



Legislative Assembly of Manitoba

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman

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



Monday, October 22, 1979 2:00 P.M.

**Hearing Of The Standing Committee
On
Privileges and Elections
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CHAIRMAN, Mr. J. Wally McKenzie.

MR. CHAIRMAN: Mrs. Spivak, please. Are you ready to proceed, Mrs. Spivak? And does the Honourable Member for St. Vital wish to speak?

MR. WALDING: I'm finished, Mr. Chairman.

MR. CHAIRMAN: Thank you. Then the Honourable Member for Winnipeg Centre.

MR. BOYCE: Well, first of all, through you, Mr. Chairman, I wish to agree with one of the positions of the School Board in that it seems rather ludicrous that Crown agencies are required to borrow money and pay interest on moneys which they are due. The only reason that I've been able to find out is all Ministers of Finance have said no, because I think it's just administrative changes that moneys which are either collected or legislated for expenditures should flow so that this is prevented.

But, a specific question, Mrs. Spivak. When the Unicity bill was brought forth it was pointed out at that time that the anomalies which you mention as far as the differing tax rates that would occur, and it has been exacerbated by the inflation which doubtless has put it more out of whack. But in mentioning, you know, such things as the needs of one division over another relative to such things as Special Education, is it not the case that in Winnipeg No. 1, there are many additional costs.

I think in last year's budget they included a million dollars as a special grant to somewhat alleviate this situation. But where people come to the city because they have not just special educational needs but medical needs, that many people are in this School Board No. 1 because of needs other than the educational system, but which places them physically there, which puts further demands on the system. I'm thinking about one specific problem that I have seen precious little attention paid is the migration of the native people. And in reading recently that there is a movement to put the clock back somewhat in where the Federal Government had made arrangements with school divisions to close down the old Indian resident schools as we knew them in prior generations, that these are now coming back and there is pressure to bring them back in existence.

So in this overall financing of education, is there any attempt made to rationalize the overall cost of education as far as legitimate demands on the federal purse, the provincial purse, and the municipal purse, or the School Division purse? If I may, Mr. Chairman, if people suggest that there is a ratio of 80 percent provincial and 20 percent local levy. . . We've heard much of that in the past but I have seen very little mentioned as far as the division of the financing in the 1980s to reflect the change in the whole country. For example, the migration of our population's east and west with some of the economic things that are taking place.

You mentioned the advisory committee on educational finance. May I, through you, Mr. Chairman, ask the minister, did we get a copy of that?

MR. COSENS: Yes, there's no problem with that, Mr. Chairman.

MR. BOYCE: No, I think we did get a copy of it, didn't we?

MR. COSENS: I don't think you've had the latest recommendation.

MR. BOYCE: From your recollection, Mrs. Spivak, was there any attention paid to this matter of which I speak?

MR. CHAIRMAN: Mrs. Spivak.

MRS. SPIVAK: Yes. All I can recollect, and my understanding of what that committee recommend comes through the press release, is that they did recommend an equalizing formula throughout the whole province. I am not so sure that they took into account the various contributions which the federal, provincial and municipal levels might contribute to education. But, Mr. Boyce, if I may you did mention that the one million dollar grant which, of course, it's an inner-city grant which is given to the Winnipeg School Division, I think in recognition of some of the inequities of the Greater Winnipeg Education Levy but it does pale when you think of \$37 million over a period of some years and one million each year. You know, the one million dollar inner-city grant is stretched beyond all reason in terms of attempting to make up the kinds of things you talk about.

And, also, if I may, the City of Winnipeg Treasurer who is a great supporter of ours it seems unknowingly talks about the problems of assessment which, I think, is what we were directly talking about here and he says, "The more assessable property a school division has the richer it is determined to be" and completely ignored, and I think that's what you are referring to, are the encumbrances against that assessable property or the tax load that is already being carried by the property owners in divisions within larger municipalities of much more extensive municipal requirements and more costly special needs of schools. And it may interest you to know that in terms of native migration we are experiencing ever increasing figures of migrancy within our schools. Not only do many people come from the native population into the schools of our area but they complicate matters by the fact that they move a great deal and some of our schools have almost a 75 or 85 percent migrancy rate or a turnover rate in which these students, who come in at the beginning of June are gone by September and that makes, of course, the need for resources to sort them out constantly. You know, the classroom teacher can hardly cope with a class which changes completely before the course of the year is out.

