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**Official Report
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Tuesday 27 October 2009

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des débats
(Hansard)**

Mardi 27 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

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON SOCIAL POLICY

COMITÉ PERMANENT DE LA POLITIQUE SOCIALE

Tuesday 27 October 2009

Mardi 27 octobre 2009

The committee met at 1556 in committee room 1.

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.

CASSIE BELL

Le Président (M. Shafiq Qadri): Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la politique sociale. As you know, we're here to consider Bill 177, An Act to amend the Education Act with respect to student achievement, school board governance and certain other matters.

Just very quickly, procedurally, each presenter, group or individual will have 10 minutes, which, as I say, will be enforced with military precision. Our first presenter is Cassie Bell. Any time remaining within those 10 minutes will of course be distributed evenly amongst the parties.

Nous avons aussi des présentateurs bilingues ou en français aujourd'hui, which means we have some French presenters as well. Channel 2 French, channel 1 English.

I would invite Ms. Bell to please begin now.

Ms. Cassie Bell: Good afternoon. Bonjour, mesdames et messieurs. I'm here to speak as a parent of four children, three of whom are currently in the Toronto public school system—public, of course—and one who has graduated who is thinking about next steps.

Here's how I've broken down Bill 177 as I see it pertaining to children, parents and school communities—hopefully, a somewhat helpful perspective for you as the decision-makers.

(1) Local democracy: Democracy is messy and time-consuming, so why bother with it?

(2) Student success: What is that?

(3) Governance, curriculum and funding: What else is there?

(1) Local democracy: When my youngest son was six, he was approached by a pedophile in his school in an empty corridor while he was taking the attendance to the office. Fortunately, he didn't take the candy he was offered, but he ran.

During that time, the TDSB was being supervised by Paul Christie, sent in on behalf of the Conservative government to make the tough choices the board refused to make. A board under supervision meant that trustees were suspended from power and the public had no formal access to them, nor to their advocacy. It also meant that my child had no voice. There was no one to tell his story and advocate for change, and no one to empower my voice as a parent.

Recommendations: Do clarify the trustee role and please remunerate it fairly. Do support strong community processes that are inclusive and transparent to ensure all voices are being heard. Do improve and strengthen, please, communication between trustees and board staff, but do not diminish or censor the trustee voice at the very real risk of further erosion of local democracy and the public education system. Do consider the role of an ombudsperson, which many levels of government and organizations use effectively, to highlight systemic challenges and oversights, provide transparency, ensure efficient operations and provide objective and informative feedback to those running the organization.

(2) Student success: Just what is student success? As the parent of four very unique children—and I'm sure we can all claim that; I don't necessarily mean that in a totally positive way—I can't imagine trying to come up with one definition of "success" that fits all of them. Two are girls; two are boys. One is a strong arts student; the other is a math and science whiz. One struggles with some learning issues and one struggles with adolescence. Okay, they all struggle with adolescence, including me, but are they successful? They may be, but it depends on how you define "success."

Bill 177 has not defined student success, and that is a big problem. I believe the reason it is not defined is because not everyone can agree, which I completely sympathize with. It's not easy to designate one student a success and another child unsuccessful or to decide what counts in success, and what doesn't. Does a child with a mental health issue who makes it to school four out of five days count as successful or unsuccessful? What

about a poor child who is hungry and can't focus to learn to read but doesn't act out in class? Is he unsuccessful because he has difficulty learning or is he successful for his good behaviour? What about the child whose family has been ravaged by domestic abuse, living in shelters, has moved schools three times in one year and who, slightly distracted, does very poorly on her grade 3 EQAO assessment? Is she successful for just being there or is she unsuccessful for her results?

Success must be seen within the context of the whole child—and the family and community in which that child lives—as well as their attendance, engagement at school, academic improvement over time and resilience to face challenges. In many jurisdictions, standardized testing is seen as extremely limited and merely one facet of assessment, while a holistic pedagogic process—high expectations for every child, wraparound school supports, a rich real-life curriculum, randomized assessments and assessments which look at baselines and improvement over time—is much more realistic and supports students in becoming engaged, critical-thinking citizens who love to learn. Now, that's success.

Recommendations: Do not use EQAO test results as the definition of student success. Do explore and expand the meaning of success within the context of the whole child. Do not hold a school board accountable for delivering something that cannot be defined or adequately funded within this model, which leads me to my last point: governance, curriculum and funding.

Since the 1990s, education in Toronto has struggled. My children began school in the mid-1990s, and the changes have been astounding. Political agendas have meant that schools have closed and programs and in-school supports have been cut. The number of children living in poverty has risen dramatically.

Society has grown increasingly complex, but seemingly, the education dialogue has narrowed. It has been simplified down to funding formulae, school capacity, declining enrolment—thus driving funding down, down, down—student success etc. No wonder some of our kids look at us in disbelief: “Is this really what you adults talk about?” No wonder they shake their heads and just let us talk amongst ourselves. But if we were to ask them, their parents and their communities, “What do you think the role of public schools should be today?” I think the answers might astound us. Students are not widgets; they are real people who live in the real world with real problems and struggles. We are doing them an injustice by ignoring this. Kids live in families and families live in communities. Each child, each family and each community is unique, with unique challenges and strengths.

If supports and services for kids in families and communities were structured, funded and delivered within a full-service school model designed to meet unique local needs and funded not only by the Ministry of Education but other relevant ministries as well—health, children and youth services, community and social services etc.—what would happen? Imagine a school with a family health clinic or a mental health agency office. Imagine a

school with a full-service community restaurant and community garden where students learn to cook, plan menus, grow vegetables etc. Imagine a school with a seniors' program running daily. Do the seniors then join the kids for lunch at the restaurant? Imagine a school with a government office co-located in the building, where students walk down the hall to do a co-op and local community members are employed.

The possibilities are endless, but this takes vision and big-picture thinking, not narrow, prescriptive legislation better suited for 100 years ago. Educators want nothing more than to teach and parents want all their kids to succeed. Students want to learn too. But in today's world, they're realizing that most children need more than a desk, a book and a warm body to teach them to learn and be successful.

Recommendations: Do not set priorities and demand accountability from school boards for things over which they have little or no control. Do understand that currently the Ministry of Education has authority over governance, curriculum and funding, and therefore when it considers legislation such as Bill 177 and the mandates contained within it, it also has the responsibility to fund those mandates adequately and that parents, in turn, will hold them accountable to do so.

Finally, do consider developing—and I speak to all three parties here—bold visionary policy which looks at the whole child, their unique needs, those of their family and community and integrating services and supports to meet those needs in order to help our kids to truly be successful.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Bell. About 30 seconds a side, beginning with the Conservative caucus. Ms. Jones?

Ms. Sylvia Jones: Just very briefly: Are there parts of Bill 177 that you want to keep?

Ms. Cassie Bell: I think the part clarifying the roles of the trustees is useful, but just to look at the parts that are worth keeping without deconstructing the whole thing and looking at the other things I've spoken about—if you start with success and define it the way it's been defined in that bill, we're in big trouble—

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

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Mr. Rosario Marchese: Thank you, Cassie. You said so much and it's so hard. The conduct of members of school boards: I find some stuff really silly, where they say you've got to attend meetings, you've got to consult with parents and bring concerns of parents to the board. The other dangerous part in terms of diminishment of their role is to “support the implementation of any board resolution” and “refrain from interfering.” What do you think about that?

Ms. Cassie Bell: I think one thing: You have to remunerate trustees properly so they can consult with their communities. Second, I think, the trustees stand mostly—it is tricky—but for my child and my community.

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

Mrs. Liz Sandals: Yes, I just wanted to reflect: You had a series of things you'd like to imagine. In my community I can imagine a school that was actually closed. The kids were moved to the neighbouring school. There is now an amazing community hub there. It has a whole lot of different social services for the community, so it really is a hub. In fairness to the Premier, that was set up when they were there; it will be set up after this—

The Chair (Mr. Shafiq Qadri): I'll need to intervene there, Mrs. Sandals; thanks to you. Thanks as well to you, Ms. Bell, for your presence and deputation here.

WENDY GUNN

The Chair (Mr. Shafiq Qadri): I now invite our next presenter to please come forward: Ms. Wendy Gunn. Your materials, Ms. Gunn, are being distributed as we speak. I would invite you to please begin now.

Ms. Wendy Gunn: Hello. My name is Wendy Gunn and I'm a parent of two boys who received their education in Oakville through the public education system. I'm a past member of the Halton District School Board SEAC, and I presently serve on two school councils.

I want to make it quite clear before I start my delegation that I am pleased with the education my boys have received so far. I am not a disgruntled parent who is focused only on my children. Actually, as I watch the deterioration in the quality of education at our publicly funded local neighbourhood school, my concerns are more for my neighbours' children. I am a concerned citizen with a strong sense of right and wrong and a great belief in fair and equitable education opportunity, which truly is the Canadian way. I would like to see the taxpayers well served by a Ministry of Education that can get local school boards back on track when they lose their way, such as the Halton District School Board, my school board, which clearly has lost its way. I must add that it is difficult for me to encapsulate two years of frustration into a 10-minute talk.

In a perfect world the quality of education would continue to improve. We all know that the world is not perfect, so I am here today to ask for your help to fix a problem that is negatively impacting the education of so many of my neighbours' children. I am a passionate person, and I apologize if any of you have trouble following the details of what I will present. I have included a package with more details and ask that you please take the time to read it. I would be pleased to answer any questions you have. I am honest person and have no political agenda beyond the continuation of the Ontarian way: fair, equitable, and educational opportunities for all the children that our boards serve, not special treatment for a few.

Put quite simply, the problem in Oakville is the failure to share buildings. Yes, that is correct. Many parents who have their children in an optional program believe their

children have the right to school buildings for their exclusive use. They believe their children should not learn side-by-side with their neighbours. Our local school board has refused to entertain ideas on how to keep the mandated programs healthy. They have also failed to put mandated programs first. They are streaming the most able students away from everyone else at a time when the research does not support this approach. We need a Minister of Education who insists that optional programs cannot become the priority at the cost of the mandated programs.

In Oakville this has become the case. Many of my neighbours have to put their children in private schools to receive a good-quality education since they have lost faith in the public education system. I would like all children to have the same opportunity for the high quality of education that my own children were so fortunate to receive. In Oakville, at our neighbourhood school, the delivery of education is deteriorating, not improving, and the proof of this is very evident in our EQAO scores. In fact, my son's Grade 3 EQAO scores were the second highest in our board just five years ago, the results of which were just published. That same school is second from the bottom. This is why I am concerned.

Thank you for the opportunity to delegate today. My delegation is filled with concrete, real-life community and parent-based concerns which lead me to believe that Bill 177 should be adopted.

Single-track French immersion education exists in Oakville, a different delivery model from the rest of the Halton District School Board, which is dual-track. In Oakville, there are five stand-alone schools which have been captured for this optional program. Approximately 3,000 students are receiving this "preferred" model of education, and some parents even boast that their children are receiving a private education on public dollars. Some parents of the French immersion students think that the English stream program is inferior.

The FI program has existed for some 20 years or more, and the truth is that due to the delivery model in Oakville, the English-track students in their neighbourhood schools have paid a heavy price. The HDSB's primary focus is supposed to be on mandated programs; however, these days, it is profiting from the over-enrolment of an optional program delivered through a model that is completely unproven. The focus of the HDSB is, without a doubt, delivery of a weak, partial, 50-50 immersion model that has the side effect of denying English-stream students a quality education.

This French immersion program has little or nothing to do with becoming proficiently bilingual in French, but more about excluding children with learning disabilities and new Canadians from the neighbourhoods. There is less diversity within these specialty schools, which leads to social segregation. The HDSB refuses to control the enrolment of this program and therefore, the negative consequences of this controversial, falsely advertised program are enormous.

The HDSB also refuses to give protection to the English track of the dual-track schools in Burlington,

Georgetown, Acton and Milton. Many dual-track schools in these areas are adversely affected, with less than 10% English-track students in the primary grades. For this academic year alone, one dual-track school in Burlington has 100% enrolment in the French immersion side in grade 1. How can this be called dual track when there's no equitably supported English track in each grade?

Brand new, \$12-million schools built in newly established neighbourhoods are being hijacked for this optional program. Throughout Oakville, neighbourhood children are being bused out of their own neighbourhood each and every day to attend an English-track school, while other children are bused in. They are housed in other neighbourhoods, skewing the student populations by sex, special needs and English-language learners. Why is this segregation being supported by this ministry that claims equality for all?

I have personally taken time away from my family to attend many HDSB meetings during the past two years. Over and over again, I hear how millions upon millions of dollars have been spent and motioned to be spent for many years to come that will continue to support single-track French immersion programming, its costly transportation provisions, and will further reduce dual-track schools into more single-track schools by refusing to cap the optional program enrolment. We are reducing neighbourhood schools throughout Halton in favour of separating the supposed elite from the mainstream students.

Take a look at the EQAO scores. It is like comparing apples to oranges. French immersion schools always take the top spots because they are a naturally streamed program. These schools do not have the distractions in their classes that the neighbourhood English-track schools have, where a distraction means 60% boys, 10 times more special education students per class and more English-language learners throughout the school.

The results are that the English-track schools continue to underperform in desirable EQAO scores while the STFI schools remarkably continue to climb. In many cases, the students who withdraw from FI programs or are streamed out in their elementary years, typically grades 3 and 6 before the testing, return to their neighbourhood English-track school academically behind their peers. The difficult task of bringing these students up to standard is left to the poorly resourced staff at the English-track schools, which further reduces our EQAO scores while boosting the FI scores. Please note that the EQAO scores are not an accurate reflection of the spread of students' abilities within Oakville schools and throughout Halton.

