



Yukon Legislative Assembly

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HANSARD

Wednesday, March 10, 2021 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2021 Spring Sitting

SPEAKER — Hon. Nils Clarke, MLA, Riverdale North
DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Vacant*
DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North

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NAME	CONSTITUENCY	PORTFOLIO
Hon. Sandy Silver	Klondike	Premier Minister of the Executive Council Office; Finance
Hon. Ranj Pillai	Porter Creek South	Deputy Premier Minister of Energy, Mines and Resources; Economic Development; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation
Hon. Tracy-Anne McPhee	Riverdale South	Government House Leader Minister of Education; Justice
Hon. John Streicker	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
Hon. Pauline Frost	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
Hon. Richard Mostyn	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
Hon. Jeanie McLean	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

GOVERNMENT PRIVATE MEMBERS

Yukon Liberal Party

Ted Adel	Copperbelt North
Paolo Gallina	Porter Creek Centre

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Yukon Party

Stacey Hassard	Leader of the Official Opposition Pelly-Nisutlin	Scott Kent	Official Opposition House Leader Copperbelt South
Brad Cathers	Lake Laberge	Patti McLeod	Watson Lake
Wade Istchenko	Kluane	Geraldine Van Bibber	Porter Creek North

THIRD PARTY

New Democratic Party

Kate White	Leader of the Third Party Third Party House Leader Takhini-Kopper King
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Liz Hanson	Whitehorse Centre
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Independent

Don Hutton	Mayo-Tatchun
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*On March 8, 2021, Mr. Hutton resigned as Deputy Speaker and Chair of Committee of the Whole

**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, March 10, 2021 — 1:00 p.m.**

Speaker: I will now call the House to order.
We will proceed at this time with prayers.

Prayers

Withdrawal of motions

Speaker: The following motions will be removed from the Order Paper at the request of the Member for Mayo-Tatchun. They are Motions No. 52, 67, 70, 86, 101, 190, 224, 253, 289, 294, 317, 335, 347, 357, and 389.

DAILY ROUTINE

Speaker: We will proceed at this time with the Order Paper.

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Ms. McLean: Mr. Speaker, I ask my colleagues to help welcome some guests today for a tabling of a bill later in the Order Paper. Chair Mark Pike, for the Workers' Compensation Health and Safety Board — welcome. We also have Kurt Dieckmann, who is the CEO for the board, and Kathleen Avery, director of Legal Services, and Catherine Jones, director of Corporate Services. Welcome, and thank you for being here today.

Applause

Speaker: Tributes.

TRIBUTES

In recognition of Percy DeWolfe Memorial Mail Race

Hon. Mr. Silver: I rise today to pay tribute to the Percy DeWolfe Memorial Mail Race, which celebrated its 45th anniversary this year. As many are aware, the race honours the legendary Percy DeWolfe, who courageously carried the mail by dog team, horse-drawn sled, and boat between Dawson City and Eagle, Alaska from 1910 to 1949. Percy carried the mail year-round, through summer and winter, through all kinds of temperatures, and through poor road and river conditions. Percy battled ice floes during the spring breakup and fell through the ice more than once. He lost horses and his sled to the open water, but he never lost the mail. Percy DeWolfe risked his life every day to get the mail through 340 kilometres of Arctic terrain.

During his 40-year career, Percy earned a reputation for stamina and dependability. The Percy DeWolfe Memorial Mail Race was organized in 1977 in celebration of the man and his character, and it is now a qualifying race for the Yukon Quest and also the Iditarod long-distance races.

Forty-five years later, the race is still going strong, attracting mushers from all around the world, thanks to the herculean effort of volunteers. The race has had to adapt to

challenges created by climate change, and this year, on March 6, it had to adapt to the global pandemic.

This meant that the race didn't travel across the US border to Eagle from Dawson. Instead, it followed a 177-kilometre loop starting at the Top of the World Highway in West Dawson, down the Fortymile River to the confluence with the Yukon River, and then down the Yukon River back into Dawson City. The Percy DeWolfe organizer crew — which has worked extremely hard to ensure that the mushers who participated — faced an extraordinary challenge, as it has in previous years, but now with this new route.

Many thanks — a huge thanks — to all of the volunteers, Rangers, and others who have made this possible — not only this year but every single year, especially the race committee, trail-breakers, vets, officials, checkpoint crew, and photographers as well.

This year's race marshal was Brent McDonald, and Rob Morin deserves recognition as well for his work to ensure trail safety. The board members are incredible Klondike constituents, including Gaby Sgaga, Sally DeMerchant, Louise DeMayen, Andrea Magee, and also Rob Cooke.

Congratulations to the mushers who participated last week in the 45th Percy DeWolfe Memorial Mail Race and special congratulations to Connor McMahon on finishing first in the race this year.

Thank you, Mr. Speaker.

Applause

Ms. Van Bibber: I rise on behalf of the Yukon Party Official Opposition to pay tribute to the "Iron Man of the North", Percy DeWolfe, as we celebrate the 45th anniversary of Dawson City's annual Percy DeWolfe Memorial Mail Race. As we spoke of the discovery of gold in yesterday's tribute, a young man from eastern Canada, Percy DeWolfe, along with a friend, decided to join the stampede. Arriving in Dawson in June 1898, he was one of the ones who was too late, as all the ground was staked.

He had fished back home, so that is what he decided to do, and he sold his catch to the booming city of Dawson. Later on, he got a contract to be a mail carrier. Percy DeWolfe travelled the Yukon as a dedicated mail carrier for many years, facing many winters of severe, freezing temperatures and adverse weather. He carried mail by horse and sleigh, by dogsled, by road, and by river. Percy worked between Dawson City and Eagle, Alaska from 1910 to 1949. He was a unique individual with qualities synonymous to Yukoners today — resilient, brave, and dedicated. He defied the elements and beat the odds more than once, oftentimes with them stacked heavily against him.

Perhaps the most famous story to result from Percy DeWolfe's almost 40-year career was carrying 20 bags of mail, the ice gave way, and he fell through the ice of the river with his horses and sleigh. He tossed all 20 bags aside, but his horses, still tethered to the sleigh, did not make it, but Percy survived, as did the mail — every piece delivered to Dawson on schedule.

In 1935, Percy DeWolfe received a silver medal for his public service to the Yukon and the Queen's mail from King George V. After a long, eventful, fulfilling career, Percy retired in 1949. He passed away in February 1951 at St. Mary's Hospital in Dawson after a brief illness.

The Percy DeWolfe mail race began in 1977 to honour Yukon's most notorious and celebrated mail carrier. Each year, one lucky musher competing in "The Percy" is chosen by a draw to carry the commemorative mail from Dawson to Eagle and back. Last year, the race was cancelled due to the sudden pandemic announcement. This year, due to COVID protocols and border restrictions, the race looked a bit different, but it was on. Musher went from Dawson to Fortymile via Top of the World Highway and returned on the Yukon River — a total of 110 miles, or approximately 180 clicks.

Congratulations this year goes to Connor McMahon, who arrived first with a runtime of 11 hours and 47 minutes. Thank you to all participants, organizers, and volunteers for making sure the legacy of the "Iron Man of the North" was able to carry on for this 45th anniversary year. Also, thanks to his family who were present for the start of the race as the start was not open to the general public — a proud of moment, I'm sure. Well done.

Applause

Mr. Hutton: I rise on behalf of myself and the Yukon NDP to pay tribute to the 45th running of the Percy DeWolfe memorial race. Congratulations to the Yukon organizers and mushers who participated not just this year but all those previous 45 years.

This year, it was Yukoners mushing the route that was adapted due to COVID. As has been mentioned by colleagues in this House, Percy was an amazing northerner who demonstrated true northern courage. He came to the Yukon in 1898 in search of gold but ended up serving others. From 1910 to 1949, Percy DeWolfe delivered the mail. We have all heard the saying: "Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds."

Though attributed to the US Postal Service, these words are from an ancient book by a Greek historian that refers to messengers in the Persian Empire, but they work well for Percy, who delivered the mail between Dawson City and Eagle, Alaska by dog team, by horse, and by boat. Nothing stayed him from his rounds.

So, congratulations again to all those involved this year in another successful race, and here is to another 45 years.

In recognition of Nutrition Month

Hon. Ms. Frost: For more than 30 years, dietitians of Canada have celebrated Nutrition Month in March. This is a time when dietitians all over the country work together to raise awareness of the importance of food in our lives and encourage everyone to eat well. The theme for 2021 is: "Good for you! Dietitians help you find your healthy." This year's theme is unique, as it explores how culture, food, tradition, personal

circumstances, and nutritional needs all contribute to what healthy looks like for you.

Eating well looks different for everyone. There is no "one size that fits all" when it comes to eating well, and a dietitian may help you to interpret what that means. Nutrition North is one element that supports healthy eating in the north and healthy access to food, but that isn't always possible, given the circumstances of living in far, remote, northern communities, like Old Crow, where there are many challenges that sometimes prevent you from eating well and having access to the nutritious foods that you need.

Dietitians understand the science of nutrition and the unique needs of each person based on their health, preferences, culture, food, traditions, and situations. They are key members of a multidisciplinary team and can support both individuals and communities. There are several reasons to contact a dietitian. For example, if you live with a chronic illness, have allergies or intolerances, are pregnant or breastfeeding, or are making significant changes to your eating patterns, a dietitian can help you to build health habits.

Dietitians are found in long-term care facilities, hospitals, health centres, and in our communities. They can teach individuals to shop, cook, prepare, and explore food options. This provides individuals with necessary food skills but also uses other skills such as planning. Eating well is about sharing experiences. It's about enjoying food, the transfer of knowledge, connection, and listening to your body. It's also about family, memories, and emotions.

We invite you to embrace and enjoy your own food, your culture, your traditions, and to share with others. I encourage all Yukoners to take the time to explore what food means to you and to find your approach to eating well. Food touches all of us and is an important part of our lives. Mahsi'.

Applause

Ms. McLeod: I rise on behalf of the Yukon Party Official Opposition, the Third Party, and the Independent member to recognize March as national Nutrition Month. National Nutrition Month began in 1970 as Nutrition Week. Over time, it has developed into a month-long public awareness campaign to promote healthy lives through nutrition.

This year, the Nutrition Month theme is: "Good for you! Dietitians help you find your healthy." This theme touches on the fact that healthy eating is different for everyone, based on dietary restrictions, allergies, needs, cultural considerations, and more. Dietitians can work with individuals to tailor a plan for healthy eating that works for them. Canada's food guide was revamped in 2019 to promote new recommendations that are wider in scope, replacing the old cartoon rainbow and pyramid depictions with visual representations of real foods and new guidelines to follow, such as: have plenty of vegetables and fruits equal to half of your plate; eat protein foods equal to one-quarter of your plate; choose whole grain foods equal to one-quarter of your plate; and make water your drink of choice. These guidelines are not always easy to follow, but the updated food guide certainly makes healthy food choices more appetizing by visual standards.

March 17 will mark Dietitians Day in Canada, and it's held on the third Wednesday in March. This day will celebrate registered dietitians across the country and their work providing important dietary advice and promoting healthy eating and living. They are passionate about food, the way food affects the body, the science behind it, and providing information to Yukoners on their dietary choices and overall health.

I would like to thank Yukon dietitians, physicians, and health care workers who work to promote nutrition in accordance with a balanced, healthy lifestyle for all Yukoners.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Mr. Kent: I have two letters for tabling here today. The first is dated December 3, 2020, and is addressed to the Premier of the Yukon regarding the Yukon education review of inclusive education 2020-21 and is signed by the executive director of the Yukon First Nation Education Directorate, the president of the Yukon Teachers' Association, the president of Autism Yukon, and the executive director of LDAY Centre for Learning.

I also have a letter for tabling here today, dated January 14, 2021, addressed to the Minister of Education from me, regarding the change of individuals with respect to the individualized education plans.

Mr. Cathers: I have for tabling here today a letter to the Minister of Energy, Mines and Resources dated March 9, 2021, entitled "Potential impact of a 60-metre riparian buffer on titled land by Marsh Lake".

Hon. Ms. Frost: I have for tabling today three legislative returns.

Speaker: Are there any further returns or documents for tabling?

Are there any reports of committees?

REPORTS OF COMMITTEES

Mr. Hassard: I have for tabling the *Standing Committee on Public Accounts Seventh Report — Yukon Public Accounts 2019-20*.

Speaker: Are there any further committee reports to be presented?

Are there any petitions?

Are there any bills to be introduced?

INTRODUCTION OF BILLS

Bill No. 22: *Workers' Safety and Compensation Act* — Introduction and First Reading

Hon. Ms. McLean: I move that Bill No. 22, entitled *Workers' Safety and Compensation Act*, be now introduced and read a first time.

Speaker: It has been moved by the Minister responsible for the Workers' Compensation Health and Safety Board that Bill No. 22, entitled *Workers' Safety and Compensation Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 22 agreed to

Speaker: Are there any further bills for introduction? Are there any notices of motions?

NOTICES OF MOTIONS

Mr. Gallina: I rise to give notice of the following motion:

THAT this House supports the budget commitment of \$400,000 for midwifery in Yukon.

Mr. Istchenko: I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to help people and businesses recover from the devastating financial hit resulting from the pandemic by increasing opportunities for tourism in the Kluane region with actions including:

(1) meeting with Parks Canada, the Village of Haines Junction, local First Nations, businesses, the St. Elias Chamber of Commerce, local advisory councils, and residents to discuss shared priorities in promoting the Kluane region;

(2) cutting red tape and making it easier to do business; and

(3) developing more tourism options to help improve the Yukon's attractiveness as a destination when our borders open to tourists again.

Speaker: Are there any further notices of motions? Is there a statement by a minister?

MINISTERIAL STATEMENT

Midwifery regulation

Hon. Mr. Streicker: Our Liberal government recently completed a key step toward providing regulated and funded midwifery services as an additional birthing option for Yukoners. Midwives are health professionals who provide care to patients during pregnancy, birth, and post-partum.

Earlier this year, the midwifery regulation under the *Health Professions Act* was approved by Cabinet. The regulation will come into effect on April 15, along with the standards of practice and code of ethics. Our goal is to provide Yukoners with additional options within a range of health care services that support healthy pregnancies, positive birthing experiences, and quality care after childbirth. This important regulation will allow licensed Yukon midwives to practise as they do elsewhere in Canada, supporting clients through pregnancy, birth, and postpartum.

The development of the regulatory framework for midwifery in the Yukon has involved extensive engagement, consultation, and research over the last four years. In addition to seeking the advice of a midwifery advisory committee made up of key health care partners, we have also engaged Yukoners, midwives, physicians, and nurses.

During public engagement in 2018, we heard from more than 600 Yukoners. The purpose of this engagement was to understand Yukoners' needs and perspectives as we progressed toward regulating funding and integrating midwifery into the Yukon's health care system. Overall, a strong majority of those we heard from supported regulating and publicly funding midwifery. They also understood our proposed approach to begin by establishing midwife-led birthing in Whitehorse and then moving forward with pre- and postnatal midwifery services in the communities. We also consulted with the Canadian Association of Midwives and regulators of midwifery in other Canadian jurisdictions, and we have incorporated best practices from other jurisdictions into our regulations.

The Yukon midwifery regulation establishes a framework that is similar to that of British Columbia. It allows us to adopt many of their standards of practice. It was also important that we ensure that we regulate the profession in a way that makes sense, given Yukon's unique context. To that end, we have also developed standards that are unique to the Yukon. Over time, the registrar of midwives will work with the advisory committee established under the regulation to review and adapt these standards, as needed, to reflect the evolution of the profession and of Yukon's health care system.

The regulation prescribes such items as education and practice requirements, required professional liability insurance, the range of services that midwives can legally provide, and the creation of an advisory committee. With the regulation coming into force in a few short weeks, the Yukon now has a solid foundation to continue developing a midwifery program in line with the Canadian model of midwifery care, which we anticipate will launch later this year.

Successful implementation of Yukon's regulated and funded midwifery program will require the ongoing engagement of all health system partners, First Nations, and communities, and we are committed to continuing to work with them.

I am very grateful for the input and support that we have received from the community partners, such as the Yukon Medical Association, the Yukon Registered Nurses Association, and the Yukon Hospital Corporation. In particular, I would like the newly formed Yukon Association for Birth Choices — formerly the Community Midwifery Association of Yukon — for their strong and ongoing participation. It is a privilege to be part of this momentous step forward toward providing safe, regulated, and funded midwifery services in the Yukon.

Mr. Cathers: In rising to respond to this ministerial statement, let me begin by emphasizing that the Yukon Party fully supports the goal of having the option of regulated and publicly funded midwifery services available to Yukoners. Our 2016 election platform included a commitment to regulate and fund midwifery.

If we are successful in the upcoming election and form the next government, the Yukon Party is committed to ensuring that publicly funded and regulated midwifery is implemented in the Yukon as soon as possible. If we are elected to

government, we will make implementing publicly funded midwifery a priority, including continuing with a plan to hire midwives as well as making public funding available for midwives who choose to operate in private practice.

My colleagues and I want to express our appreciation to the Community Midwifery Association Yukon, now renamed the Yukon Association for Birth Choices, for your advocacy and work in support of moving the Yukon toward publicly funded and regulated midwifery. We would also like to thank the health professionals and public servants who have worked on this initiative.

The goal of implementing publicly funded midwifery in the Yukon as soon as possible is one we share with you. However, we are surprised to see the minister patting himself on the back with this statement. In the Speech from the Throne in April 2017, the Liberal government said — and I quote: "... the government anticipates licensing the practice of midwifery later next year."

