

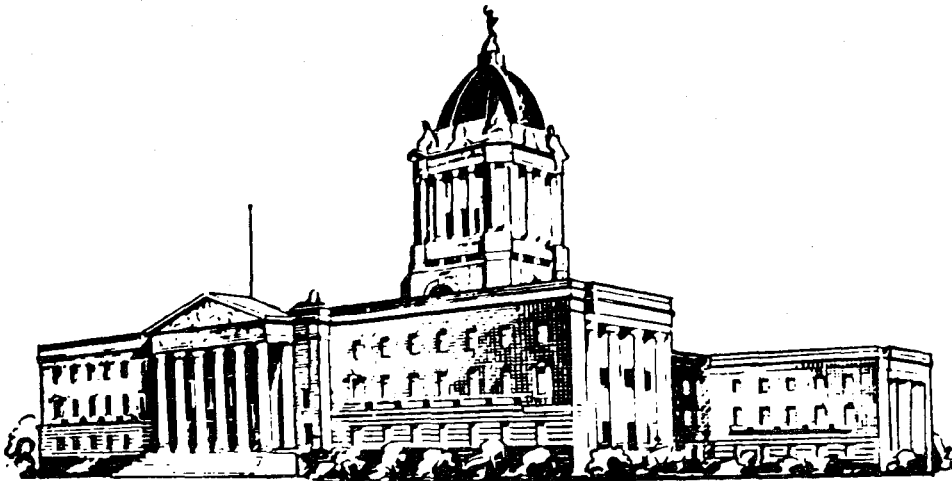


# **Legislative Assembly of Manitoba**

## **STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS**

**Chairman:**

**Mr. J. Wally McKenzie  
Constituency of Roblin**



**Thursday, October 25, 1979 10:00 A.M.**

**Hearing Of The Standing Committee  
On  
Privileges and Elections  
Thursday, October 25, 1979**

**Time: 10:00 a.m.**

**CHAIRMAN, Mr. J. Wally McKenzie.**

**MR. DEPUTY CHAIRMAN (Mr. Abe Kovnats):** We have a quorum. I'll be standing in for the Chairman this morning until he arrives, it shouldn't be too long, with the permission of this group. Do I have permission? (Agreed) Thank you.

I call on our list No. 29, The St. Boniface School District No. 4, Mrs. Lucille Huot. Mrs. Huot please. Bonjour, Madam.

**MRS. LUCILLE HUOT:** Bonjour. Mr. Chairman, members of the Committee. The St. Boniface School Board would like to thank you for this opportunity to express some of its concerns regarding the proposed Public School Act of Manitoba. Although Bill 22 deals in specific detail with many potential areas of concern to our Board, we wish to focus our attention on only a few subjects that we feel are important. Among our concerns are such matters as the responsibility of the Department and Boards in assuring excellence in education and the lack of reference to rights as opposed to duties of students, parents and trustees.

This presentation is in no way meant as an indication of any disagreement with the Manitoba Association of School Trustees' brief which the St. Boniface School Board has endorsed in its totality.

The reorganization of the proposed bill, as well as its clarity of language, is a welcome move. The St. Boniface School Board is appreciative of this development.

We also observe that in Bill 22 the qualifications for being a trustee have been changed so that a candidate is no longer required to be listed on the revised list of electors. Since we, as well as others probably, drew this matter to the attention of the Minister in 1977, we would like to indicate our appreciation that this item was included in the bill.

Our School Board would like to go on record as favouring the maintenance of high standards of education. Because Bill 22 appears more as a technical document than as a general philosophical statement on education, we would urge your committee to consider recommending revisions to the bill that would clearly establish where we are at and where we want to go in terms of maintaining the quality of education in Manitoba. We are well aware of the public pressure for good schooling. In the United States this pressure has been translated into minimal competency legislation in many states. Perhaps we can ensure, by means of a new Public Schools Act, that students will be guaranteed a quality education. Moving pupils through the system without attention to the actual performance results in remedial work and expense down the line.

Although it is difficult for us to advocate specific moves for legislators in order to bring about guarantees on the quality of education, we humbly submit to you that some sort of external (provincial) system of evaluation of pupil performance is necessary. As school boards are forever faced with making choices on how to spend money, it would be very helpful if results from standardized tests were released to school divisions so that we could have some clear evidence on the success rate of various programs. We urge you to take into account the public's desire for quality education.

In this same vein, we also urge that the Department be assigned the clear responsibility to oversee educational developments. It is our view that there is still a definite role for the independent observer — be he called an "inspector" or whatever else — responsible for observing and reporting frankly on a variety of subjects including, possibly teacher performance. We would urge you to ensure that such people be assigned an activist role in the education system.

On another theme, it is the contention of the St. Boniface School Board that any new education legislation should take into account "rights" as well as "duties". Perhaps your committee might give consideration to having Bill 22 redrafted so as to include a provision for the rights of students, parents and trustees. The thrust, we are suggesting, should be changed from one of obligations

to one of opportunities.

Our board is in general agreement that student rights should be given favourable consideration by your committee. We endorse the general direction taken by students to assume a more responsible role in the education system. As pupils mature, increased responsibility and accountability should be granted students as this outlook should be enshrined in the new Public Schools Act.

Similarly, along with the move to reform Parliament coming from our new federal government, we are of the belief that trustee rights should be clearly outlined in legislation. Strengthening individual and committee rights of elected representatives in a democracy can only serve to better the course of school boards. In St. Boniface our rights have been challenged.

Parental rights, we believe, should also be given consideration by your Committee. Responsible parents should have legal rights outlined in legislation. The central issue faced by Boards is often over the issue of what is taught. Perhaps Bill 22 can come to grips with this matter.

On the question of French Education, you will find attached to this brief, copies of correspondence addressed to the Honourable Keith Cosens, Minister of Education, dated March 16, 1979 and to the Manitoba Association of School Trustees and the Manitoba Teachers' Society, dated October 9, 1979, stating our Board's position with regard to this matter.

The provincial legislature and the government of the day has a golden opportunity to rejuvenate the whole education system. The direction your Committee takes is of enormous importance to all Manitobans. We appreciate your courtesy in receiving this brief and trust that you will give it fair consideration. Thank you, gentlemen.

**MR. DEPUTY CHAIRMAN:** Thank you, Mrs. Huot. Would you be prepared to answer some questions from the members on this committee?

**MRS. HUOT:** Yes, by all means.

**MR. CHAIRMAN:** Would you care to have the people who are with you, join you?

**MRS. HUOT:** If I may, please?

**MR. DEPUTY CHAIRMAN:** Fine. Would Mr. Millier; I imagine he is. . .

**MRS. HUOT:** And I have trustee Barker, a member of our board here with us.

**MR. DEPUTY CHAIRMAN:** Fine; if they would care to come up to the front? Would any of the members of this board have any questions of the delegation? Mr. Hanuschak.

**MR. HANUSCHAK:** Yes, Mr. Chairman. Mrs. Huot, on page 2 of your brief you make reference to "minimal competency legislation" in some of the States in the United States of America. Now, I'm not clear from your brief whether you are also advocating minimal competency legislation for our province or are you merely making sort of a passing reference to it, so may I ask you; are you advocating minimal competency legislation?

**MRS. HUOT:** I'll ask trustee Barker to answer that.

**MRS. BARKER:** We are not advocating minimal competency education. We are suggesting that it was one alternative used in the States and perhaps in our province we could come to grips with some kind of method of standardizing education, so that there is equal opportunity for all students. We are not suggesting for one minute to tell you people how this should be done. I think we've indicated that in our brief. We merely said that perhaps the committee should be looking toward finding other methods to ensure and guarantee quality education across the province.

**MR. HANUSCHAK:** Yes. Your brief deals quite extensively . . . no, I'm sorry, before I come to that point. On page 3, you say that "It is our view that there is still a definite role for the independent observer, whatever he be called". Now, you will note, that both bills before us, Bills 22 and 23, refer to education administrative consultants, or as a spokesman for the SFM described them, as policemen of the education system. Do you not feel that those individuals will discharge this responsibility to the parent satisfaction.

**MRS. HUOT:** Yes. I would like to say that we are not advocating to return to the old system of the inspector, as we knew them in the past, but simply as a consultant we would have another

opinion, and we felt that we don't want the whole system to be centralized as it used to be, but it is always good to have an extra opinion; and we do believe that there is a role for the department there to come in and, you know, the evaluating, also, of the teacher performance and everything else, it would be an extra opinion and for the boards it would be helpful to have that, mostly on the consultant role .

**MR. HANUSCHAK:** Yes, Mr. Chairman. I note that St. Boniface, in its brief, with reference to rights of individuals, makes specific reference to the rights of students, parents and trustees; but reference to teachers seems to be omitted. Is this just an oversight or is there some deliberate reason on your part for not making reference to rights of teachers?

**MRS. HUOT:** I'll ask Mr. Millier to answer that one, Mr. Chairman.

**MR. DEPUTY CHAIRMAN:** Mr. Millier.

**MR. R. MILLIER:** I think the St. Boniface School Board respects the thrust of the Teachers' Society in promoting, or trying to obtain a bill of rights. They are simply suggesting here that, in addition, to the bill of rights for teachers, that there are also parents, trustees and students involved in education and that they, too, should have some rights and they should be enshrined in The Public Schools Act.

**MR. HANUSCHAK:** Yes. Still speaking of the rights of students, and parents in particular, you will note that in Bill 23, Section 4(1)(e) which has often been referred to by the government as being practically identical to previous legislation, with one slight change, the specific and precise reference to public schools in this section, and in relation thereto, giving the Minister the right to make regulations governing the imposition of a user or deterrent fee in our public school system. Do you not feel that if the Minister were to exercise this power and impose a user fee, in our public school system, that this would be an encroachment upon the rights of parents and pupils? An encroachment upon their right of accessibility to an education.

**MR. DEPUTY CHAIRMAN:** Would one of the delegates indicate who would answer, otherwise I will call on Mrs. Huot and she can defer to any of your associates. Mrs. Huot.

**MRS. HUOT:** You are referring to Bill 23 Mr. Hanuschak?

**MR. HANUSCHAK:** Yes, Mrs. Huot. I'm referring to Bill 23, the top of Page 3, or to read it in its proper context, commencing at the bottom of Page 2, "The Minister may make regulations", and then if we turn to the top of Page 3 (e), "governing the operation of public schools", and then of course there's reference to a number of other categories of schools, but I draw your attention to the fact that there is specific reference to public schools. And then to designate the groups, kinds, classes or types of person to be admitted as pupils therein. I would suspect that he will also have the power to designate the groups, kinds, classes and types of persons to be admitted to the various types of schools that you are advocating in your brief and in your correspondence with the Minister.

And further to that, "and the fees and charges, if any, to be paid by the pupils". So the Minister is asking for that right. And my question to you is, do you not feel that if the Minister should exercise this power which he is asking, that that would constitute an encroachment upon the rights of parents and pupils, namely, their right of accessibility to the education program offered by your school division or any other school division in the Province of Manitoba?

