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## **Official Report of Debates (Hansard)**

**Monday 12 April 2010**

## **Journal des débats (Hansard)**

**Lundi 12 avril 2010**

**Standing Committee on  
Social Policy**

Full Day Early Learning  
Statute Law  
Amendment Act, 2010

**Comité permanent de  
la politique sociale**

Loi de 2010 modifiant des lois en  
ce qui concerne l'apprentissage  
des jeunes enfants à temps plein

Chair: Shafiq Qadri  
Clerk: Katch Koch

Président : Shafiq Qadri  
Greffier : Katch Koch

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
SOCIAL POLICY**

**COMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE**

Monday 12 April 2010

Lundi 12 avril 2010

*The committee met at 1400 in committee room 1.*

**FULL DAY EARLY LEARNING  
STATUTE LAW AMENDMENT ACT, 2010  
LOI DE 2010 MODIFIANT DES LOIS  
EN CE QUI CONCERNE L'APPRENTISSAGE  
DES JEUNES ENFANTS À TEMPS PLEIN**

Consideration of Bill 242, An Act to amend the Education Act and certain other Acts in relation to early childhood educators, junior kindergarten and kindergarten, extended day programs and certain other matters / Projet de loi 242, Loi modifiant la Loi sur l'éducation et d'autres lois en ce qui concerne les éducateurs de la petite enfance, la maternelle et le jardin d'enfants, les programmes de jour prolongé et d'autres questions.

**The Chair (Mr. Shafiq Qaadri):** Colleagues, ladies and gentlemen, as you know, we're here for clause-by-clause consideration of Bill 242, An Act to amend the Education Act and certain other Acts in relation to early childhood educators, junior kindergarten and kindergarten, extended day programs and certain other matters.

Before we begin individual section-by-section consideration, are there any general comments or statements that any individuals would like to make?

**Mr. Rosario Marchese:** We'll do so as we do amendments, Mr. Chair.

**The Chair (Mr. Shafiq Qaadri):** Very wise. Thank you.

We'll now proceed to section 1 consideration, and I would invite the PC caucus to please present motion 1. Ms. Witmer.

**Mrs. Elizabeth Witmer:** Mr. Chair, in light of a subsequent amendment that has been made about the extended-day program, I'm going to withdraw this one, please.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Witmer. Are there any further motions to be presented for section 1? Seeing none, we'll proceed to consider the section. Shall section 1 carry? Carried.

Government motion 2.

**Ms. Leeanna Pendergast:** I move that paragraph 3.0.0.1 of subsection 8(1) of the Education Act, as set out in subsection 2(1) of the bill, be amended by adding the following subparagraph:

“iv. respecting the circumstances in which a board is not required to designate a position in a junior kinder-

garten or kindergarten class as requiring an early childhood educator or to appoint an early childhood educator to such a position.”

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Pendergast. Are there any comments either from you or from others, to begin with?

**Mr. Rosario Marchese:** Does the parliamentary assistant have any explanation for the amendment?

**Ms. Leeanna Pendergast:** I do. If you'd like me to begin, I'd be happy to.

**The Chair (Mr. Shafiq Qaadri):** I believe that is what is being called for.

**Ms. Leeanna Pendergast:** Excellent. This motion addresses an issue that was raised in depositions by stakeholders. It would clearly establish the authority to determine when an early childhood educator is not required in a JK/K class; for instance, such as smaller class sizes.

**Mr. Rosario Marchese:** Sorry, Leeanna. That's when it's not required, and did you give an example or two afterwards?

**Ms. Leeanna Pendergast:** I'm just—I'm going on.

*Interjection.*

**Ms. Leeanna Pendergast:** Yes. I'll get through it, Rosario.

My example is that an early childhood educator is not required in a JK/K class such as in smaller class sizes. The government fully accepts that a class of small size would not warrant two professionals. The specific class size requires further analysis and consultation, and so details for this are best specified by regulation. The government will, if these provisions are passed, engage with and seek advice from stakeholders on any regulations or guidelines on this issue.

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

**Mr. Rosario Marchese:** So a smaller class size would be what—22, 21, 20, 24? What would a small class size be?

**Ms. Leeanna Pendergast:** It would be smaller.

**Mr. Rosario Marchese:** I understand that. The average at the moment in your bill is 26. What is smaller?

**Mr. Khalil Ramal:** Anything—25 is smaller; 23 is smaller.

**Ms. Leeanna Pendergast:** Anything smaller than 26. It's an average—26. So anything smaller.

**Mr. Rosario Marchese:** So if it's 25, then, that would be considered smaller?

**Ms. Leeanna Pendergast:** You know what, Rosario? I think this speaks to exactly what I just said, that this is best dealt with in regulation. These are the types of things that don't belong in statute but are best dealt with in regulation.

**Mr. Rosario Marchese:** But we don't have a sense yet of what that number might be? You don't?

**Ms. Leeanna Pendergast:** That number could be anything. The demographic of Ontario is quite diverse, so at this point it could vary across the province.

**Mr. Rosario Marchese:** Hmm. Does that worry you, parliamentary assistant, or no?

**Ms. Leeanna Pendergast:** Does what worry me, Rosario?

**Mr. Rosario Marchese:** Because at some point I have an amendment that says—

**Ms. Leeanna Pendergast:** Sorry; does what worry me?

**Mr. Rosario Marchese:** I have an amendment that there should be two early childhood educators as an example of the kind of problem we're going to deal with. In your law, at the moment it says "one teacher and one early childhood educator." I'm going to be arguing later how difficult that is going to be. So for me, "smaller" is important to know, and I'm sure people will want to know what that smaller number would be, because it's going to be very difficult to run this program with one person. I wondered whether that worried you. I'm not sure whether you have any thoughts on that.

**Ms. Leeanna Pendergast:** I have several thoughts. I just want to reiterate what I said: The specific class size requires further analysis and consultation. But as well, we're talking small enough that it would be uneconomic to deliver with two adults. So, well below the 26.

**The Chair (Mr. Shafiq Qaadri):** Mrs. Witmer has also asked to make some comments. If I can allow her to do so, and then we can bounce it, please.

**Mrs. Elizabeth Witmer:** I certainly do share Mr. Marchese's concern about the size of the class and what we might be using as a number where there would not be a requirement to appoint an early childhood educator. Does this mean that instead, there may be a teacher's assistant appointed? I guess that's one question I would have.

The other concern that I have: We're already seeing that school boards are very concerned about the lack of detail about the implementation of the program in the fall. We know that concern about the looming deadline did bring trustees from around the GTA together this past weekend; they were from Toronto, York, Durham and some other boards. If we're going to leave this to regulation, we have no idea when the regulations are going to be developed. It's simply going to create more uncertainty in the sector and, again, it's going to mean that there's less certainty about what may or may not happen in the fall and also what the cost of the program might be at the end of the day.

**The Chair (Mr. Shafiq Qaadri):** Are there further comments? Rebuttals? Ms. Pendergast.

**Ms. Leeanna Pendergast:** I'd just like to add one comment. The situation is that it would be just a teacher, and this is responsive to board concerns.

**Mrs. Elizabeth Witmer:** Responsive to whom?

**Ms. Leeanna Pendergast:** Board concerns.

**The Chair (Mr. Shafiq Qaadri):** Are there further comments? Mr. Marchese.

**Mr. Rosario Marchese:** I just want to state some concern. I suspect that a whole lot of people are going to be alarmed by this. Not only is there great uncertainty in the whole bill, but this particular amendment, where the example that is offered is that smaller class size may determine that there will not be an early childhood educator, is going to alarm parents and should alarm teachers. It should alarm boards too, I would suspect. I think we've made our points clear.

1410

**The Chair (Mr. Shafiq Qaadri):** Seeing no further comments from the floor, I will move to consider the vote. Those in favour of government motion 2? Those opposed? Motion carried.

If there are no further motions for section 2, we'll consider this section. Shall section 2, as amended, carry? Carried.

There have been no motions presented so far for section 3. If there are no comments, we'll consider the vote. Shall section 3 carry? Carried.

We'll proceed to section 4: government motion 3. Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that paragraph 6.1 of subsection 11(1) of the Education Act, as set out in subsection 4(1) of the bill, be amended by adding the following subparagraph:

"iv. respecting the circumstances in which a board is not required to designate a position in a junior kindergarten or kindergarten class as requiring an early childhood educator or to appoint an early childhood educator to such a position."

**Commentary:** Again, this motion addresses issues raised by stakeholders. It would clearly establish authority to determine when an early childhood educator is not required in a JK/K class, such as smaller class sizes. The government fully accepts that a class of small size would not warrant two professionals. Again, the specific class size requires further analysis and consultation, and so details are best specified by regulation.

The government will, if these provisions are passed, engage with and seek advice from stakeholders on any regulations or guidelines on this issue.

**The Chair (Mr. Shafiq Qaadri):** Thank you. The floor is open for comments and questions. Ms. Witmer, would you care to start?

**Mrs. Elizabeth Witmer:** My reasoning and concerns would be similar to the government motion discussed in number 2. I'm really quite shocked that here we are in April and, I guess—having been a board chair myself—we really are not allowing the boards much time to move forward with staffing. We don't know yet what the definition of "smaller class size" is going to be. I am

quite concerned that a lot of this is going to be left to regulation. At the end of the day, we know that regulation doesn't allow for much other than the government to make a decision.

**The Chair (Mr. Shafiq Qaadri):** Ms. Jones.

**Ms. Sylvia Jones:** Just a quick question to the parliamentary assistant. Because of when the full-day learning is anticipated to be in place, can you share with the committee when the consultation is going to occur? Because as Ms. Witmer said, we're already in April.

**Ms. Leeanna Pendergast:** The government is fully aware of those timelines. If the statute is passed, then that would happen as soon as possible.

**The Chair (Mr. Shafiq Qaadri):** Further comments? Mr. Marchese.

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** I'll accept the head nod, Mr. Marchese.

If there are no further comments, we'll proceed to consider government motion 3. Those in favour? Those opposed? Government motion 3 carries.

NDP motion 4: Mr. Marchese.

**Mr. Rosario Marchese:** I move that section 4 of the bill be amended by adding the following subsection:

"(1.1) Subsection 11(1) of the act is amended by adding the following paragraph:

"letter of permission, early childhood educator positions

"14. respecting the number of persons that a board may appoint based on letters of permission granted under paragraph 10.1 of subsection 8(1) to positions designated as requiring early childhood educators."

This is the first of a package of amendments that we are making to limit the letters of permission to ensure that qualified staff are running the program for our children. We'll get to that on page 10 and page 15 as well.

School boards should not be allowed to renew these permission letters indefinitely. We also argued another point, which I'll do later.

There should be access to a training fund, an apprenticeship fund, through the Ministry of Training, Colleges and Universities, or specific training monies given to boards to support the unqualified staff to attain the early childhood education certification. This is one of those motions that speak to it.

