

## Second Reading of Bills

### EDUCATION (LEARNING ENHANCEMENT) STATUTES AMENDMENT ACT, 2006

**Hon. S. Bond:** Hon. Speaker, I move that Bill 33 be read a second time now.  
[DRAFT TRANSCRIPT ONLY]

This act introduces legislative changes that will set out new steps for improving student achievement by establishing smaller classes, increasing accountability — that in the context of record funding. These changes address class size and composition in British Columbia schools and fulfil our throne speech commitment to ensure that all school districts live within the class-size limits that are established in law. [DRAFT TRANSCRIPT ONLY]

Amendments to the School Act will also define and recognize distributed learning and help school boards offer more choice to students who are taking their courses on line. Amendments to the Teaching Profession Act will enable the B.C. College of Teachers to collect statistical information relating to teacher competence and performance. [DRAFT TRANSCRIPT ONLY]

[S. Hawkins in the chair.]

Our government has set itself an ambitious goal to make British Columbia the best-educated, most literate jurisdiction on the continent. In order to reach that goal, we are focusing on the core values that we committed to during last year's election — the values of excellence, choice, accountability and achievement. We also committed to providing increased flexibility and choice in public schools, because we know that when students are interested in their education, they do much better. [DRAFT TRANSCRIPT ONLY]

We committed to increasing parental involvement, because we know that when parents are actively involved in their children's education, students are much more likely to be successful. We also committed to requiring annual public reports on class size, and we acted on that. In fact, in February we released the first-ever report on class sizes in British Columbia public schools. [DRAFT TRANSCRIPT ONLY]

The report was the most comprehensive information on class size and composition ever collected and published in this province, and it showed that many classes were a reasonable size but some were not. The report also showed that 15 school districts were not in compliance with the provincial average class-size legislation in at least one category. Clearly, there was a demonstrated need for a mechanism to enforce class-size legislation. [DRAFT TRANSCRIPT ONLY]

Class size and composition were also central to the two-week illegal strike last fall by the B.C. Teachers Federation. As part of the dispute resolution, Industrial Inquiry Commissioner Vince Ready prepared a report that addressed the issue of class size and composition. His report called for government to provide an additional \$20 million to the 2005-2006 fiscal year entirely targeted to class size and composition. [DRAFT TRANSCRIPT ONLY]

Government accepted Mr. Ready's recommendations unconditionally. The additional \$20 million resulted in an additional 540 teachers being hired in schools across British Columbia. Mr. Ready's report also acknowledged the value of the learning round table, where representatives of parents, teachers, trustees, superintendents, principals and

vice-principals could work to find solutions to issues like class size and composition. [DRAFT TRANSCRIPT ONLY]

Mr. Ready has since issued an interim report on bargaining in which he strongly recommended that the round table continue in discussions on class size and composition. In fact, we have. [DRAFT TRANSCRIPT ONLY]

Last week the learning round table met for the fifth time. The meeting was significant in that there were clearly areas where there was a consensus. The parties were able to agree on some important things, like the fact that school boards should be held responsible for complying with the legislation that is contained in the School Act. [DRAFT TRANSCRIPT ONLY]

[H. Bloy in the chair.]

We were also able to agree that decisions about class size and composition should involve consultation, but there was still not consensus about how to deal specifically with class size numbers. In fact, there were a variety of viewpoints. Parents, teachers and members of the public can see the discussion that takes place at the round table by looking at the minutes of those meetings. [DRAFT TRANSCRIPT ONLY]

The minutes are made public. They're available on the Ministry of Education's website. There is a learning round table icon on the home page. I encourage people to look at the different views that were expressed at the round table. They're clearly captured in the minutes that have been posted there. [DRAFT TRANSCRIPT ONLY]

[1030]

At this point, that brings us to the legislation that is before the House today. The changes to the School Act that we are introducing will provide for smaller classes, increased accountability and for more consultation for

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At this point that brings us to the legislation that is before the House today. The changes to the School Act that we are introducing will provide for smaller classes, increased accountability and more consultation for parents and teachers. [DRAFT TRANSCRIPT ONLY]

The amendments set out the following:

(1) New class size limits for grades four through seven and for students with special needs, as well as new requirements for consulting and reporting, and a mechanism to ensure that boards comply with legislation. [DRAFT TRANSCRIPT ONLY]

Under the amended legislation, the class size maximum for grades four through seven is 30 students, except with the consent of the classroom teacher and the approval of the principal and district superintendent. The rationale for any exception must be made public. The district average class size for grades four through seven must not exceed 28 students. [DRAFT TRANSCRIPT ONLY]

The maximum number of students with special needs in a classroom cannot exceed three, except with the approval of the principal and the superintendent, and must include prior consultation with the classroom teacher. [DRAFT TRANSCRIPT ONLY]

The districtwide average class size maximum for grades eight through 12 will remain at 30 students. However, no class in grades eight through 12 will exceed 30 students, except with the approval of the principal and the superintendent and, again, with prior consultation with the classroom teacher. The rationale, once again, for any exception must be made public. [DRAFT TRANSCRIPT ONLY]

The school principal must consult with the school planning council on class organization within 15 days of the start of the school year. A superintendent must also verify that the school district is in compliance with class size legislation and submit a report on the organization of all classes to the school board and the district parent advisory council on or before October 1 of each year. [DRAFT TRANSCRIPT ONLY]

The school board must then review the superintendent's report at a public meeting on or before October 15 each year and then send a copy of that report to the Minister of Education. The school board will be able to decide whether to accept the report, or they may instruct the superintendent to revise the report. In that case, the report must be returned to the board within 15 days. [DRAFT TRANSCRIPT ONLY]

If a school board fails to comply with the class size and composition requirements, the province will appoint a special administrator, and if a school board fails to follow the direction of a special administrator, the board may be dissolved and an official trustee appointed to conduct the affairs of the school district. [DRAFT TRANSCRIPT ONLY]

(2) A requirement that boards enter into an agreement with the ministry in order to offer distributed learning courses. [DRAFT TRANSCRIPT ONLY]

These changes fulfil a throne speech commitment to provide students in this province with more choice and to make public education more relevant to our students' interests and their goals. Under the amended legislation, public school students in grades ten through 12 who are receiving instruction via distributed learning may enrol and take courses from more than one school board, the Francophone Education Authority or, in fact, from funded independent schools. This will enable the government to initiate a new virtual school to provide B.C. students with new options for learning that are accessible from their schools, from their homes, wherever they live in the province of British Columbia. [DRAFT TRANSCRIPT ONLY]

(3) Statistical information that school boards, the Francophone Education Authority and independent school authorities will be required to provide to the B.C. College of Teachers. [DRAFT TRANSCRIPT ONLY]

These organizations will be required to provide the number of reports they produce that evaluate the performance and competence of the college members they employ. They will also be required to provide the number of those reports where performance or competence was less than satisfactory. [DRAFT TRANSCRIPT ONLY]

With respect to class size and composition, this legislation addresses many of the concerns that we heard at the Learning Roundtable; in our meetings with student and parent groups; and, most recently, during numerous visits to schools, to school districts and, in fact, to dozens of classrooms across the province. All of our education partners have provided valuable input, and it is obvious that each one of them wants what's best for British Columbia's students. [DRAFT TRANSCRIPT ONLY]

It's also clear that our partners — whether it's parents, teachers, superintendents, principals, vice-principals, school trustees.... There is not necessarily agreement on the best way to improve learning conditions in our classrooms through class size and composition. For example, principals were concerned about fixed class size limits in legislation, although they recognized that large classes in grades four to seven and pressure points that are experienced there

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through class size and composition. For example, principals were concerned about fixed class-size limits in legislation, although they recognize that large classes in grades four to seven, and pressure points are experienced there.... That is an issue for them. [DRAFT TRANSCRIPT ONLY]

Parents expressed concern that fixed numbers in secondary schools limit student elective choices, though they had some concern about the pressure points once again, and somewhat larger classes in grades four to seven. Teachers, of course, made it clear that they support firm class-size limits in grades four through 12. [DRAFT TRANSCRIPT ONLY]

This legislation balances many of the concerns that we've heard. There was a common view that classes in grades four to seven have pressure points when it comes to class size. This legislation places firm limits on class sizes in grades four to seven. [DRAFT TRANSCRIPT ONLY]

All members of the round table agreed that there should be an enforcement mechanism for school boards that are not in compliance with class-size legislation. This legislation includes an enforcement mechanism for that class-size legislation. Round table members also agreed that parents and teachers need to be engaged in meaningful and genuine consultations about class size and composition. This legislation provides teachers with a stronger role in class-size organization. [DRAFT TRANSCRIPT ONLY]

Teachers must consent to class-size numbers in grades four to seven that exceed 30 students. Teachers must also be consulted on any class in grades eight to 12 that is proposed to exceed 30 students. Teachers must also be consulted on any class that is proposed to have any more than three students with special needs in the class. [DRAFT TRANSCRIPT ONLY]

This legislation gives parents more say about class size and composition. Principals must consult with the school planning council on class organization within 15 days of the start of the school year. After the start of the school year, if a class exceeds 30 students, principals must advise the school planning council and provide a rationale for the organization of that class. [DRAFT TRANSCRIPT ONLY]

Parents, educators and school boards all have a vital role to play in school planning that is centered on increasing student achievement. These legislative changes will result in smaller classes, which in turn will lead to improved student achievement. [DRAFT TRANSCRIPT ONLY]

This comes at a time when funding for public school has increased by \$460 million since 2001. At the same time 30,000 — this year, in fact, 37,000 — fewer students will be in our schools at the beginning of September. Since 2001, the per-pupil student grant has increased by \$991. In 2005 the province increased operating funding to B.C.'s 60 school districts by \$150 million — the single largest increase in a decade. As a result, districts have been able to hire 630 more classroom teachers, aboriginal teachers, learning assistance teachers and teacher-librarians. [DRAFT TRANSCRIPT ONLY]

Districts also received an additional \$20 million to address class size and composition as recommended by Mr. Ready and agreed to by the province and the B.C. Teachers Federation. Districts hired more than 540 teachers with that funding. In total, an additional 1,177 teachers were hired this year in B.C. public schools, helping reduce class sizes and address class composition. [DRAFT TRANSCRIPT ONLY]

Government has increased funding to school districts next year by \$20 million. Boards have been instructed to focus this additional funding on class size and composition. In 2006 and 2007 the average per-pupil operating grant will rise by \$114 to an estimated \$7,207 per student — the highest ever. [DRAFT TRANSCRIPT ONLY]

Today's legislation will move us several steps forward to improving student achievement. But we haven't reached our destination yet. We will continue to talk with our education partners about students' learning conditions. We will continue to monitor class organization with the new annual report on class size and composition, and by working with all of our partners, we can ensure that B.C. students have the chance to reach their full potential. [DRAFT TRANSCRIPT ONLY]

[1040]

British Columbia, as a result, will reach its goal of being the best educated, most literate jurisdiction on the continent. [DRAFT TRANSCRIPT ONLY]

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on the continent. [DRAFT TRANSCRIPT ONLY]

Bill 33 makes positive and significant steps forward. We have much work yet to be done, and we are committed to an ongoing dialogue, to an increasingly positive relationship with partners across the province. We all share the same goal — the absolute best learning opportunities for our students, making sure that they have every opportunity to be successful. [DRAFT TRANSCRIPT ONLY]

**J. Horgan:** For the benefit of those present and for Hansard, I will be the designated speaker for Bill 33 on behalf of the official opposition. It's an honour and a privilege to respond today to the minister's comments and to speak in principle on Bill 33 at second reading. [DRAFT TRANSCRIPT ONLY]

I did listen carefully to the minister's comments, and she did articulate fairly well, I think, the history of the K-to-12 sector between October and today, with references to the establishment of the round table and the work of that body. But she didn't give us an indication of how we came to an impasse last fall. [DRAFT TRANSCRIPT ONLY]

If members will indulge me, I'll spend a portion of my remarks giving a brief history lesson on how we got to a point where professionals — educators committed to children in their classrooms, committed to public education, committed to their community — took the significant step of leaving the classroom and going to the streets in defence of public education. [DRAFT TRANSCRIPT ONLY]

In 2002, the first full year of this government's mandate, the government of British Columbia took collective agreements that were agreed to by two parties, as one would expect with a collective agreement. Negotiations over time had led to the language that

teachers had come to expect and that school boards had come to interpret and that government had, until that point in time, honoured. [DRAFT TRANSCRIPT ONLY]

In 2002 the government of British Columbia stripped the language from the contracts for teachers across British Columbia, removing language that protected class size and class composition — class by class, school by school, district by district. They did so, saying at that time it was inappropriate for collective agreements to put hardships upon administrators, to restrict their ability and their flexibility to manage the budgets that they were provided by the province of British Columbia, and to manage the growth or lack of growth of enrolment in those districts. [DRAFT TRANSCRIPT ONLY]

I recall that at the time, the mantra was flexibility. But in the contracts, there was flexibility. There was what was called a flex factor. Class by class, school by school and district by district, educators, administrators, parents and other support workers were able to come together and find common ground. If the usual story or justification of young people moving into a community with two or three children late in the year, and those children had to find a classroom.... The addition of those children would have lifted the class size beyond the language in the collective agreement, and therefore that provided insufficient flexibility to the administrator and to the district. [DRAFT TRANSCRIPT ONLY]

Well, it wasn't that bad, hon. Speaker. People make concessions. They make efforts to find common ground, whether it be in a collective agreement or whether it be in a classroom. It was certainly my view and the view of those on this side of the House that there was sufficient flexibility in the contracts to ensure that no students were left without an opportunity and that teachers were in a position to speak on behalf of the education outcomes in their classrooms. Also in 2002, funding was not provided for the contract that was imposed with the stripped language. It was in the name of devolving responsibility to school boards. I would have applauded that at the time, had it come with appropriate funding to ensure that the responsibilities of that school board could be accomplished. But the funding was frozen. The contract wasn't funded. [DRAFT TRANSCRIPT ONLY]

Increases in costs as a result of hydro increases — there was a PST increase, I recall, at the time — and numerous other input costs made it difficult if not impossible for districts to manage their affairs in such a way that they could maintain the optimum learning outcomes for students. That led to a reduction in non-enrolling teachers. It led to significant reductions in teacher librarians, counsellors, specialist teachers. [DRAFT TRANSCRIPT ONLY]

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teachers. It led to significant reductions in teacher librarians, counsellors, specialist teachers. From 2001 to 2005, as a result of the actions of this government in 2002, there was a net decline of over 19 percent of teacher librarians across the board in British Columbia. There was a decline in counsellors of 9 percent. [DRAFT TRANSCRIPT ONLY]

I say to my colleague from Vancouver-Burrard — who has a private member's bill on the order paper with respect to safe schools, which I do support in principle — that the best way to provide safety in our schools, to provide an opportunity for students to speak about their concerns around bullying, around other issues, is to have a counsellor to talk

to; 9-percent reduction in counsellors as a result of the actions of this government from 2002 to 2005. Specialist teachers, a 17-percent reduction; continuing education, 34-percent reduction. [DRAFT TRANSCRIPT ONLY]

The minister and the members on that side the House will tell us that this was all in the interest of devolving responsibility to the appropriate agency, devolving that responsibility to school boards. I will just read a memorandum from the chair of school district 79 which was sent to myself, other members of the chamber and various other representatives in the school system — the BCSTA and others. It goes as follows:

