent Education Action: Toronto, which is a community-based organization working with educational workers and parents across the city to try to enable them to gain greater access, understanding and a voice in education across the city. I should also just mention, for the record, that I'm a retired principal. So I suppose that must give me some credibility, perhaps, when we're talking about a bill which so demonstrably takes away from trustees' powers, that a former principal might be here to defend them somehow.

1620

In a nutshell, Education Action: Toronto doesn't see how this bill is actually going to improve school achievement, as it says in its title, Bill 177, Student Achievement and School Board Governance Act. Somehow these two terms seem to collide rather than help one another out.

At first glance, Bill 177 appears to be a solution looking for a problem. It begs several questions: Is there widespread abuse of power among school trustees throughout the province? Do they not attend meetings? Are school boards so much more raucous, perhaps, say, than the provincial Legislature that, for example, trustees need to be reined in by the only means possible—a provincially mandated code of conduct? Are trustees generally incompetent, say, compared to provincial MPPs? These appear to be the problems for which Bill 177 looks for a solution.

Unfortunately, the bill is more ominous than it appears. It's fundamentally a bill whose purpose it is, I believe, to restrict powers and impose new obligations on trustees that will be impossible for them to meet. It is the logical next step along the route first set out by the Harris Progressive Conservative government in the 1990s, to decimate local government and curtail citizens' access to decision-making.

Section 4 of Bill 177 sets the stage for this by enabling government to make regulations about the roles, responsibilities, powers and duties of boards, directors of education and board members, including their chairs. This gives the provincial government carte blanche to fundamentally change school boards as and when they see fit. Prior to Bill 177, the relevant section of the Education Act, which is 11.1, referred only to regulations about "schools or classes established under this act." The government could regulate broad, general matters like the establishment or dissolution of a board, could set and change board boundaries, establish procedures for elections and so on. This is a radical departure from previous regulations and, we believe, puts board members under the direct supervision of the provincial government.

To make this perfectly clear, a new section of the Education Act which would be changed under this bill, clause 218.1(d) requires board members to "support the implementation of any board resolution after it is passed by the board" and then restricts trustees' ability to do the work for which they are elected since they must "refrain

from interfering in the day-to-day management of the board by its officers and staff;"—that's clause 218.1(e). Does this mean that trustees will no longer be able to criticize such a resolution for fear of appearing un-supportive? Will they no longer be able to ask board staff questions on behalf of, or advocate for, their constituents? Who will have the power to adjudicate these matters? What problem is so serious that it requires such a remedy?

These two obligations would appear almost humorous if they were not so fundamentally undemocratic. As the current government surely must understand from its time spent there, opposition provides the essential balance to our parliamentary system. Representatives at any level of government must be able to advocate, question decisions, seek information and so forth on behalf of their constituents; otherwise, they are irrelevant. It's not surprising, then, that in a legal opinion sought by Campaign for Public Education, law firm Sack Goldblatt Mitchell indicated in its report that these obligations could trigger a constitutional challenge since they appear to limit the freedom of expression of school board members, contrary to section 2(b) of the Canadian Charter of Rights and Freedoms.

While it's true that there's give and take in all political relationships, Bill 177 seems to take powers away while it provides or gives obligations. The change in the act would say that:

"(1) Every board shall,

"(a) promote student outcomes specified in regulations made under section 11.1;

"(b) ensure effective stewardship of the boards resources;

"(c) deliver effective and appropriate education programs to its pupils;"

Now, here's one problem, and it's remarkable to me that this could actually be appearing in a bill: What student outcomes shall be promoted? What do you mean by "student outcomes"? The bill, I suppose, is going to rely on regulations—which is a scary prospect in itself—to define that. What is an "effective and appropriate education program?" Again, I suppose this will be something the ministry can work out after this bill is passed.

That's been left wide open to interpretation by the government of the day. Requirements of this kind could attract litigation, especially during these times of continual spending cuts, if parents believe that boards have not delivered something, however vaguely promised.

How will a board's success in these efforts be judged? Will the justifiably derided EQAO be the measure of choice to determine whether or not a board has promoted such student outcomes—whatever they are? The tumult that attended the Mike Harris school board amalgamation cum budget cuts cum ministry micro-management was rationalized by Ontario's middling performance on international tests of mathematics and science; a situation that in light of Ontario's diverse population back in the 1990's—and of course, still today—was perfectly normal. The potential for misinterpretation is clear.

What is the consequence if a board does not meet the Ministry of Education's questionably defined outcomes?

Mr. Rosario Marchese: They take over.

Mr. Dudley Paul: Okay. I was going to come to that, but thanks.

The governance review committee in April 2009, recommended a "continuum of measures," and if a board is not meeting whatever those outcomes, based on evidence-based assessments, ultimately a board could be placed under supervision.

Aside from the obvious problem of legislating responsibility for duties performed by someone else—in this case school board staff—this section puts even more focus on teaching to the EQAO or whatever other test of the day might appear. It is not the view of Education Action: Toronto, that the purpose of education is to pass EQAO.

Lest this new obligatory trend be uncertain, section 26 of the bill amends the Education Act 218.1(a) and (c) to require trustees to participate in school board meetings and committees, to which they must bring concerns of the parents. What happens if they fail to bring these concerns? How are they to determine what concerns must be brought and what may be left out? They must attend all meetings. There is an attendance clause in this. As far as attendance is concerned, what constitutes adequate attendance? Is this going to be two meetings, six meetings or three meetings? It doesn't say.

Another objectionable amendment provided by section 26 grants the Minister of Education authority to impose standards of conduct on board members, as well as consequences for breaching them, admonishing them to "maintain focus on student achievement and well-being."

Should a trustee breach the code of conduct, he or she could be censured by the board, docked pay, or barred from committees and so forth. I'm sure you're well aware of it. Sections such as these appear to outline a more stringent job description than those laid out for teachers and administrators. The difference is that teachers and administrators are employed by school boards, while trustees, up until now at least, have been elected.

Trustees, as I say, are elected, not employed by the province. It's interesting, as I've been listening to some of these comments, how rarely the term "elected" came up. But they are elected, I believe.

This fundamental change in the relationship between two elected governing bodies is rather like the federal government holding provincial legislatures directly accountable to meeting some infrastructure goal like, perhaps, highway construction or maybe imposing a code of conduct on them, because sometimes the provincial Legislature gets to be a bit raucous. Sometimes people do the wrong thing and make foolish mistakes to which perhaps attention needs to be brought. Yet it seems to me that in all these cases—particularly listening to the Toronto Catholic board's presentation—something was done about it. There was a capacity to do that.

Who would ever want to be a trustee under these circumstances? I think it would at least be more honest

for the provincial government to eliminate school boards entirely and run them out of field offices. It may be foolhardy, but it would be honest. But then, of course, perhaps, the true underlying purpose of the boards might be lost—to serve as a buffer between parents and provincial government policies.

Bill 177 is, in the view of Education Action: Toronto, a dangerous piece of legislation, as poorly drafted as it is fundamentally undemocratic. It needs to be withdrawn and rewritten to ensure that:

(1) trustees may represent their constituents as vigorously as they have in the past;

(2) they are not given obligations that they cannot meet and which may put their school boards in jeopardy; and

(3) they are not patronized and hampered by rules governing petty aspects of their roles.

If the present Ontario government truly believes that a strong public education system is the foundation of a prosperous, caring and cohesive society, it should address fundamental problems of how schools are funded, as promised when first elected in 2003, rather than emasculating school boards in the guise of improving student achievement.

1630

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Paul, for your exactly timed remarks on behalf of Education Action: Toronto. I apologize for some of the additional sound effects we're having.

THAMES VALLEY DISTRICT SCHOOL BOARD

The Chair (Mr. Shafiq Qadri): I'd now invite our next presenter, Mr. James Stewart of the Thames Valley District School Board, to please come forward. Welcome and please begin.

Mr. James Stewart: Good afternoon, Mr. Chair and panellists. Congratulations two in a row on Bill 177 that I'm going to speak to.

At Thames Valley, we feel the bill is well intended. It's very noble. We're thankful for some of the provisions in it. We're very supportive, as any trustee on this board worth their salt will do anything they can to move public education forward.

We agree with part of the descriptions of roles and responsibilities. As far as code of conduct is concerned, you've heard a lot of discussion here today, but we have our own code of conduct. Essentially our opinion is what's good for the goose is good for the gander. So if trustees are going to have their own code of conduct and we're going to be the guinea pigs and it's going to move on through the rest of the elected people in the province, then we're fine with that. We feel a little isolated that it's just trustees and not city councillors. I don't think that breaches of code of conduct are specifically the domain of school boards as opposed to city councils, at least not in the papers that I read.

It may come as no surprise to the people who drafted this regulation and this bill that school boards are not happy. That's not meant to be a surprise, I don't think, because it does diminish the role of a school board. If the intention at Queen's Park is eventually to move towards no school boards, I think you're well on your way. The question is whether for the sake of public education that is the way to go to serve public education and to serve students.

As trustees, we know already because the amount of money and policy that's allotted from Queen's Park—a tremendous amount of our budget and a tremendous amount of our money is already predisposed at Queen's Park and we have very little autonomy at the school board, but we still manage the very best we can.

I'm concerned, and my board's concerned, that as we move forward, there are a lot of difficult decisions coming for education. We at Thames Valley have closed about 18 schools. It's very contentious. There's lots of change. There's lots of difficult decisions coming. Our sense is that those decisions—we're not sure, but we don't think anybody in this building wants to vote to close a school in their own district. That has been the domain of school board trustees. It's probably the most difficult thing in politics.