**The Chair (Mr. Shafiq Qaadri):** Further comments?

**Ms. Leeanna Pendergast:** The government has heard the concerns of the stakeholders, and we believe that this concern regarding the use of letters of permission can and should be addressed through regulatory powers, not via statutory amendment. Being a principal in a high school living on letters of permission, that does not belong in statute, Rosario. We intend to consult with stakeholders on the regulations and the guidelines; it just doesn't belong here.

**Mr. Rosario Marchese:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Further comments? Seeing none, we'll proceed to the vote. Those in favour

of NDP motion 4? Those opposed to NDP motion 4? I declare NDP motion 4 to have been lost.

Government motion 5: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that paragraph 29 of subsection 11(1) of the Education Act, as set out in subsection 4(7) of the bill, be amended by striking out "person" and substituting "teacher."

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Ms. Leeanna Pendergast:** Again, this responds to issues raised by stakeholders regarding the clarity about teachers teaching and clarifying the new role of ECEs as a role in JK/K and extended day. This would address the perception that subsection 11(1) could be used to allow a person other than an OCT member to teach.

**The Chair (Mr. Shafiq Qaadri):** Further comments? If there are none, we'll proceed to the vote. Those in favour of government motion 5? Those opposed? Motion 5 carried.

Government motion 6: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that paragraph 29.1 of subsection 11(1) of the Education Act, as set out in subsection 4(8) of the bill, be amended by adding "in junior kindergarten, kindergarten or extended day programs" at the end.

**The Chair (Mr. Shafiq Qaadri):** Debate? Comments?

**Ms. Leeanna Pendergast:** This would address the perception that subsection 11(1) could be used to allow designated ECEs to work in grades other than JK/K.

**The Chair (Mr. Shafiq Qaadri):** Further comments? We'll vote. Those in favour of government motion 6? Those opposed? Motion 6 carried.

Shall section 4, as amended, carry? Carried.

We'll proceed to section 5: no motions presented. Shall section 5 carry? Carried.

Section 6, NDP motion 7: Mr. Marchese.

**Mr. Rosario Marchese:** I move that section 6 of the bill be amended by adding the following subsection:

"(1.1) Subsection 170(1) of the act is amended by adding the following paragraphs:

"provision of food in junior kindergarten and kindergarten

"6.3 provide a nutritious lunch and snacks on every school day for pupils enrolled in full day junior kindergartens and kindergartens;

"provision of food in extended day programs

"6.4 provide snacks on every day on which an extended day program is operated by the board for pupils enrolled in the program."

I think school boards should be mandated and funded to provide a hot lunch and snacks to all children in the full-day-learning program. We expect child care centres that are currently watching over five-year-olds to provide meals, and we shouldn't expect any less for those kids who are going to be in these particular programs in our school system. We know that many studies show that hungry kids do not learn very well, and these meals can be part of an anti-poverty initiative that we think should

be appealing to Liberals, given that they've spoken so much about poverty initiatives.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Ms. Leeanna Pendergast:** I'd just like to add that the issue of food provision is best managed at the board, at the school and at the community level. Nothing in the act or the bill precludes such arrangements at the board, school or community level.

**Mr. Rosario Marchese:** To the parliamentary assistant: That means any board could do whatever it wishes, and it could vary from one board to the other. Is that what you just suggested?

**Ms. Leeanna Pendergast:** There's nothing in the act to preclude them.

**Mr. Rosario Marchese:** Right. The point I made is that it should be enacted in law that all boards would do this. What you're saying is that nothing prevents boards from doing it, meaning that some might and some won't. Is that what I understand?

**Ms. Leeanna Pendergast:** What I'm saying, Rosario, is that the issue of food provision is best managed at the board, the school and the community level, that it doesn't belong in statute.

**Mr. Rosario Marchese:** And why doesn't it belong in statute?

**Ms. Leeanna Pendergast:** Because it's an issue that's best managed at the local level.

**Mr. Rosario Marchese:** So if I say the reason why it belongs in statute is because every board should do it—

**Ms. Leeanna Pendergast:** That's not what we're saying.

**Mr. Rosario Marchese:** You're saying that it doesn't belong in statute because boards may not want to do it or may wish to do it. Is that what you're saying? For clarity.

1420

**Ms. Leeanna Pendergast:** I'm saying that it's an issue that is best managed at the board level.

**Mr. Rosario Marchese:** The argument we make is that this issue is best managed by law and that every board should be mandated to do it so that you don't have a hodgepodge of programs across the province.

**The Chair (Mr. Shafiq Qaadri):** Are there further comments?

**Mr. Rosario Marchese:** I want a recorded vote.

**The Chair (Mr. Shafiq Qaadri):** Recorded vote.

**Ayes**

Marchese.

**Nays**

Dhillon, Johnson, McMeekin, Pendergast, Ramal.

**The Chair (Mr. Shafiq Qaadri):** I declare NDP motion 7 to have been lost.

We'll move to government motion 8: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that paragraph 12.0.2 of subsection 170(1) of the Education Act, as set

out in subsection 6(2) of the bill, be amended by striking out "an early childhood educator to each position" and substituting "early childhood educators to positions."

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Ms. Leeanna Pendergast:** This would simply address potential concerns about whether more than one ECE could fill a single ECE position—for instance, half-time employment.

**The Chair (Mr. Shafiq Qaadri):** Further comments? Debate? Seeing none, we'll proceed to the vote. Those in favour of government motion 8? Those opposed? Government motion 8 carries.

NDP motion 9: Mr. Marchese.

**Mr. Rosario Marchese:** I move that section 6 of the bill be amended by adding the following subsection:

"(2.1) Subsection 170(1) of the act is amended by adding the following paragraph:

"roster of occasional early childhood educators

"12.0.3 subject to paragraph 3.0.0.1 of subsection 8(1) and paragraph 6.1 of subsection 11(1), maintain a roster of occasional early childhood educators."

We believe that early childhood educators are going to be a vital part of this program and they're going to be very important in the classroom. When they're not there because they're ill or for whatever reason, they must be, in my view, replaced by qualified early childhood educators. We don't want to see one teacher in a class of 30 four-year-olds because the ECE is ill. By not supporting this motion, this is what we're saying, it seems to me. We should have a roster of qualified ECEs. In my mind, it makes sense. It should be in the bill.

**The Chair (Mr. Shafiq Qaadri):** Further comments? Ms. Pendergast.

**Ms. Leeanna Pendergast:** I'd just like to disagree with Mr. Marchese. He's proposing that the roster of occasional early childhood educators be in the bill. With all due respect, I'm going to suggest again that that is best managed at the board level. There is no such roster for occasional teachers, and I would say that, having lived that for 22 years in the system, it's a model that works very well and belongs at the board level.

**Mr. Rosario Marchese:** But why would there be a roster for occasional teachers? There is a great number of them. In fact, we don't use the number of occasional teachers we've got because there are so many of them. If they're absent, teachers in the school system make do. But this is a new program. If you don't have an early childhood educator, how is the school going to deal with the absence of that person? You just said it will be managed by the school.

**Ms. Leeanna Pendergast:** At the board level.

**Mr. Rosario Marchese:** At the board. How is it going to be managed? Do you have any idea?

**Ms. Leeanna Pendergast:** Yes. I've lived that. They have systems in place. They're very good at managing that, and it doesn't belong in statute.

**Mr. Rosario Marchese:** It's just too flippant of an answer.

**Ms. Leeanna Pendergast:** I don't mean to be flippant. With all due respect, sir, I don't mean to be flippant, but it is what—

**Mr. Rosario Marchese:** You would know that we're probably going to have difficulty finding enough early childhood educators and they're going to have to be trained. As soon as we start in September, what are we going to do? Who do we replace them with? Are we going to have educational assistants? Are we going to have the teacher do this alone?

**Ms. Leeanna Pendergast:** And that's what the board will decide.

**Mr. Rosario Marchese:** You see? That doesn't give me any comfort whatsoever. I know that you feel good, you and—

**Ms. Leeanna Pendergast:** I think we have to give the school boards the confidence that they deserve.

**Mr. Rosario Marchese:** Right, except that boards are already worried, as Rick Johnson would know, that they're not going to have the money. You saw the Toronto Star report today; they're very worried about having to steal from other programs to make this program work. So this is going to add an additional layer of problems on to boards, and you have said, "They're going to have to deal with this." The poor boards are going to have to deal with this extra administration, which means principals, of course, superintendents and directors having to worry about how to make this work. And you provide very little support except, "They will deal with it at the local level." That's your answer. It gives me no comfort, and I don't think it's going to give any people comfort about how this is going to get dealt with come September.

**The Chair (Mr. Shafiq Qadri):** Are there further comments?

**Ms. Leeanna Pendergast:** Yes, just one more. I think we're going to agree to disagree, because I think there's lots of confidence in the way it works at the local level. It works very well, and having lived that, I think we have to be very careful here, Mr. Marchese, with what we're suggesting that we put in statute and what actually works better at the board level.

**Mr. Rosario Marchese:** Leeanna, this is a new program. We don't know how it's going to work. For you to say it works well on the basis of another experience is—

*Interjection.*

**Mr. Rosario Marchese:** I don't think so, Ted, but you should get on the list to speak, because I want to hear your opinion as well.

**Mr. Ted McMeekin:** My colleague is—

**Mr. Rosario Marchese:** Yes, but if you and Rick want to comment, I need to hear you as well.

I think this is a totally new experience. You have no knowledge of how this is going to work. That's why it's totally different, and we want to be able to build in the precautions in the bill.

*Interjections.*

**Mr. Rosario Marchese:** Sorry. We couldn't hear that little—

**The Chair (Mr. Shafiq Qadri):** If there are no further, even more substantive comments, perhaps we could move to the vote.

**Mr. Rosario Marchese:** A recorded vote.

**Ayes**

Marchese.

**Nays**

Johnson, McMeekin, Pendergast, Ramal.

**The Chair (Mr. Shafiq Qadri):** NDP motion 9 is defeated.

We'll proceed now to NDP motion 10.

**Mr. Rosario Marchese:** I move that section 6 of the bill be amended by adding the following subsection:

"(2.2) Subsection 170(1) of the act is amended by adding the following paragraph:

"annual report, early childhood educator positions

"12.0.4 prepare, and make available to the public, an annual report that sets out the number of persons that the board appointed to positions designated as requiring early childhood educators based on the authority of letters of permission granted under paragraph 10.1 of subsection 8(1), and the number of early childhood educators that it appointed to those positions, during the year in each school of the board."

**The Chair (Mr. Shafiq Qadri):** Comments?

**Mr. Rosario Marchese:** I believe people need to know what these positions are, how many there are and how many have been hired as a result of letters of permission. I think we need an accountability system in place. I'm not sure what the government has in mind by way of letting the folks know what each board is doing in relation to my request, but I don't think there's anything there. I take no comfort at all in thinking the boards are going to be happy to manage this, as the parliamentary assistant has said. This is just one more motion that gives us greater accountability in how boards are dealing with this particular issue.