**MRS. HUOT:** We haven't gone in depth into Bill 23, Mr. Hanuschak, and you know to encroach on rights . . . To answer you specifically I would like our board to examine that more closely. We do feel that when we're talking about rights, we equate obligations, our duties, and you talk about rights as opportunities. That's how we equate, we look at rights as an opportunity for people. When we talk about a right it's an opportunity and it opens the horizon to all sorts of things. But to deal specifically and give our board's opinion on that, I don't feel in position. We haven't gone into that aspect, Mr. Hanuschak.

**MR. HANUSCHAK:** Well, yes, I'm not sure that I see or quite understand the difference, or if there is any difference in our definition of a "right". But if I may give you an example, at the present time every Manitoban enjoys the right to obtain hospital and medical services, to obtain hospital services without the payment of a fee.

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Now, if a hospital were to set up a cash register in its doorway and if I would have to pay a fee in order to enter that hospital, then it would be an encroachment upon my rights to hospital service, because then only the one who has sufficient money in his wallet to deposit in that cash register will be admitted and others will not. So I say that by way of comparison and hence, that's why I'm asking you, do you not feel that — or as individuals, if I could ask you for an opinion as an individual — do you not feel that the imposition of a user fee on any service offered by government to the public, including education, is an encroachment upon that particular right of an individual?

**MRS. HUOT:** I think, Mr. Chairman, when you're talking about hospitals here, I mean a user fee, that's a whole new ball game. I'd like to keep it to education and I think that all of the students have a right to a quality education, and I don't see that we should impose a user fee, no, definitely not. We should not have a user fee. The opportunity should be there for everyone. Trustee Barker, that's my opinion. What about you?

**MR. DEPUTY CHAIRMAN:** Mrs. Barker.

**MRS. BARKER:** Thank you, Mr. Chairman. I would like to know the implications from both sides. I don't feel prepared to answer that question, Mr. Hanuschak. I would say on the face of it that I would probably be against a user's fee but I would certainly not clearly state that this morning until I had heard the other side of the debate from the Minister. However, where we were talking about rights, we were talking about specifically the rights of trustees, where we are given the duty of making certain decisions, and when those decisions are made for a board, and then we have to go to court to find out if we have those rights. I would say that in specifics that is one of the things we're discussing, that we would like it more laid out for us, just exactly what our rights are.

The Students Bill of Rights where they've asked for five or six specific areas, we have no idea what bill they're presenting to you, or the details of it, but here again, the general content of what they're suggesting, along with the accountability and the responsibility of such privileges, we felt we could endorse.

As far as parents are concerned, we have had before us at our board, parents saying that legal interpretations have read that parents have no legal rights as to what their children are or are not taught in school. We would like that clarified in the Act so that parents also know exactly what rights they do have as to what subject matter their children are studying. This isn't clearly outlined in this new draft, we didn't feel.

**MR. DEPUTY CHAIRMAN:** Before I call Mr. Hanuschak, I would request that the questions and answers be directed to the Chair and then we can carry on in that manner. Mr. Hanuschak.

**MR. HANUSCHAK:** Yes, thank you, Mr. Chairman. I have one further question with respect to the rights of trustees. I believe I understood you to say — at least it's your sort of off the cuff reaction to my previous questions — that you would not favour the imposition of a user fee upon the education program because you do believe that our education program ought to be universally accessible to all. Now, having said that, do you not feel that if the Minister were to impose a user fee, because I want to draw to your attention that this section of the bill does not give you the authority to impose a user fee, but the Minister says that he wants the right to collect a user fee himself, perhaps through you as his agent.

Do you not feel that if the Minister were to take action upon this section of the bill, that that would be an encroachment upon your right and your wish to make your education program universally accessible to everybody within your school division, if the Minister should say that one enrolling in a Francais program has to present a \$5.00 bill each month, or whatever the user fee may be.

**MRS. HUOT:** Mr. Hanuschak, you're making a Francais program. As you know, we have gone the route of programmed schools in our division and therefore we also have residual costs when we receive students from other divisions, to be very specific, but I think that that is quite normal. I mean we must charge residual costs when we receive all those in our programmed schools. . .

**MR. HANUSCHAK:** Mr. Chairman, I am not referring to residual costs that may be picked up by the sending division, I am referring to any program which presently is available to each and every child of school age, resident in your school division, and for which the child is not nor his parents,

is not expected to pay an additional cent, because it is funded out of the revenue that you receive from the province plus the special levy that you impose upon the ratepayers in your division.

So, forget about the reference to the Francaise Program, it could be to any program. My question is, do you not feel that if the Minister were to exercise this power, which he is asking for, that that would be an encroachment upon your rights as trustees to deliver an education program in the manner in which you have earlier indicated, and that is, without charging an additional fee? Because here you have said that you want to make your education program universally accessible and if the Minister comes along and says, I want to collect a user fee from all students or from certain, as the Bill says, certain groups, kinds, classes or types of person", then that would be an encroachment upon your rights as trustees to do what you wish to do in the manner in which you wish to do it.

**MRS. HUOT:** I can only tell you, Mr. Hanuschak, how I would feel. We feel that the Board's rights are not clear enough as it is now, and when you are talking about a user's fee, we can go in the whole philosophy of a user's fee there, but we feel that the Board should be autonomous and we would like that spelled out in the law. We feel that this Committee has the golden opportunity to do it. I think from what you tell me, but I would like to look at it more in depth, you know, from what you tell me it would be an encroachment on Board's rights from my point of view, but it is very very important. But here we are already going to court because they are questioning Board's rights. You are well aware that parents are taking us to Court and we are going to Queen's Bench, and if this had been spelled out in the Act, this could have been prevented.

**MR. HANUSCHAK:** Thank you, Mr. Chairman.

**MR. DEPUTY CHAIRMAN:** Mr. McBryde.

**MR. McBRYDE:** Thank you, Mr. Chairperson. Without giving the details of your case, could you just give me a general idea what this is about? I assume that you are referring to, on page 4, where you say in St. Boniface our rights have been challenged. Could you just tell me in what regards your rights have been challenged or what is the nature of that case?

**MRS. HUOT:** I am going to ask Mr. Millier, he has been familiar, he has gone through, or I can answer it, you know — we opened a program school and we designated a second one, a program school, an immersion, and this is being challenged by a group of parents, whether we have a right to do this or not, or if the Board had a right to do this, to designate a certain school as a program school, and actually it is Howden School as an Immersion School.

. Does that answer his question, Sir?

**MR. McBRYDE:** Through you again, Mr. Chairman, to the delegation, you do mention in your brief the aspect of student and parent rights and a number of other delegations, I think nearly all delegations, have expressed concern over Section 41(5), which is in regards to students with special needs and meeting the rights of those students by providing an educational service. I wonder if you have any comment on that Section of the Bill and whether you feel that that Section has to be strengthened in order to have the rights of students and parents protected.

**MRS. HUOT:** Mr. Millier, could you answer that one please?

**MR. DEPUTY CHAIRMAN:** Mr. Millier.

**MR. MILLIER:** The way we proceed at the moment is that when we cannot offer the program, we buy it in another division. When we cannot offer a program to special education, for example, in very specific areas of special education it is often because we do not have the number of students to make it a viable enterprise within a division. But I think the Act in itself should make sure that boards, when they can't provide the service, are enabled or they can be facilitated to buy the service elsewhere for their students, and I think that protects the rights of students and parents as well.

**MR. McBRYDE:** Yes, Mr. Chairperson, through you again to the delegation, when the other delegations spoke on this matter, and you mention in here you support the MAST submission, they were concerned that the resources be made available from the province so that the school boards would not be unable to fulfill the requirements of special needs students and the other delegations also talked about the difference between the high incidence-low cost, that is, a large number of

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students with some extra assistance could do better in the school system, and they also talked about the low incidence-high cost, where there are persons with multiple handicaps, for example, that it is very expensive to make the school system accessible to them. It is fairly expensive to mainstream them, as the jargon goes, and I wonder what the situation now is in the St. Boniface Division. Do you feel that you are able to, for the most part, meet the needs of these two categories of special needs students or do you see problems you are having in that regard, and if so, then what are the nature of those problems?

**MR. MILLIER:** Mr. Chairman, I think we are finding, if I can read the Board members, they are finding the cost of educating these children elsewhere very expensive. The costs are increasing from year to year and if I can read the members of the St. Boniface School Board, they would welcome certainly some special help from the government.

**MR. McBRYDE:** Mr. Chairperson, I am assuming that Mr. Millier is talking about the fairly high cost kind of examples. I wonder if you could, and I have asked this question to a number of delegations sort of to explain the present situation in their areas or their present concern, what is the present situation in the St. Boniface School Division for the high incidence-low cost, where there might be some remedial work necessary or some special guidance or some gifted program or whatever, what is the present state of the art in St. Boniface in terms of providing those extra services for those students with special needs?

**MR. MILLIER:** We are finding, for example, in special education, EMH, for programs directed at the gifted, that we have to entertain some fairly small classroom group situations. And, in the area of guidance, I think the general grants that are being given divisions, in these areas, when they are all combined, compel, you know, I include resource programs in that, I think you're referring to remedial work, guidance and counselling, EMH, gifted, and also special cases, children with handicaps within the school. We are finding that generally there is a real squeeze on our school board in providing adequate services in all these areas. In other words, because the grants are what they are, and they are usually too small rather than too large, it forces boards to make choices within those programs, and I don't think this is very welcomed in St. Boniface, because we have to make choices between programs that have a right to exist on their own values, on their own merits.

**MR. McBRYDE:** Through you, again, Mr. Chairman, thank you for that answer. I wonder if you have some idea, in terms of the number, of students that would be in the special needs category, within the St. Boniface School Division. And, I suppose, if you have an idea, then some idea, sort of, how much of the need you are not able to meet at this time?

**MR. MILLIER:** When you are looking at special needs I gather that you are looking at EMH, multiple-handicapped students.

**MR. McBRYDE:** Yes, the special needs has been defined, generally, as a sort of any student that needs some extra input in order to take advantage of the school system. So, that could be someone who goes to the resource teacher, or someone who needs a supplementary program, or someone in need of counselling.

**MR. MILLIER:** It is difficult for me to give you a number just like this, but within a given school, an elementary school, for exale, in special needs you may be looking at perhaps as much as eight or nine percent of your school population.

**MR. McBRYDE:** Yes, Mr. Chairperson, through you, again. The second part of the question was, do you have, sort of, any idea of what need you are not able to meet at this time because of your resources, etc.?

**MR. MILLIER:** What I said a while ago was that we are being forced into making choices, the needs we are not meeting is of our own choice because we do not have enough money. Right now, I think, in the guidance field, for exale, is sadly lacking because we have chosen to give money from these grants to other areas covered by the same grants.

**MR. McBRYDE:** And, so the resources are like in all governing bodies, or political bodies, if you want to put it that way, it's a matter of choice with the resources that you have available.

