

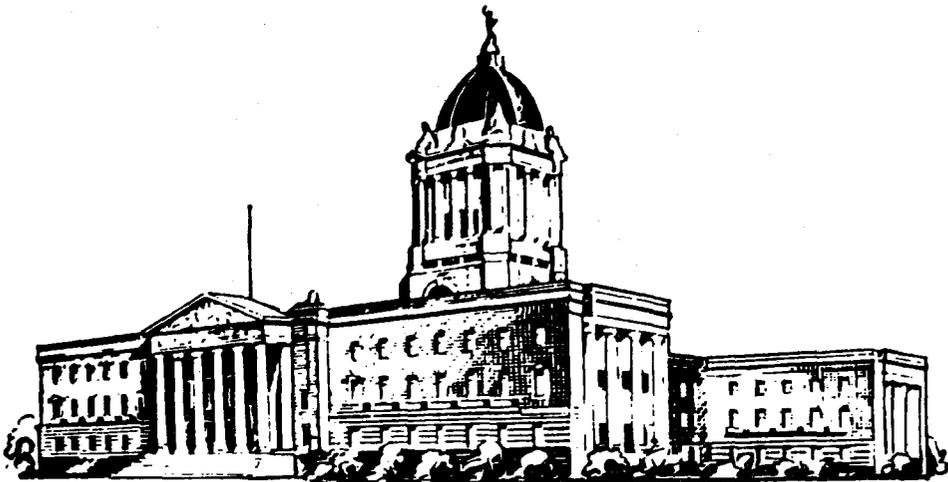


Legislative Assembly of Manitoba

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman

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



Tuesday, October 23, 1979 10:00 A.M.

**Hearing Of The Standing Committee
On
Privileges and Elections
Tuesday, October 23, 1979**

Time: 10:00 a.m.

CHAIRMAN, Mr. J. Wally McKenzie.

MR. CHAIRMAN: Committee will come to order and I'll call on Mr. Norm Harvey of the Manitoba Association of School Trustees.

MR. ALLAN ROUSE: Good morning, gentlemen, my name is Allan Rouse and I'm the President of the Manitoba Association of School Trustees. I will present this brief on behalf of the trustees and I will call, from time to time, my colleagues to speak on certain areas of this brief. We have passed out for you a copy of the brief and we will add supplements as we come to those so you will not have to take notes.

MR. CHAIRMAN: Thank you, Sir.

MR. ROUSE: The Manitoba Association of School Trustees appreciates this opportunity to comment on the contents of Bills 22 and 23. Approximately 43 changes in Bill 22 from the present Public Schools Act have been identified by this Association. We will not be commenting on all of these, but we do want to register our support for some and our opposition to others. We have got them in order if you are following them and we will deal with Section 5(1) and the Transfer of Lands.

Our position is here the right of a council of a municipality to request a land transfer and have it considered by the Board of Reference has been deleted. We agree with this change. Land should not be transferred from one division to another for economic gain but should only be transferred if it is going to enhance the educational opportunities of the children affected. Therefore, we support his section as proposed in Bill 22.

Section 5(4) - Appeals. The right of a council of a municipality to appeal the award of a Board of Reference has also been removed and MAST agrees with this. Therefore, again, we support this change.

Section 22 - Qualifications of Trustees. The qualification "other British subject" has been deleted which means the right to be a trustee is extended only to Canadian citizens. The Local Authorities Election Act provides that British subjects who became residents of Canada prior to January 1st, 1971 and have continued to reside in Canada since that time are considered to be Canadian citizens. We agree with this change, therefore, we support such change.

Section 25(5), Section 29(1) - Commencement of term of office, and the First meeting. Section 25(5) provides that a trustee, duly elected on the 4th Wednesday in October, commences his term of office 14 days later. Section 29(1) states that the first meeting after a regular election must be held not later than 14 days after the election. At the first meeting a chairman and vice-chairman are elected. There is a question about the legality of any decisions made at this first meeting if it is held before the term of office for new trustees commences 14 days after the election. Section 25 (1) states that the old board is still in effect until the next one takes office which presumably is 14 days after the election. We would suggest clarification by adding at the end of Section 25(5) the words, "or on the date of the first meeting, in accordance with Section 29(1), whichever comes sooner". This is a clarification and amendment we would propose to Bill 22 and I would ask Norm Harvey, our Executive Director to highlight a little more in this section. Norm please.

MR. NORM HARVEY: Mr. Chairman and gentlemen. MAST supports the flexibility which is provided here in that a newly elected Board can meet any time between the day after the election and 14 days after, but it must meet within that 14 days. We support this. However, as was pointed out here Section 25(5) states that the new Board shall not take office until 14 days after, so if the Board decide to hold a meeting within the 14 days it presumably would be with the old Board,

and the Act also provides that at that first meeting the Board shall elect a Chairman and Vice-Chairman. So either the old Board will elect the Chairman and Vice-Chairman for the next ensuing year or the new Board will illegally meet and perhaps illegally elect a Chairman and Vice-Chairman. So we believe that our suggested amendment here would resolve the problem.

MR. ROUSE: Dealing with Section 26(1) - Filling of Vacancies. We agree with the inclusion of this section in the Public Schools Act. Many people who needed to use this section did not have a copy of the Municipal Act available. Therefore, we support this as proposed in Bill 22.

Section 29(3) - Tie Vote. We would request that the second line read, "determine by lot and in a secret manner who shall cast the deciding ballot". In the interest of good harmonious relations on the Board it is important that nobody knows who cast that deciding vote. We are, therefore requesting an amendment to this Bill 22.

Now, to give you an example of what happened in my own school division last year, in Rive East. Due to sickness we are running with a Board of Trustees with 8 people. When we got down to elect Chairmen of Standing Committees we had to follow the Public Schools Act and the Business Administrator dipped into the hat and drew out a trustee. Obviously everybody knew at this time what that trustee had voted before so he was not going to change his vote, so right away, and fortunately it didn't happen on our board, but you could see you could end up with two camps on a school board if there was dissatisfaction and that's what we want to prevent, and therefore that's why we request this amendment.

Section 32(1) - Rules of Procedure. We support the fact that school boards should operate under by-laws establishing rules of procedure for the conduct of school board meetings. Boards will have to be informed that the new Act has deleted the reference to quorum and that this will have to be covered now by board by-laws on meeting procedures. We support this amendment.

Section 32(2) and 32(3) - Reversal of Decisions. Clarification is needed of the definition of a "whole board". Does this mean all of the trustees to be elected in a division? What if one or more trustees resigns, is the balance to be considered the whole board? Also in this section provision is made that in order to reverse a decision made by a board a notice in writing must be given from at least one meeting to another. What does the word "reverse" mean? We suggest it be replaced by "rescind". We also request that the words "or modify" be deleted. It should not be necessary to go through this procedure just to amend a motion because most boards deal with Robert's Rules and they are self-sufficient. We would ask, therefore, clarification and an amendment, and I would ask Norm Harvey again to highlight on this section. Norm, please.

MR. HARVEY: The statements as outlined by President Al Rouse are fairly self-explanatory. The definition of a whole board is the important thing here. I think most people will know what "reverse a decision" means, however it seems to us that rescind is really what is being done here, you rescind a motion, and if, to take the extreme case, a board had nine members and two of them had moved out of the division and were no longer trustees, does "whole board" then mean seven or does it still mean nine? It could be a rather important factor. So I think the words "whole board" really need some clarification in the Act and also the other important thing is that the word "rescind" or rather "reverse" be changed to "rescind". I think it is more meaningful. Section 41(1) - Certain duties of school boards. The present Act contains a duty of school boards which we feel is very important and would ask that this be included in Bill 22. It reads as follows and I quote: "Every school board shall determine the number, kind, grade, and description of schools to be established and maintained". We request this amendment.

Section 41(1)(c) - Certain duties of school boards. This subsection makes reference to subsection 54(4). We assume this is a typographical error and should make reference to 53(4). If we are right, we would simply ask for a correction, and I believe we are.

Section 41(5) - Special Programs. It was agreed that MAST Executive should establish a special committee to study this section. We will give you a handout on our position on this. The handout has been given to you and I will read it.

Section 41(5). The Committee on Privileges and Elections will be receiving requests from many individuals and organizations to have the phrase "as far as is possible and practicable in the circumstances" removed from this section. This would make it read similar to Section 9(2) of Bill 58 which was passed by the Legislature in 1975 but has never been proclaimed.

MAST agrees with the philosophy contained in Bill 58 but has consistently been opposed to having it proclaimed until such time as the government has clarified how school boards would be reimbursed for the costs which are now being paid by either the Department of Education or the Department of Health and Social Development. This problem has still not been clarified to the

of school boards in this province. For this reason, MAST is in favour of the wording which now appears in Bill 22. We would, however, suggest an amendment which would indicate who is responsible for the child if the school board decided that circumstances were such that it could not assume responsibility, and also would provide for an appeal to the Minister in the event that a dispute arose over the decision of the school board.

We would appeal to the Minister in the event that a dispute arose over the decision of the school board. We would suggest that a new subsection be added immediately following 41(5) which would read as follows, and I quote:

"Where a school board decides that circumstances are such as to make it impossible or impractical to provide or make provision for a resident person who has the right to attend school and requires a special program for his or her education, the Minister shall assume responsibility for such person; and where a dispute arises over the decision of the school board, the Minister shall decide and his decision shall be final and binding."

And I'm going to ask Mr. Harvey to highlight a little more on this, please.

MR. HARVEY: Mr. Chairman, the important thing here is that no children who have a right to attend school are left out, no children are ignored as a result of this. We believe that by incorporating the wording as appeared in the old Bill 58, simply making school boards responsible for the education of all children, this places a financial burden on school boards in the case of some children, and we believe that the government is prepared to pay the additional costs to school boards to have them responsible for providing or making provision for the education.

However, the way in which this is being done has not yet been resolved. We don't want any children to be left in limbo so we're saying that if a board decides that it's impractical or impossible or it to accommodate one or more students in the division, the Minister then would assume responsibility. And if an appeal was made to the decision made by the board that it was impossible or impracticable for it to assume responsibility, if somebody wanted to appeal that they could go to the Minister, the Minister would then decide whether the board should do it or whether he or she would do it.

MR. ROUSE: Section 48(1)(o) - General Powers of school boards. MAST supports this section which authorizes school boards to collect the net residual costs from parents of non-resident pupils. It is important that the Minister "define net residual costs." We would suggest to you that this requires a clarification amendment. Mr. Harvey will highlight our position.

MR. HARVEY: Mr. Chairman, the problem here is that each school board may calculate net residual cost in a different way. There is no standardized system of accounting yet within the school divisions of this province. We believe that if there was a substandardized system of accounting then it would be a simple matter for each division to calculate residual costs which we assume to be those costs in addition to grants received, it would be a simple matter for each division to calculate those residual costs in the same manner. That is not the case at the present time.

So we would suggest that somehow or another net residual costs be defined in the case of students who leave a division to go to another division for a course in which they cannot receive instruction in their own division, the board is entitled to collect the residual cost and in that case, the Act spells out that if there is a question about the residual cost, the Minister shall decide and his decision shall be binding. In 48(1)(o), that provision is not there. Perhaps that would suffice, but we would prefer that the term "net residual cost" be defined so that it would be equitable in all divisions.

MR. ROSCOE: Section 48(1) (x), General Powers of School Boards. The Manitoba Association of School Trustees is anxious that The Public Schools Act be streamlined and updated in content and format in order to increase its accessibility to all people in general and to all persons within the education system in particular. The streamlining and updating must however, be proceeded with cautiously in order to ensure that no restrictions are placed upon the trustees' ability to protect the public interest while discharging their duties under the Act. Therefore, we are asking and requesting that an amendment be to delete this and I would call upon my colleague, Mrs. Lamb.

MRS. LOUISE LAMB: Mr. Chairperson and members of the Committee, MAST has a supplement to the brief at this point which I'll be referring to later on in my presentation.

MR. CHAIRMAN: May we have your name again please?

MRS. LAMB: Louise Lamb.

MR. CHAIRMAN: Thank you.

MRS. LAMB: I'm wondering if a member of your staff could perhaps distribute the supplement?

MR. CHAIRMAN: Yes. Proceed, Madam.

MRS. LAMB: Thank you, I'm going to be reading from the original brief that you have and the I'll be moving on to the supplement. To continue from where Mr. Rouse left off, and I'm reading from the middle of page 3 of the original brief:

Subsection 48(1)(x) reads: "Subject to the regulations, a school board may notwithstanding any other provision of this Act," and that phrase is emphasized, "enter into agreements, collective contracts, and make rules and pass by-laws concerning employer-employee relationships."

Section 48 (1)(x) makes collective bargaining the primary and transcending obligation of school boards. It renders every aspect of education potentially dependent upon bargaining outcomes rather than democratic control, because the "employer-employee relationship" can encompass what shall be taught (curriculum); who shall be taught (class size, assignment of pupils); who shall teach (issue of staffing and layoff); where teaching shall be performed (issues of transfer, physical working conditions); when it shall be performed (allotment of teachers' time between preparation time and instructional time), as an example of that kind of issue and why it shall be performed, in other words, educational policy and goals.

While The Education Department Act and the regulations cover certain aspects of these issues they do not begin to encompass the majority of them, or even all aspects of any one item.

Having established that the employer-employee relationship in the educational sphere encompasses much more than monetary compensation, why do trustees say that teacher collective bargaining that is virtually unlimited in scope is not protective of the public interest?

In an enterprise such as education, which is the fundamental cornerstone of our society, the public interest must be paramount. In a democratic society, the public interest includes all legitimate private interests. The public interest is the sum of all private interest and must be higher than any prior to any one such interest or any combination thereof. No private interest equals the public interest, for the public interest is the interest of all. It is the sum of private interests' wants and needs.

