

Hon. M. de Jong: In this chamber I call committee stage debate of Bill 33. In Section A, Committee of Supply, for the information of members, we shall begin with the Ministry of Transportation to be followed, ultimately, by the Ministry of Health.

[\[1505\]](#) 

Committee of the Whole House

EDUCATION (LEARNING ENHANCEMENT) STATUTES AMENDMENT ACT, 2006

The House in Committee of the Whole (Section B) on Bill 33; S. Hawkins in the chair.

The committee met at 3:08 p.m.

On section 1.

J. Horgan: As we begin the discussion of committee stage of Bill 33, I have a series of questions, and I also have amendments that I will be moving as we proceed through the legislation. I've provided the minister with those amendments, as well as the table officers.

With respect to section 1, could the minister give us an indication what the substitution of "means a school,

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including a distributed learning independent school" means?

Introductions by Members

The Chair: Members, if the House would indulge me, I have an introduction to make. Visiting the Legislature today and in the gallery are about 67 grade seven students from Dr. Knox Middle School. They're here with Ms. Ashman, Mr. Colpitt and Mr. Mastromonaco and other adults that are also chaperoning with them. I would ask the House to please join me in making them welcome.

Debate Continued

Hon. S. Bond: Before I answer the question, I would like to just introduce the staff that I have in the House with me today. They are a fantastic team, as we have in the Ministry of Education. To my right is Deputy Minister of Education Emery Dodsall. To my left is Rick Davis, who is our superintendent, liaison, and just behind us is Peter Owen, lead director of the governance department.

In terms of a "distributed learning independent school," the definition would be an independent school that offers instruction that uses the distributed-learning principle.

J. Horgan: Would that independent school be within the borders of British Columbia? Could it be elsewhere in Canada? Could it be in an international location?

Hon. S. Bond: Independent schools in British Columbia.

J. Horgan: With them, with respect to the student record referred to in section 1(1)(c), a "'student record' means a record of information in written or electronic form in respect of a student, but does not include a record prepared by a person if that person is the only person with access to the record."

Could the minister confirm that the student record in a distributed-learning context is held by what institution? Would it be the institution offering the course? Would it be the institution where the individual is enrolled?

Hon. S. Bond: Where the student is enrolled.

G. Coons: I was just wondering how you see the records being shared between the independent schools and public schools, as we move along.

Hon. S. Bond: Well, it would be nothing other than what happens currently. If a student takes a course in one school and transfers to another, that information would be transferred back to the school where the student is currently enrolled.

G. Coons: What about the funding? Is it going to be per-pupil funding? How will that work if a student in a public school is taking two or three different distributed-learning courses from other institutions?

Hon. S. Bond: In fact, the funding would follow the student for that particular course. If a student enrolled in one secondary school would like to take a distributed-learning course from a second school, the funding for that course only would simply go to the second school.

J. Horgan: Following the minister's response, then, my understanding is that funding is not on a per-course basis in British Columbia. How, then, would funding that is provided on a block basis to a school district be distributed to an independent school that's only providing distributed learning?

Hon. S. Bond: In grades ten, 11 and 12, if a student is taking a distributed-learning program, that funding will be by course.

J. Horgan: Is that the current practice?

Hon. S. Bond: There is no change to the way we fund schools in the province of British Columbia. There will be a change to how we support distributed-learning courses.

J. Horgan: That's, I guess, the point I want the minister to help me get to and better understand. If districts are provided with funding based on a per-pupil formula and now we're introducing funding on a per-course basis with respect to distance learning or distributed learning, then how is that course paid for? Does the district have to reimburse the ministry for that portion of the course load that's not being received in the terrestrial school, and then provide that money to the distributed learning institution? Or is the money provided directly from the parents of that child? How does the money go from where it started to where it will end up?

Hon. S. Bond: The funding pattern will continue to flow to schools the way that it does now, except for students who are enrolled as distributed-learning students. For those students, their courses would be funded by course. Those dollars would be sent to the enrolling school.

J. Horgan: Are those funds sent from the ministry, or are they sent from the district where the student is enrolled? I'm just not clear. This is a departure from past practice, and I think it's important that we understand how it is that resources are now going to be channelled to this new entity.

Hon. S. Bond: The money will flow from the ministry. I think the point of the program is to allow students to have choice and opportunity and to expand those horizons. So we are going to adjust the way that

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we provide the funding for distributed-learning students only. It will be only in grades ten, 11 or 12. We'll be able to actually allow students — imagine that — to be able, if they're distributed-learning students, to choose courses they would like to take. In fact, we will fund those to the school in which they are enrolled.

J. Horgan: I hope it isn't too bothersome for the minister that I'm asking some questions about an important piece of legislation that's changing the way we do business in the province. It's an appropriate thing for me to do, and it's appropriate for her to answer the questions so that we can better understand what this is — not celebrate choice, but to figure out why we're debating this section of the bill.

My question is: is this...?

Interjections.

The Chair: Members, please.

J. Horgan: Is this, to attribute this section, fulfilling the throne speech commitment to a virtual school?

Hon. S. Bond: Yes. This is absolutely one of the commitments that we've made. We want to see expanded choice in this province. We've heard from people across all parts of this province that one of the ways we can begin to look at equal access — not the only way — is by the creation of a virtual school. We're excited about that. We've had very positive feedback, and yes, indeed, we need to put the mechanisms in place to make sure we can offer those choices to students.

G. Coons: It might be exciting, but then again, coming from rural areas, I see this — and quite a few of the school districts, I think, in the rural areas might see this — as leading to staffing nightmares as far as the mixing of independent and public schools.

My question is: as for the virtual schools or the distributed-learning independent schools, are there any class limits or loads to those?

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Hon. S. Bond: First of all, the whole concept of learning via technology is not new. In fact, British Columbia is behind many other jurisdictions in this country and in this world. So it's not like we're reinventing the wheel. In many cases, we're trying to catch up and allow students the opportunities to take advantage of as many courses and as many delivery ways as possible.

Currently, there are some options for students that are very similar to this, so this is not a new delivery mechanism. It's a way of bringing all of these programs together under one umbrella to allow students.... In particular, some students in the member opposite's riding might be able to take advantage of having course offerings that they have not had the ability to take previously.

G. Coons: I'm sure people in my riding would like to take advantage of having a real live person in front of their class, besides being instructed in a virtual school.

I was just wondering: are there any class loads or limits to these virtual schools?

Hon. S. Bond: We're in the process of putting the mechanisms in place to bring to life a virtual school in this province. This is the legislation that's required to do that. We're going to work through the developmental programs, but let's make no mistake about it: schools across this province are already offering distance learning programs.

This looks at the whole concept of distributed learning. In fact, there will be different methods of delivery across the province. It's not a one-size-fits-all solution, and we think that's part of the good news in this story. This will allow expanded opportunity and choice for our students.

G. Coons: This is the format to bring to life the legislation, and I think that's what we're trying to do here. I'm trying to get a read on whether or not there are restrictions on class loads or limits. I take it there may not be, and you haven't decided that yet.

There could be these virtual schools dealing with 100 or 200 students across the province networked out of a particular school somewhere. Is that correct?

Hon. S. Bond: As I pointed out to the member opposite, this is an opportunity for us to expand opportunities for students in this province. There isn't a model in place that suggests it's going to look like this in one district or like that in another district.

What we're going to do is have a discussion about how best to serve students. We already have these resources being offered by many districts across the province. We want to bring them together. We want to see a coordinated and high-quality approach.

I do want to comment on the member's comment that we'd all love to have a real live person. We're not suggesting for a moment that there won't be appropriate resources and supports in place. In fact, we actually believe that, in some situations, this will allow students to have classes that they simply have not been able to have before. It's not a matter of replacing anything or anyone. It's a matter of enhancing and expanding opportunity.

J. Horgan: Could the minister advise the committee if the individuals providing this service will be credentialed? Will they be members of the teachers college, or are they just folks with a computer in the basement?

Hon. S. Bond: First of all, programs like this are being offered every day in British Columbia by trained professionals. I visited one of those places just the other day, where they have 300 students operating out of a school district run by teachers that are actually providing 300 students with courses. We want to work together with those organizations to say: how can we actually benefit more students in this province?

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The professionals will either be credentialed under the Independent School Act, which is currently in existence, or be a member of the B.C. College of Teachers.

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J. Horgan: Could the minister, then, elaborate on her example? Those 300 students, I assume, were in the public system, and it was a school district funded through the public education system, not a private independent school?

Hon. S. Bond: I visited a public school district that actually offered incredible distance learning opportunities.

J. Horgan: I rejoice in the successes within the public system with the minister. What troubles me or concerns me at this stage — reading the legislation on this section with respect to the Independent School Act, which I have here in front of me — is that I think the public would like to have a sense of what the criteria would be for these institutions to be created and established, what the qualifications would be of the individuals providing the courses, and how that is going to be monitored.

Those are the thrusts of the questions that we have before the minister. I'm wondering if she could give us an indication of how well this has been thought through by staff at the ministry and how will it be implemented?

Hon. S. Bond: It has been and will continue to be well thought out by the ministry and the great staff that we have there. It will also respond to the needs and concerns that parents and others across this province have about access. We need to be clear that these programs already exist, both on the public and private side.

They exist with an agreement with the minister in terms of offering those on the independent school side. Independent schools that receive funding obviously have rigorous criteria. They are governed by the Independent School Act. Nothing will change in that regard.

Section 1 approved.

On section 2.

J. Horgan: How will reporting be conducted from these independent schools to the Ministry of Education?

Hon. S. Bond: First of all, there is an inspector of independent schools who does that on a regular basis. We also have monitoring that is done regularly, and in fact, independent schools are governed with very rigorous and very high expectations, as are the public schools.

J. Horgan: Section 2, section 1.1(3)(b)(i). This is with respect to the student's parent or guardian. Could the minister explain to me the intent of this clause?

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Hon. S. Bond: We're not quite certain of the question, but we think.... The section merely outlines what the criteria are for counting students.

J. Horgan: That's my concern as I read that clause: "is or was at the time of that parent's or guardian's death, a citizen of Canada or permanent resident as defined..." And we have a definition under the Immigration and Refugee Protection Act: "who is, or was at that time of the parent or guardian's death, ordinarily resident in British Columbia..."

I'm just wondering what.... It seems an odd clause. I'm wondering if it's in other legislation and I just haven't come across it. What precipitated its inclusion in this bill, in this section?

Hon. S. Bond: What subsection (3) sets out is that a funded student must be of school age and that the student's parent or guardian must be ordinarily resident in British Columbia. In fact, that terminology is updated to reflect recent amendments to the federal Immigration and Refugee Protection Act, so it's merely a clarification of the language based on a change in the act.

Introductions by Members

The Chair: If the members of the House would indulge the Chair once again, I see that the second half of the class visiting from Dr. Knox Middle School is in the gallery. They are accompanied by Ms. Ashman, Mr. Colpitt and Mr. Mastromonaco. It's the concert band and choral section of grade seven students from Dr. Knox Middle School in my riding, and I would ask members to please make them welcome.

