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

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**29 Elizabeth II**

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**THURSDAY, 3 JULY, 1980, 10:00 a.m.**

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

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS**  
**Thursday, 3 July, 1980**

**Time — 10:00 a.m.**

**CHAIRMAN — Mr. J. Wally McKenzie (Roblin).**

**MR. CHAIRMAN:** I call Mrs. Carolyn Garlich. Do you have copies of your presentation, Mrs. Garlich?

**MRS. CAROLYN GARLICH:** The Clerk has copies.

**MR. CHAIRMAN:** Fine, thank you. You can proceed.

**MRS. GARLICH:** Mr. Chairman and members of the committee. I am presenting this brief concerning sections 80 to 84 of Bill 31, which deal with the issue of religious exercises and instruction. I am presenting this brief as a private individual and because of this, I don't have a secretary to do my copy, so I apologize for the poor quality of the typing.

Religion and politics are emotionally charged topics, and in a free society we feel that it's very important that there be no element or coercion with regard to either one of these. We would find it most unacceptable, for instance, if our schools were to teach the political doctrines of one particular political party, particularly if we ourselves were not a member of that party. We also agree that it would be unacceptable for our schools to teach sectarian religion if this were imposed upon all students. But it is difficult because so many members of our society belong to some branch of the Christian church. It's difficult to realize that even the generalized Christian content of religious exercises is in a sense sectarian, certainly when viewed from an international perspective or from the perspective of our diverse culture.

One would hope that the new Public Schools Act would move away from any element of coercion. Unfortunately, if anything, the reverse seems to be the case. Whereas in the existing legislation children are included in religious exercises where they are provided in a school only at the request of their parents, the new bill puts the onus upon the parent to exempt the child from such exercises. In this brief, however, I am addressing myself not so much to the changes in the legislation as to portions of the Act which in essence remain unchanged.

The real question for me is, do religious exercises have any part at all in our public schools? For all of us, our religious and ethical beliefs are very important. Because we value them so highly, we wish to pass them on, if possible, to our children. We hold it as a basic right that the freedom to determine the content of our children's religious education. Because public schools deal with pupils who come from a wide variety of religious backgrounds, the public schools are not an appropriate setting for religious instruction.

There is also no need for the schools to provide this instruction. For the many religious bodies in our province regard it as their right and their privilege to

give religious instruction to the children of their members.

There are many parents I realize, who are not opposed to having religious instruction in the schools, in principle, but they feel that there are other priorities for their children, with respect to education in the public schools. They are quite content to leave religious instruction to their own church schools which can provide it more efficiently, while they wish the public schools to concentrate upon those areas of basic skills which the children could not acquire elsewhere.

Only a few parents, like myself, are opposed to religious exercises and instruction on the grounds of moral or ethical principle. Because of our convictions, however, although we are fewer in number, it is more likely that we will be the ones to speak out on an issue like this. Therefore, I feel that although I am only speaking more directly for the smaller group I can, in a sense, represent the interests of the larger group of people who really feel that they would not like to have time taken out of this educational program, for religious instruction.

It is sometimes difficult for members of the Christian majority of our society to realize that some of their beliefs and traditions may actually be offensive to people who do not share their belief structure. Some Christians themselves are aware that certain portions of the bible can seem shocking or even obscene, not only to non-Christians but to many Christians as well and for this reason only a limited selection of biblical passages is allowed. Nonetheless, there are still stories on the recommended list which can, and do, give offence to people who do not share the underlying religious assumptions. Perhaps because these stories are so familiar teachers are unaware of some of their implications.

I had a rather vivid example in my own family of a conflict between family values and the implications of the story that was told to my child at school during religious exercises. My husband and I believe in the basic equality with respect to rights and privileges of all persons, regardless of sex. This is a deeply held ethical belief which we would like our children to share. Unfortunately this belief is in conflict with many portions of the bible. When my eldest son began school he was impressed by the fact that the teacher read to the class from a book which she called "the word of God" and since he is an inquisitive child he was all ears to hear what God had to say. One day the teacher read the story of Adam and Eve in the Garden of Eden and that same day, when I asked my child to pick up his toys, he replied "I don't have to obey you. Dad is the boss in our family." I asked him where he got that idea and he replied, "It says so, right in the Bible." The teacher said that because Eve ate the fruit when God told her not to, God made man the boss over their wives. It was difficult to overcome that problem and it's even more difficult to overcome the damage

when the child internalizes this, but does not express it to the parent.

Despite the fact that it is difficult to deal sometimes with the results of the problems that are raised by religious exercises, I have not asked that my own children be exempted from them. It might be even harder for the child to deal with the damage that could be done by the isolation from his or her classmates. In the present system, non-participation in religious exercises is treated almost punitively. The non-participating child is asked to stand out in the hall during such exercises. The fact that this is an often-used method of disciplining unruly children adds to the psychological pressure of the isolation, so a very difficult decision is faced by the parent. For it is not only the sexism of the Judeo-Christian heritage which creates a problem, not only to non-Christians, but to some Christians and Jews as well, but there are many other problems, not only in the field of ethics, but in the general area belief structures that purport to explain the universe.

Section 80 (2) of the bill is not a new provision to The Public Schools Act. This section requires a school board to provide religious instruction as apart from exercises in any school of three or more classrooms when so requested by the parents or guardians of 25 children in that school. I should probably have my mind set at ease by the fact that up until now, no groups of parents have requested this in any of the schools that my children attend. But I don't feel very comfortable with the fact that the probable reason why there has been no problem up till now is that many people are unaware of the right which this legislation confers upon them.

In some ways, this part of the Act is less likely to lead to abuse than the part regarding religious exercises in the sense of imposing religious beliefs contrary to the wishes of the parent, because parents will likely feel freer to have their children exempted. However, this law leaves the door open to abuse of a serious kind of a different nature. Whereas the bill requires the school board to make time available during the school day for religious instruction for those who want it, it does not require the schools to continue the regular educational program with those children who opt out of it during these same hours. The school is free to offer no instruction at all, or to offer instruction of a lesser value.

I spoke to a teacher who teaches in a school in St. Adolphe where approximately half of the children receive religious instruction. She did not know my reason for asking this but I asked her, what do you do with the other children, with the other 50 percent, and her reply was, oh, Mickey Mouse stuff.

The result of this legislation could be that the children not in the program would have their period of instruction reduced by two and one-half hours per week, which could amount to 100 hours of instruction per year. In an admittedly somewhat extreme example but one that would be legal, it could happen in a school of 500 children, that 475 would lose 100 hours per child per year of education in order to provide 100 hours each of religious instruction to 25 children. I think that a law which allows this kind of abuse is a bad law.

There should be at least a guarantee to parents that the quality of education of their own child will

not be reduced in order to provide religious instruction to others. Those who choose religious instruction for their children should have to choose between this and another important part of the school program. My youngest son, for example, is involved in an enrichment program in school. This means that he misses music, which is another important part of the program, and as a parent I had to decide which was best for his education. I should not have the right to insist that other children mark time so that my child would have this special privilege. No child should be forced to accept an inferior education as a price of privileges for others.

While the complete elimination of religious exercises and instruction from The Public Schools Act would be just, it would, I realize, not be politically expedient. There is no reason, however, why any change should be made in the Act which would make the problem worse for religious minorities. At the minimum, two of the changes proposed by Bill 31 should be eliminated. The first of these changes is the requirement that parents or guardians ask that their children be exempted from religious instruction rather than the reverse, requesting that they be included, as is the case in the present Act. Secondly, the restriction of religious instruction to the time between 3:30 and 4:00 o'clock p.m., should be retained unless other liberalizing changes are made.

I would hope, however, that our legislators would find the political courage to go a little bit further than this in the interest of justice. I would like to see religious exercises and instructions set outside of school hours. I feel that this is the only way that the rights of minorities can be guaranteed. Religious exercises could easily be held before school in the school assembly hall or auditorium and then all children could come to classes together without religious distinction. Religious instruction could be given after school hours and the other children could go home instead of being isolated in a special place. If, however, religious instruction is to be given during the school hours, I feel it is important that there be guarantees in the legislation to those parents who choose not to have their children involved in them, that the level of education of their children will be in no way diminished.

Thank you.

**MR. CHAIRMAN:** Thank you, Mrs. Garlich. Any questions? We thank you for your presentation. Are there any witnesses here from the rural part of the province who would like to make a presentation this morning? If not then, I call Moira Grahame.

**MRS. MOIRA GRAHAME:** The Clerk has copies of my brief, Mr. Chairman. Does the committee have the copies?

**MR. CHAIRMAN:** We'll get them.

**MRS. GRAHAME:** Thank you.

**MR. CHAIRMAN:** Proceed.

**MRS. GRAHAME:** Mr. Chairman, Mr. Minister, and members of the committee. I'll just preface my brief with a couple of remarks. The Manitoba Society for Autistic Children at its annual meeting in June,

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passed a motion in support of the brief presented last night by the Parent Coalition for Children and Youth for Equality in Education. For this reason, our own brief is brief, and addresses only specific concerns.

A copy of a brochure describing autistic persons is attached to the brief and while I will not be reading the brochure itself, I would be prepared to answer any questions you might have about autism.

The Manitoba Society for Autistic Children is concerned with the educational opportunities for autistic children in Manitoba. The number of autistic children is small. Statistically, the evidence shows the world-wide incidence to be 4 to 5 per 10,000 population. The Manitoba Society estimates there are approximately 60 school-age children in Manitoba; others could be found in institutions and perhaps some of the higher functioning individuals are not diagnosed as autistic. There is no cure for autism; education is the only known treatment. Over the past two years the education picture for autistic children has brightened considerably and the Society commends the government for their action in this "high cost - low incidence" category. Several children have been accommodated in Greater Winnipeg in small units and a number of rural children have had help over the past year in their own schools. The progress that many of these children are making is a joy. The new Public Schools Act should make a clear provision for the ongoing funding of these programs. The younger children now have a much brighter outlook; early intervention is becoming more successful.

The government is also to be commended for implying that the new Public Schools Act, Bill 31, provides equal opportunities in education for all children. We recommend that the new Act make a clear statement in legislative form on what the educational rights of children with special needs are and where the obligation lies to provide the funding of any appropriate special programs. Parents and professionals in the Manitoba Society are confused by the lack of clarity in the proposed legislation. It will be extremely difficult for parents or professionals to be effective advocates for children when the school board is not required to provide programs appropriate for children with special needs and when there is no method of appeal set out in The Public Schools Act.

In order that the intention of the legislation be made clear, we strongly recommend that the Act be amended to add a new Part entitled "Students". This Part should include:

- 1) the right of school age residents of Manitoba to attend school.
- 2) provision by school boards of appropriate programs and necessary supports for children with special needs.
- 3) the principle that handicapped children have the right to be educated in the least restrictive alternative; i.e. where possible, in the community rather than an isolated institution.
- 4) accessibility to and confidentiality of records in the student's best interests.
- 5) an appeal mechanism available to parents and students.

We recognize that there will be other articles which should be included in this Part of the Act. Such a

Part entitled "Students" would make a significant clarification to the purpose of our public schools.

We further recommend that the government support local school boards by including in the Regulations Section 174 (b) by adding after (v) the number of students, a number (vi) to read "special needs programs and their support costs".

Thank you for the opportunity to present our proposed amendments to Bill 31. The right of all children in Manitoba to an appropriate education should be clearly stated in the law.

