

November 7, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: EECD/068/2019)

On October 29, 2019, the Department of Education and Early Childhood Development received your request for access to the following records/information:

"Any and all messaging prepared for the fall sitting of the house of assembly. This includes key messages for the Minister and binders."

I am pleased to inform you that a decision has been made by the Deputy Minister of the Department of Education and Early Childhood Development to provide access to the requested information.

You may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act, 2015 (the Act)*. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that this letter will be published following a 72 hour period after it is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the letter posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

The Access to Information and Protection of Privacy Act requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed by day 10, this letter also serves as our advisory response.

If you have any further questions, please feel free to contact the undersigned by telephone at 709-729-7180 or by email at garynoftall@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink that reads "Gary Noftall". The signature is written in a cursive style and is followed by a period.

Gary Noftall
ATIPP Coordinator

Attachment

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**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: 1.6 Kilometre Busing Policy

The opposition continues to call on government to review and change the current 1.6 kilometre busing policy. The Progressive Conservative election platform stated the party would develop a new policy on school busing within 1.6 kilometres of school.

ANTICIPATED QUESTIONS:

Will you change the 1.6 kilometre policy?

If you won't change the policy, what are you doing to ensure the safety of young children on busy roads and highways?

KEY MESSAGES:

Our province has one of the best busing policies in the country.

Over the past year, every bus run in the province has been reviewed and to date, 706 additional courtesy stops have been implemented *within* the 1.6 kilometre zone.

The current policy is working and clearly, we work with the school district to address issues that may come up, adding a courtesy stop on 74 per cent of the bus runs.

SECONDARY MESSAGING:

- It is prudent to consider thoroughly if, for example, additional funds *were* to be put into education, would this be the best use or should they be placed in other areas such as teaching resources.

BACKGROUND INFORMATION:

To remove 1.6 kilometre:

- K-3 - approx. \$4.8 million
- K-6 - approx. \$7.9 million
- K-12 - >\$10 million (this is not finalized, could be as high as \$12 or \$14 million)

To change eligibility zone from 1.6 kilometres to 1 kilometre:

- K-6 – approx. \$3.1 million
- K-12 – approx. \$3.5 million

Busing Eligibility

- Students who live 1.6 km or more from their zoned school are eligible for busing.
- Since September 2018, 706 courtesy stops have been added within the 1.6 kilometre zone. This accounts for approximately 74 per cent of all bus runs, with the remaining 26 per cent being deemed not required.

Province	Maximum Non-Eligible Distance (km)	
	K-6	7-12
Newfoundland and Labrador	1.6	1.6
Nova Scotia	2.4	3.6
New Brunswick	2.4	2.4
PEI	1	1.6
Ontario	1.6	3.8
Manitoba	1.6	1.6
Saskatchewan	1	1.5; No funding provided for grades 9-12 living in urban centres*
Alberta	2.4	2.4
British Columbia	4	4.8
Quebec	1.6	2

*Urban centres are considered to be areas with population over 5,000.

Updated October 2019

**QP Issue Note
Education and Early Childhood Development
October 24, 2019**

ISSUE: Bus Safety – Cameras

During a school bus safety campaign by the NL English School District and the Provincial Government in September, an opposition MHA called for the installation of cameras on school buses to increase safety from the perspective of traffic violations or potential acts of violence or inappropriate behaviour.

ANTICIPATED QUESTIONS:

Will government require cameras to be installed on all school buses?

Will you install cameras inside a bus to help catch any acts of violence or inappropriate behaviour?

KEY MESSAGES:

The safety of students is paramount and it is extremely concerning that we still have motorists who are refusing to obey the law and are putting students at risk.

The Department has been looking into the use of cameras to help identify drivers who do not stop for a school bus and at potential legislative and policy changes that would be required.

We are continuing this work with the school districts and vendors and I remind everyone to put the safety of students first by slowing down and stopping when you see a bus with lights flashing and stop arm extended.

