



**Fourth Session — Thirty-First Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**STANDING COMMITTEE**  
**ON**  
**PRIVILEGES AND ELECTIONS**

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Speaker*



**SATURDAY, 5 JULY, 1980, 2:00 p.m.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty - First Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS**  
**Saturday, 5 July, 1980**

Time 2:00 p.m.

**CHAIRMAN** Mr. Abe Kovnats (Radisson)

**MR. CHAIRMAN:** This committee will come to order. I call No. 21, Fraser Dunford, Liberal Party of Manitoba. Are you Mr. Fraser Dunford?

**MR. FRASER DUNFORD:** Yes, sir, I am. My brief is being circulated to you.

**MR. CHAIRMAN:** Thank you. You may proceed.

**MR. DUNFORD:** Mr. Chairman, first of all, June Nestbury and I would like to thank Mr. McKenzie who was chairing last night, for his kindness in setting the record straight. We also wish to thank the Conservative members of this committee for being polite enough to stay out of what was a totally unnecessary squabble. I find it reprehensible that a MLA can be criticized for not attending a committee meeting, when she is not even a member of the committee.

Last night the Honourable Member for Rossmere had made reference to having this brief for dessert. I fear that he may find me rather unpalatable, perhaps too crusty for him to gum.

**MR. CHAIRMAN:** Order please. I think the purpose of your appearing here today, Mr. Dunford, is to make your presentation.

**MR. DUNFORD:** I would be very happy to do that, sir.

**MR. CHAIRMAN:** Fine. Would you carry on, please.

**MR. DUNFORD:** The Liberal Party of Manitoba is pleased to make this representation to the Committee on Privileges and Elections. Rather than make a detailed section-by-section critique of Bill 31, which would result in me speaking for much longer than I want to, and you listening for much longer than you want to listen, we have decided to concentrate on three major concerns where we think that amendments to Bill 31 would result in considerable improvements to the education of the children of this province. The three concerns are: handicapped children, the payment of education from property taxes, and education in the inner core of the city of Winnipeg. Please do not get the impression that these are the only concerns which the Liberal party has about Bill 31; they are only three about which we have elected to speak to speak to you today.

The first, handicapped children, is the major concern of the Liberal Party in Bill 31, and it is the one in which we most wish to see improvements made. We share our concern with a large number of organizations and citizens of this province who, over the past few years, have made representations on

the various education bills that have been put forward.

In general terms, our concern is to ensure that education is a right freely available to all children in this province. We hold that the right to education is a fundamental right of democracy and, as such, must be most carefully enshrined in our laws, on the same level as the right of free speech, the right of free association and the right of free elections. In short, in a democracy, it is a God-given right to obtain an education.

In general, this principle is now recognized, for example Section 41(4) and Section 259 of Bill 31, and for most children this is all that is required. However, it is time for us, one of the leading democracies of the world, to recognize that the right to an education is not enough. We need more. We need an education that is appropriate to the child being educated. In a great democracy, the need is for an appropriate education.

Nowhere is this need felt more strongly than in the case of handicapped children. For the purpose of this discussion, let us define a handicapped child as one which has a mental, physical, emotional or learning disability which will interfere with that child's ability to learn in the normal classroom. For these students, the Act is silent. It does not guarantee them their right to an education appropriate to their needs.

It is simple to remedy this silence. The Liberal party proposes that, in Section 41(4) of Bill 31, the word 'appropriate' be inserted in front of the word 'education'.

Such an insertion will give rise to situations where there is disagreement as to what constitutes 'appropriate education'; in many cases, this disagreement will occur between the parents of the child and the school board. To resolve such disagreements, we propose that Bill 31 specify an appeals board which is required to hear representations from: The parents; the school board; persons qualified in the treatment of and the education of children possessing the particular handicap; where reasonable, the child himself; and, where reasonable, someone else possessing the particular handicap. As an example of the last, a board considering the case of a child confined to a wheelchair would benefit from the experience of a person who went through the educational system in a wheelchair.

There should be two other particular requirements in the section of the bill defining this appeal board. The first is that it is the onus of the school board to show why a method of education with which it disagrees is not appropriate. The second is that the board must consider a case only on its educational aspects.

The Liberal party also proposes that an addition be made to this bill which states the intent that all handicapped children must be educated in their least restrictive environment; in other words, as much as possible in the normal classroom in their normal

school. This concept is supported by many groups and I can find no better words than those contained in two of the submissions to this committee.

From the Society of Crippled Children and Adults of Manitoba, on 23 October 1979 (Page 168): 'All handicapped children should have access to public education and should be placed as close to the educational mainstream as the individual child's special needs permit.'

From the Social Planning Council of Winnipeg, on 24 October 1979 (Page 190), a proposed wording of this statement of intent: 'To the maximum extent practicable, handicapped children shall be educated along with children who do not have handicaps and shall attend regular classes. Physical and mental impediments to normal functioning for handicapped children in the regular school environment shall be overcome by the provision of special aids and services rather than by separate schooling for the handicapped. Special classes, separate schooling or other removal of handicapped children from the regular educational environment shall occur only when, and to the extent that, the nature or severity of the handicap is such that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily.'

A third proposal is that the bill contain a requirement that all children be screened for handicapping disabilities in Grade 1 or before. The benefits of early identification are overwhelming, not only to the well-being of the child but also to the cost of rectifying the damage done by late diagnosis, or worse, the cost to society of a person so scarred that the damage cannot be rectified. There are studies that indicate that many school dropouts suffer from learning disabilities. Early diagnosis is so important that screening should be done before the child enters school, but that unfortunately cannot be done through changes to this bill.

In addition to the requirement for screening, all teachers should be trained to recognize the indicators of learning disabilities. An aware teacher is an enormous benefit in identifying children with disabilities. Learning disabilities are widespread; the average class will contain two children with learning disabilities.

It is not enough to provide appropriate education, we must also ensure that a handicapped child can get to that education. Here we are referring essentially to physically handicapped children. And I should add I left a phrase out there; it should be physically and mentally handicapped children. Section 43 of Bill 31 refers to transportation and it requires that transportation must be provided if a child 'would have more than one mile to walk in order to reach school.'

However, to quote the Manitoba League of Physically Handicapped (22 October, 1979, page 50): 'that statement becomes meaningless because in the winter going ten steps outside your house in the snow in a wheelchair is just as difficult as to travel half a mile.' The Liberal party proposes that a clause be added to Section 43 to require portal to portal transportation for those children whose physical and mental handicaps make walking difficult. Again quoting the Manitoba League of Physically Handicapped (still on page 50), whose recommendations are:

'1. Clauses pertaining to transportation be amended to provide for portal to portal transportation for those students requiring it with standards that meet the needs of the physically disabled children.

2. It is essential that school buses be made accessible to physically handicapped children.

3. That bus drivers be trained to aid the physically disabled students onto the vehicle.

4. It is the responsibility of the school division to transport students to and from the place of education.

5. It is our concern that a child should not be on the bus for more than an hour each way. And for people who are physically disabled, especially if they have somewhat of a health problem, that becomes a major issue.'

Once at the school, the problems of the physically handicapped may not be over. Section 41(1)(a) requires a school board to 'provide adequate school accommodation;' however the interests of the physically handicapped require that that phrase be strengthened to include a commitment to barrier-free design. The Act should refer to Section 327 of the Manitoba Building Code, which is intended to make buildings accessible and useable by the physically handicapped without assistance. Section 74, which requires ministerial approval of the plans for new, remodelled or purchased buildings should also contain similar commitments.

Finally, we propose that a clause be added to Section 48(1) to define any class that is necessary to the handicapped student's educational participation as 'part of the regular public school program' so that Section 48(1)(f) cannot be used to collect tuition fees. An example would be a typing class for a handicapped student who cannot write.

The purpose of these proposed changes is to ensure that a handicapped child has the same opportunity to education as other children. In our society, anything less is not enough.

Our second concern relates to the tax base from which education monies are raised. Currently, much of education is paid from property taxes. There is no argument for basing education taxes on property. The size of one's house does not influence one's consumption of educational services as it does one's consumption of fire and police protection, water, sewers, roads and so forth. Education is property based only for historical reasons. Gone are the days of the little red schoolhouse, supported by the local citizens through the only tax base available, property. The whole method of raising education funds is an outmoded, creaking structure. It is time to put a condemnation notice on the wreck and place the funding of education on a stronger structure, such as income tax.

That is a long-range goal and will take time to achieve. The first step however is obvious. Proceed as fast as possible to the originally-planned situation where the province pays 80 percent of the education costs, with 20 percent coming from property taxes. That step alone would ease many of the problems with funding education. The province simply has a much wider, more equitable tax base. The school boards have only property taxes, an unfair, unjust base for education taxes. The 80-20 split between province and property has never been reached.

Since 1970 the best that has been achieved was in 1973 when property paid 42 percent of the education bill. Since then it has got steadily worse until now, 1980, property is paying 55 percent. In the name of fair taxation, this trend must be reversed. The province must take on its share of the cost of education.

Even if this recommendation were implemented promptly, it would still take several years to achieve the 80-20 split. In the meantime there are some problems which need more prompt rectification. A topic of considerable debate within the city of Winnipeg is the Greater Winnipeg Education Levy, which is in the proposed Act - Section 189(3) unchanged from the existing Act. The discussion on this levy is long, complex, tedious, and I fear, never-ending. In fact, the levy is a lot like the Theory of Relativity, simple to state, but so complex in its ramifications that only about half a dozen people on earth really understand it. The complexities befog the answers to the two key questions: who really pays, and who really benefits?

The arguments against the levy are well presented by the Winnipeg School Division; an excellent defence of the levy is given by the Transcona-Springfield School Division. Both made submissions to this committee last year. These two submissions should be read by anyone wishing to consider the levy.

Briefly, the problem is that, of the ten school divisions in Winnipeg, two have within their boundaries half of the assessment for the entire city, yet have only one-third of the school children. So long as education taxes are based on property, there is an imbalance which must be corrected. The levy is needed in order to correct this imbalance, but the levy is misapplied. The imbalance is due to the commercial-industrial assessment. That is what in fairness should be evenly spread amongst all ten school divisions. Yet for some incomprehensible reason the levy applies to all assessment, including residential.

