

**Fifth Session - Thirty-Ninth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Social and Economic Development**

*Chairperson*  
*Ms. Marilyn Brick*  
*Constituency of St. Norbert*

**Vol. LXIII No. 5 - 6 p.m., Thursday, June 9, 2011**

ISSN 1708-6698

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer, Hon.	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MARCELINO, Flor, Hon.	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin, Hon.	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WHITEHEAD, Frank	The Pas	N.D.P.
WIEBE, Matt	Concordia	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.
<i>Vacant</i>	Inkster	
<i>Vacant</i>	Lac du Bonnet	

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT**

**Thursday, June 9, 2011**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)**

**VICE-CHAIRPERSON – Mr. Mohinder Saran  
(The Maples)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Mses. Allan, Howard*

*Mses. Braun, Brick, Messrs. Cullen, Dyck,  
Goertzen, Martindale, Pedersen, Saran, Wiebe*

**APPEARING:**

*Hon. Jon Gerrard, MLA for River Heights*

**PUBLIC PRESENTERS:**

*Bill 13–The Preparing Students for Success Act  
(Various Acts Amended)*

*Mr. Floyd Martens, Vice-Chairperson, Manitoba  
School Boards Association*

*Mr. Brian O'Leary, Manitoba Association of  
School Superintendents*

*Mr. Paul Olson, Manitoba Teachers' Society*

*Ms. Suzanne Hrynyk, Winnipeg School Division*

*Ms. Pauline Clarke, Winnipeg School Division*

*Mr. Ian Mogilevsky, Manitoba Association of  
Christian Home Schools*

*Mr. John Bobbette, Winnipeg Technical College*

*Bill 28–The Public Schools Amendment Act  
(Reporting Bullying and Other Harm)*

*Mr. Paul Olson, Manitoba Teachers' Society*

*Ms. Rebecca Ulrich, Canadian Red Cross*

**WRITTEN SUBMISSIONS:**

*Bill 13–The Preparing Students for Success Act  
(Various Acts Amended)*

*Marty Snelling, Brandon School Division*

**MATTERS UNDER CONSIDERATION:**

*Bill 13–The Preparing Students for Success Act  
(Various Acts Amended)*

*Bill 15–The Firefighters and Paramedics  
Arbitration Amendment Act*

*Bill 23–The Employment Standards Code  
Amendment Act*

*Bill 28–The Public Schools Amendment Act  
(Reporting Bullying and Other Harm)*

*Bill 32–The Essential Services (Health Care)  
and Related Amendments Act*

*Bill 33–The Pension Benefits Amendment Act*

*Bill 34–The Workers Compensation Amendment  
Act (Presumption re OFC Personnel)*

\* \* \*

**Clerk Assistant (Ms. Monique Grenier):** Good evening. Will the Standing Committee on Social and Economic Development please come to order.

Before the committee can proceed before it, it must elect a new Chairperson. Are there any nominations?

**Mr. Doug Martindale (Burrows):** I nominate Ms. Brick.

**Clerk Assistant:** Ms. Brick has been nominated.

Are there any other nominations? Hearing no other nominations, Ms. Brick, can you please take the Chair.

**Madam Chairperson:** Our next item of business is the election of a Vice-Chairperson. Are there any nominations?

**Mr. Martindale:** I nominate Mr. Saran.

**Madam Chairperson:** Mr. Saran has been nominated.

Are there any other nominations? Hearing no other nominations, Mr. Saran is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 13, The Preparing Students for

Success Act (Various Acts Amended); Bill 15, The Firefighters and Paramedics Arbitration Amendment Act; Bill 23, The Employment Standards Code Amendment Act; Bill 28, The Public Schools Amendment Act (Reporting Bullying and Other Harm); Bill 32, The Essential Services (Health Care) and Related Amendments Act; Bill 33, The Pensions Benefits Amendment Act; and Bill 34, The Workers Compensation Amendment Act.

How late does the committee wish to sit tonight?

**Mr. Kelvin Goertzen (Steinbach):** Until the work of the committee is done, Madam Chairperson.

**Madam Chairperson:** Is that agreed? *[Agreed]*

As you will see from the presenters' list, we have a number of presenters registered to speak this evening, which some of whom are listed as out-of-town presenters. These individuals are marked with an asterisk on the list. In what order does the committee wish to hear presentations?

**Mr. Martindale:** Madam Chairperson, I think we should follow the usual procedure and hear out-of-town presenters first.

**Madam Chairperson:** Is it agreed that the committee will hear out-of-town presenters first? *[Agreed]*

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance of the room. Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members. Also, in accordance with our rules, if presenter—if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters list.

A written submission on Bill 13 from Marty Snelling, chair of the Brandon School Division

Board of Trustees, has been received and distributed to committee members.

Does the committee agree to have this document appear in the *Hansard* transcript of this meeting? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is a signal for the Hansard recorder to turn the mike on and off. Thank you for your patience.

I will now proceed with public presentations.

### **Bill 13—The Preparing Students for Success Act (Various Acts Amended)**

**Madam Chairperson:** I will now call on Floyd Martens, the vice-chairperson of the Mountain View School Division.

Mr. Martens, you have some written information.

**Mr. Floyd Martens (Manitoba School Boards Association):** I do. It's being passed.

**Madam Chairperson:** And that's being circulated.

Okay, you can proceed, Mr. Martens.

**Mr. Martens:** Thank you and good evening. I'm Floyd Martens, the vice—one of the vice-presidents from Manitoba School Boards Association, and I'm a school trustee with Mountain View School Division. I'm here to present on behalf of the Manitoba School Boards Association.

The Manitoba School Boards Association is a voluntary organization representing public school boards in the Province. As such, we are advocates for strong schools that benefit all students and for the role local governance plays in ensuring that those schools are responsive to community needs.

As advocates for students in schools, we strongly support the intent that is explicit in the title of Bill 13, The Preparing Students for Success Act. Furthermore, we also support a number of the specific directions contained in this legislation, several of which parallel those already being taken by school boards. We'll be speaking briefly to a number of those directions.

Increasing the compulsory school attendance age: Today, high school graduation is generally viewed as a minimum credential for an individual's future success. School boards share this belief and have implemented multiple strategies to help make this an obtainable goal for all students. The government's decision to raise the compulsory school age from 16 to 18 will provide schools and parents with one more tool to encourage youth to stay in school until high school graduation. However, simply raising the age will not ensure student success.

In Bill 13, the government has recognized this reality. It has identified the relationship between student engagement and student success. It has provided for the possibility of work training programs as alternatives to school attendance. It has emphasized the role of parents in ensuring that their children attend school regularly. Beyond these structural supports, however, schools are require ongoing operational support to engage students and improve graduation rates.

\* (18:10)

As mentioned, school boards already use multiple, proven strategies to reach students at risk of dropping out. Although the strategies may vary, many of them share one or more common features, including a reduced student-teacher ratio, off-campus location, additional material resources or involvement of a third party, such as a post-secondary institution.

Each of these mechanisms has associated costs above and beyond those of the standard educational program. Where students who may otherwise have dropped out are staying in school as a result of Bill 13, these costs will likely increase as more students avail themselves of specialized programs. The government acknowledged these increased costs in making the 2011-12 funding announcement, noting that every school division in Manitoba is—was guaranteed at least a 2.2 per cent grant increase this year in anticipation of higher enrolments due to the Province's pending legislation mandating that young people continue their education until they reach the age of 18.

As this change in school-leaving age is implemented, we would ask two things of government. First, we ask that school completion rates be assessed on an ongoing basis to ensure that the legislation is having the desired effect of increasing graduation rates. Secondly, we ask that

the government monitor the financial impact of this legislative change and work to ensure that schools have the resources they need to meet the laudable goals of student success.

Assessment and promotion: Bill 13 contains two provisions that deal with student assessment and promotion: the granting of regulatory authority to the minister to determine the form and content of pupil report cards and a prohibition against school boards adopting policies that require the promotion of pupils who have not met expected learning outcomes or social promotion.

An interorganizational committee on which this association is represented is currently working to determine what standardized provincial report cards will look like. We understand that there will be some flexibility in report cards with different formats for different grade levels and that the report cards will include a section that may be shaped at the classroom, school or divisional level. While we are encouraged with the direction that seems to be emerging from this commitment—committee's deliberations, we would once again strongly advise the government to monitor the effectiveness of the standardized reporting process, once implemented. We need to ensure that not only it meets the government's goal of providing greater transparency for parents but also that it enables teachers to report fully and appropriately on the full range of educational and developmental outcomes that contribute to a student's progress.

Manitoba school boards believe that all students can achieve, and that it is the board's responsibility to provide the resources and support to make this happen. However, we also know that there are situations where parents and school personnel decide jointly that an age-appropriate classroom placement rather than one based solely on a student's academic achievement is the most beneficial. For example, immigrant or refugee students may face language barriers or may have experienced disruptions in their formal schooling that prevent them from performing at their typical grade level. In these situations, the best course of action may be a classroom placement with their peers with concurrent remedial instruction to bring their academic achievement to grade level. So while we can support the clause in Bill 13 that would prohibit school boards from adopting blanket social promotion policies, we believe that educators and parents must retain the right to determine the most appropriate classroom placement for each student on a case-by-case basis.

We also need to ensure that provincial curricula and learning outcomes are respectful of the wide range of students in our public school classrooms, students with many different skills, abilities and strengths, in order that all students can experience success. School boards, educators and the Department of Education already have a mechanism in place for monitoring the Province's K to 12 curriculum, the Interorganizational Curriculum Advisory Committee. We need to continue to support the work of that body so that it can respond to curricular challenges as they are identified.

Scheduling of non-instructional days: Bill 13 will give the Minister of Education authority to make regulations regarding the scheduling of non-instructional days for teachers. While early media reports indicated that any such regulations would require complete standardization of such days across the province, subsequent correspondence from the Department of Education has revealed that this will not be the case. Rather, school divisions and districts will be required to ensure that a certain number of non-instructional days are standard for all schools within the jurisdiction and that efforts are made to co-ordinate non-instructional days with surrounding jurisdictions where practical.

This clarification has been welcomed by school boards, as scheduling flexibility can result in some very real benefits. For example, it enables school divisions to co-ordinate professional development calendars so that they can share and thus reduce the expenses associated with bringing in workshop presenters by scheduling sessions on consecutive days in co-operating divisions. However, school boards are still concerned about the possibility of unforeseen challenges arising from this new policy direction. Therefore, we would ask the government to monitor its impact so that any such challenges can be quickly identified and addressed.

Early-learning and child-care facilities. Manitoba school boards fully support the inclusion of early-learning and/or child-care facilities in public schools and therefore support amendments to The Public Schools Act and The Public Schools Finance Board Act that would include capital support requirements for such facilities in new or renovated schools.