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

**MR. LAURENT L. DESJARDINS (St. Boniface):** Thank you, Mr. Chairman. Mrs. Grahame. I've noticed that on the list we have quite a few groups or people who are interested, who either have made or will make presentations to this committee in favour of the handicapped children. Are you all working independently or do you have sort of an umbrella organization or do you join forces to have a bigger clout when you're working for the same cause? I've noticed that you were here last night with another group, but there's quite a few of them. Is there communication between the groups?

**MRS. GRAHAME:** Moira Grahame. The Parent Coalition was formed as a group of parents to make that point as a group, that as parents we had similar concerns with the education bill. The groups themselves, of course, are autonomous and don't have formal ties, I guess there is a certain amount of informal consultation between the groups, but the parent coalition is the sort of formal organization of the parents. Some of those parents don't necessarily belong actively to the groups although others obviously, like myself, do.

**MR. DESJARDINS:** Yes, I asked this question because as you remember a few years ago there was some change in the Act but the section wasn't proclaimed. That was intentional because it was felt that there was a certain period, time of education, educating the public and I, myself, was quickly surprised to see all the people who thought it was a good idea but when it came time to do something about it did not wish to do it. I'm talking about teachers and school boards and so on, and it seems to me that there is certainly a lot of work to do to communicate with them and try to win them over and that's why I thought that whenever there was common grounds that you might be able to get together.

Can you tell me if there has been, by groups that you know, that you're part of, has there been any communication with teachers, have you tried to educate them, I think that's the best word, and the general public and if so, do you see a change? Is there an improvement in the attitude, in the climate, that we're seeking?

**MRS. GRAHAME:** Thank you, Mr. Desjardins. I'd be happy to address that. I didn't live in the province — at least, well, I've live here most of my life, but I was out of the province at that particular time — but since coming back to Winnipeg I have worked for a number of years now on various committees and I've

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been sitting on panels in front of teachers and public groups and have really been pleased at the way that this kind of understanding has come about, and perhaps it took that length of time for this to happen but I believe that it has happened and certainly now, when you talk about integrating special needs children into regular schools, you don't get the kind of reaction that you did five years ago.

**MR. DESJARDINS:** Could you be a little more specific. That I would take as the general public but what about the teachers, the people that will have to deal with them. I know that there was certainly opposition to this at the time. After all, you can legislate all you want, if there's no co-operation, or understanding, you're not going to do the job and I'd be particularly interested to know if there is improvement in that sector.

**MRS. GRAHAME:** I feel that there is definitely improvement in that situation. I think the teachers will agree to that. I think that some of it took some training on their part and a certain measure of understanding. I would imagine that there would still be the occasional teacher who would prefer not to have a handicapped child in their room and I would hope that if that were the case, that that child, since that child was not welcome in the room, would not be placed in the room with that teacher. But I definitely feel that, the teachers — well I know individuals who didn't have a long way to come at all but I know as a group, they have, I feel, come a long way and as I say, the panels that I have been on have often been in front of teacher groups.

**MR. DESJARDINS:** Mr. Chairman, my last question to Mrs. Grahame. It seems by your answers that the climate is changing. Do you feel that there are enough teachers that are qualified to handle that. You know, you must have goodwill but then you need a little more than that. Do you think that there should be special training for them or do you think that if the House, the committee, would accept some of your suggestions that we could go ahead, or would it be very difficult because of lack of qualified personnel?

**MRS. GRAHAME:** I know that there are qualified personnel. I also know that it will take more, in terms of professional development, to actually carry out this in a universal way and I don't think any parent expects this to happen overnight. It will take some time and some commitment on the part of our higher educational institutions and the funding that goes to them to make these changes. Certainly there will be more specialized personnel required.

**MR. DESJARDINS:** Thank you, Mr. Chairman, Mrs. Grahame.

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

**MR. BROWN:** I would like to ask Mrs. Grahame whether these children need a lot of specialized instruction or can they be in the regular classroom. I'm really not familiar with the problems of the autistic child. Could you just elaborate a little the

problems that they have and how they can be taught in the classroom.

**MRS. GRAHAME:** I'll attempt to do that. It's a long story. They do require substantial supports in a classroom and I would say that probably some of the higher functioning ones could eventually be worked into a regular classroom. Certainly most of them could be in a regular setting for a very small part of the day if they were in a regular school. If they're in a specialized program, it does require a lot of extra staffing to meet their particular needs. Most of their needs centre around the fact that they are not good social communicators. Some of them have no language, or very little language and they also, sort of suffer from what is called a lack of affect, that is they have very great difficulty with social relationships and, of course, this a large problem for school personnel to undertake and we realize that it takes a lot of professional expertise and dedication to deal with this type of child. In the past these children have been almost 100 percent institutionalized and you will realize that the cost benefits of having them in a school and living at home with their parents, are positive as far as that reality is concerned. But there is no question that they require extensive support in the school system.

**MR. BROWN:** That really answers my question, Mr. Chairman.

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

**MR. SCHROEDER:** Mrs. Grahame, several months ago I saw a movie on television dealing with an autistic child whose parents interrupted their careers and spent a great deal of time with that child and the ending of that movie was a very optimistic ending in terms of the chances of that particular child, and on reading your pamphlet about autism, there doesn't appear to be the same kind of optimism as that. Do you feel that that movie was not an accurate portrayal? If you saw the movie, I think probably you did.

**MRS. GRAHAME:** Thank you. I haven't seen the movie. I've read the book and I've certainly heard considerable about the movie and apparently they changed the ending in the movie from the book. But, as I said in the brief, the early intervention is a very important thing with these children and they are finding that some of them can be helped more extensively than was thought in the past. It is considered, so far, to be a lifelong handicapping condition but there's a lot of research being done and there are brighter things on the horizon. That particular child, if you really wanted to get into detail about that child, there was some question afterwards whether or not he should have been diagnosed as autistic, but I really don't think I'm qualified to answer that part of the question.

**MR. SCHROEDER:** As well, in your pamphlet, you indicate that where an autistic child is able to speak by age five, that there is a substantial likelihood of his being able to live an independent life. On page 2 of your brief, you recommend that the Act be amended to allow for the right of school age

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residents of Manitoba to attend school. Is it then also your suggestion that school age be changed to a different age than the current age? Because by the time a child would be entitled to assistance from the public school system, under the proposed Act, that age of five years would have come and gone.

**MRS. GRAHAME:** Yes, of course that would be ideal. At the moment, in Manitoba there are some pre-school programs for autistic children and I feel that some of them are doing a very good job, perhaps they're not doing it for everyone, particularly in the rural areas I think this would be a problem. Some of the rural children have been brought into the St. Amant Centre and are in that pre-school program. I'm not indicating that that's the only pre-school program. Yes, I would agree that if the age limits were extended and education had the kind of input into these children's earlier years, that would make the outlook for those children better.

**MR. SCHROEDER:** Well, would it not be correct to say, that if a child is required to be able to speak by age five in order to have a reasonable chance at living an independent life, that the only way in which real improvement can be made, or at least one of the ways in which real improvement can be made, is that these children be diagnosed early and given early education when they need it.

**MRS. GRAHAME:** Yes, that, of course, would be the best way. I think that one has to take that five year cut off rate with some large grains of salt. There is some new evidence which indicates that sometimes as these children get into adolescence they do begin to realize their effect on other people and that that sort of process brings them to language. The reason for them not being able to speak is not known. It's not that they are unable to speak, it seems to be a lack of wanting to speak, at least that's part of it. So that certainly the early intervention would be the best thing but there's no reason to give up on a child who is five and hasn't begun to speak because there is evidence that a lot of programs can help those children right through young adulthood.

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

**MR. SCHROEDER:** You indicate in your brief that there are approximately 45 people who are autistic in the province of Manitoba. I would take it, in view of the fact that you, as well, say that they live a normal life span, that not very many of these people are of school age. Is that correct?

**MRS. GRAHAME:** What I have indicated is that we estimate that there are 60 children in Manitoba — and this is from a survey that the society undertook — and this is school age children, some of them more handicapped than others. It covered a rather wide range of degree of handicap, so that it's sometimes difficult to just zero-in on the specific range that you might be speaking on, but the 60 is the number that we feel are school age children. Now, I would assume that the older individuals who have this condition are, in the main, institutionalized, although I do know of a couple who live in Winnipeg

with their parents and one of them is rather an accomplished artist. For example, they are often quite good in the things like art, music, mathematics and tuning pianos is a sort of thing that they get into as they get older where you don't have to be apparently too social, but some of them are very adept at that sort of thing.

**MR. SCHROEDER:** Of the people of school age in Manitoba who are autistic, is it correct to say that most of them are in the public school system at this time, and if not, could you give us an approximate estimate as to the numbers who are in and the numbers who are out?

**MRS. GRAHAME:** I would say the 60 that we counted, because we know their parents, maybe 10 or 15 of them are in the institution. There are several in St. Amant, perhaps another 20. The others that I am aware of are all in the public school system and they are being more or less accommodated and some of them are being accommodated very well in the last couple of years because of the special new programs. There are others who should be in those programs but who are not. I think the programs are sort of seen as model programs to see how they work and that's appropriate. But just as a rough estimate I would say there are approximately 20 school age children in greater Winnipeg in the public school programs who are being well served.

**MR. SCHROEDER:** Then if you start off with 60 children and you take away the ones who are in institutions and the ones who are being provided with an appropriate education that does not leave very many children in the province who are not being currently provided with an appropriate education. Is that correct?

**MRS. GRAHAME:** I don't think they are all getting an appropriate education, I would not say that. Certainly some of them are. I thought what you were going to ask was whether there were any that were out of school. If you have any knowledge of autistic children it's impossible to keep those children at home without a day program of some sort, so that if they are not in school they are in an institution.

**MR. SCHROEDER:** Then I gather from your last comments that none of them are at home, that is they are either in school or in an institution.

**MRS. GRAHAME:** Yes. That's correct. There are a few who are in child care homes in Winnipeg and who, I hope, attend school from those child care homes. I'm not as familiar with those because I'm not involved with their parents.

**MR. SCHROEDER:** So then, can we get down to an approximate number of those who you believe are receiving an inappropriate education or, that is just merely accommodation in our school system now, as opposed to adequate or appropriate education?

**MRS. GRAHAME:** That would be difficult to do because some of the ones that are not receiving appropriate education are not receiving it because their school record does not indicate that they are

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autistic, although that is the current thinking that that's what those children are. I guess the only statistic that I would have, in the school division that I'm in, as far as we know, they are all in school in the programs. In the larger school division they had identified 20 children last year and eight were programmed for so that leaves 12, if you want to sort of deal with that. I don't know whether that percentage would be a prevalent percentage or not.

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

**MR. CHAIRMAN:** Mr. Adam.

**MR. ADAM:** Thank you, Mr. Chairman. I just wanted to ask Mrs. Grahame if she could elaborate on the last two recommendations (4) and (5). I'm wondering, particularly (5), this is an appeal mechanism that you envisage. Is this for students with special needs or does this encompass other aspects of an appeal mechanism? I wonder if you would elaborate on those two points.

**MRS. GRAHAME:** On (4) and (5)?

**MR. ADAM:** Please.

**MRS. GRAHAME:** I think (4), the business of the records was dealt with fairly well last night and the amendment which the Parent Coalition recommends is what we would like to see, and that is the idea that the records be accurate. Quite often the records of an autistic child will be that thick and they will mostly consist of how many times that child pushed another child on the playground sort of thing. That's the sort of thing that's in the records which is not really very useful when it comes to planning programs. I don't know that's what's in the records because I haven't seen them because they are not accessible. The whole point of having the records accessible and confidential is, first of all, confidential because that is the student's right to his privacy; and accessible so that parents and the students, if they are old enough to have say in this know that the records are accurate which is important and also accessible to the educational personnel who are involved in planning programs for that child so that they will be useful. There have been times when records are not passed on, you have to go in with a new teacher and start from the very beginning with one of these children and that's a long difficult story.