SECONDARY MESSAGES:

- We have met with the Privacy Commissioner and have had discussions with the school district. Along with safety, we are also responsible for protecting the privacy of students. While some may welcome cameras, others may have concerns.
- In keeping with the guidelines and advice of the Privacy Commissioner, the decision to install a camera inside a bus is considered a last resort and is done only after a number of other actions are implemented to reduce any risks.

BACKGROUND INFORMATION:

- The Office of the Information and Privacy Commissioner released guidelines for the installation of cameras on school property/buses in 2013.
- They suggest there must be an ongoing problem that cannot be addressed through other means before a camera - and the inherent privacy concerns that come with it - is installed.
- In particular, the guidelines state, "One incident, no matter how serious or severe, does not constitute a real, pressing and substantial problem...Specific, ongoing and verifiable reports of incidents of crime, public safety concerns, or other compelling circumstances are required to proceed..."
- In September 2018 CBC aired an interview with the province's Privacy Commissioner, Donovan Molloy, who said the Schools Act could be changed to more easily permit cameras on school buses. He stated the school district has the ability to put cameras on school buses. **However, it has to be determined to be necessary, after other measures have been tried.** Mr. Molloy also said that the Schools Act could be amended quickly if Government wants ALL school buses to have cameras and then it wouldn't be an issue.
- The Province of Ontario passed legislation in December 2017 to develop a framework for stop arm cameras that will allow for evidence gathered by the cameras to stand alone in court without the need for a witness. Once a regulatory proposal is finalized, Ontario anticipates it will be posted to the Ontario Regulatory Registry for public comment this summer (2019), pending approval. Service NL and EECD are monitoring this process.
- Changes to the Highway Traffic Act in 2016 allow police to issue a ticket to the registered owner for a school bus stop arm violation based solely on the license plate number; in the past an identification of the driver was also required, making it very difficult for a bus driver to obtain the information while also being responsible for the safe loading/unloading of children on the bus.

**QP Issue Note
Department of Service NL
October 2019**

ISSUE: Seat Belts on School Busses

The question of whether or not seatbelts should be required on school buses has been an ongoing debate.

ANTICIPATED QUESTIONS:

Is government taking any action to install seatbelts on school buses?

KEY MESSAGES:

School buses are held to an extremely high safety standard.

We work with school districts, operators and the industry to ensure the transportation of students is as safe as possible.

In January 2019, we took part in the annual meeting of Ministers responsible for Transportation and Highway Safety.

A national task force has been created to identify and assess potential measures to improve school bus safety, including seatbelts.

The province will be prepared to amend or adopt our legislation as required.

SECONDARY MESSAGING:

- Regular inspections and corrective measures are major components of school bus inspections.
- To be registered as a school bus in the province the vehicle must meet the Canadian Motor Vehicle Safety Standards as approved by Transport Canada.
- The Highway Traffic Act requires that, where the federal government has required seat belts to be installed in a vehicle at the time of manufacture, those seat belts must be used by drivers and passengers.
- Currently, small buses (under 4,536 kg), with the exception of school buses, already require lap and shoulder belts.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: Deaf and Hard of Hearing Supports

Advocates and parents of the deaf and hard of hearing students are concerned that these students are not receiving an adequate education due to a lack of resources. There is a Human Rights complaint in process and the Child and Youth Advocate recently invited feedback from those affected by services for children and youth who are deaf and hard of hearing.

ANTICIPATED QUESTIONS:

Will you increase resources for deaf and hard of hearing students?

Will there be improved student access to American Sign Language?

KEY MESSAGES:

This is a priority for the department. I have met with some parents and the department is in communication with various advocates including the NL Association of the Deaf, the Coalition of Persons with Disabilities, and the Canadian Hard of Hearing Association, NL.