Now residential assessment is reasonably related to the number of children that have to be educated, so no one will have too much trouble accepting the principle that a school division has no claim on the residential assessment of another school division. Therefore, the Liberal party proposes that Section 189(3) be amended so that the Greater Winnipeg Education Levy be based on the commercial-industrial assessment only, and that Section 189(4) be amended so that each school board can tax its residential assessment only. As well as removing the sore point of the levy, namely its application to the homeowner, these amendments have the added advantage that the commercial-industrial assessment will be the same throughout Winnipeg, a situation which of itself would make the amendments worthwhile.

The unique problems of education in the inner core of the city of Winnipeg are nowhere mentioned in Bill 31, presumably because, in the opinion of the government, the inner core is the internal concern of one school division. The position of the Liberal Party of Manitoba is that the problems of the inner core, educational and others, are not just local matters but are, to a large degree, of provincial and even federal concern.

The reason behind this position is that the causes of the inner core problem are, to a large degree, provincial or federal in scope. Everyone recognizes that there are people moving from other parts of Manitoba for health, social or economic reasons. Everyone knows that increasing numbers of native people are leaving northern Manitoba and moving to Winnipeg. Everyone is aware that Winnipeg is one of the major destinations for immigrants. And if they stop to think of it, everyone will agree that the poor and the disadvantaged of these groups will tend to move to the inner core.

What everyone does not know is the large numbers of people involved in these movements into the inner core. Everyone does not know that in the past twelve years the number of native Canadian pupils in Winnipeg School Division No. 1 has increased five times, or that in the same twelve years the number of immigrant children requiring English-as-a-Second-Language has increased 41 times. Everyone does not know that native Canadians now make up 15 percent of Winnipeg No. 1's total student population, or that ESL students make up 8 percent. Everyone does not know, but they should.

They should know because inner core education is not a problem facing only that locality. These people come from other parts of the province and so this is a provincial responsibility. For some immigrants, such as refugees, a case can be made for federal responsibility, which of course has to be channelled through the province. The Liberal Party of Manitoba claims that there are very special educational needs in the inner core which involve extra expense; that it is not fair to saddle the taxpayers of one school division with all of this extra expense; that, because the problems are so inherently provincial, the province should pick up a large proportion of the additional costs of inner core education; and that this is such an important problem in education in Manitoba that guarantees of special funding for the inner core should be written into the Public Schools Act.

Some may argue that these special costs can be covered by special grants. But what is the history of special grants to the inner core? Fortunately, we have reliable data: the auditors to Winnipeg No. 1 have produced a report which includes inner core data, entitled 'Special 1979 Program Cost Study' dated May 1980. It shows that the 1979 costs of inner core education was 36.7 million and that the special grants totalled 191,695 plus a 1 million general grant. The report shows that most specific programs, for example the ESL program and the Inner City School Support program (a series of programs designed to help disadvantaged children cope with the regular school program, things such as Early Identification, Gross Motor, Native Awareness, Language Development, Nursery, so forth) these specific programs receive no special grant.

It is simple to calculate the additional cost of inner core education, because the auditor's report includes the base cost of education outside the core. Take the cost of inner core education, 36.7 million, subtract the base cost of educating these children if they were not in the core, 32.9 million, and get the additional cost of inner core education, 3.8 million. In 1979 the provincial government paid in special

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grants less than one-third of the additional costs of inner core education.

Clearly special grants are not working. The Liberal Party of Manitoba recommends an amendment to Bill 31 which recognizes provincial responsibility for the additional costs of inner core education and arranges that the province pays a large percentage of these costs.

Thank you.

**MR. CHAIRMAN:** Thank you, Mr. Dunford. Would you be prepared to submit to some questions from the committee.

**MR. DUNFORD:** Yes, I will.

**MR. CHAIRMAN:** Mr. Brown.

**MR. BROWN:** Thank you, Mr. Chairman. In the beginning of your presentation, you quote quite extensively from other briefs that had been presented at one time or other. I am wondering, Mr. Dunford, are you yourself personally involved in the teaching of children with learning disabilities?

**MR. DUNFORD:** No, sir, I'm not. I'm sorry, Mr. Chairman.

**MR. CHAIRMAN:** Would you just wait to be recognized? I'll try to catch it when you're ready to prepare your answer. Mr. Dunford.

**MR. DUNFORD:** No, sir, I'm not involved in teaching handicapped or special children in any way.

**MR. BROWN:** Are you familiar with the advancements that have occurred in Manitoba in regard to programs for the handicapped or the students with learning disabilities, let's say, for instance, in school divisions like Garden Valley, like Rhineland, like Hanover, like Winnipeg No. 1, if you wish, are you familiar with the advancements that have been made in the last few years in these various divisions?

**MR. DUNFORD:** I'm not terribly aware of them. I'm aware of some of the ones that are occurring in Winnipeg 1, which is the division that I happen to live in.

**MR. BROWN:** Would you agree then that considerable advancement has been made in the last few years in regard to looking after the needs of the students with learning disabilities?

**MR. DUNFORD:** I would agree that advancement has been made, yes, sir, and I would hope that advancement would continue because it is not yet enough.

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

**MR. CHAIRMAN:** Are there any other questions of any other member of the committee? I thank you, Mr. Dunford.

**MR. DUNFORD:** Thank you.

**MR. CHAIRMAN:** The next one on the list is No. 24, St. Vital School Division, Mr. Alex Boyes.

**MR. ALEX BOYES:** Thank you, Mr. Chairman. My name is Alex Boyes. I am the Assistant Superintendent for the St. Vital School Division and I am presenting this paper on behalf of the St. Vital School Division Board.

I would like to first read the presentation and then make some comments specifically about St. Amant, that being one of the schools under the jurisdiction of the St. Vital School Division. There have been a number of references to it by previous delegations and I'd like to clarify and perhaps amplify some of the possible errors that have been made by previous representations.

School divisions containing institutions in which school-aged pupils reside are exposed, by virtue of Section 1(13), the definition of resident pupil, and Section 41(5) of Bill 31, to unreasonably high costs. This does not occur because these sections have been dramatically revised. Rather, this exposure to escalating costs has increased as the heightened expectations of parents and organizations has become more evident. Bill 22 of 1979 spoke of boards making provisions 'as far as is possible and practicable'. Bill 31 contains no such qualification. There will be significant costs associated with this philosophical shift. These costs will be felt most strongly in the school divisions where residential institutions are located, for there are found profoundly handicapped children from all over the province. Unfortunately there appears to be no formal commitment on the part of the government to distribute these costs back across the province by funding them at the provincial level.

St. Amant is a residential institution, complete with school facilities, which is located within the boundaries of the St. Vital School Division No. 6. Approximately 110 residents of St. Amant are registered in school programs. A similar number of school-aged children who are more severely handicapped are not in educational programs. Their developmental ages, if measurable, would be at the very early pre-school level. They could probably benefit from a 'stimulation program' which increases awareness of surroundings and which is an important step in learning. This would be 'educational' but not academic and it would not likely be delivered in a school building. The existing St. Amant program is not, and the possible future program just described would not, be organized into 'school grades'. For these children, education in Grades 1 to 12 as expressed in 41(1) of Bill 31 is not a meaningful expression.

By contract with the Department of Education, under this and the previous government, funding to the St. Vital School Division for the operation of the St. Amant School has been fair. The provincial government has borne all direct costs for the St. Amant children in a school-based program. The first significant reluctance to maintain this principle has occurred as, in the interests of 'normalization' and 'de-institutionalization', the St. Amant Centre has sought to move children into group homes and the division has sought to integrate these children into regular schools. The department has indicated it will provide a lower level of support for children who will

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move into group homes. There certainly appears to be a negative incentive for those school divisions attempting to re-integrate these children. And I would draw your attention to the asterisk; the lower level of support being suggested is what the department calculates as the average residual cost per pupil across the province excluding transportation and capital costs, and in this current budget year, that amount is approximately 1,075 per student.

We trust the Department of Education would continue to fund any additional classes placed in the school setting at St. Amant. We do not know if the department would fund programs delivered on the wards of St. Amant, even if these were the most appropriate programs for these children. If this support were denied, St. Vital taxpayers could have to pay an additional half-million dollars for pupils who come from all over the province. And I might add that some of the parents of children who reside at St. Amant no longer live within the boundaries of the province of Manitoba.

Children should not be denied programs they require because of disputes over financial responsibility. On the other hand, divisions which receive, from outside of their boundaries, a disproportionate share of students requiring special programs should not be forced to pass these extraordinary costs along to the local taxpayers. Both of these situations could be remedied if the province formally accepted responsibility for high cost programs for the handicapped. A less satisfactory solution would be to modify the definition of resident pupil to exclude children in institutional residences, possibly even in group homes. The disadvantage with this solution is that it protects the receiving divisions and not the children in question.

I would like to preface my next comment by pointing out that this paper does not speak against the provision of programs for even profoundly handicapped children, if they can benefit from such programs. Our concern is that we, in the St. Vital School Division, have not been guaranteed the funds to do the job. For residential institutions it would be unreasonable to leave this responsibility upon the shoulders of the division in which they are located. If all the pupils of St. Amant Centre were presumed to be 'resident pupils' as defined in that first section of Bill 31, resident pupils of St. Vital, and this is how the bill reads, and if all were eligible for 'education', then the cost to the St. Vital taxpayers could exceed 1 million. Protection from this interpretation and this expense should be contained in the revised Act.

My comment, Mr. Chairman, about St. Amant that was raised by earlier speakers is that we now transport portal to portal children from the St. Amant Centre to the Dr. D.W. Penner Elementary School. It's a K to 6 school. These children have a room in the school in which some special provisions have been made for their special needs. Where possible these children are integrated into activities within the school when it is appropriate for them to do so. Before the addition was built to the school, the community was informed that this shift would take place with the addition to the building and the community was most receptive. So that, before the ground was even turned for the addition to the Dr.

D.W. Penner School, the community knew that the children for whom it was appropriate to be placed in that kind of an educational setting would be placed at the elementary school level. Of our own volition, starting in September of 1980, we will take some of the more able students from St. Amant and transport them to the Hastings Junior High School where we feel the age level of the students from St. Amant more approximates the age level of the students at the junior high level. That is something we have decided we need to do for these children and it has not come because of any outside pressures or the need for anyone to tell us what we feel is best for the children in this instance.