I don't know whether that answers your question but it does touch on some of the things you commented on.

MR. BOYCE: Well, it does answer it somewhat, Mr. Chairman, that it focuses on the problem, for example, the matter to which she refers, or even within Winnipeg No. 1 where you have a shift in the population from different school districts. I'm sorry, what is the . . .

MRS. SPIVAK: Just from different schools.

MR. BOYCE: Different schools.

MRS. SPIVAK: From school to school.

MR. BOYCE: I know there was some suggestion made that the youngster register in a particular school and if the parents moved that they could be actually transported, and I think the board gave serious consideration to that but they just couldn't finance it. So is there any list of special problems such as those of which we speak?

MRS. SPIVAK: Yes. In our brief which we present each year to the minister, and which we would be glad to have copies made for you, we do list all the special inner city programs which the school division carries on and which is a cost over and above naturally the normal cost of school operations and the teacher grants and so forth. So if you are interested in that I'm sure we could make that available to you.

MR. BOYCE: Your brief doesn't comment on one of the other specific problems of Winnipeg No. 1 and that is declining enrolment.

MRS. SPIVAK: Yes.

MR. BOYCE: Well, in the sense that this is another special cost. I mean not only Winnipeg No. 1 but any school division that budgets at the start of the year and then circumstances change within the year. Do you think that this type of additional cost should be borne by the province generally? What I'm asking, Mr. Chairman, are there some specific identifiable needs which should be statutorily borne by the province. For example, one of the prior briefs suggests that there was, at least in my mind it was implicit in the brief that they said if the government puts in the statute references to transportation then it becomes incumbent upon the government to grant the costs of that transportation. So is there a list of such needs in each school division, you know, from their rather

archical viewpoint as far as special problems are concerned which should be statutorily funded by the province?

IRS. SPIVAK: I can't answer that question Mr. Boyce because I am simply not equipped to tell you what should or should not be enshrined in statute. There are I'm sure finer legal minds than mine, and mine is not a legal mind, to make those sorts of distinctions. I do think that if you put something in legislation that it is meaningless unless after that some determination is made of the resources to implement the legislation.

You touched on declining enrolment and, of course, you know that there are declining enrolment grants given to school divisions by the provincial government and I think that is a very serious problem. It is one, however, that the school division is endeavouring to come to grips with in a particular manner. We did not think it was a subject that should form part of our brief here in terms of making representation to the particular bills that we are considering here.

MR. BOYCE: Well, Mr. Chairman, I wouldn't expect the Chairman of the Board to give specific recommendation but I wonder if there has been dialogues at the board level and with the staff as far as the general principle of those things which should be a provincial cost and I would even go further into a federal cost vis-a-vis a municipal cost.

MRS. SPIVAK: Yes, I think I know the kinds of things you are talking about. I would mention only one if I may and that is in the area of transportation. There have been representations made prior to the minister with regard to the costs which we bear for transportation for which we are not given corresponding grants. The grants that we are given do not begin to cover our costs for special education programs, for example, and other things, whereas some of the other divisions — I'm not clear on all the provisions here — it's my understanding that some of the other divisions get much more consideration in terms of transportation grants than we do, and that's one area which I think needs to be looked at.

As far as the general kinds of programs that we have to run, because of the nature of our division I would say that of course our position is, because you know, we are there and we must educate these children and in order to educate them we have to provide all kinds of resources. Children can come to us in the core area or with other problems; we must make it possible for our teachers to teach them by the provision of all kinds of aids, all kinds of resources, and I think our position would be that we would hope that not all of these costs would need to be borne solely on the property tax. I think our position on that is pretty well known and clear, but whether it should be a matter of statute, I simply couldn't answer that question within the framework of this particular committee.

MR. BOYCE: Well, Mr. Chairman, I wish I could say that all the problems started on October 11th, 1977, but that isn't the case. Where we are now is trying to devise an instrument for the eighties. You have suggested that the \$35 million be shifted to a different tax base.

