

Orders of the Day

Hon. C. Richmond: I call committee on Bill 33. [DRAFT TRANSCRIPT ONLY]

Mr. Speaker: And in the small House? [DRAFT TRANSCRIPT ONLY]

Hon. C. Richmond: In section A, in the small House, continued estimates debate on the Ministry of Health Services. [DRAFT TRANSCRIPT ONLY]

[1005]

H005/lrm/1005

Committee of the Whole House

EDUCATION (LEARNING ENHANCEMENT) STATUTES AMENDMENT ACT, 2006 (*continued*)

The House in Committee of the Whole (Section B) on Bill 33; H. Bloy in the chair. [DRAFT TRANSCRIPT ONLY]

The committee met at 10:08 a.m. [DRAFT TRANSCRIPT ONLY]

On section 11 as amended (*continued*). [DRAFT TRANSCRIPT ONLY]

C. Wyse: It's my first opportunity to speak, and I would like to acknowledge to the Chair the wisdom being shown here with the general intent contained here within Bill 33. To begin my discussion with you, minister, the bill apparently starts off with a recognition that the teacher is the appropriate person knowing the effect of change in a class with regards to the size and the composition that is contained in it. [DRAFT TRANSCRIPT ONLY]

By that, I refer to the start-off, with using consent of the teacher in certain grades before there is a change in the number of the class. Then, as we move on in the school system, there seems to be a change in the philosophy and it moves from consent to consult. That shows a marked change in direction and intent of the decisions being made here. [DRAFT TRANSCRIPT ONLY]

Where I'm from in Cariboo South, though I have three school districts that run through it, there are predominantly two of those school districts that are rural in nature. I'm sure the minister is aware that in these two school districts — at least one, for sure — there are rural classes, situations, as well as rural secondary class situations in which there are multigrades contained in the compositions of those, whether they be elementary or secondary. [DRAFT TRANSCRIPT ONLY]

[1010]

Likewise with a multigrade aspect of it, they also need to address the gifted students that are excluded

H006/ebp/1010

those, whether they be elementary or secondary. Likewise, with the multigrade aspect of it, they also need to adjust for the gifted student. This is excluded within the legislation. Likewise, there's also a need to deal with safety issues around those classes of home economics, science, and the shop situation. [DRAFT TRANSCRIPT ONLY]

My question, minister, is: what is the reason why the teacher "consents" in grades four to seven and you change the situation to only "consult" in grades eight to 12, when in actual fact there is much evidence to support that the teacher is the individual who's in the better position to judge what changes will have adverse or positive effect upon the learning situation in the classroom? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: We spent considerable time yesterday having this very discussion, but I will be happy to repeat the answer that I gave yesterday. We spent a long time at the Learning Roundtable, which includes all of our provincial partners that are at that table. There was much discussion about how to deal with the issue of class size and composition. [DRAFT TRANSCRIPT ONLY]

The member opposite accurately points out that I'm well aware of the circumstances that rural schools face. I live in northern British Columbia, and in my own riding we have very small and very large schools. That's actually the whole point. There isn't a magic formula, there is not a specific number, and there is not a particular set of circumstances that would dictate how a classroom should look in a particular fashion. [DRAFT TRANSCRIPT ONLY]

We believe, and this bill reflects our belief, that there are professionals at schools across this province, including teachers, principals and administrators. Our view, and certainly the view shared at the provincial roundtable, was that the area we needed the most degree of flexibility in was the secondary school area. The language in the bill actually captures the fact that we want to be able to have the flexibility at those levels to focus on student choice and that we want our students to have as many options as possible. The member opposite, being from a rural riding, would know that that is challenging in some of the parts of the province that we live in. [DRAFT TRANSCRIPT ONLY]

We want to leave every opportunity for there to be meaningful and thorough discussion with professionals, but in the end of the day the consensus at the roundtable was that there were pressure points in grades four to seven — and the bill addresses that issue — and also that we wanted flexibility and choice to be the key factors in the decision-making in grades eight to 12. [DRAFT TRANSCRIPT ONLY]

C. Wyse: On the issue around flexibility and whether the flexibility provides the better, improved learning situation versus a variety of other aspects that come into play, there are other ways of addressing this flexibility issue than centring in upon the consultation aspect within the classroom situation. [DRAFT TRANSCRIPT ONLY]

What I would ask, Chair, to the minister is: what consideration has been given other than simply to this flexibility? For example, had the ministry considered changing the funding formula for the rural ridings so that there were increased resources available

to deal with the complexity that faces the school boards and their representatives in the rural situation? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: In fact, our primary consideration has always been: what are the best possible learning outcomes for students in the province? That's actually the predominant view that the Learning Roundtable took. There are always a number of factors that are considered. The member opposite would know that the funding formula is reviewed on a regular basis and does reflect and capture unique characteristics such as dispersion. It includes climate and a number of other things in recognition of the challenges that rural and remote districts face, but the whole principle that we're trying to capture in this bill is the fact that people do need to talk to one another. Professionals at the school level closest to that classroom need to actually have a process in place. [DRAFT TRANSCRIPT ONLY]

[1015]

The great news is that in many, many school districts across this province that already occurs. I'm sure the member opposite, as I have, has visited those classrooms and those schools, where the collaboration is extraordinary. Students benefit as a result of that every day, but

H007/jbp/1015

and the great news is that in many, many school districts across this province that already occurs. I'm sure the member opposite, as I have, has visited those classrooms and those schools where the collaboration is extraordinary. Students benefit as a result of that every day. But in fact we were told at the Learning Roundtable — we heard at the Learning Roundtable — that there wasn't consistent consultation taking place across the province. That was disappointing. But, obviously, this bill moves to address that very specific concern. [DRAFT TRANSCRIPT ONLY]

J. Horgan: The minister just said there wasn't consistent consultation across the board. We've been discussing on this side of the House and raising questions about what consistency would look like. The minister has said that there is no one-size-fits-all, and we acknowledge and accept that. What we've been trying to get to with respect to the consultation component is.... It's a nebulous phrase, a nebulous term. The minister is seeking consistency; we're seeking consistency. I'm wondering: what is consistency in the minister's mind with respect to consultation? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: I think the bill clearly outlines that principals now will be required to talk to their professionals, their teachers, about the class that they're about to put children and professionals into. The whole issue of consistency wasn't the format. The consistency issue was that it didn't occur, according to the B.C. Teachers Federation, in many places across this province. [DRAFT TRANSCRIPT ONLY]

We're simply saying that is not acceptable. Actually, best practice would dictate that principals would talk to teachers. I've been reassured by principals across this province and superintendents as recently as this morning that in fact the vast majority of

places across the province do have consultation take place. This bill simply reflects the concern that we've heard. Principals will be held accountable for that now, as will superintendents. [DRAFT TRANSCRIPT ONLY]

Ultimately, there is a section in this bill that would actually.... The accountability could result in having someone sent to the district to make sure that those sections of the bill are adhered to. [DRAFT TRANSCRIPT ONLY]

J. Horgan: I accept the minister's answer that there is a provision in the act, and we'll get to that section as we proceed through committee stage with respect to remedies, with respect to interpretation of consent and consult. Perhaps I'll leave that for the moment and pick up where we were last evening with respect to the concerns that the minister will have been aware of with respect to special needs students. [DRAFT TRANSCRIPT ONLY]

I left off last night asking the minister if she had a plan to ease the fears and concerns. We've had discussions. I've spoken with representatives of the special needs community. I've spoken with numerous people on this question, trying to assure them that this is the beginning, not the end. The minister said that as well. [DRAFT TRANSCRIPT ONLY]

That's a starting point. But I think that if we're at the beginning, we need to look to how we get to an end. I'm concerned that the configuration of the round table — and we had this discussion in estimates — may not be the most appropriate for addressing this important question of composition. That's why I again raise the option for the minister to, perhaps, broaden, with respect to this critical section, inclusion of other groups and individuals such as CUPE, who have a particular interest and day-to-day understanding of the concerns and needs of students that have physical or emotional challenges, and also parent groups who are very active throughout the province at DPACs and beyond, and also the B.C. Association for Community Living, who also spend all of their time trying to advance the interests of groups and individuals in society and remove obstacles. [DRAFT TRANSCRIPT ONLY]

So would the minister consider, as we move from this beginning to a positive end, broadening those participants at the round table with respect to this issue? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: Well, in fact we've made a commitment at the round table to review the membership after a year. The reason we did that and remain committed to that.... There are numerous groups that would like to be represented at the provincial round table. Certainly, CUPE and support staff workers have made that clear to me in my visits in school districts and certainly to other members of the round table. [DRAFT TRANSCRIPT ONLY]

We remain committed to reviewing the membership, as we said that we would. We agreed to that. There was a consensus at the round table that it would be appropriate to do that. We remain committed to that. [DRAFT TRANSCRIPT ONLY]

[1020]

In the meantime, as I visit across the province and also meet with partner groups on a regular basis, I would welcome the opportunity to meet with support staff workers in a venue that would be appropriate for them. I also look forward to meeting with parents of special needs students across the province. I have met with groups of parents in each

district that I have visited. I look forward to that opportunity and would be more than pleased

