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PRIVILEGES AND ELECTIONS

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Speaker*



FRIDAY, 4 JULY, 1980, 8:00 p.m.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty - First Legislature

Members, Constituencies and Political Affiliation

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS
Friday, 4 July, 1980

Time 8:00 p.m.

CHAIRMAN Mr. J. Wally McKenzie (Roblin):

BILL 31 THE PUBLIC SCHOOLS ACT

MR. CHAIRMAN: The Committee will come to order. May I ask anybody from the rural part of this province that are prepared to come here and present their views tonight and have to come back on Bill 31 or 19, if they would like to make their presentation, come forth to the microphone.

The Member for Virden.

MR. MORRIS McGREGOR: Mr. Chairman, I just had a phone call. Fort La Bosse is being represented by a group from Elkhorn that phoned from Portage. They're going to be a little late but they do want to go back tonight.

MR. CHAIRMAN: I have a delegation of ladies in the front row and there are apparently some air flight problems. Would you then appear before the committee. Then you're No. 11. Well, her name is not Jenner. Where are you on the list my dear?

MRS. PLATTNER: Eleven, I think. I'm not Mrs. Jenner, no. I'm Sybil Plattner.

MR. CHAIRMAN: She's part of your group.

MRS. PLATTNER: She's not here tonight but she's here . . .

MR. CHAIRMAN: You're speaking on her behalf. Proceed, Mrs. Plattner.

MRS. PLATTNER: I was asked to wait until the briefs are handed out.

MR. CHAIRMAN: Don't worry. We're politicians.

MRS. PLATTNER: Okay. Before I actually read our brief, we received in the mail today a copy of part of The Schools Education Act from Quebec and there were a couple things in here that I think are very appropriate. I'll make it very short and if anybody wants to be able to see these things in full, if you haven't got them, I'm sure we can get the address or you.

We believe it's wasteful to reinvent the wheel and we would like to share with you what one provincial government has done in recent years by guaranteeing appropriate help to all handicapped children.

In 1979 the province of Quebec issued firstly its policy statement and plan of action in respect to its total school system. Secondly, its policy statement and plan of action in respect to children with difficulties in learning and adaptation.

These laws have now become the law of Quebec. In view of the limitations of time I would like to refer

you to certain highlights from its report on children with difficulties in learning and on policy.

The aim of the policy is to ensure that children with special needs have access to quality educational services appropriate to their needs, within a regular school environment, in order to enable them to function effectively in the community as adults. In order to attain this objective, the Minister of Education will be obliged to act in close collaboration with other departments of government, particularly with the Minister of Social Affairs.

Now access to quality education: But it is not enough to guarantee these children access to our school, attention must also be focused on the quality of the services provided for them. Consequently, we must constantly bear in mind the twofold purpose of education optimum personal development and the social integration of the individual. It is within the framework of this overall educational project that appropriate measures of aid for children with difficulties must be established.

Now this is to do with teacher training and updating. To help maintain pupils with learning disabilities in regular classes and to encourage a pedagogical approach which will be at once better structured and more adapted to their needs, the plan also provides for, the development, in conjunction with universities and school boards, of standardized scholastic performance tests; the inclusion in teacher education programs of training in the use of scholastic evaluation tool, in respect for individual differences, in the provision of support services and in the diagnosis of minor learning problems.

Support to school boards for updating of teachers and school principals in the same areas. Modification of department guidelines with a view to providing appropriate services to pupils displaying minor learning disabilities, without the obligation to identify these pupils for administrative purposes.

Early identification. For several handicaps, early identification and diagnosis are essential for the maximum success of remedial action and rehabilitation. For physical and sensory impairments, the Minister of Social Affairs is planning a system of identification, starting at birth, as well as follow up procedures. The Minister of Education of Quebec, for its part, will ask the school board to collaborate in applying diagnostic measures to all school pupils as planned by the Minister of Social Affairs; provide for visual and auditory testing of all children admitted to kindergarten, as part of agreements between . . .

MR. CHAIRMAN: Mrs. Plattner. Is it possible that the committee could have a copy of what you are reading from.

MRS. PLATTNER: We'll give you the address. I don't know if I can leave this. It's one copy that we have and I don't know . . .

MR. CHAIRMAN: It's very difficult for the committee. Within a couple of minutes the Clerk will

have copies for all the members, if you'd permit us to.

MRS. PLATTNER: Have this . . . oh, right this evening you mean?

MR. CHAIRMAN: That's right.

MRS. PLATTNER: Okay. That's good.

MR. CHAIRMAN: Mrs. Plattner, may I suggest that you pursue your brief and your aid there, in a couple of minutes he'll and all the members of the committee will be able to communicate with you on the brief. Is that okay?

MRS. PLATTNER: Yes. We congratulate the government because for the first time a proposed Education Act requires school divisions to provide an education to all children who have the right to attend school. However, as has been well demonstrated elsewhere, an obligation to provide education does not imply an obligation to provide to a child an education appropriate to that child's specific needs. Our general concern is to assure that the educational system is required to meet the special needs of all exceptional children. The specific concern of our Association is to assure those rights to children with specific learning disabilities.

Specific learning disabilities result in an individual's ability to process language, to read, to spell and perform mathematical skills being significantly lower than that which can be expected of him or her at a particular age level despite conventional instruction and adequate intelligence.

Specific learning disabilities may be due to genetic or psycho-neurological factors. Although the etiology may not be certain, there is no doubt that the limitations caused by specific learning disabilities severely impair educational, vocational and social progress.

Learning disabled children comprise an estimated 10 percent of our school population. This means there are approximately 20,000 such children in our school system. The vast majority can be helped as part of the mainstream with adequate support services. Only a small percentage need intensive, long-term separate services. The great majority of these 20,000 children presently receive very little, if any, help.

Learning disabled children have often been described as children with a hidden handicap. It is difficult for the untrained person to determine the specific nature of a child's learning disability. It is, therefore, crucial to the remediating of the learning disabled that there be trained persons available, not only to provide early diagnosis, but immediately following such diagnosis, to prescribe and apply appropriate programs suitable to the child's individual needs. It is for this reason that we make the following submission which must be followed in order for learning disabled children to achieve their full potential as contributing citizens in our society.

We request that: All school divisions shall provide for all resident persons who are eligible to attend school; an education appropriate to their individual needs.

One of the measures of a society is the quality of education it provides for its members. From a purely practical point of view, it is more economically sound to educate all learning disabled children with appropriate educational programs, than to bear the future cost of the potential liability they will be to society in terms of welfare, mental health, and judicial system costs.

The means by which appropriate educational services can be provided for learning disabled children must include the following:

1. Appropriate training of all clinical and educational personnel in recognizing and assisting learning disabled children.

2. Early diagnosis and prescription of learning disabilities is essential to provide appropriate programs for these children.

3. Children should not be removed from their home school division unless it is absolutely in the child's best interests.

4. Where appropriate programs are not available within the school division, transportation and living expenses must be shared by the school division and the province. Parents must not be burdened by these costs.

5. When parents, or for that matter, professionals, believe that a child is receiving inadequate and/or inappropriate educational services, or that a child has been inappropriately removed from the school system, then that parent and/or professional must have the right to due process which includes:

(a) access to all records pertaining to the child,

(b) recourse to an independent tribunal and to the judicial system, if need be, including the right to call witnesses.

We appreciate that no one wishes to deliberately deprive a child from receiving an education which will enable him or her to become a productive member of society. But we are also aware of the fact that unless the right to an education appropriate to the needs of a learning disabled child is enshrined in the law, the majority of these children will continue to be deprived of an equal opportunity to become self-supporting contributing members of society. It is not their fault that they have special needs but it is their right to have the opportunity to achieve their potential.

I have a little poem I'm going to read to you before I close, and it says, 'Teach All of Me', and it's written by a learning disabled young adult. And it says:

Teach me to know myself making each day a step towards self-fulfillment.

Academic experiences must be meaningful to me.

Caring parents and professionals guiding my way.

Honouring my abilities while I strive to compensate for my disabilities.

All that I learn today leads to what I become tomorrow.

Let me take responsibility.

Offer me the opportunity to grow.

Foster my maturation and pride.

Measure me by all spokes of my individuality.

Expect the best I have to give,

I will seldom fail.

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For then you will have taught all of me.

We must guarantee to these children their basic rights. Their futures are in your hands.

MR. CHAIRMAN: Thank you, Mrs. Plattner. Are there any questions? The Member for Rossmere.

MRS. PLATTNER: May I call Mrs. Lois Henteleff to come and join me. We will try to answer your questions together as a team.

MR. CHAIRMAN: Very good.

MR. VIC SCHROEDER: On a point of order. First of all, I take it that when the copies of that Quebec Statute come back that the group will be allowed to continue with that portion of its presentation, is that the plan?

MR. CHAIRMAN: If that's the wish of the committee. There'd be another way of doing it, when the copies come back, that the members could peruse this at their own time. Was it your wish that you continue with the copy when . . .

MRS. PLATTNER: Well there was very little else. We were just trying to make a few points. It doesn't matter.

MR. CHAIRMAN: Very good. The Member for St. Boniface.

MR. LAURENT L. DESJARDINS: Mr. Chairman, here's only one thing. This is I think a statement of policy of another province and I don't think it would be fair to question the people on that. It should be received as information and treated somewhat differently than their own brief that we should question.

MR. CHAIRMAN: Very good. If that's in agreement with you, then we'll continue with the questions and we'll distribute the material when it has been copied. The Member for Rossmere.

MR. SCHROEDER: Thank you. Mrs. Plattner, how many learning disabled children are there in the province as far as your organization is concerned?

MRS. PLATTNER: Well, a very conservative figure is 10 percent. We feel there probably are more but if we want to be conservative, I would say 10 percent. I think there are about 243,000 school children in Manitoba (Interjection) Not that many? 200,000? So 20,000 . . .

MR. SCHROEDER: You're probably not being conservative enough on that portion.

MRS. PLATTNER: It seems we were right on in the brief, about 20,000 children with learning disabilities.

MR. SCHROEDER: How many of those children in your estimation would require long-term separate services?

MRS. PLATTNER: Probably 1 to 2 percent would need intensive long-term help.

MR. SCHROEDER: Is that 1 to 2 percent of the total school population or is it 1 to 2 percent of the 20,000?

MRS. PLATTNER: No, 1 to 2 percent of the 20,000.

MR. SCHROEDER: So we're talking about 200 to 400 students?

MRS. PLATTNER: That's right.

MR. DEPUTY CHAIRMAN: Mr. Schroeder, pardon me. If you would allow me time to identify you, then we'll get things correctly on our tape.

MR. SCHROEDER: Fine.

MR. DEPUTY CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Of those 200 to 400 students, do you have any estimation as to the number who are currently not receiving any education whatsoever?

MRS. PLATTNER: Most of them are probably getting some help, but not the amount of help that they need in order to get them to where they should be; if Lois has any more to add.

MR. CHAIRMAN: Mrs. Henteleff.

MRS. LOIS HENTELEFF: There are 50 children per year helped in the MACLD Lions Learning Centre at the moment. The vast majority of those children are from Winnipeg School Division No. 1. So the other 200 children are not getting intensive kind of daily help that they should be getting in a special setting.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Yes, thank you. You say that the majority of the 50 students a year who are helped by the MACLD Learning Centre are from Winnipeg No. 1. Why is that?

MRS. PLATTNER: That's because we have a contract with Winnipeg No. 1 to send children to the Learning Centre. So far, we have been unable to get contracts with any of the other school divisions to send children to our learning centre.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Yes, and the contract you have with Winnipeg No. 1, I take it that that contract gives you a financial payment, a certain amount of payment per student or per student hour. Is that right?

MRS. PLATTNER: That's right, they pay . . .

MR. SCHROEDER: I see. Mrs. Henteleff is disagreeing.

MRS. HENTELEFF: No, they pay for the staff, the teaching staff. The Director is paid from funds which we get from elsewhere, but the teaching staff comes from Winnipeg No. 1.

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MR. SCHROEDER: What portion, approximately, of the funding comes then from the Lions Club?

MRS. PLATTNER: Well, we get proceeds from the Lions Telethon. We got 65,000 the first couple of years; I'm not sure if we got 100,000 last year or if we're promised 100,000 for next year.

MR. SCHROEDER: You indicate that your learning centre takes about 50 children a year. I believe previous witnesses indicated that students come in for periods of 5 or 7 weeks. How many students do you have at a time then?

MRS. PLATTNER: I think 6 or 7 children at a time.

MR. SCHROEDER: And for those children, how many staff people do you have?

MRS. PLATTNER: Well they do an awful lot of one-on-one with the children. I'm not sure what the actual number of staff is.

MRS. HENTELEFF: The teacher-pupil ratio is one to one. Aside from the Director and the office staff, which you don't want to know about, it's one-to-one.

MR. SCHROEDER: Are the facilities and the staff large enough to handle all of the children who are currently attempting to get into the place, or is there a waiting list, and if so, what is the length of the waiting list?

MRS. HENTELEFF: Yes, there is a waiting list. The waiting list depends on whether you happen to come from the Winnipeg School Division No. 1 or from elsewhere in the province. Because of the contract we have with Winnipeg No. 1, we must take a certain proportion of the students from that division.

MR. CHAIRMAN: Excuse me. Before we go any farther. May I apologize. Your voices are so similar, it's going into the recording, I have already indicated Mrs. Plattner was speaking, Mrs. Henteleff, I apologize. Would you kindly just raise your hand who is going to speak. This answer that we're getting now is from Mrs. Henteleff. Is that correct?

MRS. HENTELEFF: Correct.

MR. CHAIRMAN: I apologize. Just kindly raise your hand, it's all being recorded. I would not, Mrs. Henteleff have something go into the record in the name of Mrs. Plattner. It's for the records and the Archives of this province. I apologize.

MRS. PLATTNER: That's okay. Our minds think very much alike.

MRS. HENTELEFF: We would very much like to enlarge our facility, we would very much like to see similar facilities elsewhere in the province, we know that it's difficult for people to bring children in from Flin Flon for five weeks or ten weeks, some children are put into a school classroom situation after they have been in the learning centre, sort of a transition program, and this makes it more difficult for people outside of the Winnipeg area. And so we very much would like to enlarge the facility we have; we would

like to enlarge our staff and perhaps not have quite the same ratio but still keep it as close to a one-to-one as possible. We would be most delighted to hear from other school divisions in order to make arrangements with them to have their children in our centre.

MR. SCHROEDER: When students come in this is two questions, first of all you indicated that there was a percentage of students required from Winnipeg, Winnipeg No. 1, under your contract with Winnipeg No. 1. I'm wondering, first of all, what that percentage is; and secondly, when students from outside of Winnipeg No. 1 come into your centre, to whom is the bill for the services sent?

MRS. HENTELEFF: There is no bill and it isn't a percentage . . .

MR. CHAIRMAN: Mrs. Henteleff, I apologize, this is a strange environment, the political arena. Just raise your hand and I will put in the record that you are speaking, he will tape it and your name goes in the record.

Mrs. Henteleff, proceed.

MRS. HENTELEFF: It isn't on a percentage basis. The learning centre is provided with a staff in order to have a certain number of children in the centre per year, so it isn't a ratio exactly. We must see the amount of children that we have contracted for with Winnipeg No. 1. I'm sorry, I've forgotten the second part of the question, oh, where does the bill come from? There is no bill because the teachers are hired by Winnipeg No. 1, and the bill does not exist because that's what the division gets back. They get service for the children in return for the teachers that the centre has.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: I had understood previously that when children from outside of Winnipeg No. 1, came to that centre, that in fact if their parents had the ability to pay that there would be charges of up to 700 or something in that area. Is that not correct.

MR. CHAIRMAN: Mrs. Plattner.

MRS. PLATTNER: Yes, that's correct. The Winnipeg School Division No. 1 is the only division that we have a contract with, so if they come from another school division, or we also take in children privately, they have to pay the cost. The cost when we first started, I think, was 500. I think now the cost is about 1,250 for diagnosis and a five-week term in the school. So if a parent is bringing a child in, if they live in a school division outside of Winnipeg and that school division won't send their child for a diagnosis they have to pay the cost themselves.

MR. SCHROEDER: If you are a parent living outside Winnipeg No. 1, you could conceivably pay 1,200 in order to assist your child in terms of that particular disability. How many of the children from outside Winnipeg No. 1, would in fact be required to pay that? Are most school divisions paying that or are some paying it?

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MRS. PLATTNER: I don't think we have a contract with any other school division, so I think that anybody coming out of Winnipeg No. 1 has to pay. The only problem then of course is once they've had their diagnosis or spent five weeks in the school, and when they are in the learning centre they go a half day to the learning centre and the other half day they are at home, they don't go to the school, to their regular school because they don't want them confused while they are at the learning centre. Then when they go back to their school after the five weeks, there should be ongoing communication between the learning centre and the child's teacher. We don't know what sort of communication there would be with children outside of Winnipeg No. 1.

I think Lois forgot to say we do have a satellite though. Did you mention the satellite in St. James?

MRS. HENTELEFF: May I answer that? There are some school divisions which have, on rare occasions, paid for the services of the learning centre for children whose parents cannot afford or, in some cases, because they are very puzzled and want to know the answers to their problems, so it isn't a regular kind of occurrence but it has happened from St. Vital and in River East that I can remember for the moment, but there may be other places as well.

MR. SCHROEDER: In your brief you refer to a matter of appropriate education and I'm just wondering if that terminology was included in the Act, whether you would see appropriate education as including the public funding of centres such as the one operated by your group?

MR. CHAIRMAN: Who is going to answer that one? Mrs. Plattner.

MRS. PLATTNER: We certainly could include that as being appropriate for diagnostic purposes, but when we talk about appropriate education for each child we are thinking about having the proper diagnostic and prescriptive services, tailor-made programs, for each child, for the needs of each child. Of course he would have to be diagnosed and the program would have to be set up for him and then when he is in his regular school system he would have to be taught in an individual manner in the way that he can learn, which calls for, of course, properly trained classroom teachers and perhaps speech clinicians, physical educators, reading clinicians.

MR. SCHROEDER: Yes, Mrs. Plattner is quoting from the Quebec statute which I had read some time ago. It deals to a great degree with philosophy behind education. Do you see any benefit in a statute dealing with education, talking about the philosophy and the rights of people, the responses of the system to the rights of the children in the system, do you see any benefits in having those kinds of terms and thoughts enshrined in statute?