The Liberal government repeatedly failed to meet the timelines that they promised for implementing midwifery. They promised to implement by 2018 and are missing that target by three years. Now, at the eleventh hour, they have finally brought forward regulations. The government has promised to hire two midwives as employees but has been unable to say exactly when that will happen. They say that it will probably be in the fall of 2021. They chose not to match this timeline to the regulations coming into effect. Unfortunately, there is a significantly problematic side effect of this plan: a large gap in service beginning on April 15. The regulations will prevent the only midwife currently providing services from practising in the Yukon as of that date. This means that any expectant mothers who are planning to give birth between April 15 and some undefined date in the fall will be left without access to midwifery services.

This serious issue was raised with the Minister of Community Services and the Minister of Health and Social Services at the Yukon Association for Birth Choices virtual AGM held just a few weeks ago. At that meeting, multiple expectant mothers who have a due date after April 15 asked what it would mean for them. They asked what options were available to them. Some even asked if they should be booking tickets Outside to be able to access midwifery services for their births. Unfortunately, the minister was not able to offer any answers to these questions other than "We're working on it."

Mr. Speaker, mothers have told us that pregnancies are challenging enough as it is, and adding in this type of uncertainty does anything but help to alleviate the stress and anxiety facing these mothers.

So, I would ask the minister to use his closing comments on this ministerial statement to respond directly to those expectant mothers. What can someone who is pregnant with a due date after April 15 expect to receive in terms of midwifery services? The minister wasn't able to answer that question at the association's AGM, but since he's decided to do a ministerial statement on this issue, I hope he has some better answers today.

I know that the mothers who raised these questions will be reviewing his answers carefully as they begin planning for their births. I hope that since the association's AGM, the minister and his colleagues have come up with a solution to this serious problem they're creating. Without a clear answer to that question, it seems quite apparent that this is nothing more than a last-ditch effort to get regulations in place and announced before calling an election rather than developing a plan and system that will actually work smoothly for mothers who choose to use midwifery services.

I look forward to hearing the minister's response.

Ms. Hanson: Mr. Speaker, I rise on behalf of the Yukon New Democratic Party to respond to the ministerial statement on midwifery. I believe I echo the heartfelt sigh shared by so many of "At last; finally". After years of promises by successive Yukon Party and Liberal governments, exhaustive studies, consultations, and resistance from certain sectors of the medical community, Yukon is on the cusp of joining the rest of Canada and the world in recognizing the integral role midwives can play in providing care for women or pregnant people and their babies during and after pregnancy.

We congratulate all of those, past and present, who have worked so hard to get us to this place — a place where choice is the foundation of birth. We salute the Yukon Association for Birth Choices whose tireless commitment to choice and support of personal agency before, during, and after birth endures to this day.

As a woman who, over 35 years ago, chose the support of a midwife when my children were born, whose sister was a licensed, registered midwife, whose niece practised midwifery in the Philippines and in Rwanda, where she was instrumental in establishing a women's health clinic and training centre for midwives, I have been astounded at the reluctance of successive Yukon governments to support access to choice and evidence-based care in birthing.

As welcome as this statement today is, the minister's statement made clear that this is another of the serial Yukon Liberal government announcements that we have sadly come to expect. The headline sounds good: Midwifery finally recognized in Yukon. Unfortunately, what he also said is — quote: "... over time..." and "We anticipate launching midwifery later this year."

I believe we heard similar words last year and possibly the year before.

Over the years, Yukon health care practitioners trained and registered as midwives have exhibited a level of patience and professionalism that is unparalleled. Many have had to make hard choices that have meant separation from family and home in order to maintain their professional certification, all the while trusting that, this time, government was serious about implementing regulated and funded midwifery in Yukon and that it was not just another "on the cusp of an election" promise.

As we acknowledge the progress made on integrating midwifery into Yukon's health care system, we do have questions that they hope the minister will address. For example, how does the proposed regulatory framework ensure that all

populations, including LGBTQS+, francophone, Black, indigenous people of colour, and those who wish to incorporate traditional birthing practices — how are they ensured that they will be served? How will people from communities access a midwife-led birth if they cannot be followed by a midwife through their pregnancy if, as the minister indicated, midwives are to be based in Whitehorse? How will people from the communities access home-based birth settings? Will they really see any changes at all from this or is it just for Whitehorse parents?

Given the limited number of midwives the Yukon proposes to engage, how are those who want to access midwifery services pre-, during, and post-birth assured that they will be able to exercise this birthing choice? Do the regulations provide midwives with hospital privileges? Has the government established a plan for a birth centre in Whitehorse?

Mr. Speaker, my colleague and I continue to be hopeful that the statement today is not simply a partial checkoff of another partial promise completed. Fully integrated, regulated, and funded midwifery is too important for gamesmanship.

Hon. Mr. Streicker: First of all, I would like to thank both members opposite for their support for midwifery. I don't think this is about me patting myself on the back. I actually think it's an achievement for the Midwifery Advisory Committee and, in particular, the Yukon Association for Birth Choices. It's those folks who have worked so hard, along with the folks from Community Services and Health and Social Services, who have been working long and hard over these past several years. It certainly didn't arrive out of the blue. It arrived due to everybody's hard work. I would just like to thank them for it.

I'll say to you, Mr. Speaker, that when I was at the AGM with the Minister of Health and Social Services, people from the Yukon Association for Birth Choices were cheering; they were clapping; they were ecstatic; they were really happy.

In terms of the amount of time that it has taken, yes, it has taken much longer than we wanted; I will acknowledge that, but I will never say that people weren't working hard to achieve it. They were working extremely hard and I would like to thank them for that work. It is an important piece of regulation and it is important that we get it right. I thank everyone for their work.

I will also say that, if we are talking about timelines — I will take the responsibility, as I wanted to get it here for 2018. I was not able to do that and we worked since then to get it here. But I think that midwifery has been asked for since the early 2000s and maybe before. I think that the Member for Lake Laberge, who stood up to talk about midwifery today, was elected in 2002. I noticed that he didn't mention anything about the time from 2002 to 2016. I agree with the Member for Whitehorse Centre that this was a gap. Okay, fine. I think it is really important that we get there. I think we all agree with that. I looked across other jurisdictions to understand if there is typically a gap between when there are regulations in place before and when it gets implemented, and it has always been that way.

I also note that two of the midwives in the territory were hired by Health and Social Services to act as implementation coordinators to help to make this transition work well. I talked with the midwifery association to find out when would be the right time to bring in the regulations. They suggested mid-April because the acting president is going out for international bridging. We found a time when there were not going to be midwives active in the territory so that the gap would be less of a hardship on those mothers who are pregnant now and hopeful. What I can say is that, from that conversation, there was a lot of energy put there by Health and Social Services to make sure that this gap will be as seamless and as short as possible.

My understanding is that the Minister of Health and Social Services and her department are working now to get ready to hire the first midwife to come on board to assist with that transition. I believe that everyone is working to support all members of the community from the LGBTQ2S+ community as well.

Mr. Speaker, I don't have an announcement about the time of how long that gap will take. What Health and Social Services is doing — and we will support them as much as possible — is to make sure that this gap is as brief as possible because we all want to see midwifery here in the territory.

Again, I wish to thank the Yukon Association for Birth Choices for their tremendous work on getting us here today.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: COVID-19 pandemic public health measures

Mr. Hassard: So, the path forward documents that the Liberals released just five days ago state that, in order to return high school students to full-time, in-person classes, the children must be eligible for the vaccine. This morning, the government announced that students will return to full-time, in-person classes next month. While this is very welcome news, as far as we are aware, children are not currently eligible for the vaccine. So, five days ago, the government said that this was a requirement. Today, it appears not to be the case, so what changed in just five days for the government to change their criteria on this?

Hon. Mr. Silver: Again, we always follow the recommendations from the chief medical officer of health. We have been doing that for the last year, as we have gone through the pandemic — the trials and tribulations therein — and again, every time that we make a step forward, we update ourselves, we take a look to see what is the safest possible path forward, and that pathway forward could be in more regulations or it could be in less regulations or guidelines. By following the lead of the chief medical officer of health, we were extremely thrilled to be able to stand today at the press conference and say that the high schools in Whitehorse can get back to full-time classes within a month.

Working with the Minister of Education, we know that we have a lot of work to do. I know that she was on the phone all last night and into the early morning as well making sure that

folks knew that this announcement was coming, and now we have conversations to continue. I know that the school community is thrilled as well. So, lots of conversations with the Yukon Teachers' Association are coming — the councils and the education community, the students, and the parents.

This is really good news, Mr. Speaker, and again, today it is based upon the advice of the chief medical officer of health. Nothing has changed.

Mr. Hassard: The question was: "What changed in those five days?" So, now the question is — the Liberals released the *A Path Forward* document just five days ago that said they were supposed to provide certainty and answers to Yukoners on how to get out of this pandemic. The document stated that, in order to get back to full-time high school classes in Whitehorse, children would need to be eligible for the vaccine. Now, don't get me wrong, Mr. Speaker — we have been calling on the government to get kids back to classes for months now, so this is welcome news. When the government releases *A Path Forward* that is stale-dated just mere days after it was released last Friday, all that does is create more uncertainty.

So, Mr. Speaker, what other criteria or requirements in the *A Path Forward* document no longer apply?

Hon. Mr. Silver: Mr. Speaker, I am glad to hear that the members opposite do support full-time classes for the three high schools in Whitehorse. That is excellent news to us. Again, what is really good news is that we are seeing the finish line and that we are seeing movements forward and guidelines being relaxed based upon, yet again, science and based upon the recommendations of the chief medical officer of health. I only need to guide folks to the press conference this morning where the chief medical officer of health, again with clarity, spoke about epidemiology, spoke about the vaccination rates in the Yukon, spoke about his confidence in us being able to move forward for this extremely important move when it comes to the education of our students.

Mr. Speaker, what has changed? We are still following the advice of the chief medical officer of health. As you know, as we have been going through the pandemic, lots of things change. We know more about masks now than we ever did. We know more about the vaccinations and their efficacy than we ever did. Every day there is new science; every day there is new information that we get about traceability of variants. But what hasn't changed is this Liberal government not acting politically but acting based upon the most up-to-date recommendations from the chief medical officer of health and then getting that information out the door as soon as possible, but I guess that's not good enough for the Yukon Party.

Mr. Hassard: Mr. Speaker, it makes you wonder why the government would go through the hoops and gyrations of producing a document if it is just going to be outdated within a mere few days. To be clear, the *A Path Forward* document released five days ago says that children need to be eligible for vaccines in order to get Whitehorse high schools back full time. Today, that does not appear to be the case. Will the Premier be releasing a new path forward document with up-to-date information?

Hon. Mr. Silver: Mr. Speaker, I always support making sure that we have the most up-to-date information on our websites, absolutely. But clearly, I guess the members opposite do not understand the fluid nature of the pandemic and this government's ability to respond to the benefit of Yukoners. I don't know if they are making some kind of suggestion about the validity of the recommendations of the chief medical officer of health. We've seen that in the past from the Yukon Party government, so I wouldn't be surprised if that is what we are seeing as well here today.

Again, Mr. Speaker, we will follow the recommendations of the chief medical officer of health. We will continue to do that because we believe in the science, we believe in the ability of the chief medical officers right across Canada to provide us with the most up-to-date information, and we are also willing to accept that, on a day's moment, a month's moment, things do change very fluidly and we will make sure the most up-to-date information is on the website for Yukoners.

Question re: COVID-19 vaccine

Mr. Kent: The Moderna vaccine is not approved by Health Canada for people under the age of 18. The Pfizer vaccine is, however, approved by Health Canada for those 16 years and older. We know that the government made the decision to turn down the Pfizer vaccine last December, even though they originally told us that they were ready to accept it and were procuring the freezers to store it.

Will the government reconsider its decision of last year to not approve Pfizer vaccines so that Yukoners aged 16 and up can be vaccinated?

Hon. Mr. Silver: I hate to correct the member opposite, but it wasn't us, as a government, who said that we would say no to Pfizer. We said that we would absolutely take on any vaccination. We actually even said that we do have the capacity and the refrigeration to do that in Whitehorse. We do know that the medical community nationally — I guess that doesn't matter to the members opposite — said that the most important thing is that it's hard to transport this vaccine; it's very fragile.

However, we never said that we wouldn't accept Pfizer. We said that we were ready, willing, and able to take it, but we did work with the national community to make sure that we did what was most safe and effective, and again, what we see is an opportunity for us to get ahead of the curve and to be vaccinated at a rate far beating every other jurisdiction in Canada right now. We're very proud of the efforts of the team at Health and Social Services and the whole collaborative approach — the teams of folks who help with the vaccination process but also mayor and council and chief and council working together in every community to make sure that we had the most safe delivery of the vaccines.

If Johnson & Johnson becomes an option, we'll accept that as well. We'll follow the chief medical officer of health, absolutely. He talked today about the exciting new vaccines that are on the horizon, vaccines that don't need massive degree changes in temperature, that can be stored in refrigeration — but the member opposite should know that we never said no to

Pfizer. We said yes to working with every single jurisdiction in Canada.

Mr. Kent: For the Premier, you must be able to transport the Pfizer vaccine, because it's made in Europe and it has to get to Canada somehow.

Anyway, that said, *A Path Forward*, released five days ago, also says that, in order to get students back to full-time class in person in Whitehorse, we need to meet a criterion of — and I quote: "High overall vaccination rate for the entire Yukon population".

Can the Minister of Education tell us what number is considered a high overall vaccination rate, and is going back to full-time, in-person class contingent upon reaching that number?

Hon. Mr. Silver: It's clear that the member opposite does not listen to the medical advice of chief medical officers. To say that, for some reason — the member opposite questioning whether or not we can travel with this vaccine and that maybe, somehow, we made a poor decision on travelling — again, these are decisions that are being made nationally with the Council of the Federation, with the medical teams — but I guess the member opposite knows better.

The member opposite knows exactly that it's not that fragile, that it should be able to be travelled all the way to Old Crow — no problem. That is interesting, Mr. Speaker, but really, what we've been told is that the least amount of travel for the Pfizer vaccine increases the very precious cargo in that vaccination. Again, we will continue to not listen to the Yukon Party's political advice when it comes to vaccinations. We will follow science; we will follow the chief medical officer of health.

Some Hon. Member: (Inaudible)

Hon. Mr. Silver: I don't think they like the answer to this question, Mr. Speaker, because clearly, they keep on talking off-mic because they don't want to hear the answer. They're not listening to me, they're not listening to the chief medical officer of health, and they're not listening to science. That's fine.

Mr. Kent: As we have said, *A Path Forward*, which the Liberals released just five days ago, says that, in order to get students back to full-time class in person in Whitehorse, we need to meet a criteria of — and I'll quote again: "High overall vaccination rate for the entire Yukon population".

We and so many other Yukoners are just wondering what exactly this means. What number is considered a high overall vaccination rate? The Premier couldn't answer that question yesterday.

The government has announced that students can go back to class next month, which is welcome news, as we've said, so the government must be confident that they will reach a high overall vaccination rate by that time frame. What is that number that they are trying to reach by next month?

Hon. Mr. Silver: Mr. Speaker, the chief medical officer of health has been very clear — and again today. I guess the members opposite don't listen to the press conferences.

Seventy-five percent of the adult population has always been the goal, based upon a lot of things early on in the

vaccination rollout. One thing is acceptability. We believed, at that time, that 75 percent of the adult population would accept having a vaccination. We still, as the doctor has said again today — that's still our goal.

Now, is that the rate that's needed to get herd immunity in these communities? The scientific community cannot answer that question today. Now, the members opposite can pin that on me as much as they want, but again, Mr. Speaker, the scientific community is cautiously optimistic that the trends that they're seeing right now, not only in Yukon but in Canada — the rate of vaccination is good enough for us to continue on a path where we will see fewer restrictions. This is not good news for the Yukon Party, I'm hearing.

Question re: Early learning and childcare programs

Ms. White: Yesterday, I asked the Premier why the Education budget, aside from early childhood education and childcare, appears to have been cut by \$7 million. The Premier answered — and I quote: “I don't recall making any cuts...”

I remain quietly optimistic that his memory is correct, but I think parents and educators would appreciate a bit more clarity from the Premier.

Can the Premier explain today what was cut by \$7 million in the Education budget?

Hon. Mr. Silver: Nothing.

Ms. White: Well, it's pretty simple — the Education budget went up by \$18 million, but universal childcare represents an additional \$25 million. So, there is \$7 million missing from somewhere. The Premier wants us to ask questions about his budget, so here I am doing exactly that.

Yesterday, I asked the Minister of Education about returning to full-time classes for grades 10 to 12 students in Whitehorse. While she ignored the question yesterday, we were happy to hear from Dr. Hanley today that this is expected to happen next month. The students, parents, and educators who answered a government survey this fall were very clear that education outcomes and mental health have taken a hit because of the pandemic and half-time classes.

Mr. Speaker, can the minister tell students, parents, and educators what extra support students and educators will have access to when they return to full-time, in-person classes?

Hon. Ms. McPhee: I think I should first note, in addition to the Premier's comments regarding the Education budget, that in fact — actually, I am very happy to hear the question from the member opposite because we have been scrambling to try to figure out her calculations with regard to a \$7-million problem. What I can indicate — and now, from her question, get a bit of information — is that the Education budget for 2021-22 that has been tabled has an overall increase of 7.4 percent, including a 12.6-percent increase for educational support services.

I can also indicate that when the long-awaited return to full-time, in-person classes for grades 10 to 12 occurs in the next little while — I am very excited about that being the case — that the current supports that exist — an additional 11 FTEs to assist with teaching and special supports — will remain in

place. They will be distributed as they are currently in the high schools. Students will be supported through the readjustment to full-time classes in the three high schools and with their graduation plans.