When you take a snapshot of many classrooms in an elementary junior or intermediate grade in Oakville, you don't get a pretty picture: 28 to 30 children in a class, disproportionate numbers of boys, many students with IEPs, many who haven't been identified yet. Some have learning disabilities and behavioural issues, and no EA to assist in the classroom. How can you expect the average student in a class like that to be able to learn the curriculum when all of these factors are undermining

their potential and impeding the teacher's ability to be successful?

What happens in a class like that? Well, there are many repeat customers in the principal's office, and the rest of the students are stressed, unhappy and unable to get any work done. Their quality of education has been severely affected and they will be forever burdened by these unacceptable circumstances. The Ministry of Education needs to take responsibility for these rogue boards who, because of self-governance, don't think they need to be accountable for the millions of taxpayer dollars they are spending, and for all of the violations of the Human Rights Code.

The HDSB is paying for full transportation for all of the single-track immersion students to get to their schools, even though the HDSB is in a transportation deficit, and yet, HDSB does not provide transportation to several hundred at-risk secondary students by providing them with transit tickets. How could the HDSB deny these young teenagers the support that they deserve with transit tickets or even free transportation? Because it's going to elementary optional programs. How does this go unchecked?

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Mr. McGuinty wants to be known as the education Premier? I think not—not while students in the English track within an English board are being stripped of their rights to a sound education. Our children deserve better than that. As Canadians, we should all be entitled to learn French through a better delivery model. Core French hasn't been changed in 30 or more years, and the model is boring and antiquated. We have asked for core French to start in grade 1. We have asked for an accelerated integrated model or AIM program to be used in core French. How long do we as parents have to wait for our children to have fair and equal access to French? How long do we have to wait for French to be delivered in a format that is inclusive and that will not divide our neighbourhoods?

What is needed here is an education ombudsman in each and every school board in the province to ensure that monies directed to mandated programs, core English, special education and core French are being used for that purpose. We need accountability at our boards rather than single-minded trustees choosing segregation over sound education for all.

Ms. Wynne, please open your eyes. This is all taking place on your watch and our dollar. Many community members have been bringing this to your attention for nearly two years. To date, the ministry has turned a blind eye, leaving our board and trustees to be their own watchdog, and has ignored our delegations. The quality of education our children are receiving is being severely affected simply by offering an optional—

The Chair (Mr. Shafiq Qaadri): I'll need to intervene there, Ms. Gunn. The 10 minutes have now elapsed. I'd like to thank you for your presence, your deputation and the written materials that you have submitted.

NOVALEA JARVIS

The Chair (Mr. Shafiq Qaadri): I would now, on behalf of the committee, call our next presenter, Ms. Novalea Jarvis, to please come forward. You've seen the protocol. I invite you to begin now.

Ms. Novalea Jarvis: Hello. I'm Novalea Jarvis. I'm the mother of four children aged 11 to 16 years of age. My children have attended both Catholic and public elementary and high schools in Halton and outside of Halton. I have children who are gifted, mainstream and who have special education requirements. My husband and I have been on school councils for the elementary school and the high school in our neighbourhood and on a home and school. We've been coaches and trainers for hockey, soccer, field hockey and softball, and I've been a Girl Guide leader. My husband has been on DARE and various community safety committees. We are committed to our children, our school and our community. We believe that it takes a village to raise a child.

While we are definitively in favour of the ministry regulating the behaviour of school boards and devising a code of conduct, we're not sure that the indicators you've defined in the consultation paper will regulate the behaviour of school boards for the benefit of the children.

I've given you nine recommendations. I've recommended that there be an education ombudsman; better pay for trustees; change of indicators, including evaluations by school council—and that's on pages 5 to 9—of the functioning of the board; equality and special education indicators; diversity indicator; stability indicator—page 5 to 9—more accountability to parents; and a code of conduct for trustees, directors and board with significant consequences.

I would now like to tell you what we believe is important as parents, why we became school council members and why we have made the recommendations we have in this presentation.

In 2003, the board indicated to parents at my school, Pilgrim Wood, that the school would be taken over and made into a single-track French immersion school and that the children representing 85% to 90%, over 400 children, would be bused or walked out of their neighbourhood school. Luckily, government changes made the board reconsider this position.

In March 2008, the board again decided to take over Pilgrim Wood and our ward trustee asked that the classes at our school be arranged based on the postal codes of the children. There was no trustee motion to this effect and no public consultation. Our school was still at 85% to 90% capacity. I joined the school council, a council set up in June as opposed to September-October 2007 because the principal refused to call an election. The principal then also refused to advise parents of council meetings or post council meetings, even after this council was acclaimed.

This school council and the next school council for our school made several recommendations supported by a majority vote to the board in writing over one and a

half years. No written response was ever received from the board to these school council recommendations, in violation of the Education Act and its regulations. Communications by the school council with the parents and guardians of the school were interfered with. A survey prepared to solicit the opinion of our parents, which school councils again are mandated by the Education Act to do, was shredded by the school administration. The superintendent sent a note home to parents advising them to stop gossiping on the blacktop about the principal.

In April 2008, a replacement principal and VP were sent to our school, but it was too late; 17 teachers and staff and five education assistants were leaving our school, some who had been there over 15 years. Our children were devastated. We were devastated as parents. The board then made a boundary change without any consultation with the school and over 100 students left to attend a new school. These children should have been given the option to stay, given that these students had attended our school for years. Again, our children cried.

Other wards were encountering similar issues with this board. The ministry-appointed facilitator, Mr. Dave Cooke, concluded in his report that that accommodation review for this other ward within our board had major flaws from the beginning, and that the local trustees' intervention resulted in some members of the community feeling concerned. He said that the decision-making process followed by the board was not transparent and confused the community, that it lacked transparency, that it fell short and that the board failed to adhere to its board-approved policy. He indicated the board needs to understand that public education is a partnership with the parents and the community, that this partnership needs to be nurtured and respected and that the board cannot violate its own policy for strategic reasons.

Because the board chose not to have a PARC in our situation, we did not have the protection of the PARC policy. We did get an independent facilitator, who recommended that the French immersion program in Oakville be delivered in a dual-track school in all the schools in our ward, as did a board research department report. We are the only ward in Halton with single-track French immersion schools, which offer French immersion on the basis that 50% of the day's instruction is in French, so they take French in gym, art, music and social studies; the other 50% is in English, from grade 1 to grade 8.

The independent facilitator's report and the board research report were largely ignored. We wrote letters, we completed forms sent to us by the board, and we delegated. The board reduced the time we had to complete forms sent to us by the board. They tried not to let repeat delegations delegate. They wouldn't let us submit more than six minutes of written presentation as opposed to 10 minutes, which was in the delegation bylaw. They advised us that we could only delegate if our issue was specifically related to an agenda item, yet some French immersion supporters received individual audiences with the trustees for extended periods. We struggled on.

We made wonderful recommendations. We asked for AIM; we were denied. We offered to share our school and make it a dual-track school, but advised the board that we did not agree to the takeover of our school and the busing out of the neighbourhood children. The board reported concerns that the parents at our school were hostile.

The board trustees continued to advise parents that the single-track French immersion program was the best program, yet it's unproven. "It's better than the English-track program," they say. Both they and/or board staff personally meet with every JK and SK parent throughout Halton and tell them the same thing. Yet the board has refused to conduct proficiency testing, and there is no data to suggest that the French immersion children attain any semblance of proficiency or that the French immersion program is successful. In all the years that I attended our school, only once did the board do a presentation for special education parents, and it was at the repeated request of school council.

We brought to the board and the minister's attention that the French immersion program was having a detrimental discriminatory effect on boys, ELL and special education students, particularly in single-track, noting EQAO data showing that these schools had 40% boys, 0% ELL and less than 2% special education, greatly below board and province-wide stats. The board appears to have ignored this data, and to date hasn't provided statistical data or reviewed their own data to dispute this.

Children being pushed out of the French immersion program at the single-track and the dual-track schools arrive at our school or their home school typically in grades 2, 3, 5 or 6, forever psychologically scarred and lagging academically. They need assistance. They score low on EQAO testing; they bring down our schools' EQAO average, making our schools' less desirable. No extra help is provided in terms of EAs or SERTs. Many are later identified as learning-disabled when, in fact, they would have been fine if they'd been given the proper supports in the French immersion program.

Then in June 2009, the board decided to investigate our school council but wouldn't tell us what the complaint was or who had made it and wouldn't let us bring anyone to the interrogation. They also wouldn't tell us who was interviewed. All this is contrary to the rules of natural justice and their own policies on relationships. We requested this information and never received it to date.

The board then wrote a scathing report, which they presented publicly to the school community in the middle of our elections, without permitting school council to comment on it. When the school council members later presented to the board information and documents showing that the assertions in their report were made negligently and were wrong, the board reviewed their own actions and concluded that everything was fine—no retraction, no apology.

Our community has lost confidence in this board. We've lost confidence in the minister, who fails to

intervene on our behalf time and time again, citing they have no power to intervene. We're at a point where we're considering placing our children in private schools. I think that until you've come up against a board such as ours, you can't understand the need for governance policy. Parents want stability. They want equality. They want their children to attend walk-to neighbourhood schools. They want to be treated as partners in education. They want to be respected, treated fairly and heard. They need someone to intervene on their behalf, not just when another trustee requests it, but when parents request it. When the board is doing what it's doing, in violation of the Education Act, its regulations, the board policies and procedures or the Canadian Charter of Rights and Freedoms or the Human Rights Code, we need a mandated education ombudsman for each board, who is separate and apart from the board. We require a code of conduct be put in place for trustees, boards, directors and superintendents, and we need it now.

We want boards to be accountable to the public, to the parents. We want money spent on the children, not the yearly board expenditures of \$1.7 million on portable relocation, \$1.8 million on transportation for French immersion programs, \$500,000 on credit cards for children, \$500,000 for new templates when we have existing ones, \$125,000 to run a committee when all the other committees are volunteer or \$125,000 to pay a principal. We want money better spent on all children—on curriculum, education assistants, technology and SERTs. We want money spent to improve the regular English-track schools and classrooms. Then, possibly, there will be fewer children suspended or expelled, or not meeting the level 3 EQAO. We want a better core French program that will lead to proficiency and to bilingual students of all abilities, sexes and races.

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We want a more inclusive school environment where every child has the opportunity to attend and succeed. We want a melting pot at every school, not the dipper effect. We don't want segregated schools. We don't want schools by sex, race, ability, colour or language. Our forefathers worked long and hard on the Charter of Rights and Freedoms and the Human Rights Code to protect us from discriminatory practices. How can we allow so much discrimination and segregation in our school system under the guise of "It's a better school for that child" for reasons of obtaining federal funding or just because we can do it? What happens to those children who can't get into that school, who may never meet their soulmate or that friend who will change their lives forever? At what point will it end?

If there is a better way to teach to certain children, then bring it into the school and teach it there. Don't have separate schools and separate programs.

Thank you for listening to my presentation. I've given you a number of articles. I've summarized some of the recommendations. I've given you reasons. I've given you a list of the codes of conduct. Because of my story, it kind of explains why I put those types of codes of

conduct in. In our board, the trustees have their own website, where they go and they say that the French immersion program's a better program. One of them is on the Canadian Parents for French committee—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Jarvis, for your submission and your very elaborate written materials that we have here.

CATHY DUNCAN

The Chair (Mr. Shafiq Qaadri): I would now invite our next presenter to please come forward: Ms. Cathy Duncan. Ms. Duncan, your materials are also being distributed. I would invite you to please (a) be seated and (b) begin.

Ms. Cathy Duncan: My name is Cathy Duncan. I have been a part of the Pilgrim Wood Public School community in Oakville since 1993. My husband and I chose public education for all three of our children. The two oldest are graduates of Pilgrim Wood Public School and Abbey Park High School and are both continuing their education at university. Our youngest currently attends grade 6 at Pilgrim Wood Public School.

We are committed to quality public education that is inclusive and diverse. Over the past 16 years, I have volunteered many rewarding hours to activities such as field trips, all-star reading, absence check, community outreach, and helping in the classroom and on school committees.

On March 23, 2008, my husband and I attended the Halton District School Board information meeting at Heritage Glen Public School. Representatives from the board informed us that because of overcrowding in an optional French immersion program, thriving neighbourhood schools with mandated programs in Oakville would not be a priority for the board. We were informed as a community that a "superior program" needed more space and that elementary children in the English program should be prepared over the coming school year for the transition out of their school.

I immediately called my trustee, Ms. Kathryn Bateman-Olmstead, and was told that placing children in classrooms by postal code in 2008-09 would, from her prior experience with similar situations in Oakville, ease my child's transition out of his neighbourhood school. I believed that by giving priority to an optional program for a relative few over the mandated programming, my trustee was not responsibly representing the majority of her constituents. I felt that she had a conflict of interest because her children were enrolled in the FI program. I called the ministry and was told that the school board is an elected body and that unless there was fiduciary misconduct, the ministry could not intervene. It was suggested to me that at the next election our ward could elect a different trustee and that, in the meantime, I should consider joining my school council and becoming actively involved in the school board process.

I educated myself about the current Halton District School Board and the issues affecting education in

Oakville. I spoke with many people at my school, the board and the ministry. I chose to become active on my school council and participated in board activities, including focus groups, making delegations to the board and attending board meetings.