Unless negotiations in education are limited by definition to exclude the possibility of some private organization's sharing or limiting the decision-making powers of public bodies, then the public interest is compromised. The Manitoba Teachers' Society and its member local associations are, we submit, representative of a private interest, the welfare of teachers. Teachers' associations are not accountable to the public as school boards are.

The collective bargaining process under The Public Schools Act is designed, as is The Labour Relations Act, to create equals at the bargaining table, and where the parties cannot reach agreement, teachers can exercise what is, in effect, a veto power and force the issues in dispute before an arbitration board for binding resolution, and of course, an arbitration board is not accountable to the public either.

As we've indicated, where a private interest shares an equal voice with the public interest in determining matters of public policy, or where those matters are dictated by an independent party, such as an arbitration board, decision makers are no longer accountable to the public for their actions, and democratic control, we submit, is destroyed. While it's true that certain aspects of teacher bargaining for example, matters of direct compensation are more fundamentally associated with teacher interests than with the public interest, the other aspects of teacher bargaining which are contemplated by subsection 48(1)(x), in other words, the what, how, who, when and why of education, are surely of equal or higher importance to the pupils and the public. Accountability must, therefore, be retained.

Let's return to the specific wording of subsection 48(1)(x). It has been suggested that the word "may" in that section retains a discretion on the part of a board as to whether it will bargain any particular aspect of the employer-employee relationship, rather than creating a free-for-all in which teacher bargaining agents can advance any proposals at the table. We submit that that interpretation is a fallacious one which ignores the threat to democratic control of education.

Now I'm moving down to the middle paragraph. The reasonable interpretation of subsection 48(1)(x) and one which we submit a court would adopt, is that the section is enabling, in other words, whereas school boards may now perhaps assert that certain items are not bargainable in view of the paramount express and implied powers and duties set out in other sections of the Act, teachers will, under the proposed legislation, be able to turn to this subsection 48(1)(x) and state,

ou're wrong. There are no restrictions on what you can bargain. The section enables you to bargain anything relating to employer-employee relationships, notwithstanding anything else in the Act. You cannot set your other duties, duties relating to the public interest, above your duty to bargain collectively with your employees.

We submit that there is no need for subsection (1)(x) in the new Public Schools Act, and perhaps - and I'll be moving on to that in the supplement, there is a need for another type of provision in the Act.

Part VIII of Bill 22 which is identical to Part XVIII of the present legislation, preserves the right to bargain, and I'm quoting from the Act, "terms or conditions of employment of the teachers, including provisions with reference to rates of pay". Teachers are thus enabled to bargain at least those aspects of the educational enterprise which are more fundamentally the interests of teachers rather than of the public. The important question is whether they are unable to bargain more.

Where teacher interests trespass into areas which are of equal or higher interest to the public such that the protection of the public interest must be the paramount concern of school boards then boards must be able to turn to their larger public duties set out elsewhere in the Public Schools Act. Boards should be able to rely on those larger duties as authority for refusing to share decisions relating to those duties with a private interest group such as teachers. This does not mean that teachers cannot have an input into those larger decisions as teachers share with all citizens the right to exercise their vote in school board elections.

Teachers also have a strong provincial organization which does not hesitate to put its views before the public through the media. These means of influence are sufficient we submit. To give teachers a greater influence would be to violate the democratic principle of one person - one vote.

I am going to make a few additional comments to supplement the ideas in the brief, namely, that there is a threat posed by open scope or unlimited collective bargaining rights, and that that threat is posed to democratic control of our educational system.

The second point I am going to dwell on is the uncertainties that we submit are inherent in the present public schools legislation, the uncertainties as to what teachers may bargain; and I am going to deal with what MAST advocates be done about that uncertainty.

First of all I want to stress that this is a real problem that is facing school boards now. In fact one school division with the support of member boards of MAST has taken one aspect of the issue to court. This action was taken in response to an arbitration award which ordered the school board to bargain criteria for teacher layoffs with the local teacher association. The trustees felt that this obligation imposed upon them by the Arbitration Board was an interference with their obligation to protect the public interest. Layoff of course has to do with the selection of teachers, in other words, who is going to remain in the classroom as enrolments decline. The Manitoba Teachers' Society advocates strict seniority-based layoff, the trustees feel that the discretion must remain with them to retain the best teachers, not necessarily the most senior teachers.

There are other issues faced by trustees at the bargaining table including class size, what teachers shall teach what subjects and general teacher duties during the school day. These are the encroachments on that which I referred to earlier as the who, what, how, when and why of education. Part of the problem is that collective bargaining with teachers is subject to a combination of circumstances which makes it different from all other bargaining situations. The operation of schools is a highly labour-intensive industry and the labour force consists mainly of teachers. Teaching is the central function of a school system and only teachers do the teaching. Every activity in the school system, facilities, maintenance, transportation and administration is ancillary and carried on only to provide the environment in which teaching can take place.

Almost, without exception then, every decision taken by a school board or administrator to some degree effects the effectiveness, convenience or comfort of the teacher's job. As a result conditions of work broadly understood include virtually everything about a school system and its operation. We submit that to take the simplistic view that employees should be able to bargain conditions of work means that in the educational context teachers, either themselves or through arbitration boards, can exercise the power of veto on every aspect of the educational enterprise.

To preserve public control over education our legislation should, we submit, contain a clear and unequivocal statement of what should be bargained and what absolutely cannot be bargained. At this point I'd refer you to the supplement - and I'm reading from the second paragraph.

Indeed, we believe that a constructive change to The Public Schools Act, in keeping with the protection of the public interest and the retention of local autonomy within the school system, would be the inclusion of a clear statement as to what issues would be bargainable. The Education Act 1978 of Saskatchewan provides a useful model, we submit, and I have included an excerpt from that legislation which is attached to the supplementary brief. It outlines those provisions which shall be bargained in Saskatchewan; it makes provision that providing the parties can agree they may

negotiate other items; and finally, it contains a proscription on the last page, Subsection 4 at the top, as to what issues cannot be bargained.

And now I'm moving back to the supplementary brief itself, the third paragraph.

What is important to note is that the Saskatchewan legislation sets out clearly that those matters which must be bargained are unequivocally matters of compensation or related matters which can be characterized as more fundamentally associated with teacher interests than with the public interest. The legislation provides a specific list of items which shall be bargained. And if you refer to the excerpt from the legislation, subsection 232(1)(a) and subsection 232(2)(a), you will find a list of those items which it's mandatory to bargain; and those include items such as salaries, administrative allowances, superannuation of teachers, group life, duration of the agreement, sick leave and any matters ancillary or incidental to those issues which, of course, are fundamentally compensation issues. Other issues which must be bargained include sabbatical leave, educational leave, substitute salaries, pay periods, and special allowances.

The Saskatchewan legislation also provides that the parties can bargain additional matters if they agree to negotiate them. In other words, one party cannot be forced to bargain beyond the mandatory list of bargainable items. Also, and very importantly, despite this right to agree to bargain on additional items this right is limited by a specific proscription in the Education Act which states that no collective bargaining agreement shall contain terms regulating the selection of teachers, the duties of teachers, or the nature or quality of an instructional program. And again I'd refer you to the last page of the supplementary brief, at the top of the page you'll see that very proscription, and I'm quoting, "No collective bargaining agreement shall contain terms regulating the selection of teachers, the administrative and instructional duties of teachers or the nature or quality of an instructional program."

We would submit that this proscription ensures that educational issues, as opposed to teacher compensation issues, remain responsive to the public will. We propose that similar legislation be enacted as part of the Public Schools Act.

That completes the submission on Subsection 48(1)(x).

MR. CHAIRMAN: There was one document that you read from there, I don't think the members of the committee had a copy of it. Could you leave it with the Clerk and we could have copies made of it?

MRS. LAMB: Yes, I can provide that.

MR. CHAIRMAN: And then we would return the original to you.

MRS. LAMB: Okay.

MR. CHAIRMAN: Thank you kindly.

MRS. LAMB: Thank you Mr. Chairperson.

MR. ROUSE: We now go to the top of Page 6. Section 48(7) - Group Life Insurance. MAST would suggest deleting the words "under the terms of any agreement". If these words were left in it would force school boards to enter into agreements with all employees, even where none presently exist, in order to provide a group life insurance scheme for employees. This we would ask as an amendment and I would ask Norm Harvey to highlight on that section, please.

MR. HARVEY: Mr. Chairman, we assume that there is a possibility that the word "agreement" might mean "collective agreement". School boards do not have collective agreements with all of their employees, and yet they may wish to contribute towards a group life insurance policy for them. Therefore, we are saying remove the reference to an agreement, just in case it does mean "collective agreement". If it doesn't mean collective agreement, if it simply means just a verbal agreement with non-teaching employees to share with them a group life insurance policy, then there is no problem, but I think it could be interpreted to mean "collective agreement".

MR. ROUSE: Section 57, Subsection (1), (2), (3), (4) and (5) — Alteration of wards and number of trustees. The wording of this section is unclear. In Subsection (1) a board is required (shall) pass a by-law in accordance with Subsections (2)(3)(4) and (5). Subsection (2) states that the board must act "in so far as it practicable". Subsection (4) states that a board "may" take such action as may be required to give effect to Subsection (2). We would suggest that the word "shall" in Subsection (1) should be changed to "may" in order to be consistent with the other

The idea of representation by population makes sense generally but it does present problems some school divisions. For example, Brandon School Division has a considerable rural area surrounding the city. The division is divided into four wards with ten trustees. Ward 1, the City of Brandon, has approximately 22,000 electors who are represented by 7 trustees elected at large, approximately 3,150 electors per trustee. Wards 2,3 and 4 have approximately 1,500 electors represented by 3 trustees or approximately 500 electors per trustee. If section 57 were implemented in this division, the rural part of the division may be without any trustee representation.

Other divisions have a similar situation, e.g. Transcona-Springfield, but most of them are not of the same magnitude as Brandon.

We would recommend that these Subsections be amended to allow for a continuing strong rural representation.

I am going to ask at this time Roy White, my colleague, to highlight a little more of this section. oy, please?

MR. ROY WHITE: Gentlemen, I think that the explanation is rather clear, but I think that I want to just point out to you that it not only applies to Brandon and Transcona, but to almost every division with a considerable rural component. If you take a division with a large centre, and most of our divisions were planned around a town with a large population centre, you will have, where you have representation of 11 trustees on the board, five or six of them coming from the large centre and the rest coming from the surrounding area.

At the present time you have two or three coming from the large centre and the rest representing wards in the rural areas. Now this was done at the time that divisions were formed into divisions and I suppose it was a bit of a carrot to say to them, well, you will continue to have representation in your district, or your school district or your area. But it is going to cause a great deal of difficulty, I think.

So the principle is fine, we are not against representation by population, but we think that some formula has to be worked out or some discretion has to be given to the local board when they apply this formula to rural divisions.

MR. ROUSE: Section 60, Subsection (2) — Agreement for other services. MAST has adopted the following policy with respect to private schools.

1. That the Minister of Education develop criteria for private schools in Manitoba.
2. That all private schools now in operation or any additional private schools meet said criteria and be approved by the Minister of Education.
3. That teachers in private schools teaching the curriculum offered by the public schools have a valid teaching certificate.
4. That the program offered in private schools include a curriculum and a standard of education comparable to that described by the Department of Education for the public schools.
5. That private school facilities be approved by the Public Health authorities and the Fire Commissioner.
6. That any funding of private schools be by stated formula and by agreement between the private school and the Minister of Education.

We would like to point out that this policy suggests that the Minister of Education should develop criteria for private schools and approve their establishment. It also specifies that any public funding of private schools should be by formula and by agreement between the private school and the Minister of Education. The policy does not commit school boards one way or the other on the question of funding private schools with public money. It does, however, say that school boards should not be required to approve whatever funding the government decides to make.

We are suggesting that an amendment be that this policy be implemented as an amendment to the proposed Bill and I would ask Mr. Harvey to highlight further on this area.

Mr. Harvey, please.

MR. HARVEY: Mr. Chairman, at the present time the only requirement to establish a private school is that the facilities meet the specification of the Fire Department and the Department of Health. MAST certainly is not speaking in opposition to the establishment of private schools. Our concern is with the standard of education which is being maintained in the private schools and we would suggest that certainly the Minister should approve the establishment of a private school. Also this approval should be based on certain criteria that the private school must meet before being established.

The second major factor here is that any funding that goes from the government to a private school should go directly to the private school from the government and not be through an agreement between the private school and the school board. At the present time, as you are aware I am sure,

any funding to a private school must go to a school board, the school board must agree to collect that money for the private school and then turn it over to the private school.

At the same time the school board has no authority whatsoever over the standard of education being maintained in the private school. Some school boards are saying, "We cannot be accountable to the public for the expenditure of that money which we are giving to the private schools. We cannot be accountable to our electorate for that money, therefore we are not going to spend it. Therefore we will not collect it and turn it over to the private school".

So we are saying that if the government, in its wisdom, sees fit to give money to private school then it should be given directly to the private school by the government and that school board should not be involved in this transaction.

MR. ROUSE: Section 70 — Purchasing Procedures. MAST is in agreement with the general relaxation of the requirements with respect to purchasing. We would ask, however, that the word "emergency" be defined. So that would require an amendment.

Section 79 — Languages of Instruction. The parents of more and more children are asking school boards to institute programs which would use a language, other than English, as a language of instruction. Provision is made in this section for the use of English or French and for any other language for pilot courses as determined by the Minister.

MAST asks that the provisions in this section be expanded to include the following and quote:

1. a definition of French language schools and French immersion schools. Mr. Chairman, we expect this would include the 50-50 proposal.

2. a transportation policy that would provide accessibility to designated French language or immersion schools and to any other special pilot courses approved by the Minister. This could include Ukrainian and German, which are very strongly taught in my school division.