**The Chair (Mr. Shafiq Qadri):** Further comments?

**Ms. Leeanna Pendergast:** I will just add, for the record, that monitoring is a good idea. That much we can agree on. But it's not appropriate to provide this degree of specificity that you're suggesting in statute.

**Mr. Rosario Marchese:** So the monitoring is good but the degree of monitoring is bad?

**Ms. Leeanna Pendergast:** No, the degree of specificity.

**Mr. Rosario Marchese:** The degree of specificity. Is there anything that you would like to recommend that I could support today?

**Ms. Leeanna Pendergast:** Perhaps. We'll see.

**Mr. Rosario Marchese:** The amendments are going to be dealt with in about half an hour. I'm not sure we'll have much time for, "We'll see."

*Interjection.*

**Mr. Rosario Marchese:** So I guess you're voting against it?

**Ms. Leeanna Pendergast:** Yes.

**Mr. Rosario Marchese:** On a recorded vote, monsieur le Président.

### Ayes

Marchese.

### Nays

Dhillon, Johnson, McMeekin, Pendergast, Ramal.

**The Chair (Mr. Shafiq Qadri):** NDP motion 10 is defeated.

NDP motion 11.

**Mr. Rosario Marchese:** I move that subsection 6(4) of the bill be amended by adding the following subsection to section 170 of the Education Act:

“Class size for junior kindergarten and kindergarten

“(2.0.1) Despite any policy, guideline or regulation made under this act, the size of a junior kindergarten or kindergarten class operated under paragraph 6.2 of subsection (1) shall not exceed 26 pupils.”

**1430**

It is my view that classes must be capped. I'm happy to report, for those of you who were here at the hearings, that I wasn't the only one who said that we should cap them at 26. There were many other deputants who said we should cap them at 26.

The average, as you have it, could result in classes of over 30. In fact, it could even be more than 30; we don't know. What we know is that an average of 26 means it's going to be higher. In my view, this is a totally unacceptable thing.

My suspicion is that you're not going to support a motion I have later on that talks about two early childhood educators. If you've got one teacher and one early childhood educator, as Leeanna would know, as a former principal—high school, but still, she would have a good sense of this—when you have to take children to the washroom, when you have lunch and you have naps, and when you've got kids who need a lot of attention or they're screaming, this is not going to be an easy thing. The more children you have, the more difficult it's going to be, and it will not become an educational program for those kids, as parents had hoped; it could easily become glorified babysitting for a lot of those kids unless we manage this properly.

The experience we have at the moment in grades 4 to 8, after you capped the primary grades, shows that many classes are well over 30. The experience we have about the capping of primary grades proves that this number, of the average class of 26, is going to be much greater than that.

We are profoundly nervous and worried, and I wait to hear what Leeanna has to say.

**The Chair (Mr. Shafiq Qadri):** Ms. Pendergast?

**Ms. Leeanna Pendergast:** Rosario, I think I'd start by saying that the adult-to-pupil ratio of 26 to 2 is appropriate. It represents an improvement over current adult-to-pupil ratios. I would also say that boards need that flexibility to provide an average class size. They need that flexibility. I would also say that there will be careful monitoring of the classes over 26 to which you refer.

**The Chair (Mr. Shafiq Qadri):** Further comments?

**Mr. Rosario Marchese:** I don't think this represents an improvement at all. This is not an improvement. The numbers in the current child care act are one person to 12 students. This is already an increase in numbers. So it's not an improvement over anything. This is an increase in the number of students in the care of two adults. I understand why you're doing it. You're strapped for cash, it seems, and you want to be able to make that number grow as best as you can. I know what this is about. But you're doing this at the expense of kids, and you're doing this at the expense of those teachers and early childhood educators.

There is no comfort for me or the early childhood educators, the teachers or the parents that you're going to monitor this. It means absolutely nothing, because what will happen is that most classes will have over 26; I guarantee it here today, and all of you know it. You all know this. They're not going to get the educational programming or the play kind of programming they have in early childhood education programs at the moment; they're not going to get it. We're going to be hurting those students and the people who care for them.

**The Chair (Mr. Shafiq Qadri):** Comments?

**Ms. Leeanna Pendergast:** Just a quick response. Rosario, I'm surprised to hear you say that they're not going to get it, when currently the ratio is 13 to 1 in child care.

**The Chair (Mr. Shafiq Qadri):** Mr. Johnson.

**Mr. Rick Johnson:** Just on the hard cap size, what you've proposed here is “shall not exceed 26 pupils.”

**Mr. Rosario Marchese:** That's right.

**Mr. Rick Johnson:** You run into situations—so if there are 27, the 27th child doesn't get into the program, you don't offer it, or you split it and then you've got two classes, one of 13 and one of 14? Then the one of 13 gets one person, maybe, for numbers?

There were difficulties that came in when the hard cap went in for school boards, and it was worked out over a period of time. A hard cap can be extremely problematic in rural Ontario for trying to deliver programs. The Simcoe school board, for a number of years, had a hard cap of 20. What happened is that the 21st child got bused to another school, one maybe not in their own community. We could be setting up the same type of scenario, where the 26th or 27th child on a hard cap is suddenly travelling on a school bus for an hour to get to another rural school. Boards need the flexibility.

**Mr. Rosario Marchese:** Okay, so how are you dealing with the capping of the primary grades?

**Mr. Rick Johnson:** Split grades, in a lot of—

**Mr. Rosario Marchese:** Sorry?

**Mr. Rick Johnson:** Split grades, in a lot of instances.

**Mr. Rosario Marchese:** So are you disagreeing with the capping of the early grades, the primary grades?

**Mr. Rick Johnson:** No. They found a way to work it out, but it took time to work it out.

**Mr. Rosario Marchese:** So you've got capping, which you support, but the capping presents problems, and they've worked it out. So you're saying to my motion that it would present a problem because we wouldn't be able to work it out, as you've done with the capping of the primary grades.

**Mr. Rick Johnson:** Exactly.

**Mr. Rosario Marchese:** You don't find any contradiction in the argument?

**Mr. Rick Johnson:** No. You're dealing with four-year-olds. What you're suggesting is busing four-year-olds halfway across a county, and I don't see the logic in that.

**Mr. Rosario Marchese:** Okay, so you're all happy with the average of 26, it seems.

**The Chair (Mr. Shafiq Qadri):** Ms. Pendergast?

**Ms. Leeanna Pendergast:** I just wanted to go back to the contradiction to which you refer, Mr. Marchese. You were saying that it's working in child care but that there's no way the 26 to 2 is going to work, and yet child care is a 13-to-1 ratio. I am an English teacher, but if my math is correct then 26 to 2 is the same thing. Thank you.

**Mr. Rosario Marchese:** I'm so glad that you guys are happy with your own motion. This is good.

*Interjection.*

**Mr. Rosario Marchese:** No, but it's good that you're making the arguments in front of people, because that's why they came here: to listen to this. I'm happy to hear that.

A recorded vote, Mr. Chair.

**The Chair (Mr. Shafiq Qadri):** Recorded vote on motion 11.

### Ayes

Marchese.

### Nays

Dhillon, Johnson, McMeekin, Pendergast, Ramal.

**The Chair (Mr. Shafiq Qadri):** Motion 11 is defeated.

NDP motion 12: Mr. Marchese.

**Mr. Rosario Marchese:** I move that section 6 of the bill be amended by adding the following subsection:

“(5) Section 170 of the act is amended by adding the following subsection:

“Employment of early childhood educators

“(2.2) A board shall employ an early childhood educator appointed under paragraph 12.0.2 of subsection (1) in a full-time capacity, based on a seven-hour continuous work day, in a position designated under

paragraph 12.0.1 of subsection (1) or in a position designated under subsection 260 (1).”

We really believe that it's going to be very difficult to do this program well with one teacher and one early childhood educator. This program, when you include early pre-school and after-school programming—

**The Chair (Mr. Shafiq Qadri):** Mr. Marchese, I think we've got motion-skipping going on here, so I would reinstate you to present NDP motion 12.

**Mr. Rosario Marchese:** Sorry. I was reading the other motion that's coming up. Okay.

**The Chair (Mr. Shafiq Qadri):** We appreciate your eagerness, Mr. Marchese, but—

**Mr. Rosario Marchese:** I move that subsection 6(4) of the bill be amended by adding the following subsections to section 170 of the Education Act:

“Reduction of day nurseries' space

“(2.0.2) A board shall not reduce the amount of space in a school that is used by day nurseries for the purpose of implementing paragraphs 6.1 and 6.2 of subsection (1).

“Capital funding, early learning

“(2.0.3) If there is inadequate space in a school to implement paragraphs 6.1 and 6.2 of subsection 8(1), the minister shall provide the board with funding to facilitate any construction or renovations necessary to implement those paragraphs.”

In order to protect child care spaces, including the spaces in our schools currently occupied by child care programs, the government must provide capital funding to provide space for the early learning program that will not result in the loss of viable child care spaces.

**The Chair (Mr. Shafiq Qadri):** Comments? Ms. Pendergast.

**Ms. Leeanna Pendergast:** I wanted to add for the record that the government has indicated it will be working with the municipal sector and other partners on measures to help stabilize the child care sector. A commitment to quality child care has been demonstrated in the 2010 budget decision to step in and continue to fund the child care spaces that were abandoned by the federal government with an Ontario government commitment of \$63.5 million per year. The government has announced the first phase of \$245 million in capital funding to support early learning, and the funding is a direct response to stakeholder concerns.

1440

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

**Mr. Rosario Marchese:** The \$63 million is totally different money. That money is a continuation of current programs. That money is the money that you took from the federal government and spread out over a four-year period. That \$63 million will continue with that programming.

That has nothing to do with the problems that will be caused by pulling out JK and SK and by having the extended programs in the pre-school and after-school. This presents different problems to those child care centres.

Are you arguing, as you confer with Ted, that that \$63 million will provide stabilization money for this particular issue? Is that what I hear?

**Ms. Leeanna Pendergast:** Are you finished?

**Mr. Rosario Marchese:** Sorry?

**Ms. Leeanna Pendergast:** The four-year funding you're talking about: This is new money, \$63.5 million, that's being put in to stabilize the child care sector.

**Mr. Rosario Marchese:** Okay. I have to repeat it.

**Ms. Leeanna Pendergast:** No, you don't have to repeat it.

**Mr. Rosario Marchese:** I do, because I'm not sure you're getting it. What you have been doing for the last four years is to give \$63 million for child care programming over a four-year period. What your government has done is continue with that programming money that comes from the province. That \$63 million is specifically for that, not for this.