Debate Continued

J. Horgan: Moving through section 2(6.1), "Sharing of student records," we touched upon this in a previous discussion on section 1. I'm wondering again if the minister could explain where there's a crossover between the private independent school and the public school. I'm not clear on.... The records are housed.... Assume we have a child at Oak Bay High School here in Victoria in grade ten, 11 or 12 and they have almost a full course load but are taking a distributed course from an independent provider, as outlined in the previous sections: The record for that student is housed at Oak Bay High School, and the fulfilment of the requirement of the courts through the distributed process is then transferred to Oak Bay High School. Is that how this would work in terms of sharing the student's records?

Hon. S. Bond: Yes.

J. Horgan: So let's say that three-fourths of the records which are traditionally held for the courses being taken at Oak Bay High will not be transmitted the opposite direction to the private institution?

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Hon. S. Bond: That's correct. The full record stays at the child's home school. The course they would have completed — that information would have been transferred over.

J. Horgan: With respect to that record, then, at no point would the independent school have access to any other component beyond that which is being offered by that institution to that individual, and the records would be transferred back. I'm understanding your point?

Hon. S. Bond: We'll clarify it one last time for all of us. The home school would have the majority of the student's records and the additional information would transfer from that other school, whether public or independent, to the home school. But there will be a sharing of that information between the two schools in order for the child to have a complete record.

G. Coons: Some clarification in 8.1. The first one: "An authority may provide all or part of an educational program by means of distributed learning only with the prior agreement of the minister." I was just wondering: what criteria or standards would the minister use in that?

Hon. S. Bond: That's actually not a change in current practice. That's what exists now.

G. Coons: I'm just wondering: will these virtual schools, these DLs, have any school accreditation or have some sort of accreditation process?

Hon. S. Bond: In fact, one of the primary goals of having a virtual school is to allow us to assure people who take those programs that they are of a certain standard, so there will be very high-quality standard expectations. That's why there is an expectation the agreement be made with the minister: so that we can monitor and assure those students who choose distributed learning that there are quality standards in place. That is the current practice, and this is not a change from what we do today.

J. Horgan: As I understand it, DL students, or distance-education students, are currently able to access nine programs, if I read correctly the material that I've received from the ministry: My Schools B.C., Distance Education School of the Kootenays, E-Business Academy, Fraser Valley Distance Education School, Greater Vancouver Distance Education School, Kamloops-Thompson Virtual School, North Island Distance Education School, Northern B.C. Distance Education School and the South Island Distance Education School.

Are all of those public, or are they all private, or is it a mix? And if that's not at hand, could that be provided at a later date?

Hon. S. Bond: In fact, those schools are traditional correspondence schools. Those are public schools, but there may well be, and probably there are, courses offered in independent schools by distance or distributed learning, as we speak.

J. Horgan: Does the minister and the ministry anticipate, as a result of this amendment, an increase in the number of institutions offering DL programs, and if so, have they factored in what that growth rate might be?

Hon. S. Bond: We don't anticipate and certainly are not planning that there be a significant amount of growth. The issue here is of making it more accessible, having students be more aware of the opportunities. We also want the opportunity to make sure that there isn't duplication. Why would we have three or four or five or six courses being created that are in essence the same? It gives us a chance to bring some efficiencies but, most importantly, to provide a new way of access to these courses for students.

We think this will set the stage for a virtual school that will give students new and exciting opportunities. They will be high standard. There will be expectations that schools work through the virtual school in order to offer this programming.

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J. Horgan: This goes back to the funding question I asked earlier. It's a concern that if there is a proliferation of independent virtual school course offerings across the province, that will potentially, over time, have a detrimental impact on funding for the public system and for land-based or real-time teaching in real classrooms and real communities across B.C.

These are among the concerns I've been getting in my in-box about the legislation, in these sections. I'm wondering if the minister could provide the public with some comfort that there isn't an expectation there will be a significant increase in computer companies offering courses that will then have a negative impact on resourcing of the public system.

Hon. S. Bond: I have a great deal of confidence in the public education system. I think we can have that confidence. I think students will choose to take opportunities and take advantage of additional access. This isn't about computer companies. This is about public education and independent schools that are rigorous in their expectations. They have rigorous guidelines.

This is an opportunity to expand choice, to give students right across this province new opportunities — students with different learning styles. This isn't going to be the only answer for students. We simply want it to be one additional answer.

J. Horgan: I don't doubt for a minute the minister's enthusiasm. I'm just concerned that the public who have been contacting me in my role as critic for her ministry are expressing concern to me that this may well lead to an increase not in the traditional independent schools, which we have come to know as inte-

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gral parts of our community providing a service to those who wish to buy it, but to an increase in companies that want to be in the business of providing courses.

This isn't a slight to those innovators out there in high-tech land. It is only a comment that has come to me that I would like the minister to contemplate for a minute with her staff and advise: what would be the result of an increase in the number of companies providing educational services in the province? What would the impact be, over time, on funding to the traditional system if funding is now on a per-course basis and block funding is leaving a district and going to a company that is providing computer services?

Hon. S. Bond: This isn't about computer companies. It's about schools. It's about districts across this province that are already creating fantastic programs and looking for new and innovative ways to serve students. That's the whole point.

The whole point of this section of the bill and the others that follow is about how we create a system that opens new choice and new opportunity. It's not about computer companies. In fact, education funding is at the highest level it has ever been, and we're going to make sure it stays that way. This is about giving students choice and opportunity. That's the purpose of this section.

J. Horgan: The minister is then saying that I could not meet the requirements within the Independent School Act, run a school out of my basement providing DL services to the Ministry of Education and, therefore, funnel resources that were destined for the public system into my bank account.

Hon. S. Bond: There is a rigorous process to become an independent school in the province. First of all, they are qualified professionals. Secondly, the process would include a rigorous evaluation process, a series of.... Actually, earning independent school status. At that point, if they were successful in doing that, you have to have operated for a year.

Only then, after all of those rigorous standards, would you be able to apply for 35 or 50 percent funding under independent school status. Independent schools have operated in this province successfully for decades, and we want to simply say we want to find a way to look at how to increase choice and opportunity.

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There are two separate subvotes. One is the independent school subvote, and one is the public school subvote. That's how those organizations receive their funding.

J. Horgan: That is right to the nub of the issue. You have two subvotes. You have a student in the public system who is funded through a block transfer of moneys from the Ministry of Education to the district where they reside and are getting an education. That student elects to take the minister up on her offer of choice and takes a distributed learning course from the Kootenays.

The money for that course has to be transferred to the Kootenays. Is it coming from the public pocket? Is it coming from some other pocket? As a result, is that a diminishment of resources to the community where the child is spending most of his or her time?

Hon. S. Bond: Public school funding would come out of the public school pot, and independent school funding would come out of the independent subvote.

J. Horgan: If I understand the minister correctly, if my child in district 62 is enrolled in three courses in the public system and elects to take a private course in the Kootenays, the money for that private course will come out of the private school block and not affect the funding to the district in which he resides.

Hon. S. Bond: Funding for public school courses comes out of the public school subvote. Funding for independent schools.... I really want to emphasize the word "independent" schools. They're not private schools; they're independent schools. That's an important distinction for those schools and those people who make that choice. In fact, that would come out of the independent school subvote.

J. Horgan: Then, my son in district 62 would be funded as a fully participating student in district 62, and the funding formula would provide that district with the full amount for his enrolment in district 62. There would be no diminishment on that transfer of funds from the province to the district, even though one of the four courses he's required to take is being taken from an independent provider in another district?

Hon. S. Bond: The funding for public school courses.... If you take three classes or more, that is a full student anyway. The only change is that if you are a distributed learning student, the funding would come from the public school pot, but if you have three classes and are taking them in public school, you receive full funding anyway at that particular school.

J. Horgan: That's good news. I'm pleased to hear that. What happens to the world if the child in a rural...? Let's take a rural district, where there are increasing challenges for districts to manage declining enrolment and meet the needs of students in those districts.

A student enrolls. Three of the four courses are being taken through the traditional public school system. That's fully funded — 100 percent funded by the ministry to the district. One course is being taken through the DL program that's being outlined here. In November something happens. Enrolment declines. Someone leaves town. A course is no longer offered. That individual, that student, takes a second course after November.

This is anticipating language further on in the bill. After November, what happens? Is that funding re-

duced to the district, or would it be maintained and the second course be funded out of the private pot?

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Hon. S. Bond: Three courses in a bricks-and-mortar school. We have to be clear about that. If you're enrolled as a student in a bricks-and-mortar school — three courses — full funding follows you. Obviously, we check funding three times throughout the year, and there is a diminishing amount of money as the year is shorter. That adjustment takes place now, and it would continue to take place.

J. Horgan: I thank the minister for bearing with me, because this has been.... I've had numerous calls and e-mails on this question. There's a genuine concern that.... To be candid, the argument is that it's the thin edge of the wedge. If we're privatizing educational services, then that will lead to an erosion of the public process. I get an indication from the minister's responses that that is certainly not the intent.

Even if it was an unintended consequence, there is every indication that the minister and the ministry would take steps to ensure that over the course of the school year, if circumstances dictate that a second or third course were to take place, there wouldn't be a deleterious impact on the district and that school.

While we're still on section 2, the section that requires.... Section 8.1 again: "An authority may provide all or part of an educational program by means of distributed learning only with the prior agreement of the minister." What would you contemplate as an example of that prior agreement?

Hon. S. Bond: Well, in fact, there are a number of expectations. I think the key point — the member for North Coast canvassed this earlier — is this is no change from current practice.

Section 2 approved.

On section 3.

J. Horgan: It's with respect to section 3, subsection (2)(b): "governing eligibility for and the calculation of grants under section 12." That would be under section 12 of the Independent School Act. Is that correct?

Hon. S. Bond: Yes, and it reflects no change.

J. Horgan: I'm curious: if there is no change, why are we seeing it in this bill?

Hon. S. Bond: The drafter just completed that section. Subsection (2)(a) and the other subsections are new, and the drafter just completed by adding the existing legislation.

J. Horgan: We're repealing section 3, which is amending section 18 of the Independent School Act by "repealing subsection (2) and substituting the following." Again, if we've repealed subsection (2) and we're "substituting the following," I'm wondering why, if it's no change, we're substituting it.

Hon. S. Bond: I'm not certain why this would be an issue. The draftsman simply included the sections that are unchanged from the School Act and listed them below the sections that we're changing.

J. Horgan: As I read the bill, section 3 says "Section 18 is amended (a) by repealing subsection (2) and substituting the following:" and inventories what that substitution is. As I look at the end, sub-subsection (g) says "comma and...." Is that the amendment? Is that what we've repealed, and we've added a comma and the "and" — a-and?

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Hon. S. Bond: As I said, subsections (b), (c), (d), (e) and (g) remain unchanged, so that would be left, and the rest of the Independent School Act would be following that without change.

J. Horgan: So, then, when we get to subsection (b), "by repealing subsection (3)(b)," which is the part that I was concerned about, it says: "and substituting the following...." So we're repealing the (b) above and inserting the (b) below?