The time has come for our school communities, led by our school boards, to insist that the Ministry of Education revisit the per-pupil funding formula, which has created underfunding in our public schools. If we cannot sustain necessary programs and provide for the needs of our students and school staff, then reason dictates that the formula is wrong. Without proper resources, the power to manage the direction of public education is greatly diminished. [DRAFT TRANSCRIPT ONLY]

That comes from one of those devolved school board chairs. The words should be ringing in the ears of every member of this legislature. If the people we have asked to manage and administer our school system are saying we are underfunded, then the language I hear from the minister and other members of executive council and members on that side, that funding has never been higher, that the per-pupil funding level is as high as it has ever been.... That's all well and good, but input costs are also at the highest they've ever been. [DRAFT TRANSCRIPT ONLY]

You've got to find the balance there. School boards are saying, they're appealing to this government — districts in Vancouver, on the Island, in the north — to recognize that underfunding is a chronic problem and it needs their immediate attention. [DRAFT TRANSCRIPT ONLY]

When the teachers went onto the streets last fall.... I met with many of them prior to that in their classrooms, and then during the disruption I visited them at their schools, in front of their schools. The challenge for the government at that time was one of trust. They were convinced at that time that Bill 12 — legislating teachers back to work before they had even actually left the workplace — was an appropriate public policy mechanism. [DRAFT TRANSCRIPT ONLY]

With the tabling of Bill 33 last week, I think we have had an acknowledgement from the government that their actions in the fall and their actions in 2002 were fundamentally flawed. As we saw with the Ministry of Children and Families, policy initiatives in the early portion of this government's mandate were flawed. They were wrong. They were misguided. There was an acknowledgement in terms of funding in the budget with respect to the MCFD issue, a little bit of weasel wording and skating on accountability and responsibility, but nonetheless, the problem has been solved to a great extent. I understand we'll have legislation later today, if we haven't had it announced in a press conference already, which will be implementing the Hughes report recommendations. That's a good thing, but it was an acknowledgement by the government that they had made a mistake. [DRAFT TRANSCRIPT ONLY]

By tabling Bill 33 and recognizing that class size is a significant determinant of education outcomes, the government has once again acknowledged that their initial policy was flawed. I commend them for that. I said to the minister privately, "That was a courageous move," and I say it here in this House. They were wrong then; they're right now. [DRAFT TRANSCRIPT ONLY]

When I said that to the minister, I did say that the devil would be in the detail. The devil would be in the detail. As I reviewed the legislation — and I didn't hear it in the comments of the minister today, I'll review the blues later on and see if I just missed it in my haste to get into the chamber.... But there is a component at the front end of the bill about distributed learning, which is, in essence, distance learning. [DRAFT TRANSCRIPT ONLY]

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As I interpret it, at this point it is meshing the public with the private. It is meshing districts with the Internet and the world of ether out there — click-and-drag education. I think we have to look at innovative ways to reach students in the classroom, and I think that the computer is certainly a

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and the world of ether out there — click and drag education. I think that we have to look at innovative ways to reach students in the classroom, and I think that the computer is certainly a vehicle for that. I'll be looking forward to the minister's comments on those sections of the bill at committee stage, and I have a number of questions and concerns about the language at the front end. [DRAFT TRANSCRIPT ONLY]

But what we want to talk about today, I think — and certainly the minister did — is the components with respect to class size. The round-table partners, as the minister rightly said, are divided on solutions with respect to this. [DRAFT TRANSCRIPT ONLY]

I'd like to read an editorial from the *100 Mile House Free Press* from last week. It says: "Class size gets an A." That's the heading of the editorial. It goes on to say that — as the minister has articulated, and I will, in the body of my remarks, talk about — the administrative mechanisms will provide for the 4 to 7 and 8 to 12 class size language and administrative procedures. But what struck me about this editorial is the closing paragraph, hon. Speaker, and I will read it to you and to the House. It says: "What is perhaps most important about the government bill is that it recognizes that class sizes do matter to children's education. This flies in the face of those who last fall trotted out questionable research that claimed class size doesn't matter. It certainly does, and now it is recognized." [DRAFT TRANSCRIPT ONLY]

So once again, the language that we heard in the fall: this was an insignificant issue, it was one of many. I quizzed the minister for days on this issue in budget estimates. At that time it was just one of many determinants of educational outcomes. It is one of many, but it is a fundamental issue. It is paramount. Teachers said that in the fall; parents agreed with them, and that's why this legislation is in the House today. [DRAFT TRANSCRIPT ONLY]

Interjection. [DRAFT TRANSCRIPT ONLY]

**J. Horgan:** Now that I've slaked my thirst, I'll carry on. I thank the member for Vancouver-Kingsway for being so responsive. [DRAFT TRANSCRIPT ONLY]

As I said, the minister and I discussed this at length in estimates, and at that time, of course, the round table was meeting, discussions were underway. The minister has inventoried the participants, but I'll do it as well because there is one omission, and I'd



like to talk about that briefly. [DRAFT TRANSCRIPT ONLY]

The minister said that she was at a table with the Premier, representatives from the B.C. Teachers Federation, the School Trustees Association, the Principals and Vice-Principals, the Superintendents and the B.C. Confederation of Parent Advisory Councils. The group that wasn't at the table was the Canadian Union of Public Employees, an integral part of the public school system — 25,000 employees across the province. A significant partner, I would say and argue — and I did — with the minister. They were not at the table. [DRAFT TRANSCRIPT ONLY]

I think that might well be why we look at the language in this legislation, and we find that the class composition component is touched upon only briefly and in a restrictive manner. The language in the bill says that there shall be no more than three special needs students per classroom, provided that they are special needs students on an individual education plan, or an IEP, as it's known in the system. [DRAFT TRANSCRIPT ONLY]

What that does is fail to recognize what has become known as the grey-area kids: the behavioural problems, emotional challenges and other challenges that kids bring into the classroom every morning, whether it be disruptions at home, whether it be socioeconomic — a whole range of issues. [DRAFT TRANSCRIPT ONLY]

Assessment is a key component of this as well. If you can't assess a problem, then you can't identify it. You can't provide an individual education plan. [DRAFT TRANSCRIPT ONLY]

I just want to read again a note I received from an educator who, I think, speaks very capably to this issue. It's a challenge in those districts to.... If you don't have assessments, then you can't identify. With this language, districts are going to be put into a position where they're going to say: "Okay, we can only have three special needs students per classroom — three special needs students on an individual education plan." [DRAFT TRANSCRIPT ONLY]

That means that the challenge for those districts will be: if we don't identify the problem, then we don't have to put it in the classroom. That regular student, that grey-area student, will just be able to slide right in and won't fall under the heading of special needs. That short-circuits the process. [DRAFT TRANSCRIPT ONLY]

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needs. That short circuits the process. We had challenges early on in 2002-2003 when designations were narrowed. Special needs parents are very, very vocal on this issue. I know the minister's aware of that. It's a challenge for her; it's a challenge for the system. But districts will be faced with a problem without adequate funding, and the minister has said repeatedly outside of this place that there will be no new funding to implement these changes to the School Act. [DRAFT TRANSCRIPT ONLY]

Without some recognition by government that there are costs associated with these changes — costs that should be undertaken; legitimate costs that will improve education outcomes for students — then we're going to be selling our kids short. We're going to be missing the boat on the special needs component, the composition component. I know the minister will be going back to the round table in the coming weeks and months, and this will be one of the higher priorities. [DRAFT TRANSCRIPT ONLY]

I think she'll also find that the partners will be coming with their hands out anticipating funding. I was at the BCSTA annual general meeting in the minister's home town of Prince George. We both were there enjoying the debate among trustees across the province. There was a particular motion that was brought forward by a district, Campbell River — district 85, I believe. I might be wrong on the number, but it was a school trustee from Campbell River who brought forward an emerging motion. The bill was tabled on the Thursday. The meeting was on the Saturday, so trustees, superintendents and others had not had an opportunity to cost the implications of these changes to the act. They're doing that now. I'm hopeful that when we get to committee stage, I'll have more details that the minister and I can discuss to try and finely tune or hone in on some of the challenges that this legislation will bring. [DRAFT TRANSCRIPT ONLY]

There was a significant debate around this bill. There was support, as I offered when the bill was tabled and as the B.C. Teachers Federation and other partners offered, that this was a good first step. It was an acknowledgement by government that class size was a significant determinant to education outcomes. The trustees grappled with this, and they acknowledged by resolution that without adequate funding this was hollow legislation. It was going to create more obstacles, not less. The final resolution, after many amendments, went to the floor for a unanimous vote as follows: "That BCSTA requests that when Bill 33 is enacted that government increase the funding to school districts to support the increased cost of implementation." [DRAFT TRANSCRIPT ONLY]

Now I know the minister heard the resolution. She's reflecting upon it, but I hear in her language today that she continues to be of the view that there's adequate funding in the system to manage the challenges that are being devolved from the provincial government on to districts, from districts on to schools, and from schools on to teachers and students. [DRAFT TRANSCRIPT ONLY]

I think that the minister's going to have to reflect a little bit more. I'm hopeful that the Premier, executive council and Treasury Board will find it in their wisdom to recognize that if they want to achieve the goals they put forward in their strategic plan, if they want to achieve the goal of being the most educated and literate jurisdiction in North America, they're going to have to put their money where their mouth is. [DRAFT TRANSCRIPT ONLY]

I will not dispute that the line item in the budget annually has increased from what it was to what it is, but that misses the point, hon. Speaker. I know you agree with me, and I know others in the House agree with me, that you have got to fund to fill the problem. You don't fund to fill the budget. I hear districts talking about needs budgets — wanting to table "what I need to do a good job" budgets with the minister. I know she'll reflect on that over the weekend and when we get to committee stage and have a more fulsome discussion on this, she'll have some thoughts on that matter. [DRAFT TRANSCRIPT ONLY]

I believe that it's a good first start. In the downtime over the summer, while people are scrambling to find ways to implement this, perhaps we can find time for the minister to meet with trustees and to hear their concerns and to hear from superintendents the challenges that the legislation brings for them in terms of implementation and timing. [DRAFT TRANSCRIPT ONLY]

We'll have a chance at committee stage, of course, to go through the various clauses in the bill, but I'll just for a minute bring up one that concerns me, and it concerns others. It's section 11. It's the body of the amendments with respect to class size and class

composition. When it was announced that there was a hard cap for class sizes for four to seven and class sizes for eight to 12, my expectation before a detailed read of the legislation was that there would be no differentiation between professionals at the immediate level and professionals at the high school level. But it appears there is. [DRAFT TRANSCRIPT ONLY]

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at the high school level. But it appears there is. This is what has become known in the chat rooms — the education chat rooms — and certainly in my inbox, in my e-mail, as the consent-consult discrepancy. [DRAFT TRANSCRIPT ONLY]

The bill provides for a responsibility to get the teacher's consent to go over 30 students in grades four to seven, but it only requires consultation for grades eight to 12. Now, I know that the minister's going to have a good answer to that question when we get to committee stage, but I just pose it for the public now, as we're talking about the principle of the bill, that it strikes me as odd that you would have our education system from four to 12.... The teachers are all educated. They all have the same level of education, and they all have the same accreditation and responsibilities, but for four to seven you have to consent, and for eight to 12 you have to consult. [DRAFT TRANSCRIPT ONLY]

What that means, in a nutshell, is that in order for an elementary school class to be above 30 students, the administrator has to sit down with the teacher, and they have to agree that educational outcomes will not be compromised if that number is exceeded. There has to be agreement from the teacher for that to happen. At the eight-to-12 level, however, the requirement is only to consult,

What that means is I could say to my friend from Surrey-Newton: "Oh, by the way, hon. member, I need to consult with you about how many cups of coffee you have in a day. I'm going to say you're only allowed to have 12. We've had our consultation, and that's the end of the story." Well, that just isn't good enough. A hard cap should be a hard cap. It should be a hard cap from four to seven, and it should be a hard cap from eight to 12. [DRAFT TRANSCRIPT ONLY]

What I do like about the legislation, however, is that there is that flexibility. Certainly from the four to seven, there is that flexibility. There is the opportunity for the administration and the teacher to sit down and say: "What will be the best course of action for the kids that we have available to us today?" That's a positive step. As I said, I've told the minister that. What concerns me is that we're creating two classes of educators, two classes of classrooms. Consult-consent is a big challenge, and we'll be talking about that at third reading. [DRAFT TRANSCRIPT ONLY]

That's where the bill does meet the needs, I think, of students and educators and parents in the system. Certainly, the four-to-seven section is a positive one. I do worry about eight to 12. But the bill also fails students in a number of other ways. [DRAFT TRANSCRIPT ONLY]

It doesn't, as I said, address the important issue of composition. We'll be talking about that. Special needs children are being narrowly defined. The challenges in classrooms are going to increase. There will be smaller class sizes in September, but the composition of those classes will still be a challenge for educators. That's something that

could have been resolved with this legislation. [DRAFT TRANSCRIPT ONLY]

We've had six months at the Learning Roundtable. We've had professionals — the best and brightest. We've had senior ministers. We've had the Premier at table. It took us six months, and we fell short on this fundamental issue. We addressed the class size issue; we abandoned composition. That's a problem. That's a shame, and it's too bad that six months were wasted on this file. [DRAFT TRANSCRIPT ONLY]

I know that the minister's going to go back to the table. We're going to find a solution to that, but it's a shame we weren't able to do it now so that kids next year, starting in the 2006-2007 school year, could have some certainty that there would be a decent balance in the classroom so that educators could maximize the outcomes for those kids, and parents could have some comfort that when their kids go into the class in the morning, they're getting the adequate attention they need to maximize their potential. [DRAFT TRANSCRIPT ONLY]

Another challenge is that the bill doesn't cover special education classes or alternative programs. Now, I know that the objective here was to build some trust with the B.C. Teachers Federation. We're in negotiations. Everyone's conscious of that. The Ready report acknowledged that if we were going to get a resolution at the bargaining table, we had to address in some meaningful way the class size issue — and the class composition issue, I would argue. We've made that baby step, that first step, but we left a whole bunch of other stuff off the table. [DRAFT TRANSCRIPT ONLY]

One issue, going back to the eight-to-12 section, that is a genuine concern — it's a health and safety concern — is that if you have a class maximum of 30 for a chemistry lab or a shop class or a home economics lab, where you've got electrical appliances, Bunsen burners and chemicals.... If you've got an overabundance of children, one teacher is not going to be able to manage that. [DRAFT TRANSCRIPT ONLY]

[1105]

One of the suggestions I've heard, an amendment that I'm hopeful the minister will accept, is that there be an amendment to the legislation that will provide for reduced class sizes in grades eight to 12 for those classes, such as labs and shop classes. It's a safety issue. It's not just a question of best educational outcomes. It's a challenge for one individual to oversee 30 or more with only a consult

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12 for those classes such as labs and shop classes where it's a safety issue. It's not question of the best educational outcome. It's a challenge for one individual to oversee 30 or more with only a consult component rather than a consent component to the legislation. [DRAFT TRANSCRIPT ONLY]

Another challenge — hon. Speaker, being from the lower mainland you would appreciate this far greater than me — is that the bill doesn't speak to English-as-a-second-language education and instruction. This is a huge challenge in the lower mainland. [DRAFT TRANSCRIPT ONLY]