A review is underway to determine how services can be better delivered and the resources that are required, and a new Director of Programs for Deaf and Hard of Hearing Services has been hired at the school district to oversee the delivery of services and participate in the review.

Discussions are also happening between the school district, the department and Eastern Health, which will also extend to the other health authorities, to ensure services are in place to support early language development, especially in the development of American Sign Language.

SECONDARY MESSAGING:

- American Sign Language Interpreters are available for students who are fluent in ASL, upon request.

- The teaching resources provided here are comparable or more favourable with other Atlantic provinces and we are always looking to see where we can make improvements.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: Steering Committee Membership – Deaf and Hard of Hearing Supports

A family of a deaf and hard of hearing student has stated in the media that they should be a member of a newly formed steering committee to examine services for deaf and hard of hearing students in the province.

ANTICIPATED QUESTIONS:

Will you allow this family to be a member of the steering committee?

How can you ensure that the concerns of families will be heard and addressed by the steering committee?

KEY MESSAGES:

This is a priority for the department and the school district and I have met with some families of deaf and hard of hearing students. Their concerns are being heard.

The steering committee includes representatives of various organizations, including the NL Association of the Deaf, the Atlantic Provinces Special Education Authority, and the Canadian Hard of Hearing Association, NL.

Families will be engaged in the review and will have an opportunity to provide their input and perspectives.

SECONDARY MESSAGES:

- As part of the review to date, a new Director of Programs for Deaf and Hard of Hearing Services has been hired at the school district to oversee the delivery of services and participate in the review.
- Discussions are also happening between the school district, the department and Eastern Health which will also extend to the other health authorities, to ensure services are in place to support early language development, especially in the development of American Sign Language.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: NLESD Financial Management System

The Public Accounts Committee has requested a follow-up meeting with the NL English School District on implementation of the recommendations of the Auditor General on District procurement practices. There have been media reports in recent months about delays in implementing a new financial management system to address issues identified by the Auditor General while government continues to explore options such as shared services.

ANTICIPATED QUESTIONS:

Why has government not provided funding to support the District's Action Plan and a new financial management system?

Why is it taking government so long to make a decision?

KEY MESSAGES:

We have been working with the school district and the Department of Finance to find the best possible solution to the issues raised by the Auditor General, including the request for new financial management software.

We are looking at whether new software specific to the school district is the most cost-effective option or whether the district's financial processes should be integrated into government's core financial management system.

We want to ensure we go with the most cost-effective option that also is suitable to meet the needs of the school district. We expect to have the analysis and review complete in the coming months.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: Call for Operational Review of School Board

A trustee of the Newfoundland and Labrador English School Board is calling on government to conduct an operational review of the Board stating there is a need for greater transparency and clarity as to what trustees can and can't do, and that trustees should be able to speak without fear of repercussions.

ANTICIPATED QUESTIONS:

Will government conduct an operational review of the Newfoundland and Labrador English School District?

KEY MESSAGES:

I was very pleased to meet with the Board of Trustees recently at their AGM.

The department is currently conducting a comprehensive review of the Schools Act which governs the composition, powers and duties of the school board.

As part of that review, we have had discussions with the Board of Trustees and there will be further discussions in the coming months. This is an excellent opportunity to address any issues or concerns the trustees may have.

SECONDARY MESSAGES:

- It is important that legislation keep pace with developments in the education system and address current challenges and that includes matters related to the governance and operations of the school board.
- We anticipate that updated legislation will be brought to the House of Assembly next spring and it will reflect the input we have received.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: Violence in Schools

CBC National is doing a series on how schools and school boards across Canada, highlighting this province, respond when students and families come forward with allegations of violent incidents, including sexual misconduct. This fall, incidents of bullying and violence at a local high school were reported in media with concerns raised that the school is not taking the incidents seriously or taking action to ensure the safety of students.

ANTICIPATED QUESTIONS:

What actions will you take to address the incidents of sexual violence happening in our schools?