**MR. CHAIRMAN:** Mr. Adam.

**MRS. GRAHAME:** I think I didn't maybe go to the second question, Mr. Chairman.

**MR. CHAIRMAN:** I'm sorry, Mrs. Grahame.

**MR. ADAM:** Just before you do.

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

**MR. ADAM:** Yes, on the first point, accessibility of information and records to the parents, is that what you're indicating, and the teaching staff?

**MRS. GRAHAME:** Yes, to the parents and the appropriate educational personnel.

**MR. ADAM:** Yes, okay.

**MRS. GRAHAME:** I'll finish with the second part of the question. The appeal mechanism, we would hope it a general one. We think that's something that should be available to students and parents regarding programs and student placement, in particular, in our situation.

**MR. ADAM:** On the appeal mechanism, do you envisage a private independent group that would hear appeals or do you believe that the Minister should be the person to . . . ?

**MR. CHAIRMAN:** Mrs. Grahame.

**MRS. GRAHAME:** We haven't set out the actual mechanism because there are several possibilities, one of them is inside the division which we mentioned in our brief last night. Another one which has been suggested is to have a committee which perhaps the Minister would a part of or perhaps he would appoint the people to, similar to the other appeal committees in the Act. There are a number of other committees for appeal purposes in Bill 31 and the other possibility is an educational Ombudsman, provincially.

**MR. ADAM:** Thank you.

**MR. CHAIRMAN:** Mr. Desjardins.

**MR. DESJARDINS:** Mr. Chairman, Mrs. Grahame, if the government was to move towards improving the conditions of these children and make schools more accessible to them, could the different groups muster volunteers — and I emphasize the word 'volunteers' — to maybe help out, especially at first, maybe help out in some transportation in certain instances or helping out maybe in recreation periods or after schools or would the groups feel that this is solely the responsibility and would expect the government to provide all the help?

**MRS. GRAHAME:** I wouldn't like to speak on everyone's behalf in that regard but I would certainly say that in terms of the programs for autistic children a lot of volunteer time has gone into those programs. I personally have an extended relative who has a Masters degree in education who spent two and a half years as a half-time volunteer in the school that my son is in. These kind of commitments are there and have been ongoing. As I say, I can't really speak for the entire group and, of course, you will realize that this kind of thing can only be done in economic brackets which allows someone to be available for that kind of work and that's not possible with all of our parents.

**MR. DESJARDINS:** No, I understand that and it's difficult for you to speak for anybody else. But you feel that in the past the co-operation received and so on, that the people would be ready, purely as volunteers, when conditions allow it, of course, but would assist the teachers and the school question in a volunteer capacity.

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**MRS. GRAHAME:** Yes, certainly in the cases that I know of with autistic children this has been happening and we've been very pleased with the reception that these kinds of offers of help have received because, as you know, sometimes teachers — and I don't think this is really their fault — but they would rather not have too many people around the classroom. But in the cases I know of, and particularly the one that I'm most familiar with, the volunteer help has been welcomed and has been used effectively.

**MR. DESJARDINS:** Would you feel that it would be of any value to have an advisory committee composed of people representing different handicapped children, not necessarily every single group, but there would be a fair knowledge anyway of the needs of these children. Would you feel that if the Minister was going to set up, officially or unofficially, a committee that would advise the committee through experience, do you think that this would have a certain value?

**MRS. GRAHAME:** Yes, of course, and that also goes into the concept of the Local Advisory Committees which were set up a number of years ago in which parents were very active in serving on. I think that many parents, again not all, this depends on family situations and a lot of other things, but that parents have generally shown themselves to be willing to act in this kind of capacity and I do think it's valuable. I think that things are kept in a realistic sort of frame when this is done.

**MR. DESJARDINS:** Of course, when I'm taking about advisory committee and I've mentioned that before, it was mentioned that there could be some kind of an umbrella organization. You will realize, of course, that for any government or any Minister to deal with all the different groups is practically impossible but if, amongst yourselves, they were united, you're fighting for the same thing, working for the same thing and representing the different groups that you have now. It seems that this would be much easier in education in speaking for the group and then advising the Minister and the politicians. Thank you.

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

**MR. SCHROEDER:** Thank you. Further to an answer that you gave earlier to, I believe, Mr. Adam. You suggested an education ombudsman and I've never heard of that suggestion before. It sounds like it might be a good one. A previous groups had suggested that there be an appeal mechanism set up by each local school board and this would seem to me to answer some of the difficulties that might be involved in that type of an appeal procedure. Do you know of any jurisdiction where there is an education ombudsman in place now or were you just thinking in terms of our other general ombudsman?

**MRS. GRAHAME:** I'm not specifically familiar with that, no.

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

**MR. CHAIRMAN:** Mr. Adam.

**MR. ADAM:** Thank you. I have one further question arising out of those replies that I have received on No. 5. The appeal mechanism — and I think this is an extremely important recommendation, also the suggestion of the ombudsman — there are a number of appeals in the Act, I believe you mentioned that. Now, who are you appealing against here? To whom are you appealing? To the school board, to the teachers, to the Minister or against the Minister or against the school board, I wonder if we could get a clarification of the intent of this appeal mechanism here as you envision it and as you put it into your brief. To whom are you appealing against?

**MRS. GRAHAM:** Yes. The major, I think, consideration with having an appeal mechanism is, that we felt, and I know a lot of groups feel, that this is a way around the legal system, that we then don't have this adversarial system all the time. There would be some committee or ombudsman, or whatever was set up which would be available to hear appeals. Now, I see those appeals as being appeals of placement, for example, of a student's placement in a program or in a particular school. For example, if you had a child who was being given a program and you didn't feel that it was appropriate and you went to the school board and said that this program did not meet the needs of your child and the school board said, yes, it does, then at the moment you have no recourse except the courts, which of course we've been loathe to do that sort of thing and I think it can be solved more easily than that and this is the reason for having the appeal mechanism.

I also feel that if the appeal mechanism was in place, it could be seen by the education administration people and perhaps the board as something that would protect everyone. They could also use the appeal procedure if, for example, a parent was negligent in sending their child to school — they don't do it that way now, they're using the courts — but if something like that or if the placement wasn't appropriate to their thinking, that it could be used that way. It is a general suggestion of appeals.

Now, you're asking who I would be thinking of appealing against, as I understand the question, and I guess in some instances it would be, for example, the administration of a school division who said they were providing a program for your child and you felt that they weren't, then you would recourse to this appeal mechanism. I'm not sure that the Minister wants to hear all of those or whether there would be very many if we had that procedure in place.

**MR. CHAIRMAN:** Mr. Adam.

**MR. ADAM:** Thank you, Mr. Chairman. Do you suggest that we have an appeal board in every school division such as been suggested by other briefs, or perhaps the ombudsman's suggestion would be an answer, or do you envisage something like the Municipal Board, which looks at all the municipal problems, even though there are elected officials in the rural areas and they are elected by the people, the ratepayers, but the Municipal Board

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is there as an umbrella sort of a thing. Is that the kind of a board we should have, or should we have duplication of boards in every district?

**MRS. GRAHAME:** I think there is some room for discussion on this point and I would envision, if we had an educational ombudsman provincially, that that person would be responsible for either seeing that committees were set up if they were necessary, or to have a provincial committee. I'm not sure that it's necessary to have one in every division but if every division had an appeal mechanism, which as I say, may not be used very often. It may even just consist of something in their school division policy which would say that any placement disagreements will be heard by a committee consisting of the teacher, a board member, a parent, and one person who the parent would like to bring in as a professional consultant. That would be one way of doing it on the board level. That sort of policy could be written into board policies in each division without causing a lot of bureaucracy as far as I'm concerned. But on the other hand, we may also need the protection of a provincial ombudsman.

**MR. ADAM:** Thanks, Mr. Chairman. I think this is a very important issue and a recommendation that we'll hear more of this afternoon. I'm sure there are other groups that are coming in. I do know of one coming from Winnipegosis that will have a lot to say on this particular point today.

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

**MR. D. JAMES WALDING (St. Vital):** Mr. Chairman, I have two questions for Mrs. Grahame. First, in reading through your brief, I'm not entirely clear as to whether your group sees the responsibility for funding special education as being with the government or with the schools board or with both. Could you elaborate on that, please?

**MRS. GRAHAME:** Yes, I'd be happy to do that. The reason for including the section, "Special Needs Programs" and their support costs in the granting formula as we see it, is to provide school divisions with some promise of provincial support for special programs that they would set up for special needs children. The way the legislation is written in Bill 31 as I understand it, this onus is now on the local school boards to make these provisions and to pay the costs. As I see it, not very many local school boards are going to go into open-ended programs for special needs children without some provincial support money.

Also, I guess, there's the question of whether the local ratepayers should be paying for these special programs or whether it comes out of provincial revenues and I expect that some formula has to be worked out in that regard, but we do feel that provision should be added to the granting formula. There are other things in there, like vocational and evening classes. I think there are 12 or 13 items in that and we just feel that the school boards should be supported in their provision of special needs programs. We would like to see the school boards be, that they should rather provide the programs in their division than send the children out and the onus

now is sometimes the other way around if there is no funding available for them.

**MR. WALDING:** I'm still not clear whether you feel that the responsibility should continue to be divided, that the school boards should bear some costs but there should be an input from the provincial government, or are you saying that the funding should be entirely from the province?

**MRS. GRAHAME:** I didn't mean to indicate it should come entirely from the province. I think, though, that the school boards will have to have a high financial support to provide these programs and that that should be in the legislation.

**MR. WALDING:** Mr. Chairman, that bears out the statement on Page 1 that the Act should make a clear statement in legislative form on what the educational rights of children should be. The second question that I had for you is, is that enough? Let me suggest that whatever is written down in words on paper, it won't be put into effect unless there are sufficient dollars there to do it. Now the question is, have you received a clear commitment from the Minister that it's the government's intention to provide special education by finding the funding for it?

**MRS. GRAHAME:** The indication that we've received and the indications that the Minister has expressed in the press, lead us to believe that the regulations will contain the appropriate funding for these programs and that because it is the intention that all children have the right, the universality of the educational right is there, that that will be covered in the regulations. It is our position that the legislation should more clearly outline the province's intent in this regard, because Ministers come and go. This legislation may be here for 65 years, which I think is what the last bill has been around for that long, and so it's just that we would like to have that clearly stated in the bill. Parents don't very often get to read the regulations and go through all that. We would just like to have it clearly spelled it out so that we have a leg to stand on, so to speak, when we go to school boards to ask them for appropriate programs for our children.

**MR. WALDING:** Are you satisfied, then, that if it's written down in the bill, that there will be sufficient dollars forthcoming to do a proper job?

**MRS. GRAHAME:** Of course that's something we would have to watch and it's just that if the intent is there, we realize that this won't happen overnight and that money doesn't grow on trees, but we would like to have that sort of provision in the legislation so that we can do this when it is possible, so to speak.