I voted to close my children's high school last year. I sat in front of some parents of 100 students in school this week and they asked me why their school was closing. I explained to them, and when I got done explaining, I realized that most of it was provincial policy. Facility is approved at Queen's Park, money is approved and staffing is approved. The provincial benchmarks are negotiated at Queen's Park.

My message for the committee here is—and I spoke with the minister earlier this week—we realize that each organization has to stick to its shared—we have to share the competency. There are things that can be done at Queen's Park that are done more competently here as opposed to being done in a smaller organization at school district level. I think that the answer for the students at the small schools is—I'm almost to the point now, and I guess after the next election and this legislation goes through, it's going to be very easy to blame the provincial government for all the bad news in public education.

School boards aren't important here; what matters here is student achievement. We do our very best for these kids because it's a tough old world going forward. Our fear is the important innovation, the invention, the collaboration, the things that we've seen across this province that have really made a difference haven't started at the upper bureaucratic level. Whether it's e-learning, safe schools, audit committees, anything like that, they start in smaller organizations and they're adopted by the larger organization. The province has done a great job at funding safe schools and taking that innovation and moving it province-wide.

We see that there are dual roles and dual responsibilities here. The challenges ahead for education: I think that the smaller district boards—and I realize you

have some big district boards and I don't want to paint everybody with the same brush, but the kids need that and the future's going to need that.

I think it's beyond dispute that the minister is the boss of education in the province; any trustee worth their salt knows that. The whole issue about supervision or not supervision—we have to pursue the act, pursue the regulations and we have to do our best for kids, and any trustee who doesn't do that, or any board that doesn't do that deserves the wrath of the minister or whatever the applicable legislative regulation is. So I think that that may be a little unsettling in the regulation, but at the end of the day it's beyond debate: The Minister of Education is constitutionally responsible for education.

I just want to say to the government and to the drafters of this legislation, we're thankful for the good parts of it; we have concerns about the others. We're not speaking as trustees—because if we thought we could help the kids, we'd all resign as trustees tomorrow. It's not about trustees; it's not about boards of education. It's about getting it right.

We want public education to prevail—it has had its challenges in recent years—for the health and safety of our kids and our futures.

I'll conclude by thanking the panellists and the committee members who are pursuing this and doing all they can for public education, because the board of trustees and all trustees in this province are very thankful for that.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Stewart. About a minute or so per side, beginning with Ms. Witmer.

Mrs. Elizabeth Witmer: Thank you, Mr. Stewart. I would agree with you that closing a school is never easy, but I remember closing many when I was chair of a board.

I appreciate your coming forward and pointing out there are some good things about the bill and other things, obviously, that need to be challenged and changed.

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

Mr. Rosario Marchese: Thanks, James. I know you said some kind words about the bill, saying it's well-intentioned and it's noble, even—I don't know how you found that word—but I think it's one of the worst pieces of legislation that I have ever had to deal with.

After reading this bill, do you think there is any role left for trustees, as elected members?

Mr. James Stewart: I think it's diminished, but at the board we're still going to find a way, because that's just the nature of the beast. The role for trustees, after this legislation, is just to find new ways, innovation, invention; provide a positive working environment. It's going to be harder and harder to find a reason to be a trustee, but I'm sure there are lots of people who are still going to endure and still going to pursue it.

I think this needs to be reconsidered over the long term. This has to stand the test of time. We can't look at things in the narrowest possible terms, in the next couple of years. If school boards are on their way out, then that's fine. I'm here, and I'm naive, and maybe that's the way it's going to be—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Marchese, wherever you are, and to you, Mr. Stewart.

We'll now move to the government side. Ms. Sandals.

Mrs. Liz Sandals: I think we have substantial agreement here. Closing schools is the hardest thing I've ever done as a politician—some before, when we had taxation rights, and some after. I too have closed a school that my kids went to.

You mentioned that your local board has a code of conduct, and the legislation allows you to keep that. I wonder if you could tell us what's in your code of conduct.

Mr. James Stewart: I don't have it in front of me, but—

Mrs. Liz Sandals: For example.

Mr. James Stewart: We actually have a code of conduct, and then we have our board bylaws. But essentially—and forgive me for not being a detail guy—it is all the principles of conduct, of integrity. You're there for the kids. You stick to the rules of governance.

I realize some boards are broken, and I don't know whether this is going to fix it, but we at Thames Valley work very hard on governance and on trustee professional development. We are a large board so we have the luxury of that; I think we're the third- or fourth- or fifth-largest board in the province.

I understand the concerns. If you've got some trustees and some boards out of control, maybe this is what you need. You've obviously got some city councils too. Maybe this is a good example to set province-wide and paint everybody with the same brush.

Mrs. Liz Sandals: Ah.

Mr. James Stewart: Well, I mean—

Mrs. Liz Sandals: Sorry, that wasn't at you. That was at the noise.

Mr. James Stewart: I'm saying that in isolation; it looks like the trustees can't rein themselves in.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Sandals, and thanks to you, Mr. Stewart. Once again, I apologize for the antics back here.

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JUSTICE FOR CHILDREN AND YOUTH

The Chair (Mr. Shafiq Qadri): I'd now like to invite our next presenter, Ms. Mackinnon of Justice for Children and Youth, to please come forward.

Interjection.

The Chair (Mr. Shafiq Qadri): Yes, we'll distribute that for you. It's fine. Thank you. Please begin.

Ms. Martha Mackinnon: Thank you very much for the opportunity to be here.

I wanted to start by saying that this bill, Bill 177, contains, I think, one of the single most important improvements in the Education Act that I have seen in my lifetime, and I'm older than I care to admit.

Mr. Rosario Marchese: This bill?

Ms. Martha Mackinnon: Yes. One of the characteristics of it is the single best improvement that I've seen.

Something that has always puzzled me is that exceptional students who are identified as having special learning needs have long had the right—as they should have had—to appropriate programs and services. But there was never a right to education for the unidentified student; they had a right to go to school. This bill says that one of the central core duties of trustees and of school boards is to ensure effective and appropriate education for all students. That is, to me, a thing that is unarguably an improvement and a wonderful thing.

A second thing that I think is part of the trend of today that I am strongly supportive of is the notion that boards have audit committees. I think most levels of government and of non-profit entities are finding it beneficial for themselves and for others to have audit committees.

Those are my huge, general reasons to be strongly supportive of much of Bill 177. Justice for Children and Youth looks at things entirely through the lens of how it will affect students and, therefore, we do have some suggestions for what we believe would be improvement.

I thought I'd give you the first example first, which is that the bill would amend the legislation to say that what education is, what its foundation is and what it's about is to help create a prosperous, caring and cohesive society. One of the observations of my office over the last five or 10 years is that our society and, in particular, our school societies are becoming less tolerant of dissent and of vigorous debate, yet schools are, in fact, supposed to be creating a climate where people learn critical thinking and can debate.

I looked up the word “cohesive” in three dictionaries, and in each of the dictionaries I happened to grab from my office there was some notion that the word cohesive includes the idea of “united” or “unified” or “consistent.” I am concerned that that word, which sounds sort of like motherhood—why shouldn't we have a sort of cohesive society?—could be used to stifle dissent. I've made suggestion for a change, which would be something that, to me is, uncontentious, but I leave in your hands, which is that it is civil society that we want even more than a cohesive one.

I am, again, delighted to see that school boards would be required to have multi-year plans, but I was surprised that there is no ministerial oversight of those plans. Again, comparing to the special education world, school boards have been required to have special education plans for years and to submit them to the minister. The minister doesn't approve or disapprove, but the minister can require changes if they don't meet the provincial objectives. I would suggest that the same structure ought to be in place for multi-year plans to ensure that school boards are moving hand in hand with the Ministry of Education in improving the outcomes and goals for the students of Ontario.

Again, I have a technical suggestion on codes of conduct. The legislation, as currently drafted, does not make it clear whether the very trustee whose behaviour is being challenged is allowed to participate in, vote on and investigate himself or herself. Again, I don't know

whether that's technical, but I would suggest that it ought to be changed.

The last point I'm going to make before I allow members of the committee to question me is that I think it is critical for all people to have sections—I think the code of conduct is a good idea. We've had one for students; we've had one for everyone on school property. I don't see why there shouldn't be codes of conduct for trustees as well. As you in this room, in particular, all know very well, one of the hardest things for an educator to explain to students when they get back to school—after a no doubt diverting visit to Queen's Park—is why the people here are allowed to behave so much worse than they are in school.

With that unpleasant note, I will end my presentation. I have distributed enough copies. Sadly, given the lead time, it's not bilingual, so I apologize for that.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Mackinnon. About a minute or so per side, beginning with Mr. Marchese.

Mr. Rosario Marchese: Martha, thank you. I have a great deal of respect for your work, I really do, and I agree with most of everything that you've ever done or said in this place, except—

Ms. Martha Mackinnon: Except today.

Mr. Rosario Marchese: Except today, yes. I understand your point about the whole idea of the purpose—and I think, by the way, this bill is about the purpose, not the first two parts but the third, which has to do with closing the gaps.

How much time do we have, Chair?

The Chair (Mr. Shafiq Qaadri): You have 30 seconds.

Mr. Rosario Marchese: This responsibility of closing the gap is on the shoulders of the educational system, on teachers and trustees, directly and indirectly. It's not on the government to provide for the class differences that we have in society, for poverty differences, for dealing with issues of race, for that matter, although they could and should. But in terms of mental illness, in terms of special ed, a lot of these teachers need support. It can't be something the teachers alone can do.

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

Mrs. Liz Sandals: I'm just reading this really quickly. I'm looking at section 6, on pages 5 and 6, and—thank you—you've made some recommendations of a technical nature around how to administer a code of conduct. Can you quickly tell us why or how in a summary?