What are you doing to ensure schools and school districts are handling and responding to such incidents?

KEY MESSAGES:

It is disturbing to hear of such incidents and preventing them must be top of mind in all that we do, just as it should be in our communities, at work and everywhere.

We work closely with the school districts to ensure a safe environment for all students and school administrators have been directed to report any allegation of sexual misconduct to the Regional Assistant Director of Education.

There has been training for district staff, important amendments to the Schools Act and there is an active district-wide Sexual Violence Committee.

SECONDARY MESSAGES:

- Possible changes to legislation to ensure it is up to date on matters related to violence is part of the ongoing review of the Schools Act. It is anticipated that updated legislation will be brought to the House of Assembly next spring.
- Updates to the Act will build on the amendment made to the Act last year to allow the CEO of the District to remove a student from school under certain conditions (e.g., if their presence endangered another student or staff).

- In the English school district, incidents of a sexual nature are recorded in Review 360, a program designed to provide data on all manner of behavioural incidents within the school environment.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: Review of Teacher Allocations and Class Size Caps

The NDP has raised questions about a review of the Teacher Allocation Model and the Newfoundland and Labrador Teachers' Association has recently raised concerns about growing class sizes and overcrowding.

ANTICIPATED QUESTIONS:

The Auditor General has noted that the department has not yet conducted a review of the Teacher Allocation Model. Why have you neglected to do this review?

We are hearing reports of overcrowding in classrooms. Will you also commit to a review of class size caps?

KEY MESSAGES:

The direction to review allocations was given by the previous administration, which then failed to conduct the review.

Our government is implementing the Education Action Plan which is now in year two and is seeing 350 additional teaching resources in classrooms over three years.

A review of allocations, which would also consider class size caps, will be undertaken once the plan and additional resources have been fully implemented.

BACKGROUND INFORMATION:

- Implementation of the Education Action Plan is on target with 60 per cent of the actions completed or substantially underway.
- Changes are being made across the nine focus areas of the Education Action Plan:
 - inclusive education
 - student mental health and wellness
 - mathematics
 - reading
 - Indigenous education
 - early years,
 - multicultural education
 - career and cooperative education
 - teacher education and professional development.

- New Student Services Model introduced in 80 schools, located in every region of the province, to be implemented in all schools in September 2020.
- The new Student Services Model includes:
 - The creation of a new allocation of school-based reading specialists;
 - The creation of a new position, teaching and learning assistant; and
 - An increase in the number of learning resource teachers (teacher librarians).
- In classrooms, this means for this school year:
 - 48 new reading specialists, increasing to 104 over the next two years;
 - 100 teaching and learning assistants increasing to 200 over the next two years;
 - 26 additional teacher-librarians, increasing to 39 over the next two years.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: Student Assistant Hours

There have been issues raised by some parents on Facebook about an inadequate level of student assistant hours.

ANTICIPATED QUESTIONS:

We continue to hear about an inadequate level of student assistant hours which is negatively impacting some of our most vulnerable students. Clearly, simply putting back the money last year that you had previously cut was not enough. Will you increase the budget for this important service?

KEY MESSAGES:

We recognize the important contribution of Student Assistants. They support teachers in meeting the varied needs of students and we have reinstated the budget to previous years' levels.

The school districts would determine how the funding is allocated for individual students. Further increases to the budget would need to be considered as part of the regular budget process.

Student Assistants are one of a number of positions to support students and under the Education Action Plan, we have been increasing these resources, creating the new position of teaching and learning assistant.

This position and all of the additional teaching resources under the plan are helping to ensure we are responsive to students' strengths and needs.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: Child Care Costs

Given media reporting and public statements about the high cost of child care, it is anticipated that government funding in Budget 2019 may be challenged and questions may arise about implementation of \$25 a day child care, a position that has been put forward by the NDP.

ANTICIPATED QUESTIONS:

Will you implement \$25 a day child care?