Pilgrim Wood school council was dedicated to effectively representing the Pilgrim Wood school community through a difficult public consultation process that was the focus of the Halton District School Board and seven schools in our ward during the 2008-09 school year. In addition to being a member of school council, I held the positions of chair of the nomination election committee and chair of the constitution committee for the past two councils.

At the June 8, 2009, school council meeting, Ms. P. Dyson, superintendent, publicly announced an investigation into allegations against the Pilgrim Wood school council members. Despite repeated requests by council members, the source and content of the allegations were never revealed by the board. We were told that we would be interviewed, that it would be taped and that we could not bring anyone else with us. I felt that this violated my rights to natural justice. So did other council members, and the board was advised of this. Despite this, the board proceeded with the interviews. To this date, they have not revealed what the complaint was or who made it.

Ms. Dyson presented the results of her investigation to the community at Pilgrim Wood Public School on September 15, 2009, and posted the report on the school website on September 16, despite repeated requests by the chair of Pilgrim Wood Public School council between June and September to not release the report during the school council election period. Ms. Dyson has focused much of this report on a draft constitution which she failed to attach to the report. The content and status of proposed discussion items regarding the Pilgrim Wood Public School constitution have been misrepresented in the report presented on September 15. There were no members from the constitution committee interviewed by Ms. Dyson, and the current and in-force constitution was never mentioned. This has, in effect, made the report inaccurate and misleading. I have attached a copy of a discussion paper that was presented to school council on May 4, 2009. Discussion and action on this paper was deferred prior to the board's investigation to the 2009-10 school council. At no time did Pilgrim Wood Public School have a draft constitution.

Not only was there interference in the election by the timing of the report's release, but the negative tone, inaccuracies and defamatory statements made about the school council in the content of the report interfered with the public's perception of the competency of the current council members and thus the election. While not named in the report, council members were easily identifiable by their position on council.

In the superintendent's report, it is recommended that Pilgrim Wood Public School council follow recommendations/guidelines contained in the Ontario Ministry of Education's School Councils: A Guide for Members,

revised 2002. On September 25, as chair of the nomination/election committee, I requested that Pilgrim Wood school council follow the guidelines as recommended by the board report while conducting the first election in the school's history, including:

- (1) allowing seven days for the school community to become informed with respect to the election;
- (2) allowing the election committee to conduct an all-candidates meeting; and
- (3) notice of the election be sent via e-mail in addition to backpack notice.

All of the above requests were denied by the Halton District School Board. It is my opinion, as chair of the election committee, that while the procedures of the election set out by me were accurate, the outcome of the election was severely interfered with by the Halton District School Board and should be set aside.

This is the second time in two years that there has been interference in a Pilgrim Wood Public School council election or nomination process. In 2008, employees of the board attempted to recruit and/or appoint members of council without having a self-nomination process. Our school, through the intervention of a lawyer, held an election in June 2008.

As chair of the constitution committee and the nomination/election committee, I am held accountable for my actions. As a parent volunteer, I have demonstrated dedication, honesty, integrity and commitment to my child's school. How is the public to hold this board accountable for its actions, specifically programming, publicizing inaccurate statements about parent volunteers and interfering in school council elections, as well as many other issues that concern the community? Are we to just wait for the next election? I am here today to respectfully request that we implement positive changes to ensure that all school boards are held accountable to parents and to school councils in a transparent manner.

These are my recommendations:

- (1) that the ministry establish the position of an Ontario education ombudsman—one for each school board—who would focus specifically on issues related to that local school board;
- (2) the governance model should establish a substantive and enforceable code of conduct for school boards, including individual trustees and superintendents, thereby making all school board representatives accountable for their actions; and
- (3) the government should ensure that the priority for all school boards is mandated programming.

I have included a package of documents, letters and reports related to this delegation.

Thank you very much for your attention.

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

Mr. Rosario Marchese: Novalea, can I ask you: Do you think the bill helps you in some way or other?

Ms. Novalea Jarvis: Me?

Mr. Rosario Marchese: Oh, sorry, Cathy. Do you think this bill helps you in some way to deal with some of the questions you've raised?

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Ms. Cathy Duncan: If the governance portion has some actual substance to it that would give parents an opportunity to have some—

Mr. Rosario Marchese: Because I don't think anything in the bill helps you. That's my question.

Ms. Cathy Duncan: No. I need more to it. I'm asking for more. I need more.

Mr. Rosario Marchese: I think you and the other parents have said an ombudsman would probably be one of the ways that you could get help, because I don't see how else you might be able to get help.

Ms. Cathy Duncan: That's why I'm asking for it first. That's my first request.

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

Mrs. Liz Sandals: Yes. I wonder if you could comment on the code of conduct for trustees as presented in Bill 177. Are you in agreement with the code of conduct for trustees or do you have any additional suggestions around what should be in the code of conduct?

Ms. Cathy Duncan: I'm not a policy-maker. I'm here to ask you to please have a code of conduct for trustees that would help in situations like this. I am not a policy-maker.

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

Ms. Sylvia Jones: Thank you, Ms. Duncan. A quick question: You make reference to an Ontario education ombudsman; do you have any idea what the skills or background—what do you envision for their background?

Ms. Cathy Duncan: I envision someone totally independent from the school board who has a—

Ms. Sylvia Jones: So, paid by the Ministry of Education?

Ms. Cathy Duncan: I would prefer to see an ombudsman who is not appointed by the school board and someone with a background in public education who could be a resource for parents who are caught—when I phone the ministry and I'm told to talk to my trustee, I have nowhere to go.

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

ELEMENTARY TEACHERS' FEDERATION OF ONTARIO

The Chair (Mr. Shafiq Qaadri): I move now to our next presenters: Mr. Hammond, Mr. Lewis and Ms. McCaffrey of the Elementary Teachers' Federation of Ontario. Your written materials are being distributed. I'd invite you to please introduce yourselves individually for the purposes of Hansard recording and officially begin now.

Mr. Sam Hammond: Thank you. My name is Sam Hammond, and I'm the president of the Elementary Teachers' Federation of Ontario. With me are Gene Lewis, our general secretary, and Vivian McCaffrey, our government relations officer.

I welcome this opportunity to speak on behalf of our 73,000 members—teachers and education support personnel—who provide high-quality education to students in Ontario's public elementary schools.

ETFO's interest in this regulation relates to the extent to which it affects the viability of local education governance and potentially expands the capacity of the government to increase the role of provincial standardized tests in determining how and what students learn.

Bill 177 proposes to add two statements to the Education Act to clearly articulate the general purpose of Ontario's public education system. The first stated purpose, "to provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens who contribute to their society," is commendable. ETFO will rely on this definition to make a case for more resources to support elementary education and for less emphasis on standardized tests which narrow the focus of student learning in Ontario. Students won't realize their potential if they don't have a well-rounded, well-resourced elementary education.

The second stated purpose commits all partners in education to enhancing student achievement and well-being, closing gaps in student achievement and maintaining public confidence in the public education system. There is no definition of "student achievement" in Bill 177 or the Education Act. The definition of "student outcomes," which would include, we assume, student achievement, is being left to future regulations. This purpose therefore raises concerns regarding how the bill will be used to further entrench the ministry's focus on province-wide testing that, in the federation's view, skews elementary teaching too much in favour of basic skills and away from promoting a balanced curriculum and fostering a broad knowledge base, key critical thinking skills and enthusiasm for learning among our students.

Much of the bill consists of amending or adding to the current regulatory framework that governs the operation of school boards. Sections of Bill 177 do outline specific duties of for trustees, board chairs and directors of education, but ETFO is concerned with section 4 of the bill, which proposes to extend the government's extensive regulatory powers to more clearly define these roles.

Earlier this year, during the consultation conducted by the governance review committee, the Ministry of Education raised issues related to the key roles at the school board level, including whether directors of education should have dual responsibility to both the elected trustees and the Ministry of Education, and whether school trustees' responsibilities should be limited to general policy issues rather than more specific oper-

ational and program issues. Bill 177 does not answer these questions. If, through regulations, the government imposes a so-called policy model on school boards and makes directors of education directly accountable to the provincial government as well as school boards, then school boards will lose what little remaining independent authority they have.

Bill 177 proposes to add a comprehensive new section in the act, section 169.1, that specifies school board responsibilities to "promote student outcomes" and to develop multi-year plans that "include measures respecting the allocation of resources to improve student outcomes." The outcomes are to be defined in a future public interest regulation, as allowed by section 11.1 of the act. While this regulation is not yet finalized, it appears that the primary focus will be on the narrow achievement indicators measured by EQAO literacy and numeracy tests.

Since school boards no longer have the ability to raise revenue through local taxation and are totally dependent on provincial funding, they are legitimately concerned that they will be held accountable for student outcomes without having the means to address issues that may require additional financial resources or involve a broader approach to student learning. This concern is highlighted in the current context of economic restraint.

The present government insists that the power to take over a school board regarding student achievement levels will only be invoked in rare circumstances. But governments come and go, and courts rule on the language of statutes and their regulations, not the reputed intent.

Section 26 of Bill 177 adds new sections to the act to legislate terms and conditions for implementing a standardized code of conduct for school trustees. While the intent of providing a coherent framework for trustee conduct is laudable, the federation has concerns with clause 218.1(d), which obliges individual trustees not to be publicly critical of a board resolution. This provision could unfairly interfere with trustees' ability to provide a dissenting voice and fairly represent the views of their electors. Such a limitation could be seen as conflicting with trustees' rights to freedom of opinion and expression.

Bill 177 deletes all reference to co-instructional activities from the Education Act. Specifically, the bill repeals the definition of co-instructional activities and the responsibility of school boards and principals to have plans for co-instructional activities. It also deletes any reference to the withdrawal of co-instructional activities from the definition of what constitutes a strike on the part of teachers. These changes, which remove amendments to the act introduced by the previous Conservative government, reflect the philosophy that extracurricular activities provided by teachers are entirely voluntary in nature and, as such, should not be subject to governance by provincial legislation. ETFO supports these amendments to the act.

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In conclusion, given the degree to which the intent of Bill 177 will be operationalized through future regu-

lations, it is difficult to propose specific amendments to the bill. Because of the reliance on regulatory change, Bill 177 means that potentially radical changes to school board governance could be determined outside of the more transparent and accountable legislative process. ETFO would prefer to see changes to the role and definition of school boards, trustees and directors dealt with through amendments to the act.

ETFO does not support the government's plan, through the proposed public interest regulation, to expand the government's current authority to take over supervision of a school board.

Thank you, and I would be pleased to respond to any questions.

The Chair (Mr. Shafiq Qaadri): Thirty seconds a side: Ms. Sandals.

Mrs. Liz Sandals: Thank you for your presentation. What will I say? How would you like to tell me how you would evaluate student well-being? What other things should we be looking at in terms of measuring the health of a school or a system?

Mr. Sam Hammond: In terms of how I would evaluate that with regard to Bill 177, I'd leave that up to the government, in terms of statements—

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

Mrs. Elizabeth Witmer: I'm just going to say thank you very much for your presentation. It's well done.

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

Mr. Rosario Marchese: I oppose this bill completely. I think it's the most meaningless piece of—actually, it's not so meaningless. The code of conduct renders trustees useless and meaningless. The point about the purpose is that it puts you in a position to have to deal with the gap. What do you feel about your being put in a position to deal with the education gap?

Mr. Sam Hammond: The federations in this province shouldn't be put in a position to deal with that gap. One of our concerns is how that gap results from the democratic process taken away from trustees.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Marchese, and thanks, Messieurs Hammond and Lewis and Ms. McCaffrey, for your deputation on behalf of the Elementary Teachers' Federation of Ontario.

UPPER CANADA DISTRICT SCHOOL BOARD

The Chair (Mr. Shafiq Qaadri): I now invite Mr. Greg Pietersma and colleague of the Upper Canada District School Board to please come forward. I would invite you to begin now. Do introduce yourselves, please. Go ahead.

Mr. Greg Pietersma: The Upper Canada District School Board is pleased to be given the opportunity to participate in your review of Bill 177. I am here today with director David Thomas and second vice-chair Sherri Moore-Arbour.

The Upper Canada District School Board is located in the easternmost region of the province. Our board surrounds Ottawa and encompasses such communities as Cornwall, Vankleek Hill, Rockland, Winchester, Kemptville, Brockville, Gananoque, Perth, Smiths Falls and Carleton Place. We serve 29,000 students and operate 89 schools.

At the outset, I would like to state that our board fully supports the concerns raised by our provincial organization, the Ontario Public School Boards' Association. Our board has asked me to make a presentation outlining our concerns about the proposed changes outlined in the bill.

I'm going to be very honest with you: Preparing this presentation was a struggle. I started with a point-by-point statement of our concerns, moving through the bill. Then I wrote the presentation to focus on the three areas of concern: subsection 169.1(1), clauses 283.1(1)(f) and (g) and section 253.1. This version I also put aside. None of these responses seemed to adequately articulate the concerns of my board.

As I read through the e-mails from trustees and notes from discussions, I realized that our board is very worried. They are worried that we are moving ever closer to the loss of the local voice in education. While it may not be this bill that tips the scales to effective centralized control, it may be the next.

Our longer-serving trustees have said they barely recognize the role they now have. Since the Fewer School Boards Act, these trustees have seen progressive erosion in their sphere of influence. They see the public's role increasingly marginalized, as they themselves become marginalized.

One of these long-standing trustees, Millie Craig, stated: "If the historic relationship between parents and their elected trustees is redefined so that trustees become the agents of big government, the personal relationships built on mutual respect will be altered and local partnerships will become less effective."