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

**MR. CHAIRMAN:** Any further questions? Thank you kindly, Mrs. Grahame.  
Michael Rosner. Proceed, sir.

**MR. MICHAEL ROSNER:** Thank you. The Manitoba League of the Physically Handicapped is a volunteer self-help organization representing the common

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views and concerns of a broad cross section of physically handicapped Manitobans. The League asserts that handicapped people, no less than the rest of the general public, have the same rights and obligations and therefore must have access to the same opportunities to exercise those rights and meet those obligations.

Handicapped people, their spouses, their families, their friends, the providers of any needed rehabilitation services and the whole societies in which they live in Manitoba, and indeed throughout the world, are recognizing that a disabled person becomes "handicapped" in different ways and to different degrees, depending upon their environment. It has been clearly demonstrated that the "rehabilitation" success rate is dramatically increased when society shifts its emphasis away from only treating the individual toward overcoming the environmental barriers which are the real handicapping factors. When the barriers are removed and when the necessary aids and supports are available, disabled people can begin to make use of the opportunities society provides. Meeting the special needs of the handicapped is woefully misunderstood when these supportive measures are thought of as extra, as additional, as somehow special treatment. Rather, these equalizing considerations are provided to ensure that those opportunities which are supposed to be available to "all" are truly available to all. This is the meaning of equal opportunity. That the functions of government are to guard its citizens, to protect their lawful rights, and allow them an equal opportunity to participate in and contribute to society, are accepted as fundamental by at least all major political parties in the free world.

The importance of equal accessibility to educational opportunities is obviously paramount. The members of the MLPH have stressed this fact since they organized in 1974. Inaccessibility to equal opportunities at this stage is disastrous; it unnecessarily handicaps disabled people and therefore handicaps society.

We were pleased that the Department of Education sought to revise The Public Schools Act last year and we welcomed the opportunity to present our concerns and position regarding this pivotal legislation, then Bill 22. We appear before you again to react to the resulting Bill 31 and on behalf of the members of the MLPH, we extend our appreciation.

First, though, a word about the cost of undertaking an equivocal commitment to meeting the special needs of students with physical or learning differences in regular classes. The MLPH recognizes her considerable concern of government about the cost of fully pursuing this policy, and wishes to assure the government that our expectations are moderate and reasonable in this regard. Much has been accomplished already in the development of support services, both material and consultative, so that most handicapped students are now participating in regular school programs. The development of this commitment is much more a question of making these supports more available, particularly in rural areas, and to a greater number of students with special needs, rather than one of dealing with an influx of a new special needs population.

The matter of modifications to school buildings and transport vehicles, to make them accessible to wheelchair confined persons, is in our view one that must proceed gradually, in response to specific reasonable demand, and would over time cease to be a problem. The recruitment, training and supervision of volunteers to provide certain educational support services is another option which would not be unwelcome. While the perception of cost seems to be exaggerated, the price of meeting special needs must finally be measured against provincial expenditures on social allowances, rehabilitation services and juvenile delinquency, which are to a significant extent the legacy of ignoring special needs.

We are confident that the government does endorse the equalizing of opportunities at an early age, and will be receptive to our herein identified concerns and proposals for a truly supportive Public Schools Act.

As you recall last October, we cited and explained the following concerns:

- the lack of a statement of intent
- lack of ensuring availability of special programs
- inadequate provisions for portal-to-portal transportation
- non-commitment to barrier-free design of school facilities
- lack of definition of sickness versus physical handicap
- lack of definition of the education administrative consultant
- inadequacy of placement and appeals mechanisms
- implications for instituting of user fees
- current inadequate funding provisions for special education.

It is our intent in this brief to comment on the changes in Bill 31 relevant to those and other vital concerns.

#### Statement of Intent

We were most concerned about the lack of any statements in Bill 22 which would serve to direct school boards to pursue the least restrictive educational environment for their students with special needs. As alluded to earlier in this brief, all efforts of rehabilitation, of ultimate community integration, hinge especially on the availability of equal educational opportunities. If any meaningful attempts to maximize integration are to be made and made successfully, each student in the Manitoba public school system must be educated in the least restrictive, that is, most integrated environment possible. To allow for this to take place successfully, resources of all kinds must be available to school divisions and must be utilized to their greatest extent. Also necessary to this approach is a process of regular student placement review, open to all concerned.

#### The Right to An Education-

We sincerely applaud the amendment of Bill 22, Section 41(5), with the removal of the statement that handicapped students had the right to an education only "as far as is possible and practicable in the circumstances". This is a progressive step in that no distinction is made between the rights of all students, handicapped and non-handicapped, to an education. The legal obligation of a school board to provide or

make provision for the education of all resident persons will be new. This fact actually lends additional support for the value and necessity of meeting the concerns raised in the previous section, Statement of Intent, explicitly in the proposed Public Schools Act, Bill 31.

#### Availability of Special Programs-

Logically, if all have the right to an education, then those students who require special programs for an education, must be guaranteed its availability. Therefore, the provision of special programs, supportive aids and equipment, etc. to meet these needs, must be explicitly assured.

#### Portal-to-Portal Transportation-

We must express deep disappointment and dismay with Bill 31 regarding not only the lack of portal-to-portal transportation for those students who require it, but that the proposed bill clearly and unequivocally states that "nothing herein requires the school board to provide for the conveyance of a pupil to and from a point closer than one-half mile from the residence of the pupil."

It is apparent that this most basic and obvious problem has not been carefully examined in the re-drafting of Bill 22, now 31. Clearly, this gap must be filled, this oversight addressed.

It is recommended that:

1. clauses pertaining to transportation be amended to provide for safe portal-to-portal transportation for those students requiring it.
2. school buses be made accessible to all students.
3. that drivers be trained to provide safe and proper assistance where needed.
4. section 43(3) states that "if for any reason" a pupil is not conveyed by school bus, the parent is entitled to receive compensation for the pupil's transportation. We believe that the phrase "if for any reason" is unnecessarily vague and will allow a school board to avoid its transportation responsibilities to a certain portion of its resident student population simply on the basis that they have handicaps.

We recommend that this section be amended to read:

Subject to subsection (6) and the regulations, where a school board is required to provide transportation of pupils to and from school, and where this becomes a temporary impossibility, the parent or legal guardian of the pupil is entitled to receive compensation from the school division or school district for the transportation of the pupil as provided in this section.

#### Accessibility-

In view of existing legislation governing building design specifications for accessibility to and usability by people with disabilities and legislation protecting handicapped people's rights or access and use, it appears that it may not be necessary for the Department of Education to specifically state within Bill 31 a commitment to barrier-free design of all new and renovated school facilities. However, we take the firm position that the regulations accompanying this legislation must deal clearly and completely with this and make explicit reference to the other legislations which do apply.

#### Excuse from Attending School-

We commend the deletion of the explicit reference to "handicapped child" regarding being excused from school attendance by the Minister in writing. The new proposed Bill 31, section 260(1) treats all students equally with respect to excuse from attendance.

#### Exemption from Liability-

Bill 22 previously stated in section 261(2) that where a child to whom reference was made in the section dealing with exempting a parent from being liable for not sending their child to school because of sickness or other unavoidable cause, that "Physical handicap shall not of itself be deemed to be "sickness or unavoidable cause". This was a valuable statement of clarification. The League was initially concerned that a further positive step be taken by defining the terms "physical handicap" as opposed to "sickness or unavoidable cause." The removal of this section in Bill 31 is seen by the MLPH as an inexplicable step backward. The statement attempted to explicitly prevent the possible misuse of the section on Exemption from Liability.

This positive clarification that was in Bill 22 should also be in Bill 31. At the very least, it must be included in the regulations pertaining to this section on school attendance.

#### Field Representative-

In the case of the field representative, previously in Bill 22 referred to as the Education Administrative Consultant, we are unsure and concerned as to (1) to whom this person shall be accountable; (2) how this person shall be appointed; and (3) what powers of jurisdiction he/she will have. Our position is that the Field Representative should be appointed by the school board and thus be responsive to the community interests through direct accountability to the local board.

In reference to section 261 (1)(b) where the field representative can certify that, in his opinion, a child is receiving a satisfactory standard of education outside the public school system, we are concerned as to the criteria on which the field representative will make this judgment.

Therefore, in keeping with our recommendations in part IX of this brief, which follows, on Placement and Appeals, we would recommend that the decision regarding a satisfactory standard of education must involve the team of parents, child where appropriate, and relevant educational professionals along with the field representative.

#### Placement and Appeals Mechanisms-

Placement of physically handicapped students should parallel the normal placement procedures, just as for non-handicapped students. However, we recognize the need for a team approach for achieving appropriate programs related to the needs of individual students. This team should consist of teachers, principals, parents, students where appropriate, and others as required, for example medical liaison, special education consultants, school division representatives, etc. The decision of this team should be open to review on a regular basis, that is at least annually.

If a consensus is not able to be reached at this level, an efficient mechanism for appeal is required. Appeal of Placement-

**Recommendation:** The process for appeal to a placement decision should include the neutral position of an ombudsman, that is a provincial Ombudsman.

**Rationale:** (1.) The current Bill 31 outlines one apparent channel for appeal. Section 274, Direct Appeal to the Minister, places the Minister in a difficult situation. Recognizing that the Minister desires and is interested in the best education for all students, the Minister is also duty-bound and responsible for the education system, the system which has been challenged by the appeal. A conflict such as this, even if only in appearance, between interest and duty, is a type of conflict of interest. (2.) The right to a hearing by a neutral ombudsman requires that both parties must present their positions as equals.

**Implications for Instituting of User Fees-**

In reference to section 48(1)(e) of Bill 31, as was the case regarding Bill 22, there is a concern for the statement "school boards may provide special courses." A definition or clarification of "special courses" is needed. Special courses that are required by physically handicapped students to conduct themselves in the function of participating as a student should be deemed part of the public schools program, not special courses, so that they are not charged tuition fees as Section 48(1)(f) allows, for courses that are necessary to the physically handicapped students' educational participation.

An example of this might be a typing class for a physically handicapped elementary school student who is unable to print or write because of his physical handicap.

In reference to Section 48(1)(j), which states that a school board may loan books and instructional materials with or without charge: books and other instructional materials necessary to the instruction of the physically handicapped, such as large type books for visually handicapped students, typewriter guards for co-ordination-impaired typing students or any other special educational equipment, should be loaned or used without charge, as these are an integral part of the students' education, as the free use of the classroom itself. Physically handicapped students should not be financially discriminated against because of their different than average needs.

In reference to Bill 31, Section 48(1)(m), this clause could be referring to charging taxpayers. If so, the Manitoba League of the Physically Handicapped recommends it should be amended to refer to non-essential services, so that services vital to the education of a student are not charged for by the Minister.

A definition of non-essential and essential services should follow. Essential services would be those that are fundamental to the attendance of school and completion of courses, such as: (1.) Transportation to and from school where needed, such as one-half mile or more from school, or closer when the student's physical handicap makes this essential to attending school.

Accessibility to school buildings — students in wheelchairs should be able to attend all classes, so that stairs must be accompanied by ramps or elevators.

Availability of books and instructional aids — those that are integral to the completion of a course, including those that are required because of a physical handicap, should not be charged for.

This clarification is intended to ensure that the essential services of all resident students are met and provided for without charge. Those students who are physically handicapped should have available free of charge the essential services, just as those students who are not physically handicapped.