MR. CHAIRMAN: I would think that on that particular the members of the committee we'll have those copies here in a couple of minutes and we could deal with it. Mr. Schroeder, maybe you have a copy, we don't, but if you want to proceed on that Mrs. Plattner, it's fair ball, but those copies will

be here in a couple of minutes we understand. Mrs. Plattner.

MRS. PLATTNER: That brief that I brought from Ontario, I have only seen it myself one hour ago. I couldn't possibly answer questions about what is in that.

MR. CHAIRMAN: I think, Mr. Schroeder, your questioning is rather unfair, until the members of the committee have access, but those copies will be here in a couple of minutes. Proceed, Mr. Schroeder.

MR. SCHROEDER: Mr. Chairman, on that point of order, the question I asked dealt not at all specifically with what Mrs. Plattner had just read out. The question asked was one of the philosophy of this particular group with respect to whether this particular group believes that there is some benefit in enshrining the general philosophy of education, of the government of the day, in an education bill. I believe, Mr. Chairman, that when you say that type of questioning is unfair, that that is simply not correct. It is a very fair question to ask of a group which appears before us with a document which deals in fact with the philosophy of education.

MR. CHAIRMAN: Mr. Schroeder you raise a very interesting point. There is no member of the province of Manitoba for any jurisdiction that has come to this desk or speak before that microphone, have to answer any questions. I hope those that are in the room tonight recognize questions may be raised by members of the committee. There is nothing in our rules that say you have to answer and that's the rules of this committee. I will try and guide it if the questions are unfair and make sure that the witnesses are not being cross-examined. We are only seeking information, and that's fair ball, and I hope the members that are in the room tonight and those that are before us right now understand the rules, and that's fair ball. Mrs. Plattner proceed. Mr. Doern.

MR. RUSSELL DOERN (Elmwood): Mr. Chairman, on a point of order. I concur in what you have just said, namely that it is at the option of people appearing before the committee, but my colleague has placed a question and if the lady wishes to answer it, then she is free to do so and if she wants to decline that's also her option, but he has put the question and I think that if she feels she wants to answer it, that's her prerogative.

MR. CHAIRMAN: Mr. Doern, I thank you for your wisdom. You are a long time member of this House, and you understand the rules. That's what I already told, Mrs. Plattner.

MR. DOERN: I was backing you up, Mr. Chairman.

MR. CHAIRMAN: I thank you for your judgment and I'm sure, Mrs. Plattner, you'll feel more comfortable now; proceed.

MRS. PLATTNER: I felt comfortable before all that started. It didn't bother me at all and I was ready to answer the question before we were interrupted.

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MR. CHAIRMAN: Mrs. Plattner, this is a political arena and I'm sure you know where you are.

MRS. PLATTNER: I know where I am, very well.

MR. CHAIRMAN: We want to make you feel comfortable, and have you and all the other people in this province comfortable. We want all the information to be provided on this legislation, before us. We thank you.

MRS. PLATTNER: I'll just say one little thing and then I think I'll pass it to Mrs. Henteleff. What I wanted to say, Mr. Schroeder, about that one point is the right to an education appropriate to a child's needs, was stated as one of the rights at the U.N. Last year was the International Year of the Child and it was stated as one of the rights of children and, therefore, it should be in the law of every country. I just wanted to make that point to you and if Lois has any more to say on that.

MR. CHAIRMAN: Mrs. Henteleff.

MRS. HENTELEFF: What I was going to add was that the bill does not have a statement of intent or philosophy, but all the way through there are statements of intent in a sense. We really would be very pleased if the philosophy of the government would be to provide an education appropriate to the individual needs of every child who is eligible for education in the province.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: That particular document also, you read out that it indicated that the Minister of Social Services, I believe, the Health Department or something similar to that would be responsible, in fact, to examine children for disabilities at birth or shortly after birth. How do you view that kind of a responsibility? Do you feel that that is something which should be in law in Manitoba?

MR. CHAIRMAN: Mrs. Plattner.

MRS. PLATTNER: Are you talking about our co-operating with Health and Social Development? Are you talking about that, are you talking about their places or are you asking me whether I think all children should by law be tested at birth, or from birth on?

MR. SCHROEDER: I think it's the second part. Do you believe that we should have a statutory mechanism by which children are tested shortly after birth?

MRS. PLATTNER: Yes, I think, you know, certainly where you know you're dealing with that risk children, there are methods now whereby they can test children, I think, from the age of three months on to find out if they are going to be potential candidates for any kind of learning problems. I was at a conference in Toronto a few months ago and I know that there are people who are working on that kind of testing. Now I'm not too familiar with what kind of test they do, but I do know that they can

start testing children from age of about three months on.

MR. SCHROEDER: Yes, again . . . I'm sorry, I'm going into a different area. How many people does your organization represent?

MRS. PLATTNER: Oh, well, we have a mailing list. We have a newsletter and we have a mailing list of 650, but we send it out to a lot of other people also who aren't members of the Association; we just send them out as a courtesy. We have a branch in Brandon. It's a new branch and I'm not too sure how many people we have in that branch at the moment. We have organized groups in Daupin and Lac du Bonnet, but more than that, we have a resource centre, we have a library and we disseminate information to thousands of people all over the province. We're getting to a lot of . . .

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Yes. In terms of the matter of appeal by parents who are concerned that their children are receiving inappropriate educational services, could you explain the mechanism which you would see for such an appeal?

MRS. PLATTNER: I'll start.

MR. CHAIRMAN: Proceed, Mrs. Plattner. May I now advise you, Mrs. Plattner, the members of the committee have copies of the brief that you started with, so you're prepared to proceed on debating those matters as well? Proceed, Mrs. Plattner.

MRS. PLATTNER: What we would like to see, first of all, is some sort of a committee set up like if a parent has a problem, so that there is somebody they can go to, perhaps made up I think you've heard this before, because I've been listening to briefs and I've heard people saying the same things that we want to say but I don't think it hurts to repeat it perhaps a school trustee, teacher, whatever, 49 percent of professional people and 51 percent parents. Because we as a parent group like always to keep the parents on top of things. If we have a problem and that doesn't work, then we think that we should be able to go to an ombudsman, and we thought we were going to be first with that one but we're not. But we do have an answer to a question that people have been asking. You've been asking, are there any ombudsmen in the educational field? In Ontario, there is an ombudsman. He is not specifically an educational ombudsman, but he does deal in educational matters. There's also an educational ombudsman in Denmark. Other than that, I'm not too sure. If the ombudsman doesn't work or can't settle a disagreement or whatever, then we feel we have to move to the judicial system. And at this point, I let Mrs. Henteleff to take over.

MR. CHAIRMAN: Mrs. Henteleff.

MRS. HENTELEFF: Thank you, but I have nothing to add. I think that Mrs. Plattner has done very well.

MR. CHAIRMAN: Mr. Schroeder.

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MR. SCHROEDER: Would you see the ombudsman as having a different role from the ombudsman whom we currently employ in the province? That is, if you take an appeal to the ombudsman now, he has the right to recommend to government; he doesn't have the right to make a decision. Would you see this particular individual as having the right to make a decision, and if so, why would you need a further involvement with the judicial system beyond that?

MR. CHAIRMAN: Mrs. Henteleff.

MRS. HENTELEFF: To begin with, we would hope that the ombudsman would be able to not just make recommendations but would be able to make decisions which are binding. However, the due process system doesn't leave people hanging in mid air in any other situation except in the educational system. If patients have recourse to the law if they feel that there's been malpractice, we feel that parents of children should have recourse to the law if they cannot to the judicial system, if they feel that there's been a serious malpractice involved.

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

MR. CHAIRMAN: Mr. Walding.

MR. D.J. WALDING: Mr. Chairman, Mr. Schroeder asked a number of questions that I had but if I can ask a couple of Mrs. Plattner, please. You've indicated that the figure of 20,000 for Manitoba is derived from a figure of 10 percent. Do you have an actual number of how many children with learning disabilities have been identified in this province?

MRS. PLATTNER: I'm sorry, I couldn't hear you. I didn't hear the last part of that question.

MR. WALDING: Do you have a figure for how many children with learning disabilities have been identified in this province?

MRS. PLATTNER: Well, you mean over the year? Over the years I don't know exactly. We know that if you have a classroom of 30 children, there are going to be 3 in that classroom who have a learning problem. So if you're asking me, do I know how many there are, this year if there are 200,000 children in the school system, then there are 20,000 children who have a learning problem.

MR. WALDING: I realize that you've derived your figure of 20,000 from a percentage figure of 10,000, that's how many there should be according to your best guess. How many are there that have been identified?

MR. CHAIRMAN: Mrs. Plattner. Mrs. Henteleff.

MRS. HENTELEFF: The fact is that there is insufficient number of clinicians in the province to identify children with learning disabilities. The courses required at the University of Manitoba at the present time do not require teachers to know anything about learning disabilities. There are some courses available but they're not very intensive. The University of Brandon has a more intensive course

but there simply are not enough trained people to identify the children. We know that there are 20,000 because the percentages have come up in other jurisdictions and I can give you my sweet sources, if you'd like, for these statistics. But as far as the number that have been identified, all I can say is that if we have 650 people on our mailing list, we have probably 650 identified children. But they may have been simply identified by a classroom teacher who says, I think your child may have a learning disability and parents phoning the association and saying, help, what do we do next? There are enough people in the province to do the work but they are not trained at the present time.

MR. WALDING: So you're saying, perhaps 3 percent of the total of 20,000 have been identified and the problem being as you have just outlined it. Can I ask you now, if we wanted a system that would screen every child, missing out no one, and we decided to do it when the child enters Grade 1 or kindergarten, whatever the case may be, would this be a suitable age to diagnose a child? Is it too late, is it too early, or is there an optimum age?

MRS. HENTELEFF: There are some children that we know are at risk. Children who have suffered birth trauma, children whose parents have a history of learning disabilities; whose brothers and sisters more than one may have a history of learning disabilities. There are a number of children that we know are at risk and should be looked at as soon after birth as possible. For the general population, if the Day Care Centres were part of the educational system, that would be the place to start. But since kindergarten is the earliest point at which you can start, then you have to start at the earliest point at which the educational system has control over the testing procedures.

MR. CHAIRMAN: Mrs. Plattner.

MRS. PLATTNER: I just wanted to add one thing to what Lois said as far as early identification. We have one place in Winnipeg that does do early identification and that's the Child Development Clinic at the Children's Hospital. Now if a child is not doing the things that he or she should be doing from a very early age, they can pick that up at this Child Development Clinic. Unfortunately it's the only early diagnostic tool we really have in Manitoba and there are an awful lot of people that probably aren't even aware that they can take a child that they think has got a problem to this Child Development Centre. The only way that one actually can go there is through referral of a pediatrician and there aren't all that many pediatricians who will recognize that a two year old may be a potential problem and say to the parents, we better have him looked at. So you have to have people who are aware and who know what to look for.

MR. WALDING: If we were to go to this method of screening at kindergarten or Grade 1, you've already mentioned the lack of courses for training teachers, would you see that the screening could be done by teachers in the classroom if they were given the appropriate courses? Or is the screening process

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itself, something that should be done by clinicians or experts in that particular field?

MR. CHAIRMAN: Mrs. Henteleff.

MRS. HENTELEFF: The answer is both. Yes, a properly trained classroom teacher can do the gross testing. They will find some problems that aren't problems. Maybe out of a class of 30 they may find 5 children instead of 3 or 10 children instead of 3. Then the 10 or 5 or whatever, should be sent to a trained clinician who then can further weed out the problems and say, no, this child does not have a learning disability but however that child has an auditory impairment or a visual impairment of some sort and can get down to identifying exactly what the needs are and how to deal with the child.

MR. WALDING: Do you see the root of the problem here as being teachers who are not adequately trained for this job, or a lack of clinicians in the province generally? Or both?

MR. CHAIRMAN: Mrs. Plattner.

MRS. PLATTNER: Turning it around a little bit; if we have the proper diagnostic tools to catch these children from the time they were three or four, let us say in a nursery school, a lot of children go to nursery school these days, and somebody who is very perceptive can pick up in nursery school that a child is going to have a problem, if they catch that child and start remediating, get a diagnosis and then start to work with that child, by the time he gets to Grade 1, it isn't to say that he isn't going to need help, but the teacher won't have to diagnose if the work is done before that child ever hits the school system. But that's a dream, I'm sure, and all teachers should at least recognize that they've got a child who is different or that's got a problem, and there are still teachers in our school system today who don't know what a learning disability is.

MR. CHAIRMAN: Mr. Desjardins. Monsieur Desjardins.

MR. DESJARDINS: Mr. Chairman, I am sure that the committee would allow me to congratulate you. Our Chairman has just been informed that he is a grandfather for the eighth time and that might explain why he's so happy tonight.

First, a question to Mrs. Plattner. You were referring, I thought, to this document that was being prepared and you said that you'd only had an hour or so, you said a document from the province of Ontario. Did you mean Quebec or have you something from Ontario?

MRS. PLATTNER: Did I say Ontario? I'm sorry, I meant Quebec. I had only looked at the booklet that came in from Quebec one hour ago.

MR. DESJARDINS: Mr. Chairman, some of my questions that I was going to ask have been answered, especially by Mrs. Henteleff, but I would like to know, the first priority of course is that you would like to develop the teachers to be able to identify the needs. I am appalled to know that this is not a requirement of somebody that would get a

degree to teach. I'm surprised at that. But if I understand you right, you run a Centre and these people are either referred to you by school divisions, schools, or private individuals. But upon request, or is it something that you wouldn't want to encourage, do you work with the schools, do you go to the schools to work with the teachers? Are you ever requested to do so or do you think that this would be something worth while?

MRS. PLATTNER: Are you talking about the learning centre now?

MR. DESJARDINS: Yes, your group of experts, yes.

MRS. PLATTNER: Right. After a child has been diagnosed and has gone through the learning centre and then goes back to the school, they do keep in touch with the child's teacher. They do give the child's teacher instructions as to what has been done with the child and what has to go on. It's an ongoing service. They do go into the school and see that the child is being helped properly. Now if Lois has more to say on that . . .

MRS. HENTELEFF: I understood the question a little differently. The people in the learning centre do not go out and diagnose in schools. They'll go out and speak to groups of teachers on request, or groups of parents or whatever, but they will not go out to schools to work with individual children because it's important to take the child out of the failure environment for even a short while. The child has felt failure in that room with the desks and green wallboards and the same teacher and whatever for several months or years or whatever, and it's a necessity to break that failure environment and that's why the importance of a learning centre, even for a shorter period of five weeks, is important. So it is part of the policy of the learning centre not to work in the schools until the child has been through the learning centre and broken that failure syndrome.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, I understand that and I understand the value of the Centre, and I wasn't suggesting that in lieu of doing that you should start working in the schools. But it seems to me that if you are going to get the result that you want, it is important to work with the children, but also it is important to educate the teacher also and I thought, do you do such a thing as helping the teacher on the job and maybe spend some time with them to try to assist them in identifying these needs, and then, of course, taking them out of there. I meant, it seems to me if I read this correctly and if I have understood what you have been saying, that unfortunately there are not enough teachers that really understand, that can identify these needs, and you are helping probably the very few, the lucky ones. But to reach more people, my question was, do you assist the teacher, to train the teacher in other words, to do this? Are you ever requested to do that?

MR. CHAIRMAN: Mrs. Plattner.

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MRS. PLATTNER: I was going to say something else, but I will let Mrs. Henteleff answer this part of Mr. Desjardins' question.

MR. CHAIRMAN: I apologize, but you raised your finger and I thought . . . Mrs. Henteleff.

MRS. HENTELEFF: The learning centre staff does not do this, however the Association itself does on a regular basis work with groups of teachers when they are requested to. There is an annual meeting where we bring experts from all over the country, all over the world for that matter, to which teachers come. I believe about three years ago there was something like a thousand in attendance. We do do this kind of thing, it is a very short kind of thing. The learning centre staff is not hired to do that kind of thing, but the Association itself attempts to do this on a workshop basis by getting experts from out of the city or within the city to work with groups of teachers or clinicians. It has made some mark, obviously. We are not in Square One anymore.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, I think Mrs. . . .

MR. CHAIRMAN: Mrs. Plattner, I apologize.

MRS. PLATTNER: I just wanted to add that one thing that we do do in order to get teachers hearing about learning disabilities is we have an annual conference and we have been doing that. We just had our Twelfth Annual Conference and oh, you said that, you see I didn't hear that but we get registrations of about 800 people at our conference and the evaluation sheets always come back with the teachers saying we want something more intensive than a two and one-half day conference, where we are just scratching the surface, and then we go back to the classroom on Monday morning and we still don't know what to do.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, to the ladies, what kind of communication do you have with the teaching profession? Are you well received? Are you improving? This, of course, these things when you invite them it is certainly not compulsory, but is there any talk that they will tighten regulation or introduce certain courses to deal with these people and to insist that all teachers at least receive some education in this. Are you progressing in this at all?

MR. CHAIRMAN: Mrs. Henteleff.

MRS. HENTELEFF: We have had a great deal of co-operation with the Teachers Society. We haven't had quite as much co-operation with the University. It doesn't seem to teachers in training don't seem to know what they need to know when they get into a classroom, and so it is not until teachers are at the in-service level after they are in the classroom, at the workshop level, where our Association has been involved in panel discussions and workshops and so on. It doesn't matter what profession you are talking about, you can't expect a green person who comes to a university to know what they are supposed to

learn; the university is supposed to tell them what they are supposed to know, and as yet the University hasn't been very forceful.

MR. DESJARDINS: This is my point, I don't know if you really understood my question. The co-operation between the teacher and yourself is very important, but I mean lobbying in effect with the association of teachers, or with the Faculty of Education, who would insist to introduce certain courses that these people should have, at least the minimum for teachers that then could more readily identify these people with these needs. This is what I meant. Is there any talk like that going on? Is there an effort to doing that, or don't you think that is needed?

MRS. HENTELEFF: It is probably needed. We did try this several years ago. Unfortunately, our staff is very small and volunteers are really working very hard, and we felt that we really had to move where we felt we were making inroads and an impression. We had to stand back and wait for things to change in the places where we weren't making the impressions.