In 2006, the association passed a resolution asking Manitoba Education to revise then-current practice so that existing school space dedicated to early-learning and child-care programs—daycares,

before- and after-school programs and nursery programs—would not be factored into the calculation of official school capacity. Our goal in passing this resolution was to ensure that associated child-care and early-learning programs would not be displaced when a school was faced with growing student numbers. The government subsequently acted upon that recommendation. We consider the provision of Bill 13 to be a next logical step. In tandem with enhancements to staffing and programs, Bill 13 will help ensure that all Manitoban families have access to quality early learning and child care.

In conclusion, the Manitoba School Boards Association appreciates the opportunity to share its views on Bill 13, The Preparing Students for Success Act. Overall, we view the legislation in a positive light and would like to reiterate our support in principle.

As is usually the case with systemic change, there is always the possibility that the ultimate outcomes will not be exactly as anticipated. For that reason, we have identified a number of areas where we are recommending ongoing monitoring of the impact of the implementation of Bill 13 provisions to ensure the desired goals are being achieved. As always, this association and Manitoba school boards will co-operate fully in this monitoring to assist the government in fine-tuning these new policy directions where necessary in order to ensure that every Manitoba student is a successful learner and achieves the goal of high school completion. Thank you.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Mr. Cliff Cullen (Turtle Mountain):** Not so much a question, but just a couple of comments.

First of all, Mr. Martens, I want to thank you for making a trip in tonight to provide the presentation on behalf of the school boards association. Certainly good to hear you highlight the issues related to Bill 13, and, certainly, your comments about the evaluation and monitoring and, certainly, the financial part of it, we'll certainly take that message. Obviously, there will be implications for school boards moving forward, and we certainly appreciate your comments. I just wanted to thank you and your association for your advocacy on behalf of school boards and students. Thank you.

**Madam Chairperson:** Did you want to respond, Mr. Martens?

**Mr. Martens:** Just thank you for that—those comments.

**Hon. Nancy Allan (Minister of Education):** Yes, well, thank you very much, Floyd. I appreciate the opportunity to hear the comments from the Manitoba School Boards Association, and it's nice to see you again. It's twice in one week we've had the opportunity to have a dialogue about public education, which, of course, I always appreciate.

I really appreciate all of the comments and the thoughtfulness that has gone into this presentation, and I appreciate the fact that you would like to be a participant in ongoing monitoring of some of the changes that we have made in this legislation. We believe the partnership with your organization is absolutely critical.

I'd like to thank you for the work that you have done on behalf of the Manitoba School Boards Association on the oversight committee for report cards. We are actually going to leave that oversight committee in place to continue to work on those report cards and provide us with feedback as we pilot them.

We're appreciative of the fact that we know that, you know, high school completion is absolutely critical to young people's success, and this is a partnership and we're all going to work together to do this. It's a big change, but we believe that it's in the best interests of students and communities and parents and everyone involved in the education system.

So thank you so much for being here this evening.

**Madam Chairperson:** Did you want to respond, Mr. Martens?

**Mr. Martens:** Just briefly. Thank you so much for those words.

The ongoing partnership, I think, is the crucial part, and the ongoing monitoring, to make sure that what the bill is wanting to achieve actually materializes as a result of the changes. And so I think that's a really crucial part that the school board association really wants to be involved in as much as possible to help with that.

\* (18:20)

**Madam Chairperson:** Thank you, Mr. Martens.

The committee calls Kathy Hildebrand from Hearths Families Incorporated. For a second time, the committee calls Kathy Hildebrand from Hearths Families Incorporated. Mrs. Hildebrand's—or Ms. Hildebrand's name will be dropped to the bottom of the list.

Seeing that the rest of the presenters are in town, we will now go to in-town presenters. The committee calls Brian O'Leary from the Manitoba Association of School Superintendents.

Hello Mr. O'Leary. Do you have a written presentation you'd like to circulate?

**Mr. Brian O'Leary (Manitoba Association of School Superintendents):** I do, and, thanks. Here it is here.

**Madam Chairperson:** Okay. You can feel free to start, Mr. O'Leary.

**Mr. O'Leary:** Okay. The Manitoba Association of School Superintendents appreciates the opportunity to make a presentation to the committee about this important bill. As it has several parts, we'll address each part separately.

Raising the mandatory age in Manitoba to 18: We support a redefinition of education that sets, as its goal, the success of all children. In other words, we support the purpose of this bill. Achieving this goal, however, will require continued, concerted effort for all of us in education: school divisions, parents, our communities and the Province.

School divisions already work hard with innovative programming and much effort on the part of principals and teachers to provide an education that is relevant, based on students' needs and sufficiently attractive to high school students. We are well on our way to achieving the goal of success for all learners. As you know, the graduation rate in this province has risen from 71 per cent to better than 80 per cent over the past decade, but we still have a way to go. Achievement results are strong in communities where families are stable and schools approach their task with a high degree of optimism. We're falling short is almost universally where kids are in difficult home situations and in unhealthy communities.

We're grateful for the Province funding education on a healthy level and, in doing so, it has given schools and school divisions the most important tools for doing their jobs well. The government is providing a solid level of support that

assures reasonable class sizes and adequate support from guidance counsellors and resource teachers. This you've done well.

But, if we want to change high school graduation rates from 80 to 90 per cent or beyond, we have to be more successful for kids victimized by poverty. We have to be more successful with Aboriginal learners, and we have to be more successful with those who have mental health and addiction issues.

There need to be stronger measures in place to mitigate the effects of poverty for many Manitoba families.

It is very difficult for schools now to access mental health services. There needs to be a way by which schools can access medical and particularly psychiatric services for troubled students and their families in a timely way. Dedicated psychiatric services that can be accessed by schools directly would make a profound positive difference.

We need this government to put pressure on the federal government to increase funding for education to band schools so that all Manitoba children have access to a strong education. Our provincial school system is better resourced and of higher quality than our federally funded schools.

We need to continue to provide creative solutions to alternative programming to match the needs of all students.

At our annual general meeting, the southeast Interlake superintendents group tabled a resolution requesting significant provincial support, both financial and human, in order to make the mandate of this bill possible, and I quote from their resolution: Support should include human resources and professional learning opportunities for alternative approaches to teaching and assessment, enhanced guidance supports for program and career selection, life skills and addictions and accessible and timely mental health supports. Additionally, that a procedure be established for individual case review of 16- to 18-year-old students who may be exempted due to exceptional circumstances.

Superintendents have expressed concern about how exceptions to the law will be handled. They've asked who judges whether students are, quote: out of parental control. What behaviours does a child exhibit for this to be determined?

What are the implications for children who are 16 or 17 and are on their own? Students who do not

want to actually attend school but want to hang out at schools for non-productive reasons—they will continue to find ways to force us to remove them.

Will an early-leaving certificate still be available? How will that be used?

Some are worried that this bill will force us to direct resources to keep kids in school that either do not want to be there, cannot be there due to other issues in their lives or may be better served by working and returning as mature students.

The bill states Manitoba's education system needs to recognize that young people have different learning styles, and that some of these learning styles can best be addressed outside the traditional classroom or through alternative programming. Schools have long recognized this and have provided students, especially at high school, with alternatives. However, given that this legislation might increase the need and demand for programming options, will additional resources be available to divisions to provide more options for students?

Finally, one of our superintendent groups wrote this: We'd like to point out that there are many reasons students drop out of school: lifestyle choices, such as drugs and alcohol; chronic transiency issues; health; employment; child-care issues; lack of motivation; lack of parental commitment to education; a sense of not belonging; and socio-economic factors that put students at greater risk of becoming non-attenders. Further, problems with attendance begin for many children at an early age and need to be addressed at an early age. How does Bill 13 address these issues? Better results may be achieved by continuing to develop strategies, programs, alternative schools, online learning and especially relationships with families, connecting with students, et cetera, than from this legislation. Any resources we use to enforce new legislation will take away from the limited resources that could be used to create more options and investments in programs.

The cost of failure is horrendous. We want to promote high school graduation. It is tremendously important to the economy, to the community as a whole, to have every one of our citizens educated. As you support this initiative in the future, then we need your assistance in the areas of alternative programming, psychiatric resources, support for families in poverty, partnering with us in pressuring the federal government for more equitable support for reserve schools. We offer our assistance in any



way that we can help and would be happy to be part of discussions around regulations, implementation issues and so on.

Part B: requiring that school boards establish policies and procedures to support students remaining engaged in school or in activities and programs which provide educational benefits as well as establishing policies and procedures to assist pupils with difficulties attending school. We value the opportunity to wrestle locally with the approaches we take and support the government's recognition that there are a variety of approaches that have served Manitoba well over the decade we've worked together to raise graduation rates. Manitoba students are well served by an approach that sets a high standard for all students and the flexibility on how to attain these goals. We commit ourselves to continue to work with you on this.

C: clarifying guidelines with regards to truancy to ensure that attempts are made to engage the student at school or in an alternative activity prior to any warning or fine being issued and a new fine will be created for 16- and 17-year-olds who refuse to attend. With regard to fining students, we suggest caution.

Superintendents have asked: Is this legislation going to change anything for students, their families, the schools who work with these families? Divisions already deal with chronic absentees under existing legislation to the best of their ability, but few cases actually make it to court.

Does section 262.2(3) mean the child is fined for not attending? If a child has withdrawn from parental control, it is highly unlikely the fine is going to change the child's mind. Attendance problems start with many children at an early age and need to be addressed at an early age.

Many of our First Nations parents in the communities are living on limited social assistance. How will they pay fines when they are having problems putting food on the table? It would be a step backward if parents perceive us as the enemy when they are told that they'll be going to court for negligence.

One proactive step we would urge you to consider would be to explore a better system for identifying and tracking students, particularly those who have never been registered, whether they are recent immigrants or are being home-schooled without having been registered. As a public system,

we have no way to track these students. They may be attending an unregulated private school or not attending school at all. We have no way to know. We offer the Province our help in sorting out a better system for identification and tracking.

D: requiring that early-learning or child-care facilities be included in all new schools and, where appropriate, in major renovations. We applaud the features of the bill that require early-learning or child-care facilities to be included in all new and renovated schools. This direction, in fact, supports the intent of this bill to graduate a higher percentage of our student population. As research and the example of the Scandinavian countries have made clear, stronger preschool care and education programs result in greater educational attainment.

The Manitoba Association of School Superintendents has taken note of a growing body of research that indicates that systemic early childhood education and care programs provide substantial long-term benefits for both individuals and societies. Early childhood education and care is increasingly being recognized as an area of concern for society as a whole. Although parents are clearly the child's first teacher, MASS believes that we have a responsibility to be partners in leading a—the development of a systemic early childhood education system.

We applaud the establishment of the early-learning unit as a wonderful first step and urge the Province to consider putting, as Ontario has done, early learning under the Department of Education. If early learning were under Manitoba Education and under the jurisdiction of school boards, we would evolve into a high quality and universal system.