**Funding Provisions for Special Education-**

We have not had sufficient time to fully and responsibly research the funding aspects of Bill 31 versus Bill 22. However, we believe that much of the research concerns and recommendations presented regarding Bill 22 last October are still valid and worthy of your consideration. They are as follows:

The commitment from school divisions to provide an appropriate education for all children of school age in Manitoba is our major concern. However, in support of this commitment and to place the commitment into action, it is necessary to examine the resources of school divisions and Department of Education to provide for the educational needs of students, and in particular students with special needs. Therefore, the financial provisions available to school divisions to fulfill their responsibility to special needs students are in need of serious review as to their adequacy and appropriateness.

Of major concern is the availability of financial resources to provide special equipment, teachers, physical structural changes within a school, educational materials, and professional development, etc.

While financial support does exist at present in the form of a grant given directly to school divisions based on population in a division and a special grant established on an annual basis and disbursed by the provincial department, there are some concerns relative to this type of funding.

(1) The grants disbursed to school divisions provide only for the hiring of special education teachers. The grant provides resources on a very minimal basis and special education teachers may be scattered throughout a large geographical area. A division can decide to supplement this grant based on its commitment to meeting the needs of children with special needs.

The provision of personnel grants over and above the current non-categorical special education funding are necessary if some school divisions are to be able to meet the special needs of their handicapped students, particularly with those "low cost - high incidence handicaps."

(2) The grant presupposes that it is special education teachers which are required for most children, rather than perhaps only a ramp or special equipment within a regular school. This grant seems to promote the principle of segregation.

There is a need for a clear provision for the recovery of costs associated with incidental modifications of school buildings and adaptations of vehicles for student transport, which in the case of wheel-chair confined students, for example, are often the sum total of their special needs in education.

The "high-cost low-incidence grant" is very minimal and currently provides only for a fraction of the needs of students across the province. This

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special grant allocated for the "high-cost low-incidence handicaps" is currently insufficient, as indicated by the fact that some Manitoba school divisions will be unable to recover costs and thus to provide appropriately for their special needs students, due to the early exhaustion of this grant resource.

(4) The application for a high-cost low-incidence grant is based on the description of a disability, rather than on the focus of services required. The definition of eligible special needs students used for allocating this high-cost low-incidence handicap grant does not accurately identify actual need for special educational provisions. For example, visibility and medical labels appears to be given priority under the present guidelines, rather than other equally legitimate needs.

It would seem that the funding system needs to be examined and evaluated as accountability for the use of these special grants is lacking. There is little attempt to monitor their application and effectiveness relative to the provision of services to students with special needs. Certainly the responsibility for provision of education to all students lies with local school division. To ensure accountability and quality of service, provincial grants seem to be appropriate. A greater degree of residual costs incurred by the divisions should be picked up by the province. Grants should be made available with an emphasis on the service required, rather than subject to a description of a disability.

The principle of the availability of financial resources to ensure the provision of educational service is one which we wish to emphasize. The mechanics involved in the disbursement of these resources are certainly open to review and we trust will be a natural process following the proclamation of the amended legislation. This would naturally be a process of funding being allocated in stages rather than in one immediate dispensation of resources. As stated in our opening remarks, we realize that changed must proceed gradually in response to specific reasonable demand, and would over time do much to move us towards true equalizing of educational opportunities for physically handicapped citizens of Manitoba.

In conclusion, we thank you for the opportunity of voicing our concerns with Bill 31, and trust you will take into account the issues and proposals we have expressed in this brief. We are confident the government endorses the principle of equal educational opportunities for physically handicapped students and will be receptive to our proposals for amendment so that a truly progressive and comprehensive Public Schools Act can be realized.

Thank you very much.

**MR. CHAIRMAN:** Thank you, Sir. Mr. Cosens.

**MR. COSENS:** Thank you, Mr. Chairman. I want first of all to congratulate you, Michael, on this very well thought-out brief. There were several points that I wanted to touch on just in response to things that you had focused on in your brief.

First of all, on transportation. I think you, in fact I am sure you are aware that the Regulation 177(7) does cover portal-to-portal transportation for

handicapped students at this time. There seems to be some problem in that regard.

**MR. CHAIRMAN:** Mr. Rosner.

**MR. ROSNER:** Even given that though, seeing that in the governing legislation, which is The Public Schools Act, the statement that says that nothing herein shall require a school board to provide transportation to anyone less than half-a-mile. It seems to suggest that any regulations that would provide that transportation would be direct contradiction to that statement. It is not so much — like it was mentioned in the brief that there is a lack of anything there, any provisions for portal-to-portal transportation, but there is an explicit clear statement that nothing shall require a school division to provide transportation for pupils less than half-a-mile. That was our concern and this being new legislation, and new regulations coming out of that.

**MR. COSENS:** In the regulation, Mr. Chairman, it says under Transported Pupil, the definition includes a pupil, whether or not he resides in a city, town or village, regardless of how far he resides from the school he attends, who is enrolled in a special class of children who are mentally retarded, physically handicapped, emotionally disturbed, or hard of hearing, or who is not enrolled in a special class of children, but is certified by a duly qualified medical practitioner as being physically disabled. This is in the current regulations and, of course, certainly would be carried on in the regulations pertinent to the Act.

**MR. ROSNER:** I would hope that it would continue on in the regulations, which would be again, I guess, some changes to them and some new regulations coming after the passing of this Bill, and I would hope that would continue in the regulations. However, I think that it is only natural and since there is that in the regulations, and since you have mentioned that it is the intention of the government to put that in the regulations, I cannot see that there would be any objection to stating within The Public Schools Act in that section on transportation, that clauses pertaining to transportation be amended to provide for safe portal-to-portal transportation for those students who require it. Even it is not there, even if nothing is there, at least the amendment to the statement that nothing in this Act requires the school board to provide transportation to students less than half-a-mile. It doesn't go on to say except for those students who would experience undue difficulty because of physical handicap, or any kind of wording like that.

**MR. COSENS:** Mr. Chairman, I might also mention that under the area of transportation that we are providing and will continue to provide apparatus for school buses that enables the loading of those who may be handicapped. At the present time I forget how many vehicles we have in the province that have been provided with that particular facility. As I say, it is our intention to improve that and increase the number of vehicles that have that particular apparatus.

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On the matter of physical access, Michael, I am always a bit puzzled here, because I take it for granted that any new building that is being constructed for educational purposes in the province today will have complete physical access. I am always a bit shocked when I receive your brief and you mention this as if it is not happening. Can you give me an instance where, in fact, this is not taking place in new buildings that are being constructed, because it is certainly my understanding that any new building approved by the Public Schools Finance Board will have that facility.

**MR. ROSNER:** Offhand, I can't give you an example of that. I think that we mentioned we had a meeting with yourself about ten months ago or something like that, where there was a greater number of our members in attendance who pointed out, I think, at least three or four examples of school facilities which I guess somehow had managed to not completely make themselves as accessible and usable as they should be. In fact some were, according to the examples given, inaccessible, and were not very usable, and I don't remember the individual schools offhand. I think you will remember that discussion.

In general I think that it has been our experience, our member's experience, that for some reason or another, whether it is in a lack of clarification within building code legislation or whether for various reasons anyway, what is supposed to be does not always happen quite the way it is supposed to happen. I think that it is a good idea, it is not a bad idea, to ensure that in the regulations with regard to school facilities and the specifications of how they are built, or what to do and what not to do, that inclusion be made in that with regard to barrier-free design. Even if it, as mentioned in the brief, is only direct reference to those codes which apply.

**MR. COSENS:** Just further to that point, certainly as far as existing buildings are concerned, I realize there are problems there, and I have instructed the Public Schools Finance Board to make the appropriate modifications wherever it is necessary to accommodate wheelchairs and so on, and the provision of lifts or elevators where it is necessary in schools that may be two or three storeys in height.

So those things are in place and I would be interested in hearing of any problems that might arise in the installation or in fact having them come about.

I also just perhaps might touch on two or three other points in Michael's brief. The idea of the early identification is certainly something that we are taking steps on at this time. We will have several divisions this fall set up in a pilot process on early identification, beginning at the Kingergarten-Grade I level. We think, and I am sure you subscribe to the idea that this is absolutely necessary.

Also the professional development area is another one that we are moving into this year with some vigor, and have set aside particular sums of money to deal with elementary school teachers who will require further in-servicing in that regard. This has not been done before, I might mention, Mr. Chairman.

I was interested in your comments on the funding; I think they are very appropriate. I can tell you at this time, Michael, that we are looking at the funding in the whole special needs area, in concert with the special review that we have under way of educational financing in the province. I don't have to tell you, you certainly have told me that it is a complex area. There are certain choices, certain alternatives that the government has to look at in this regard. You point out that you think services should be funded, not labels. As Minister I have some problem in being able to tie funding to services where there is no supposed justification. I have to have some responsibility for being able to justify a particular type of funding.

I might say that whole area of special needs funding is being studied in concert with the whole topic of educational funding, and we are hopeful that we will have some resolution of that before this calendar year elapses.

**MR. ROSNER:** If I just may comment on one particular aspect in regard to addressing as being of services versus the labels, I think that it is more a matter of referring to needs mentally and services. When you provide a service, you provide a service to meet a need, so that I don't think that it should be extremely difficult to discuss the provision of services relative to a description of a need as opposed to provision of services to a person who happens to be given a label. Because in actuality, as I say, when you provide services you provide services to meet needs, and labels don't enter into it.

Labels are a convenient way of accomplishing that, but I think that it is something that has been going on in the past, it has been traditionally what has been done, but if you look at it reasonably, it is really not exceptionally difficult to change that approach and refer to a description of needs, and services to meet needs, as opposed to labels.

**MR. COSENS:** Nothing further, Mr. Chairman. I would just like to thank Michael very much for his well thought-out presentation.

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

**MR. SCHROEDER:** Mr. Rosner, I have several questions with respect to transportation. As you indicated in your brief, Section 43(6) of the proposed Act states, nothing herein requires the school board to provide for the conveyance of a pupil to and from a point closer than one-half mile from the residence of the pupil. Does the present Act, the one which is currently in force, have this type of a provision stating that nothing requires transportation closer than a certain distance from a person's home?

**MR. ROSNER:** I believe that statement was taken right out of Bill 31, that section. Is that what you mean?

**MR. SCHROEDER:** No, I mean the Act which is currently in effect. This Act, Bill 31, is not in effect. The current Education Act, does it contain a similar clause? If you don't know . . .

**MR. ROSNER:** I'm not sure.

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**MR. SCHROEDER:** As well, I'm sure you've seen Section 46 of Bill 31, which states that the Lieutenant Governor-in-Council may make regulations that are ancillary to, and not in consistent with, any provisions of this Act respecting the standards of transportation provided by school divisions and school districts for pupils, etc. Would that not appear to be a very clear indication that any regulation made which is inconsistent with the Act, that is inconsistent with that half mile level, would be not a regulation which is enforceable?

**MR. ROSNER:** It would seem to us that would be true. I think that is the basis of our concern. That section which you mention, granted regulations may be made, but it goes on to say that these regulations may be made which are not inconsistent with the sections otherwise in the Act, and I agree, as you have asked me about it, yes it would seem that although we would want information and details as to this provision to be in the regulations, that indeed they would be contrary to this section in the Act governing transportation of peoples less than half a mile.

**MR. SCHROEDER:** Would you agree further that an Act which provides, for instance in Section 48(1)(g), that a school board may decide who shall be school visitors, that's a momentous decision; and Section 96(f), every teacher shall seize, or cause to be seized, and take possession of any offensive or dangerous weapon that is brought to school by a pupil and hand over any such weapon to the principal who shall notify the parent, etc.; that any Act which has these types of detailed specific provisions in it, could as well contain a detailed specific provision as to the rights of students to transportation.