H008/sea/1020

in a venue that would be appropriate for them. I also look forward to meeting with parents of special needs students across the province. I have met with groups of parents in each district that I have visited in. I look forward to that opportunity and would be more than pleased to continue to have a very open and broad discussion about how we better serve special needs students in this province. [DRAFT TRANSCRIPT ONLY]

J. Horgan: In this minister's consultation with special needs parents, have they raised with her concerns about the cap of three and the narrowing of the definition to only include those with individual education plans? Have members of the community raised those issues with her? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: As the member opposite would know, the bill was only brought to the floor of the House, I think, about two weeks ago, so I have not, since that time, met specifically with special needs parents. I'm happy to do that. But I need to continue to clarify for the member opposite and for others in the province — and we will continue to do this — that the bill is about the best placement for students in this province, whether they are typical or special needs students. [DRAFT TRANSCRIPT ONLY]

If, in the opinion of those professionals who work in a school setting, there is a more appropriate number of students, such as four or five, that will be completely acceptable and appropriate under this bill. We were very careful, when we were looking at the issue of special education students, as to how we reflected that in this bill. It is clear, by reading the legislation that is presented here, that in fact, districts will make the decision, with their principals and teachers, on how many special education students are in any classroom. [DRAFT TRANSCRIPT ONLY]

J. Horgan: I was at the BCCPAC last weekend. I know the minister was there. I talked to parents of children with special needs. They expressed their concerns to me. I saw them speaking to the minister. I know they expressed their concerns to her. [DRAFT TRANSCRIPT ONLY]

A commitment to review membership down the road, in the future — is there a date that the minister has in mind? Is there some certainty? [DRAFT TRANSCRIPT ONLY]

This is the challenge to the minister. I don't doubt her sincerity on this question, but I continue to get e-mails — as recently as this morning, based on the discussions we were having yesterday — from concerned parents who want some certainty that this issue will not be left to those who don't have a personal commitment to the outcome. That means those that are dealing with special needs kids on a daily basis. Those are the parents, those are the CUPE members, and those are teachers. [DRAFT TRANSCRIPT ONLY]

Can the minister give us some indication at what point in time the round table will make a determination on broadening the scope of the membership and on broadening the outcomes that we want to see with respect to composition in classrooms across British Columbia? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: In fact, I made that deadline clear. The round table, I think, was formed in November or October of last year. The consensus of the members at the round table, which is actually part of listening and working together, was that we would review the membership after a year. I would make the commitment that by October or whatever the date was that we created the round table, that discussion will take place. [DRAFT TRANSCRIPT ONLY]

The other issue that the round table agreed on was the fact that there are numerous groups of people, including specialist teacher groups, the francophone parents.... There are numbers of groups that want to actually participate in the round table process. We agreed at the Learning Roundtable that opportunities would be made for representations to the round table by those organizations. I look forward to having the opportunity to have both support staff workers and parents of special needs in a position to present to the Learning Roundtable. That's important. [DRAFT TRANSCRIPT ONLY]

Let's go back to the whole genesis of this clause and all of the bill that is laid before the House today. It was brought to the table as a result of a dialogue with the partner groups that are represented at the Learning Roundtable. The member opposite, I'm sure, has also had correspondence from the B.C. Teachers Federation and knows well that the proposal that was brought to the table around special education students was actually a smaller number than this, with no flexibility in terms of decision-making. [DRAFT TRANSCRIPT ONLY]

Our attempt was to take the views of that organization and other representatives and try to find some balance. This particular section is before the House because it reflected what best we could get as a sense of a balanced approach to this. Parents of special needs children need to be reminded that this piece of legislation says this: that if in the opinion of those experts that are at the school level — which includes a discussion with the teacher, the principal and, ultimately, the superintendent and board of trustees — there is a reasonable expectation that children will do well with more than three special needs students in a classroom, that is absolutely permissible. [DRAFT TRANSCRIPT ONLY]

[1025]

J. Horgan:

H009/mem/1025

of the board of trustees, there is a reasonable expectation that children will do well with more than three special needs students in a classroom, that is absolutely permissible. [DRAFT TRANSCRIPT ONLY]

J. Horgan: I'd like to move now to a discussion that some other members have been raising, and I touched upon it briefly yesterday. That is class size with respect to shop classes, to labs, to home economics and to other courses offered in schools across British Columbia. [DRAFT TRANSCRIPT ONLY]

Again, in correspondence from educators, parents and others, it's certainly come to my attention and to members on this side and I'm sure to members on the other side of

the House, that there is a concern with respect to safety. [DRAFT TRANSCRIPT ONLY]

I heard the minister clearly yesterday that if there are unsafe classrooms, she wants to hear about it. I acknowledge that. I know some members have some data they're going to present to her in the coming moments. But if we look at class sizes in terms of square footage, in institutions constructed ten, 15, 20 or 30 years ago, shop classes were not always built for 30 students. In fact, many of them were built for 20 students or 16 students, and so we've got a size challenge even with 30. [DRAFT TRANSCRIPT ONLY]

With that in mind, and I provided a copy of this amendment to the clerks and I have made it available to the minister, I would move that we amend section 11 by adding the following:

[SECTION 11 is amended by adding subsection (2.4) as follows:

Class size for shops, laboratories and home economics classes, or similar hands-on classes, shall not exceed 24 students. [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: Following the same line of discussion that we had yesterday, which caused a great deal of reaction from the other side of the House, any time we move to an amendment such as this, it has the potential for an additional obligation to the Crown. It has an additional possibility of charge and cost to the Crown. [DRAFT TRANSCRIPT ONLY]

So, in fact, hon. Chair, I would ask that you consider whether or not this particular amendment is in order. Again, it follows the same pattern of requests that were ruled on yesterday. [DRAFT TRANSCRIPT ONLY]

The Chair: The minister has advised on the motion that it adds an additional charge to the Crown, and it is ruled out of order. [DRAFT TRANSCRIPT ONLY]

D. Chudnovsky: I respectfully would suggest that, in fact, there is no obligation required of the Crown arising from this amendment. I do so because of the following logic. The minister and the Premier and other representatives of government have said on numerous occasions publicly that there will be no additional funding arising as a result of Bill 33. We on this side disagree with that point of view and have argued that there should be additional funding. But the minister and government have said that there will not be additional funding. [DRAFT TRANSCRIPT ONLY]

The Chair: Member, we're not allowed.... We're debating the judgment that has been made from the Chair. The judgment has been made. [DRAFT TRANSCRIPT ONLY]

D. Chudnovsky: Yes, that's what I'm doing, Chair. If you.... [DRAFT TRANSCRIPT ONLY]

The Chair: You can't do that, member. The judgment has been made. [DRAFT TRANSCRIPT ONLY]

D. Chudnovsky: I'm rising on a point of order. Hon. Chair, I seek your guidance. I don't want to be doing something that I shouldn't be doing. But yesterday this same pattern came forward and an amendment was put forward. There was an objection from the government side and a ruling was made. I rose several times on a point of order. I'm

only doing what I did yesterday, and I seek your guidance. I don't want to be doing anything that I shouldn't be doing, but I think what I'm doing is precisely what happened yesterday. [DRAFT TRANSCRIPT ONLY]

The Chair: Member, a ruling has been made by the Chair. The ruling is not debatable. So we'll continue with the debate now. [DRAFT TRANSCRIPT ONLY]

D. Chudnovsky: I wanted to make some general comments on section 11 of the legislation because I believe that section 11 is a key and fundamental part of this legislation. I think it needs to be looked at carefully. [DRAFT TRANSCRIPT ONLY]

[1030]

I want to begin my comments, if I might, by saying that I believe that the purpose of section 11, among others — and it is a very good purpose and it's a purpose to be celebrated, as I see it —

H010/img/1030

section 11 among others. It is a very good purpose, and it is a purpose to be celebrated. [DRAFT TRANSCRIPT ONLY]

The purpose of section 11 of the legislation as I see it, among other things, is to bring some stability to the public education system, which has been, unfortunately, racked with a certain amount of instability over the last four or five years. I think that is to be celebrated, and we want to thank the government — and have — for taking a step which would bring us in the direction of stability. [DRAFT TRANSCRIPT ONLY]

I think that it is important in looking at this section of the bill which, as members opposite will know, we have some criticisms of and we think there are some weaknesses and we've been trying to point those out.... Notwithstanding those criticisms and weaknesses, we think that the bill pushes us in a good direction, because it begins to redress and begins to deal with instability that was created by government in 2002 when provisions for limits on class sizes, when provisions for services for students with special needs, when provisions for non-enrolling teacher availability were legislatively removed. This bill in general, and section 11 of this bill are useful in beginning to put us on a road to redressing the problems that were caused legislatively by this government in 2002. [DRAFT TRANSCRIPT ONLY]