3. establishment of an appeal mechanism that would hear appeals and make recommendations in the settling of local disputes regarding French education. We would propose such an amendment.

Section 79(4) — Minister's discretion for fewer pupils — MAST is in general agreement with this subsection but if the Minister requires boards to make arrangements for the use of English or French as the language of instruction where there are fewer than 23 pupils, he should be required to pay the additional costs which would be incurred by the board. We would recommend an amendment accordingly.

Section 79(9) — Composition of Languages of Instruction Advisory Committee — MAST suggests that a representative of the Manitoba Association of School Superintendents be a member of this committee. The other educational organizations are represented and it would be advisable to have representation of superintendents. We would therefore request an amendment accordingly.

Section 81 — Hours of instruction in religion — MAST is in agreement with the flexibility provided in this section for the time of day when religion may be taught in the schools. It should be amended, however, to provide a maximum of 2 ½ hours "per student" per week. And I'd like to ask my colleague, Mr. White, to highlight on this please.

MR. ROY WHITE: I don't think it requires too much clarification, but perhaps it is a little confusing. What we're saying is that this would give more flexibility to the school system on the times in which specific religions were giving instruction in the school. It wouldn't be limited to the 2 ½ hours per school per week, but 2 ½ hours per student.

MR. ROUSE: Section 82 — Non-participation in instruction in religion — There is no provision for students over the age of majority being excused from instruction in religion. It is probably assumed that these students can excuse themselves. If this is the case, it should be spelled out similar to the wording of Section 84(4). This would require a clarification amendment, Mr. Chairman.

Section 92 (1) and (2) — Teachers' Agreements — The main problem with these two subsections has been when employing substitute teachers. Normally substitutes are employed on a day-to-day basis and no contract is signed. Just recently, a preliminary judgment of a court case indicated that, for the purpose of determining tenure, a teacher is considered to be employed from the date of signing the contract. At this time, the full implications of this award are not entirely clear. Obviously the intent of a two year probationary teaching period is for the purpose of evaluating a teacher's performance in the classroom and this cannot be done if the teacher is not in the classroom. MAST would recommend that the Act be clarified to exclude substitute teachers from signing contracts and specify that the contract becomes effective on the teacher's first teaching day.

Section 92(5) — Action on Termination of an Agreement — Our concern with this section arises

ut of lines 7 and 8 wherein it states, "and where the school board terminates the agreement of teacher who has been employed by the school division for more than two school years, the following clause applies:"

This section dealing with teacher "tenure" would significantly alter the tenure provisions of the current Act. School boards use the two years provided by this section to assess a teacher's compatibility with the division and its objectives, as well as the individual's ability to teach the program. The evaluation can only be accomplished during actual teaching time and over the years immediately preceding the granting of tenure.

The wording of Bill 22 would grant tenure to a teacher who had previously taught for one year in a division, left to travel, or to teach elsewhere, and who had returned and taught a second year.

It would also grant tenure to teachers who had been employed by the school board for two consecutive school years but who have taken a significant portion of that time for one or even two maternity leaves. The teacher who has gained tenure and left the division many years earlier, would also be given immediate tenure upon his or her return to the same school board years later. This provision could also include part time or substitute teachers who are employed by the division from time to time over a period of two years.

The two year period provided for assessment of a teacher's suitability for permanent employment with a division is not designated for the benefit of the board, but for the protection of the public educational system and the benefit of the school children. In view of the task delegated to trustees by the Public Schools Act to secure not merely a teaching staff with some minimal level of competency, but rather a staff which can offer the best available level of teaching skills, we strongly recommend that the two year evaluation period, and I emphasize this, consist of two consecutive years of actual teaching time.

This can be accomplished by deleting the objectionable wording and replacing it with the following:

and where the school board terminates a teacher's agreement that has been in effect for more than two consecutive years, and the teacher has taught the equivalent of 400 paid days during that period, the following clauses apply:

Section 92 (6) — Right of a teacher to recover salary — We request that this section be amended by striking out the words "because of unlawful or improper termination of his agreement by the school board" and replacing them with the words, "as may be determined by a Board of Arbitration under this section". We have an amendment here to be substituted. Would you distribute it, please.

Section 92(6) — Right of a teacher to recover salary. Our comments on this section would require amendments on sections 92(5)(d) and 92(5) (e). We would suggest that 92(5)(d) be amended to read as follows:

The issue before the Arbitration Board shall be whether or not the reason given by the school board for terminating the agreement constitutes cause for terminating the agreement, and if the Arbitration Board determines that the reasons given do not constitute cause for termination, the Arbitration Board may substitute such other penalty or remedy, in lieu of termination, as the Arbitration Board deems just and reasonable in the circumstances. We would suggest that 92(5)(e) be amended to read as follows:

Where, after the completion of hearings, the Arbitration Board finds that the reason given for terminating the agreement does not constitute cause for terminating the agreement, or for any other determination made under clause (d), it shall direct the agreement be continued in force and effect and subject to appeal as provided in the Arbitration Act, the decision and direction of the Arbitration Board is binding upon the parties. I would ask my colleague, Roy White, to comment on this.

MR. ROY WHITE: Just a word about 92(5) if I may before I comment on 92(6), if you adopt our suggested change, it would require the new form 2, clause 6 to be amended.

Regarding 92(6) — The right of a teacher to recover salary— the reason we are asking for the change in Section 92(6) is that in the event that a teacher has any salary or other remuneration due to him as a result of the arbitration decision, the school division should be able to show that the teacher could have reduced his losses in wages by seeking or taking employment pending, during or up to the day the arbitration board makes its decision. This is not inconsistent with other labour legislation in the province, namely, The Labour Relations Act, Section 69(6).

There are two immediate examples that come to mind in this and one, a present case before an arbitration board, the teachers worked in the mines and has earned income. His income in the mines could be estimated at about \$15,000 a year or \$60,000.00. We say the arbitration board should take into account those moneys that he has earned at the other job. Under the present legislation, if he is to be reinstated, he would then get that moneys plus the other moneys he would have earned if his contract had been in force in effect, which would be approximately \$72,000,

which would be a total of \$132,000 that employee would get for four years of work, or out of work as the case may be.

In support of our submissions for Section 95 and 96 I would quote from a recent arbitrator award:

"Here it might be observed that members of this Board of Arbitration, like members of similar boards, have occasion to regret the nature of the decision entrusted to them by the Public Schools Act.

"Under most other arbitral modes of dealing with the question of employee discharge, a board of arbitration has at its disposal, a more varied armoury of potential dispositions. An employee who has been less than satisfactory and has been discharged may sometimes be found entitled to reinstatement, but penalized by the loss of pay as a mode of discipline less severe than discharge.

"Further, such an employee is expected to mitigate his loss and the board is entitled to take into consideration what efforts have been expended in that regard and what results have flowed from such efforts.

"Alternatively, an employee may be awarded several months pay but not reinstated. Only under the present Act is the board confronted with a flat decision involving only the upholding or reversal of a termination. This either/or approach can create real difficulties for the parties.

"In a case such as the present, an order rejecting cause for dismissal must result in reinstatement of the teacher even although the next school year is more than half completed." Thank you.

MR. CHAIRMAN: Mr. Whiteway, would you table a copy of that document to the Clerk and then we could have copies made for the committee.

MR. WHITEWAY: Certainly. Certainly, Mr. Chairman.

MR. CHAIRMAN: Thank you.

MR. ROUSE: Just for the record, Mr. Chairman. I should have properly introduced the last speaker. His name is Ray Whiteway and he is the Director of Economic and Personal Service for the Manitoba Association of School Trustees.

Section 93 — Sick Leave. MAST is in agreement with the principle contained in this section, that sick leave is earned. There is, however, a need to specify in the Act the fact that a teacher's accumulated sick leave is reduced by each day a teacher is sick.

Suppose a teacher has accumulated 75 days of sick leave, teaches another nine days, and then is sick for one day. One might interpret the Act to mean that the additional nine days of teaching entitles the teacher to the one-day sick leave and therefore the 75 days should remain untouched. We would submit that it should be reduced to 74 days and this should be spelled out in the Act and we would therefore request an amendment accordingly.

I would ask Mr. Harvey to highlight on this. Norm, please?

MR. HARVEY: Mr. Chairman, Bill 22 increases the maximum entitlement for teachers' sick leave to 75 days, from the 60 days in the present Act. MAST is certainly not questioning that. School boards in most cases have negotiated beyond the 60 days anyway. So we are in agreement with the entitlement — Teachers' Sick Leave entitlement — being increased to 75 days.

We are also very much in agreement with the clarification in Bill 22 of the fact that sick leave is something which is earned as a result of services rendered. However, our only concern with this section is the fact that it is not clear, it is not spelled out in the Act, that when a teacher has accumulated an entitlement of 75 days sick leave and takes one or more days sick leave, it's not clear that the 75 days is reduced by the number of sick leave days taken. We think that this should be clarified and then the resumption of teaching would again accumulate the entitlement up to the 75 days again.

MR. ROUSE: Section 96 — Duties of a Teacher. We urge that the following be added to the list of Duties of Teachers:

(a) That the right of the Board of Trustees to seek division property from the teacher's possession;

(b) The right of the Superintendent to seek and receive information connected with the operation of the schools from any teacher;

(c) The duty of a teacher to keep and supply all records or reports as required either by regulations or the school board;

(d) To care appropriately for library materials and textbooks.

We would request an amendment, and this would be an addition, and I would like to ask Roy White, the Director of Education and Communications for MAST to speak on this. Roy, ease?

R. ROY WHITE: Gentlemen, I would like to just point out to the committee that these are in the present Act, and had they not been in the present Act we probably wouldn't ask for them being included. But when you remove rights or duties, then there's some question about whether or not those are really duties. I don't think anyone would argue, teachers or you people, that the board wouldn't have the right to seek division property from a teacher's possession or the right of a superintendent to seek information, etc., etc. But we think that by leaving this in the Act we may prevent litigation over — future litigation — over duties of teachers or boards may be forced to go to litigation where before it was clearly stated out under the Duties of Teachers as in the previous Act.

So we would, with that explanation, request that these duties remain as they were in the present Act.

IR. ROUSE: I'm sure, gentlemen, you'll be glad I'm getting to the last page.

No. 10. Section 191(1) and (4) — Appeal of division apportionment and time for appeal.

The wording of these two subsections is not clear and is open to different interpretations. It should be clarified to clearly indicate that the Municipal Board cannot hear an appeal until 30 days after the school board and affected municipalities have received notice that the appeal is being made.

We therefore request, Mr. Chairman, an amendment clarification, and I'd like Mr. Harvey to highlight on this section. Mr. Harvey, please.

MR. HARVEY: Mr. Chairman, as a result of a considerable number of phone calls, I am satisfied that that meaning, which was enunciated by Mr. Rouse, is the meaning which is supposed to be contained in these two subsections. But it is absolutely unfair in my view, and this is the time when it should be clarified.

If I read Section 191(1), it says, "Where a foundation municipality, a foundation local government district or a foundation special locality, is affected by an apportionment made in any year under this Part by a school division, it, or in the case of a foundation special locality, the Minister of Northern Affairs, may, on giving 30 days notice in writing to

(a) the school board making or giving the apportionment, allocation, requirement or notice; and

(b) each foundation municipality, foundation local government district, foundation division and foundation special locality that is affected by the apportionment; appeal against the apportionment to the Municipal Board.

So that provides for an appeal and it provides for the foundation municipality giving 30 days notice to the School Board and the other affected municipalities that they're going to appeal.

Section 191(4) says, The Municipal Board shall not hear an appeal under this section unless the notice required under subsection (1) is given within 30 days of giving the notice by the School Board.

It would take a Philadelphia lawyer really to interpret that section, Mr. Chairman, and we would suggest that it be clarified.

MR. ROUSE: Section 227, Employees and pupils. MAST agrees with this section. No employee or pupil of a school division should be entitled to serve as a trustee of that division. We suggest that this is an excellent amendment.

Section 245, Appointment of arbitrator to decide issues. MAST agrees with this method of settling issues, where school boards disagree. We therefore support, Mr. Chairman.

Section 268(3) Compliance with notice. MAST agrees with the increase to \$500 of the maximum fine which may be imposed on a parent for failing to send his child to school. We wholly support this, Mr. Chairman.

Section 271, Prosecution before a magistrate. MAST agrees with this section, having cases for failure to send a child to school heard by a provincial judge provides school boards and school attendance officers with much more support in their efforts to enforce compulsory school attendance. We support that, but I would suggest that Section 271 would have more weight if it read "before a provincial judge" than a "magistrate" because a magistrate could be a layman magistrate, and I would think that this could be a weakness.

"Bill 23.

Section 3(1), Powers of the Minister. A clause should be added to this subsection to incorporate

the following provisions with respect to the establishment and operatinn of private schools:

1. the Minister develop criteria and approve the establishment of all private schools, and
2. private schools must teach the curriculum as it is set out for public schools and the tchers who teach the curriculum must have a valid teaching certificate.

We are proposing, Mr. Chairman, that this amendment be added in Bill 23.

Section 3(1)(h), Powers of the Minister" and this applies to Bill 23 too.

If this clause does not give the Minister the authority to enter into an agreement with a private school, then it should be amended to do so. The provision of grants to private schools should be by agreement between the Minister and the private school.

Mr. Chairman, I emphasize to you and to the committee that the private schools are a matter between the government and those private schools and should not be entailed by the school boards of this province with the public school system. I would call upon Mr. Harvey to speak on this.

MR. HARVEY: Mr. Chairman, gentlemen, what we're asking here is that provision be made in Bill 23 to give the Minister the power to approve the establishment of private schools and to require that private schools teach the curriculum and that the teachers who are teaching the curriculum be required to have a valid teaching certificate. Now, we're not saying that those teachers who are teaching subjects other than the required curriculum for public schools, we're not saying that those teachers must necessarily have a valid teaching certificate. If they're teaching religion or some other subject which is not part of the regular school prescribed curriculum, then it's not necessary that they have a teaching certificate. But if they're teaching the academic subjects, they should have. So I previously went over our policy with respect to private schools and all these amendments do is give the Minister the power to act on implementing our suggested policy.