We are very proud of our local response to the achievement gap. Our board has embarked on an ambitious but attainable goal of having a 90% graduation rate; that is, that 90% of a cohort starting kindergarten will finish high school with their peers after four or five years of high school. In 2003, we started supporting our system with a 15-year strategic plan built on local consultation, which is broken up into three-year cycles and reviewed annually, and it is working. Wayne Hulley and Linda Dier, in their book *Getting By or Getting Better*, said that the Upper Canada District School Board, as a result of our multi-year plan, can "truly say that learning by all is becoming a reality in their district. They are making a difference." This is a local multi-year plan based on foundational research and adapted to suit our local conditions. We did not need a ministry template or memo to do this.

We have read with interest and concern that the ministry will require us to have multi-year plans. The ministry has a poor record when it comes to creating the

conditions for multi-year plans to be effective. We managed to persevere despite the ministry arbitrarily removing \$10 million from our special education funding. Sending in-year funding that is so prescriptive to support its objectives and not ours shows no respect for our multi-year planning. Unfortunately, we see nothing in the bill or the rhetoric that suggests a change in the government's approach.

We do not mean that we don't accept the role of a centralized Minister of Education. The redistribution of funding based on something other than the local tax base has greatly increased the equity of resources. Our board accepts the value of centralized curriculum development and the operation of centralized testing.

Perhaps it is time for all of us to look at a leadership approach that moves away from a top-down hierarchical style. Perhaps we should consider something like servant leadership, which instead emphasizes collaboration, trust, empathy and the ethical use of power. The father of servant leadership, Robert K. Greenleaf, says, "The servant-leader is servant first.... It begins with the natural feeling that one wants to serve, to serve first. Then conscious choice brings one to aspire to lead. That person is sharply different from one who is a leader first, perhaps because of the need to assuage an unusual power drive or to acquire material possessions.... The leader-first and the servant-first are two extreme types." From our reading of the bill, we see a relationship based on servitude being fostered.

While we certainly think that the changes proposed by the Ontario Public School Boards' Associations will mitigate some of the concerns, we ask that you consider a deeper look at the ultimate impact of this legislation on public education. Is this a bill that will see the ministry support local public education or take it over?

The first area that we ask that you consider is a concept advanced by our native trustee, Peter Garrow: reciprocal accountability. Our board does not shy away from being accountable; however, we feel that we will be held accountable for measures that are not our creation and for which we have no ability to marshal financial resources. What is lacking in the legislation is an indication that the government accepts its role to partner with school boards to ensure that the conditions exist for us to reach the government's targets.

The second concern is about the resting of power in the ministry. It is the open-ended articles giving the minister the power to create new rules with regulation beyond the watchful eye of the Legislature that concern us most. We ask you to reflect on this continuing development in legislation. We understand that our provincial association has requested that it be consulted with on the creation of regulations. But let's be honest: There is a transparency factor to having to submit to debate on the floor of the Legislature that does not occur with regulation. Out of the public's sight, out of the public's mind; is this really the best we can do?

Thirdly, this bill does little to enhance the role of boards. Defining the role does little more than reaffirm

what was already known. Our fear is that boards, trustees and directors will become more focused on compliance, rather than on advocating and innovating to drive the local achievement agenda.

As we reviewed the bill, we began to wonder: Whose vision of public education is being represented? Is it the vision of accountants? Is it the vision of a frustrated bureaucracy? Is it written by a passionate supporter of public education? Is it written by a government concerned about being accountable for something it doesn't have complete control of? We believe it was written by all of them. While we can't figure which one of them had the lead voice, we can assure you that it wasn't the passionate supporter of education.

At this point in the history of reform in public education, we need to thrust the voices forward that have the understanding that we need to create classrooms that excite, engage and enlighten. We need the voices that comprehend the value of local and community in the success of our system. Do you hear these voices in this bill? If they are there, they are very faint.

1700

It's hard, as a trustee, to read this bill and derive a positive sense of our future. It was speculated at our table that in the near future trustees would be done away with altogether. While this may not be an accurate representation of the government's intentions, it speaks to the sense of increasing futility in our role.

In closing, I want you to know that we accept the fact that we are a creature of legislation. At any time, we could be removed. Regardless of the outcome, trustees will continue to do the best they can to support students—that you can count on. All of us are passionate champions of education.

The last thought I would like to leave you with is on whether you believe that this is the best response for children. Are more children going to learn because of this bill?

The Chair (Mr. Shafiq Qaadri): Thank you. Thirty seconds a side: Ms. Witmer.

Mrs. Elizabeth Witmer: I want to thank you very much. I'm a former board chair and I appreciate your courage. I think what you have identified to be the case is probably, regrettably, very close to the truth. I think the role of the trustee will be diminished and I'm not sure the student will achieve greater success.

Mr. Greg Pietersma: Thank you.

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

Mr. Rosario Marchese: Thank you, Greg. I think the entire focus of this bill is about the purpose, section 3, which talks about "closing gaps in student achievement," and student achievement is about tests. This is what the bill is about and this is what a trustee's role is all about, if you want to comment again on what you feel about the role you are now put into in closing the gap in student achievement.

Mr. Greg Pietersma: I find it odd that we're having to be told that that's our responsibility. Every day—

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

Mrs. Liz Sandals: Thank you. First of all, let me assure you that nobody has any intention, at least not on our side, of getting rid of trustees.

On page 2, I think it is, you're talking about the fact that Upper Canada has a multi-year plan, but you're objecting to the ministry requirement to have a multi-year plan and I'm finding that very confusing.

Mr. Greg Pietersma: I'm sorry to confuse you. It's not that we object to having it. We object to the—

The Chair (Mr. Shafiq Qadri): With regret, I will have to intervene. I thank you, Ms. Sandals, and I thank you, Mr. Pietersma, Ms. Moore and your colleague, for your deputation on behalf of the Upper Canada District School Board.

EDUCATION ACTION

The Chair (Mr. Shafiq Qadri): I would now like to invite our next presenter, Mr. Christopher Glover of Education Action, to please come forward. We'll distribute those materials; you can just leave them there. Please be seated. I would invite you to please begin now.

Mr. Christopher Glover: My name's Chris Glover. I have two children in Toronto's public schools and I have been, from time to time, a parent activist on education issues.

I have two points. The first is that Bill 177 does not reflect the historical link between public education and democracy and the second is that Bill 177 undermines the democratic powers of the voters who elect our trustees.

I'm going to start with a brief historical account of the relationship between democracy and public education. Democracy comes from the Greek words "demos" and "kratos," which mean "people rule." Advocates of democracy in the early 1800s argued that if people were to govern themselves, they would need to be educated.

In Canada, we achieved our democracy step by step rather than through a revolution. By 1828, although the Legislative Assembly which we are in today had no real power, the Reformers advocating for responsible government held the majority of seats. The Reformers wanted the real power in the province to rest with the democratically elected Legislative Assembly. One of their first acts was to appoint Charles Duncombe to travel to New York to study the public education system there. In his report, he recommended the creation of a universal, free public education system similar to, but of course better, than the one in the United States.

Frustrated with the lack of progress—

Interjection.

Mr. Christopher Glover: That was supposed to be a joke.

Interjection.

Mr. Christopher Glover: And that one's falling flat, too. Okay.

Frustrated with the lack of progress toward democracy, some Reform members of the Legislative Assem-

bly, including William Lyon Mackenzie and Charles Duncombe, rose up in the Rebellion of 1837. The rebellion failed, but after the rebellion, the British government sent Lord Durham to investigate. To correct the situation, Durham recommended the establishment of responsible government in the Canadas. In spite of this recommendation, the British colonial government continued to resist democratic reform, but in order to avoid stirring up another rebellion, the Lieutenant Governor of Upper Canada was forced to make concessions. Among these, in 1844, was the appointment of Egerton Ryerson as chief superintendent of education, a post that he would hold until 1876. Ryerson became known as the founder of Ontario's public education system.

This is only a brief historical snippet of the link between democracy and public education but, given this crucial link, it is a severe oversight that the "purpose of education" in Bill 177 makes no mention of the relationship between public education and democracy. Other documents do make the link. The mission of the Toronto District School Board reads: "Our mission is to enable all students to reach high levels of achievement and to acquire the knowledge, skills, and values they need to become responsible members of a democratic society."

So my first recommendation to the committee is to change the "purpose of education" to read: "The purpose of public education is to provide all students with the opportunity to realize their potential and to develop into highly skilled, knowledgeable, caring citizens in our democratic society."

But just to have the words is not enough. Bill 177 must be changed so that it recognizes the sovereignty of citizens' votes. Bill 177, as it currently stands, will allow the provincial government to "make regulations governing the roles, responsibilities, powers and duties of boards, directors of education, and board members, including chairs of boards." This section of Bill 177 implies that trustees are employees of the provincial government rather than elected representatives of the citizens in their communities. The provincial government should not be writing job descriptions for trustees. The trustees are our elected representatives.

Several times over the past decade, the provincial government has seized control of boards and appointed a supervisor to run them. It could be argued that this was one elected official—the Minister of Education—usurping the powers of other elected officials, the trustees. But, for example, with the Catholic school trustees currently, they were elected by Catholic voters in Toronto. They are the elected public servants of that community. The minister's government was elected by all voters across the province and represents other interests besides the Toronto Catholic voters.

If there was an issue of illegality, it is for the judicial system to intervene. If the trustees have behaved inappropriately or against the wishes of their voters, it is for the voters to elect someone else in the next election.

I'd also like to add that I would support the expansion of the Ombudsman's powers to intervene in education issues.

I'd like to draw a parallel here. We do not expect the Stephen Harper government to step in and replace Ontario's provincial government with a supervisor because of the eHealth scandal. Nor should we expect the provincial government to unseat elected trustees and replace them with a supervisor.

My second recommendation is that section 4(2), and all other sections of Bill 177 that undermine and disrespect the democratic sovereignty of the voters who elect trustees, must be removed from Bill 177.

In Canada, we achieved our democracy step by step; we could also lose our democracy step by step. Bill 177 is a step in the wrong direction.

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

Mr. Rosario Marchese: Thank you for your presentation. You heard Ms. Sandals say that they're not trying to get rid of trustees, but when you look at the code of conduct, it simply says that they shall attend meetings, consult with parents—blah, blah—comply with the board's code of conduct, maintain focus on student achievement, and they have to support the implementation of any board resolution after it's passed and refrain from interfering in the day-to-day management. Once you've done that, is there anything left for trustees to do?

Mr. Christopher Glover: No. I think it's a real infringement upon the democratic process and the people who voted for the trustees. I'm really appalled with that section of the bill.

Mr. Rosario Marchese: Thank you. The other point is that People for Education, through Annie Kidder, came in and said that she supported the purpose and said, in terms of closing the gaps, that we might have to provide more resources. But she said that if we just change "student achievement" to "student success," she would be happy with that.

Mr. Christopher Glover: It's not enough. This is a question of democracy and this is a question of what it means when we go to the polls and vote for somebody. If our votes can be discounted, if somebody can usurp the power of those votes, then our democracy means nothing.

Mr. Rosario Marchese: Thank you.

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

Mrs. Liz Sandals: Just let me begin by commenting that, despite the fact that the constitutional relationship between provincial and federal governments is different than between the provincial government and school boards, in fact there is nothing in this bill or in the Education Act that would allow the Minister to unseat a trustee, because it is recognized that trustees are elected and the power to remove a trustee rests with the electorate.

1710

Having said that, my recollection of the Egerton Ryerson history is that part of his rationale for looking at public education as a foundation of democracy was that he believed that the public must be literate in order to

participate in democracy. I'm wondering what your objective is, given the purpose of the Education Act, which actually looks at issues of student achievement and literacy.

Mr. Christopher Glover: To be educated and to be able to participate in a democracy requires a lot more than just literacy; it requires a broad education. One of the problems and one of the issues with the direction of the current provincial government is that the focus of education has become too narrowed on EQAO scores. Being able to fill in bubbles on a test card does not make you eligible to be a citizen or equip you to be a citizen in a democracy.

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

Mrs. Elizabeth Witmer: I just want to thank Mr. Glover for coming forward and speaking so eloquently about the loss of democracy. Thank you very much.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Witmer, and thanks to you, Mr. Glover, for your deputiation on behalf of Education Action.

Just before I call our next presenters, I'd like to recognize on, behalf of the committee, the Gilchrist clan: Mr. Steve Gilchrist, who, as you know, was the MPP for Scarborough East from 1995 to 2003. Welcome. He is accompanied by, I presume, his father, Gordon Gilchrist, a federal member of Parliament from 1979 to 1984. We welcome you to the Legislature especially.

ONTARIO SECONDARY SCHOOL
TEACHERS' FEDERATION,
DISTRICT 19-PEEL

The Chair (Mr. Shafiq Qaadri): I'd now invite our next presenters, Ms. Desiree Francis and Mr. Jesse Sturgeon of the Ontario Secondary Schools Teachers' Federation, District 19-Peel. You've seen the protocol. Please be seated and begin.

Ms. Desiree Francis: Thank you for allowing us this opportunity to speak today. We will be speaking to you from two different perspectives as Peel teachers, Jesse as a teacher in the start of his career and myself as a teacher towards the end of her teaching career.

Before we start, I'd like to remind you of some words that you may recollect:

"As a citizen, I'm concerned—like you—that many of us no longer feel our participation matters.... It's a democracy ... where a government trusts its citizens.... Democracy belongs to its citizens, not just its elected officials.... We will show Ontarians that their democratic institutions serve the interests of the people, not those of any particular party.... When it comes to how the people elect their representatives, the people of Ontario will have their say.... Our responsibility is to ensure the public's voice is heard loud and clear and has an impact." By "increasing the quality of debate ... we make our democracy stronger."