Now, the situation in 2002 and leading up to 2002 was far from perfect — far from perfect. There were all kinds of problems, all kinds of challenges, all kinds of ways in which school trustees, school administrators, district administrators, teachers, parents and students had to work together to try and make a system work that would serve the needs of students. There was some progress in that. Section 11 of Bill 33 begins us on a road back towards some of that kind of stability. [DRAFT TRANSCRIPT ONLY]

The minister has mentioned on a number of occasions the need for flexibility, and I think that — again, notwithstanding the fact that we think that there are problems with the elements of the bill that look to the issue of flexibility — it is important to note that in the past there have been, as well, moves made by people on all sides of these debates towards a flexible implementation of class-size limits, of provision of services for special

needs and non-enrolling services. For instance, there was a landmark negotiation between the British Columbia Public School Employers Association and the B.C. Teachers Federation, which came to agreement on provisions of flexibility which were requested by the B.C. Public School Employers Association, representing school boards, on class-size flexibility for kindergarten to grade three. That was a step forward. [DRAFT TRANSCRIPT ONLY]

This notion of flexibility which is mentioned in section 11 of Bill 33 is not a new one. It is not one that had been ignored in the past. It's one that had been worked on very diligently by people on all sides of the debates, and it's one on which there had been some substantial progress. Nevertheless, the government in 2002 chose to implement Bill 27 and, more specifically, Bill 28, which created a situation of instability which this bill is beginning to push us away from. That's a good thing. In particular, section 11 takes us a little ways down the road towards a more stable situation in schools. [DRAFT TRANSCRIPT ONLY]

[1035]

The challenge is that there is a whole series of areas in which instability had become

H011/hbw/1035

had become a part of our lives in schools in British Columbia. Areas like class sizes; services for students with special needs; the closures of schools; the issue of non-enrolling teacher availability; art, music and drama programs which had been cut — there were legions of areas in which, unfortunately over this past four or five years, there had been reductions in service and cuts to services. [DRAFT TRANSCRIPT ONLY]

Among the problems we face with Bill 33, section 11 in particular, notwithstanding the fact that it begins us on a road to more stability, is that there are elements which aren't dealt with in this bill. We've attempted to point those out. There are the specific elements of services to students — that is, the specific problems we've faced in schools across the province over the last number of years — that Bill 33, and specifically section 11, begins to deal with. [DRAFT TRANSCRIPT ONLY]

There is a general set of propositions, problems that the bill also begins to deal with. They are the problems of low morale, fear and frustration that many in the system faced over the last four or five years. The bill admittedly begins to give some hope and some confidence that will move over time to dealing with those problems. But I want to say that the very tabling of Bill 33, and specifically section 11, tells us that the more dramatic disruption we faced last fall in the schools of the province was entirely unnecessary. It didn't have to happen. [DRAFT TRANSCRIPT ONLY]

The disruption that happened in the fall, which was precipitated by government, didn't have to happen. The proof of that is the very existence of Bill 33 and section 11, which have, notwithstanding their weaknesses, been embraced to a great extent by people who are interested in the public education system of the province. I dare say that had government chosen to move on some of its ideas in Bill 33 a year ago or last fall in September or October, had government chosen to acknowledge the problems which it had created in the system prior to the disruption last fall, it didn't need to happen. [DRAFT

TRANSCRIPT ONLY]

That's something for all of us to remember. Because as government begins down the road towards making some advances — small advances, but advances nonetheless — for kids in the school system, it's important for us to note and to remember and to learn that the disruption that was precipitated by government in the fall didn't have to happen.

[DRAFT TRANSCRIPT ONLY]

The Premier, to his credit, and the Minister of Education, to her credit, came to know and came to acknowledge — as a result of the disruption, unfortunately, but they came to know and came to acknowledge, and that's a good thing — that action had to be taken on a provincial level to deal with the problems of class size and class composition. That's why we have Bill 33 and section 11, notwithstanding their weaknesses. That's a good thing. They're to be commended for coming to those conclusions, even though they came to them late. [DRAFT TRANSCRIPT ONLY]

[1040]

The focus of section 11 of Bill 33 is to begin to move us to a situation of more stability in the system, and we applaud that. I would, though, make a plea and a suggestion and provide some advice, through you, Chair, to the minister and to government

H012/lgb/1040

of more stability in the system, and we applaud that. I would, though, make a plea and a suggestion and provide some advice to the minister and to the government. If, as I believe is the case, one of the purposes of Bill 33 and, specifically, section 11 is to bring a measure of stability and therefore a measure of confidence in the system and its ability to provide appropriate programs for students in our system, then I would suggest respectfully to government that the appropriate resources have to be made available for that to work. Without the resources and the availability of resources, section 11 is just words on paper. [DRAFT TRANSCRIPT ONLY]

I want to reflect back on some of what the minister said yesterday, because I have to tell you there were some, for me at least, glimmers of hope in some of the words that were chosen — and I know that this minister chooses her words very carefully. I note that in the questioning, when the minister was questioned as to the additional cost to the system of the provision in Bill 33 — the kindergarten-to-grade-7 provision, which requires the consent of professionals if overages are to be acceptable — the minister chose not to repeat her comments from the last couple of weeks in which she stated unequivocally that there wouldn't be additional resources. [DRAFT TRANSCRIPT ONLY]

I heard her. Chair, you heard her. The province heard her a number of times saying: "No, there isn't going to be any more money." But yesterday when she was questioned — and I take this minister very seriously, and I know that she chooses her words very carefully — she didn't repeat that, and that's a good thing. [DRAFT TRANSCRIPT ONLY]

It leaves the door open to the possibility that, in this minister's mind and in this government's plans, there are additional resources, and we would seize upon that. I think that there are thousands of parents in the province and thousands of students, teachers and

school administrators who would equally seize upon the minister's choice not to go back to the oft-repeated position that there will be no additional resources for the implementation of Bill 33. We look forward to that, because if section 11 of Bill 33 is going to mean something, then the resources have to be there for appropriate class sizes, class compositions and placements for students with special needs. [DRAFT TRANSCRIPT ONLY]

Let me just finish with a couple more points on implementation of section 11. I want to stress a point made by my colleague from Malahat–Juan de Fuca. There are those in our community who are very intimately involved with providing services to students with special needs. There are those in our community who are advocates for and parents of students with special needs and who need to be invited to be part of the discussion in an ongoing way on these issues. It's very important that we show them the respect that they deserve. [DRAFT TRANSCRIPT ONLY]

I'm talking about CUPE and other caregivers in the schools. I'm talking about advocates for students with special needs. I'm talking about the parents of students with special needs. The resources have to be there and a respectful discussion has to be there so they can be assured of something that's absolutely critical to them, which is that there are appropriate placements for every student with special needs in the province. [DRAFT TRANSCRIPT ONLY]

That's a goal we need to hold fast to. It's a goal that they deserve. Resources, a real and respectful discussion among all of the parties — those are things that we have to go towards. [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: I appreciated the comments of the member opposite. Obviously, he has his view of education history, and I certainly have my view. [DRAFT TRANSCRIPT ONLY]

[1045]

I think that the whole issue of instability and negativity in some of the discussions that take place around public education didn't start four years ago. In fact, I think there's been a lot of years of conflict and issues. We couldn't actually come to a negotiated

H013/lrm/1045

instability and negativity in some of the discussions that take place around public education didn't start four years ago. I think there have been a lot of years of conflict and issues. We couldn't actually come to a negotiated settlement in this province for, I think, about 13 years. There has been lots of conflict. Heaven knows I was a school board chair, and I can assure you that I was saying many of the same things the member opposite is reflecting upon over the last four years. I was saying them at least eight or ten years ago. [DRAFT TRANSCRIPT ONLY]

The whole point is this. The member opposite points out the fact that this is progress. Yes, actually, it is progress. One of the reasons that there are some very specific distinctions in this bill is because there was absolutely no agreement at the Learning Roundtable that would indicate that we should move in a different direction. We promised the people of British Columbia that we would begin the Learning Roundtable — that we would go, we would listen, and we would act. That's exactly what we did. We made that same commitment in the throne speech. [DRAFT TRANSCRIPT ONLY]

The challenge I would face — and I have said this consistently — is that there was no general agreement. There were very strong opinions. Yes, the B.C. Teachers Federation expressed strong views about special education students, about non-enrolling teachers — about all of the things that the member opposite has spoken about. But the parents, the trustees, the superintendents and the principals talked a lot about flexibility and how important that is when you put classes together in schools today. This bill reflects what best we could find in terms of balance, in terms of moving forward. [DRAFT TRANSCRIPT ONLY]

The discussion will continue. As the member opposite would be very clear of, my previous response absolutely indicated, first of all, that we do respect the views of special education parents in this province and of support staff workers. I previously said that I would be delighted to find venues in which we can have that meaningful discussion, and I committed as the roundtable agreed to, a review of membership at the roundtable. Those are all steps in the right direction. [DRAFT TRANSCRIPT ONLY]