MRS. SPIVAK: Oh you're talking about the moneys which we — that's over a period of years, we contribute about \$5 or \$6 million each year. Yes, I'm suggesting that I suppose that any kind of equalization formula which would be more equitable would have to come from the consolidated revenues of the province, because otherwise, if that formula were removed overnight, other school divisions in the Metro area would suffer a great increase in their property taxes. Yes, I think that's what I'm suggesting without giving you an alternative.

MR. BOYCE: Well, in looking for \$5 or \$6 million of additional revenue in the general fund, I don't know what that would translate to as far as gasoline tax is concerned, but it's about the amount that the former government raised on estate taxes. The board has no recommendation on where this additional \$6 million in general revenue should be collected.

MRS. SPIVAK: Not at this time, Mr. Boyce. I would not think that the board from its perspective could offer a recommendation which would be suitable for the province as a whole perhaps in terms of equalization, or suitable for the rest of the city. I think certainly we would wish to consult with the department and we have some ideas, but I really think that the amendment of an equalizational formula must come from the provincial government where it rightly belongs, that sort of amending process, because of course it involves the whole city and there may be an impact on — there may be unintended consequences from the kind of formula that we would propose which would suit our own needs which might not be suitable for the rest of the city. And so while we would make suggestions and certainly offer any kind of advice from our perspective, we really look to

the provincial government to introduce what is a very much needed solution to the problem.

MR. BOYCE: Am I understanding you correctly when you're suggesting that more of this should be transferred to general revenue rather than a new formula which would shift, for example, in your reference to disparity between Winnipeg No. 1 and the Seine River. You're not suggesting that this be more equalized in the city itself.

MRS. SPIVAK: Perhaps it could be. Obviously the commercial tax base has to be equalized somewhat. Our particular exception of course is, as I stated earlier, that in order to equalize the tax base, the very people who can least afford to subsidize — it's not the divisions per se. That would be not very important. It's the fact that individual homeowners, within an area of the city that is certainly not the richest, not by any means, as you're well aware Mr. Boyce, in Winnipeg Centre and other places, the individual homeowner is being asked to subsidize this so-called equalization. And that is unfair.

I am suggesting that what we need is an equitable system, a fairer system in which equalization, which has to take place if we're going to be one city, is done on a basis which is much fairer to an individual homeowner. I'm thinking of our senior citizens and people like that, who are very hard pressed. People on fixed incomes and so forth.

MR. BOYCE: Thank you, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Burrows.

MR. BEN HANUSCHAK: Yes, Mr. Chairman. I note that the Winnipeg School Division is, or one of the three matters, or two of the three matters of concern, rather, one finances, and two special programs, and looking at both and at the bill, I would think that the — or let me ask the Chairman of the Winnipeg School Board, Mr. Chairman, are you aware that Bill 23, The Education Administration Act, does make provision for allowing, or could make provision if the Minister should enact such regulations, make provision for allowing you to charge a user fee? And that is contained in that minor change from the previous section in the Act, Section 6(1)(g) by the insertion of the word "public". I am looking at, in the bill, 4(1)(e).

MRS. SPIVAK: Yes, Mr. Hanuschak, I am now aware of that. It is not a section of our bill that our board paid particular attention to in discussion of these bills at all.

MR. HANUSCHAK: Well now that the Winnipeg School Division is aware of the fact that the Minister could make regulations allowing you, or perhaps even compelling you to charge a user fee of certain groups, kinds, classes, or types of person, would the Winnipeg School Division consider the imposition of a user fee to narrow the gap between what it receives by way of provincial support and special levy on the one hand, and its operating expenses, by imposing a user fee upon either the rich or the poor or the handicapped, or the native people or whoever.

MRS. SPIVAK: Mr. Hanuschak, I cannot speak for the Winnipeg School Division on a matter which they have not discussed in board session. I can say however, just from my own experience and personally, that I have no idea what this involves. I would doubt very much if it would involve a user fee within a public school system, and I think the idea would certainly be repugnant of a type which you suggest. However, if it's the kind of fee which — we have non-residential fees, if it's out-of-province fees, if there are things of that nature, I really don't know if that's the power which is provided to the Minister here, but if that is what is being suggested I don't think I personally would be against it in principle. I think if the intent of this section is perhaps as you suggest, it would be a matter for the Board of the Winnipeg School Division as well as other boards to very seriously look at.

