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Official Report of Debates (Hansard)

Monday 28 May 2012

Journal des débats (Hansard)

Lundi 28 mai 2012

**Standing Committee on
Social Policy**

Accepting Schools Act, 2012

Anti-Bullying Act, 2012

**Comité permanent de
la politique sociale**

Loi de 2012 pour
des écoles tolérantes

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Hansard Reporting and Interpretation Services
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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 28 May 2012

Lundi 28 mai 2012

The committee met at 1401 in committee room 1.

ACCEPTING SCHOOLS ACT, 2012

LOI DE 2012 POUR
DES ÉCOLES TOLÉRANTES

ANTI-BULLYING ACT, 2012

LOI DE 2012 SUR LA LUTTE
CONTRE L'INTIMIDATION

Consideration of the following bills:

Bill 13, An Act to amend the Education Act with respect to bullying and other matters / Projet de loi 13, Loi modifiant la Loi sur l'éducation en ce qui a trait à l'intimidation et à d'autres questions.

Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools / Projet de loi 14, Loi désignant la Semaine de la sensibilisation à l'intimidation et de la prévention dans les écoles et prévoyant des programmes-cadres, des politiques et une responsabilité administrative à l'égard de la prévention de l'intimidation dans les écoles.

The Chair (Mr. Ernie Hardeman): We'll call the May 28 meeting of the social policy committee—I got it right this time—to order.

I have a statement here. This is a new experience, not only for this committee but for any committee. In my time at Queen's Park, I've never had the opportunity to be involved where two bills were before a committee at the same time.

The order from the House is quite explicit on how we are to deal with it, so I'll just go through it, for the committee, so we'll all know where we're coming from. We can have a little discussion before we start.

Pursuant to the order of the House dated May 3, 2012, the Standing Committee on Social Policy is authorized to meet in Toronto on Monday, May 28, and Tuesday, May 29, 2012, for clause-by-clause consideration of Bill 13.

On Monday, May 28, 2012, the committee may only meet until its normal adjournment time at 6 p.m. but on Tuesday, May 29, 2012, the meeting may last beyond the normal hour of adjournment.

The order of the House further stipulates that the committee shall dedicate Monday, May 28, 2012, to consider-

ing which elements of Bill 14 should be incorporated in Bill 13.

The remaining time on May 28 and all of May 29 shall be dedicated only to dealing with amendments to Bill 13.

Following the May 24, 2012, deadline for filing amendments to Bill 13, the clerk has sent a package of numbered motions to committee members for review. Please note that a copy of this package is also before you today for your consideration.

To facilitate our deliberations, legislative counsel has drafted the motion with a "day 1" or "day 2" notation in the top right-hand corner of each amendment, which will serve as a guide to our debates. Day 1 motions would be the motions incorporating elements of Bill 14 into Bill 13, whereas day 2 motions are amendments to Bill 13.

When we start with the clause-by-clause debate, I will call each section of the bill, starting with section 1. At this point, members may move the amendment pertaining to the incorporation of an element of Bill 14 into Bill 13 in the section before the committee. The committee will then vote on the amendment only. This process of incorporating elements of Bill 14 into Bill 13 will be repeated for the remainder of the sections of Bill 13.

Once the incorporation of Bill 14 into Bill 13 is completed, the committee will go back to section 1 of Bill 13 and debate the amendments to Bill 13 before voting on each section of Bill 13.

If there are any further questions, I'd be happy to try and answer them and have a discussion as to how we're proceeding. If not, is the committee prepared to begin clause-by-clause consideration of Bill 13? Any questions or comments on the process?

Ms. Lisa MacLeod: I do, and I'll start with this one, because it's just easy: When we are amending 13, we're able at any time—correct?—to come and put forward a motion from 14 on the table? I'll give you an example. With respect to the two definitions of bullying, one in 13 and one in 14, are we able to put forward a motion that would suggest amending 13 with the definition of 14?

The Chair (Mr. Ernie Hardeman): I guess I have to get a legal opinion. There is a part of the direction that in fact, as long as they're not substantive changes, changes can be made to Bill 13/14, incorporating Bill 13/14. But that's what we're trying to accomplish in this section. The amendments that are before us are those that are taken, in day 1, out of the amendments, taking all that which you want out of Bill 14 into Bill 13. That's in the amendments we will be dealing with first.

Ms. Lisa MacLeod: Okay.

The Chair (Mr. Ernie Hardeman): And there will be some overlap there in what each party has decided they want to do, but the first step today is to take everything that you want out of Bill 14, transfer it to Bill 13, and we will do that. And if we get to one, Ms. MacLeod, where in fact it's more than what the amendment is before us, it's an opportunity, if it's the same issue, that you could amend the amendment.

Okay, any other questions or comments? If not—

Ms. Tracy MacCharles: Chair, I just note that there is a vote in 25 minutes.

The Chair (Mr. Ernie Hardeman): Yes. One of the things with the clause-by-clause, because there's not delegations meeting with us, is that we can stop at whatever time before the vote and then come back right after the vote without causing a great disturbance, hopefully.

Ms. Tracy MacCharles: Thank you.

The Chair (Mr. Ernie Hardeman): Okay?

So the first section is section 1 and the first amendment is an NDP amendment.

Mr. Peter Tabuns: We are motion 1, Mr. Chair, and we withdraw.

The Chair (Mr. Ernie Hardeman): It's withdrawn.

The second one in section 1 is a government motion, subsection 1(1). We have someone? Yes, Ms. MacCharles.

Ms. Tracy MacCharles: I move that the definition of "bullying" in subsection 1(1) of the Education Act, as set out in subsection 1(1) of the bill be struck out and the following substituted:

"'bullying' means aggressive and typically repeated behaviour by a pupil where,

"(a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,

"(i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property; or

"(ii) creating a negative environment at a school for another individual; and

"(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, race, disability or the receipt of special education; ('intimidation')"

The Chair (Mr. Ernie Hardeman): Thank you. Debate?

Ms. Lisa MacLeod: Chair, are we able to further amend the government's amendment with a friendly amendment?

The Chair (Mr. Ernie Hardeman): You could, yes. You could move forward a motion to amend this motion.

Ms. Lisa MacLeod: All right. May I do that at this time?

The Chair (Mr. Ernie Hardeman): It's your choice, yes.

Ms. Lisa MacLeod: Further on "(a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,

"(i)"—we would maintain that.

"(ii) creating a negative environment at a school for another individual"—we would maintain that.

"(iii) placing the other pupil in reasonable fear of harm to himself or herself or damage to his or her property,

"(iv) creating a hostile environment at school for the other pupil,

"(v) infringing on the legal rights of the other pupil at school, or

"(vi) materially and substantially disrupting the education process or the orderly operation of a school;"

The Chair (Mr. Ernie Hardeman): You don't happen to have that in writing?

Ms. Lisa MacLeod: Yes, it's actually from Bill 14, page 2, clauses 2(1)(b), (c), (d) and (e).

The Chair (Mr. Ernie Hardeman): We should have that copied. That's quite an extensive amendment to assume that everyone remembered what was read into the record.

Mr. Bob Delaney: Chair, we would like to have that copied and distributed.

The Chair (Mr. Ernie Hardeman): We'll get copies made for it and we will recess the committee now until after the vote.

The committee recessed from 1410 to 1442.

The Chair (Mr. Ernie Hardeman): We're back on the road. The clerk's back with copies of the amendment to the amendment. You have the amendment before you. Any comments, questions? Yes, Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much for the opportunity to put forward this friendly amendment to the government motion. The reason for it is that it effectively takes a majority of the portion of what the definition is on bullying from Bill 14. We heard extensively at committee from deputants that Bill 14 had a superior definition. Therefore, I felt that it was necessary to put that forward to a vote today.

The Chair (Mr. Ernie Hardeman): Any other comments, questions? Yes, Mr. Delaney.

Mr. Bob Delaney: Thank you, Chair. We appreciate the spirit within which Ms. MacLeod offers the friendly amendment. The existing amendment, however, builds on an evidence-based definition of bullying already found in Bill 13. In this and in other passages through the bill, we will capture the essence of Bill 14, and this consistency will also make sure that there's clarity about how the definition should be applied in every school across the province. So, Chair, we will not be supporting this friendly amendment.

The Chair (Mr. Ernie Hardeman): Further comments, questions?

If not, we'll call the vote on the amendment to the amendment.

All those in favour? Opposed? The motion is lost.

Now the amendment, as put forward: Any discussion or comments on the amendment?

Ms. Lisa MacLeod: Chair, if I may?

The Chair (Mr. Ernie Hardeman): Yes, Ms. MacLeod.

Ms. Lisa MacLeod: During the public delegations, over a five-day period, we heard from a substantial number of anti-bullying coalitions who expressed their desire that the definition as it pertains to bullying be followed as it was in Bill 14, as opposed to Bill 13. Therefore, I'd like to move that subsection 1(1), subsection 1(1) of the Education Act, be amended to use fully the Bill 14 definition of bullying and insert that into Bill 13.

The Chair (Mr. Ernie Hardeman): Okay, we have another amendment to the amendment—to the present amendment, not to the previous amendment. There's only two amendments allowed per amendment.

Mr. Bob Delaney: Would the Chair please clarify whether the proposal relates to the amendment before the committee right now, and if so, is it in order?

Mr. Ernie Hardeman: From the Chair's point of view, it would relate, because it's about the definition of bullying. So in either case, the intent of the amendment is to identify what bullying is, and it doesn't matter which one you use, they would relate to one another. So I think it's an appropriate amendment.

The question is, does the committee require a copy of the definition in 14? If not, any further discussion on the amendment?

Ms. Lisa MacLeod: Chair, just to reiterate, throughout our public delegations more than 80 folks had appeared before committee. Anti-bullying coalitions from across Ontario, as well as many parent groups, suggested that the anti-bullying definition in Bill 14, the Anti-Bullying Act, was far stronger and would further explain the importance of anti-bullying measures and what students could expect in terms of protection. Therefore, I respectfully request that my colleagues support the definition of bullying as it pertains to the Anti-Bullying Act, Bill 14.

The Chair (Mr. Ernie Hardeman): The question is then to call the vote on the definition in Bill 14, which is the amendment to the amendment. All those in favour? Opposed? The motion is lost.

Now we go back to the original amendment from Ms. MacCharles that was read into the record. Debate on the amendment. Any discussion? If not, all those in favour of the amendment? Opposed? The motion is carried.

The next one is an NDP amendment.

Ms. Cheri DiNovo: Yes, thank you, Mr. Chair. I move that subsection 1(1) of the bill, subsection 1(1) of the Education Act—

Mr. Peter Tabuns: That's day 2.

Ms. Cheri DiNovo: Sorry.

The Chair (Mr. Ernie Hardeman): It's on page 4. I missed that too, so don't feel bad. It wasn't checked for day 2 or for day 1.

Mr. Peter Tabuns: Number 4?

The Chair (Mr. Ernie Hardeman): Yes.

Mr. Peter Tabuns: We will withdraw our motion in favour of supporting the PC motion on cyberbullying.

The Chair (Mr. Ernie Hardeman): That motion is withdrawn. The next one is 5, the PC motion.

Ms. Lisa MacLeod: Thank you very much, Mr. Chair. I'd also like to say thank you to my colleague from the NDP.