**Ms. Leeanna Pendergast:** It's for child care spaces, Rosario, which is part of the big picture. I need you to see the big picture. I need you to look long-term. I need you to see that this is \$63.5 million that's new money from the 2010 budget that's being put in to support child care spaces after the federal government has pulled out and not come to the table with the money, abandoned—

**Mr. Rosario Marchese:** So what I hear you saying is that that \$63 million will be used to stabilize problem program areas that this bill might bring about.

**Ms. Leeanna Pendergast:** To fund child care spaces, is what I said.

**Mr. Rosario Marchese:** Okay. Recorded vote.

**The Chair (Mr. Shafiq Qadri):** We'll proceed now to NDP motion 12; recorded vote.

#### Ayes

Marchese.

#### Nays

Dhillon, Johnson, McMeekin, Pendergast, Ramal.

**The Chair (Mr. Shafiq Qadri):** NDP motion 12 is defeated.

NDP motion 13: Mr. Marchese.

**Mr. Rosario Marchese:** I move that section 6 of the bill be amended by adding the following subsection:

“(5) Section 170 of the act is amended by adding the following subsection:

“Employment of early childhood educators

“(2.2) A board shall employ an early childhood educator appointed under paragraph 12.0.2 of subsection (1) in a full-time capacity, based on a seven-hour continuous work day, in a position designated under paragraph 12.0.1 of subsection (1) or in a position designated under subsection 260(1).”

This is part of a package of amendments designed to provide two early childhood educators for each classroom, in order to deliver a planned and effective curriculum and support the principle of seamless early education throughout the complete, full and extended-day period.

The early childhood educator positions must be full-time and based on a seven-hour day. The two early childhood educator positions must overlap to enable the provision of 7 a.m. to 6 p.m. coverage, including the availability of both early childhood educators to cover the lunch-hour period. This is the only way to guarantee that the extended day will be covered by qualified staff in a consistent manner. We believe it would be very difficult for boards to hire qualified staff for a stand-alone before- and after-school program of a few hours before and a few hours after school.

This is the argument we make: If you do not have two people, the one person simply will not do. We will not have qualified staff doing the pre-school and after-school care. They will not be qualified, in my view.

I don't know what the government is planning to do, other than a stock answer at the moment that says, “Boards will deal with it.”

We are worried, and we believe the only way to provide a good, seamless program for all these students, from pre-school to after-school care, is to do what we are proposing. And we weren't the only ones proposing this measure, based on the number of deputants who spoke to this.

**The Chair (Mr. Shafiq Qadri):** Comments?

**Ms. Leeanna Pendergast:** I'd just like to add that working conditions should be addressed through collective bargaining, and that is a process at the board level.

**The Chair (Mr. Shafiq Qadri):** We'll proceed now to the vote.

**Mr. Rosario Marchese:** No, no.

**The Chair (Mr. Shafiq Qadri):** I'm sorry. Please go ahead.

**Mr. Rosario Marchese:** So “collective bargaining” is the answer to this question? Yes. I see.

You've got 26 students, on average—it could be 30—four-year-olds eating lunch and staying over lunch hour who will require the expert supervision of at least two people, and the teacher will not be available for most of the lunch period. If the government rejects this, how do they propose to guarantee extended-day coverage when boards have been very clear that the current provisions do not provide adequate resources? And the answer is “collective bargaining.”

On a recorded vote.

**The Chair (Mr. Shafiq Qadri):** No further comments? We'll proceed to a recorded vote of NDP motion 13.

#### Ayes

Marchese.

#### Nays

Dhillon, Johnson, Pendergast, Ramal.

**The Chair (Mr. Shafiq Qadri):** I declare NDP motion 13 to have been defeated.

Government motion 14: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that section 6 of the bill be amended by adding the following subsection:

“(5) Section 170 of the act is amended by adding the following subsection:

“Appoint or assign teachers

“(2.2) For greater certainty, a board shall assign or appoint a teacher to each junior kindergarten and kindergarten class in each school of the board.”

**The Chair (Mr. Shafiq Qadri):** Comments?

**Ms. Leeanna Pendergast:** The rationale here, Chair, is that it clarifies that there will be a teacher appointed to each JK/K class in each school of the board. It also addresses any perception that the proposed Bill 242 amendment would not clearly require a board to assign a teacher to each JK/K class.

**The Chair (Mr. Shafiq Qadri):** Comments? If there are no comments, we'll proceed to the vote. Those in favour of government motion 14? Those opposed? I declare government motion 14 to have carried.

NDP motion 15.

**Mr. Rosario Marchese:** I move that section 6 of the bill be amended by adding the following subsection:

“(6) Section 170 of the act is amended by adding the following subsections:

“Letters of permission, early childhood educator positions

“(2.3) A board may not apply for a letter of permission under paragraph 10.1 of subsection 8(1) in respect of the same person more than twice.

“Same

“(2.4) If a board has been granted two letters of permission under paragraph 10.1 of subsection (1) in respect of the same person and that person wants to become an early childhood educator, the board shall provide support to the person to do so.

“Same

“(2.5) The support required by subsection (2.4) shall include financial support if money is appropriated by the Legislature for the purpose of that subsection.”

It's just part of the amendment package that I was speaking to earlier, where we were saying that we want to ensure that we have qualified staff who are running the programs for our children. We are saying that school boards should not be allowed to renew these permission letters indefinitely, which under the current law they could, by applying every year for their letters of permission to be renewed. We're also saying that there should be access to an apprenticeship fund through the Ministry of Training, Colleges and Universities, or specific training monies given to boards to support the unqualified for those who are not qualified to attain an early childhood education certification. This would do that.

**The Chair (Mr. Shafiq Qadri):** Further comments?

**Ms. Leeanna Pendergast:** Again, Mr. Marchese, I'm going to answer you as a principal whose livelihood some days depends on a letter of permission. The similar-teacher letter of permission issues are not addressed in

the statute either. It would not be appropriate to include this in statute. We've heard the concerns of the ECEs on this issue and intend to consult with them as regulations are developed if the bill is passed.

1450

**The Chair (Mr. Shafiq Qadri):** If there are no further comments, we'll proceed—

**Mr. Rosario Marchese:** I want a recorded vote again.

**The Chair (Mr. Shafiq Qadri):** A recorded vote on NDP motion 15.

**Ayes**

Marchese.

**Nays**

Dhillon, Johnson, Pendergast, Ramal.

**The Chair (Mr. Shafiq Qadri):** NDP motion 15 is defeated.

NDP motion 16: Mr. Marchese.

**Mr. Rosario Marchese:** I move that section 6 of the bill be amended by adding the following subsection:

“(7) Section 170 of the act is amended by adding the following subsection:

“Occasional early childhood educators

“(2.6) For the purposes of paragraph 12.0.3 of subsection (1), an early childhood educator is an occasional early childhood educator if he or she is employed by a board as a substitute for a person employed in a position designated as requiring an early childhood educator who is or was employed by the board in a position that is part of its regular staff but,

“(a) if the early childhood educator substitutes for a person who has died during a school year, the early childhood educator's employment as the substitute for him or her shall not extend past the end of the school year in which the death occurred; and

“(b) if the early childhood educator substitutes for a person who is absent from his or her duties for a temporary period, the early childhood educator's employment as the substitute for him or her shall not extend past the end of the second school year after his or her absence begins.”

**The Chair (Mr. Shafiq Qadri):** Mr. Marchese, before you make any further comments, I'd just intervene. I'm informed that NDP motion 16 was contingent on NDP motion 9 having passed.

**Mr. Rosario Marchese:** That's fine. It makes sense.

**The Chair (Mr. Shafiq Qadri):** As it has in fact been defeated, the motion is out of order.

**Mr. Rosario Marchese:** That's fine.

**The Chair (Mr. Shafiq Qadri):** So we'll essentially annihilate NDP motion 16.

If there are no further comments on the section, we'll proceed to the vote on the section as a whole. Therefore, shall section 6, as amended, carry? Carried.

We'll proceed now to section 7. Government motion 17: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that clauses 170.3(a) and (b) of the Education Act, as set out in section 7 of the bill, be struck out and the following substituted:

“(a) to assist teachers or to complement instruction by teachers in elementary or secondary schools, except in junior kindergarten or kindergarten;

“(b) to assist teachers and designated early childhood educators or to complement instruction by teachers and the work of designated early childhood educators in junior kindergarten or kindergarten; or

“(c) to assist designated early childhood educators or to complement the work of designated early childhood educators in extended day programs.”

**The Chair (Mr. Shafiq Qadri):** Further comments?

**Mr. Rosario Marchese:** Could I ask who this refers to? Could she explain the difference between (a), where it says “to assist teachers or to complement instruction by teachers in elementary or secondary schools, except in junior kindergarten or kindergarten,” and (b) and (c), “to assist teachers and designated early childhood educators or to complement instruction by teachers ... in junior kindergarten”? What is the difference between (a) and the other two, (b) and (c)? Whom are we referring to?

**Ms. Leeanna Pendergast:** I was just about to explain, before you jumped in, the purpose of this government motion. It responds to teacher and stakeholder concerns and it clarifies the proposed amendment to address the perception that it could be interpreted such that educational assistants, or EAs, could be assigned only to ECEs rather than to the JK/K team.

**The Chair (Mr. Shafiq Qadri):** Further comments?

We'll proceed now to the vote on government motion 17. Those in favour? Those opposed? Government motion 17 is carried.

Shall section 7, as amended, carry? Carried.

Section 8, government motion 18: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that paragraph 5 of subsection 171(1) of the Education Act, as set out in subsection 8(2) of the bill, be struck out and the following substituted:

“supervisors, teachers

“5. appoint persons to supervise teaching staff and every appointee shall hold the qualifications and perform the duties required under any act or regulation administered by the minister;

“supervisors, designated early childhood educators

“5.1 appoint persons to supervise persons in positions designated by the board as requiring an early childhood educator and every appointee shall hold the qualifications and perform the duties required under any act or regulation administered by the minister.”

**The Chair (Mr. Shafiq Qadri):** Further comments? Seeing none, we'll proceed to the vote—Ms. Pendergast.

**Ms. Leeanna Pendergast:** I just wanted to add to that that it would distinguish powers to appoint persons who

supervise teachers from those appointed persons who supervise ECEs.

**The Chair (Mr. Shafiq Qadri):** Those in favour of government motion 18? Those opposed? Government motion 18 carries.

Government motion 19: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that section 8 of the bill be amended by adding the following subsection:

“(5.1) Paragraph 23 of subsection 171(1) of the act is repealed and the following substituted:

“pupil fees

“23. subject to the provisions of this act and the regulations, fix the fees to be paid by or on behalf of pupils;

“pupil fees, payment and enforcement

“23.1 subject to the provisions of this act and the regulations, fix the times of payment of fees to be paid by or on behalf of pupils, enforce payment of those fees by action in the Small Claims Court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice.”