MR. DESJARDINS: Mr. Chairman, my last question to the ladies. Your staff and your people, what are they? Are they trained people? Do they have a certain degree, or are they just well-intentioned and people that might have had experience and that are interested and that? What qualifications must they have to be teaching there?

MR. CHAIRMAN: Mrs. Plattner.

MRS. PLATTNER: Are you talking about in our MACLD Association or are you talking about the Lion's Learning Centre? You see, we are one, but we are two.

MR. DESJARDINS: That is easy, give me both.

MRS. PLATTNER: Well, okay. In our MACLD office, in our own office, we have an Executive Director and we have a secretary. The Executive Director runs the office and mostly what she does is disseminate information we have a library and she does an awful lot of talking on the telephone to parents who are in trouble. She is a parent of a learning disabled young adult. She doesn't have a degree, but she has got a background in heartache, aggravation and all this sort of thing, so that makes her very good for counselling other people who are in trouble.

At the learning centre we have a staff of teachers, as Lois said, who are paid by Winnipeg No. 1. We have an Executive Director, who has got training, of course, in special education, and there is a staff of secretaries. And then there is also a coordinator of volunteers, because at the learning centre they use a lot of volunteers.

MR. DESJARDINS: I am sorry, but that doesn't really completely answer my question. Those volunteers, those teachers that you have, what special training, are they just teachers that want to go in this field that have received their certificate, or is there any extra work, and any extra course or

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anything like that that they have received to participate . . .

MRS] PLATTNER: Do you think I could call upon the Chairman of the Board of the learning centre to answer those specific questions for you, Mr. Yude Henteleff?

MR. CHAIRMAN: We would be pleased to hear from the Chairman.

MRS. PLATTNER: Mr. Yude Henteleff.

MR. YUDE HENTELEFF: You will forgive me for my dress, Mr. Chairman.

MR. CHAIRMAN: Proceed, Sir.

MR. DESJARDINS: Join the club.

MR. HENTELEFF: I was on the way to pick up my wife to go to the lake.

MR. CHAIRMAN: In the House we have to wear ties if the Mace is on the table. In this room dress is not important. We want to hear the words and the wisdom and what the people of this province want to tell us about this legislation. Proceed, Sir.

MR. DESJARDINS: And in the House we don't care.

MR. HENTELEFF: Well, if you don't care, I don't care either, Mr. Desjardins.

MR. CHAIRMAN: Proceed, Sir.

MR. HENTELEFF: Thank you. As was, indicated I am the Chairman of the Lion's Learning Centre.

MR. CHAIRMAN: Could you have your name in the record, Sir, for the tape?

MR. HENTELEFF: Yude Henteleff.

MR. CHAIRMAN: Proceed, Sir.

MR. HENTELEFF: The Director of the learning centre, Dr. William Stephens has his Ph.D with a speciality in Learning Disabilities. There are four personnel, all teachers, who are specialists in the field of Learning Disabilities and in Special Education. We also have a person who is not only a co-ordinator volunteer, and she is a non-trained person, except with a good deal of background. We also have four part-time what we call liaison teachers, as well as a person who is the head liaison co-ordinator. Each of these liaison teachers happen to be teachers, qualified teachers, but are unable, if I can put it this way, to find employment full-time, and that is simply because there is a surplus, as we may be aware, of teachers in this province.

In the result, because of particular training that they have received in the learning centre, as well as from 70 to 75 volunteers, all of whom receive very intensive training. And the work that the volunteers and liaison teachers do is to follow the child into the school system and work together with the parent and with the child and with the school teacher, so that in answer to your earlier question, yes. In fact, this use

of volunteers, who we think put in about 20,000 hours last year, plays an extremely valuable role in creating a bridge between the learning centre and the school system.

We try to have the school system develop what we call, receiving schools, in the sense to develop expertise at their own particular level, in order to be able to absorb these children when they come from the learning centre. It was found, however, that unfortunately the vast majority of teachers hadn't received the necessary training within which to provide the kind of help that was necessary but, with this use of volunteers, and these are women and young men from all over the city. Some are women who have their families grown up and who have been teachers or social workers. A good many of them, I may say, are students from the Faculty of Education, Department of Psychology and from Social Work, who don't get any credit for placement with us, but in fact find the experience so worthwhile and so rewarding in terms of being able to learn during that process what they haven't been able to learn elsewhere, that they spend an enormous amount of time. Without those volunteers we couldn't do the job that's been done.

Now we have had two separate evaluations over the past two years, done independently by a team from the University of Winnipeg and the University of Manitoba, who by the way sit on our board as well as a member from the Department of Education and two from the Winnipeg School Board. So that we have representation from the Lions Club, from the Junior League, from the Department of Education, from the two faculties of education, as well as from the Child Guidance Clinic, on our board.

It has received overwhelming approval over the extent to which children who have come into our centre, being perhaps two to three grades behind in some vital subjects such as math and reading, within a period of five to ten weeks, pick up sometimes a full grade and sometimes a grade-and-a-half in that short period. So unfortunately the five weeks is far too low, but that's the most expensive time because that's when it must be on a one to one ratio. We're desperately trying to extend that to ten, and even to half a year, but with great difficulty.

MR. CHAIRMAN: Mr. Henteleff, may I thank you for raising the Lions. I am a Lion and a lot of members of this committee are Lions, and at least you've brought our name into play . . .

MR. HENTELEFF: May I tell you, Mr. Chairman, so that we've tried very hard to advise the community of the Lions' involvement. In the last four years, the Lions Telethon, they've contributed over 500,000 to the operation of this learning centre and it is a unique partnership, if I can put it that way, between the community, generally, between a school system and between the parents. It's really unique and the Lions, bless them, are the most fantastic group of men that have ever been on the face of this earth.

MR. CHAIRMAN: Thank you, Sir.
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MR. DESJARDINS: That's not necessarily including Premier Lyon.

MR. HENTELEFF: I would include him amongst that group since he qualifies, if not by anything else but by name alone.

MR. CHAIRMAN: Mr. Henteleff, I'm sure there are all kinds of Lions in this room tonight. Proceed. Let's go another way.

Mr. Desjardins.

MR. DESJARDINS: Mr. Henteleff, if the Faculty of Education was to decide that before a teacher would graduate, receive his or her degree, that they would have to spend two weeks with you; first question, would it be helpful to you; secondly, could you accommodate them? Could you do this?

MR. HENTELEFF: Yes, it would . . .

MR. DESJARDINS: And third, would there be any value?

MR. HENTELEFF: I'm sorry, Mr. Chairman. Yes, it would be very helpful indeed if we were accepted as a placement situation because it would give them credit for what they're doing in any event. But a more important thing . . .

MR. DESJARDINS: Could you handle that?

MR. HENTELEFF: Oh yes, provided of course that the expansion that we are presently now considering, and which hopefully the Lions with a prospective capital campaign will support and we hope that the government will support, if I may put it that way, but I would like to put it very quickly. There is a very important thing you should be aware of. The University of Alberta considered that the problem of learning disabilities and the degree of prevalence was so important that they created a task force, whose report was issued about six months ago, and the report is a superb report and if you don't have a copy of it, I'd be happy to make it available to you.

That task force report emphasizes the responsibility of the university not only to make those courses compulsory in education because of the tremendous percent of all children having this problem, but they also mandated the Faculties of Medicine, Social Work and Psychology to get together with the Faculty of Education and put their minds together so that each of those disciplines give this particular problem the attention it deserves, and the university also mandated all of those faculties that as part of their planning they must create a bridge between what they are doing and what the community is doing and provide a direct service component to the community as well.

MR. DESJARDINS: Well, thank you very much, Mr. Henteleff, that . . .

MR. CHAIRMAN: Before we proceed much further, I'm having very difficult times as a Chairman in this forum it's a political forum. Mr. Henteleff, if you'd refer to the bill, just at least once in your replies, I'd be more comfortable because it goes into the

record. And that's what we're here about, to deal with the bill that's before us.

MR. DESJARDINS: On a point of order, Mr. Chairman, the whole brief is intended to address itself to the bill. I don't think that we will take you to task for that. They are just giving us more information about something that I, for one, wasn't aware of, and I welcome this information of this good, worthwhile organization and I think there's little doubt that we're talking about the same thing.

MR. CHAIRMAN: Mr. Desjardins, members of the committee and those that are here. I have no problems at all. This is valuable information for the province and for Canada. But in our forum here, we suggest that at least once, refer to the bill, that's all I need, if you would be kind enough.

Mrs. Henteleff.

MRS. HENTELEFF: Mr. Chairman, on page three of our brief, if you'll notice it, at the bottom there, there are it's numbered, one, two, three, four the first thing that we felt was most important was the appropriate training of all clinical and educational personnel. So if that assists in any way to tie . . .

MR. CHAIRMAN: Just mention Bill No. 31, and then I'm free.

MR. HENTELEFF: I'll be happy to mention that, consistent with the remarks that I just concluded making.

MR. CHAIRMAN: Then the debate would be very wide-ranging, Sir. Proceed.

MR. HENTELEFF: I would suggest that, with respect, since for so long the rights of so many handicapped children haven't been specifically provided for in an Act, that many areas in the United States and Canada have come to the conclusion that rather than it being indefinite, it's obvious that because of the lack of awareness, the lack of interest, the lack of concern, that it is appropriate to be very specific and very definite. And I think that's really the point that's being made not just here, but in the University of Alberta, the province of Ontario, the province of British Columbia, the province of Quebec, as I understand you've heard earlier this evening, and they have decided that there should be no room left for any doubt as to what it is these children need and what should be done in order to enable them to receive it. In respect to Bill No. 31.

MR. DESJARDINS: Before Mr. Henteleff leaves, to help us here with Bill No. 31, would you make sure that we get a copy of this report, maybe send some to the different caucus rooms? Or at least one for each . . .

MR. HENTELEFF: I'm sorry, Mr. Chairman. Do you mean the Report from the University of Alberta? Yes, we'd be happy too. And we'd also be very happy, by the way, to provide you with copies of the two evaluations made of the learning centre, because that will give you some idea that when people receive the training that they need, and the support services they need, that an enormous progress can be made

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with these children and the cost-benefit ratio and I'd be happy to provide you with a paper on this as well proves absolutely categorically that these children, when helped, very quickly can become productive citizens and more than make up any front-end costs, that anybody is obliged to put up.

MR. CHAIRMAN: Thank you, Mr. Henteleff.

MR. DESJARDINS: Maybe you should work with the members of this House.

MR. CHAIRMAN: Mr. Brown.

MR. BROWN: Thank you, Mr. Chairman. I would just like to say that I too am a member of the Lions Club and I'm very pleased that the Lions Club is involved in this type of work. The question that I'm going to ask, Mr. Chairman, is going to be out of order, it does not go within the parameters of Bill No. 31, but I would like to have leave of the committee, while we have these people here, to ask them one short question.

We've heard many briefs which deal with the problems of the child with learning disabilities in the classroom and prior to that, earlier on in your brief, you mentioned high-risk parents and it just came to me that these high-risk parents, as a rule, have large families, seven to eight children in a family of high-risk parents is not uncommon. Do you know, or are you involved in any counselling services that could be provided to these parents? Or do you know any organization that is involved in counselling services? In other words, could we prevent this type of thing from happening?

MRS. HENTELEFF: You have misunderstood what high-risk families are. High-risk families are not necessarily large families. High-risk families are families where there has been a history of learning disabilities. A child who is a high-risk child is a child who may have had some birth trauma, may have had some accident or disease, or something has occurred to stop his breathing for some short period of time. We don't know all the reasons, but certainly the size of families, as far as we know, has nothing to do with having a learning disability. As a matter of fact, the one interesting statistic that we do have is that there is a large proportion of adopted children who have learning disabilities. Now whether it's because it's easier for parents to accept that the fruit of their loins is or is not as easy to accept that their own blood is not quite perfect, whereas an adopted child may be acceptably not perfect, or whether adoptive parents, and I believe this is probably the more likely one, are better trained, more likely to notice abnormalities, more likely to be more objective, and so they notice and so we have a very high proportion of small family, adoptive families, small adoptive families.

MR. BROWN: Is it your opinion then that there is very little that can be done to prevent this type of thing from happening?

MR. HENTELEFF: The fact that there has been an enormous amount of research in the United States and the fact is that in terms of prevention, they know

for certain that it what we call psycho-neurological in origin. Which simply means that for whatever the reasons are, it may be genetic, it may be prenatal trauma, it may be immediate post-natal trauma, that is damage occurring before birth, inappropriate diet or whatever, which causes something to happen to some of the receptive parts of the brain, which in turn give inappropriate messages, so that people see words backwards or whatever. But we learned a long time ago, that if one had to wait to find out what the cause was, that all these children would still be sitting in limbo and the fact is that many things can and are being done. But there is no doubt also that there is a need for an enormous amount of research.

But what's most critical of all, is early identification and that's why, whether it's here, or in the United States or in if I could put it without being critical those places who have taken giant leaps forward in this field. When you can get an at risk child and you can see them as early as age six months, and certainly by two years, that if those children at that stage of the game get the kind of attention and diagnosis then, in fact, prevention can occur because in the vast majority of these cases, with the appropriate intervention at that time, the vast majority of these children can be helped. So by the time they get to Grade 1, or Grade 2 or Grade 3, these children can then be like any other child. They learn how to use their strengths. Unfortunately, far too many of these children don't come to our attention until they are in Grade 4, and Grade 5 and Grade 6. By that time the inappropriate learning patterns, the emotional problems which have set in because of their continued failure make it profoundly difficult.

There is a very simple formula, Mr. Chairman, that after Grade 2, for every year that you postpone, it takes twice as many people, twice as highly trained, twice as expensive, with half the chances for success. Now, there is no doubt about this; it is absolutely proven. So that by the time that child gets to Grade 6 or Grade 7 I'm not saying you can't help them but to enable that child to go back and begin to re achieve the potential which they had always been capable of, it's practically impossible. These children become lost and that's for certain and the correlation between, for example, juvenile delinquency and this problem is horrendous and also proven.

MR. CHAIRMAN: Mrs. Plattner.

MRS. PLATTNER: I just will go one little bit further. When we talked about it's more economically sound to educate all learning disabled children, which is just going a little further with what Yude said, I just have a couple of statistics. It costs 18,000 or more to keep a person in jail for a year; it costs 25,550 for psychiatric care for these people for a year. At a hospital, an in-patient person at the Health Sciences Centre, 36,000 a year and the ones that really don't get any help at all and can't function, if we are lucky enough to get them into some sort of a workshop type of thing so that they are doing something like, you know, ad infinitum, 65,700 a year. If you add all that up with all the children that do have these learning problems, it seems to me that there

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absolutely is no choice but to catch them early so that when they do grow up they can pay taxes like we do and be members of society, rather than having us supporting them the rest of their lives through welfare, psychiatric things, workshops, what have you. And jail, because a lot of them do end up in jail.

MR. BROWN: Thank you, Mr. Chairman. I know that some of these things we have been discussing do not come under the parameters of Bill 31, but I would like to thank this committee for coming out.

MR. SCHROEDER: I have a question for Mr. Henteleff, and it deals with the question of whether an objects clause would be of benefit in an Act such as this, that is whether he feels that Bill 31 would be improved by a statement of intent starting out dealing with what our children are entitled to, the entitlement to an appropriate education, the entitlement to the advantages of a system of education which would be conducive to the full development of the personality of a child which would allow him to develop his faculties, his personal judgment, a sense of moral right or wrong. Do you believe that an Act such as this would be improved by that type of a clause?

MR. CHAIRMAN: Would you raise your hand, whoever is going to reply to that?
Mr. Henteleff.

MR. HENTELEFF: First of all, I had thought that perhaps might have been dealt with earlier by the brief presented by the MACLD, and if in fact, as I understand they may, have supported the fact that there should be an objects clause, the answer is yes. I think, to simply state that a person is required to attend school to receive an education isn't appropriate because it's been well indicated elsewhere that simply being required to be educated does not necessarily say that a child or a person is thereby automatically entitled to an education, a specific education related to their specific needs. I suppose it might be argued that it's merely a matter of semantics, and I know full well, from conversations that I have had with him, that the Minister of Education, the Honourable Mr. Cosens, is totally in support of the idea that every child, as a right, should receive that kind of assistance. I must say that we commend him for the fact that we have progressed to the point where this bill, in fact, says that they are required to give that child an education and I think he has made a very progressive step.

But on the other hand, with a great respect for him, and we've had many discussions on this subject and they've always been mutually productive, I hope, with the greatest respect to the Minister, I personally feel, for the reasons that I'm sure have been expressed to you by this group as well as others, that we simply can't afford to take any chances, and really when it comes down to it, it's that. Far too many chances have already been taken with too many children, and so many of them have waited for so long. Let's be certain; let's be sure; let's not leave any doubt, because if there is the smallest doubt, that means a child is going to suffer. So in order to make sure that there is no doubt, then let's be

specific. Let's not leave it to chance; let's not leave it to whim; let's not leave it to whimsy; let's leave it to a matter of absolute basic right for these children to receive that which is their due.

I hope I have answered your question.

MR. SCHROEDER: Yes. Further, I thank you for that answer, and further on the matter of Bill 31 and its dealing with the right to an education, would you say that Bill 31, in dealing with that right, is an improvement over the old Bill 58?

MR. CHAIRMAN: Mr. Schroeder, I thank you kindly. I think the debate has gone on, except I raised the bill, for almost an hour and a half, and those who are going to do a research, even tomorrow, or 25 or 50 or 100 years from now, and you know the pages have gone into the records. I thank you, Mr. Schroeder for finally bringing us back to Bill 31, and that's what we're here about, sir, and I have a difficult time as Chairman. The debate is wide-ranging and there's no problem, we're here to listen to all the information, but if we could kindly just keep referring to that bill, then those who are doing research 100 years from now, or 200 years, because we're breaking new ground and we thank you for your contribution. We want all the information. I thank you, Mr. Schroeder. Mr. Henteleff, proceed.

MR. HENTELEFF: May I say that to have it in a preamble, without making it part of the Act, doesn't mean a thing. So that it must become an operative part of the Act. I would like to add that to my previous comments. And I may say that in response to your question of whether 31 is an improvement over Bill 58, is that the number of the old Bill? Which is Bill 58, I'm sorry?

MR. SCHROEDER: To assist Mr. Henteleff, that's the one that was passed, I believe in 1975, and not proclaimed.