Do these words sound familiar? They should. They are the words of the then newly elected Dalton McGuinty

speaking at a conference on democracy in defence of democracy. The entire tenor of that speech was to speak against a growing public cynicism that governments don't listen and don't trust their electorate once elected.

Let me tell you who I am. My name is Desiree Francis, and I'm proud to call myself a veteran teacher from Peel. Though I am currently the president of the public secondary teachers in Peel, I have been a classroom teacher for 23 years.

What does this have to do with this bill? It probably seems unusual that a teacher should speak to issues that seem to be about the employer, but in truth, I feel strongly that what happens with Bill 177 will have a direct impact on all teachers and, certainly, changes as a result of regulation even more so. No bill in education of such scope impacts one group only.

Our trustees in Peel work with the Peel District School Board efficiently and successfully. They are part of school life, often visiting schools and participating in school events. They advocate for their school constituency and support parent groups. They ensure that public schools meet the diverse needs of a very multi-cultural Peel community. They oversee every aspect of the board, from management to employee level—not an inconsiderable responsibility given that Peel employs close to 12,000 individuals. Ensuring the smooth operation of an organization this size speaks to the existing skills and efficiencies already in place.

As the board's website proudly attests, trustees already are accountable to the public and are answerable to a code of ethics. They adhere to strict guidelines regarding their role in the board and their role as representatives of a constituency. Clearly, the current framework and practice already addresses many of the concerns presented in Bill 177.

So what's wrong with this new bill? Simply put, it's too far-reaching, tying too many areas of education together as if there was a natural link between these disparate parts—politics to school performance, finances to scores and rule-following—and threatening boards with supervisors, an unpopular and undemocratic move, which has thus far been used as an exception, not a mode of operation for the future. What confidence does this present in employee groups and the work they do, since they, too, will no doubt be held at fault if any problems occur? I assure you, this will not result in labour peace.

It just doesn't make sense, and is, in fact, evidence of unnecessary legislation. Why create a system which diminishes the role of trustees and their democratically earned right to manage the board? What other elected representative in Ontario faces such penalties without facing a court or public hearing? It just isn't reasonable.

In closing, before I leave you to my colleague, I leave you with this note: A previous government believed in creating a crisis, inventing a problem so that they could then claim to fix it. I urge this government not to proceed in like manner. While there may be ways in which our current governance model can be improved, there is no need to restructure the entire system to fix these small

areas. Continue instead your faith in democracy and support school board systems that are first and foremost about elected trustees. They will guarantee your goals of inclusion, responsiveness and accountability by being anchored in the local community.

At this point, I'd like to introduce my colleague Jesse Sturgeon.

Mr. Jesse Sturgeon: As Desiree mentioned, my name is Jesse Sturgeon. I am the political action chair for OSSTF, District 19, Peel, and an executive member of its teacher bargaining unit. More importantly, I have spent the vast majority of my 30 years as a member of the Peel learning community, first as a student and for the last three years as a teacher. I have worked tirelessly with colleagues, administrators, social workers, parents and students to provide challenging academic programs that enable students to experience authentic intellectual, emotional and social growth. It is these experiences that inform my presentation here today.

While the intent of Bill 177 may be to increase student achievement and ensure effective school board governance across the province, in practice, it has the potential to systematically undermine the efforts of the entire educational team, further sacrifice credit integrity in favour of manufactured student success and deny all stakeholders authentic democratic participation in the education system at the local level.

Ontarians have often heard the government stress that student achievement is more than just EQAO results and graduation rates. However, it is these very factors that have become synonymous with student success, both with the government and the public. Now the government would like to entrench the language of student achievement in law, without clearly defining what it looks like and how it can be measured. To embed this presently underdefined concept into the Education Act is to propagate a doctrine of pseudo-accountability, in which the focus of education becomes provincial test results and graduation rates.

The learning process will no longer serve as a means by which students develop into active members of a prosperous, caring and cohesive society. Instead, Bill 177 could pressure school boards to deliver programming that teaches to provincial tests and relaxes academic standards for fear that the ministry might invoke its provincial interest powers as outlined under section 11.1 of the Education Act.

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Furthermore, Bill 177 will serve to further centralize decision-making powers with the Ministry of Education, thus denying trustees and their constituents the ability to make decisions that best meet the specific needs of their communities. Whether intentional or not, this bill treats trustees with a sense of distrust. For many of us in Peel, such undertones are very difficult to ignore, especially at a time when our students receive significantly less per capita funding than those in neighbouring boards. As was mentioned earlier, trustees form a crucial part of our educational team. To make them more accountable than

any other elected officials while also denying them any real decision-making powers is not only unjust, but it is ultimately undemocratic.

Trustees are a vital conduit through which local stakeholders can have their concerns heard. To stifle their voices is to silence all citizens at the local level. As such, it is imperative that the government hold public consultations when drafting the policy and program memoranda that will ultimately regulate the implementation of this bill, should it receive royal assent.

The Chair (Mr. Shafiq Qaadri): We have about 20 seconds a side, beginning with the government. Ms. Sandals.

Mrs. Liz Sandals: Thank you for your presentation. You talk about it being important to give some attention to student well-being. How would you recognize that?

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

Ms. Sylvia Jones: Peel's per capita is much lower than the provincial standard. Can you please explain quickly to the committee a little more about it? Do you know the number?

Mr. Jesse Sturgeon: In all honesty, off the top of my head, no. I was talking specifically in reference to Toronto and Dufferin-Peel, which is in the same geographic—

Ms. Sylvia Jones: Oh, it's across the province.

Mr. Jesse Sturgeon: Is it?

Ms. Sylvia Jones: Absolutely.

Mr. Jesse Sturgeon: Okay. Like I said, I have tons of information—

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

Mr. Rosario Marchese: Yes, you won't be able to respond to my point. This bill has nothing to do with trustees or their governance. In fact, their role is subjugated into the purpose of this bill. Their role now is to deal with student achievement, and student achievement has always been defined by the government every time that they speak about tests. That's what this is about.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Marchese, and thanks to you, Ms. Francis and Mr. Sturgeon, for your deputation on behalf of the Ontario Secondary School Teachers' Federation, District 19, Peel.

KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD

The Chair (Mr. Shafiq Qaadri): I would now invite Mr. Gordon Gilchrist, trustee of Kawartha Pine Ridge District School Board. Welcome, sir. Please be seated. If you have any written materials, we'll be happy to distribute those—which we are doing. I invite you to begin, please, now.

Mr. Gordon Gilchrist: Thank you, Mr. Chair, and thank you for your kind acknowledgement earlier.

As an active trustee of a responsible public school board, I am grateful for the opportunity to address this

important committee for the singular purpose of commenting on the student achievement aspect of Bill 177. With only 10 minutes at my disposal, I shall not attempt to deal with the governance portion of the bill, particularly when it is so well handled daily by my colleagues and my administration and so competently critiqued by the Ontario school boards' association brief—and also by the one we just heard from the Elementary Teachers' Federation of Ontario. I shall mention only those funding issues that strongly affect student achievement, the lack of which reduces a board's ability to impart higher levels of instruction and teaching and, consequently, higher student achievement.

The discussion paper issued by the Ministry of Education declares that the bill clearly articulates the goal of the act in the broadest terms: "To provide students with the opportunity to realize their potential"; and "all partners"—I emphasize "all partners"—"in the education sector have a role to play in enhancing student achievement ... closing gaps ... and maintaining confidence in the province's publicly funded education system." Bill 177, however, seems to be a one-way street, imposing downward bureaucratic control over a democratically and locally elected board. The words "all partners" seem to apply in the earlier thing, but there is much less confidence being shown in trusteeship in this bill.

Members, this is a worthy goal, well-expressed, and it calls for a broad analysis of the many gaps that exist in our educational system. Allow me to explain the increased task imposed on school boards by the bill, namely, to be responsible for student achievement and to reach the objective of having three quarters of elementary students achieve grades of 70% or more as well as have 85% of secondary students graduate. As for my school board, I know it accepts the challenge. But first some facts.

Bill 177 calls for school boards to improve student grades and control legitimate expenditures while offering no additional assistance in supplying the increased resources needed by a board in order to achieve those higher goals.

Let us consider my school board as well as the province as a whole. The invaluable EQAO testing results of grades 3 and 6 reading, writing and mathematics, on average, for the province over the past seven years reveal that the numbers of students achieving grades of 70% or higher amount to approximately two thirds, roughly 61% to 77%. My board's results closely trail the provincial average by a few per cent—minus 9% to plus 3%, with minor exceptions. So both my board and the province are operating at approximately the two-thirds level of student achievement.

The predominant amount of funding for public education goes to salaries and benefits—80%-plus; busing—for example, my board is 6%; plus other non-educational costs such as maintenance and utilities, leaving well under 10% of funds for the classroom.

Of course, teachers are an integral cost to the classroom, but their funding at any scale of wages does not

relate directly to student achievement results—that is, paying teachers more does not necessarily equate to higher marks—and boards do not actually control these dollars anyway. The same for busing costs: More buses don't translate to higher marks, nor do costs of maintenance and utilities. Only that small remainder, less than 10% of its budget, may be applied by a board to satisfy its unique needs and provide the flexible application of funds to meet its proposed responsibility for better student achievement.

That small percentage is what is resulting in a two-thirds standard of education in our board, and obviously the present provincial level of funding is what is resulting in the same two-thirds level of achievement across the province. Funding is not enough in either case.

Granted, it is a terrible time to be calling for more resources from the province, but the bill calls for improved results and the facts require a major increase in funding if boards are to achieve the desired results.

The goal is worthy. A well-educated society is far better able to deal with all its other problems than is a poorly educated society. That fact places education in the absolute top category of any government's obligations.

From the above-stated facts, it should be obvious that when considering all the expenditures of funds across the province aimed at covering all the demands placed on school boards for the broad educational needs of our students, the total dollars expended are producing only a two-thirds average level of achievement, right across the province. That has been consistent over the past decade in spite of myriad adjustments in rules and teaching styles. Clearly, all the gaps of the entire educational system have not been identified nor adequately addressed by our establishment partners.

It can readily be seen that additional funding for the extra needs, such as more special education teachers, enrichment programs, smaller class sizes, smart boards and other electronic techniques that will, for example, allow students to interface with their school from home while doing homework and classroom projects at their own pace and with much greater interest. All these would achieve the required higher performance called for by the ministry.

The ministry, by its mandate, is entitled to place responsibility for better student achievement results on the board, but I repeat: It must also recognize the need to provide increased funding for the many much-needed changes described, all aimed at improving student achievement.

Many good projects and directives stem from ministry initiatives and the knowledgeable people working therein. Some projects are already in process, and no doubt there are others in the works. But the following issues should be investigated and introduced or changed in order to overcome the low testing results at both board and provincial levels.

Action is already being taken by the literacy and numeracy secretariat to achieve better educational understandings with individual boards, but in order to under-

stand and adequately fund the many other special needs of each board, teams of experts should be sent out from the ministry on a regular basis for consultations about each board's unique and operational requirements in order to better customize that board's special funding requirements.

Dramatic new teaching techniques will demand significant changes by unions and federations, which today are in fact largely influencing education to a point of slowing, if not debilitating, new and better teaching practices. Unions must recognize and accommodate the ongoing changes occurring in teaching, particularly in electronic education, which offer major improvements in the accumulation and dissemination of knowledge and are a potentially great upgrade to student achievement.

Although the large-scale utilization of electronic techniques and their potentially beneficial effect on education must be recognized and implemented at once, such techniques will not of themselves improve educational results. Good teachers—and we have many of those—will still be the backbone of good education, but substandard, unable or unwilling teachers must be retrained or removed.

Like boards of trustees, unions must accept that we both exist primarily to support student achievement, not just to sustain membership demands that often run contrary to the needs of the students we both serve. Consequently, a meaningful teacher evaluation process is needed for both the new and experienced teachers, perhaps by qualified retrainers or imposed probation conditions, or new apprenticeship programs.

The planning of both lessons and units, and their relationship to the Ontario curriculum, must be a priority for new and existing teachers.

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Boards should be allowed to exercise more classroom discipline for the safety of both student and teacher. As well, highly disruptive students should not be permitted to destroy the calm and safe environment of a well-performing classroom. Swearing, disobedience, desk throwing and other disruptive acts reduce the abilities of well-behaved students to concentrate and learn, thus impeding student achievement.

We must explore different and better techniques for teaching special-needs students. Special-needs teaching should be a requisite for every teacher as a pre-service requirement of their education.

More emphasis should be placed on greater student achievement by offering more high-standard and enriched courses like gifted programs, international baccalaureate programs, advanced placement programs and specialty high-skills major programs. My board is leading the province in specialty high-skills major programs with great success.

We should place far greater emphasis on teaching Canadian history and geography so that new immigrants and all young Canadians will better come to know and identify with their wonderful country. That, too, would be real student achievement.

The ministry should eliminate the pseudo-professional, bureaucratically imposed, overly complicated reporting system that has handicapped teachers and taken meaningful, personal, humanistic and easily read aspects out of parents' understanding of their child's real progress and their ability to help their child to improve her or his student achievement.

Finally, the largest misapplication of available educational funds is the maintenance of four different categories of publicly funded school systems. The variations and duplications of costs, including teaching and administration salaries and benefits, building costs, busing costs, communications costs and even the size of the supporting ministry bureaucracy, if eliminated, would release major amounts of funding to all classrooms, which would undoubtedly produce superior results and greater student achievement by all Ontario students.