I move that subsection 1(2) of the bill be amended by adding the following subsection to section 1 of the Education Act:

“Cyberbullying:

“(1.0.0.2) For the purposes of the definition of ‘bullying’ in subsection 1, bullying includes bullying by electronic means (commonly known as cyberbullying), including,

“(a) creating a web page or a blog in which the creator assumes the identity of another person;

“(b) impersonating another person as the author of content or messages posted on the Internet; and

“(c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.”

The purpose of this motion is to add a comprehensive definition of cyberbullying to the proposed legislation. Presently, Bill 13 only makes a passing reference to electronic bullying. Due to the increasing prevalence of online harassment, this measure is wholly necessary to protect students and educators alike. It is a centrepiece of Bill 14 and we believe that it's necessary to be included in Bill 13.

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The Chair (Mr. Ernie Hardeman): Thank you. Any further discussion on that amendment? Mr. Delaney.

Mr. Bob Delaney: Chair, we thank the PCs for this motion. We are prepared to support it. We think it's an effective contribution to the bill.

The Chair (Mr. Ernie Hardeman): Any further discussion? If not, all those in favour of the motion? Opposed? The motion's carried.

The next one is government motion number 6.

Mr. Bob Delaney: Chair, if it isn't out of order, it's already withdrawn.

The Chair (Mr. Ernie Hardeman): The next one is number 7, a PC motion.

Ms. Lisa MacLeod: I move that subsection 1(2) of the bill be amended by adding the following subsection to section 1 of the Education Act:

“Bullying in schools

“(1.0.0.3) For the purposes of this act, bullying shall be deemed to occur in a school if it occurs,

“(a) on a school site or within 100 metres of a school site;

“(b) during the course of an activity, function or program that is conducted for a school purpose;

(c) through the use of technology or an electronic device provided to the pupil by a school; or

“(d) through the use of technology or an electronic device that is not provided to the pupil by a school if the

bullying has the effect of or is reasonably intended to have the effect of,

“(i) creating a hostile environment at school for the other individual;

“(ii) infringing on the legal rights of the other individual at school, or

“(iii) materially and substantially disrupting the education process or the orderly operation of a school.”

The rationale, the purpose of this motion is to define when school administrators are responsible for addressing acts of bullying. This motion is necessary in order to address bullying which takes place outside of a school building.

There was concern by anti-bullying advocates at committee that school administrators were shirking their responsibility because these incidents were not happening inside or near the school.

We heard from probably a dozen parent groups, anti-bullying coalitions and others that they felt that the buck needed to stop somewhere. We believe that this motion will do that.

The Chair (Mr. Ernie Hardeman): Any further debate on the motion? Mr. Delaney.

Mr. Bob Delaney: Chair, this proposal limits the Bill 13 definition by adding specific details on where bullying may occur and how. Indeed, the government took some ideas from this and incorporated them into the amendment just passed now. The definition in Bill 13 in the government motion is in fact evidence-based and more comprehensive as it covers any bullying that has a negative impact on school climate or whether it happens on school property or during school-related events.

So in that sense, Chair, we find the PC motion, while well intended, is perhaps too limited in scope—in other words, a reference to 100 metres of a school—and as this and further proposals suggest more comprehensive motions, the government will oppose this one.

The Chair (Mr. Ernie Hardeman): Any further discussion on the motion?

Ms. Lisa MacLeod: Yes, Chair. Just to reiterate, when the anti-bullying coalitions came to our committee, they had the opportunity to look at both Bill 13 and Bill 14, and many of those anti-bullying advocates endorsed the definition in Bill 14 and endorse this specific amendment because they actually think it's more clear. I would submit that to the honourable member and would hope that they would support this.

The Chair (Mr. Ernie Hardeman): Any further debate? If not, I call the question. All those in favour? Opposed? The motion's lost.

The next one is number 8.

Ms. Tracy MacCharles: Chair, may I? Number 9, I believe, for day 1.

Mr. Peter Tabuns: We'll get used to it by the end of the two days.

The Chair (Mr. Ernie Hardeman): Okay, motion number 9, NDP. That's in section 2. We completed section 1, as far as transferring goes. We will not be

voting on the section because the section has to stay open to do it next time all the way through. Okay?

So NDP motion number 9.

Mr. Peter Tabuns: I withdraw that amendment, Mr. Chair.

The Chair (Mr. Ernie Hardeman): PC motion number 10.

Ms. Lisa MacLeod: Just to be clear, Chair, number 8 is to be dealt with tomorrow?

The Chair (Mr. Ernie Hardeman): Yes. It's a number—

Ms. Lisa MacLeod: Okay. I move that section 2 of the bill be amended by adding the following subsection:

“(3) Section 8 of the act is amended by adding the following subsection:

“Curriculum guidelines and learning materials, bullying prevention

“(1.1) The minister shall ensure that the curriculum guidelines issued under paragraph 3 of subsection (1) include bullying prevention as a mandatory component of instruction for pupils in every grade.”

The rationale, the purpose of this motion is to ensure Ontario students have a classroom discussion about bullying, its ramifications and impacts at least once a year. This should be achieved by adding bullying prevention to the provincial curriculum.

This is something that the former member from Kitchener–Waterloo has spoken very passionately about. It's something our caucus, the official opposition, believes needs to be there in order to prevent bullying at a later age—to start teaching it at a younger age—and of course to ensure that the unintended consequences of bullying are mentioned in classrooms as well. So we would be seeking support from our colleagues for this amendment.

The Chair (Mr. Ernie Hardeman): Any further discussion? Mr. Delaney.

Mr. Bob Delaney: Again, we grasp what the member is proposing. We have some thoughts on this. The approach would pre-empt the work of the Ontario Curriculum Council, which has been tasked with providing advice on how to strengthen equity and inclusive education as well as bullying prevention into the curriculum.

Embedding curriculum in legislation would be unprecedented. The ministry does not legislate requirements for instruction in, for example, math, reading or science. Doing so for bullying prevention would set a precedent with which the ministry is uncomfortable.

The Chair (Mr. Ernie Hardeman): Further discussion? If not, I will call the question. All those in favour? Opposed? The motion is lost.

With that, we shall recess the committee until after the vote.

The committee recessed from 1458 to 1509.

The Chair (Mr. Ernie Hardeman): The last motion we left was motion number 10, a PC motion. That's also the last motion in section 2. I'm to ask now, are there any further amendments that you wish to move from Bill 14 to 13 in section 2? If not, we'll then move on to section 3.

Ms. Lisa MacLeod: Are we voting, Chair, on this section or are we waiting until—

The Chair (Mr. Ernie Hardeman): No, we have to wait with all the sections until we do Bill 13—

Ms. Lisa MacLeod: I see.

The Chair (Mr. Ernie Hardeman): —because there are other amendments that go in the section that have been introduced already.

So we're in section 3. There are no motions for section 3 in the present package for day 1. Are there any amendments you wish to make that are not presently in the package? Yes?

Ms. Cheri DiNovo: Motion number 15 is a section 3 amendment, Mr. Chair.

The Chair (Mr. Ernie Hardeman): It's a new section. So it's new section 3, as opposed to the old—my question is just on the old section.

Ms. Cheri DiNovo: Okay.

The Chair (Mr. Ernie Hardeman): Okay, so if there are no further, then we will go to section 3.1. We have two motions in that one. The first one is a New Democrat one, number 15. Mr. Tabuns?

Mr. Peter Tabuns: I move that the bill be amended by adding the following section:

“3.1 Subsection 170(1) of the act is amended by adding the following paragraph:

“professional development programs, bullying and school climate

“7.1 establish and provide annual professional development programs to educate teachers and other staff of the board about bullying prevention and strategies for promoting positive school climates;”

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion?

Ms. Lisa MacLeod: If I may, Chair? If I may make a friendly amendment:

“7.2. And that the minister shall ensure that the curriculum guidelines, based on professional development, issued under this section include bullying prevention as a mandatory component of instruction for pupils in every grade.”

The Chair (Mr. Ernie Hardeman): Okay. We don't have that in writing. Did you read that from any part that the committee could look at, to see what it says?

Ms. Lisa MacLeod: Yes, Chair. It was a previous motion, elements of it, regarding curriculum guidelines in learning materials. I thought I would like to try to encourage the committee to include it with professional development programs for bullying in school climate, and include it while there is development for our teachers and our principals and other school staff, so that that simply not just be used as training but also executed through programs and anti-bullying initiatives in the school.

The Chair (Mr. Ernie Hardeman): Did the committee understand that? Further discussion on that amendment?

Mr. Peter Tabuns: Yes, I understand what has been moved.

The Chair (Mr. Ernie Hardeman): Okay. Any further discussion on the amendment to the amendment?

Mr. Peter Tabuns: I will just say I appreciate the spirit in which the amendment to our amendment has been made, but we don't support it and we would ask that the committee defeat the amendment to the amendment and support the main amendment that was put forward. I hope I wasn't too convoluted.

The Chair (Mr. Ernie Hardeman): Any further discussion on the amendment to the amendment?

If not, we'll call the question. All those in favour of the amendment to the amendment? Opposed? The amendment to the amendment is lost.

Now we'll have discussion on the amendment. Any further discussion?

Mr. Peter Tabuns: I will just say, Chair, that it was clear from a number of presentations, both by teachers and education workers and others, that providing this kind of information on an ongoing basis to those who work in the education system would be to our advantage.

The Chair (Mr. Ernie Hardeman): Further discussion? Yes, Mr. Delaney.

Mr. Bob Delaney: Chair, I just want to add one minor point on to that. The ministry has control over two PD days and has recently added bullying prevention to the list of subjects to be covered, so we fully support this proposal.

The Chair (Mr. Ernie Hardeman): Any further discussion?

If not, we'll call the question. All those in favour of the amendment? Opposed? The amendment is carried.

The next one is motion number 16, a PC motion.

Ms. Lisa MacLeod: I move that the bill be amended by adding the following section:

“3.1 Subsection 170(1) of the act is amended by adding the following paragraph:

“remedial programs for bullying

“7.1 ensure that schools of the board provide remedial programs and restorative justice programs designed to help victims of bullying recover from being bullied and to discourage perpetrators of bullying from continuing to engage in bullying, which programs may be offered by social workers, psychologists or other professionals who have training in similar fields;”

Given that the Liberals are attempting to put forward a piece of anti-bullying legislation under the Accepting Schools Act, 2011, my suggestion is based on the deputations of a number of those who came forward, saying that more needs to be done in our schools with respect to treating bullied students as well as remediating them. The purpose of the motion is to specify the remedial and restorative justice programs, and that they are to be made available to victims and aggressors. The provision is presently absent from the government's legislation, Bill 13. This Bill 14 provision was strengthened to reflect the advice of anti-bullying advocate Anthony McLean, among others.

The Chair (Mr. Ernie Hardeman): Any further comments? Mr. Delaney.

Mr. Bob Delaney: I'd like to suggest an amendment to PC motion number 16. As the minister and the Premier have said, there were a lot of good ideas in Elizabeth Witmer's bill, so I'd like to suggest that we can strengthen the PC amendment as follows:

I move that the bill be amended by adding the following section:

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

"programs, interventions and other supports, bullying

"7.1 provide programs, interventions or other supports for pupils who have been bullied, pupils who have witnessed incidents of bullying and pupils who have engaged in bullying, and the programs, interventions and other supports may be provided by social workers, psychologists or other professionals who have training in similar fields, as determined by the board."