Ms. Martha Mackinnon: Well, I had thought that the purpose of the legislation was to ensure that you can't hide if there is an allegation of improper conduct that's in breach of the board's own rules or, I would suggest, in breach of the statute—because at the moment, breaching the statutory duties wouldn't count. That was one thing I assumed was just a technical oversight, but I didn't do the drafting, so I don't know.

The next thing is, having investigated, I understood that the purpose was for supporters to know; otherwise, it

couldn't affect their votes the following time. You couldn't say, "Someone has been in breach of our principles."

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Sandals. To the PC side: Mrs. Witmer.

Mrs. Elizabeth Witmer: Thank you very much, Ms. Mackinnon, for your advocacy on behalf of children and youth. I look forward to reading your submission a little more thoroughly.

Ms. Martha Mackinnon: Yes, I'm sorry it wasn't here earlier.

Mrs. Elizabeth Witmer: No, it's okay. It's a lot to do in one afternoon.

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

Ms. Martha Mackinnon: Thanks for the opportunity.

TORONTO AND YORK REGION LABOUR COUNCIL

The Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward, Mr. Cartwright on behalf of Toronto and York Region Labour Council.

Interjection.

The Chair (Mr. Shafiq Qaadri): Yes, we'll distribute that. Welcome, and please begin.

Mr. John Cartwright: Good afternoon, ladies and gentlemen. The Toronto and York Region Labour Council represents 195,000 women and men who work in every sector of our economy in Toronto and York region. We have affiliates from the education unions who are in the public and Catholic boards, both in Toronto and York region. Of course, we see the incredible difference between boards that are in decline and boards that have tremendously fast-growing populations of school-age children.

This council has been intentionally involved in the issue of publicly funded certainly for more than the last decade, starting with the forced amalgamation of the Toronto board; the imposition of a provincial school funding formula, which was clearly inadequate for the task at hand; the fight around democracy for our school boards with the provincial takeover of the Toronto school board, Hamilton and Ottawa; presenting to the Rozanski commission on the issue of what the funding formula should look like in the future; and dealing with the very real issues raised by Julian Falconer's report, looking at the violence and racial profiling equity within our board.

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Our main concern with Bill 177 is the issue of democracy. The bill sets out very broad regulatory power, which means that many of the real implementation issues that are covered under the bill are going to be set up by regulations that will not be subject to public scrutiny.

The main area that we think is of concern is the limitation of the role of trustees. The fact is that, in these number of years, school trustees have had to have

incredible courage to speak out about issues affecting the children and adult learners in their school boards and affecting their communities and challenging, in some cases, the wisdom of the provincial government.

I've only handed around one piece to you, and that is an ad from 2002 put out by the provincial government at the time. It was lambasting the school boards of Ottawa, Hamilton and Toronto for their refusal to gut publicly funded education in their boards, to gut the kinds of things that had the province's auditor Rosen come in and say it was outrageous what they were spending on everything from books to labs to arts and swimming programs and instructions. That was the wisdom of the provincial government of the day.

The current government, of course, suggests and stands proudly to say that that's not their vision of publicly funded education. They believe in a very different view of publicly funded education. However, when you look at Bill 177, the censuring opportunity to take trustees who are speaking out on behalf of their constituencies, whether that's on funding, shutting programs and demolishing playgrounds in the past, equity, issues of racism and gender discrimination or achievement of working-class kids—the opportunity for those strong and courageous voices, whether or not they're challenging provincial dictate or, in fact, the majority of other trustees in a board, is crucial in a democratic society.

We are very concerned about Bill 177 and the potential for this to be misused. Whether that be by the current government—and we have tremendous respect for the intent of the minister and the current government on education—or a subsequent government, it's no accident that the crisis in our schools some years ago came from a funding crisis. Just last week, the Minister of Finance announced a \$24.5-billion or \$25.4-billion deficit that the province is expecting, and we expect to see yet again another funding crisis visiting in our schools, as are municipalities.

So there will be a very difficult series of decisions being made in the future around what is a legitimate role of school boards in our changing society and what are the very difficult funding decisions and policy decisions that must be made in our changing society. Of course greater Toronto, not just the city of Toronto but all across the GTA, is the destination of choice for the vast majority of immigrants to Canada. Their children are entering schoolrooms that have to change literally monthly because of the nature of who we are as the people of the GTA.

Our education affiliates will talk in more depth about their concerns of the use of standardized testing and how that provides the yardstick for the action of the ministry or the minister to intervene in the role of school boards. That's not an area of expertise that our council has, but we would say we would also have a concern about that.

Looking at my own daughter's grade 6 testing when she was taking it back many years ago, just as standardized testing came in, as somebody who excelled and was an honours math student in grade 13, I had difficulty

answering some of the questions because of the difficult way they were posed. We still have some real concerns about teaching to the test, about the misuse of standardized testing and how that might distort the outcomes in the allocation of resources within our board.

In summary, we agree with the concerns raised by the Toronto Star in its editorial just in the last few days about the impact of this bill on democracy, on the ability of trustees to speak truth to power and on the possible distortion of the mandatory school testing in relation to the role, then, of the minister or the ministry in intervening in the democratic access of the schools. It's unfortunate that this bill is in front of us with the recent cloud of the Toronto Catholic board fiasco, but I urge you to cast your mind back to some of the very difficult challenges facing trustees and the Ontario government in years past to understand why our concerns are deep-seated and why we believe that in this kind of a society, everybody must have the ability to bring forward their wisdom and act accordingly.

The Chair (Mr. Shafiq Qaadri): Under a minute per side. Mrs. Sandals?

Mrs. Liz Sandals: Yes. The purpose of Bill 177—or at least, in Bill 177 for the first time we have a purpose clause. One of the things that the purpose clause talks about is enhancing student achievement and well-being. I think one of the things that has come up for discussion is how we recognize well-being. Have your members given some thought to how we would recognize not just the student achievement side but the well-being side as well?

Mr. John Cartwright: Yes. In fact, we have significantly. It's interesting because in this document the government of Ontario said that they were taking over school boards because they weren't upholding their role in student achievement, so—

The Chair (Mr. Shafiq Qaadri): Thank you, Mrs. Sandals. To the PC side.

Mrs. Elizabeth Witmer: Thank you very much, Mr. Cartwright, for your presentation.

The Chair (Mr. Shafiq Qaadri): Thank you, Mrs. Witmer. Mr. Marchese?

Mr. Rosario Marchese: Thank you, John. I want to speak briefly to the issue you raise, and that is the issue of democracy. What typifies this bill is the code of conduct, and I think this is one of the most useless bills that I've ever seen, one that diminishes trustees unlike anything else I've ever seen. When they describe the code of conduct as, "attend and participate in meetings"—it's silly, "to attend and participate"; "consult with parents," which is what they do; "bring concerns of parents" to the board; "support the implementation of any board resolution," meaning they're elected but they can't disagree with anything the board passes; and "Refrain from interfering in the day-to-day management of the board." Doesn't that take away everything that a trustee could or should do?

Mr. John Cartwright: In particular, those last two points are very, very disturbing, that a majority of a board could censure and in fact dock the pay and income

of trustees if they were in a minority and that the ministry could use those issues in order to come back on a trustee—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Marchese, and thanks to you, Mr. Cartwright, for your deputation on behalf of Toronto and York Region Labour Council.

ONTARIO SECONDARY SCHOOL
TEACHERS' FEDERATION,
DISTRICT 21, HAMILTON-WENTWORTH

The Chair (Mr. Shafiq Qaadri): I now invite our next presenters, Ms. Mancini and Mr. Marco of the Ontario Secondary School Teachers' Federation of Hamilton-Wentworth. Welcome and please begin.

Mr. Anthony Marco: I'd like to convey Ms. Mancini's regrets. She is the president, I'm vice-president of OSSTF, District 21.

I'd like to thank the committee for the opportunity to make this submission on behalf of the OSSTF, District 21, Hamilton-Wentworth. I apologize in advance, being an English and drama teacher, for reading because if I went extemporaneous on this it might take me 10 hours, much less 10 minutes. I'm trying to refrain from going on too long.

With the term "student achievement" ready to be cast in stone, or at least the Education Act anyway, as a key goal for all students, education workers and now trustees across Ontario, one should have a concrete definition in order to set goals and know the potential risks for job performance.

What, then, is our clear concrete definition of student achievement? I suppose one could, if they wished, look to the Education Act and find what the Ministry of Education has deemed student achievement to be. After all, when Bill 177 passes, school boards will be able to be taken over by the ministry. Locally elected trustees could be denied their abilities to represent their constituents. You would think the trustees and municipal voters across the province might like to know what standards they are being held to. But, alas, no such definition exists in Bill 177.

In lieu of a provincial definition, perhaps local school boards could define their own parameters for student achievement in a clear, concise manner so everyone could easily get on board. After all, the term is plastered all over school board websites and PR materials while becoming the blanket defence for every questionable action a board takes. If they close a program or a school, if they add fees for specialized programs, if they seek to segregate students by gender or ethnicity, it's all under the guise of student achievement. Surely they must have a working framework to define the term, yet it's nowhere to be found.

In lieu of a concrete definition, which, one thinks, should be required for a term that attained ubiquity across Ontario's education system, perhaps a teacher is expected to cobble together some sort of amorphous metric of

what student achievement is on an individual basis. I've been told for years that a diploma is important, so let's include that piece. I've been sold on the corporate stock ticker stats of EQAO scores, so we'll assume those are important too. I could throw credits in there as well, but credits are a subset of the diploma, so we'll assume you can't have one without the other. And while EQAO was originally a subset of graduation as well, the ministry has found ways around that, so we must consider it on its own.

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In reality, then, if we are to parse down student achievement for the purpose of this ministry and this bill, we are left with two things: a diploma and EQAO scores.