Ms. White: The results of the survey of students, families, and educators were damning. Over 60 percent of students reported emotional or mental health challenges. Over 50 percent reported academic challenges. These kinds of numbers call for a much more ambitious response from this government. Imagine the anxiety that these kids are going to be going through.

This is about Yukon's future and our students have clearly said that they need more support. Instead of answering that call, this government also unilaterally moved over 130 students off IEPs, and somehow, on top of it all, there are less EAs in our schools today than there were two years ago.

So, Mr. Speaker, how can this government justify the disconnect between the needs clearly expressed by students, families, and educators and the government action — or lack thereof — in our education system?

Hon. Ms. McPhee: I am going to stop to say that, in my view, we all have responsibility in this Legislative Assembly to give accurate information to Yukoners, and if you are not doing that, you are not helping families and individuals cope with the stresses of this particular pandemic and the stresses that it has brought to all of our homes. Inaccurate information that EAs have been cut — in fact, I will look for the number — it has increased in fact from 171 to 246 — I stand corrected; it might be 243 — in the last four years. I can indicate that, as a result of the responsibilities that the Department of Education has to serve students through this pandemic and through their educational paths on a regular basis, supports and services have been increased. I think that the member opposite just heard me say that there is a 12.6 percent of the budget increase for educational supports. I think that she just heard me say that there is a 7.4-percent increase in the overall Education budget. That means more services, more supports, and more programming for students, which is our key goal.

Question re: Individualized education plans

Mr. Kent: So, the transfer of students off of individualized education plans, or IEPs, has caused concerns throughout school communities. Parents, students, teachers, and NGOs have all reached out to us — and I believe members from both sides of the floor — with their concerns. The most that we have heard from the field is about a cost-cutting exercise by the Liberal government. We have heard that the moves started in the fall of 2019.

So, can the minister tell us when the decision was made to move students off IEPs and what consultation took place with stakeholders prior to that decision being made?

Hon. Ms. McPhee: I am very pleased to have the opportunity, not only now but later on today, to debate this particular issue because, again, all members of this Legislative Assembly, in my view, have the responsibility to provide accurate information to Yukon families and to Yukon students

and to Yukoners generally about the concerns that they have. This is not accurate information.

I can indicate — as we will be debating later on — that the most important part of the review of inclusive and special education for the department and for Yukon families is understanding the experiences and the perspectives of students and families and school staff, Yukon First Nations, and education partners so we can learn what is working well and where we need to focus our efforts for improvement.

I can wholeheartedly and definitively say that no direction was given from my office or from the deputy minister with respect to taking students off IEPs — their language, not mine —

Some Hon. Member: (Inaudible)

Hon. Ms. McPhee: I'm certainly responsive to the needs of the students with respect to this.

This is a situation where no one in the Yukon government, for the past — I'll say — 20 years, has taken on this very important issue, and we are.

Mr. Kent: It's interesting, Mr. Speaker. On one hand, the minister says that there was no direction from her, but in her closing remarks, she says they're taking on this important issue that hasn't been dealt with in 20 years. I'm very curious as to what exactly she found to be inaccurate from the question that I asked.

According to a December 23 *Yukon News* article, the Yukon Teachers' Association indicated that "... the Yukon government moved 138 students off IEPs onto Student Learning Plans or Behavioural Learning Plans..." last year. The most recent Education annual report from 2019 made no mention of the Liberals' decision to switch students off IEPs. In fact, it stated that 538 students were on IEPs, with no mention of how many students were on the SLPs.

Can the minister provide us with updated information here today? How many students are currently on IEPs, how many are on the student learning plans, and how many have been moved off the IEPs?

Hon. Ms. McPhee: The IEPs, the SLPs, and the behavioural learning plans are critical for Yukon students to achieve their best education. Supporting students with diverse learning needs so they can be successful in school is our top priority. We know that students with diverse learning needs will be successful in school if they are provided with personalized, timely, and effective learning supports.

We also recognize the need to improve the learning supports that we provide to students, which is one of the reasons why we have initiated a comprehensive review of inclusive and special education — something that has never been done, to my knowledge, in the history of the Department of Education.

It is critical that we understand what programming is provided, whether or not it is meeting the needs of students, and ultimately how those assessments are being done and how students can benefit from improved learning supports.

Mr. Kent: I am not sure if the minister heard my question. I was looking for data on how many students are currently on IEPs, how many are on SLPs, and how many have been moved off of IEPs since this 2019 data.

In a December 3, 2020, letter that I tabled earlier here today from the Yukon Teachers' Association, Yukon First Nation Education Directorate, Autism Yukon, and the LDAY learning centre to the Premier, they referred to the transfer of students off of IEPs as — and I quote: "... a significant shift with substantial repercussions."

They go on to state that this decision being made — again, I quote: "... without the knowledge of stakeholders raises further concerns." Unfortunately, over the last four and a half years, this Minister of Education has developed a reputation of being unable to work with or consult with the school communities, and sadly, this time, the minister's decisions are going to negatively impact students. Will the Liberals reverse this decision and properly engage with the stakeholders?

Hon. Ms. McPhee: It is clear that the member opposite maybe wasn't listening to the response that I gave yesterday to almost the exact same question, in particular with respect to the letter that he has made reference to.

On March 3, I and senior officials from the Department of Education met with the Yukon Teachers' Association, the Learning Disabilities Association of Yukon, Autism Yukon, and the First Nation Education Directorate on this specific issue. I also indicated that, at that meeting, we had quite a productive conversation. We agreed that, together, during that conversation, communications needed to be improved. In fact, the four organizations agreed to work with the Department of Education on improving that communication.

We talked about a website, for instance, so that information on learning, programming, and student services could be updated quite quickly and so that individuals would be able to go there from time to time. We talked about looking at the indications of IEPs, student learning plans, and behavioural plans together. We talked about reviewing the files with respect to what information they had, in addition to providing the information that they had from individuals who were concerned about these situations with us. It was productive; it was cooperative; it was collaborative; it will continue.

Question re: Early learning and childcare programs

Ms. McLeod: Earlier this year, the government announced that all rural Yukon communities would be moving to full-time early kindergarten in schools starting at age four.

The two communities that this announcement impacted the most were Dawson and Watson Lake. Shortly after the announcement, representatives of the early learning childcare and education communities in those locations began raising some serious questions about this decision. Adequate space in schools, impacts on staffing at childcare facilities, and child-teacher ratios were among the many issues of concern that were raised.

It seems that, in the minister's rush to make this announcement for the election, the minister once again forgot to consult with some of the most important stakeholders in those communities.

Can the minister confirm whether or not she consulted the school councils in both Dawson and Watson Lake about this decision? What feedback did they provide?

Hon. Ms. McPhee: It is a good question, but again, there is much in the preamble that is not accurate.

We have continued to work with the rural school communities and Yukon First Nations to determine the best ways to enhance early learning programming in rural communities, including the provision of early kindergarten programs. Early kindergarten programs are for children generally four years of age, providing a literacy-rich, play-based learning environment to support their transition to kindergarten.

There is optional early kindergarten programming currently available in all but two rural schools. The programs that are half day will be considered for full day. The programs that don't currently exist in Watson Lake and in Dawson City will, in fact, be worked on with those school communities.

We have heard from the folks in Dawson City that this might not be their first choice this year. We have committed to working with them going forward. If the fall 2021 is not optional for that school and that school community and the parents and children there, then it will not be proceeded with until those details are worked out with the individual school communities. The same goes for Watson Lake.

We commit to work with every school community to the benefit of those K4 children.

Ms. McLeod: Now, in speaking about this to the CBC, the president of the board of directors of the Little Blue Daycare outlined a number of serious concerns about the minister's decision. She said — and I quote: "If you know anything about our school, it's completely overcrowded. It's not possible."

She went on to note that there are issues with lack of proper infrastructure, a lack of space in the school, and a lack of qualified staff to work with younger children. Many of these concerns were echoed by stakeholders in my community of Watson Lake.

So, can the minister tell us why she is rushing to implement this change before an election instead of working with the communities to get it right first?

Hon. Ms. McPhee: I understand if the members opposite don't listen from yesterday to today, I guess, but I just said that we will work with every community, including those communities of Watson Lake and the community of Dawson, to implement K4 to the benefit of the students and the families and on the options for those families in those communities, with those communities. That is what we will do. That is what we committed to doing. There is no rush to anything. I don't even want to repeat the comments that have been made, because the idea is about what is in the best interests of our K4 kids, what is in the best interests of the families in those communities, and whether or not they will have options, including universal daycare and including K4 options for their children so that they can follow their dreams.

Ms. McLeod: Many of these issues could have been addressed if the minister took the time to actually consult and listen. By leaving this to the last minute, there are a number of

issues that have been overlooked. In both Dawson and Watson Lake, the recruitment and retention of adequately trained early childhood educators has been a real challenge over the years. Only recently has this situation been stabilized in Watson Lake, but we know that EC staffing is always a challenge for Dawson as well.

In speaking about her announcement, the minister said that teachers and early childhood educators would be working together in the schools. Can the minister confirm what she meant by that? Will the Department of Education be hiring early childhood educators to work in the schools in Dawson and in Watson Lake, and if so, can parents expect similar staff-to-child ratios for their four-year-olds that exist in childcare centres?

Hon. Ms. McPhee: Actually, it is quite interesting to me that the first two questions were critical of the fact that I would be directing things and the third one asks me to direct things.

Here is what we are going to do: We are going to work with the school communities in every community in the territory to increase K4 options for families. We are going to work with the school communities in Dawson City and in Watson Lake to determine what is best for their school communities — for their schools, for their current daycares — and to expand and support early childhood educators.

Speaker: The time for Question Period has now elapsed. We will now proceed to Orders of the Day.

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 417

Clerk: Motion No. 417, standing in the name of Mr. Kent.

Speaker: It is moved by the Member for Copperbelt South:

THAT this House urges the Government of Yukon to reconsider changes to the use of individualized education plans for students in Yukon and ensure that students who need additional support have appropriate resources.

Mr. Kent: This is obviously an extremely important issue that many of us, I'm sure, have been hearing about over the past number of months, just since we rose just prior to Christmas. I know that it's something I have heard a lot about, and I'm pleased that, in talking with my colleagues, they identify this as an important issue and an important enough issue that this will be the first private member's motion that we bring forward for the final Sitting of the Legislature during this mandate, the 2021 Spring Sitting.

I'm going to be the only member from my caucus who speaks to this. I'm obviously anxious to hear from other members in the other parties here. One of the things that I did want to walk through was a bit of a timeline. I think the important thing to start with is the 2019 Auditor General's

report on K through 12 education in Yukon, which referenced the inclusive education piece. Another aspect that I want to touch on is about some questions that my colleague, the Member for Pelly-Nisutlin, asked at the Public Accounts Committee hearing into that Auditor General's report in December of that year.

Then, I want to touch on some of the Yukon Teachers' Association's concerns with the inclusive education review and their lack of engagement, because I think the lack of engagement piece is something that we've heard from many individuals when it comes to this, and that's spelled out in the letter that I tabled earlier today from the four organizations addressed to the Premier of the Yukon, which led to some media reports, both before and after Christmas, which I'll reference.

I wrote a letter to the minister — I tabled it earlier today — in mid-January. I believe that January 14 was the date that I sent that letter. Oddly — or not so oddly — at 1:00 p.m. today, the response finally arrived for us, and I thank our staff for sending that in to me. I haven't had a chance to properly review the response from the minister, but I'm assuming that she will address in her response to the motion today some of the things contained in here.

I also understand that there's a potential for an amendment to the motion by the government. The minister did reach out to me today. It's kind of funny that I haven't heard from any of the ministers across the way on our motions or potential amendments until today. I think a lot of that has to do with the change in math in here with the numbers on either side of the House being equal, whereas prior to this, the Liberals had a clear majority and were able to vote in favour of their amendments or against our motions as they saw fit. But that said, I do have an open mind and I will see if there is an amendment and take a look at the wording, and our caucus and I will make a decision based on that.

As I said, I wanted to touch on the Auditor General's report, the K through 12 education in Yukon. There were a number of observations and recommendations in here specific to inclusive learning, and of course, the individual education plans were referenced as well.

As I mentioned, I think that this is an important starting point because it was shortly after this report was finalized and delivered by the Auditor General that some of the changes that we saw were initiated in the Department of Education when it comes to transferring students off of the individualized education plans, or the IEPs, and moving so many of them to SLPs or the behavioural learning plans that we spoke about earlier on in Question Period here today.

So, one of the titles in the Auditor General's report is that the department did not know whether its approach to inclusive education was working. What the OAG found was that, in particular — I'll quote from the report: "In particular, we found that the Department did not monitor the delivery of its services and supports for students who had special education needs. Nor did it monitor these students' outcomes."

In the next part of the OAG report, it says: "Our analysis supporting this finding presents what we examined and

discusses the following topics: Supports needed to implement inclusive education not identified; No reviews and evaluations on the overall approach to inclusive education; No process to prioritize students who needed specialized assessments; Poor oversight of services and supports for students who had special needs."

The auditor concludes that why this finding matters is: "... because if the Department does not know whether its approach to inclusive education is working, it cannot determine: whether students and teachers are receiving the services and supports required for students to reach their maximum potential; whether any patterns in service use or outcomes might indicate particular schools, groups, teachers, or subject areas that need more focused attention from the Department; whether processes affecting students and teachers should be changed to improve the delivery of inclusive education; and whether there are adequate resources to respond to student needs in a timely manner."

The Auditor General does have a recommendation with respect to that, which I will mention here in a little bit, but I do want to talk about some of the analysis that the OAG did to support this finding that they made. They examined whether the Department of Education delivered inclusive education by establishing the services and supports needed to meet all students' needs. As part of this, they examined how the department assessed students who had special education needs and whether the department monitored and evaluated the impact of its services and supports to students identified as having special needs. This work included surveying K through 12 public school teachers in Yukon to determine whether they thought the department gave them suitable tools and resources to support their teaching responsibilities.

The supports needed to implement inclusive education — not identified. So, what the OAG found was that the department did not identify the supports that schools needed to implement the inclusive education programs, and without that, the department did not know whether teachers and other school officials had what they needed to support students. For example, they found that, although the department's annual report for 2017 showed a 31-percent increase in the number of EAs allocated to schools between 2014-15 and 2016-17, the department could not determine whether this increase made any difference in teachers' ability to implement inclusive education or improve student outcomes.

The Auditor General also identified: There was no process to prioritize students who needed specialized assessments; no reviews and evaluations on the overall approach to inclusive education; poor oversight of services and supports for students who had special needs. They did take a look at the school level. The OAG reviewed 41 files of students who had IEPs. Of course, that's the subject of what we're talking about here today. They covered both the 2015-16 and 2016-17 school years.

These files were randomly sampled from five schools across Yukon. Over this two-year period, this meant that they had examined 82 IEPs in total. They examined whether students who had these plans got the services and supports that

were identified as being needed. They also examined whether the students' progress was monitored and plans updated.

Of those 82 plans, they found: Five percent — only four of them — showed that the services and supports recommended by specialists or school staff had been delivered; two of them had the required progress reports; and five, or six percent, had been reviewed and updated, as required.

When we move on to the recommendation that the OAG made with respect to their review of the inclusive education piece, of this overall audit — again, I'll quote the actual recommendation, which is in the report at bullet 70. It says: "The Department of Education should conduct a full review of its services and supports for inclusive education. It should exercise a leadership role by, for example, engaging with teachers, parents, and specialists to determine how the Department can help teachers maximize student success. The review should include examining how best to..." — and there are a number of bullets here — "... evaluate whether its approach to inclusive education is working, determine whether services and supports are having the desired effect, determine whether sufficient resources are in place to support inclusive education, prioritize students for specialized assessments, assess and track specialist recommendations, and assess and track teachers' use of recommended strategies."

That was the recommendation from the Auditor General. The department's response was that they agreed with the recommendation, and I'll quote again: "The Department of Education will seek to collaborate with Yukon First Nations governments to conduct an in-depth review of its services and supports for inclusive education. This review will ensure all students have access to quality education by addressing their diverse learning needs in a supported environment that allows them to meet their maximum potential. The review will start in fall 2019 and provide recommendations by spring 2020, and will result in the development of appropriate strategies, to be implemented starting in the 2020–21 school year."

Obviously, we know that the review being conducted by Dr. Yee has been delayed due to the pandemic, so we understand that these timelines are pushed out a little bit. But again, I go back to a remark that the minister made earlier today in Question Period about how the Yukon Liberals are taking this bold step and reviewing inclusive education, but none of that started until the Auditor General recommended it, so it's a little disingenuous for the minister to do a victory lap on her government having the courage to take this on. I think that the Auditor General helped them along with that courage by conducting the review and issuing this particular recommendation that the department has responded to.

I am just going to finish on those timelines that are in here that have obviously slipped for reasons beyond the control of the Department of Education. "The review will focus on inclusive education supports and services for Yukon students, including the delivery and monitoring of special education ... with Yukon First Nations because they are best placed to understand and respond to their citizens' educational needs and to direct targeted resources to support the success of First Nation students. The review will also consider perspectives

from Yukon educators, parents, school councils, the Yukon Francophone School Board, and the Yukon Teachers' Association, all of whom have important responsibilities in supporting students."

I will come back to that YTA issue, because there were some concerns raised early in 2020 by the previous president of the Yukon Teachers' Association on how this review was being conducted, so I want to make sure that we note those for the record here today.