MR. HENTELEFF: Oh, I see. If I can recollect, that particular bill did say something to the effect that an education appropriate to a person's needs but I'm not sure it went that far, and if it didn't go that far, then it wasn't appropriate for the same reason that I suggest that this particular clause is inappropriate in Bill 31.

MR. SCHROEDER: Thank you, Mr. Chairman and thank you, Mr. Henteleff. I would just, on the same grounds as the members opposite, want to unburden myself and let the members of MACLD know that I am a member of the Lion's Club. Thank you.

MR. HENTELEFF: Mr. Chairman, I wish that were the subject tonight, because if you want me to give blessings to the Lion's, I'll bring you in hundreds of parents and hundreds of children who say a little prayer about them every night. I'm a member of the Lion's, too.

MR. CHAIRMAN: I apologize to Mr. Schroeder and Mr. Henteleff, earlier in my comment, there is likely dozens of Lion's in this room tonight, sir.

MR. HENTELEFF: I hope so, because they deserve all the credit they can get.

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MR. CHAIRMAN: Very seldom has their name ever been raised in this committee, and they deserve it.

Mr. Walding.

MR. WALDING: I'm not a Lion, but can I ask a question anyway?

MR. CHAIRMAN: Certainly.

MR. WALDING: Mr. Chairman, I want to ask a question of Mr. Henteleff, and it seems a problem breaks down into two parts, the school system as it applies to children with learning disabilities, and that's why I had asked an earlier question about some form of screening at the first introduction to the school system. You said in answer to a question a little earlier that diagnosis was important as early as six months or even two years old. Would you agree that that age is not the responsibility of the school system, and if it is not, then can you suggest a manner in which children might all be screened at that age so as not to let children through to be spotted at some later and more expensive stage?

MR. HENTELEFF: First of all, I would want to make something quite clear. Our relationship with the teachers throughout Manitoba couldn't be better. It isn't a question of their not wishing to help these children, not at all, but they do lack the training that they should have received, and unfortunately, the in-service ties being as short as they are, regular in-service is totally inadequate to enable them to receive the training that they should receive.

Secondly, they are lacking the availability of the kind of support services and materials which, if they were available, and which, if there were people available to them to help them use them, they could deal with perhaps close to 80 to 90 percent of these children. 80 to 90 percent of these children could be helped by the regular classroom teacher if they received the adequate training and if they received, locally, the kind of resources that they need. So it's a question of marshalling these resources.

There are some school jurisdictions that now recognize their responsibility from age 3 to 21, that is from 16 to 21 for those who need prolonged attention, but start at age 3. If, for example, nursery schools were made part of the school system, as many of us believe they ought to be, then, in fact, a good many children could be helped, provided that at the local level, as has occurred in the province of Saskatchewan, the Departments of Health, Social Services and Education have been integrated now for several years. And because of that we have urged, and continue to urge, that the front line people, in particular the public health nurse, who by the way, we have addressed and given lectures to ourselves, as parents, because they lack the necessary information. If there was sufficient integration at that level, with the front line people, the public health nurse as well as the local doctor, and as well the local system of education and parents, yes, the answer is that the vast majority of these children can be helped quite effectively at that time, because there is the acceptance of that recognition.

Now that means that there is more than one department that should be sitting here.

MR. WALDING: Thank you. Would you see the latter in your explanation involving doctors and public health nurses, do you see that as being a bigger problem than the children that are presently in the school system?

MR. HENTELEFF: I'm not sure what you mean by a bigger problem. I think that if these front line people were able to understand and comprehend what it is that they were seeing in terms of children who they see not developing at the same rate as perhaps the normal child would, if they became aware of this, for example, I don't know if that many of you are familiar with Dr. Harold Davies of this city. Dr. Harold Davies was, I think two or three years ago, the President of the Canadian Pediatric Association and he was the first chairman of the MACLD Lions Learning Centre by the way, he was our first chairman. And because of his great interest and concern, he now has developed a working relationship with the school system in St. Vital and elsewhere, has developed his own approach that the moment they see a child whom they consider to be what they call at risk, then a whole series of batteries of tests occurs in co-ordination and consultation with the parents, if the child's old enough for the school system, and so forth. So yes, the fact is that it isn't any more difficult dealing at that level than at any other level, provided that people have the information and the resources that they are entitled to.

Mr. WALDING: Thank you very much. Thank you, Mr. Chairman.

Mr. CHAIRMAN: I have already been advised. I apologize to the Lionelles who are in the room tonight and my humble apologies.

Mr. Kovnats.

Mr. KOVNATS: Mr. Chairman, for the record, I am not a Lion.

MR. HENTELEFF: I can sign you up right now.

MR. KOVNATS: But under Bill No. 31, it kind of suggested a story about the little boy that went out on the street to play with some of his friends and he was telling them that his father was a Lion, an Eagle, and an Elk, and the response he got was, how much does it cost to see him. I have enjoyed very much the . . .

Mr. DESJARDINS: Make sure you mention Bill No. 31.

Mr. KOVNATS: I did, at the very beginning. I enjoyed the presentation very much, enjoyed it to the point where I found it most interesting and it was quite a compassionate plea on behalf of the people making the presentation and I thank you for it. I think that you've got a very good audience here this evening. I think the part that I was looking for was, how could we fund it; where do we get the money for it; is it worth the while as guardians of the public purse strings to support a program that's going to cost a lot of money.

MR. CHAIRMAN: Mrs. Plattner.

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IR. KOVNATS: I'm not asking a question at this point, Mrs. Plattner.

IRS. PLATTNER: Oh, well I haven't answered it.

IR. KOVNATS: Well I'll tell you, I already have received the answer. How can we afford it; how can we afford not to support it?

IR. CHAIRMAN: Mrs. Plattner, this is democracy. We would like to hear your answer.

IR. KOVNATS: I wasn't quite finished. Don't get so excited because I'm in complete support of your presentation. I wasn't up until the time that we got a few dollars which, as I say, we are custodian of the public purse strings and we do have to consider all of the costs and all of the ramifications of it. I supported it from my heart up until the time that you came up with your cost factors as to what it would cost if we don't train these children and find out that they do have a problem at an early age, and I am now in complete support of you. I hope that I can be of some benefit through the government in support of your program.

IR. CHAIRMAN: Mrs. Plattner.

IRS. PLATTNER: I was just going to say what Mr. Kohnats said, when he said how can we, where are we going to find the money, how can we afford to do this; and our question of course is, how we can afford not to do it? You don't want to have a whole bunch of social cripples, people who are going to want to live off of you and you and all of us for the rest of their lives and none of us has mentioned the most important thing in the whole issue and I'm glad that I thought to mention this now and that is the person. We know a lot of learning disabled young adults, some of them are children, because our children are now in their twenties, we have all been around a long time, and we know a lot of young adults in their twenties who are emotional cripples, social cripples, who never will really do terrific things with their lives. Some of them aren't doing too badly, some of them are just functioning, and the most important thing is unfortunately that we always have to talk about money. The most important thing is saving the person, and a lot of these people don't have very good self images. They don't have a good ego, and anybody who doesn't like himself can't like anybody else and cannot be a good person for society.

IR. CHAIRMAN: Mr. Kohnats.

IR. KOVNATS: I think that we are both preaching the same thing, Mrs. Plattner. You have a very compassionate group here this evening. Obviously on the questions that were asked of you, I think that you have support and with the cost factor being brought into the picture, I think that you will have even more support.

IR. CHAIRMAN: Mrs. Plattner.

IRS. PLATTNER: Thank you.

IR. CHAIRMAN: Any further questions from the committee?

Mrs. Henteleff and Mrs. Plattner, we thank you for your contribution to this committee.

I have the group from Elkhorn and the Liberal Party of Manitoba that have to be heard tonight, so I will call the group from Elkhorn, first if I may, and that is number 18 on your list gentlemen, and after that will come the presentation from the Liberal Party of Manitoba.

Are you Mr. Aitkens, sir?

MR. KOOP: No, I am Mr. Koop.

MR. CHAIRMAN: Can you spell your name, sir?

MR. KOOP: K-O-O-P as in Peter.

MR. CHAIRMAN: Thank you, sir.

MR. KOOP: I would like to, at this time, before I address the committee, ask whether Mr. Aitkens and Mr. Leonard could join us at the table?

MR. CHAIRMAN: Absolutely.

MR. KOOP: They have a . . . The brief as you might note is very short, but we have a few questions of clarification that we would like to ask following the brief.

MR. CHAIRMAN: Mr. Koop, if you maybe understand the rules of this Committee, you as witnesses are not allowed to ask questions. The members of the Committee can ask questions. But under the rules of the House and this Committee, I am not allowed to permit you or any of your friends that are with you tonight to ask questions unless we have leave from this Committee. That's the rules that we are living under, sir, so proceed with your brief.

MR. KOOP: Yes, maybe we can make the brief so that the questions will be forthcoming within the brief.

MR. CHAIRMAN: Well, Mr. Koop if you are a politician you can likely paraphrase your questions like Larry Desjardins here and I'm sure you'll be well heard, Proceed, sir.

MR. KOOP: The brief that I have to present here tonight gentlemen is on . . .

MR. CHAIRMAN: Sir, I have a problem here. A witness here is concerned that we are hearing the brief from Elkhorn and I know that he's been here since Day One and the Liberal Party . . . So I'd ask if he'd come back and speak in the microphone and plead his case. He's gone out the side door. We want to be fair in the Committee, we want to hear everybody. I know this gentleman, I don't have his name, but he's been here since the committee opened and he's most concerned that we are hearing your group, sir, and the Liberal Party. So if Mr. Arnold would come and plead his case before . . . I'm at the mercy of the Committee and he could make his case heard.

Mr. Arnold, you are at liberty to plead your case and I apologize if my ruling is unfair. The Committee will make the decision, sir.

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MR. ABE ARNOLD: I'm sorry, Mr. Chairman. We have sat through here several sessions and on a number of occasions we've been sort of moved down the line again. We were here yesterday and we were promised we were going to be first up tonight. I don't like to delay out-of-town delegations, but at the same time there should be some kind of parity. Perhaps the next time we'll have to bring one of our out-of-town delegates in to lead our delegation. Is it possible to hear us now, or do you want us to wait until . . .

MR. CHAIRMAN: Mr. Arnold where does your name appear on the list?

MR. ARNOLD: Number 10.

MR. CHAIRMAN: Number 10, that's right, okay. I'm at the mercy of the Committee.

MR. DESJARDINS: Mr. Chairman, I know that Mr. Arnold is a reasonable person and I wonder, we only have one from rural Manitoba and it's a very short brief. I wonder if we could hear this person. But, Mr. Chairman, while I'm talking on this, I hesitate to bring this thing up, but the last brief was very interesting, but we took an hour-and-three-quarters and there's not only us, we probably were in the mood today, but there's a lot of people waiting. We don't want to show any preferences. I think we all enjoyed the brief and the discussion that we had, but I think that in all fairness to the Committee and to the members of the committee, that we should try to expedite and stay with the rules a bit without . . .

MR. CHAIRMAN: Mr. Arnold, while you're still there. Mrs. Plattner came and saw me after the House Committee adjourned the last time we met. Some of her group, I don't know who they are, are supposed to catch an aircraft tonight and I think they have missed the plane, because I think it was scheduled for 9:00, because the committee and that's the problems of . . .

MR. ARNOLD: When you make promises to two groups at one time, you get into trouble, Mr. Chairman.

MR. CHAIRMAN: But I'm at the mercy . . . and the members of this committee can decide to change the agenda, Mr. Arnold, and I'm at the liberty to do anything . . .

MR. DESJARDINS: Bring Elkhorn back.

MR. CHAIRMAN: Okay.

MR. KOOP: Actually, we are very reasonable. We come from the drought area and if you would tell us how long Mr. Arnold's brief would be, we would gladly go ahead and have supper.

MR. CHAIRMAN: Proceed, Mr. Koop.

MR. KOOP: On behalf of the Elkhorn Save the School Committee, of which I am chairman, and on their behalf I wish to put on record before this committee, my committee's support and endorsement of Clause 5 of Bill 31 and it's particular

Clause 5(1)(d) and Clause 5(4), pro the new Bill 31. These paragraphs allow a remedy to aggrieved electors which is more straightforward and likely to be more effective and far-reaching than anything available under the current legislation.

We find in rural Manitoba, namely in our area, that there are grievances which are difficult to be solved within a complicated Education Act such as we have, and therefore, by reviewing Bill 31, we found a clause that does simplify certain things and we would like to, at this time, express our pro feelings towards that clause, thanking the department and the committees in maybe simplifying certain issues of grievances that can be dealt with more quickly. Sometimes we, in the rural Manitoba area, feel that we don't exist, and because of that feeling of non-existence, at times feel that everything that is dealt with within the education world, as far as education goes, is directly relevant to the city of Winnipeg and core area, and therefore at this time we would like to speak for that particular article.

However, on the other hand, we have two issues that are difficult for us to understand. No. 1 of the same clause 5(2), there is a question there as to the clarification of that and the clarification of that would be much appreciated if we could have that.

Also, one of my colleagues, Mr. Leonard, has a statement to make on another clause within the bills. So if that would be in order at this time, then we would like to hear that; Mr. Leonard.

MR. CHAIRMAN: Please put your name in the record, and proceed.

MR. TERRY LEONARD: My name is Terry Leonard.

MR. CHAIRMAN: Please spell it, sir.

MR. LEONARD: L-E-O-N-A-R-D. I am referring in particular to Section 57(5), the alteration of wards and number of trustees and in particular the variation in population basis. In the first part, I would like to say that we feel, in our area, that the variation from the population quotient may lead to a tendency for boards of education to increase the representation from heavily populated areas, regardless of the special considerations that are outlined in this section and we would like to know, does the committee feel that the intent of this section is towards strict or more ideal or more . . . I should say, towards more representation by population, and we would also like to know if it is their intent that there could be more emphasis in the Act on representation by community rather than by strict population quotient. In regard to that, encouraging the latter sort of representation by community would also help to assure adequate support of minority rights in processes in democratic votes by the board, and in particular it would have a great impact at the small rural school level, where very often the area, even though they are very interested in their educational quality and setup, are at the mercy of numbers and cannot uphold their education in their own community.

MR] CHAIRMAN: Mr. Koop, is there any further presentation you would like to make, sir?

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MR. KOOP: Yes, Mr. Aikens has a short presentation.

MR. CHAIRMAN: Mr. Aikens.

MR. AIKENS: Mr. Chairman, we have one slight reservation on paragraph 5(2) of the bill. The intention of this paragraph seems to be that it would enable the Minister to fill a gap where he saw a need and that, should he not receive a written request in terms of 5(1), he could himself, on his own initiative, refer a question to the Board of Reference. We have some reservation about the wording of that, the use of the word 'whether' can imply, I think, whether or not and we feel that, in its present form, this paragraph 5(2) could allow the Minister on his own initiative to refer a question that something should not be done and possibly preempt and I don't mean that he would do this is in bad faith or anything, I'm just looking at the wording, 'possibly preempt a written request from any party or group within 5(1)'. We just make that reservation for consideration by the committee. It's not put as a question.

MR. CHAIRMAN: Thank you, Mr. Aiken. Mr. Schroeder. By the way, Mr. Koop, you are prepared to answer questions from your committee. Proceed Mr. Schroeder.

MR. SCHROEDER: I have a question which would probably be best addressed to Mr. Aiken, the last speaker. He was referring to Section 5(2) and the Minister's power to refer matters to the Board of Reference. Is it his understanding that the matters which the Minister can refer to the Board of Reference can deal only with matters of establishing school districts or adding or transferring land to and from school districts, or are there any other matters that he feels the Minister has the power to refer to the Board of Reference under that section?

MR. AIKENS: Well, in its present form, the Minister made a fair question as to whether anything to which reference is made under subsection (1) should be done, and subsection (1) leaves out Items (d) to (g). It seems to me that the Minister could refer any question within that compass. For example, the question as to whether a new school division or school district be established could be referred by the Minister in terms of 5(2) or be not established and that's our reservation.

MR. SCHROEDER: Yes, what I'm getting at is your group fully understands that this section doesn't put the Minister in a position where he would be second-guessing the local school board on decisions in terms of, for instance, things like school closings.

MR. AIKENS: We do understand that.

MR. SCHROEDER: Yes.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Thank you, Mr. Chairman.

MR. CHAIRMAN: Any further questions from the members of the committee? We thank you, gentlemen, for your presentation.

MR. KOOP: Thank you very much.

MR. CHAIRMAN: I call Mr. Arnold and the next one I'll call is Mr. Dunford from the Liberal Party. I apologize, it's very difficult in these committees. Rural people do come in and they are entitled to you know, they have to drive home tonight, so I'll hope you bear with us, sir.

MR. ARNOLD: Well, I wasn't really upset about the rural delegation, but I thought the delegation that appeared first was a rural delegation and I realized they really weren't. In any event . . .

MR. CHAIRMAN: I should have announced earlier that some of them at least are supposed to catch a plane, but I think they missed it. Carry on, Mr. Arnold.

MR. ARNOLD: In any event, Mr. Chairman, . . .

MR. CHAIRMAN: You have your brief and it's been circulated?

MR. ARNOLD: Yes, it's been circulated and by way of prefatory remarks I just want to mention, first of all, that our brief this evening from the Manitoba Association for Rights and Liberties will be presented by myself with my colleague, Walter Hlady. I will deal with the opening section and one or two substantive points and will then turn it over to Mr. Hlady. Before I get into the brief, I would like to take note of the fact that it was just exactly about two years ago that our association appeared before a committee of the Legislature for the first time. Since that time our organization has grown to some 300 members and the 29th and 30th associated group members just arrived in our office today from Thompson and Leaf Rapids, so that we are a growing organization in the province.

MR. CHAIRMAN: We thank you, sir. We see your name on the agenda pretty regular, so . . .

MR. ARNOLD: Yes, you have heard briefs and the other name, you have heard briefs from four or five different members of our organization.

MR. CHAIRMAN: We thank you for your contributions to the committee. Proceed, sir.

MR. ARNOLD: On this question of The Public Schools Act, I presume we're still only dealing with Bill 31.

MR. CHAIRMAN: No, both.

MR. ARNOLD: Oh, we're dealing with both of them now.

MR. CHAIRMAN: Both bills, sir, now.