**The Chair (Mr. Shafiq Qadri):** Comments?

**Mr. Rosario Marchese:** I have a question, unless she has an answer to her amendment. No. The question I have for her is—parents still don't know what the fees are going to be. They don't know how to apply for support. How are boards going to provide the infrastructure to deal with the management of parent fees? Are existing staff expected to manage what will be the creation of a whole new bureaucracy? These are some of the questions that we ask that have been asked by many of the deputants. Does the parliamentary assistant have any answers at this time, or is this something that will be dealt with in due course?

**Ms. Leeanna Pendergast:** Exactly. I'm sorry; you were just too quick for me again, Rosario. These are, as you can see, technical amendments. All they do is confirm that boards may not set fees regarding the extended-day program unless those fees are set out by regulation.

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

**Mrs. Elizabeth Witmer:** I guess this is another area where parents need some certainty as they do their own planning. I guess the question I also would have is, is there going to be the same fee across the province of Ontario or will there be different fees at different boards, different schools? When would that decision be made?

**The Chair (Mr. Shafiq Qadri):** Ms. Pendergast?

**Ms. Leeanna Pendergast:** I think this goes back to our earlier comments that this will be set out in regulation, and it will be done as soon as possible; ideally by June would be perfect for people in the school system.

**The Chair (Mr. Shafiq Qadri):** Further comments? We'll proceed to the vote, then. Those in favour of government motion 19? Those opposed? I declare government motion 19 to have been carried.

Shall section 8, as amended, carry? Carried.

Section 9: Shall section 9 carry? Carried.

Section 10, PC motion 20: Ms. Witmer.

**Mrs. Elizabeth Witmer:** I move that subsection 259(1) of the Education Act, as set out in section 10 of the bill, be struck out and the following substituted:

“Operation of extended day programs by boards

“(1) Subject to the regulations made under this part, every board shall operate extended day programs, either directly or through contracts with not-for-profit community providers, in every elementary school of the board, on every school day, other than professional activity days, outside the time when junior kindergarten and kindergarten are operated in the school, for pupils of the board who are enrolled in junior kindergarten or kindergarten.”

If there was one concern that we heard over and over again when the deputants came before us, it was the concern about the programs that were presently operating within schools. Many of them were local community not-for-profit providers. They included the Ys and the Boys and Girls Clubs etc. Of course, the original motion by the government prohibited school boards from partnering with these people. It would have meant that we actually had a parallel system providing services that are already available today. I think the whole focus behind education needs to be on collaboration, working together with the community, and also making sure that the programs that had been developed over years, and where we had developed a mutual respect for one another, would be able to continue.

1500

Those not-for-profits—the Ys etc.—would be able to continue working with schools, because these people are eager to embrace full-day learning, so we didn’t see the need for any duplication. We really would hope that all of those current community providers that are offering outstanding, quality programs would have the opportunity to continue to work with school boards to make full-day learning a success.

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

**Mr. Rosario Marchese:** I just wanted to say that I was torn by this issue because I heard the same deputants who came and were pleading with us that we should work with them as partners. The reason why I was torn is because I really feel that as we pull the four- and five-year-olds out of child cares, including extended-day programs, this is going to cause a great deal of problems to those early childhood educators and to those other providers. It will cause financial problems. We heard it from everyone. It wasn’t just one or two; we heard it from everyone.

For me, the question was: If I support this, how does that solve our general problems that Pascal was trying to answer? I determined that, for me, the goal is Pascal, and that what we want is a seamless day. That’s what he and his study proposed, and I agree with him.

But it’s also for that reason that I propose that we have stabilization money that I now will hear from the parliamentary assistant—that they’re going to use the \$63 million that was announced for that purpose. That will solve some of the problems for those groups that were providing these programs, and it will take money from

those child care centres that were expecting to continue with the programs that they were providing. It will continue to introduce problems that this government hasn’t thought through. There are going to be so many problems that this government has not anticipated. I really am worried about September and how all of this is going to unfold.

The reason why I can’t support it is because, if I support this, it moves us away from the seamless day that Pascal was talking about, including the creation of a continuum of early learning, child care and family supports for children that he was proposing.

I’m hoping that when I move my motion that’s coming soon, the government will support me in that regard. We’ll see.

**The Chair (Mr. Shafiq Qadri):** Further comments? Ms. Pendergast.

**Ms. Leeanna Pendergast:** To begin, just to say to Mr. Marchese that Minister Broten has indicated that there will be additional stabilization funds.

But I wanted to go back to the—

**Mr. Rosario Marchese:** Sorry, when did she announce that?

**Ms. Leeanna Pendergast:** I’m sorry?

**Mr. Rosario Marchese:** Did you say that the minister said there will be additional—

**Ms. Leeanna Pendergast:** Stabilization funds.

**Mr. Rosario Marchese:** When did she do that? I never heard that.

**Ms. Leeanna Pendergast:** I can give you those details. I just want to respond to motion 20.

**Mr. Rosario Marchese:** Well, come back.

**Ms. Leeanna Pendergast:** I want to say for the record that the legislation, as proposed, articulates the government’s basic vision of a school-board-delivered extended-day program for four- and five-year-olds. We define “extended day” as part of school, and we don’t subcontract the provision of school to third parties.

However, we’ve heard the concerns of stakeholders in the child care sector of the school boards and third party providers. We’ve heard them; we’ve listened to them. We’ve heard their concerns, and we do agree that there needs to be significant flexibility to acknowledge third party arrangements through the transition. The right way to do this and the right way to respond to this, we believe, is through the regulatory authority to address the concerns that were raised regarding transition.

Also, the government will be proposing another motion later on the role of third parties concerning six- to 12-year-olds and extended-year. We’ll clarify the appropriateness of third party delivery. Together, these measures make a balanced approach to address the issues that the stakeholders have raised.

**The Chair (Mr. Shafiq Qadri):** Ms. Jones, then Mr. Marchese.

**Ms. Sylvia Jones:** A follow-up question to what the parliamentary assistant was saying: We’ve defined “extended day” as part of school. By extension, that, to me, says that if you choose not to enrol your children in

the before-or-after part of the program, and choose not to pay for that, you are in fact missing part of the school curriculum, the school program. I wonder if you could expand on that, because that was actually laid out in a memo sent out by your early childhood deputy.

**Ms. Leeanna Pendergast:** There are several components to that. The extended day is play-based, although it is learning—

**Ms. Sylvia Jones:** But there is homework related to it, according to your deputy.

**Ms. Leeanna Pendergast:** And it's not mandatory, as JK/K—

**Ms. Sylvia Jones:** But there would be a homework component to it, if the children are not included in it and the parents don't pay for it.

**Ms. Leeanna Pendergast:** Right, but we're not talking about curriculum; we're talking about the integration of the before-and-after part of the day.

**Ms. Sylvia Jones:** You are talking about homework for four-and five-year-olds, though.

**Ms. Leeanna Pendergast:** I'm not following the homework piece that you're talking about. Could you say that again, please, Sylvia?

**Ms. Sylvia Jones:** I'll provide the memo that your deputy has sent around to all the boards that says that there is a homework component if children choose not to participate in the before-and-after portion of the full-day learning program.

**Ms. Leeanna Pendergast:** Okay, and I'm going to say that homework is not part of that.

**The Chair (Mr. Shafiq Qadri):** Are there further comments? Mr. Marchese and Ms. Witmer.

**Mr. Rosario Marchese:** I don't mind. You go first, and then I'll go after.

**Mrs. Elizabeth Witmer:** I thought I heard the parliamentary assistant say that, during the transition period, boards were going to be able to continue to have agreements with others. Are they always going to have the opportunity, or is it only through a transition period?

**Ms. Leeanna Pendergast:** Right now, we're looking at through transition.

**Mrs. Elizabeth Witmer:** Pardon?

**Ms. Leeanna Pendergast:** Through transition.

**Mrs. Elizabeth Witmer:** So eventually, then, bodies such as the daycare providers and the Y and the Boys and Girls Clubs etc. will no longer be able to offer the services that they're currently providing?

**Ms. Leeanna Pendergast:** I guess we don't have a crystal ball. We don't know that to be the case.

**Mrs. Elizabeth Witmer:** Do you know, I find that so alarming—

**Ms. Sylvia Jones:** Dismissive.

**Mrs. Elizabeth Witmer:** —and my colleague just said “dismissive.” You pick up the paper almost every day and there's some board or some trustee or some parents in this province who are expressing concern about the implementation of Bill 242. Why the government didn't take the time to get it right before they roll out a bill for which they have many unanswered ques-

tions, I think, in all fairness to the little children who are going to be involved in the delivery of this program, and the schools, who already suffer enough from not knowing what's going to be happening as they face the fall of this year—it's personally very alarming.

I am shocked that these providers, who told us that they aren't going to be able to provide services if they don't have the four- and five-year-olds, that they simply won't have the funding to continue to provide programs to the other age groups—to hear you say now that only as a temporary measure will school boards be allowed to partner with them but that is going to be eliminated too, I'm really shocked. We talk about community; we talk about breaking down barriers. We're just building a lovely little empire and silos all around.

What about the kids that choose not to participate in this program? I've heard from those families too. They're going to be left out in the cold as well, and there's really no choice whatsoever. I know parents who want their children to go only half a day. They're being told that that's not possible because the child will have to go to another school.

I'm not sure that we're doing all children a favour and I'm not sure that we're doing all families a favour if we don't consider the impact of what this bill could do at the end of the day to some of those not-for-profit providers. As I say, the Y has done an outstanding job of providing extended after-school and licensed daycare programs throughout the province, as have so many of the other not-for-profit agencies. Suddenly, in one fell swoop, the good work they've done over many decades is going to be wiped out.

1510

**The Chair (Mr. Shafiq Qadri):** Mr. Marchese and then Ms. Pendergast.

**Mr. Rosario Marchese:** My worry is that if we don't do this right, we feed into a lot of Conservatives who don't support this program. That's why I'm trying to make it better.

I have to ask you: You said that the minister announced additional stabilization money? Earlier you said that the \$63 million was the money that would provide stabilization support. Did I hear you correctly?

**Ms. Leeanna Pendergast:** Both are correct.

**Mr. Rosario Marchese:** Sorry?

**Ms. Leeanna Pendergast:** Yes, both are correct. The \$63.5 million has been announced, and we have not yet announced specifics on the additional stabilization funding.

**Mr. Rosario Marchese:** Oh, because earlier, you were quite convinced that the \$63 million would solve everything, but now you—

**Ms. Leeanna Pendergast:** Not at all, Rosario; not at all.

**Mr. Rosario Marchese:** Okay. So I'm glad somebody brought you a piece of paper saying—

**Ms. Leeanna Pendergast:** Nobody brought me a paper; I just didn't say that.

**Mr. Rosario Marchese:** That's great. So there will be—I wanted to write it correctly. You said that the

minister announced additional money; that's what I wrote down.