**MR. ROSNER:** Most certainly. I think that, if I may, I think that has also been mentioned by perhaps other speakers. The Act goes to great lengths, covers a number of pages describing, in quite length and in quite detail, mechanisms for appeals with regard to teachers, appeals to decisions, superintendents, and those sort of things. And I think that there again our position on the requirement for an appeals mechanism is an example of something that we believe should be in there and certainly if so much can be devoted to an appeals mechanism with regard to another group of people, then we cannot see any objection to having a smaller, it would, by necessity, be a smaller section with regard to appeals of placement of physically handicapped people.

**MR. SCHROEDER:** I notice on Page 8 of your brief, you're referring to a provincial ombudsman, and you were here earlier when Mrs. Grahame was talking about an ombudsman, are you referring to the ombudsman who is currently in place, or would this be a new position, and if so, could you describe what your group would see as the function of that individual?

**MR. ROSNER:** I believe that though in our brief the words "Provincial Ombudsman" are capitalized and would seem to suggest that it would be The

Provincial Ombudsman, I believe that course is available and open to any citizen in the province so, as to how much effect or how much value someone would be able to attain by going to the provincial ombudsman, I guess that would have to be seen. I think that our position would be that a neutral position of an ombudsman, within the Department of Education — we didn't get into great specifics which division or department or anything like that — but that there should be a neutral position of an ombudsman which would, of the nature of an Ombudsman, require that both parties present their positions as equals and that this is absolutely vital and necessary, particularly in this kind of a situation, for the reasons outlined.

**MR. SCHROEDER:** I read that part of your brief over again and listened to your comments. I'm just wondering whether the ombudsman you envision would have powers of decision-making. I'm sure you're aware that the current Provincial Ombudsman has powers of recommendation to the government, as opposed to powers of making decisions. Would you envision this appeal mechanism as requiring decision-making powers in these instances or would they be merely a recommendation?

**MR. ROSNER:** In that there is a pretty great need for appeals mechanisms at various levels, the divisional level and that sort of thing, in which, as I think was mentioned in regard to placement, a team of teachers and principals and parents and students and everyone else who is concerned would be involved with determining whether or not a placement of a student is justified or whether there may be perhaps a more appropriate and beneficial placement. With regard to an ombudsman, I think that it would be beneficial and I would hope that the ombudsman in this case would be granted authority after hearing, from a neutral point of view, both positions would be able to make a determination which would have some authority. But at least we are requesting and desiring an ombudsman as another route of appeal, in addition to the more local and divisional level, and in addition to the appeal to the Minister which may also be used, which would be of use to a person who was in a situation where they became concerned about the placement of perhaps their child. And I think that our concern is that right now, this is mentioned in the brief, it appears that the only appeal route available is to the Minister, and we think that, as I mentioned before, should be used when appropriate and has its value, but that it should not be the only appeal mechanism.

**MR. SCHROEDER:** I notice as well, going on to another area, field representatives, that you are recommending that field representatives be appointed by school divisions and school boards. Is it your concept of field representatives that they would be somewhat similar in function to superintendents, and is it also your concept of these field representatives that they would be appointed by those who want to appoint them, as opposed to being a requirement for every single school division in the province?

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**MR. ROSNER:** We have, as was mentioned, some questions as to what this field representative shall do. I think that in the Act it explains, to a certain extent, the powers of the field representative, and I think it talks about them having the powers of the school attendance officer and, I believe, it must be like a superintendent because they would have authority with regard to determining that students is receiving adequate education in certain settings and that kind of thing. So we have some understanding of what their powers would be and I don't think we have too much qualm, if that's the case, about the powers so much, although we would like to have more clarification of that. What we are most concerned about though is that, granted that this person has certain authorities and powers, and granted that certain authorities and powers are necessary, we are concerned about a couple of things. We are concerned about the criteria on which this person will be basing their decisions, particularly with regard to placement, that's why we recommend involvement of all people concerned; we are also concerned in terms of the question of appointment for the reasons which you mentioned and which we mentioned, in that I think what we are intending to do, again it is based on some unsureness as to what the field representative can actually do and how they are appointed. But if, in fact, it is a political appointment and not an appointment by a local board or something like that, I think that we have determined that it would be of concern to us that someone who is responsible for doing the things which we understand that this person would be doing, that all steps should be taken to take that sort of thing out of the political arena. And I think that if it was a direct appointment by the Minister in power at the time or that sort of thing, that even if there isn't there would at least be an appearance of it being more directly related and closely linked to the political arena, which we think that something like this does not have a place in.

**MR. SCHROEDER:** My understanding of the Act is that, in fact, these positions would be bulletined through the Civil Service Commission, although I may be wrong. However, I also asked whether you felt that each school board should be required to appoint a field officer or do you believe that in certain school divisions people might be able to serve both the function of superintendent and field officer?

**MR. ROSNER:** I'm not sure whether or not I'm qualified to determine whether or not those two positions can be handled by one individual.

**MR. SCHROEDER:** In terms of powers, you indicated that you're not concerned about the powers of the field officers, but if you recommend that the local school board do the appointing of the field officers, or field representatives, then would you agree that field representative ought not to have the power to suspend teaching certificates, as opposed to suspending teachers?

**MR. ROSNER:** The field representative? I'm really not sure, as I said, I'm not quite sure of all the powers and jurisdictions of the field representative. I

think that if, in fact, they are responsible in a different way for things like placement then perhaps it may not be appropriate for them to be involved in that, but I'm really not sure.

**MR. SCHROEDER:** I notice, in terms of the powers and prerogatives of the field representatives, there are 16 of them apparently in place right now, and although we have 30 different groups appearing before this committee, all of whom feel that they can improve the bill in one way or another, the one group which is lacking from this group of 30 is the field representatives, and probably that's because they are the ones who prepared the bill and are very satisfied with the powers provided in it.

Thank you, Mr. Rosner.

**MR. ROSNER:** Thank you.

**MR. CHAIRMAN:** Mr. Adam.

**MR. ADAM:** Thank you, Mr. Chairman. To the witness, you seem to be concerned about the powers, or you're unsure of the powers that the field representative would have. I have that concern as well that, as the bill now stands, the powers that a field representative would have would be that of judge and jury sort of a power which I feel is far too great for a civil servant. At the same time you mentioned that the ombudsman that you suggest be appointed to hear appeals would also have some powers of authority. I am wondering if there isn't some concern that an unelected person, a civil servant, would have these kinds of powers who are not answerable to the public.

**MR. ROSNER:** Sir, the question would be . . .

**MR. ADAM:** Do you not feel that a person that would have certain authority beyond that of an elected person who is not responsible to the public, in other words, he's not responsible for his actions to anyone . . .

**MR. ROSNER:** I think that, with respect to the answer to the other question, I mentioned that it may be useful for this person to have certain authorities. What those authorities are or the extent of those authorities, we aren't really prepared to say. In terms of them having certain authorities though, I think the situation, even though they wouldn't be elected by the public and thereby directly responsible to the public, I believe that what we are interested in insuring is having a person to go to, a mechanism which would involve someone which people could go to and that that person would not be responsible for carrying out duties and functions of the system which appeal is directed against. We are concerned that there be an appeal route to somebody who is in a more neutral position. As was mentioned, the bill right now, apparently allows only one route of appeal direct to the Minister whose decision is final. I think that as was mentioned in here the Minister is in a position where he is duty bound to have certain functions to be carried out and is responsible for the educational system which is the system that has been challenged by the appeal; and that what we are interested in getting is someone who is in a more neutral position, who'd be able to, because of their

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more neutral position, be able to provide a hearing which would allow the parties to be represented equally and wouldn't have to weigh their decision in terms of their interests against the duties which they have to the system which the appeal is directed against. I think we are just looking for someone in a more neutral position.

**MR. ADAM:** I think my colleague, the Member for Rossmere, Mr. Schroeder, indicated that the present provincial Ombudsman has the authority to investigate any complaint against any provincial department, but does not have any powers to render a decision. He can make a recommendation to the Legislative Assembly. Would such a person or an appeal group mechanism — and there has been a number of briefs represented here, last night and today, that have expressed concern on setting up a mechanism of appeal against the local school board or whatever problem that arises; if such a person or group would have authority to make a recommendation to the Minister or to an elected group of all party legislative committee, such as we have here at the present time, Privileges and Elections Committee of which we are all members here, to have that kind of final authority vested in this group who are answerable to the public, and if they make an error in judgment, that they are accountable to the people and that the people will say, we don't like the judgment that you made, and out you go at the next election.

My only concern is to give too much power to a person who is not answerable to anyone and that's the only reason why I raise these questions. That's why I wanted to get your views on that, and I know that we will be hearing more from other groups as well.

**MR. ROSNER:** Our education committee would be most interested in being involved in trying to determine the most beneficial and responsible mechanisms for appeal. I think that our concern up to this point vis a vis this legislation is that there be an appeals mechanism, the details of which are to be worked out, the extent of power, the type of authority, the jurisdiction of the persons heading these mechanisms of appeal I think could be worked out and we would be most interested in hearing and going over suggested mechanisms and that kind of thing. I think that, as I just can sort of restate, our concern is that the decisions on a local level of the field representative or whoever, be decisions which are: Decisions that have been made in conjunction with all persons concerned, the parents, the students, the teachers, other relevant persons and that there be modes of appeal at the local level where a citizen who believes that perhaps their child is not being placed in the most integrated setting possible for that child and they desire this, that there be a mechanism for them to appeal at the local level, and that there be additional mechanisms at the provincial level, a mechanism which would involve a more neutral person; a person who isn't directly responsible to the system which appeal is made against.

Those are our desires. This is what we want. We haven't got into the details of how this should work but we would be most interested and it would be

most desirable to be able to go over suggested means, suggested mechanisms for appeal.

**MR. ADAM:** I look forward to your groups input on coming up with some recommendation for that type of appeal mechanism on your well prepared brief, but my final question, Mr. Chairman, would be in regard to Section 8, again with the Field Representative, where you seem unsure as to the powers and to whom this person shall be accountable to. Is it not clear in Bill 31? Is that not clear now to you that this Field Representative has the power, day or night, to call witnesses such as a Judge would have? Is that not clear in the bill?

**MR. ROSNER:** There are sections within the bill which describe the powers of the Field Representative. I think I can say on behalf of the committee that we had concerns as to perhaps any further powers that the Field Representative might have, or perhaps some of the implications which we weren't really in a position to fully appreciate, of some of the powers which were laid out in the bill, and I think that probably the greatest concern we have, I think perhaps that may be why it's listed there third, that the greatest concern that we had was how this person shall be appointed and to whom this person shall be accountable.

**MR. CHAIRMAN:** May I have the attention of the committee? Is there delegation here from Winnipegosis that wants to be heard this morning? There are? Okay, proceed. Mr. Adam.

**MR. ADAM:** Yes, do you think that the powers that the Field Representatives have in Bill 31, are too great? If you haven't got a clear indication of what the powers are, do you think perhaps the Minister should enlighten us and give us what the duties are, what his responsibilities are, if they're not clearly outlined to you as a group?

**MR. ROSNER:** I believe that the committee has determined that it would appreciate further clarification as to these powers and authorities of the Field Representative and perhaps again some of the implications of the powers and authorities that are listed in the bill. You asked a question, in terms of too much power. I think our concern there was particularly with regard to the certification that the Field Representative may make, in Section 261(1)(b), in his opinion a child is receiving a satisfactory standard of education outside of the public school system. We are concerned about two aspects of that: (1) That it seems that this field representative shall be making this determination on their own, and we have suggested that this mustn't be the case. Others who are involved, the parents, the child where appropriate, relevant educational professionals, should as a team be involved in making these kinds of determinations.