**MR. MILLIER:** That's right.

**MR. McBRYDE:** If there were, of course, more resources available then you could expand the service that you are able to give.

**MR. MILLIER:** Well, for exale, Mr. Chairman, if I can reply. We have, for example, begun a program for the gifted children. I think they are special education; there are special children who are less than gifted; or the MH for exa . . . le. What happens is that the umbrella we have to entertain, in a gifted class, small enrolments, therefore, your grant doesn't go as far. In other words, for any 10, 15 children you have in an EMH we'd have about the same number in the gifted class, therefore your money has to go out and cover these extra programs from the special funds, from the Special Education Funds.

**MR. McBRYDE:** Another question, Mr. Chairperson, to the delegation, would be in the area of assessment. We heard from a number of organizations, over the last couple of days, that the area of assessment, and the services once the assessment is done, there's a weakness in both areas. But, the various delegations maintain that the assessment was not adequate, and therefore, by the time students came to the attention of the people that could assist them, their problems were more severe than if there had been a more thorough assessment of special needs at an early stage. And I wonder what provisions your school division has in terms of assessing the special needs of students, what is in place presently in the St. Boniface School Division in the area of assessment?

**MR. MILLIER:** Your talking about of assessing students in the very early stages of schooling. Normally this is a school responsibility combined with the resource teacher and the principal. As well, we have help from the Child Guidance Clinic; as well, we have consultants on a divisional level. But what is happening, in effect, is that these people have, for example, a resource teacher has many jobs to do and that is just one other that you're adding on to the teacher, so that, generally speaking, we are able, I think, to do a fairly good job in that area, but we're a little thin on resources.

**MR. McBRYDE:** Again, through you, Mr. Chairperson. In order to deal with the financial aspects, if the government is serious about meeting the special needs of students, and thereby insuring student rights, as you talk about in your brief, one proposal is that the grant system be a two-tier type of grant system, that is, a combination of a per capita grant for special needs, which you receive now, maybe with some changes, combined with a grant on assessment, that is, students are assessed and a program is devised, then the cost of that program could be submitted, reviewed and then direct funding for the cost of that special program for the number of students that were identified. So, a combination two-tier system, if we are to meet the special needs. And, I wonder, if you've looked at that proposal and whether you have any response or any comments to make on that system of financing special needs services.

**MR. DEPUTY CHAIRMAN:** If one of the other delegates wishes to speak would they just indicate to me and then I will acknowledge them? Mr. Millier.

**MR. MILLIER:** I think we have made some proposals already regarding one of our schools regarding special needs that they have, and these were fully described. I think the board felt compelled to use this avenue because there is nothing within the grant system that provided for these special cases; and we appealed to the Department of Education some time ago and it would fall into exactly the kind of second-tier system where we would want to initiate some programs to meet some special needs of very special kids that we have that are not already covered in those other special education sections.

**MR. McBRYDE:** Yes, through you, Mr. Chairman, I'd just like to thank the delegation for their responses. That's all the questions I have at this time.

**MR. DEPUTY CIRMAN:** Thank you. Mr. Boyce.

**MR. BOYCE:** Thank you, Mr. Chairman. Through you to Mrs. Huot. On Page 3, the last sentence on that page you suggest the thrust should be changed from one of obligation to one of opportunities. I wish to compliment you for putting that particular phrase in there because really, in a very succinct sentence, you put forth that with which we are involved. I heard this about the court case and



of course we can't discuss it because it's sub judice. But nevertheless to say that you want it to shift from one of obligation to one of opportunity, I have the distinct feeling — elected officials working with an assistant usually are familiar with the divisions of power within the system — but I don't think the general population is familiar that under the parliamentary system the division of power through the legislative process, and the courts and the executive, that there's a danger — and I think I would be remiss if I didn't point this out — that in this general shift to put in statute rights, that it's causing a shift in our country which I feel is based on a misunderstanding of our fundamental system and as a fundamental presumption in law in our country as opposed to the American Republican system and the Conseil d'Etat — and my pronunciation is terrible, please forgive me — but in France, that we have a fundamental right to do anything unless it impinges upon someone else, or it is specifically prohibited by law — that is a presumption — so that if anybody does anything which impinges upon another it is a matter for a court to decide, whether somebody has been impinged upon.

The pressure is to put in statute, specific things which one person "shall not do for another" or "shall do for another". And even in shifting to that people are led to believe that that is going to resolve the problem, that's going to solve the problem.

We have with several presentations had people with reference to one clause say that the phrase will read "shall". Over the years there have been court cases on that particular point, is "shall" imperative or is it permissive? And the decisions of the court lean more to imperative rather than permissive.

But in the suggestion that we can put in statute something which will prevent court cases, it will not happen, because our system is structured so that anybody can challenge anyone else at any time for anything that they do or don't do. If they put in a statute that somebody "shall" do something and they don't do it then the procedure is to apply for a court order or writ of mandamus — I'm not a lawyer but this is my lay understanding and this is really what we're all about; we're just people trying to organize our affairs. I really empathize with the board in St. Boniface because the present board, and all past boards, have had difficult decisions because of the very makeup of the division and they have done the best they can.

But the legislative process has put this responsibility on your shoulders, to resolve these difficult questions. If we take that away from you, then I would suggest we're going to have a worse rather than a better type of educational process. I don't like confrontation; I don't like court cases and I don't think anybody does except the lawyers who are actually plying their profession.

But you say we want to give more opportunities and less obligation. The suggestion that we put more into statute is going to limit the opportunities rather than expand it because there's another fundamental principle pointed out by McRuer in his enquiry into Civil Rights in the Province of Ontario in 1966-67, I believe, and I think it should be required reading in our educational system because it sets forth in about five different volumes how we got here as far as the legislative process is concerned and what we should expect of our system. And after this august body looked at it, one of their conclusions was, we should opt for less law rather than more law.

So that when you say that the rights and duties of the board should be better spelled out, personally and individually I can understand that because I wish my duties were better defined as a legislator, that I can and can't do this so that everybody would understand when we're elected, this is what we can and can't do.

But if I may go back just a bit, Mr. Chairman. You see people think that governments pass laws. The governments do not pass laws. The Legislature passes laws, albeit the government of the day having a majority of seats can impose the will on the rest of us regardless of what government that is. So if we keep that in the back of our minds that in the final analysis this is the appeal body, this is the appeal mechanism, this is the way it's changed, not to put in some statute that our bureaucracy, which every one of us criticizes from time to time, is strapped because this is what it says.

I read from that last sentence. Can you help me understand how you can change from "one of obligation" to "one of opportunity" when in the second paragraph on Page 3, you talked about the independent observer — whether he's called an inspector or an educational administrative consultant or policeman, or whatever the term is — how we can let the boards function autonomously if we have someone going through the system who has the right to revoke person's certificate, on the spot?

The Act says — I'm sorry to disagree with you — The Act as it was written says that this educational administrative assistant has the right to revoke a teacher's licence.

**MR. COSENS:** No, no, suspend.

**MR. BOYCE:** Or suspend, excuse me. Well, revoke. Suspend is a matter of degree if we want

to discuss semantics. It's revoked at that particular point in time. So can you tell me how you can reconcile your suggestion that we should give to the boards more autonomy, move towards an educational opportunity rather than obligation and impose a centralized inspectorial system?

**MR. CHAIRMAN:** Mrs. Barker.

**MRS. BARKER:** Mr. Chairman, may I answer? I'd like to backtrack just a minute to where we have requested that our rights be spelled out. I think most trustees that attend mass conferences and receive their handbook and whatnot, have their duties pretty well defined. However, what we have found in doing what we felt was our duty and in trying to create opportunity, we were challenged. This is why we've asked for some definition of "rights" as opposed to "duties".

To go back to the question of inspectors, we have not advocated, as Mrs. Huot said, to go back to inspectors as they were. We are not asking for total centralization, in other words, or total decentralization. We happen to as a board, feel that there is a good middle road where that they can play an activist role. Our interpretation of "inspectors" is not as you advocate but that they come in as an external opinion to go hand in glove with our administrator's opinion, board opinion, and any other evaluation that we use as a tool to measure the effectiveness of our teachers and of our programs, and that they only become one more facet of that total picture to be examined by the board. Does that answer your questions?

**MR. BOYCE:** Well, Mrs. Barker, I didn't suggest that. This is a proposal of the government, so please don't associate me with that particular suggestion.

**MRS. BARKER:** No, that is, well . . . excuse me. Mr. Chairman, that is what we're suggesting, that the Bill be looked at in those terms rather than the terms it is being examined and that is exactly why we have proposed that, that the inspectors come back but in that light.

**MR. BOYCE:** When Hansard comes out, you can read that you said, quote, ..you said.. . . . Once again, we can write in law, but we're dealing with people and how people function and how people operate. I've been in the system and I realize what happens in the system and with teachers, their relationship with someone. I don't know how any one can expect an honest interplay of ideas, criticisms or anything else to take place if we have the type of inspectorial system that is suggested, you know, in this Bill. And, Mr. Chairman, if we may go back a minute, the reason for the inspectorial system in the first place when they moved through the educational system, was a darn good idea, because these people went through the system talking to permanent teachers. There were more permanent teachers outside of the City of Winnipeg than "professional teachers." But it was decided that the professionalization of the teachers themselves had reached a degree since, well primarily, since about 1955, 1956, that that type of inspectorial system was no longer required. And for people to suggest by putting an authoritative person back in there that it is going to accomplish what you suggest should be accomplished, and I agree with you what should be accomplished, but I don't think it will be accomplished, like you can't get there from here with this particular type of a suggestion, because there are two things which affect people: power and money, as far as the operation of the system is concerned. People who have the authority to expend the money, these are the ones who attract the individual, and doubtless, the conflict between superintendents in the division and the secretary-treasurers in the division is a prime example of that kind of a conflict which creeps in because of the person paying the bills and the person that's trying to run the educational system,

So don't think I'm debating where you . . . I want to get where you want to get. So when we discuss such things as educational administrative consultants getting us there, I was just asking if you thought that with what was suggested in the Bill can get us there — not with what you suggest we should do — so do you think with the way that this is drafted, with all the powers and authority vested in this kind of a position and person in Bills 22 and 23, that that will get us there?

**MRS. HUOT:** Well, we certainly wouldn't want the inspector or whatever you would call him, sir, to have all the powers and authority, we just want to underline that it would be strictly, and we underline that and it's important, that it's only a consultant that would come in but the powers would still be in our own division. I would fear to see a return of the old system where the inspector came in and his opinion was "' be-all, end-all" and our board would fear that. But as another opinion, a consultant, fine, that would be helpful.

**MRS. BARKER:** I'd just like to reiterate that, that no, we do not want the inspector in under the old circumstances at all. Our board really feels that we just want to be able to have another opinion

in order to make an intelligent decision, not that the inspector's

**MR. BOYCE:** Well, Mr. Chairman, I don't think any person likes to be put in a position where somebody, like a court, can come along and second guess us. I don't think any one of us appreciates that. But, Mr. Chairman, could you tell me what was the percentage of turnout of voters in the last school board election in your division?