\* (18:30)

I'll be very quick on the no-fail policies. With regard to the prohibition of no-fail policies, there are presently no such policies. We are concerned that even with the notion of people assuming this is an issue, if there were a genuine no-fail policy, our graduation rate would be 100 per cent. The issue here is not whether or not kids fail in school; some do and some will continue to, the issue is: how we can ensure that fewer kids fail and more succeed. And we basically see this is a red herring and less important than the preceding sections of the bill.

**Madam Chairperson:** Thank you.

Are there questions for the presenter? Seeing no questions, we—I'm sorry, Minister Allan.

**Ms. Allan:** Well, thank you very much Brian. I appreciate the comments that you have made this evening in regards to this piece of legislation on behalf of your organization.

I agree with you. We've had many conversations in regards to how we have to work together intersectorially in Family Services and Education, providing mental health services. We've talked a lot about funding for Aboriginal students.

But I do want to just comment in regards to the comments you made about how does Bill 13 address issues in regards to providing better schools or better results, I think that what this does is lay out the framework for working together to provide programs and services for those young people at risk of dropping out. We have many excellent examples in the province of Manitoba and we just need to continue to work on that together so that we can make sure that we capture more of those vulnerable students and make sure that they stay in school and complete their high school graduation.

So, you know, I appreciate the other comments that you've made as well and we look forward to continuing to work with your organization. And thank you very much for being here this evening.

**Madam Chairperson:** Thank you, Mr. O'Leary.

The committee calls Paul Olson from the Manitoba Teachers' Society.

Mr. Olson, you can proceed whenever you're ready.

**Mr. Paul Olson (Manitoba Teachers' Society):** Thank you, Chair.

Good evening, my name is Paul Olson. I am president of the Manitoba Teachers' Society. We represent 15,000 public school teachers in the province of Manitoba. I'd like to thank you for this opportunity to make this presentation this evening to the legislative committee considering this bill.

We are here to support the amendments to The Public Schools Act contained in Bill 13. The bill contains five areas that affect our work: the promotion of students, common provincial report cards, teacher in-service days, child-care facilities in schools and requiring students to stay in school until they are 18.

Regarding the promotion of students, in January 2009, MTS published the results of a public survey we conducted and the results indicated that the

majority of Manitobans strongly oppose the no-fail policy in public schools: 52 per cent of Manitobans said they strongly opposed the policy, 24 per cent said they moderately opposed it.

And Manitobans were also asked: if your child did not meet all the academic requirements to be promoted to the next grade, would you prefer to have them held back and repeat a year of school or would you prefer to have them advance to the next grade? Three-quarters of Manitobans said they would like their child held back to repeat a grade and only 13 per cent said they would like their child passed anyway.

Now MTS conducted this research because we were hearing from teachers that they were frustrated with student promotion and marking policies. Some teachers felt that they were being required to pass students to the next grade against their professional judgment. Others have talked about their professional integrity being questioned because they have been asked to pass students who had not met the academic requirements. This is a hugely important issue among teachers. It cuts to the core of why we became teachers and why professional autonomy is important to excellence in our work.

Now when we surveyed 800 public school teachers, 24 per cent of teachers said that they had been asked to promote a student against their professional judgment. When asked if they had adjusted a final mark for a student, 19 per cent of them, one in five, said they had a final mark adjusted or were directed to adjust it themselves.

Media picked up on that story, government paid attention as well, and Minister Allan agreed to examine the issue. I am here making this presentation today because the minister listened to the concerns of teachers, accepted our research and decided to make it clear to school boards and the public that it was up to teachers, in consultation with parents, to decide whether a student should be promoted. We thank her for listening and for valuing the professional judgment of our members in determining what's best for our students.

Regarding the common provincial report cards, there is great diversity of opinion among our members on the issue of a common report card. Generally, we believe having a common, plain language report card is a good thing. There is currently a remarkably wide range of report card formats in our province: some report cards are a single sheet of paper sent out three times a year;

some divisions have a different report card being used in every school, and even in every classroom; and some report cards are 16 pages long and go out six times a year. Somewhere along the way, some people have forgotten that report cards are for parents. Every parent wants to be fully informed of about how their child is doing in school. While many report cards describe in great detail the programs being taught in the classroom, parents really want to know the specifics of how their child is doing in the program without unnecessary education jargon.

MTS has representatives on the minister's oversight committee which is responsible for advising government on its decisions regarding a common report card. We have clearly heard the parent representatives at that table tell us that the report card should be a conversation starter between parents and the teacher. Teachers believe that the report cards should never be viewed as a replacement for the ongoing dialogue that should occur between a child's teacher and her parents. Instead, it should be a springboard for a conversation about how that child is doing and any next steps that must occur in his or her program of study.

The oversight committee has spent many hours unravelling and reassembling report cards. MTS is hopeful that we will end up—or that what we end up with will more fully inform parents and, in addition, MTS is looking at this as an opportunity to ease teacher workload when it comes to report card preparation. While it's vital that parents be fully informed, the greatest value to be had from student assessment is to inform decisions about teaching and learning, and not the final reporting that is part and parcel of a report card.

In the MTS members' survey conducted in November 2010, 30 per cent of Manitoba teachers reported that they were provided with no prep time or administrative days to prepare report cards. Over one in five classroom teachers invests more than 26 hours to prepare a single set of report cards, and 5 per cent of our members put in more than 46 hours. We are hopeful that the new provincial report card will give teachers more time to help their students and spend less time reporting on what has already been done.

Regarding teacher in-service days, currently, the Manitoba government provides teachers with 10 non-instructional days per year; five of those days are called admin days and are used for matters such as parent-teacher interviews or school planning; the

other five are designated for teacher professional development.

Now, we understand the government's move to standardize in-service days within school divisions. Family needs around child care and supervision were seen to be a concern. The impact of this decision is felt far more among our members who teach in urban areas, as many school divisions outside of Winnipeg already had common in-service days to allow for the scheduling of busing and the co-ordination of PD opportunities among schools and school divisions. While we understand the supervision and child-care issues, it is imperative that this change not materially affect the amount or kind of professional development that our members want and need. Our biggest fear is that teachers will no longer have a say in their professional development, and that in the future their professional development would be dictated from school division offices. And I can tell you, anecdotally, that that is not a theoretical example; that is happening now.

The legal responsibility for ongoing professional development rests squarely on the shoulders of the individual teacher. Historically, our members have had some autonomy in determining their own professional development needs, and they've been able to respond to the particular challenges that their teaching position might present. There is tremendous diversity of student need in our classrooms. Teachers need to be able to obtain professional development to meet the particular needs of EAL or FAL students, new immigrants, war-affected children and so on. The list is nearly endless, and a one-size-fits-all approach to making appropriate PD available to our members would run completely counter to the letter and the spirit of this government's own legislation around appropriate education and the school system's obligation to meet the needs of each child.

\*(18:40)

As a final word on the professional development aspect, the special area groups, or SAGs, of the Manitoba Teachers' Society have been providing superb PD for teachers in Manitoba since 1960. SAG day has been an opportunity for teachers from all over Manitoba to come together, share ideas and resources, and, thus, improve the professional practice as a whole. Essential to this is having enough participating teachers so that a rich and diverse range of PD can be supported. We were hopeful that the government would declare SAG, recently renamed SAGE, day to be a provincial

professional development day for teachers and to consider making an amendment to the legislation making specific provision for SAG conferences on the third Friday of October of each year.

Regarding child-care facilities in schools, there has been much talk in the media about the focus of public schools being from cradle to career. All the research points to the value of a good start for children and acknowledges the simple reality that children do not spring magically from the ground at the age of five, ready to learn. Money invested in early-years programming or family centres pays off over the long term, not only for children but for their families as well.

On requiring students to stay in school until they are 18, an educated population makes our province stronger. MTS believes that every Manitoban should have at least a grade 12 education.

However, the regular classroom is not always the most enabling environment for every student. Keeping students in school is not about truant officers chasing them down, about fining parents or about penalizing students who decide to go back to school and then drop out again.

What it is about is offering programs that meet the needs of a very diverse student population. Meeting the needs of these students will doubtless strain school divisions' budgets, so government must provide dedicated resources to divisions so that students at risk of dropping out will have the programs and resources they need.

All that being said, the other trades and professions who will begin to take on roles within a system devoted to children from birth to 18 are not teachers, and we cannot overstate our belief that every child of school age is entitled to a fully qualified, certified teacher in their classroom and on their side. That is true for students regardless of age, need or program.

For the past 12 consecutive years, this government has viewed the cost of operating our public schools as an investment, not an expense. Our members are thankful for that. Living up to the appropriate education mandate in Manitoba means that each and every child, including those at risk of dropping out, deserves to have the teachers, programs and services they need to be viewed as a great investment and not a cost. I believe most Manitobans would be thankful for that as well.

Thank you to the members of the committee for this opportunity to provide the views of Manitoba teachers. We do wish you well in your deliberations.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have questions? Mr. Cullen first.

**Mr. Cullen:** Thank you very much, Mr. Olson, for the presentation tonight.

Let me publicly congratulate you on your election as president. I hope the next few years go well for you.

Certainly, I also want to just comment the advocacy that your association does on behalf of your members. And thank you tonight for sharing your views on Bill 13. You know, clearly, you mention there's a lot of divergence of opinion; obviously, you would with that many members. And the other thing that you mentioned, too, is the diversity in education, and there certainly is a lot of issues out there in schools these days.

And, obviously, there's going to be a lot of work ahead and, hopefully, a lot of good communication ahead, because there's a lot of stakeholders in education across our—in our great province.

Not a question, but I just, again, just wanted to thank you for the presentation and offer our best wishes for success in the future.

**Mr. Kelvin Goertzen (Steinbach):** Thank you, Mr. Olson, for your presentation here this evening.

I appreciated it, particularly on the issue of the no-fail policy, the promotion of students. I listened to that with interest. I myself had done a survey in my own constituency, and it was even more strongly against the institution of a policy on the no-fail than what came back from your members. Certainly, a number of my friends and family who are teachers often spoke to me about the frustration that they had similar to what your members expressed.

I guess I'm uncertain in terms of the sort of conflict that it seems our previous presenter, Mr. O'Leary, suggested, that it was a red herring, that no policy existed, and yet you're indicating more along what I had heard, that the policy did exist, and it raised my concerns and the concerns of members of our party and it's one of the reasons we support this legislation.

Can you reconcile that difference of opinion that seems to be where—on—your members are indicating that there seemed to have been a policy, and yet the previous presenter said it was a red herring and there was no policy.

**Floor Comment:** Well, I can only—

**Madam Chairperson:** Just a moment. Mr. Olson, I have to recognize you.

**Mr. Olson:** The short answer is no. I could speculate that that might be a question of where policies exist and where practices and traditions exist, but that's the best I could provide at this point.

**Ms. Erna Braun (Rossmere):** Good evening, Paul. I just wanted to add my congratulations, as well, to your presidency and wish you all the best.