MR. ARNOLD: Because our brief does make some reference to the other one, as well, but in most cases they are related sections.

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MR. CHAIRMAN: I am, as chairman, advised by the Clerk that we are prepared to deal with both bills, sir.

MR. ARNOLD: Okay, good. This is the second occasion, Mr. Chairman, in less than a year, that the Manitoba Association for Rights and Liberties, along with many other groups and individuals, is appearing before this committee of the Legislature in regard to The Public Schools Act. Considering the extensive number of briefs and presentations on The Public Schools Act and The School Administration Act that were presented to this committee during the intercessional hearings last fall, we are somewhat surprised at the fact that so few changes have been made to Bill 31, The New Public Schools Act, compared to Bill 22, The Public Schools Act that was introduced at last year's Session of the Legislature.

The only significant change in the Act which has been generally welcomed is in Section 41(4) which now ensures that every school board shall provide or make provision for education in Grades 1 to 12, inclusive, for all resident persons who have the right to attend school. This has been interpreted, and you have already had numerous presentations on this point, as a concession in favour of handicapped children. It is felt, however, that the revised Act does not adequately address the right of all children, not only to a place in the school, but to an education appropriate to individual and special needs.

I am not going to go into detail on that, except to draw attention to the fact that our organization does at the present time have among its associated groups a number of the organizations who represent the various disabled members or categories in our community.

Apart from this modification, only one or two minor changes are apparent in the new bill and the majority of the substantive changes recommended in the MARL brief, as well as in other briefs last year, have not been given too much consideration. The submission that we wish to make at this time is therefore not changed too greatly from our previous brief of October, 1979. We do, however, wish to draw attention to certain aspects of the bill which we regard as matters of significant principle in regard to the protection of civil liberties.

Now as I pointed out, the concern of MARL in examining these bills is to make certain that they provide adequate protection for the rights of children and students in our schools and for the corollary rights of parents concerned with the education of their children. We must be equally concerned for the rights of teachers. In particular, we draw immediate attention to the absence of a unified section in Bill 31 dealing with pupils such as there was in the old Public Schools Act. In Bill 31, matters pertaining to pupils are still scattered through under a variety of headings, for example, Prohibitions and Penalties, School Attendance, etc.

Moreover, nowhere in the bill is there any statement concerning the rights of children, and particularly the right of every child to an education in keeping with his or her capacities. There is a brief statement in Section 259 on the right to attend school but nowhere in the bill is there any other statement referring to the rights of children as pupils in the school system.

The bill also states in Section 260(1) 'that every parent or guardian shall ensure that the child attends school', but it does not state that parents have the right to express their views or in any way participate in determining the kind of education that their child shall receive, except in certain limited instances relating to religious instruction or special language instruction. And, of course, you have already had some comments about the interest of parents in being able to have a greater say in regard to the education of their children.

With regard to teachers, their rights are not adequately clarified in some sections of the bill, partly because of the fact that the word 'teacher' is given one definition in the opening interpretation section and another definition in section 97(1)(j) under Part VIII in Collective Bargaining.

We must also question the appeal procedure for teachers as set forth in Bills 31 and 19.

And another matter which we wish to discuss, and which I will go into personally, is that of the question of religious instruction and religious exercises in the schools. We believe that these sections as now written do not give adequate protection for freedom of conscience. And I would like to turn to this particular section of our brief, in particular which begins on page 8.

We are obliged to draw attention to the fact regarding the matter of religion in the schools, and you have heard about this before from at least one brief, from Carolyn Garlich, and I should mention that while she was speaking for herself, as a parent, our organization also takes a similar position as to that expressed by Carolyn Garlich.

We are concerned about Bill 31, sections 80-83 on instruction in religion and section 84, religious exercises, which is presented in substantially the same way as dealt with in last year's bill except that a pupil over the age of majority may now be excused from participating in religious instruction without parental consent.

We strongly suggest that these two sections involve a certain infringement of freedom of religion as guaranteed in article 18 of the International Covenant and this is a slight correction in wording from what you have before you in the brief. The International Covenant on Civil and Political Rights to which Canada is a signatory. This article states, among other things, that 'no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice'. It also calls for the 'liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions'.

Dealing first with religious exercises we must confront the fact that we are imposing a subtle form of coercion in compelling all pupils, regardless of their own religious background, to participate in Christian religious exercises unless their parents ask that they be exempted from such exercises.

Many otherwise well-intentioned people continue to hold the view that the Lord's Prayer, for example, is a universal prayer acceptable to all religions. It is not. The Lord's Prayer is one of the prayers which was taught by Jesus to his disciples as recorded in the New Testament in Matthew, Chapter VI, verses 9-13. It is also known as the paternoster, one of the prayers recited by Roman Catholics on the rosary.

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It should, therefore, be clear that those people of non-Christian faith would not find this particular exercise acceptable and, of course, the subject of religion is always a very sensitive one and one to be taken seriously and certainly it may be possible to modify the religious exercises so that they reflect the variety of faith views that prevail in our community.

Religious exercises, based exclusively on these sources, are the exact opposite of nonsectarian which is a phrase used in the Act which states that the schools shall be nonsectarian except as provided, and this is really a contradiction. Nonsectarian really means not limited to or associated with any particular religious denomination. By the way, I have some quotes here which are not in the brief but I do have some copies of those quotes if anyone wants to see them.

Nonsectarian means not limited to or associated with any particular religious denomination. Is it morally right to tell children who come from other backgrounds that they must sit in the class and listen to Christian teachings or stand in the corridor to gain intestinal fortitude? It is this type of sectarian practice in our schools which has led our association to suggest that religious exercises are contrary to the nonsectarian approach and the present form of religious exercises would therefore be better eliminated.

Now moral exercises are another matter. What better way could there be of fostering a code of true morality than to begin each school day by teaching respect for human rights, not in the abstract but in the immediate context of students and teachers in the classroom. In recognizing human rights as part of our moral code we will certainly not deny or denigrate religion because we must encompass freedom of conscience. From this approach it might be possible to develop morning exercises which are creative, inspirational and perhaps even spiritual in the sense of attesting to positive principles that should activate a person in his or her daily life.

For specific examples of such morning exercises, one might suggest the reciting of an appropriate poem, selected or written by a student or teacher. A student might read a short composition on such topics as living with our neighbours, my family, the customs in our home, or what Canada means to me. A student might choose a prayer or religious reading and explain its particular meaning for him or her.

And in this connection by the way, this issue has been discussed in other jurisdictions as well and particularly recently in the city of Toronto, where the Toronto Board of Education has recently introduced a book which includes 60 prayers and readings from non-Christian religious sources, along with 30 traditional Christian ones, headed by the Lord's Prayer, to be considered for use in religious exercises, with the suggestion that a different prayer might be considered or might be read every day. The idea is that in this way, the religious and cultural makeup of the students in a particular class, or a particular school, might be better reflected in religious exercises if such exercises are to be maintained. In the city of Toronto, of course, the student population is now reported to be almost 50 percent non-Christian. I don't think we've reached that stage in Winnipeg, but certainly we do have a growing proportion of non-Christian students.

Now turning to the section on religious instruction in Bill No. 31, this provides, the same as before, that parents of 25 children or the parents of 10 children, depending on the size of the school, who request religious instruction, may have such a class in religious instruction established and all children must take that instruction unless the parents opt out on behalf of their children or, as in the new amendment, in the case of the majority-age pupil who may personally opt out. We suggest that this clause tends to be coercive in compelling all children to take a particular course of religious instruction requested only by a few unless their parents choose to withdraw them. It also shows a lack of respect for the liberty of parents to arrange for the moral and religious instruction of their children in their own way. If a certain group of parents wants to have a certain type of religious instruction given to their children, they should be entitled to have it, but this should not oblige all other children to take the same religious instruction unless their parents arrange for them to be excused.

Now I just want to deal with two other points before turning it over to my colleague, Walter Hlady. Dealing with the matter of school attendance, last year we did have occasion to speak up in favour of the right of the parent to a fair hearing who wanted to be able to teach her child at home and we understand that particular case has been resolved, but we should like to point out that in regard to the question of parents who wish to teach their children at home, the present Act does not specify the satisfactory standards of education for children being taught at home, and at the same time we should recognize that the ultimate goal of our public school system should be to make it more flexible by offering a greater variety of alternative educational programs within the school system.

We also note, of course, that there has been a change in the Act to provide for direct grants to private schools and while we are not taking a position on the philosophical aspects of that particular point, we do wish to emphasize the fact that this change imposes a greater responsibility on the department and on the Minister of Education to check and to monitor the standards in those private schools to make certain that they are keeping up and are at least equal to the standards of our public schools.

Now at this point I would like to call on Mr. Hlady to carry on.

MR. CHAIRMAN: Mr. Hlady you can sit in your chair, there's a microphone there if you wish, sir. Mr. Arnold can go on the other microphone.

Proceed, Mr. Hlady.

MR. W. HLADY: I would like to go back to page 2 in the Northern School Division and I assume that this equates fairly well with the Frontier School Division in the last version of the bill, and I would like to note some of my experience that I think . . .

MR. CHAIRMAN: Mr. Hlady, you say page 2, I don't have any numbers on the brief that I have before me.

MR. HLADY: Under Bill 19 and under Bill 31 on each page there's a number.

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MR. CHAIRMAN: Proceed, sir.

MR. HLADY: I would like to first state that in talking about the northern school division that I have had some experience in the north. In 1953 I was a teacher of a one-room school of eight grades at Gillam. In 1954, because I stayed on to work in the community, they made me chairman of the school board, or elected me to that position. In 1955-57, I was secretary-treasurer of the Cranberry-Portage School Division and I was also the truant officer in that division too.

But section 17(1) and 17(2) do not appear to have been changed from the present Act, especially with regard to the powers of the Minister, who has been given absolute control to establish the northern school division and to appoint an official trustee to run that school division.

The bill provides, under section 17(1), that the Minister 'may appoint a committee of persons residing in the school division to advise and assist the official trustee' and under section 17(2) that the Minister 'may appoint a local committee for any community within the school division.' We feel that this action unnecessarily restricts the people of the north. The establishment some years ago and I am moving away from the text in the brief the establishment some years of the Frontier School Division arbitrarily disenfranchised the electors of some two-thirds of the province in school matters. And I sometimes wonder if it appears to be a comment by the governments in power provincially over the last decade or so, the value of our Canadian citizenship, that functioning school boards prior to that time, fully responsible under the law, were dissolved and school matters taken over by the government.

Is democracy so weak in Manitoba that the government will condone, and yes, perpetuate the disenfranchisement of electors? Is the new Act to help maintain the colonial status of the north indefinitely? If so, I suggest perhaps that we should rename the Department of Education, the Department of Education and Colonial Affairs. If we disenfranchised the voters of the north, why not then the voters of the remaining one-third of the province? That should certainly simplify some of the administrative problems. Perhaps we should also set up a southern school district.

Now these remarks may seem extreme but, it has been said that these are extreme times and to me the system of education which we have is basically an autocratic one. In some respects this may be justified, and as a school teacher I've been quite autocratic at times myself. But I don't think it's justified when we have the electorate in two-thirds of the province who are disenfranchised. The clauses covering the appointment of advisory committees are no replacement for school boards or division boards.

Human rights and civil liberties in this country have not been written into the constitution, as they have been in some other countries. We have in the past relied upon tradition and precedent to a large degree and Premier Lyon recently reiterated this government's position at the last Premier's conference, that writing these guarantees into the constitution was unnecessary. Yet Bill 31 will carry on an intolerable situation, and I hope that the

Members of the Legislature will ensure that the process of citizen disenfranchisement in school matters is reversed and that we will have citizens in the north who are handling their own school affairs. In this respect, I think that the school division as outlined is fine. But the fact that it has an official trustee and does not have the say of the people except in an advisory capacity, is wrong. We are very strong in MARL that people should have their own school boards or division boards to handle their own school matters.

I'd like to move on to the next section on the powers of school boards. Section 48(1) states that the school board may, under subsection (a), 'provide a course of instruction and training for children between three and six years of age in nursery or kindergarten schools or both.' We believe it is time to recognize that instruction for children between the ages of three and six should be extended and that the establishment of kindergarten should become an obligation.

Subsection (j) states that the school board may provide school books to children, with or without charge. This is in conflict with section 41(1)(n), which provides that every school board shall purchase textbooks for free distribution to pupils. We trust that there is no intention to begin levying charges for standard school books. In addition, section 48(1)(v) provides for the levying of caution fees and fines. There is no explanation for these levies, however, and we cannot understand why any school board should have the right to levy such fees and fines.

In the next section on accidents, Bill 31, Section 87, deals with defective apparatus and states that a school division or its employees, agents or trustees 'shall be deemed not guilty of negligence unless it is shown that one or more of the trustees of the school board or one or more of the employees or agents thereof had knowledge of the dangerous nature of the apparatus and failed to remedy or replace the apparatus within a reasonable time.' We believe that lack of knowledge of defective apparatus should not relieve the school board of responsibility for accidents and that a school division should have the same responsibility as to liability as any other institution or organization or person. Therefore, we feel that Section 87 should be modified accordingly.

On the section on suspension and expulsion, Bill 31, Section 48(4) and Bill 19 Section 4(1)(d) states, an expelled or suspended student I'm sorry, on those sections, we feel that an expelled or suspended student should have the right to a hearing and an appeal against expulsion or suspension before an independent body. There should also be some limitation of the grounds for expulsion which are specified in Bill 31, Section 48(4) as 'a school board may suspend or expel from a school any pupil who, upon investigation by the school board, is found to be guilty of conduct injurious to the welfare of the school.' We suggest that the grounds for expulsion be limited to conduct which seriously disrupts school activity or seriously infringes on the rights of students, teachers, or other persons in the school. We further urge that the words 'upon investigation by the school board' be qualified as follows: upon investigation by authorized school board personnel, excluding elected board members.

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Any suspension or expulsion by a superintendent or principal, and this is in Bill 19 Section 4(1)(d), should be for a limited period pending an appeal hearing. The report of such expulsion should also specify whether it is an expulsion from all schools in the division or from one school only, with the opportunity to transfer to another school. It should be provided that in any hearing or appeal, the rules of natural justice will prevail, including the right to present counter-evidence, the right to cross-examine, and the right to counsel.

I think that school boards have been guilty in the past of taking advantage of The School Act as it was to prevent parents and students from having a fair hearing in many cases.

On the Section on teachers, Bill 31, Part VIII and Bill 19, Sections 5, 6 and 7, are the ones we are concerned about. Section 5(1) of Bill 19 provides for the Minister to appoint a certificate review committee which will replace the present discipline committee in relating to the suspension of teachers' certificates. Bill 19, Section 6(1) allows the Minister to cancel or suspend a teacher's certificate 'for any cause he deems sufficient' and Section 6(2) provides that a field representative may suspend the teacher's certificate 'for incompetency, misconduct or violation of this Act or the Public Schools Act or of any regulation'. Bill 19 Section 5(5) provides that all suspensions of teacher certificates must be referred to the certificate review committee.

We believe that the grounds for suspension or cancellation of teacher certificates give the Minister or the field representative too much power. Except in the case of a clear emergency, there should be no arbitrary suspension of a teacher's certificate by the Minister or any other official. Proposed teacher suspensions should be referred to the certificate review committee and a hearing before that committee should be a prerequisite. The committee should have the power to determine if there are sufficient grounds for cancelling or suspending a teacher's certificate. Where there is a suspension or cancellation the teacher shall still have the right to appeal to the courts against an adverse decision.

Bill 31, Section 92(4) provides that the school board may terminate an agreement with a teacher on the basis of a complaint 'respecting the competency or character of a teacher'. But only after informing the teacher of the complaint and giving the teacher 'an opportunity to appear personally or by representation before the school board to answer the complaint'.

Bill 31, Section 92, subsection 5 provides a detailed arbitration procedure for teachers whose agreements are terminated by the school board if they have been teaching for at least 20 teaching months of paid service.

The teacher who has been teaching for less than 20 months of paid service is entitled to ask for and be informed of the reason for the termination of his or her teaching agreement but is not entitled to arbitration.

All teachers, regardless of the length of teaching experience with a school board, should have the right to a hearing to determine that the reason for termination was not improper.

I would like to move on to Page 12 on the Role of attendance officers, as covered in Bill 31, Section

263, subsection 1 and Section 275. We believe the school attendance officers are given too much power under these sections, for example, Section 267, subsection 1 gives the attendance officer the power without warrant to enter any place of public entertainment or amusement, factory, workshop, store or any other place where children may be employed or may congregate.

Section 267, subsection 2 provides that when the attendance officer finds in that place an individual who should be in attendance in school, as required by this Act, he may, as he deems advisable, take and conduct that individual to the school in which he is enrolled or to the home of the individual.

The objective, we feel, should be to encourage school attendance, (a) through counselling of parents and children and (b) through enforcement. And while I, from my own experience, would feel that this is generally covered, it is a little unclear in the bill because Bill 31 appears to speak only of enforcement.

In addition the enforcement provisions written into this bill are self-defeating. Section 268, subsection 3 provides for fines to be enforced against parents who do not comply with notices given to them under Section 268, subsection 1 and 2; and 268 calls for the posting of bonds by parents to ensure of compliance.

This procedure is both unrealistic and unfair, we feel. Truancy is a major problem in inner city schools where broken homes, single parent families, unemployment and often alcoholism are contributing factors. Jailing a parent for failure to pay a fine, for example, will not solve the problem; nor would it help at all to deprive children of food and clothing to pay a fine. Fining parents for noncompliance with an order to send a child to school is obviously neither an effective nor a fair method of enforcement and should be abolished.

Section 274 provides for an appeal to the Minister against any decision of a school attendance officer or a field representative, who has the same power as the attendance officer. The section states, however, that the decision of the Minister upon appeal is final. When legal action and punitive measures may be involved, there must be a right of appeal to an impartial body, not associated with the making or opposing of these decisions, and ultimately to the courts.

On the section of providing information, Bill 31, Section 238 is headed, 'Giving false information; offence and penalty'. This heading is misleading since it deals first with the refusal to furnish information under Section 241 which provides for the taking of a census or enumeration of children resident in a school division.