MR. ROUSE: Mr. Chairman, in closing I would like to thank you, sir, and the members of your committee for this opportunity for the Manitoba Association of School Trustees to be present in the best interests of the children in this province to present our feelings on these amendments and if we can supply any supplementary mterial or answer any further questions to make your task easier, please do not hesitate to call upon us. Thank you very much.

MR. CHAIRMAN: Thank you, Mr. Rouse, there will be some questions. Mr. Hanuschak.

MR. BEN HANUSCHAK (Burrows): Mr. Chairman, to Mr. Rouse, with reference to your comments regarding Section 227, that no employee or pupil of a school division should be entitled to serve as a trustee. What is your definition of "a pupil"? I don't believe that "pupil" is defined in the Act or in the Bill before us.

MR. ROUSE: I'll let Mr. Harvey answer that.

MR. CHAIRMAN: Mr. Harvey.

MR. HARVEY: Mr. Chairman, the Act provides that anybody running for the office of school trustee must be 18 years of age, and our thought here that "pupil" would be someone who is attending school, attending a public school within the division, and if that student was 18 years of age they, under the Act at the present time would be entitled to run as a school trustee and serve as a school trustee in the same school division in which he or she was a pupil in the public school.

MR. HANUSCHAK: Mr. Harvey, would you include one enrolled on a part-time basis as being a pupil?

MR. HARVEY: Mr. Chairman, my thought on that would be "yes", as long as they were enrolled as a student in the public school. They would have a vested interest.

MR. HANUSCHAK: Would you include one enrolled in an evening school taking practically a full year's program; might be taking about 60 or 70 percent of the year's work at evening school? it was limited to two and a half hours per week per school. This would give the school board the authority to make variations in that as long as no student was given more than two and a half hours per week.

MR. HANUSCHAK: In determining the number of students that one would apply in this formula, do I take it then that you really mean the total enrolment of the school? In other words, if your

Privileges and Elections
Tuesday, October 23, 1979

chool has an enrolment of 1,000 students then what you are asking for is 2,500 student hours of religious instruction per week. Now, if out of that 1,000 only half the students, half the enrolment, are obtaining religious instruction then, in fact, they would be entitled to five hours per week of instruction.

MR. WHITE: Well, what we are talking about here is a local control and local responsibility and boards are responsible bodies; it would take that into consideration. What we are saying is that he other one gives no flexibility whatsoever. You've taken it to the extreme where there could be, as you say, that many hours of instruction, but only each student would only be in there for two and a half hours.

MR. HANSUCHAK: Very well.

MR. WHITE: It's ready to provide flexibility and I think it does that.

MR. HANUSCHAK: Well then, as a final question on this point, are you asking for a degree of flexibility that in some way would allow you to provide more than two and a half hours.

MR. WHITE: No.

MR. HANUSCHAK: Very well. Now I wish to ask a number of questions, some related to the Education Administration Bill before us. The first one — I would imagine, Mr. Chairman, that MAST, in perusing this bill, had noted that the Education Administrative Consultant or policeman, as he was described by a spokesman last night, will not be appointed by the Civil Service Commission machinery but rather he will become a political appointee, an appointment made directly by Cabinet. Has MAST any concerns or apprehensions about this form of appointment of those who will be overseeing the education program and reporting back to the Department of Education.

MR. ROUSE: Well, Mr. Chairman, in answer to Mr. Hanuschak, we always have concern, but I think it depends on who the government is of the day, and the government of that day is accountable to the people of this province for the education, so I would say it's in the hands of you people, Sir.

MR. HANUSCHAK: Would MAST be prepared to offer us some guidelines or direction as to the type of person that you feel should be appointed to such a position, or should it be left wide open to Cabinet, and if Cabinet chooses to appoint defeated Conservative candidates, so let it be.

MR. ROUSE: I would not want to get into the political aspect of it, but if somebody requests that the Manitoba Association of School Trustees to give an opinion, or in the best interests of the children of this province, we'd be glad to do so, but I wouldn't want to answer it on a political basis.

MR. HANUSCHAK: Would you recommend that a person acting in this capacity should have an education background, some training and experience in education?

MR. ROUSE: My personal opinion would be this would be an advantage, but not necessarily, but I think probably it would be a big advantage.

MR. HANUSCHAK: If the education administrative consultants will be the overseers or the policemen of our education program in Manitoba, does MAST have any concern about this, in effect, politicizing the school system, having the chief departmental officers out in the field being political appointees?

MR. ROUSE: Well, I would have to see who those people are and see how it would work before I could answer a question like that. It would be hypothetical at this time and I would think that the government of the day, whoever it is, would be very careful in who they assigned these duties to, and they would have to work with that particular school board or there would be problems.

MR. HANUSCHAK: Does MAST endorse Section 270 and 273 of the Public Schools Bill which gives this political appointee the right to initiate, to seek information such as he considers necessary to assist him in carrying out the provisions of this Act; and if one fails to provide such a political

appointee the information he requests, that political appointee has the right to initiate action t put you in jail?

MR. ROUSE: We have no objection to it but I don't define on the word "political appointee"

MR. HANUSCHAK: Has MAST any comment to make on the apparent discrepancy between Sectio — I'm referring to the Education Administration Bill — and I'm looking at Section 3, between Subsection (f) and Subsection (k) of the same Section, one which gives the Minister the power t sell books and instructional materials to teachers, pupils or other persons, but definitely include pupils; and (k) which states that the Minister may purchase text books for free distribution thereo to pupils? ne which, in effect, seems to assure the provision of free textbooks to pupils and th other section which gives the Minister the power to sell textbooks to pupils. Is there not som discrepancy between the two?

MR. ROUSE: Our position would be what the Public Schools Act says. It states that free textbook: should be supplied to the students free, and that would be our position.

MR. HANUSCHAK: I would like to refer you to Section 4(1)(e) of The Education Administratio Act to which the Minister had referred yesterday as being a slight change of something which wa contained in the previous Act, and that is the addition of the word "public" to this section whic removes all doubt that may have previously existed that the Minister seeks the right to charge or impose a user fee upon the pupils in our schools. Does MAST have any opinion to express or legislation opening the door to the imposition of a user fee on the pupils in our schools?

MR. ROUSE: Mr. Chairman, I'll have Mr. Harvey reply to that question please. Mr. Harvey.

MR. HARVEY: Mr. Chairman, through you to Mr. Hanuschak. Yes, I suppose that MAST would have a concern about the addition of the word "public" there, however, we're, so to speak, hanging our hat on provisions of The Public Schools Act Section 75 of the Public Schools Act says: "Except as otherwise provided in this Act, no school board shall charge tuition fees". And the only other reference in The Public Schools Act to charging is Section 48(1) which says, "a school board may charge fees for evening schools, summer schools and day schools established for special purposes with the consent of the Minister and for special courses by agreement with the Minister." Those are the only conditions in the Public School Act that I am aware of where a school board can charge fees. Otherwise, according to Section 75, "no school board shall charge tuition fees," and I would think that that would have to be changed before the Minister could act on this particular section of the Education Administration Act.

MR. CHAIRMAN: Mr. Hanuschak.

MR. HANUSCHAK: But would you not agree, Mr. Harvey, that the Public Schools Act, if it governs the conduct of the operation of our schools insofar as it relates to the conduct and the duties of school trustees, teachers, pupils, taxpayers and the like, insofar as legislation giving the Minister authority to do what he may or may not do, or chooses to do, then he comes under the provisions of The Education Administration Act? Therefore I see no conflict here or no protection. Would you not agree with me that there is none because all The Public Schools Act says is that you may not charge a fee, but doesn't say that the Minister may not charge a fee. The Minister may charge a fee and appoint you as his agent to collect the fee.

MR. CHAIRMAN: Mr. Harvey.

MR. HARVEY: Mr. Chairman, I'm afraid I can't comment any further on that because we have not discussed it. So I would renege on that one.

MR. HANUSCHAK: Now, as you had indicated, Mr. Harvey, you are hanging your hat on a section of The Public Schools Act with the hope that this section of the bill will never come into being. If it does come into being, two parts to my question: Would it have any effect on the level of funding that you may hope to receive from the provincial purse, No. 1.

No. 2, the second part of my question: I'd like to hear your comments on the effect that user fees may have on the quality of public school education in the sense that if a user fee is charged then it would narrow the gap between what one has to pay to attend a public school as opposed to a private a school, and hence may encourage siphoning off of students from the public school

system to the private school system, if the gap narrows.

MR. HARVEY: Mr. Chairman, I really haven't thought of the fact instituting a user fee. I'm not sure how the Minister can make a regulation requiring school boards to charge a user fee when says in The Public Schools Act that "a school board shall not charge tuition fees." Now, of course, this may be looking away off into the future when there is a completely different system of financing education. Perhaps the time will come when it is somebody's opinion that public school education would not be free. I don't know. I would hate to see that time come. I would hope that it would always be free for those students who have a right to attend school.

But I am at a loss to understand how you resolve what seems to be a discrepancy between these two Acts.

MR. HANUSCHAK: Perhaps Mr. Chairman, when we deal with this bill clause by clause, the Minister might be able to provide both of us with answers.

One further question with respect to Section 274 of The Public Schools Bill. You will note, Mr. Chairman, that this deals with the matter of appeal from any order, decision or direction of an education administrative consultant, school attendance officer or principal of a school. Any person aggrieved thereby may appeal therefrom to the Minister. Have you any comment to express on this section because my concern is that there might be decisions made of a purely administrative nature that perhaps could best be and should be resolved within the school division by the superintendent, or by the board, by whomever.

But this section seems to bypass the senior administration, bypass the school board, and specifically states that if an education administrative consultant or one of the others makes a decision, someone is dissatisfied with it, then one ought not appeal to your superintendent, ought not appeal to you, but ought to appeal directly to the Minister. Have you any comment on that?

MR. CHAIRMAN: Mr. Rouse.

MR. ROUSE: Thank you, Mr. Chairman. While reading section 274, which I've read before, I still make the position we, as trustees, have a certain responsibility and we are accountable to the ratepayers, too. But the Minister has to be accountable to the people of the Province of Manitoba for the education. So if any order, decision or direction cannot be dealt with a school board, then it's got to go to the Minister and he's got to be accountable, and that's the position I would take. If we can deal with it at a school board level, fine, but there are many things we cannot and therefore, it must be the Minister of whatever government of the day, has got to be held accountable to the people of this province.

MR. HANUSCHAK: Yes. But, Mr. Chairman, if I may clarify my question. My concern is that this section seems to shut the door to your superintendent's office, to your office. If I have a child enrolled in your school and I am dissatisfied with a decision that a principal of my child's school made with respect to my child, then this section specifically states that I cannot appeal to the assistant superintendent or to the superintendent, but it says that, "any person aggrieved by any order, decision or direction of an education administrative consultant, school attendance officer or principal of a school." Now, suppose I am the one who has agreed by a decision or a direction of the principal of the school in which my child is enrolled. Now if I wish to appeal, it simply states that I may appeal if I choose to do so, but if I do, if I do appeal, Mr. Chairman, then the appeal cannot be to your superintendent, cannot be to you, but it must be to the Minister, and it might be a very trivial matter.

MR. ROUSE: Mr. Hanuschak, to respond to you. That's your interpretation of 274 but I don't interpret the same way as you do. I don't see that there's anything in this Public Schools Act or this bill that I've seen that prevents a person from appealing to the school board. I read 274 as not "shall", "may" appeal. But I don't think that we have lost our jurisdiction in any way or form, that a person cannot come to that school board and appeal, in my opinion.

MR. HANUSCHAK: I'm glad, Mr. Chairman, that the President of MAST takes that interpretation. But my concern is that one may have a chairman or a superintendent of a board who may not take that interpretation, who may read Section 274 to me and who may say, "Look, Hanuschak, you want to appeal the principal's decision. Don't talk to me, don't talk to the Chairman of the board. Section 274 says if you want to appeal go to the Minister." That is my concern.

MR. ROUSE: I can appreciate your concern but then again I say that is in the realm of that particular area. But I could not be excited about it because I don't think anybody would overstep the school board and I've never seen it happen yet. Unless that word said "shall" — if that word said "shall" I would have a different position — but "may" appeal, Mr. Hanuschak, interpretation of a section like that is always open for a debate and I would suggest to you that any school board chairman in this Province of Manitoba would probably speak to those people if they overstepped the board I'd be surprised that it could go past the school board to the Minister without the board being aware of it. I would hope that we know our employees well enough that that wouldn't happen

MR. HANUSCHAK: Just one final question on this point, Mr. Chairman. Would you not agree that the word "may", which is permissive, is the only word that could be used there simply to indicate that there is a right of appeal if one wishes to exercise it, and hence the word "may"? But the person to whom the appeal is made is quite definite and specific, that if one is going to appeal if one chooses to appeal, that the appeal must be to the Minister?

MR. ROUSE: Again, Mr. Hanuschak, I would say that's interpretation because you and I both know from experience that people who write legislation, lawyers and people who change words here and there, I don't know what was in that person's mind as proposing that word of "may" or "shall" It's still interpretation in my opinion, and I say there's a heck of a big difference in law between the word "may" and "shall".

MR. CHAIRMAN: Mr. Hanuschak. Mr. Boyce.

MR. BOYCE: Mr. Chairman, through you to Mr. Rouse. I wish it were as simple as that. Yesterday in trying to resolve in my own mind on the word "shall", the Legislative Counsel made a copy of some precedence from Stroud's Judicial Dictionary. We're about the same generation and to me it's imperative, "shall" means do it now. But this isn't the case. It's got a list of cases where it's imperative and a list of cases where it's permissive.