Will you increase funding to help lower the cost of child care for families?

KEY MESSAGES:

While \$25 a day child care is not being contemplated right now, we are taking significant steps to create more affordable child care for families in Newfoundland and Labrador.

Funding for the Child Care Services Subsidy Program has been increased to \$17 million annually and the threshold to receive a subsidy was raised to \$35,000 effective July 1. A partial subsidy is also available to many families who have a higher income.

We are also establishing more affordable child care spaces – 1,000 last year – through the Operating Grant Program, with families eligible for a full child care subsidy paying nothing if they register in a child care service participating in the Program.

SECONDARY MESSAGES:

- Currently, 60 per cent of child care services across the province are participating in the Operating Grant Program.
- We are encouraged by a recent report that shows that St. John's is the only city of the 28 surveyed showing a decrease in preschooler fees.

*****Example of subsidy:**

A two parent family with a net family income of \$65,000 needing child care for two preschool children and an infant would be eligible for a subsidy of approximately \$1,050 a month.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: Junior Kindergarten implementation plan

Government has committed to developing a foundational document and implementation plan for the establishment of a Junior Kindergarten program.

ANTICIPATED QUESTIONS:

The Premier's Task Force recommendation stated that a foundational document and implementation plan be developed and released by June 2019. When can we expect to see this plan?

KEY MESSAGES:

Work on the plan is progressing. Consultations were still underway at the time of the General Election last spring and were suspended during the writ period.

Immediately following the election and the swearing-in of Cabinet, this work resumed and consultations with key stakeholder groups continued and were completed in July.

We anticipate releasing the foundational document and proposed implementation plan in the near future.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: CYA Report – School Absenteeism

The Child and Youth Advocate released a report on chronic absenteeism from school in January 2019. The report includes four recommendations to address the issue, which involves several government departments, the regional health authorities and the school districts.

ANTICIPATED QUESTIONS:

What are you doing to address absenteeism and the recommendations of the Child and Youth Advocate?

KEY MESSAGES:

This is an important issue and work is already well underway to address chronic absenteeism.

Extensive discussions and planning are ongoing with the departments and organizations identified by the Child and Youth Advocate which will help address the recommendations.

An action plan to improve recording and monitoring of attendance has been drafted and discussions on implementation are getting underway with the school district. A dropout prevention program is expected to be completed by September 2020.

SECONDARY MESSAGING:

- The comprehensive and interdisciplinary approach recommended by the Child and Youth Advocate makes good sense and our government, under the Education Action Plan, has brought all parties together to help address this and other issues.
- EECD, in partnership with both school districts, is also working to develop a viable program for early school leavers to return to school.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: Radon Testing in Schools

In co-operation with Health Canada, the Newfoundland and Labrador English School District has conducted radon testing at 60 of its schools. The remainder of schools will be tested in the upcoming year. Some schools saw higher than normal radon levels and mitigation work has been completed or will get underway this year.

ANTICIPATED QUESTIONS:

Are our students at risk from radon in our schools?

What is being done to address the issue of radon in schools?

KEY MESSAGES:

Health Canada advises there is no risk to students and that schools where mitigation action is needed can continue to operate as normal. Mitigation actions are underway, for example, at MSB Academy and White Hills Academy.

The testing was a pro-active initiative that was conducted by the school district in co-operation with Health Canada and there were no issues identified in the majority of the results received.

All schools were notified in advance of the testing initiative, and again when results were received.

SECONDARY MESSAGES:

- The District is working with a provincial Industrial Hygienist with specific training in radon mitigation.
- Health Canada and the school district are testing remaining schools over the coming winter months.