Section 242 also provides that 'every person having custody of a child shall give the officers appointed for this taking of a census, such information regarding the child as may be required under that section'. We believe that limitations should be placed on the kind of information which may be requested. The right to privacy should be protected and confidentiality should be ensured. Only such information should be requested as is required to make a count of children for the purpose of projecting the number of classrooms and other school facilities that may be needed. The remainder

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of the brief is just a summary of the recommendations previous.

MR. DEPUTY CHAIRMAN: Are there any questions? Mr. Schroeder.

MR. SCHROEDER: Yes, a question with respect to the establishment of kindergartens. The association is indicating that should on a mandatory basis. Is the association also suggesting that children should be required to attend?

MR. HLADY: I think that depends, especially at the lower end of the age scale, upon the ability and the readiness for the child to enter into such a system and I think that would have to be something that would be in the purview of the Department of Education and the particular school boards to determine, in consultation where necessary, with other local professionals such as doctors, etc.

MR. SCHROEDER: Yes. On the rights of teachers to a hearing with respect to dismissals, your brief indicates that all teachers should have the right to a hearing and to have reasons established. Is it also the position then of MARL that where cause is not established that the teacher be reinstated?

MR. HLADY: We would feel that would be the fair course of action.

MR. SCHROEDER: Yes. You're dealing extensively with attendance officers and the powers of the attendance officers. Are you aware that the powers given to the attendance officers are also given to the field representative?

MR. HLADY: Yes, we are aware of that.

MR. SCHROEDER: What is your view on that?

MR. HLADY: We feel that the same sort of concern would apply. I know from my own experience as a truant officer in a northern Manitoba community that the best way to ensure that the child was attending school was often to solve some of the other problems that the family and the child had, and I know that in the two cases that I had in three years, that in both cases we secured the attendance of the child on a regular basis once we had solved some of the problems of the family, and mainly this was getting a job, helping them to restore some of their self-respect, and in that way ensuring that the child started to get some goals also, unrelated to the welfare and sad condition in which the family existed.

I think that in most of these cases counselling is useful and I think that other departments are going to have to be brought in where the situations are complex, and they usually are.

MR. SCHROEDER: Thank you.

MR. DEPUTY CHAIRMAN: Mr. Walding.

MR. WALDING: Thank you, Mr. Chairman. My question is directed to either member. Can I assume that the Manitoba Association for Rights and Liberties is concerned with protecting and extending the rights of Manitobans?

MR. DEPUTY CHAIRMAN: Mr. Hlady.

MR. HLADY: Yes, we certainly are.

MR. WALDING: Would that apply to all Manitobans?

MR. HLADY: Yes, certainly.

MR. WALDING: I just looked through all of the brief. I notice it goes to 18 pages. I would like to ask either member whether they are aware that Bill 31 would take away the right to vote of an undetermined number of Manitobans?

MR. HLADY: Well, their right to vote was taken away when the Frontier School Division was set up some years ago.

MR. WALDING: Mr. Chairman, that is not what I was referring to. There is part of this Act which brings it into line with another Act of the province and in doing so would remove the right to vote for the trustee of their choice from an undetermined number of Manitobans. I say undetermined because the Minister hasn't given us that figure yet. Are you concerned about that?

MR. HLADY: I think that the Section I gave in terms of northern schools would apply equally well anywhere in the province if that right for an elector to be able to vote and to have their say on a democratic basis in schools matters was effective, certainly, there is no doubt about that at all.

MR. WALDING: Thank you, Mr. Chairman, I have to put it in the form of a question. Are you aware that this provision applies all across the province and not just in the northern part of it?

MR. HLADY: It was not recognized by us in our deliberation, although, as you are aware, it is a very big Act and we have also been looking at all of the legislation of the Legislature and as a result often many of these things are hurried.

MR. WALDING: Thank you, no further questions.

MR. DEPUTY CHAIRMAN: Mr. Hlady or Mr. Arnold, part of my constituency, I represent Roblin and Camperville, the Village of Camperville is in my constituency, dealing with the northern school division. They have saw fit to move their children into Duck Mountain School Division. Now we have the Indian bands in that area and across the province want to set up their own school system, which you are likely familiar with, Sir, and I would like your wisdom, you or Mr. Arnold, as to how the Minister or the Committee can deal with that matter today, because in my time as the Member for Roblin constituency, and the Valley River Band is an example, they have their own school system on the reserve. They went into the Intermountain School Division, now they are not happy with it and they are going back. How do we deal with these matters, Sir?

MR. DEPUTY CHAIRMAN: Mr. Hlady.

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MR. HLADY: I remember, because Gillam School Board, of which I was Chairman, was probably the first one that Indian Affairs approached in regard to the Fox Lake Band on the edge of Gillam to enter into an agreement to educate the children in the town school. I know that over the years there have been many many of these agreements where children from reserves were educated in nearby non-Indian communities. From my understanding these were normally by contract, and I don't know the period for these contracts, but I think that there has certainly been an increase of native nationalism in the last few years, and we, through both federal and provincial programs, have been in part responsible in an effort to have the native population take their rightful place in Canadian society. If it is their wish to revert to a school system on the reserve that is adequate to their needs and still meets provincial curricula and other requirements, then I see no reason why this shouldn't be explored and where feasible carried out.

But at the same time, once they go back on the reserve, they are not really under the Department of Education, except in terms of trying to work with the same curricula, etc.

MR. McKENZIE: I well understand that problem because they are under the federal jurisdiction and that creates a difficult problem to myself, as the MLA or you from your committee, and I don't see in your presentation that you address yourselves to that problem of the north. If there is some solution, should Canada take over the whole system, and then we get Canada to bring the rights back and we will look after those people in our province, or how do we deal with it, Sir?

MR. HLADY: We didn't address that problem because we didn't see it in Bill 31.

MR. McKENZIE: I apologize, it is a different jurisdiction, Sir. Carry on, Mr. Hlady, I apologize.

MR. HLADY: I think that certainly with the attempt by the federal government to decentralize Indian Affairs and eventually eliminate it, by means of making agreements with the various provinces and school jurisdictions in education, as one example, that this is something that I think can probably be worked out fairly well between the federal government and the province once there is some ground rules as to how it is going to occur.

Until such time I am afraid we are going to have these sorts of problems, as you mention, and I really don't know, unless we have a large number of civil servants and politicians with the wisdom of Solomon, how this is going to be resolved without some trouble.

MR. McKENZIE: Thank you, sir.

MR. DEPUTY CHAIRMAN: Mr. Arnold.

MR. ARNOLD: Just a brief comment, I think that on this question of what happens in the northern part of the province in regard the native communities and the reserves, I think there it is really the task of the two levels of the government to get together. I think that we have found that the native people tend to fall

between two stools too often and in this way their rights are neglected or not properly taken care of. As far as our organization is concerned, we have only begun to move out into the field outside of Winnipeg in the past six months, so we are really not in the position to make too many specific recommendations on that sort of a question other than to suggest that there is a responsibility of the two levels of government who have been involved for a long time in that field to get together on it and to make certain that the rights of native Indians in the educational field are adequately protected.

MR. DEPUTY CHAIRMAN: Any further questions? Thank you, gentlemen.

MR. HLADY: Thank you for hearing us.

MR. CHAIRMAN, J. WALLY McKENZIE: I again have a problem as a chairman of the committee. No. 12 want to be heard and No. 21 wants to be heard tonight, and the committee will sit to 12:00, so I would like the guidance of the committee to guide us now where we proceed. No. 12 is the next one to be heard. He has already come and complained that he has been here since the committee . . . And also No. 21 has expressed concerns, so I am at the mercy of the committee.

Mr. Schroeder.

MR. SCHROEDER: Mr. Chairman, if both of them would like to give their submissions, then I would suggest that we ought to go in order and allow No. 12 to go first. In that way we will have a Liberal for dessert.

MR. CHAIRMAN: Thank you, Mr. Schroeder. With your permission, Mr. Dunford, then we'll hear No. 12.

Mr. Carmichael it's under in my list, The Society for Crippled Children and Adults of Manitoba Dr. Majury.

DR. MAJURY: Thank you, Mr. Chairman.

MR. CHAIRMAN: Do you have a brief, doctor?

DR. MAJURY: Yes, I understand it's being circulated. It's a very short one, Mr. Chairman. The Society for Crippled Children and Adults of Manitoba welcomes the opportunity once again to respond to the proposed new Public Schools Act, Bill No. 31.

For background information on this agency and the educational needs of its clientele, the Standing Committee on Privileges and Elections is referred to an earlier brief on Bill 22, which I presented on behalf of this agency to this committee on the 22nd of October last, and a copy of that brief is attached to the present brief in case any of you do not still have it.

In that brief, many aspects of Bill 22 were discussed in detail and numerous recommendations were made and I do not propose to go over them in detail again. Similar recommendations were made by many of the other organizations presenting briefs at that time. The Society for Crippled Children and Adults is extremely disappointed to note that none of these recommendations has been incorporated into Bill 31. As far as we can see, the only change in the

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sections with which the Society is concerned is the deletion of sections 41(5), 260(2) and 261(2). Removal of sections 260(2) and 261(2) deletes all reference to handicapped children and the Society considers that this is a desirable and progressive step, as the rights of handicapped children should be no less than the legal rights of all citizens.

The previous brief emphasized that the Society considered there should be an overall statement of broad intent, that the bill apply equally to all children, whether special programs because of some form of handicap are necessary or not. It is still the opinion of this Society that such a statement of intent should be written into the bill so that there can be no doubt or ambiguity as to the fact that the bill applies to all children.

The previous brief dealt specifically with accessibility, transportation, special equipment, programming for Special Need students and staffing resource personnel. As stated above, none of the recommendations made has been incorporated into Bill 31. Two examples should suffice. Section 41(1) states that 'every school board shall provide adequate school accommodation.' This is unchanged from Bill 22 in spite of the recommendation of the Society that the word 'adequate' is weak and open to interpretation and does not ensure full accessibility, that is, barrier-free design.

Schools, like all public buildings, should conform to the National Building Code provisions of free and unimpeded access without assistance. As regards transportation of pupils, in its brief the Society pointed out that many handicapped children require portal-to-portal transportation. Section 43(1) still states that transportation 'shall be provided for those pupils who would have more than one mile to walk in order to reach school.' Subsection (6) of that same section 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'.

These two examples emphasize the concern of the Society that Bill 31 does not make any provision for the integration of the handicapped child into the general school program. Section 41(5) of Bill 22, which has been deleted from Bill 31, stated: 'Every school board shall, as far as is possible and practicable in the circumstances, provide or make provision for resident persons who have the right to attend school and who require special programs for their education.' Thus, Bill 31 includes no statement about programs. Many physically handicapped children and children with profound hearing impairment require quality educational programs, for example, the provision of mainstreaming for the majority of students, special classes for others, a combination of both for still others, and movement from one setting to another as the child's needs change. Some reference to such programs should be included in the bill.

We also support fully all other organizations which have pointed out the need for an appeal mechanism and an education ombudsman. The recommendation of the Society for Crippled Children and Adults is again that the government of Manitoba should change the proposed Act to incorporate the many recommendations made by the Society and other

agencies which have appeared before this committee.

In conclusion, I'd like to make a personal observation. This is not from the Board but from my own observation. Much time is expended by many people in preparing and presenting briefs to this committee, yet when the bill is amended, little if any attention seems to be given to the briefs. In October last, the brief I presented concluded with the statement, and I quote, 'We urge the government to use this occasion to get some new goals and standards for special education. The stepping stone, Section 41(5), which states that the Board shall, where possible and practicable in the circumstances, make provision for resident persons who have the right to attend school and who require special programs for their education.' And our brief went on to say, 'A more definitive statement here and subsequent adjustments to some of the other sections of Bill 22 as discussed in this brief will lay the foundation for fair and equal education for all students. This is an idea well worth the effort.' And what happened as a result of this statement? Instead of being used as a foundation stone, Section 41(5) has been deleted from Bill 31, and in it there is no mention whatsoever of programs, special or of any other kind.

In this particular section, Bill 22 was less strong in its wording than was the previous Bill 58, and Bill 31 is weaker still because it contains no mention at all about programs. One sometimes wonders what is the purpose of compiling and presenting briefs which are well prepared and well argued when apparently very little happens to them subsequently.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, doctor, for your presentation. Are you prepared to accept questions?

DR. MAJURY: Yes. May I ask Mr. Phillips, our supervisor of services and Mrs. Drieliick, our director of childrens programs, to help me with details, if there are any?

MR. CHAIRMAN: Certainly, sir. Mr. Schroeder.

MR. SCHROEDER: Thank you, Mr. Chairman. The last remarks of the witness, I believe, are very appropriate and I think we would all do well to take a look at the Act and the things that have been said by many people who are experts in the field last time around. I wasn't a member of the committee or of the Legislature at that time due to the fact that the government hadn't called by-elections, but I did go through those materials, and as you say, there were very good briefs, including the brief presented by your organization last year.

You have indicated that Section 41(5) from the previous bill has been deleted. Are you aware that there is a new section 41(4) which states that every school board shall provide or make provision for education in Grades 1 to 12 inclusive for all resident persons who have the right to attend school?

DR. MAJURY: Yes, we are aware that is there, but it doesn't specifically mention programs and we feel our clients often require special programs and that this should be their right and it should be written in

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that they are entitled to these programs and that they are available for them.

MR. SCHROEDER: Yes, and as well, dealing with the matter of transportation, you've referred to the fact that this bill limits the obligation of the school board to transportation, providing that a student is more than half-a-mile away from a school, and then goes on in Section 46 to state that the Lieutenant-Governor-in-Council may make regulations that are ancillary to and not inconsistent with any provisions of this Act respecting the standards of transportation which would appear on the face of them to eliminate the possibility of any legal regulations which would require school boards to transport students closer than a half-a-mile from their homes to school. Were you aware of that provision as well?

DR. MAJURY: Yes, Mr. Chairman, we are aware of that, but we feel that our clients should have the same rights as any other citizen and that special regulations should not have to be made for each and every child that requires portal-to-portal transportation, that this should be written into the Act that if this is in fact what the child requires, that this is right, and it should be available for him or her.

MR. SCHROEDER: Thank you very much. I have no further questions.

MR. CHAIRMAN: Any further questions? Thank you for your presentation, doctor.

DR. MAJURY: Thank you very much, Mr. Chairman.

MR. CHAIRMAN: I now call the Canadian Association for the Mentally Retarded, Winnipeg branch, which is number one on my list, and we still have our friend, number 21. I'm at the mercy of the committee.

MR. KOVNATS: I think that we should take them in the order that they are in. I think we have given enough special consideration to the people who have had to come in at great distance and I think there are other people and I see some of them there that are further down the list that are waiting their turn. I think that in all fairness we should take them in the order that they appear on the list.

MR. CHAIRMAN: I thank you. The committee will sit till 12:00 and we meet tomorrow morning at 10:00, so we'll proceed under those conditions. Number 13, then. Mr. Wetherow, Dave Wetherow; Mr. Keith Walker.

MR. CRAWLEY: Okay, just a correction with regards to the presenter. I'm Harry Crawley on behalf of Keith Walker.

MR. CHAIRMAN: What's your name, sir, again?

MR. CRAWLEY: Harry Crawley. C-R-A-W-L-E-Y.

MR. CHAIRMAN: Proceed, sir.

MR. CRAWLEY: The Winnipeg Branch of the Canadian Association for the Mentally Retarded respectfully submits the following responses to Bill 31, the proposed Public School Act.

Section 41(4) of Bill 31 reads: 'Every school board shall provide or make provision for education in grades 1 to 12 inclusive for all resident persons who have the right to attend school.'

The removal, in response to public hearings, of the exclusion clause from the previous bill indicates a laudable willingness to honor the right of all children to attend school and to receive an education. In the light of this move and in the best interests of children, we are certain that the members of the Legislative Assembly share our desire to establish and safeguard, in legislation, the right of all children, not only to a place in school but to an education which is of high quality, which is appropriate to the individual needs, which challenges and assists students to develop increasing competencies, and which strengthens and maintains a child's connections with his or her family and community and with other children.

The proposed legislation does not explicitly address the above issues. It may be that the implicit intent of Section 41(4) is in line with and supportive of these concerns, however, there remains considerable room for variable interpretation. We submit that it is imperative, in order to secure the educational right of all children, that the legislation explicitly establish and safeguard:

1) The Quality of Education:

Curricula, staffing levels and teaching techniques must be designed to support learning which is relevant to individual needs and directed towards developing real competencies. Challenge, intensity and reasonable but high expectations are necessary features of such education. Students who need supports beyond those typically provided for all students must have an individual written education plan which is based on an assessment of educational needs, which specifies the goals or competencies to be achieved, which has an explicit time frame, and which is designed to keep the student in a regular setting or return him/her to a regular setting within a specified period of time.

2) Physical and Social Integration:

For students who have handicaps, ongoing integration with non-handicapped peers is essential to intellectual and social development. Friendship, stimulation and opportunities to learn by modelling the behaviour of others are readily available in integrated settings. Children who are included in the regular educational milieu are much more likely to be seen as full members in society and are more likely to develop the competencies and social skills which facilitate inclusion when they become adults.

The law should be explicit in the intent that students be assimilated into regular educational settings and activities, and whenever possible, into regular classrooms which are age-appropriate. In a similar vein, barrier-free design of all school buildings would facilitate physical integration, which is a prerequisite to social integration.

3) A Child's connections with Family and Community:

Each school division has the ultimate responsibility for the education of all children who live within its borders. A child who attends a school in his/her own neighbourhood enjoys several distinct advantages: his/her schoolmates are likely to become after-school friends; the physical proximity of the pupil's school to home facilitates inclusion in neighbourhood and extra-curricular activities and deletes long trips to and from school, which allows a longer learning day. Parents have more opportunity to provide input and support to a school in their home division, particularly one located in their neighbourhood.

The legislation must explicitly address each division's responsibility to its own children and create strong incentives in the form of fiscal and program supports, for each division to meet the needs of its children rather than send them out of division. As the legislation stands, divisions which have developed resources are likely to be overwhelmed with referrals. Other divisions are not explicitly encouraged to develop the organization and supports required if children are to be served in local schools.

Any plan to send a child out of division should be subject to Ministerial approval and review and be contingent upon the submission by the home division of a plan to meet the needs of the child in his/her home division within an explicit time frame.

4) Due Process:

Parents and guardians and students themselves should have the right to participate in decisions affecting their education. This requires:

(a) that students and parents have access to the information on which such decisions are based, including school and assessment records.