Chair, if the clerk would like to distribute some copies, I have some copies of the proposed amendment to the amendment.

The Chair (Mr. Ernie Hardeman): We've heard the amendment to the amendment. Any discussion on that amendment to the amendment?

Ms. Lisa MacLeod: Chair, I'm wondering if it would be amenable to our colleagues to have a brief five-minute recess so we may look at it.

The Chair (Mr. Ernie Hardeman): Is it okay?

Mr. Bob Delaney: Yes, absolutely.

The Chair (Mr. Ernie Hardeman): We'll recess for five minutes.

The committee recessed from 1517 to 1521.

The Chair (Mr. Ernie Hardeman): For the clarification of the process, I would ask everyone to understand that the amendment to the amendment is actually an amendment to the original amendment, not to the other. So the question is, do you want to include in the record to strike out the paragraph to add the other 7.1, or do you want to withdraw the one and put the other one in? They accomplish the same thing.

Ms. Lisa MacLeod: We'd like a vote on ours.

The Chair (Mr. Ernie Hardeman): Okay, but we have to vote on this one first.

Ms. Lisa MacLeod: Sure.

Mr. Bob Delaney: Chair, just before we vote, the effect of the vote that we are now about to undertake would be to substitute from the amendment proposed by the PCs the language in the amendment in clause 7.1—in the amendment to the amendment in clause 7.1—so it would take this 7.1 and put it into the 7.1 in the proposed amendment.

The Chair (Mr. Ernie Hardeman): Yes.

Mr. Bob Delaney: Okay, just wanted to make sure.

The Chair (Mr. Ernie Hardeman): Okay, so this is then the amendment to the amendment—

Mr. Bob Delaney:—such that, if adopted, the amendment would contain this 7.1 and not its existing 7.1.

The Chair (Mr. Ernie Hardeman): Yes.

Mr. Bob Delaney: Okay, we're clear.

The Chair (Mr. Ernie Hardeman): I would point out, I guess for clarification, that the first vote is to put this amendment in. The second vote will be to vote on the PC amendment as amended. Okay? Any further discussion? Everyone understand the process?

With that, all those in favour of the amendment to the amendment? Opposed? The motion is carried.

So now the question is, we'll call the vote. If there's no further debate on the PC amendment, we will call the vote on the PC amendment as amended. Any further discussion on that?

If not, all those in favour? Opposed? The motion is carried.

Are there any further amendments on section 3.1?

If not, section 3.2, PC amendment number 17.

Ms. Lisa MacLeod: Sorry, Chair, I'll just read it from here, because it's not in my package.

I move that the bill be amended by adding the following section:

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

"professional development programs on bullying"—

I believe, Chair, that the reason I took this out of my package is because it's redundant to one that we've already passed with the New Democrats.

Mr. Bob Delaney: Just for clarification, is that a withdrawal of it?

Ms. Lisa MacLeod: Yes, it's a withdrawal.

The Chair (Mr. Ernie Hardeman): Okay, a withdrawal.

Ms. Lisa MacLeod: That's why it's out of my package.

The Chair (Mr. Ernie Hardeman): Very good. I should have ruled it out of order, if I'd read it, but I'd much sooner have it withdrawn.

Are there any further amendments in section 3.2?

There are no amendments proposed in section 4. Are there any amendments proposed that have not been turned in for section 4? If not, we'll go on to section 5.

There are, again, no amendments in section 5, so unless there are amendments from the floor, we'll move on to section 6.

Section 6, government motion 22.

Mr. Bob Delaney: I move that subsection 6(2) of the bill be amended by adding the following subsection to section 300.2 of the Education Act:

"Principal's duty to investigate

"(3) A principal shall investigate any matter reported under subsection (1)."

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion?

Mr. Bob Delaney: Just one explanatory note, Chair: The principal's investigations of reported incidents does draw on a suggestion made in Bill 14 that we wanted to find a way to include in this bill, so that's the reason for including it.

The Chair (Mr. Ernie Hardeman): Further discussion? If not, I'll call the question. All those in favour of the amendment? Opposed? The motion is carried.

Amendment 23 is also a government amendment.

Mr. Bob Delaney: Ms. Cansfield will read this one.

Mrs. Donna H. Cansfield: I'd like to move an amendment to the Education Act with respect to bullying and other matters.

I move that subsection 6 (2) of the bill be amended by adding the following subsections to section 300.2 of the Education Act:

“Informing reporter

“(4) After investigating a matter reported under subsection (1), the principal shall communicate the results of the investigation to,

“(a) if the matter was reported by a teacher, that teacher; or

“(b) if the matter was reported by an employee who is not a teacher, that employee unless, in the principal's opinion, it would not be appropriate to do so.

“Same

“(5) The principal shall not disclose more personal information under subsection (4) than is reasonably necessary for the purpose of communicating the results of the investigation.”

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? Mr. Delaney.

Mr. Bob Delaney: A couple of clarifying points, Chair: The motion requires reporting back to teachers but provides some discretion to principals on reporting back to board employees. This is important to protect the privacy of students by placing limits on information to be shared with staff other than teachers. Teachers already have access to student records, so it's reasonable to expect that they be provided with information with respect to disciplinary actions taken.

The Chair (Mr. Ernie Hardeman): Any further discussion? If not, all those in favour of the motion? Opposed? The motion is carried.

Are there any further amendments to section 6 other than the ones that were presented? If not, we'll go to 6.1.

The first one is number 24, from the government.

Ms. Tracy MacCharles: Chair, I'll speak to that.

The Chair (Mr. Ernie Hardeman): Ms. MacCharles.

Ms. Tracy MacCharles: I move that the bill be amended by adding the following section:

“6.1 (1) Subsection 300.3(1) of the act is repealed and the following substituted:

“Notice to parent or guardian

“(1) Subject to subsections (2) and (3), if the principal of a school believes that a pupil of the school has been harmed as a result of an activity described in subsection 306(1) or 310(1), the principal shall, as soon as reasonably possible, notify,

“(a) the parent or guardian of the pupil who the principal believes has been harmed; and

“(b) the parent or guardian of any pupil of the school who the principal believes has engaged in the activity that resulted in the harm.”

“(2) Subsection 300.3(4) of the act is repealed and the following substituted:

“Same

“(4) When notifying a parent or guardian of a pupil under clause (1)(a), the principal shall disclose,

“(a) the nature of the activity that resulted in harm to the pupil;

“(b) the nature of the harm to the pupil;

“(c) the steps taken to protect the pupil's safety, including the nature of any disciplinary measures taken in response to the activity; and

“(d) the supports that will be provided for the pupil in response to the harm that resulted from the activity.”

“(3) Subsection 300.3(5) of the act is amended by striking out ‘under this section’ and substituting ‘of a pupil under clause (1) (a)’.

“(4) Section 300.3 of the act is amended by adding the following subsections:

“Same

“(6) When notifying a parent or guardian of a pupil under clause (1)(b), the principal shall disclose,

“(a) the nature of the activity that resulted in harm to the other pupil;

“(b) the nature of the harm to the other pupil;

“(c) the nature of any disciplinary measures taken in response to the activity; and

“(d) the supports that will be provided for the pupil in response to his or her engagement in the activity.

“Same

“(7) When notifying a parent or guardian of a pupil under clause (1)(b), the principal shall not disclose the name of or any other identifying or personal information about a pupil who has been harmed as a result of the activity, except in so far as is necessary to comply with subsection (6).

“Parent's right to provide comments

“(8) When notifying a parent or guardian under this section, the principal shall invite the parent or guardian to have a discussion with the principal about the supports that will be provided for his or her child.”

The Chair (Mr. Ernie Hardeman): You've heard the amendment. Discussion?

Ms. Lisa MacLeod: We've got a motion further on down—actually, it's, I believe, the next amendment. I would like to withdraw that, but I'd like to make a friendly amendment in keeping with this, and I think it's the most appropriate place. If we could have, under “Parent's right to provide comments,” subsection (8), a new heading, “Criminal charges,” and have a subsection (9) that says: “If criminal charges may be laid against the perpetrator, notify the appropriate law enforcement agency.”

The Chair (Mr. Ernie Hardeman): Okay, there's no connection between the withdrawal and this. You can make that amendment to this motion for discussion.

Ms. Lisa MacLeod: Okay, well, then, I guess that's for clarification, so if I may put forward that.

The Chair (Mr. Ernie Hardeman): Yes. Okay? You've heard the amendment. Any discussion on the amendment to the amendment? Mr. Delaney.

Mr. Bob Delaney: Chair, owing to the nature of the amendment, may we request that we get the amendment on paper and request just a brief recess to discuss it?

Ms. Lisa MacLeod: Yes.

The Chair (Mr. Ernie Hardeman): So done. We will take a few minutes on this. It's strange, taking some time off when the bells aren't ringing.

The committee recessed from 1533 to 1555.

The Chair (Mr. Ernie Hardeman): We'll call the meeting back to order. We now have two PC motions that deal with changing government motion 24. We'll ask if there's further discussion. Ms. MacLeod, if you'd explain what it is that your motions are trying—

Ms. Lisa MacLeod: Thank you very much, Chair. I have, I think, two redundant motions with the exception of two sections that I'd like to amend the government's bill with.

First, government motion 24: I move that government motion 24 be amended by adding a new subsection 300.3(9) of the Education Act at the end of the motion:

“Notice to law enforcement agency

“(9) If the principal of a school believes that a pupil of the school has been harmed as a result of an activity described in subsection 306(1) or 310(1), the principal shall notify the appropriate law enforcement agency if criminal charges may be laid against the perpetrator.”

Chair, at this time, are we voting on both of them at the same time or do I read both motions in?

Mr. Bob Delaney: Let's do them one at a time.

Ms. Lisa MacLeod: Okay. One at a time?

The Chair (Mr. Ernie Hardeman): Okay. If your wishes are one at a time—you've heard the motion. Further discussion on the motion? Ms. Cansfield.

Mrs. Donna H. Cansfield: Chair, I'd like to suggest that currently there are protocols in place that pupils from all schools who are on that school property—they have a protocol that is in place that determines if and when and how the principal calls the police if there has been that kind of activity. It is the police who actually lay the charge and then it becomes a criminal investigation and it falls under the responsibility, at that point, of the police.

So actually this is very restrictive because it speaks to only a pupil of that school, whereas a principal has responsibility for all pupils who come to his school—maybe an after-school activity, maybe a weekend activity where they're playing pickup basketball or whatever. But there already is a protocol in place which speaks to—and then, as I said, it's very clear: The police lay the charges. Then it becomes a criminal responsibility of the police and not of the principal.

The Chair (Mr. Ernie Hardeman): Further discussion?

Ms. Lisa MacLeod: Chair, we feel that this needs to be included. It was something that we had heard from time to time at committee and through consultations. So we'd like to move forward with that.

The Chair (Mr. Ernie Hardeman): Okay. You've heard the discussion. If there's no further discussion, we'll call the question. All those in favour of this amend-

ment to the amendment? Opposed? The amendment is lost.

Ms. Lisa MacLeod: So the second amendment, Chair?