Hon. S. Bond: Well, I'm not quite certain how I can say this. My staff has answered the question. The answer is this. The first subsection (2)(a) and the following subsections are new. The other pieces — (b), (c), (d), (e), (f) and (g) — remain unchanged and have simply been included by the draftsman to follow the sections we're changing.

Sections 3 and 4 approved.

On section 5.

G. Coons: I just have one question about the definitions. Under the following added definition of "supervise," it says: "in the context of a teacher...providing an educational program...by means of distributed learning, means to supervise the student's progress through the educational program."

I'm just wondering how that is pictured, with the examples, say, of a student in Oak Bay taking one distributed learning course in the Kootenays and how that supervision will be accessed for the student.

Hon. S. Bond: Well, the definition of "supervise" actually means, in this context, that the school that is offering the program.... The teacher at that site would be the person who does the supervision, monitors and works with the student as they make progress.

G. Coons: Okay, so trying to picture this, again, let's just say that in a school in my riding, a grade 11 class, there are five students taking math 11 through a

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distributed learning course out of an Oak Bay school. Who's responsible? Who's looking after those five students in the Prince Rupert school who are taking the course from another region or area or virtual school?

Hon. S. Bond: The principle of supervision remains the same. Whoever is providing the course has the duty to supervise. Now we need to get our heads around what this.... First of all, it happens now. There are programs being offered in three sites, actually, in the riding that I live in. In order for three school communities to actually offer the English lit program for the first time in many years, we have students taking those courses at three different sites in bricks-and-mortar buildings.

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However, this may be that a student decides they want to be a distributed learning student and takes a course at home. The supervision still is required in terms of the progress of that particular student by the offering school and by the teacher who therein is the supervisor.

G. Coons: I'm sorry if I'm having difficulty grasping this, because I haven't been involved in the DL or virtual school-type situation before. If there are, as I said, five students at Charles Hays Secondary School in Prince Rupert that are, from a certain time every day, taking DL courses from someplace else and they're in a classroom, who's in charge of those students in that school in an isolated situation from the monitoring school that's offering the course?

Hon. S. Bond: In fact, in the virtual situation that I sat in on, the teacher of the class that sponsors the course, offers it, is the supervisor of instruction. But there were resources provided in the other school settings to make sure that those students had support and supervision in those sites. The school management is part of how any school would be managed, and those students would be provided with the support and the resources necessary.

G. Coons: In other words, if I have my five students taking a math 11 course virtually and we've got them in a setting, there is supervision for those students from that school, and there is funding for those five students for that supervision component?

Hon. S. Bond: The discussion about how that would be supported, how that would be managed and where those students would, in fact, gather to take those classes would be done as any other class organization is done within a school.

G. Coons: So the staffing would be there to monitor the virtual students?

Hon. S. Bond: Students would be, if they chose to be, in a bricks-and-mortar classroom. Those arrangements would be made as any other class arrangements are made for students within the context of organizing a school.

G. Coons: If there are five students or one student in my local high school taking a virtual course, they will have supervision — that one or those five will have supervision in that school, and it will be funded?

Hon. S. Bond: Those arrangements will be made the same way they are today, where those opportunities are already provided for students. There would be little change to that.

J. Horgan: Of course, now we've put away our Independent School Act, and we're looking at the School Act. It's to do with section 5(d), definitions. It says: "'distributed learning school' means a school or francophone school that offers instruction to its students by means of distributed learning only...." I'm wondering if the minister could tell me: if any, what schools are only offering distributed learning now in the public school system?

Hon. S. Bond: In fact, that would include the list of nine that the member opposite read off earlier. Those are actually distance learning correspondence schools. That is their primary function. We may want to consider the Electronic Bus which operates in, I believe, the Nechako Lakes school district.

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J. Horgan: So the distributed learning definition, which outlines only those, is the nine that I listed before. The minister confirms that there are no others at this time?

Hon. S. Bond: Those are certainly the ones that we're aware of, but we know that school districts are being entrepreneurial and innovative all of the time. They are looking at the areas of distance education and distributed learning.

That's why we think the virtual school is an important concept. It will also allow us to make sure that those arrangements are put in place with agreements with the minister, so we will fully know what kinds of courses are being offered, how they're being offered and that there would be standards in place to assure that there is a quality assurance process.

J. Horgan: I thank the minister for that response.

Now it's just a curiosity. Why the language change from distance education to distributed learning? Is there a benefit to that, or is it just a desire to change the look?

Hon. S. Bond: In fact, it's really an evolution of distance learning. What it does is broaden the definition to include, in particular, a more direct communication between teachers and students, and it relies more significantly on things like the Internet, teleconferencing and electronic-based delivery. When we think of

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distance education, that's typically the paper-based correspondence-type program. We think it better captures the kinds of opportunities we'd like our students to have in the virtual school.

J. Horgan: Did the minister just say that this relies on direct communication? As I read the definition, it says "indirect." Did I mishear her?

Hon. S. Bond: Indirect communication.

J. Horgan: I thank the minister. I can't hear as well as I used to.

We've determined that there is a supervision component. That's covered off quite well. I'm wondering if, within section 5.... We have definitions; we have a movement to include the francophone school district. All 60 districts are covered by this.

Is there a plan on behalf of the ministry to move aggressively to virtual schools, or is it the plan to, as the minister said, allow districts to be entrepreneurial, to look at solutions that meet their needs in an evolving environment? Or is there a plan to be aggressively pursuing this option as a ministry and as a government?

Hon. S. Bond: We made a commitment to the people of British Columbia to create a virtual school, and we intend to do precisely that. How we're going to do that is by working with the institutions, in particular, that already offer distance learning and, in many cases, distributed learning. We have groups that are already meeting to talk about how to bring this to students in the province.

We've made a commitment. We're going to keep it. We're going to do that in consultation, particularly with those organizations that are already offering distance and distributed learning programs. As I suggested, just the other day I was in one of those schools that had 300 students who were taking their programs on line. Let me tell you, I read some amazing testimonials from those students. We made a commitment, and we intend to keep it.

J. Horgan: You know, when we have the benefit of accessing the Clerk's office to better understand what these clauses mean.... The minister, of course, has the legislative draftspeople within the Attorney General Ministry. Those of us fortunate enough to be in

this House have a pretty clear understanding of what we're trying to do here. It doesn't always seem that way, I know, but certainly we've got a leg up on those folks who are watching at home or even those in the gallery.

When the government committed to a virtual school, I know the talk — certainly in coffee row in Langford, where I hang out — was: "Well, is that going to be one school that is accessed by people all across the province?" I said: "No, that's not my understanding." My understanding is that "virtual school" means just what we're discussing here: opportunities that are located in various parts of the province, restricted to this province.

I did ask the question specifically on the Independent School Act amendments, but I'll ask the question now to the minister and phrase it in a way that I think will get to two answers. And that is: (a) these distributed learning opportunities must be confined to the boundaries of British Columbia, and (b) when we talk about a virtual school, what we mean is virtual opportunities that aren't confined to one provider but multiple providers.

[\[1610\]](#) 

Hon. S. Bond: The vision that we have for the virtual school is capitalizing on the expertise and great programs that exist. We look forward to new programs being created. But we want to make sure that they're streamlined and efficient and that they're top quality for our students.

This is about bringing together the best of those courses from a variety of schools across the province. They'll be part of a collaborative process called the virtual school or some other wonderful name that we decide upon. The bottom line is: this is about new opportunities for students. It is going to take advantage of the expertise we already see in this province in terms of school districts that are doing this and doing it successfully. We simply want to make it easier for students to access and to make sure they have all the choices they could possibly want.

J. Horgan: I agree with the minister that students in this century and those that await us — not us, but our grandchildren and our grandchildren's grandchildren — will require innovation and new approaches to education and a whole host of other activities.

When we're contemplating the virtual school, which I now understand to be services provided in districts that are sharing across boundaries and going through time and space to provide courses where they're not necessarily offered.... The minister used the examples of her community of Prince George.

[B. Lekstrom in the chair.]

When we're preparing or creating this entity or series of entities, what role does the private sector play in this? Would there be inducements to participate? Again, this goes back to the high-tech companies. I don't do this in a frivolous way. The expertise

and the ability to create the technologies and the software packages to deliver these programs are in the private sector. They're not in the public school system. What, if any, plan does the minister have in that respect?

Hon. S. Bond: We have no plans for anything that is different than what's happening today. School districts go, and they have experts create programs. In the program I was in most recently, the teachers actually created the programs based on the British Columbia curriculum, and they designed those courses so they could be offered virtually.

We have no grand plans that involve computer companies or anything of that nature. This is about

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school districts deciding how they can best offer courses to students in a different way. We think that's great news. We think this is going to provide new opportunities. As I've suggested, we're simply going to capitalize on what's already happening in this province and make it easier for students to access those programs.

J. Horgan: I thank the minister. I can interpret from her remarks that the expectation is that these programs and initiatives will continue to come from those that are currently participating in the public school system: our teachers and our teaching assistants and our directors of instruction and various other school board staff — public employees.

Hon. S. Bond: Hon. Chair, there would be no change in that regard from today's practice.

Sections 5 and 6 approved.

On section 7.

J. Horgan: I think we touched upon this in earlier sections of the bill with respect to students in grades ten to 12. I just want to be clear here, because now we've got a blurring of independent and public again.

I just want to take a look. If the minister and her staff could read carefully section 3.1(a) and (b), which is that the student in ten to 12 shall: "(a) enroll in one or more educational programs under section 3, and (b) in addition to enrolling in one or more educational programs under section 3, enroll in an educational program offered by an authority under the *Independent School Act*."

This again goes back to the initial question I asked with respect to amendments to the Independent School Act. Is this confirming in the School Act the changes that were contemplated earlier in this bill?

Hon. S. Bond: Yes.

J. Horgan: For those who may well need to interpret this act based on the discussions we're having today, I'll just say it again so that the minister can confirm that I'm correct that this section, section 7, section 3.1 — the remarks that we made and the adventure we had in determining where moneys are coming from — is consistent for this section as it is consistent with the section earlier in the bill?

Hon. S. Bond: It's the same thing.

Sections 7 and 8 approved.

On section 9.

J. Horgan: We're getting close to moving on here, but with respect to section 9, again my concern goes back to my in-box and the mail I'm receiving about the challenges that some people suggest these changes will make with respect to the thin edge of the wedge. I'm wondering, with respect to minister-approved programs — this would be section 9(b), (4.1), "A board may provide all or part of an educational program by means of distributed learning only with the prior agreement of the minister" — what situations are contemplated by that amendment. Or is this existing language?

Hon. S. Bond: Once again, this is not a change to current practice. For example, one of the reasons we would want to make sure this is done in an agreement with the minister is that we want to make sure this adheres to, particularly, the use of British Columbia curriculum. There are expectations about how and when you should be able to offer these kinds of programs. We simply want to make sure that we're able to ensure that those standards are in place.

Section 9 approved.

On section 10.

J. Horgan: I just want to confirm that this amendment is amended by striking out "distance education school." Is that part of the language change with respect to distributed learning?

Hon. S. Bond: Can I ask the member to repeat the question, please.