The costs that the department provides to us for the operation of the St. Amant School covers the costs of all of the staff and all of the aides and all of the educational program. It provides some money for transportation, for text books, for library services that these children require but it does not cover the costs of the building. The building belongs to the St. Amant Centre. It does not cover the costs of the physiotherapists, the occupational therapists, the speech and hearing therapists. It does not cover the cost of these children while they are on the wards. That's covered by another branch. I believe that Health and Social Development covers those costs. But if such a school were to become entirely the cost of the school division, then the 1 million figure would still be low because it doesn't cover the cost of operating the plant itself. So I think Mr. Brown was asking of a previous delegation the other evening did they know of a school where children were transported from an institution to a public school and back to the institution again? That now currently happens with one school in our division and, starting in September, it will happen in two.

My next comment I would like to make, with your permission, has to do with the extent to which the public school system has in the past number of years become more responsive to the needs of handicapped children. When we took over the operation of the St. Amant School in June of 1976, there were seven staff, no aides and 60 children in the program. Only three of the seven staff were qualified teachers; four of them simply had a two-year program beyond high school to teach the handicapped. As of June of 1980, we have 12 teachers, 12 aides, a full-time principal and 110 children. Our submission to child development and support services for the 1981-82 provincial budget has requested the addition of three additional teachers, three additional aides and 30 more children. So that, hopefully, by September of 1981, there will be 15 teachers, 15 aides and 140 children in a program which only five or four years ago had a total of 60 children in that program.

So I would like to suggest to the members of the committee that although we have not gone as far as we need to go, though there is a tremendous distance still to travel, that in the last five years the public school system, in my opinion, has been responding as well as it can to the needs of these people and these children and their parents and that, indeed, we have been responding in a very positive way.

The young gentleman who spoke, I think, Mr. Rosner, the other morning about the physical aspect

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of the buildings, we have a child with cerebral palsy in one of our elementary schools. The gym happened to be on the level three steps up from the main floor. We petitioned the Public School Finance Board to install a ramp. The submission was received quickly and positively and between June and September of that particular school year, a ramp was installed. So this child who requires a walker can now go from one level of the school to the other.

In another one of our elementary schools, we have a child, a young girl, who is blind. We appealed to the department to provide us with money to supply a full-time aide for the teacher in that classroom. That was responded to promptly. The CNIB also provides a half-time worker to come out and instruct the young child in the learning of Braille. I would submit to you, gentlemen, that 10 years ago there would not have been a child with cerebral palsy in the public school system, nor a blind child in a regular primary classroom. I can't deny the submissions that have come before you before this that says we have a long way to go, but I would submit to you that the public school system, given the means at its disposal, has been responding very favourably towards the needs of these children. Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Mr. Boyes. It appears quite evident that you have watched the proceedings of this committee and have come with the answers to the questions that might be asked you and the possibility that the questions wouldn't be asked. I compliment you on it. Would you be prepared to answer any questions from the members of this committee?

**MR. BOYES:** Yes, I'd like to answer them in relation to the St. Vital School Division, if I could.

**MR. CHAIRMAN:** That's correct. You can answer any of the questions or none of the questions that are presented to you, as part of the rules of this committee. Are there any members that would care to ask any questions of Mr. Boyes?

Mr. Brown.

**MR. BROWN:** Mr. Chairman, and again, we are at difficulty because some of the problems at St. Amant and so on are involved in two different departments. I'll try to just ask one brief question possibly on the portion of it that would relate to the Department of Education. You mentioned that students were being transferred into regular school programs or schools that had facilities that would facilitate students with learning disabilities. Can you tell me approximately how many of the students from St. Amant at the present time would be transported over into other school settings?

**MR. BOYES:** Mr. Chairman, to Mr. Brown, at the present time this constitutes the oldest group of children in the school program and would number about 12 of the children are being so transported to and from the public school. Next year that number will increase, of course, because we're going to move this oldest group into a junior high school where, I might add, a number of the students in that school do volunteer work at St. Amant. The acceptance and

attitudinal level of this particular school towards the students is already very high. So it would be approximately 20 in September, but now at about 12.

**MR. BROWN:** How many of the children staying at St. Amant do you think would qualify, in your estimation, for a program such as this?

**MR. BOYES:** Well, I rely totally on my staff at St. Amant to tell me that information, Mr. Brown, and at the present moment they have identified a group of approximately 20 children who, next fall, could benefit from that kind of a program. There is one additional child whom we will attempt to integrate into a regular kindergarten program in September because the staff feels he is ready and could achieve that. The number will vary with the ability of the staff to move the student along, with the ability of the student to be moved along and to respond to the instruction from the staff. I can give you the absolute assurance that whenever a child, in the opinion of the staff at St. Amant, is ready to move into a school program, they inform me and I write the superintendent of that child's home division and say we are now of the opinion that this child is ready to return to your home school division, would you please make provision for he or she starting in January or starting in September. As a matter of fact, I just wrote a letter a few days ago to the Superintendent of the Seine River School Division to suggest to him that we had a child at St. Amant we felt could benefit from going to the primary program at a school in Laurent. So whenever the staff feels a child is ready, that child moves into the regular school program, in his or her own division and then we bring into the school program another child from the wards.

**MR. BROWN:** Those are really the questions that I had. I've been through St. Amant on numerous occasions and so on and I would just like to say that I am really impressed with the work that is being done over there and after seeing some of the multiple-handicapped and really there are a lot of multiple-handicapped children staying there, I had not realized that there were some of the children that could be involved in this type of program. I'm very pleased to hear that they are being assimilated into regular programs.

So, I would just like to thank you for the work that you are doing and thank you for the brief that you presented.

**MR. BOYES:** If I could respond. We are only responsible for the school program at St. Amant. The credit for the fact that the building exists and the facilities exist the way they do, I think I would be remiss if I didn't give credit to a very energetic lady Sister Baumann, who has worked for many many years to build that facility into the very adequate facility it is. We're very happy to be part of it.

**MR. CHAIRMAN:** Mr. Schroeder.

**MR. SCHROEDER:** Thank you, Mr. Chairman, and thank you, Mr. Boyes for the presentation. It's nice



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to hear some positive things are happening out there and that when they happen we are told about them.

You indicate, however, on page 2 of your brief, that the first significant reluctance to maintain the principle of all direct costs being borne by the provincial government is occurring where children are being put into group homes. Are these group homes all in your school division, first of all?

**MR. BOYES:** No, they're not all in our school division, Mr. Schroeder. St. Amant a year or two ago purchased a group home on Tracy Crescent, after some difficulty with zoning and variance regulations but they finally succeeded in purchasing a home on Tracy Crescent and nine children who are residents of St. Amant, now live in Tracy Crescent. All of those children attended Dr. D. W. Penner Elementary School.

I would suggest to you that the Department of Education is in a position where there is no limitation placed on St. Amant say of establishing 30 group homes or 40 group homes, wherever they might want to establish them. And all the children would be residents of St. Amant and our contract is with St. Amant. Now if the children of St. Amant are residents there, but cease to be residents when they move into a group home, for the purposes of normalization and de-institutionalization, and if when that happens they then become bona fide residents of the school division and not eligible for the departmental supporting costs, that's at the point at which we feel a liability accrues to the division in whose boundaries an institution, such as St. Amant, resides. And we only indicate an initial reluctance. The question has not been answered yes or no, that this will happen, and what we are simply doing, sir, is raising the possibility that, in our instance, and in any instance where an institution resides within the boundaries of a school division, that some additional provision should be provided for the additional costs of those children that shouldn't be borne solely by the residents of that division.

The department has not said, no. They are indicating that perhaps we should negotiate this and we, of course, would prefer to have the status quo remain.

**MR. SCHROEDER:** Again, I'm not quite clear on this. The status quo is that the department pays all of the costs and what you would be concerned about

if I could give an example to clear things in my mind. If you have a child whose parents live in St. James coming to St. Amant and then going to a group home in your district, does your district feel that it should pay none of the costs, or the costs that it would pay for any other resident pupil, or which of those two figures do you feel your division should be responsible for?

**MR. BOYES:** Okay. Let me answer the question this way. At the present time all of the children who reside in Tracy Crescent, are covered totally by the provincial government grant to our school division. However, now that they are in Tracy Crescent in a group home, technically they are residents of the St. Vital School Division and could be considered as residents, different from being a resident of the St. Amant centre. Because when our agreement was

made with the department, Tracy Crescent group home did not exist. The difference in cost between our residual cost of an elementary student is roughly 2,200 and the cost of educating a child through the St. Amant program is approximately 5,000.00. So, if the Tracy Crescent children were deemed no longer to be residents of St. Amant but residents of St. Vital because they are now in a group home, then considerable additional costs would accrue to the St. Vital School Division, although none of those children are technically residents of St. Vital and indeed some parents live outside of the province. I'm not sure I've answered your question.

**MR. SCHROEDER:** Yes, you have answered it. Thank you very much.

**MR. CHAIRMAN:** Are there any other questions? Mr. Walding.

**MR. WALDING:** Mr. Chairman, I wanted to ask Mr. Boyes about the transportation and he referred to it in the brief. You said, Mr. Boyes that the St. Vital School Division arranges portal to portal transportation for the St. Amant children. You also said a little later that you received some grants or funds from the department for transportation. Do those two different sums match up?

**MR. BOYES:** The department covers totally the cost of the portal to portal transportation of children from St. Amant to the school and back.

**MR. WALDING:** Does the division provide portal to portal transportation for residents of the Tracy Crescent group home, to school and back again?

**MR. BOYES:** That's covered by the departmental grant.

**MR. WALDING:** And is that covered the same way as the other one?

**MR. BOYES:** Well, the point is at the present time the residents at St. Amant and the residents of Tracy Crescent are considered as all residents of St. Amant, so the children from St. Amant and the children from Tracy Crescent, who are transported to and from our public school, the cost of that transportation is borne by the grant we receive from the department. So they're both treated in the same way.

**MR. WALDING:** And the grant is sufficient to cover the cost of transportation is it?

**MR. BOYES:** Yes, sir.

**MR. WALDING:** You mention that you have other children attending St. Vital schools, who are handicapped, presumably living at home still within the division. Does St. Vital School Division provide portal to portal transportation for those children as well?

**MR. BOYES:** Yes, we do. We contract with different firms who have the vehicles that are properly equipped with lifts, etc. and wheelchair tie-downs, so

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that these children can be taken from home to school and back to their home again.