The Chair (Mr. Ernie Hardeman): Yes, thank you very much, Ms. MacLeod.

Ms. Lisa MacLeod: I move that government motion 24 be amended by adding a new subsection 300.3(10) of the Education Act at the end of the motion:

“Participation in remedial programs

“(10) If the principal of a school believes that a pupil of the school has been harmed as result of an activity described in subsection 306(1) or 310(1), the principal shall require the perpetrator to participate in remedial programs to discourage the perpetrator from continuing to engage in bullying and allow the victim to participate in the programs.”

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? Yes, Mr. Delaney.

Mr. Bob Delaney: Chair, the motion requires principals to take a number of actions if the principal believes an act of bullying has occurred in the school. By and large, this one is covered off in a government motion and we think we've covered it off a little more broadly and comprehensively. I'm just wondering if any other committee member may wish to have a thought on that.

Mrs. Donna H. Cansfield: I agree.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Any further discussion? If not, all those in favour of the motion? Opposed? The motion's lost.

1600

Now back to the original amendment, the government motion. Any further discussion on the motion, as un-amended? If there's no further discussion on the motion, then all those in favour of the motion? Opposed? The motion's carried. That's motion 24.

Motion 25, 26—those are the ones you were—

Ms. Lisa MacLeod: Yes. I would like to propose another amendment, if it's possible.

The Chair (Mr. Ernie Hardeman): On?

Ms. Lisa MacLeod: Section 6.2 of the bill, section 300.6 of the Education Act. I move that the bill be amended by adding the following section:

“After a reasonable time after the end of every school year, or more frequently if the board so requires, a principal shall prepare and submit to the board a report of,

“(a) the number of reports of an act of bullying in the school year that the principal has received during the school year;

“(b) the number of cases, out of the reports mentioned in clause (a), in which the principal, after an investigation, believed that an act of bullying had occurred; and

“(c) the number of cases, out of the reports mentioned in clause (a), in which the principal, after an investigation, contacted a law enforcement agency so that the agency could consider laying a criminal charge against the perpetrator of the act of bullying.”

The Chair (Mr. Ernie Hardeman): Is that a new amendment?

Ms. Lisa MacLeod: Number 51. Mine aren't numbered for some reason.

Interjection.

Ms. Lisa MacLeod: Okay, Chair, I guess we're filing that under section 9.3 of the bill.

Mrs. Donna H. Cansfield: Under what section? Chair, I didn't hear. Under what section?

Ms. Lisa MacLeod: We filed it under 9.3 instead of 6.3.

Ms. Cheri DiNovo: Sorry, Mr. Chair. What are we doing with 25?

Ms. Lisa MacLeod: I've withdrawn—

Ms. Cheri DiNovo: You've withdrawn 25. Okay, so that's withdrawn. So, then, we're on to 26?

The Chair (Mr. Ernie Hardeman): If I could just get some clarification, I'd like to know where we're at. That would help immensely.

Ms. Cheri DiNovo: Motion 25 has been withdrawn. My understanding is that we're on to 26.

Ms. Lisa MacLeod: I have a package that's half-numbered and half not, because I've written in my own rationales. So I apologize.

The Chair (Mr. Ernie Hardeman): Let's go to where I was.

Mr. Peter Tabuns: Yes, let's go to the numbers.

The Chair (Mr. Ernie Hardeman): Number 25 is a PC motion that's been withdrawn. Okay.

Number 26 is a PC motion.

Ms. Lisa MacLeod: Okay. Section 7.4 of the bill, subsection 301(7.1) of the Education Act.

I move that subsection 301(7.1) of the Education Act, as set out in subsection—

The Chair (Mr. Ernie Hardeman): Whoa, whoa. That's not the motion I'm at.

Interjections.

Ms. Lisa MacLeod: How did this happen?

The Chair (Mr. Ernie Hardeman): This is section 6.2.

Ms. Lisa MacLeod: All right. Thanks, everybody. Oh, it's simple, because I've withdrawn 26.

Ms. Cheri DiNovo: Are you withdrawing 26?

Ms. Lisa MacLeod: Withdrawing 26.

The Chair (Mr. Ernie Hardeman): Motion 26 is withdrawn. Motion 27 is tomorrow.

Ms. Lisa MacLeod: All right, motion 27—

The Chair (Mr. Ernie Hardeman): No, that's day two. That's not in this one. So we have now finished section—

Ms. Lisa MacLeod: So we're not going to tamper with this anymore. Okay?

The Chair (Mr. Ernie Hardeman): We've finished section 6, so unless there are any other amendments that were not introduced before that you want to put forward now, we will move on to 6.1. There are no amendments that we have for 6.1.

Section 7: Number 32 is the first one.

Ms. Lisa MacLeod: All right. This is the one we're at.

The Chair (Mr. Ernie Hardeman): Number 32 is a PC motion.

Ms. Lisa MacLeod: I move that subsection 301(7.1) of the Education Act, as set out in subsection 7(4) of the bill, be struck out.

The rationale and the purpose of this motion is to remove a section of the government's legislation that is made obsolete by another PC motion that specifically outlines policies and guidelines with respect to bullying prevention and intervention in schools.

The Chair (Mr. Ernie Hardeman): Okay, you've heard the motion. Questions and comments?

Mr. Bob Delaney: I have a question on clarification. Is this a motion that we've already dealt with or one that is yet to come? You mentioned it refers to another motion.

Ms. Lisa MacLeod: Yes, we referred to it previously on anti-bullying awareness. We'll be dealing with this in the future, with intervention plans and bullying plans.

The Chair (Mr. Ernie Hardeman): If you have a motion that moves to strike out—

Ms. Lisa MacLeod: You want us to replace it?

The Chair (Mr. Ernie Hardeman):—would that not just be a motion to vote against that section of the bill?

Ms. Lisa MacLeod: But we have a government motion next. This motion that we're dealing with refers to a motion that was actually filed before this, yet will be dealt with tomorrow.

The Chair (Mr. Ernie Hardeman): The suggestion is that we just stand it down, then, and deal with it tomorrow.

Ms. Lisa MacLeod: Sure, we're happy to.

Interjection.

Ms. Lisa MacLeod: It will be interesting to see where that shows up in my package tomorrow.

The Chair (Mr. Ernie Hardeman): The next one is government motion number 35, section 7.

Mr. Bob Delaney: Thank you, Chair. Ms. MacCharles will read this one.

Ms. Tracy MacCharles: Subsection 7(4) of the bill, subsection 301(7.2) of the Education Act—

Interjection.

Ms. Tracy MacCharles: Sorry, 7.1 or 7.2? Hang on. I've got two here. I'm on the wrong one. Sorry.

I move that subsection 301(7.1) of the Education Act, as set out in subsection 7(4) of the bill, be amended by:

1. striking out clauses (b) and (c) and substituting the following:

“(b) resources to support pupils who have been bullied;

“(b.1) strategies to support pupils who witness incidents of bullying;

“(c) resources to support pupils who have engaged in bullying;”

2. adding the following clauses:

“(d.1) procedures that allow parents and guardians and other persons to report incidents of bullying;

“(g) matters to be addressed in bullying prevention and intervention plans established by boards under section 303.3.”

The Chair (Mr. Ernie Hardeman): Maybe we could have you explain what it is you hope to accomplish with this motion in Bill 14 going to Bill 13.

Mr. Bob Delaney: The motion includes support for bully, victim and bystander, as well as procedures for parents and guardians to report bullying. This is responsive to some of the stakeholder recommendations—for example, ETFO—that students who witness bullying also require support. So these are some of the recommendations that came out of the committee process.

1610

The Chair (Mr. Ernie Hardeman): If I could again ask the government side just to clarify in my mind where we’re going with this. What part of Bill 14 are we changing to Bill 13 to facilitate anything? Day 1: That’s the process we’re doing now. What part of Bill 14 did we want to change into Bill 13?

Mr. Bob Delaney: I’m not exactly sure I follow the question here.

Mrs. Donna H. Cansfield: Why does it have to be specific to that anyway?

The Chair (Mr. Ernie Hardeman): The reason I asked the question is if it’s similar to the previous motion. I don’t know what it is we’re voting against or voting for. What is it we’re trying to do with this motion?

Interjection.

Mr. Bob Delaney: The clerk points out that clause (g) deals with a motion to be discussed tomorrow, so may I request the committee’s indulgence to move this from day 1 to day 2?

The Chair (Mr. Ernie Hardeman): To stand it down. Thank you very much. That’s what I wanted to hear. Thank you.

Mr. Bob Delaney: Mea culpa; our procedural error.

The Chair (Mr. Ernie Hardeman): See, I can’t ask you to stand it down, but I can tell you I don’t understand why we’re doing this. My apologies, again.

Government motion 37.

Ms. Tracy MacCharles: Subsection 7(4) of the bill, subsection 301(7.2) of the Education Act.

Mrs. Donna H. Cansfield: Where are we?

The Chair (Mr. Ernie Hardeman): We’re at number 37. It’s a government motion.

Ms. Tracy MacCharles: Yes. Day 1.

I move that subsection 7(4) of the bill be amended by adding the following subsections to section 301 of the Education Act:

“Same, collection of information

“(7.2) The minister may establish policies and guidelines requiring boards to collect specified information relating to behaviour, discipline and safety in schools.

“Same, s. 314.5 reports

“(7.3) The minister may establish policies and guidelines with respect to the reports required under subsection 314.5(1), including policies and guidelines respecting the

form and content of the reports and the times at which they must be submitted.”

The Chair (Mr. Ernie Hardeman): Okay. You’ve heard the motion. Discussion?

Ms. Lisa MacLeod: Yes, Chair. Throughout our consultations with the public, we heard from many of the deputations that they preferred the word “shall”—“The minister shall establish policies and guidelines”—because they felt that that had more strength and teeth. Whether it does, I’m not sure. However, I’m wondering if my Liberal counterpart would consider changing the “may” to a “shall” in order to accommodate the public who have expressed, from time to time, their opinion on that matter. It is a simple wording change, but words matter, as everyone says.

Mr. Bob Delaney: While appreciating that throughout the bill we’ve tried to take the things that we feel that the minister must do and upgrade the action from “may” to “shall,” I have some trouble with this, because it applies “shall” to a contingency that has not yet occurred. In the event that there isn’t a particular need for a reason that, at this point, we may not know of, to change it from “may” to “shall” would require the minister to take an action based upon a contingency that has not occurred.

Ms. Lisa MacLeod: I think, though, however, to your point, we feel in our caucus, and we have felt for some time, that there must be an ability to establish reporting guidelines in order to collect the information so that we’re able to make our best decisions moving forward. That’s why in Bill 14, through our discussions, this was important, and it remains important to us today. We are not just simply echoing—although they are important voices for many of the anti-bullying coalitions. That would signify a very important step for us. We can put forward a friendly amendment, but we believe that this is necessary.

The Chair (Mr. Ernie Hardeman): I’ve just been instructed that this fits with the previous ones that should be—we will be debating it again in section 9 of the bill tomorrow.

Mr. Bob Delaney: Tomorrow?

The Chair (Mr. Ernie Hardeman): On day 2, if we get there. So if we can put this—

Mr. Bob Delaney: Shall we punt this one into the future? So stand this one down until tomorrow?