I appreciate the member opposite's comments, but I also want to put on record that this is a government that has spent \$669 million a year to do the very thing the member opposite has asked us about and that this bill reflects. This is our step forward in saying that the appropriate placement for every child in this school district, in this province, is important. The way to do that is to leave some flexibility, to allow the decision-makers at the local level to actually make those decisions. [DRAFT TRANSCRIPT ONLY]

G. Coons: I would like to touch on a couple of topics dealing with this section, and I would like to get into some comments reflecting from last night. We talked about shops, tech classes, labs, home ec classes, where in the past they traditionally had limits of 24, due to size constraints, the number of labs that are available and the safety supervision within the areas. [DRAFT TRANSCRIPT ONLY]

I did reflect on some stories from when I was involved in education. There was what we considered fairly.... I wouldn't want to say a situation where.... Safety concerns were out there. We were able to do that, but it took quite a while to readjust those classes. Even as we speak, right now in schools in my district back home there are shop classes of 26 to 28 students and six or seven students with IEPs, and the teacher is instructing six or seven different sections — whether it's metalwork nine, ten, 11; maybe some mechanics 11, 12. They're all in a shop along with teacher's aides and in a situation that, as far as WCB, the teacher safety is not in jeopardy. But these are situations where there is a concern, and I want to get that on the record that it is still happening after a couple of years. [DRAFT TRANSCRIPT ONLY]

As we go on, the teacher I talked to, this particular teacher last night.... He reiterated that in his opinion, it is not safe for students but that he is going through the situation of trying to deal with what's best for what he has to go through. He sees that it is only going to get worse under this legislation. [DRAFT TRANSCRIPT ONLY]

[1050]

As we look at the rural situation.... again, as the deputy minister knows — he's been to Prince Rupert; he's gone through the schools, and the ministers have in the past.... They've been to Roosevelt Park School, where there are 200 students with 60

students with IEPs. And those are the ones who have been tested. In our district they've been trying for years to find

H014/jbp/1050

ministers have in the past. They've been to Roosevelt Park School, where there are 200 students with 60 students with IEPs, and those are the ones that have been tested. In our district they've been for years trying to find a school psychologist so that more could get tested, and the wait-list is months, if not years, away. So we have the grey area for students. We've got some very challenging situations in rural areas. [DRAFT TRANSCRIPT ONLY]

As the deputy minister has indicated, the EDI, as we all know.... In my home town of Prince Rupert 40 percent of the students are vulnerable. That's significant. When we go through legislation like this, a bill, a law that does not have the accompanying funding is a real concern. It's a real concern to teachers, to child care workers, to parents of all students throughout the province and, I have to add, especially to those in the rural areas. [DRAFT TRANSCRIPT ONLY]

Again, as I did mention previously, the Task Force on Rural Education.... The B.C. school trustees wanted the report, and within four or five days, the deputy minister in his report put things out. But I think there needs to be a key follow-up to, as the recommendations indicate, make the improvement of rural-urban equity, of educational outcomes, a high priority; create the provincial vision for rural education by focusing on how to foster equitable student achievement in all areas of the province. [DRAFT TRANSCRIPT ONLY]

Again, in our discussion this week of the FSAs and how.... Lots of opinions do not help. They do not help the rural areas and the smaller areas that are struggling to make it through and being ranked and compared to other jurisdictions, including private independent schools. [DRAFT TRANSCRIPT ONLY]

One of the key recommendations for the rural education strategy was to review rural schools funding. Again, that's reiterated with the regional district of Kitimat-Stikine, who wrote a letter to the minister herself, looking at specific underfunding problems mentioned, and looking at.... Although the provincial government acknowledges that one size does not fit all and states there is flexibility, the regional district remains concerned their local needs are not adequately addressed under the current funding formula or within the existing provincial education budget. Legislation such as this will exponentially increase all those concerns. [DRAFT TRANSCRIPT ONLY]

When the round table was established and the communications were happening, there was some hope. There were optimistic views that we would move forward. There is; this is a start. But, again, this sounds like the start of the last teacher's contract that was imposed, where there were some funding increases that people thought were going to work well that they were not subsidized.... They were not paid for. In my opinion, that was the start of the closing of the hundred or so schools and the layoff of 2,500 or 2,600 teachers. As far as Kitimat-Stikine going to a four-day week.... [DRAFT TRANSCRIPT ONLY]

As far as section 11, I also have concerns about the multigrade, the split classes. In the rural areas you can go to some of the villages that I represent, and we have split classes of kindergarten, 1, 2, 3 — a four-way split with 20, 22 kids, in areas where the needs are very challenging. [DRAFT TRANSCRIPT ONLY]

When we start looking at some of the information that I have discussed before, we've got classes of 28 students with eight IEPs in them, three teacher's aides in them. The classrooms are built for 24 to 25 students. So, I think in the educational world, especially in the rural areas where declining enrolment has had a major effect in the makeup of classes.... [DRAFT TRANSCRIPT ONLY]

[1055]

The really positive aspect of finally, after many years of hearing the outcries from parents, from teachers, from everybody in the educational realm, that the words came through the Premier's lips that there is a concern about

H015/ebp/1055

The really positive aspect is that finally — after many years of hearing the outcries from parents, from teachers, from everybody in the educational realm — finally, the words came through the Premier's lips that there is a concern about class size and composition. But those words need some backing, and I think the minister and her staff have to realize that without funding, without funding, it's going to be disappointing to a lot of the educational participants in the field. [DRAFT TRANSCRIPT ONLY]

[S. Hawkins in the chair.]

Last week, I was at the North Central Municipal Association up in Fort St. John. They made a motion also, dealing with rural education and funding. There are concerns in the rural areas, and this legislation does not meet those concerns. [DRAFT TRANSCRIPT ONLY]

I'd also like to comment on the concept of how this legislation does not deal with English-as-a-second-language students. As far as we can read this bill, there could be a class of 30 students, including three with IEPs and an unlimited number of students designated as ESL. Once again, this comes to the component of our needing a wider range of classifications for students with special needs. [DRAFT TRANSCRIPT ONLY]

I have to go back to the B.C. School Trustees, and I'm sure the deputy minister, the minister and staff have been briefed on those, if they weren't there for the voting. One of the motions passed by the B.C. School Trustees Association was the need to broaden the categories of special needs students with funding. They urged the ministry to include a fourth category to recognize those students with neurological disabilities — you know, FSA, FAE, autistic — who require additional classroom and school-based support. Again, the key: it needs the funding. [DRAFT TRANSCRIPT ONLY]

When we look at, as the minister says, the trials and tribulations of what's happened over the last ten or 12 years with education, we do have the best educational system in the world. We have the best teachers in the world. We have superintendents, administrators and support staff, but again, in a district such as school district 52, we're seeing next year's budget being a deficit of \$300,000, which may not seem much to many in this room, but that's a loss of five teachers with a declining enrolment of 45 students. Now, I'm not too sure how we do the math with 45 fewer students and losing five teachers, but that's fairly significant when you've got challenges in regions dealing with

the outcomes that we've seen under the EDI, etc. I would encourage, I would encourage the minister in her deliberations, respectfully to look at this bill, to look at what is going on in education and what's happening in our classrooms. [DRAFT TRANSCRIPT ONLY]

[1100]

Again, I would be remiss if I didn't mention the home ec class in Prince Rupert that had 16 students with IEPs — 16 students with IEPs. When I asked the president of the teachers union up there how many were in the class, he just said: "It doesn't matter how many are in the class. Whether it's 20 or 25 or 30, when you've got a class with 16 students that have been designated, that have needs" — that, hopefully, members of this House could see are not going to be met in a home ec class that's built for 24 — "you can see the challenges going on in that." [DRAFT TRANSCRIPT ONLY]

H016/hbw/1100

have been designated, that have needs that, hopefully members in this could see, are not going to be met in a lab or a home ec class built for 24, you can see the challenges going on in that. [DRAFT TRANSCRIPT ONLY]

A previous member talked about stability in the educational system, and that's what parents, teachers and educators want in this province. They want stability. This bill, again, will not lead to stability. We look at the distributed learning where the time lines and the flexibility involved in that may not help rural districts have stable planning for the next school year. [DRAFT TRANSCRIPT ONLY]

Before I pass it on to the next member, I'd just like to reiterate to the minister and staff that as far as I'm concerned, this bill has potential, but again, the funding must be there and it must meet the needs of students throughout the province, and there must be that equitable division between rural and urban. [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: I want to take time to respond to a couple of comments by the member opposite. First of all, we will be contacting the school district this afternoon about the classes that have been mentioned in terms of issues of safety that the member opposite has brought to our attention. [DRAFT TRANSCRIPT ONLY]

There is no acceptable reason to put students at risk in the school system. That is not acceptable. It is not appropriate for either side of the House, and every single time that members have stood up on either side of this House and made comments about a particular classroom, we are delighted to go and have a look. We will be holding the professionals accountable for putting classes together that would even suggest that children be at risk in this province. It is not acceptable. [DRAFT TRANSCRIPT ONLY]

As early as this morning I was reassured by a group of superintendents that those circumstances do not exist, so I can assure the member opposite that we will be contacting that school district the moment these questions are complete for the morning, and we will follow up on those issues. [DRAFT TRANSCRIPT ONLY]