MR. ROUSE: It's interpretation.

MR. BOYCE: So as you say, your opinion is just as good as mine of whether it is imperative or not.

MR. ROUSE: That's true.

MR. BOYCE: But I have a problem, through you to Mr. Rouse, and perhaps Mr. Rouse can be of some assistance in this. This committee is sitting as a result of instructions from the Legislature. Obviously your brief, or one of the people who presented a brief, spent considerable time the case is well taken in the public interest.

But reading from the Votes and Proceedings of the Legislature of the Province of Manitoba, which is the public's interest, "Bill 22, The Public Schools Act, be not now read a second time but that the order for second reading be discharged, the bill withdrawn and the subject matter thereof referred to the Standing Committee on Privileges and Elections."

That's what we're doing here, the subject matter of The Public Schools Bill. And what prompted me to start a few questions in this vein was that you — with the exception of the handicapped representation yesterday — were the first ones who had mentioned the children in this system.

I guess, Mr. Chairman, I think back to Autopac debates. I think back to other great debates when this room and the halls were filled with people. This is one of the most important issues before us and I'm not faulting the government or us or the press, it's just that people are hammered with so much that they're not hearing what's going on and how we can rectify this, I don't know. Because the representatives of the various organizations, some 58 of them or something, are trying to make responsible representations to this committee. So how we can get the public aroused — because this is what we're supposed to be doing is listening to the public — yourselves as representatives of the public but nevertheless the public. And Lincoln said that the price of freedom is eternal vigilance and our people are so hammered with \$1.30 gas and everything else, they can't hear anything.

With reference to your presentation on negotiations, you made a suggestion relative to the public interest, but is it not the case that in free negotiations, free bargaining, it's a matter of one side being able to muster the public support and the other side being able to muster public support, and in the final analysis the public will support one side or the other whether it's a lockout or a

withdrawal of services.

I use for example, one case we have locally where they withdrew the services from two of the local newspapers and as I understand it the strike is still officially on. So that strike didn't prevail.

Is it not in the public interest to have more things included in negotiations rather than less?

MR. ROUSE: I don't quite agree with that, Mr. Boyce, not when it touches upon management's prerogative because I have to account to the people of Manitoba where I am elected for that area the same as you have got to account to your constituents when you're elected into the Legislature here. And I feel if you bring everything at the bargaining table, then what do you want school trustees for? Maybe we don't need a government either.

MR. BOYCE: Well, Mr. Chairman, speaking from experience on both sides of the table where I had the dubious distinction of being — I don't know whether it was the first Minister to have withdrawal of services, I hope it's the last one — but nevertheless I personally empathize the position of the Manitoba Association of School Trustees. I would rather not be involved in that kind of negotiations where it is difficult, I would rather have some statute which says I can't negotiate that. But nevertheless if we, as legislators, asked those people who seek the office of trustees, to undertake that kind of negotiations, albeit we understand the difficulty, there may be withdrawal of services and all the other things that are implied in such negotiations. If we, in our opinion, think that that is in the public interest. Do you think it would be difficult to get capable, competent people to stand for the office of school trustee?

MR. ROUSE: I would hope that regardless of what you do, that there will be always people who will stand for school trustee, and they'll stand to speak up for the rights as they see fit. I think that those are things that you're going to develop as you go along. Both of us have had experience. I've sat on both sides of the fence, too. At one time I negotiated the salaries for the civil servants of this province, and I've also negotiated for teachers — not for teachers, but on the other side, for management. So I know what you're saying. But I think the best part of negotiation is, those people that set up guidelines on a mutual arrangement at a bargaining table brings better results than having somebody say, this is what you can do and this is what you cannot do. And especially if you're going to tie the hands of school board people, and especially when you're dealing with the children of the province of Manitoba. Children are not in the same area as other things in industry.

I think we've always got to remember, and we always seem to keep forgetting those children. They're No. 1, and I think this is something that both teachers and trustees better smarten up and think about. It's the children of the province of Manitoba that we're going to hurt if we're not careful what we do.

MR. BOYCE: Mr. Chairman, I'm familiar with Mr. Rouse's background and this is why I'm asking some of these questions, because I respect his opinion in this regard, and I'm glad that he reinforces my feeling that we will always be able to attract responsible people. And I think that we have been fortunate that we have responsible teachers and responsible trustees at the present time.

To proceed to another question, on the private school, this question has been ever before us in one form or another. Is there any possibility of moving towards a system whereby all schools are public schools, all schools who get funds from the public purse, really should be in some way accountable to the public for the expenditure of the funds? There seems to be a movement towards more freedom, freedom in the sense of reflecting the community in which the school exists.

It exists to some degree already, that St. John's High School is a different milieu than Grant Park, for example, because of the nature of the community and the teachers who choose to operate there and after a number of years the milieu exists. So is it not possible to move to some type of a system where all schools are public schools, because we had representation yesterday from an association which speaks for a number of these private schools, that they do not necessarily restrict their school to any theological belief, or any philosophy, in fact one school said it was on a first come, first served basis. So is it not possible, rather than try and solve this problem once again by putting it back in the Minister's lap, can we not have other criteria which we could establish by virtue of contract with any group which reflects a need within the community, whether it be — I don't know what a viable unit would be in present day terms. But if we had a group of parents who wanted to start a school with 300 enrolment — I'm just throwing that out as an example — would it not be possible for us to, within the community context and under the authority of the local board, have such facilities function?

MR. ROUSE: Mr. Boyce, I think it's possible, but is it practicable? I don't know. I think this is something that you people have to give the leadership in this area, and we would have to respond to it. But I always have a belief in life, anything is possible. But I'd like to see the formula first, before I would comment on something like that. But I would still say, is it practical? I've still got to take the position right now, and we go back, and I don't care what government is in power, trustees have sent letters to the former Minister of Education, to the present Minister of Education, to try and find out where we sit with private schools. It's not a very comfortable feeling to find out that you're just a bookkeeper, and that's what public schools are finding out what they are today. And probably if this had been challenged in the courts of this province, and it would have probably been such a political issue, I don't know, but I would have loved to have seen that section of the Public Schools Act before it was amended, challenged in the courts of this province. Because I strongly believe that our school boards acted illegally in those days, and I still believe that, although the present government has made it in a position now that we can act, and I feel quite comfortable with it. But I still take the position on behalf of the trustees in the province of Manitoba, that the private schools, and that situation is between the government of the day and those schools, and it is not the responsibility of the trustees, the responsibility with public schools. And that is our position.

MR. BOYCE: I won't comment on your legal opinion, but if I was a trustee, I would resent being put in that position, also. I would agree that, 100 years, the resolution of this particular question was difficult. 50 years ago it was difficult, even 20 years it was difficult. But the milieu has changed, and perhaps we should go through this, even in present-day terms, difficult decision. I guess, Mr. Chairman, it has something to do with my ancestry where they managed to keep the Boyne River boiling for 300 years. But nevertheless, in Manitoba, in the spirit of co-operation which exists in the present time, if people would address themselves, could we not possibly go down this route, even if it is difficult, rather than the jiggery-pokery which has taken place over the last 15, 20 years.

MR. ROUSE: Again, Mr. Boyce, I must say it's possible, but again is it practicable in the situation that we are. I think we have to have some leadership. I think everybody is giving opinions, maybe philosophies, but I don't see anything of a proposal, concrete, coming before me and saying, this is what I think we should do, this is where I think we should go, this is what I think will happen. Until I saw something like that, I'd just be joining a bunch of other people in the province of Manitoba and giving a personal opinion. Really, I think that's what we've been doing for a number of years.

I think your comments are valid, but I have seen nothing concrete to say, this is how we should handle the situation, this is what we should do, and I would challenge you people should be giving the leadership on this.

MR. BOYCE: I would return the challenge, through you, Mr. Chairman, to all elected officials, all leaders of the community, that we give the people the impression that we are going to address ourselves to this problem, and let the argument take place, and hopefully we can resolve it in the next five years or so. I don't expect an immediate solution to this problem.

This serving on boards of teachers who teach within the system, you would like them prohibited from serving on the board. There is a movement which is gathering momentum in the concept of industrial democracy, where the people who are trying it have good things to report on the utility of having somebody from the operational side of the functional, be it manufacturing, other things like that, serving on the boards of directors, so is this not somewhat of a regressive stand in this regard?

MR. ROUSE: We come to the same position where we run into conflict of interest. It's always the same story, conflict of interest. And then do you let your own personal feelings run away with you or can you just take it from your mind and put it away and make an honest assessment and an honest decision, or are you still going to have that conflict of interest come up? This is what I think is always going to be there. It's pretty hard. Can you honestly say to me, Mr. Boyce, that there are times when you sat in the Legislature that you don't feel a conflict of interest and sometimes you've had to tear yourself apart to make a decision? I know I've faced it, I face it every day. And I think I'd rather not be put in that position that I've got to have a conflict of interest. I think there are many, many people in the world who will offer their services here, so therefore why should we have to put somebody in the position of a conflict of interest.

MR. BOYCE: I can understand the basis of your apprehension, but nevertheless I have to speak from my propensity, I suppose, that given an opportunity, people will behave responsibly in this regard.

The duties of teachers, I see that you're not advocating that they look after the horse and carry in the wood and all the other things. I'm being facetious, of course. But why is it necessary to even include the ones that are in there already?

MR. ROUSE: We just feel that it's in the best interests of the trustees and the children. That's the only comment I can have. I feel it should be there. You spell out what I have to do in my responsibilities as a civil servant.

MR. BOYCE: That leads to the next question. Here, once again we're dealing with one of the two main components in the provision of educational services to our young people in this province, and that's the statute under which it acts, the province acts. And then the other being the financings that we deploy to operate that system. It's been kicking around, and in some areas the government is to be commended on some of the things that they've gotten rid of. But nevertheless, we're faced with redesigning and bringing the whole system up to date, not just a piece of legislation. So we're talking with the teaching profession, the duties of teachers. From the 1950s when we had the big influx and all of a sudden people got concerned about having more professional teachers in the system, which a person could demonstrate by relating the number of permanent teachers in the province in say, 1956 to 1979, I don't know how many still exist, but I imagine it's a small number.

What other professional service is provided in the province of Manitobawhere they tell the teacher the things that you have asked to be included. What other profession — do they do that with doctors? Do they do that with lawyers? What other profession do they do that? I don't think there's any. And where I'm going — in 1969, when we first came in, the MEA died because really there was no reason for it to exist except it was a place for educators to get together and discuss educational matters. We reached a point where some body would be empowered to deal with what teachers are and what they should be doing, professionally within the province of Manitoba.

MR. ROUSE: Mr. Boyce, my answer would be to you, sir, is, do the lawyers have a collective agreement? Do the doctors have a collective agreement? Do the engineers have a collective agreement? But teachers say they are professionals, and I respect that, yet they want a collective agreement, so if you're going to ride two horses, sir, I have a hard time to put it in the same class as lawyers and doctors and engineers.

MR. BOYCE: Do you say that the lawyers have a collective agreement?

MR. ROUSE: No, I say they don't. Who does a lawyer have a collective agreement with? The Law Society of Manitoba?

MR. BOYCE: As I understand it, they have a standard tariff for the provision of services within the province of Manitoba, and they have an appeal mechanism built into that. They have a process by which they establish their fees. The MMA has a very successful, effective, ipso facto contract with the people of the province of Manitoba for the provision of services through Medicare. And you go down the list of it, and the tariffs which are established are usually established by the negotiating arm of the professional organization, where the MMA is effective in dealing with the contract with the people of the province of Manitoba and the College of Physicians and Surgeons deals with the matters to which I am referring.

MR. ROUSE: That's all right but I don't put that in the same class as a collective agreement. I think there's a big difference between a collective agreement between an employee and an employer, than there is in the example that you're giving. I don't call that a collective agreement. I call that an agreement, and that may be negotiations, but I don't put that in the same terminology as a collective agreement, that the trustees go into with the teachers of this province.

MR. BOYCE: I guess I'm from the school that a rose is a rose. If it is operationally collective, what does collective mean? It means it applies to everybody. And it's a broader collective agreement than the teachers have, because the teachers negotiate division by division, and I'm not suggesting, in my questioning, there'd be a provincial rate for all teachers. I'm not talking about the negotiations part of salaries because if we go back to our parallel, I understand that there are differing rates within all the other professions that we mentioned from community to community. I'm thinking

of, in the public interest, saying who, is a qualified teacher and who is not?

MR. ROUSE: Possibly I should reverse it to you, Sir, and say why are you feeling so uptight — maybe that's not the word — but your position on why that should not be in the Act, let me put it that way to you, why would you have apprehensions about something like that that simply spells out what we expect?

MR. BOYCE: Well, I don't know if we're in order questioning back and forth.

MR. ROUSE: Well, I think that, Sir, with respect, that's a fair question. You're asking me and drawing me into collective agreements and you're going ahead and opening up the subject matter, so I think I should be entitled to ask you your opinion.

MR. BOYCE: Well, we're probably both out of order, Mr. Rouse . . .

MR. ROUSE: I think we are. The Chairman's been letting you go so far so I think I should have the same respect.

MR. BOYCE: To be quite candid, if it has been in the statute I could live with it; it was taken out of the statute — and if I came to work for you and you asked me to do that I wouldn't work for you.

MR. ROUSE: I beg your pardon, I didn't catch that last part.

MR. BOYCE: It's in the statute, you know, it exists in the statute, I can get along with it.

MR. ROUSE: Yes.

MR. BOYCE: If you took it out of the statute and you negotiate whether I should work with you or not, and you stipulated that, I wouldn't work for you.

MR. ROUSE: Yes, that's democracy.

MR. CHAIRMAN: Any further questions? Mr. Walding.