Just to conclude the department's response: "The Department notes that the actions it takes in response to other recommendations contained in this audit report will also improve its ability to improve inclusive education services and supports to all Yukon students."

Again, this Auditor General's report was from the summer of 2019, so when we look ahead to the fall of 2019, that's when I understand the changes started to be made where students were being migrated off of IEPs and on to SLPs or the behavioural support plans. That is an important action that — in talking to representatives, teachers, and others, trying to figure out exactly where this started — it was the fall of 2019 when that work started.

Again, not having read the entire letter — so the context might be out of place — the response I received at 1:00 p.m. today from the letter I wrote the minister two months ago — it says — and I'll quote: "As a result, presentations to school staff were given in fall 2019 to review the requirements to the Education Act and to clarify the criteria used for different learning plans..."

So, that lines up. I'm not sure exactly what the minister will say were the results of that or what precipitated that, but again, I believe that it had a lot to do with the Auditor General of Canada's report.

In talking to teachers and others about it, that's when communications started to go out to parents who had students on IEPs about how they would be migrating over to SLPs.

I think one other thing that's important to note, when it comes to that too, is that many of those parents — some whom I've heard from anyway — have relayed a concern to me that they were told, when they were to be moved off of the IEPs into these other plans, that if they remained on IEPs, that would mean that their students were not on a path to graduate, which is extremely alarming for so many parents.

Obviously, everyone wants their children to be successful. Everyone wants their children to be able to graduate. So, to tell parents that they have to move off of IEPs on to these other plans or they won't be on track to graduate is extremely alarming. It's extremely alarming for those parents whom I talked to about this. Many of them, of course, decided to move to the SLPs or the other ones with the fear of their children not being able to graduate hanging over their heads and without the full knowledge of what the IEPs provided and that they were recognized in the legislation, whereas the student learning plans and others were not. Again, that's the fall of 2019.

Now, when we move into December of that year, the chair of the Public Accounts Committee — my colleague, the Member for Pelly-Nisutlin — asked a question of the

Department of Education officials who were in attendance here in these chambers for that hearing. I will quote from a document that I will provide to Hansard. It is available on the Legislative Assembly website reports. It was prepared by the Yukon Department of Education for the Standing Committee on Public Accounts to provide additional information that the deputy minister committed to providing to the Public Accounts Committee. So, this is the follow-up from after the actual hearing, and what I'm going to quote from starts on page 414 of that document — but again, I'll provide this to Hansard once I'm done today.

The chair again asked a question. "I have a question regarding individual education plans, or IEPs. There are two parts to it, I guess. The first would be: How are these plans tracked between teachers in regard to priority? Also, I have heard over the past couple of days that IEPs are being changed or phased out. Is there something changing with IEPs as well?"

The deputy minister committed to a written return at that time, and she did get back to my colleague and other members of PAC, saying: "... (IEPs) are a priority for the department. IEPs continue to be an important and mandatory tool to support students with special educational needs. The current and continuing process for IEPs is based on the eligibility parameters provided in the Education Act. If a student is eligible for an IEP, then the school staff have 60 days to develop and begin to implement and evaluate an IEP for the student. The IEP must be reviewed with all relevant parties three times throughout the school year.

"The Schools and Student Services Branch has been working to clarify the process for developing IEPs to ensure that practices at the school level are aligned with the Education Act, and that IEPs are used for cases where students have intellectual, behavioural, physical or multiple challenges that make them unable to meet the curriculum goals and require a modified plan to set personal expectations and outcomes geared for a student's unique needs.

"Alternative tools, such as Student Learning Plans, are used to support students who may need adaptations in order to meet curricular learning standards, either at or below their grade level. The Student Learning Plan provides documentation of the adaptations that are in place as a student transitions between grade levels and teachers to ensure the student has continued access (as needed) to the adaptations and the student's performance is assessed using these supports.

"IEPs are responsive to the changing needs of students, and are updated three times a year to assess current goals and how success has been demonstrated. In Yukon's new curriculum, staff can now develop personalized and flexible learning goals for students with IEPs to demonstrate their learning and development, and support students with IEPs to meet the curriculum's broader core competencies of communication, thinking, and personal and social responsibility in a way that is meaningful to the student. We can then adjust the IEP over time as the student progresses in their learning.

"Within a school, principals are responsible for ensuring the learning goals of IEPs are being met, and that the plans are evaluated and updated at least three times a year. The Learning

Assistance Teacher (LAT) case manages IEPs within the school, and tracks IEP progress as a student moves between different grade levels and teachers. If a student moves schools, the new school's principal will become responsible for the IEP and the LAT in the new school will case manage the plan along with existing IEPs in the school. All IEPs hold equal priority.

"Students with IEPs and their learning goals are tracked in the student information system. Teachers are responsible for the implementation of an IEP's goals and objectives and can access and view a student's IEP through the system.

"The new Communicating Student Learning guidelines that are part of Yukon's curriculum redesign also inform communicating about learning progress and goals for students who have IEPs. In fall 2019, updates based on parent and teacher feedback, were made to the *Communicating Student Learning Teacher Resource and Professional Development* AppleBook. This tool includes updated supports for teachers to help them identify meaningful ways to assess students with Student Learning Plans learning. Using this guide, we are helping teachers provide meaningful assessments for students with IEPs so these students can demonstrate success in a way that is personalized to the student's needs and aligns with the Dogwood Diploma and Evergreen Certificate pathways."

The deputy minister goes on to provide further information with respect to IEPs and their documentation on the student information system, known as Aspen. They have not made any changes to how this data is recorded and stored; however, they are currently focusing on how they are using this data system to produce more relevant and meaningful reports on IEPs.

Nowhere in there am I able to — there's an awful lot of language about how important IEPs are and how they will move with the student and how there are meetings three times a year but much less when it comes to student learning plans. Obviously, this precipitated a lot of concern among parents, students, and the teachers in various schools. That is something that we have heard. There really was no answer to my colleague's question about whether or not IEPs are being changed or phased out, as there's something changing with IEPs.

I am kind of interested to hear that, because again, this came to us from parents in the schools who were hearing about these changes and then again in the letter that I got from the minister today. She did reference that presentations to school staff were given in the fall of 2019 to start to review the requirements of the *Education Act* and clarify the criteria used for different learning plans. Again, these are challenges that we see when it comes to the timeline.

When it comes to consultation, I don't think that it is a secret that the Liberal government has fallen down quite a lot on consultation. I will just quickly reference a February 26 article in the *Yukon News* from the former president of the Yukon Teachers' Association who felt that the teachers should have been consulted on the ground floor of an independent review of inclusive and special education in the territory now underway. She is quoted as saying: "Teachers are the experts", arguing that the Yukon government not consulting with the

teachers union at this stage...” — as she determined — “... is a “snub.”

I raised this in this Legislature with the minister, but I think it just speaks to the fact that the Liberals have a tough time with consultation on certain files. This minister and the Minister of Highways and Public Works are two of the bigger offenders when it comes to skipping steps on the platform tagline of “Be Heard”.

I will fast-forward to a letter that I tabled earlier today that was signed by leaders of the four organizations I mentioned: the First Nation Education Directorate, the Yukon Teachers’ Association, the LDAY learning centre, and Autism Yukon. I think that a lot of concerns are quite obvious in here.

I will quote from this letter on page 2: “We are seeking a meaningful explanation from the Yukon Government why it made the decision to actively remove vulnerable students from IEPs and put them on Student Learning Plans or Behavioural Learning Plans. Results from recent grade 7 assessments (2018-19) indicate that 73% of Yukon First Nations and 26% of Non-First Nations students are not on track or extending their learning in numeracy. A shameful result that should have generated immediate action. Without the legal protections that an IEP provides, chances are that many of these students who need very specific and consistent interventions will not be successful in secondary school.”

Mr. Speaker, the letter also states that, following the release of the 2019 Office of the Auditor General report on K to 12 education that I spoke of earlier, “... a decision to revise the process for identifying students’ special education needs and the way students access supports, was made by the DOE. The decision, which resulted in the migration of 138 students with IEPs to Student Learning Plans/Behavioural Learning Plans is a significant shift with substantial repercussions. Moreover, the fact that the decision was made prior to the completion of the review currently underway...” — again, that is the inclusive education review being conducted by Dr. Yee — “... and without the knowledge of stakeholders raises further concerns.”

The letter goes on to say that “More than one third of students recently moved off IEPs in the last year were vulnerable students and youth of our Yukon First Nations. Yukon Government has implemented new rules which means these 138 students, designated as special needs under the Education Act which specifies IEP not STLP, are no longer guaranteed the necessary allocation of inclusive education resources and supports. Our parents are telling us their children are falling further and further behind and they have had to seek support for their children outside of school from other agencies including LDAY. Teachers in the schools have also reported concerns with the lack of training they need to support the complex needs they see in their classrooms.”

I’m just going to go on to one final paragraph from this letter: “As education stakeholders and concerned members of the community, we are allies in challenging the Yukon Government’s decision to make this drastic and damaging change to inclusive education services before any outcome or findings of the current review of inclusive education, and given

the poor outcomes of First Nations and vulnerable students reflected in the Auditor General’s report.”

The four very reputable organizations that took the time to pen this letter to the Premier about their concerns with respect to the IEPs — I guess that is one of the main drivers for the motion that I brought forward urging the Government of Yukon to reconsider those changes, to reconsider migrating students off of IEPs, and to ensure that students who need additional support have appropriate resources. I think that is extremely important. I’m sure it’s something that the — the resource piece is something that we can all agree with here in this Legislature.

It is extremely important for students to have all of the resources that they need to be successful, but again, the missing piece here is that, in 2019 when this started — where there was communication to parents — obviously communication to these organizations that students were starting to be moved off of IEPs and on to SLPs. Again, although it is not referenced there — parents whom I talked to were informed that students on IEPs were unlikely to graduate from high school, which is an extremely scary thing for families to hear. Of course, in many cases, they would have moved their students to SLPs just to ensure that they still had an opportunity to be successful in their education — in elementary, secondary, and post-secondary.

I guess the other question that I am hoping the minister can answer here today — when moving from IEPs to the other plans, many of the students who would have graduated with an IEP — which is recognized at post-secondary institutions outside of the Yukon — whereas it is my understanding from talking to one of the stakeholders that the student learning plans would not be recognized by those same institutions. So, it is curious why the IEP was so readily abandoned, and as I mentioned earlier on in Question Period today, what I have been hearing is that it was done so for the Liberal government to save money because resources weren’t guaranteed. I am hoping that the minister can clarify what the reasoning was to move these students off of IEPs, but in the absence of anything from her, parents are just left to wonder. I will be curious to hear her response as to why this decision was made to migrate those 138 students.

Something that I did ask as well in Question Period today and didn’t get an answer to — I did mention the 2019 Education annual report and the numbers identified for IEPs. Curiously, that report didn’t mention anything about transitioning students to IEPs, as has been suggested and corroborated by the four stakeholders that signed off on this letter. It does have statistical numbers for the IEPS but is missing stats for the student learning plans and behavioural support plans.

Just having quickly perused the letter that I received at 1:00 p.m. today, it says — and I quote: “As you are aware, the Department of Education reports on the number of students with IEPs each year in the annual report but does not currently include reporting on other learning plans in the report, however we are committed to working on collecting this data going forward.”

I’m hoping that perhaps the minister will have some of those stats for us here in her response today when it comes to

how many students — again, the most recent numbers that we have are from 2019, so if she could provide us with the most up-to-date numbers on how many students are currently on IEPs, how many are on the other plans — the SLPs or the BSPs — and then how many have migrated from the IEPs to these other plans since the fall of 2019 when this direction was given.

I'm anxious to hear from others here this afternoon, so I'm going to conclude my remarks. When I am on my feet again to close debate on this motion later on this afternoon — as Education critic, I received a number of e-mails and phone calls and other outreach from parents, so in a confidential way, obviously, I do want to relay some of those concerns and make sure that they're on the record here today so that, before members decide how they're going to vote on this, they get a chance to hear from our constituents and Yukoners, our friends and neighbours, on some of the concerns that they have with respect to what's being done.

With that, I'll conclude my remarks and listen to others on this important topic here today.

Ms. Hanson: I thank the Member for Copperbelt South for bringing forward this motion because it is a matter that we too, in the New Democratic Party, have heard a significant amount about from not only the groups that have been named in this Legislative Assembly and who sent thoughtful and carefully worded letters to opposition members as well as to the minister, expressing their concerns about the unilateral action of the Yukon Liberal government in terms of its decision to make changes that are not only inconsistent but actually contrary to the law and to the *Education Act*.

I have a number of concerns about the approach being taken by the government — by the Minister of Education. I want to say just at the outset that, when I speak to this, I speak to it as a parent — a parent who had a child, who in grade 2 was told — notwithstanding the fact that there had been a significant amount of effort by her parents and, we thought, by the school and notwithstanding that the teacher never indicated — she was told on the first day of her third year of school that she had failed, which is a fairly devastating thing to have your child have to deal with — to be told, as she is sitting in a grade 2/3 class that she is not in grade 3 and that she is in grade 2. That child had the wherewithal that she needed to speak to the school counsellor — when we demanded that there be a meeting and a discussion about how this could happen and, secondly, what would be done to address the apparent failure of this child. We were told not to worry — she was smart, she was bright. We had no doubts about that, but the school system wasn't recognizing it.

My husband and I had not suffered the trauma of residential school. We came from — notwithstanding the fact that I was the eldest of six kids in a single-parent family in an era when people didn't think that single women could raise kids. Notwithstanding that, we had self-confidence and we had education, so we were able to prevail and to insist that the department do a thorough assessment of that child's learning capacity and gaps.

Again, we were cautioned — “Oh no, you shouldn't do that. It will stigmatize the child.”

Our response was: “Have you not stigmatized this child already? By failing?”

Flash forward to grade 9. We have a child who is demonstrating that they're very unhappy at school. Without the intervention of an educator from whom that child had sought guidance and support in terms of trying to understand math, that child would have been on the path to failure because the school had not offered supports. Thank god for one educator who said, “You need to intervene and you need to have your child properly assessed.”

That child was not going to graduate from high school on that path. As a result of the ability of the parents — who, as I said, unlike many parents in this territory, had neither suffered a trauma or intergenerational trauma of residential school nor faced economic hardship — and with the cooperation of the Learning Disabilities Association of Yukon, a qualified psychologist did a full assessment. As a result of that, an individualized education plan was put in place.

I was in a conversation or in a meeting or gathering of folks the other day, and that young woman, in response to a conversation that was going on, said: “You know, if I hadn't gotten that support and if I hadn't had that IEP, I would not have graduated from high school and I would not have a master's degree.”

What I am concerned about when I hear and when I see — not just hearsay, according to the minister or the government — that there have been changes made — I have been in meetings and school council meetings where I've seen the triage on the blackboard — and this is several years ago, so I'm not sure what happened between 2018 and 2021 — but the triage in terms of determining who would get educational assistance. It was significant in terms of not looking at — as the act says, when we look at the requirements under the neurodevelopmental specifications for an IEP criteria review — a 14-page review that identifies all the criteria that could lead to an IEP — cutbacks by the government were saying that we only want the most severely — we're only going to provide an IEP where there's active engagement — we have pressure to put on it to have it — again, going back to who gets the services. When you triage it and go to those who have familial involvement with the justice system and the child welfare system — you wonder.

It is my understanding that, in fact, the number that was cited by the Member for Copperbelt South underestimates and understates the number of children who have been removed or transitioned away from individualized education plans. It is my understanding that you can't change what is legislatively required and you can't change the law by policy. If the government had been more forthcoming and had been more clear in its intent and if it had simply said that we're going — as we saw yesterday with the tabling of an amendment to the SCAN legislation — if they wanted to amend the *Education Act* to remove or change the notion of individualized education plans, then the right thing to do would be to do so by legislative

amendment and to have that debate in this Legislative Assembly.

To simply assume that somebody — that the minister and her officials have the authority to contravene the act by putting in place a policy that's inconsistent with the act — I don't know how she can stand in front of educators, parents, professional associations, and non-governmental organizations that have worked tirelessly over the last 30 and 40 years to work with kids and their families. I don't understand that.

We have heard that the government is making adaptations or modifications. Quite frankly, that's a red herring. "Adaptation" is used to describe various techniques that can be used to assist a child in learning, and that's also included in the Department of Education's adaptation checklist. I have a copy of the adaptation checklist. I am not going to go through it at length, but it's there. "Modification" refers to a change in the curriculum of such a degree that a child could not ultimately satisfy the requirements for what we call a "Dogwood Diploma".

Nothing in the *Education Act* distinguishes between adaptations or modifications for any reason, either as a precondition for qualifying for an IEP or as a reason for denying eligibility for a child who otherwise meets the special education needs. Even if this were the case, at what age is a child's assessed ability to graduate with a Dogwood Diploma assessed — kindergarten, grade 3, grade 9?

There's a lot that needs to be said and should be said about this, but fundamentally, it boils down to how you can't mislead the public and parents. I have many concerns. Over the 11.5 years that I have been a Member of the Legislative Assembly, we have had many parents come to us and say that, because of the increasing lack of transparency around individualized education plans and how parents access them. I can remember my colleague, the previous Member for Mayo-Tatchun, who was an educator and was the previous president of the Yukon Teachers' Association, raising many concerns in this Legislative Assembly about the fact that, if you don't tell the parents, then they won't know that it is the right of their child under the act to have this individualized education plan developed for them.