**MRS. HUOT:** We've had a by-election. Would you know, Mr. Martel? You were the one that was elected at the . . . 17 percent in the by-election.

**MR. BOYCE:** Seventeen percent of the voters. Seventeen percent in the by-election turned out to vote. How about the last general election?

**MRS. HUOT:** It was quite high of course. I don't know the exact percentage, but if you remember there were the elections for school board, the mayor, so it was quite high.

**MRS. BARKER:** Yes, Mr. Chairman, the last election was very high but as Mrs. Huot has stated, it was probably due to the fact that there were many elections taking place at the time.

**MR. BOYCE:** Well, Mr. Chairman, you can read many things into election results as we all do, but there is one thing, you know, that is in my opinion, a profound vote of confidence in the board, regardless if some group disagrees with your decision and goes to court on any specific matter. But there is one other point. If anybody else has questions. . .

**MR. J. WALLY McKENZIE:** On page 3, you suggest that "standardized tests be released to the school divisions so that you could evaluate the various programs". Can you elaborate on that? Are you having problems getting access to the records?

**MR. DEPUTY CHAIRMAN:** Mrs. Huot.

**MRS. HUOT:** Yes, we are. We have asked . . . now the present government has given out tests and we have not had access to the results. We realize that this might be a little threatening to other boards, you know, too, because of competition, but it would be helpful to know how our students make out and we would appreciate to have access to the results.

**MR. DEPUTY CHAIRMAN:** Mr. McKenzie.

**MR. McKENZIE:** Well, I hope you gain them, Mrs. Huot. I don't see any reason myself just as a member of the Legislature, why the board at least shouldn't have those records in their office so that the public or interested parents could go there and be in access if the program is doing what it's supposed to or not, so I hope you win that.

**MRS. HUOT:** Well, this has been refused and we have correspondence saying that it's not permitted.

**MR. McKENZIE:** Thank you.

**MRS. HUOT:** Thank you.

**MR. CHAIRMAN:** Are there any other members that would care to . . . the Honourable Minister.

**MR. COSENS:** Thank you, Mr. Chairman, and through you to Mrs. Huot, her delegation, let me say initially that I would like to thank you for your presentation this morning, and just come back to one point that has been pursued by a number of other members of this committee.

The Education Administrative Consultants have been in the field now, for more than 12 months, a little over a year. From your experience in having these people visit your particular school division, how would you comment, or what would your reaction be to the consultative liaison advisory supportive role that they are playing at the present time?

**MRS. HUOT:** Could I ask Mr. Millier? We haven't really discussed this so far.

**MR. DEPUTY CHAIRMAN:** Mr. Millier.

**MR. MILLIER:** I think, because of the decentralized system that we have been used to, St. Boniface has not made excessive use of the consultants. However, it is beginning to see more uses possible in the future, and I think the brief reflects this to some measure.

**MR. COSENS:** Thank you, Mr. Chairman. That was the only point I wanted to clarify at this time.

**MR. DEPUTY CHAIRMAN:** Mr. Boyce.

**MR. BOYCE:** Mr. Chairman, I really don't like arguments, but I've got to get into one. Here's a Minister of the Crown telling us that the Educational Administrative Consultants have "been in place for 12 months". He has absolutely no legislative authority whatsoever, to put these people in place. Absolutely none. Absolutely no legislative authority, in fact that's one of the reasons why we're here, why the bill was withdrawn in the last Legislature, so that this matter, as one of the matters of priority, could be discussed by the public.

And we have heard much about the respect of the Legislative process, of parliamentary procedures, but yet we have a concrete example of the present administration's contempt for the Legislature. "Educational administrative consultants have been in place for the last 12 months", even before the bill was introduced in the Legislature. And when there's only 17 percent of your voters turned out for the last election, look at the room, I wish that people would see what is happening in this province, other than interest rates going up another one percent last night.

That isn't the question that I couldn't find before, Mr. Chairman. I'm a politician and I make absolutely no apology for it. But Mrs. Barker, when you're saying in your presentation about the one particular case that you referred to on Page 4, that you would like us, as legislators, to come up and deal, not with a particular case, but deal with the general case. You say it's difficult to have your judgments questioned, but yet you want your legislators to come up with some general applicable legislative procedures for all cases.

So is it not better, in the degree of difficulty that would be faced in doing it this way, would it not be better to ask the school board trustees to accept that onerous responsibility of making those decisions, rather than have it in statute, which in itself could be questioned in the courts? Would it not be better to leave it the way it is, that from time to time decisions of the board may be challenged in the courts, rather than ask us to put in law a statement of general principle, which in itself could be questioned in the courts?

**MRS. BARKER:** Mr. Chairman, I feel that since this committee is looking at these bills, that it is perhaps their responsibility, as well as the board's responsibility, to look at the rights. If the courts then want to challenge them after that, then that's fine. But I think that this should be a responsibility of all people concerned, not just the boards have a total onus on knowing what their rights are, as well as their duties. We are told on one hand that these are your duties, go ahead and perform them. We have a list of them and we know what they are, and we've done this, and we've made the opportunities, not in just this specific case, but in any other case that may come up, that we choose to create opportunities for students, whatever that may be. I think that this end of the rope, with this committee, should be to specify what some of those rights are as far as our duty as well as — as I say, we know our duties, it's a case of now we don't know our rights. It's one thing to say to somebody, you have the duty to create opportunity, that you have the duty to make these decisions, that this is your duty to perform these various functions, but where trustees don't know what their rights are, then, as I say, I think that it is also the duty of this committee to spell them out to some degree and to maintain part of the responsibility for them.

**MR. BOYCE:** Any decision that has been made by the board, has it not been the feeling of the board that they have had the right to make those decisions, regardless of which way the decision went?

**MRS. BARKER:** Mr. Chairman, of course we felt it was our right, but obviously, we are now finding that we have to go to court to find out if it was.

**MR. BOYCE:** Mr. Chairman, through you, the Legislature, at the moment, says you have that right, and the only way it can be taken away from you is by a court. Any decision that you make, unless it is restricted by law, makes it a rightful decision. Anything, whether you paint your schools green, blue, or anything else. Unless there's some specific prohibition in the law, the board has the right

to make any decision that it chooses to make. Not to get into an argument, Mr. Chairman, but nevertheless, this is how people have to dialogue, to understand, so that if you make a decision, you can presume that you have legislative sanction to make that decision.

**MRS. BARKER:** Mr. Chairman, I think what this board has been requesting right throughout this brief is that we would like to see some middle road taken to centralize, decentralize problems. We felt that for a long time the province had too much centralized control, and then we went to this total decentralized system, and I think what we are really saying is, we would like shared responsibility, shared accountability, shared credibility, and this is really what we're saying right throughout our brief, we think perhaps this committee should be sharing the responsibilities by stating somewhere in this bill some of the other areas that seem to have been totally left out. I can't think of any other way.

**MR. DEPUTY CHAIRMAN:** Mr. Millier.

**MR. MILLIER:** Mr. Chairman, I think on Page 1 of the brief, there is reference to clarity of language. I think what the brief is suggesting is that they welcome clarity of language in The Public Schools Act, whereas it is not subject to a multitude of interpretations, but it is quite clear what the intention of the Act or sections of the Acts are.

**MR. DEPUTY CHAIRMAN:** Mr. Boyce.

**MR. BOYCE:** I want to thank Mrs. Barker. I'm going to go back and read the statement that you made, because you put it very succinctly, with the sharing of this and the accountability and everything else, and I thank you for making that contribution, but when we're talking about such things as clarity of language, as a politician I would be better off just to sit here and smile, and say, thank you very much for coming, but I don't think that's going to solve the problem. Because politicians are too prone to hearing representation and passing laws which mean nothing. They really don't change anything, in fact sometimes they solve today's problems and create hundreds of problems tomorrow. So really that's where I'm coming from, I'm not trying to be argumentative or anything else.

So when you say clarity of language, we know of no clarity of language in drafting law. We have two very capable legislative draftsmen, and I'm sure that they would agree with me. When they draft a law, they know full well, as conscientiously as they address themselves to the problem, in trying to reflect the legislative thinking in words, which, when the judge sits there, will say, that's what these people had in mind when they passed that law. So for me as a legislator to try and get through to the public that we're going to come up with a perfect law, if that were so, all we would need is the original ten and we could all go home.

**MR. MILLIER:** Mr. Chairman, I thought this whole exercise was to clarify the intent of laws. If it were not possible to make certain sections of the Act clearer and their intent more clear, not only to legislators, but those who have to live with it, I wonder why we're going through the whole exercise. That's my personal question, and I'm not speaking on behalf of the board here.

**MRS. BARKER:** Yes. I would agree with Mr. Millier on that, and certainly as a trustee, I have found that the draft I looked at, at least it was the difference between reading something in old English and something in today's vernacular. I found as a layman, at least I was able to follow it, and the re-organization of the presentation was quite a bit easier for a trustee to look at and understand.

**MR. BOYCE:** Mr. Chairman, it's a worthwhile exercise, as we go from one generation to the next, we have to keep striving for that clarity in the law. I'll just share this with you, the former government, as a cabinet Minister, we sit there and we say, we have the authority to pass an Order-in-Council relative to the AIB. And while it's improper for people to talk about what takes place in cabinet meetings, nevertheless, I will tell you that I was convinced that we had the authority to pass this bill, or pass this Order-in-Council. It goes all the way to the Supreme Court, five learned judges say we didn't have the authority to pass that Order-in-Council, four learned judges say we did have it, so we lost.

So in any legal process, and this is why, with many of the delegations that come here, I hope that more people can understand that we have to keep trying for it, but nevertheless, we're almost never going to get there.

Thank you very much, Mr. Chairman. I don't want to impinge upon the committee's time any

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more. I want to thank the St. Boniface School Board for your contribution because I will reread it.

**MR. DEPUTY CHAIRMAN:** The Honourable Minister.

**MR. COSENS:** Mrs. Huot, I wouldn't want you to leave this committee hearing with a wrong impression regarding the present legislation, and I just wondered if, in that regard, you are aware that there were education administrative consultants, or field representatives, or inspectors, whatever you wish to call them, in place when this government came in. There were four people serving in that capacity, and contrary to what you have heard here this morning, the legislation does make provision for the government to appoint people to perform that function. I don't know if you are aware of that or not.

**MRS. HUOT:** Personally I thought that this only existed since the last 12 months really, I wasn't aware that they were before that, Mr. Minister.

**MR. COSENS:** Just a point of clarification, Mrs. Huot. The expansion of that particular unit has taken place in the last 12 months.

**MRS. HUOT:** But they were there before. Thank you.

**MR. BOYCE:** Mr. Chairman, I'm very glad the Minister clarified that point because I was listening to the words that he said, and he said "the administrative consultants have been in place for 12 months". I'm glad he clarified the point because what he is now saying is that this was just an expansion of an existing facility, and they have just changed the title. But I would suggest perhaps, this is just the handwriting on the wall.