J. Horgan: Certainly, I'm happy to do that for the minister. It's a short section. I'm just confirming that this is merely an amendment to keep language consistent with the new language of distributed learning, as opposed to "distance education school."

Hon. S. Bond: Yes, it is.

Section 10 approved.

On section 11.

Hon. S. Bond: I move the amendment to section 11 standing in my name in the orders of the day.

[SECTION 11, by deleting the text shown as struck out and adding the text shown as underlined:

11 Section 76.1 is amended

(a) in subsection (1) by striking out "and" at the end of paragraph (b) and by repealing paragraph (c) and substituting the following:

(c) for grades 4 to 7, 28 students, and

(d) for grades 8 to 12, 30 students. , *and*

(b) by adding the following subsections:

(2.1) Despite subsection (1) but subject to subsection (2.4), a board must ensure that the size of any class for any of grades 4 to 7 in any school in its school district does not exceed 30 students unless

(a) in the opinions of the superintendent of schools for the school district and the principal of the school, the organization of the class is appropriate for student learning, and

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(b) the principal of the school has obtained the consent of the teacher of that class.

(2.2) Despite subsection (1) but subject to subsection (2.4), a board must ensure that the size of any class for any of grades 8 to 12 in any school in its school district does not exceed 30 students unless

(a) in the opinions of the superintendent of schools for the school district and the principal of the school, the organization of the class is appropriate for student learning, and

(b) the principal of the school has consulted with the teacher of that class.

(2.3) Despite subsections (1) to (2.2) but subject to subsection (2.4), a board must ensure that any class in any school in its school district does not have more than 3 students with an individual education plan unless

(a) in the opinions of the superintendent of schools for the school district and the principal of the school, the organization of the class is appropriate for student learning, and

(b) the principal of the school has consulted with the teacher of that class.

(2.4) Subsections (2.1) to (2.3) apply to a board, in relation to a school year, after the date under section 76.3 (5) on the report that the board submits ~~the report for that school year~~ to the minister under section 76.3 (10) for that school year.

(5) In this section, "**student with an individual education plan**" means a student for whom an individual education plan must be designed under the Individual Education Plan Order, Ministerial Order 638/95, but does not include a student who has exceptional gifts or talents.]

Amendment approved.

On section 11 as amended.

J. Horgan: Section 11, as amended, was on the order paper, if I'm not mistaken. If I could just read the amendment so I'm clear. That was striking out section 11(2.4); adding under section 76.3(5), "on the report" and striking out the report "for that school year." That was your amendment?

Hon. S. Bond: Yes, and I think it just passed.

The Chair: We are on section 11 as amended, member.

J. Horgan: Thank you, Chair, for just confirming that. With that, I'd like to move an amendment to section 11, which I provided to the Clerks as well as to the minister, amending section 11 (2.2)(b).

[SECTION 11, by deleting the text shown as struck out and adding the text shown as underlined:

(2.2) Despite subsection (1) but subject to subsection (2.4), a board must ensure that the size of any class for any of grades 8 to 12 in any school in its school district does not exceed 30 students unless

(a) in the opinions of the superintendent of schools for the school district and the principal of the school, the organization of the class is appropriate for student learning, and

(b) the principal of the school has ~~consulted with~~ obtained the consent of the teacher of that class.]

[1620] 

The Chair: On the amendment.

D. Chudnovsky: Thank you.

Interjection.

D. Chudnovsky: Sorry, is there a problem?

The Chair: A point of order.

Point of Order

Hon. M. de Jong: This might help guide the discussions, so perhaps we could settle this early in the proceedings. I think the member has kindly provided a couple of amendments, so if we can get a ruling on this one, then we'll know.

As I understand it, hon. Chair, the proposed amendment would delete the words "consulted with" and replace them with "obtained the consent of."

Interjections.

Hon. M. de Jong: Members are indicating that is the proposed amendment.

The issue that I think the Chair has to be cognizant of is, whilst on the surface the difference between "consult" and "consent" is obviously significant, to the extent that we are dealing with imposing a charge on the Crown, the difference may be particularly significant.

I am certain that the language was chosen carefully here — and it may be language that members opposite disagree with — but in the case of consult, there are obviously different ramifications than requiring the consent. Consent implies that it could be withheld, and, in that circumstance, there would be, obviously, financial implications that flow from having to reconfigure classes.

I think I understand the point that members are trying to make around the amendment, but the rule that I believe the Chair has to be cognizant of is that proposed amendments cannot impose a charge, or the prospects of a charge, being imposed upon the Crown. I'm sure members have thoughts on that, and we might deal with that first.

The Chair: I will recognize the member on the point of order.

J. Horgan: Thank you, hon. Chair, and I thank the Government House Leader for his comments.

As I read the act, section 11, section 2.1(b): "the principal of the school has obtained the consent of the teacher of that class.". If we could consent in clause (b), why couldn't we consent in clause 2.2(b)? The minister has said and the government has said there will be no new money to implement this piece of legislation so, therefore, if there's no new money required for consent for four to seven, why would there be any new money required nor consent for eight to 12?

I think it's a reasonable amendment. I think it's one that protects the children in our classrooms. It protects teachers, and it provides administrators with certainty

that when they are sitting down with teachers and parents and others that are providing educational services, if that's language that's more appropriate for the people on that side, then there's certainty with respect to consent. There's not certainty with respect to consult.

The rationale for the amendment is to provide all of the stakeholders, all of the partners some degree of certainty that when class sizes are being determined at the start of the year.... We go into some significant detail in this section of the bill, hon. Chair. As you're contemplating and considering the appropriateness of this amendment, I think you have to take into account that if it's appropriate for four to seven to consent, why wouldn't it be appropriate for eight to 12?

The Chair: Member for Vancouver-Kensington on the point of order.

D. Chudnovsky: Sorry, Chairperson. I'm ready to speak. I'm assuming that you've ruled by not immediately answering.

Hon. M. de Jong: We need a ruling first.

**Point of Order
(Chair's Ruling)**

The Chair: The Chair will rule first.

On the point of order, having looked at the amendment, I have found that it imposes a charge on the Crown; therefore, the amendment is out of order.

J. Horgan: You're pathetic.

The Chair: Member, take your seat, please.

Member, I would ask you to withdraw your comments.

J. Horgan: Thank you, hon. Chair. I didn't realize that the microphone was on. If I have offended anyone in this House, I certainly withdraw those comments. My concern, however, hon. Chair....

The Chair: Member, order. Just take your seat.

We are back on section 11 as amended.

[\[1625\]](#) 

Debate Continued

J. Horgan: I have an amendment to section 11, which I provided to the Clerks as well as to government members with respect to section 2.3. It reads as follows. In section (2.3):

[(b) the principal of the school has ~~consulted with~~ obtained the consent of the teacher of that class.]

Point of Order

The Chair: I recognize the House Leader on a point of order.

Hon. M. de Jong: Members won't be surprised that the point of order is the same.

I hasten to add that I understand there is a difference of opinion about whether or not it is more appropriate to seek consent versus to consult. They mean different things. The point on the point of order is that one, however, carries with it the prospect of additional costs being accrued. The other does not.

[S. Hawkins in the chair.]

While the debate around the use of the terms can continue, the amendment itself, which risks the possibility of a cost accruing to the Crown, exists in one and not the other. For that reason, I would seek to have the similar ruling invoked on this amendment as it was invoked earlier.

D. Chudnovsky: I want to explore, if I might, the reasoning that was put forward by the hon. House Leader in defence of the point of order. I'm not going to speak to the merit of the case of the amendment. I want to speak to the argument that was made on the point of order. I want to explore with the Chair and with the members opposite what I consider to be the lack of logic of the point of order.

Government has been clear with the people of the province and the members of this House on many occasions that there isn't any additional funding available for the implementation of this bill. We on this side disagree with that and will continue to express our disagreement, but government has written the bill and has brought it before the House.

It strikes me, Madam Chair and members opposite, that it's a logical inconsistency for this point of order to have been put forward. If there is no money available and government is the source of money, then how is it that this amendment can require money of the Crown? I would submit that though we disagree strongly with the notion that there isn't money available to implement this bill, that's the position government has taken. Given that that's the position government has taken, it is logically inconsistent for this point of order to stand. It must fail.

**Point of Order
(Chair's Ruling)**

The Chair: Members, the Chair wishes to rule on the point of order.

For the same reasons as the previous amendment, the Chair is ruling that this amendment is out of order, as this amendment does pose a potential charge on the Crown.

Debate Continued

J. Horgan: I'd like to move an amendment to this section, which I provided to the Clerks and also to the minister and her staff. It would be amending section 11 by adding, after section 2.4, the text that goes as follows:

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[Class sizes shall be reduced by one (1) student for the first two (2) students with special needs (including students with identified special needs, ESL students or other students as determined by the board) and by a further one (1) if a third special needs student is added, and by a further one (1) for each subsequent special needs student added.]

[\[1630\]](#) 

Point of Order

Hon. M. de Jong: Again, appreciating the interests and intent of the member, I won't belabour the point. I think that in this case, it is clear, even by virtue of the logic the previous member employed, that there are cost implications to what is being proposed in the amendment amendment, so that whilst there can be a healthy debate around the numbers and whether they are appropriate — and I'm sure that the member will engage in that debate — any specific amendment that would purport to reduce the class-size numbers has obvious cost ramifications and would post a charge against the Crown. For that reason, the amendment, I would suggest must fail.

I do want to emphasize to the member, this is not designed to somehow truncate debate around the appropriateness of the numbers that have been selected, and I believe and hope there will be a debate around that fact.

J. Horgan: I thank the Government House Leader for his comments. Again, although we seem to be on faulty logic here, if the government has said that there should be no net costs to putting a cap on class sizes four to seven with consent or class sizes eight to 12 with consultation, why would it then be an extension to assume that if we are amending class size and class composition that there would be a cost?

I don't understand how the government can say on one day and on one section of the bill that there will be no net new resources for school boards to deliver programs in our communities, to provide educational services and opportunities for our children, and to ensure that parents are comfortable that they're getting the best possible outcomes for their kids. I don't know why you could have no cost with the bill as it's written, and then somehow, when an amendment is proposed to enhance and improve upon that legislation,

based upon inputs from experts and others — the B.C. Association for Community Living, numerous others.... The B.C. Confederation of Parent Advisory Councils has also expressed reservations and concerns about this section.

We're only offering up an amendment so that this Legislature can debate those issues fully and frankly. We had no intention with this amendment or the previous two of increasing costs to the province or increasing costs to school boards. We're only trying to find the optimum outcome with respect to special needs students right across the province. That's the intent here. Nowhere in this amendment do I suggest for a minute that there need be any expenditure by the Crown. I'm merely trying to improve upon legislation that was brought forward by this government with the express purpose of not increasing the education budget.

It seems to me that the logic on this side of the House is working, and the logic on that side of the House is not.

Interjection.

Point of Order (Chair's Ruling)

The Chair: Member.

The Chair rules this amendment out of order for the same reason, that it imposes a charge on the Crown.

Member for Malahat–Juan de Fuca on section 11 as amended.