Yes, governments like to curtail and contain expenditures, but when we see repeated failing grades of our education system — as we have heard not just today but previously — repeated failures of our education system to service children throughout this community — then we start looking at a multi-tiered system — because those who have and those who get — and what we start to see — and what I have seen over the last number of years — is that parents become so frustrated with the lack of access to support within the school system for their children who have fulfilled criteria established on the neural developmental specifications, or the IEP criteria review sheet — the 14 pages — that they have been forced to move out of this territory. What are consequences of that?

We often lose people — the children's parents, who were contributing members of our economy and of our community. It is fairly short-sighted, and to assume that, because a child needs, at certain stages of their life, those additional supports

that are identified in the neurodevelopmental specifications IEP criteria review sheet — anywhere — I mean, if you look at page 5, which speaks to the criteria that are used to determine the supports and how you assess with respect to the autism spectrum disorder — I'll come back to this in a second.

There are many neurodevelopmental disorders, or neural developmental issues, that need and can — with the qualified professionals that we have in this territory who want to work with kids — those can be worked with so that children do succeed. Who are we, and who is the minister, at any time in that child's development — at any time in that child's parents' desire to see the best for that child — to predetermine the outcome, to say that you're not going to have the opportunity to gain an education that you could gain if we helped you with the necessary supports at specific times in your development?

We have the science; we have the professional spectrum of expertise in this territory. Why aren't we using it, if we truly believe that every child deserves — as I have heard this minister say — all that we can offer and that every child deserves a good education and not the sham of a school-leaving certificate? Seriously — how insulting is that to a child?

Curiously enough — I would be interested to know from the minister what stage she is at with respect to the review of the neurodevelopmental specifications — the individualized plan criteria review sheet. As I mentioned before, it is a 14-page review setting out various criteria that cover the various situations that might present — or see a child and their parents presenting — to access supports through an individualized education plan. This has been under review since 2013 — eight years.

So, I am curious as to how that fits in with the now multi-year contract that the department has set out for the new language that is being used around what was, should have been — and still is, under the act — individualized education plans — everything for how we deal with gifted and talented children and how we deal with the criteria around communication disabilities or learning disabilities — whether it is dyslexia or dysgraphia, intellectual disabilities, autism spectrum disorder, or fetal alcohol spectrum disorder.

I would be interested in hearing from the minister how many of the IEPs are currently in place and how many of the IEPs that were withdrawn were for children with FAS. The criteria also covers mild and moderate emotional behavioural needs and identifies the kinds of supports and what needs to be presented — the presentation of evidence — and what the documented individualized education plan will provide. Severe emotional and behavioural disabilities, medical disabilities, visual disabilities and blindness, hearing disabilities and deafness — which of these life conditions that a child presents with does this government think is not worthy and does not merit the investment to ensure that the child reaches their full potential?

There was a period in time when we said, "Blind kids — you're not going to make it in school, so we'll set up an institution for you. Deaf kids? Institutions for you." We've gone beyond that. I don't understand the logic of what is being proposed by this approach that says, "We are not going to work

with a child. We are going to make assumptions about what your potential is.” Think of all the human beings — Stephen Hawking — would he have qualified for an IEP under this system? Sounds like it is not likely.

If you just do it the right way the first time, you avoid having people — such as parents, students, professional associations, non-governmental organizations, and the Yukon First Nation Education Directorate — becoming alarmed, and then being forced to question what the true intentions are of this government. We don’t need to be on the defensive — a proactive approach on this to disclose what your intentions are — if your intentions were and are to change the legislation, say so. Let’s have a discussion about that.

That’s not what we’ve heard. We’ve heard communication spin. Quite frankly, from my experience as a parent, the last thing that I will tolerate is spin. Having the experience that we had and that I know many parents share, your children are your most important — I want to say “legacy”, but there’s nothing more important than them. If somebody is going to set up a barrier to their success, you can expect that you are going to have a lot of parents — and you are going to also have children who are now adults who had the benefit and succeeded because they had the benefit of individualized education plans.

This harkens back to how the government handled its approach to the alternate learning situations of kids when the pandemic hit. Instead of thinking through that this is where those kids succeed and that this is where the centres of excellence are, they thwarted them. It’s an unfortunate approach.

One of the things that I would be curious to hear is that — when I look at and recall the various — when you enter into an individualized education plan, there is a parental consultation when you’re establishing an individual education plan. The form is clear. It is to ensure that the parent has been consulted, and it outlines the section of the *Education Act* for these IEPs where it’s set out, and there is a step-by-step guide for completing them. I’m curious as to how often or whether — I’ll have the minister explain to us how the withdrawal or transition from IEPs to student learning plans or behavioural support plans — because I would be interested to know whether the parents clearly understand what SLPs and BSPs are. In fact, it could, if they are done properly, comprise part of an individualized education plan. That’s part of the education policy. I can cite it if you want.

I know that my colleagues have had many conversations more recently with many people who have been affected by this decision over the last months by the minister and the department and by the lack of clear and coherent communication around the intent and the proposed outcomes.

I just want to make it clear — as I hope I have — that this is a serious issue. When people have experienced the difficulty and the challenges and the distress that a child can endure in a school system, when they don’t get the support they need to succeed for years — and then to see the transformation that occurs, that can occur, with a properly executed individual education plan — I, for one, am not prepared to see that changed without full debate, full discussion, the involvement of

all — from the students to the education experts, to the non-governmental organizations that work with those children and families, to the First Nation Education Directorate. I am not prepared to stand by and see a change that is effectively contrary to the *Education Act*.

If you want to change the act, as I said before, then have the guts to pull the act forward, but don’t try to do it under the guise of calling it a policy change, because it’s not.

I hope that I have made it clear that I do support the motion as brought forward by the Member for Copperbelt South. I think that his language is moderate. He is urging the government to reconsider changes. I would be much more emphatic than I think I have been — drop it until you have had the proper consultation, until you have, as a result of that proper consultation, determined that there is a need to amend the *Education Act*.

Mr. Gallina: I thank the Member for Copperbelt South for bringing this motion forward. It is an important motion in that it affects many Yukon families in the territory — here in the Assembly, as we have heard by the Member for Whitehorse Centre. This particular discussion impacts my family and I considerably. I have four children in the Yukon school system. Two of them are benefiting from the support that they are receiving from our education system.

Before I get into what I am seeing and what I would like to share with this Assembly and with Yukoners, I just want to take a minute to thank some folks, because it really does take a community to get our children through and to support our children in our education system. I know that I required a community when I was a young man going through the education system, and I know that it takes many people to support our children going through our education system.

I want to thank: teachers who take the time to meet with my wife and I to explain where our children are and how they are progressing, what their challenges are, how they’re bringing our children forward, what our children are learning, and what they want to share; counsellors who make it a priority to help all of the students who come before them, who go above and beyond to provide supports, to provide tools for children to become independent thinkers and independent learners and citizens of our society; and learning assistance teachers who also take their personal time to help all of the children who come forward.

It’s amazing to see that, when you are in this as a parent and you have children who are connected to this and you see the supports that are coming, it can sometimes be overwhelming to really appreciate what your child is going through. I know that many people step up to support our children in the territory, and I want to say thank you.

I want to also acknowledge the tremendous amount of work that stakeholders are providing to students in the territory — educators, school councils, parents, and volunteers who listen to the concerns of students and families and who bring those concerns forward and are the foundation of our school communities — the Yukon First Nation Education Directorate, the Yukon Teachers’ Association — to provide the tools

necessary for teachers to be able to deliver curriculum and work within our education system — Association of Yukon School Councils, Boards and Committees, the Yukon Child and Youth Advocate, and NGOs that I know we have benefited from, such as the Learning Disabilities Association of Yukon. I have had two children who have been helped with their reading, and LDAY has been a tremendous support. All of this is to say that the Gallina family has benefited from the supports that are available. It's not easy to navigate. There isn't a simple book that you can pick up, as a parent — like you would go through the phone book and just decide to reach out to certain supports. You have to actively communicate, share, and understand what's going on with your child.

As other members have received casework from constituents who have questions and who also have children in our system — that they did have questions and were wanting to get some reassurance about individualized education plans and ensure that they were receiving accurate information — I thank those constituents for bringing those issues forward to help me communicate with the Department of Education and the minister.

I had written to get some clarification, on behalf of my constituents, to understand, and I did receive a response from the Minister of Education. I'll read a little bit in here. From this letter, dated January 22, 2021, to me — and I quote: “No changes have been made to the supports that students can receive to ensure they are successful at school. Further, no directive has been issued to remove students from their IEP if they are already on one. As part of our ongoing work to ensure students are properly supported at school, we work with school staff to make sure they are working with families to confirm their child is on a plan that best outlines the supports they need to reach their maximum potential. In some cases, this has meant that school staff have worked with families to shift a student to a Student Learning Plan or Behavioural Support Plan instead of an IEP if the student requires minor adaptations to fully meet the curriculum. However, no change can be made without agreement from parents/guardians. This is in no way about reducing the supports for students, it is about providing every student with the tools and services they need to be successful in school, whatever that success looks like for them.”

I read that into the record as I hear the Member for Whitehorse Centre convey that there weren't supports available for students and that she was concerned that supports had been significantly reduced or even eliminated. I'm not seeing that; I'm not seeing that in my own experience, and I'm not sharing that with my constituents from what I have received from the Minister of Education.

We know, as the Member for Copperbelt South stated, that in 2019 the Auditor General did audit the Department of Education and recommendations were made and that the Department of Education agreed to the recommendations. As a result of those recommendations, a considerable amount of work has been done to address supports for students in the territory. The Member for Copperbelt South talked about consultation and had some criticisms for ministers on consultation. I hear those criticisms — okay.

I just want to draw attention to the report that I believe the Member for Copperbelt South was reviewing and the work that has been done to deliver on the recommendations that the Auditor General had made. A consultant had been engaged to address the Auditor General's report, and we look at student support services — and unit focus groups have been complete. Curriculum assessment with unit focus groups have been complete. First Nation initiatives branch focus groups and Yukon school administrator focus groups have been complete. This is January and February. Between March and August, as members have noted, there was a hold on this review for unforeseen circumstances. As we looked to the fall of last year — September 2020 — an advisory committee for Yukon education introductory sessions was completed. As well, in September, there was an announcement of a review extension and release of an interim update from the consultant. An advisory committee to develop an online tool — that online tool was shared with families, with educators, and with the school communities to provide their input. There were focus groups with the Yukon First Nation Education Directorate and the Yukon First Nations Education Commission.

All 14 First Nations have been met with and have had discussions. Specifically, meetings with Yukon First Nations have taken place and continue to take place to address the recommendations that have been made by the Auditor General, and I believe — and from what I am seeing in the correspondence that has been shared with me and the report that I am reading — that progress is being made in these discussions. I have confidence from what I am seeing.

The type of learning plan that a student has in no way precludes the student from receiving any type of learning support. Learning supports are available to Yukon students — full stop. Each learning plan is designed to provide learning supports that each individual student requires to be successful in their school. Again, the type of learning plan that a student has in no way limits the type of learning supports that are available to that student. In fact, as we have heard, this government and the Minister of Education, in Question Period today, have initiated a comprehensive review of inclusive and special education programming, with a report expected soon.

The Department of Education continues to work to ensure that each student receives the necessary supports for their learning needs and that the approach to these needs are consistent and effective, and I can vouch for that. I can vouch that the Department of Education is continuing to work to ensure that each student receives the necessary supports for their learning needs. I am speaking from personal experience, with two children who are receiving supports from the department in collaboration with the school council, with learning assistants, teachers, educators, and NGOs.

As for the recommendations from the Auditor General in 2019, we are working with a consultant who is leading a review of how inclusive and special education programs are provided across our territory.

In what I have shared with constituents and from the support that I have been able to work toward with my family, I am seeing that the government is not restricting access to

individualized education plans; I don't see that they are restricting access to individualized education plans.

I see that the government is offering a variety of supports to children to ensure that they are successful. Because I receive correspondence from constituents, I appreciate that, when there are reviews and when changes happen, that is concerning. People want accurate information and people want to have confidence that the support that they are receiving is going to continue and, if it's not going to continue, what does that look like?

I am suggesting that access to individualized education plans is not being restricted; it is still there — contrary to what the Member for Whitehorse Centre would have people believe in suggesting that this government was misleading people in that individualized education plans were no longer available or that children were not going to receive the support that they need. That is not what I'm seeing and that's not what I'm stating.

In looking at this motion, the Member for Copperbelt South is asking this government to reconsider changes to the use of individualized education plans. That is the crux. I am seeing, I am feeling, and I am presenting that the government is not restricting access to individualized education plans and that individualized education plans are still a tool that is being used to support Yukon students. I think that the government should continue to use individualized education plans as one tool to support Yukon students.

With that, I would like to make an amendment to this motion.

Amendment proposed

Mr. Gallina: I move:

THAT Motion No. 417 be amended by:

- (1) deleting the phrase "reconsider changes to";
- (2) and adding the phrase "continue" in its place.

Speaker: I have had an opportunity to review the proposed amendment to Motion No. 417, and have been advised by the Clerks-at-the-Table that it is procedurally in order.

It is moved by the Member for Porter Creek Centre:

THAT Motion No. 417 be amended by:

- (1) deleting the phrase "reconsider changes to";
- (2) and adding the phrase "continue" in its place.

The proposed amendment is that the motion will read:

THAT this House urges the Government of Yukon to continue the use of individualized education plans for students in Yukon and ensure that students who need additional support have appropriate resources.

The Member for Porter Creek Centre has three minutes and 40 seconds on the proposed amendment.

Mr. Gallina: In closing, this is an important issue. It touches many people. I'm thankful that the Member for Copperbelt South has brought it forward so that we can have a debate to discuss what is happening with individualized education plans, with student learning plans, with behavioural

support plans, and with the supports that are available for children.

I am communicating with my constituents, and the information that I am seeing and that I am reading is that no directive has been issued to remove students from their IEP if they are already on one. No changes are being made to those children who are already on one, and that there are tremendous supports available for students.

I'm seeing that this government agrees that student learning plans are an essential component to success for each student. It's recognized that each student faces different learning challenges and that our education system should be flexible in supporting those students in the best way possible to assist them, as they carve their path toward success.

As a parent, my children have benefited tremendously from Yukon school learning plans and it is important to my constituents that individual education plans as well as student learning plans and behavioural support plans continue to provide the necessary supports that Yukon children require to be successful. That is why I moved that we amend this motion to state that we continue to use individualized education plans.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Ms. Frost: Agree.

Hon. Mr. Pillai: Agree.

Mr. Adel: Agree.

Mr. Gallina: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Hon. Ms. McLean: Agree.

Mr. Hassard: Disagree.

Mr. Kent: Disagree.

Ms. McLeod: Disagree.

Mr. Istchenko: Disagree.

Mr. Cathers: Disagree.

Ms. Van Bibber: Disagree.

Ms. White: Disagree.

Ms. Hanson: Disagree.

Mr. Hutton: Disagree.

Clerk: Mr. Speaker, the results are nine yea, nine nay.

Speaker's casting vote

Speaker: Standing Order 4(2) states that, in the case of an equality of votes on an amendment to a motion, the Speaker shall give a casting vote. In general, the principle applied to amendments is that decisions should not be taken except by a majority and that, where there is no majority, the main motion

should be left in its existing form. I, therefore, vote against the amendment and declare the amendment defeated.

Amendment to Motion No. 417 negatived

Speaker: Is there any further debate on the main motion?

Ms. White: I initially had thought that I would listen to comments and not make comments myself today.

I really appreciate that the Member for Porter Creek Centre has not heard of people having bad experiences with IEPs or being moved to student learning plans in the riding of Porter Creek Centre. I thank the Minister of Education for that.

Unfortunately, in my experience, that is not what I have heard. I have had conversations with parents in Dawson City; I've had conversations with parents in Whitehorse; I've had conversations with parents in other communities. There is concern.

So, for the government to say that everything is fine when we have four champions of education — we have the YTA, we have the Yukon First Nation Education Directorate, Autism Yukon, and LDAY — send a joint letter, which is a pretty unprecedented thing, to say that they have concerns, that's an issue.

It goes further than that. I appreciate the words and it sounds great, but concerns have been raised.

When we have asked how many students have been moved off of IEPs since 2019, it's a significant number, which begs the question: Why? It was explained to me, when I was going through this, that an IEP is helping someone to reach their high school graduation, their Dogwood Diploma, and it means that they still meet the curriculum, but how it's delivered is different. If you are on a student learning plan, you'll get to grade 12, but you won't be at curriculum level. You won't be at grade level, so it's not the Dogwood Diploma; it's a completion diploma. There is a big difference.

There are stories across the territory about people who have been on IEPs and who have gone on to do other things, so the concerns that we're raising here are incredibly valid, I think. There is going to be a difference of opinion. It's kind of how it works between opposition and government. It seems that there's a difference of opinion. But more importantly, although some members across the way have said that they haven't heard any problems, well, we have. The challenge becomes that, if you as a parent don't fully understand what's happening or you as a parent don't have the ability to advocate or you as a parent are busy taking care of other things — those are the people who, right now, we're trying to support — the children who were put on IEPs and supporting those families. That's what this is about.

It's important to know that, within the *Education Act* — we heard from the Member for Whitehorse Centre that, within the *Education Act*, IEPs are protected. You are able to ask, you get progress updates, and it's protected within the *Education Act*.

The problem is that, with the student learning plans or the behavioural plans, it is not in the same way. I used to sit next to

Mr. Tredger for all those years, and a lot of the work that he did was supporting families through the challenges of asking about where their students were, knowing that they could make appeals and knowing that they could go through that tribunal, but that is protected with the IEPs.