The Chair (Mr. Ernie Hardeman): Yes, we’ll stand this one down too.

Mr. Bob Delaney: Okay.

The Chair (Mr. Ernie Hardeman): Are there any amendments in section 7 that were not presented in their amendments? Okay, there are none until we get to section 8, PC amendment 38.

Ms. Lisa MacLeod: I move that subsection 8(2) of the bill be struck out.

Our rationale is that the purpose of this motion is to remove a section of the government’s legislation, Bill 13, that is made obsolete by another PC motion that specifically outlines policies and guidelines in respect to bullying prevention and intervention in schools, which I

believe will be dealt with tomorrow. So would you like us to—it will be dealt with later?

The Chair (Mr. Ernie Hardeman): Stand that one down.

Ms. Lisa MacLeod: We're getting the hang of this. Unfortunately, we'll have to go vote and—

The Chair (Mr. Ernie Hardeman): Oh, it isn't necessarily tomorrow. If we have time today, we'll get there.

There are no further in section 8.

Section 9? Nope, there are no amendments in the first part for day 1 for section 9. Are there any that you wish to add to take—things that you want to change from Bill 14 to Bill 13?

Ms. Lisa MacLeod: So my—

The Chair (Mr. Ernie Hardeman): No, that's not a previous—

Ms. Lisa MacLeod: —my 9.1 will be dealt with tomorrow?

The Chair (Mr. Ernie Hardeman): Yes, that will be in the next—

Interjection.

Ms. Lisa MacLeod: It says day 1 on my package.

The Chair (Mr. Ernie Hardeman): Section 9, not 9.1.

Ms. Lisa MacLeod: Okay. Oh, I see.

The Chair (Mr. Ernie Hardeman): If there's nothing further, we are now in section 9.1. The first one is PC amendment 48.

Ms. Lisa MacLeod: I move that the bill be amended by adding the following section:

“9.1 The act is amended by adding the following section:

“Model provincial bullying prevention and intervention plan

“303.2 (1) In consultation with other ministers of the government of Ontario, the minister shall develop a model bullying prevention and intervention plan,

“(a) to assist a board in establishing its bullying prevention and intervention plan under section 303.3; and

“(b) to apply to each school of a board until the board's plan is approved by the minister under that section.

“Not a regulation

“(2) The model bullying prevention and intervention plan is not a regulation within the meaning of part III (Regulations) of the Legislation Act, 2006.

“Communication to boards

“(3) The minister shall make a copy of the model bullying prevention and intervention plan available to every board.

“Same, information on bullying

“(4) The minister shall compile a database of information about recognizing bullying in schools and about bullying prevention and intervention in schools, and shall make the database available to every board.”

The purpose of this motion is to strengthen the government's legislation, Bill 13, by requiring that the Minister of Education develops a bullying prevention and

intervention plan with enhanced reporting mechanisms and to share it with all school boards.

The Chair (Mr. Ernie Hardeman): Okay, you've heard the motion. Discussion? Mr. Delaney.

Mr. Bob Delaney: First of all, we thank them for the proposal. We think we have a stronger and a more comprehensive proposal in the next motion. But before we vote on it, I just wanted to provide a few explanatory notes to set it in context.

The proposed motion would require the minister to develop a model bullying prevention and intervention plan and to make it available to all boards. The motion would also require the minister to compile a database of information on bullying prevention and intervention and to make that available to all boards.

1620

This motion would replace ministry bullying prevention and intervention policies, thereby eliminating the minister's authority and flexibility to adapt to emerging and changing circumstances. So, in essence, it asks us to prognosticate something that hasn't happened—for example, new trends in cyberbullying, and things that we cannot now foresee regarding the impact of social networking on student behaviour.

The government motion to be proposed next suggests incorporating bullying prevention and intervention plans into Bill 13, and to provide for the minister's policy authority. The ministry has an expanded registry of bullying prevention programs that includes a range of products and resources, including those intended to foster safe and inclusive schools.

In addition, there are many evidence-based databases available to the sector. As part of the government's comprehensive action plan, an Accepting Schools expert panel will be created to provide advice about resources that focus on a whole-school approach, including prevention and early intervention.

So in essence, what the ministry is proposing is a super-set of what the member has proposed.

The Chair (Mr. Ernie Hardeman): Further discussion? No further discussion? Then we'll call the question. All those in favour of the motion? Opposed? The motion is lost.

The next one is 49, a government motion.

Ms. Tracy MacCharles: I move that the bill be amended by adding the following section:

“9.1 The act is amended by adding the following sections:

“Model provincial bullying prevention and intervention plan

“303.2(1) The minister shall develop a model bullying prevention and intervention plan to assist boards in establishing bullying prevention and intervention plans under section 303.3.

“Communication to boards

“(2) The minister shall make the model bullying prevention and intervention plan available to every board.

“Board's bullying prevention and intervention plan

“303.3(1) Every board shall establish a bullying prevention and intervention plan for the schools of the board and require its schools to implement the plan.

“Contents of plan

“(2) The bullying prevention and intervention plan shall address any matter specified in the policies or guidelines made under clause 301(7.1)(g).

“Consultation

“(3) When establishing the bullying prevention and intervention plan, a board shall solicit the views of the pupils, teachers and staff of the board, the volunteers working in the schools, the parents and guardians of the pupils, school councils and the public.

“Communication of plans, board

“(4) A board shall make its bullying prevention and intervention plan available to the public by posting it on the board’s website, or, if the board does not have a website, in another manner that the board considers appropriate.

“Same, principal

“(5) A principal of a school shall make the board’s bullying prevention and intervention plan available to the public by posting it on the school’s website or, if the school does not have a website, in another manner that the principal considers appropriate.

“Review of plan

“(6) A board shall periodically review its bullying prevention and intervention plan and shall solicit the views of those listed in subsection (3).”

The Chair (Mr. Ernie Hardeman): You’ve heard the motion. Discussion? Mr. Delaney.

Mr. Bob Delaney: Thank you, Chair. The motion incorporates many of the key elements of Bill 14, to the limit of the ability of those writing it to simply lift a lot of Bill 14. It includes the development of plans, public communication of those plans, review of the plans and, I think most importantly out of Bill 14, community consultation of the plans.

The motion also includes the Bill 14 requirements for the model plan to be developed by the ministry and to be made available to all boards. Many of the stakeholders that spoke to us, like the Elementary Teachers’ Federation of Ontario, the school boards, associations, principals, councils, have all expressed support for this.

Bill 14’s amendment is similar, but requires that the minister approve each plan. This doesn’t recognize local accountability, and in fact, school boards have autonomy as locally elected officials.

In response to some of the questions raised earlier by Ms. MacLeod, you’ll note the absence of the word “may” and the universality of the word “shall.”

Ms. Lisa MacLeod: Chair, we’ll support this. I know we have to go up and vote, and I know it takes a few minutes for some of us to get there. We’ll support this motion.

The Chair (Mr. Ernie Hardeman): Any further debate on the motion? If not, all those in favour? Opposed? The motion is carried.

Okay, we’ve got time for one more.

Interjection.

The Chair (Mr. Ernie Hardeman): Is it a long one?

Mr. Bob Delaney: Yes, this is a long one.

The Chair (Mr. Ernie Hardeman): Okay, we shall adjourn until after the vote.

The committee recessed from 1626 to 1641.

The Chair (Mr. Ernie Hardeman): We’re back in session. The next amendment is a PC amendment to section 9.2. It’s amendment 50 in your package.

Ms. Lisa MacLeod: Thank you, Chair. My colleague Ms. McKenna will read it.

Mrs. Jane McKenna: I move that the bill be amended by adding the following section:

“9.2 The act is amended by adding the following section:

“Board’s bullying prevention and intervention plan

“303.3 (1) Subject to subsection (6), every board shall establish a bullying prevention and intervention plan for the schools of the board.

“Contents

“(2) The bullying prevention and intervention plan shall,

“(a) include descriptions of bullying;

“(b) establish procedures for persons, including the pupils, teachers and staff of the board and the parents and guardians of the pupils, to report bullying to persons or bodies specified in the plan;

“(c) require that the person or body that receives a report of bullying shall keep the identity of the person reporting confidential, if the person so requests, and that no disciplinary action shall be taken under this part against a pupil solely on the basis of such a request;

“(d) establish procedures for a principal to respond promptly to a report of bullying, including by investigating the report;

“(e) state that bullying is prohibited and identify the range of disciplinary action under this part that a principal may take against a perpetrator for bullying;

“(f) establish procedures for assessing the needs for protection of a victim of bullying and restoring a sense of safety to the victim;

“(g) establish strategies for protecting a person who reports bullying, provides information during an investigation of bullying or is witness to or has reliable information about an act of bullying;

“(h) establish disciplinary action under this part that a principal may take against a person found to have falsely accused another person of bullying;

“(i) establish procedures consistent with the law for a principal to promptly,

“(i) notify the parents or guardians of the perpetrator and the victim of an act of bullying that the act has occurred,

“(ii) notify the parents or guardians of the perpetrator and the victim of an act of bullying of the disciplinary action that the principal proposes to take in response to the act of bullying, and

“(iii) notify the appropriate law enforcement agency that an act of bullying has occurred if criminal charges may be laid against the perpetrator; and

“(j) include all other matters that the regulations prescribe.

““Consultation

“(3) When establishing the bullying prevention and intervention plan, a board shall solicit the views of the pupils, teachers and staff of the board, the volunteers working in the schools, the parents and guardians of the pupils, school councils and the public.

““Different plans

“(4) A board may establish different bullying prevention and intervention plans that apply with respect to different schools, different circumstances or different classes of persons.

““Approval of plan

“(5) A bullying prevention and intervention plan has no effect until the minister, by order, approves it, and the minister shall approve a plan only if he or she is satisfied that the plan complies with subsection (2) and that the contents of the plan are effective to deal with bullying in schools.

““Not regulations

“(6) A bullying prevention and intervention plan established under this section is not a regulation within the meaning of part III (regulations) of the Legislation Act, 2006.

““No hearing required

“(7) The minister is not required to hold or afford to a person an opportunity for a hearing before deciding whether or not to approve a bullying prevention and intervention plan.

““Notice of approval

“(8) Upon approving a bullying prevention and intervention plan, the minister shall notify the board.

““Implementation of plans

“(9) A board shall ensure that each school of the board implements the plan that applies to it.

““Communication of plans

“(10) A board shall ensure that a copy of any bullying prevention and intervention plan that it establishes under this section is available to the public, including on the board’s website.

““Principal’s duty

“(11) A principal of a school shall,

“(a) provide a copy of the bullying prevention and intervention plan established for the school to the pupils, teachers, staff and volunteers working in the school, the parents and guardians of the pupils and the school council; and

“(b) make a copy of the bullying prevention and intervention plan established for the school available to the public, including by posting on the school’s website, if any.

““Review of plan

“(12) At times that it considers appropriate or as required by the regulations, a board shall review the bullying prevention and intervention plans that it estab-

lishes under this section and, in doing so, shall solicit the views of those listed in subsection (3).

““Amendments to plan

“(13) Subsections (2) to (11) apply with necessary modifications to an amendment of a plan.””

Rationale: The purpose of this motion is to strengthen the government’s legislation, Bill 13, by requiring school boards to develop and publish a bullying prevention and intervention plan. This, in turn, will help to protect our students.