Debate Continued

J. Horgan: I have an additional amendment I'd like to read to the Legislature, and it goes as follows.

[SECTION 11, by adding, after 2.4 the text shown as underlined:

For classes composed only of students with individual education plans, (including ESL) a board must ensure that any class in any school in its district does not exceed 8 students.]

Point of Order

Hon. M. de Jong: I raise the similar point of order and would only add this: it is incumbent upon governments, all governments, to ensure that legislation it introduces...that governments operate in accordance with the legislation that they have tabled.

The concern here again is the possibility, with the change in wording that the member's advocating, of charges being accrued against Crown, and the remainder of my

submissions on this point of order would be the same as in previous proposed amendments.

D. Chudnovsky: I want to, if I may, resubmit the argument that we made. I think it's important that it has been made from this side of the House. I think it's important to say once again that while we disagree with the government's position — strongly disagree and are not shy about it — nor will we stop talking about it at the appropriate time and place, it is the government's position that there will be no additional resources available for this legislation.

[\[1635\]](#) 

Given that the government has stated that there will be no additional resources, it is, in our view and in our submission, logically inconsistent for representatives of government to stand before the House and bring forward a point of order that suggests that there will be a charge against the Crown if the government itself has said that it won't pay those charges.

[Page 4654]

**Point of Order
(Chair's Ruling)**

The Chair: Hearing no more speakers, members, the Chair rules that this amendment is out of order as it has the potential of imposing a charge on the Crown.

Member for Vancouver-Kensington on section 11 as amended.

Debate Continued

D. Chudnovsky: I wonder if I might ask some questions of the minister on this section. I wonder if the minister could tell the House why it was that the government, the minister, the drafters of the legislation chose to use the notion of consent with respect to overages on the limits for kindergarten to grade seven, and chose to use the notion of consult for grades eight to 12?

Hon. S. Bond: Well first of all, as we have said on numerous occasions about this bill, we were trying very hard to strike a balance between what is flexible and allows choice and what also addresses some of the pressure points that had been expressed by members of the provincial Learning Roundtable. There was very clearly a sense that at grades four to seven, we needed to address that in a particular way — possibly by looking at class-size numbers.

In fact, throughout the whole course of the discussion about class size and composition issues, no one has found a magic number which actually works for every classroom, every child and every teacher in the province. So, in fact, the decision after

the discussion — extensive discussion at the round table — was to ensure that there were class-size maximums at grades four to seven and to leave room for flexibility and choice, but include consistent consultation with teachers across the province in the secondary grades.

D. Chudnovsky: I've been present a number of times and have been engaged in debate with the minister a number of times around issues of staffing, class composition and class size. In particular, on the Education estimates which concluded a couple of weeks ago, there was a lot of discussion about the process by which classes are set and staffing is done. In all of those discussions the minister put forward the notion that it is professionals who make those decisions.

In fact, the minister will recall that a number of particularly difficult class sizes and particularly difficult class compositions were put before her in estimates. On each occasion the minister explained that situation by pointing out to those who were participating in those estimates debates that the reason those particularly difficult class sizes and compositions were in place was because professionals had made the decision to set those classes up in that way. Those professionals are professionals who teach all the way from kindergarten to grade 12.

[\[1640\]](#) 

Is it the case that the government believes that the professional judgment of secondary teachers — grades eight to 12 — is any less valuable or any less legitimate than the professional judgment of elementary teachers from kindergarten to grade seven? That's certainly the impression that's given by the difference between the term consult and the term consent.

Hon. S. Bond: Absolutely not. In fact, the member opposite would know very well that there are very different complexities when organizing classrooms in the secondary school classrooms than there are in grades four to seven.

This isn't about being professional. In fact, this bill tries to capture and deal with an issue that we heard about from teaching professionals at the Learning Roundtable over and over and over again. It captures the concept that there was not consistent consultation with the professionals who are in our classrooms across the K-to-12 sector in the entire province.

The bill is an attempt to bring balance to a very complex issue. There is no magic class-size number, particularly in the secondary school classrooms. We know that across the province, teachers and professionals make decisions every year about how students are organized in classrooms to focus on student choice and flexibility. This bill represents the best and the largest degree of consensus that we could find with all of the partners in education at the Learning Roundtable.

D. Chudnovsky: The minister is right about one thing, and that is that I am well aware of how classes are configured, of the processes that are gone through and of the complexity and difficulty of doing the very best we can for every student in every classroom across the province.

That's why, when we're faced with thousands — not hundreds — of oversized classes in secondary schools, it is a surprise and a disappointment that the minister would put forward legislation that she clearly states she believes will result in teachers, students and parents being less confident that those oversized classes in secondary will be dealt with than in elementary.

It's clear from the minister's statements here in the last minutes that the expected result on the part of this government from this bill is that the difficulties in class size and composition at the secondary level will be less able to be dealt with because of the wording of the bill.

The question I have for the minister is: why would a government choose to do that? Why would a government choose to set up a situation in which we are less able to deal with the problems of class size and composition at the secondary level than we are at the elementary?

Hon. S. Bond: Well, I think it would be very interesting to hear the member opposite describe and define the word "oversize." With all of the partners at the Learning Roundtable for five meetings — for hours and days spent together — no one could define.... No,

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that's not accurate actually. There was one particular group that had a strategy for class sizes. In fact, there was no consensus about class size numbers in grades eight through 12.

The absolutely prevailing thought at the round table in grades eight to 12 was: how do we make sure that our students have choices? How do we make sure that classrooms actually look at balancing the needs of our students so that, yes, you can have one of the thousands — and I would repeat thousands — of small classes in this province balanced off by a slightly larger class?

In fact, we listened to what we heard at the round table. Parents had a very strong view about what, for example, should happen in grades eight to 12. We value those views. We think that making sure we preserve the ability to have flexibility and choice in grades eight to 12 is critical. We've also said in a section that we will debate at some point.... Maybe that one will go with less debate. We've said that we want to move forward with this bill and that there's more work to be done.

One of the things we've committed to in this legislation is saying: "Let's go back during the next year and look at these amendments and see what other work can be done." This best represents what we heard at the round table from all of the partners.

[1645] 

N. Macdonald: The use of the term "flexible" as a principle.... That often would be an invitation to confusion. I think what you need to do is be really clear in exactly what you mean by consult, in terms of consultation, because what I think would be appropriate is if you went to consent, where it was clear.

The question I have for the minister is this: if the principal of the school needs to consult with the teacher, what exactly does that mean? Is it something that can be verbally given? Is it something given in the hallway? Is it something that the teacher needs to go into the office of the principal and sit down for? Does it need to be written? You need to be very clear in exactly what you mean by consultation.

Hon. S. Bond: I think one of the things that we did hear at the round table consistently and one of the things we had consensus about was the fact that it is important for people to talk to each other. That doesn't just include the principal and the teacher and the superintendent. It actually includes parents.

What does "consult" mean? It means that we need to find a way to deliberate with one another, to sit down, to ask for advice, to consult and to have that conversation. In fact, one of the other commitments that we made at the round table was that this was an issue that we would have further discussion about.

It's interesting to note that the member opposite, as a principal, would take the word "flexible" — that it would create confusion — and the word "consult".... As a parent, I can assure you that what I want most for my students is for them to be able to have as much choice, as much opportunity, as much access as possible, and that was clearly reflected by numerous partners at the table.

N. Macdonald: You're putting forward a law that is going to be used....

The Chair: Through the Chair, member.

N. Macdonald: The minister is putting forward a bill that will become law, that will be used by the people on the ground. What you're talking about is politics. You want the language of flexibility. You want to say these things, but the minister needs to be clear what exactly is meant by consultation, because somebody is going to have to go and consult with the teachers. You want a principal to do that. Have you thought through exactly how that works?

It should be the same in every school. You talk about flexibility. At some point, this is going to be sorted out. It will be sorted out either by lawyers through a grievance

procedure which will apply to this bill, or it will be clearly stated by the minister. What does consultation mean? Does the principal just come to the door of the class and say: "Will you take this student?" Is that consultation? Does it mean that you have to call the teacher in, sit down at a time of mutual agreement and talk through the implications?

Now, I know that for the minister, this seems like a minor thing, but you are laying out the framework for how a principal and a teacher are going to make this decision, and it needs to be set out, otherwise it will be decided in a different forum. If you haven't thought that through, then....

The Chair: Through the Chair, member.

N. Macdonald: Excuse me. If the minister has not thought that through, then you need to spend more time with this. That's one of the reasons why you would have it clear, that you would have consent instead of consultation. Right now, what exactly does consultation mean? Would the minister please give, with some detail, what consultation means?

Hon. S. Bond: I'm actually disappointed that I have to put in legislation a requirement to consult. I believe that it's best practice. It's ironic that the member opposite would suggest that as a principal, I need to explain how to do that and look at how it should be the same in every school.

We spent five meetings of the round table being reassured by the principals and vice-principals that consultation takes place regularly and consistently across this province. The reason that "consult" is included in the legislation is to provide the assurance to teachers in this province that they will be included in the discussions that take place.

It was a surprise and, in fact, a disappointment to learn that there are places within which that does not occur. That is best practice. People who are profession-

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als, including the lead educator, who is the principal in a school, should sit down and talk to one another. We do believe that there are different ways of doing that, depending upon a number of things: the size of your school, the complexity of it, whether it's elementary or secondary.

[\[1650\]](#) 

There are a number of factors. We're simply saying this: best practice, what's best for our students, would require people to actually talk to each other. Was I surprised that that doesn't occur everywhere? You bet I was.

N. Macdonald: I think the minister misses my point. The fact is that what the minister is doing is talking about political points. It sounds good to say that it's flexible. What I'm telling her is, as a principal on the ground, you need clarity. I can understand that the minister, not having been in that position, would not understand it. But you need to be clear what exactly "consult" means. If you're not clear on that, you are inviting it to be decided in some other place.

Now the reason that you have clarity is so that there are not difficulties in moving through and making decisions around class formation. I can tell you that it was in contract language, because that clarity was important. Then you just go and deal with it. If you're asking to consult, it means something. If the minister does not define it, it will be defined somewhere. It'll be defined by lawyers somewhere and given clarity, but it should come with the group that is putting forward the bill.

What does consult mean? It's a very simple question. What does consult mean? Does it mean that a principal simply needs to ask a teacher, as they go into a class, if they can take the extra student? Does it mean a more formalized process than that? The minister... I would invite her to be clear. She has her staff with her. I'm sure they have considered this. Be clear on it, or leave it for the lawyers to decide later.


Hon. S. Bond: I guess I choose to look at the examples that I've had the absolute privilege of seeing over the last number of months. Despite the fact that there are some places where we need to make sure that consultation occurs, the vast majority of schools across this province actually have educational leaders who find the most appropriate way to sit down and work with professionals, teachers, and include parents in that discussion.

I have been in dozens and dozens of classrooms and schools over the last number of months where we've seen collaboration, cooperation and enthusiasm about how schools are organized. That shows educational leadership. It shows professionalism. In fact, it shows that people actually talk to each other about what's best for students. This bill simply captures those principles and makes sure that students are at the centre of those discussions.