We also need to have, you know, a discussion about rural schools in context, and the member opposite is absolutely correct. Rural schools in British Columbia are facing extraordinary challenge, but the member opposite might want, also, to go and look at

circumstances of rural schools around the globe. In fact, if you look at countries like Ireland, New Zealand or provinces like Saskatchewan, Quebec and Ontario, all of those jurisdictions are facing the unbelievable demographic shift that's taking place around the world. To suggest that schools closed because it was a unique phenomenon to this province is inaccurate. [DRAFT TRANSCRIPT ONLY]

Provinces, countries, jurisdictions are facing unbelievable enrolment decline. By September in this province alone, 37,000 fewer children are attending public schools in the province. I would suggest to the member opposite that while those decisions are difficult for school districts to make, unfortunately, they were necessary. We need to take the record-level resources we have in public education and focus those on classrooms. Empty and half-empty buildings are no longer acceptable. [DRAFT TRANSCRIPT ONLY]

Do rural schools have challenges? Absolutely they do. In fact, this government has recognized it, and in this year alone we will be providing an additional \$11.9 million in supplemental funding to rural schools. That's because we understand there are difficult challenges. We know that the funding formula also addresses things like low enrolment, dispersion, geography and climate. Those are the kinds of practical things that can be done to deal with that. [DRAFT TRANSCRIPT ONLY]

To the member opposite: I know and understand the concerns that have been expressed, but the absolute reality of the situation in school district 52 is that in ten years they've seen their enrolment decline by 31 percent, and at this point in time, their funding has remained virtually the same. They've had a 31-percent decline in enrolment, and funding has remained the same. [DRAFT TRANSCRIPT ONLY]

[1105]

Are there challenges with needy children in terms of EDI? Of course there are. This government embraces EDI and the work of Dr. Clyde Hertzman. We are working very hard

H017/img/1105

a 31 percent decline in enrolment, and funding has remained the same. Are there challenges with needy children in terms of EDI? Of course there are. This government embraces EDI and the work of Dr. Clyde Hertzman. We are working very hard to focus on those neighbourhoods where there is the most need. But make no mistake about it. The issue of rural schools is one being faced by countries around this world. It is not unique to British Columbia, and this government has paid an incredible amount of attention to rural schools in particular. [DRAFT TRANSCRIPT ONLY]

J. Kwan: I'd like to ask the minister some questions around section 11 and particularly.... In fact, there's not one mention of ESL in this entire bill. Why is that?
[DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: We understand that ESL students across the province are a major part of many school districts. The discussion at the round table and, certainly, the advice and information that we heard there.... At no time did the partners suggest or even discuss whether or not there should be limits or caps or any sort of threshold. The B.C.

Teachers Federation may well have done that, but there certainly was not a general consensus about that. [DRAFT TRANSCRIPT ONLY]

I think ultimately, we have to look at the outcomes for English-as-a-second-language students in this province. In fact, the completion rates for ESL students in this province exceed the level of completion by all students. The percentage of completion for all students is 79 percent, and the completion rate for ESL students in this province is at 82 percent. [DRAFT TRANSCRIPT ONLY]

J. Kwan: That's interesting. The minister says that the BCTF is the group that actually raised the issue around ESL concerns but that nobody else around the round table had raised that. Having said that, of course, the teachers around the table are the educators in the system, and they have to deal with the students in the classroom, on the ground, in terms of making sure that the learning environment is optimal for all of the children — ESL, special needs or otherwise. [DRAFT TRANSCRIPT ONLY]

Certainly, I would have thought that the minister would take that into consideration, but apparently not. I do want to actually touch on this for a moment, though, in terms of the breakdown of the number of ESL students in the province. How many ESL students are there in British Columbia? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: I don't have that number. I can have that number given to the member opposite. Certainly, in terms of the bill that is in front of us.... The issue seems more like an estimates question. [DRAFT TRANSCRIPT ONLY]

I want to go back and respond to the member opposite. First of all, I did say clearly that at the Learning Roundtable the B.C. Teachers Federation certainly expressed a view about English-as-a-second-language students. The member opposite suggested that I perhaps didn't take that into consideration. I can assure the member opposite that each of the views and opinions that was shared at the Learning Roundtable was considered, was actually listened to and responded to in this bill. [DRAFT TRANSCRIPT ONLY]

I think the other point that needs to be made extremely clear is that we have said consistently that this is the beginning of work that needs to be ongoing in this province in terms of having thoughtful and meaningful discussions about lots of issues. I'm certain that as we continue there will be discussion about ESL students. There will be discussion about secondary school students. [DRAFT TRANSCRIPT ONLY]

We need to be clear that there were comments and discussion about ESL students, but at no time was there a significant consensus about whether or not those students should be included in this bill. [DRAFT TRANSCRIPT ONLY]

J. Kwan: I guess the question here is this: to what degree is the minister addressing the concerns that have been raised? I can certainly tell you that the complexity of a classroom includes many factors, some of which the government is trying to address here. Class size was one of them. Class composition was the other. [DRAFT TRANSCRIPT ONLY]

Therefore, under section 11, as we're talking about class-size limitations, which is what the government is bringing forward — which, by the way, we support.... But within that complex classroom environment numbers is not the only thing. It's the makeup of the class as well, so I think that it does fit into section 11, into the questions which I'm asking of the minister. [DRAFT TRANSCRIPT ONLY]

More specifically, and I just want to focus on the one area here around English as a second language.... The minister says she doesn't have the information around the number of ESL students in our system. Now, this is based on the information I have, according to the

H018/sea/1110

I just want to focus on one area here around English as a second language. The minister says she doesn't have the information around the number of ESL students in our system. [DRAFT TRANSCRIPT ONLY]

Now, this is based on the information that I have according to the Ministry of Education student report document 2005-2006. There are 59,103.6 FTE ESL students. The operating grant estimates for 2005-2006 show 57,585.0 funded FTEs. Madam Chair, that's the information that I'm basing my questions around. Next year, of course, for 2006-2007, the estimate is 57,413 FTEs. That's for the K-to-12 system. [DRAFT TRANSCRIPT ONLY]

Really, if you compare the amount of funding, or the number-of-students funding, per FTE, relative to the full-time-equivalent students, you can see that there are about 1,500 short of FTE funding, if you will. That's based on the minister's documentation, which we've extracted these numbers from. [DRAFT TRANSCRIPT ONLY]

I know that in my own community — and I should say, more broadly in Vancouver — in the secondary schools, the percentage of ESL students is around 56 percent. In the elementary schools the percentage of ESL students is about 52 percent. In Surrey, for example, my understanding is that their ESL students are about 30 percent. In Coquitlam, albeit not as high as the other centres that I've put forward by way of comparison, their ESL students have increased by some 580 percent to a total now of about 10 percent of their student body. [DRAFT TRANSCRIPT ONLY]

We also, actually, did some research in citing some information that was brought to our attention from Dr. Lee Gunderson at UBC, who has done extensive research into the ESL situation. According to that information there, it actually shows that the dropout rate for ESL kids is some 40 percent. That actually contradicts the information that the minister had provided in terms of completion rates, so I'm particularly interested in exploring this area in terms of the funding. [DRAFT TRANSCRIPT ONLY]

The Chair: Member, just as a point the Chair would like to make, this section is on class limits. I would suggest that the member explain how this is relevant to the section at hand. [DRAFT TRANSCRIPT ONLY]

J. Kwan: Thank you, hon. Chair, I'd be delighted to do that. How it relates, of course, is that limits on class size is what the minister has in this bill in section 11. It does beg the question, though, in terms of class size and class limits, for other segments within the class size, ESL being one of them. I'm trying to get to the bottom of the class-size limitation in conjunction with the notion of composition. You have to look at those two together to determine whether or not 30 is the correct number. In order to break that down, we actually have to get a better understanding of what a class composition looks

like before we can come to the conclusion that a class size of 30 is in fact the right number. This is what I'm driving at. [DRAFT TRANSCRIPT ONLY]

Without that, then you are just talking in a vacuum, without actually looking at the real situation before us. I don't think that's justification for the students and the parents and the educators and for the government. To that end, I'd like to explore the class composition within a class size, for which we're talking about a cap of 30 — to explore that specifically on the ESL side of things. [DRAFT TRANSCRIPT ONLY]

The information that we have is that the dropout rate for ESL students is particularly high amongst certain immigrant populations — the Filipino community, the Vietnamese community, the Punjabi community and the Latino community, for example, many of whom are highly at risk. I'd like to find out from the minister whether or not she has any information to reflect on that breakdown within the ESL population in terms of how the students are doing and what the dropout rates might be. [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: First of all, we'll clarify the record here. The number of ESL students that currently are in our system — because, of course, students are counted and are given a student identification number — is 57,585. [DRAFT TRANSCRIPT ONLY]

[1115]

When you look at funding for ESL students and FSL — which is French as a second language — students, we actually fund those students an additional amount to the core funding. The per-pupil rate is provided to schools, and each additional child, ESL or FSL,