**MR. WALDING:** Does the division receive transportation grants for those students as well?

**MR. CHAIRMAN:** Mr. Boyes.

**MR. BOYES:** Yes, we do.

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

**MR. CHAIRMAN:** Mr. Schroeder.

**MR. SCHROEDER:** Thank you, Mr. Chairman. Just to follow up on the questions of Mr. Walding. Do you know how many students you have in your division who are living at home who are handicapped and who are receiving this transportation to school?

**MR. BOYES:** For the upcoming school year we will have 41 children who will be transported to various special programs outside of our school division in addition to the ones we transport to and from programs within our school division. That number would be approximately 50 or so.

**MR. SCHROEDER:** So, adding the two together would be somewhere around 90 students.

**MR. BOYES:** In the range of 100 students.

**MR. SCHROEDER:** Do you know how many of those students are being transported to private schools?

**MR. BOYES:** To a private school? I'm now aware of any that we transport to a private school. The programs that we don't provide that the children need that we transport them to are all provided by other public school systems in Metro Winnipeg.

**MR. SCHROEDER:** Could I then ask you, do you know of any students in your district who are handicapped and who require similar transportation and who are in the private school system and, if so, do you have an approximate number of those students?

**MR. BOYES:** I wouldn't have that information. There are two private schools within our school boundary but I could not tell you what number, if any, attend those two schools.

**MR. SCHROEDER:** I'm asking those questions, I'm not sure whether you were here this morning but the people from the Independent Federation of Schools were saying it was their view that they had a cross-section of Manitoba students in their schools, that they had approximately as many handicapped students in their schools as there are, percentagewise, in the public system. Would you have any comments on that suggestion?

**MR. BOYES:** No, I wouldn't challenge Joe Stangl's statistics at all. I would think that if Joe says that there's a proportionate number in the private schools, I would probably agree with that. I know that in the school division that my children attend,

River East School Division, and I believe MBCI is within that school division, they take children from all areas into MBCI, so I would assume that other private schools do the same and that the probability that there are children with handicaps and learning disabilities in private schools would generally approximate the percentage in the public school system.

**MR. SCHROEDER:** Thank you. I have no further questions.

**MR. CHAIRMAN:** Any other members have any questions?

**MR. BOYES:** Mr. Chairman, if I could just make one final comment. The public school system is responding and is responsive to the needs of the handicapped child. Because it hasn't been said specifically that they are, the implication is that they are not, I would think from the presentations you have heard. I would be able to support the comments of all the previous presentations in that a great deal more needs to be done. I think it's a fault of the public school system that our public relations is not what it should be in terms of letting the public generally know what we are attempting to do for children under our care. I would hope that the committee realizes that there are dozens of school divisions and countless thousands of teachers who are making accommodations daily to allow children, who 10 years ago would never have seen the door of a public school, to be in those public schools and to benefit from what I think is a very good system of education. I think, as a teacher, I would be remiss if I didn't indicate to you that those accommodations and that responsiveness is there in the public school system. Thank you.

**MR. CHAIRMAN:** Mr. Boyes, on behalf of myself, on a personal basis, and on behalf of this committee, we thank you for appearing here today.

**MR. BOYES:** Thank you.

**MR. CHAIRMAN:** I call No. 25, Winnipeg School Division No. 1, Mr. John L. Condra.

**MRS. ELIZABETH WILLCOCK:** Mr. Chairman, I'm Elizabeth Willcock, a Trustee from Winnipeg No. 1 and I'll be making the presentation on behalf of the Board of Winnipeg No. 1.

**MR. CHAIRMAN:** Proceed.

**MRS. WILLCOCK:** On behalf of the Board of Trustees of the Winnipeg School Division No. 1, may I express our appreciation for this opportunity to present the views of our board concerning certain provisions of Bill 31. The items set forth below represent the major concerns of the trustees in this regard. Attached to this brief is a memorandum setting forth observations concerning other sections of the Act which we would also ask you to take into account during your deliberations. I would also, Mr. Chairman, if it's permissible, make our presentation on behalf of Bill 19, following this presentation of Bill 31.

**MR. CHAIRMAN:** Yes.

**MRS. WILLCOCK:** In reference to Section 41(4), this subsection requires the division to provide education for all resident persons who have the right to attend school. This responsibility is welcomed, provided that recognition is given to the need for funding for the special programs that are required. The division believes that any legislation requiring schools to provide programs, services, and/or facilities should provide forward funding commensurate with those mandates. We urge the Legislature to ensure that full forward funding for all mandated programs is provided.

Section 43(1). Unless grants are made available to provide transportation, as indicated in this subsection, the following words should be added, 'except in the case of an urban division where a public transportation system is in operation'.

Section 48(1)(f). This wording requires clarification. For example, if a course were offered during the day, and also offered in evening or vacation school, would this preclude charging fees for such classes?

Section 48(2)(b), also refer to Section 48(1)(s). Do these subsections provide the necessary authority for the board to pay for transportation and other costs for students travelling outside of Manitoba?

Section 88. It has been suggested that a note be added to the bottom of this section referring to student coverage under the Workers Compensation Act. We concur with this suggestion. The Workers Compensation Act should provide that all students in Work Education Programs are covered under the Act.

Section 92(1). The present wording may be interpreted to mean that a division would be required to enter into written agreements with its substitute teachers. Our understanding is that this was not the intention of this section and that the departmental officials will check into the matter with a view to the possibility of changing the wording accordingly. The division is of the opinion that this section should apply to full-time contracts only.

Section 92(5). The present wording of this subsection would allow teachers employed on term contracts to achieve tenure by accumulating an 'aggregate' of 20 teaching months of paid service over an extended period. The eighth and ninth lines of this subsection should be revised to read as follows: 'an approved form of agreement for at least 20 consecutive teaching months of paid service'.

Section 189(3). The Board of Trustees of the Winnipeg School Division No. 1 has on the following occasions made formal presentations to the government expressing its opposition to the Greater Winnipeg Education Levy:

February, 1976 to the Premier and Members of the Executive Council.

February, 1978 to the Premier and the Minister of Education.

January, 1979 to the Minister of Education.

October, 1979 to the Standing Committee on Privileges and Elections.

March, 1980 to the Premier and Members of the Executive Council.

In response to our January, 1979 brief, the Minister of Education stated: 'The Greater Winnipeg

Education Levy is under continuing study to see what should be done with respect to it. I have asked my staff to provide me with alternatives to the levy with a view to seeing what might be possible'.

The trustees of the Winnipeg School Division No. 1 are not prepared to accept this type of answer any longer. Each year's delay in resolving this issue results in an unwarranted tax burden for our ratepayers of approximately 7 million. Many taxpayers in our school division are much more aware of the situation now than they were when the Greater Winnipeg Education Levy was first imposed in 1972. I would refer the government to the following:

1. The meeting at Technical Vocational High School on March 11, 1980, attended by approximately 1,800 people, many of whom expressed full support for the division's position regarding the Greater Winnipeg Education Levy.

2. The brief to the Minister of Education from the Winnipeg Teachers' Association dated May 12, 1980.

3. The Private Members' Bill concerning this matter which was presented to the Legislature by two Conservative members.

It is completely unreasonable for the government to persist in its present position concerning this matter. The time for study is past, now is the time for action. This bill should not be allowed to pass with Section 189(3) (Section 537.1(3) of the present Public Schools Act verbatim) included.

I would now like to refer to Bill 19. However, as you will note, there are other subsections which we have noted which are attached in a memorandum.

With regard to Bill 19, Section 3(1)(e), it should be required that the Minister of Education recognize a private school as such. In other words, it should not be possible for a group to organize and start operating a private school without the recognition of such a school by the Minister.

Section 4(2). The division has discussed with representatives of the Winnipeg Teachers' Association the change proposed to Section 4(2) of the new Education and Administration Act. The current Education Department Act, Section 6(6) provides that a person certified as a clinician is 'entitled' to the rights, benefits and obligations of a teacher under The Public Schools Act, Department of Education Act and The Teachers Pension Act. Clinicians were, in the opinion of the division, provided with an opportunity to voluntarily declare whether they wish to assume the rights, benefits and obligations of teachers whereas Section 4(2) of Bill 19, The Education Administration Act, makes it mandatory that a person certified as a clinician will have the rights, benefits and obligations of a teacher under The Public Schools Act, Department of Education Act and The Teachers Pension Act, and would remove the right of the clinicians to make that choice. Section 4(2) of Bill 19, The Education and Administration Act, does not clearly establish clinicians as teachers and if the Legislature wishes in effect to legislate 146 clinicians, of which 93 do not have teaching qualifications, into the position of being teachers, then Bill 19 should be amended to clearly state that this is the intention of the Legislature.

Counsel for the Winnipeg Teachers' Association has suggested the following wording: 'A person

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certified as a clinician is deemed to be a teacher for all purposes of this Act, The Public Schools Act and The Teachers Pension Act and The Manitoba Teachers Society Act but shall not have the right or obligation to teach pupils in a classroom." The effect of such a clause would be to legislate that the clinicians are teachers.

The legislation as suggested by the association or as set out in Section 4(2) of Bill 19 interferes with the traditional employer-employee method of organizing the representation of employee groups. The Division appreciates that if the Legislature wishes to adopt the legislation they have the power to do so, but the Division feels that the Committee should know that, in the Division's opinion, the legislation established is a unique method of handling this aspect of the employer-employee relationship.

Section 9(6). In view of the fact that Bill 31 would provide for direct payments of grants to private schools, it should also provide for orders for instructional materials, etc., to be placed directly with the Manitoba Textbook Bureau rather than being handled through the public school board as at present.

Thank you, Mr. Chairman

**MR. CHAIRMAN:** Thank you, Mrs. Willcock. Would you be prepared to answer any questions of the Committee on the briefs that have been presented

**MRS. WILLCOCK:** Yes, Mr. Chairman, and I have here members of the administration, Mr. Pollock, our Superintendent, Mr. Hayes, our Secretary-Treasurer, and Mr. Condra, our development in that particular zone of the province. The difficulty with that type of provision, of course, is that this means that people living in those districts are being controlled by people over whom they have absolutely no control. They are being controlled by people who are elected from outside of their jurisdiction and they have absolutely no control on who is going to be the person or committee which will make a decision affecting land in their area. That is one change proposed by this amendment.