To test any definition, one should reach for the parameters and exercise the tolerances that constitute it. For instance, if a diploma is our first indicator of student achievement, doesn't that mean a student with 10 or 20 marks of 50% on the way to a diploma has met the criterion? Are grades even relevant any longer, or have credits been reduced to pass/fail? Is a student with 20 credits at 50% someone who has achieved? If so, the Ministry of Education can incorporate a very simple baseline into this standardized definition. But the ministry always said that a level 3 or a mark in the 70s is the provincial expectation. Does it make sense, then, that a student can achieve by getting a diploma, yet not meet the provincial expectation? It's quite unclear as to which direction the ministry wants to go with respect to including credits in any standard definition. If accumulated credits become suspect, then doesn't that make the resultant diploma suspect as well?

Credits aside, EQAO scores must surely be an indicator that can fit into the "student achievement" definition with little to no fuss. We should simply be able to assume that passing the EQAO tests must be good enough to constitute achievement. We should be able to assume that, but we find it difficult to do so because, I can tell you as a teacher, EQAO tests are insulting to my profession.

The Education Quality and Accountability Office, by its very name, suggests educators are not doing their jobs. At some point in recent history, someone at the Ministry of Education became convinced that teachers educating students and evaluating their work by attaching a grade and associated skills wasn't good enough. Surely teachers couldn't be trusted with education, and there had to be a way to tell if students weren't really getting the education they deserved.

There's a subtle irony in that the EQAO evolved out of fears of inconsistency about education in Ontario. The selfsame EQAO scores which now prompt visions of administrative career advancement under the guise of student achievement goals have prompted fear on behalf of education workers in Ontario about the state of education.

And so we've come to the real crux of the issue: In talking of student achievement, very rarely does one speak of education. People talk of scores, stats, credits,

diplomas and, in the end, far fewer people are concerned with a student's education than a student's stat sheet. I'm not a math teacher, but two simple equations are clear to me: Achievement does not equal education, and data collection does not equal learning.

I was incredibly disheartened, though not very surprised, upon perusing a draft of the proposed Learning for All K-12 document that came across my desk a couple of weeks ago. While I've never been a fan of Deming's disciples of education that formulated the effective schools movement's learning communities and backed No Child Left Behind in the United States—and this draft document is rife with their quotations—at least they spoke of education and learning. Yet in the document, the ministry has chosen to place their achievement agenda language side by side with these sources as if to co-opt their credibility. We cannot make achievement equal education by proximity of words on a page. Achievements are trophies earned at the end of a process; education is the process. To place more importance on the trophy than the process is demeaning to all education stakeholders.

Education workers are providers, mentors and facilitators of education. We are not stockbrokers trying to maximize a student's EQAO number so we can buy low and sell high. We don't treat student learning as graphing points; we view it as a process. We are loathe to reduce a year's worth of dedicated curricular efforts to help educate students down to a data-inspired administrative mandate of, "Let them redo one assignment so that you can let them pass this course."

Finally, and perhaps seemingly contrary to the tone of my submission to this point, while we don't really see a need for this soon-to-be enshrined undefined term of "student achievement," we are actually all for students meeting whichever nebulous definition of "achievement" is the order of the day, as long as it's measured on the back of true learning and real education, and not at the expense of it.

I'll take any questions.

The Chair (Mr. Shafiq Qaadri): Thank you. A minute per side, beginning with Ms. Witmer.

Mrs. Elizabeth Witmer: Thank you very much. We've had a few people come in front of us today who obviously are looking for the definition of "student achievement," and it's rather concerning.

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

Mr. Rosario Marchese: Thank you for the great presentation. I would bring you to the purpose on page 1: "All partners in the education sector have a role to play in enhancing student achievement and well-being, closing gaps in student achievement"—which you didn't speak about—"and maintaining confidence in the province's publicly funded education system." It's about closing the gaps in student achievement. Not only do they not define what student achievement is—except that we know it's defined by EQAO test scores at the elementary level and secondary level as well; and of course staying in school

and getting your diploma. But closing the gap is the real purpose. That's really what this is all about.

What do you have to say about how you have the sole responsibility of closing the gap between those who do well and those who don't?

Mr. Anthony Marco: I wish I could say that I knew how to close the gap, but I don't know what student achievement is. I don't even know for sure that it's EQAO. No one has told me that. So it's going to be very difficult for me to do my job and close the gap if I don't know what the gap is, how it's identified or what the system is that works behind it.

Mr. Rosario Marchese: Thanks.

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

Mrs. Liz Sandals: You mentioned the whole issue of whether or not we should look at credit accumulation, but I wasn't really clear whether you were suggesting that that would be a good thing to look at, because it does, in fact, measure incremental progress along a continuum.

Mr. Anthony Marco: What I'm trying to say here is that there is a lot of pressure—and I can speak directly from my experience in the Hamilton board—that is being passed down from this ministry right now through superintendents and through principals to improve scores, to improve graduation rates. At its face, I think that's admirable, but I think, at the end, where it's being done when it hits the classroom teacher, it ends up being, "Make these kids pass no matter what." That's the message that we're hearing back at our council meetings every month when I sit there as an OSSTF representative.

The pressures that are being downloaded upon teachers have little to do with curriculum or actual success anymore; it has more to do with, "Get that 50% for them no matter what you have to do. If it means they get to do this assignment late, get them to do the assignment late."

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Sandals, and thanks to you, Mr. Marco, for your deputiation on behalf of the Ontario Secondary School Teachers' Federation of Hamilton-Wentworth.

JOHN DEL GRANDE

The Chair (Mr. Shafiq Qaadri): I would now invite our next presenter, Trustee John Del Grande, to please come forward. We'll distribute any materials you have, and I'd invite you to please begin now.

Mr. John Del Grande: Thank you. I'm here as an individual trustee of the Toronto Catholic District School Board. I've been a trustee since 2003.

When you sort of take the face of the legislation—my board has already put together a submission, and by me merely being here, I can almost be deemed to be going against the board resolution, because they passed a motion to bring forward a submission here and I'm bringing my own. It's just one of those unintended consequences of the legislation that we need to consider.

When I originally signed up for this job, the job paid \$5,000 and I signed up for it. There's no denying that

output equals compensation, as there is obviously a limit to volunteerism. I figure that the school board is about setting strategic direction, budgets, relaying global concerns up and bringing your outside experience in your role as trustee into this realm. I quickly realized that trustees are advocates, policy-creators, juries, watchdogs, mediators, deal-makers, assessors, ombudsmen and strategists. Most trustees themselves are not educators.

We've heard of trustees inspecting roofs and parking lots while others stay barely awake at meetings. I heard this legislation's about role definition, and role clarification is good, but it has got to be put in writing. It gets back to theme of the legislation, which says, "Wait for it; it'll be in the regulations later."

I've submitted my recommendations based on Bill 177. I've kept my recommendations mainly to the items germane to the amendments and additions presented within the bill, but as you can imagine, the opportunity for improvements and further additions is vast.

I've presented 11 recommendations on paper, ranging from themes of transparency, rule of law, democratic process and parent and electorate respect, which I think are sometimes missing. I'll leave the majority of comments to those other issues for people who have already been here this afternoon and defer to that expertise. Good legislation is set regardless of the government of the day. This is why we need to have a long-term vision and have a complete bill, which this bill, unfortunately, does not hit on.

I want to steer my comments today at the crux of the issue, in the sense that many parts of this legislation seem to be rushed to get something in the act and then add to it later through regulation.

As school boards have become amalgamated over the last decade, the role of school boards has become more divested in business functions. Some of the largest school boards have under their realm tens of millions of dollars in property value, thousands of employees, budgets in the hundreds of millions a year, not to mention the tens of thousands of students they're responsible for educating. Our board itself has a budget just shy of a billion dollars. It sort of puts the eHealth budget in perspective.

There's no denying student achievement—our educators try to do the best they can in the classrooms. When boards manage hundreds of millions in properties, a sizable labour force and the health and safety of our thousands of students under their care, the crux of this bill is that governance hasn't effectively dealt with those issues, other than restricting board debentures. At the core, modernizing the Education Act covers such broad topics as accountability of entities and people to governance and accountability.

One has to question the real agenda. We still need to enshrine transparency and parental and student rights. The gorilla in the room—although this legislation was pieced together before some of the antics there—is the Toronto Catholic District School Board. Things don't happen overnight, and they didn't happen overnight; they happened over a period of time. I, for one, as with the

majority of trustees, didn't get booze and vacations. We were granted many expenses that were not quite expenses but were a casualty of trustees trying to exert control for their local needs. Policy and governance is the issue, and it is not addressed. The name of the act includes "governance" as well as "student achievement," and governance is not addressed.

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We need provisions for automatic bylaw or policy reviews every set number of years. Our board probably at one point had policies dating back to the 1950s. The Education Act needs to be about parameters and mandatory controls. This doesn't truly modernize governance. It's a very subdued approach and only provides language.

The concern, and it's echoed by many, is that trustees themselves are becoming agents of the Ministry of Education. Our board has been under supervision now for 16 months, and one could say the reason we came under supervision is that we didn't have our governance right. Well, 16 months later, governance hasn't been fixed on our board. This act will not fix governance on our board.

On the surface, it seems to be about command and control, reasons to keep boards on short leashes, and it gives the government an out to blame the local decision-maker although they hold all the purse strings. No other level of government puts in the hands of cabinet roles for other government layers. One supervisor of our board related that the expectation was to have trustees maintain the quo of a unity of cabinet. Well, trustees are locally elected, and that doesn't ring well.