The Chair (Mr. Ernie Hardeman): Okay, you’ve heard the motion. Any further discussion? Mr. Delaney.

Mr. Bob Delaney: I think the difficulty that we have with this, Chair, is not its intended scope but simply how detailed and prescriptive it is. If we could be guaranteed that the actions of schools, boards, students, bullies and bullied were going to freeze in time for all eternity, it might be worth this very detailed description in legislation. In fact, this motion would prescribe the elements of a bullying prevention and intervention plan at the board level and put it into legislation that kind of etches it in stone. I think that’s where I have a problem with it.

The government motion, which we addressed and passed in number 49, proposes to incorporate bullying prevention and intervention plans into Bill 13 but not prescribe the individual elements in legislation or require the minister to approve it, which would be, first of all, a very onerous task, and it gives rise to a number of risks in having the minister sign off on each individual plan. The government motion proposes to set out elements through policy allowing for more flexibility and the ability to adapt to emerging and changing needs and circumstances and also to research and to evidence.

Where I think that this one, which is well thought out and well intentioned, falls short is how much of it is etched in stone. The ministry intends to seek advice from the ministry’s expert panel on evidence-based elements to be included in the plan. In this vein, I would note that the Ontario Public School Boards’ Association at standing committee recommended that elements of a bullying prevention and intervention plan be just what the government has proposed, which is evidence-based.

Those are some of the difficulties I have, and I would suggest that there’s sufficient latitude and sufficient clout in the measures passed just before we adjourned for the recess.

1650

Ms. Lisa MacLeod: Chair, just to point out: The government is suggesting this is too prescriptive, yet other elements of the bill—namely, the naming of certain clubs—are also quite prescriptive. We feel—we’ve heard time and time again from the parents—that this is a very key component, that there must be accountability by the minister, by the principal, by the school board. They want the buck to stop somewhere. They have said consistently that they would like to see this type of process whereby there is a prevention and intervention plan that the minister is responsible for and that the minister

reviews and that the minister can amend or have the local board amend.

This is a fairly important amendment for us from Bill 14 into Bill 13. We feel that because it includes the descriptions of bullying in a prevention and intervention plan; established procedures for students, teachers and staff; and requires reporting of bullying, it says exactly what moms and dads came to committee to tell us.

From time to time I think—and this is what has been frustrating about the process. We had five days of hearings, and we had a number of people, those anti-bullying coalitions that helped Mrs. Witmer draft Bill 14 and then appeared before this committee to tell us we weren't doing enough as an assembly on certain protocols and procedures. Then, when we put forward those motions, we're either asked to remove them or the government says they've got a more strident plan.

I must say I don't agree. I think this is a very important amendment, one that ought to be supported by all. It is our duty to ensure that school boards across Ontario are following through with bullying prevention and intervention plans and that we protect all students. I think sometimes, in the past couple of weeks on this issue and others, the reason has been lost. Why we're here is to prevent bullying of all kinds, of all students, and the best way for us to do that is to equip the entire school community. That includes the student, it includes the teachers, it includes the principals, it includes the school board administrator, it includes the parents and the bullied and the bully. I think that's what is really important, and I think, from the early days of Bill 14, when Mrs. Witmer was still the MPP for Kitchener–Waterloo, this component was a key element that was very much admired by those who have been confronting bullying for many years.

I remind that David Millen—by the way, to the clerk, he has just sent us in his submission. He was at the forefront of anti-bullying campaigns in the city of Ottawa. It was unfortunate he wasn't able to come to committee. In any event, he points out that bullying just didn't happen right now. It has been over a period of time, and to suggest that we don't have evidence that bullying is occurring in our schools, I think, is a bit facile. I think it's intellectually dishonest, and I think we must admit that it is happening, regardless of whether some of the school boards want to or not, or if the minister wants to or not.

We'll be putting forward this motion in the hope that it will be passed, because we believe that that's how we can effect good progress in the schools, but also how we can effect change and make our students safer. We think this is critical. A cornerstone of our support for Bill 13 will be whether or not this amendment is passed, and we really would hope that this goes through.

The Chair (Mr. Ernie Hardeman): Any further discussion or debate?

Hearing none, I'll put the question on the amendment.

All those in favour? Opposed? The motion is lost.

Motion 51 is also a PC motion.

Ms. Lisa MacLeod: Do you want to do this one? There you go.

Mrs. Jane McKenna: Thanks. I move that the bill be amended by adding the following section:

“9.3 The act is amended by adding the following section:

“Reporting re bullying

“Principal's duty to report

“303.4(1) After a reasonable time after the last day of every school year, or more frequently if the board so requires, a principal shall prepare and submit to the board a report of,

“(a) the number of reports of an act of bullying in the school that the principal has received during the school year;

“(b) the number of cases, out of the reports mentioned in clause (a), in which the principal, after an investigation, believed that an act of bullying had occurred; and

“(c) the number of cases, out of the reports mentioned in clause (a), in which the principal, after an investigation, contacted a law enforcement agency so that the agency could consider laying a criminal charge against the perpetrator of the act of bullying.

“Board's duty re report

“(2) After receiving a report under subsection (1), the board shall promptly forward the report to the minister.

“Minister's duty to report

“(3) The minister shall include the following information in the report referred to in section 3:

“1. The number of reports of an act of bullying that the minister has received from boards under subsection (2).

“2. The steps that the minister has taken in relation to bullying prevention and intervention in schools.”

Rationale: The purpose of this motion is to hold the Minister of Education and school boards accountable for the effectiveness of their bullying prevention programs by requiring the collection and publication of bullying statistics.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Further debate? Mr. Delaney.

Mr. Bob Delaney: Thanks, Chair. I think this kind of carries through from the previous discussion that we had. What I'd like to put on the record on this one is to again appreciate the spirit in which it's offered, but I want to talk a little bit about logistics. This motion would require boards to report bullying incidents to the minister. In so doing, the motion would shift accountability and liability from the boards to the minister, and it could place an obligation on the minister to intervene and to take action, depending on what's contained in these reports—the minister, not the boards. So this would be counter to the current legal framework for education, in which the minister—and, through the minister, the ministry—provides leadership and sets the direction for education policy in elementary and secondary schools, but it's the school boards that are accountable for the implementation and results. So this turns that around, and this is the major problem that the government has with this motion.

This requirement would increase a principal's administrative workload, which would take away from their work to support student achievement and to do the other things required of a principal to maintain and develop a school. It may also divert attention from meaningful bullying prevention and also intervention efforts and activities. On this one, another issue I would have is that the ministry's current approach to data collection involves the collection of relevant data, such as suspensions and expulsions, to support a progressive discipline approach, but that would be very difficult to implement in such a data-heavy environment in which all of that volume of data flows for assessment not so much to the boards but to the ministry.

We have an additional government motion in number 55 that would provide policy authority for the minister to develop policies to require boards to collect information relating to behaviour, discipline and safety in schools. While I have a number of other comments, I just want to get right to the bottom line on it, which is that whether it's intended or not, the motion, as proposed, imposes a very significant workload and resource liability, particularly for rural and small boards. The unintended consequence would include diverting schools' attention from student achievement to the collection and reporting of data.

In this vein, organizations that didn't support this included the Ontario Public School Boards' Association and the Ontario Principals' Council. They did support those parts of Bill 13 that direct energy and resources to support students and to create a positive climate. So I would like to suggest that despite its intention, this creates an enormous logistical regimen and shifts a lot of the burden—where it should reside, which is with the school boards, and keep the problem as close to where the problem is—and shifts it all to the ministry, which in many cases can be an extended distance from where the problem actually lies.

The Chair (Mr. Ernie Hardeman): Okay. Further discussion?

Ms. Lisa MacLeod: Chair, I have some comments as well, but we are nine minutes to a vote and I probably will take up at least half of that.

The Chair (Mr. Ernie Hardeman): Okay. If you take half of the nine minutes, that won't leave enough time because I want to make sure we have five minutes to get there. So with that, we will reconvene right after the vote.

The committee recessed from 1701 to 1717.

The Chair (Mr. Ernie Hardeman): We're back, and we're debating motion number 52—

Interjections: Fifty-one.

The Chair (Mr. Ernie Hardeman): Fifty-one.

Ms. Lisa MacLeod: It's just wishful thinking, Chair.

The Chair (Mr. Ernie Hardeman): Okay, and we were going to Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much, Chair. Reporting re principal's duty to report has been something that has come up consistently since Bill 14 was

tabled. It will help compile instances of bullying and can inform the school community on a number of things. One is what types of bullying are occurring at the school and, I think as significantly, how to employ the right type of strategy for that community to alleviate the problem or get rid of it entirely.

We feel that this is necessary. Student safety ought to be paramount, and this should be a bill that is discussing student safety for all kids. The parliamentary assistant mentioned that we would be in a data-heavy environment. I respond to that by simply suggesting that the only way we're going to know about the instances and the types of bullying and the amount of bullying and who is doing the bullying is by taking statistics and creating a picture for the principal, the board as well as the minister on how we proceed.

The PA says, "Well, this is going to be too hard to implement." I find that passing strange and I find it quite odd that this would be something that we would be discussing right now given the backdrop of what's happening with Bill 13, the fact that the Minister of Training, Colleges and Universities said that this bill could go to court. We now have, I believe, one of the religious groups, the Catholic trustees, coming out today and saying this could be a charter challenge. I think that would probably be a bigger impediment to implementation than actually asking people to take statistics and report what's mentioned in terms of bullying and ensuring that the minister is taking the appropriate action.

I also reject the notion that the minister shouldn't be held accountable. In fact, I would say, if we don't support this motion, that the minister is shirking her responsibility to ensure student safety.

This is a minister, by the way—and I'm sorry; I'm going to get a bit political—who is telling students what they can and cannot eat at a cafeteria in grades 11 and 12, yet has no interest whatsoever in making sure that they're safe. I find that that's a very inconsistent approach to have, and I'm almost wondering if this motion is going to be defeated because it's coming from us and it's our idea. That's what has been frustrating with this process overall. We believe that the minister needs to take action with respect to student safety. We think that that's paramount. That's what we've heard time and again, and I will ask all of my colleagues to recall Mike Urry, Karen Sebben, Lynne MacIntyre, Lesa McDougall, Allan Hubley coming to committee and asking that a buck stop somewhere, that someone is held accountable because their kid was bullied. We had an in camera presentation. That was gripping.

Parents want to know who is responsible. If the minister is not prepared to take responsibility by ensuring that the appropriate data is collected and the instances of bullying are recorded and investigated, then I don't even know what we're doing here. This is what's important to us in trying to combat bullying: what is the root of it. You're going to find out if you take the data.

If that's an overload or data-heavy environment, as my colleague said, then so be it. Our job in this legislation is

to set the groundwork and the framework for student safety and protection. That requires us to know what the cause is of bullying, how long the bullying has been occurring, and compare that.

There might be schools, for example, that are doing a little bit better than other schools. I think that if we were able to use some comparative data and provide that to the minister of the day, we might be able to have a province-wide policy that could effect positive change.

That's our position, and it's a very strong one that has come from our caucus but also from the people that we have consulted with both during Bill 14 and its drafting and its tabling in the assembly as well as during the public consultation—those five days of public consultations, hearings where the public came in to talk to us. I place such great value on those anti-bullying coalitions and those desperate parents who came in here who have navigated the system, who have told us what is broken, who have told us what they need to work and who have told us that right now our system is failing them.