And, again, I'm very pleased to hear your presentation and see that the long tradition that the Teachers' Society has, of keeping on the pulse of teachers and parents alike, that you've carried it through with this report. So, thank you.

**Ms. Allan:** Well, thank you very much, Paul. And, once again, congratulations on becoming the new president of the Manitoba Teachers' Society, and I think they've chosen an excellent new president and I look forward to working with you.

And I also want to add my thanks for the thoughtful presentation that you've made tonight. I appreciate you outlining some of the things that we— you believe are critical, that we need to continue to work together on. We need to continue to work in partnership with your organization because you represent 15,000 teachers in this province that do incredible work every day in the classroom and are just such a benefit to our province. So, I look forward to working with you in the future because it truly is a wonderful partnership. So, thank you for being here this evening.

**Madam Chairperson:** Mr. Olson, did you want to respond?

**Mr. Olson:** Only to say, thank you, Minister. We are very much looking forward to that, as well.

**Madam Chairperson:** Just prior to—I just wanted—for the information of this committee, Mr. Olson is also scheduled to speak on Bill 28, The Public Schools Amendment Act and I'm asking leave from the committee for Mr. Olson to stay up and be able to make his presentation on this bill as well, so he doesn't have to return back?

Is it agreed? *[Agreed]*

**Bill 28—The Public Schools Amendment Act  
(Reporting Bullying and Other Harm)**

**Madam Chairperson:** Mr. Olson, you can begin whenever you're ready.

**Mr. Paul Olson (Manitoba Teachers' Society):** My name is Paul Olson, and I am the president of the Manitoba Teachers' Society. We still represent 15,000 public school teachers in the province of Manitoba and I would again thank you for the opportunity to make this presentation to the legislative committee considering this bill.

The teachers of Manitoba are always concerned with the provision of safe and respectful learning environments for students and for all members of the school community. Furthermore, we applaud attempts to ensure that communication between home and school is encouraged and supported. It's only in working together that parents and teachers ensure that students are given their best opportunity to grow and to learn.

MTS supports, in principle, the apparent goals of this legislation. However, we do wish to raise some matters for your consideration, in the hope that they might be addressed through amendments to the legislation or through regulations provided for in part 7 of your draft.

On section 1, reporting to the principal. The legislation as a whole places a great onus upon school principals who are MTS members. If the principal is ultimately responsible for obtaining and passing along information to parents, from those who have care and charge of even one pupil, then our members need to know whether that stops with divisional staff, or might also include parent volunteers, camp staff, externally contracted clinicians and the like. Thus, we would request some clarification of who might be covered under that section.

On section 2, principal to notify parent or guardian, this section requires that a principal immediately report any incident of harm to a child's parent or guardian. In principle, this sounds perfectly reasonable. Under scrutiny, however, it does raise two concerns.

First, the draft legislation does not seem to recognize any right or need to exercise professional judgment. Very severe and very minor incidents are precisely that; they are extremes and it would

presumably be obvious whether a parent should be contacted when they occur. As a teacher, I would call a parent in the event of a full-blown assault; I would not call a parent because one child took another's pencil. The draft legislation does not recognize any difference between the two incidents, or, indeed, provide any definition or guidance on the meaning of harm. This needs to be clarified in some way.

\* (18:50)

The draft legislation makes not reporting a mid-level incident to parents an illegal act. Our members take their professional responsibilities very seriously and understand that they are role models who are expected to uphold the law. Our concern is that in a context where failure to report is illegal, our principals may spend half the day on the phone discussing falls, shoves, disagreements, text messages and arguments that can and should be left to the professional discretion of teaching staff and the principals who supervise them.

We recognize the delicacy of 'oppering'—offering up this concern for your consideration. No one would deny the importance of communication between parent and school. The truth is teachers are frustrated at least as often about the lack of home-school communication. However, this legislation has the potential to nullify that professional judgment by mandating that every problem be a reportable matter. This is a massive waste of time, but at least as importantly, it makes it impossible to exercise our judgment and, for example, let a disagreement among students play itself out over a few days with some gentle nudging from the teacher and thus help students learn to resolve conflicts on their own. Parents and teachers share this goal. We all work very hard to help children get to the point where they can meet more of their own needs and work through problems together.

Secondly, there's the conspicuous absence of any kind of dispute resolution process. The crux of the matter is that if a parent hears of an incident that has not yet been reported to them by the principal, then the matter immediately becomes a legal question. Is the parent supposed to call the police? What is the teacher's recourse in the matter? Should our members meet with a lawyer once they receive the angry phone call? The draft legislation, for all its highly commendable goals and purposes, sets up the potential for protracted and expensive conflicts.

On the definition of unacceptable conduct, section (6), we offer two brief observations. To most teachers, abuse is a technical term that refers to harmful acts or failures to act that are perpetrated by a parent or a statutory caregiver on a minor for whom they are responsible. There are already strict rules and procedures for the reporting of such suspicions or incidents to the proper authorities. This legislation seems to relate more to harmful interactions among peers, such as assault or bullying, and thus the terminology needs some clarification or elaboration to ensure that the expectations being placed on teachers and principals are clearly articulated.

Harassment legislation has been updated to reflect that harassment can be a single incident. It no longer requires that behaviours be repeated. While the term bullying has gained currency in its own right in labour relations, bullying under any other name is usually just harassment. The question, then, is whether you wish to insist that the behaviour be repeated or whether a single incident might comprise grounds for reporting. We would ask that this be clarified.

Perhaps more importantly, by definition, bullying is deliberate, and this is not a subtle distinction for us. Teachers look at bullying as deliberate, targeted, wilful behaviour. Your draft legislation seems to imply that there may be an unintentional form of bullying. So this must be clarified as well.

I would conclude by once again thanking you for the opportunity to contribute to your deliberations on Bill 28. We commend you in your attempts to ensure that all students work and learn free from bullying or other harm and that communication between home and school be valued and encouraged.

Again, best of luck in your work this evening.

**Madam Chairperson:** Thank you for your presentation. Do members of the committee have questions for the presenter?

**Hon. Nancy Allan (Minister of Education):** Well, thank you very much, Paul, for this presentation in regards to Bill 28.

We appreciate some of the clarity that you are requesting in regards to some of the components of this legislation, and we certainly would look forward to having a meeting with you—we have—another meeting with you. We have lots of comments and—that we would like to make in regards to some of

these questions that you have in regards to clarity, and we look forward to having that dialogue with you.

And, once again, I'd like to thank you for your advocacy on behalf of your members and thank you for being here this evening.

**Madam Chairperson:** Did you have any comments, Mr. Olson?

**Mr. Olson:** Once again, I'll look forward to the discussion and thank you, again, for your comments, Minister.

**Madam Chairperson:** Thank you, Mr. Olson.

We will now to return to—oh, I'm sorry. Dr. Gerrard.

**Hon. Jon Gerrard (River Heights):** Thank you for your presentation. Decreasing the amount of bullying in schools is certainly a tremendously important objective in sort of setting the stage for what students will be doing in the rest of their careers. And you raise some I think significant and important issues in terms of what can be done and most effectively done and—in schools and about the importance of being able to differentiate what is minor from severe.

Where would you consider it best or how would you consider it best to draw the line, I mean, in terms of what would be minor versus severe and how you would approach it?

**Mr. Olson:** I suppose, pro forma, I should thank you for that question.

That, I think—and this may sound evasive, but I think it's the best answer I can give you—that is exactly the type of question that distinguishes a technician from a professional. A technician has a list of situations where, if this happens, then you do that. A professional is entitled to exercise and is, indeed, mandated to exercise their professional judgment. And you would know this based on your background.

There is not one answer for that. It would depend on—and I could provide a long list. It would depend on the individual child involved who has been victimized or who thinks they have been victimized. It would depend on the student who had carried out the behaviour that was deemed to be bullying.

If I could relate to my comment on the matter—or the possibility of unintentional bullying, a classic example: We have any number of students in our

schools who have various cognitive challenges that make them largely oblivious to the social cues that are being shown them by the students around them. They can be showing repeated behaviour which most students will clearly see is driving the students around them absolutely around the bend, and they are entirely unaware of the fact that their repeated behaviour is doing that.

So the intervention in that situation by a teacher, by a professional, would be markedly different, and the communications would be markedly different than a child who was doing that kind of thing, perhaps even an identical behaviour, in a targeted and deliberate way.

So I don't have a facile answer for you, but it would be a matter of judgment and context.

**Madam Chairperson:** Short question, Dr. Gerrard.

**Mr. Gerrard:** Now, the Scandinavian countries—I think particularly Norway and Sweden—have been particularly effective in developing ways of monitoring the extent of bullying in schools.

Do you think that those sorts of approaches would be helpful in understanding to what extent we've been effective in changing behaviour?

**Mr. Olson:** Based on the extensive experience that I've acquired in 10 days as MTS president, I would have to say that any approach or any research base that exists that has demonstrated success is worthy of consideration. I won't pretend that I personally could explain what those methods are now.

**Mr. Gerrard:** Thank you.

**Mr. Olson:** Thank you.

**Madam Chairperson:** Thank you very much, Mr. Olson.

**Mr. Olson:** Thank you, Madam Chairperson.

**Bill 13—The Preparing Students for Success Act  
(Various Acts Amended)  
(Continued)**

**Madam Chairperson:** For the information of the committee, we'll be returning to Bill 13, The Preparing Students for Success Act.

Susan Hrynyk, board chair for the Winnipeg School Division.

Please feel free to start, Ms. Hrynyk.

**Ms. Suzanne Hrynyk (Winnipeg School Division):** Thank you. With all due respect, my name is Suzanne Hrynyk.

**Madam Chairperson:** I'm sorry.

**Ms. Hrynyk:** Thank you. Sorry if it's not noted that way on the note.

Thank you very much. I'm very pleased on behalf of the Board of Trustees of the Winnipeg School Division to have the pleasure and opportunity to express our concerns and views regarding Bill 13, The Preparing Students for Success Act.

\* (19:00)

Given the impact this bill could have on schools and communities in the Winnipeg School Division, the board would also like to share some of its concerns in context as they specifically relate to the division.

As you are aware, the demographics in the Winnipeg School Division present a very challenging picture. The division provides programs and services to over 32,000 students. The division serves a significant number of families who live in poverty; over 40 per cent of the families have incomes below the low income cut-off. Aboriginal families represent approximately 25 per cent of all the families with children in the division, and almost 50 per cent of all immigrants who arrived in Winnipeg in the past five years live in the school division.

The division's commitment to the children and the families it serves is evident through the day-to-day work of its dedicated staff. The annual planning and budgeting processes focuses on students while being mindful of the resources available to deliver the necessary programs and services.

Our board's primary responsibility is to ensure that all students receive the highest quality education possible in our schools. Along with this overarching responsibility, our board must provide responsible stewardship of the financial resources entrusted to it and must work in partnership with families, communities and other organizations in ways that impact positively the overall well-being of children and youth.