BACKGROUND INFORMATION:

- East – 27 schools tested, 2 needing mitigation - Larkhall and Rennies River* (not a student area at Rennies River)
- Central – 13 schools tested, 3 needing mitigation - MSB, Pearson, Avoca
- West – 21 schools tested, 5 needing mitigation - White Hills, Piccidily, St. James Elem, Sville Elem and Sville Middle* (not a student area at Sville Middle)
- Labrador – 2 schools tested, none high

*parent memos not sent home where no student areas involved

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: Minority-language Rights Involving Francophone School Board

A recent CBC article reported that the Francophone school board says the province's financial situation could be used to systemically violate minority-language education rights guaranteed under the Charter of Rights and Freedoms. This province, and Nova Scotia and PEI submitted written arguments in a minority language rights case involving British Columbia's Francophone school district.

ANTICIPATED QUESTIONS:

What is government's position in the case before the Supreme Court of Canada?

Is the Provincial Government living up to its obligations under section 23 the Charter, which guarantees certain education rights for French-speaking Canadians in minority settings?

KEY MESSAGES:

The province's position was laid out in the factum presented to the court which is publicly available. As this is now before the court we would not comment any further.

We remain committed to minority language rights and the Francophone education system. Education rights for French-speaking Canadians are an important issue for the Francophone community and for our government.

The provincial funding allocated per student for the Francophone school district is more than double the amount per student within the English school district.

BACKGROUND INFORMATION:

- Newfoundland and Labrador has the lowest population of French First Language students in Canada.
- The CSFP has a current provincial enrolment of approximately 350 students in six schools.
- The Canada-Newfoundland and Labrador Agreement on Minority-Language Education and Second Official-Language Instruction 2013-2014 to 2017-2018 (OLE Agreement) was signed in March 2014. Under this bilateral agreement, federal funding is provided on a 50/50 basis, with the federal government providing a set amount contingent upon the province spending at least the same amount under each of French minority language and French second language initiatives, as identified in the action plan contained in the Agreement.
- The OLE Agreement is not intended to offset all costs associated with providing for minority language education. The action plan, which is approved by the federal government, sets the priorities of the province, with amounts budgeted for each initiative. Any changes to the action plan must be reported, and explained, to the federal government.

Federal Funding

- For the 2017-18 school year, the CSFP received more than \$888,000 through the OLE Agreement. An additional \$16,800 was provided directly to French First Language schools for school trips.
- Funding approved for the 2018-19 school year was \$900,000 through the OLE Agreement. An additional \$200,000 was approved for curriculum development and activities offered including pre-school and afterschool programs for francophone children.

Provincial Funding

- The provincial Budget for 2018-19 allocated:
 - \$8.0 million in funding for the operation of the CSFP school board, including operations, teaching units and transportation costs; and
 - \$2.8 million to continue planning for a second Francophone school in the St. John's area.
- The provincial funding allocated per student at CSFP is \$23,638. The funding allocated per student within the English School District is \$10,737.

**QP Issue Note
Education and Early Childhood Development
October 2019**

ISSUE: Schools Act Review

The initial consultation period to help inform a review of the Schools Act, 1997 concluded on March 29. This was followed by one-on-one discussions with key stakeholder groups. The department continues its analysis and discussions with key stakeholders on proposed amendments which are anticipated to be brought to the House of Assembly in spring 2020.

ANTICIPATED QUESTIONS:

What is the status of the review of Schools Act?
Will such issues as violence in schools and absenteeism be addressed?

KEY MESSAGES:

- **It has been a very productive few months reviewing the current Act and consulting with both the public and key stakeholder groups on possible amendments.**
- **It is important that legislation keep pace with developments in the education system and address current challenges and that includes matters related to violence and absenteeism.**
- **We anticipate that updated legislation will be brought to the House of Assembly next spring and it will reflect the input we have received.**

SECONDARY MESSAGES:

- There were 18 submissions from both organizations and the general public.
- The Department has also held one-on-one meetings with key stakeholders such as the schools districts, the Newfoundland and Labrador Teachers' Association and the Provincial Advisory Council on the Status of Women, in which we talked specifically about violence and how legislation can be updated.