I think this goes a long way. Chair, I would encourage my colleagues to support this.

The Chair (Mr. Ernie Hardeman): Further debate? Ms. DiNovo.

Ms. Cheri DiNovo: Yes, with all due respect to my colleague, Mr. Chair, I just wanted to make a point that in terms of reporting practice, there are some amendments coming up. We all feel strongly that there should be reporting of some sort; it's not that we don't. We will be dealing with that shortly.

The Chair (Mr. Ernie Hardeman): Any further debate? Mr. Delaney.

Mr. Bob Delaney: Thanks, Chair. I just wanted to add a couple more comments to my colleague Ms. MacLeod. What we're trying to do is to see if you can take yes for an answer on this.

The government has actively been working with boards to ensure the accuracy of the data collected. Boards and schools are already required to report suspensions, expulsions and violent incidents. The information is posted online publicly. It's available for anyone to view.

Lifted pretty much from Bill 14 are measures to increase transparency. Statistics related to bullying will also be tracked. Also taken from Bill 14, the ministry will develop a model bullying prevention plan and regularly review that plan. As well, from Bill 14, the schools will make their plan publicly available, including posting on their websites. As well, from Bill 14, the boards must consult with their school communities to develop a bullying prevention plan. Finally, two points also taken from Bill 14: The boards must establish procedures for students and staff to report bullying and a procedure for the principals to investigate reports. As well, boards that—parents or guardians can follow if they've got concerns about the support provided to the child.

I think where we differ is the sheer volume of data that is proposed to land in the offices of the Ministry of Education, as opposed to the level at which we elect our representatives to manage, which is the local board. What

the government is saying is that you either believe in school boards, or you don't. If you believe in them, you allow them to do their work. If you, for one reason or another, don't allow them to do their work, it's hard to say that you believe in them.

In the measures proposed here, we're trying to say that we're taking the essence of Bill 14, the spirit of what the PC Party has recommended; we're trying to implement it at the local level of government, where it most appropriately applies, and trying to do so with an appropriate but not onerous level of data collection, software development and reporting.

The Chair (Mr. Ernie Hardeman): Ms. McKenna?

Mrs. Jane McKenna: So if we're doing it now, to me it's failing. As much as I respect everybody's opinion that has something to say in here, unless you've actually been through the process of it—you could understand the people who came here for the deputations and spoke and you heard the passion in their voices when they spoke about how frustrating it was that there wasn't any accountability. We have a responsibility to make it better. At this opportunity, we can make it better so it's a more effective system, because it is failing or you wouldn't have the people here saying what they were saying.

I can speak solely from having the situation myself that it is a broken system and we can do better. We are responsible adults in here that can pull together and do this and do the right thing. So I'm hoping, as part of this process, that we do the right thing, and I'm hoping that I can walk out with my head held high that we have done something that makes a difference for the people that have come in here passionately and want to have some accountability and transparency—for the buck to stop somewhere.

The Chair (Mr. Ernie Hardeman): Thank you very much. Any further debate on this amendment? If not, we'll call the question. All those in favour of the amendment? Opposed? The motion is lost.

Ms. Lisa MacLeod: What did you just say, Chair?

The Chair (Mr. Ernie Hardeman): Pardon?

Ms. Lisa MacLeod: What did you just say?

The Chair (Mr. Ernie Hardeman): The motion is lost.

Ms. Lisa MacLeod: I wanted to hear it again.

The Chair (Mr. Ernie Hardeman): Sometimes that happens. I don't say it quite as loud.

Ms. Lisa MacLeod: I just don't hear it enough.

The Chair (Mr. Ernie Hardeman): On section 9.3: Is there anything else in there that we don't have an amendment for that a committee member would like to speak to and change? If not, on section 9.4, PC amendment 52.

Ms. Lisa MacLeod: My colleague will read it.

The Chair (Mr. Ernie Hardeman): Mrs. McKenna?

Mrs. Jane McKenna: I'm still set back right here with what just transpired there, because I'm sad. I don't know if I'm cut out for this at times, because it's just heartbreaking that we can't make something better, but nevertheless.

I move that the bill be amended by adding the following section:

“9.4 The act is amended by adding the following section:

“Minister’s duty to post information

“303.5 After each school year, the minister shall post on the ministry’s website information about the amount spent by each board in the school year in respect of the programs described in paragraph 7.1 and 7.2 of subsection 170(1).”

Rationale: The purpose of this motion is to strengthen the proposed legislation, Bills 13 and 14, by requiring the Minister of Education to disclose how much is spent on remedial and professional development programs each year. This in turn will enhance the transparency and accountability of school boards’ bullying prevention programs, which the Auditor General indicated was sorely lacking in his 2010 report. This amendment was requested by Karen Sebben and by the London Anti-Bullying Coalition.

The Chair (Mr. Ernie Hardeman): Thank you very much. Any further debate on the motion? Mr. Delaney.

Mr. Bob Delaney: I have a bit of a problem with it, Chair. The motion would require the minister to post on the ministry’s website information about the amount spent by each board in the school year on specific programs listed in the act. So this would set a legislative precedent for the ministry to publicly report on board spending. That would be a lot like the federal government reporting on spending by the provincial government or the provincial government reporting on spending by the municipal government. The motion would not achieve the desired outcomes of value for money as there are a number of factors that influence both results and outcomes. For example, it would be very hard to account for the effort expended by community agencies and others that may be involved.

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The motion would also have what I think is an unintended impact, which is the shifting of accountability and liability from the boards to the minister, and it could place an obligation on the minister to intervene and take action on things that are very clearly within the boards’ scope of authority. This would be counter to the current legal framework for education in which the minister and the ministry provides leadership and sets the direction for education policy in elementary and secondary schools, but it’s the school boards that are accountable for the implementation, monitoring and results.

I understand what they’re trying to do, but I can’t agree with how they’re trying to do it.

The Chair (Mr. Ernie Hardeman): Further discussion?

Ms. Lisa MacLeod: I think this is important. First, let me just give you some context here. Over a year ago, our caucus put forward something called the Truth in Government Act, meaning all the money that was spent from Queen’s Park to another level of our government—and I say “our government,” because they’re not autonomous in the Constitution, so, no, it’s not the same as the federal

government wanting to post money that they send to us, dollar by dollar. That’s not quite the same thing. A school board reports to the province, and I think we all know that they have no constitutional standing and they are at the whim of this assembly, as much as municipalities are creatures of the province.

We put forward the Truth in Government Act that would have said that money that came from the provincial treasury needed to be accounted for, because we’ve had a couple of scandals, notably eHealth, and now we have Ornge. Now, this particular amendment comes in so that we can ensure that those boards are spending the money that is intended for anti-bullying programs and so that we can ensure that it is spent effectively.

We’re not the only ones that believe in this measure in accountability. Karen Sebben who I believe is with the Peel region anti-bullying coalition, and the London Anti-Bullying Coalition have both requested that this accountability and transparency measure be included in the bill. Our caucus agrees. We feel that if you’re going to tackle bullying head on, you need to look at every facet, ensuring that every single resource sent to the school boards for the purpose of keeping students safe ought to be tracked.

Now, I understand that in many of these issues it appears that my colleagues opposite would like to place a cone around the minister, so that there’s only some things that she wants to be responsible for or that she’s responsible for, and everything else that she can’t be bothered with, she doesn’t have to deal with. We would certainly like to say that we believe—and I think one deputation said it and for the life of me I can’t remember—that this legislation ought to be timeless, that it should stand the test of time. We’ve got some pieces of legislation that have done that in the past. I’m thinking of the Magna Carta, the Canadian Constitution and others. I don’t see why we can’t have something that would stand the test of time and not be minister-specific. We believe that the best practice for school boards and for the Ministry of Education is to track those dollars and to ensure that they’re being spent effectively, and that that be posted on the website.

The one thing, and I’ve said this time and time again—the people that have come here want somebody to be held accountable if things don’t go their way. And by “their way,” I mean if their kid doesn’t feel safe at school. We’ve had parents that have come in to committee, and I know that it wasn’t just my breath that was taken away—others’ as well—when they would explain to us one of the instances of their child being bullied.

You’ve got to remember, we do this—we jump from legislation to legislation; in fact, we jump from portfolio to portfolio—but these folks that have come to committee are living this. As my colleague said, we have a chance to do this and get it right. One of the things that the anti-bullying advocates have told us time and again, Chair, in particular Karen Sebben, is that if we passed anti-bullying legislation and we don’t get it right, she doesn’t feel we’re going to address it again for a very long time.

With that, I encourage my colleague to try and find a way to make this work. This is a very important component of Bill 14, one that we feel is necessary in anti-bullying legislation if a law is to be passed.

The Chair (Mr. Ernie Hardeman): Okay. Any further debate on the issue? Yes, Ms. Damerla.

Ms. Dipika Damerla: I just wanted to respond more broadly to something MPP MacLeod said, which is I agree with her that something like the Magna Carta is timeless. But I think part of the secret of the success of things like the Magna Carta is they tend not to be too prescriptive. They're about timeless principles, but not about being too prescriptive. I think that's the discussion we're having here, about whether we're being too prescriptive, or do we let people who have the responsibility do the job they ought to by setting down the guidelines. I just wanted to mention that.

The Chair (Mr. Ernie Hardeman): Any further debate? Ms. McKenna.

Mrs. Jane McKenna: But at the end of the day, someone has to be accountable for something, and unless you've honestly gone through the process of it—and I'm not making anybody that hasn't been through it understand what I'm trying to say. Unless you've been through it—it's like your husband dying and someone saying they're sorry. Unless you've done it and been through it, you have no idea what the process is like.

All I'm saying, as an MPP and new in this situation, is I think we have a responsibility for people that are here that are speaking to us from their heart and soul saying that they would just like some accountability. They would like to know that the buck stops somewhere. We owe it to them because the process is broken, or they wouldn't be sitting here educating people. We all sat here and listened to them speak.

We are being descriptive because we're using the word "GSA"; that's descriptive. You can't be descriptive in one way and not descriptive in another.

For me, this is a brand new process, and I'm finding it a bit daunting and it saddens me. But anyway, continue on.

The Chair (Mr. Ernie Hardeman): Any further debate? If not, I'll call the question. All those in favour of the motion? All those opposed? The motion is lost.

That concludes section 9.3. Is there anything else in 9.3 that you don't have a motion for but you want to address?

Interjection.

The Chair (Mr. Ernie Hardeman): Section 9.4; that's the one. I'm getting behind myself here, I'm moving along so quickly.

Nothing further in 9.4?

There are no amendments for section 10. Any further discussions on 10?

Ms. Tracy MacCharles: Tomorrow?

The Chair (Mr. Ernie Hardeman): That would be tomorrow, yes. But if you had anything you wanted to address from Bill 14 too that you don't have an amendment in for, you could do that.

Mr. Bob Delaney: I think the next one that we have, Chair, is page number 55.

The Chair (Mr. Ernie Hardeman): Yes. Section 10.1, number 55 is a day one. Government?