Yes, members, it is a bad economic time to be asking for more resources. At the very least, I am also pointing to a better application of existing dollars, all dedicated toward a higher level of student achievement.

As stated earlier, some of the above points are already being studied and implemented on various levels of scale. With ministry approvals, some of these additional items could be undertaken at the board level. Others must be dealt with by the—

The Chair (Mr. Shafiq Qadri): I'll need to intervene there, Mr. Gilchrist, but I'd like to say thank you to you and your entourage for your presence and your written deputation.

Mr. Gordon Gilchrist: Thank you, Mr. Chair.

ASSOCIATION FRANCO-ONTARIENNE DES CONSEILS SCOLAIRES CATHOLIQUES

Le Président (M. Shafiq Qadri): Maintenant, j'ai le plaisir d'accueillir notre prochaine délégation, M^{me} Petit-Pas et M^{me} Drouin, qui représentent l'Association franco-ontarienne des conseils scolaires catholiques. Comme vous avez vu, vous avez 10 minutes pour votre présentation. S'il vous plaît, asseyez-vous, et vous pouvez commencer.

M^{me} Dorothée Petit-Pas: Bonjour, distingués membres du comité législatif. J'aimerais vous remercier d'accueillir l'Association franco-ontarienne des conseils scolaires catholiques afin d'aborder le projet de loi 177, Loi sur le rendement des élèves et la gouvernance des conseils scolaires. Nous espérons que notre présentation vous permettra de mieux comprendre les enjeux de ce projet de loi qui risque d'affecter à long terme la gouvernance et le développement des conseils scolaires catholiques de langue française en Ontario.

Les huit conseils scolaires catholiques de langue française de l'Ontario, représentés par l'AFOCSC, ont été créés en 1998. L'AFOCSC représente le plus grand réseau d'écoles francophones catholiques à l'extérieur du Québec. Les écoles catholiques de langue française desservent aujourd'hui au-delà de 70 000 élèves, ce qui

représente 75 % de la clientèle franco-ontarienne. Notre réseau comprend 246 écoles élémentaires et 48 écoles secondaires réparties dans toutes les régions de la province.

Réaction générale au projet de loi 177 : de manière générale, le projet de loi 177 a été bien accueilli par les conseils scolaires catholiques de langue française. Nos conseillers apprécient le fait que le projet de loi soit centré sur le rendement des élèves. Nos conseils ont participé à la consultation tenue par le comité de consultation sur la gouvernance, et l'AFOCSC a déposé un mémoire avec 14 recommandations reflétant les préoccupations de nos conseils scolaires catholiques. Ce mémoire vous a été distribué à fin d'information. Je m'attarderai sur six de ces préoccupations.

On s'entend pour affirmer que certaines modifications à la Loi sur l'éducation de l'Ontario sont nécessaires et, au dire de la majorité des conseillers et des conseils scolaires, assez évidentes dans le contexte de gouvernance moderne. Les conseillères et conseillers scolaires ne concentrent pas leurs énergies à décider de la distribution des boîtes de lait, etc., et ces changements devraient être apportés à la loi. Cependant, il est d'intérêt pour tous les conseillers de s'intéresser aux modifications qui pourraient affecter le niveau de responsabilité assumé par le ministère, ainsi que celui qui sera assumé par les conseillères et conseillers scolaires.

Certains des 72 conseils scolaires de l'Ontario ont catégoriquement refusé de répondre à la consultation sur la modernisation de la gouvernance, parce qu'on jugeait qu'il s'agissait d'une initiative visant une prise de contrôle par l'appareil gouvernemental. La vigilance est de mise, et les questions soulevées par ces conseils sont valables. Pourquoi ajouter ces mesures de contrôle alors que les élections servent à juger de la compétence et de la performance des élus? Les députés ne sont pas soumis à ce genre d'exercice et ne doivent pas passer par toutes sortes d'examens pour faire la preuve de leur pertinence. Les électeurs se chargent de cette tâche au jour de scrutin.

Voici maintenant les six enjeux.

(1) Les conseillères et conseillers scolaires doivent veiller à préserver leur autonomie de gestion. Il faut laisser aux conseils l'autonomie qui leur revient. Plusieurs craignent que le projet de loi sert, au bout du compte, à restreindre les pouvoirs des conseillers scolaires et à augmenter le niveau d'intervention du ministère de l'Éducation. Chaque conseil possède des défis et un mode de fonctionnement qui lui sont propres. Le respect de l'autonomie locale est un élément qui est souvent soulevé comme étant essentiel au bon fonctionnement des conseils à travers la province. Une description exhaustive existe des responsabilités légales et des différents recours déjà prévus, notamment dans la Loi sur l'éducation et la Loi sur les municipalités. Plusieurs recours existent déjà qui ne sont pas utilisés et qui sont très mal connus. Apprenons plutôt à nous servir des outils qui sont à notre disposition.

(2) Dangers dans la définition de ce qui est la réussite des élèves : selon le projet actuel, la ministre de

l'Éducation pourrait prendre contrôle d'un conseil scolaire lorsque celui-ci ne démontre pas de progrès dans l'atteinte des cibles de réussite scolaire fixées par le gouvernement. Il n'est pas acceptable que la ministre ait le droit de prendre la gouvernance d'un conseil strictement sur les bases de la réussite des élèves. Un conseil scolaire pourrait faire très bonne figure pour la réussite des élèves et faire usage de très mauvaises pratiques au niveau de la gestion de ses budgets. Il ne faut pas limiter la mesure de succès des élèves, ou encore, d'une école, seulement selon les résultats compilés par l'OQRE. Cette approche vient contredire tout ce qui est à la base même de notre mandat à titre d'éducateurs au sein d'un système catholique en langue française.

Les investissements dans toutes sortes d'initiatives liées à la Politique d'aménagement linguistique, en construction identitaire par exemple, constituent un élément clé au niveau de la réussite des élèves des conseils scolaires de langue française. Quoiqu'il soit difficile à évaluer, cet élément culturel est tout aussi important aux yeux des conseillers scolaires dans la définition du succès que les résultats au « testing » de l'OQRE. Se limiter aux données de l'OQRE serait en sorte de réduire l'impact de l'école de langue française au sein de nos communautés à son plus simple dénominateur.

De plus, nos conseillers de langue française vivent des situations difficiles propres à leur réalité de conseils scolaires œuvrant en milieu minoritaire. Ces facteurs peuvent expliquer la difficulté ou l'impossibilité pour certains d'atteindre les cibles fixées par le ministère : taux de roulement du personnel élevé au sein des conseils; milieu francophone très minoritaire; situation socio-économique défavorisée d'une région; non-disponibilité des services d'appui, comme l'orthophonie; absence de ressources humaines pour livrer les services spécialisés.

Malgré tous les efforts réalisés au cours des derniers 10 ans pour combler les écarts, ces facteurs demeurent critiques au sein des communautés de langue française et entravent la réussite scolaire des élèves.

(3) Amender la section 58.1 afin de garantir la représentation des communautés isolées au sein des conseils scolaires (ajout de conseillers).

Quoique le Comité pour l'examen de la gouvernance en Ontario n'avait pas de mandat d'étudier la possibilité de fusion de conseils scolaires ou d'administrations scolaires et qu'aucune mention n'y est faite dans son rapport, la ministre a pris soin de prévoir les mesures légales dans le projet de loi 177 pour accommoder son plan de fusion des administrations scolaires. La fusion des six administrations scolaires catholiques de langue française avec les conseils scolaires catholiques de langue française n'a pas été bien accueillie par l'AFOCSC. De fait, l'AFOCSC a décidé, le 9 octobre dernier, d'intenter un recours judiciaire et d'amener le gouvernement provincial devant les tribunaux puisqu'elle estime que des droits de la gouvernance protégés par

l'article 23 de la Charte canadienne des droits et libertés ont été violés.

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En examinant la section 58 du projet de loi 177, vous détecterez ces dispositions permettant aux conseils de demander à la ministre d'augmenter ou de diminuer le nombre de conseillers scolaires. Cette disposition avait été prévue pour accommoder les conseils qui désireraient frapper à la porte de la ministre suivant les fusions des administrations pour ajouter à leur table un poste ou plus, afin d'assurer une représentation politique des parents de ces régions isolées.

La ministre relègue aux conseils la responsabilité de créer ce poste et se réserve le droit de l'accorder selon des critères démographiques ou géographiques. L'ajout des administrations scolaires ne représente pas une grande augmentation du territoire de nos conseils, qui sont déjà immenses, donc nous doutons que la ministre ait à accepter cette demande. D'autre part, le projet de loi 177 n'oblige pas les conseils à créer ce poste additionnel. Sans cette garantie d'un conseiller avec droit de vote, nos communautés francophones isolées craignent que le grand conseil d'accueil qui est désormais chargé de la gestion de leurs écoles isolées ne puisse pas répondre à tous leurs besoins à cause des autres pressions financières existantes.

Si le financement provenant du gouvernement est insuffisant, les conseillers scolaires se trouveront dans l'obligation de fermer ces petites écoles qui constituent le cœur de nos communautés francophones du nord de la province. Par conséquent, l'odieux du geste reviendrait aux conseillers scolaires.

Nous insistons donc pour que cette section du projet de loi soit modifiée et que la ministre reconnaisse le rôle que jouent les conseillers dans la gestion scolaire et l'importance de s'assurer une représentation garantie des parents ayant droit au plan politique par des conseillers pour représenter les régions isolées au sein des conseils d'accueil. Cette mesure viendrait éliminer le risque d'iniquité en termes de représentation qui risque de s'installer au sein de nos communautés depuis l'imposition, en septembre 2009, de la fusion des administrations scolaires en Ontario.

(4) Augmentation du niveau d'intervention du ministère de l'Éducation, ou du/de la ministre : le ministère de l'Éducation peut certainement agir comme agent garant de la réussite des élèves. Il est cependant important d'analyser à fond les conditions qui mènent au succès ou aux écarts avant de poser des gestes. Le ministère doit travailler en collaboration avec les conseils scolaires pour assurer le succès des jeunes. Il serait dommage de voir le ministère adopter une approche punitive lorsque les cibles ne sont pas atteintes, et les conseillères et conseillers scolaires s'y objecteraient fortement.

Le règlement que—

Le Président (M. Shafiq Qadri): Merci, madame Petit-Pas, et merci aussi à votre collègue, M^{me} Drouin. Votre temps est regrettamment expiré. Merci pour votre

soumission et votre représentation de la part de l'Association franco-ontarienne des conseils scolaires catholiques.

CAMPAIGN FOR PUBLIC EDUCATION

The Chair (Mr. Shafiq Qaadri): Now I would like to invite our next presenter to come forward: Mr. Stephen Seaborn of the Campaign for Public Education. Welcome, and please begin.

Mr. Stephen Seaborn: Thank you, committee members.

Through community outreach, research, policy development and advocacy, the Campaign for Public Education has been an important advocate of Toronto's publicly funded education system during the past decade. Organizations representing parents, such as the federation of Chinese parents of Toronto, community organizations, such as the Urban Alliance on Race Relations, front-line education staff and educational researchers, including teachers' federations, and social agencies, including the social planning council of Toronto, gather around our campaign table.

Our considered view, after study, consultation and receiving legislative legal opinion, is that Bill 177 will have serious implications for Ontario's existing education system. The unprecedented power which would be transferred to the provincial government to unilaterally determine the duties and responsibilities and respective roles of school boards, board members and their officers will significantly hamper their ability to perform their current responsibilities.

Rather than enshrining clarified roles of individual trustees, school board chairs and education directors in the new legislation, Bill 177 actually gives a great deal of latitude to the provincial government of the day to determine by regulation the respective duties and roles. In fact, under section 26 of the bill, the minister is granted unilateral authority to promulgate a code of conduct for board members without any public debate or input and with no meaningful limitations within the act to circumscribe this power.

Providing for this kind of broad discretion without going through any legislative process, in our opinion, would be absolutely unheard of for any school council, any union, any not-for-profit corporation or any number of civic organizations in our society today. "An abomination" is actually what one of our members called it last night at our meeting.

Apart from these significant regulatory powers, Bill 177 would impose new legislative limits on the role and activities of school trustees. Most significant are the limitations contained in a new section of the act, 218.1(d), which requires a board member to "support the implementation of any board resolution after it is passed by the board," as provided for in the previous section, 218.1(e).

Not only does this prohibit board members from criticizing any board resolution with which they disagree

once it has been passed by a majority of the board, but this section places an affirmative obligation on a member to support it. In light of the democratic role played by school trustees since the 19th century in this province, this kind of what people call a "gag order" must surely be unacceptable and worth reviewing.

The provision could certainly be the subject of a constitutional challenge, as mentioned by the previous speaker, since it would appear to limit the freedom of expression of school board trustees set out in section 2(b) of the Canadian Charter of Rights and Freedoms.

While infringements on freedom of expression, belief, thought and opinion may be justified when they constitute a reasonable limitation, it is the opinion of our legal advisers that "it would be difficult for the government to justify this provision in light of the historical role of school trustees and the fact that board members do not function as a unified executive or cabinet."

Clause 218.4(e) of the proposed act would provide that the chair of a board shall act as spokesperson to the public on behalf of the board unless otherwise determined by the board. Taken together with the requirement that every board member support board resolutions upon their adoption, this provision, by placing exclusive responsibility for communicating with the public in the hands of the board chair, clearly appears to limit public discussion and debate even further.