I'm not sure what's intended by this and I heard the Minister say this morning that it was no different than what was in the old bill.

MR. BEN HANUSCHAK: Yes, Mr. Chairman, I would ask the Chairman of the Board to bring this to the attention of her board, and that there is a very significant change. Or let me ask the Chairman of the Board, would you not consider the change in this section as it now reads, and the change is only the insertion of one word in there, the word "public" being a very significant change which does open the door to the Minister, the school divisions, to impose a user fee upon all or any group, kind, class or type of persons admitted to the schools.

MR. CHAIRMAN: Mrs. Spivak.

MRS. SPIVAK: Mr. Hanuschak, I think this is a matter like any other that the board would discuss indeed this is a very serious insertion.

MR. HANUSCHAK: Is the Winnipeg School Division considering the imposition of the user fee upon any type, class, kind or group of students other than non-residents, but those who are presently entitled to an education under the existing services?

MRS. SPIVAK: I did forget to mention, Mr. Hanuschak, of course our adult education program involves fees. Other than that of course the Winnipeg School Division and the Public School Division has not ever discussed the imposition of user fees.

MR. HANUSCHAK: Yes, Mr. Chairman. I would think that the Board of the Winnipeg School Division is aware that when this Act becomes law that the departmental or the ministerial overseers of the education program will be political appointees as opposed to the previous individuals who are appointed by the Civil Service machinery. Does the Chairman of the Board not feel that this would lead to a politicizing of the education program by having those individuals being political appointees, perhaps defeated Conservative candidates, I don't know?

MR. CHAIRMAN: Mrs. Spivak.

MRS. SPIVAK: Mr. Hanuschak, the appointment of educational administrative consultants is a matter that is fairly remote from the Winnipeg School Division. I don't think it's a matter that would affect the operation of the Winnipeg School Division a great deal.

MR. HANUSCHAK: Could the Chairman explain? I was of the impression that all school divisions are accountable to the Department of Education and I'm not aware of any provision in the legislation that gives the Winnipeg School Division any exemption therefrom.

MRS. SPIVAK: I would only say, Mr. Hanuschak, that we are indeed accountable to the department and all of the many channels by which we are accountable, I presume would not be altered by the appointment of the educational administrative consultants in a slightly different manner.

MR. CHAIRMAN: The Honourable Member for Burrows.

MR. HANUSCHAK: So do I understand, Mr. Chairman, the Chairman of the Winnipeg School Division to say, that to her it's immaterial whether the process of accountability is one to or through a civil servant or one to and through a political hack.

MRS. SPIVAK: Mr. Hanuschak, those are your words and not mine. I did not say that. I would suggest that again, I cannot speak for the Winnipeg School Division on a matter that is not within our brief and which we have not discussed thoroughly at board. I am giving you my opinions as one of the trustees of the board.

MR. CHAIRMAN: Any further questions for Mrs. Spivak from the committee? We thank you, Mrs. Spivak for your presentation.

With permission from the members of the committee, I intend now to call some of the rural people that are in our crowd this afternoon that have travelled some distance to see if we can't hear their briefs. There is one from Russell, Winkler, Deloraine, Reston, Thompson, Souris, that have travelled some distance, Boissevain, try and hear them, so I'll call Mr. Julien Fradette, The Special Administrators Association of Manitoba.

MR. JULIEN FRADETTE: Thank you very much, Mr. Chairman, Mr. McKenzie, the Member for Roblin. And members of the committee. The first task I would like to do is to introduce a couple of members of our executive that are present with me today. They are also special Education Administrators, just to inform you that they are here and they may like to answer some questions, if that is possible after the session, that you may have. The Vice-President of our association is Mr. Joe Gieni from Brandon, Dr. Gerry Doerksen is the Treasurer of our association from Steinbach, and also accompanying us today is Mr. Marvin Oveistrup from Austin.

With that introduction, gentlemen, I would simply move into the brief, and I believe all of you have a copy of the brief. Is that correct?

MR. CHAIRMAN: Right.

MR. FRADETTE: Very good.

MR. CHAIRMAN: Proceed.

MR. FRADETTE: First of all, I would like to point out that we welcome and appreciate the opportunity to sit before you, or in this case to stand before you today to give our views and recommendations on Bill 22, The Public Schools Act introduced in the last session of the Manitoba Legislature.