It has been highlighted by others, but there are concerns with the Auditor General's report from 2009 and then in 2019 — where it is called out — that education is failing some Yukon students. It is interesting that the changes were made ahead of the review that is happening right now. I think that this is the biggest concern — that there is a review of special education happening right now and there was a move to switch things around ahead of time. When you talk to people about that process, about trying to get their stories heard and trying to have those conversations, it has not been as easy as all that. It has not been as easy as all that. If you are supporting a child with complex needs and on top of that trying to advocate at every stop, every doorway, and every corner you reach, that is just one more process. In some cases, people in communities were told that the school council would speak on their behalf. I am glad that it got resolved and now people can speak directly to the person who is doing that review.

But why would there be such a change in this process ahead of that review being complete? If there is not a problem, is the government saying that the Yukon Teachers' Association, the Yukon First Nation Education Directorate, Autism Yukon, and Yukon Learn are wrong? Are they saying that the concerns that the families have had are wrong and the ones that educators have had are wrong, and EAs — they're wrong? What we are trying to say at this point is slow the roll. Let's not make these decisions, especially when they adversely affect children. There are stories; there are stories of kids who are on IEPs who go on to do great things, but without that, they wouldn't have made it through, so I think what is being asked for is really reasonable. I do.

We talk often in here that we come from different angles at this, and what side is the truth? But I guess the question is: Is the government saying that those four organizations are wrong, that parents are wrong, that teachers are wrong, that families are wrong? Is that what is being said?

So, today in Question Period when the Member for Copperbelt South asked questions about the numbers of students on those plans, we didn't get an answer. I appreciate that in Question Period it is a lot more challenging to get that kind of information, but maybe we can get it here. I guess my question to the minister or to the government is: Is everyone who has spoken out and everyone who has highlighted concerns — are they wrong? I will just leave it there.

Hon. Mr. Mostyn: I have had a lot of time to hear the debate this afternoon. I have listened to the questions in Question Period. We have a difference of opinion in this House. That is clear. That is really at the heart of what we are talking about this afternoon. It comes down to individualized education plans, which I have also spoken to constituents about. I have spoken with my colleague, the Minister of Education. I have spoken with my colleagues and team on this side of the House.

My colleague, the Minister of Education, has been absolutely clear in her conversations with me, with my colleagues, and with the community. There have been no changes within the Department of Education — no direction given from her officials to change or remove children from IEPs or change IEPs. IEPs are laid out in the *Education Act*. They are protected by the *Education Act*, and my colleague has said on the floor of the House and in correspondence to groups — to us — that there have been no changes. Frankly, I believe her. I know that to be the case. There have been no changes to IEPs within the Education department.

That is where it is. So, when we came forward with an amendment — which the opposition actually voted against — continuing to support IEPs, we put that in because that is exactly what is happening. We want to continue using IEPs on this side of the House. No direction has been given and there is no desire to change this as part of the *Education Act*. Yet on the other side of the House, to stir up discord, they keep picking at this and really disparaging my colleague, who has been quite clear and quite consistent in her messaging: No direction has ever been given from Education officials to remove children from individualized education plans.

I know personally from my own family and from my own constituents that it is important that children get the supports that they need. There is no desire — absolutely none — from any of the members of this team on this side of the House to diminish or remove the supports that children have in our education system — none, zero.

We do not want to cut budgets; we do not want to eliminate supports to the children. As a matter of fact, in correspondence from my good colleague, the Minister of Education, students are at the very heart of every decision we make across the education system. I'm going to repeat that, Mr. Speaker: Students are at the heart of every decision we make across the education system. I know where my colleague, the Minister of Education, sits on this. She is absolutely a champion of education.

With each decision, we strive to take actions that support — the members opposite can laugh off-mic. This is no funny matter, Mr. Speaker; this is at the very heart of my constituents — of all of our constituents — how important this. It is no laughing matter, and we do not take it as a laughing matter on this side of the House. It may be a laughing matter for my good colleague, the Member for Lake Laberge, but it is not for me or anybody on this side of the House. We take this very seriously, Mr. Speaker.

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Member for Lake Laberge, on a point of order.

Mr. Cathers: I think the Minister of Highways and Public Works has contravened Standing Order 19(i). I should also point out that members over here were laughing at the ridiculousness of his statements, as he well knows.

Speaker's ruling

Speaker: Obviously, I'm not going to interject myself into debate as to the purpose of the Minister of Highways and Public Works' comments. With respect to Standing Order 19(i), I would characterize the Minister of Highways and Public Works' comments so far as being a dispute among members.

Minister of Highways and Public Works.

Hon. Mr. Mostyn: As I was saying, my colleague has been clear in her correspondence. She has been clear in her comments to me. She has been clear in her comments to all of the agencies we've been talking about today — Autism Yukon, First Nation Education Directorate, Yukon Teachers' Association, Learning Disabilities Association of Yukon. She has been clear there, too. There is absolutely no desire on this side of the House to compromise the supports that students in the Yukon education system have access to.

As a matter of fact, Mr. Speaker — and I will put a point on this in a few minutes — we want to enhance the supports our students have, which is why, for the very first time, as my colleague said on the floor of the House earlier during Question Period, we are undertaking a review of the support students have, because we want to make sure that they are as good or better than they are today. That is our goal: to make them better than they are today, to make sure that the students in our system have the supports that they need to be successful in education and to improve education. That is our goal on this side of the House. I know that is the goal of my colleague, the Minister of Education. I absolutely support that goal.

I am going to continue — reading from the letter: “With each decision, we strive to take actions that support students in maximizing their full potential with dignity and purpose and to succeed at school no matter what that looks like for them. This includes actions taken to ensure proper supports are in place for students who have diverse learning needs and those who have been determined to have special education needs and therefore require a specialized education program.”

There have been no changes made to supports that students can receive based on their unique learning needs. My colleague has said that to me in correspondence — in writing — and she has said that with every agency she has met with, including this team. It's absolutely correct. Furthermore, there have been no changes to the legislation in the *Education Act* regarding a student's eligibility for an IEP or the definition of an IEP. Let me say this again, Mr. Speaker: There have been no changes to the legislation in the *Education Act* regarding a student's eligibility for an IEP or to the definition of an IEP and there have been no changes to the types of support that are —

Speaker: Order, please.

Point of order

Speaker: Member for Copperbelt South, on a point of order.

Mr. Kent: The member appears to be reading from a letter and he is reading substantially from that letter. As a past practice, I would ask that he would table it so that opposition parties also have a copy of the letter he is reading from.

Speaker: Does the Minister for Highways and Public Works have any issue with tabling the letter?

Hon. Mr. Mostyn: I would be more than happy to table the letter in the House.

Some Hon. Member: (Inaudible)

Speaker: If people wish to be heard, I suppose, on this point of order, the members will stand. Every member will stand if they wish to be heard. Member for Whitehorse Centre, please.

Ms. Hanson: I was just saying off-mic what I will say on mic, which is that it is my understanding that — and as I have been informed previously in this Legislative Assembly — when we cite documents at length — so, more than a sentence, where we indicate a quote — that we are to table that document. That is what I was saying off-mic.

Speaker's ruling

Speaker: I would just note that I was listening fairly closely to the Member for Copperbelt South's submissions or his contributions to debate. I would also note that he read a lot, but I also was listening carefully and a lot of what he was reading was from the public record. But, of course, the Member for Copperbelt South, being a seasoned and veteran Member of the Legislative Assembly, will know that the same rules would apply to him.

As I was listening carefully, I do believe that he was either advising that it was of the public record or that he would be providing it for Hansard. But I would just note that he was reading a lot as well.

But I take the point that's made by the Member for Whitehorse Centre, and that is that those are the rules that do apply — that if any member is reading extensively from a letter or report, that said letter or said report should be submitted to the Clerks-at-the-Table. That is a basic principle that I agree with.

In any event, the Minister of Highways and Public Works can continue.

Hon. Mr. Mostyn: Thank you, Mr. Speaker. The fact is, Mr. Speaker — as I have been saying — no changes have been made to the law. No changes have been made or were directed to be made by the minister's office or the deputy minister's office to the operations within the Yukon's many, many, many schools.

That is the message — that is really the message that we really have to get out to parents because they need, as my colleague has said again and again — they are entitled to having the correct information. It is something that people — it's vital to their children's well-being and their education. We understand that on this side of the House.

What is being done here, Mr. Speaker, are sort of implications that this side of the House is trying to somehow subvert children's education, and I want to be very clear this afternoon on the floor of the House that nothing could be further from the truth.

In fact, we are putting more money to education; we are putting more money to our children through many different

programs, including early childhood education and daycare. We are putting more resources into supports for students, as I said during my response to the budget — \$70 million is being spent to help. I want to make sure that people understand that we are far from subverting the cause of supports for children in education. As a matter of fact, my colleague — and this side of the House — has been very clear, despite all the efforts from the side opposite, that we want to make sure that this review that we are doing in education — the first review in decades and perhaps ever, to my colleague's remarks earlier today — builds on and improves education results for students and gets them the supports that they need to be successful in school. We on this side of the House want children to be successful. We want to make sure that the parents, the families, and the students themselves have the tools they need to be successful on their terms and graduate from the Yukon education system with success. That is what we are committed to on this side of the House. That is what we are going to deliver to the people of the territory because this issue matters. I have spoken to Autism Yukon, I have spoken to my constituents, and I have delivered the same message — nothing is changing. Now we are going to make sure that continues into the future.

Hon. Ms. McPhee: We believe that students with diverse needs can be successful at school when they have timely and effective learning supports. Students are at the heart of every decision that we make across the education system, Mr. Speaker.

With each decision, we strive to take action that supports students in maximizing their full potential with dignity and purpose and to succeed at school, no matter what that success looks like for them. This includes ensuring that proper supports are in place for students who have diverse learning needs and those who have been determined to have special education needs and require a special education program.

All learning plans — individualized learning plans, student learning plans, and behavioural support plans — are designed to provide the learning supports that individual students need to be a success in school. No plan limits the support available for students. We have an obligation to provide the supports that are identified in a student's learning plan. We have an obligation to report to families on their child's learning progress and to notify families if there is any change to their child's plan.

I think you will have heard that those are important factors from some of the members opposite. I don't disagree.

You have also heard, Mr. Speaker — and I'm truly speaking now to the families, to the students, and to the individual educators who work in this process — that there have been no changes to the governing legislation — the *Education Act* — regarding a student's eligibility for an individualized education plan or the definition of an IEP and no changes to the types of supports that are available to students and families, because we have no intention of changing those.

Furthermore, no directive has been issued to remove students from their IEP if they already have a learning plan that assists them in that way.

As members are aware, the Department of Education reports on the number of students with IEPs each year in the annual report. The 2019 annual report, I believe, indicates that 534 students are subject to IEPs up to and including that period of time — in the annual report that was issued. It is, of course, a public document — of course, an important piece of information.

Mr. Speaker, the criteria for establishing student learning plans and behavioural support plans — the two other kinds of support plans — were introduced in 2011 and 2012 respectively to more effectively document and implement the adaptations that students need to be successful in meeting the learning standards set out in the prescribed curriculum. Presumably, this is something that the opposition knows well about since they were running the Department of Education in 2011 and 2012 when these learning plans were adopted.

Mr. Speaker, these plans were adopted to more effectively document and implement the adaptations that students need to be successful in meeting the learning standards that are set out in the prescribed curriculum and to provide more options to meet student needs.

While responding to information requests — I will mention the Auditor General's report in more depth in a moment — from the Auditor General of Canada, during the audit of kindergarten to grade 12 education in 2018-19, it came to the Department of Education's attention that some schools were not consistently applying the criteria for determining which type of learning plan was appropriate for individual students. As a result, presentations to school staff were given in the fall of 2019 asking them to review the requirements of the *Education Act* and to clarify the criteria that is used for different learning plans to ensure consistency across Yukon schools.

This information did include guidance around working with families to ensure that their child is on a plan that best outlines the supports that they need to maximize their potential. This is something that schools do all the time and are required to do all the time, and they regularly must work with families to make sure that their children are on the appropriate plan and, in fact, achieving their milestones on that plan. If they are not, it is the school's responsibility to determine how to assist that child to meet their maximum potential.

In some cases, this has meant that school staff have worked with families to shift a student to a student learning plan or a behavioural support plan instead of an IEP, if that student requires adaptations to fully meet the curriculum and all parties agree that this change appropriately meets that particular student's needs.

I will speak in a few moments about the individual plans and what they are designed to achieve — again, something that the opposition members should know about, since they came into being in 2011 and 2012. Let me remind members that students cannot be removed from an IEP without agreement from their parents or guardians, and Yukon schools are required to review student IEPs with parents on an annual basis — again, things you have heard earlier — and again, we agree; that is the requirement.

There is absolutely no interest, no directive, and no plan to reduce learning supports available to students; rather, it's imperative that students are provided with specific supports and services that they need to be successful in school, whatever that success looks like for them.

I will take a moment and this opportunity to provide some information on the IEPs, the student learning plans, and the behavioural learning plans. Unfortunately, I think that some of what was said earlier about those plans and how they work was conflated. So, clearly, it's important to make sure we review those in this case.

An IEP is used when students require a unique curriculum with modified learning outcomes to support their special education needs and to maximize their successful transition into adulthood to the full extent of their abilities. IEPs are typically assigned to students who are determined to have exceptionalities — sometimes known as special education needs — and who therefore require special education programming.

IEPs set out the adaptations or modifications — either/or — that the student needs and how they will be supported, and it outlines the student's individualized learning goals. IEPs also establish how students' learning progress will be tracked and reported to families.

While students with IEPs are generally expected to graduate with an Evergreen diploma, each student is unique and some students with an IEP may still graduate with a Dogwood Diploma. These are called "individualized education plans" because they are.

As I noted previously, the criteria for establishing student learning plans and behavioural support plans were introduced in 2011 and 2012 respectively to more effectively document and implement the adaptations that students need to be successful in meeting their learning standards that are set out in the prescribed curriculum. Mr. Speaker, these plans are typically for students who only need adaptations to their education programs in order to meet the standards of the prescribed curriculum — so that is the goal with respect to those kinds of assistance.

Those students who do not have special education needs, although they do require specific learning supports in order to maximize their potential — they are working on the prescribed curriculum with assistance. These adaptations — the ones set out in student learning plans — typically are learning strategies that support and address barriers to engage in learning. They are designed to level the playing field for a student so that the student can successfully learn the prescribed curriculum.

Behaviour support plans set out the adaptations required for students who demonstrate behaviours that are not expected in the school environment but have not been deemed to be a result of special education needs.

I would like to take the opportunity to clarify some of the issues that have been raised publicly — and perhaps even here today — in respect to graduation and post-secondary education. I certainly have worked with individuals who have contacted us — the families and the organizations that have been mentioned already today — and I will address that again — but certainly,

I have heard comments about the curriculum and the issues of having an IEP and being able to take that into the post-secondary world.

The British Columbia curriculum — and hence our Yukon curriculum upon which it is based — provides for two types of graduation certificates. Some of these have been mentioned today, but again, it's important to clarify.

Dogwood certificates are issued to students who complete the BC/Yukon graduation program requirements, being 80 credits of grade 10 to 12 courses or an adult graduation program of 20 grade 11 and 12 credits completed after the student turns 18. Those are the requirements to achieve a Dogwood certificate.

Mr. Speaker, an Evergreen certificate is issued to students in grades 10 to 12 on an individualized, modified program who do not necessarily meet the standards of the prescribed curriculum and therefore do not meet the requirements of a Dogwood Diploma. It is true that students on modified education programs, which are set out in IEPs, are generally expected to graduate with an Evergreen diploma because they have not met the requirements of the prescribed curriculum necessarily — although, as I've said earlier — and it bears repeating — each student is unique. Some students with an IEP certainly will still be eligible and do in fact graduate with a Dogwood Diploma.

Each Canadian jurisdiction defines the criteria used for determining whether a K to 12 student requires additional learning supports differently. Each uses a variety of plans to document the supports that are in place. Similarly, each post-secondary institution sets its own standards for the documentation that they require in order for students to be eligible for learning supports and adaptations once the student arrives at their learning institution.

Our research indicates that post-secondary institutions require different documentation of needs and supports, depending on where a student chooses to continue their education. Some institutions, universities, colleges, and other organizations use their own internal clinicians to assess students' needs. Some will use a student's K to 12 learning — for example, a student learning plan, a behavioural support plan, or an IEP — for one year and then do their own assessment of a student's needs.

Some consider only a student's transcript and report card comments. Of course, those organizations, those post-secondary institutions, have their own standards and their own assistance and supports for students who require them. They make their own assessment or, as in the examples I have given, make assessments based on what background a student has and figure out how to support them going forward.

Mr. Speaker, we remain committed to working with each student and their family to provide any relevant documentation that may be required by a post-secondary institution. As a practical matter, students who require additional learning supports and who intend to enrol in post-secondary programs should work with their school counsellor and their post-secondary institution to clarify what is required to support their

learning needs going forward — again, recognition and support for students as lifelong learners.

The other matter that I should make reference to and put on the record here is that the Department of Education central administration is not cutting budgets or seeking any reduction in the funding designated to support Yukon students. I hope my colleagues have heard that. I don't hold out much hope, but hope springs eternal, and I hope that they have heard this.

Budgets going back five years show a stable Education budget. Furthermore, since 2016-17, there have been steady increases in education assistants. I said this in relation to a question earlier today — in 2016-17, there were 171 education assistants on staff; in 2020-21, there are 245 education assistants on staff.

I also noted that the 2021 Education budget overall has increased by 7.4 percent and that education support services has increased its budget in the 2021-22 budget by 12.6 percent.

We recognize that there is always room to improve how students are supported, which is why we initiated a comprehensive review of inclusive and special education programming. As you are aware, the Department of Education is undertaking that review, and I won't go through the details with respect to that.