H019/lgb/1115

ESL students and FSL students, which is French as a second language, we actually fund those students an additional amount beyond the core funding. The per-pupil rate is provided to schools, and each additional child, ESL or FSL, receives \$1,100 per student in addition to the per-pupil funding. That has seen this government increase... In terms of the funding that government provides for ESL and FSL students, it's \$63 million a year, in addition to per-pupil funding. That is certainly a recognition of the importance of providing resources. [DRAFT TRANSCRIPT ONLY]

We do deaggregate the information that we get in terms of student information. We are able to identify students that are ESL students, and that's how we look at the completion rates. The member opposite listed a study of some sort that talked about a 40-percent dropout rate. We look at the data that's provided to us by school districts across the province when we make the statements that we make so I would be happy to receive the information from the member opposite. We would be delighted to have a look at it as a ministry. Obviously, we want to look at who did that research and where exactly it's centred. [DRAFT TRANSCRIPT ONLY]

I can only assure the member opposite that we work to make sure that students are supported with \$1,100 per-student funding in addition to per-pupil. The results have been the best of all students in British Columbia in terms of completion rates at 83 per cent for ESL students. [DRAFT TRANSCRIPT ONLY]

We continue to look at the complexity of classrooms. The member opposite is absolutely correct. Classrooms are complex. That's why this bill takes an approach that is not about formulas and assuming there are certain circumstances which we can dictate from Victoria. This bill, which is what we're discussing today, actually allows for the people who work in schools to discuss how best to serve all of our students, whether they're ESL students, special needs students or typical students. [DRAFT TRANSCRIPT ONLY]

J. Kwan: Let's be clear. The number that the minister put out of 57,585 FTE-funded in terms of ESL students is based on a number that is on a funding cap and not on the service cap. I expect that's where the discrepancy comes from. [DRAFT TRANSCRIPT ONLY]

The ministry has actually cut off English-as-a-second-language funding after five years, regardless of the grade level functionality of the student. Before that, it used to be seven years. So there is a difference here in terms of that. What we also do know is that advantaged immigrants take about two to five years to reach functioning levels in English; disadvantaged immigrants, however, take seven to ten years. There is a major discrepancy. [DRAFT TRANSCRIPT ONLY]

Part of the challenges for the... Children who are challenged tend to have situations where their schooling is often interrupted because of traumas of the past and poverty issues — many of whom, by the way, live in Vancouver–Mount Pleasant. We see those challenges on a day-by-day basis. We actually see situations where students — children — enter into the education system in kindergarten and have had no exposure whatsoever to English. That's why, in terms of creating a level playing field for all of the children, so that each and every one of them has the opportunity to maximize their potential, it's absolutely critical. [DRAFT TRANSCRIPT ONLY]

We also know that the student success that ties into early childhood development and into education development from K-to-12 also has primary impact in terms of the success in the future for those individuals, in terms of them being full participants into our system, in terms of being self-sufficient in our broader society and in terms of being less likely to be in conflict with the law and so on. To that end, there is a major challenge here in terms of the number of years that ESL students are funded or not. But we see in this bill, though, that there's nothing in it... [DRAFT TRANSCRIPT ONLY]

The Chair: Member, again, the section is dealing with class-size limits. Please make your comments relevant to the section on class-size limits. I'm having a little difficulty connecting your comments with what this section is dealing with. [DRAFT TRANSCRIPT ONLY]

J. Kwan: How it is relevant is this, Madam Chair. The class-size limits speak to an overall number of students in a class. Within that class there are different children with different needs with different complexity. Is the class size of 30 correct in a classroom with 16 ESL students and three special needs students? Is that right number? [DRAFT TRANSCRIPT ONLY]

There's nothing in this bill that addresses ESL limitations. That's what I'm trying to get at here. How do we know 30 is the right number if you don't look at all of the issues relevant to the composition of the

H020/mem/1120

there's nothing in this bill that addresses ESL limitations. That's what I'm trying to get at here. How do we know 30 is the right number if you don't look at all of the issues relevant to the composition of the class? It might be kind of funny for the minister, and she may want to laugh it off, but the fact is.... [DRAFT TRANSCRIPT ONLY]

The Chair: Member, we don't impugn individual members in the chamber. [DRAFT TRANSCRIPT ONLY]

J. Kwan: Well, I apologize, but you know what? I have to say that it is a critically important issue, especially for the province, as we know there's declining enrolment and people are not having as many children in our own province. [DRAFT TRANSCRIPT ONLY]

We are calling on and working very hard to actually have immigrants come to this community, but we better be sure that our education system, our systems within British Columbia, have the supports for the immigrant community when they come here. I don't see that right now in our education system — I do see children being challenged. [DRAFT TRANSCRIPT ONLY]

I asked the minister, who says she's going to travel the province, to come to my riding any day, and I'll take her school by school and show her the complexity of the school system in Vancouver–Mount Pleasant. I will demonstrate to her, with the educators and with the parents in the system, the critical needs around class size and composition measures and ESL limitations. These are children's lives, and they deserve every opportunity to succeed. Every child deserves that, and I expect the government wants to achieve the same outcomes as I do. I expect that, and I accept that. But what I'm challenging the minister on is this: in this legislation it does not effectively address all of those issues. It addresses some of them, and maybe this is the beginning of achieving something that will be greater in the future — maybe. [DRAFT TRANSCRIPT ONLY]

But the minister and the Premier set aside a roundtable to look at this issue, and they had the opportunity to actually bring forward a piece of legislation that would address all of those issues. So I don't understand, and I don't accept the fact that ESL is not addressed in this legislation. I don't accept that on behalf my constituents. I don't accept the notion from the minister that somehow her funding level is the right level. [DRAFT TRANSCRIPT ONLY]

I challenge that, and the minister says that well, you know, she'd be happy to look at research that I could provide her. Let me just say this: the minister has way more staff than the opposition, so contact Lee Gunderson at UBC, and you'll be able to actually get that information accordingly. [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: First of all, let's make it perfectly clear that on this side of the House, we actually do care about every single child in British Columbia. This bill makes sure that at the centre of the discussion, we're not going to listen to one voice. We're going to listen to all of the voices that were at the roundtable — to parents who actually

care and who are children's first and most important teacher. We're going to listen to trustees. We're going to listen to principals and to administrators. We think they're in the best position to address the issues that the member opposite has actually brought forward in terms of the complexity of classrooms. [DRAFT TRANSCRIPT ONLY]

Let's get our facts straight. First of all there is no cap on ESL funding in this province. If a child appears at a school, they will receive 1,100 additional dollars per student, whether they're ESL or FSL, in addition to per-pupil funding. That's the first fact. Secondly, let's talk about the fact that — yes, you're right — ESL students currently receive five years of funding, but there's a process. If that child has additional needs, then that will be considered and additional years of funding can be provided, based on the needs of the child. [DRAFT TRANSCRIPT ONLY]

I visited and spent time at two roundtables in Vancouver with parents who had children with ESL concerns. One of the things they said was: "We want our children to actually move into other classrooms and other programs as soon as they can. Five years is great, and we're glad you do it, but we want some flexibility there so our children can move forward as well." [DRAFT TRANSCRIPT ONLY]

[1125]

So we want to be sure that this bill captures what we heard at the Learning Roundtable. We want to engage in dialogue and discussion around this province. We care about every student in the province. [DRAFT TRANSCRIPT ONLY]

H021/clm/1125

our children can move forward as well. [DRAFT TRANSCRIPT ONLY]

We want to be sure that this bill captures what we heard at the Learning Roundtable. We want to engage in dialogue and discussion around this province. We care about every student in the province. We want a bill that allows the professionals in classrooms and schools today to make the decisions that are best for students in this province. [DRAFT TRANSCRIPT ONLY]

J. Kwan: I would invite the minister to come and talk to the PACs in my riding, the parents in my riding, who are struggling. I would invite the minister to come and talk to the inner-city school PACs. I would invite the minister to come and talk to Cynthia Wong, who has actually worked through the system as a parent trying to struggle to advocate on behalf of the children in our system who are not getting the support that the minister claimed they are. That's the truth, and that's the reality. I would invite the minister to take a really good look at the reality of the everyday lives of parents with many challenges in our system and at their children's many challenges as well. [DRAFT TRANSCRIPT ONLY]

The reality is this. We know that there is already an assessment problem with special needs kids. We know that a lot of the children fall into a gap. The minister says: "Oh yes, but we do have a provision says that we'll assess everybody." We know that there are huge backlogs in terms of assessment. We know that many children are not captured in the category of getting the additional funding that they require to help them succeed and to help the educators to teach those children in the learning environment.