We represent The Special Education Administrators Association of Manitoba, referred to as SEAAM. Our membership includes the educators in the school divisions in Manitoba whose responsibility it is to administer and supervise the education of students with special needs. As just as an aside, we will probably be speaking only to those sections of the bill that refer to, in our view, special need students. Among those students are those with obvious and severe exceptionalities such as blindness, deafness and physical or mental handicaps, and also those whose exceptionalities are more subtle, such as the slower learner, the gifted, and the learning disabled.

The field of Special Education has seen tremendous advances being made on behalf of special needs students on the North American continent in the last ten years. It is slowly being realized that these students have a right to and should receive the most appropriate educational programming possible in the public education system. We have seen this with Public Law 94-142 in the U.S. In reviewing the legislation of some of our neighbouring provinces, we see specific provisions having been made for the education of children with special needs, and they are written either into the Act or into the regulations pertaining to the schools Act in those provinces.

We recognize that Manitoba school divisions have for many years been providing for the education of students that require educational program alternatives. It is our hope that this may continue, because as another aside, I would like to point out that I also believe that we have been in the forefront in Manitoba in many respects with the education of children with special needs. It is for this reason that we find it necessary to speak to you today with respect to the legislation that is presently before the Manitoba Legislature.

We have, previous to this, made presentations to the present Minister of Education on the topic of special education. In February of 1978, our president at the time, Mr. Bob Scarth, Director of Student Services in the Fort Garry School Division, presented the Minister with a position paper on behalf of our association, entitled, "Appropriate Programming for Children with Special Needs."

With respect to that legislation, he stated, and I quote from that presentation. "We strongly support the position that parents and their children with special needs have the right to demand of their governing bodies and their professional services, appropriate educational programming in the least restrictive environment. This means that the mainstream of education, of necessity, needs to be complex providing for variety in physical accommodation, in staffing patterns and in program provisions. The child's most unique characteristic is always his uniqueness and we are constantly aware that the brilliant and talented are also unique children with special needs. There is, no doubt, need for some legislation that mandates provision for the uniqueness. It is recommended that we assist government officials in assessing present legislation and in developing new measures."

You, as representatives of the government of Manitoba, have begun establishing those new measures with Bill 22, and the Minister of Education's committee on Special Education. We see, however, in Bill 22, some problems, and wish to present to you today some recommendations for your consideration.

Our first concern then, deals with clauses 41(4) which deals with instructional responsibilities of school boards, and 41(5) which deals with special programs. Clause 41(4) states, and I quote — and I'm sure I don't need to quote for your benefit, gentlemen, but perhaps for the benefit of the public here, I shall quote if that's all right with the Chairman. 41(4) then, states, "Every school board shall provide, or make provisions for education in Grades One to Twelve inclusive for all resident persons who have the right to attend school." Clause 41(5) states, "Every school board shall, as far as is practicable and possible 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."

Our main concern, gentlemen of the committee, is the difference in the kinds of education that students in Grades One to Twelve are legislated to have, compared to those students who require special programs. We ask you the following question, as we believe every parent in Manitoba should

ask it of you. Why is it, on the one hand, that for students in Grades One to Twelve, and I quote, "Every school board shall provide or make provision" for their education, and yet on the other hand, for students who require special programs, "Every school board shall, as far as is possible and practicable in the circumstances, provide or make provisions" for their education?

In our view, gentlemen, the above truly suggests a double standard and an inequality that is nearly unacceptable. We have made too much progress in the education of students with special needs to now leave it open to the many definitions of "possible" and "practicable". Is it not true that all students, irrespective of their educational requirements, deserve to have the same opportunities for success in our public school systems? Our view, and the view of thousands of parents and educators in Manitoba, as I am sure, gentlemen, it is your view too probably, that all students do, and deserve, the same opportunity.

We fully recognize that the placing of these special programs in the realm of the "possible" and the "practicable" stems primarily from concern over exorbitant costs that may befall school divisions for the provision of those same special programs. We recognize that as a problem and suggest to you, as is presently done, that regulations pertaining to the Public Schools Act must enlarge on several aspects of special education. We believe, as special education co-ordinators, that all students should have available to them the most appropriate educational programming firstly, and that students should be educated in the least restrictive environment possible. We recommend that the regulations pertaining to the Public Schools Act need to describe and define: firstly, least restrictive environment; secondly, appropriateness of programs; and, thirdly, guidelines of what are appropriate costs for programs. In that regard our association offers to the Department of Education assistance in establishing those regulations wherever we may be of assistance.