G. Coons: I don't want to belabour the consult/consent point to the minister. I do have a question about the (a) section of the bill where it says: "in the opinions of the superintendent of schools for the school district and the principal of the school, the organization of the class is appropriate for student learning."

I'm sure the minister is aware that in my riding, which encompasses the north coast, which looks at the Nass Valley, Queen Charlotte Islands, Haida Gwaii, down to Bella Bella, Bella Coola, and Prince Rupert, the EDI is very significant. That was brought out by the deputy minister, recognizing that the challenges are really there. Also, it came out as far as the recommendations for the Task Force on Rural Education, which was pushed for a report from that at the last trustees association. I've noticed the deputy minister has put out a few offerings of what has been happening with the rural task force.

I think the language that we've got here is not going to help rural schools and districts that are challenged. I can look at a school — I'm sure the minister has visited this school in Prince Rupert — where there are 200 students. In that school there are 60 of them with IEPs. Right now, as was everybody, we were excited about Bill 33. It was a sign of the times. It was an indication that people had got together and realized the importance of class size and composition not only to students and to parents but especially to teachers trying to meet the needs and goals of students as they work through their IEPs and progress. I think it's vital that through every corner of the province, as the minister knows, teachers are doing their best and working hard.

[1655] 

A question to the minister: you've got the superintendent and the principal making the decision whether a class is appropriate for student learning. I'm just wondering why the teacher isn't involved in that decision before the consent or consult is worked up.

Hon. S. Bond: In fact, the whole discussion we've been having for the last few minutes has been about how teachers are involved. We are now creating a bill that requires there to be consultation with teachers, and as I shared earlier, I was surprised and disappointed to hear that, from the B.C. Teachers Federation's perspective anyway, that doesn't happen consistently across the province. We were reassured by the principals and vice-principals that it does.

You know, there are challenging circumstances in many schools in this province, and I absolutely applaud and admire the work that's been done by Dr. Clyde Hertzman. There are neighbourhoods in my own community that are actually on Dr. Hertzman's list in terms of the most vulnerable schools. But that's the precise point of the discussion we're having about class size and composition because, as the member opposite describes his school and many others and many other classrooms, there's no magic formula, no magic number, no magic prescription from Victoria that will actually ensure that our students have the best learning conditions possible.

In fact, it requires for every classroom a discussion about the children that are there and the professional

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that's in that classroom. We're simply providing a series of guidelines for that discussion to take place, making sure that our students are at the centre of that discussion. Those decisions should be made at schools by teachers and professionals chatting and discussing that with parents. That's the way those decisions will be in the best interests of our students.

A. Dix: I wanted to return briefly to the provisions with respect to grades four to seven, particularly sub-subsection (b) of the new subsection 2.1, which says that classes do not exceed 30 students unless certain conditions are met, (a) and (b).

My question to the minister is this: what are the costs to the Crown of those provisions?

Hon. S. Bond: Well, in fact, I have said this clearly. We have no way of determining specifically what the costs might be. First of all, we expect 7,000 less children to be in our school system in September. It may be more; it may be less. We don't know exactly where or when those children will be in which schools, in which classrooms, so we expect school boards to work with their staff and with their professionals to determine the best placement for those students. At this point, we're not able to actually determine those costs. We're asking boards to now go look at their projected numbers and do the work based on the information that's been presented in this bill.

A. Dix: The government isn't proposing any supplementary estimates to pay for this legislation? I ask that because I just want to be clear. What the government said is school boards have to adjust based on however many students walk into the classroom, based on the numbers of students they have September 30 in terms of their funding. But I want to be very specific, because when the minister goes to cabinet with a piece of legislation, I know that one of the first things that gets asked before it gets in there is what the financial implications of the legislation are.

Is the minister saying that there are not any specific financial costs with this provisional legislation today — and the existence of the need for consent of the teacher before you can exceed class size limits?

Hon. S. Bond: No, what I'm saying is that we are not able to articulate where the costs will be or what they will look like because we have 7,000 less children coming in September, and we'll have 5,000 less the year after that and 5,000 less the year after that and 5,000 less the year after that. We're experiencing significant demographic shift, not just in this province, but in this country.

[1700] 

So are there challenges in terms of how we, first of all, have students appear and how we work out the composition and class size? Yes, there are. But in addition to that, the funding for public schools and the public education system in this province is at the highest level it's ever been, and by September we will have had 37,000 less children in the system. Per-pupil funding is at the highest level. It's increased by almost \$1,000 per student over the last five years.

So we're asking school boards to go back, to look at the information that will be passed in terms of class-size numbers.... But the other thing we have to recognize here is that over the last number of years school boards, on their own — based on the kinds of information about how to design classrooms — have focused on grades four to seven as well.

Is there more work to be done? Yes, there is. Is there record funding in the education system? Yes, there is.

A. Dix: I'm fascinated by the positions taken by various ministers in this debate, but I guess I recognize that you can't predict to the student how many students there will be next year or in any year. Sometimes, at certain points they've gone up; sometimes they've gone down. Presumably, the Ministry of Education does what everybody does, which, when it's budgeting and considering issues, provides estimates to Treasury Board and supplies estimates of what they expect the numbers to be. The numbers will go up and down.

I'm asking a specific question about this provision here. Does the minister expect this provision to cost more money than the status quo? This provision isn't going to change the number of students in the public school system or in the independent school system — right? It's not going to change the number of students.

That's going to be the same whether this provision is in place or not. I'm asking whether the minister or the Crown is assuming incremental costs based on the provision that's introduced in this section of the bill. Her colleague the Minister of Labour got up and said just a few minutes ago that the addition of the word "consent" by definition means an increased cost to the Crown. That's what the Minister of Labour said. He said: "Oh, we can't have this. We can't have a debate about secondary education. We can't do it. We can't do it because consent means money." That's what he stood and said; that's the case he made by point of order. He said that consent means money.

My question to the minister is.... Surely, in the debate at Treasury Board or at cabinet or at policy committee, someone asked that question: "What does it cost?" There's a budget. So what does it cost? That's the simple question. The Minister of Labour says that consent costs money. So I just want to be clear and specific about what that cost is.

Hon. S. Bond: Allow me to be clear and concise in my answer. Public school funding is at the highest level it's ever been. We have 7,000 fewer students that are going to appear in September. When you look at the organization, we simply cannot tell you today exactly where those children will be or exactly which classrooms they will be in.

I can assure you of this. We added \$20 million in additional funding this year, which will focus on class size and composition. Funding is at its highest level

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ever, and that has been an ongoing commitment of this government. We'll continue to fund appropriately.

We are clear about this. We are going to continue to put students at the centre of this discussion. This bill embraces the concept of consultation consistently across this province. It tries to bring balance to a very difficult discussion that's taken place across

the province. But we're going to listen to the voices of parents, of trustees, of teachers and of, yes, superintendents and those people who have significant roles in the education system. That's what we did, and that's what this bill represents.

The Chair: I'd ask the members to focus on this section as amended — the sections that are in front of you.

A. Dix: Let me return, then, to section 11(b), the new subsection (2.1), and return to this question and ask if the minister has any plans to bring supplementary estimates to this House to pay for this subsection.

Hon. S. Bond: Our plan is to continue to fund public education at the highest level it has ever been funded in this province. That included \$150 million in additional funding last year.

In fact, those dollars, included with the Vince Ready funding that was provided earlier this year.... We've seen an addition of over 1,100 teachers in this province. We intend to continue to fund public education at record levels in this province.

[\[1705\]](#) 

A. Dix: Hon. Chair, I know you're trying, because I keep asking specific questions about the subsection, and the minister keeps pretending that it is estimates debate. I know you are trying to keep her focused in on the section. I know we're trying to keep focused in on the section.

But considering that the minister is not bringing in a supplementary estimate, hon. Chair, I think what this says is that the effort by the Minister of Labour.... I'm going to just put this on the record. The effort by the Minister of Labour to rule out of order....

The Chair: Member, are you challenging the Chair's ruling? The Chair ruled on that amendment. The amendment failed, so I would ask you to focus on section 11 as amended.

A. Dix: Hon. Chair, in the debate on section 11 as amended, the Minister of Labour stated clearly the position of the government — that consent means an additional cost on the Crown. That's what the Minister of Labour said. He said it very clearly. He said it unequivocally.

Based on his strong and unequivocal case that a change from "consulted" to "consent" in the new section (2.2) would be an additional cost to the Crown, you ruled, hon. Chair — I'm just focusing on the other subsection here for a moment — that the amendment proposed by the member for Malahat–Juan de Fuca was out of order.

My point is....

The Chair: Member, please take your seat.

With the greatest respect, the member is challenging the Chair's ruling. I will not allow questions on the ruling. If the member wishes to ask specific questions....

An Hon. Member: Point of order.

The Chair: I recognize the member for Malahat–Juan de Fuca on a point of order.

Point of Order

J. Horgan: As I understand it, we're debating Bill 33, section 11 as amended. In order to get to that amendment, we had a discussion about the costs, if any, of that clause and that section. We were advised by executive council representative that there was going to be a cost. My colleague from Vancouver-Kingsway is only following on that inclusion in the debate we're having here that there is a reasonable expectation that if there is a cost to consent, we would be able to quantify it at this point.

I just want to confirm that I believe the member's comments are completely in order and are to the point of this amended section.

D. Chudnovsky: I wanted to put this case to you. It seems to me, Madam Chair, that the member for Vancouver-Kingsway is actually doing the opposite. What he is in fact doing is taking the Chair's ruling, which has been made and stands, and using that ruling in argument with the minister.

In fact, Madam Chair, my view is that the member is doing exactly the opposite of what has been suggested. He is not calling into question the Chair's ruling at all. He is taking it as a ruling which has been made, and he is using the fact that the ruling was made in argument with the minister. It seems to me, Madam Chair, that he is doing exactly the opposite of the suggestion that's been made.

The Chair: Member for Vancouver-Kingsway on the point of order.


Members, any reference to the ruling is out of order. Any reference to the ruling that was made on that amendment is out of order.

Debate Continued

A. Dix: So what I'll do, hon. Chair, is simply refer to the comments made in debate by the Minister of Labour.

I think this is a vital question. It's a vital question for public education as well, because we want to see this bill fully funded. We want to understand what the costs of this bill are, and as legislators that vote funding for public schools in British Columbia, we want to un-

derstand what the costs are. Since it is the position of the government that the existence of this provision brings an additional cost, an incremental cost to the Crown, I ask the minister.... I understand the minister's position is that the Crown and the province fund public education sufficiently. Naturally, that's her position. She's the Minister of Education. If it weren't her position, she wouldn't be the Minister of Education. So I understand that's her position.

[1710] 

Given the position of her colleague the Minister of Labour that this provision has an incremental cost and is a charge of the Crown, given that's the position of the government as expressed by her colleague the Minister of Labour, I'm asking her to lay out what the costs of this are so we can fully understand as legislators what we need to vote in order to ensure that this bill is fully funded.

Hon. S. Bond: That question has been asked and answered.