I was speaking with an educator the other day from Richmond. I haven't followed up on a fact check on these, but I'll throw the numbers out. I haven't checked them, but they sounded reasonable to me, and he was an educator of some 30 years. The minister

and I were at a reception with instructors who had come here to learn about the democratic process. I have to reason to doubt his data. He said that in 1988 there were 400 ESL students in the district of Richmond. In 1993 there were 4,000, and in 1988 there were 12,000. That's an enormous increase in ESL students. My colleagues from Surrey-Newton and Surrey-Whalley are nodding their heads, as is my colleague from Delta North. [DRAFT TRANSCRIPT ONLY]

It's a significant issue in the lower mainland. The minister knows that. Complete silence in this legislation about English-as-a-second-language instruction. So I'm hopeful again that at third reading when we get an opportunity to go through the detailed discussion of the legislation that we'll find an opportunity to amend the legislation so it does accurately reflect the changing face, the changing makeup of classrooms in the lower mainland and right across the province. [DRAFT TRANSCRIPT ONLY]

The government of British Columbia has a responsibility to the parents, to the children and to the educators of British Columbia to do the best they can to provide resources, to provide learning outcomes for our students that will lead to.... [DRAFT TRANSCRIPT ONLY]

The challenges that we face in the future are enormous. We've acknowledged that. We acknowledge it every day. I see the Minister of Health, and he says that every day we're doing the best we can with what we've got. We've got a fine system, but we can make it better. I know the Minister of Education recognizes that. We rejoice every day on the outcomes we see in our public system: 79-percent completion rate — the highest it's ever been. That's a positive, but we can always do better. [DRAFT TRANSCRIPT ONLY]

We can't do better if we're short changing the kids, if we're forcing them into classrooms that are too large with compositions that don't work and we underfund the systems so that they can't be resolved at the local level. School boards have said in convention they need funding for this. Teachers have said to me, through my in-box and private discussions, that without funding this legislation won't meet the needs and objectives that the government has set out for itself. [DRAFT TRANSCRIPT ONLY]

Right off the bat we've got to address challenges of underfunding. I know that the minister has the numbers at her fingertips and they have never been so high and all is right and well with the world. But at the ground level, it's not happening. It's not happening. I think it's important that we stop and think about that for a minute, because it's not just a headline. It's not just the opposition. It's virtually every partner in this system. [DRAFT TRANSCRIPT ONLY]

The minister knows that because they tell her that at the round table. They tell her that privately. They tell her that publicly, but there's not an acknowledgement by the government that without adequate funding — not the highest funding ever, but adequate funding — these implementation challenges will be so great that it will fall in on itself. [DRAFT TRANSCRIPT ONLY]

In 2002 before the government stripped class-size and class-composition language from contracts, it was an evolutionary process. It wasn't perfect in 1998. It wasn't perfect in 1999. It wasn't perfect in 2002, but it was evolving — the flex factor that I spoke about earlier on. Governments, individuals, teachers, administrators were working with what they had to come up with the best solution. That's what we're going to do with Bill 33. It's not perfect today. It won't be perfect next year. [DRAFT TRANSCRIPT ONLY]

The minister has wisely put in a one-year review mechanism. I think that's fantastic. It's a good start. We can look at this again in 12 months and see where we can

fine tune it, where we can tweak it and where we can make it better. I think that was the long view taken by the minister and her colleagues, and I'm hopeful that a year from now we'll be able to say: "Well, it's not perfect It's not quite what we wanted it to be, and with a few tweaks here and there it'll be each better." [DRAFT TRANSCRIPT ONLY]

In fact, I'm hopeful that we can do some tweaking next week with some amendments that we've suggested here on this side, which I know my colleagues in the BCSTA and the BCTF would like also to see implemented. I see the minister is not nodding in one way or another. I'm not getting a response of any kind. Oh, I'm getting a smile from the Minister of Health, though. [DRAFT TRANSCRIPT ONLY]

[1110]

**Deputy Speaker:** Excuse me. You cannot refer.... [DRAFT TRANSCRIPT ONLY]

Interjection. [DRAFT TRANSCRIPT ONLY]

**J. Horgan:** I'm just saying you're not smiling, hon. Chair. [DRAFT TRANSCRIPT ONLY]

**Deputy Speaker:** You cannot refer.... [DRAFT TRANSCRIPT ONLY]

**J. Horgan:** Oh, okay. [DRAFT TRANSCRIPT ONLY]

Interjection. [DRAFT TRANSCRIPT ONLY]

**J. Horgan:** Thank you, hon. minister. I appreciate that. [DRAFT TRANSCRIPT ONLY]

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**J. Horgan:** Thank you, hon. minister. I appreciate that. Many times you do, as well, to me — many times. [DRAFT TRANSCRIPT ONLY]

Before I conclude my remarks, I just want to read.... The day before the legislation was tabled, April 26, the government issued a press release and a document with respect to how we were doing with special needs kids. The headline on the press release says: "Report Shows Special Needs Students Improve Results." [DRAFT TRANSCRIPT ONLY]

The body of the release talks about data that's been collected and refers to 2001 and 2002 to 2005 and 2006. But what it didn't recognize is that we no longer do the assessments that we were doing at that time. We're not identifying at the same rate that we were identifying earlier. That speaks to the challenge I spoke of earlier. If districts don't have the resources to deal with the special needs kids, one solution would be not to identify them. [DRAFT TRANSCRIPT ONLY]

It's interesting. The minister is quoted at the bottom of the release as follows: "School boards are accountable to the public for the achievement of students with special needs." I think we'd all agree with that, but those school boards need the funding and the resources from the provincial government to adequately implement that responsibility. They've said that to me. They've said that to her. They've said that to this Legislature. [DRAFT TRANSCRIPT ONLY]

I've read excerpts from letters from district chairs and also from the B.C. School Trustees Association. This is a challenge. It's important; it's fundamental. I'm hopeful that the government is receptive and open to the suggestions that I've made today and will be making in more detail next week. I know many of my colleagues wish to speak to this legislation. I'm hopeful that as the debate unfolds through the rest of the day, Bill 33 will be remembered as the bill that the government brought in to acknowledge the failure of their initial policies with respect to K-to-12 education on the class size and class composition front. [DRAFT TRANSCRIPT ONLY]

I think that's an important acknowledgment, one that we certainly recognize and appreciate on this side of the House. I know that the partners recognize and appreciate it as a good, positive first step. I think the minister has demonstrated leadership. I'm hopeful that she's prepared to go a little further next week with some of the changes that I'll be suggesting. Again, I want to say publicly here to those in the gallery and those in the chamber that this is a positive step for British Columbians. It's a positive step for students. Bring it on; it is. [DRAFT TRANSCRIPT ONLY]

I don't want members on the other side to think I'm insincere when I say that. This is a fundamental challenge. There was a crisis last fall. We've had six months to fix it. This goes some distance in doing that. It's restoring the trust that we all need to function in this place as legislators, as trustees, as teachers. We all need to have trust, and this is a good step in the right direction. [DRAFT TRANSCRIPT ONLY]

As I said, I am concerned about the front end of the bill with respect to the mingling of private and public systems, with respect to distributive learning. There are also elements with respect to amendments to the College of Teachers, and that wasn't mentioned by the minister. We'll be discussing that at committee stage. With that, hon. Speaker, I thank you for the time and give the floor to the next speaker. [DRAFT TRANSCRIPT ONLY]

**M. Sather:** It's my pleasure to rise and speak on second reading of Bill 33. As my colleague just mentioned, there's been an evolution that has occurred with regard to some aspects of education, leading from the very unfortunate and contentious results of Bill 12 last fall. I think we're certainly acknowledging on this side that some important progress is being made. [DRAFT TRANSCRIPT ONLY]

We do continue to have concerns, however, with regard to the implementation of this bill and with regard to some of the specifics around the bill. But we've come from a place, at least in theory and we're hoping in practice, last fall when the government and the minister were completely in denial about the issues of class size and class composition. [DRAFT TRANSCRIPT ONLY]

[1115]

We were told such things as class size is really not that significant, other than in the lowest

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class size and class composition, we were told such things as that class size is really not that significant other than in the lowest grades, in the primary grades. Therefore, despite

the struggles of the education community to bring it to light — to convince the minister that class size and composition were very important, were fundamental to better education in this province — it seemed that the minister and the government were completely intractable on those subjects. [DRAFT TRANSCRIPT ONLY]

Over the course of the winter and the process and the progress that's been made, we now have a bill where the minister has acknowledged the importance of class size and composition, and we on this side acknowledge that that is indeed a step forward. Certainly, as minister knows, we were very adamant, as well, along with the education community, in working to convince the minister and this government that it is important that these subjects be addressed. [DRAFT TRANSCRIPT ONLY]

We're now at a stage of looking at a bill that will extend class size limits, so we're going to be speaking to some of the concerns that we have, as well, about the bill. My hon. colleague has mentioned some of those, and I'd like to speak further and perhaps enlarge upon some of those issues. [DRAFT TRANSCRIPT ONLY]

Teacher collective agreements used to have provisions for special needs students, and there was a cap in the past. We're trying, in many ways, to return to an acknowledgment of a practicable way of running our education system, particularly with regards to special needs students. [DRAFT TRANSCRIPT ONLY]

There was also a formula for staffing and support. As my colleague has mentioned, this is a crucial part of this legislation. The acknowledgment of the importance of class size and composition is very important, but it cannot happen — it will not happen — without the proper resources to back it up. So that is a piece of this bill that we will be talking to the minister about in second reading and again at a later stage. [DRAFT TRANSCRIPT ONLY]

With the support in the past, teachers had the help. It has never been easy. I know. My wife is an ex-teacher and had special needs kids in her class. On occasion I did some outdoor trips with her and could see the difficulties first hand of having a child or more than one child with special needs. Perhaps autism was the case with some of the children that I saw. I could witness first hand just how difficult that is for the teacher and for the assistants. The teaching assistants were absolutely essential and continue to be absolutely essential to make sure that the education system we have for our children is adequate. [DRAFT TRANSCRIPT ONLY]

**G. Hogg:** I seek leave to make introduction. [DRAFT TRANSCRIPT ONLY]

Leave granted. [DRAFT TRANSCRIPT ONLY]

### **Introductions by Members**

**G. Hogg:** We are joined in the gallery today by an exciting and excited group of grade five students from the school that they tell me is the very best school in the province of British Columbia: Ray Shepherd. Please make the students, parents and support people from Ray Shepherd School most welcome. [DRAFT TRANSCRIPT ONLY]

### **Debate Continued**



**M. Sather:** The problem with this bill, then, is that it has no provision for support. That's going to be where the rubber hits the road here, and we will encourage this government and the minister to look at the issue of support very, very carefully. [DRAFT TRANSCRIPT ONLY]

[1120]

I wanted to talk a little bit more about special needs children and a bit about the process by which a student gets assessed with a special need. First of all, the teacher, probably in

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the process by which a student gets assessed with a special need. [DRAFT TRANSCRIPT ONLY]

First of all, the teacher, probably in consultation with the parent or parents, is the one that is seeing firsthand the child and their needs. It may be a child who is already known to the system, and some previous teachers will pass on to the current teacher what some of the issues are. At that point the student's case is raised with the school-based team — the second step along the process to getting an assessment. [DRAFT TRANSCRIPT ONLY]

At that point the school-based team refers the case to the district resource office. That's another step along the way. Then the child is put on a wait-list. The problem with that is that the wait-list can be very lengthy. It can stretch to years. If a child comes in at grade one, and there's a need for assessment that is seen, and they're not assessed until grade three or grade four, that's obviously a real loss to that student in terms of their learning opportunities, and it's a real loss in terms of the teacher's ability to deliver the best education possible for that student. [DRAFT TRANSCRIPT ONLY]

Of course, one of the big barriers to getting assessment at that stage is school psychologist services. There aren't enough school psychologists available in my understanding, and of course, there is a cost factor involved with that service. So having to wait a year or two years or three years, parents sometimes will take the private route and pay the \$1,500 to get their child assessed by a psychologist, but as we know, unfortunately, there are many, many parents and families who do not have the resources to do that. [DRAFT TRANSCRIPT ONLY]

Right away, and in this respect, we see an unfortunate two-tiering of the education system, where there are those parents and those families that have the resources and are able to get the assessments and those families that don't and aren't able to get them. [DRAFT TRANSCRIPT ONLY]

Eventually the child, then, will be identified, supposing they may be identified, as a special needs student and then qualifies for ministry funding. Up to that period, in that waiting period, they do not qualify for particular funding with regard to being a special needs student. That, obviously, is another barrier — no funding, no special service. [DRAFT TRANSCRIPT ONLY]

This funding for special needs kids is no longer targeted to the student. When I talk to learning assistance teachers in my school district, they tell me: "Well, what else can the school do, then, but take the money from that which is designated for the population of students at large?" Of course, that's an unfortunate loss, then, of opportunity and support for those students and will, understandably, affect their learning

outcomes and their school experience. [DRAFT TRANSCRIPT ONLY]

School boards may or may not spend all of the money the student needs to generate services for that student. We hear a lot about this government talking about giving school boards more flexibility, more choice, but sometimes the choices, unfortunately, for these school boards are completely untenable. They are left with having to pay Peter to starve Paul, if I've got the right metaphor. I think it might be a little bit off, but you get my point. [DRAFT TRANSCRIPT ONLY]

[1125]

The fact of the matter is that they are left with very difficult choices and very unfortunate choices. It's not a real choice. That's a choice that's been forced upon them, and we've gone through this in previous discussions about the lack of funding notwithstanding what the minister says. I don't dispute, necessarily, the numbers that the minister throws out, but as my hon. colleague said

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the lack of funding, notwithstanding what the minister says — and I don't dispute, necessarily, the numbers that the minister throws out. But as my hon. colleague said, it's what's happening at the school level. That's the reality, and the fact of the matter is that in the past, school districts have had to make do because of collective agreement settlements that weren't fully funded, and there have been tremendous increases in costs that they have had to face, such as increased costs for energy. A lot of choices that they have to make in these regards are not really ones that could be called free choice. They are enforced choice. [DRAFT TRANSCRIPT ONLY]

I wanted to say a bit more about the special needs students and the situation for them in the school districts that are giving the services. Schools have experienced yearly increases in their caseloads for special needs, and this has come at a time when there are cuts in allotments, not only for learning assistants and resource teachers, but also speech therapists, school counsellors and school psychologists. Again, it's a reference to the double-edged sword — more kids to deal with, and fewer resources to assist them, so one can easily understand why the teachers say that the situation has gotten very desperate. [DRAFT TRANSCRIPT ONLY]

I know the minister oftentimes feels frustrated by that kind of feedback because of the money that has gone into the system, but we can't ignore the reality, and it's the learning outcomes. It's experience of the kids in the schools. It's the ability of teachers under these very, very stressful circumstances to be able to deliver these services that count. Even colleagues, teachers amongst themselves, are confused about the process in terms of how these special needs students are currently being defined. The main funding categories, which I've talked to before, are things like low incidence, meaning there aren't that many, relatively speaking, children with their particular special need. There are chronic health problems, and then there are children with autism. [DRAFT TRANSCRIPT ONLY]

Teachers say that it is completely ludicrous for them to be expected to cope with that high a number of students requiring such an intense level of support on a daily basis, so there are a lot of kids who are falling through the cracks in the school system, and there's a growing level of frustration. I hope, and I'm cautiously optimistic, that this

legislation is a first step towards addressing some of those real problems that we're faced with, with special needs education. [DRAFT TRANSCRIPT ONLY]

