School Board Update

Drummond Commission Reports on Elementary and Secondary Education Reform

Date: February 22, 2012

On February 15, 2012, the Commission on the Reform of Ontario's Public Services (the "Commission") released its long-awaited, 543-page report (the "Report", commonly referred to as the "Drummond Report") which identifies sweeping reform measures aimed at increasing efficiencies within the broader public service. In our companion *FTR Now*, The Drummond Report – Impact on the Broader Public Sector (to be released tomorrow), we consider the Drummond Report in greater detail, including its application to the healthcare sector, colleges and universities, municipalities, social services and pensions.

In this *FTR Now*, we will focus on the Commission's recommendations with respect to elementary and secondary education policy in the province of Ontario, which touch upon issues ranging from funding allocations and class size, to teacher-student ratios, special education and the proposed phase-out of Full-Day Kindergarten. While it remains to be seen which, if any, of these recommendations will be adopted by the Ontario Government, school boards across the province should consider the potential impact of the recommendations on their operations and labour relations.

BACKGROUND

Building on commitments outlined in its 2011 Budget, "Turning the Corner," tabled on June 2, 2011, the Ontario Government tasked the Commission with the preparation of a comprehensive report examining its service delivery models, with a view to helping the Government identify:

- programs that were no longer serving their intended purpose and that could be eliminated or redesigned;
- areas of overlap and duplication that could be eliminated; and
- areas of value in the public sector that could be further enhanced.

Notably, in its mandate, the Commission was expressly precluded from recommending the privatization of education or other public services.

The Commission's report, entitled *Public Service For Ontarians: A Path To Sustainability And Excellence*, was released on February 15, 2012, and is intended to provide the Minister of Finance with recommendations for the Government to consider in advance of its 2012 Budget. However, preliminary media reports suggest that the Government remains committed to certain key education policies in place at this time notwithstanding Commission recommendations to the contrary, including the recommendation to discontinue Full-Day Kindergarten.

THE DRUMMOND REPORT

The proposed reforms of Ontario's elementary and secondary education system are outlined in Chapter 6 of the Report. We have highlighted the key recommendations below, many of which would, if implemented, have significant impacts on upcoming bargaining.

REDUCED RATE OF GROWTH

As discussed in greater detail in our companion *FTR Now*, the Drummond Report details the significant fiscal constraints facing the Government in its effort to eliminate its deficit over the next few years. In light of those challenges, the Commission recommends that the Government's education budget be constrained to a growth rate of no more than 1% per year until at

least 2017-18, a significant decrease from the average 4.6% growth rate over the previous ten fiscal years.

MULTI-YEAR ALLOCATIONS

The Commission also recommends that the Government confirm multi-year allocations to school boards for the fiscal years from 2012-13 to 2017-18 in order to enable the boards to properly plan for the pending 2012 union negotiations with a clear knowledge of their budgetary positions.

FIRST NATIONS

The Report addresses a number of aspects related to the education of First Nations students, an area of federal responsibility, but which impact upon the delivery of education within provincial boards. The Commission recommends that the province negotiate with the federal government to increase funding of First Nations education – both program and capital funding – and to create education entities with powers similar to District School Boards. If agreements related to funding cannot be reached, the Commission recommends that the Ontario Government provide funding to ensure that on-reserve schools are funded on parity with adjacent English-language public district school boards.

PHASE-OUT FULL-DAY KINDERGARTEN

The Commission recommends the cancellation of the Full-Day Kindergarten ("FDK") program by way of an orderly phase-out, which would result in an estimated savings of $1.6 billion. In the alternative, the Commission recommends the delay of full implementation from 2014-15 to 2017-18, and the use of a teacher-student model of 20 to 1 (i.e. eliminate DECEs and the 26:2 model).

As noted above, the media has already reported that the Government has rejected at least part of this recommendation and will not be cancelling the FDK program.

INCREASED CLASS SIZE

The Commission also recommends increased class sizes:

- for primary grades, an increase in the class size cap from 20 to 23 students;
- for junior and intermediate grades, an increase in the class size cap from 24.5 to 26 students; and
- for secondary schools, an increase in the class size cap from 22 to 24 students.

NON-TEACHING STAFF REDUCTIONS

There is a further recommendation to reduce non-teaching staff by phasing out 70% of newly created positions by 2017-18, which will happen by attrition (non-renewal of special grants) – a total of approximately 9700 positions being eliminated.

HIGH SCHOOL CREDIT MAXIMUMS

The Commission recommends that the Government create disincentives for students who wish to have a fifth year of secondary education by limiting public funding to 32 credits, and giving boards power to charge tuition fees for anything above that threshold.

TRANSPORTATION FEES

The Commission also recommends that the *Education Act* be amended to give school boards the power to charge modest transportation fees.

SPECIAL EDUCATION REVIEW

The Commission calls for a review of special education programs, with the aim of ensuring that funding is being used effectively to improve student outcomes.

ADVANCED TEACHER QUALIFICATIONS

The Commission recommends a review of the current system of advanced qualifications ("AQ") for teachers (which enables them to quickly increase their salaries) by having qualifications determined by a body independent of teacher federations and school boards.

The Commission further recommends that the Government legislate a minimum number of years of full-time teaching experience before teachers can obtain additional qualifications, and that school boards be provided with direct oversight of AQ courses.

RETIREMENT GRATUITIES

The Commission also recommends that retirement gratuities be eliminated during the upcoming round of bargaining.

SCHOOL USE AND SCHOOL CLOSURE

There are a variety of recommendations related to school use, and the potential closure and sale of unused properties. For example, the Commission recommends that the Minister be given the authority to order the sale of closed schools or other unused properties. Moreover, there is a recommendation that school boards examine moving grades 7 and 8 to underutilized secondary schools, and recommends that the Government eliminate top-up funding where such consolidation could occur.

RETIREMENT BENEFITS

The Report contains a variety of recommendations relating to pensions and benefits. With respect to school boards, the recommendations include an increased retirement age for teachers and negotiating changes to how the Teachers' Pension Plan is funded.

TEACHERS' COLLEGE

The Commission also recommends that the number of places in teachers' colleges be reviewed in an effort to address the oversupply of teachers in the labour market.

CONCLUDING REMARKS

As can be appreciated by this review of the Commission's recommendations, there would be a significant impact on school boards should the Government choose to implement even some of them.

Many of these proposed changes, particularly the proposals relating to budget, class size and Full-Day Kindergarten, would have a significant impact on the upcoming negotiations for renewal of collective agreements and could also trigger existing collective agreement obligations.

The Legislature resumed sitting on February 21, 2012. We will continue to monitor the Government's legislative initiatives in this area, and will be providing you with timely updates as we move towards Budget 2012.

If you have any questions about the Report, contact Michael A. Hines at 416.864.7248 or any member of our School Board Practice Group.

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