The Winnipeg School Division supports in principle The Preparing Students for Success Act, which would require amendments related to The Public Schools Act, The Public Schools Finance

Board Act and The Education Administration Act. The intent of policies and procedures is to support students to be engaged in school, participate in meaningful activities and programs, and strive for personal satisfaction and success both within and outside of school settings.

On the issue of increasing the compulsory age for school attendance, obviously that represents some challenges, and in addressing the change in compulsory school age from 16 to 18, the division is hopeful that schools and individual families will find this support both encouraging and sustaining to our belief in assisting students to regularly attend school. Improved student attendance has been an ongoing focus for our school division, and it's now outlined specifically in our Winnipeg School Division priorities for 2010 to 2013. As such, we have already implemented many strategies to both address student attendance throughout their school years and through the implementation of many programs and initiatives, and you will see that at the back of our document we have a list noted under appendix A of all of the different programs that we have availed within the school division to assist in these matters.

It remains critical that we have the financial support necessary to engage all of our students, as we anticipate the need for specialized programming is likely to increase as a result of this bill.

It has been the practice in the past to notify parents at the earliest point of concern relating to their children's attendance record. We note that in section 259.1(3), the Province is indicating an offence resulting in a fine should have—should a student refuse to attend school or be habitually absent. This raises several concerns, as the division has many programs and supports in place to assist parents in ensuring that children attend school. While we consider this an important role, further support may be needed from the Province should there be an increase in demand for additional resources.

Educators and parents attempt to work together to address issues surrounding absenteeism, using our school attendance officers only after other proactive means have been exhausted. In working with 17- and 18-year-olds who are not attending school, and all avenues have been explored, such as supports, specialized programs and threats of legal action, to whom does a school division turn for assistance? In addition to this section, section 262.2(2) outlines the content of regulations for participation in programs or activities that do not take place in the school. How



is this to be pursued and implemented? Does a school division find a workplace or a program for a student? Does that become the responsibility of the student or the Province? Who is then responsible for the supervision of the student? This will need—these items will need to be clarified.

The board of trustees trusts that school completion rates will be carefully analyzed to measure if raising the compulsory school age will, indeed, increase the rates of both attendance and completion.

Regarding the matter of student assessment and promotion, there are two amendments to Bill 13. The first provision outlines the responsibility of the school board with respect to student promotion. Boards are prohibited from adopting policies that require principals to promote students regardless of a student's achievement of expected learning outcomes.

The existing policy of the Winnipeg School Division allows for children to be retained, a decision that is made by administrators, along with support teams, specialists and families. This process must continue so that the most suitable placement for individual students is reviewed. Schools and families together are best suited to make these types of decisions on a case-by-case basis.

The second amendment deals with the ministry being given the legislative authority to determine the form and content of student report cards. There are some concerns that the Province is attempting to quantify our children's learning, which goes against what research is telling us is an effective practice. The board would urge the Province to monitor this process very closely, to ensure that it meets the government's goal of providing greater transparency to parents, while enabling teachers to report fully and appropriately on student outcomes.

The successes, barriers to learning, student goal setting and the planned next steps for learning; will the Province provide assistance to the division working in partnership with parents?

Regarding the scheduling of non-instructional days for teachers, with the Minister of Education now able to regulate the scheduling of non-instructional days for teachers, our division has co-ordinated eight days for the 2011-12 school year. We are pleased to discover that while a certain number of non-instructional days must be standard for all schools, there was some flexibility

surrounding the co-ordination of non-instructional days with other areas. However, it is our understanding that the Province will require all days to become common in coming years.

It is our hope, again, that new amendments will be closely monitored so that disruptions to school processes may be addressed swiftly.

We are anticipating some challenges with this issue; for example, in our inner city schools, to work around the sharing of translators for students, teacher-parent conferences, when all conferences could be held on the same day. Parents with children in a number of different schools may also find attending conferences in different schools difficult to arrange.

We respectfully request that schools maintain the flexibility of two of the 10 days for school-wide or divisional planning, especially in regard to conference time and meeting with families.

Now regarding the capital support for early-learning and child-care facilities, we recognize that these spaces must be available to support early-learning or child-care facilities, either within their school or on adjacent school property. We would appreciate further specific detail about subsection 8, part 2—subsection 2—and exactly what is meant in the new clause.

A question that we have involves support for profit, as well as non-profit daycares. Clear parameters may need—may be needed from the Province in order to address this.

In summary, the Winnipeg School Division believes strongly in the sentiment of preparing students for success. As such, we acknowledge that many of the amendments recommended within Bill 13 are made with the intent of serving the best interest of our students. We agree in principle with the supports being put in place, to help us achieve the end result of high school completion with a focus on greater student engagement, a higher percentage of school attendance, innovative programming and partnerships and consistent reporting to our families.

We would have appreciated more collaboration prior to the introduction of the bill. Since the introduction of the bill, the promise—Province has attempted to include school divisions in discussions on the report card. Our ongoing request is for the monitoring of each amendment so that any negative impact on schools may be identified and addressed.

We have identified, throughout this brief, the possible additional financial costs of these initiatives to the division and we would request the Province have discussions with school divisions, in order to determine how best to assist in the provision of funding for additional programming.

We thank you for the opportunity to share our feedback with your legislative committee responsible for this bill. Thank you.

**Madam Chairperson:** Thank you for the presentation.

Do members of the committee have questions for the presenter?

\* (19:10)

**Mr. Cliff Cullen (Turtle Mountain):** Thank you very much for your presentation tonight, and it was—I'm glad you were able to show us the unique challenges that your division is facing here in Winnipeg. It's, you know, quite a unique situation you find yourself in. And, as well, I'm—I thank you for the list of the other programs and services you provide. That's quite an impressive list that you're providing for us.

In terms of keeping children in school till age 18, obviously the existing legislation says till 16 years of age. I wonder if you would know when the last time was that your division actually went out and went through the process and actually fined a family for not having a student in school.

**Ms. Hrynyk:** Oh, I'm sorry, thank you. To my understanding, we have not done so. Is that correct? Do you mind if I would confer with our chief superintendent who is also present?

**Madam Chairperson:** That should be fine.

**Ms. Hrynyk:** Okay, thank you.

**Floor Comment:** We did do a couple of cases—

**Madam Chairperson:** One moment, I have to ask leave for the committee for you to speak. Is there leave for the—*[interjection]* no, that's okay. That's okay. That's okay. I just have to ask leave and I also have to ask your name.

**Floor Comment:** My name is Pauline Clarke, and I'm the chief superintendent of the Winnipeg School Division.

**Madam Chairperson:** Is there leave from the committee for Ms. Clarke to speak? *[Agreed]*

You can speak, Ms. Clarke.

**Ms. Pauline Clarke (Winnipeg School Division):** Okay. About 20 years ago, we did have a couple of cases in the division that we took through—we did all the steps in the school, we went through to our lawyers and we did actually take to court. And, in the end result, there was a parent who was fined, but it didn't actually change whether the child came to school or not. And our view—I mean, Ms. Hrynyk didn't read every word of our brief, but there is a comment in our brief to say that, from our point of view, the time that it took us to follow through just really—the cost of that far—it was in far of excess of what we would accomplish in terms of having children stay in school. So you can see from our list that we've chosen to take another route here.

**Floor Comment:** But that would be 20 years ago, that was the last example.

**Ms. Clarke:** Twenty years ago, yes. So, basically, we tried other routes since then because we weren't successful in—with the Crown attorney. They determine whether to prosecute or not, and in some cases, we got that far and they decided not to prosecute. And, as I say, there were a couple of cases where we did, and it didn't change much.

**Madam Chairperson:** Thank you very much.

**Hon. Nancy Allan (Minister of Education):** Well, thank you very much, Suzanne, for your presentation, but also thank you to the Winnipeg School Division, all the staff, the trustees, all the teachers. What an incredible job you do. I believe it is the largest school division. Certainly, it's bigger than Frontier in regards to number of students, largest school division in the province of Manitoba and probably has some of the highest needs, and the school division just does an amazing job. And we appreciate the work that you do, and we appreciate the comments, the thoughtful comments, you've made in this presentation and we look forward to continuing the dialogue with you in regards to how we can help your school division, you know, continue to provide supports and programs to students that help them achieve academic success. So thank you so much.

**Madam Chairperson:** Did you have any comment, Ms. Hrynyk?

**Ms. Hrynyk:** I just wanted to thank Mrs. Clarke, because corporate memory matters.

**Madam Chairperson:** Thank you for your presentation.

The committee calls Ian Mogilevsky from the Manitoba Association for Christian Home Schools. Mr. Mogilevsky, you can start whenever you wish, and I hope I'm saying your name correctly.

**Mr. Ian Mogilevsky (Manitoba Association of Christian Home Schools):** Close enough, I think. There is a slight—I think there's a slight error in the spelling that you might have before you. So it's on the handout that I've circulated to get the correct spelling.

Well, thank you, committee, for the opportunity to speak on this bill, Bill 13. My name is Dr. Ian Mogilevsky, and I am a home-schooling father of seven children as well as the president of the Manitoba Association for Christian Home Schools, which is a volunteer organization of approximately 250 home-schooling families and upwards to representing about a thousand children across the province of Manitoba. By profession, I am a registered clinical psychologist.

We applaud the government for putting forth a bill that has the potential of improving the success of students across Manitoba.

In terms of duration and general learning outcomes, home-schooling works similarly to both public and private schools. The typical home-school student completes their 12th grade of education shortly before or just after their 18th birthday and typically participates in university or college preparatory courses of study. Thus, the vast majority of home-school students would not be in any risk of penalties mandated by any amendments.

However, MACHS has two major concerns with Bill 13. One, how will home-school students who graduate prior to turning 18 avoid penalty provisions? And, two, how will parents provide learning opportunities such as work apprenticeship programs without attracting the penalty provisions? These concerns, mind you, deal with two small subgroups of home-schooling students within the general community of home-schoolers across Manitoba.

The first group I call the very high achievers. We're not talking about high achievers here; we're talking about the very high achievers. Clearly, they're—less than 5 per cent of the home-schoolers across Manitoba would even consider being in this category. For instance, a student by the name of

Hannah would be considered, possibly, in this category: gifted student, athlete, musician, you know, we're talking Rhodes scholar potential here, university-bound, working extremely hard and diligent on obtaining her high school credits seemingly as fast as possible, managing her time efficiently and continuing—at times, even schooling in the summer, highly motivated to graduate. The odds are she will graduate somewhat before her 18th birthday.

The question MACHS has is: Is her situation being considered in light of this bill? It seems that her situation is silent in speaking to where she is at and the motivation that she brings to her studies and the reality that she will be done her course of study, receiving her home-schooling graduation certificate, long before her 18th birthday. The question is: Would she be in, with regards to the amendments to this, would she be in a penalty provision situation where she would be at risk?