[DRAFT TRANSCRIPT ONLY]

That's the reality the minister refuses to acknowledge, and maybe that's the problem here. The minister can say all she wants that she really cares, but actions speak louder than words. The reality is that many children are falling through the gaps, and with this legislation, with the kind of caps that are being put forward, which will be debated under another section.... [DRAFT TRANSCRIPT ONLY]

Section 27 is around the funding piece. The need is for the government to fully fund the class-size caps and for the government to fully provide optimal learning environments. The government has not included ESL as a component for consideration, and I do think there is a problem with that. [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: Let's talk about action. In fact, this is a government that has record-level funding in public education — the highest per-pupil funding ever in the province. [DRAFT TRANSCRIPT ONLY]

Let's talk about the outcomes. It's really interesting to sit and listen to the comments about students in classrooms in this province. Let's look at the outcomes. Our 15-year-olds in this province outperform every single 15-year-old in the world. [DRAFT TRANSCRIPT ONLY]

Let's talk about outcomes for ESL students. They are at 83 percent, the highest level ever. For all students the completion rates are at 79 percent, and our aboriginal students are at the highest level ever. [DRAFT TRANSCRIPT ONLY]

It's time that we actually talked about the good things that are happening in public education. There are many of them. [DRAFT TRANSCRIPT ONLY]

[1130]

H022/klm/1130

The Chair: Members, please take your seats. [DRAFT TRANSCRIPT ONLY]

Section 11 as amended approved unanimously on a division. [See *Votes and Proceedings*.]

Section 12 approved. [DRAFT TRANSCRIPT ONLY]

[1135]

The Chair: Okay, members, to your own business. [DRAFT TRANSCRIPT ONLY]

Section 11 as amended approved. [DRAFT TRANSCRIPT ONLY]

On section 12. [DRAFT TRANSCRIPT ONLY]

J. Horgan: As we now get into the process whereby section 11 will be implemented, I have a number of questions, as does my colleague from Columbia River—

Revelstoke. But I'll start with section 12 amending 76.2 with respect to subclause (b). It says: "consult with the school planning council with respect to the proposed organization of classes within that school for that school year...." Could the minister advise if every school in British Columbia has a functioning school planning council. [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: The vast majority of schools across the province do have school planning councils. There are some schools that do not have school planning councils, but the intent of this legislation.... We should also point out that we are working very closely with BCCPAC and different parent advisory councils to help train and enable school planning councils to exist. In fact, the vast majority of schools have one. There are some that do not. [DRAFT TRANSCRIPT ONLY]

J. Horgan: So, then, those schools — an undetermined number — will be in contravention of this clause of this act? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: Well, it's our intent to continue to work with schools across the province. Certainly, BCCPAC is involved in a major way with providing professional development for parents. Our goal would be to absolutely have school planning councils in place in each school in British Columbia. In fact, there is legislation regarding school planning councils, and schools are expected to have one. [DRAFT TRANSCRIPT ONLY]

J. Horgan: If there are no school planning councils in particular schools, how does the minister propose to implement this clause of the act? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: The expectation is that schools will have a school planning council. [DRAFT TRANSCRIPT ONLY]

J. Horgan: How can the minister guarantee that something will exist that doesn't exist today, without some sense of clairvoyance or some other information that's not available to us and certainly isn't available in this legislation? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: Well, we're going to continue to ensure that schools actually have school planning councils. They have been very positively received, by many parents in particular, across the province. We as a government have provided additional resources to BCCPAC to provide ongoing training. The expectation is that schools will have a school planning council, and we will continue to work to ensure that that occurs. [DRAFT TRANSCRIPT ONLY]

N. Macdonald: I'm going to talk about section 12, 76.2(b), and again the word "consult." It says: "consult with the school planning council," and I just wonder if the minister could give clarity around what that consultation would look like, what the parameters are. [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: It incorporates the same principle we expect to occur between teachers and principals and school superintendents. We would expect that principals involve parents in a meaningful way as they present and discuss, and there is a back-and-

forth about the discussions around school planning. [DRAFT TRANSCRIPT ONLY]

N. Macdonald: I'll lay out a scenario for a minister. [DRAFT TRANSCRIPT ONLY]

[1140]

Canal Flats. I believe letters have been sent to the minister. The scenario was the school planning council, which I met with, met with principals. They organized with three-way splits. They organized a number of things that they were unhappy with. The reality for the principal and for the parents is that the resources simply were not there to do anything other than that

H024/lrm/1140

with three-way splits. They organized a number of things that they were unhappy with. The reality for the principal and the parents is that the resources simply were not there to do anything other than that, so the outcome for the parents and the school planning council was something that they weren't pleased with. Nevertheless, with the lack of resources, they were left feeling that they had to support the principal in setting it up that way. [DRAFT TRANSCRIPT ONLY]

The question that I have for the minister is this. Without resources, you easily have the consultation, but it doesn't mean that you end up with an outcome that parents are going to find pleasing — or the school planning council or, indeed, the principal. Part of what I'll say is this: the member for Vancouver–Mount Pleasant invited the minister to visit particular schools. The invitation I would make, as well, is that when you're in the beautiful Rocky Mountain school district, one of the schools and one of the communities that you would choose to visit would be Canal Flats. [DRAFT TRANSCRIPT ONLY]

I'd be happy to help with that organization. It's a beautiful community. It would be a wonderful opportunity to meet with parents and have them express directly to the minister the concerns they have — giving you an opportunity to speak to that and also around consultation, which may take place but which may, in the end, leave neither parties involved in the consultation pleased if there are not the resources to go along in trying to come up with class organization that's going to be successful. [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: Well, you know, organizing schools and classrooms is all about making choices. I would assume that many of those are not easy as we balance how best to serve students who have English as a second language, those who have special needs and, yes, even those who are typical. It's all about those decisions. It's all about making the choices that are putting students at centre of that. [DRAFT TRANSCRIPT ONLY]

There's no guarantee. You can't legislate consensus. What we're actually trying to do in this bill is to say: "There is a process that you now must follow. You must involve people in the decision-making." Will patients be happy? Not always. Will teachers be happy? Not always. But the point of the bill is to say that we recognize that consultation is important and that there are a number of people who should be included in that. Parents are one of those partners that should be included. [DRAFT TRANSCRIPT ONLY]

I do know that if parents are unhappy with the specific placement of the child,

there's an appeal process. There are mechanisms to have that discussion. So this is about trying to find a way to facilitate those decisions that is inclusive. One of the things we heard at roundtable was that it was not always the case this. This bill reflects that. [DRAFT TRANSCRIPT ONLY]

In terms of my visits around the province — and the member from Mount Pleasant made it sound sort of like I was not visiting certain school districts. Our commitments in the throne speech, between both the Premier and myself, is that we will visit all 60 school districts. With a legislative agenda such as we've had, we've had to fit those visits in. [DRAFT TRANSCRIPT ONLY]

I am absolutely looking forward to visiting classrooms across the province. I should tell you that we've been to places that have not been visited by a minister before. We've been to places like Pemberton, Pouce Coupe, Vernon, Salmon Arm and Qualicum. We've had absolutely phenomenal visits. [DRAFT TRANSCRIPT ONLY]

In terms of ESL students, I've visited classrooms in Richmond that had representative children from 21 different nationalities. I actually do go to classrooms. I care about learning about that, and I can hardly wait to get to a number of other parts of the province. [DRAFT TRANSCRIPT ONLY]

N. Macdonald: Just to reaffirm that the invitation to Canal Flats is one I put out there. I know that you have a complex schedule that you need to put together. One of the issues is just around.... I believe, and the understanding I have is, that some of the funding formulas that are in place make it difficult for schools once they get to around a hundred students. That's something that I think the minister would be interested in. The invitation is out there. I'd be happy to host her. I think you could not help but to come away from the area, especially if you come in June or July — a wonderful time to be there. [DRAFT TRANSCRIPT ONLY]

[1145]

I'll turn it over. [DRAFT TRANSCRIPT ONLY]

J. Horgan: I'd be delighted to visit Canal Flats as well. [DRAFT TRANSCRIPT ONLY]

Interjection. [DRAFT TRANSCRIPT ONLY]

J. Horgan: Perhaps the minister

H025/img/1145

especially if you come in June. June, July — wonderful time to be there. So I turn it over, and thank you very much. [DRAFT TRANSCRIPT ONLY]

J. Horgan: I would be delighted to visit Canal Flats as well. [DRAFT TRANSCRIPT ONLY]

N. Macdonald: You're welcome to. [DRAFT TRANSCRIPT ONLY]

J. Horgan: Perhaps the minister and I will travel together. [DRAFT TRANSCRIPT ONLY]

I'd like to go back to the timing contained in section 12, because it certainly appears to me that the workload for principals is increasing exponentially. Within 15 days the principals have to meet with school planning councils that may not have yet been constructed. [DRAFT TRANSCRIPT ONLY]

I know, certainly, in my district the PACs meet, usually, on the third Thursday after the start of the school year. They are configured; assignments are given. SPCs will be constructed. Let's assume, then, that there are SPCs functioning in every school and every district across the province. My understanding is that they won't be in place until well past the deadline of the 15 days prescribed by the legislation. Has the minister contemplated that? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: Certainly, this does reflect some change, and we need to work on that. My staff has had discussions with BCCPAC. DPACs are going back to their districts now to talk about how they can help facilitate this legislation in particular. [DRAFT TRANSCRIPT ONLY]