**MR. DEPUTY CHAIRMAN:** We would like to thank the delegation for attending. (The Deputy Chairman now speaks in French, translation unavailable.)

**MR. CHAIRMAN:** Mr. Hanuschak.

**MR. HANUSCHAK:** On a point of order, I believe that last night before the committee rose, was there not some promise made to Mr. Eliason . . .

**MR. CHAIRMAN:** Yes. We'll call on Mr. Eliason then, because he was here last evening, if that's permissible. Can you wait a moment, Mr. Laurencelle? Mr. Eliason was here last evening and we didn't hear him last night. And yours will come right after.

Members of the committee, we have a problem. Mr. Laurencelle, you apparently have to attend some function this afternoon? Is that right, and you can't be here this afternoon? Mr. Eliason, is that a problem? Mr. Laurencelle, the other delegation, has to go to a meeting this afternoon. Could we hear him first and then you come after? Or are you tied up today?

**MR. MAGNUS ELIASON:** Is he ahead of me on the list? It seems to me that that's what determines it. I don't think my delegation will take long.

**MR. CHAIRMAN:** Okay. Proceed then. We'll hopefully get both in before the lunch hour.

**MR. ELIASON:** Mr. Chairman, Honourable Minister, members of the committee. As you are aware, this is the brief of the Manitoba Federation of the Visually Handicapped. I am appearing here, as well as Mrs. Monk who is seated at the table, who may assist in answering some of the questions. By the way, if I could raise that microphone a bit, there must have been a shorter man ahead of me. Or a lady. If I may just ask for your indulgence, Mr. Chairman, and members of the committee, last night I was intrigued by the last delegation on home schooling, and just in case there are members of this committee or people present who have never seen an individual who is the product of at least partial home schooling, you are looking at one now. I was educated at home by my older brothers and parents until I was in Grade Five, so just in case you've never seen such an oddity before, I am here.

**MR. CHAIRMAN:** Proceed, Mr. Eliason.

**MR. ELIASON:** Thank you. By the way, how far does one have to be from this microphone?

**MR. CHAIRMAN:** It's picking up quite good where you are, sir.

**MR. ELIASON:** Thank you. The Manitoba Federation of the Visually Handicapped respectfully make this submission with respect to those sections of Bill 22 which relate to the education of the handicapped.

The Manitoba Federation of the Visually Handicapped is an incorporated non-profit organization of the visually impaired, whose aim is to promote the self-realization of its members and the public awareness and services needed to that end. However, the fact that our first interest is with the visually handicapped does not make this submission any less applicable to all handicapped students.

Our main concern or objection is with the qualification in Section 41(5) of Bill 22 that the educational needs of the handicapped will be the responsibility of school boards "as far as is possible and practicable in the circumstances". A pretty broad one.

One immediate reaction to the wording of this qualification is that the word "possible" is totally redundant. It goes without saying that if a condition is impossible, it cannot be mandated. We make this comment in the assumption that the intent of including the qualification, this qualification to the principle is to not only write legislation that is workable, but to imply that there may be circumstances where the principle is not workable. It is our contention that the dealing of possible problems in applying a principle of legislation does not belong in the legislation per se, but is a matter of regulation under the legislation. It is our further contention that the assumption that the principle is unworkable is unwarranted.

If we look historically at developments to accommodate the handicapped educationally, it becomes apparent that the qualification in Section 41(5) is a regressive step.

Within the legislative context, in 1967 the Public Schools Act was revised to mandate to school boards the provision of educational services for all mentally retarded persons of school age.

In 1975, Bill 58, passed in the Legislature but not proclaimed, mandated to school boards the provision of educational services for all handicapped school-age persons. That is, Bill 58 was a logical, non-discriminatory move to extend a principle that had been in effect for eight years.

The mandate in these two pieces of legislation were clear-cut and unqualified. In 1979, however, we are now, through Bill 22, presented with the legislation of 1975, which was an extension of the legislation of 1967, but an escape clause has been added which is open to all kinds of interpretation which could be used by school boards to negate the legislative intent. This is regressive legislation.

The qualification of Section 41(5) also represents regressive thinking in terms of current public attitudes and aspirations for the education of the handicapped and it ignores the evidence of the last twelve years with respect to the practicality of an unqualified mandate. As far as the Manitoba Federation of the Visually Handicapped is aware, the mandate of 1967 with respect to the mentally retarded has been possible and practicable to effect. During this period school programs or their equivalent have been effectively established for the most severely retarded and multiply handicapped of individuals and it seems true to say that these programs would not have been so established without the presence of unqualified legislation.

Why should it be assumed that it may be impossible or impracticable to provide for all handicapped as has been provided for the most severely retarded and multiply handicapped? Why does Bill 22 ignore the evidence of the last decade?

In the light of the foregoing the Manitoba Federation of the Visually Handicapped recommends that the qualifying clause of Section 41(5), namely, "as far as is possible and practicable under the circumstances" be deleted.

We further recommend that Sections 260(2) and 261, I believe that is meant to be Subsection (1), be deleted.

With respect to Section 260(2), we believe that for the most part it is unnecessary and inappropriate to discriminate between the school attendance of children in general and the attendance of the handicapped in particular. We would, however, make one exception with respect to Clause 258, I mean Section 258, Subsection (2) Compulsory School Age. Although there may be valid opposing viewpoints to lowering the school age for all children, there is no question that all handicapped children need early intervention services of an educational nature. Therefore, we propose, for your consideration, that the principle of mandatory services for the handicapped be lowered to five years of age versus the present mandate of seven years.

With respect to Section 2 — I would have to check that in the Act, I am not sure that I have the Subsection correct there — with respect to Section 261(2), I have down here, we wonder why physical handicap alone is singled out as not being synonymous with "sickness or unavoidable

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Nowhere in this Bill is physical handicap defined. It may be difficult to define, but no appreciable attempt has been made at defining it. There are all sorts of handicaps that should not be deemed "sickness or unavoidable cause", just as there may be a few that might be so deemed. The singling out of the physically handicapped in this manner is, we suggest, a form of discrimination which adds nothing to the issue of the handicapped vis-a-vis sickness. Other sections of the Public Schools Act relating to the attendance or non-attendance apply adequately to the handicapped.

In conclusion, honourable members of the Law Amendments Committee, may we say that the foregoing statements are made with prejudice to none. Although the Manitoba Federation of the Visually Handicapped is a special interest group, we believe that our recommendations do reflect the majority view of both professional and lay Manitobans, namely, that it is possible and practicable to unqualitatively educate the handicapped and that care should be taken not to make categorical differences about handicaps that are irrelevant. Respectfully submitted, Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Mr. Eliason.  
Any questions of Mr. Eliason?  
Mr. McBryde.

**MR. McBRYDE:** Yes, through you, Mr. Chairman, to Mr. Eliason. What is the present situation of visually handicapped people within the school system? Is the level of services adequate and what kind of needs are not being met at this time within the school system?

**MR. ELIASON:** Yes, Mr. Chairman, to Mr. McBryde. I don't know how this stacks up throughout the province. I think there possibly — I mean this is a difficult one to engineer. There will probably always be some dissatisfaction with the service. There have been great strides made in recent years, of course, but I am afraid that if the fact were known in the various school divisions throughout the province that there is still much to be desired, and what concerns us is that, or my understanding is, that one of the reasons Bill 58 wasn't proclaimed was that it was, of course, the same old question, the question of money. But what is being proposed now is to write into the legislation an escape clause that would make it possible for school boards to give excuses for not acting, this is what concerns us.

But I must say that there have been improvements in the situation, there is no question about that.

**MR. McBRYDE:** Mr. Eliason, your brief is quite clear, as many others have been on this particular clause of the Bill, so I don't think I have any further questions, Mr. Chairman. Thank you very much, Mr. Eliason.

**MR. ELIASON:** I was just going to comment that judging from newspaper reports or media reports, I realize that this field has been certainly covered before or has been alluded to before, but nevertheless the language of this brief is as it was set out by our Board and I felt that although these things have been referred to in other briefs, I thought it was necessary for us to convey this message to the Committee.

**MR. CHAIRMAN:** Mr. Boyce.

**MR. BOYCE:** Mr. Chairman, through you to Mr. Eliason, I would agree with your assessment of the redundancy of . . .

**MR. CHAIRMAN:** Would you move the microphone up a little closer, Mr. Boyce?

**MR. BOYCE:** All right. I would agree that, my understanding of English, that possible is redundant, but legislative counsel isn't here at the moment and I don't know if the courts would agree with either of us. It may well be that that was included adjunctively with practicable, because, you know, of some legal necessity. So I just wanted to point that out and I will ask the legislative counsel when he returns if that is the case.

**MR. ELIASON:** Yes, well to say that something is going to be provided as long as it is possible, practicable in the circumstances. Boy, Mr. Chairman, and members of the Committee, I would hate to be one to interpret that one. It almost, well if you will forgive me for saying it, it really sounds like an escape clause, that one.

**MR. BOYCE:** It sure does sound like an escape clause, Mr. Chairman, but as has been mentioned



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with reference to several briefs, even "shall" by itself has caused judgmental divergence of opinion.

**MR. ELIASON:** Pardon me, Mr. Chairman, I didn't hear him.

**MR. BOYCE:** I say even "shall" by itself has caused, you know, divergence in judgmental opinion. There has been a suggestion that there be an Ombudsman established, was one suggestion, to decide, you know, whether the government can and should provide a particular program, or that some kind of a tribunal be established. Have you any suggestions on how this question could be resolved regardless of how the Section is drafted, moving to have "shall" more imperative rather than permissive.

**MR. ELIASON:** Yes, Mr. Chairman, to Mr. Boyce through you. Obviously when you embark on any new legislation, as was done in 1967 with regard to the mentally retarded, and in this case if we were to try to arrive at legislation that would sort of "sew up" the situation, to use a colloquial term, for the visually handicapped, obviously the workability of such legislation will not be known until we go through the "rough and tumble" or the "trial and error" of it. There will be problem cases and I think possibly the idea of an Ombudsman or an Ombudsman Committee or a committee of that status, say a committee of three, especially if there was some representation on that committee from the handicapped, and I mean not a majority, but say out of a committee of three there was one from the Visually Handicapped, because my observation has been over the years, and I hope you will forgive me for saying this, that the general unhandicapped public just lacks understanding of the problems. I mean they zero in on problems that are not there, and the real problems they are totally unaware of. So I would want if there was a committee to adjudicate on the problems that would or will arise, I would hope that there would be one representative from the Visually Handicapped.

**MR. BOYCE:** The attempt to resolve these problems in the administration of The Child Welfare Act, in which they established a Treatment Panel to try and ascertain the best way to deal with a particular case, are you familiar with the problems encountered by this group, Mr. Eliason?

**MR. ELIASON:** No, Mr. Chairman, I'm not.

**MR. BOYCE:** You suggested that, on a panel of three, that on that particular panel that there should be someone representative of the handicapped that is being considered. Because you mention that perhaps a person with seeing difficulty be included on a committee you say?