If, for example, the demand from the ministry was to use our resources well, which seems to go along with "Now it's okay to close your schools," a directive could come down through provincial interest regulation and say, "Wipe away your excess capacity." No doubt space utilization is an important issue, but these community hubs actually increase success for the child. Mega schools may not be in their best interests. Being on a bus for an hour may not be in the best interests of the student. Not being able to participate in after-school activities and parents not being local for meetings is also not in the best interests. It goes against the principle of the bill. Local respect and dollars seem to be missing. There are more things coming from central. Our board had some world-renowned programs that were being done because we had local control. Those things are probably gone tomorrow.

The code of conduct is an issue that continues to come up. What's missing is a statutory requirement for all trustees and officers to act on breaches, frauds or conflicts that they are witness to or that come to their attention. Again, another unintended consequence of this is having to support more resolutions.

The supervisor of our board shut down the Arrow-smith program. As trustees, we stood up for these parents and technically, by the letter of the law of this bill, we would be found to be guilty because we were going against a board motion, which was to shut down the

program. In the end, the program got reinstated, but what it does is silence criticism, even if it's wrong.

We had the example of trustee benefits at the Toronto Catholic District School Board. When that motion went forward, I wasn't at that meeting, and I was one of the only ones to voice opposition. What would my punishment have been?

One of the other unintended, or maybe intended, consequences of this bill is more supervision. Ontario hasn't balanced its budget; maybe the feds should come send a supervisor here. The provisions speak about additional causes of supervision, particularly those of the provincial interest regulations. The board of trustees already has limited powers. It's always easier for one person to come in and set direction. Like we said, the supervisor can come in and do things, but the board of trustees can't do those things. The supervisor can meddle in the day-to-day affairs, but trustees are told not to meddle in the day-to-day affairs, so of course it's always easier for the supervisor to come in and set different things. That again comes back to my theme that governance is not fixed.

The public needs us now more than ever. I hope, especially to members of the government side, that some of the amendments that are suggested today will make it into the final bill.

The Chair (Mr. Shafiq Qaadri): Thank you. We have less than a minute per side, beginning with Mr. Marchese.

Mr. Rosario Marchese: Thank you, John. There are two snitch clauses here: one that permits you to snitch against somebody and the other on page 14 that says the director can snitch on any board member. Do you have a comment on that stuff?

Mr. John Del Grande: Well, I think we need to have a third party look at that because obviously, as happened in our board, trustees were reluctant to snitch on one another because you obviously want to get your things forward, move ahead in your community, so there needs to be a third party arm to do that. As it's laid out today, it will not be effective. It'll again just keep people silent.

Mr. Rosario Marchese: On page 2: "The Lieutenant Governor in Council may make regulations governing the roles, responsibilities, powers and duties of boards, directors of education and board members, including chairs of boards." What do you think about that?

Mr. John Del Grande: The Education Act is what people look for to be the bible, so to speak. These regulations could come from anywhere, although they have suggested that, "We'll consult widely on it." That could be the—

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

Mrs. Liz Sandals: No questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Sandals. Ms. Witmer?

Mrs. Elizabeth Witmer: Thank you very much, Mr. Del Grande, for your excellent presentation. I appreciate the detail you've gone into and also how thoughtful your

presentation is. Recommendation nine: I see you are totally opposed to supervision.

Mr. John Del Grande: Supervisors don't fix the root problems of boards, and they actually take away from the public at the end of the day.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Witmer, and thank you, Mr. Del Grande, for your deputiation.

LINDA WARD

The Chair (Mr. Shafiq Qaadri): I would now call forward Trustee Linda Ward. Welcome, and please begin.

Ms. Linda Ward: First of all, thank you for allowing me to present on this very important piece of legislation. I am a trustee of a Catholic school board here in Ontario. I have heard many concerns and suggestions regarding Bill 177 from a number of trustees and also from many friends and relatives of mine scattered across Ontario. Their comments will be incorporated into my presentation. I am here as an individual; I'm not representing my board.

I will start with the first part of it, and that's section 1, where it's indicating "a strong public education system." I would ask that that be changed to "four publicly funded school systems" in recognition that there are four different systems offering a strong educational foundation for a prosperous, caring and cohesive society.

The next item is under "Purpose of education," and we certainly agree with the strong purpose of education. I will point out what the Ontario Catholic school boards put together: the Ontario Catholic School Graduates Expectations. Under those expectations is "a discerning believer formed in the Catholic faith community," and one of the examples would be "respects the faith traditions, world religions and life-journeys of all people of good will."

Under "Effective communicator," one of the indicators is "presents information and ideas clearly and honestly and with sensitivity to others"; as a reflective, creative, holistic thinker, "thinks reflectively and creatively to evaluate situations and solve problems"; as a self-directed, responsible, lifelong learner, "examines and reflects on one's personal values, abilities and aspirations influencing life's choices and opportunities"; under "a collaborative contributor," "achieves excellence, originality, and integrity in one's own work and supports these qualities in the work of others"; under "a caring family member," "values and honours the important role of the family in society"; and as a responsible citizen, "respects and affirms the diversity and interdependence of the world's peoples and culture."

I think these are very admirable expectations of any high school graduate here in Ontario, and I do have copies of this for everyone.

The next item I would like to point out with concern is professional activity days, where the government was going to set up guidelines respecting PD days—professional development days. What we are concerned

about is that with the government establishing policies and guidelines for criteria for PD days, there's a serious concern that Catholic boards would be able to continue offering a system-wide faith day as professional development. These professional development days not only feed the souls of staff but also help create a dynamic team spirit and enhance the morale of the entire staff.

The next item that I'm concerned about and that has been brought to my attention is parent involvement committees. We certainly believe in parent involvement in all of our schools. Without our parents being there, we're going to be hurting. I'm going to encourage that the wording be changed to "parent engagement." This sounds more welcoming and also, by using the word "involvement," it could be construed as parents having more say than they really do.

Parents could make a recommendation that the board does not adopt because the recommendation does not meet the needs of the entire school or board. This could cause a real sense of frustration on the parents' part. So I believe we should manage the expectations of the parents, that, "Yes, you are going to contribute. You are going to be engaged, but the trustees would be making the decisions."

1720

The next item is holding the trustees responsible for the achievements of the students. Again, there is a serious concern because the province holds the purse strings. If the province continues to cut funding for administration and professional development, there will be less and less adequate supervision and PD to assist teachers in meeting the needs of their students. With fully integrated education in the classroom, teachers have many more challenges than in the past. To ensure student success, teachers, EAs and administrators must work together, plan and adjust the delivery of education.

The next item I'd like to point out is under the Municipal Conflict of Interest Act. Under this one, I'm recommending, and many people have said the same thing, that there must be a change in the government. This change must be that the government must cover the cost of a complaint against a conflict of interest. Having the onus on an individual to pay the legal cost of a conflict charge creates a situation where no one is willing to file a charge of conflict. An example is the most recent case where a ratepayer had to pay out of his own pocket the cost of challenging a trustee with conflict. If the government is serious about stopping potential conflict of interest, they must pick up the costs, set up a panel, do something so that it is done effectively. It has been recommended to me by many people that this should also be for municipal councillors.

Under the issue of trustees, where a trustee might be chastised, it is indicating here that a meeting of the board should not be closed. I'm saying that the meeting should be closed. If the meeting were open to the public, one of two things would happen: Either there would be very little debate and no fulsome discussion as the trustees would be hesitant to ostracize a fellow trustee in public,

or the trustee in question would be publicly humiliated. Either outcome would not resolve breaches of boards' code of conduct.

Also, what has been brought forward to me and I agree with is that people would like to see a procedure put into place that is both fair and transparent in being able to remove a trustee who continues in a manner that is both injurious to the moral tone of the board or obstructs a board's ability to operate in a progressive, successful manner. Again, this was suggested for municipal councils as well as school boards.

Under audit committees, there is a concern with many school boards as to what the composition of an audit committee will be. With members of an audit committee being from outside of education systems, there could be a challenge as to what constitutes an acceptable expense. Also, what accommodations are there going to be made for school boards where their office is a distance from the audit committee member's home? Distance could prove a serious challenge for some boards being able to recruit volunteers for an audit committee.

In closing, I would like to share some common concerns that I've heard from across the province, and that is the continued erosion of trustees' and directors' powers, with a simultaneous corresponding increase in provincial powers. Education in Ontario is the best in the world. Having school boards and trustees and administration that have had the right to operate their boards in an autonomous manner has proven to be successful, and I would hope the members of this committee keep this in mind when they are making their final decisions on this important regulation.

Another huge concern that has been voiced to me is with the government implementing the regulations for Bill 78, the interest bill that passed a few years ago, and Bill 177, now being introduced. Are these the first steps to eliminating school boards, as New Brunswick has done?

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Ward. Forty seconds per side, beginning with Ms. Sandals.

Mrs. Liz Sandals: Absolutely no intent to eliminate school boards or trustees.

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

Ms. Sylvia Jones: A quick point of clarification: You mentioned that you were concerned about the erosion of trustees' and directors' power. Directors' power? Can you expand on that?

Ms. Linda Ward: Right now, everything is being mandated more and more down from the government in "You must, you shall" and what have you, to the point where it really has been very, very difficult to run certain things within schools. In my school board, for example, we had formed a wonderful partnership with Dow Chemical, Imperial Oil, hydro and some other ones, with our coterminous board, where we were offering an exciting science program for grade five students. These companies were supplying the hands-on materials that

would be needed, to the point where over five years, they contributed to over a million dollars' worth of supplies. Because of the way—

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

Mr. Rosario Marchese: Thank you, Linda. I'm going to try a different tack on a different issue here because there's nothing about governance—

Ms. Linda Ward: I'm sorry?