The whole goal here is to make sure that classes are organized as quickly as possible in ways that are as appropriate as possible, so there are time lines. They are expected to be followed. [DRAFT TRANSCRIPT ONLY]

I do want to respond to the comment about increasing workload. I actually believe that those principals across this province who are educational leaders involve people in this way now. It is best practice. Consultation does take place, and this legislation is to fill in those gaps where that may or may not be occurring. But best practice would dictate that principals actually do talk to teachers and that they actually do engage parents in that discussion. [DRAFT TRANSCRIPT ONLY]

These time lines are certainly clear, and we would expect that they would be adhered to. [DRAFT TRANSCRIPT ONLY]

J. Horgan: I have never at any point suggested that educational leaders in this province are not doing the best they can to achieve outcomes that are positive for their students, for their communities. I hope that wasn't what was implied in the minister's comment. [DRAFT TRANSCRIPT ONLY]

What I'm concerned about with respect to the time frames that are outlined in this section is that they are very ambitious, and they are going to be a significant challenge for the system. I'm wondering: in the formulation of this section, did the minister and her staff contemplate how all of these interactions are going to take place in the narrow time frame available and if, during the process of the consent and consultation components...? [DRAFT TRANSCRIPT ONLY]

What do we do when we get to know...? What happens when someone says: "This is not going to work?" I know, certainly, with my children in district 62, the movement and the various permutations of what is possible at the start of a school year are extremely challenging, and in those districts with increasing enrolment — and there are a number of them; the minister is aware of that — how are they going to physically meet the demands of this legislation? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: Of course we contemplated that this.... First of all, it's a change, and that always causes challenge. I think the fact that we contemplated it is reflected in

the section that says we're going to go back and look at this over the course of the next year. [DRAFT TRANSCRIPT ONLY]

We want there to be some feedback and some dialogue about whether or not this meets the test of what the round table presented to us, but I am confident... We know this is ambitious, but it really is that way so that we can make sure that students are at the centre of this, that they have the optimum learning opportunities that are possible. [DRAFT TRANSCRIPT ONLY]

We have built in a section that will require that these amendments actually be reviewed over the next year, and as I meet with principals and superintendents and teachers and parents and others in the working sessions that I have with them, this will be an agenda item. We have already started to talk about the implementation of Bill 33 in those meetings, and I look forward to hearing, and I never have any shortage of, opinions to listen to in this regard. [DRAFT TRANSCRIPT ONLY]

J. Horgan: With respect to the amendments to section 76.5 and the appointment of a special administrator.... [DRAFT TRANSCRIPT ONLY]

[1150]

Beyond those obvious challenges that are faced by administrators at the school level, superintendents at the district level and all of the various other components and players — parents, teachers, students — that are outlined in the legislation and are the essence and core of our public school system, at what point would the administrator be deployed? [DRAFT TRANSCRIPT ONLY]

H026/ebp/1150

superintendents at the district level and all of the various other components and players — parents, teachers, students — that are outlined in the legislation and are the essence and core of our public school system, at what point would the administrator be deployed? Could the minister walk us through how she sees that working, and in what timeline? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: Well, I think the deployment of the special administrator is clear. If school boards do not comply with legislation in terms of class size numbers that are in legislation, a special administrator will be appointed. The other area where a special administrator may be appointed is if the process that's been put in place regarding consultation, discussion and the processes that precede this are not followed. That case would also be presented to the minister and in the minister's opinion, a special administrator may be appointed. [DRAFT TRANSCRIPT ONLY]

J. Horgan: So then, if a school planning council does not exist in a school in British Columbia — and, therefore, that section of the act is not complied with — and a special administrator is appointed, as a result of that deficiency, in a community or in a particular school, who will pay for the special administrator? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: The school board. [DRAFT TRANSCRIPT ONLY]

J. Horgan: Well, that's certainly the first opportunity we have had to raise the unanimous resolution from the B.C. School Trustees Association that, although they endorse this legislation, they're concerned that they will be on the hook to fund it. We've just discovered for the first time the first clause that's going to put districts on the hook beyond the challenges that they're already going to face as a result of the increased workloads and demands as a result of this legislation. [DRAFT TRANSCRIPT ONLY]

Has this minister talked to BCSTA about the cost of administrators? What is the scale, what is the going rate for a special administrator? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: Well, certainly, we've made it clear that if school boards do not obey the law and obey the legislation we will be appointing a special administrator and those funds will be covered by the school districts. Every attempt will be made to find a person within the region of the school district to take on that function to minimize the costs, and we will be very thoughtful about how that process is done. School boards are well aware of this part of the bill, and at the Learning Roundtable one of the things we had consensus on, one of the things we actually could agree on, was: if school boards don't obey the law in terms of legislated class sizes, there should be consequences. Those are clearly laid out here. [DRAFT TRANSCRIPT ONLY]

J. Horgan: I think one of the things that was also agreed at the Learning Roundtable, with the exception of the government representatives, was that this was going to lead to significantly increased costs for districts right across the province. This is the classic example of that. [DRAFT TRANSCRIPT ONLY]

Without even going into the challenges faced by administrators and superintendents to meet the needs in the community — to meet the growing demand for teacher-librarians; ESL teachers, as touched upon by my friend from Mount Pleasant; councillors; resource teachers; learning assistance teachers; and on the list goes — if there's to be no cost to the Crown as a result of this legislation, I don't know, then, where the costs are going to come. I assume, then, they are deferred and devolve to school boards. Is the minister saying that this legislation is going to lead to increased costs for school boards? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: I think school boards should obey the law, and there will be no question of cost. [DRAFT TRANSCRIPT ONLY]

J. Horgan: Noting the time, I see all my friends with the nice suits and stuff showing up, so I guess we're near the end on this legislation. I find that unfortunate, but that's the nature of the beast, so I'll conclude by saying I'm hopeful, with the passage of this legislation, that an era of trust will have been established and that we can start to move ahead in districts and schools across the province with our primary focus on ensuring that children get the best education possible. [DRAFT TRANSCRIPT ONLY]

This doesn't mean that the 79 percent who are completing are being forgotten, but I think that the 21 percent who are not there yet should be our focus. Quite often they're in the grey area. They are special needs kids and kids falling through the cracks because educators can't meet the demands put on them by districts and by the province. [DRAFT TRANSCRIPT ONLY]

So, although I believe this is a positive first step that will lead us into the next number of years of trying to adjust to the changes and challenges that are put forth in this legislation, particularly in this section, I'm hopeful that the minister and the government will recognize that there are many, many partners that weren't at the roundtable that should have been there — parents with special needs challenges and various other people in the community. [DRAFT TRANSCRIPT ONLY]

Certainly, the Canadian Union of Public Employees should have been there. They are an integral part of the school system, and it's appalling that they haven't been there to this point in time. Thank you. [DRAFT TRANSCRIPT ONLY]

[1155]

Sections 12 to 28 inclusive approved. [DRAFT TRANSCRIPT ONLY]

Title approved. [DRAFT TRANSCRIPT ONLY]

H027/hbw/1155

Sections 12 to 28 inclusive approved. [DRAFT TRANSCRIPT ONLY]

Title approved. [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: I move the committee rise and report the bill complete with amendment. [DRAFT TRANSCRIPT ONLY]

Motion approved. [DRAFT TRANSCRIPT ONLY]

The committee rose at 11:56 a.m. [DRAFT TRANSCRIPT ONLY]

The House resumed; Mr. Speaker in the chair. [DRAFT TRANSCRIPT ONLY]

Reporting of Bills

EDUCATION (LEARNING ENHANCEMENT) STATUTES AMENDMENT ACT, 2006

Bill 33, Education (Learning Enhancement) Statutes Amendment Act, 2006, reported complete with amendment. [DRAFT TRANSCRIPT ONLY]

Mr. Speaker: When shall the bill be considered as reported? [DRAFT TRANSCRIPT ONLY]

Hon. S. Bond: With leave, now. [DRAFT TRANSCRIPT ONLY]

Leave granted. [DRAFT TRANSCRIPT ONLY]

[1200]

Third Reading of Bills

EDUCATION (LEARNING ENHANCEMENT) STATUTES AMENDMENT ACT, 2006

H028/sea/1200

Third Reading of Bills

EDUCATION (LEARNING ENHANCEMENT) STATUTES AMENDMENT ACT, 2006

Bill 33, Education (Learning Enhancement) Statutes Amendment Act, 2006, read a third time and passed unanimously on a division. [See *Votes and Proceedings.*]

Committee of Supply (Section A), having reported progress, was granted leave to sit again. [DRAFT TRANSCRIPT ONLY]

Hon. M. de Jong moved adjournment of the House. [DRAFT TRANSCRIPT ONLY]

Motion approved. [DRAFT TRANSCRIPT ONLY]

Mr. Speaker: This House stand adjourned until two o'clock this afternoon. [DRAFT TRANSCRIPT ONLY]

The House adjourned at 12:03 p.m. [DRAFT TRANSCRIPT ONLY]