**MR. ELIASON:** Well, yes, or at least that there'd be someone, certainly in an advisory capacity. In other words, let me put it this way and, you know, the intent or the problem could be worked out. I feel it would be necessary to have someone at close range to those discussions, an independent person but who knew generally the problems of the visually handicapped, and that ought to be a visually handicapped person.

**MR. BOYCE:** Just so I better understand what Mr. Eliason is suggesting. If it was a visually handicapped case and a person visually handicapped should be involved, that would be true of any specific handicap, such as the problems of somebody in a wheelchair . . .

**MR. ELIASON:** That's right.

**MR. BOYCE:** . . . so that what you're suggesting is an instrument, a small instrument, which would have the expertise made available to it to deal from a familiar standpoint with the specific handicap which was under consideration.

**MR. ELIASON:** Mr. Chairman, I would use the word "acquaintanceship" rather than "expertise." I'm a bit leery of experts; acquaintanceship with the situation.

**MR. BOYCE:** Someone defined expert as a small squirt under pressure, but thank you, Mr. Chairman.

**MR. DEPUTY CHAIRMAN:** Any further questions? Mr. Hanuschak.

**MR. HANUSCHAK:** Mr. Chairman, through you to Mr. Eliason, I note your concern about sections

within the bill which you consider being regressive. I would like to ask you whether you would consider a section of Bill 23, which defines in crystal-clear terms the Minister's desire to have the authority to impose a user or a deterrent fee within the public school system upon all or certain groups, kinds, classes or types of person. Would you consider that section of the bill as being regressive?

**MR. ELIASON:** Well, we didn't zero in on that one but I personally have some skepticism of that one. Namely, that we seem to have developed a society where people are entitled to services, people living far out of the way are still entitled to a road and telephone, although it is obviously a financial loss or no subsidy to give them those services. And, likewise, I would like to think that we had a common belief in our society that if a person happens to be handicapped and it involves added costs, that nevertheless, they should be entitled, as near as possible — there I come up with that word "possible" — the same type of education as an unhandicapped person. So, I would be skeptical of user fees on that one.

**MR. CHAIRMAN:** Any further questions? We thank you, Mr. Eliason, and the Manitoba Federation of the Visually Handicapped for your presentation to this committee.

**MR. ELIASON:** Thank you, and I told you I'd be brief.

**MR. CHAIRMAN:** Thank you, Sir, thank you kindly. Have a good day. I call Mr. Laurencelle. No. 47.

**MR. LAURENCELLE:** Mr. Speaker, Mr. Roger Dubois, the President of our organization will be presenting the brief.

**MR. CHAIRMAN:** Thank you, Sir. Proceed, Mr. Dubois.

**MR. ROGER DUBOIS:** Thank you very much for the opportunity to be speaking to you today. You have all got copies of our brief. So, I'll just read from it.

"La Federation provinciale des comites de parents" is a provincewide organization which represents 25 local parents committees elected by parents interested or involved in obtaining or maintaining French education for their children. The Federation was formed in May 1976 and its provincial executive is made up of 9 directors elected at an annual general meeting.

Our Federation was born out of a crisis situation and many of our local units were also formed in that same manner. Most of these crises resulted from the permissive nature of Bill 113; a bill which was absolutely necessary in 1970, but a bill which also invites interpretation, therefore conflict, because it is much too "suggestive". Although Bill 113 re-established the long lost right of Franco-Manitobans to receive an education in their mother tongue, the implementation of this bill has been most difficult. Too often when parents and students asked this law be put into application, opposition arose from school boards, concerned parents, etc. Implementation and application were only achieved after numerous presentations, pressures and demonstrations. Without going into details concerning these difficulties, we realize that they generally stem from the lack of precise mechanisms defining the implementation of Bill 113 and Section 258 of The Public Schools Act.

We, therefore, fully endorse and support the proposed revisions to The Public Schools Act, Section 258, as presented by the Bureau de l'Education Francaise, the BEF, which you will have in Annex 1. These proposals go a long way towards solving the problems that have been identified and extensively discussed by our membership. For instance, they should not only define "French Language School" and "French Immersion School", they would also ensure transportation when the school is not close by, which, more often than not, is the case. This, of course, would ensure equal access to schooling.

However, we would like to emphasize that these proposals are but a "basic minimum" towards an adequate long term solution.

The main reason for this is clear. Generally, articles 5 and 6 of Section 258 would still leave us dependent on the understanding or goodwill of the superintendents and school boards; a simple trustee election could still change the status of French education in a school division, make equal access more difficult at any given time.

Our last comment is of crucial importance. We, as parents, do not wish and should not have to struggle every step of the way to attain our educational goals, such as has been the case until now.

Through a revamped and precise Public Schools Act, we must obtain more control over our

childrens' education. One of the means of resolving this problem is the establishment of a Languages of Instruction Board whose decision would be binding, somewhat like the present Board of Reference.

In closing, Mr. Chairman, the Federation wishes to congratulate the Minister of Education and the present government for undertaking to amend The School Act and in their decision to consult us, the parents of the children in the Francais classes and schools, on possible changes to the sections which most concern us and our children.

Please rest assured that we remain fully at your disposal for any further assistance concerning this matter. Thank you very much.

**MR. DEPUTY CHAIRN:** Thank you, Sir. Questions of Mr. Dubois? Mr. Hanuschak.

**MR. HANUSCHAK:** Yes, Mr. Chairman. You make reference to a proposal for revisions of the Public Schools Act, as presented by BEF — Appendix 1. What was the date of those proposed revisions, can you recall the approximate date, the year?

**MR. DEPUTY CHAIRMAN:** Mr. Dubois.

**MR. DUBOIS:** Mr. Chairman, I don't know the exact dates but it was in December, January, February, March of last year when the proposed revision was under way. We obtained this copy from the Minister of Education.

**MR. DEPUTY CHAIRMAN:** Any further questions? Mr. Boyce.

**MR. BOYCE:** Just one brief point. The proposed revisions to The Public School Act, which is attached as an Annex, in Clause 1, the "French-language School" means an instructional unit established for the purpose of providing instruction in the French language to French-speaking pupils". Why wouldn't it suffice to say that it means an instructional unit established for the purpose of providing instruction in the French language to pupils who have elected to follow all their subjects in instruction of French?

**MR. DUBOIS:** Mr. Chairman, to answer this question, we did wish to make a difference. We feel that the Public Schools Act, the new one, would be very well put to make a difference between the French Immersion School and the French Language School for Francophones. It was our wish, and it still is our wish, that this difference be made as there are so many interpretations. We understand the difficulties that this might mean in some areas where populations are low, but we still feel that it would be a very progressive measure for the government to take.

**MR. BOYCE:** Progressive toward what end?

**MR. DUBOIS:** Towards quality education for French-speaking people and for Anglophones wishing French education; and, of course, to become bilingual, obviously; and, for Anglophones who wish English education as is presently provided for.

**MR. BOYCE:** Well, why shouldn't people in the Anglophone community want to become bilingual and expect the co-operation French-speaking people of the province, why shouldn't they be entitled to expect that?

**MR. DUBOIS:** Mr. Chairman, to answer that question. We feel it is two different things to teach French to English people, as to teach French to French people. I think that's fairly obvious. The immersion kids come into kindergarten and Grade 1, 2 with obviously a total lack of French as a language. It is through that medium of immersion that they learn French; the French children come to the school knowing French already and go on to use that language commonly. The administration of a French school would be in French, where the administration of an immersion school, or an immersion class, would be handled in English, most probably. The letters going to parents, for instance, and this is of importance to us, would be in English for Immersion schools and in French for French schools, such as Ecole Noel Regent, or Ecole Ste. Anne, or Lacerte School, for instance. All communications, all teaching, except, of course, a language arts class, all posters on the walls and so on, are in French in a French school, and would be primarily in English in an Immersion school except for teaching or pedagogical purposes, in French then for children in an Immersion school or class.

**MR. BOYCE:** Why not send letters to the Anglophone community in French rather than send it to them in English? I don't resent it when I get a letter in French.

**MR. DUBOIS:** No, Mr. Chairman, most people who send their children in immersion classes are favourable to the development of French education or French language in their children and actually are favourable themselves. However, it is quite frustrating for many people to receive, let's say, a report card for their child; they might recognize the As and Bs or Cs and Ds but they might not recognize what the rest of these report cards mean unless it's in their language.

I don't think it's expected of parents sending their children to an Immersion school to be fully familiar with French; it is a development which often occurs. For instance, the chairman of our school board, who happens to be a neighbour of mine, is now taking French on his own, but it's just a logical development. He didn't expect to get all of his report cards, all communications, in French. When he does get them now, he practices his French from those communications though.

**MR. BOYCE:** Well, as an anglophone, I find this as an expression of lack of confidence in the anglophone community to adjust to a completely bilingual system. You know, we have to have faith in each other. I understand, you know, your goal and I respect that; I think it should be so, but nevertheless, in reaching this goal, I think it should be a legitimate process if you send all communications . . . as I have said on several occasions, my youngest went through the system and I got lots of stuff in French and I'll admit I had to go to my daughter and ask her what it meant. But nevertheless, I expected it, so to put it in his terms, it will cause a reaction in those people who react to almost anything, but could you not at least ask to have the law accomplish your purpose without building into it things with are pejorative?

**MR. DUBOIS:** Mr. Chairman, to answer that question, I could say that we have consulted with the Canadian Parents for French, for instance, who try to operate in the same way as we do, that is having parent committees to deal with the school and so on, an executive as a liaison committee with the schools, and they also favour the French Immersion School as opposed as to the French Language School, because another point that could be made is that there is a question of culture also that the motivation is different in the sense that for parents placing their child in an Immersion school, what they wish is a bilingual child. They don't necessarily wish to become fully and culturally French as is it the wish for myself, for my children, for instance. They might wish to become familiar with Moliere and many other famous people in French literature, as a very largely cultural thing, but they might not be quite as interested in all our folk songs and so on and so forth. They might be interested but not in the same way.

**MR. BOYCE:** Yes, I understand that and I agree with you. The French culture has much of which to be proud, as any culture, the native culture, or even the Irish culture; we make lots of other things besides wars. But in trying to help evolve our society towards a completely bilingual system, I think it's incumbent upon us all to do that which will lead us that way and I'm not saying that we should do anything to change what you would suggest, that there are schools which have a certain milieu that, you know, will be there and well, when I say my youngest is bilingual, she talks on the phone and she talks like most English people do and when she switches into French, she starts getting . . . so I think that it had culturally some effect on her learning the language. She uses body English to speak French. It's a small point, Mr. Chairman, but nevertheless, you know, it's part of that whole English-French thing that is very very important in Canadian culture, not just in Manitoba culture. And I think that we have made great strides over the last twenty years or so to face up to this.