I think that what is incredibly important is to make reference to the fact that, despite the fact that the letter from the four organizations — highly respected in the education world — has been brought forward, my response has not — I should indicate that we are working with them moving forward together, and I am very pleased about that.

We are committed to the recommendations of the Auditor General's report from 2019. I do note that there were similar recommendations in the 2009 report that were not acted on by the opposition — the then government — and were absolutely known to them at the time. They did not take on the review that we have with respect to moving forward. They did not put the interests of special and inclusive education in the forefront. We have accepted all of those recommendations mentioned by the member opposite for Copperbelt South, and I appreciate him setting them out because they are important recommendations that have been determined to take our path forward.

I certainly have comments about the dramatic comments that came from the Member for Whitehorse Centre, but they will need to wait for another day.

Mr. Speaker, I am proud of the work of the Department of Education. I at no point whatsoever have dismissed the concerns of the individuals who have come forward. We are working with them going forward. I look forward to that work and to a better system.

Speaker: Is there any further debate on Motion No. 417? If the member now speaks, he will close debate.

Does any other member wish to be heard on debate on Motion No. 417?

Mr. Kent: I thank members in the Legislature on both sides for their comments here this afternoon. I thank the Minister of Education. She did clarify some things that I

brought up during my remarks, but the one thing — and I will point to a comment by the Minister of Highways and Public Works. He said that there appears to be a difference of opinion, and I agree with him. There is the opinion that is shared by the Liberals and the caucus there. They are armed with letters from the Minister of Education that I am sure they received after they received comments and concerns from constituents with respect to the decision that was being made to move students off of IEPs.

That's on one side, and on the other side, there are many parents and there are students whom I have heard from — teachers, the Yukon Teachers' Association, Learning Disabilities Association of Yukon, Yukon First Nation Education Directorate, Autism Yukon, and the many constituents who have reached out to us on this side of the House.

I have a number of letters that I have received and that my colleagues have received from individuals outlining their concerns with respect to this. When it comes to what we've heard from the Yukon Teachers' Association, I'll refer back to that media article that appeared just before Christmas — and I quote: "This year, the Yukon government moved 138 students off IEPs onto Student Learning Plans or Behavioural Learning Plans, according to the..." — Yukon Teachers' Association. "They also adjusted the definition of IEPs, so students who remain on these plans won't receive a high school diploma."

And then this is an actual quote from the president of the Yukon Teachers' Association in that same article: "I was greatly disturbed by the changing definition of an IEP and a student learning plan ... They haven't changed the *Education Act*, but what they've changed is policy, how they're interpreting and delivering programming..." Again, that's a direct quote from the YTA president on December 22.

The challenge remains that the government believes that they are not moving students off of IEPs, contrary to what I've heard from parents and students on the floors. They believe that they're offering the supports that people require.

While we were in debate here this afternoon, I received an e-mail from a constituent who is trying to get her son moved on to an IEP from an SLP because of the additional supports and the fact that she can get an education assistant. I'll do a casework, obviously, for the minister on this, but she has been met with roadblocks and denials at every turn, and she's extremely frustrated. So, that's a real challenge that we're hearing, not in letters from before Christmas or in January — or whenever the letter that we'll look to have tabled from the Minister of Highways and Public Works that he was reading from earlier today. This is real time. This is something that I received today, and it's a casework that I'll start with the minister, but it doesn't sound like the government is willing to press the pause button, finish the inclusive education review that Dr. Yee is undertaking, and properly consult — not only with the four highly respected organizations, in the minister's words, that reached out via letter to the Premier — but work with school communities and work with parents who are struggling with respect to getting the proper supports for their children that they are looking for.

Again, I heard no explanation as to why such a specific number was referenced by the Yukon Teachers' Association with the 138 students last year who were moved off of IEPs. We were not able to get any current statistics from the minister either with respect to how many are on IEPs in real time. We have the 2019 numbers, of course.

That said, to quote the minister again, "Hope springs eternal". I hope that they will vote in favour of this motion, pause this decision, try to get to the bottom of why students are being moved off of IEPs and why we are hearing from parents, students, teachers, organizations, and others with respect to this decision, and focus in on what the students need and what the individual families need prior to continuing on down this path.

With that, I will close my remarks and I look forward to a vote.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Ms. Frost: Agree.

Hon. Mr. Pillai: Agree.

Mr. Adel: Agree.

Mr. Gallina: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hassard: Agree.

Mr. Kent: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Mr. Cathers: Agree.

Ms. Van Bibber: Agree.

Ms. White: Agree.

Ms. Hanson: Agree.

Mr. Hutton: Agree.

Clerk: Mr. Speaker, the results are 17 yea, nil nay.

Speaker: The yeas have it. I declare the motion carried.

Motion No. 417 agreed to

Motion No. 426

Clerk: Motion No. 426, standing in the name of the Member for Lake Laberge.

Speaker: It is moved by the Member for Lake Laberge:

THAT Standing Order 76 of the Standing Orders of the Yukon Legislative Assembly be amended by adding the following:

"76(8) The provisions of this Standing Order shall not apply to any bill amending territorial elections or electoral districts in Yukon."

Mr. Cathers: In rising to speak to this motion — just for those who are listening and reading this, I would just note that Standing Order 76 is commonly referred to as the “guillotine clause”. What it does is provide the ability that, at the end of the Sitting, it gives the Government House Leader the ability to determine which government bills remaining on the Order Paper should be called for a vote, and then those government bills are voted on but not debated further. So, the guillotine clause cuts off debate and brings the matter to a vote.

The proposal contained within the motion that we have brought forward today would amend Standing Order 76 to eliminate the ability, in the future, for the government to guillotine any bill amending territorial elections or electoral districts in the Yukon. That is because of the fundamental importance of those matters — that there should be a full debate, including the opportunity for members of the opposition side to propose amendments to legislation pertaining to elections or electoral districts or for independent members to do the same thing as well.

I just would note that this is about ensuring that government cannot simply, in the future, cut off debate on legislation pertaining to territorial elections or electoral districts and bring that for a vote without further debate.

As a side note, I would again express the view — as I have on behalf of our caucus on many occasions — of the importance of having a proper all-party process for considering changes to elections legislation and that it should not be up to the government of the day, elected with less than a majority of the votes, to push through legislation that can materially affect the next election. As we have discussed on many occasions, the current government — while they hold a majority of seats — a very slim majority of seats now — they were elected with less than 40 percent of the vote — the vote, I believe, was 30 percent and change — yet they hold over half the seats in the Assembly, and for most of this term, they have had a more comfortable majority than they enjoy today, following the resignation from the caucus of the Member for Mayo-Tatchun.

So, in speaking to this proposal here as well, I would note that we did see this situation last fall where there were amendments brought forward to the *Elections Act* that were somewhat contentious in nature because of the way that they had been developed. Ultimately, that legislation received part of a day of debate, but the government, at the end of the Sitting, invoked the guillotine clause, which meant that there was no opportunity for members who might wish to propose amendments to have any ability to do so. The government, of course, pushed it through with their majority.

What that relates to in that legislation we saw last fall — for context — was the issue of fixed election dates. Of course, we have had some debate at that time and since that time about the fact that the Yukon Liberal Party ran on a commitment to establish fixed election dates. They made the promise to get elected and then watered it down after they were in power and decided that it applies to everyone except them. They have established rules for fixed election dates that apply to others but have declared themselves exempt, which is a case of “Do as I say, not as I do.”

In talking about some of the rationale for bringing it forward — this proposal to amend our Standing Orders to ensure that, in future, elections legislation can’t be guillotined — I want to talk about just a few of the statements that the Premier and other members of the Liberal team made in arguing why there should be fixed election dates.

On November 16, 2020 — and this is Hansard, page 1868 — the Premier said: “These amendments will establish that general elections for the Yukon government will be held on a fixed date.” Further on that page, the Premier noted: “... subsequent elections will be held on the first Monday in November in the fourth calendar year following the last election.”

Again, on that same page, the Premier went on to note: “Establishing a fixed polling date in legislation for the Yukon government election strengthens the overall democratic process and will support the democratic principles of fairness, transparency, and accountability.

“When preparing for an election period, fixed polling dates for elections will support planning and financial efficiencies as well.”

So, though the argument was made by the Premier and a number of his colleagues about fixed election dates, we saw a different approach taken in the legislation that they actually tabled. As mentioned — and this is the problem that our motion here today seeks to address — there was no opportunity to have full debate on that legislation. The government chose to invoke Standing Order 76 — commonly known as the “guillotine clause” — and then the debate was ended and the government simply used their majority to push it through.

I would again just reference — for the ease of Hansard, I would note that, while I’m quoting from articles from the 2016 territorial election, they will also find reference to that in my remarks on page 1869 from November 16 — and I quote: “I remind the Premier that he and some of his candidates — both in the election and the leadup to it — talked about fixed election dates, but they also talked about collaboration. In fact, one of his colleagues sitting right behind him — the Member for Mount Lorne-Southern Lakes — speaking on behalf of the Liberal Party — and I’m quoting from a CKRW article from Wednesday, November 2, 2016, that was regarding the Liberal Party at the time — their commitment to fixed election dates. In an article, entitled ‘Yukon Liberals commit to fixed election dates’, the commitment was made by the Mount Lorne-Southern Lakes candidate at the time who said that ‘... this would bring clarity and certainty to when the election would be held, and stop the campaigning leading up to an election call.’”

“He also was quoted as saying that ‘It will allow people to plan better.’

“The now-Member for Mount Lorne-Southern Lakes indicated as well — quote: ‘It will allow Yukoners to plan for when they know when an election is going to be, and how they can vote, and it will allow Elections Yukon to plan, and everybody just to have a heads-up about when these things are going to come, and...’ — and this is the most notable part of the quote — ‘... stop making it a political football about choosing the date.’”

Again, that is in quotes.

What we have seen is — in the absence of that and the government choosing, with the legislation, that they cut off debate last fall to fix an election date — that the current government decided that fixed election dates would only apply to other governments going forward.

I would also note, just as an aside, that I'm bringing this motion forward in the House because the Standing Committee on Rules, Elections and Privileges — which is set up to discuss matters such as this — has not been making any progress in changing the Standing Orders. The discussions have largely stalled, and so bringing forward this proposal directly into the Assembly seems to be the clearest path forward.

I would note, as well, that just, again, quoting some of what the now Premier said on March 25, 2015, in the lead-up to the election — as quoted in the *Klondike Sun*, the now Premier said — and I quote: "... a Liberal government would spend more time consulting with people to find out what they want and need, rather than spending its time telling people what they were going to get without proper consultation."

Instead of following through on that commitment, the *Elections Act* itself — the elections changes that were brought forward last fall by the government as part of Bill No. 13 did not have public consultation on the details of a proposed election date. There was not an all-party process leading up to developing that date. The government unilaterally decided that a fixed election date shouldn't apply to them, it should only apply to a future government.

This leaves us in the situation as we are today where the government has not been willing to indicate to members when the election is going to be. While, as they might fairly point out, that is not different from some prior governments, the difference is that they promised Yukoners that they were going to change that and, in fact, delivered something that only changes it for the next guy — or, I should say, the next team.

Changing it for the next government is something that, had we had the opportunity last fall to get into Committee of the Whole and debate the details of the legislation, there would have been the opportunity for members to propose that a fixed election date be set sometime in 2021 and to debate what that date should actually be.

That is the central thrust of this motion — to provide that protection in the future to ensure that there will be debate on legislation.

I would again just remind members of some of the comments from people, including the Premier, who in speaking to that legislation that was brought forward last fall, said on November 16 on page 1883 — in responding to the Leader of the Third Party — and I quote: "I will continue to talk about the actual questions that were asked. The Leader of the Third Party did ask a question in the end: Why not this time? Why into perpetuity but not this time?"

"Well, this is a decision that wasn't made lightly..." The Premier then went on to say: "We had a lot of conversations internally..." So, again, what we've seen with this is, in the development of that legislation, the lack of a proper public process with consultation on the details and the lack of the

opportunity for all parties to be involved and discuss the details, and then, when the legislation was finally brought forward in the Legislative Assembly, the government did not allow it to go to the Committee stage when the details could have been debated and an amendment proposed if a member wished to do so. Instead, we saw Standing Order 76 invoked on the final day of the Sitting and the legislation passed.

As the Premier noted in talking about why there should be fixed election dates, again, from page 1883 in Hansard, the Premier said — and I quote: "We believe that all Yukoners are going to benefit from this transparency."

"What changes are going to be made? Well, the proposed changes will set those fixed dates for the territorial elections to the first Monday in November every four years."

So, another thing I would just note — some of the comments made by his colleagues — the Member for Porter Creek Centre, arguing for fixed election dates and transparency, said on page 1878 — and I quote: "... I, along with my Liberal colleagues, made a number of commitments to Yukoners. Establishing fixed election dates was one of those promises. I'm happy to be standing here today speaking to this bill that would see fixed election dates set here in the territory. By taking this step, we will be providing more certainty to Yukoners so that they know when a territorial election will have to take place."

The Member for Porter Creek Centre then went on to say — and I quote: "... with fixed dates, people will know when territorial elections are going to take place and it will allow them to have more pointed conversations."

"By eliminating the guesswork in elections, Yukoners will be able to be more engaged and up to speed about what their elected officials are doing and how much time they have in office..."

With that, Mr. Speaker, I think that I will just wrap up my comments, considering the hour of the day here, and provide the opportunity for other members to speak. Again, this proposal that we have brought forward here today is a change to the Standing Orders, and while it would not change what has occurred in the past, it would ensure that, regardless of who was in government, elections legislation and legislation changing electoral districts would have to go through the full process of debate here in the Legislative Assembly. No one could use the guillotine clause to cut off debate and shorten up the process.

Ultimately, as with any legislation, it would have to pass this Legislative Assembly. I believe this is a good change to the Standing Orders that would improve the oversight and transparency of this Legislative Assembly over the legislation that sets out the process through which voters choose who will occupy the seats in the Legislative Assembly and fundamentally — in recognition of the fact that, typically in an election, the government may have the majority of seats but do not typically have the support of the majority of Yukoners in the preceding election — that this provides more oversight to ensure that all members have the opportunity to fully debate any proposed legislative changes that affect territorial elections or electoral districts in the Yukon in the future and that, in the

future, elections legislation and electoral boundaries legislation cannot be subject to the so-called guillotine clause.

Hon. Mr. Streicker: I think that the rules of order of this place are so incredibly important to how a legislature conducts itself. I know it's probably a very geeky thing to think about, but every time I've been in an elected role, the first thing that I do is read the rules of order, because they help to establish how we're going to interact, how we're going to present information, and how we're going to, I hope, shape the future of, in this case, the territory.

When I arrived here and up until today — I think of all of us in this Legislature as colleagues. I have done my best, at all times, to conduct myself with integrity, to treat everybody and their perspectives with respect. With that, I do my best to actively listen to everyone's voice. I think that it's an awesome responsibility to represent people. Under that responsibility, everybody has been given this job to be the voice of a group of constituents. I think that it's so incredibly important that those voices are heard here.

All of this about the rules about how we conduct ourselves — the Standing Orders — this will shape the lives of Yukoners. So, I start by acknowledging that the motion that the Member for Lake Laberge has brought forward is important. The subject matter is incredibly important.

So why, even today, are there times then where the work of this Chamber does not feel respectful? I know that some of it will have to do with the heat of the moment and things like that, but I actually try to think fundamentally about why some of that is. Part of it is that there is a job that is given to oppose — that is how we're set up in the Westminster system — to oppose and to criticize. That is a real and very important role, but that notion of criticism will often feel like rebuke. How we respond to that criticism will feel like a rebuke back to the members opposite as well. That is one of the reasons why I think that it sometimes sets up this tension that can exist here.

I also think that the other reason is that we use a partisan system. I personally am very in favour of the partisan system, although I don't believe that partisanship rules over everything. When I compare, for example, our system and the Standing Orders that we have here and what we have in place against, for example, Nunavut or the NWT, which have chosen a non-partisan system — what they miss, in my mind, is the ability for people to elect platforms and elect — so when there's an election, there is this moment when the public gets to choose.

They are voting, of course, for a member to represent them, but in the way that the system is set up, they are also voting on a platform, they are also voting on a leader, and they are voting on a party. There is this way that the people choose the direction in which the territory should head, but it should never be taken to the extreme. That is what I think is the hardest part or what is the downside of partisanship, which is that it can be so divisive. I wish it were not; I wish we were all more respectful. It doesn't need to lack respect, but it does at times.

I am not trying to cast stones. I believe that there is room for improvement from all members of this Legislature from all sides of the House.

One of the things that I've been thinking about lately is — the other day, when I stood up to give my response to the budget that we tabled in second reading, I talked about the four young students who invited me to see their project the other day, and then the next day, we had a class of students here. I think about when we have young people in this Legislature — and I actually think, when that happens, we think a little bit more about how we interact with each other and how we present our ideas. I still always expect that there should be criticism and that there should be the ability to challenge legislation as it's put forward or motions that are put forward, but it can be done in a way that's more respectful. I kind of miss the pages. Here in this Legislature, during COVID — during this time when we have had to say, no, we're not going to have pages — and it's because we're trying to keep everybody safe — I miss them. I think somehow they add to this place, not in bringing water but in hearing us, in witnessing what we're doing and how we work with each other.

What I believe is that we should strive to learn how to — I don't need us to agree. What I hope we do is strive to be able to disagree in a respectful manner.

In this motion, the Member for Lake Laberge is seeking to amend the Standing Orders. The motion talks about Standing Order 76, and he has done a fine job of introducing what the purpose of that is. I'll run back a little bit further in time.