The bill would constitute a clear departure from the role trustees have historically assumed on behalf of their electors via the prohibition on "interfering in the day-to-day management of the school." This provision will certainly be interpreted as preventing school trustees from commenting on, questioning or advocating in relation to particular concerns or particular students or parents on the basis that such conduct constitutes interference with the day-to-day management of the school.

Further, a question: Does the bill's provision to "maintain focus on student achievement and well-being" preclude trustees from taking into consideration other non-student-related community issues relating to the use of schools and board policies impacting more broadly on the community as a whole?

The bill attempts to establish a number of duties for boards of education as a whole, including an obligation to "deliver effective and appropriate education to all pupils" and promote their well-being, a laudable goal statement. However, we all know that school boards were stripped of their taxation powers under the previous government and are thus limited in their ability to provide effective programs by the extent of funding provided by the government of the day.

It would surely be generally considered unfair, in a legal sense, to place the entire legal obligation of providing effective and appropriate education on school boards alone, yet this is precisely what is laid out in the set obligations contained in section 16 of the bill. We are advised that this may well involve school boards in significant litigation as to whether in particular cases they may have met required standards.

1750

Finally, I'd like to offer our last point from a UK government watchdog on sustainability. In that agency's 10-year vision for public education, it insists that, "Most of all, we want to see children and young people feel ready to stand up for what they know is right." Our sincere hope is that this committee will do likewise.

The Chair (Mr. Shafiq Qaadri): Thank you very much, Mr. Seaborn. Forty seconds per side. Mr. Marchese.

Mr. Rosario Marchese: Thank you, Stephen. I just wanted to comment on the conduct of members because I've been offended by this from the very beginning. What it says—and that's where I find it silly—in terms of their role, it is to attend meetings, which is what they are doing; consult with parents, which is what they should be doing; bring concerns of parents to the board; and maintain focus on student achievement. And then it has limitations, two of which you mentioned, which are, to support the implementation of any board resolution—which means, "Shut up if you disagree"—and the other one is to refrain from interfering, which could have broad application—all of which renders the role of school trustees meaningless, don't you agree?

Mr. Stephen Seaborn: I'm not sure that this government, the people who elected this government or this committee would actually want that to be the case. I'm assuming not.

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

Mrs. Liz Sandals: Thank you for your comments. One of the suggestions that a number of the deputants have made is that it would actually be more in line with the original intent of the support clause if we were to say—and note that it's "uphold implementation"; it doesn't say "uphold the idea" or "support the idea." It would talk about upholding implementation. So while you might not agree with the resolution, you don't interfere with the implementation of the resolution once it has been passed by the majority—

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

Ms. Sylvia Jones: I'm going to be brief. Mr. Seaborn, thank you for your presentation. I'm going to mark you down as opposed to Bill 177.

Mr. Stephen Seaborn: I think that would be fairly accurate on behalf of all our groups that sit around our table.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Jones, and thanks to you, Mr. Seaborn, for your deputation on behalf of Campaign for Public Education.

TORONTO DISTRICT SCHOOL BOARD

The Chair (Mr. Shafiq Qaadri): I invite now our next presenter, Mr. John Campbell, chair of the Toronto District School Board. Welcome, Mr. Campbell. You've seen the protocol. I invite you to please begin now.

Mr. John Campbell: I think I understand the ground rules, thank you.

I would like to thank you, the members of the Standing Committee on Social Policy, for giving us the opportunity to speak to you today about Bill 177.

Over the past several years, the TDSB's governance committee has spent considerable time looking into the roles of the board, individual trustees and how they interact with the roles of directors of education and the Minister of Education. These roles and relationships have changed substantially over the past few decades as the government has assumed more responsibility for taxation and curriculum.

Increased centralization has meant decreased autonomy for boards. It has meant that elected trustees must not only meet the expectations of their constituents but also the increasing demands of the Ministry of Education. These changes have led to some confusion and tension as individuals struggle to understand where the new jurisdictional boundaries lie. This confusion distracts trustees, board staff and the ministry from our primary task: to support schools so that they can help our children develop into knowledgeable, caring and productive members of society.

We welcome the government's effort to bring greater clarity to the roles of all players in the education system. Properly done, this will reduce jurisdictional ambiguity and increase student success. Our governance committee members worked closely with the Ontario Public School Boards' Association to develop OPSBA's response to Bill 177, and we strongly support OPSBA's recommendations to this committee.

We felt there were three additional areas of insight that we wanted to provide to the committee, and these are:

(1) the duty of the board to monitor and evaluate all elements of the director of education's performance and to take corrective action as needed;

(2) the duty and power of individual trustees to act in ways that allow the board to fulfill its obligation; and

(3) the need to recognize the ministry's role in setting the conditions that determine a board's ability to reach its goals as set by the ministry.

On monitoring and evaluation of the director's performance, perhaps the most basic role that any board can fill is the ongoing monitoring and evaluation of the CEO's performance and taking appropriate action when necessary to assure that the whole organization is achieving the board's goals. Quite surprisingly, this function is missing from the list of duties as described in 169.1(1) and should be added. The closest the bill comes to addressing this duty is in clause (f), but it has two significant limitations. First, it refers to monitoring but not to evaluating or taking action, and second, it refers only to monitoring "obligations" under the board's multi-year plan.

We believe that the director of education needs to be fully accountable to the board, and there could be no effective oversight or accountability if Bill 177 does not

explicitly recognize that the board has both the power and the duty to monitor, evaluate and act on the director's performance.

We suspect that 169.1 was intended to give the board sufficient power to provide that oversight, but unfortunately the wording does not achieve that goal. Without this explicitly stated role and authority, the board cannot fulfill its defined obligations to promote student outcomes, to ensure effective stewardship of the resources and to deliver effective programs to students.

We therefore request that (f) be amended to read:

“(i) monitor and evaluate the performance of the board's director of education, or the supervisory officer acting as the board's director of education, in meeting his or her obligations under the plans referred to in clause (e) and effectively implementing other direction provided by the board, and

“(ii) take appropriate action based on the evaluation in (i) above.”

This revised wording would recognize that the board is the director's employer and that the director is responsible for carrying out the instructions of the board.

On the duty and power of trustees to further the goals of the board, collectively as a board, trustees are responsible for the well-being of both our students and the board. However, the role of trustees, as set out in 218.1, is so limited as to constrain their ability to fulfill their collective duties. Simply put, the collective board is only as effective as the contributions and actions of its individual members. The quality of board decision-making and oversight will be seriously impaired if individual trustee duties are limited to the narrowly defined parameters described as attending meetings, consulting with parents, supporting implementation of board policies etc.

Clearly, it is not practical to develop a comprehensive list of every contingency and action that individual trustees should take to ensure that the collective board action leads to greater success. We therefore urge the committee to add the following to 218.1, just before the list of duties: “act in ways to help the board fulfill its obligations under 169.1(1), but not limited to.” This overarching expectation would set a high standard for individual trustees and allow them to act individually to take actions needed to achieve the fundamental goals of the Education Act.

Lastly, on the joint responsibility for student success, 169.1(1)(a), (b) and (c) define the three duties of the school boards:

“(a) promote student outcomes specified in regulations.... ;

“(b) ensure effective stewardship of the board's resources;

“(c) deliver effective and appropriate education programs to” students.

These duties lie at the core of the bill. Failure to achieve any of these goals would likely cause the minister to take action to correct the situation. Sometimes the action would involve additional support. At other

times, it might involve placing a supervisor to run the board. These are very serious clauses.

The point that we would like to make is that from time to time, the ministry may take an action which places these clauses in conflict with each other. If this were to happen, the board would be placed in an impossible situation between a rock and a hard place. For example, there may be instances where the outcomes, as specified by the minister under section 11.1, cannot be achieved with the resources provided by the government. In this case, the board would find itself unable to meet its obligations under both (a) and (b).

To prevent such a dilemma, we urge the committee to add a section to the bill that ties the board's accountability to an obligation by the minister to ensure that the resources referred to in (b) are adequate to achieve the outcomes in (a) and deliver the programs in (c). This obligation would require the ministry to consider local circumstances beyond a board's control that affect student outcomes—circumstances like poverty, student hunger, cultural challenges, remote communities, lack of community cohesion, available social supports, immigration challenges and language barriers. Absent this obligation, it is possible that the ministry may over-promise what a board can deliver with the resources offered.

The addition of this suggestion would have two practical implications. Since the ministry's role will be explicit and visible, it is likely that the ministry will take great care in setting regulations and policies for the board to follow. When the ministry is required to intervene in a board's affairs, it will be obligated to examine how its own actions have contributed to the problems it is investigating as well as any shortcomings of the board. Such an examination will improve the situation for our students, which, of course, is the fundamental goal of the legislation.

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I thank you all for your time and consideration of our concerns in regard to this bill.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Campbell. Forty seconds a side, beginning with Mrs. Sandals.

Mrs. Liz Sandals: Thank you very much. I'd like to congratulate Toronto District School Board on the amount of time you've spent thinking about governance. I know that your board and a number of associations in the governance review committee actually have been giving very serious consideration to what we can do to improve school board governance, so thank you for your constructive suggestions and for the time that your trustees have spent thinking about this.

Mr. John Campbell: I will pass that along. Thank you for those comments.

The Chair (Mr. Shafiq Qaadri): Mrs. Witmer.

Mrs. Elizabeth Witmer: Thank you very much, Mr. Campbell. I look forward to reviewing your comments, since we didn't have a copy, but—

Mr. John Campbell: No, I only have one copy myself.

Mrs. Elizabeth Witmer: Right. No, that's fine.

Mr. John Campbell: I'll see that they get sent out.

Mrs. Elizabeth Witmer: Okay; that would be great. I did think they were very thoughtful, and there is certainly an opportunity for us to use some of that in making amendments to the legislation.

Mr. John Campbell: Thank you.

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

Mr. Rosario Marchese: Thank you, John, for your presentation. I liked it very much. I was going to say that this bill should be scrapped, in fact, but you have offered the government an opportunity to actually potentially fix it. If they take 90% of your suggestions, they might be able to fix it. We'll see.

Mr. John Campbell: Time will tell.

The Chair (Mr. Shafiq Qadri): Thanks to you, Mr. Campbell, for your deputation on behalf of the Toronto District School Board.

ASSOCIATION DES CONSEILS SCOLAIRES DES ÉCOLES PUBLIQUES DE L'ONTARIO

Le Président (M. Shafiq Qadri): Maintenant, j'ai le plaisir d'accueillir notre prochaine délégation, M. Ronald Marion, président de l'Association des conseils scolaires des écoles publiques de l'Ontario.

Ah, Madame. Vous devez vous présenter.

M^{me} Louise Pinet: De toute évidence, M^e Marion n'est pas ici. Il est en Cour.

Le Président (M. Shafiq Qadri): Merci. Officiellement, s'il vous plaît, commencez.

M^{me} Louise Pinet: C'est officiellement commencé?

Le Président (M. Shafiq Qadri): Oui.

M^{me} Louise Pinet: Alors, merci beaucoup, monsieur le Président, mesdames et messieurs les députés, monsieur le greffier, mesdames et messieurs.

L'Association des conseils scolaires des écoles publiques de l'Ontario est l'association provinciale qui représente les quatre conseils scolaires publics de langue française au service des élèves inscrits dans les écoles en vertu des seuls critères de l'article 23, la langue française.

Les inscriptions dans nos écoles ont augmenté de plus de 25 % en 10 ans d'existence et le rendement accru des élèves est une preuve de la réussite de l'éducation publique en français. Ce projet est d'envergure.

Dans un premier temps, nous souhaitons préciser le contexte particulier en regard des droits à l'éducation. Dans le jugement Arsenault-Cameron, la Cour suprême a précisé que oui, la province a un intérêt légitime dans le contenu et les normes qualitatives des programmes d'enseignement pour les communautés de langues officielles, et elle peut imposer des programmes dans la mesure où ceux-ci n'affectent pas de façon négative les préoccupations linguistiques et culturelles légitimes de la minorité. La taille des écoles, les établissements, le transport et les regroupements d'élèves peuvent être réglementés, mais tous ces éléments influent sur la

langue et la culture et doivent être réglementés en tenant compte de la situation particulière de la minorité et de l'objet de l'article 23, qui est l'accès à une école de langue française en milieu minoritaire.

L'ACÉPO recommande que le gouvernement tienne compte des réalités linguistiques et culturelles, ainsi que de la spécificité des conseils scolaires publics de langue française de par l'étendue géographique de leur territoire et le nombre d'élèves et de contribuables, dans la mise en œuvre de ce projet de loi.

Vous savez que les textes de ce projet sont grands. Ils veulent desservir tout le monde. C'est surtout dans la réglementation et dans la mise en œuvre que nous, au niveau des écoles de langue française, trouvons les difficultés.

Par exemple, vous dites, « Mais, oui, il faut avoir des comités de parents au niveau d'un conseil scolaire. » Mais lorsque nous avons des parents à Wawa, à Sudbury et à Blind River qui doivent tous faire un comité, comment le faisons-nous? Comment faisons-nous aussi pour travailler avec 130 municipalités alors qu'il nous faut discuter avec chacun d'eux? Est-ce que nous excluons, par exemple, les gens qui veulent travailler du côté externe et les prenons seulement où est le siège social? Et est-ce que nous cessons d'avoir nos réunions en fin de semaine et de les faire d'un endroit à l'autre afin d'avoir un lien avec nos communautés? L'impact est grandiose pour nous de la mise en œuvre de ce qui est proposé.