Mr. Rosario Marchese: There is nothing about governance in terms of issues that the trustees have raised before you. The only issue about governance is section 169.1, where they talk about, "Every board shall ... ensure effective stewardship of the board's resources." When I read that, as a former school trustee, it offended me, because it suggests that you're not managing the bounty that you're getting from the provincial government. How did you feel about that when you read that particular line? Because it suggests you're not using the resources you're getting very well.

The Chair (Mr. Shafiq Qaadri): The question will have to remain rhetorical, Mr. Marchese.

I'd like to thank Ms. Ward on behalf of the committee.

LONDON DISTRICT
CATHOLIC SCHOOL COUNCIL
AND PARENT INVOLVEMENT
COMMITTEE

The Chair (Mr. Shafiq Qaadri): I now invite our next presenters to please come forward: Ms. Steel, Ms. Morell and Mr. Hurst of the London District Catholic School Council and Parent Involvement Committee. Welcome. You've seen the protocol. Please do introduce yourselves individually for the purpose of Hansard recording, and I would invite you to please begin now.

Mr. Craig Hurst: Thank you. My name is Craig Hurst. I'm a former school board trustee with the Simcoe County District School Board and a former member of the provincial parent board. We are here today to discuss true and effective embedding of parent engagement into the legislation. Specifically we bring forward three points: One is that section 17.1 of the current legislation should not be removed. Number two is that consideration for the legislation of parent trustees similar to student trustees with the same rights and responsibilities and sitting on school boards be considered. Number three is that we clarify parent involvement committee mandates and entrench a parent as the chair of parent involvement committees.

I would now like to ask Arlene to speak.

Ms. Arlene Morell: Arlene Morell, chairperson of the Thames Valley Parent Involvement Committee. There are an estimated 2.3 million parents of students in publicly funded education, who make up both a formidable potential resource and the largest single constituency for publicly funded education. Parents give credibility by providing a practical, culturally relevant contribution

from a unique perspective. With no governing parent body, parents have been and are the most under-represented partners in provincial education policy deliberations, despite our wealth of first-hand knowledge about our children. Accessing this parent knowledge and experience is critical to shaping policies that are responsive, appropriate, sensible and effective in the province. Our perspectives can help design and implement more effective programs and help reduce barriers.

Clear legislation is needed to bring parents into the decision-making process in a meaningful way. In 2004, Minister of Education Gerard Kennedy appointed 20 parent leaders from across the province. The task of the parent-led project was to give advice on how to create an independent, representative, province-wide parent voice accountable to parents. Over 1,150 submissions representing thousands of voices representing parents' views on education matters, to ensure that the parent voice at the provincial level remains inclusive and effective—they saw that a parent voice at the provincial level is something that would support and enable parents to speak directly to the minister and other decision-makers.

The more experienced parents voiced, "We have been asked this before and little has changed. When is someone going to act on our suggestions?" Including parents in the policies and planning processes is critical to building a trusting relationship between providers, ministry and school boards and consumers, parents and students. Taking this one step further by acting on their advice, this builds confidence in our publicly funded education. Listening to parents' perspectives and learning from our experiences can result in more responsive policies and programs that truly improve the lives of children and families across the province.

Ms. Linda Steel: I'm Linda Steel. I'm chair of the London District Catholic School Council and Parent Involvement Committee.

Please do not remove section 17.1 from the Education Act. Parents across the province have not even been told they are losing their provincial voice and that this government plans to renege on the promises made to Ontario parents in 2005. I refer you to appendix D to see the promises made.

The provincial parent board was silenced and shut down in August. Our reports were never published or acted on. Thousands of volunteer hours were spent creating a document that not only identified all barriers to parent engagement but the solutions to eliminating those barriers. The report is currently sitting in the minister's office collecting dust. Parents have been asking and asking for that information and provincial leadership to communicate their concerns.

The PPP did communicate their concerns and provide answers. It seems they will never reach the parents of this province. And now Bill 177 proposes to eliminate any inclusive, accessible provincial parent voice. This is not acceptable, does nothing to create confidence in the public education system or support meaningful parent engagement. Please see appendix A for further details.

1730

Mr. Craig Hurst: We ask you to strongly consider the inclusion of parent trustees in school boards, similar to the student trustees that currently exist under section 55 of the Education Act.

Parent trustees could be given the same rights and responsibilities, and limitations, as student trustees. There is no reason why a strong parent voice can't be legislated within the construct of a school board.

Ms. Arlene Morell: Clarifying and expanding parent involvement committee mandates and entrenching a parent as the chair: The PIC purpose is serving as a school council to the school board to strengthen local initiatives that enhance the engagement of parents to improve student achievement, by providing a direct link to the director and trustees. Parents must be in the majority, and the committee chairperson must be a parent.

To ensure a parent voice at the school board level, the legislation must include:

- that the committee is a standing committee of the school board, and must be chaired or co-chaired by a parent who is not employed by the school board;

- that the committee is solely responsible for the allocation of base funding;

- that parent members must form the majority, inclusive of the existing parent organizations; and

- that base funding shall not cover board employee salaries.

Committee function:

- to assist school councils and parent groups in establishing goals and actions to increase parent engagement;

- to be consulted on and participate in the development of school and board policies and initiatives affecting education and the educational community as meaningful contributors;

- to act as information conduits to parents, schools, boards, the Ontario Parent Council and the Ministry of Education;

- to develop inclusive bylaws;

- to consult with school councils and parents on matters under consideration;

- to make recommendations to the school board and the Ministry of Education on any matter that affects parent engagement and student outcomes.

Ms. Linda Steel: Collectively, parents across this province raise in excess of \$700 million. School councils and parent involvement committees are not even supposed to fundraise, particularly for what is supposed to be a publicly funded education system. We are advisory groups, period.

Parents and students have no unions that can collectively represent their interests. Bill 177 will effectively eliminate the only accessible, fully provincial parent voice we have. How are we to interpret this? “Thanks for the money. Now go away quietly”?

While there are outside provincial associations, these associations require membership fees, one of the first barriers to parent engagement; and most limit membership to certain groups with specific agendas. They oper-

ate outside the education system, and by definition they cannot represent all parents.

Bill 177 was supposed to be a governance review. Not once were parents advised during the round-table discussions that took place last February that their provincial representation was going to be removed from the Education Act. They still haven't been told. Why has there been no public or parental input requested on the removal of 17.1? Who is the Education Act supposed to serve?

Despite their claims otherwise, this government is quietly but systematically eliminating the parent voice. The provincial parent board was dissolved effective August 31, with no explanation. The provincial demonstration school council was dissolved last June. School councils were told by the director that she would not listen to their input as there was no requirement for her to do so. Full parental public input on Bill 157, the safe schools act, never took place. And recently, only after a number of parents, boards and media outlets began pressuring the ministry to explain why only select groups were invited to give input on the elementary curriculum, were parent involvement committee chairs invited to participate. We see a trend developing here, and it concerns us.

While we are pleased to see the addition of parent involvement committees in the act, again no public input was requested on how these committees should operate and no details are provided in the bill. Reaching consensus among 72 unconnected PICs is improbable at best, especially during a once-annually meeting. It feels like the old “divide and conquer” scenario all over again.

While the intent of this committee may be to provide an equitable input approach with equal considerations, it quite simply cannot when no timely or informed notice has been given to the largest group of stakeholders and voters—parents. Again, we ask, “Why?” We are the primary educators and advocates for our children; why are we being silenced?

Mr. Craig Hurst: Thank you.

The Chair (Mr. Shafiq Qadri): Thank you. We've got about 15 seconds per side. Ms. Witmer.

Mrs. Elizabeth Witmer: Thank you very much for your presentation. Your viewpoints are very important to be heard and I look forward to going through this. It's most regrettable that the parent voice has been eliminated from providing input. When I was chair of a board, I remember setting up councils—

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

Mr. Rosario Marchese: Thank you all. A quick question: How would we elect and/or nominate the parent trustee on the boards?

Mr. Craig Hurst: In the same nominating process as used for students.

Mr. Rosario Marchese: Would you find that process to be difficult, easy or—

Mr. Craig Hurst: I think it's straightforward, given that schools have a very good grassroots network amongst themselves within a board.

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

Mrs. Liz Sandals: So if I understand you correctly, then, parents would be selected by school councils to be board members, as opposed to elected by the general public. Is that what you're suggesting?

Mr. Craig Hurst: That's the same process being used for student trustees, yes.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Sandals, and thanks to you, Ms. Steel, Ms. Morell and Mr. Hurst for your deputation on behalf of the London District Catholic School Council and Parent Involvement Committee.

PEOPLE FOR EDUCATION

The Chair (Mr. Shafiq Qaadri): I invite our next presenter, Ms. Annie Kidder of the People for Education. Welcome. Please be seated and please begin.

Ms. Annie Kidder: Thank you. My printer ran out of ink so I have eight of these; that's why I was late. There might be just enough.

My name is Annie Kidder. I am the executive director of People for Education, an independent parent-led organization working in the province of Ontario. I would like to say first that overall we support Bill 177 and much of the content of Bill 177. We're very happy to see more clarity and more definition in the roles and responsibilities of school board trustees, chairs and directors. We are also happy that parent involvement committees will be legislated at the school board level and provide an essential component to support parent engagement at the regional level and school board level.

Our concerns about the bill lie, for the most part, in the regulations that are connected to the bill. We are also concerned that while the bill imposes a number of accountability measures on school boards, it provides no guarantee that the Ministry of Education will provide boards with the necessary resources to fulfil those accountability requirements.

We agree with a statement, which I won't read, in the Ontario Catholic School Trustees' Association submission that talks about how essential it is that all school boards be adequately resourced, not only to accomplish the ministry's goals but also to accomplish local goals.