A. Dix: Well I guess it is ungenerous of me to accept that "I don't have the slightest idea" is an acceptable answer in this debate. I will just say that I think it is absolutely vital. It's vital for parents of special needs children.

It's vital for teacher-librarians in my riding, an area that is not dealt with by this legislation but who fear — because the government is not funding, is not putting its money where its legislation is — that there will be an impact for them. So it's vital that we have an understanding, and we will continue to ask questions about this issue of what the cost of this provision is because we want to know the cost of what this provision is. School boards want to know what the cost of this provision is, and the government has that information.

There is no way on earth that this provision would have been brought to cabinet if the government didn't have an estimate about its cost. This is what happens. All the cabinet ministers on that side, if they bring in new legislation and then call it forward — which has, as the Minister of Labour so eloquently said, a charge to the Crown — have to bring forward that information. That's information that superintendents want, that teachers want, that school boards want, that we as legislators want, that parents want, that students want. That's what I'm saying. It's vital information in dealing with this legislation and in dealing with public education in this province.

The minister and the government have that information. They have it; they had to have it. That's not the way they do business. I can't believe the Minister of Finance would allow the government to do business like that. I can't believe it. I can't believe they'd even consider doing business like that. So what they're saying to us in this debate is: "We have the information. We have it, but we're not going to tell anybody."

This reasonable provision of this bill and just what people watching this debate understand.... The question I asked on this section, section 2.1, which the minister has refused to answer and now says that her answer was that she refused to answer, was: what does it cost? Well, that seems like a reasonable question.

The member for Nelson-Creston thinks it's a reasonable question. The member for Malahat–Juan de Fuca thinks it's a reasonable question.


C. Evans: And everybody watching.

A. Dix: Everybody watching should say it's a reasonable question. Parents do; school board trustees do. Everybody thinks it is a reasonable question. We haven't got an answer to that question in this debate, and that should trouble people involved in public education. It should trouble them in a bill, which we should be celebrating as an enormous victory for teachers after years of the government denying their legitimate calls for limits to class size, like that contained in section 11(b)(2.1), like those provisions that are contained in this and provisions that the Minister of Labour — a very distinguished parliamentarian in this House — has said have a charge to the province.

We would like to know this question. We are going to continue to ask questions about it because it's a matter of concern to every single one of our constituents. I'm going to defer to my colleague from Surrey-Newton. Hopefully, he will have more success — that his reasonable questions will receive reasonable answers. I defer to him.

H. Bains: There are some questions here on subsection (2.2). It talks about how class size for any of the grades eight to 12 not exceed 30 students unless (a) in the opinions of the superintendent of schools for the school district and the principal of the school, the organization of the class is appropriate for student learning, and (b) the principal of the school has consulted with the teacher of that class.

My first question is: are there criteria set for the superintendent and the principals to follow to determine whether...? How do they determine that it may be appropriate for this student learning in order to increase the class sizes?

[\[1715\]](#) 

Hon. S. Bond: We believe that as educational leaders and professionals, in fact, they know the kind of discussion that needs to take place. This is based on individual students. But you know what else matters? What else matters is the teacher who is in front of that classroom. This bill simply captures the belief that best practice would dictate that people sit down, talk to one another and decide how best to utilize the resources that are in the system, how best to place children in classrooms and who is the best professional to be in front of that classroom.

The disappointment we felt when we were at the Learning Roundtable was the fact that consultation was not taking place consistently across the province. This bill will

ensure that teachers have a role in that discussion. We think that's important. But it will also

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ensure that parents have the opportunity to be involved in the discussion about what's best in schools across this province. The bill captures both those principles.

H. Bains: I'm only going by the language laid out in this bill here. All they talk about is the opinions of the superintendent and the principal. So how do they form that opinion? There is no consultation in this particular clause with the parents or with anybody else. It's their opinion. How do they arrive to build that opinion? Is there professional advice sought or taken into consideration before they can form that opinion?

Hon. S. Bond: We have exceptional leaders in this province. We have exceptional superintendents, exceptional principals and exceptional teachers. You don't get to be a superintendent or a principal by snapping your fingers. You actually have a lot of professional expertise. All of that goes into the decision-making process.

Most importantly — and we can pick out little sections — the concept is this. The opinion is shaped and determined after consultation with a teacher. We are saying: "Use the expertise you have. Do that. Make the decisions for those children and for that staff after you have had a discussion with the people who will be in front of the class."

H. Bains: I gather the answer is that there are no set criteria. It is only the opinion of the superintendent and the principal, and there are no set criteria. Different districts could have different criteria. Different districts could have different formulas to follow. It could be all over the map, because that's how the superintendent and the principals in those particular areas come up with this. There are no set criteria. That's what I gather.

Hon. S. Bond: In the dozens and dozens of classrooms I've been in, there are no two similar classrooms in this province. There are no two teachers who are identical, and there are certainly no children who are carbon copies of one another.

We expect educational leaders to be just that — to use their expertise, to use the experience and training and years of experience that they've had to make those decisions. They shouldn't be made in an office in Victoria about how to build a class. It should be done school by school, uniquely meeting the needs of those children — whether they're special needs or typical — across this province.

We have confidence in the people who lead our schools, who teach in our classrooms, to make those decisions. We've simply said in this bill that there are some pressure points that need to be addressed. We've also said that we're going to go back and look at this bill again and make sure these amendments to the School Act were correct and accurate. We have also said that there is more work to be done. We think that's a reasonable approach.

H. Bains: If the superintendent has the opinion that class sizes could be rearranged and the class size could go higher than 30, but the principal doesn't agree.... If there is a disagreement between those two, then how is that decided?

Hon. S. Bond: The other thing we agreed on at the Learning Roundtable was the issue of accountability. This bill actually builds in a system of accountability.

[\[1720\]](#) 

Principals will be required to talk to teachers. Now, one would think we wouldn't need legislation to make sure that happens, but apparently we do. So principals will talk to teachers, and eventually they'll include parents in that discussion through school planning councils, the board and the district parent advisory council.

Ultimately the superintendent is responsible to take the school organization plan to the board of trustees. Principals and superintendents will work together to make those decisions at the school level, but the superintendent is ultimately responsible to the board. The board is ultimately accountable to its community, who chose it, and to the government to be able to demonstrate that that plan is acceptable and appropriate for the children in that district.

H. Bains: From that answer, if the principal, in consultation with the teacher or the parents, doesn't agree, then the superintendent will have the final say. That's what you are saying. Is that correct?

Hon. S. Bond: Well, I have a lot more faith in the professionals in our system than obviously the member opposite. I know that currently principals and superintendents, by this legislation, are required to work together to come to a decision. We would expect that to take place.

As I answered the question earlier, ultimately the superintendent is accountable to the board for the plan for the schools. That's the next step of accountability. The superintendent then goes to the board, which is accountable to its community and ultimately to the government.

H. Bains: Let me move over to the next. I got that answer. The superintendent has the final say, and despite the fact that the teacher and the principal disagree, the superintendent can push through. If you disagree with me, you should say that now.

My next question is.... The second provision here is that the principal has consulted with the teacher. Now, if the teacher disagrees with the principal that this is not the way to go, this will not improve the education, and the parents disagree, and they agree with the teacher.... In that situation, who decides?

Hon. S. Bond: First of all, parents always have the opportunity to appeal a decision that's made about the placement of their child. That exists today and has existed in the past, so ultimately parents have that route of appeal.

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At the end of the day, this is about a group of professionals working together to decide what's best for students. You know, the member opposite's look of skepticism.... As I've said to you, and I'm going to say it over and over again.... As I visit schools around the province, are there areas of challenge? Obviously there are, but there is also extraordinary collaboration and cooperation. At the end of the day, what professionals do, despite those challenges, is put students first. They put them at the centre of this, and they make a decision to better serve students.

Teachers will be consulted. Ultimately, the accountability and decision-making are clear in the legislation, and the member should be aware of that. The principal and the superintendent ultimately make those decisions. They are held accountable by the board of trustees and ultimately to the communities they serve.

H. Bains: Again, I will gather from that answer that the consultation means exactly what we thought it would be. They will go to the teacher, and they will go to the parent. But if they disagree with the principal or with the superintendent, their opinions don't matter much because at the end of the day, it's the superintendent and the principal who will be making that decision.

I think that's what the worry was for the parents and teachers — that the consultation should have some teeth. It seems to me there are no teeth in it, if you say that the decision is made by the principal and superintendent, ultimately, at the end of the day. So the teacher's consultation doesn't mean anything and the parent's consultation doesn't mean anything. If they disagree, the minister has just said the accountability is still with the superintendent and the principal. They will make that decision.

[\[1725\]](#) 

Hon. S. Bond: Let's be clear. The teacher's opinion matters so much that we're prepared to put it in this legislation. We heard at the Learning Roundtable that there wasn't consistent consultation across this province, when one would expect there to be when we are putting together classrooms that involve children.

In fact, this bill says that talking to people about how to create those classrooms that give our students the best possible learning opportunities is no longer an option. You actually have to talk to people. Included in this bill is the right and, absolutely, the opportunity for parents to be involved in that process as well.

This bill tries to bring balance. It tries to reflect the views that we heard at the Learning Roundtable, and it enshrines the opportunity and the responsibility for

principals to talk to their teachers and to consult with them about the best decisions for students at the school level.

G. Coons: Throughout the years I've heard the terminology "enshrining in legislation." Again, the feedback I'm getting from teachers in my district.... Enshrining that — this government is not committing to.

When you look at the role that teachers have in the discussion.... Teachers are looking at situations, as I mentioned before, that if you do the math.... You've got 200 students in a school with 60 IEPs. If you just say ten classes of 20 with six IEPs, there's no way you are going to meet the legislation. There's no way these teachers in that school feel any confidence with this bill, whether they're consulted or consented or whether or not there are restrictions put on IEPs. They feel this government has let them down.

At another school in Prince Rupert, a teacher said they have eight students with IEPs and a split class of grade six and seven with 27 in there. There are three other similar situations. These situations are happening in the rural areas. This bill that you are enshrining is not meeting the needs of rural educators and is not meeting the needs of students in rural areas, as we've seen schools shut down. Even though we've talked about the 1,100 teachers getting back to the classrooms, that's along with the close to 2,600 who were laid off.

When we look at rural areas, basically we look at local elementary schools. You know that they're closing, and we've seen them closed. That's the story of this Liberal charade — the shutting of rural schools and class sizes going up. That's why we're here. Composition and class size are a concern.

Now, when we talk about consultation, consent, I do have a question — as my colleague talked about — about the opinions of the superintendent and the principal. You indicated that it's shaped by consultation. The superintendent and the principal will make the decision on whether it's appropriate for student learning, and then the principal meets with the teacher and gets a consent or consults. There is no three-way street going here with the superintendent, the administrator and the teacher. Is that correct?

Hon. S. Bond: Okay, let me try this again. This is about what we would expect best practice to be in schools. I'm disappointed that the member opposite says that teachers don't feel this does enough — or doesn't move or doesn't do this or doesn't do that.


First of all, I should also say to the member opposite that I'm happy to take the classroom information, as I have with every other member who's brought me class information that they want some clarity around. I'm happy to do that around those classes.