**Ms. Leeanna Pendergast:** We have not announced additional stabilization funding, but we have announced the \$63.5 million.

**Mr. Rosario Marchese:** That I know.

**Ms. Leeanna Pendergast:** Okay.

**Mr. Rosario Marchese:** But did you say—maybe I'm misunderstanding again—that there would be additional money in addition to the \$63 million or no?

**Ms. Leeanna Pendergast:** Which has not been announced.

**Mr. Rosario Marchese:** It has not been announced, but it's—

**Ms. Leeanna Pendergast:** The specifics have not been announced. But Minister Broten has said on a number of occasions, Rosario, that her ministry has begun consulting on this issue with municipalities and looking at the best way to allocate funds.

**Mr. Rosario Marchese:** The \$63 million?

**Ms. Leeanna Pendergast:** Maybe you—

**Mr. Rosario Marchese:** Additional?

**Ms. Leeanna Pendergast:** Yeah.

**Mr. Rosario Marchese:** If there's something that the minister has said or is planning to say, I hope she'll say it soon so she can clarify things for us and make people like me feel better.

**Ms. Leeanna Pendergast:** Excellent.

In response to the “dismissive,” I am definitely not dismissive. This is my life—education—and I do not mean to be dismissive in any way. I'm a little uncomfortable with the term “dismissive,” and if that's how I appeared to you, then accept my apology. I'm not sure why you said “dismissive” under your breath.

I think what we really need to focus on is what Rosario just said, and that's that we have to do this right. I would agree with him, and that's why we have the transition period. Yes, this is good for children, but that's why we need to have a measured response. We have to get this right. This program is one of a kind. It's brand new. There's nothing like it. So we have to have a balanced approach. It's a school-board-delivered extended day, and there will definitely be ongoing evaluation of the transition. That's why we have the transitional regulations.

**The Chair (Mr. Shafiq Qadri):** Are there any further comments before the vote? We'll proceed, then. Those in favour of PC motion 20? Those opposed? I declare PC motion 20 to have been defeated.

NDP motion 21: Mr. Marchese.

**Mr. Rosario Marchese:** I move that subsection 259(1) of the Education Act, as set out in section 10 of the bill, be struck out and the following substituted:

“Operation of extended day programs by boards

“(1) Subject to the regulations, policies and guidelines made under this part, every board shall operate extended, full day learning programs throughout the year, in every elementary school of the board, outside the time when junior kindergarten and kindergarten are operated in the school, for pupils of the board who are enrolled in junior

kindergarten or kindergarten, between the hours of 7 a.m. and 6 p.m. on every day from Monday to Friday, other than a holiday within the meaning of section 87 of the Legislation Act, 2006.”

The reason why we propose this is because a whole lot of deputants said the same thing. They're hoping that they're going to have a year-round program. I think it's going to be very, very difficult for parents to send their kids to the pre-school and after-school care, full-time JK, full-time SK, and then, for the two months of the year and other holiday periods, they're going to have to scramble to find the care for their children. It's going to be complicated. I'm not sure how they're going to manage it, but I suppose they will.

I know that the bill speaks about this on page 10, clause (f), where it says that it allows boards to enrol but it doesn't provide boards to make sure a student is enrolled. It doesn't provide for these programs. It simply leaves it open for boards to provide something, but it doesn't say, and they're not obligated to do anything.

We think this is an important part of this program, that it be continued throughout the whole year, and I think it would be good for everyone if we did that.

**The Chair (Mr. Shafiq Qadri):** Are there further comments?

**Ms. Leeanna Pendergast:** I would just like to say to Mr. Marchese that boards are already empowered to provide extended-day programs throughout the year, if they so choose. But we not imposing a duty on boards to provide such extended-year programs—

**Mr. Rosario Marchese:** That's what I said.

**Ms. Leeanna Pendergast:** —at this time.

**Interjection:** So you agree.

**Mr. Rosario Marchese:** I see. The only point I wanted to make, Leeanna, is that you allow boards to enrol, but that means that boards will not do it because it's an administrative nightmare. It's also, obviously, costly. If you don't obligate them to do it with the support, no one is going to do it. But it will be problematic for a lot of parents, having to switch from a 10-month period, where you've got pre-school and after-school, and all of a sudden they've got to go scrambling somewhere else to find the care. You will admit, this is a problem.

**Ms. Leeanna Pendergast:** No.

**Mr. Rosario Marchese:** Recorded vote, Mr. Chair.

**The Chair (Mr. Shafiq Qadri):** Recorded vote on NDP motion 21.

#### Ayes

Marchese.

#### Nays

Dhillon, Johnson, McMeekin, Pendergast, Ramal.

**The Chair (Mr. Shafiq Qadri):** NDP motion 21 is defeated.

We'll proceed to PC motion 22: Ms. Witmer.

**Mrs. Elizabeth Witmer:** I move that subsection 259(2) of the Education Act, as set out in section 10 of the bill, is struck out and the following substituted:

“Same

“(2) Subject to the regulations made under this part, a board may also operate extended day programs, either directly or through contracts with not-for-profit community providers, in a school of the board, outside the time when junior kindergarten and kindergarten are operated in the school, for any pupils of the board to whom the board decides to provide the program.”

Again, that is based on the premise that currently there are providers within our schools who are providing outstanding programs to our children. This would allow for those relationships to continue.

**The Chair (Mr. Shafiq Qaadri):** Comments? Any comments on PC motion 22? Seeing none, we’ll proceed to the vote. Those in favour of PC motion 22? Those opposed? PC motion 22 is defeated.

NDP motion 23.

**Mr. Rosario Marchese:** I move that section 259 of the Education Act, as set out in section 10 of the bill, be amended by adding the following subsections:

“Exception

“(5) Subsection (1) does not apply to a board until a date set out in a plan developed under subsection (6) if, on the day before subsection (1) comes into force, the board provided an extended”—

*Interjection.*

**Mr. Rosario Marchese:** That’s not the correct one? My amendment is there. I was looking for that. Thank you.

This is motion 23.1.

I move that section 259 of the Education Act, as set out in section 10 of the bill, be amended by adding the following subsections:

“Exception

“(5) Subsection (1) does not apply to a French-language district school board until a date set out in a plan developed under subsection (6) if, on the day before subsection (1) comes into force, the board provided an extended, full-day learning program outside the time when junior kindergarten or kindergarten was operated in schools of the board for pupils enrolled in junior kindergarten or kindergarten.”

“Same, transitional plan

“(6) The minister shall develop a transitional plan for the purpose of subsection (5) in consultation with the board.”

1520

We recognize the uniqueness of the French-language education system and we acknowledge that the French school boards have had full-day kindergarten programs for a long time. These programs are very successful and have evolved over a number of years. In order for them to be sustainable, I think we have to support them and we have to consult with them. So rather than impose a new system, we propose an orderly transition to the Pascal model, with a full consultation of French boards and the francophone community over a number of years.

**The Chair (Mr. Shafiq Qaadri):** Any further comments? Seeing none—

**Mr. Rosario Marchese:** Recorded vote.

**Ayes**

Marchese.

**Nays**

Dhillon, Johnson, Pendergast, Ramal.

**The Chair (Mr. Shafiq Qaadri):** NDP motion 23.1 is defeated.

Government motion 24.1: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that section 259 of the Education Act, as set out in section 10 of the bill, be amended by adding the following subsection:

“Agreements

“(5) Nothing in this section limits any right of a board to enter into an agreement with a person or other entity to operate a program in a school of the board, other than a program operated at the same time as, and for the same pupils who may enrol in, an extended day program operated by the board under subsection (1).”

**The Chair (Mr. Shafiq Qaadri):** Further comments?

**Ms. Leeanna Pendergast:** This motion, which would be combined with regulations on transition, reflects a balanced approach to the issues raised by stakeholders, which is what we spoke about earlier: the need for a balanced, measured approach. It does so without contracting out school. It clarifies that school boards will retain the right to enter into third party agreements relating to JK/K students in schools on PD days and holidays and the right to enter into such agreements as they relate to students aged six to 12 years.

**The Chair (Mr. Shafiq Qaadri):** Ms. Jones.

**Ms. Sylvia Jones:** A point of clarification: You mentioned in your explanatory notes that it is referencing “transition period” only. In the section, it makes no reference to transition. Can you explain to the committee what the transition period would involve, in terms of months or years?

**Ms. Leeanna Pendergast:** I’m simply saying that this, combined with the transition process, gives a balanced approach. I’m not speaking to the transition process.

**Ms. Sylvia Jones:** Does it mean that the partnerships are only available as a transitional motion and not for long-term agreements?

**Ms. Leeanna Pendergast:** I’m sorry, you’re speaking specifically about ages six to 12?

**Ms. Sylvia Jones:** Do the partnerships that would enter into an agreement under the Day Nurseries Act—are they only available for a transition period? Are the partnership agreements only available for a transition period, or are they available for the long term?

**Ms. Leeanna Pendergast:** This is the same question as before. That will be dealt with in the regulations.

**Ms. Sylvia Jones:** So we don’t know.

**Ms. Leeanna Pendergast:** Correct. I can't tell you that right now. It will be dealt with in the regulations.

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

**Mrs. Elizabeth Witmer:** Maybe you do have the answer to this: How long is the transition period?

**Ms. Leeanna Pendergast:** I think this goes back to your original question, the idea of how long. I think that remains to be seen.

**Mrs. Elizabeth Witmer:** Are we talking one year, two years, three years?

**Ms. Leeanna Pendergast:** I won't give you an answer right now, and I can't. I think that remains to be seen. The consultations will begin if this statute is passed, and all of that will be decided subsequently. Given the rural demographics of some ridings and given the urban, it's going to be different across the province, so I would be remiss to give you a specific answer.

**Mrs. Elizabeth Witmer:** So at the end of the day, after the transition period, anybody who is currently a third party in the provision of these services would no longer be provided with the opportunity to collaborate with school boards? All of these programs would now become the jurisdiction and responsibility of the board to provide? Is that right?

**Ms. Leeanna Pendergast:** I can't say that, Ms. Witmer, simply because that's what's to be determined in regulation. So at this point, until these consultations are complete, I simply can't say that.

**Mrs. Elizabeth Witmer:** So then all those people who came in here—and I would say that the bulk of the presentations were from third party providers of children's services, people who had been providing services for a long period of time, in some cases decades, and whose livelihood depended on providing child care in conjunction with school boards—would see the opportunity to collaborate with their community school totally eliminated.

You sometimes wonder why we have public hearings, because here you've got a lot of people stepping forward and expressing an interest in partnering with school boards, and it now appears that all of the lobbying and coming in here was maybe for naught. Because at the end of the day, the government's not going to continue to allow them the opportunity to provide those services, whether it's the not-for-profit daycare, whether it's the Y, whether it's the Boys and Girls Club or Big Sisters etc. The list goes on and on. So you ask yourself, "Why do we have the hearings?" Why did people come in and, I believe, express some legitimate concerns? Why did people want to continue to partner and collaborate with school boards? I thought that was what we wanted to do in our communities.