What the teachers find, unfortunately, is that only a small proportion of the caseload of the children that they are dealing with actually fall into those categories that I previously mentioned, so a lot of kids fall into what is often referred to as a grey area. Teachers say that per-school funding ratios for learning assistants, resource teachers, school counsellors, speech therapists and educational psychologists are based on school enrolments and the number of identified students listed per year. To qualify for additional funding, students must undergo individual psychological assessments, and as I mentioned, an ongoing frustration is in accessing these assessments. [DRAFT TRANSCRIPT ONLY]

[1130]

If you don't get the assessment, it may be very clear to the teacher on the ground, and it may be very clear to the parent of that child, that this student needs help, that they do have a special need, but they're not identified as such, so they fall through the cracks. [DRAFT TRANSCRIPT ONLY]

Teachers say that

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that this student needs help, that they do have a special need, but they are not identified as such and so fall through the cracks. [DRAFT TRANSCRIPT ONLY]

Teachers say another area of concern is the need that's out there. They say that even if all students that are qualified for special funding were assessed and identified tomorrow, which we know they're not, funding would still be woefully inadequate to address the needs of the vast majority of students who fall within the high-incidence category. You'll remember I mentioned that low-incidence students are funded more readily than those that are so-called high incidence, and there are more of them. [DRAFT TRANSCRIPT ONLY]

Students with severe learning disabilities, students with fetal alcohol syndrome, fetal alcohol effect and students suffering from so-called moderate behavioural problems or unfunded syndromes such as Asperger's, which sometimes is referred to as a milder form of autism although they are two different disorders.... In my previous job as a mental health therapist, I had clients, adults with Asperger's, and got to see what a profound effect that disorder had on their lives. It's by no means a minor condition. [DRAFT TRANSCRIPT ONLY]

These students are largely ignored for funding purposes. The moneys spent on per capita high-incidence support is hugely inadequate to serve the number of students requiring support. Funding that recognizes only enrolment numbers but fails to acknowledge needs leaves many students without adequate support. Often the very students with the very highest potential for learning fall between the cracks because they are seen as less needy than their less able classmates. [DRAFT TRANSCRIPT ONLY]

That's an unfortunate fallout of this problem that teachers will often talk to me and talk to each other about: that without the resources to deal with children that may be behaviourally disturbed, for example, they are unable to deliver the quality of educational service to the other children in the classroom that professionally they want to be able to

do — and, personally and morally, they want to be able to do. [DRAFT TRANSCRIPT ONLY]

You know, I've heard teachers say that one or two — even one — behaviourally disturbed child can be more of a difficulty than any other type of special needs student. They do need to have a psychological assessment. They do need to have a lot of support, and that support hasn't been there. [DRAFT TRANSCRIPT ONLY]

That's one of the big problems teachers are pointing to, and we're saying that's the other half of the equation with this bill. The first part is the acknowledgement of the problem. Although it was a painful process, we feel the minister has acknowledged the problem in some respects. But then the second part is the solution. Of course, the solution is not just in designating class size and composition. You have to have the resources that are there to be able to do the job. [DRAFT TRANSCRIPT ONLY]

Teachers are finding this environment really stressful, really demoralizing. Obviously, that doesn't bode well for the education of our children either. You need to have students that are there prepared to learn, but you also need to have the educators, the teachers, that are capable of providing the service. They're capable, certainly, in terms of their professional qualifications and their experience, but there's more to that than being able to provide the service. [DRAFT TRANSCRIPT ONLY]

If you're working.... Whether it's a classroom, a school or any other workplace, if the workforce is demoralized and feels they're up against a very hopeless situation, they cannot give the kind of educational service that they would like to do. [DRAFT TRANSCRIPT ONLY]

[1135]

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service that they would like to do. I know that my wife, who retired a few years ago, said that she feels really relieved that she was able to retire when she did because everything that she's.... All her friends who are still teaching school.... The feedback has been very disturbing to her and to them. They aren't able to deliver the services they need to deliver, and that's a huge problem. [DRAFT TRANSCRIPT ONLY]

This government and this minister need to address that. They need to look at providing a better environment. A big part of that is providing the resources for these special needs children. While the number of educational assistants in the classroom, improving that, increasing that, would be helpful, it still falls largely on — as it should — the shoulders of teachers, especially specialist teachers, to adapt and modify programs with the IEPs. [DRAFT TRANSCRIPT ONLY]

Some of the solutions teachers are suggesting with regard to the problem that they see.... They are saying that special needs children need to be clarified for both teachers and the general public alike. So there's confusion not only amongst the educational community, I guess, but also amongst the public and the parents as to who is the special needs student and who isn't. How do you become assessed? How is it determined whether or not your child is or is not? [DRAFT TRANSCRIPT ONLY]

There needs to be an understanding of the true nature and large numbers of high needs students, which teachers tell us are well in excess of three per classroom. We can put a number on it and say it's going to be three per classroom, but if it's not a real number, because it doesn't reflect the reality of the school population, of the classroom

population, then it's obviously inadequate and inaccurate. [DRAFT TRANSCRIPT ONLY]

Funding for high incidence students, teachers are saying, should be based on true needs, not arbitrary enrolment figures. Additional funds, they also say, need to be earmarked for psychologists to assess elementary school students. As I referred to before, the psychological assessment is one of the big stumbling blocks, one of the big barriers, in the system. [DRAFT TRANSCRIPT ONLY]

If you look again at class size limits: class size limits of 28 to 30 are introduced for grades four to seven and 30 for grades eight to 12, for all students. A limit of three special needs students, defined as those with the IEPs and excluding the gifted, is established. Now, these limits can be waived by the principal and superintendent should they decide larger class sizes are "appropriate for student learning" and they have the consent of primary teachers or have consulted with secondary teachers. [DRAFT TRANSCRIPT ONLY]

A colleague referred to some of the concerns we have around these issues of consent and consult. Certainly, the idea of having the consent of the teacher sounds good, and maybe it will work out, but we have to see how it's going to evolve. Some of the potential problems I see for that are that it's the students who count here, but we have individual differences in terms of teachers and the circumstances they are facing in their schools. If a principal comes to a teacher with a very forceful — I won't say aggressive — approach: "This class is impractical, for us to hold it to the levels that have been suggested by this legislation...." The response is going to vary, dependent in many respects on that teacher and that principal. [DRAFT TRANSCRIPT ONLY]

[1140]

[Mr. Speaker in the chair.]

It's rather arbitrary in that sense, so one teacher may consent where another teacher wouldn't under those circumstances. The children are the ones who will be affected. Consent is not as clear as it might seem and

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another teacher wouldn't under those circumstances. [DRAFT TRANSCRIPT ONLY]

The children are the ones that will be affected, and consent is not as clear as it might seem. The larger educational body of teachers are not involved in this. It's on an individual basis. Therefore, we have some concerns about how that might play out on the ground, if you will. [DRAFT TRANSCRIPT ONLY]

At secondary level, where consult is the measuring stick, that is even more indeterminate. Who is to say whether or not the minister, through the school boards and the principals, has consulted? What one person calls consultation, another one might say: "I got an e-mail telling me basically this is how it's going to be." [DRAFT TRANSCRIPT ONLY]

We definitely have some concerns around those particular issues, and we will be discussing that further. Our critic will be bringing that up, as he mentioned, with the minister during the estimates debate. [DRAFT TRANSCRIPT ONLY]

Under the class composition requirements, no teaching assistance time is committed for special need students. Teaching assistance time is crucial. Without that,

the teacher becomes completely overwhelmed, overburdened by the task. Teachers should not be required, should not be asked to do a job without the tools. Part of the tools is having the teachers' assistants there to assist with the special needs kids, and there's not a commitment for that. [DRAFT TRANSCRIPT ONLY]

Gifted students are excluded from the cap. If you talk to teachers, gifted students are wonderful, but they require time because they get through stuff fast. Their demands are great, in many respects, on the educational system because they are moving at a quick rate. The teacher oftentimes has to give extra support and extra time to them. [DRAFT TRANSCRIPT ONLY]

The grey area that I referred to earlier about those students that aren't fitting.... They are falling through the cracks and aren't fitting into the special needs category under the current configuration. The B.C. Teachers Federation has estimated that they are 20 percent of all students — 20 percent. So one in five students is actually in need of special assistance but isn't getting it currently. They are not assessed. [DRAFT TRANSCRIPT ONLY]

Who is going to pay for the class-size limits? Who is going to pay for the assessment? The school boards have flexibility, the minister will say, to make the necessary choices. But when we talk to the school boards themselves, they say: "Well, you know, we could pay for more psychological services, sure, but then we have to cut somewhere else. That's the reality of it." [DRAFT TRANSCRIPT ONLY]

If that's the choices that are there for them, it's a no-win kind of situation. Again, there needs to be more resources. [DRAFT TRANSCRIPT ONLY]

Interjection. [DRAFT TRANSCRIPT ONLY]

**M. Sather:** Well, the member says more money, and I leave that.... The solution may include more money. In fact, that's something that the government.... [DRAFT TRANSCRIPT ONLY]

**Mr. Speaker:** Thank you, member. [DRAFT TRANSCRIPT ONLY]

**M. Sather:** Thank you, Mr. Speaker. [DRAFT TRANSCRIPT ONLY]

**S. Simpson:** I'm pleased to have the opportunity to stand and speak to Bill 33. This is an important piece of legislation. It's certainly an important bill for my constituency in Vancouver-Hastings. [DRAFT TRANSCRIPT ONLY]

[1145]

As the minister will probably know and certainly as others will know, I probably have more inner-city schools in my constituency

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my constituency in Vancouver-Hastings. [DRAFT TRANSCRIPT ONLY]

As the minister will probably know and, certainly, as others will know, I think that I probably have more inner-city schools in my constituency, possibly, than any other member in the House. There is a whole range of children in those schools who face many

challenges — many challenges in terms of achieving the academic accomplishments that they're looking for and ensuring that they have a great future in front of them. [DRAFT TRANSCRIPT ONLY]

One of the issues, of course, that they face in that is.... [DRAFT TRANSCRIPT ONLY]

[Interruption.]

**Mr. Speaker:** There is a fire drill. [DRAFT TRANSCRIPT ONLY]

**Hon. G. Abbott:** Given the circumstances, I move adjournment of debate. [DRAFT TRANSCRIPT ONLY]

Hon. G. Abbott moved adjournment of debate. [DRAFT TRANSCRIPT ONLY]

**Mr. Speaker:** So ordered. [DRAFT TRANSCRIPT ONLY]

**Hon. G. Abbott:** I move adjournment of the House until 2 p.m. [DRAFT TRANSCRIPT ONLY]

Hon. G. Abbott moved adjournment of the House. [DRAFT TRANSCRIPT ONLY]

**Mr. Speaker:** So ordered. [DRAFT TRANSCRIPT ONLY]

Members, please leave the building. [DRAFT TRANSCRIPT ONLY]

The House adjourned at 11:46 a.m. [DRAFT TRANSCRIPT ONLY]

## **Second Reading of Bills**

### **EDUCATION (LEARNING ENHANCEMENT)**

#### **STATUTES AMENDMENT ACT, 2006**

**(continued)**

**S. Simpson:** I'm pleased to have an opportunity to get back to this debate now that we're back. [DRAFT TRANSCRIPT ONLY]

What we've seen with this legislation is a number of very positive things. We saw the placement here of a hard cap on class size in grades 4 through 7. That is a positive. We know that it's an important decision for children in British Columbia, and we know that it's a decision that will help ensure the quality of education for children in our province. We know, in fact, that guaranteeing limits on class sizes goes a long way for us to be able to ensure that teachers have the capacity and the ability to do their jobs better

than in instances with a large class. [DRAFT TRANSCRIPT ONLY]

Unfortunately, there is a bit of a sad tale behind how we got to where we are today with this legislation. What we know is that, in fact, the situation that we found ourselves in a number of months ago with the teachers' dispute was a situation that was precipitated by this government's actions. It was a situation where this government absolutely refused to deal with the question of class size and refused to acknowledge the challenges and issues that we have around class size. That was a very significant determinant in the conflict that was had between teachers and this government. [DRAFT TRANSCRIPT ONLY]

[S. Hawkins in the chair.]

Fortunately, the people of British Columbia... Parents demanded that this government act responsibly and put pressure on. This opposition demanded it. Teachers demanded it. Other educators demanded it. As a result, the government in fact came to its senses and did something on class size. The situation here is that it is important for the government to accept responsibility for that situation — responsibility for a situation that they very clearly created. [DRAFT TRANSCRIPT ONLY]

As we move past that, as we move on and engage in the discussion of the bill itself, let's talk a little bit about what these changes and what this bill will mean and what it actually does. What is key in this legislation is the support that does occur in grades 4 to 7. We do see that there is a consent requirement through grades 4 to 7 for teachers. It is a requirement that will ensure that teachers, who are the key component in the education of our children, have some ability to protect the interests of those children in their classroom by schools being required to have their consent for adjustments around class size that go over and above 30. [DRAFT TRANSCRIPT ONLY]

Classroom teachers we know are those who best understand what's going on in our schools. They understand the educational system. They understand the delivery of learning, and they understand what's most important for our children when it comes to their education. [DRAFT TRANSCRIPT ONLY]

[1520]

Unfortunately, we're not going to see those same conditions in grades 8 to 12. There isn't a consent requirement for teachers for these class sizes — rather, it is a condition of consultation. [DRAFT TRANSCRIPT ONLY]

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we're not going to see those same conditions in grades eight to 12. There isn't a consent requirement for teachers for these class sizes; rather, it is a condition of consultation. What we're going to see here is that teachers will be consulted, but there is no requirement in this legislation that teachers consent in grades eight to 12 to adjustments or changes in class size. What we see here is that we have one standard in grades four to seven; we have a very different standard in grades eight to 12. [DRAFT TRANSCRIPT ONLY]

One of the other things that the legislation does is it acknowledges the linkage between class size and class composition. This is a good thing. While the legislation puts



a limit of three children per class who require IEPs, it doesn't address the broader questions around special needs. There is no acknowledgment of the role and need for special education assistance in this legislation, and there certainly are no resources to ensure that those supports are in the classroom or that those supports will remain in the classroom after this legislation is passed. [DRAFT TRANSCRIPT ONLY]

There is no additional support to properly assess children to determine those kids who fall into that grey area, primarily around high incidence. Those kids make up a significant part of the population of our schools. What we know is that the school system doesn't have the resources, the skills necessary to do the assessments that need to be done. [DRAFT TRANSCRIPT ONLY]

We also know that because of the legislation, without additional resources here, there will be great pressures on those schools to make sure that, in fact, the number of kids in any given class with IEPs doesn't go over three, because it could create great complications in our schools and great challenges for our schools and for our school districts. This is a very big concern. [DRAFT TRANSCRIPT ONLY]

We also know that the funding limits.... Well, around an issue that, certainly, is very large in my constituency of Vancouver-Hastings is the question of English as a second language. English as a second language isn't discussed in a significant way in this legislation. It is an issue that is very important. It is an issue that can be just as challenging in our schools, without doubt, as questions around IEPs and schools that have significant numbers of children who have English limitations and who are learning English. [DRAFT TRANSCRIPT ONLY]

The most troubling piece of this legislation is the total lack of resources to ensure that the legislation can be implemented without significant negative impacts on other areas of our school districts and their budgets. It's unacceptable for us to see a piece of legislation put forward here by the ministry when there are no resources attached. [DRAFT TRANSCRIPT ONLY]