(b) the establishment of a mechanism whereby students or their parents/guardians may appeal the student's placement and education plan. Such a mechanism should be explicitly outlined and established in legislation. An internal appeal might proceed to the school board of the home division and then to the Minister and be supported by the establishment of an educational ombudsman. An external appeal process should be established, which would permit appeal through the judicial system.

In the interest of accommodating the stated concerns, we offer the following suggestions regarding amendments to the proposed legislation:

To Section 41(4) could be added:

Every child shall be educated in the most typical and integrated setting possible. All students shall be assimilated into regular education settings and activities, and whenever possible into regular classrooms which are age-appropriate. Any plan to educate a child in other than an integrated classroom in a regular school will be contingent upon the approval of the superintendent and a written individual

education plan which specifies the goals and competencies to be achieved, the areas in which the student will remain integrated while receiving specialized instruction, and the plan to return him/her to a regular setting within a specified period of time.

Curricula, staffing levels and teaching techniques shall be designed to support learning which is appropriate to individual needs, and which challenges and assists students to develop increasing competencies. Students who need supports beyond those typically provided for all students must have an individual written education plan which is based upon an assessment of educational needs, which specified the goals or competencies to be achieved, which has an explicit time frame and which is designed to keep the student in a regular setting or return him/her to a regular setting within a specified period of time.

To Section 41(5) should be added:

Any plan to send a child out of his/her school division will be subject to Ministerial approval and be contingent upon the submission by the home division of a plan for meeting the needs of the child in his/her own school division within a specified time frame.

To Section 43(1) should be added:

... or for pupils who cannot walk to school due to physical or functional impairment.

A new section dealing with the right of students or their parents or guardians to participate in the decisions affecting their education and to appeal decisions regarding placement and programming should be introduced. Such a clause should be inserted on Page 51 prior to the sections regarding the rights of teachers and school boards. This new section, perhaps 100(1), would read:

Any student of his/her parent or guardian may appeal a decision regarding his/her placement or educational plan. Such an appeal must be entertained by the home school division's board, and if not resolved, proceed to the Minister. The system of appeal shall be supported by an education ombudsman, and shall include the right of final appeal through the judicial system.

Regarding instruction in public institutions:

Section 206 should be amended to read:

In the case of public institutions supported in whole or in part by the government, the Minister shall provide for the educational instruction of all pupils who reside therein and shall pay the costs incidental thereto, including the salary of the teacher or any part of those costs, out of the moneys annually authorized by an Act of the Legislature to be so paid and applied.

Regarding responsibility to send a child to school:

Section 260(1) should be amended to read:

Every parent of a child of compulsory school age and every person who has or receives a child of compulsory school age in his house or in an institution, whether that child is his own or that of any other person, and the child is resident with and in the care and custody of

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the parent or person, as the case may be, shall ensure that the child attends school, unless specifically excused in writing by the Minister, in accordance with the provisions of this Act and the regulations.

Thank you for considering these issues.

MR. CHAIRMAN: Thank you, Mr. Crawley. Mr. Schroeder.

MR. CRAWLEY: Could I ask a staff member from CAMR, Winnipeg to join me.

MR. CHAIRMAN: Certainly, Mr. Crawley. Proceed Mr. Schroeder.

MR. SCHROEDER: Mr. Crawley, I'm just wondering whether you know of any jurisdiction, other than Manitoba, where students are transported from institutions into public schools. I'm referring back to some questions that were asked the other day, I don't know whether you were here or not.

MR. CRAWLEY: Yes, I was.

MR. SCHROEDER: Do you have any knowledge as to any of that type of transportation and programming?

MR. CRAWLEY: I don't have any specific knowledge out of the province. Certainly within the province children are transported from the St. Amant Centre to some of the schools in the St. Vital School Division.

MR. SCHROEDER: Dealing with the matter of the ombudsman, you're indicating on Page 3 of your brief that you would like to see an educational ombudsman. Do you see that position as being one where the ombudsman would have the right to make decisions, as opposed to recommendations?

MR. CRAWLEY: Not necessarily. There is perhaps some. The direction our brief goes is, it would indicate that it would be a separate person and a separate position from the provincial ombudsman, although it could perhaps be the same person. There are some pros and cons either way in our view from that, but it would be our position that the ombudsman would be a, I suppose, facilitator and would not have any power to make binding decisions. However, that is the reason why we also indicated our desire to have recourse to the judicial system or perhaps a quasi-judicial system.

MR. SCHROEDER: I suppose that's what is confusing me a bit. The way I see it, what you're saying is there might be an appeal process to the school board and then to the Minister supported by establishing an educational ombudsman, and then you say an external appeal process should be established which would permit appeal through the judicial system. Now, I'm not aware of any situation or any case with any other law where we would agree to having a decision by the Minister appealed through any kind of judicial process. It would seem to me that if you want a judicial process that you would have to have the judicial process coming after a decision from some other authority other than the

Minister, someone below the Minister in authority. Would you care to comment on that?

MR. CRAWLEY: That may be true. Would you care to comment on that, Fay?

MISS FAY SVINGEN: I could try and clarify . . .

MR. CHAIRMAN: Can I have your name?

MISS SVINGEN: Fay Svingen.

MR. CHAIRMAN: Proceed.

MISS SVINGEN: Okay, our position, just seconding what Mr. Crawley said about the ombudsman, we see the ombudsman as a facilitator, not as an empowered person. But we do see that final recourse and appeal should be available through the judicial system. An interim appeal to the Minister, if the situation is resolved at that level, it's fine, but there really should be an appeal beyond the Minister to an impartial party and it seems that the judicial system is probably one of the best safeguards because it is universal and it does represent the interests of the public and due process.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: I'll leave that alone. You're suggesting that Section 41(4) should be amended by adding a substantial paragraph to it and that seems to me to be very appropriate. I'm just wondering what the word 'typical' means in the first line, every child shall be educated in the most typical and integrated setting possible.

MR. CRAWLEY: Could you respond to that, Fay?

MISS SVINGEN: Okay, we did, in proposing the wording . . .

MR. CHAIRMAN: Miss Svingen. Proceed, madam.

MISS SVINGEN: I'm sorry. Thank you. In proposing the wording here, we're realizing that there may be some changes. There may be better ways to say this, but we felt it was important to include all of the information that's here. Typical we feel that there is a definition in terms of how children are typically served in schools, how the majority of children are typically served, and that would be our description of typical.

MR. SCHROEDER: Thank you. Yes, you're also suggesting an amendment to Section 41(5) under which well the effect would be that any time a child is sent out of a home school division that there would have to be a plan filed, that it would have to be subject to the approval of the Minister, and then there would have to be a plan filed for bringing the child back home. I'm just wondering whether you have taken into consideration the many children, for instance, who are being taken out of their home divisions for immersion courses and that sort of thing. Would you not see this, in certain instances, as being something just one more piece of red tape for the school divisions and the system to go through?

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MR. CRAWLEY: I'm not sure whether or not, when that was actually drafted, whether a great deal of thought was put on immersion courses. We certainly wouldn't want to jeopardize that or make it more difficult. I think it's a very important facet of what we would like to see in terms of trying to ensure that children with mental handicaps are educated as close to their home and as close to the and I'll use the word as close to the typical system as possible. I think that's our intent. Would you like to elaborate on that, Fay?

MISS SVINGEN: Mr. Chairman, may I comment on that?

MR. CHAIRMAN: Proceed ma'am.

MISS SVINGEN: Again, in addition to what Mr. Crawley is saying, there are several instances of children who are being sent out of their home division to schools. It's very costly to the child in terms of the long bus trips in many instances, in terms of the after-school activities he misses, in terms of the parents' input into the school division. It's much easier for parents to have input, both in terms of protecting the interests of their child and also supporting the school staff, if the child is nearby. Parents have indicated difficulties in having any real say in what happens in a school division outside, because the home school division is hesitant in some instances to overstep. We feel it really is crucial for children to have the opportunities to be in their neighbourhood and connected with their family and the other children in the neighbourhood.

MR. SCHROEDER: Going on to your recommendation with respect to 43(1), you are asking that provision be made for those children who for any reason cannot walk to school. Is it not a fact that in the current situation there are no children who are handicapped or unable to get to school who do not have that transportation and that if this amendment was put into the Act, or something similar to it, that it would in fact not be a burden on the public purse at this time but would in fact be a simple safeguard, a statutory safeguard for the future, so that you don't have to deal with regulations but any changes would have to be done in the Act, in the Legislature, as opposed to in the backrooms.

MR. CRAWLEY: That is our understanding exactly.

MR. SCHROEDER: Thank you very much.

MR. CHAIRMAN: Mr. Cosens.

MR. COSENS: Thank you, Mr. Chairman. Through you to Mr. Crawley or Miss Svingen, I wanted to touch on the aspect of the educational program in institutions, and really I wanted to ask you for a bit of clarification. Is it correct that there is probably only one institution that falls into that category in the province? The Portage Institution is under the Department of Health, and they handle the educational programming. To my knowledge, all of the other institutions are their educational programming is dealt with either through the local

school division or through the Department of Education directly. In most cases, I understand it is through the school division. Where you thinking of other than the Portage Institution?

MR. CRAWLEY: That was the primary thrust of the amendment.

MR. COSENS: I just wanted that clarification, Mr. Chairman. I was wondering if there were other institutions beside the Portage situation.

MISS SVINGEN: Excuse me, I was just going to comment in a broader way about our intent in that statement. Our intent in changing the wording to 'the Minister shall provide for the educational instruction' was . . .

MR. CHAIRMAN: Would you speak into the microphone because we're taping.

MISS SVINGEN: I'm sorry. Our intent in changing the wording to 'the Minister shall' from 'the Minister may' in the current proposed Bill 31, and inserting the wording 'shall provide for the educational instruction' was that we didn't see facilities being created within the institution. We saw the Minister being responsible for educational services, which indeed would come through the local school division, but our preference would be that the children would go out of the institution to regular schools rather than create special facilities.

MR. COSENS: Just one point, Mr. Chairman. That's certainly, I think, a desirable goal. Is it, I might say realistic, would all children, every child in institutions currently, be able to go out to what we would take as a typical school?

MR. CRAWLEY: It's certainly probably not a reasonable short-term goal. If we look anywhere in north America to a model, we look to Wisconsin, and they have achieved that, I believe, in the last nine years, or something like that, eight or nine years. It's a number of years anyway. They have not only not had a child educated in an institution but have not had any children institutionalized under the age of ten, I believe, nine or ten. So, it is I think a realistic long-term goal, it's not just an educational goal, however.

MR. COSENS: That's all, Mr. Chairman. That was my concern.

MR. WALDING: Mr. Chairman, I have a question or two for Mr. Crawley. I'd like to ask you, Mr. Crawley, if it's true that services for the provision of special education services is better today that it was, say, five years ago?

MR. CRAWLEY: Yes. I think certainly it is.

MR. WALDING: Would that have come about because of a recognition by the government and school boards of the problem and a willingness to do something about it?

MR. CRAWLEY: Yes, I think that would be correct.

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MR. WALDING: If Bill 31 were not proceeded with and we continued under the present Act, and there was still a will from the government and school boards to improve the situation, would you expect it to continue to improve?

MR. CRAWLEY: Yes I would, but I think you touched on our concerns exactly. You said if there was a will. What our objective is is to enshrine that will in legislation, because it is more enshrined that if it these same objectives were covered in the regulations alone.

MR. WALDING: If your suggestions and similar suggestions in other briefs were incorporated into Bill 31 and it was not accompanied by the will and intent of the government, backed up by additional funds, would you still expect services to improve for special education children?

MR. CRAWLEY: Certainly not nearly as fast as if the will existed.

MR. WALDING: Can I ask you then if you have received any indication of the intent by the government of the day to see a continued improvement and any indication of additional funds to accomplish that?

MR. CHAIRMAN: Mr. Crawley, you don't have to answer that question if don't wish, sir. It is out of order.

MR. CRAWLEY: Yes, we did.

MR. CHAIRMAN: Proceed, sir, if you wish.

MR. CRAWLEY: We have seen, in a number of areas, indications in that respect.

MR. WALDING: Thank you. No further questions.

MR. CHAIRMAN: Any further questions, Mr. Brown?

MR. BROWN: On page 3 of your brief, referring to section 41(4), you state that 'All students shall be assimilated into regular education settings and activities, and whenever possible into regular classrooms which are age-appropriate.' The area that I represent is Garden Valley School Division, Rhineland School Division, Red River, I don't know if you're familiar with the area. But it's the Winkler, Altona, St. Jean and so on. We have been, I would say that our facilities over there are possibly second to none in Manitoba. We have been working with this type of problem for many many years. At the present time there are various groupings and so on, you have your children which are deemed to be slow learners, in other words they may have a problem in mathematics, they may be able to keep up with other subjects and so on. They have special difficulties and we have resource teachers for these. But it seems to me what you are saying over here that you want students even with more serious problems than that to be assimilated into the regular classroom.

Now, my wife is teaching and this has been tried and with some unfortunate results I would say. This tends to make everybody happy. The student, first of all who is assimilated into the classroom gets

hopelessly bored because he really doesn't know what is going on and disturbs the other students to the point where nobody is really capable of carrying on their regular activity. Now is this what you mean, when you say that all students should be assimilated? You're saying whenever possible and you're not leaving it really up to the discretion of the teacher and the principle, who are close to the situation, but you're saying rather it should be the superintendent, who is quite far removed from the situation. You are saying that he should determine whether this child should be allowed to remain in that classroom or not. I find that a little disturbing and I wonder if you have any comment on that?

MR. CRAWLEY: Yes I do. The answer to the question I guess broadly is, no. That's not what we mean. That's not what we mean at all and I think that is a message we have to keep talking on and talking on. We do want to see handicapped children that are physically able, and that includes virtually all handicapped children eventually, to be in the school building physically. There is no value, as far as we see it, in terms of having them in a classroom setting just because they happen to be the same age as the kids that are in that classroom. That's not our intent at all and categorically. The reason why we would like to see them in the school building as such is because there are things within the school day which they can be involved in and that may be things as simple as sitting in on a music class, if that particular class is a fairly unstructured class, maybe it's a morning assembly. Maybe it's simply being in the same hallway with normal kids. And these kids can learn a great deal by assimilation in that direction and it's not a one-way street. The normal kids, if we can classify the majority of kids as normal, can learn an awful lot about handicapped children and their attitudes can change and it's an extremely rewarding process and I know.

I have my son, who is multiply handicapped, he's in an excellent program in Lord Roberts School and it's exactly this type of program. He is, at this point, and has not been in the regular classroom as such, to any extent at all. He has been in a separate classroom in a regular school, but his whole behavioural patterns, because of the setting, we feel very strongly that the setting has had a lot of impact on him, that his behaviour has improved, a great deal, his interaction with other children has just blossomed tremendously, and next year he is going to be moving into a grade 2 reading class as his first academic class, in a regular setting.

No, we do not mean that we should dump kids into a class just because they happen to be the same age as the kids in the class, not at all.

MR. BROWN: I thank Mr. Crawley for that explanation and I would say that the explanation that he gave is a very good explanation. It's the type of thing which we are doing up in our area, where we are trying to get the retarded children and students with handicaps and try to get them involved as much as possible with the regular activities. But there comes a time when there has to be some sort of separation or else everybody suffers, so I thank Mr. Crawley for that explanation.

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MR. CHAIRMAN: Any further questions? We thank you, Mr. Crawley, Miss Svingen, for your presentation.

The next name I have on my list is Mrs. Moira Spivak and I see Mrs. Wilcox here and some of the staff from . . . Do you have a presentation you would care to make, Mrs. Wilcox?

MRS. WILCOX: No, I think that Mrs. Spivak's wish is that we make one presentation on behalf of the Winnipeg School Board, which I believe is later on, and on her behalf I will make that tomorrow if that's agreeable.

MR. CHAIRMAN: Thank you.

MRS. WILCOX: Thank you, Mr. Chairman.

MR. CHAIRMAN: Social Planning Council of Winnipeg and I could remind those that are in the room tonight, we are now on Social Planning Council of Winnipeg, we'll sit till 12:00, and the next one is from The Pas and they haven't indicated they're here, and Mr. Gordon, and then the Commissionaire d'Ecole Manitoba Francon is next, and Mr. Stangl, and Mr. Dunford, and I don't know if he wants to be heard, so I hope that we can accommodate those before 12:00, so I'll call Joyce Sononecki.

MR. ROY WARMAN: Mr. Chairman, my name is Roy Warman, W-A-R-M-A-N, and I appear on behalf of the Board of Directors of the Social Planning Council of Winnipeg. With me, if I may bring him up, is Mr. Keith Cooper, a member of the Board of Directors of Social Planning Council of Winnipeg, also the Executive Director of the Childrens' Homes of Winnipeg, and a former area superintendent with the Winnipeg School Board Division No. 1.

Before commencing with the brief, would you please mind removing the back section of the brief, which is a presentation on Bill 22. This has been updated with the new board member list and Mr. Cooper has the updated copies.

MR. CHAIRMAN: That would be after what, page 7?

MR. WARMAN: That is correct, Mr. Chairman.

MR. CHAIRMAN: Proceed, sir.

MR. WARMAN: Mr. Chairman, on May 30th, 1980, Mrs. Lenore Good, the Vice President of the Planning Council, wrote to the Honourable Keith Cosens expressing approval and appreciation on the government's stance on the rights of all children to educational programs as set out in Bill 31, particularly in comparison with the proposed Education Act of 1979, known at that time as Bill 22. The letter goes on to identify previously articulated concerns with regard to integration, early identification and detection, and teacher education.

We appreciate the Minister's response in his letter of June 12, 1980, in which Mr. Cosens replied that: 'Let me comment briefly, also, on the concerns you have voiced. Early detection and remediation of handicapping conditions is also a concern of mine. The more obvious cases of the handicapped are, in my opinion, identified quite early, chiefly by the Departments of Health or

Community Services or by such funded agencies as the Society for Crippled Children and Adults. Although Education does not have jurisdiction at the pre-school level, I am aware that both divisional personnel as well as support staff of Child Development and Support Services do become involved in many instances in an attempt to prepare themselves and their systems to take the handicapped children into school-based educational programs. This and greater interdepartmental articulation I will continue to encourage.