I think it was introduced in the early 2000s, so it has been here for — let's call it two decades now. I think it would be fair to say that this type of clause — you don't wish to use it. The idea should be that we debate all legislation, because it's so important — in particular, budget bills and elections acts and electoral boundaries. These pieces of legislation that shape the lives of Yukoners deserve to be here and to be debated fully, to make it all the way through and to get to third reading by the more traditional process. So why have it at all? Why have a guillotine clause?

The reason is — and it's pretty straightforward — in a small legislature like ours — by small, with the numbers of representatives that we have here covering a vast geography that, with sitting for 60 days a year, you can run out of time to debate things. There are other ways, of course, to deal with this — and this is how other legislatures have dealt with it. One example would be to sit longer.

Now, I think what used to happen in the past was that pressure would mount toward getting to the end and then the Legislature would sit to long hours in order to try to get things passed, because we absolutely need to get budgets through. Like them or not, they're so critically important to the functioning of our territory and we don't want to make it so that we hobble the territory from doing its job, from public servants to serve the people of the Yukon. So, we need a way to make sure that legislation keeps moving and this is the choice that came up 20 years ago.

Now, the first thing I want to note — and I just point this out to point out that I've heard the Member for Lake Laberge talk about the importance of elections legislation and other legislation and I've heard him say that it's important that we get through it. But I also look back to try to see: Was there an

attempt during the 31st Legislature, the 32nd Legislature, the 33rd Legislature when the Member for Lake Laberge was in government — was there an attempt then to pull back some of the rules around this Standing Order? No; I could not find that.

I stand to be corrected. It's tough in the short time — when we learned yesterday that this was the motion coming forward. I have tried to do my best to try to research this and to look to try to see where it has been used in the past and where it hasn't, but I did not find it. So, you would hope that, if it's going to come forward, that it would come forward, not just because you're in opposition, but that it would be because you believe this is the right thing to do and you propose it.

In other legislatures, how do they do it? Well, typically, they move to — there are two things that I want to point out. I think if we're going to try to move to this way where we were to say, "No, we don't want Standing Order 76", or "We want to have it partially there, or partially not there depending on the type of legislation" — well, you would need to put in place some of these other things. The two things are: subcommittees or committees of the Legislature, and time limits.

We have committees of this Legislature, and we could use them more. I think that it is a fine thing to do. In fact, we have a committee of this Legislature that talks about the Standing Orders — the rules and so on. That standing committee, which I will come back to and talk about specifically — the Standing Committee on Rules, Elections and Privileges is the sort of place where you would expect this type of dialogue, discussion, and idea to be raised and put forward.

Let me talk about that committee for a moment, Mr. Speaker. I looked back to try to see about that committee and what it has done. What I found was that, during this 34th Legislature, the committee has met seven times and has produced two reports. That doesn't sound like a lot to me. I looked back in time to look at the 31st, the 32nd, and the 33rd legislatures, and here's what I found — and I can appreciate that the opposition at that time would have been trying very hard indeed to get that standing committee to do more. What I found was that, during the 33rd Legislature, the Standing Committee on Rules, Elections and Privileges met once. During the 32nd Legislature, that standing committee met three times. During the 31st Legislature, that standing committee met three times, meaning that, over 14 years, it met seven times, or on average once every two years. It was not what I would call very effective.

Now, coming back to the point that I was trying to make earlier, in other legislatures, they use committees. That would be a good way to get at this.

The other thing that I think we would ultimately need is time limits. Let me start talking about time a bit. The Member for Lake Laberge said that he was concerned because he didn't have an opportunity to raise any amendments. I stand to be corrected again, but I believe that there could have been amendments raised at second reading. It's more typical that they come out during Committee of the Whole, but that doesn't mean that there wasn't an opportunity. I also note, in looking back at our Sitting last fall, which was the longest Sitting I —

well, maybe not the longest Sitting ever, but it was certainly a long Sitting — 45 days is my recollection.

I looked back to try to see — because one of the things that I'm going to talk about today is the motion about the state of emergency. I thought, okay, let me look back at the budget, which is a significant piece of legislation that we have in front of us during every Sitting. I looked back at that piece of legislation and how it was treated here in this Legislature.

I started looking, and I did it just as I was listening to the member opposite give his remarks, so I may have made a few misses, but I looked and I saw that, on October 27, we went into Committee of the Whole, and it was the Member for Lake Laberge who stood to speak and ask the questions of the Premier in general debate.

Then I saw that again, on November 2, it was the Member for Lake Laberge who stood to ask questions in Committee of the Whole general debate. Again on November 3, again on November 4, and again on November 5, it was the Member for Lake Laberge who stood to ask questions in general debate of Committee of the Whole.

When that started to happen during the last session, I went back to look at the previous legislatures — the 33rd Legislature in particular — to try to see how long general debate used to take. What I saw was that it was usually under a day. So, what we had were five days. Do you know what those five days could have been used for, Mr. Speaker? Debate, Committee of the Whole, on the *Elections Act*.

So, then I looked forward, and I saw that, on November 9, November 10, November 16, and November 17, we continued but not now with the Member for Lake Laberge, but with members of the Official Opposition. It was the Official Opposition — I will acknowledge that it was not the Third Party — that took a long time. I don't want to suggest, ever, that there's anything in there that isn't valuable and important, but if you're trying to time manage this Legislature to get to the business of the Legislature, sitting on one thing for a long time is going to take away from the ability to get to other things, even though it was the longest Sitting that any of us know, in memory.

It was on November 17 that we went beyond general debate in Committee of the Whole, and I know that because, that day, it was my department that got up and I was in debate on the budget. So, something feels wrong to me there, and the point that I'm trying to make is that, if we want to get to changing Standing Order 76, as per this motion, we really need some other things as well.

Let me go first, Mr. Speaker, to the two types of acts that the Member for Lake Laberge has presented to us as needing to not use Standing Order 76, to not limit debate, and they are the *Elections Act* and the *Electoral District Boundaries Act*. I looked back on electoral boundaries and how it has been here in the Legislature. On December 12, 2018, it made it all the way through third reading — everybody agreed. On December 1, 2015, it made it through third reading here in this Legislature. So, that would have been the 32nd Legislature and the 33rd Legislature. It did not use Standing Order 76. Then, when we brought it forward as Bill No. 19, as the *Electoral District*

Boundaries Act, on December 19, 2018, that bill failed. It didn't use Standing Order 76. What happened was that we voted against it because the commission had introduced a new riding in the Yukon without engaging the Yukon, and we felt that was wrong. In particular, I wanted to vote against it because my own riding had said to me that they disagreed with it, and the job that I have — the primary job that I have — is to represent those citizens. They asked me to disagree with this, and I want to acknowledge the Member for Lake Laberge —

Some Hon. Member: (Inaudible)

Hon. Mr. Streicker: Sorry, Mr. Speaker; I'm just trying to talk to you.

I actually want to acknowledge the Member for Lake Laberge because he also voted against it. Why did he do so? At least the words that he used that day in the Legislature were that his constituents did not agree with it, and he also chose to represent his constituents. So, it was quite a unique moment in the Legislature because, at second reading, the bill failed, but that it did not use Standing Order 76, I guess, is the main point.

With the *Elections Act*, I looked back in time to try to see times when it has made it through the Legislature — and, again, we have instances when it has had Standing Order 76 utilized and instances where it has not, so it has not been uniform, and sometimes things move through quickly and sometimes they don't. It is not that it is the same every time.

I want to raise another issue about the motion that we had about the state of emergency. I will check to make sure — I believe it was Motion No. 236. It was brought forward by the Member for Copperbelt North. It came forward on October 14, and on that day, the Member for Copperbelt North stood to speak about it. This is not long. It was the first government private members' day. We felt it was incredibly important. We wanted to debate here in this Legislature to hear from all members about whether or not there was a belief that we were in a state of emergency.

During that motion, it was the Member for Lake Laberge who chose to rise to speak to that motion — and speak he did. He spoke for a long time. In total — and I tabled this; I actually ran the numbers on it to try to see how long that motion took to get through this Legislature. It took us three attempts to get to a final vote. Effectively, because there was, I believe — November 11 happened in there and it fell on a Wednesday — effectively, it meant that it took five weeks to happen. This was, I will say — in my read of it — a strategy put forward by the Yukon Party to filibuster and to effectively delay the ability to vote or even to not get to a vote, but we persisted.

One of the reasons we persisted is because we felt it was a fundamental question to decide whether or not we were in a state of emergency.

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Member for Lake Laberge, on a point of order.

Mr. Cathers: The Member for Mount Lorne-Southern Lakes seems to be in contravention of Standing Order 19(b) — speaking to matters other than the question under discussion.

He's gone on a very long side trip talking about things that have nothing to do with this motion, which is a proposal to amend the Standing Orders to limit the application of the guillotine clause.

Speaker: The Minister of Community Services, on the point of order.

Hon. Mr. Streicker: I kind of anticipated this. I am working to explain that the way in which this — this is an example of — if we are to pass the motion that the member has proposed, then we run the risk of putting our Legislature in jeopardy because someone could choose to filibuster — and this is the direct example that I intend to use to explain that, with respect to the motion as proposed by the Member for Lake Laberge.

Speaker's statement

Speaker: The Member for Lake Laberge, in his opening comments, did talk about being unable to debate. Obviously, the whole essence of Standing Order 76 is that you have not, one could say, had sufficient time to get to certain legislation.

So, I certainly will give the Minister of Community Services some additional latitude to discuss issues around, I suppose, time allocation and proposals that he may have with respect to that — to perhaps avoid Standing Order 76 generally — but of course, the subject matter of the motion is specifically with respect to excluding bills that would either amend territorial elections or electoral districts.

So, the Minister of Community Services will want to loop back to that topic relatively quickly.

Hon. Mr. Streicker: Thank you, Mr. Speaker, and I will do my best to loop back.

There are three ways that I think this example speaks to the motion that we have in hand. The first one is that the member opposite talked about his inability to get to Committee of the Whole on the *Elections Act* during the Fall Sitting, but of course, I'm pointing out that one of the reasons that we took up so much time is because there were three days on one motion. That's an amazing amount of time to get to a single motion.

The second thing I want to point out is that, suppose you're trying to amend the *Elections Act* and suppose that members — and it doesn't matter for me who is government and who is not — but suppose that government has brought forward an amendment to the *Elections Act* — presumably they will do so because they feel it's important — or to electoral boundaries, based on a commission's findings. Suppose that, under the way that this motion is proposed to us, but suppose that the members opposite don't like the act as it stands; then they could filibuster it. They could make it so that you don't actually get to a vote, and that doesn't serve the Yukon.

I don't care whether I'm on one side of the House or the other or who we are talking about here, but we do need to make sure that these things get to a decision. In fact, one of the arguments — and this is the third way that I'll point out the motion that took several days — the Member for Lake Laberge — the member opposite — spoke quite lengthily about how this is not a black or white issue — it is not a "yes or no" issue.

While I appreciate that emergencies are complicated and have a lot of intricacies to them, you still need to make a choice about whether or not to declare a state of emergency because you have to decide whether or not you are going to have to put in isolation requirements or border enforcements, et cetera. From my perspective, that's exactly what kept us safe as a territory.

During the five weeks of that debate, what happened here is that we had the biggest spike of cases in the territory. Imagine if we weren't able to put in place the rules that we needed. Well, we can imagine it because we saw what happened with Nunavut at that time and they also had their biggest spike. Because they didn't have some of the same rules that we had, suddenly things just went off the rails for them. So, is it important that we get to decisions? Is this motion important? Yes — you bet it is. This motion is critically important. I don't take away from the purpose that the Member for Lake Laberge is trying raise — that he wants the ability to make sure that there is fulsome debate on these things; I agree with that. What I am worried about is what happens if you don't put in place some other things to make sure that you do have a way to get through that debate. Otherwise, you could end up with a different problem.

Again, it doesn't matter if you're the government or not the government. We don't want to set up rules here that will establish that, if someone just wanted to throw a monkey wrench in the system, they could. I learned that first-hand last fall when I watched the Member for Lake Laberge and his colleagues very adeptly choose to take three days over five weeks to talk about whether or not we had an emergency here.

I just will respond to a few of the comments that the Member for Lake Laberge raised in his opening remarks on this motion. He talked about how the fixed election dates were somehow not for us as a government and that we made it so that it doesn't apply to us. I'm sorry; I disagree with that. From a point in time forward, they are for all elected governments here. They are for this Legislature.

That is what that act changed. It didn't say: "Fixed election dates for the Yukon Party, not for the Yukon Liberal Party." That is not the case. I personally had been hopeful for an election this past fall. I thought that we were getting close to that, and then this thing called "COVID" hit. You know, in that moment, your priorities and your choices start to change on you. You think to yourself that, no, the more important thing is to make sure that people are safe. That is the number one priority.

You don't quite appreciate it until you are thrown into the situation. I don't think any of us — and I don't care which seat we have here, but I don't think any of us understood when we first got here what might happen, and we are all still navigating it. I know that people overuse the term "unprecedented", but the principle of that word, meaning that we have not experienced this, is true.

When we tabled our budget in the spring of 2020 and we had gotten back on track, I thought to myself that this was the moment — this was the chance when we would get to an election that fall. We got there ahead of schedule and I thought we were there, and I think that, since then, we have had to prioritize about making sure that we would prioritize their

safety. I defy anybody who would be elected to not do that. We ultimately promised Yukoners that we would make that change, and we made it. I think that is where that came from. The engagement was the election in 2016. We said that this is what we believe we should do. We made a commitment, and we delivered on that commitment, and at the same time, we have worked to keep Yukoners safe.

So, coming back to the motion as it stands, my suggestion would be that it would go to one of the committees. In particular, I think that the Standing Committee on Rules, Elections, and Privileges is the right place for this. When we have debated — or discussed, let's say — the state of emergency — that it should also be brought to this Legislature to extend — my comments have been the same. They have been that, yes, I think it is important to hear from all elected officials about a long-term emergency, because it does put in place rules that allow government to use authority swiftly, as needed, to keep Yukoners safe, which is what we have done.

I don't think that there's anything wrong with the choices that we have taken, but I think that, if you're going to exert that authority, it is important that we check in about whether everybody agrees. I appreciate that all members of this Legislature decided to say, yes, we were — are — in a state of emergency. We actually voted on it twice. To that point, when they said that we should all say that and that we should build that into the law, the first thing I said was that "Well, sure, but we better make sure that there's a way to put in time limits or rules around that."

That's what's missing in this motion for me. It's too unilateral; it's too one-sided, I guess. I appreciate the principle that is being discussed. I agree with the member opposite that the *Elections Act* and the *Electoral District Boundaries Act* are incredibly important pieces of legislation. I also agree that Standing Order 76 is strong and that it needs to be balanced. I look forward to how we can mature, as a territory, so that we move past.

By the way, one of the things that I will comment on is that there was the suggestion — or I heard a comment off-mic — that we should just extend the number of days that we sit. One of the things that came out last session early on was criticism that we weren't sitting long. What I would just like to point out is that, in the end, we were the fourth highest of all legislatures that sat, with a total of 54 days. We were behind Ontario, Alberta, and Québec. We were ahead of NWT, New Brunswick, British Columbia, PEI, Manitoba, Newfoundland and Labrador, Nunavut, Saskatchewan, and Nova Scotia. We actually did sit quite long compared to our counterparts. We did put in a lot of time here. We did bring forward questions of importance.

Unfortunately, the member opposite believes, through his motion, that the issue was that we needed to get to Committee of the Whole on the *Elections Act*, but when I looked at the information that I had in front of me, it was the Member for Lake Laberge who chose to speak long on many things, and that's where our time ultimately went.

Speaker: Order, please.

The time being 5:30 p.m., this House now stands adjourned until 1:00 p.m. tomorrow.

Debate on Motion No. 426 accordingly adjourned

The House adjourned at 5:30 p.m.

The following sessional paper was tabled March 10, 2021:

34-3-75

Standing Committee on Public Accounts Seventh Report - Yukon Public Accounts 2019-20 (March 2021) (Hassard)

The following legislative returns were tabled March 10, 2021:

34-3-96

Response to matter outstanding from discussion related to the appearance of witnesses from the Yukon Hospital Corporation before Committee of the Whole on November 19, 2020 — employee costs growth (Frost)

34-3-97

Response to matter outstanding from discussion related to the appearance of witnesses from the Yukon Hospital Corporation before Committee of the Whole on November 19, 2020 — non-unionized hospital employees (Frost)

34-3-98

Response to matter outstanding from discussion related to the appearance of witnesses from the Yukon Hospital Corporation before Committee of the Whole on November 19, 2020 — pension solvency loan (Frost)

The following documents were filed March 10, 2021:

34-3-59

Yukon Education Review of Inclusive Education - 2020/21, letter re (dated December 3, 2020) from Melanie Bennett, Executive Director, Yukon First Nation Education Directorate, Ted Hupé, President, Yukon Teachers' Association, Karen Macklon, President, Autism Yukon, and Stephanie Hammond, Executive Director, LDAY Centre for Learning, to Hon. Sandy Silver, Premier (Kent)

34-3-60

Individualized education plans, letter re (dated January 14, 2021) from Scott Kent, Member for Copperbelt South, to Hon. Tracy-Anne McPhee, Minister of Education (Kent)

34-3-61

Potential impact of a 60-metre Riparian Buffer on Titled Land by Marsh Lake, letter re (dated March 9, 2021) from Brad Cathers, Member for Lake Laberge, to Hon. Ranj Pillai, Minister of Energy, Mines and Resources (Cathers)