What's this going to mean in terms of non-enrolling teachers? Are we going to see those teachers being lost in our schools? What's it going to mean for counsellors and youth workers in inner-city schools, like the schools in my constituency? Does it mean that those services are going to have to be trimmed in order to make sure the dollars are there to meet the class-size obligations? What will it mean for school support workers? What will it mean for special education assistance? We don't know. [DRAFT TRANSCRIPT ONLY]

What we do know is that school trustees in my district in Vancouver have been speaking to me, school districts from both sides of the political spectrum in Vancouver have been speaking to me and expressing a great degree of concern about what the impacts of this class-size legislation will be without dollars and resources to support the legislation. They're concerned about whether they're going to be able to meet their legal obligations and, at the same time, deliver the breadth and the level of services and education that they desire to put in place. [DRAFT TRANSCRIPT ONLY]

[1525]

I've heard from parents who have had a chance to look at this, parents of special needs kids who are very concerned about the possibility that, in school districts, where the three IEPs in a classroom is the cap, there will be pressure where there are greater

numbers of kids to, in fact, start to look again at warehousing kids with special needs. I don't think that's something that anybody wants to do, but it may

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that there will be pressure where there are greater numbers of kids to, in fact, start to look again at warehousing kids with special needs. I don't think that's something that anybody wants to do, but it may very well be a result if we're not careful and if the resources aren't in place to ensure that we, in fact, can move forward with this legislation with a resource and a funding package behind it that allows it to be successful. [DRAFT TRANSCRIPT ONLY]

I pointed out that we're looking here, when we look at the dollars involved, to meet the responsibilities of this legislation, the responsibilities this will put on school districts. We have issues around what happens when cuts have to be made. Is it non-enrolling teachers? Is it counsellors? Is it youth workers? Is it school support staff? Is it special education assistants who will fall by the wayside in order to meet budgetary responsibilities and to meet the terms of Bill 33? Will it mean that these positions will be sacrificed if necessary to meet those class size requirements? We don't know that, but should that occur, there is absolutely nothing positive about that circumstance. [DRAFT TRANSCRIPT ONLY]

We need to have funding in place to ensure that the conditions of Bill 33 can be met without substantive costs to other critical aspects of our public education system. This situation will be exacerbated even further when we look at the punitive powers of the special administrator who's identified in the legislation — an administrator who could have the ability to punish a school board up to and including the dismissal of the board itself if a district isn't in compliance, if schools aren't in compliance. [DRAFT TRANSCRIPT ONLY]

Like in so many other areas of public policy that this government has a practice around, it puts in place conditions. It puts in place demands. It doesn't put in place resources and capacity to meet those conditions, and then it walks away from its responsibility to ensure that they can be achieved in a reasonable way. The concern here is that by not putting funding on the table along with Bill 33, as part of Bill 33, this government has put conditions on the table and then has said to school districts: "You need to meet those conditions, but there is no money to support your doing that." That's just wrong. [DRAFT TRANSCRIPT ONLY]

This means the pressure is on districts to reduce costs, including, potentially, the elimination of key staff, again, like special education assistants, like youth counsellors. That's important business in inner-city schools. The other option is, of course, not to identify students who are high-incidence, low-impact students. Districts will be compelled to not identify those kids' needs. [DRAFT TRANSCRIPT ONLY]

Trustees in my district, again, have spoken to me about these issues. They've told me that they don't know how they're going to meet the challenges of this legislation without additional resources and funding. They've told me that the government is creating more problems, potentially, than they're solving if they don't provide resources to implement Bill 33. [DRAFT TRANSCRIPT ONLY]

Everyone wants to address the issues of class size. Everybody understands the importance of having class sizes that allow teachers to optimize their skills and their commitment to children and to do the best for our children. We all agree that a legislative

resolve to this is important. We all agree that putting a hard cap in place that clearly identifies what the appropriate number of children is in any given class is a good way to go, but it has to be complete legislation. It has to be complete with the resources to allow the implementation to go ahead in a way that will make it successful. There is nothing here that says this legislation will be successful when there's no money to make it work. [DRAFT TRANSCRIPT ONLY]

Hopefully, the minister will further consult with districts and will consider these critical questions as this bill goes forward through committee stage. We'll see that happen over the next week or two, and I would hope that the minister will take a little bit of that time, in fact, to be talking to some of those districts and talking to those trustees who are very concerned. [DRAFT TRANSCRIPT ONLY]

[1530]

Bill 33 has the potential to be an accomplishment that we could be very proud of in terms of how it deals with class size. It can be something that the minister and the government could be proud of in terms of how they deal with class size

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Bill 33 has the potential to be an accomplishment that we could be very proud of in terms of how it deals with class size. It can be something that the minister and the government could be proud of in terms of how they deal with class size, but it will only be achieved if the strategy is complete. The strategy today in Bill 33, the comprehensiveness of this bill.... It fails in the class size component around the question of money. [DRAFT TRANSCRIPT ONLY]

It can't be complete without the money to make class size and class composition work. This is a challenge over the next stages of the bill. It's a challenge that we'll get an opportunity to discuss in committee stage, and I know that the critic will discuss. It's a challenge that we need to fix, and I hope that the minister is serious about wanting to resolve this. I hope that the minister is serious about finding a solution that works, and I hope that the minister is open to a discussion around how to fix this problem that is being identified across the province by school districts. [DRAFT TRANSCRIPT ONLY]

There are a number of other issues in this bill that I hope we'll get a chance to talk about in committee stage. They are other issues that are significant. But with my time, I was looking forward to the opportunity to talk about this question of class size, to talk about the question of the special needs children who make up a significant portion of the population of the schools in my constituency. [DRAFT TRANSCRIPT ONLY]

I know that those schools work very hard. I know that those educators, those principals work very, very hard to meet those kids' needs. They're very cognizant about making sure the resources are available and doing what they can do to ensure the resources are available to meet those kids' needs. I would hope that Bill 33 can come forward as a very positive tool to help accomplish the objectives that they aspire to and the objectives that I would hope most of us, if not all of us, in this House aspire to. But it does require resources. It does require a commitment of resources by the government to make sure that those pieces can be put in place and they can move forward without jeopardizing many of the other critical services that are provided by our school districts

across the province. [DRAFT TRANSCRIPT ONLY]

I do look forward to the discussion in committee stage. I'm hopeful that the minister will come to see the views that are being put forward from this side of the House around those questions around resources and around the question of consent, particularly in grades eight to 12, where we now have a consult model and not a consent model. I look forward to that discussion as we move ahead. [DRAFT TRANSCRIPT ONLY]

**D. Routley:** I rise to speak on Bill 33 out of a grave concern for teaching and learning conditions in our schools. Over the past four years school districts across the province have reeled from the impact of Liberal cuts to public education funding and the inappropriateness of the per-student funding model in the B.C. public school system. [DRAFT TRANSCRIPT ONLY]

In the school district that I used to represent as a trustee, the current chair of that school district has written a letter. The letter goes out to all B.C. school boards. I'll read it into the record, if that's permissible. [DRAFT TRANSCRIPT ONLY]

To all B.C. school boards:

As school trustees, it is our right and our obligation to serve those we represent. At a regular board meeting held on March 29, 2006, Cowichan Valley school board passed the following motion: "that the trustees of school district 79, Cowichan Valley, move to challenge the funding formula that is responsible for current underfunding of public education and urge the government to provide funding that addresses the needs of all students in the public education system." [DRAFT TRANSCRIPT ONLY]

In the light of ongoing cuts that continue despite small decreases in per-student funding, it is clear that the current method of financing our public education system is not meeting requirements of those who rely on it. For example, small projected declines in enrolment are used to excuse funding cuts. [DRAFT TRANSCRIPT ONLY]

[1535]

The time has come for our school communities, lead by our school boards, to insist that the Ministry of Education revisit the per-student funding formula which has created underfunding in our public schools. If we cannot sustain necessary programs and provide for the needs of our students and school staff, then reason dictates that the formula is wrong. [DRAFT TRANSCRIPT ONLY]

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per-student funding formula, which has created underfunding in our public schools. If we cannot sustain necessary programs and provide for the needs of our students and school staff, then reason dictates that the formula is wrong. Without proper resources, the power to manage the direction of public education is greatly diminished. Please join us in leading our communities to demand better. [DRAFT TRANSCRIPT ONLY]

Yours truly,

Wilma Rowbottom,

Board chair, Cowichan Valley school district

Wilma and I sat on a board together. I have a great respect for Wilma Rowbottom, although we share quite differing political viewpoints, but we share those viewpoints in respect for each other and for the people we serve. Ms. Rowbottom was recognized just this past week for her 27 years of service as a school trustee. I have undying respect for her and all the trustees of the province, and I have a deep compassion and empathy for their struggle. [DRAFT TRANSCRIPT ONLY]

This government's funding formula has devastated classrooms. Their legislation that ended the last labour disruption in the school system and then their failure to fund

that agreement led to the deep cuts in the classrooms. School districts and school trustees across the province do not trust the government to follow through on their word. They do not trust the government to stand up for children and fund those programs that they dictate to school districts. [DRAFT TRANSCRIPT ONLY]

Now the latest incarnation of this is Bill 33 as we see a dictate to school districts on class size limits and on IEP students per class, but no promise of funding. Trustees, teachers, students, special needs students, and their parents shudder in anticipation of the cuts that will be necessary to fund the requirements of this bill. [DRAFT TRANSCRIPT ONLY]

The province rose up in support of the teachers last year because they recognized that conditions for their children's learning and teachers' working conditions were untenable. They accepted and they realized that smaller class sizes and support for those students who need it the most is necessary for all of our students to succeed to their best. This government has designated literacy as one of its great goals, and yet we see a disinvestment. We see a refusal to invest and to stand behind the commitments that the government makes. [DRAFT TRANSCRIPT ONLY]

Those parents who supported that job action not because they wanted to take care of their children during the day when they would otherwise have been at school, but because they realized that the classroom conditions were unconscionable, can celebrate a victory in forcing this government to acknowledge that class sizes are a problem in this province. The teachers can celebrate a great victory, not on behalf of themselves but on behalf of the children they serve, for forcing this government to realize its education policies and funding formula are flawed. [DRAFT TRANSCRIPT ONLY]

We as an opposition are happy to have stood by them and supported that effort to force the government to realize its inadequacies. But in that realization, the government has failed to do the most important thing, and that is to fund the necessary changes. The changes have been identified as necessary. The changes have now been accepted by the government as necessary. It would be cynical and inappropriate and hardly forthright for the government now to refuse to fund changes that they will dictate. [DRAFT TRANSCRIPT ONLY]

There is another aspect to this bill — the distributed learning that allows private schools to offer courses in public schools and vice versa. As a school trustee in Cowichan, we had pressure in certain courses, particularly physics 12, to offer a full program to our graduating high school students. We were approached by a local college, and they offered to offer this course with joint college credits to those who completed. [DRAFT TRANSCRIPT ONLY]

[1540]

On the face of it, it might be a good thing that kids can advance quicker, that they can gain more credit for their effort. But how long would it be before

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to those who complete. On the face of it, that might be a good thing — that kids can advance quicker, that they can gain more credit for their effort. But how long would it be before our school district could no longer offer that course or any other course in which it's challenged by the funding formula of this government? How long will it be before

those distributed learning courses take the place of core curriculum in rural schools?  
[DRAFT TRANSCRIPT ONLY]

These are the kinds of suspicions people have. These are the kinds of cynicisms they hold of this government's promises because of its failure to fund its previous commitments. So we call on the government to stand up and fund what it promises. To stand up and be accountable for the conditions in the classroom. To not tell people that they have more when people know they have less. To not come to us and say: "Well, I know we put eight rocks in your shoes, but we're gonna take out four. Now shake our hand, because we're your best friend." [DRAFT TRANSCRIPT ONLY]

We know that's not true. We know that in our classrooms the conditions have deteriorated. We know that special needs students.... Their needs are going unmet. [DRAFT TRANSCRIPT ONLY]

I call on this government to stand up and fund its promises, live up to its commitments. [DRAFT TRANSCRIPT ONLY]

**D. Thorne:** I rise today in support of this bill in principle. I think this bill is a victory for students, for families and for teachers. I am very, very pleased that after years of denying that class size and class composition have an affect on learning conditions, this government has finally admitted that it made a mistake in removing limits, and they've re-established hard caps for all grade levels. [DRAFT TRANSCRIPT ONLY]

My biggest concern in this bill is the funding that is accompanying these limits. School boards may be forced to cut programs in order to meet these new caps. This government has a record of failing to fund important initiatives in education. We all know.... Several years ago the biggest example or the best example that I can think of is when there was a rise in wages to the teachers' salaries, and there was no corresponding financial resources given to the school boards, and they in fact had to absorb the loss. [DRAFT TRANSCRIPT ONLY]

The impact on that certainly in all school districts I would assume. I can only speak specifically, personally, for my school district 43. So, I think this bill is an important step, and I hope that if there are any funding shortages, we will be able, as this bill goes through the process, to work on this area. [DRAFT TRANSCRIPT ONLY]

Now, the biggest problem in my district that I have been hearing from parents who have been phoning my office and sending e-mails and letters have been from parents of special needs children who are quite concerned that this bill will produce a feeling of discrimination, actual discrimination, for students. They're afraid that with the current funding — as I was just mentioning — that is in place, there is no funding, really, for aides in the classroom. That funding has been removed by this government in the past four years. [DRAFT TRANSCRIPT ONLY]

They're very afraid that their children will end up being moved not only out of their classroom but out of their schools and perhaps even into some warehouse kind of situation. I'm using that word quite broadly. I'm not using it, obviously, as a warehouse. [DRAFT TRANSCRIPT ONLY]

That's what parents are concerned about. I see the minister is smiling as I say that. I want to assure the minister that the parents who I have talked to are very, very concerned and see this as a very serious situation. Staffing ratios are a real issue for teachers and for parents. Teachers' rights were taken away by this ministry, taken out of the collective agreement and not enshrined in the School Act. So that's another issue that is a problem. [DRAFT TRANSCRIPT ONLY]

My school district has let the minister know, two weeks before this bill was introduced, that it is

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the School Act, so that's another issue that is a problem. [DRAFT TRANSCRIPT ONLY]

My school district let the minister know two weeks before this bill was introduced that it is very concerned about finances. I'm sure that with the introduction of this bill, I will be meeting with them in the coming weeks and getting an update on exactly where we stand now in the Coquitlam school district, but this letter to hon. Bond states that... [DRAFT TRANSCRIPT ONLY]

**Deputy Speaker:** Member, no proper names. [DRAFT TRANSCRIPT ONLY]

**D. Thorne:** Sorry. I apologize. I withdraw. The minister. [DRAFT TRANSCRIPT ONLY]

The Coquitlam school board, like most other school districts, was expecting that the planned \$20 million increase that was announced would result in an increase of about \$36 per student. However, only about \$13 million of the \$20 million increase, which worked out to \$24 a student, was allocated to all school districts for basic student allocation. The Coquitlam school district expected almost \$1.1 million, and received just over \$700,000. [DRAFT TRANSCRIPT ONLY]

They have written to the minister saying that this is a very big problem in terms of class size and composition, and that without any additional funding, any progress made in this area cannot continue. So the minister is already well aware that in Coquitlam we have a huge problem, and I would just like to reiterate that without sufficient funding to look after the new expectations of Bill 33, we are in trouble in Coquitlam, which, as most of the members know, is the third-largest school district in British Columbia. [DRAFT TRANSCRIPT ONLY]