There are some minor changes and then there is a change dealing with a testator being entitled to do, after his death, what he was not entitled to do while he was alive. (Interjection) The Member for Churchill asks, is there life after death? This may very well provide for such life, certainly for the beneficiaries. Under this amendment, it would appear that an individual who has executed a will prior to January 1st, 1976, and for which probate has been granted, is entitled to have that subdivision approved, notwithstanding all of the provisions of our Planning Act, notwithstanding what the law was in 1976, but his heirs are entitled. All he has to do is die in order that his heirs will be entitled to split up some land in a fashion which presumably he would not be entitled to do if he were alive.

A person could, for instance, Mr. Speaker, have executed a will in 1975 pursuant to which he leaves each of his 12 children a parcel of land somewhere right on the outskirts of a town or village in the province, and he may live for another 50 years and keep that land in that fashion, and although it might be contrary to all common sense or public policy, because of the fact that this individual has executed

such a will, his beneficiaries would be entitled to a subdivision of the property based on the will made prior to January 1st, 1976, and we find that to be an extremely astounding proposition. It may well have been, prior to January 1st, 1976, that that particular testator, had he been so inclined, had he wished to do the subdivision at that time, that he would have been prevented from doing so by the municipal board of this province. It may well have been that at that time, any bequest that he made was one which could have come under the jurisdiction of the Municipal Board and which could have been turned down at that time. But that doesn't seem to matter here, we're still going to allow an individual to do, after death, what he is not entitled to do during his lifetime.

I might add that it would appear that the dating of such a will can be questioned if, for instance, someone were to make such a will today, a holograph will, one for which no witnesses are required, and date it July 15th, 1970; and if that individual were to die 50 years from now and if that will contained a clause subdividing some land within the city of Winnipeg or anywhere in the province, then that will, in all likelihood, would be probated and beneficiaries would be entitled to subdivide contrary to The Planning act and contrary to any good sense.

So we question that provision of this bill and we point out one further failing of this bill, and that is that it contains nothing, not a single word with respect to notice to neighbours when subdivision applications are being made. We will recall earlier in the year, during the estimates of the Minister of Municipal Affairs, that there were submissions made explaining the difficulties that farmers have when you have sudden and unexpected applications for residential or recreational subdivisions right in the middle of agricultural lands, as occurred somewhere west of the lake in the Gimli area earlier this year where all you had was mixed farmer-lawyer, our solicitor, if they may answer questions.

**MR. CHAIRMAN:** I would invite them to come up to the table if they so desire.

Maybe I should apologize and find out if there was going to be any questions to be asked before I invited oh, it is all right.

Mr. Schroeder.

**MR. SCHROEDER:** Thank you, Mr. Chairman. I have a question for whoever wishes to answer it. With respect to the Greater Winnipeg Education Levy, you are indicating that if it wasn't for that levy there would be 7 million of a decrease in taxation paid by ratepayers of Winnipeg 1 in each year, is that the position you are taking?

**MRS. WILLCOCK:** Yes, Mr. Chairman.

**MR. SCHROEDER:** Then it is further your position that if you had that extra 7 million it would go to a reduction in taxes, as opposed to an increase in services

**MRS. WILLCOCK:** Mr. Chairman, that would have to be decided by the Board when we have our Budget deliberations.

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**MR. SCHROEDER:** You are also indicating on Page 4 that the taxpayers in Winnipeg 1 are now much more aware of the Greater Winnipeg Education Levy than they were in 1972, and if I just might comment, I don't blame them, I would agree with your position that the way the situation currently is is unfair and it is becoming more unfair each year. I would suggest to you, however, that in 1972 there were more factors involved than only the matter of education, and just to go back a little bit, I think you might agree that in 1972 Winnipeg 1 was one of the highest taxed areas. I should say the City of Winnipeg, the old City of Winnipeg was one of the highest taxed areas in all of the districts which amalgamated, and that in return for this disadvantage to the old City of Winnipeg, the old City of Winnipeg did receive an advantage in terms of equalization of property taxes, municipal taxes. Would you agree with that?

**MRS. WILLCOCK:** Perhaps Mr. Hayes could comment on that.

**MR. CHAIRMAN:** Mr. Hayes.

**MR. HAYES:** Mr. Chairman, in answer to that question, I think that our Board would agree that there was possibly some need for a transition, but we would take the position that that period of transition has long passed. There was a period of approximately three years when the municipal tax burden was eased and it was on a scale for the first three years of the new unicity, the new City of Winnipeg, so I think the position of our Board is that the transition period has long passed and that the original reason for the Greater Winnipeg Education Levy is no longer there.

**MR. CHAIRMAN:** Excuse me for one moment. Elizabeth, I have known you for so many years, and I don't know the correct spelling and pronunciation of your last name, I must apologize.

**MRS. WILLCOCK:** It is W-I-L-L-C-O-C-K.

**MR. CHAIRMAN:** Pronounced Willcock.

**MRS. WILLCOCK:** Willcock.

**MR. CHAIRMAN:** Thank you. Mrs. Willcock. I am sorry, Mr. Schroeder.

**MR. SHROEDER:** Mr. Chairman, I think it is probably my turn. Back to the answer given to my previous question, is there then agreement that there was a decrease in property taxation at the time of amalgamation and as a result of amalgamation because other municipalities in the area were averaged out and had their municipal taxes increased to the benefit of the old City of Winnipeg?

**MR. CHAIRMAN:** Mr. Hayes.

**MR. HAYES:** Mr. Chairman, I am not sure that our Board would agree that the Winnipeg tax burden was reduced. I think they would agree that the increase that would have taken place in the suburban divisions was offset to some extent by the additional

assistance that the provincial government gave at that time.

**MR. SCHROEDER:** Yes, the education levy is one which deals, of course, to a large extent, as well, with commercial property. Is it your view that it would be fair to completely eliminate sharing of that source of revenue amongst the communities in Winnipeg, the 12 or 14 school divisions, in view of the fact that there are people living all over the city who are involved with all of those businesses? I ask that, recognizing the greater need of Winnipeg 1 for funding, but it seems to me that there may be other mechanisms by which this can be done. For instance, since 1972 Winnipeg 1 has not received any special grants or at least not some of the kinds of special grants that other divisions have been able to obtain. River East may well have all of their transportation funded by the provincial government, but when it comes to English as a second language, there was no pigeon hole set up. There might not have been a pigeon hole set up for a number of special programs, which were required by Winnipeg 1, and, of course, transportation, you don't receive much funding, I believe it is under 200,000 for a substantial program.

Would you then agree that if the funding for special programs was arranged in such a way that it was fair to Winnipeg 1, that you could live with pooling of the industrial tax base?

**MR. CHAIRMAN:** If a question is thrown open of such a nature, whoever is going to answer, if they would just give me some indication then I will acknowledge that person.

Mr. Hayes.

**MR. HAYES:** Mr. Chairman, the question that has been addressed to us regarding the link, if you will, between these special programs, the inner cityness of our school division and the Greater Winnipeg Education Levy is a point that we have addressed in, I think, our latest brief, and we have indicated the additional amount of funding that we feel should be forthcoming when you take into account both the Greater Winnipeg Education Levy and the fact that we do have inner city needs.

So I think, in answer to Mr. Schroeder's question, yes, I think if there was adequate funding for the special education and inner city problems that the Winnipeg School Division faces, I think that this would certainly ease the burden that we do feel, related to the Greater Winnipeg Education Levy. Now that doesn't mean that we don't feel the Greater Winnipeg Education Levy, as such, should be addressed, but it would certainly ease the burden if there were adequate funding in the other areas.

**MR. SCHROEDER:** Thank you. On Page 3 of the brief dealing with Bill 31, there is a reference to Section 92(1) and whether the Division would be required or would not be required to enter into an agreement with its substitute teachers. Could I ask whether they currently, under the present Act, are required to enter into such a written agreement?

**MR. CHAIRMAN:** Mrs. Willcock.

**MRS. WILLCOCK:** Mr. Chairman, no.

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**MR. CHAIRMAN:** Again, I must apologize Elizabeth.

**MR. WILLCOCK:** It happens all the time, I am used to it, Mr. Chairman.

**MR. CHAIRMAN:** Why don't we just call you Elizabeth, but the record won't show it correctly, so Mrs. Willcock.

**MR. WILLCOCK:** No, and perhaps the Superintendent would care to comment on that.

**MR. CHAIRMAN:** Mr. Pollock.

**MR. POLLOCK:** Mr. Chairman, we do not have an agreement of this kind with our substitute teachers. It seems to us that an interpretation of this section might be that we would have to have, and we feel that should not be the case.

**MR. CHAIRMAN:** Mr. Schroeder.

**MR. SCHROEDER:** You are asking for a change in Section 43(1), which would eliminate your division from the requirement to provide transportation, because of the fact that you have a public transportation system. Would you then be expecting the students to pay for the transportation?

**MR. POLLOCK:** Mr. Chairman, no, we do use the public transit system. Our students who live a distance away from the school to which they have been assigned receive car tickets in lieu of bus transportation. We are not sure that this would enable the division to continue that practice. If indeed we were to provide transportation, unless transportation were defined somehow in terms of having an urban system, we are concerned about the interpretation one might give to that section.

**MR. CHAIRMAN:** Mrs. Willcock.

**MRS. WILLCOCK:** Mr. Chairman, if I may add to that, we would be most happy if the complete transportation costs were covered, however.

**MR. CHAIRMAN:** Mr. Schroeder.

**MR. SCHROEDER:** Yes, I am sure we all would be. I just might note that Section 43(1) simply requires that transportation be provided for those pupils who would have more than one mile to walk and it would seem to me that the current section would allow for a system other than a separate school division bussing system, but I don't imagine it makes much difference.

You are also referring to Section 48(1)(f) and the matter of evening or vacation school. We have had some representations made to us from your Adult Education Centre dealing with fees payable by students who might be attending there. I wonder if you have any comments on that. And that would be for non-resident students, I believe.

**MR. CHAIRMAN:** Mr. Pollock.

**MR. POLLOCK:** Mr. Chairman, our concern has to do, if I am interpreting the question correctly, with

the evening school programs we operate. May I ask if that is the question?

**MR. SCHROEDER:** Well, maybe we should talk about your evening school. Are you currently charging a fee for the evening school program?

**MR. POLLOCK:** Mr. Chairman, we charge fees and it works in the following way. If a student is under 21 years of age and if that student attends 75 percent of the time, the fees are refunded. If a student is over the age of 21, then he or she does pay fees, yes.