I agree with you that a desirable goal in teacher education would be for every teacher to have some training in identifying and meeting the special needs of children. At the same time, I know that many training priorities impose on time in the B.Ed. program. It is encouraging to me that an increasing number of professionals on their own volition or under the encouragement of my Department and the universities are opting for studies in special education. I can mention, also, that the staff of Child Development and Support Services is active in the professional development of both special education personnel and regular classroom teachers and that such assistance is welcomed by the school divisions.'

The Minister concluded by saying that, 'I have during my term of office given support in various ways to the further integration of children with special needs where that is in the interests of the children and within the available human and fiscal resources, and will continue to give such support. The issuance of a statement on this and other matters regarding the special needs of children is being considered seriously.'

Many of the Council's concerns have been identified in the presentation made to Law Amendments Committee on the previous bill, and a copy of that presentation is appended. However, we feel that it is important and necessary to once again identify particular concerns with regard to special needs students and their rights to educational programs and services which are appropriate to their needs.

The Public Schools Act, Bill 31, The Right to Education. We find it necessary to repeat the concern expressed last year, that is, 'the purpose of an Act is surely to establish both the purpose and the content of legislation.' In view of the many changes found in the bill, we still feel that the clauses of Bill 31 need a unifying principle, that is a statement of policy intent.

We would once again suggest that a statement of intent such as the following would adequately serve the purpose of clarification and unification of this Act.

"To the maximum extent practicable, handicapped children shall be educated along with children who do not have handicaps and shall attend regular classes. Physical and mental impediments to normal functioning of handicapped children in the regular school environment shall be overcome by the provision of special aids and services rather than by separate schooling for the handicapped. Special classes, separate schooling or other removal of handicapped children from the regular educational environment shall occur only when, and to the extent that, the nature or severity of the handicap is such

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that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily".

In that, at present, there is no unifying statement of policy intent, we feel the following comments have to be made.

Every school board shall provide adequate school accommodation for the resident persons who have the right to attend school as provided in Section 259, which informs us that 'Subject to the provisions of this Act any person who has attained the age of 6 years has the right to attend school to an age 3 years beyond the age of majority."

Section 41(1)(a) appears to intend that accommodation be 'adequate'" for those attending school. Section 41(4) indicates that 'every school board shall provide or make provision for education in Grades 1 to 12 inclusive for all resident persons who have the right to attend school.'" Section 41(5) states that 'Every school board shall, as far as is possible and practicable in the circumstances, provide or make provision for resident persons who have the right to attend school and who require special programs for their education'".

However, that portion of the Act which deals with the transportation of pupils provides no real requirement for school divisions to provide appropriate or necessary transportations for handicapped students.

To wit, Section 43(1) provides the following general limitation, 'Subject to the provisions of this Act and the regulations, in all cases where transportation of pupils is required, it shall be provided for those pupils who would have more than one mile to walk in order to reach school."

Section 43(2) provides the following requirements within those general limitations, 'Subject to subsection (1) and the regulations, each school board shall provide or make provision for the transportation of all resident pupils to and from school, or may all or part of the living expense of such pupils in lieu of providing transportations."

Section 43(3) provides for compensation to parents for transportation at a rate, Section 43(4)), established by the school board.

Section 43(6) specifically states that, 'No school board shall be required to extend a transportation route beyond the boundaries of the school division or school district, and nothing herein requires the school board to provide for the conveyance of a pupil to and from a point closer than 1/2 mile from the residence of the pupil."

In other words, the right of a resident pupil to appropriate educational programs and services are defined by the words 'adequate school accommodations'", and a division is required to pay the residual costs of attendance of programs in other school divisions. But nowhere is there in the Act a requirement that school divisions provide appropriate transportation, either within the division, or to a program outside the division. Transportation costs have not usually been included in the definition of residual costs. The right to even an 'adequate'" educational program is not really a right if the provision of appropriate transportation does not go hand in hand.

Therefore, these sections need to be amended to impose a duty on school boards to provide

interdivisional transportation, which some boards do now, and to provide portal-to-portal transportation as necessary, as some boards do now. Whenever possible, such transportation should eventually be in the regular school bus by means of lifts or ramps or driver assistants. In this way, the maximum integration possible can happen and regular students can aid in the process of transportation.

Indeed, we feel, Section 41(5) is the operative clause and needs amendment to put an onus on school boards to clearly detail reasons and made adequate arrangements for resident pupils not provided for under Section 41(4). We believe also in an appeal procedure for parents and pupils who feel school boards are not adhering to requirements of these two sections.

Sections 69-74 respecting the school buildings does not address the issue of accommodation. It should not be left to a court to make final judgment on this matter if The Public Schools Act is truly a statement of policy. The principle of universal access still needs to be stated in the Act.

The Social Planning Council congratulates the Minister for the deletion from the previously proposed Bill 22 of the words 'insofar as is possible and practicable in the circumstances'" in reference to the establishment of special programs for special needs students. With appropriate requirements regarding the provision of transportation and appeal procedures, Sections 41(4), (5), and (6) are valuable portions of the Act, particularly if consideration is given to establishing a cascade of services approach which we have presented to you previously.

Part XIV of the Act respecting school attendance, made up of Sections 258 to 276 inclusive, defines the rights and duties of school boards and parents to receive and send children to school. However, we wish to draw to the attention of the Minister Section 48(4) Suspension and Expulsion. 'Subject to the regulations and notwithstanding any other provision of this Act, a school board may suspend or expel from a school any pupil who, upon investigation by the school board, is found to be guilty of conduct injurious to the welfare of the school'".

There is no question in our minds that the school and its students must be protected. On the other hand, there is no onus placed on a school board to demonstrate definitely that it has attempted to provide appropriate programs and services to students, and no duly constituted appeal process for parents and students. The Council does not intend to indicate distrust of school boards, but surely a situation where a pupil is 'found to be guilty of conduct injurious to the school'" is a statement open to varying degrees of definition. Without any requirement that a school board shall demonstrate intensive attempts to provide necessary and appropriate programs and services to that pupil, either by itself, in concert with programs in other divisions, or in collaboration with other human service agencies, or all of the foregoing, needy students can be rejected and forgotten. In addition, if indeed, the Act is to include special needs students and educate them appropriately, an appeal mechanism must be provided for parents, guardians or educators who feel that the program being provided to a student with special needs is not adequate or appropriate. Appeal procedures exist in

the Act for other causes and may provide an adequate model.

Section 4. The Provision of Educational Programs and Auxiliary Services. Adequate accommodation does not define an educational program appropriate to the needs of special needs children. An educational program, narrowly defined, could provide access and tuition for a physically handicapped student, but not consider the imperative need for occupational and physical therapy, without which such handicapped students can become excluded from the regular and normal stream of life. A narrow definition of education can reject emotionally disturbed children as health problems, or child welfare problems and such jurisdictional tangles will not provide the collaborative service which can make an educational program whole and meaningful. We heartily congratulate the Minister for his support of child development support services and his encouragement of linkage with other departments. We urge the Minister to include in a statement of intent the development of a human services approach to the needs of children, and to prevail upon his colleagues in relevant Cabinet ministries to concur in such statements of what the Minister referred to as 'interdepartmental articulation'.

Section 5. The Provision of Human and Financial Resources. It is not our purpose in this presentation to enter into discussion about the complexities of Educational Finance. We believe it is true that school boards have responsibilities to educate children with appropriate programs. We believe that without some statement of intent and requirement that may not happen. We recognize that school boards may desire the Minister to provide additional funds to enable them to meet this challenge. We believe that both school boards and the Minister will agree that it is cheaper and more humane to pay the costs now, as early as possible, than to pay the significant cost later, even though the expense may be charged to a different department of government.

In the area of teacher training, education for teachers regarding special needs students is absolutely necessary; however, pre-service training is not sufficient. Ongoing professional development must take place in order that teachers may stay in touch with new knowledge and technology.

Section 6. Education and the School Year. If careful exploration of the concept of appropriate educational programming and service takes place, it is likely that the right to education may need to extend beyond the limits set in Section 259 of this Act and that an extended full year program will be vitally important for some students with special needs.

In conclusion, the Social Planning Council, as the letter from the Vice President of the Council indicates, congratulates the Minister and the government on the forward steps taken in this proposed Act. We recognize as well that some questions and concerns can be answered by the publishing of the regulations under the Act; and this can provide needed flexibility.

On the other hand, we reiterate our concern that no clear statement of intent accompanies the Act. Without that statement of intent, many special needs children in our province do not have, in reality, the right to even an adequate accommodation in our

schools, let alone the educational programs and services appropriate to their needs, whether in the least restrictive alternative or any other.

The Social Planning Council is attempting to speak to the needs of all our children in a spirit of cooperation, and looks forward to continued cooperation and dialogue. We appreciate some positive steps taken by the Minister and the government and ask that these few further steps be taken to make clear to the public the Minister's concern for furthering the development of appropriate programs and services which will further the inclusion and integration of children with special needs.

MR. CHAIRMAN: Thank you, sir, for your presentation, Mr. Warman. Any questions from the members of the committee? None, Mr. Warman. We thank you and Mr. Cooper for your presentation to the committee. Oh, I'm sorry, Mr. Schroeder.

MR. SCHROEDER: Mr. Chairman, I do have one question and that relates to the matter of children in institutions being transported from those institutions into public schools. Is either one of the members of the delegation in a position to be able to comment on that type of procedure in jurisdictions other than Manitoba?

MR. CHAIRMAN: Mr. Warman.

MR. WARMAN: I think Mr. Cooper is probably more . . .

MR. CHAIRMAN: Mr. Cooper.

MR. COOPER: Thank you, Mr. Chairman. There has already been identified tonight an instance of the Wisconsin situation where this has taken place. It is also true in Manitoba within our own jurisdiction that children, as you have already heard, have been transported from St. Amant. There are also cases where children are being transported and I guess Mr. Chairman, it depends on what is referred to as an institution, but from places such as Marymount, such as Sir Hugh John Macdonald Hostel, Children's Home of Winnipeg and so on. Some of the things that have happened in that regard have demonstrated that from such institutions, transportation to regular school programs can take place and operate effectively.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: I may have missed it in your submission, but I'm sure you've heard a number of the previous submissions dealing with the matter of an appeal procedure. What is the position of the Social Planning Council on that type of a procedure, if you have any?

MR. CHAIRMAN: Mr. Cooper.

MR. COOPER: Mr. Chairman, the Social Planning Council does not have an appeal mechanism, an absolute appeal mechanism in mind. What the Planning Council does suggest, however, is that it is important that there be an appeal mechanism, whether it be an ombudsman which may be something that is somewhat cumbersome if all

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appeals from all over the province were to come to one ombudsman, but that there be some very clearly identified appeal mechanism for parents and children and educators in a particular local school jurisdiction or in a particular region, so that there are really two joints I think to this appeal mechanism. One, that it be there, and two, that people know what it is, because in many cases there are people who are not even aware of the kinds of options, possibilities and so on that they have to bring some concerns to people in their local jurisdiction. They also sometimes, Mr. Chairman, are faced with the fact that the people to whom they are bringing the appeal are, in fact, the people who have already made the decision. It sometimes appears to parents who have difficulties that it's like asking an umpire or a referee, Mr. Kovnats, to change his decision. So, that is why we feel the whole notion of an appeal mechanism is really very important and that it be identifiable.

MR. SCHROEDER: I don't have any further questions, just a comment that I certainly agree with most of the suggestions and especially the idea of the bill requiring a statement, sort of a unifying principle, a statement of intent, so that we know where we're going, what the proposal for education is. Thank you.

MR. CHAIRMAN: Mr. Warman. Mr. Walding.

MR. WALDING: Just one question, Mr. Chairman. Mr. Warman mentions in his brief that he fails to see a statement of policy intent and then goes on to suggest some wording which I have no quarrel with. I'd like to ask Mr. Warman where he would expect to see such a statement of intent. Would it be in the bill or in some other place or statement.

MR. CHAIRMAN: Mr. Warman.

MR. WARMAN: I would like to see it written directly into the bill.

MR. WALDING: I'd like to ask Mr. Warman if he is familiar with Bill 82, An Act to amend The Education Act of Ontario.

MR. CHAIRMAN: I don't think that we can bring that into this subject. We're dealing with Bill 31 and another bill. I recognize your concern. I don't think the committee is supposed to deal with those matters and I'm at the mercy of the committee. I leave it to your judgment and to the members of the committee.

Mr. Walding.

MR. WALDING: Mr. Chairman, I hadn't finished the question.

MR. CHAIRMAN: Proceed with your question, sir.

MR. WALDING: I was intending to ask Mr. Warman that if he was not familiar with it was he perhaps familiar with the Minister's opening statement when she introduced that bill into the Legislature in Ontario where she said, 'The principle, Mr. Speaker, is that of universal access to public education. The concept is simply that an education system which is supported by the taxation of all citizens has an

obligation to be of service to all children, exceptionalities notwithstanding.' There is much more, several pages, but if there had been this sort of statement of intent by the Minister introducing the bill, would that have perhaps satisfied the council as to a statement of intent without it having been written in the bill?

MR. CHAIRMAN: Mr. Warman, I can advise you, you don't have to answer that question if you do not wish. It's another jurisdiction. We're dealing in this with the province of Manitoba and its education. If you so desire, you are liberty to answer, sir.

MR. WALDING: Mr. Chairman, I'm asking Mr. Warman about the introduction of Bill 31.

MR. WARMAN: I am in a situation where I find it difficult to answer that. Perhaps we would have had fewer concerns should that type of introduction been made. However, I think the majority of our members and board members would like to see the intent to quote from a previous presentation enshrined in legislation.

MR. CHAIRMAN: Thank you. That is, Mr. Warman, a classic example of members of the committee asking people who are here and not prepared and they are reading from certain documents and ask questions that I don't think, as chairman, is fair. If you had the matter before you, you maybe could have given the member an answer.

So, proceed, Mr. Walding.

MR. WALDING: Mr. Chairman, I know that Mr. Warman did not have to answer the question. I'm sure that he understands that and I would have not been in the least disappointed if he had declined to answer.

MR. CHAIRMAN: Mr. Walding, it's my duty as chairman of this committee, when these people come here in the best of their wisdom, not to be embarrassed by questions that they don't have documents before them to give a fair and intelligent answer. I think it's my duty as chairman to tell them in advance that they don't have to answer. I think we should go back to the subject matter before us, the bills, if you please.

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

MR. CHAIRMAN: Any further questions of the committee? We thank you kindly, Mr. Warman and Mr. Cooper, for your presentation.

MR. WARMAN: Thank you, Mr. Chairman, and members of the committee.

MR. CHAIRMAN: I call Mrs. Taylor from The Pas. Mr. Gordon from the Manitoba Teachers' Society. Mr. Wiens, I'm sure yours is a rather lengthy presentation and it's 10 to 12. Would you prefer to waive it until tomorrow.

MR. J. WIENS: Yes, we would. I was going to request that. Thank you.

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MR. CHAIRMAN: 10:00 o'clock in the morning. I wonder then, could we hear Mr. Dunford. Mr. Schroeder.

MR. SCHROEDER: Mr. Chairman, on that, I would love to hear Mr. Dunford, but I don't think it's really fair to Mr. Dunford to have him heard tonight when we won't have a chance to ask him any questions. We're at 10 minutes to midnight and . . .

MR. CHAIRMAN: I agree. We can by leave ask for all his questions if the committee wishes. I'm at the mercy of the committee. What would you prefer, Mr. Dunford? Come after Mr. Gordon in the morning? Is your brief rather lengthy, sir?

MR. FRASER DUNFORD: That, sir, will depend upon what the committee does with what I have to say. I would prefer to present it in one whole piece, rather than part it. I can't even read what I've got in the time that's left.

MR. CHAIRMAN: Yes. How about tomorrow in the morning then? Is that agreeable?

MR. DUNFORD: Okay, I come after the MTS presentation?

MR. CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I want to give Mr. Dunford his just due, but No. 19 is Commissaires d'ecoles Franco Manitobains. I think that they are ahead. Joe Stangl was ahead.

MR. CHAIRMAN: I apologize.

MR. FRASER DUNFORD: Mr. Chairman, I pointed out to you before the meeting started that I have a rather bad difficulty tomorrow in that I'm now in the situation where I have to be in two places at once. There is no guarantee that I can even appear here tomorrow. I will attempt; my attempt to appear will be made very much easier if you can give me a two-hour time slot in which I can speak. Now if you can specify it down to that time, I think I can get somebody else to cover what I'm supposed to be doing for two hours.

MR. SCHROEDER: Mr. Chairman, on that point of order, it seems to me that everybody is being treated equally and here we have a one hundred percent absence of the Liberal caucus throughout the hearings of this committee. The Liberal party, it seems to me, should be treated in no different fashion than any of the other people who appear before us. We've set a manner in which . . .

MR. CHAIRMAN: Mr. Schroeder, may I remind you Mrs. Westbury, I don't think is a member of this committee.

MR. DUNFORD: Could I also comment, Mr. Chairman, that I have been here every minute of these things and I am representing the party.

MR. CHAIRMAN: May I very briefly, with the permission of the committee, ask you to arrive here at 2 o'clock tomorrow afternoon, sir.

MR. DUNFORD: Thank you very much, sir. I will attempt to do that.

MR. CHAIRMAN: Is that agreeable to the committee?

MR. SCHROEDER: Well, it's agreeable but we can't guarantee that . . . there are other briefs ahead, Mr. Chairman, and when we get to him we get to him.

MR. WALDING: My point was the same, Mr. Chairman, I don't know of any committee of the House that's ever made an appointment for someone to appear. But in looking down the list it seems likely that the committee would be able to accommodate this gentleman some time tomorrow afternoon.

MR. CHAIRMAN: There are two ahead of you, Mr. Dunford, you likely have seen the list. I suspect that by 2 o'clock or in that general area.

MR. DUNFORD: Very well, I will be here at 2 o'clock tomorrow, I hope.

MR. CHAIRMAN: We want to hear all the presentations of all the people, Mr. Dunford, and it's not easy, because they are all interesting and very important with the subject matter we are dealing with.

Is that agreeable to members of the committee that 2 o'clock or thereafter, that we hear Mr. Dunford tomorrow. (Agreed)

Committee rise.

The committee will sit tomorrow morning, starting at 10:00 a.m.