I wanted to say a few things about inclusion and special needs students to point out the concerns of the parents from my riding who have contacted me and, I'm sure, many who have not yet contacted me, but who will in the future. One of the biggest problems with having a special needs child is getting an assessment done, and the whole assessment capacity in the province in general. [DRAFT TRANSCRIPT ONLY]

This is how a student gets assessed in British Columbia. The parent or teacher sees a need. The student's case is raised with the school-based team and referred to the district resource office. The student is put on a wait list. It can sometimes take years for this student to work their way through, because a district has to send a psychologist to assess the child. There are not enough psychologists, and the rules are very strict around these assessments. Ordinary parents, working parents, parents who don't have high income are at the low end of the scale when it comes to getting these assessments done. [DRAFT TRANSCRIPT ONLY]

Wealthy parents can pay \$1,500. They can afford to do this. They can jump the queue, have their child assessed privately and get assessed as a special needs child and whatever comes after that done. For the ordinary child on this waiting list, sometimes up to three years is what I have been told. Eventually this child will get identified as a

special needs student and will then qualify for ministry funding. Unfortunately, this funding is no longer targeted to the student, and school boards may or may not spend all of the money that the students need to generate services for that student. Unfortunately, this is what the ministry currently calls flexibility. [DRAFT TRANSCRIPT ONLY]

That, along with the fact that the teachers' collective agreements do not have the provisions for special needs students like having a cap, a formula for staffing and support.... This bill has no provision for support, merely a cap. It is almost as if we're taking a problem, and if we're not really, really careful and watch how we try and solve that problem, we could be creating another problem for school districts and for parents, specifically of special needs children. I think that if we're not careful, our whole ability to be inclusive could be at risk in British Columbia. I say that knowing that I will support this bill in principle at this reading. But I want us to be very, very careful that we're covering all of our bases in this area. [DRAFT TRANSCRIPT ONLY]

I just wanted to also say something about.... It's been mentioned before, I think, about distributed learning. [DRAFT TRANSCRIPT ONLY]

[1550]

I find this a very interesting section of this bill. It's certainly an area that I had not given much thought to before, unlike special needs. I certainly have been involved with

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I find this a very interesting section of this bill. It's certainly an area that I had not given much thought to before — unlike special needs. I certainly have been involved with many special needs children, because I've worked in community social services for most of my life and feel very strongly about that area. [DRAFT TRANSCRIPT ONLY]

With the introduction of Bill 33, with the class size limits for grades 4 to 12, in the section that's included on distributed learning, references to distance education in the School Act have been removed and replaced with the term "distributed learning." The definition of "distributed learning" means a method of instruction that relies primarily on indirect communication between students and teachers including Internet, other electronic-based delivery, teleconferencing and correspondence. [DRAFT TRANSCRIPT ONLY]

The minister must now approve distributed learning programs for public and independent schools. There is a section on sharing student records to facilitate students from public schools taking distributed learning courses at independent schools. The ability of public school students to take courses from other districts and from private schools could make it difficult for school boards to determine staffing needs. [DRAFT TRANSCRIPT ONLY]

I think this is a huge potential problem in this particular section of Bill 33, because there is no provision in the act to specify whether or how funding would move between public school districts or to and from independent schools. I hope that we will be discussing this further and that there will be more information forthcoming, because these changes are being introduced without any discussion with teachers. They leave a lot of questions unanswered for teachers as well as for members on this side of the House and, certainly, for parents. [DRAFT TRANSCRIPT ONLY]

I will watch very closely the debate on this bill in the Legislature, attempt to



understand the implications of this legislation and see how we move through the committee stage of this bill with the concerns that I have stated. [DRAFT TRANSCRIPT ONLY]

**D. Chudnovsky:** I'm pleased to rise today to speak about Bill 33. I think there is good news in the province with respect to education this week, and I think that it's well worth our while to celebrate that good news. [DRAFT TRANSCRIPT ONLY]

The most important thing that we see in Bill 33 is a recognition that class sizes have to be limited in the province and that that limitation needs to be codified. There are those, among them teachers, who think that that codification should be in collective agreements, but the teachers have compromised, the government has moved, and there will be a codification of class size limits in the act. That's useful and good, and it's good in several ways. [DRAFT TRANSCRIPT ONLY]

First, it's good news because it means that if the resources are available to school districts around the province, there will be hundreds and probably thousands of classes in schools across the province next September which will be smaller, and that means tens of thousands of students in this province getting more individual attention from their teachers. That can only be good for the students and for our communities. [DRAFT TRANSCRIPT ONLY]

A second reason that we have good news is that we finally hear the government, this government, saying they will take responsibility for class sizes. They will step up to the plate; they will bring forward legislation that provides for class size limits at all levels in our public schools — that's a good thing. There are those who would argue, I guess, that we should focus on the fact that the government didn't take responsibility for those issues from 2001 to 2006. I would rather look at it the other way — that it's good news for the province that the government now comes to the conclusion that it needs to be responsible in those areas. [DRAFT TRANSCRIPT ONLY]

Another piece of good news is that those tens of thousands of teachers, hundreds of thousands of parents, and communities across the province who stood together last fall and said that we needed limits on class sizes and additional services for students with special needs: those people are vindicated. The courage of the teachers, the support of the parents, the support of the students, the support of communities and school trustees.... The vast majority of British Columbians last fall stood together and had the courage to say to this government: something needs to be done. They are vindicated today, and that's a good thing — that's good news. [DRAFT TRANSCRIPT ONLY]

[1555]

There's more good news. That good news is that those people who stood together in the winter of

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today, and that's a good thing. That's good news. [DRAFT TRANSCRIPT ONLY]

There's more good news. That good news is that those people who stood together in the winter of 2002, when Bills 27 and 28 were introduced and when the cutbacks — yes, cutbacks, despite the attempt of the government to deny there were cutbacks — were planned which stripped our ability to control class sizes in this province, which resulted

in 120 schools being closed, which resulted in fewer services for students with special needs, which resulted in programs being reduced across the province.... The people who stood up in 2002 when a former Minister of Education was saying: "It's all about flexibility. It's all about choice. It's all about putting students first...." They don't say it anymore. That's good news. Those people who stood up against this government in 2002 are vindicated today as well. [DRAFT TRANSCRIPT ONLY]

There's good news. It's important that we look at the good news, and it's important that we be positive about what we can be positive about. There are also concerns. We need to look at those concerns, and we need to look at them carefully. [DRAFT TRANSCRIPT ONLY]

First of all, we have a concern, and teachers have a concern, and we know we've begun to hear from parents about this concern — that the professional teachers in this province are being treated differently as a result of this bill. The professional teachers from kindergarten to grade seven will have to consent. If they believe that for educationally appropriate purposes classes should be larger than the limits in the act, they will have to consent. The professional teachers from grades eight to 12 will only have to be consulted. [DRAFT TRANSCRIPT ONLY]

Interjection. [DRAFT TRANSCRIPT ONLY]

**D. Chudnovsky:** The question that needs to be asked of this government is.... Of course, the minister and others on the other side would like to ask a whole bunch of other questions, but we will ask the questions. We will stand for the children. We'll ask the questions that need to be asked in this House. [DRAFT TRANSCRIPT ONLY]

The question needs to be asked: why is it that the professional prerogative, the professional responsibility, the professional ethics of K-to-seven teachers are being recognized in this act and teachers from grades eight to 12 aren't being recognized in this act? It's an important question. We'll continue to ask it, and we'll look at it in some detail during the committee stage of this bill. [DRAFT TRANSCRIPT ONLY]

Another concern that we need to look at, in the midst of the good news, is a concern about safety of students. There are home economics classes, labs. There are science labs. There are shops and technical education classes in secondary schools in this province. [DRAFT TRANSCRIPT ONLY]

There was a time, before 2002, when this government took precipitous action which they have now begun to move away from, when students in those classes were protected, because the class-size limits in collective agreements meant that the number of students in those classes were no larger, in most cases, than the safe number, the number that the laboratory was built for. We need to look at adding those kinds of protections to this bill so that the students in our schools who take those very important courses are protected and that we have safety in those classrooms. [DRAFT TRANSCRIPT ONLY]

Another concern that we need to look at has to do with the implementation of the class-size limits, because this isn't all brand-new. We have had — over the last 15 years, almost 20 years, in this province — situations in which we've codified class sizes in collective agreements. The processes were well used, complicated, difficult, tedious. People had to work hard on them. But together — school districts, teachers, parents, students — we found solutions to the staffing and implementation processes that are necessary when you're going to limit class sizes. [DRAFT TRANSCRIPT ONLY]

As I look in the bill that's proposed in this House today, in section 76 there's a process laid out which, frankly, gives me some concern because the process begins in the fall. We who actually work in schools and worked in schools — the professionals, the administrators, the teachers, the other professionals who work in schools — whose responsibility it is to do planning and do implementation of class-size limits know that you can't start in September. [DRAFT TRANSCRIPT ONLY]

[1600]

You can't start in September to set those class sizes. You can't start in September to fill those classes. You can't start in September to do that planning

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it is to do planning and implementation of class size limits, know that you can't start in September. You can't start in September to set those class sizes and fill those classes. You can't start in September to do that planning, because if you do, there'll be disruption for students, and the minister tells us over and over again that it's all about students — and she's right about that. [DRAFT TRANSCRIPT ONLY]

[S. Hammell in the chair.]

We on this side certainly agree with that, and the parents, the teachers and the administrators and school trustees agree with that, but if you care about the students, you can't be organizing classes and secondary blocks in September. You have to start way before that. You have to start in the spring. [DRAFT TRANSCRIPT ONLY]

There needs to be provision in the act . I think it's important that together we look for provisions and those provisions in the act that provide for processes that begin in the spring, so that the implementation of class size limits is real and not illusory; so that there isn't disruption; so that schools run smoothly so the students, who we're all there working for, have the best experience they can have. [DRAFT TRANSCRIPT ONLY]

Another concern that we need to talk about has to do with non-enrolling teachers and the important services that they provide to our students: ESL teachers, counsellors, school librarians. I don't think there is a member in this House who would say that the educational services provided to students by those professionals are unimportant. They're critical. They're critical to the success of students in our schools. There is no mention of those non-enrolling teachers. [DRAFT TRANSCRIPT ONLY]

Again, this is not brand-new. There used to be a time when there were ratios for those non-enrolling teachers, and they were in the collective agreements. They provided a guarantee that these necessary services would be available to students in our schools. Not there. We need to have a look at that — in the midst of the good news, have a look at these concerns and see if we can improve what has been put forward by the government. [DRAFT TRANSCRIPT ONLY]

Another concern, and it's been spoken to by some of my colleagues previously, is very, very important. It has do with students with special needs. The government has brought forward a bill which talks about a maximum of three students with individual education plans in any one class. What's important for us to realize is that there are

11,000 classes in the province with more than three students with IEPs in the class. [DRAFT TRANSCRIPT ONLY]

The resources necessary to provide appropriate placements for those kids.... They're our kids, students with special needs. They're not somewhere else. They're not somebody else's kids. They're our kids, the students with special needs. And we need to make sure that there are appropriate placements available for those students. That takes resources. The resources have to be there for appropriate placements, for supports, for a process, for making sure that there are appropriate placements — or else we run the risk of moving back to the bad old days. [DRAFT TRANSCRIPT ONLY]

When I went to school — that would be the early 1830s; no, it was later than that — there was a special class, and everybody was shy about the special class. There was a kind of stigma attached to the special class. It was off in a corner in the basement of the school that I went to. Thankfully, we've moved away from those days. [DRAFT TRANSCRIPT ONLY]

We have over the last 20 years begun a process of inclusion and integration of students with special needs that enriches the lives of those students with special needs and enriches the lives of the other students in our classes. But without the resources committed for appropriate placements for those students with special needs, I fear that we're going to move back to the bad old days. [DRAFT TRANSCRIPT ONLY]

I think that it is the responsibility of this government and this minister to commit to the students with special needs in this province, and to the parents of those students, that no special needs student will be in an inappropriate placement in this province because the resources haven't been found to make sure they get the best education they can. That commitment has to come. [DRAFT TRANSCRIPT ONLY]

An additional concern that we have about this bill is that it sets up a dynamic which, I think, could be unhealthy in the schools, and it's this one. In looking at exceptions to the cap that has been put forward by the minister and this bill, the bill sets up a discussion between principals and teachers. Now, that's new and different. In the days when class size limits were in the collective agreement, that was collective bargaining. It was a labour relations issue. If there was a situation in which a school district, a principal, a teacher believed that the limits should be exceeded, that was a labour relations issue. [DRAFT TRANSCRIPT ONLY]

[1605]

That was a good thing, because it took the discussion away

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a situation in which a school district, a principal, a teacher believed that the limit should be exceeded. That was a labour relations issue. That was a good thing, because it took the discussion away from the individuals in the school. There is inevitable tension and conflict and complication around those issues. [DRAFT TRANSCRIPT ONLY]

I believe that we move away from that situation at our peril. I think it's a mistake to set up a situation in schools where teachers and principals — who, after all, have to work together on a daily basis to do the best they can for students — are put into a situation where there's conflict and tension guaranteed. I think it's a mistake, and I think

we can do better than what's in the act. [DRAFT TRANSCRIPT ONLY]

Let me conclude with a discussion of resources. I want to talk about resources. I think that it's important that we not have a situation next fall as a result of this good news.... We've taken some steps together here and we need to be together — government, opposition, students, parents, teachers, school trustees. All of us need to look at this carefully and see that we've taken some steps together here. But we risk a situation in the fall where, if the proper resources are not available to implement appropriately the steps that have been taken in Bill 33, we're going to be in trouble. [DRAFT TRANSCRIPT ONLY]

I fear a chaotic situation in the fall. I fear a situation where, because there aren't the resources that there should be for implementation of these steps that we've taken, we'll have a chaotic situation, a situation which will not be good for kids, will not be good for their education. I think it's important that we say today that if that is the case, it won't be the fault of those who pressed for class size limits in the face of a government that for many, many years said no. It will be the responsibility of the government. [DRAFT TRANSCRIPT ONLY]

If there aren't the resources, and we have a situation where parents are complaining next fall that there is disruption as a result of Bill 33, it won't be those parents' fault — those parents who demanded improved learning conditions for their kids. It won't be their fault. It will be the responsibility of government if they don't provide the resources. [DRAFT TRANSCRIPT ONLY]

If we have a situation in the fall where there is disruption and lack of stability and tension in schools because the resources aren't there for implementation of Bill 33, don't blame the school trustees for that. Our school trustees are doing the best they can with the resources that have been made available. All of the members in this House know there are school trustees with whom I disagree about a whole lot of stuff, and I have been not very shy about that over many years. Nevertheless, don't blame the school trustees in the fall if the resources haven't been made available for implementation of Bill 33 and there's tension and disruption and lack of stability. [DRAFT TRANSCRIPT ONLY]

I think we have to look carefully at what's liable to happen. We've been through this movie before. This is a nicer version of it, a better version of it, a version based on what the government has learned over the last five or six years. But we've been through this movie where the government brings in a law and downloads responsibility for the resources to somebody else. What were the results of it the last time? A hundred and twenty closed schools, cuts in programs across the province, larger class sizes across the province. [DRAFT TRANSCRIPT ONLY]

There were some other results that we don't talk about as much, but we'd better talk about them now. Art and music and drama classes were cut across the province as a result of the cuts that had to come with the decisions of this government in 2002. We don't want that again. Schools were closed. We don't want that again. [DRAFT TRANSCRIPT ONLY]

Interjection. [DRAFT TRANSCRIPT ONLY]

**D. Chudnovsky:** Well, I hear from a member of the government once again.... I guess maybe they haven't learned. Maybe there wasn't a problem with class size and

composition. After all, it's the bill that came from the government. Maybe Bill 33 is an aberration, a mistake. Shouldn't have done it; there really wasn't a problem. [DRAFT TRANSCRIPT ONLY]

Perhaps the member of the government should talk to the minister. She and the Premier at least have come to the conclusion, after several years of denying it, that there is a problem of class size and composition. The member denies it. They've said that there is a problem. Bill 33 begins to deal with it. Good for them. They've begun to deal with it. [DRAFT TRANSCRIPT ONLY]

[1610]

[Mr. Speaker in the chair.]