The second concern that we had with respect to the power of the field representative in this section was the criteria, I suppose related to the other, but the criteria with which the field representative would be making this determination which is not in the act and perhaps, I would expect, would be in the regulations. But the fact that isn't there, we don't

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know what it is and therefore we are concerned about it.

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

**MR. CHAIRMAN:** Any further questions? Thank you, Mr. Rosner for your presentation.

**MR. ROSNER:** Thank you.

**MR. CHAIRMAN:** I now call the Winnipegosis and area concerned citizen's committee, who apparently cannot appear tomorrow. Proceed sir.

**MR. A. ERICKSON:** Mr. Minister, on May 20th, 1980, we petitioned your office to intervene in a dispute which began with the demotion of a highly regarded Winnipegosis elementary school principal. The ensuing struggle between the Duck Mountain School Division Board and ratepayers, including the parents of students involved continues. The election of a new board will not necessarily resolve this issue. An impasse has been reached. Sir, unless this issue is resolved, be advised that further legislation will have little meaning or effect in our community because that struggle will continue until just cause is given or the principal is voluntarily reinstated.

From the beginning we understood that we had the least to gain from the division system, simply because its formation brought together large municipal regions and communities with lower than average assessments. The result was that we were, and remain, at the bottom of the heap. To pretend that we could ever obtain the average quality of primary education available to the majority of Manitobans was never ever possible. There were and are monetary concerns which we will return to later in our brief.

The one area in which we had every confidence, because of past experience, was in the responsive attitude of school boards. However, this, too, has disappeared, largely because of the tremendous powers invested in him by the government of Manitoba. To date, during the present dispute, the Duck Mountain School Division Board has displayed the following characteristics which we have documented:

On May 5th, 1980, the principal was summoned to an in camera school board meeting, unprepared, questioned, and summarily demoted to classroom duties without warning or previous reprimands or adequate written reasons. In doing so, the board ignored the reports of two previous superintendents, the final one stating that Mr. Louis Swiderski has done remarkably well as an administrator. We can expect great things of him yet.

By their actions, they have shown themselves to be secretive, provocative and arrogant, prepared to follow their own interests, in complete disregard to the wishes of the parents and ratepayers their decisions affected.

We have, as indicated earlier, requested you to restrain the board. The board has requested of you, on two separate occasions, an independent evaluation of the entire incident. All these requests have met with refusal. It is doubtful that the school will reopen next fall.

We know that one other Minister has intervened in the past. If you do not have the authority to intervene now, we ask that you arm yourself under the new legislation to:

(a) overturn board decisions, which upon evaluation are shown to be in error; and

(b) to provide the public with a mechanism which allows for the removal, when necessary, of trustees who are delinquent in their duties.

Getting back to the monetary concerns of Duck Mountain School Division, it was established early that we were to be the poorest division in Manitoba. Despite this, in 1968, communities under Northern Affairs jurisdiction and formerly under Frontier School Division, where funding is provided almost entirely out of the provincial revenues, decided to join Duck Mountain School Division, adding some 240 students to the lists. As the poorest division in Manitoba, we believe that having paid our share of taxes towards Frontier School Division from general taxation, that offsetting costs would be made available to taxpayers in Duck Mountain School Division by the provincial treasury, upon assuming responsibility for these additional students. However this was not achieved until 1977, following a determined effort by various organizations and municipal corporations. When the time came to negotiate this oversight, municipal officials were excluded from the process. Finally, in 1978, an amount of approximately 110,000 was awarded as a special grant in lieu of a special levy for that year, ignoring any retroactive recovery for previous years.

The question now is, how much extra and unnecessary loading occurred on our tax bills during the intervening years? School levies on farm lands under the Duck Mountain School Division are presently 2 3/4 times as high as identical adjacent land under the Dauphin Ochre School Division.

Is it any wonder therefore, that ratepayers and municipal officials view the board with suspicion? The question is, who is responsible for this incompetence, and how is it to be put right?

We would hope that our presentation indicates the extent of the dissatisfaction felt at this time for the present school delivery system, the credibility and competence of the board and its new superintendent. We are certain that at least two other communities share our concern. We recommend that alternative delivery systems be studied at the local level, which we might better afford without giving up the expectation of having a more open and responsive school board.

Thank you.

**MR. CHAIRMAN:** Any questions of Mr. Erickson?  
Mr. Adam.

**MR. ADAM:** Mr. Erickson, I understood the school board requested, on two separate occasions, that the Minister intervene in the dispute in the form of what? — a conciliation officer or an arbitration board of some kind?

**MR. ERICKSON:** I understand it was to be people from the field staff that would carry out an evaluation and recommend to the board a proper course of action, or at least indicate to them whether the

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information on which they based their decision, was proper.

**MR. ADAM:** What was the reason, are you aware — I guess this was communication between the Board and the Minister and may not be privy to yourself — are you aware of what was the reasons that the Minister gave for not wanting to try and use his good office, if he was able to, to resolve this dispute, which . . .

**MR. ERICKSON:** He indicated in the letter that he — or he made the school board aware that they had the power to reverse themselves, or to maintain the decision that they had taken on May 5th, and after the first letter had come to the Minister from the board, we had a meeting with the school division at which they again decided that after having first decided at the meeting that they would hold tough to their decision, they then reversed themselves when they announced the decision and that was perhaps because people who had earlier attended the meeting had left at 9:00 o'clock and had stood in the rain from 9:00 o'clock till 3:00 o'clock the following morning, awaiting their decision. So you can see from the action of the people that they are determined, that they are not going to quit until these things have been done, that the reasons have been given and that they can be justified, or that he is reinstated and that that is the case, period.

**MR. ADAM:** Did the Minister say that he had no authority under the present school Act to send someone in to evaluate or review the situation, and to arbitrate the situation, or did he say he was leaving it entirely to the board to do as they wished or . . .

**MR. ERICKSON:** He left it to the board that if they did require an evaluation at a future date and when they were unable to resolve the situation themselves that they could come forward and ask again at any time. And this is what the board exercised the last time round. They again asked the Minister, sitting with our committee they drafted a letter again to request the Minister to intervene, to provide the evaluation, and following that, the Chairman phoned the Minister and he was refused. At least I was given to understand that he was refused because he telephoned me, in turn, and said so.

**MR. ADAM:** Well, I raised the question in the House as to whether or not the Minister would provide his good office to do anything he could, and of course, he said publicly in the House that he did not intend to do so at this particular time. That's the way I'm paraphrasing it now, but it seems that that's the way it was answered. There has been a number of briefs here and they all express concern about some kind of appeal mechanism regarding any matter arising such as this one could be one. You may have heard some of the questions that I posed to the previous person who presented a brief. Do you envisage that kind of an appeal mechanism where people could bring their complaints such as happened in Winnipegosis, unfortunately, and what kind of mechanism appeal would you desire seeing, short of having a super power Minister in Winnipeg telling the board what to do? Which I don't think

would be desirable either, otherwise you wouldn't need a school board.

**MR. ERICKSON:** I think one of the problems that we might have with a question of that nature is simply this — that the final report that Mr. Swiderski, the principal, received, was from a chap who is now a field officer with the government, and of course, in our view, if it were the field officers who were providing that review, I think that they would have found the same thing as the chap who wrote the report, who is now a field officer with the government. We had never had any problem in the past when he was there, and now, four months later, we have the board taking decisions that we don't believe were based on sound judgment, or either that or they were based on information supplied which was wrongly interpreted. Now, you can understand the committee and the people, at least at this point, in being quite happy with having field officers come down, simply because one of their fellows did compile it and that they gave Mr. Swiderski, who we know after 22 years of service, is a fellow that we will not replace very easily, regardless of what kind of competition we carry out. And so, I can't say that we are at all concerned with the power at this point. Perhaps on another occasion, yes, we would be, depending on the kind of dispute that did erupt where that kind of power could be used against the people, but they see, at least in this case, the field staff as an ally, and certainly in the past they have provided good service when they were called, I expect they were called, at that time, school inspectors. And our boards, the Duck Mountain School Division, at that time operated in a far better fashion before the superintendents were brought into the picture. Because they simply do not have the training. You could pick a principal off the street tomorrow and he's automatically a superintendent that can sway a board, simply by the way he presents things.

Those school board members come to their meetings without any preparation, any idea of what's going to be on the agenda, and in that fashion, it's not very hard to be able to manipulate boards.

**MR. ADAM:** Well then, do you think that the suggestion that some kind of appeal mechanism, prior to a problem coming to the Minister's office, some sort of appeal mechanism is desirable?

**MR. ERICKSON:** Oh, yes, it has to be. In a case like this, we are at an impasse, and the school board feels that they are right, the people know that they are, and when we mentioned that the school board was following their own path, there were rumours of exactly what was going to happen, and also who was going to fill the position that was going to be vacated by Swiderski. All this has come about, and we believe that it was preplanned, that there was a need for secrecy in their meetings, and that they have continued to do that. It's impossible to monitor Duck Mountain School Division meetings simply because they are held in camera, and even though we were asked by a majority of the people in Winnipegosis to monitor their activities from May until September, we have been unable to carry that out. We have been unable to supply the information coming out from

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meetings that are held in camera, simply because we're not allowed to be there.

**MR. ADAM:** You don't have to answer this question, Mr. Erickson, but are you aware whether or not the Manitoba Teachers Society also requested the Minister to intervene?

**MR. ERICKSON:** Yes, we are fully aware of that. The other part of the dispute was simply this, that on May 5th, the principal was dismissed, it wasn't until May 12th that a committee was formed to ask the school board to defer hiring a principal until they had supplied the principal with reasons for his dismissal.

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

**MR. SCHROEDER:** Thank you, Mr. Chairman. I note, in your brief, Mr. Erickson, that you indicate that even the election of new trustees may not solve the problem. I don't quite understand that. It seems to me that what one set of trustees did the next set could surely undo, and it would seem to me that this is precisely an area where we're not dealing specifically with individual student's rights, we're dealing with the right of an individual principal but it would seem to me that this is a political decision which would be best left to the locally elected officials and the people locally who could then, within a matter of a few months, make another decision.

**MR. ERICKSON:** I think that's not necessarily true. It may be, in a tightly knit school division, but you have to understand that Duck Mountain is one of the largest school divisions in Manitoba, and it contains several communities that do not necessarily always see things from the same viewpoint. That would mean that we would have to interfere in the elections that were held in several of the surrounding communities in order to have some indication of where those trustees that were running stood on this issue. So you can see that, as you say, is a political decision, and that is part of the problem.

**MR. SCHROEDER:** Yes, I see. What you're saying then is that if you had a board composed strictly of people and electorate from Winnipegosis, you would agree that it would be easily solvable by the regular political process.

**MR. ERICKSON:** That's correct.

**MR. SCHROEDER:** But in this particular case, there is an electorate which is spread out through a number of other communities, all of whom would have other concerns when they cast their ballots for school trustees. This wouldn't be one of their prime objectives at all, and that is why you feel that in cases like this the system, as it is set up, doesn't really work to redress these kinds of injustices.