**MR. SCHROEDER:** Could Mr. Pollock then elaborate on the concerns of the Division on this Section 48(1)(f)?

**MR. POLLOCK:** Mr. Chairman, it seems to us that, in reading the section, an interpretation that we came up with, which may or may not be correct, could imply that any program that is offered in the evening school, for example, Mathematics 300, Mathematics 300 is part of the day school program, therefore, if it is offered in the evening school, we would not be able to charge fees, and that is our concern.

**MR. SCHROEDER:** Yes, I understand now. What you are saying is that because of the exception for classes that are part of the regular public school program, you feel that possibly you might not be entitled to charge for evening school programs. Just to go a little further on that, you want to retain the right to be able to charge for evening classes.

**MR. POLLOCK:** Mr. Chairman, that is correct, that is our concern.

**MR. SCHROEDER:** Thank you, I have no further questions.

**MR. CHAIRMAN:** Thank you.  
Mr. Doern.

**MR. RUSSELL DOERN (Elmwood):** Mr. Chairman, the comments about Section 189(3) by the Winnipeg School Division, it strikes me that you really want one or the other. You either want a revision in the Greater Winnipeg Education Levy and/or you want a recognition of special needs and special costs to the division in line with a 7 million figure which has been indicated as the approximate additional cost borne by the Winnipeg taxpayer for native education, immigrant education, transient problems, etc., etc. etc.

I am just saying that although your brief seems to talk a lot about the need to revise the levy, I assume that an equally satisfactory solution would be to provide additional funds for special needs.

**MR. CHAIRMAN:** Mr. Hayes.

**MR. HAYES:** Mr. Chairman, in answer to Mr. Doern's question, and this is also relative to an earlier question from Mr. Schroeder, if I could just quote from our most recent brief to the government as follows, I think this answers the question. 'To provide the relief needed in these two categories, that is the greater Winnipeg Education levy and

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special program costs, would require an additional amount. To provide a realistic level of support to the Winnipeg School Division No. 1 in respect to these two issues alone would require an additional 8 million of provincial moneys, 3.5 million greater Winnipeg Education levy residential taxes, plus 6 million less 1.5 million already included in the announced inner city grant.

**MR. DOERN:** Mr. Chairman, I don't know if my question isn't clear, but I am simply saying that the board seems to say that a new levy arrangement would solve their problems, and I am simply saying that I assume that if you didn't touch the levy but if you received an additional 5, 6, 7, 8 million, whatever the figure is, for the special needs and problems of the Winnipeg School Division No. 1, you could live with the levy; that it's a case of you need additional money and it doesn't matter what source you get it from.

**MRS. CHAIRMAN:** Mrs. Willcock.

**MRS. WILLCOCK:** Mr. Chairman, we feel that the greater Winnipeg tax levy is unfair to the ratepayers in our division. We think that the special needs of the division are a separate question. So actually what has been suggested is not really what we are asking. We think that the greater equalization is not an equitable system for the ratepayers of Winnipeg No. 1.

**MR. DOERN:** Then you are saying that you require additional funding through the education levy and you require additional funding for special needs.

**MRS. WILLCOCK:** Yes, Mr. Chairman.

**MR. DOERN:** The other point I make only in passing, Mr. Chairman, is that there is mention here of references to public meetings to support the position of the board, a brief to the Minister and a private member's bill. I simply mention in passing that the government can bring in legislation, it doesn't have to wait for private members to initiate legislation. I assume that the board is aware of that.

But the other thing I ask about is the public meetings referred to in March. I assume that these meetings were not only in favour of the board's view on Winnipeg education levy, but was in fact meetings to express concern on the part of parents about possible cutbacks and inadequate provincial funding, that that was the basis for the widespread demonstrations.

**MRS. WILLCOCK:** Mr. Chairman, there were other items discussed at these meetings. However, the members of the Board of Winnipeg School Division have assured the parents that there will be no program cuts and no teacher lay-offs in our division, which at that time was the concern of both the teachers in our division and the parents. We have assured them that this would not happen.

**MR. DOERN:** If you received additional moneys from the province directly, or from a new education levy and so on, is it possible that there would be less

of a lay-off of teachers and fewer school closings? Would that remedy some of those problems?

**MRS. WILLCOCK:** Mr. Chairman, that will be a decision of the board. The priorities of the board are, of course, to provide the best possible education system for the students in our division.

**MR. DOERN:** I ask Mrs. Willcock for example, I gather the division wants to close several schools, I don't know how many in number, two or three and I am simply that if you had additional moneys, I assume that it then might be possible to retain those schools. I just wonder if you could comment on that and also indicate how many schools are in fact in danger of being closed based on your own internal guidelines.

**MRS. WILLCOCK:** Mr. Chairman, the board has a responsibility to be accountable, and by being accountable means closing schools when that is deemed advisable because of declining enrollment. It is not necessarily only a matter of dollars and cents. As far as the number of schools that are going to be closed, we have a building facilities' committee who are now in the process of looking at schools, meeting with parents in the communities and they will be reporting back to the board. Perhaps, Mr. Chairman, Mr. Pollock would care to comment in more detail on this.

**MR. CHAIRMAN:** Mr. Pollock.

**MR. POLLOCK:** Mr. Chairman, the process is one of consultation. The board to my knowledge has certainly not decided to close anything. They have decided however to investigate along with the community and staff in the schools, the future of some schools where indeed the enrollment is declining to the point where it isn't a matter of, keep them open, or don't keep them open, it's a matter of, can we provide adequate educational programs for the students in those schools. So it is still a matter of consultation, and there hasn't been a decision yet to close.

**MR. CHAIRMAN:** Mr. Doern.

**MR. DOERN:** But I gather that, to Mr. Pollock, there are three schools that I am aware of that could be closed.

**MR. POLLOCK:** Mr. Chairman, there are probably more than three that could be closed. It depends however on a decision the board will make as a result of consulting with the community as to whether one or two or none in fact will close. There are certainly some schools in our division that show evidence of a decline in enrollment and show some future evidence of the same, but the number is really something that is a matter for decision the board will have to make, if indeed there will be any.

**MR. DOERN:** Mr. Chairman, I'm not sure whether Mr. Pollock and Mrs. Willcock are greater politicians than I am, but they sound like politicians. I wanted to ask Mrs. Willcock, or somebody else, if they can indicate how many students have been siphoned off by private and parochial schools in the Winnipeg

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School Division area in the past three years, if you have any figures that you could quote.

**MR. CHAIRMAN:** Mrs. Willcock.

**MRS. WILLCOCK:** Mr. Chairman, no, I do not have any figures available on that question.

**MR. DOERN:** Mr. Chairman, I wondered whether anyone else had any figures, if Mr. Pollock had any figures that he might quote from.

**MR. CHAIRMAN:** Mr. Pollock.

**MR. POLLOCK:** Mr. Chairman, no, we don't have any figures. It has been pointed out to us without any substantial data that there has been an increase in enrollment in the private schools, but we have no data to support it one way or the other.

**MR. DOERN:** I have a figure here indicating that there are some 3,700 students in the Winnipeg division who are in private and parochial schools, but I don't have any growth figures. I just wondered if anyone could confirm that figure, that there are some 3,700 students who do in fact attend private and parochial schools who live within the Winnipeg School Division.

**MR. CHAIRMAN:** I think the question has been answered Mr. Doern. I will throw it open to anybody who would care to signify that they could answer.  
Mr. Doern.

**MR. DOERN:** I also want to ask a question again about the Adult Education Centre in relation to Bill No. 31, although it is not specifically mentioned in the bill, whether the board feels that the programs and the requirements of adults for a day school would in fact fall within a general definition of special needs, or whether it's anywhere alluded to in this bill. Or is it outside the parameters of the bill when you talk specifically about adult education?

**MR. CHAIRMAN:** Mr. Pollock.

**MR. POLLOCK:** Mr. Chairman, to my knowledge it is not referred to in the bill; it therefore seems clearly outside of the bill itself. However, we would certainly claim that it is in the special needs' category, again because of the inner-city offerings I shouldn't say offerings the inner city factors that are associated with the school, but it is not included within the bill, to my knowledge.

**MR. DOERN:** Mr. Chairman, in regard to special needs, has the division had any particular problems that come to mind in regard to trying to accommodate the special needs' students? I am thinking now, first of all, in the physical sense. Has the division been doing things like installing ramps, installing elevators, installing special washrooms, buying hardware and equipment that is necessary in the teaching of children with some sort of learning disabilities? I just wondered if Mrs. Willcock could comment on requirements in terms of capital or hardware, and as to whether there has been some sort of a systematic program to provide these services to children within the division.

**MR. CHAIRMAN:** Mrs. Willcock.

**MRS. WILLCOCK:** Mr. Chairman, you will note in our brief that we did not deal with this area in great length. This did not mean that we do not have many great concerns about it. We did mention it, but only briefly, because this was dealt with by so many other people who were making presentations here, and perhaps regarding our physical facilities, Mr. Pollock could comment on that area of it.

**MR. CHAIRMAN:** Mr. Pollock.

**MR. POLLOCK:** Mr. Chairman, we have indeed done a great deal in terms of the installation of various aids for handicapped students. These include, ramps. They don't as yet include elevators, but certainly the ramps are in. We have also adjusted facilities in schools to better accommodate students at Grant Park School and now at Lord Roberts. We have had some assistance from the provincial government in order to do this. We are not at all satisfied with the end product however, we still feel there are many things to do. In some of the programs we will require elevators and adjustments to various equipment. I may mention one example which we have not yet received funding for, nor do I believe we have specifically asked for it, but much of the science equipment in high schools is not adapted for handicapped students. At Grant Park we will have over 50 students, most of whom will study in wheelchairs, and most of the school equipment has not been designed for them, so we will certainly be coming forward with some expectations regarding the adjustment of facilities of that kind.

**MR. DOERN:** Mr. Chairman, I think Mr. Stangl threw out a figure, if I understood him correctly, that he was arguing that there was an average of two handicapped students in each public school classroom, and he was arguing, I think, that there were even more in private and parochial schools. But aside from his figures, I wonder whether someone from Winnipeg School Division No. 1 could indicate how many students are classified as special needs, in the narrow sense, either in the division or on an average per classroom.