Let's not download the problem on our neighbours who clean the schools

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member denies it. They've said that there is a problem. Bill 33 begins to deal with it. Good for them. They've begun to deal with it. [DRAFT TRANSCRIPT ONLY]

[Mr. Speaker in the chair.]

Let's not download the problem on our neighbours who clean the schools, who provide a healthy place for our students to go to learn in. Let's not download the problem onto the clerical support in the schools — those people who make sure that the schools run smoothly. Let's not download the problem onto the teacher assistants and educational assistants in the schools. Let's not close schools. Let's make sure that we provide the resources — that the government is responsible and accountable for providing the resources — that can make this beginning step a step that we can all be proud of. [DRAFT TRANSCRIPT ONLY]

**Hon. M. de Jong:** To members, with reference to the matter that was discussed just after question period, I've had an opportunity to have a discussion with my friend, the Opposition House Leader, with respect to that proposal and that submission. [DRAFT TRANSCRIPT ONLY]

I can say to the House that as a result of that discussion, though I'm not entirely convinced that Standing Order 35 applies, that is perhaps moot, because the member and I have agreed that it is an important matter and that with the unanimous consent of the House, the matter could be put for and should be put for discussion and debate in this House at five to five for debate to conclude at or prior to the time for adjournment today. [DRAFT TRANSCRIPT ONLY]

**Mr. Speaker:** Okay. [DRAFT TRANSCRIPT ONLY]

**A. Dix:** I think it is fair to say that I often rise to speak in this House with a song in my heart. [DRAFT TRANSCRIPT ONLY]

[S. Hammell in the chair.]

But today, especially, I feel like it's a good day, because earlier today, as members of the House will know, the Attorney General introduced legislation that will restore an independent officer of the Legislature to deal with the important issues of children and family development in British Columbia. [DRAFT TRANSCRIPT ONLY]

This had been an issue that people had worked on for years — that members of this House have raised. After months and months and months of effort and debate, a major report by the hon. Ted Hughes, we had introduced in this House today Bill 34. We will be, I'm sure, debating that in the next couple of weeks. [DRAFT TRANSCRIPT ONLY]

I rise with a song in my heart, because we're also debating this bill. You'll recall it has some similarities with the process involved in the bill to create a children's representative in this sense: that for years since this government got rid of limits on class size and the provisions of collective agreements on class composition, parents and children and young people and teachers and support workers and communities and school boards have fought to see those limits placed back in the law. [DRAFT TRANSCRIPT ONLY]

You know, last fall we had a major debate in this Legislature. There were two sides in the debate. There was one side, the opposition side, which advocated strongly for limits in class size — that raised the issues of class composition. There was one side that supported that, and there was a government side that refused to listen — that refused in fact to deal with those important issues of class size and class composition, which voted down our efforts to hoist that legislation, Bill 12, last fall. That refused in fact to negotiate or deal with those issues during that major disruption we had in our province with respect to teachers. [DRAFT TRANSCRIPT ONLY]

So I feel like we've come a long way. We've come a distance here — that the government has finally recognized the strong arguments put forward, in particular, by my colleague, the member for Malahat–Juan de Fuca, who has argued consistently in the last election campaign, prior to the election and since being named Education critic. He has put issues of class size and class composition to the forefront of debate in this House, and I want to congratulate the member for Malahat–Juan de Fuca for his extraordinary debate. [DRAFT TRANSCRIPT ONLY]

[1615]

Interjection. [DRAFT TRANSCRIPT ONLY]

**A. Dix:** The Minister of Education, because I wanted to also.... The Minister of Education had been distracted during my earlier remark

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Interjection. [DRAFT TRANSCRIPT ONLY]

**A. Dix:** The Minister of Education, because I wanted to also.... The Minister of Education had been distracted during my earlier remarks when I referred to the song in my heart, and when I praised the government for the legislation introduced today on a child representative, when I praised the fact that government has recognized the need for limits on class size and class composition. Our graciousness goes wide today. I am

pleased and honoured...

Interjection. [DRAFT TRANSCRIPT ONLY]

**A. Dix:** The Minister of Children and Families thinks I haven't mentioned him today, so I want to thank him because he and I worked hard together over the past six months. We're making progress. He is coming on board. One day.... I want to tell him that in spite of all the things that have happened in the past, if he wants to come all the way over, he'd be welcomed over here, I'm sure. [DRAFT TRANSCRIPT ONLY]

**H. Bains:** He's starting. [DRAFT TRANSCRIPT ONLY]

**A. Dix:** He is starting; he wants to move. [DRAFT TRANSCRIPT ONLY]

The government on these vital questions of public policy has moved, and they're very seriously important questions. We had a disruption last fall, and I want to actually cite one other group which played a critical role in this, which has fought for this, and that is the British Columbia Teachers Federation. [DRAFT TRANSCRIPT ONLY]

I think it's fair to say that the B.C. Teachers Federation and its courageous leadership have worked hard on these questions. Many of those efforts are reflected in some of the provisions of this bill. I think it is an important thing today to recognize the critical role that the trade union movement in particular, for the B.C. Teachers Federation and their teachers and members, have played in raising these issues in British Columbia. It shows, I think, the courage that people can show, and it shows the importance of opposition, the importance of an active citizenry, the importance of people who say: "It doesn't matter that the government has a majority in the Legislature, that other voices have to be heard, that you can convince by making a strong case." [DRAFT TRANSCRIPT ONLY]

Certainly, over the past several years, the leadership of the B.C. Teachers Federation, which has argued again and again and again for limits on class size and changes to the provision around class composition, deserve a great deal of credit for their efforts. I think they're well reflected in parts of this legislation. [DRAFT TRANSCRIPT ONLY]

Having said all of that, and having expressed the positive wishes, I think we need to recognize as well the considerable victory that teachers have had in this province. I don't think.... You know, when I toured around British Columbia when I was executive director of Canadian Parents for French.... I know that the Minister of Education shares this view that every day in classrooms across British Columbia teachers do extraordinary work, students do extraordinary work. [DRAFT TRANSCRIPT ONLY]

I talked to Windermere School in my constituency today where students working with teachers have taken the lead. This year 350 of them are volunteering in elementary schools in their community, showing leadership to younger students, inspired by teachers, inspired by principals, inspired by the circumstances in the community. They have developed at Windermere.... A similar thing is happening in Gladstone School in my constituency. I think sometimes as a society, we in our political debates get too personal, and we don't recognize together the extraordinary things that are happening in our public schools. [DRAFT TRANSCRIPT ONLY]

I talked a little bit today in the member's statement about students at Windermere School, about their extraordinary success at Reach for the Top where they defeated a



team from St. George's and how important that is. How important it is to recognize all of the work they've done. [DRAFT TRANSCRIPT ONLY]

The students at Windermere School have worked on a beautification project on 27th Avenue, supported by teachers. It is changing that neighbourhood, transforming that neighbourhood. Students are doing it supported by teachers. It is an extraordinary thing. [DRAFT TRANSCRIPT ONLY]

One of the things that says to me is that efforts in this province by some groups.... If I might digress for a moment. In particular, the Fraser Institute, which has targeted schools like Windermere for criticism.... What it says to them is they need to visit those schools. They need to see those teachers. They need to see those students before they draw conclusions poorly developed and researched, which lead to misleading conclusions and which have put a slur, frankly, on schools in my community and the east side of Vancouver. [DRAFT TRANSCRIPT ONLY]

[1620]

That's what it says. It says teachers and the work they do need to be respected, and that work will improve, their work for students will improve if there are fewer students in every classroom. That is the case that the British Columbia Teachers Federation, the official opposition, the Canadian Union of Public Employees, parents from

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respected and that work will improve, their work for students will improve if there are fewer students in every classroom. That is the case that the British Columbia Teachers Federation, the official opposition, the Canadian Union of Public Employees, parents from across British Columbia and students have been making for years. [DRAFT TRANSCRIPT ONLY]

This legislation, after four years of wait, after four years since the dark days of 2002.... We're at the anniversary of those dark days, the dark days when the Children's Commission was eliminated, and the dark days when class size limits were eliminated in British Columbia. Those days are over. It's a tribute to the work of those people. I want to send my congratulations to Jinny Sims and all teachers in British Columbia for their extraordinary contribution. [DRAFT TRANSCRIPT ONLY]

I think sometimes when you debate bills in the House, we talk about what's in the legislation and then we talk about what's not in the legislation. I don't expect every bill to deal with every issue in a given area. The bill that was introduced today only deals with part of the problem, as the Minister of Children and Family Development knows, in developing a truly outstanding system of protection of children and family services. It's not just about a children's representative; it is about many more things. [DRAFT TRANSCRIPT ONLY]

The challenges of our education system are not just about class size and class composition; they're about many other things. Some of the things that this bill doesn't deal with are the issues of non-enrolling teachers. There are schools in my constituency with more than 600 students that have a half-time teacher-librarian. That's not good enough. That is an issue of funding. [DRAFT TRANSCRIPT ONLY]

All of the schools in my constituency, all of them, have significantly higher than

average numbers of students who speak English as a second language, and for them there is very little in this. We need to do better. There is, I would argue, a funding cap on service for ESL. It used to be, you know.... [DRAFT TRANSCRIPT ONLY]

I know a little bit about language education. I worked in this area for a while. We have what we call French immersion programs in British Columbia which we fund for 12 years, in fact, 13 years, from K to 12, and which seek to develop fluency in the French language. You can see that fluency develop. I've visited and worked with students at every level, and you can see that fluency develop over time in the French language. [DRAFT TRANSCRIPT ONLY]

Yet for English as a second language, we have funding cuts that limit supports to five years. That was a cut from seven years. It seems to me that was a downloading of responsibility on school boards and had a real impact. If you talk to principals and teachers in my riding, it had a real impact on those schools. It's not dealt with in this legislation, and it needs to be. [DRAFT TRANSCRIPT ONLY]

The fact of the matter is that under very special circumstances one can reach a functional level in a language in two to five years, but that's not the circumstance for everyone. That can be the circumstance when there are other advantages — such as parents who speak the language; good home conditions, economic conditions; coming to Canada from countries with an established education system, not ravaged by war. That's not the case for everybody, and that five-year limit has really presented an enormous challenge to teachers and schools across British Columbia. [DRAFT TRANSCRIPT ONLY]

I think this issue of ESL is fundamental to my constituency of Vancouver-Kingsway, fundamental to the constituency of the member for Vancouver-Kensington, fundamental to the constituency of the member for Surrey-Newton, and dare I say it, hon. Speaker, fundamental to your constituency. That issue of giving proper support to English as a second language in our province has been left undealt with in this bill, and we need to get there. [DRAFT TRANSCRIPT ONLY]

There is also, of course, the issue of students with special needs. This is an issue that goes across ministries of government and is a fundamental issue for our society. The Minister of Children and Families and I had discussed this many times, this issue. There is, in fact, a very significant wait-list for young children waiting for infant development programs that hopefully as a province we can address in the next number of years. [DRAFT TRANSCRIPT ONLY]

[1625]

We know from experience that investment in those programs for students from zero to three.... We know there are people in British Columbia who wait on those wait-lists from zero from three, and then there's another wait-list from three to five, and what they do is transfer from one wait-list to another. We know that investment in that area pays enormous dividends for

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who wait on those wait-lists from zero to three, and then there's another wait-list from three to five. What they do is transfer from one wait-list to another. [DRAFT TRANSCRIPT ONLY]

We know that investment in that area pays enormous dividends for our entire system of public service — that if, in fact, we can eliminate that wait-list, we will see the benefits of it throughout the K-to-12 education system. We will see the benefits of it throughout our society. We will see the benefits of it for our community living sector. We need that investment. [DRAFT TRANSCRIPT ONLY]

Equally, the need to fund the changes being made here on the issue of.... Students with special needs need to be funded. People say that it costs money. People say that we always want to spend money. But I'm telling you.... I know the Minister of Education agrees with this, because she, like I, has been in classrooms, and we know what can happen when students with special needs get the support they need in classrooms with active teachers and supports. Inside of the school population, we know what can happen, that positive things can happen in that environment when students are properly supported. [DRAFT TRANSCRIPT ONLY]

We know that if the government finds it in its heart to fund this legislation, to provide adequate funding for students with special needs, it will pay benefits for generations in this province. We will save money in this province. We will save it in public services later on if we provide the resources to students that they need right now. They don't have years to wait. You only get to go to public school once, and we need to get those resources in place for September 2006. We can't wait for September 2007. [DRAFT TRANSCRIPT ONLY]

As I say, I want to return to a positive note at the end of this speech. I think that this week.... Today has been a very positive day. These have been issues that the opposition has raised in British Columbia. There are some people who think, you know.... There is somebody else who represents a riding called Vancouver-Kingsway who has suggested that you can't get things done on the opposition side. I believe you can. I believe that if you fight and you have the arguments and you develop public support, you can make changes. We have seen that. We have seen it in the complete reversal of the government on this issue of class size and class composition. We have seen it on its complete reversal on the issues of children and family services, and so it gives me hope. [DRAFT TRANSCRIPT ONLY]

It gives me hope that in a whole myriad of other areas that when we argue that this bill should be funded, the government will listen. When parents argue that this bill should be funded, the government will listen. When students argue that this bill be fully funded, the government will listen. You cannot by legislation dictate improvements in the classroom. You need resources as well. [DRAFT TRANSCRIPT ONLY]

With the song in my heart that I spoke of at the beginning of the speech, I want to say that I believe the government should listen to the many voices in British Columbia who support this legislation but are calling on the government to give our classrooms the resources and the funding they need so that we can fully realize the benefits of smaller class size and better class composition arrangements. [DRAFT TRANSCRIPT ONLY]

**B. Ralston:** I rise in this debate to speak to Bill 33. Like my colleagues, I want to acknowledge the distance the government has moved in this particular issue. I would compare it, although other comparisons have been made, to the fundamental change that we saw in the Premier in dealing with first nations in this province from his time in opposition when the implementation of the Nisga'a treaty in this Legislature was bitterly contested and resisted, resulting in even the then Leader of the Opposition, now Premier,

proceeding to court to institute litigation to have the legislation declared unconstitutional. It was a bitter, protracted and nasty fight. [DRAFT TRANSCRIPT ONLY]

However, fortunately, the legislation establishing the self-government regime for the Nisga'a people was implemented. I would expect that now, given the Premier's change of heart — I give him full credit for that, having perhaps studied the legislation and consulted more widely and examined his own views rationally and critically and changed his mind — he would now acknowledge it as one of the triumphant achievements of this Legislature in the last 25 years, a major step forward in this province and in this country. [DRAFT TRANSCRIPT ONLY]

[1630]