The second group, which again is 5 per cent or less of the, probably, the home-schooling community, is what I consider the hands-on learners. For example, Paul is a home-school student. He would call himself not much of a book learner and would rather do his learning through his hands. He will tolerate sitting at the desk doing his math and language arts and other subjects because they're required, he knows that, but he just can't wait to be out in the evenings and on the weekends with his father working with tools and really doing what he would call the real learning of life. He's highly motivated, but he doesn't see himself pursuing university studies. But he is highly motivated to pursue a trade.

His parents would like to develop sort of a part-time work apprenticeship program for him as he's going through. Would this be possible? It seems that his situation isn't considered in light of the amendments to this bill.

So in conclusion, MACHS is asking you to consider both Hannah and Paul and other home-schooling children who are, we agree, are a small minority of the home-schooling students out there but are still an important and valuable assets to the community and to moving forward to their next stage of development into their chosen desires of career.

Thank you very much for the opportunity to speak on behalf of MACHS and for your work on Bill 13.

\* (19:20)

**Madam Chairperson:** Thank you very much for your presentation.

Do members of the committee have questions for the presenter?

**Hon. Jon Gerrard (River Heights):** Yes, just clarify for me a little bit where the problem is. I mean, if somebody who's home-schooled or a student or young person who's home-schooled reaches the point where they are ready to go to university or to college or whatever, that—why is it that you're concerned about them being forced by this to stay into school after they have really achieved what is the equivalent of grade 12 graduation?

**Mr. Mogilevsky:** Thank you for that question.

Our concern is that when a home-school student graduates, their parents issue them a graduation of completion and a diploma for the home-schooling. Universities across, you know, Canada receive home-schoolers very similarly to they would receive public or private school students. The problem that we see is that it's not clear to us in the amendment that it seems to imply that it needs to be a Manitoba-issued graduation certificate or graduation diploma and, technically, the certificate or diploma that's issued for home-schooling is issued by their parents as a completion of the program of study and that's our concern.

**Mr. Gerrard:** So what you're asking is that for home-schoolers that the certificate that comes from the parent for completion of studies be accepted as equivalent to a high school graduation certificate?

**Mr. Mogilevsky:** That's exactly correct.

**Ms. Allan:** Well, thank you very much, Ian. I'm so pleased you came here tonight to the committee to make your presentation and to express some of your concerns about what you think this legislation means. And I think probably the problem that we have here is an optics issue about the whole issue around the words "stay in school." And I think that's the problem here. We believe that you have every right to educate your children and obviously, you're doing a wonderful job, and we thank you for that dedication and commitment to, you know, educating seven of your children. And I want to guarantee you that this legislation will not infringe upon your rights as a parent to home-school your children.

And I want to just clarify that the section in the legislation that I think is of a concern to you is the 261, and I think that that's the problem that you're concerned about. And I just want to guarantee you that this change in the legislation does not diminish, in any way, the right of parents to home-school, and I want to put that on the public record.

And also in regards to a progress report, I know when you home-school your children at home, anyone who does that, you work with our home-schooling office in the Department of Education, and we make sure that you're meeting the outcomes. And you work hard with your children to achieve those outcomes, and you provide progress reports to the department and then what we do is we authorize that your young person has achieved that grade 12 attainment. And that's what we're concerned about.

We don't want to keep anybody in school. I mean, they may achieve that maybe when they're 17, regardless of whether they're in home school or they're in public school. That's what we want. That's the intent of this legislation, is to make sure that young people get that grade 12 education, get those credits, so that they can go on and get jobs and participate in our economy, go on to on to post-secondary education.

So I just wanted to clarify that, and I really appreciate you coming here this evening and—because it's an opportunity for us to have a kind of an exchange about this and clear up any, perhaps, misconceptions of the legislation and an opportunity for me to say, congratulations; you do great work. Thank you.

**Mr. Mogilevsky:** Well, thank you so much for those comments. I do very much appreciate them.

I do also, though, have the concern about the work apprenticeship programs, as well, that parents very much would like to participate in but would be confused whether they would still have that opportunity.

**Madam Chairperson:** Is there leave from the committee for Minister Allan to answer that? *[Agreed]*

**Ms. Allan:** Yes, absolutely, I'm sorry, I forgot to mention that. Absolutely, home-school and non-funded independent school students, they will be able to participate in those programs as they are now. They will continue to be able to participate in them. So we appreciate you asking that question so we can clarify it.

**Madam Chairperson:** Thank you very much.

The committee calls John Bobbette from the Winnipeg Technical College.

Hello, Mr. Bobbette.

Did you have a written presentation you wanted to circulate?

**Mr. John Bobbette (Winnipeg Technical College):** No, I don't, just a brief oral, if that's okay.

**Madam Chairperson:** Yes, you can start, Mr. Bobbette.

**Mr. Bobbette:** I was—I had a 50-50 chance with the last name Bobbette to be moved to higher up in the order, but realizing I'm representing Winnipeg Technical College, I might be at the end of the list.

So, given that, given that you've heard a lot of presentations already, bear with me, I just have about five minutes and I only want to focus on things from a college perspective for the committee.

On behalf of the Winnipeg Technical College, thank you for this opportunity. As we all know, Canada's birth rate is in decline and we face a critical skill shortage within the next few years. We know that we have thousands of skilled jobs without people and people without jobs. We know that skilled jobs in the future will require individuals with post-secondary training and education, and we know that the secondary school dropout rate is a significant challenge across the country and especially in Manitoba. This is the reality that we are dealing with and the issues we face as a province.

We also realize that no one piece of legislation will address our challenges, but Bill 13, I believe, is a progressive piece of legislation. It's subtle in its design but powerful in its application. It is a cross-ministerial piece of legislation that will benefit all Manitobans. Bill 13 complements the government's investment strategy. It supports immigration. It advances our apprenticeship, technical training skill shortage, pathways, transfers, innovation, literacy and our education-to-employment agenda. It benefits all.

The passing of this bill allows institutions like ours, Winnipeg Technical College, to engage in meaningful dialogue with our secondary school partners on how best to deal with disengaged high school students. It would provide access to thousands of students who opt not to complete secondary school or not to go on to advanced training and

education. These are some of the most gifted students in our province and they represent a significant human resource pool for a future skilled workforce.

For over 25 years, Winnipeg Technical College has been delivering technical training, developing partners with—partnerships with secondary schools in the area of technical and vocational. Our institution, which is unique to the province, has demonstrated that alternative secondary and post-secondary programs work. Small learner-centred environments focused on practical and academic content offering programs leading to employment are strategies that engage our youth.

Almost every province in this country is trying to find new and innovative ways to increase secondary school graduation rates and provide young people with the skills they need to secure good jobs and contribute to creating a prosperous, skilled country.

As educators, we know that not all students function best in traditional secondary school settings. This legislation will provide an opportunity for our many and varied educational training institutions to create more innovative, engaging strategies and delivery formats that will enhance our efforts to educate and employ these young men and women.

\* (19:30)

Adult learning centres, literacy networks, colleges, universities, private training organizations, these are all partners with our secondary schools, and we believe that we've got some creative solutions to help the secondary schools achieve their goals and objectives.

We believe that all of our programs should lead to multiple credentials, essential and employability skills, technical and vocational, apprenticeship options which will serve us all very well in the future.

Bill 13 provides the legislative structure and the educational framework to engage our youth, our businesses, our industry and education institutions in meaningful education-to-employment initiatives.

I applaud Minister Allan, her staff and colleagues on bringing this bill forward, and I wish you well in your deliberations.

Thank you very much.

**Madam Chairperson:** Thank you very much, Mr. Bobbette.

Does the committee members have any—do they have questions for the presenter?

**Hon. Jennifer Howard (Minister of Labour and Immigration):** I don't have a question. I just want to thank you for coming and I want to just share with the committee how impressed I was when I got to tour your operation offering English as an additional language training and other classes to newcomers. We toured that, and we talked to some of the students. And I was so impressed that there were not only newcomers there but some students who had been here for 20 years, who had never yet had the opportunity to take literacy classes in written English—spoke English very well, but had never been able to learn how to write English.

And I was so impressed with your staff there and the commitment they have, and also that they'd also recognized the need to have not only teachers but counsellors to help those newcomers with that journey to become part of Manitoba and part of Canada.

So I just want to thank you for that innovation and that commitment to education and thinking outside the box of education.

**Mr. Bobbette:** Thank you, Minister Howard. It's a great honour to work with you, and I think we've got some innovative solutions to support our secondary schools and to meet the objectives of this legislation.

**Ms. Allan:** Thank you very much, John, for being here this evening.

I think it's wonderful that you were able to finish off the presentations tonight from this perspective, right, in regards to post-secondary education and thinking out of the box.

We're very fortunate to have you in this community. You came here from Ontario and—oh, sh—and, you know, we truly are—I know you did excellent work in Ontario. We were lucky to steal you away.

I know you are already working with the deputy minister in my department. I know you're doing great work. You've already started some exciting work with the president of the University of Winnipeg. And we know you are going to have some very creative solutions in regards to helping us, you know, find pathways for students so that they can get into

careers and get into the workforce and participate in our economy.

So thank you so much for being here this evening.

**Mr. Bobbette:** Thank you, Minister Allan. Good luck, folks. I appreciate it.

**Bill 28—The Public Schools Amendment Act  
(Reporting Bullying and Other Harm)  
(Continued)**

**Madam Chairperson:** The committee will now move on to presentations on Bill 28, The Public Schools Amendment Act.

The committee calls Rebecca Ulrich from the Canadian Red Cross.

You can proceed, Ms. Ulrich.

**Ms. Rebecca Ulrich (Canadian Red Cross):** Good evening, Honourable Minister Nancy Allan, Honourable Minister Jennifer Howard, and members of the committee.

I'm here this evening in my capacity as the RespectED manager for the Manitoba Region of the Canadian Red Cross. And I'm joined by Jane Hunt, our provincial director, and by Don McCaskill, assistant superintendent of the Frontier School Division.

As you may be aware, RespectED: Violence & Abuse Prevention is a national program of the Canadian Red Cross, and we've been working in Canada for the past 27 years to create safe environments for children and youth.

We work in partnership with schools and organizations to provide 10 Steps Risk Management framework and to provide comprehensive education for children, youth, parents and adult professionals in the area of bullying and harassment prevention.

As an evidence-based program, we also work in partnership with research organizations such as PREVNet, Canada's Centre for Excellence on bullying prevention, to ensure that our programs are evaluated and based on current research.

As an organization committed to preventing violence and abuse, the Red Cross wholeheartedly supports attempts to create safer school environments, and we are really pleased to note that a proactive approach to combat bullying will be enshrined in legislation through Bill 28.

Given the Canadian Red Cross's experience in this field, I just wanted to offer a—following observations in regards to Bill 28.