**MR. ERICKSON:** That is correct, and I can't see it really doing that much in the future, neither, unless you can dispell some of the suspicion that surrounds the board as it operates now. Certainly the first years of Duck Mountain School Board never, ever, had to hold that many in-camera sessions that are being held presently. The public should be informed and they are not being informed. How then can you

expect the public to effectively control boards through even the mechanism of elections? We have no power to remove board members, they can continue to sit as they will, unfortunately on this occasion they had four months to run. If it had been three years, where would the public be and where would the dispute be?

**MR. SCHROEDER:** It seems to me that's ordinarily a part of the electoral process. You give your politicians a certain term in office, you size up what they've done or haven't done, and then you keep them in or boot them out, as the case may be. But in this particular instance, you're suggesting that the school board is meeting in secret and that is a matter which your committee appears to find objectionable. Is it the position of your committee then that personnel matters should be discussed by school trustees in public, in open meetings?

**MR. ERICKSON:** No. That is not our position at all, and it wasn't the operating procedure of past boards. Those things which are private should be held private, and again, as I started out to say earlier, although I didn't finish, on May 5th the principal was dismissed and returned to the classroom. On May 12th, the people got involved, but they got involved, not with the principal but in a parallel fashion in trying to find and trying to stop the rumours, that resulted from the board's decision, that were having a very bad effect in the village upon other people who absolutely had no involvement whatsoever, we organized a committee and held a meeting at which we were elected. And all the evidence — you can call it evidence if you wish — but all the documents that came to that meeting were from the school principal, and they were requested in writing, so that there was a distance between our group and his position so that we wouldn't usurp any of his rights, to make sure that that wouldn't occur, if he did have any rights. And I understand now that he has launched an arbitration process of which I don't think it's ever been used, at least on this basis, before in the province of Manitoba, and it simply means that the School Act, unlike the Municipal Act, has never ever developed. We've had thousands of years of municipal government and many of the things that have been changed have come out of legislation, or certainly disputes that changed the Act, and this one seems to have been written in stone and nobody has ever challenged it.

**MR. SCHROEDER:** I thank you for coming, you're obviously a concerned group and hopefully we can take this into consideration. Thank you.

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

**HON. EDWARD MCGILL (Brandon West):** Mr. Chairman, I shall try to be brief. I realize we're close to the adjournment hour and my questions are along the lines that Mr. Schroeder was pursuing. Mr. Erickson, your brief suggests to me that the present school board does not enjoy the confidence of the majority of the ratepayers in the Duck Mountain School District. Is that a correct interpretation?

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**MR. ERICKSON:** No, I would not want to say that. I'm saying, again, because of the number of communities that are involved, that we are dealing with the issue of the Winnipegosis Elementary School and it really concerns, basically, the citizens of Winnipegosis and the surrounding region that funnel children into that school. Now, when I say that we have their support I say that because when we had to take a final decision to boycott the school it was organized at 11:00 o'clock in the evening, and the phoning took place between the hours of 11:00 and 12:00, and we removed all but 48 students from that school in that short space of time. You can tell from that, I think, the concern that people have. Those who did leave children in school, because they couldn't afford the time lost, and this was a limited boycott and I have to make you understand that, it was simply to indicate that there was support; that we were not trying to resolve this issue by force alone; that we would have preferred to deal with it in a more reasonable way, but it has not happened.

Now, those people that could not remove their children from school, took their children to school, but they then, in turn, picketed, and it was a passive picketing where nobody was interfered with or those people who sent children to school could freely pass and conduct their own business.

**MR. MCGILL:** Mr. Erickson, it's been mentioned, of course, that in a few months there will be an opportunity to put the confidence, or otherwise, of the school board in the eyes of the ratepayers to the test, but your remarks indicate to me that you feel the democratic system of government doesn't work in your circumstance. Can you suggest an alternative system of election for this school board that would work, in your view?

**MR. ERICKSON:** I suppose, in answering a question like that you have to suppose many things, and going back into the past, I think I would be on safer ground by referring to that, our village had been in the process of re-organizing their school boundaries when the division was forced upon us, and I mean forced upon us. We had no other alternative, other than to remain as a one classroom school, so we did not have any alternative. But they had been in the process of negotiating with communities surrounding them who are of like mind to join together to form a larger school division, not necessarily as large and as scattered as we have now. But people are harking back to that time and saying that we would have been much better off under those circumstances than we are today; that the system that we have now has not served us, it has elevated our taxes far beyond what they feel is necessary because of this loading. In that regard, I'm sure the government knows that Fork River is not satisfied, they have one of the highest assessments within the division, and if they are successful in getting out of the Duck Mountain School Division and into Dauphin-Ochre School Division, then the viability of that division will correspondingly go down. And it just simply means that we are going down and down. We haven't, in effect, bettered ourselves that much. The curriculum is being cut, the majority of programs that we had at one time are now non-existent, and so we're into a winding-down situation

as it is. So it doesn't present the threat to rural people that it would to urban people.

**MR. MCGILL:** Well then, Mr. Erickson, the problem then, as you describe it now, and as I understand it, is that the division of Duck Mountain comprises communities of such diverse regional interests and that there is no real community interest throughout the whole division. What you're really saying is that the boundaries of the Duck Mountain School Division make it difficult for local problems to be dealt with, with the full knowledge of all parts of the division. Is that a fair interpretation of it?

**MR. ERICKSON:** That is correct. The one area that I might say that has come out of this dispute is this, that if you recall, there was a time when the community of Camperville really wasn't too happy with sending children to the Winnipegosis High School. I suppose you could say one of the better things that happened from this dispute is that we now know that those people that send their children to the elementary school in Winnipegosis do identify with that school, that there is, to that degree, a community of interest that we have established in that school. So it's incorrect to say that there is no community of interest. In this particular case there has been.

In the past, I know that Camperville has made requests to the previous government for their own school system entirely, and the conditions that were put upon them made it impossible for them to attain that. So they are, in essence, captive to the system in the same sense that we are.

**MR. MCGILL:** Mr. Erickson, did I understand you to say that the services of the field representative in this instance might have been useful in preventing the decision that was made, which apparently is locally in the Winnipegosis area, very difficult to accept?

**MR. ERICKSON:** Again, I don't know whether it's all that local. Some year ago, or two years ago, I've forgotten which, they had a similar incident at Rorketon wherein they allowed the principal to remain. So they've had another incident of this type and I think part of the problem today is that they have dug themselves in and said we will not reverse ourselves just simply on principle and that they are trying to stick by that. But it's an impossible situation and they are not going to get away with it and that's it.

I don't see any resolution, other than the very thing that we asked right from the beginning that the school board members be allowed to take a second look at the material that went into making their decision on May 5th, to remove Swiderski.

**MR. CHAIRMAN:** Mr. McGill.

**MR. MCGILL:** Thank you, Mr. Erickson.

**MR. CHAIRMAN:** Mr. Green.

**MR. GREEN:** Sir, I gather that your appearance before our committee is to deal with a particular problem that has resulted from a difference of

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opinion between the board of the division and the people in a particular area with regard to an employee.

**MR. ERICKSON:** Yes, that was the beginning of the dispute.

**MR. GREEN:** How long has that dispute been in length?

**MR. ERICKSON:** That dispute began on May 5th, and if you are referring to a particular time when the public lost confidence in that board, I would have to say it's a lot further back than that, at least since 1975 in our area.

**MR. GREEN:** When did the division become a total division? When they redefined the school districts, was it something like 1966, 1967?

**MR. ERICKSON:** 1967, I believe.

**MR. GREEN:** Between 1967 and 1975 this new division did not arouse the kind of complaint that is now coming forward.

**MR. ERICKSON:** At the time that hearings were held to form the division the community of Winnipegosis spoke against it, as did many many other communities including Ethelbert, the larger communities within the division. They all spoke against the formation of that and, I think, Mr. Smellie was conducting that committee or whatever you would like to call it.

At the time that we were speaking in 1967, 80 percent of our local school taxes in Winnipegosis were being paid to fund a local school system, and we were given to understand that those costs, this was the only plus that we could see under the new division system, that some of those monetary costs would be borne to a greater extent by the provincial treasury. It wasn't until 1975 when the Chamber of Commerce in Winnipegosis, of which I was president at the time, realized that businessmen in Winnipegosis were paying 72 percent of the total tax load in that community, and that we began at that point to arouse the people. First our own municipal people and from there going to the municipalities of Mossy, etc.. We then petitioned the province to take off the load that was represented by the community of Camperville which would normally have all of their education costs funded from the treasury, and at least alleviate that portion — in other words to acquire a special grant in lieu of this special levy.

The kinds of things that were happening at that particular time were simply these: when the province of Manitoba built low income housing in Winnipegosis we got grants in lieu of taxes almost immediately, and yet when the same province, and the same government, built low income housing in the communities of Camperville and Northern Affairs jurisdiction, we never got a nickel for the special levy or grant in lieu of the special levy for school education.

On account of that municipal people were carrying the entire load. From 1977, when the first grant in lieu of the special levy on account of the people in Northern Affairs jurisdiction, there was 110,000 in

1977. I leave it to your imagination, just how much that region lost in terms of funding. We are saying that is one of the reasons why school taxes are two and three quarter times as high on adjacent quarters; one in the RM of Mossy River and the other in the RM of Dauphin-Ochre. If you want copies of those kinds of school taxes we can give those to you today.

**MR. GREEN:** In 1967, I gather that there was a plebiscite within the division as to whether or not they would become a larger division, there was a vote. Is that not correct?

**MR. ERICKSON:** That's right there was a vote.

**MR. GREEN:** And the vote was in favour.

**MR. ERICKSON:** Pardon me.

**MR. GREEN:** And the vote was in favour, was it not?

**MR. ERICKSON:** Yes, but what I'm saying is the majority of people, some people in the division were against that from the very beginning. The carrot was that we would have better funding.

**MR. GREEN:** I really want to sort of get to the bottom line. The people in the area, by a majority vote, voted in favour of the larger division.

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

**MR. GREEN:** What you're saying is that some of them didn't know what they were voting for. That's always a complaint of politicians, that the other guys didn't know what they were voting for, but they did vote for that, did they not?

**MR. ERICKSON:** Yes, they did, and quite frankly I'm glad you brought that up, because I indicated to you earlier that at that particular time we were paying 80 percent of our tax bill to support our own education system, and we were given to understand that would never occur under the present system.

**MR. GREEN:** Some people were given to understand, by the present administration, that there would be no more deficits if they elected a Conservative government, but that didn't change the fact that the government of the province is Conservative by a change at that time.

**MR. ERICKSON:** Right, okay, but by the same token we are not here today to petition for more money. What we are saying is that we want a more responsive board and we don't believe that the larger system is working in our favour and certainly in the favour of other communities within the division.

**MR. GREEN:** The fact is, and I really wanted to see whether it's correct, that between 1967, when it was voted for, and 1975, before this Chamber of Commerce meeting, the people were satisfied with the larger division; at least there were no complaints.

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**MR. ERICKSON:** Yes, I think that happens in the same sense as we were advised many many times that one of the best ways to get action from government, in a dispute such as this, was to withhold your school taxes.

**MR. GREEN:** Who told you that? Somebody suggested that you withhold the taxes.

**MR. ERICKSON:** Yes, and that was an avenue that you could use, but if you follow that avenue down you find that the school division, in the same sense that they have the power to do these things, that they have done to us, also are able to collect the first part of the taxes before the municipality gets the balance. So, in effect, that would only hurt the municipalities who we support and we believe that we get better government from them than we do from the school boards.

**MR. CHAIRMAN:** Any further questions? Thank you, Mr. Erickson for your presentation. Committee rise.