Similarly, this particular

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of the triumphant achievements of this Legislature in the last 25 years — a major step forward in this province and this country. [DRAFT TRANSCRIPT ONLY]

Similarly, this particular piece of legislation is an acknowledgement by the government of a change of heart. Everyone perhaps knows intuitively that smaller class sizes mean that teachers have the opportunity to pay more attention to individual students, simply because there are fewer of them in the class. What I had the opportunity to do during the lengthy debates that took place here during the labour dispute in the fall of last year was to examine in a way I hadn't before, although I'd heard the arguments, but examine personally the arguments that are advanced by academic researchers about the importance of class size and its link with academic achievement and social well-being. [DRAFT TRANSCRIPT ONLY]

A plethora of academic research — United States, Canada and throughout the world — has, particularly in the elementary years and particularly in smaller and rural schools but also in urban centres and larger schools, demonstrated that there's a clear link between smaller class size and better academic and personal outcomes for all students involved in the education process. [DRAFT TRANSCRIPT ONLY]

It was that concern, that issue, that motivated much of the debate here in the fall and, indeed, much of the debate in the province. I hope the Minister of Education will receive this tribute graciously, and I'm sure she will: I'm pleased that she was able to convince her cabinet colleagues to move in this direction. It is, indeed, a step forward and the province, the province's education system and students will be better for it. [DRAFT TRANSCRIPT ONLY]

Now no change comes without consequences. Like any other change, there are challenges of implementation, and there are other aspects to the bill that I want to briefly touch upon. My colleague, the member for Vancouver-Kensington, has stressed — properly, in my view — the fact that the implementation of this legislation will require a lead-in time. I would invite the government to take that advice solemnly and seriously, and I'm sure they will, in order that the advance that's made with this legislation not be marred by difficulties in implementing it smoothly and efficiently. [DRAFT TRANSCRIPT ONLY]

Doubtlessly it won't be entirely smooth and entirely efficient, but a number of steps could be taken now that would ease the transition into this system in the fall. As the

member for Vancouver-Kensington has pointed out, there were a series of procedures to deal with class size prior to 2002. The government, in its first term, stripped those limits out of contracts, but prior to that there was a system at the school level and at the district level that sought to implement those provisions in as efficient a way as possible and with the best educational outcomes of the students concerned in mind. Those steps, I would submit, need to be taken. I'm sure the government is going to consider that. [DRAFT TRANSCRIPT ONLY]

The other aspect of the legislation that I await, and perhaps we will debate this at the committee stage — that's the debate where we, in the Legislature, move from clause to clause, and there's opportunity for more specific debate on the specific provisions of the legislation — is the distinction that's drawn between the requirement for consent for grades four to seven to class size and consult for grades eight to 12. Obviously, there's a distinction there. Arbiters and judges have often debated and written decisions about the meaning of those particular words and just how that will work. I'm sure that if there's a spirit of cooperation and goodwill those difficulties can be overcome. [DRAFT TRANSCRIPT ONLY]

[1635]

Personally, I await some further clarification from the minister at the committee stage as to whether or not I'm convinced by the arguments the minister advances in respect to how those clauses will work in practice. [DRAFT TRANSCRIPT ONLY]

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further clarification from the minister at the committee stage as to whether or not I'm convinced by the arguments that the minister advances in respect to how those clauses will work in practice. It's obviously a distinction drawn by the drafters and clearly a distinction in purpose. Just how that will take place, I await that debate at that stage. [DRAFT TRANSCRIPT ONLY]

The other issue that has been raised here, and I join with my colleagues in debating that, is the issue of what the implications will be for special needs students. During the British Columbia Teachers Federation lobby days I was invited to have lunch with a teacher who taught in Vancouver. Her specialty was dealing with special needs students. [DRAFT TRANSCRIPT ONLY]

She pointed out to me the concern of the school system — teachers; parents of these children; administrators; indeed, of the whole system — for students who are described as being in the grey area — in other words, not the most pronounced learning disabilities but difficulties that would perhaps require more attention and more encouragement to accomplish the educational objectives that the school, their teachers, and their parents have in mind for them. It's not clear to me in this legislation just how those children in that particular area will be assisted. Again, I await clarification from the minister. [DRAFT TRANSCRIPT ONLY]

I note, unless I'm incorrect on this, that no TA time is committed for special needs students in this legislative package, and there are, as has been pointed out by the member for Coquitlam-Maillardville, lengthy delays. Obviously, the system is strained, at this particular point of entry, in assessing those students with those different learning abilities

in order to provide the best learning program for them. [DRAFT TRANSCRIPT ONLY]

I would say that those difficulties in implementation.... Obviously, they pre-existed this legislation, but given this opportunity, given this advance that the government is making, and together with the teachers and the BCTF parents, I would hope that the government would use this as an opportunity to use the same spirit of compromise and cooperation to bring some resources to bear on that particular problem, with an outcome that's better for the students involved. [DRAFT TRANSCRIPT ONLY]

Similarly, as has been stated by others, I'm particularly concerned in my riding of Surrey-Whalley about English as a second language and instruction in that area. The composition of my riding is as diverse as some of the others that were mentioned previously in the lower mainland, and that is an issue that students in Surrey-Whalley and in the Surrey school district, which is the largest in the province, would wish addressed in this legislation as well. [DRAFT TRANSCRIPT ONLY]

The other area that is spoken of in the legislation is distributed learning. I'm not quite certain, from the way the bill is worded, how this will work and what the educational advantages are. I understand that it would enable private schools to distribute course and curriculum material electronically to public schools. Whether that's an advantage or something to be desired, I'm not sure. Again, I wait further elucidation from the minister on this particular point. [DRAFT TRANSCRIPT ONLY]

I wouldn't want to end my remarks on a negative note. I look forward to the day when the Ministry of Agriculture and Lands reconsiders the appointment process in the Agricultural Land Commission. There's no end of wonders that seem to be taking place on the opposite side of the House here when public pressure and public debate are brought to bear on a policy area and the government is prepared to listen. We're better for it. [DRAFT TRANSCRIPT ONLY]

[1640]

Certainly, when the Minister of Agriculture and Lands heeds the

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on a policy area, and the government is prepared to listen. We're better for it. Certainly, when the Minister of Agriculture and Lands heeds the advice of concerned citizens, of policy groups, of the agricultural industry, we will be better for it and the long-term future of.... [DRAFT TRANSCRIPT ONLY]

**Deputy Speaker:** Member, this is a different bill. [DRAFT TRANSCRIPT ONLY]

**B. Ralston:** The Speaker, quite rightly, chides me for straying from the topic of the bill. I, perhaps, got a little bit carried away. I'm somewhat preoccupied with that issue these days. [DRAFT TRANSCRIPT ONLY]

I will conclude my remarks at that point and say that, with those comments, I support the bill. [DRAFT TRANSCRIPT ONLY]

**R. Hawes:** I seek leave to make an introduction. [DRAFT TRANSCRIPT ONLY]

Leave granted. [DRAFT TRANSCRIPT ONLY]

### **Introductions by Members**

**R. Hawes:** Today in the precinct we have 55 grade seven French immersion students from École Christine Morrison Elementary in Mission. It's a combined class with École Saint-Antoine from Quebec. There are 18 students from Quebec on an exchange program with their teacher Bruno Tessier and a number of parent chaperones. Could the House please make them welcome. [DRAFT TRANSCRIPT ONLY]

### **Debate Continued**

**H. Bains:** I am, indeed, honoured and feel privileged to speak on this bill which I believe is one of the key bills we will be debating in this House in this session. I say that because I believe education is the key to the progress and future of any country, of any community. We are talking about defining the education future in this province by putting those caps that we had such a debate over in the last few years. [DRAFT TRANSCRIPT ONLY]

Finally, I want to thank the minister for bringing this bill and recognizing that there was that need to put a cap on class size and for finally recognizing the need to deal with the issue of class composition. [DRAFT TRANSCRIPT ONLY]

I want to thank Jinny Sims and the BCTF for taking a stand for education, taking a stand for the children of this province and taking a stand for the future of this province. I might add that they took that stand, and they took huge risks when they took that stand. They took that, and then they put themselves in a position that not too many Canadians or individuals are prepared to. I think they did that because they believe in education, they believe in our children, they believe in the future of this province. I applaud them for that. [DRAFT TRANSCRIPT ONLY]

I applaud Jinny Sims for taking that bold stand, and I applaud thousands of those teachers who took their stand and stood with Jinny Sims. They made their voice known, and they made known, to the rest of us, what the real issues in the classrooms were. They said to us, loud and clear, that they are willing to take their stand until the problems in the classroom and the education problems are fixed. I want to thank them for finally making this government understand that those issues were important issues, that the teachers were right, that the students were right, that the opposition was right. [DRAFT TRANSCRIPT ONLY]

They may disagree with me at this time, but I think the decisions that they made on the other side of this House were of a political nature. I believe that was wrong. Finally, they have recognized that, and I want to thank them for that. [DRAFT TRANSCRIPT ONLY]

Having said that I agree with the intent of this bill about the class size and the class composition, there are concerns. In my particular constituency of Surrey-Newton — and Madam Speaker, in your constituency, Surrey-Green Timbers — and all other Surrey constituencies have a serious issue of English as a second language in the classrooms. In my constituency 54 percent of the population is made up of the visible minorities. There's a huge concern by those parents and teachers who actually have to deal with those students on a day-to-day basis. [DRAFT TRANSCRIPT ONLY]

As I say that I agree with the intent of the class size

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and there's a huge concern by those parents, and there's a huge concern by those teachers who actually have to deal with those students on a day-to-day basis. As I said, I agree with the intent of the class size, but having seen no resources attached to this is a real concern to us. Are there resources from ESL to be converted to this area? Resources aren't provided to deal with the issue that we are discussing here today. What about the school librarian? What about the custodians? What about the support staff? Are they going to pay in order to fix this problem? Are we saying here that we are fixing one problem and creating another problem in the system? If that's the case, it's a huge concern. It's a huge concern for me. I know it's a huge concern for the member from Whalley. It's a huge concern, I know, Madam Speaker, in your constituency of Surrey—Green Timbers. It's a huge concern in Surrey-Panorama, because that's where many of the students are English-as-a-second-language students. [DRAFT TRANSCRIPT ONLY]

So those are my serious concerns. Having seen nothing — no resources attached in that particular area — I am deeply concerned that some of those areas will be at risk. Some of those areas might lose out in this whole discussion that we are having here. [DRAFT TRANSCRIPT ONLY]

Now the other concern I have is when we are talking about consent versus consultation. I know that where I come from, I know what consultation means. I know when management tells you they will consult with the workers, when they tell you they will consult with the so-and-so involved, I know what that means. In many cases what they will do is they will make their decision, go to them, tell them what they have done, and they call that consultation. If that happens, then there's a bad intent behind this bill that we are discussing here today. [DRAFT TRANSCRIPT ONLY]

I'm deeply concerned, and I hope that the Minister of Education is making note of these concerns, and hope that she would address those issues either at the committee stage or she would have an opportunity to tell us what her position is on those issues. [DRAFT TRANSCRIPT ONLY]

I think the other area that I want to talk about is that the consent part, I think, is clear, and we understand what that means. We understand that they need to sit down with the BCTF. We understand that they need to sit down with teachers. We understand clearly that they need to have their consent in order to increase in that particular area if they wish to do that. But on the other area — the classes from four to eight — there is a serious concern of the wording that is put in this bill — that they will consult. And I can only think that when you put those two different words, what that could mean. [DRAFT TRANSCRIPT ONLY]

I hope I'm wrong. I hope the people on this side are wrong. I hope that the minister will stand up and say that those concerns aren't serious concerns, that the minister could tell us that no class size will be increased until there's agreement between BCTF, until there's agreement between the teachers and the school boards. [DRAFT TRANSCRIPT ONLY]

I think that will be the real assurance — if the minister can stand up and assure us that that's what could happen. If you don't have the resources attached to it, as I said



earlier, what could happen.... The school boards will be left to deal with this issue, as they were put in this position last time around when this government downloaded many of its responsibilities. Teachers' salaries were negotiated, but the school boards were not compensated for it. [DRAFT TRANSCRIPT ONLY]

[1650]

[Mr. Speaker in the chair.]

When the price of energy went up, when the MSP premiums were raised by this government, those issues were downloaded, and the school board ended up dealing with those and absorbing those issues, and then they ended up cutting in different areas in the school system. I hope that that isn't going to happen with this bill. I hope that there will be resources attached

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they ended up cutting in different areas in the school system. I hope that isn't going to happen with this bill. I hope that there will be resources attached. I hope that the school boards will not be put in the same position that they were put in about a year ago or two years ago. [DRAFT TRANSCRIPT ONLY]

So Madam — Mr. Speaker. Welcome. [DRAFT TRANSCRIPT ONLY]

**Mr. Speaker:** Thank you. [DRAFT TRANSCRIPT ONLY]

**H. Bains:** From Surrey-Newton I'd like to convey this message to the minister that ESL would be a serious issue. I know the same issue would be in Surrey-Whalley. I know the same issue would be in Green Timbers and Panorama Ridge. I hope that the ESL students will not suffer as a result of lack of resources provided in this bill. [DRAFT TRANSCRIPT ONLY]

With that, Mr. Speaker, I conclude my remarks, and I do feel honoured to speak on this bill. I will thank you and thank the House for listening. [DRAFT TRANSCRIPT ONLY]

**Mr. Speaker:** Seeing no further speakers, the Minister of Education closes debate. [DRAFT TRANSCRIPT ONLY]

**Hon. S. Bond:** I do appreciate many of the comments that were made by the members opposite, because if there's one thing we've learned, it's that education is important on both sides of this House. What the debate often centres around is actually how we get to the outcomes. None of us want anything different than the absolute best for the students of British Columbia. [DRAFT TRANSCRIPT ONLY]

However, I do want to say, and I want to make one thing perfectly clear: this government has always believed that class size is important. We believed it was so important, we enshrined it in legislation and took it out of contract negotiations, where often students became pawns at that table. We said: "It's so important, we're going to make it law in British Columbia, and we know that's important." [DRAFT TRANSCRIPT ONLY]

As we move forward, the debate about class size and composition doesn't end with

Bill 33. In fact, Bill 33 brings a clause that says we will be required to review these amendments and other issues. The issues are not simple. It's been interesting, as I've listened to speaker after speaker bring the same issues to the floor of this House, and remarkably, they're very similar to one of the other voices that we hear in this debate regularly. [DRAFT TRANSCRIPT ONLY]

I would urge the members opposite to go back to the Roundtable minutes, to go back to the speakers that spoke on behalf of education across the sector. There wasn't unanimous agreement about class sizes. In fact, the grade eight-to-12 classes actually brought much debate and discussion. [DRAFT TRANSCRIPT ONLY]

It's not one voice we need to listen to. It's all of the people who are important in public education. That includes parents. It includes those people who are involved in meaningful discussion. This bill tries to bring to the floor of this House a balanced and reasonable approach based on all the voices we've heard at the provincial Learning Roundtable and as I've travelled across this province. [DRAFT TRANSCRIPT ONLY]

I move second reading of this bill. [DRAFT TRANSCRIPT ONLY]

[1655]

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**Mr. Speaker:** Will the members please take their seats. [DRAFT TRANSCRIPT ONLY]

[1700]

[The bells were rung.]

H071/jlm/1700

Second reading of Bill 33 approved unanimously on a division. [See *Votes and Proceedings*.]