First, in order to effectively report bullying that's taking place, teachers, coaches and support staff need to fully understand the nature of bullying and really be able to recognize bullying behaviours. And so those charged with the responsibility of working with children must have the education and training required to carry out their responsibilities under this legislation. An adult may very unwittingly turn a blind eye to bullying behaviours if they don't recognize them as such. And so educating adults is really one key aspect of preventing bullying. And, in our work with educators, we know that training and access to support provides a forum for them to ask questions and connect with other professionals doing this important work.

Second, it's also important to recognize that bullying takes place away from adult supervision. According to research, in 85 per cent of bullying episodes, peers are present and adults seldom witness or have the opportunity to intervene in bullying situations. And so, thus, youth also need to be educated about what constitutes bullying, the impact of bullying behaviours and be empowered and encouraged to report it as well.

Requiring reporting by adult is a very worthwhile initiative, but a more comprehensive approach, one that includes educating youth, would be even more effective. If students are the primary bystanders to bullying behaviours, then we really need to know—they need to know what steps it takes when they witness it.

Our program model includes developing students as leaders in this issue. They become recognized as—by their peers as safe people to talk to about bullying incidents that have happened in the school.

And I just want to briefly share with you a conversation that I had, recently, with a young person who's involved in our program. She explained to me that, in her grade 12 year, she had a grade 10 student waiting outside of her locker. And she didn't know that younger student; hadn't met her before. And this young girl started explaining to her the bullying incidents that were happening during school and outside of school. And so she talked with this student and did her best to support her in school. And one day she came across this student being attacked by other students, and so she actually

marched right up to those students and told them to stop and leave this young woman alone, and they did. And she also was able to share what was happening with this young student with the guidance department so that that younger girl was able to be given the support that she needed in her school.

And so I just want to share that as one example of many that we hear that demonstrates the importance of educating and empowering youth to be involved in this issue.

Third, an important step in recognizing that bullying is a community issue, not just a school issue, is reporting bullying incidents to parents and guardians. Although this is very important information to share, the legislation doesn't outline any further steps, tools or resources that could be used by school administration and parents or guardians to support a child that's experiencing bullying.

Fourth, many schools already have policies in place whereby staff are required to report serious bullying incidents. However, for schools without a policy that has been clearly communicated with instructions, there's the potential that the passage of Bill 28 could significantly increase the number of reports to the principal. In order for Bill 28 to be effective, schools may need to be provided with a reporting mechanism and clear guidelines on what issues can be addressed by staff and which should be dealt with by principals.

The Canadian Red Cross values any effort to create safe environments for youth. However, a sustained effort to educate both youth and adult about the nature of bullying and the tools to intervene in bullying incidents would strengthen the provisions of this bill, as would ensuring all schools are ready for the passage of this legislation with effective reporting mechanisms and clearly articulated expectations.

Youth need to be able to talk of their bullying and harassment experiences, and adults need to have information and guidance to create safe environments and support youth from harm.

So thank you very much for your time and consideration this evening.

**Madam Chairperson:** Thank you very much for your presentation.

Do committee members have questions for the presenter?

\* (19:40)

**Hon. Jon Gerrard (River Heights):** Thank you, and you've got, at the Red Cross, quite a bit of experience with the RespectED program. I'm just curious, do you require mandatory reporting of bullying incidents? Or—I mean, you have a 10-step program for dealing with them. I mean, tell us a little bit about the 10-step program and whether or not you require mandatory reporting.

**Ms. Ulrich:** Within our 10 steps framework, the intention is to work with schools or organizations so that we're developing policies and procedures that suit those schools and organizations in regards to creating a safe environment. So we look at the situations that they're dealing with, the different staff that are involved in the situation, and then have a conversation with them about the best way to offer that reporting mechanism.

So we absolutely encourage that staff would be communicating incidents that are happening throughout the organization, but we really try and work with an organization or a school or school division to find the best mechanism to do that.

**Hon. Nancy Allan (Minister of Education):** Well, thank you very much for your presentation. I—you've had, actually, the opportunity to educate me this evening. I had no idea that the Canadian Red Cross did this work, and I truly appreciate the opportunity to have these comments that—and this information that you've provided to us.

And I wanted to just comment in regards to the bullet in regards to having policies in place around serious bullying incidents. And we do have—you know, we have talked in the legislation; we have talked about the deliberate bullying of another pupil that is of a serious nature, and there's a balance there. We didn't want it to be too prescriptive, but we did want to make sure that we outlined that this was of a serious nature.

And, also, of course, we put in the issue that you raised in your presentation about cyberbullying, because we know that that is going on in the new world that we live in, in regards to technology.

So appreciate the—you taking time out of your evening to make this presentation, and thank you so much for the work that you do on behalf of this very important issue.

**Ms. Ulrich:** Thank you very much for your kind words.

And it's very exciting to hear that you may have not been familiar with the program before, but we can raise that awareness for you and potentially other members of the committee, so thank you.

**Madam Chairperson:** Thank you very much for your presentation. I'm just having trouble with this.

One more time, the committee would like to call Kathy Hildebrand from Hearths Families Incorporated. Seeing that Ms. Hildebrand is not here, her name will be dropped from the list.

This concludes the list of presenters I have before me.

Are there any other persons in attendance who wish to make a presentation? Seeing none, that concludes public presentations.

In what order does the committee wish to proceed with clause—oh, I'm sorry—Mr. Martindale. Okay.

**An Honourable Member:** In answer to your question—

**An Honourable Member:** Just that I'm first.

**Madam Chairperson:** In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

**Mr. Doug Martindale (Burrows):** Thank you, Madam Chairperson. The early bird gets the worm.

I would recommend the order as follows: 13, 28, 34, 15, 23, 32, 33, and, if you'd like the rationale, I could give you that too.

**Madam Chairperson:** Please proceed with why you wish to go in that manner.

**Mr. Martindale:** Well, I think we should let the Minister of Education's bills go first, and then her and her staff could go home.

**An Honourable Member:** No, she has to stay.

**Mr. Martindale:** Oh, well, her staff could go home.

**Madam Chairperson:** So—order.

This is the order that was suggested was: Bill 13, 28, 34, 15, 23, 32, 33.

Is there agreement from the committee to go in that order? *[Agreed]*

During the consideration of a bill, the table of contents, the preamble, the enacting clause and the title are postponed until all other clauses have been



considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

**Bill 13—The Preparing Students for Success Act  
(Various Acts Amended)**

**Madam Chairperson:** We will now proceed to clause-by-clause consideration of Bill 13.

Does the minister responsible for Bill 13 have an opening statement?

**Hon. Nancy Allan (Minister of Education):** Well, I would just like to say that I'm very excited about this piece of legislation because I believe that it is going to provide and enhance—provide a wonderful opportunity for us to do some exciting things in the public education system, and we're going to do that in partnership with our stakeholders and with communities and with parents, and we're very pleased to be passing this legislation through committee tonight.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mr. Cliff Cullen (Turtle Mountain):** No.

**Madam Chairperson:** No.

Clauses 1 through 3—pass; clauses 4 through 6—pass; clauses 7 and 8—pass.

Shall clause 9 pass?

**Ms. Allan:** I have an amendment to clause 9.

**Madam Chairperson:** Minister Allan, you can move your amendment.

**Ms. Allan:** I move

*THAT Clause 9 of the Bill be amended by adding the following after the proposed subsection 259.1(3):*

**Application**

**259.1(4)** Subsection (3) applies only in respect of a child who has been withdrawn from parental control.

**Madam Chairperson:** It has been moved by Minister Allan

*THAT Clause 9 of the Bill be amended by adding the following after the proposed section 259.1(3):*

**Application**

**259.1(4)** Subsection (3) applies only in respect of a child who has withdrawn from parental control.

The amendment is in order. The floor is open for questions.

**Mr. Cullen:** Well, maybe we'll have an opportunity for the minister to explain the amendment to the committee, if she would.

**Ms. Allan:** Well, thank you very much for that opportunity. It provides me with the opportunity to talk a little bit about the fines in the legislation. Fines have been in the legislation for a very, very long time, and, as we heard earlier from the superintendent in the Winnipeg School Division, Pauline Clarke, the fines are rarely used, and the courts establish those fines and the Crowns make the decision in regards to whether or not to proceed with the fines.

But we had—actually had a conversation and a discussion, and we thought about removing those fines completely, but we have a feeling that they're very similar to the fines that are in place for workplace safety and health. They can—they're there if, sometimes, a truancy officer wants to go to the door of a family who is having very—having difficulty getting their child to go to school. And it's an opportunity for the truancy officer to say to the parent or say to that student who is not attending school, you know, this is illegal; you have to come to school and, at the end of the day, if you don't come to school, you know, there actually is a fine for that.

So we felt that it was—after much deliberation in my office, that we would leave those fines in place. And the reason that we're bringing in this fine for students is we felt that we would want to restrict it just to those students that are—have been withdrawn from parental control, and that might be, perhaps, an opportunity to talk to those young individuals, and it might be enough to convince them to come back to school.

\* (19:50)

**Madam Chairperson:** Seeing no other questions, the—is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** The question before the committee is as follows:

*THAT Clause 9 of the Bill be amended by adding the following after the proposed subsection 259.1(3):*—

**Some Honourable Members:** Dispense.

**Madam Chairperson:** Dispense? Dispense.

Amendment—pass.

Clause 9 as amended—pass; clause 10—pass; clause 11 and 12—pass; clause 13—pass; clause 14—pass; clauses 15 through 18—pass; clause 19—pass; preamble—pass; enacting clause—pass. [*interjection*]

Oh, just one moment. Just, with the leave of the committee, I would like to return to reading clause by clause. [*Agreed*] Thank you very much.

Clauses 20 to 21—pass; clauses 22 to 24—pass; clauses 25 and 26—pass; preamble—pass; enacting clause—pass; title—pass. Bill as amended be reported.

**Bill 28—The Public Schools Amendment Act  
(Reporting Bullying and Other Harm)**

**Madam Chairperson:** We'll now move on to Bill 28 [*interjection*] Order. We will now move on to Bill 28, The Public Schools Amendment Act (Reporting Bullying and Other Harm).

Does the minister responsible for the bill have an opening statement?

**Hon. Nancy Allan (Minister of Education):** Yes. I'd just like to say that the—we look forward to passing Bill 28 tonight, and we look forward to continuing our work with school divisions and staff and administrators all across this province in regards to the whole issue around bullying and the harm that bullying can cause. And we believe that this—there's lots of really good work that is being done already all across this province, and we want to continue to work with our stakeholders in regards to that—this very important issue.

**Madam Chairperson:** Does the critic from the official opposition have an opening statement?

**An Honourable Member:** No.

**Madam Chairperson:** Thank you. We will now move through the bill.

Clauses 1 and 2—pass; clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 34—The Workers Compensation Amendment Act (Presumption re OFC Personnel)**

**Madam Chairperson:** We will now move on to Bill 34.

Does the minister responsible for Bill 34 have an opening statement?