But the Member for Radisson was saying yesterday — I'm sorry he's not in the Hoase and if I misinterpreted what he says, I hope somebody will correct me — but in paraphrasing what he said and one of the other societies that was in, he was saying that he had the feeling that many people in the French community resented him learning French. And, you know, the idea that French should only be spoken by French people, from an anglophone standpoint, we agree that people should learn and speak French because it's part of our culture and it's important.

But I don't think in saying that, you know, sure, everybody should be able to speak English and French. By saying that, I don't think it's going to have an impact on what you want to accomplish that you want the French culture and the folk music and everything else. But if it's just French for French, it does you a disservice, I think, so that in drafting laws like this you can accomplish what you want, I would suggest, by being less pejorative in the language in saying that the means of instruction unit established for the purpose of providing instruction in the French language, we've elected to follow all our subjects in instruction in French, will accomplish what you want, because it's implicit to the French speaking pupils, to anyone, and by somebody saying that they want their

child to go to that particular school. If it were only so that we could, you know, have a school here and a school there and a school there, that any person could say, this school has a milieu in which I want my child to be educated and the more we know cross-culturally — and I say this sincerely — I as an anglophone would not have any great objection if, in the cultural aspects of any society, my children accepted that of any other culture that they felt comfortable with and wanted to be part of, because all cultures have a contribution to make. Is that not so?

**MR. DUBOIS:** Mr. Chairman, to respond to that Mr. Boyce, certainly it is not our wish to separate, to exclude, to make different. We were referring to differences that already exist and I would like to answer that question by speaking of my community, for instance, St. Norbert, where there is already a French school, an Immersion section in a school and an English school besides. I believe that we all still learn culturally from each other, but we don't necessarily have to go to the same class or the same school. My house hasn't moved; my house is still next to English people's house, and so on and so forth. My children play with all children on the street, and their children play with all children on the street; therefore, it does so happen that they mostly play in English because St. Norbert is, even though historically, it is one of the founding areas of Manitoba used to be a French area; it now is not, which is what we're speaking to when we ask for French language schools and French Immersion schools and so on. It is difficult for our children to keep their Frenchness, so to speak, and I believe that pedagogically it is a better vehicle to have Immersion schools and French language schools where probably there would be a communication between either though for many things, especially many projects and so on. They would intervisit and probably work on similar projects, especially after grades 4, 5, or 6, where the Immersion children would be quite cognizant of the French language.

**MR. BOYCE:** Well, all I'm re-emphasizing is . . . what I'm asking is if you consider, it is not going to change that, you know, it's not going to be detrimental to that. And at this point in our history, I don't fault the French community because you know we got here, not by the French community sitting back and saying, well, somebody will come along and right all the wrongs. They've been in there fighting for their place in the sun and I respect them for that. I certainly wouldn't like to be party to something which would be regressive in this regard, so I was just considering jokingly asking your organization to consider the principle, the less we make, you know, laws, then the less we give those people. . .

**MR. MCGILL:** Mr. Chairman, on a point of order. I think Mr. Boyce's line of questions are most interesting but we're getting to the point now where rather than asking for explanations of the point of view being presented by the brief, the member of the committee is actually asking the delegation to consider some change in their position. I where necessary for explanations. But really, I think we're not here to debate these matters with the delegations. The way the committee has been conducting itself the last while. We've been straying on occasion widely from the subject matter that's before us and I have been maybe far too lenient, so I would hope that the committee will stick to the terms of reference as we proceed, so, Mr.

**MR. BOYCE:** Mr. Chairman, would you mind reading the instructions from the Legislature to this committee, please.

**MR. CHAIRMAN:** I don't have the resolution in front of me at the moment, sir, but I'll read it back from the record.

**MR. BOYCE:** I would like it read now, Mr. Chairman, please.

**MR. CHAIRMAN:** The motion that The Public Schools Act be read a second time . . . Bill No. 22, The Public Schools Act be now read a second time but the order for a second reading be discharged, the Bill withdrawn, and the subject matter thereof referred to the Standing Committee on Privileges and Elections.

And then to turn on the page over, Bill No. 23, The Education Administration Act be now read a second time but the order for second reading be discharged, the Bill withdrawn, and the subject matter thereof referred to the Standing Committee on Privileges and Elections.

**MR. BOYCE:** Well, Mr. Chairman, to Mr. McGill's point of order. Perhaps I am unclear on what the subject matter under discussion is. Could the Chairman explain to me what the subject matter is that was under discussion.

**MR. CHAIRMAN:** Bill 22 and Bill 23, sir.

**MR. BOYCE:** Mr. Chairman, if you will re-read the instructions of the Legislature of the Province of Manitoba to the subcommittee on Privileges and Elections, you will see that the Bill is not before the House; the Bill is dead. The subject matter, what is the subject matter under discussion by this committee?

**MR. CHAIRMAN:** The subject matter is Bill No. 22, The Public Schools Act and Bill No. 23, The Education Administration Act.

**MR. BOYCE:** So therefore, Mr. Chairman, the subject matter which was contained in The Public Schools Act and The Education Administration Act, the effect of which repeals every law pertaining to education in the Province of Manitoba, is under consideration by this committee. I, as a committee, am charged with the responsibility as an elected representative of the people of the Province of Manitoba in the best way I know how, to elicit information from the public that come to make representation to this committee, to make a recommendation to this Legislature on how to advise the government as far as the philosophy, and everything else, is contained in the educational process in the Province of Manitoba.

Now I know that I have taken considerable time but one of the reasons that we're taking considerable time is the government is absolutely silent, Mr. Chairman, absolutely silent. They're not interested in eliciting opinions from the public; it's quite obvious after three days of this meeting the government wants to get in here, get it over with and get out. They've got a preconceived idea of exactly what they're going to do with this bill. They're not interested in what the public has to say and Mr. McGill, in trying to bring a fallacious point of order before this committee, is further demonstrating the attitude of the government to the legislative processes of this province. I would like to continue, Mr. Chairman, with my responsibility to the people that I represent.

**MR. CHAIRMAN:** I thank you for your point, Mr. Boyce. I also thank the Member for Brandon, Mr. McGill, for his point. I think that maybe you were straying a little far in your questioning and I will ask you to proceed, and if I feel that you're not, as the Chairman, following the guidelines and the terms of reference before us, I will try and keep order in the committee. So proceed, Mr. Boyce.

**MR. BOYCE:** Well, Mr. Chairman, I am sorry I can't proceed with that admonition. I would like you to define for me, sir . . .

**MR. CHAIRMAN:** I beg your pardon?

**MR. BOYCE:** I would like you to define for me, sir, the parameters with which I can ask questions of people who come before this committee.

**MR. CHAIRMAN:** The subject matter of Bills 22 and 23.

**MR. BOYCE:** What are the subject matters, sir?

**MR. CHAIRMAN:** Do you want to read the bill? They're there, you have them, I have them, sir. They're in front of us and that's our terms of reference. Proceed.

**MR. BOYCE:** We have before us, Mr. Chairman, a presentation of a responsible group in this community, which has made certain recommendations relative to the redrafting of this bill which is now dead, and I'm asking them whether they think it is in their own interest, or the public interest of Manitoba, to have certain words included in this amendment. And that's exactly what I'm asking them. I'm not straying one whit from the directive of this committee.

**MR. CHAIRMAN:** Proceed, Mr. Boyce.

**MR. HANUSCHAK:** Mr. Chairman, on a point of order.

**MR. CHAIRMAN:** Mr. Hanuschak.

**MR. HANUSCHAK:** Yes. With reference to your comments regarding my colleague's participation in this committee's hearings, I believe I recall you saying or suggesting that my honourable colleague

had “strayed” from the bill. I would like you to indicate . . .

**MR. CHAIRMAN:** Order. I would ask you to withdraw that comment. I said the committee has been spraying in my opinion from time to time.

**MR. HANUSCHAK:** Very well then, I will . . .

**MR. CHAIRMAN:** I didn't, for the record, made sure that I didn't say anyone in particular.

**MR. HANUSCHAK:** Then, Mr. Chairman, my concern is even greater because you, Mr. Chairman, have thus made reference to all committee members or to unnamed committee members, and I have no recollection of anyone at any time having ever strayed from the direction given to us by the Legislative Assembly as to what we are to do. And if you're aware of anyone straying, would you please be more precise and indicate to us when and where and to what extent did we stray from what we were assigned to do?

**MR. CHAIRMAN:** Mr. Hanuschak, I think I have chaired the committee very favourably up to this point and if you wish to question my judgment, sir, you have the right and the privilege as a member of this committee and you can challenge my ruling at any time, sir.

**MR. HANUSCHAK:** Mr. Chairman, Mr. Chairman, I am not challenging your authority; I am not questioning your judgment; I am simply asking for a clarification. You, Mr. Chairman, have admitted that you did indicate that this committee had strayed from the subject matter of what it's been charged to do and I simply want you to indicate when, where, to what extent did this committee stray from what it was supposed to be doing.

**MR. CHAIRMAN:** Mr. Hanuschak, in my opinion during the last three days of this committee hearing, in my opinion there has been occasions when the committee, on questions, have strayed from the subject matter before the committee. Maybe not widely strayed but I felt that there were occasions when we have not been dealing with the subject matter that's before us and have strayed maybe from those guidelines. Therefore, if you feel that my opinion is not to be considered in this matter, then you have the right to challenge it, sir.

**MR. HANUSCHAK:** Mr. Chairman, when this committee completes its deliberations, I would like to go back to my constituency with the feeling — and I will leave with that feeling — that we the members of this committee have done a good job and that we did what we were assigned to do, and that we did not stray.

Now, Mr. Chairman, you insist on telling us that from time to time we strayed, therefore again, I ask you — I'm not challenging your ruling, your judgment, your decision — I'm simply asking you to indicate at what time and to what extent did some member, or all members of the committee stray from what we were charged to do.

**MR. CHAIRMAN:** Mr. Boyce.

**MR. BOYCE:** Mr. Chairman, perhaps when Hansard's printed it will be of some assistance. I personally wasn't questioning the Chair. I think you have done an admirable job. I guess why I reacted was that this was one of the first contributions that any members opposite have made and I guess the breaking of their silence caused me to knee-jerk. I appreciate the latitude that you have allowed in the discussions here because I will admit that I have stretched it a little bit and each time I knowingly have stretched it I have asked for the indulgence of the committee to stretch it a bit. But, nevertheless, it's my way of doing things and you've suffered me for a long time.

**MR. CHAIRMAN:** Proceed Mr. Boyce.

**MR. BOYCE:** I hadn't intended to pursue this any longer, that was the only point that I wanted to ask on it, but it goes to the very heart of one of my concerns in this regard. I don't apologize for this digression. This is how political systems work. We get into it now and again. But I will finish what I have to say by just suggesting — you know the committee has your presentation and Mr. McGill is absolutely right, you have been expressing your opinion which the committee will consider. But I'm just asking you, should it not be considered by the committee, too, not only yourselves but by the committee when we're deliberating on this, whether we should not consider taking your

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ecommendation, and if it is included it would be included in a way which would not have those words in it, and if you would have any objection to modifying it in that regard.