Nous voulons aussi rappeler au gouvernement que l'égalité réelle exige une mise en œuvre asymétrique. On ne peut pas être desservi de la même façon. Ainsi, l'ACÉPO recommande que le gouvernement tienne compte dans tous les critères du projet de loi touchant la réussite des élèves et la performance des conseils scolaires du droit de gestion, des réalités linguistiques et culturelles définies localement pour les communautés linguistiques. Essentiellement, vous mettez en place des critères, mais les critères doivent être ceux de la minorité linguistique.

Nous voulons aussi vous signaler que l'ACÉPO a bien étudié la position de l'Ontario Public School Boards' Association et y adhère. Nous voulons cependant mettre l'accent sur un des éléments, celui de la prise en charge d'un conseil scolaire pour des motifs rattachés au rendement des élèves.

Dans les cas où les besoins financiers ne permettraient pas au conseil scolaire de remplir son mandat d'éducation, le ministère de l'Éducation devrait avoir un processus rapide, crédible et obligatoire pour la révision des demandes financières, l'octroi de financement pour l'ouverture d'écoles—achats de terrain, achats d'écoles, mises en disponibilité etc.—en cours d'année financière et une contribution pour suppléer au financement non accessible aux conseils scolaires publics de langue française; redevances pour la construction d'écoles, par exemple.

Le ministère de l'Éducation détermine le curriculum et les programmes et octroie le financement au conseil

scolaire. Dans ce contexte, comment peut-il tenir le conseil scolaire responsable alors que la capacité d'action du conseil scolaire dépend entièrement du ministère de l'Éducation?

Le ministère pourrait intervenir de façon positive en assurant une formation ciblée, un investissement de ressources diverses ou une aide professionnelle, mais la prise en charge d'un conseil qui remplit pleinement son mandat sauf qu'il n'obtient pas les résultats scolaires voulus et les cibles de la province me semble aberrant. C'est difficile de concevoir les deux.

Alors, l'ACÉPO est en accord avec la position énoncée par l'Ontario Public School Boards' Association dans le mémoire que nous avons joint, et nous espérons que le gouvernement tiendra compte de ces recommandations.

Je termine en disant que depuis l'obtention de la gestion scolaire en 1998, les améliorations du financement de notre système public français s'est fait par étapes. Les corrections et les adaptations des politiques se vivent par étapes. L'établissement du réseau procède par étapes. Nous sommes encore le seul conseil qui n'a vraiment pas un système provincial, mais on nous demande d'établir des priorités comme si notre territoire était suffisamment petit pour permettre de décider dans quel petit endroit de la même ville nous pourrions placer notre école, alors qu'il nous oblige à choisir une école—en fait, une ville—au lieu d'une autre.

Alors, dans l'envergure des modifications proposées par le projet de loi 177, ce sera dans la réglementation que les conseils scolaires publics de langue française découvriront réellement l'impact de cet encadrement juridique.

L'ACÉPO souhaite participer activement à l'élaboration des règlements et des décisions ministérielles qui découleront du projet pour qu'elle soit faite dans le plein respect de la Charte canadienne des droits et libertés. Merci.

Le Président (M. Shafiq Qaadri): Merci, madame Pinet. À peu près une minute pour les partis politiques, commençant avec le gouvernement. Madame Sandals.

Mrs. Liz Sandals: Merci, Louise.

You identified the geographic challenge that you're going to have around having a board-wide pick, and that will be laid out in regulation, the details of how that will work. Will you have some specific recommendations around how that could be managed when we get to that consultation point?

M^{me} Louise Pinet: Absolutely. We want to make this work. We want our school boards to work. Therefore, we have to find mechanisms, but sometimes it is only after the rules are in—sometimes we think they will work, but they don't; they are not practical for us. There has to be some flexibility. If you take a parents' group, that's one thing. If you take the audit committee, that's another one that's problematic. Right now, today's announcement, which should be positive, is problematic. We have one school board that has over 120 municipalities—

Le Président (M. Shafiq Qaadri): Merci, madame Sandals. Je passe la parole à madame Witmer.

1810

Mrs. Elizabeth Witmer: Thank you very much, Louise. Thank you for pointing out the unique challenges that your board would face, and I hope that the government, in moving forward with implementation, would take those into consideration.

M^{me} Louise Pinet: Merci.

Le Président (M. Shafiq Qaadri): Merci, madame Witmer. La parole est à vous, monsieur Marchese.

M. Rosario Marchese: Louise, une question : Dans les objets, le projet de loi dit, « Tous les partenaires du secteur de l'éducation ont un rôle à jouer dans l'amélioration du rendement des élèves et de leur bien-être, la suppression des écarts en matière de rendement. » Ça, selon moi, impose une grande obligation aux conseils scolaires sans vous donner les appuis dont vous avez besoin. Que pensez-vous de ça?

M^{me} Louise Pinet: C'est la problématique dans tout ceci : comment s'assurer qu'une minorité linguistique—c'est-à-dire qui déjà n'a pas les infrastructures à l'appui de son épanouissement dans son milieu—soit en mesure d'avoir une école qui ait du succès. Nous avons trouvé des mécanismes. Nous avons plus d'élèves et nous avons du succès. Mais par contre, chaque changement nous amène des défis particuliers dont il faut toujours tenir compte pour pouvoir arriver à continuer l'établissement des écoles linguistiques dont le seul facteur est la langue—

Le Président (M. Shafiq Qaadri): Merci, monsieur Marchese, et vous aussi, madame Pinet, pour votre députation et soumission pour l'Association des conseils scolaires des écoles publiques de l'Ontario.

M^{me} Louise Pinet: Merci. Il faut toujours parler très vite ici.

TORONTO CATHOLIC DISTRICT SCHOOL BOARD

The Chair (Mr. Shafiq Qaadri): I welcome now our next and final presenters of the evening, Ms. Kennedy and Ms. Andrachuk of the Toronto Catholic District School Board. Welcome. Please be seated. I'd invite you to please begin now.

Ms. Angela Kennedy: Good afternoon, Dr. Qaadri, and thank you to the members of the standing committee for allowing us to present to you today. I'm addressing you as the chair of the Toronto Catholic District School Board, but, as you are aware, we are a school board under supervision, and I'm speaking on behalf of the following elected trustees: Joseph Martino, Sal Piccininni, Mary Ann Robillard, Barbara Poplawski, Paul Crawford, myself and Ann Andrachuk. Ann Andrachuk is the appointed vice-chair of the board at the moment, and she's accompanying me today. We have copies of the presentation for all the committee members if you would like to have them.

I'd like to start with the purpose, 0.1(1), a "Strong public education system." Trustees in our board support this addition to the Education Act. It recognizes a shared responsibility for all educational partners.

On the regulations—roles, responsibilities, powers and duties of boards—"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." There is insufficient detail in this revision to predict the impact of such a regulation, which does not include consultation and public scrutiny. Public process and transparency are essential to instill trust and faith in our publicly funded system. We recommend removal of section 4.

Duties of board members: Trustees embrace the addition and clarification of the roles and responsibilities of the educational partners. The proposed addition upholds the importance of the role of democratically elected trustees. It should also be recognized that the list of responsibilities and duties of trustees is extensive and would be difficult to include all stakeholder expectations.

Specifying requirements to new section 169.1 by developing, reviewing, resourcing and communicating the boards' multi-year plans is very good, but appears to force boards to focus on the ministry's mandate, allowing for little autonomy to pursue their own local goals and mission. The ministry must provide resources to boards, allowing flexibility in delivery of programs.

Trustees have serious concerns about new clause 218.1(d) of the act, section 26 of Bill 177, which reads as follows:

"A member of a board shall...

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

A trustee has a responsibility to their local constituents, and when restrictions are placed on trustees which restrict their ability to bring issues to the attention of the board, such a regulation is inappropriate and unacceptable to the democratic process. Our first responsibility is to the electorate, while following the guidelines of the Ministry of Education.

Clause 218.1(d) is unnecessary and inappropriate, given our fiduciary responsibilities in the law. We recommend that this section be removed.

Code of conduct: Most school boards have trustee codes of conduct in place which have been developed, implemented and revised and have provided a compass to direct the proceedings of trustees. From time to time, issues that arise may be addressed, and the process is in place where these changes can be made.

Trustees support the new provincial code of conduct. The autonomy of school boards must be retained but, in consultation with the ministry, a provincial template can be developed which will provide transparency of process and accountability. In the event of a breach of conduct, regulations should be in place to apply appropriate sanctions.

Enforcement of the code of conduct: On subsection 218.3(4), we recommend the following change: that a

meeting would be held in private to protect any disclosure of information of an intimate, personal or financial nature. These recommendations should be included in the board's code of conduct. The ministry should include these items in regulation.

We recommend the following addition to section 218.3:

"Right of appeal for a member of a board

"(5) The ministry compile a neutral 'third party' list of qualified persons that boards can access to investigate any alleged breach of the code of conduct. Consideration should be made for the four publicly funded systems.

"(6) A member of the board has equal access to a neutral 'third party' list of qualified persons to select a representative to investigate charges of an alleged breach of the code of conduct and to arbitrate said disputed breach.

"(7) Until the appeal process is completed and a final decision is rendered, no sanctions would be enforced."

Clause 228(1)(b) of the Education Act provides that a member of a board vacates their seat if they absent themselves without being authorized by resolution from three consecutive regular meetings of the board.

We recommend the following revision: "Any sanctions placed on a board member based on a breach of the code of conduct should be restricted to reasonable limits dependent on the nature of the breach of conduct. Removal for any period would be moved by motion of the board, and this decision would be reflected in the board minutes."

In conclusion, I would like to thank you for this opportunity to address you with our comments and recommendations on Bill 177, the Student Achievement and School Board Governance Act, 2009.

The passage of Bill 177 will have a very significant impact on the roles, responsibilities, powers and duties of school boards. It is too early to say how the passing of this bill will impact provincial education, but we expect a further enhanced focus on student achievement and success and accountability of the system to the public.

Trustees support the recommendations being forwarded for consideration for changes to the Education Act. Thank you for this opportunity to address the committee.

I'd just like to draw your attention to the fact that the last page of our presentation contains a summary of all our recommendations.

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

Mrs. Elizabeth Witmer: Thank you very much, Angela. This will be very easy to read, and I appreciate the time and effort that you and your trustees have put into this.

How many other trustees are there on your board? You represent seven?

Ms. Angela Kennedy: Yes. We have one trustee who's ill at the moment and then we have four other trustees. Twelve in total.

Mrs. Elizabeth Witmer: So they are not represented in your presentation, then?

Ms. Angela Kennedy: No, they are not.

Mrs. Elizabeth Witmer: Okay. All right. Thank you so much.

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

Mr. Rosario Marchese: You didn't comment on 218.1(e), which is "refrain from interfering in the day-to-day management of the board"—

Ms. Angela Kennedy: Thank you for bringing that to my attention. I wanted to mention that we wanted to delete that reference to (e). Thank you. I meant to do that. Sorry.

Mr. Rosario Marchese: So if you take (e) out—and you don't support (d) either; is that what I recall? It's "support the implementation of any board"—

Ms. Angela Kennedy: That's right.

Mr. Rosario Marchese: Right?

Ms. Angela Kennedy: Yes, that's correct.

Mr. Rosario Marchese: So if you take that out, then what is left, in terms of breaches, is: a trustee doesn't attend meetings—it doesn't say how many; a trustee doesn't consult with parents, which means you have to spy on whether they're consulting or not; and "maintain focus on student achievement." Imagine that you would be fined in terms of breaches of this code. Does that make any sense to you in terms of what they're trying to do?

Ms. Angela Kennedy: Would you like to speak to that?

Ms. Ann Andrachuk: Mr. Marchese—is this on?

Mr. Rosario Marchese: Yes, it's on.

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

Mrs. Liz Sandals: Yes, thank you. I'm looking at page 6 of your presentation.

The Chair (Mr. Shafiq Qadri): You have one minute.

Mrs. Liz Sandals: We've received conflicting advice on this issue of whether a sanction meeting should be held in open or closed session. So, going over to the top of page 6, when you're talking about a concern about disclosures of information that would be normally discussed in camera, is that disclosure of information on

items that would normally qualify for in camera—issues that are before the board which you don't want accidentally disclosed—or are you talking about disclosure of information about the individual trustee?

Ms. Angela Kennedy: Disclosure of information about the individual trustee.

Mrs. Liz Sandals: And you don't have a concern about disclosure of information which would be—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Sandals, and thanks to you, Ms. Kennedy and Ms. Andrachuk, for your deputation on behalf of the Toronto Catholic District School Board.

If there's no further business before the committee, I'd just remind the committee members: deadline for amendments, October 25, 5 p.m., and we'll have clause-by-clause hearing on Monday, November 16. Committee adjourned.

Interjections.

The Chair (Mr. Shafiq Qadri): Committee reconvenes. Do I have a proposal with reference to deadline for amendments? First, do I have unanimous consent for such? Yes.

Mr. Rosario Marchese: It's for a week later—is that what you're asking? So you want to move a motion to that effect?

Mrs. Elizabeth Witmer: I do.

Mr. Rosario Marchese: Whatever week that is.

Mrs. Elizabeth Witmer: Yes, a week later than the 29th. What's that date?

Mrs. Liz Sandals: So we—Thursday or whatever that is.

Mrs. Elizabeth Witmer: Let's make it Friday.

The Chair (Mr. Shafiq Qadri): It would be Thursday, November 5.

Mrs. Liz Sandals: That's fine. Thursday, November 5.

The Chair (Mr. Shafiq Qadri): So do I take that as the will of the committee? Unanimous? Thursday, November 5, 5 p.m., or forever hold your peace. Thank you.

All right, committee adjourned.

The committee adjourned at 1820.

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