I just want to go through—there are three detailed places where we have recommendations. We are very, very happy with the preamble to the bill, the suggested amendments to the Education Act. We're very happy to see such a broad visionary and inclusive description of the purpose of education that goes beyond the test score targets, class size reduction, graduation rates and public confidence, which has been, up to now, pretty well the sum of the vision for education in Ontario. This is a wonderful change and very important.

We would like to suggest two amendments to the preamble, that in parts (2) and (3) of the preamble, the term "student achievement" be replaced with the term "student success." The inference in the word "achievement" is that it is linked to test scores and narrow results rather than a broader definition of success that's actually outlined in the preamble. We'll also be very interested to see, in the new year, whether or not the provincial education funding formula is changed in order to be able to support that grand, bold purpose as described in the preamble.

Again, our concerns about the bill lie, for the most part, in the regulations. We recommend, as have others, removing the first regulation, which states, "The Lieutenant Governor in Council may make regulations governing the roles, responsibilities, powers and duties of boards, directors of education and board members, including chairs of boards." Because this section is so far-reaching and could affect nearly every aspect of our school system, we do not think it belongs in a regulation. As you all know, because you do this work, regulations can be made at any time, and can be made and changed now or in the future by this government or future governments, and they do not require public input. The roles, responsibilities, powers and duties of school boards will affect all of our children and our communities, so it's imperative that the broader public be involved in creating those definitions. It's very important that this not be a regulation inside a bill.

1740

We are happy about the regulation concerning parent involvement committees, but we would like to suggest an amendment to that regulation that ensures that, as the regulation is developed concerning the roles and responsibilities of parent involvement committees, at least six months of consultation with parent communities, through PICs and the four recognized parent organizations—People for Education, the Ontario Federation of Home and School Associations, Parents partenaires en éducation and the Ontario Association of Parents in Catholic Education—that there is time to consult the parents of Ontario about the regulation. It takes a long time to consult parents; it can't be done in a matter of weeks. So we would like that part of the regulation amended.

In terms of a part of the bill that is not a regulation, under the duties of school trustees we would like to recommend removing two sections: 218.1(d), regarding the duty of a member of a board to "support the implementation of any board resolution" that is passed by the board; also, we would like to recommend removing section 218.1(e), forbidding members of the board "from interfering in the day-to-day management of the board by its officers and staff." Both clauses are too vague, too open to interpretation, and do not recognize the complexity of the role of school trustees as described in the report from the governance review committee.

We are also very concerned, though it is not in this bill, about the provincial interest regulation that is contained in Bill 78, so we would like to recommend that

Bill 177 contain an amendment to ensure full and public consultations on the provincial interest regulation contained in Bill 78. There was a very, very short consultation over the summer on those provincial interest regulations. We were very concerned about what was contained in that consultation paper. There was a huge amount of focus on judging boards based on some very narrow measures. It's a really, really important regulation. It is important that the province have an ability to intervene in school boards. They do have an interest in the educational capacity of a school board, but it's very important that everybody in Ontario gets a chance to look at that and talk about it. So I think it's imperative that we have real, open public consultations on the content of that regulation.

That is our submission.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Kidder. A minute or so per side. Mr. Marchese?

Mr. Rosario Marchese: A few quick questions: If you look at the code of conduct, if you remove the two offending things that you recommended—and I agree—what's left is “attend and participate in meetings,” which is what they do; “consult with parents,” which is what they're supposed to be doing; “bring concerns of parents ... to ... the board,” which is presumably what they were elected to do. Then, if you remove the other two, you've got “maintain focus on student achievement”—okay—and “comply with the board's code of conduct.” Do you really think that's something that you like?

Ms. Annie Kidder: I actually think the more clarity we can have about the role of a school trustee, the better. I don't disagree with having a bill that talks about the role of school trustees; I just think it's very important that we recognize the dual role of school trustees, that they are elected officials, and that they do have constituents that they need to represent—

Mr. Rosario Marchese: Of course.

Ms. Annie Kidder: —so that muzzling them by saying that they have to—

Mr. Rosario Marchese: Absolutely.

Ms. Annie Kidder: —agree with all the recommendations of the board is difficult for us.

Mr. Rosario Marchese: Do I have time?

The Chair (Mr. Shafiq Qadri): Yes.

Mr. Rosario Marchese: The other part that you're happy about is that all partners in the education sector have a role to play in enhancing student achievement and well-being, closing gaps in student achievement. You know student achievement connects to the EQAO, because you stated as much; you stated you wanted to change that—

The Chair (Mr. Shafiq Qadri): I need to intervene there, Mr. Marchese. Ms. Sandals?

Mr. Rosario Marchese: —and closing the gap needs resources.

Mrs. Liz Sandals: The duties of school trustees, section 218.1(d), the notion of supporting: if that were revised somewhat so that it was more the concept of upholding the implementation, as opposed to, “Gee, you

have to pile on and be a cheerleader”—but rather that once you've made the decision, once the board has made a decision, all trustees have some responsibility to see that the implementation goes smoothly. How would you feel about that?

Ms. Annie Kidder: I still think that's splitting hairs in a way. I understand that in provincial government, there's party discipline in terms of what—if you're a minister who passes a bill, you're not supposed to go around saying you don't like it. But I think that for school trustees, who don't have parties, who don't live in that kind of world, it's a very difficult, if not impossible, thing to say to them that they should work that way.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Sandals. To the PC side: Ms. Witmer.

Mrs. Elizabeth Witmer: Thank you very much, Ms. Kidder. Did you have an opportunity to provide input to the Ministry of Education before the bill was drafted?

Ms. Annie Kidder: I don't think so, but I can't remember. I'm not sure. I can't remember. Was there a consultation?

Interjection.

Ms. Annie Kidder: Well, we sit at the partnership table, yes. So, in that way, sitting at the partnership table—I can't remember. I'm 56. Maybe I did. Sitting at the partnership table, yes. Sorry.

Mrs. Elizabeth Witmer: All right. Well, thank you for your presentation.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Witmer. Thanks to you, Ms. Kidder, for your deputation on behalf of People for Education.

PETERBOROUGH VICTORIA
NORTHUMBERLAND AND CLARINGTON
CATHOLIC DISTRICT SCHOOL BOARD

The Chair (Mr. Shafiq Qadri): I'll now invite our next presenter, Mr. Bernier of the Peterborough Victoria Northumberland and Clarington Catholic District School Board. Welcome, Mr. Bernier. We'll distribute if there are materials for us. Please begin.

Mr. David Bernier: Thank you, Mr. Chair. Much of my presentation, I'm sure, is reiterating what you've heard from everyone today, particularly OCSTA.

The Peterborough Victoria Northumberland and Clarington Catholic District School Board—and for time's sake, I'll be abbreviating that to PVNC for the rest of the presentation—trustees congratulate the Ministry of Education on the initiative Modernization of School Board Governance, and appreciate this opportunity to provide a few comments in regard to Bill 177.

The first Catholic school in our jurisdiction opened in 1852, 157 years ago. Today, we operate 32 elementary schools and six secondary schools. We have 14,678 students and 2,047 employees. The board has a budget of \$151 million and covers 10,000 square kilometres. There are 7,800 students transported daily by the Student Transportation Services of Central Ontario consortium. Our

board consists of seven elected trustees and one student trustee.

The PVNC mission statement is “to provide all students with a Catholic education that includes the knowledge, skills and values required to live a meaningful and faith-filled life.”

As trustees, we govern and set policy for PVNC. We govern for the provision of curriculum, facilities, human and financial resources of PVNC and advocate for the needs of our communities. We sit on six standing committees and 21 other board committees. We are available to our electorate, parents, students, and others to address issues regarding Catholic education.

Today, we appreciate this opportunity for consultation regarding Ontario school board governance. Two of our trustees and two representatives from our district Catholic school council presented on February 18, 2009, to the governance review committee. A product of the review/consultation process has resulted in Bill 177.

Our colleagues in OCSTA have presented a comprehensive list of concerns to the committee. PVNC would like to take this time to highlight some of those that we feel most strongly about.

Given that trustees in our jurisdiction have represented Catholic ratepayers for 157 years, we request that, in your preamble, you recognize English Catholic public education as a distinct school system.

Given that our trustees have an exemplary record of governance over the past 157 years, we request that your reference in section 4 to “the Lieutenant Governor ... may make regulations governing the roles, responsibilities, power and duties” etc. be removed from Bill 177.

The provincial interest regulation consultation paper that is circulating undermines the public accountability of trustees as democratically elected officials. The degree of provincial oversight and even micromanagement that the paper suggests seems unnecessary and an intrusion into the work of our trustees and senior staff.

1750

Given that our trustees sit on 27 board committees, attend Catholic school council meetings, participate in monthly trustee school visits and are well networked in their respective communities, we find clause 218.1(d) regarding the duty of a member to support the implementation of any board resolution after it is passed by the board to be restrictive and mitigates against ongoing collaboration and effort to address change and improvement over time.

Our trustees agree with the governance review committee that the appropriate role of the board of trustees is in setting strategic directions, making policies and monitoring policy implementation and not becoming involved in the day-to-day operations of the board. We concur with our colleagues in the presentation from OCSTA that a more positive restating of that intention in clause 218.1(e) would be preferred.

In regard to section 218.3, “Enforcement of code of conduct,” PVNC supports provincial guidance in this area. We feel, however, that Bill 177 should recognize

that PVNC and other boards retain the autonomy to adopt or add to the provincial template in order to meet local circumstances and distinctive mandates and to decide on appropriate sanctions should the code of conduct be breached.

We understand and concur that meaningful and appropriate sanctions must be available to boards in order to maintain the public trust in the event that a member is found to be in breach of the code of conduct. These sanctions must, however, be reasonable and reasonably related to the severity of the breach, and PVNC believes that trustees would exercise these powers with fairness and due diligence.