MR. D. JAMES WALDING: Thank you, Mr. Chairman. Mr. Rouse I should compliment your organization on a very well prepared brief. It didn't leave us too much to ask question about, but there were a couple of things that I noted in here that I wanted to ask you about. One had to do with a matter of school attendance and truancy. Are your school divisions now responsible for school attendance in private schools within your divisions?

MR. ROUSE: No. They may be in some parts of the province I'm not aware of but in my own school division answering no, I don't think so. Are we? I had better let Mr. Harvey speak, he's more informed on this than I am.

MR. HARVEY: Mr. Chairman, the School Attendance Act requires a school division to appoint a school attendance officer to enforce school attendance within the division and that includes attendance at private schools.

MR. WALDING: Does this new proposed Act retain that provision or is there a change in it?

MR. ROUSE: He says it retains it as far as he knows Mr. Walding, we think it retains it as far as we know, Sir.

MR. WALDING: The reason I ask is a representative from another organization told us yesterday that the school divisions don't have and he doesn't know who is responsible for the attendance at private schools. That's the only reason I brought it up.

MR. ROUSE: Well, to the best of our knowledge we are responsible and as far as we know it is retained in there.

MR. WALDING: Your concerns about representation by population at some school divisions. I'm

glad that you accept the principle there although you seem to raise problems. I don't really understand why you say that a part of a division may not have representation. Surely everyone who lives within the division is represented by one or more school trustees for the geographic area in which he lives.

MR. ROUSE: I think the point being, Mr. Walding, that there are certain school divisions that may have election of their trustees on the overall school division and it would be possible — for instance, in the old days when I first became a school trustee in the East Kildonan-River East area of this area, before we went to the Ward system, it was possible the whole school board could come out of the City of East Kildonan and all of us could live together. In fact one time when I was first elected to the board three out of six trustees lived on the same street, two lived on the next street, and that was one area of East Kildonan that was just represented, so the whole board came from one section of East Kildonan, for an example.

So what we are concerned about, that if you had an area, say, like in my own area, like the Rural Municipality of East St. Paul, supposing we didn't have a Ward system, I don't think it would be fair that the trustee coming out of East Kildonan should represent the people of the Rural Municipality of East St. Paul and St. Clements with their problems. I think it is important for the children's sake that we have representation from all areas of the province, and if, for example, in my area, if 60,000 people happen to live in what we call the City of East Kildonan, North Kildonan in the old days, and there are only 300 people in East St. Paul, those 300 people should have a good say and not have a person, say, like myself who may not understand the problems that exist in the country. I might just see it from the city aspect and I think to have a good school board that is a necessity that everybody is represented.

MR. WALDING: That would result in some of the voters being overrepresented in terms of the value of their vote, as opposed to other voters in the area.

MR. ROUSE: Could be.

MR. WALDING: Okay, one other point. I gather from your brief that 48(1)(x) is of some importance to MAST; you devote a fair bit of print to it.

MR. ROUSE: Yes, Sir.

MR. WALDING: Where you are making the point here, if I understand, of the importance of a school board being responsible, as an elected body and that is really to the people who represented it, the importance there.

MR. ROUSE: Yes.

MR. WALDING: I would like to compare that with something that you say on Page 7, under Languages of Instruction, where you say that there should be an appeal mechanism that would hear appeals and make recommendation, settling of local disputes. Now, is this not taking away the decision-making of the local board and putting it into some other area? Are not these two proposals in conflict?

MR. ROUSE: Are you referring, Mr. Walding, to Section 79?

MR. WALDING: Yes.

MR. ROUSE: I think Section 79, though, is the protection to the area where there are other languages than English, and that is of specific import that they should have this right. And I think we're referring here into the area of French, German or Ukrainian may be the point specifically.

MR. WALDING: But, whatever the purpose it's for, is it not possible that a democratically elected school board will say, this shall be so, and someone takes it to an appeal procedure which is not an elected body and which can say it will be the opposite of what the school board says.

MR. ROUSE: I guess that's possible, I mean, I wouldn't know until I experience this, it's possible I suppose.

MR. WALDING: Are you not arguing two opposing points of view in the same brief?

MR. ROUSE: I think (3) is the important point in this, "the establishment of an appeal mechanism that would hear appeals and make recommendations in the settling of local disputes regarding French education", it's a recommendation. I see your point. I'm not arguing against the other side, I think here we're emphasizing, it's a recommendation . . .

MR. WALDING: Yes. One final question, and this is a matter of perhaps opinion from you. Given that the school boards are facing great financial difficulties, particularly with declining enrolment, teachers are being laid off, courses are being cut and we're even hearing talk about schools being closed, yet on the other hand the province has doubled the amount of funding to private schools for some 6,000 or 8,000 students, yet the purchasing power of the grants from the provincial government for some 200,000 children is declining this year from last year, does MAST have any opinion as to whether this is the correct state of priorities?

MR. ROUSE: Well, MAST has not discussed this along those veins. Our only position has been that there is never enough money for education but we have to look at what the economy dictates and it doesn't matter which government is in power I think the school trustees will always come here and say, to you, we're not getting enough money for education, because, after all, that's the biggest investment we've got in this country. We can argue about oil and gas and everything else but you are still going to have to remember children are still the biggest investment you've got in this country.

MR. WALDING: That being the case, if there is an additional million dollars in grants for the provincial government to give out, is it more proper that they give it to the public school system for its 200,000 children, or to the private school system with its 8,000 children?

MR. ROUSE: Of course, I would only answer this personally. If you are going to give it to River East I'd gladly accept it.

MR. WALDING: Thank you, no more questions.

MR. CHAIRMAN: Mr. Boyce.

MR. J. R. (Bud) BOYCE: In thinking of what I said I have to take out a little insurance, I've got to hedge my bet because the Winnipeg Centre Constituency disappears and I may be looking for a job. It would be incumbent upon me to convince you that you didn't have to tell me to return the library books. One of the things that concerned me was when Mr. Walding was asking some questions. Indications are that the enrolment in private schools is going up, generally. In Ontario, I think, it is accelerating at a high rate than it is in Manitoba, but in looking to the south of us where the public, the politicians have been forced into a position to react to certain social demands in changing the system, that many more people are opting to send their youngsters to private school. Now, Mr. Harvey even would ask the question whether, you know, education should be free? It prompts me that, is it not more imperative that, in light of the increase in rate of people leaving the public system, in light of declining enrolment and the rest of it, that we address ourselves to the resolution of this particular question of aid to private schools.

MR. ROUSE: Well, I think, I have to accept that what you are telling me is correct, I haven't really studied that and I don't know if there is that big of an influx into the private schools of Manitoba. I'll be honest with you, I don't know. A declining enrolment is the fact of life today and maybe it's because most of us can't make enough money to survive with one spouse, I don't know. It's a question that's hard to tell; probably if we run into good days then probably the school enrolment will go up, I don't know.

MR. BOYCE: Well, Mr. Chairman, I'm not just expressing my own opinion, one of the representations that was made yesterday — it will appear in the printed record, it was the Association Incorporated, I forget the name of it, I'm sorry — who made representation on behalf of the private schools yesterday, said that the enrolment in private schools was going up.

MR. ROUSE: That could be, I don't know.

MR. BOYCE: And there are several reports in the Province of Ontario which indicate that it is

going up also and reports from down south indicate the same thing, so it's not just a personal opinion.

MR. ROUSE: If I may ask you, Mr. Boyce, did they give you a reason why it's going up; I'm not aware of this and I am asking you, Sir, because you were here yesterday, did they give any inclination why the enrolment in private schools is going up?

MR. BOYCE: I don't think that question was asked, Mr. Chairman.

MR. ROUSE: I think, Mr. Chairman, that would be a very important thing for the Province of Manitoba to know. If private school enrolment is going up maybe we should be looking at things and find out why. Is there something wrong with the public school system? I don't think there is but this may be a question that we should be looking at.

MR. BOYCE: Thank you, Mr. Chairman.

MR. CHAIRMAN: Any further questions? Mr. Walding.

MR. WALDING: Just one, Mr. Chairman. I would like to ask Mr. Rouse if the school trustees requested of the Minister that Remembrance Day be no longer a school holiday?

MR. ROUSE: I'm not aware of such a request being made and I would certainly hope not.

MR. CHAIRMAN: Mr. McBryde.

MR. WALDING: It is now a regulation that it is not a holiday.

MR. CHAIRMAN: Mr. McBryde.

MR. RONALD McBRYDE: Yes, Mr. Chairperson. I wanted to just doublecheck my understanding of what you've presented this morning. In the area of the private schools you used the phrase that we are bookkeepers basically for the funding going to private schools, and I wanted just to clarify that school boards see themselves as that right now, and they would see themselves as that under this legislation.

MR. ROUSE: We see that as we are now. I don't know for sure under the new legislation, I haven't studied how it will change the picture but right now I say to you, we get money from the government of the day; it comes to the school boards; the school boards in turn pass a motion to pass it on to that private school.

MR. McBRYDE: That means that there is basically then no control over those fundings, you just pass it on.

MR. ROUSE: I don't feel we have any control at all, no.

MR. McBRYDE: Then your solution to that situation, if I understand your brief correctly, and that's what I want to check out, is that basically what the government has dumped on to you you want to dump back. The government says you are responsible for this area of private schools and the school boards will only be responsible for public schools, we don't want to have anything to do with that.

MR. ROUSE: That's right. The position of the trustees of this province in the public school syteem is that privatesschools should be dealt strictly with the private school and the government and we, as Board of Trustees, should have nothing to do with it whatsoever, that is our position.

MR. McBRYDE: The other question, I sort of get the feeling listening to people and prohibited by legislation as is being recommended.

MR. ROUSE: Maybe on the other hand too — that's true — and maybe on the other hand the trustees may have a position that we may not want to do. I mean we still got to look after tax dollars and I don't know, maybe our position will be something that a lot of people won't appreciate.

MR. McBRYDE: Maybe I could rephrase the question because I am not sure I clearly understand where the school boards or MAST would like to move in terms of declining enrollment. Do you see it as a bargaining item, or it is going to come up as a bargaining item even though you don't feel it should be, but for example, one of the delegations, at least, yesterday mentioned that with declining enrolment it should be possible now for us to provide better services to special needs students, because the resources would be more available. I just wonder what sort of discussions MAST has had or whether they just say that this is a fact of life and we just have to reduce our educational facilities because of declining enrolment, or what sort of other directions you have looked at as an organization.

MR. ROUSE: I don't think we have discussed reducing that, and I would suggest to you that requirements for handicapped children and the needy in these areas of special education should have enough money anyway, declining enrolment shouldn't have any bearing on it. We should be supplying this at any time and declining enrolment is something we are going to have to face, but I don't necessarily think that education is going to be lowered because of a declining enrolment. I mean everybody has their own ideas, I know that everybody gets the impression that there is going to be a problem with education. I hope not, but it is like any business that comes along. If the Manitoba Government, whichever government is in power, and we don't give the services to the people of Manitoba, you are not going to keep civil servants sitting around here doing nothing and that is one of the problems. Hopefully, we will find things to do for them and hopefully we will overcome this problem of declining enrolment and nobody will suffer. But I can't answer that at this stage. It is things that we are going to have to thoroughly discuss and look at. There are certain school divisions in the Province of Manitoba who will feel the declining enrolment heavily. There are other school divisions that haven't even got a declining enrolment. They are staying pretty well level. I think this is one of the things that we are going to have to face and it is a most unfortunate situation and hopefully the economy will change to help out of this. I don't know. I think this is something that all of us are going to have to look at and it is something we know we are going to have to face, going to have to do a lot of homework on, and I don't think, up to this stage, that any of us have really done our homework. In looking at the welfare . . . it is easy to yell "wolf". Anybody can cry "wolf" depending which side of the fence you are on. Instead of crying "wolf" I think we should be sitting down, all of us, and I think Mr. Boyce hit upon it earlier, maybe we need a real community effort and forget what side of the fence you sit on, politically or otherwise, or whether you are a school trustee, a councillor, an MLA, and let's all sit down and look at a problem that is really facing the people of this province, and that is one of them.

MR. McBRYDE: I guess my question was sort of to get some insight as to the homework that you have already sort of done or your preliminary homework I guess you could call it, but in effect there is not that much homework been done yet in the area of declining enrolment.

MR. ROUSE: I can suggest to you that we are studying it, we are working on it, but I haven't got an answer. I would appreciate maybe if somebody else has they could give us some input, we would appreciate it.

MR. McBRYDE: Well, I was hoping that you would give that to us.

A final question, Mr. Chairperson, in the area of the special needs students. Your presentation is fairly clear in terms that you would like the legislation, or you are happy enough with the legislation as it reads. I suppose I read something else in there and I wanted to clarify it, that if in fact you knew the resources were going to be available then that that condition, the loopholes that are put into the present Act to take sort of the pressure off the school boards, that if you knew the resources were going to be available then you could accept that those conditions be deleted.

MR. ROUSE: And it would solve many problems. To Mr. McBryde, I'm sorry, Mr. Chairman. Yes, it would, but as I say, special needs, if we had the money it would solve a lot of problems for everybody. But we feel that as far as special needs are in this province, it shouldn't matter what the situation is today it is important that those children are looked after and the money should be found one way or another, and it shouldn't take a declining enrolment or anything else to bring it to the attention of any government of the day. It is a responsibility that we must accept and the trustees in this province feel very uncomfortable that there is not enough money at any time to cover that problem.

MR. McBRYDE: I think that that is fairly clear. The Section in there that says, "wherever practicable"

or whatever it exactly says, is sort of an outlet because we know that the resources probably won't be available. We really don't need that section in there if you were satisfied that the resources would be available?

MR. ROUSE: Well, of course, the only person that can answer that question to me are you gentlemen sitting here.

MR. McBRYDE: Or at least one of two of them.
That is all my questions, Mr. Chairman.

MR. CHAIRMAN: Mr. Hanuschak.