This bill says that what is best practice is that a principal and a teacher, first and foremost.... It starts there. It doesn't start with the superintendent and the principal

making a decision and going: "By the way, let's involve the teacher." It starts in a classroom in a school in every part of this province by saying: "How do we organize our school?" That is the fundamental piece of this bill. Teachers will have a role in that discussion. That reflects the concerns that were expressed. It's a response to the concerns that we heard. In fact, that consultation will take place.

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I can't say it enough times. I've heard it from parents across this province, from trustees and from others. There is no magic formula or number or perfect set of expectations that means that classrooms can be organized in a one-size-fits-all way. Are there principles that should be used? Absolutely. Are there things that are essential to that? Yes, and the bill reflects that. But there is no magic number. There is no classroom that's like another classroom.

[\[1730\]](#) 

We're simply saying this. We want those classrooms to be put together in a way that concentrates on students at the centre, looking at individual classrooms, with decision-making made as close to those classrooms as we can possibly have it take place.

G. Coons: I see that a component of consultation between the superintendent and the principal are the two parties furthest away from the classroom, and the teacher comes into that later. I realize the importance and hard work that superintendents, school principals and vice-principals do across the province. I realize the hard work they've been doing.

In our district they're so overworked that even though our school budget was \$300,000 — a deficit for next year — our school district proposed to hire four new vice-principals. They're so overworked, and I think that's a concern. There is a real concern about the change and the lack of vice-principals and principals throughout the province, and I think that's a message that teachers are hearing throughout the province.

What would happen if the two people furthest away from the classroom, the superintendent and the principal, happened to be new to the school district? The superintendent is new to the school district. The principal is new to the school. They have no idea, no concerns, about that classroom of 27 students in a grade five-six split class with eight IEPs. Will they be doing school visitations with the students to determine whether or not that would be an appropriate learning situation for students?

Hon. S. Bond: First of all, I want to clarify for the member opposite one more time that teachers do not come into the process later on. They are the heart of the discussion. It starts with teachers and principals in schools and classrooms across this province. Teachers are the centre of this discussion. We think that's important. We also believe that there eventually needs to be a series of accountability measures in place. People expect that, so teachers are at the centre of the discussion.

We could take every what-if circumstance, but as I've travelled across the province, schools work collaboratively, and teachers talk to each other. They talk to the other support and resource staff that are in the schools. From time to time there is a new principal, but there still remains a series of dedicated professionals who actually understand their students. That is the dialogue that will take place at the school level.

G. Coons: I think it's quite appropriate that you mention that teachers are at the centre of the communications aspect. Basically, over the last four or five years they've been at the centre of the bull's-eye for this government and the legislation this government has done to attack public education.

I'd also like to look at the situation as far as the trustees.... As the minister knows, they also recognized the class composition and complexity problems, and they put issues out there that we need to continue discussions on to look further at the complexity and diversity of how class composition affects classes.

At this point in time I'm pretty sure most trustees, as well as teachers and parents and students, are disappointed that this government is not going to fund this legislation. Also, I would be remiss if I didn't talk about some of the special classes that the minister has not put into the legislation. We start talking about special classes or students with special needs and getting a cap on that.

When I was first involved in education, I taught a special class, and we had restricted numbers on there. Now we're seeing numbers going up to the 20s — 20 students with IEPs in one class and the challenges and the work that has to be done by those teachers — and it affects the students. When students show up in the morning and they're in a class with perhaps 18 to 20 students with IEPs, it's very challenging for the students to get going and start their day right.

It's imperative that the class and the teachers have the numbers that support that. The other classes, whether it's home ec, technology, the shop classes.... It's a safety issue. A couple of years ago in Prince Rupert there was a shop class with 29 students. There were 12 IEPs in that shop class until I ended up taking the list of students to the superintendent and said: "Here you go." He was the assistant superintendent. He was in charge of special ed, and he did something, but it took at least a month to do that.

[\[1735\]](#) 

I would hope that as we move along, the government and the minister realize the importance of other classes and that the capping of 30 is inappropriate. It's something that we have to look at. I hope the minister looks at looking at the classes that have shops and technology and especially classes with special needs. Could she comment on that?

Hon. S. Bond: First of all, I'm delighted that the trustees have expressed a concern about continuing dialogue, because I absolutely embrace that concept. I think the president of the B.C. School Trustees Association said it was the first time a minister had

ever come and spent an entire day with B.C. school trustees and stayed with them for their evening event as well, met with board chairs in a format which saw groups of them coming together.

For the first time, we've spent an entire day with district parent advisory council chairs. For the first time, we brought together 40 or 50 students from across this province. I can tell you what. We're going to continue doing that, because we know how important that is.

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I have to say to the member opposite that I would really urge him to bring me.... I would be absolutely delighted and compelled.... If there are classes in this province that have 20 or 24 IEPs, I would absolutely ask the member opposite to bring me the information about those classrooms.

You know, for the first time in British Columbia — another first time — we actually have published class-size data that is more comprehensive, which laid out for all British Columbians what classes look like in this province. That's important. We're going to continue to do that, and we're going to continue to discuss this bill and this issue.

There is one other thing that I absolutely have to put on the record, Madam Chair. If there are classes in this province where the member opposite believes that educational professionals have actually put our children in unsafe circumstances, I would like to know about that this afternoon. I can assure you that the professionals that I know in public education think first and foremost about their students, about their safety. If that is a legitimate concern and there are examples of it, I would like them this afternoon. I can assure you that my staff will be dealing with that immediately.

J. Horgan: Just picking up on the minister's comments with respect to the recent collation of data on class sizes and composition that was released in February of this year and how it will impact on section (2.3), which is the cap on special needs students.

I have been in contact.... I know the minister will have received the same level of mail on the subject as I have, if not more. That is a concern in the community with respect to the implications of the cap of three IEP students per class without the consultation process that we've belaboured here for a time.

In February the minister's data indicated that there were 11,000 classrooms with more than three students with special needs or with individual education plans. I'm wondering, based on that data, what the minister's plan is to implement section (2.3) and cap the IEPs at three.

Hon. S. Bond: What we would expect to have happen is that the principles that I have spent the last hour and a half discussing would be employed at schools.

What the legislation says is that people need to talk to one another about how best to place students in classrooms. That very obviously and most importantly concerns, in that section, special education students. There is no one-size-fits-all answer in this legislation. What the legislation says is that people must talk to one another. If, in their expert opinion, it is appropriate to have more than three students, then that will be acceptable and absolutely will continue in classrooms in this province.

J. Horgan: I do know, based on discussions with the minister since the legislation was tabled and, as well, being at events with her — whether it be the BCSTA or the BCCPAC — and listening to her comments carefully at those events, that this isn't the end. This is the beginning. I understand that, and I think those who are participating in the debate understand that this is not the end. It's the beginning.

[1740] 

It's about trust, it's about repairing relationships, and it's about building constructively for positive outcomes for our children. We all want to do that, both sides of the House. That is beyond dispute and goes without debate.

But the minister will know, based on the volume of mail, that there is concern in the community about this particular clause, (2.3). I'm wondering if the minister would take this opportunity to provide some comfort to those parents who have been writing to her and me and to other members of this chamber about how they're going to implement, without a cost to the Crown.... We're led to believe there has been no cost to the Crown of bringing forward this legislation. How are we going to address the 11,000 classes that were identified in February that have three or more IEP students, and how are we going to provide comfort to those parents who have expressed legitimate concerns to her and to other members of this place?

Hon. S. Bond: Let's be clear. We've added \$20 million to this year's budget, and the expectation is that that will be utilized for class-size and composition issues. We have made that clear. That's on top of \$150 million and \$20 million additionally to that from Vince Ready, so we have record levels of funding in public education.

I do want to say this, though: the reason that we wrote the legislation we did was to absolutely look at students as individuals. This legislation allows the professionals who should make those decisions to decide what the best class configuration is. If it's the opinion of the principal, in consultation with the teacher, that a group of students with special needs — perhaps it's four; perhaps it's five — is perhaps the best way we can serve those children in a classroom, then that is permitted and absolutely appropriate under this legislation.

That's important to us. In fact, it's so important that we spend \$669 million a year to try to support special education students the best that we can. So the legislation builds in a cap in the pressure areas of grades four to seven, and it allows for meaningful, thoughtful discussion about how to best serve special needs students in this province. As

I said — and I will repeat it again — if it means that four students will be better served in a classroom together and the teachers had some discussion and consultation about that and the principal believes that's best and school planning councils see the school organization, then that's what's acceptable. That's how we should decide how students are served in this province. That's what the bill allows.

J. Horgan: I will just read a question that was asked to both myself and the minister by the B.C. Association for Community Living, a well-respected organization in this province doing great work every day in com-

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munities right across this province. They've asked this Legislature, the minister and myself a simple question, "Where does the government intend to place the extra students?" — i.e., those that are surplus to the cap?

If it is going to only mean that there will be a consultation process and seven, eight, nine or ten students are put in a class, then I would think that the amendment that was ruled out of order earlier would have possibly been a useful starting point.

Hon. S. Bond: There are no extra children. In fact, what we're saying to schools.... I'm encouraging parents of special needs children to meet with their principals, to talk to their classroom teachers, to attend meetings of the parent advisory councils, to be there. And they will be, because I have had much involvement with parents of special needs children over my time in public education as a parent advisory council chair, as a trustee.

The whole point of this legislation is to allow what's best for students. That absolutely means that if it's appropriate and educationally the best for those children, then we can have four in a classroom. We're simply saying: "Discuss it. Consult." The legislation absolutely allows for that to happen. We expect professionals across this province to meet, to discuss and to meet the needs of our students in the best way possible.

[\[1745\]](#) 

J. Horgan: I don't know if that's going to meet the bar for those that have been asking the questions. If there are, even with the narrowly defined category as we have within section (2.3) — that is, special needs students who are designated with individual education plans.... What do we do with the other students — the other special needs children who are not within that category?

There is also a concern that without additional funding to address the challenges — the "costs to the Crown" that we've heard of from the Minister of Labour today — how is it that districts are going to continue to assess and continue to identify students at an early stage in their educational development so that the challenges they do face can be

met and those challenges overcome? What do we do about those students that don't fall into the IEP category — or are not yet identified as being part of that category?

Hon. S. Bond: I think the legislation is clear that those students who are identified and fit in the categories that have been identified and who have individual education plans are captured by this legislation. Other students will continue to be assessed by the thorough process that we have in the public education system.

Is there work to be done in that area? Yes, there is. In fact, one of the discussion items that we hope to have over the next number of months is to ask some of these very questions. As we meet with people around the province in terms of special education needs, we hope that we will have a frank and candid discussion about how better to serve students in this province.

With that, I move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 5:47 p.m.

The House resumed; Mr. Speaker in the chair.

Committee of the Whole (Section B), having reported progress, was granted leave to sit again.

Hon. B. Penner: I move that we now recess.

Mr. Speaker: This House stands recessed until 6:45 p.m.

The House recessed from 5:48 p.m. to 6:45 p.m.