**MR. CHAIRMAN:** Mr. Pollock.

**MR. POLLOCK:** Mr. Chairman, I don't have the numbers and I can't quote averages, however we do have a practice and a process of integrating to the greatest extent possible. Our handicapped students are indeed integrated in classes. Some of them may not be integrated on a full-time basis and so it is difficult to say how many are in each class. This number varies. They will be with so-called regular classes for some of the activities and may not be in regular classes for others. It is difficult to indicate just what the number is. We, however, do have a policy in fact of integrating to the greatest extent possible.

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

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



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**MR. WALDING:** Thank you, Mr. Chairman. I had a question having to do with the Division's presentation on Bill No. 19, and almost all of it, almost two pages, had to do with some concern about Section 4(2) and I don't think that I understand what the problem is here. I wonder if you can try again to explain it to me, please.

**MR. CHAIRMAN:** Mrs. Willcock.

**MRS. WILLCOCK:** Mr. Chairman, perhaps our solicitor, Mr. Condra, could clarify that for you. I am sure he would be able to do it with more expertise than I could.

**MR. CHAIRMAN:** Mr. Condra.

**MR. JOHN CONDRA:** Mr. Chairman, now this is a section that has been around for some time and has varied depending on which piece of legislation you have looked at, but the net effect of the current draft of Bill No. 19, we presume, is to make it mandatory that those 146-odd people who are currently classified as clinicians in employ of the division, will be reclassified as teachers and will receive all the rights, privileges and responsibilities of teachers.

Your present legislation in The Department of Education Act provides that they have the right to elect, in effect, whether they wish to be classified as teachers or not and we feel that, as a division, this kind of freedom should be left open for the people who are classified as clinicians. The clinicians are a varied category, there are some teachers in there, approximately 50-odd teachers, 53 to be exact. 93 of the employees who are classified as clinicians do not have teaching qualifications. Therefore we think that the legislating of these people, which appears to be the intent of this draft of Bill No. 19, is an unwarranted intrusion on the relationship between the employer and employee insofar as the organization of these people are concerned into a unit.

I should stress and make it very clear that the division does not object in any way, shape, or form, of these employees organizing themselves. What we do see as an interference in a direct organization for them, whether they like it or not. We have no indication one way or the other from this group whether they wish to be teachers or not, and there are certain disadvantages that could occur to these people. For instance in the case of the teachers' contract, if they were classified as teachers they wouldn't have the right to leave the division on a month's notice which they have now; they would have to leave you at the end of December or the end of June, which is the required time. There is one category in there which turns over fairly regularly on a month's notice and that's an advantage to them from that point of view.

There are other advantages and disadvantages, I guess, that come in. For instance they may, if they were declared to be teachers, find themselves in the position of having tenure and security which they don't have at the present time, but at the same time the pension rights and various other rights would be interfered with and it would have an upsetting effect as well on the division's non-teaching pension situation, to the tune of about 1 million-plus in terms

of the actuarial calculations that are currently carried on. We feel that this is an area, really, that should be left for the division and the employees who are involved to discuss. They should have the right and they do have the right and we have encouraged them to organize if they wish to. We don't understand why the Legislature would want to legislate them into a position of being teachers and not go through the ordinary process that The Labour Relations Act, for instance, calls for.

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

**MR. WALDING:** I think it is a little clearer to me now. You said that you have no indication whether or not the clinicians want this inclusion in here. They have not appeared before this committee saying that is what they want, although they have not been here either saying that they object to this.

You mentioned they had the right to form an organization. Do they presently have an organization that speaks for them and negotiates with the division?

**MR. CONDRA:** At the present time, they are treated in large part as teachers are but there are some variations in the treatment and they do not have a formal organization that deals directly with the division, although there is a committee, I believe, that meets from time to time with the superintendent to discuss various problems and it is done through the director of the Child Guidance Clinic, where largely these people are employed.

If I could just add, I should point out that, in terms of a division knowing and not knowing the wishes of these people, you will realize that we have kept quiet and out of the way of the organizational pattern that they may or may not wish to enter into, simply because we don't want to be criticized or seem to be criticized for interfering in any organizational pattern they may want to get into. That's up to them to decide how they want to do it. But we find it peculiar that the Legislature should legislate them into a particular context here, which would be to call them teachers, when in fact their functions are really quite different in most respects from the teaching function, and in fact, although some of them are qualified teachers, by far the majority are not qualified teachers.

**MR. WALDING:** Earlier in your reply you mentioned a matter of a pension fund and some adverse affect that it would have on the division. I wonder if you could explain that a little larger for me. I note that under this particular section that it would enable a clinician to be covered by The Teachers' Pension Act and there is a bill presently going through the House which I believe will improve that situation and might attract more clinicians. Can you summarize again for me the adverse affect it will have on the division?

**MR. CONDRA:** In terms of a pension, there are two pension plans within the Winnipeg School Division No. 1. There is the pension plan for employees other than teachers, and then there is the teachers' pension plan which is directly funded by the province, but those clinicians currently in our employ who are not teachers are paying into the non-

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teaching fund, and to remove them out of that fund would have over a 1 million adverse affect on the fund itself.

That means that the fund itself would be reduced in terms of its ability to purchase new benefits or whatever to the tune of 1 million. So the net result will be that there's that kind of effect. Now I understand that the Teachers Retirement Fund will be amended so the averaging of the last seven years of their employment will be used rather than the last, I think it's ten currently, is it not? And ours is currently ten as well, and so that will be an advantage in that sense, but at the same time that doesn't mean to say that the current pension fund which is operated by the division will not improve as well. And there are some benefits under the current pension plan that the division has that doesn't accrue under the Teachers Retirement Fund, so it's probably a mixed bag and it would be pretty hard to delineate in great detail for you at this committee all the benefits and adverse affects, but in fact there are a mixture of them and we simply say that one of the major adverse affects, following through on this particular piece of legislation, would be a million dollar ticket insofar as the division's pension fund for its employees other than teachers.

**MR. WALDING:** When you say a million dollars are you assuming there that all the clinicians would opt to enter the Teachers Retirement Fund.

**MR. CONDRA:** Yes, they would have no choice if this legislation was passed under its present form.

**MR. WALDING:** I think I understand it a little better now. Can you explain to me again why you use this quote from the Winnipeg Teachers Association having to do with the clinicians? I don't understand its relevance in the context.

**MR. CONDRA:** The present drafting of Bill No. 19 states that a person certified as a clinician has all the rights, benefits, and obligations, and we have discussed in that some detail; and if it is the wish of the Legislature to go ahead and, in effect, mandate these people as teachers, we don't think that wording is clear enough. We think that the wording which has been discussed between the Winnipeg Teachers' Council and myself, and which is in this brief, if you are going to go that route, is better than the present wording you have in 4(2), because we say that a person certified as a clinician is deemed to be a teacher, and that makes it much clearer than without any equivocation.

We think that the wording here is a little weak and leaves it vague and should be cleaned up. If that's the route you are going to go, then make it certain so that there is no misunderstanding where they are. On the other hand the division's position is we don't feel that really the Legislature should be interfering in a very different way to what it treats other employees in this province by mandating that they, in fact, will be teachers. It should be up to the individual people who are currently called clinicians to sort out and get their own organization going. Who represents them is up to them. We have no objection that they be represented, it's a question that they should organize themselves and have the freedom to express that

they do or don't wish a particular group to represent them, whoever it may be.

**MR. WALDING:** Thank you, I now understand the position. Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Mrs. Willcock, on behalf of the committee we thank you for coming here today and making your presentation. I would also like to thank Mr. Hayes, Mr. Pollock, and Mr. Condra. Thank you.

**MRS. WILLCOCK:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** No. 26, Canadian Association of Mentally Retarded. I think we have a prepared brief to be distributed.

No. 27, Manitoba Association of School Business Officials. Is there anybody here from the Manitoba Association of School Business Officials?

No. 28, Lord Roberts school. We have a brief to be distributed.

I revert back to No. 19, Commissaires d'écoles Franco Manitobains. We have a brief to be distributed on behalf of that group also.

I call Mrs. Figuerel. Proceed Mrs. Figuerel.

**MRS. MARY CATHERINE FIGUREL:** Thank you, Mr. Chairman. To clarify any confusion you gentlemen might have, our organization, The Manitoba Association For Schooling At Home, presented a brief at the hearings on Bill No. 22, back in October, and what you have is essentially the same brief because we are here with the very same requests, unfortunately.

First of all, I would like to restate our purpose and you can read that on the first two pages along with me of the brief. The Manitoba Association For Schooling At Home addresses this committee of the Legislature on the proposed Public Schools Act, Bill No. 31, now, from the viewpoint of our objective to see that the necessary safeguards are included in the Act, that specifically allow for the alternative of home education. We would like this committee to recognize that home education is an idea whose time has come again.

At one time, as recently as 30 years ago, receiving the major portion of one's education at home was a completely acceptable norm and often a necessity. It is still necessary today for those who live in remote areas, however, home education is no less valid for children not living in rural areas simply because their parents choose this form of education over public or private school.

The rewriting of Manitoba's Public Schools Act began about seven years ago. At that time the modern home education movement was in its infancy. It has grown dramatically since then and by all indications will continue to grow. In as little as five years time home education most likely will be a concept readily accepted by the general public. It would be unfortunate if this schools Act did not embody a positive reference to home education, thus unnecessarily causing the Act to become quickly outdated.

Also many lengthy disputes could result if the Legislature fails to recognize that home education is an important part of educational evolution. The parent has the primary responsibility for the rearing

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and education of the child, and has the right to choose the kind of education the child receives, as long as the best interests of the child are the basis of the choice and the intent of the education chosen is to lead the child into a happy, independent, productive adulthood. We cannot emphasize strongly enough this fact.

It is with these concerns and ideas in mind that the part of Bill 31 that concerns the Manitoba Association for Schooling at Home, Part XIV, School Attendance, was scrutinized.

With that small introduction, I would like to say that since Bill 31 has come out, we are very happy to see that there is one faint glimmer of light in this new bill. The words 'at home or elsewhere' have been added to Section 261, Subsection (b), and we had hoped that these would be put back in. They aren't in the present School Act, the standing School Act.

However, this nubbin is not nearly enough to satisfy our group. Not one thing in Bill 31 speaks to the protection, let alone the recognition of a parent's right to choose the manner in which his children will be educated. We find this very distressing. We wonder if our efforts to exercise our parental rights and have them instilled in the law are falling on deaf ears and hardened hearts. All that aside, we have been led to believe that the lawmakers we elect are here to serve and protect the rights and the interests of the people. There is not much evidence of this in Bill 31. After seven years of initial drafting and eight months since the hearings on Bill 22, the fact is that so few positive revisions have been made, it leads us to wonder if we do indeed have concerned lawmakers in the Manitoba Legislature. Many other groups and individuals have had to return to sing essentially the same song they sang last fall, and this is an enormous waste of time and private and public moneys.