MR. HANUSCHAK: Mr. Chairman, just a couple of questions which had slipped my mind earlier with reference to instruction in religion.

Section 81 of the Bill states that instruction in religion may be offered by a clergyman, priest, etc., or a representative of parents, recognized by the school board as constituting a religious group.

Now, my question to you, Mr. Rouse, is this — how do you interpret this Section in terms of the responsibility that it places upon you as a board? Are you going to, as a board, determine whether that particular group of parents is a recognized group, viable group, one whose request you could honour, or are you going to consider the question of whether their religion is a recognized religion?

MR. ROUSE: Well, I think that would depend on the group of people who had come to the Board of Trustees if there is a problem. Right now I haven't experienced a problem like you are suggesting, Mr. Hanuschak. Is there one that I am not aware of, that exists like you are suggesting?

MR. HANUSCHAK: Well, yes. For example, a group of people, they might be adherents of the Moonies, and they want religion taught in their own way, and a group of them petition you for permission to provide religious instruction. So, which of the two questions are you going to deal with? Are you simply going to say, "Well, we want to satisfy ourselves that that is a recognized group of parents whose request can be honoured? That is one thing, you know, number of children, etc., their location and residence, schools they are located in. Or are you going to ask yourself, "Well, before we deal with that are we going to recognize the Moonies as a recognized religion?" which is quite different.

MR. ROUSE: Well, Mr. Chairman, to Mr. Hanuschak, I don't think I can answer that for MAST. If you asked me as a trustee and happened to deal with this on an ordinary school board, I would have to respect people's beliefs and people's rights, and if a person came from a certain school, for example, from the River East School Division and said we have got 45 students who want some type of religious education, then I think the school board will have to deal with that particular request at that particular time. Until I had such a thing before me I don't know what I would do at this moment. I would research it, consider it, but I have to respect everybody's belief or their religion as they see fit.

MR. HANUSCHAK: So, do I understand you then, Mr. Rouse, that you would not concern yourself with the question of whether it is a religion that you would recognize — you would recognize all.

MR. ROUSE: I would concern myself, Mr. Hanuschak, but I don't think I can set myself up as an individual or a board of trustees to tell somebody what their religion is or not.

MR. HANUSCHAK: Second question: Have you any comment on the fact that this Section seems to give somewhat broader powers, or a power to delegate authority or delegate responsibility to a clergyman, a priest, a Rabbi, or other spiritual leader, but the same power is not extended to a representative of a group of parents? Let me explain, because to put it in its proper context, what I am really referring to is the fact that this Section allows for religious instruction by a clergyman, priest, a Rabbi, or other spiritual leader or representative of parents, or by any person, including a teacher, duly authorized by such clergyman, priest, Rabbi or other spiritual leader, but not or by a representative. Now, my point is this, that there are religious groups which have neither clergymen nor priests nor Rabbis nor spiritual leaders. There are congregations within the Unitarian faith in smaller communities that they have no one within their group whom they recognize as a

spiritual leader; they organize their religious affairs in such a way that many participate in the conduct of their religious activity, but none of whom is recognized as a spiritual leader.

Now, are you suggesting then that, or are you in agreement that a religious group that does not have a clergyman, priest, Rabbi, or other spiritual leader, but merely a representative, that that representative ought not have the same rights in determining who is going to conduct their religious instruction program as one who is ordained as a clergyman, priest, or Rabbi.

MR. ROUSE: Mr. Hanuschak, I don't think I could deal with that problem until the actual individuals who were requesting this came before that particular board. I would suggest to you as a trustee I would probably have it researched by the Superintendent's Department, with a proper recommendation to come forth, and I would suggest probably the Department of Education would have to give leadership in this. So I would not make a rash decision nor would any trustee in the Province of Manitoba without research.

I understand what you are getting at, but I would suggest that it is hypothetical at this point and to make an opinion on something I haven't heard or a delegation to know what we are talking about is just sheer conjecture and I am not prepared to make and answer to a question like that, because I don't know what I would do until I am faced with the matter, but I would assure you that something like that would be researched by every trustee in the province before he made a decision.

MR. HANUSCHAK: Thank you.,

MR. CHAIRMAN: Any further questions. Mr. Boyce.

MR. BOYCE: I just want to put on the record, Mr. Chairman, the organization to which I referred was the Manitoba Federation of Independent Schools Incorporated, a company incorporated under the Statutes of the Province of Manitoba known as The Companies Act. It was presented by Mr. Joe Stangl.

Through you, Mr. Chairman, Mr. Rouse might find it interesting to read the presentation in light of the argument on page 4 of the brief, the Private vis-a-vis the Public Interest.

MR. ROUSE: Mr. Chairman, through you to Mr. Boyce, thank you Mr. Boyce, and I will assure you that we will do this and the Manitoba Association of School Trustees you can be assured will read this brief and any others that are presented that concern the children of this province. Now it may be a lot of homework but I agree we've all got a big job to do.

MR. CHAIRMAN: Any further questions? We thank you, Mr. Rouse, and MAST for your presentation, sir.

MR. ROUSE: Thank you, Mr. Chairman, it's been a pleasure.

MR. CHAIRMAN: I call Mr. Marshall; George Marshall. Mr. Marshall, I have an indication from the committee they would like to rise. Could you appear at 2:00 o'clock?

MR. JACK QUAIL: Mr. Chairman, my name is Jack Quail. I am Chairman of the Board and Mr. Marshall is with me, and we have no objection. Have we, Mr. Marshall?

MR. GEORGE MARSHALL: None whatsoever, sir.

MR. CHAIRMAN: Well, we have a problem. We've also committed ourselves to the Manitoba Teachers' Society at 2:00 o'clock. Is your brief rather lengthy?

MR. QUAIL: Not really, sir. I would surmise it's probably half an hour. Mr. Marshall, do you agree with me?

MR. MARSHALL: I think we should go now if we have to wait until later.

MR. CHAIRMAN: Okay, proceed.

MR. QUAIL: As I said, Mr. Chairman, my name is Jack Quail. We present this as a divisional brief on behalf of the Transcona-Springfield School Division of which I am presently the Chairman.

Mr. Chairman, Mr. Minister, and honourable members of the Legislative Assembly; we thank you. Some of our concerns have been already outlined by the Manitoba Association of School

and our prime purpose for seeking audience is to confirm and reinforce the Transcona-Springfield School Division No. 12's position on Education Finance, and on changes and alternatives which may be under consideration.

In particular, the Division wishes to stress the need for the continuation of the Greater Winnipeg Education Levy since it is fundamental to the equitable co-existence of ten separate school divisions within the single corporation of the City of Winnipeg.

I'd like to outline, sir, what we support. As a background for our presentation, we would like to reaffirm our support of the following principles:

(a) We support the Foundation Program introduced by the Honourable Dr. George Johnson in 1967. The Foundation Program was the prime initiative and attempt to bring equity through the aid of the government to the revenue capabilities of the many school divisions of the same province.

(b) We support in principle the idea of more equity in terms of revenue capability should be pursued by the government to strengthen assessment-poor divisions in order that every student might have equal opportunity for education in Manitoba.

(c) We support the principle that individual school divisions should continue to be responsible for the residual levy. In the urban area, education costs on property are equalized across Winnipeg only to the lowest pupil cost, thus leaving a residual levy to fall on the individual urban school divisions. We believe that this is sound since it makes individual school divisions sensitive to additional costs.

(d) We support the government's formula for delivering the dollars to the divisions through the vehicle of per pupil grants based on an assessment bias that promotes more equity of educational opportunity to the many school divisions in the province.

(e) We support the principle that when a school division provides services which are unique, such as the Child Guidance Clinic administered by the Winnipeg School Division No. 1, representation to the government for financial assistance should be made by that division. The government then should consider such submission on its merit.

(f) We support the province's policy of direct assistance through special grants to school divisions of the vast northern region as being fundamental to the extension of educational opportunities for citizens of remote areas.

(g) We support the property tax rebate which delivers educational assistance to those most in need.

We reject the suggestion that rebate monies should be delivered to school divisions; such a move would lower the mill rate for the individual and corporate citizens, but would burden those least able to pay.

(h) We support the Greater Winnipeg Education Levy as fundamental to the equitable co-existence of ten separate school divisions within the single corporation of the City of Winnipeg.

(i) And we do support the Honourable Keith Cosens in his recognition of the need to provide a fair approach to all urban divisions, resulting in the retention of the Greater Winnipeg Education Levy in the Minister's proposed Bill 22, Public Schools Act, Section 189.

And, Mr. Chairman, before I proceed, with your permission, we are fortunate to have a man I would like to call an expert on

(3) That, since dollars raised through the uniform levy are delivered to the urban school divisions on a per pupil basis, if a school division gains or loses pupils from one year to the next, it will naturally affect the dollars received.

(4) And that all ten divisions are in fact coming closer together over the years with respect to the special levy, in the last three years diminishing from 23.5 to 15.4.

We would like to comment further to the brief from the Winnipeg School Division No. 1, and I quote: ". . . monies collected from Winnipeg School Division taxpayers in the name of the Greater Winnipeg Education Levy to distribute amongst other school divisions has consistently increased" and again I quote ". . . the monies collected from our taxpayers for the Greater Winnipeg Equalization Levy rose from \$23,640,892 to \$25,173,698, a 6.5 percent increase over 1977, and the amount retained by the city to make payments to the other urban school divisions increased from \$5,578,025 to \$5,881,316, a 5.4 percent increase over 1977".

The facts are:

(1) The Greater Winnipeg Education Levy is not collected from Winnipeg School Division taxpayers; it's collected from all the taxpayers of the City of Winnipeg.

(2) All ten divisions have the same uniform levy — that's the Education Levy — applied to property to cover urban educational costs up to the lowest per pupil cost, for example, each division is identically assessed at 38.29 mills for 1979.

(3) The uniform levy, or Education Levy, has increased annually for all ten school divisions, not just Winnipeg No. 1. It was 33.47 in 1977; 35.07 in 1978 and 38.29 in 1979.

Again I quote "It was imposed" — this is the Winnipeg brief of this year — "It was imposed because some divisions had a greater amount of commercial and industrial property than others. It was imposed too, to give the component parts of the new City of Winnipeg a period of grace while the new administrative structure and the new tax burdens were established and rationalized. There was a time frame implied when the levy was introduced which we submit should not have extended beyond the three years wherein other supports were in effect for the same purpose."

These statements and their underlying assumptions are false.

The facts are:

The Greater Winnipeg Education Levy was not imposed for municipal purposes as the Winnipeg School Division No. 1 brief suggests.

With a single municipal corporation, there is automatically one equalized mill rate. This municipal mill rate has nothing whatever to do with Education tax. Further, the time line associated with the municipal tax was not related in any way to the Education tax.

Again I quote the Winnipeg brief, "What kind of equalization is it that accepts that a homeowner on Boyd Avenue should pay a higher tax than one on Kildonan Drive or Handsart Boulevard".

The facts are:

MR. CHAIRMAN: Mr. Marshall, could I interrupt you there and we can proceed again at 2:00 o'clock from that point?

MR. MARSHALL: Can we be on at 2:00 o'clock?

MR. CHAIRMAN: Yes.

MR. MARSHALL: Thank you, Mr. Chairman.

MR. CHAIRMAN: Very good. Committee rise. Thank you, Mr. Marshall.

BRIEFS PRESENTED BUT NOT READ

"Brief to the Standing Committee on Privileges and Elections respecting French Language Education in Manitoba presented by L'Association des Parents de l'école Provencher, October 1979.

Introduction: The revision of The Public Schools Act relative to educational linguistic rights is a matter of serious concern for us as parents in the Provencher School Community. Our children are involved in a "B" program of instruction, and we as parents, are anxious that any legislative revision should take the needs and benefits of the "B" program into full cognizance.

The "B" program of instruction as permitted within existing legislation (Bill 59) allows that 50 percent of the instruction should be in English and 50 percent in French. The disciplines in Provencher categorize themselves according to the following pattern:

French (50 percent) — Français, Sciences Sociales, Hygiène, Musique, Education Physique, Dessin, Arts Ménagers, Arts Industriels, Bibliothèque.

English (50 percent) — Language Arts, Mathematics, Science, Library.

The philosophy behind this distinction of courses is that the utilitarian courses taught in English do not impinge on the cultural development of the French, and at the same time facilitate a broader understanding of both cultural and technological contributions of the founding races. Such a program will broadly prepare the graduates to pursue further education in either/or both languages, and hence prepare themselves for the realism of the North American economic scene.

It is our concern that needs of bilingual citizens be brought to the attention of your Committee, and to the Government in general, in order that you might fashion legislation appropriate to all Manitobans, and that all points of view be acknowledged, recognized and respected.

Historical background: It is our pleasure to remind members of the Standing Committee that Bill 59 was passed by the Roblin Government, and that it permitted the development of what we consider to be viable alternatives to unilingual schools (whether they be A Programs or Immersion Programs). Bill 59 provided the mechanism to preserve the linguistic rights of French citizens, and the recognition of the French culture in the educational process.

Successive legislation, such as Bill 113 of the Schreyer Administration in 1971, has expanded the linguistic options without necessarily ensuring the basic tenets of bilingualism or biculturalism. Extremists can, within this legislation, ignore the principles which it was designed to protect by following a unilingual pattern. It is our concern that the Government be made aware of this inherent danger to the cultural development of Manitoba citizens.

Existing Representative Groups: As you are aware, there are a number of groups which attempt to speak on behalf of the French population. It is known that some of these groups might have already made representation to your Department. In this case we refer specifically to the brief

by La Federation provinciale des comites de parents and its President, Mr. Roger Dubois, on 16 January 1979.

Other action groups which may wish to speak out respecting tentative changes, but who do not necessarily represent our point of view include: SFM, EFM, CJP, ACLF, BEF.