**MR. CHAIRMAN:** Mr. Dubois.

**MR. DUBOIS:** Mr. Chairman, to answer that last comment of Mr. Boyce's, it is my mandate coming in to speak for the Federation Provinciale Des Comites de Parents, to request that the revision of the School Act have a difference made between immersion schooling and French schooling for the French population in Manitoba.

I hope that this committee will make changes to the proposed revision as it now stands. I must say that personally as a psychologist working for a school division, I have seen immersion classes in immersion schools work and I have seen francaise classes in francaise schools work. I believe that is the best way pedagogically to deliver a quality education for both groups, but certainly we all live here in Manitoba together and I don't wish that to change.

**MR. BOYCE:** Thank you very much, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Hanuschak.

**MR. HANUSCHAK:** Yes, Mr. Chairman, I would like the opinion of your organization, or your comments on the matter of the role and function of the Board of Reference. As you no doubt are aware, one could make application to the Board of Reference for the transfer of property from one school division to another, for a variety of reasons. I'm not even sure, reading the bill, the subject matter of the bill before us, I'm not sure whether one need state the reason in the application, but at any rate during the hearing it does come out and one of the reasons that from time to time is given in support of such an application, is the fact that the education program somewhere in some far away pasture or the neighbouring pasture is greener, better quality of education and whatever, and that is used as the rationale for the justification for the application.

I'm wondering whether you have any concerns about that because — and this has troubled me for a long time because I could see having that door open could force a Board of Reference into a position where they may in fact have to dissolve the school division, which they have the power to do — for example, taking your school division as an example. One group may make application for transfer to Fort Garry . . .

**MR. DUBOIS:** They already have.

**MR. HANUSCHAK:** . . . and another group may make application for transfer to Steinbach, that's the Hariover School Division. Another to Morris-MacDonald, and let's assume that each of the applicants presents a very convincing argument which the Board of Reference accepts and grants the applications. Then the Board of Reference looks at what remains and says, "This is not a viable unit, we're dissolving that school division and let the remains go to wherever, to Morris-MacDonald." Have you any concern about that? About the fact that applications of that type can be entertained?

**MR. DUBOIS:** Mr. Chairman, to answer Mr. Hanuschak's question. Yes, I have concerns. I have concerns that my children be as French as I am living in Manitoba. By this I mean that it's a perennial concern. The Board of Reference, though, I feel — and for us here this presentation is only a reference to the Board of Reference as a possible model for a languages of instruction board — but it is my feeling, and I have been working for the Seine River School Division for ten years, that the Board of Reference has done quite a creditable job until now.

It has relied on tradition, on law as it now stands, on structures as they now are, to make their judgments. The Board of Reference, I feel, has probably realized that many requests for, let's say transfers of land which you referred to, have often come from an emotional point of view rather than a very rational point of view and they have, therefore, made it clear to those people making requests, for instance, that their request was untenable on logical grounds because the education was being presented, still is being presented the way that it ought to be. So we based ourselves on that to say that a languages of instruction board might be able to do that.

The concern there is that there is no school division in this province, at this point, where the French population is in a majority position and school boards must answer to all of their constituents.

A simple new election of trustees, for instance, could change what has been taking place for the past ten years, what has been in existence for the last fifty, and so on. We are at the mercy



of boards all the time. I think we have to live with that but it is felt that a languages of instruction — boards are stuck with that, too. People make presentations to them very often on an emotional basis and school boards sometimes feel pressure so much that they wish to change things where they might not necessarily need to or feel they ought to on educational grounds. Languages of instruction board might be able to resolve that issue, both for boards and for parents of a minority group.

**MR. HANUSCHAK:** Well, yes. I appreciate your comments, Mr. Dubois and this is the way that matters of this kind could be resolved if your recommendation were adopted by government.

But looking at what is before us, the continuation of the Board of Reference and the powers that it has, the matters that could be referred to it, and so forth, which still would include matters of concern to you. Now I can appreciate a Board of Reference dealing with applications for transfer from one school division to another where let's say a freeway goes through a corner of a school division and suddenly cuts off that portion of it or restricts the access of that portion to the rest of the school division, their desire to transfer elsewhere. A super highway goes in, or in a rural area, I'm living on the edge of a school division and the Department of Highways improves the quality of a road that makes it more accessible and easier for me to go to a neighbouring school division. I can appreciate that.

But my question really is this. Do you feel that the board of reference, as presently constituted, and given the legislation under which it operates, should really entertain applications for transfer of land from one school division to another on the basis of quality of education, as it were.

**MR. DUBOIS:** Mr. Chairman, when we referred to the board of reference, it was strictly as a model, and we did not wish to address ourselves to the question of requests for transfers of land in any way. That is a perennial concern, it is a concern in ot. Norbert, for instance, where No. 75 Highway restricts access for people wishing to take either French or Immersion schooling in the old St. Norbert area, for instance. It always makes it difficult, we have had to try to have crossing guards and stuff but that is a fact of life, and in terms of transfers of land, it was not our purpose to discuss that today at all. There are other ways of delivering more control of education into our hands, I suppose. But it is not my mandate to discuss this at this time.

**MR. CHAIRMAN:** Mr. Walding.

**MR. WALDING:** Mr. Chairman, I wish to ask Mr. Dubois a question from his brief as a matter of clarification which I trust will be in order. Mr. Dubois, on Page 2, you say, we would like to emphasize that those proposals are but a basic minimum towards an adequate long-term solution. Would you like to advise us what you see as being the long-term solution?

**MR. DUBOIS:** Mr. Chairman, to answer your question, Mr. Walding, I feel that — and it is the federation's feeling that French education as it presently is being done in the province has, through the BEF and through the Department of Education, has been doing a very creditable job. It's been doing a beautiful job, as a matter of fact, considering the resources at hand and the population which is not that large, we admit to that. However, I just referred to Mr. Hanuschak's question, I responded by saying that there are other ways of delivering more control. For instance, we already know, and the federation has spoken about this, but it has not given me a mandate to put it on a brief, but we've already been talking of a homogeneous French school division, for instance, which is a request presently being made, for instance, in the Ottawa area of Ontario, but which would require so many changes to the school Act that we felt it was impossible to bring this to this committee or to the government at this time, but we feel that would be the best way of solving the issue.

People would simply choose to be in a French language division, or the English division, and that would be the end of that. Period. And there would be no conflict, total conflict resolution, but it is not in this brief because it is a very dicey question and a very complex issue, at best.

**MR. WALDING:** Mr. Dubois, I don't understand how a homogeneous French division would function. I take it you're not speaking of a geographic area when you say a division.

**MR. DUBOIS:** No, Mr. Chairman, it would be similar to United Church and Roman Catholic Church and Presbyterian Church and so on. You live in the same area but you go to that school or that school or that school, and you would pay your taxes to a French school division if you so choose, or to the geographical school division if you so choose. But like I said, that's a hypothetical

**MR. WALDING:** Would this division that you're speaking of be province-wide? Would it be one division for the whole province, or a number of divisions across the province?

**MR. DUBOIS:** Mr. Chairman, and Mr. Walding, our federation executive, for instance, has discussed that, and we've talked of one, we've talked of two, perhaps an urban and a rural, but it's only on the level of discussions at this point. We feel it is deliverable but all of the school Act right now is based geographically, so it would require a complete change of that to make that possible. This is the conundrum that is being debated at this point in the Ottawa area, for instance, where it is a geographical question, geographical school boundaries rather than non-geographical school boundaries.

**MR. WALDING:** Given that the Legislature is looking at a complete redrafting of the Act, perhaps the first one in, I don't know, 50, 70 years or so, are you not afraid that if your suggestion is not incorporated, or at least discussed at this time, that it might be another 50 or 70 years before you have the opportunity to get it into law.

**MR. DUBOIS:** Mr. Chairman, Mr. Walding, the federation, as an executive, decided that was an eventuality they had to live with. But certainly we debated that issue quite strenuously a few months ago.

**MR. WALDING:** One further question, Mr. Chairman. You do make reference in your brief several times to two different sorts of school, a French language school and a French immersion school. Others that have appeared before the committee have also spoken to us in the same two options. I'm aware that there have been some parents in this province that have wanted a bilingual education for their children, 50-50 French and English, and there has been this form of education offered in several schools, one in my own division for example, yet you don't make any reference to that at all. I'd like to ask why not, and whether you don't see this as being an option, or are you suggesting that that particular option should be withdrawn?

**MR. DUBOIS:** Mr. Chairman, Mr. Walding, the federation is unanimous upon deciding that we would wish French language schools and French immersion schools as an addition. We respect the rights of people to request bilingual education, or 50-50 as it has often been called. With the decentralization of the delivery of schooling as such, that has been made possible, any and all sorts of ways of arriving at bilingualism or at quality education, many various ways have been arrived at but our federation is unanimous in saying that this is the one that should be enshrined in law, the other one being perhaps a right for parents to group and to request, where school boards might accede to. It is already a fact in a few schools, yes, but certainly the trend is towards the Francaise schools and the immersion schools and certainly we feel that research clearly dictates that a French school is a better way of arriving at full bilingualism or functional bilingualism and this is the one we wish should be enshrined in the law.

**MR. WALDING:** Would you then have an objection to the 50-50 system being enshrined in the law?

**MR. DUBOIS:** Mr. Chairman, Mr. Walding, yes, I would. Even though I respect not everything is enshrined in the law actually, we still think that variety of curricula would still be possible with a new school Act, it certainly is with the last school Act, and we feel that this could continue, but we feel that Francaise education, as has been defined here and elsewhere and by the Department of Education, Bureau de l'Education Francaise is the one that should be, because it is the best way of delivering.

**MR. WALDING:** No further questions, Mr. Chairman.

**MR. CHAIRMAN:** Any further questions? Mr. Dubois, we thank you and the federation for your presentation today.

**MR. DUBOIS:** Thank you very much.

**MR. CHAIRMAN:** Mr. Laurencelle, I have a memo here that you want to come after 3:00 this afternoon. Is that correct? Oh, you are together. So we have two presentations, 47 and 48. —(Interjection)— Oh, I'm sorry, you are brothers. I apologize.

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May I suggest to the committee that you take No. 52, Seven Oaks School Division off your list, and No. 34, Mr. Goodman, from the Attorney-General's Department, a memo says that he is in Ottawa and his secretary thinks his name is on the list because his department was interested. So those two shall be stroked from the list. Mr. Hanuschak.

**MR. HANUSCHAK:** Mr. Chairman, before we break for lunch, could we have the author of an anonymous brief identified. There's a 3 or 4 page brief titled, "Relationship between the Public Schools System and the Juvenile System", a 4 page brief. The source of it isn't indicated. This was one of the written submissions which the Clerk's office had received and which were distributed today.

**MR. CHAIRMAN:** No. 54 is the author, Dr. Jerry Dragan, Probation Services, Juvenile Justice Committee.

Committee rise. Meet at 2:00 o'clock.