PVNC feels strongly that subsection 218.3(3), regarding the reduction of an honorarium payable to a member, exceeds our authority and that of any other publicly elected body and, therefore, recommends that that subsection be removed.

PVNC appreciates the time of the committee to present our concerns today.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Bernier. About a minute and a half or so per side, beginning with Ms. Sandals.

Mrs. Liz Sandals: Yes, thank you. I’m looking towards the end of your presentation here—and just to assure you that I think the legislation does allow room for boards to blend their code of conduct with the provincial code of conduct, but I’m interested in your discussion of sanctions. You suggested the removal of “honorarium.” The issue of censure and non-attendance at meetings, though—those would be things that would be reasonable tools for boards?

Mr. David Bernier: Among the trustees at PVNC, there was a general feeling that those sanctions would be reasonably acceptable.

Mrs. Liz Sandals: I know that when the governance review committee did its work, one of the concerns was that although many boards already have a code of conduct, they really had no legislative authority to enforce it.

Mr. David Bernier: Correct.

Mrs. Liz Sandals: Okay. Thank you.

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

Mrs. Elizabeth Witmer: Thank you very much, Mr. Bernier, for your presentation.

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

Mr. Rosario Marchese: Mr. Bernier, I’ve got to tell you, I find this whole part, the conduct of members of school boards, offensive and highly punitive, and it treats you like children. I was going to say: The idea of censuring a trustee, who only makes in some boards \$10,000 or whatever, is really silly. The censure is based on whether or not you are in breach of this code or any other code that you might develop in your own board. Imagine being censured for this kind of stuff and that you might lose your honorarium if you speak out. It’s the silliest thing I’ve ever seen a government do. Do you not agree?

Mr. David Bernier: I agree. Personally, I feel—and in discussion with our trustees we believe that it’s not a

waste of time but it's something that has been a knee-jerk reaction to something that happened that does not apply to the large majority of the boards in the province.

Mr. Rosario Marchese: And the other point, "refrain from interfering in the day-to-day management": Do you know anybody—there might be one or two—who does that on a regular basis as a trustee, that it should be a requirement?

Mr. David Bernier: I've known a few, yes.

Mr. Rosario Marchese: You've known a few. How many?

Mr. David Bernier: We only have seven.

Interjections.

Mr. Rosario Marchese: Oh, God, I can't believe it. I'm glad you found a few. Thank you, Chair.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Marchese, and thanks to you, Mr. Bernier, for your deputation and presence here.

SOCIETY FOR QUALITY EDUCATION

The Chair (Mr. Shafiq Qadri): I'd now call our final presenter of the day: Ms. Wilson for the Society for Quality Education. Please come forward. Welcome. We'll distribute those for you, and I'd invite you to please begin now.

Ms. Doretta Wilson: Thank you very much, Mr. Chair, members of the committee. My name is Doretta Wilson. I'm the executive director of the Society for Quality Education, a non-profit organization dedicated to the significant improvement of Canadian student learning. I'd like to thank the committee for granting me the time to address you all today.

Generally, the society is happy to see that the roles of various school board members are more clearly defined by Bill 177. However, as many of your past presenters have probably said, the "proof of the pudding" of the legislation will no doubt be in the regulations that will arise out of these amendments to the Education Act.

After the financial market meltdown a year ago, along with scandals in both private and public sectors—Enron and eHealth both come to mind—the spotlight on poor oversight made the call for more accountability and transparency ring loud and clear. Tightened-up financial and stock market regulations along with closer scrutiny of corporate governance surrounding stock-market-traded corporations naturally called for similar guidelines around our public institutions. School board spending scandals and dysfunctional school board trustees put a lens on what brings us here today. More than ever before, tapped-out taxpayers are looking for value for money.

School board governance should be modelled on good corporate governance. The board of trustees should set policy, give financial direction and hire and monitor a director of education to carry out their vision under the parameters they set. They have a careful balancing act, however, to shoulder for the good of the whole board and for their local constituents at the same time. Trustees, we agree, should not micromanage schools, and yes, Mr.

Marchese, we know of a few who probably do and shouldn't do it.

Mr. Rosario Marchese: So you shouldn't elect them.

Ms. Doretta Wilson: That's right.

The director should be answerable to the board, not the other way around. Too many times we see a case of the tail wagging the dog, where trustees are left in the dark and school board employees are running more of the show than they should.

The SQE would like to see better training of directors of education. Considering that some Ontario boards have multi-billion-dollar budgets, we recommend that our business schools offer an MBA degree specifically for education CEO personnel. We also recommend that school boards be allowed to hire directors who have proven corporate expertise outside of the usual education bureaucracy job track.

We're happy to see that school boards will finally be responsible for student achievement, and this almost should go without saying, but it's nice to see that it's finally being encoded. However, if the school board has primary accountability for achievement, does this mean that the Ministry of Education will be off the hook for poor achievement? For example, it's through its regulatory power that the Ministry of Education dictates to schools what kind of learning-to-read programs they use. It is the ministry that sets the Trillium list—the list of approved materials and texts that boards and schools may choose from. Over 50 years of reading research shows that to teach beginning reading using explicit systematic phonics is the best method of preventing reading failure, yet not one systematic phonics program is on the Trillium list. SQE recommends that school boards should be allowed, in regulation, more freedom to choose effective instruction for their students if the board is to be ultimately accountable for the same.

SQE is a strong supporter of local decision-making. We know that parental school choice is a good incentive to drive school improvement. We're concerned that Bill 177 is a move away from local democracy towards more centralization of power within the Ministry of Education. Many more questions remain that we don't have enough time today to explore: Will school boards ultimately become irrelevant? Is this a move towards a school district model similar to the LHIN model of health care delivery? We don't have enough time to answer those questions, but I think that's something the committee might want to think about.

Finally, SQE recommends that school boards should be required to provide more transparent public reporting of all types of school board data—dropout rates, graduation rates, post-secondary destinations of students, and success rates of students who do choose post-secondary education, to name a few. Graduation rates become meaningless when we have no-fail policies in place. Concise information of how successful our students actually are is necessary to know whether we are getting value for money. Thank you very much.

The Chair (Mr. Shafiq Qadri): Thanks very much. We have about two minutes or so, perhaps, per side, beginning with Ms. Witmer.

Mrs. Elizabeth Witmer: Thank you very much, Ms. Wilson, for the presentation. You talk here about the fact that we have graduation rates becoming meaningless when we have these no-fail policies in place. Do you want to expand on that? I think that has been a concern that I've certainly heard a little bit of dialogue on.

Ms. Doretta Wilson: Yes. We're concerned about that too. I know the current government's goal is to improve graduation rates, and that's an admirable goal. We would all like that, but what do they actually mean? If there is no consequence for actual achievement, then we're just really moving bodies through the school system. Universities and post-secondary institutions are already concerned about the quality of graduates who are entering their institutions. They have to provide considerably more resources towards remediation and preparation of students for the rigours of post-secondary courses. I think that that's a concern.

Mrs. Elizabeth Witmer: I would agree with you. Recently, I did put out a press release about the universities providing remedial math programs as students are not prepared for math, science, engineering etc. I was surprised at the feedback I got from parents and students, who agreed.

Ms. Doretta Wilson: We don't really know what the graduation rates are. I don't know where we get the numbers from. I've often asked ministry people, "Where are you getting these numbers from?" and nobody really knows. So it's about time we started requiring school boards to actually report proper statistics on these items.

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

Mr. Rosario Marchese: Thank you, Doretta. You talked about financial market meltdowns and you mentioned Enron. As you know, the recent scandal in the US, where they bundled derivatives in such a way that nobody could understand—they literally brought all economies to their knees, these good corporate organizers. And then—

Ms. Doretta Wilson: I didn't say they were good; I just said that good governance was probably not there.

Mr. Rosario Marchese: But that's the point. Then you say in your statement here, "Good board governance should be modelled on good corporate governance."

What does that mean, given what you just said? You want to model it on that kind of fiasco?

Ms. Doretta Wilson: No, on good corporate governance. There's the difference. There's bad corporate governance and good—

Mr. Rosario Marchese: Oh, I see. So there's good corporate governance and there's bad.

Ms. Doretta Wilson: Good governance is good.

Mr. Rosario Marchese: So we should model it on good governance wherever we can find it?

Ms. Doretta Wilson: Yes.

Mr. Rosario Marchese: Right. Okay. I just wanted to clear that up.

Then you said that often, in response to the idea of trustees interfering in the day-to-day, they're kept in the dark, which doesn't speak to what I was saying, and that is that there may be some people who actually interfere on a day-to-day basis, although I've never met, in the Toronto board, when I was there for eight years on a full-time basis, making \$7,000—I've never met too many doing that kind of stuff. Maybe there are.

While I said that, you said, "Yes, they do interfere," and then in your statement you said, "Some of the trustees," or many of them, "are kept in the dark." Is that—

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

Mr. Rosario Marchese: Which one—

Mrs. Liz Sandals: Go ahead and answer the question.

Ms. Doretta Wilson: Sorry. I thought I was pressed for time. In many cases, trustees are not always given access to all the information they require to make the proper decisions.

Mr. Rosario Marchese: That's true. I agree with that, absolutely, which is a different statement, and I agree with that.

Ms. Doretta Wilson: That's what I meant.

Mr. Rosario Marchese: Okay.

Mrs. Liz Sandals: That's fine, thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Marchese. Thank you, Ms. Sandals, and thanks to you, Ms. Wilson, for your deputation on behalf of the Society for Quality Education.

If there's no further business before the committee, on a note of good governance, committee is adjourned until 3:30 tomorrow.

The committee adjourned at 1758.

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