Ms. Tracy MacCharles: I move that the bill be amended by adding the following section:

"10.1 The act is amended by adding the following section:

“Reporting re suspensions and expulsions

“Board’s duty to report

“314.5(1) Every board shall submit annual reports to the minister, in accordance with the policies or guidelines under subsection 301(7.3), respecting suspensions and expulsions.

“Minister’s duty to post information

“(2) After receiving the reports required by subsection (1), the minister shall post on the ministry’s website information about the number of reported suspensions and expulsions.”

The Chair (Mr. Ernie Hardeman): You’ve heard the motion. Discussion? Mr. Delaney.

Mr. Bob Delaney: It’s just a fairly quick amendment that actually I think addresses some of the points brought up by Ms. MacLeod and Ms. McKenna. The motion would require boards to submit annual reports to the minister on suspension and expulsion data. The minister would be required to post information on the number of reported suspensions and expulsions on the ministry’s website, and the motion would make the current practice a legislative requirement.

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The collection of relevant information is very important for transparency and accountability. It responds to some of the stakeholders’ recommendations, particularly those of the anti-bullying coalitions and also the Ontario Public School Boards’ Association.

The Accepting Schools expert panel will be asked to provide advice on an evaluation framework, including other possible data, and an additional government motion would provide policy authority for the minister to develop policies to require boards to collect information relating to behaviour, discipline and safety in schools.

So, in essence, what this and other motions are attempting to do is, at the local board level, largely what my PC colleagues have just asked us.

The Chair (Mr. Ernie Hardeman): Further discussion?

Ms. Lisa MacLeod: Chair, we simply don’t feel that this goes far enough. It’s not essentially what we have just asked them. It’s significantly watered down. Had it been what we had just asked them, they would have supported our motion. They chose not to. Ours was part of Bill 14. We believe it’s tough. We believe that instances of bullying and harassment need to be tracked and that the minister and the boards ought to be accountable.

This talks about suspensions and expulsions. In a subsequent motion, the one that we just debated, we had talked about ensuring that the minister shall post on the ministry’s website. Then, of course, they don’t want to

legislate a precedent like that, but they're pleased to do it here on the number of reported suspensions and expulsions.

We have a fundamental problem. This is watered down; it's not strong enough. The parents told us they need it to be stronger. We've asked for it to be stronger. Our motion to make it stronger was defeated. I think I speak for my colleague; I'm disappointed. Would you like to make a further comment on this?

Mrs. Jane McKenna: I'm just very disappointed in the outcome of it, but like we said, we will support it. But it's heartbreaking to me to continue on with this process when it's going the way it's going.

The Chair (Mr. Ernie Hardeman): Thank you. Any further discussion? If not, I'll call the question.

All those in favour of the motion? Opposed? The motion's carried.

Number 56, section 10.1, a motion from the New Democratic Party.

Mr. Peter Tabuns: Chair, we withdraw the motion.

The Chair (Mr. Ernie Hardeman): Withdraw?

Mr. Peter Tabuns: Yes.

The Chair (Mr. Ernie Hardeman): There are no amendments to up to section 12. Is there any discussion or anything that needs to be added other than the amendments that were put forward up to section 12?

If not, in section 12, we have PC motion 59.

Ms. Lisa MacLeod: I move that section 12 of the bill be struck out and the following substituted:

"Short title

"12. The short title of this act is the Anti-Bullying Act, 2012."

The purpose of this motion is to rename the proposed legislation, Bill 13, to the Anti-Bullying Act to reflect the intended purpose of the bill, which is to combat bullying in our schools.

The Chair (Mr. Ernie Hardeman): You've heard the motion put forward. Any further discussion?

If not, all those in favour, say "aye." All those opposed, say "nay."

Ms. Lisa MacLeod: You even vote against my name change? Delaney, I thought we were friends.

The Chair (Mr. Ernie Hardeman): It's reasonable to say there's some dissension.

That is all the changes. Going back to the ones that we stood down on the way through: Number 32 is the first one.

Mr. Peter Tabuns: No, Chair.

Ms. Cheri DiNovo: Number 3, is it not?

The Chair (Mr. Ernie Hardeman): Number 3?

Ms. Cheri DiNovo: Yes. Don't we go back to the beginning on day 2?

The Chair (Mr. Ernie Hardeman): Those are day 2s. We're going back to the ones we stood down from day 1.

Ms. Cheri DiNovo: Oh, we are first? Okay. Sorry, which one was it again?

The Chair (Mr. Ernie Hardeman): The first one is motion 32. It's a PC motion that was put forward by the

PCs. Did you want to re-put it into the record and speak to the motion?

Ms. Lisa MacLeod: I move that subsection 301(7.1) of the Education Act, as set out in subsection 7(4) of the bill, be struck out.

The purpose of this was to have removed a section of the government's legislation, Bill 13. It was made obsolete by another PC motion that specifically outlined policies and guidelines in respect to bullying prevention and intervention in schools.

That said, Chair, the Liberals defeated our motion, so I guess we should have it withdrawn. It's out of order.

The Chair (Mr. Ernie Hardeman): So this one is out of order now.

Ms. Lisa MacLeod: As much as it pains me to say.

The Chair (Mr. Ernie Hardeman): You can withdraw it now, or we can rule it out of order.

Ms. Lisa MacLeod: I'll withdraw it.

The Chair (Mr. Ernie Hardeman): Okay. Which is the next one—35? A government motion.

Ms. Tracy MacCharles: I move that subsection 301(7.1) of the Education Act, as set out in subsection 7(4) of the bill be amended by,

(1) striking out clauses (b) and (c) and substituting the following:

"(b) resources to support pupils who have been bullied;

"(b.1) strategies to support pupils who witness incidents of bullying;

"(c) resources to support pupils who have engaged in bullying;"

(2) adding the following clauses:

"(d.1) procedures that allow parents and guardians and other persons to report incidents of bullying;

"(g) matters to be addressed in bullying prevention and intervention plans established by boards under section 303.3."

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? If not, I'll put the question. All those in favour? Opposed? The motion is carried.

Thirty-seven: a government motion.

Ms. Tracy MacCharles: I move that subsection 7(4) of the bill be amended by adding the following subsections to section 301 of the Education Act:

"Same, collection of information

"(7.2) The minister may establish policies and guidelines requiring boards to collect specified information relating to behaviour, discipline and safety in schools.

"Same, s. 314.5 reports

"(7.3) The minister may establish policies and guidelines with respect to the reports required under subsection 314.5(1), including policies and guidelines respecting the form and content of the reports and the times at which they must be submitted."

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? Mr. Delaney.

Mr. Bob Delaney: Just a very quick comment: These are ideas lifted almost completely from Bill 14. They're very similar to PC amendments made earlier. It provides the minister with the authority to collect information

related to behaviour, discipline and safety in schools, and it acknowledges that the collection of data is important for transparency and accountability. We're hoping that our colleagues will take yes for an answer on this one.

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The Chair (Mr. Ernie Hardeman): Any further discussion?

If not, all those in favour? Opposed? The motion is carried.

The next one is 38, a PC Party motion. Ms. McKenna?

Mrs. Jane McKenna: I move that subsection 8(2) of the bill be struck out.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? Mr. Delaney?

Mr. Bob Delaney: The difficulty here is that this motion would remove all board policy requirements to establish bullying prevention and intervention plans. The motion would also remove Bill 13's provision giving power to the boards to establish policies and guidelines with respect to bullying prevention and intervention. Given what we've already debated at the moment, with the greatest of respect, it isn't consistent with the balance of the bill and we would oppose it.

The Chair (Mr. Ernie Hardeman): Any further discussion?

If not, all those in favour of the motion? Opposed? The motion is lost.

We now start the day 2. We have eight minutes, so unless you talk really fast, I would be surprised if you get through the whole thing, but let's not waste time.

Section 1, we have NDP motion 3.

Ms. Cheri DiNovo: I move that the definition of "bullying" in subsection 1(1) of the Education Act, as set out in subsection 1(1) of the bill, be amended by adding "gender identity, gender expression" after "gender".

Perhaps I could just add to that. This is pretty self-explanatory, but it's essentially extending the scope of the bill beyond sexual orientation to trans folk generally.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Further debate?

If not, all those in favour of the amendment? Opposed? The motion is carried.

That concludes all the amendments in section 1.

Shall section 1, as amended, carry? Carried.

The first motion is NDP, section 2, motion number 8.

Mr. Peter Tabuns: Withdrawn, Mr. Chair.

The Chair (Mr. Ernie Hardeman): Number 8 is withdrawn.

PC motion 11.

Ms. Lisa MacLeod: I move that section 2 of the bill be amended by adding the following subsection:

"(4) Section 8 of the act is amended by adding the following subsection:

"Para. 31 of subs. (1) policies and guidelines

"(2.2) No policy or guideline established under paragraph 31 of subsection (1) may,

"(a) require boards to use specified language in the surveys referred to in subsection 169.1(2.1); or

"(b) require boards to include content in the surveys that would adversely affect any right or privilege guaranteed by section 93 of the Constitution Act, 1867."

The purpose of this motion is to ensure that student surveys proposed by the government's legislation do not adversely affect rights of those enfranchised in the Constitution under section 93. We've talked a bit about the Charter of Rights and Freedoms and the Constitution earlier today, a timeless piece of legislation, and we want to ensure that no rights are infringed upon.

The Chair (Mr. Ernie Hardeman): Okay, you've heard the motion. Further debate? No further debate? All those in favour of the motion? All those opposed to the motion? The motion is lost.

That concludes all the amendments in section 2. Shall section 2 carry?

Mr. Bob Delaney: As amended, or—

The Chair (Mr. Ernie Hardeman): It didn't get amended.

Mr. Bob Delaney: Then carried.

Ms. Lisa MacLeod: One moment, please. Are we able to vote now on section—

The Chair (Mr. Ernie Hardeman): Yes. We've started with section—we did section 1 and this is section 2. We're voting on section 2.

Ms. Lisa MacLeod: Okay.

The Chair (Mr. Ernie Hardeman): We had two amendments for day one in section 2 and we had two amendments—one was withdrawn for day two and the other one was lost, so in fact there were no amendments to section 2. The question is the vote on section 2.

Any further debate on section 2? If not, all those in favour of section 2? Opposed? The motion is carried.

Section 3, NDP motion number 12.

Ms. Cheri DiNovo: I move that clause 169.1(1)(a.1) of the Education Act, as set out in subsection 3(1) of the bill, be amended by adding "gender identity, gender expression" after "sexual orientation".

Again, the same as the other motion, extending these rights to trans students as well.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Any further discussion on motion 12? If not, all those in favour? Opposed? The motion is carried.

Number 13, and that will conclude today.

Mr. Peter Tabuns: Number 13? Chair, withdrawn.

The Chair (Mr. Ernie Hardeman): Well, that's a good way to end the day.

Mr. Peter Tabuns: You know, I've been trying to make you happy all day, Mr. Chair, and finally I've succeeded.

The Chair (Mr. Ernie Hardeman): I'm just amazed that every time the third party turns it over to you, Peter, you withdraw the amendment.

Mr. Peter Tabuns: It's so unlike me, Chair, if you've ever been stuck in committee with me before.

The Chair (Mr. Ernie Hardeman): Thank you again. That concludes the hearing for today, and we will reconvene here tomorrow at 4 o'clock.

The committee adjourned at 1759.

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