**Hon. Jennifer Howard (Minister charged with the administration of The Workers Compensation Act):** Sure. Just very brief. This bill simply adds personnel from the Fire Commissioner's office who are involved in inspection and fighting of fires into the workers compensation bill, so they also qualify for presumptive coverage of certain cancers and other conditions.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement? No. We thank the member.

Clauses 1 and 2—pass; clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 15—The Firefighters and Paramedics Arbitration Amendment Act**

**Madam Chairperson:** We will now move on to Bill 15.

Does the minister responsible for Bill 15 have an opening statement?

**Hon. Jennifer Howard (Minister of Labour and Immigration):** Yes, very briefly, Madam Chair. This bill adds part-time firefighters to the definition in The Firefighters and Paramedics Arbitration Act. This is necessary because there are now part-time firefighters who are in the process of being certified in their union. I think there's still some debate at the Labour Board, or there's still some processes going on with the Labour Board and the courts, but this is necessary to ensure that should those firefighters ever be locked out or go on strike, that they'll have recourse to arbitration as full-time firefighters do.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement? No, okay. We thank the member.

Clauses 1 through 3—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 23—The Employment Standards Code Amendment Act**

**Madam Chairperson:** We will now move on to Bill 23.

Does the minister responsible for Bill 23 have an opening statement?

**Hon. Jennifer Howard (Minister of Labour and Immigration):** Yes, thank you, Madam Chairperson. This bill adds flexibility to work schedules for

employees and employers. It allows employers and employees to work out agreements whereby they could work a 40-hour work week in four days, doing 10 hours a day as opposed to five days and eight hours a day, without the employer having to pay overtime. This is something that was requested by the management caucus at the Labour Management Review Committee and was agreed to by consensus at that committee.

We've also put in place, in the law, additional protections to make sure that employees aren't coerced into making those kinds of agreements, but that those agreements, when they're made, are for the benefit of both the employee and the employer.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**An Honourable Member:** No.

\* (20:00)

**Madam Chairperson:** We thank the member.

Clauses 1 and 2—pass; clause 3—pass; clauses 4 through 8—pass; clause 9—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 32—The Essential Services (Health Care) and Related Amendments Act**

**Madam Chairperson:** We'll now move on to Bill 32.

Does the minister responsible for Bill 32 have an opening statement?

**Hon. Jennifer Howard (Minister of Labour and Immigration):** Yes, Madam Chair, this bill puts in place the process that has been used for the last decade by health-care employees and health-care employers to set up essential services agreements so that patients are protected in the event of a strike or lockout.

The bill preserves the priority of patient care by making it clear that no employee or employer shall engage in a strike or lockout unless there's an essential services agreement in place. It provides for a longer period of time when that agreement has to have begun being negotiated so that people aren't trying to negotiate it at the same time as they're trying to conclude a collective agreement. They have to begin the negotiations at least a year in advance.

It also provides, for the first time in the event of a strike or a lockout, that seven days' notice has to be

given by either party so that preparations can be made to ensure that essential services are in place.

I should say this bill has received wide consultation among health-care employers and employees and is supported by all of those groups, and has also been through the Labour Management Review Committee and received consensus there as well.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**An Honourable Member:** No.

**Madam Chairperson:** We thank the member.

Clauses 1 and 2—pass.

Shall clause 3 pass?

**Ms. Howard:** Yes. I have an amendment to move. I would move

*THAT Clause 3(1)(a) of the Bill be amended by adding the following after subclause (v):—or five, I guess—*

(v.1) Diagnostic Services of Manitoba Inc.,

**Madam Chairperson:** It has been moved by Minister Howard

*THAT Clause 3(1)(a) of the Bill be amended by adding the following after subclause (v):*

(v.1) Diagnostic Services of Manitoba Incorporated,

The amendment is in order.

The floor is open for questions.

**Mr. Peter Dyck (Pembina):** Madam Chair, just wondering if the minister could explain this, and I assume it is due to an oversight of not having included them originally.

**Ms. Howard:** Thank you very much. My critic, as always, is very generous.

I would say, yes, it was an inadvertent oversight that they weren't included in the original legislation. It was always intended that they be included. They were part of the consultations and had agreed that this legislation was the way to go, so we're just simply fixing that oversight now.

**Madam Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** The question before the committee is as follows: THAT the bill be amended—  
*THAT Clause 3(1)(a) of the Bill be amended by adding—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass.

Clause 3 as amended—pass; clauses 4 and 5—pass; clause 6—pass; clause 7—pass; clauses 8 through 10—pass; clause 11—pass; clauses 12 and 13—pass; clauses 14 and 15—pass; clauses 16 and 17—pass; clauses 18 and 19—pass; table of contents—pass; enacting clause—pass; title—pass. Bill as amended be reported.

### **Bill 33—The Pension Benefits Amendment Act**

**Madam Chairperson:** We will now move on to Bill 33.

Does the minister responsible for Bill 33 have an opening statement?

**Hon. Jennifer Howard (Minister of Labour and Immigration):** This bill is another step in our attempts to strengthen pension benefits legislation in Manitoba. This bill provides some additional enforcement tools to the pension superintendent so that there are enforcement tools available when an employer fails to make the required contributions to a plan.

Currently, the only tools available are to cancel a plan or to go to court, and we feel and have heard from pension beneficiaries that some additional tools are in order. So we sent the whole question of enforcement to the Pension Commission, which is made up of employer and employee reps, as well as people familiar with public and private sector pensions plans, and this was their recommendation.

The second part of the act allows us to enter into multijurisdictional pension plan agreements so that it's easier for employers who have pension beneficiaries or employers in many jurisdictions, but it's also ensures that those beneficiaries are protected according to the law of the province in which they reside.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**An Honourable Member:** No.

**Madam Chairperson:** We thank the member.

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; clauses 5 through 8—pass; clause 9—pass; clause 10—pass; clauses 11 and 12—pass; clause 13—pass; clause 14—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 8:08, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Madam Chairperson:** Committee rise. Thank you for your hard work.

**COMMITTEE ROSE AT: 8:08 p.m.**

### **WRITTEN SUBMISSIONS PRESENTED BUT NOT READ**

Re: Bill 13

### **SUBMISSION TO THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT ON BILL 13 THE PREPARING STUDENTS FOR SUCCESS ACT (VARIOUS ACTS AMENDED) BY THE BRANDON SCHOOL DIVISION JUNE 9, 2011**

#### **Introduction**

On behalf of the Board of Trustees of The Brandon School Division, I thank the Committee for this opportunity to make our presentation on Bill 13 -The Preparing Students for Success Act (Various Acts Amended). Our Board consists of nine school Trustees elected by the citizens of the City of Brandon and surrounding region with eight (8) trustees representing Ward 1 -the City of Brandon and one (1) trustee representing Ward 2 -the rural area. The Brandon School Division provides educational and supportive services to 7,676 students in 22 schools, 3 of which are in the rural area surrounding the City of Brandon; being Alexander, Shilo and Spring Valley Hutterite Colony. The Brandon School Division's mission is to strive to "enable each student to achieve maximum intellectual, emotional, social and physical growth. We accomplish this through the provision of programs and services which facilitate the development of students as healthy contributing

members of society." To achieve this mission, the Division:

- Recognizes students as unique individuals requiring a safe and positive learning environment;
- Supports partnerships with parents, businesses and community;
- Practices responsible management of its financial, human and physical
- resources; and
- Assumes the responsibility of directing the process by which the educational needs of our students are met. .

The vision of the Brandon School Division is "to be a centre of educational excellence, built on community partnership, effective leadership, and exemplary practices."

To advance this mission and vision the Brandon School Division has established, through constituent input, one vital strategic goal: "To engage all students actively in their learning through the provision of equitable, fair access to Quality Learning experiences facilitated by Quality Teaching enabled by Quality Support Services."

It is within the context of the foregoing that our Board makes this presentation. There are aspects of Bill 13 that the Board supports; however there are others aspect which are of concern to our Board and require clarification.

***Section 1.1(b) -Increasing the compulsory school attendance age***

This section of the Bill is clear and the Board of Trustees supports this amendment to the Public Schools Act, philosophically. Of concern is the availability and sustainability of educational funding to implement the necessary programming and support services.

***Section 3(1)(k.1)and (k.2) -Identification of pupils who are disengaged***

The Board of Trustees supports the identification of pupils who are disengaged in school and establishing policies and procedures to support them becoming re-engaged. The Division plans to review its current Policy 4052 -"Assessment, Evaluation and Reporting of Student Learning and Achievement" to address this item. The Board of Trustees requests clarification regarding the Province's definition of

"student disengagement". Will there be a standardized definition for all Divisions to follow? The Board of Trustees has concerns with respect to the financial burden which may be placed on the taxpayer in order to provide a variety of alternative programming to reengage students in appropriate educational programming.

***Section 259.1(1)(2)(3) -Requirement to attend school***

The Board of Trustees requests clarification regarding the Division's responsibility for tracking, internal reporting, and external referral reporting for students who refuse to attend, or who are habitually absent from school. Also, the Board of Trustees requests clarification regarding the Division's responsibility regarding communications with parents/legal guardians regarding their responsibilities to the Community. The Board of Trustees recommends a Province-wide policy on these matters in order to provide consistency from one Division to the next. In addition, the Board of Trustees expresses concern regarding the cost to the Division's current operating budget funds in order to administer these new requirements and responsibilities.

***Section 262.2(1)(2) -Development of Alternative Activities and Programs***

The Brandon School Division has made progress in this area. The Neelin High School Off-Campus site is an excellent example of alternative programming developed to meet the needs of disengaged students. It has been very successful during its short lifespan in meeting the needs of students who, for one reason or another, were unable to function in a regular classroom setting.

However, the Board of Trustees requires clarification from the Government regarding the meaning of "work training programs" and the jurisdiction for the provision of public education by School Board(s) regarding the school and extent of alternative programs and activities. Identification of liability issues arising from an extended scope of alternative programs and activities is of significant concern to the Board of Trustees.

***Section 266(4) -Local School Attendance Officer***

The Brandon School Division currently has a part-time Attendance Officer who is responsible for tracking student attendance/absenteeism and

providing appropriate follow-up at Brandon School Division schools. The Board of Trustees requests clarification of the Government's intention regarding the role of the Attendance Officer, including authority, responsibility, and accountability. For the Brandon School Division it is anticipated that it will be necessary to employ more such positions to address the proposed attendance reporting and follow-up responsibilities.

***Conclusion:***

In conclusion, the Brandon School Division Board of Trustees supports the above noted proposed amendments to the proposed Bill 13. However,

clarification and further direction is required in a number of areas in order to ensure standards of continuity and consistency of implementation in all Divisions across the Province.

As with any new legislation, there is a financial cost and the Board of Trustees asks the Government to take this into serious account when implementing the amendments to the legislation.

The Brandon School Division Board of Trustees thanks you for this opportunity to express our perspectives, concerns, and recommendations.

Marty Snelling  
Brandon School Division

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/hansard/index.html>**