Now, let's get down to business and write some good laws, laws that provide as much as provincial funds will allow, laws that protect the rights of individuals against discrimination, harassment and the inconsistent application of vaguely written laws. Where, you might ask, will a person such vaguely written laws? Well, we'll start with Bill 31.

Of specific interest, again in Part XIV, on school attendance, I would refer you to Section 261(b) again. First, 'at home or elsewhere' was put back in here. But the remainder of this subsection is so full of vague wording that it could make many a language arts teacher curl up his or her toes and keel over. Laws are supposed to be specific so there is no question as to their intent. We criticized this sort of vagueness last fall, it still abounds.

Now a very close look at Subsection (b) of Section 261, Exemption from Liability. I will read that section for you. It says, the field representative perhaps I'd better go back. I will read Section 261 also.

No person is liable to any of the penalties set out in this Act for failing or refusing to send his child to school as required under section 260 where and then we'll go to

(b) the field representative certifies that in his opinion the child is currently receiving a satisfactory standard of education at home or elsewhere.

Well, what we would like to know, what is a phrase, like 'in his opinion' doing in here? This opinion business doesn't make for very good law.

Why? Because there are a number of field representatives in the province of Manitoba at any given time. Each is assigned with a general territory of the province to cover. A representative responsible for one area may be very open-minded about valid schooling alternatives such as home education, and therefore willingly certify a family's home study program and actually help them in the project. However, on the other side of the province, there may be a representative so stagnant in his thinking that he would never in his wildest dreams certify the exact same program being used by a family in his area.

This would be inconsistent application of the law. It cannot be accepted. This is why such an arbitrary word as 'opinion' has no place in a good law.

Now, moving on to the word 'currently', does this mean weekly? Monthly? Annually? Maybe daily, who knows? It is not defined. A simple definition at the beginning of Part XIV would suffice. It's our understanding that in the standing Public Schools Act, currently is interpreted to mean annually. It should be defined a such in Bill 31 if we are to have a good law.

We also have grave reservations about the term 'satisfactory' standard of education. Satisfactory to whom? Whose standard? That of the field representative? The Department of Education? The local school division? Once again, there is this vagueness. Definitely there is much to be done to transform Bill 31 into a good law, and I'm only talking about one particular clause, gentlemen, and no one can deny that citizens experience no great discomfort adhering to a well thought out, concisely written law that does not interfere with their human rights. But the upstanding citizen who tries to exercise his parental right to choose the type of education he wants for his child would have to balk at this clause as it is now written in Bill 31.

Could its vagueness be interpreted as an intentional loophole to apply when whatever pressures the Department of Education feels necessary to deal with anyone who does not conform to the department's philosophy of education. Originally, the Manitoba Association for Schooling at Home had suggested that Section 261, Parts (a) and (b), actually belong in a separate subsection and you will see that on Page 4 and 5 in our original brief. We still feel strongly that this is the logical, proper approach, and cannot understand why the lawmakers will not see the logic in it.

However, if there must be a compromise, we have this suggestion as a way to put forth Section 261(b) in more concise terms. Perhaps it could read: The field representative certifies that the child is currently, on an annual basis, receiving at least a minimum standard of education at home or elsewhere. Methods for evaluating the child's progress must be mutually pre-arranged between the individual parents or guardians and the field representative. Agreed-upon evaluation would then be carried out.

Now, for a very quick review of proposals that our organization put forth in our October 1979 brief on Bill 22, proposals that have not been carried out.

On Page 2, we were asking that there be some definition of home education and home education programs. Nothing of that sort has come about.

Page 3, there's still nothing in writing that parents' rights are recognized by the province of Manitoba. And the changes that we asked for in Section 260(1) weren't even close to what we suggested, and there's something in there about having specific written permission from the Minister for exemption in certain cases from school attendance. We can't quite figure out what that one's all about.

Then on Page 4, educational alternatives, this is again a criticism of 261 in the Bill 22, it was called subsection (1). Educational alternatives still have to be exempted rather than being provided for in a positive manner, which is what we had asked for before, that children enrolled in private schools or involved in home education programs would not have to be exempted such as children who are off a few days sick, off for some religious purposes and so on which are standard reasons for being excused from school.

Then there's another part of the Act that we question, and I do believe, I'm not sure, but I do believe the Manitoba Association for Rights and Liberties also questions this. This is the right to enter. It's Section 267. It goes on to say that:

A school attendance officer for the purpose of carrying out the provisions of this Act has the power without warrant to enter any place of public entertainment or amusement, factory, workshop, store, we all agree in our organization that that is a valid statement. However, we want to know what this means or any other place where children may be employed or may congregate. I know a lot of children who congregate at home. Does this mean that this officer can go into a private home? It does. Well, we feel that this is an infringement upon our basic rights, and we feel that the words 'any other public place' that the word 'public' should be in there after 'other'.

That's on Page 5 in the brief, and on Pages 6 and 7, in spite of suggestions as to how home education programs could be approved by the Department of Education, we still feel that the proper place for monitoring this program is at the local level. Only in cases where some sort of dispute would come up between parents and the local level, then the problem would be referred to the Department of Education.

I would further like to add that we feel very strongly, very very strongly, about our rights as parents. Our children belong to us, not to the state. We do not intend to completely ignore the fact that the government and the caretakers of the government, which you lawmakers are, are concerned about our children being educated. However, it is still up to us the manner in which they will be educated. We have been before you before and we have expressed our concerns and you know that we are extremely concerned parents. You also know that these children will probably have at least as good an education as the public school can provide, if not better, because of the one-to-one basis on which they will be taught.

We also want to say that nobody, or no one can further the principle of learning more than a loving teacher, and there is a no more loving teacher than a truly devoted and caring parent, I don't care how many Ph.D. degrees a teacher has.

We also want to emphasize that we are not here to ask for high cost transportation, textbooks, equipment, buildings, programs or staff. What we want to do will not cost any money on the part of the province of Manitoba. I know you haven't heard that story lately. We are not asking for anything except that the inherent rights which we already hold be clearly recognized in this Public Schools Act. Failure to recognize our rights will serve to demonstrate that the lawmakers of Manitoba have a long way to go to bring themselves and this province into the mainstream of modern life.

Thank you very much, Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Mrs. Figurel.

Would you submit to any questions of the committee if they do desire?

**MRS. FIGUREL:** Yes, sir.

**MR. CHAIRMAN:** Are there any members of the committee that would care to ask any questions of Mrs. Figurel?

Mrs. Figurel, on behalf of the committee, we thank you for making your presentation here this afternoon.

**MRS. FIGUREL:** I would like to add one more thing, please, that we started out last fall as a very small group. When I was here, I explained that there were only maybe a dozen parents as a nucleus and an outer support group, a dozen families, I should say. Today, there were nine families here originally but because of their responsibilities for their children and so on, they had to leave. There were nine families out of a group of over 40 families now, who are interested in this particular segment of the Act, and this particular part of their children's lives.

I want to state this because I think there was a lot of skepticism when I am telling you that this idea is growing, that people want this for their families, for their children. They want to be involved totally in their children's education. This kind of evidence is already concrete in Manitoba. It is much smaller than it is in other parts of Canada, but it is growing here.

Thank you.

**MR. CHAIRMAN:** Mrs. Figurel, I do have a member of the Committee that would like to ask a question.

**MRS. FIGUREL:** All right, thank you.

**MR. CHAIRMAN:** Mr. Brown.

**MR. BROWN:** I have one question of Mrs. Figurel, Mr. Chairman, and that is this, that I assume then that most of the parents who would like to have their children taught at home, that either one of them at one time or other would have been a certified teacher or a qualified teacher?

**MRS. FIGUREL:** That is not necessarily the case. There are a small number of parents who were teachers at one particular time or another, however, as it so happens some of the families who already have approval to do this, neither parent is certified and they are using correspondence courses. So it is not a league of former teachers.

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**MR. BROWN:** If that is the case then, how do you suggest that the government then should go about assuring their own conscience that these children were going to receive a proper education? You are very much against field representatives coming around and looking at this. How would you say that the government should go about assuring themselves that these children were receiving a proper education?

**MRS. FIGUREL:** I think that you must have missed something while I was reading. We do object to the fact that there is nothing concrete in the law that states how many times a field officer can ask for an evaluation during a particular school year, however, I said that methods for evaluating the child's progress must be mutually prearranged between the individual parents or guardian and the field representative. After this method of evaluation was agreed upon, then it would be carried out.

I would like to add that I think a lot of the field representatives are very open to helping parents who want to do this and that does not necessarily have to be a problem.

**MR. BROWN:** Thank you, Mr. Chairman. We didn't have copies of the brief, so it was a little difficult to follow this.

Thank you.

**MR. CHAIRMAN:** Thank you, Mrs. Figurel.

**MRS. FIGUREL:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** That completes the published list that I have of those people wishing to make presentations. I ask now, are there any people here or persons here that would care to make a presentation to this Committee?

No hearing any I would declare that all the presentations have been made and that completes the presentations.

Mr. Schroeder.

**MR. SCHROEDER:** Just on a point of order, Mr. Chairman. I believe that about the first eight delegations or so that we heard, we heard on Bill 31, and it may well be that some of them might wish to return on Bill 19. I don't know, but I am just reminding the Chair that was the situation.

**MR. CHAIRMAN:** To the honourable member, I don't think that there was any indication that any of those people wanted to speak again on Bill 19.

I would declare that the presentations have been completed and I would now declare Committee rise. I am sorry. I keep forgetting where I am, Jim. Mr. Walding.

**MR. WALDING:** I wonder if the Minister can give us an indication of whether he intends to bring in any amendments when we get to the clause-by-clause stage?

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

**HON. KEITH COSENS:** Mr. Chairman, that is a little difficult to ascertain at this point. It is quite possible that there will be. There are certain matters that

have been brought to our attention that we would like to study a little further, just as I am sure all members of the Committee would want to study the briefs in a little more detail. It may well be that we would consider certain amendments after that process.

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

**MR. CHAIRMAN:** I declare the presentations completed. Committee rise.