It looks to me that the end result will be the same as it originally was: After a year, maybe two years, that opportunity for partnering won't be there and we'll have constructed our silo again. That has to be disappointing to the taxpayers of this province who made an effort to come and share their views.

**Ms. Leeanna Pendergast:** I am going on the record to disagree with Ms. Witmer. In the public hearings, we—

**Mrs. Elizabeth Witmer:** You can do that.

**Ms. Leeanna Pendergast:** Thank you. See my hesitation?

**Mrs. Elizabeth Witmer:** It's okay.

**Ms. Leeanna Pendergast:** Thank you. In the public hearings, we heard the concerns of the third party stakeholders, and we do agree that there needs to be significant flexibility. We're listening to them closely. We will need to acknowledge third party arrangements through the transition, and the right way to respond to that, of course, is in the regulatory authority.

The third party service providers have expressed a satisfaction and are pleased, but we will be continuing to consult and discuss. So I would say that I have a different perspective on that: that they are pleased and will agree that we're on the right track.

**Mrs. Elizabeth Witmer:** Well, they have to say that or else you won't continue to talk to them.

**The Chair (Mr. Shafiq Qadri):** Are there further comments on government motion 24.1? Seeing none, we'll proceed to the vote. Those in favour of government motion 24.1? Those opposed? I declare it carried.

Government motion 25?

**Ms. Leeanna Pendergast:** I move that subsection 260(1) of the Education Act, as set out in section 10 of the bill, be amended by striking out "class" in both places where it appears and substituting in each case "unit."

This simply responds to stakeholder concerns, clarifying language so that references to "class" refer to core day, JK and K, and extended day program will be described as "unit" and not "class."

**The Chair (Mr. Shafiq Qadri):** Any comments on government motion 25? Seeing none, we'll proceed to the vote. Those in favour of government motion 25? Those opposed? Motion 25 is carried.

Government motion 26?

1530

**Ms. Leeanna Pendergast:** I move that subsection 260(2) of the Education Act, as set out in section 10 of the bill, be amended by striking out "an early childhood educator to each position" and substituting "early childhood educators to positions."

Again, it ensures the boards have operational flexibility to staff programs appropriately with respect to the new integrated extended-day program.

**The Chair (Mr. Shafiq Qadri):** Further comments on motion 26? Seeing none, we'll proceed to the vote. Those in favour of government motion 26? Opposed? Carried.

NDP motion 27: Mr. Marchese.

**Mr. Rosario Marchese:** Mr. Chair, is this out of order as well since we dealt with—

**The Chair (Mr. Shafiq Qadri):** As far as I know, it is entirely in order. You may proceed.

**Mr. Rosario Marchese:** I move that section 260 of the Education Act, as set out in section 10 of the bill, be amended by adding the following subsection:

"Employment of early childhood educators

"(3) A board shall employ an early childhood educator appointed under subsection (2) in a full-time capacity,

based on a seven-hour continuous work day, in a position designated under subsection (1) or in a position designated under paragraph 12.0.1 of subsection 170(1).”

I think the motion is explanatory. We dealt with it. I made arguments earlier on and the government opposed it.

**The Chair (Mr. Shafiq Qadri):** Comments?

**Mr. Rosario Marchese:** The government members opposed it.

**Ms. Leeanna Pendergast:** We did.

**The Chair (Mr. Shafiq Qadri):** Seeing none, we’ll proceed to the vote. Those in favour of NDP motion 27? Those opposed? Motion 27 is defeated.

Government motion 28: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that subsection 260.1(3) of the Education Act, as set out in section 10 of the bill, be amended by striking out “paragraph 23” and substituting “paragraph 23.1.”

**The Chair (Mr. Shafiq Qadri):** Comments?

**Mr. Rosario Marchese:** Explanation?

**The Chair (Mr. Shafiq Qadri):** Explanation, please.

**Ms. Leeanna Pendergast:** It’s simply a housekeeping amendment. It’s complementary to motion 19.

**Mr. Rosario Marchese:** That’s pretty clear. Thank you.

**The Chair (Mr. Shafiq Qadri):** Those in favour of government motion 28? Those opposed? Motion 28 is carried.

Government motion 29: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that section 260.2 of the Education Act, as set out in section 10 of the bill, be struck out and the following substituted:

“Delegation by principal

“260.2 A principal may delegate any of his or her duties under this act that relate to the operation of extended day programs to,

“(a) a vice principal; or

“(b) another person, if approved by the board in accordance with the regulations, policies or guidelines made under this part.”

**The Chair (Mr. Shafiq Qadri):** Comments?

**Ms. Leeanna Pendergast:** We’re responding to concerns of stakeholders that teachers could be delegated duties relating to extended-day programs. We could not entirely remove the option of delegation to teachers because it could compromise options to address emergency situations. Rather, if these provisions are passed, we’ll make regulations, policies and guidelines to identify specific conditions or criteria governing the delegation of extended-day duties.

**The Chair (Mr. Shafiq Qadri):** Comments?

**Mr. Rosario Marchese:** I don’t think there’s an answer, but I think what this suggests is that principals will have additional responsibilities, and where they can’t do this because they are so full of work in other areas, they can delegate this to a vice-principal—assuming they’re not overworked already, they’ll be able to manage this—or another person.

I wonder if the parliamentary assistant can comment—this is a new program with a great deal of administrative

responsibility. I’m assuming there is no extra money for this for those who would be managing it. Is that correct?

**Ms. Leeanna Pendergast:** I have no comment on that at this time.

**Mr. Rosario Marchese:** Thank you.

**The Chair (Mr. Shafiq Qadri):** We’ll proceed to the vote on government motion 29. Those in favour? Those opposed? Motion 29 is carried.

NDP motion 30: Mr. Marchese.

**Mr. Rosario Marchese:** I move that part IX.1 of the Education Act, as set out in section 10 of the bill, be amended by adding the following section:

“Compensation to day nurseries

“260.4.2(1) The minister shall provide a day nursery established under the Day Nurseries Act with financial support, in the amount calculated in accordance with regulations made under”—

**Le Président (M. Shafiq Qadri):** Monsieur Marchese, je vous invite, s’il vous plaît, de présenter motion 30.

**Mr. Rosario Marchese:** Oh, again. Okay, I’m doing 31. You picked it up again. Thank you very much.

I move that Part IX.1 of the Education Act, as set out in section 10 of the bill, be amended by adding the following section:

“Plan to implement report on early learning

“260.4.1 The minister shall develop a plan to implement, by January 1, 2015, all of the recommendations made in the report entitled *With Our Best Future in Mind: Implementing Early Learning in Ontario*, dated June 2009, prepared by Charles E. Pascal.”

I want to say that all of the deputations, with few exceptions, were very supportive of Charles Pascal and his report. Charles Pascal was the one who told us, “Don’t cherry-pick, because if you do that, you’re going to create some problems.” This creates and will create many, many problems. That’s why he recommended that his full report be implemented in three years. The government is saying, at least as I read the bill, that it will be done in five, and now everything I read, from the Toronto Star to Mike Colle’s newsletters, says that this program, the current one—the one the government is doing, not Pascal—will be done in six years: not five, but six.

We fear that this program may even take longer than the five that now has become six, and we are profoundly worried about the manner in which we’re doing it, because it isn’t what Pascal had proposed. We were hoping that the minister could indicate—because they knew this motion was before us, and the minister would know this motion was before us—that they could and would be seriously considering his report, and that they would give us a plan to implement his recommendations by 2015. We think that it was a very good report, which everyone was looking forward to and which they supported.

We want to hear whether the government members here have any direction as to what they want to do with this motion: whether they’re going to support it or oppose it or whether they have a comment on it. I’m hoping that they will be positive in their response.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Ms. Leeanna Pendergast:** At first I hear you telling us to hurry up, then I hear you telling us to slow down. Again, I want to reiterate that that's why the government is taking a measured, balanced approach.

I do want to comment specifically on your motion. It is not consistent with the timelines proposed by Dr. Pascal to have full implementation by 2020, nor is it consistent with the advice of Dr. Pascal to roll out different recommendations at different phases. I would refer you to page 52 in Dr. Pascal's document. He spells it out quite clearly on that page. In the full-day extended learning, the implementation is still in five years.

**Mr. Rosario Marchese:** I'm glad you clarified the five-year part. So Pascal said to implement his report by 2020? Is that what I heard you say?

**Ms. Leeanna Pendergast:** Yes, the implementation of a number of measures by 2020.

**Mr. Rosario Marchese:** I see. Not in three years, but by 2020?

**Ms. Leeanna Pendergast:** I would just refer you to page 52. His timelines are quite extensive in the report.

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

**The Chair (Mr. Shafiq Qaadri):** Further comments? Those in favour of NDP motion 30? Those opposed? NDP motion 30 is defeated.

NDP motion 31.

**Mr. Rosario Marchese:** I move that part IX.1 of the Education Act, as set out in section 10 of the bill, be amended by adding the following section:

"Compensation to day nurseries

"260.4.2(1) The minister shall provide a day nursery established under the Day Nurseries Act with financial support, in the amount calculated in accordance with regulations made under subsection (2), if the number of children enrolled in the day nursery decreases as a result of the provision of full-day junior kindergarten, kindergarten or extended day programs by a board.

"Same

"(2) The Lieutenant Governor in Council may make regulations respecting the calculation of the amount that a day nursery is entitled to under subsection (1).

"Same

"(3) Subsection (1) does not apply unless money is appropriated by the Legislature for the purpose of this section."

1540

Clearly, the government recognizes that this will cause some problems to many who provide child care and extended-day programs. It's heartening to hear the parliamentary assistant, who said originally that there was going to be 63 million in stabilization dollars, and then she announced 10 or 15 minutes later that the minister will announce additional money.

Given what she said, that they will announce additional money, I'm assuming that she would be supporting my motion here, which clearly would support these people who will suffer as a result of this initiative. I'm waiting to hear her answer.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Marchese. Are there comments?

**Ms. Leeanna Pendergast:** It's my pleasure to respond, Mr. Marchese. I'm not quite sure how to say it again and again and again, so I'm just going to reiterate briefly that there's planning under way. So you can take that piece at this point to that.

But I do want to say that the government has also indicated that the government will be working with the municipal sector and other partners on measures to help stabilize the child care sector. So that keeps it kind of high-level.

**Mr. Rosario Marchese:** So doesn't my motion help you to do that? You're saying exactly what I'm saying. We suggest a formula, of course.

**Ms. Leeanna Pendergast:** I think we've been down this road before, but I'll say it again: These amendments proposed by this motion do not belong in the Education Act; they do not belong in statute.