We are also aware that a meeting to discuss Programs in the French Language was held on 27 December 1978. Some of the opinions gathered in these minutes have caused us to be alarmed.

The fact that the 1978 annual general meeting of the Manitoba Teachers' Society recognized two linguistic instructional options referred to as l'ecole francaise and l'ecole d'immersion, has further compounded our problem. In this act, the "B" program has not been acknowledged as a viable alternative in the cultural development of the school system. We regret this trend; we urge the members of the Standing Committee to be cognizant of these attitudes.

The activities of the above groups have tended, either overtly or subtly, to promote the A program and to "down play" the value of the B program. We urge you to keep the values of the B program clearly before the eyes of the persons drafting revisions to the Public Schools Act. We remind you that some of the above-named groups have access to considerable funds, both Federally and Provincially to influence decisions. At times, we believe the Federal funds may have been used in a manner which would influence parents without truly representing all viable options.

In the light of the above information, we wish to present out statements on behalf of concerned parents from St. Boniface School Division, St. Vital School Division, Norwood School Division, and River East School Division. We advocate the B program, and the provision of safeguards for this program clearly in the revised legislation.

Revisions to the Public School Act:

Recommendation No. 1 — The definition of the term "French Language School/Ecole Francaise" is:

any instructional unit established for the purpose of providing instruction in the French language to any pupil who has elected to follow at least 50 percent of their subjects of instruction in French (with the exception of English Arts which is obligatory), as a means of learning French as a first language and preserving the French culture.

Rationale —

1. As a basis for this definition we refer to the research of such educational leaders as Piaget and Penfield who have clearly espoused this approach.

2. It is our belief that such a program should be available to children of all cultural backgrounds. We believe it would be discriminatory to limit access to this type of instructional program to students who come from French speaking homes only. This would avoid the pitfalls experienced through Bill 101 in Quebec.

3. We advocate that, under our definition, the 50 percent Subject instruction in French coupled with the use of French as a language of communication both within the school and in its community will assure the French ambience necessary to preserve the French linguistic and cultural identity currently threatened by assimilation.

4. We believe that bilingual instruction within this definition, and as demonstrated through our "B" program, will produce citizens who are prepared to function in the multilingual society of North America.

Recommendation No. 2 — In a French Language School, it is our recommendation that

1. The English Language Arts program, as authorized by the province for all English schools, must be implemented at all grade levels for which French Language is offered, except in kindergarten.

2. The Mathematics and Science curricula as authorized by the Department of Education for English Schools must be taught in English at all grade levels, except in kindergarten.

Rationale —

1. We require our students to be proficient in all areas of language development in both official languages of the nation. We reject the practice, followed in some schools, that English as a second language courses are substituted for the authorized program, and in so doing seriously dilute the content and skills. We desire our graduates to be thoroughly familiar with the language arts (reading, listening and viewing) skills and the literary culture of our heritages.

2. We advocate that the instruction in Mathematics and Science be in English in order that our graduates have equal opportunity to enter any post secondary institution in Manitoba or abroad which require these prerequisite courses.

Recommendation No. 3 — We recommend that the language of communication in the French Language School must be French; with the provision of bilingual communication to parents and community as deemed necessary.

Rationale —

1. The students would be required to practise on a regular basis the vocabulary and comprehension skills inherent in developing facility in this language.

2. The use of the language used in this way would enhance the appreciation of the French culture and create the ambiance of a French identity.

3. Within our definition, it is quite feasible that neither parent would have sufficient fluency in French, and would need to receive communications from the school in the other official language.

Recommendation No. 4 — With respect to funding, we urge that the present formula used by the Bureau de l'Éducation Française be revised such that

Schools offering "B" programs must receive funding double that of schools in the "A" program.

Rationale —

1. The present formula now favors the "A" program approximately at a ratio of 2:1.

2. The necessity for a duality of resources in both languages (especially in library/media services) requires substantially more funding.

3. The need to acknowledge the multi-cultures of Canada necessitate additional fiscal resources e.g. Ukrainian dance troupes are acceptable in the "B" program, as well as French troupes.

Recommendation No. 5 — The Government is urged to assure that non-resident fees and transportation services are readily available as necessary to respond to individual needs for French Language "B" program instruction when the equivalent is not available in the home district.

Rationale —

1. Parents should not be expected to pay these fees from their own resources.

2. The Winnipeg School Division will not pay for transportation and non-resident fees for students to the "B" program who enroll at Provencher School while they underwrite transportation and non-resident fees of students who enroll at Tache School.

3. Students should not be required to reside outside their home district unnecessarily if transportation funding would make it possible to attend a French School "B" program.

Recommendation No. 6 — We urge the Minister to establish a French Language Advisory Committee on Educational Linguistic Rights, and

1. that the committee consist of

a chairperson named by the Lieutenant-Governor-in-Council,

a representative of the "B" program,

a representative of the "A" program

a representative of the Immersion program,

a representative of the English community.

2. that the committee advise the Minister on all matters relating to curricula, funding, research and evaluation, and problems arising from the promotion or administration of French language programs in the province.

3. that the committee advise the Minister on matters referred to him by parents and school boards.

Rationale —

We believe that all programs must be justly represented, even when in a minority situation.

We further believe that the Minister should have recourse to opinions from representatives involved in the different programs other than those officials involved in the Bureau de l'Éducation Française.

Recommendation No. 7 —

We recommend that the Bureau de l'Éducation Française discontinue its biased practice of advocating two French Language alternatives at the expense of the "B" program; that equal promotion for all French programs become standard practice to all Divisions.

Summary:

We wish to express our thanks for the opportunity to present our views directly to your attention. We urge members of the Standing Committee to give our recommendations their serious consideration and to report their decision and reactions to us by letter at their earliest convenience.

Thank you." "A Brief to The Standing Committee on Elections and Privileges with respect to The Public Schools Act, Bill 22, respectfully submitted by Neil J. McQuarrie, 1437 McTavish Avenue, Brandon, Manitoba, R7A 1C5.

I wish to express my appreciation to the committee for making available the opportunity for individuals and groups to make representations to you regarding the proposed new Public Schools Act. My only regret is that it is not possible for me to present this brief in person and to discuss it with the committee.

If Manitoba is to continue to be dedicated to the maximum development of its potential as a

hole then it must also continue to be dedicated to the maximum development of its parts. In that context I wish to stress to the members of the committee that the provisions made for the child with exceptional educational needs in Bill 22 are most inadequate. In addition there is no clause requiring the provision of special educational services for the child of preschool age even though other jurisdictions in Canada and other countries have accepted the need for such services.

John Melcher, a past president of the Council for Exceptional Children and a man who is concerned about the education of the very young child with special needs has written, "Studies conducted in Europe and the United States show clearly that a child with a disability requires very early help in order to do reasonably well in school and later life", and also that "without early intervention of a structured type, the child is allowed to persist in his deficiency and concurrently acquire additional cognitive and psychomotor deficiencies." (Melcher, 1976, pp. 2-3)

These statements by Melcher are supported by the following excerpts from various studies and reviews of research in early childhood education for developmentally delayed children. ". . . children who were involved in an intensive program of parent intervention during, and especially prior to their enrollment in a school or preschool, achieved greater and more enduring gains in the group program." (Bronfenbrenner, 1976, p.53)

"There is evidence that programs providing early educational and therapeutic programming to meet the needs of young handicapped children and their families are reducing the number of children who will need intensive or long term help." (De Weerd, 1976, p. 3)

"The average child in the program gained 13 months (in mental age) in an 8 month period; he gained 60 percent more than his counterpart with normal intelligence." (Shearer and Shearer, 1972, p. 216)

"Early stimulation and training are needed by mentally retarded children to compensate for developmental irregularities." (Andrews and Andrews, 1974, p. 4)

"The fact remains that these substantial (IQ) gains have been replicated so frequently that confidence in the ability to produce this magnitude of change at ages 3, 4, and 5 years has been established." (Karnes and Teska, 1975, p. 208)

I hasten to point out that the conclusions arrived at by these researchers and scholars are reflected in the report of the 60 people who attended the 1977 Threshold conference on the preschool mentally handicapped child held in Brandon and that of the 125 people who attended the 1978 Threshold conference in Winnipeg. Both of these conference reports recommend strongly the establishment of province-wide developmental programs for the preschool handicapped child.

The evidence is there. Properly conducted early intervention programs have beneficial effects, in human and economic terms, on handicapped children and their families. The Manitoba education system must provide the early educational services so that our people may benefit in the same way that children elsewhere are benefitting.

School systems in both the United Kingdom and the United States are required by law to provide educational services to children who have special educational needs from the age of three years. I strongly urge you to include in your final report a recommendation that reflects the scope and intent of the following Wisconsin state law:

Each school district shall ensure that appropriate educational programs are available to children with exceptional educational needs who have attained the age of 3 years and who reside in the school district. (Wisconsin Statutes, Ch. 115, Sub-Ch. III, Section 85.)

I wish you well in your deliberations and urge you to recommend changes to Bill 22 that will ensure that the school systems of Manitoba are able to meet the educational needs of children with special problems.

(The illustrations are taken from "Mainstreaming Preschoolers, a publication of the United States Department of Health, Education and Welfare.)

To check my References —

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Melcher, J. Why special education for young EEN children? Wisconsin Journal of Public Instruction. 1976, Spring, 47-50.

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Exceptional Children, 1972, 3, 210-218."

"Re: Hearings on Education, 10:00 A.M., Monday, October 22nd, 1979.

The B.U.S. (Bus Up Safety) Committee is a newly formed group of concerned citizens from The Pas area and involves School Bus Transportation. Our main objective is to have a transportation system for students that is as safe as it can possibly be made.

As this is a newly formed committee, there may be some errors or omissions in the attached brief, and hope that this will be taken into consideration.

The use of school buses has greatly increased (especially in this area), thus increasing the risks of injury to children. In the September 20th, 1979 edition of "The Opasquia Times" of The Pas Mr. Keith Cosens announced that "some 65,000 take the school bus in Manitoba and it's everyone's responsibility to ensure they arrive at their destination safely". To share in this responsibility, we require the assistance and positive action of the Legislature.

Would you please forward this brief to the committee holding the hearings on education in Room 254, Legislative Buildings, Winnipeg. Yours sincerely, B.U.S. Committee: Chairman, Susan Lindsay; Vice-Chairman, Gertie Fidle; and Secretary, Ellen Plante. Please send return mail to: Ellen Plante, Box 181, The Pas, Manitoba, R9A 1K4.

As concerned citizens of the B.U.S. (Bus Up Safety) Committee, we feel that STRICTER BUS DRIVER QUALIFICATIONS are needed:

1. Many Canadian school children spend more time with their bus driver than they do with any single school teacher during the whole school year;
2. The school bus driver does not require a university or college degree, and is, in some instances, a part-time employee. With proper training and knowledge, a bus driver could become highly skilled in his profession, and should receive certificates accordingly;
3. Experience or training in driving a school bus is needed when coping with road conditions and traffic combined with children;
4. The Canada Safety Council notes that a school bus driver should be a well-trained, safety-conscious individual;
5. A school bus driver has an awesome responsibility. Not only an education, but several lives, depend on his capabilities;
6. A situation could arise on a school bus whereupon a bus driver must react immediately. Examples: (a) a choking child, (b) an allergic child, (c) an unconscious child, (d) an epileptic child;
7. The school bus could catch fire. In this instance, the bus driver and students should be properly instructed and trained in fire evacuation procedures.

As concerned citizens of the B.U.S. (Bus Up Safety) Committee, we feel that PRESENT SCHOOL BUSES BE RECALLED AND IMPROVED UNITED STATES MODEL BE MADE AVAILABLE: (According to the television program W-5):

1. The United States has already passed legislation for safer buses;
2. If a child is flung forwards, he would, according to tests, hit the unpadded seat in front of him at neck level;
3. The undercarriage of a bus is designed for a truck body, not a bus, and in collision tests, the bus body sometimes separates from the undercarriage;
4. The panelling of a bus has been known to come apart in accident situations and injure children, thus the labelling of "cookie cutters";
5. Gas tanks, situated under the front loading door, that are not protected by a steel casing may rupture and explode;
6. There are no seat belts on a school bus;
7. Only some buses have push-out windows;
8. There are no escape hatches on school buses besides the emergency back door; and this door may become pressurized in an accident;
9. A school bus is surrounded by a ring of glass.

As concerned citizens of the B.U.S. (Bus Up Safety) Committee, we feel that AT NO TIME SHOULD A SCHOOL BUS BE LOADED BEYOND ITS RATED CAPACITY and should be brought to the attention of the Legislature for the following reasons:

1. There is no legislation, to our knowledge, preventing the overloading of school buses;
2. In an overload situation, older students can push their way onto a seat, forcing younger ones to stand;
3. In an overload situation, the bus driver does not have a full view of his passengers;
4. In an overload situation, the students are more likely to feel upset and become disorderly;
5. A standing child becomes an unguided missile if the bus stops suddenly;
6. In the course of an accident, an insurance claim may be invalid, thus leaving the school division

and/or the bus driver liable;

7. School buses have been overloaded in our immediate area, causing distress to parents and students.

As concerned citizens of the B.U.S. (Bus Up Safety) Committee, we feel that there should be **MULTIPLY SUPERVISION ON SCHOOL BUSES:**

1. A bus driver is not trained in taking care of children;
2. A bus driver's attention must be given to the task at hand, driving and delivering students to their respective schools;
3. A teacher sometimes has problems controlling thirty children in a stationary classroom; a school bus driver must control up to seventy-two (or more, if overloaded) in a confined area for an hour or two each day;
4. After several hours of classroom confinement, these children are more likely to become disorderly;
5. A driver may have to administer first-aid and need assistance;
6. A driver must sometimes stop the bus and settle a dispute he did not see the cause of, thus creating hostility between himself and his passengers, which filters through to the parents."



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