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

**The Chair (Mr. Shafiq Qaadri):** Any further comments? We'll proceed to the vote. Those in favour of NDP motion 31? Those opposed? NDP motion 31 is defeated.

PC motion 32: Ms. Witmer.

**Mrs. Elizabeth Witmer:** I move that section 260.5 of the Education Act, as set out in section 10 of the bill, be struck out.

The reason for this is that this section does give the minister extremely broad power to issue guidelines and procedures to virtually any part of the operation of the extended-day program, and there are presently no checks and balances on the minister's decision, as well as no formal guidelines or protocol for public consultation on these subdecisions.

I think in just listening today, it's becoming more and more clear that this program is somewhat fuzzy and there are a lot of omissions regarding clarity as far as the roll-out and implementation of the program. This is directed to the concern that the minister currently has the unfettered power to make whatever changes he or she wants at any time, so the programs can be changed on a whim by anyone. That's to remove that power.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Ms. Leeanna Pendergast:** Just quickly, asking for this to be struck out actually contravenes your earlier comments asking for flexibility, because the policies and guidelines authorized in this section are actually the ones that provide the necessary flexibility to support the implementation of the new program. Therefore, we cannot support this motion.

**The Chair (Mr. Shafiq Qaadri):** Ms. Witmer.

**Mrs. Elizabeth Witmer:** I'm not comforted by the fact that anybody is listening anyway because, as I say, I think a lot of people appeared before us and are going to be disappointed that their concerns are not being addressed.

**The Chair (Mr. Shafiq Qaadri):** Mr. McMeekin.

**Mr. Ted McMeekin:** Just very briefly, I'm interested in the genericness of the comments made. My concern is

that in the absence of having this flexibility, you also lose potentially a lot of accountability, and we can't have it both ways. We want to make sure we that correct the fuzziness and move ourselves forward and work through a transition period to build relationships potentially with third party partners to evaluate that and work together as we sail this ship into uncharted waters, and then, at the same time, tie our hands by saying that we're not going to give the minister any power to do that.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments before we proceed to the vote? Those in favour of PC motion 32? Those opposed? I declare PC motion 32 to have been defeated.

Government motion 33.

**Ms. Leeanna Pendergast:** I move that subsection 260.5(2) of the Education Act, as set out in section 10 of the bill, be amended,

(a) by striking out "class" in clause (i) in both places where it appears and substituting in each case "unit";

(b) by striking out "classes" in clause (j) in the portion before subclause (i) and substituting "units";

(c) by striking out "classes" in subclause (j)(i) and substituting "units"; and

(d) by striking out "classes" in sub-subclause (j)(ii)(A) and substituting "units."

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Ms. Leeanna Pendergast:** Simply just to clear any confusion that could arise from the use of "class" to refer to both core-day and extended-day programs.

**The Chair (Mr. Shafiq Qaadri):** Thank you. Further comments? We'll proceed to the vote. Those in favour of government motion 33? Those opposed? Motion 33, carried.

Government motion 34.

**Ms. Leeanna Pendergast:** I move that subsection 260.5(2) of the Education Act, as set out in section 10 of the bill, be amended by adding the following clause:

"(m) respecting the approval by a board of a delegation under clause 260.2(b)."

**The Chair (Mr. Shafiq Qaadri):** Further comments? Seeing none, we'll proceed to the vote. Those in favour of government motion 34? Those opposed? Motion 34 is carried.

PC motion 35: Ms. Witmer.

**Mrs. Elizabeth Witmer:** You'll be relieved to know that, based on our discussions, I'm going to withdraw that motion and I don't have to read those three pages into the record.

**The Chair (Mr. Shafiq Qaadri):** PC motion 35 is withdrawn.

Shall section 10, as amended, carry? Carried.

We'll do block considerations of sections 11 to 15, inclusive, as we have received no motions to date. Those in favour of sections 11 to 15 carrying? Carried.

We'll now proceed to section 16: government motion 36.

**Ms. Leeanna Pendergast:** I move that subsection 264.1(2) of the Education Act, as set out in section 16 of the bill, be amended by,

(a) striking out "kindergarten and extended day programs" in paragraph 2 at the end and substituting "and kindergarten"; and

(b) striking out "kindergarten and extended day programs" in paragraph 5 at the end and substituting "and kindergarten."

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Ms. Leeanna Pendergast:** Simply to respond to stakeholder concerns regarding the clarity of roles and responsibilities.

**The Chair (Mr. Shafiq Qaadri):** If there are no further comments, we'll proceed to the vote. Those in favour of government motion 36? Those opposed? Motion 36 is carried.

Government motion 37: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that subsection 264.1(3) of the Education Act, as set out in section 16 of the bill, be amended and the following substituted:

"Duties of teachers not limited

"(3) Nothing in this section limits any duties of teachers under this act, including duties related to report cards, instruction, training and evaluation of the progress of pupils in junior kindergarten and kindergarten, the management of junior kindergarten and kindergarten classes, and the preparation of teaching plans.

"Membership in colleges

"(4) Nothing in this section limits the operation of sections 262 and 262.1."

**The Chair (Mr. Shafiq Qaadri):** Further comments? We'll then proceed to the vote. Those in favour of government motion 37? Those opposed? Motion 37 is carried.

Shall section 16, as amended, carry? Carried.

Section 17: government motion 38.

**Ms. Leeanna Pendergast:** I move that clause 265(1)(e) of the Education Act, as set out in section 17 of the bill, be amended by striking out "classes to designated early childhood educators" at the end and substituting "junior kindergarten or kindergarten classes or extended day program units to designated early childhood educators."

**The Chair (Mr. Shafiq Qaadri):** Further comments? We'll proceed to the vote. Those in favour of government motion 38? Those opposed? Motion 38 is carried.

Shall section 17, as amended, carry? Carried.

Block consideration of sections 18 to 20: Shall they carry? Carried.

Section 21: government motion 39, Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that section 277.47 of the Education Act, as set out in section 21 of the bill, be amended by adding the following subsection:

"Same

"(4) A board shall not require a person employed by the board as a teacher to mentor a new designated early childhood educator."

**The Chair (Mr. Shafiq Qaadri):** Any comments? Those in favour of government motion 39? Those opposed? Motion 39 is carried.

Motion 40: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that section 277.48 of the Education Act, as set out in section 21 of the bill, be amended by adding the following subsection:

“Same

“(3) A board shall not require a person employed by the board as a teacher to conduct or participate in performance appraisals of designated early childhood educators.”

**The Chair (Mr. Shafiq Qaadri):** Comments? We’ll proceed to the vote. Those in favour of government motion 40? Those opposed? Carried.

Motion 41: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that section 277.50 of the Education Act, as set out in section 21 of the bill, be amended by adding the following subsections:

“Information and disclosure

“(3.1) For the purpose of taking action in response to a board’s report made under subsection (1), (2) or (3), the college may require the board to provide the college with information, including personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act or section 28 of the Municipal Freedom of Information and Protection of Privacy Act, in respect of members of the college, and the board shall provide such information.

“Limits on collection and use

“(3.2). The college shall not collect or use more personal information than is reasonably necessary to meet the purpose of the collection or use.”

**The Chair (Mr. Shafiq Qaadri):** Comments? We’ll proceed with the vote. Those in favour of government motion 41? Those opposed? Motion 41 is carried.

Government motion 42.

**Ms. Leeanna Pendergast:** I move that paragraph 1 of subsection 277.51(2) of the Education Act, as set out in section 21 of the bill, be amended by striking out “was made” at the end and substituting “was made, if the college has knowledge of that employment.”

**The Chair (Mr. Shafiq Qaadri):** Comments? We’ll proceed to the vote. Those in favour of government motion 42? Those opposed? Motion 42 is carried.

Government motion 43.

**Ms. Leeanna Pendergast:** I move that part X.3 of the Education Act, as set out in section 21 of the bill, be amended by adding the following section:

“Immunity of College of Early Childhood Educators

“277.52 No proceeding for damages shall be instituted against the College of Early Childhood Educators or the registrar of that college for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under sections 277.50 or 277.51 of this act, or for any neglect or default in the performance or exercise in good faith of such duty or power.”

**The Chair (Mr. Shafiq Qaadri):** Any comments? Those in favour of government motion 43? Those opposed? Motion 43 carries.

Shall section 21, as amended, carry? Carried.

Block consideration of sections 22 to 34: If there’s no objection from the committee, we’ll proceed. Shall sections 22 to 34 carry? Carried.

There’s an issue with reference to the preamble. I’ll offer the floor to the PC Party, if you wish it.

**Mrs. Elizabeth Witmer:** I’m going to move that the preamble to the bill be amended by striking out “strong local partnerships” in paragraph 4 and substituting “strong local partnerships among school boards and not-for-profit community providers.”

**The Chair (Mr. Shafiq Qaadri):** Before you proceed, I am advised by the various powers that be that the ruling needs to be made on the admissibility of this amendment, and apparently the preamble of this bill—referred to a committee after second reading is admissible only if it is rendered necessary by amendments made to the bill. As Chair, I am obligated to rule that the preamble does not reflect amendments made to Bill 242 and therefore the motion is out of order. If you would require further elaboration from wiser heads than mine, it is available.

**Mrs. Elizabeth Witmer:** No, I understand and I was anticipating that. However, I wanted to reiterate the point.

I have a question for clarification: When we’re talking now about extended-day programs for students who are enrolled in either the junior kindergarten or the kindergarten program outside of the school day or we’re talking about programs for six- to 12-year-olds, did I hear correctly that, moving forward, there will only be a transition period for the not-for-profit daycare, Y etc. providers, but over time those people will no longer be welcome to provide services in our schools? Is it only in the short term?

**Ms. Leeanna Pendergast:** I know you’ve asked this several times, and my answer hasn’t changed. If the bill passes, then it will be dealt with in the regulations, and the consultations will continue to determine that very answer that you keep asking for.

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

**Mr. Rosario Marchese:** I just wanted to take this opportunity to say that we should just scrap that whole line, because it says, “Implementing full day learning will require strong local partnerships under a provincial framework.” There are no partnerships with anyone. I’m not quite sure why that is even there. It almost doesn’t make any sense that it should be there, but I guess we’ll say that in our third reading debate when we have a chance to speak to the bill.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments?

Shall the preamble of the bill carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 242, as amended, carry? Carried.

Shall the bill be reported to the House, as amended? Carried.

Is there any further business before this committee?

This committee is adjourned.

*The committee adjourned at 1553.*





## CONTENTS

Monday 12 April 2010

Full Day Early Learning Statute Law Amendment Act, 2010, Bill 242, Mrs. Dombrowsky / Loi de 2010 modifiant des lois en ce qui concerne l'apprentissage des jeunes enfants à temps plein, projet de loi 242, Mme Dombrowsky .....	SP-83
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