With the above points in mind then gentlemen, we hereby recommend the following: That Clauses 41(4) and 41(5) should be combined to one clause to read the following:

"Every school board shall provide or make provisions for appropriate programming for all resident persons who have the right to attend school, including those who require special programs for their education."

We will now turn to our second concern, unless there are members that would like to stop at any point in the brief to ask questions. Would you prefer to go through the whole brief?

MR. CHAIRMAN: You proceed Mr. Fradette they'll come at the end.

MR. FRADETTE: Very good. Our second concern is with Clause 41(6) which deals with programs not offered locally, and states: "Subject to any regulations made under the Education Administration Act every school board shall make provisions for a pupil to attend a school in another school division or school district for a program not provided by the pupil's home school division or school district and the pupil's home school division or school district is responsible for paying the residual costs of the education."

It is our contention that this Clause 41(6) is inconsistent with Clause 41(5) which deals with Special Programs, as it presently reads. In Clause 41 (6), Programs not offered locally, it is stated that subject to regulations school boards shall make provision for a pupil to attend a school in another school division for a program not offered locally. Yet, in Clause 41(5) dealing with Special Programs it is stated that school boards shall provide or make provision for special programs only "as far as is possible and practicable in the circumstances." Would special programs not fall under Clause 41(6), Programs not offered locally, or is it possible that the regulations spoken of in Clause 41(6) would exclude special programs referred to in Clause 41(5) which in itself deals with special programs?

It is our recommendation that Clause 41(6) which deals with Programs not offered locally, be deleted from the Act and further, that it should be handled under the regulations pertaining to the Public Schools Act. It is our presumption then, that those regulations would speak of all programs not offered locally.

Our third concern is with Clause 48(1) - General powers of school boards which states, and I quote, "Subject to the regulations a school board may, (a) provide a course of instruction and training between 3 and 6 years of age in nursery schools or kindergarten schools or both.

We applaud, gentlemen of the committee, school divisions that have comprehensive kindergarten programs established. We are also aware that many nursery schools have been established, and most of which are privately run. Unfortunately, those students who are most in need of nursery school programs do not have it available to them. We are pleased with the progress that the exceptional children such as the mentally retarded and the deaf have made with early childhood programs which are referred to as early infant stimulation programs and hearing amplification programs. Research results clearly show us that it is programs of this kind that better prepare the students for the formal education that they will look forward to in the future years.

We, therefore, encourage the continuation and expansion, where necessary, of these program With respect to kindergarten programs, considering that they are so widely accepted as a part of the school program, we urge you, as the government, to consider placing them in the realm of mandatory programs rather than leaving them in the realm of the possible. In that way it is our contention that the few students who do not have kindergarten programs available to them, or are not being sent to programs where they are available, would then have the benefit of the program. The placing of such programs into the area of mandatory programs would, of course, require change in the clauses pertaining to age qualifications for pupils entering school.

In the case of nursery schools, we find them to be in the proper context of the Public School Act. Our only concern is that you would make certain that the regulations pertaining to them include grants to school divisions that are presently available for the establishment of kindergarten programs.

With our fourth concern now, we do not present suggestions for change, but wish to point out to you problems that we can see arising. We speak of Clause 258(2), Compulsory School Age, and 259, the Right to attend Attend School.

In both of these Clauses the ages are clearly defined, but you have also added that if persons attain such ages within twelve (12) weeks of the specified time they may or must attend school. We contend that the phrase "within 12 weeks" in both clauses may be the cause of more confusion to the general public than would any single fixed date. With that in mind, we encourage you to re-examine the reasoning behind the inclusion of the twelve weeks period of time.

Our fifth concern, gentlemen, is with Clause 260(2) dealing with the handicapped, which states and I quote, "Where a child to whom reference is made in subsection (1) is handicapped, the parent or the person as the case may be, mentioned in that subsection, shall, unless specifically excused by the Minister in writing, cause that child to attend school in accordance with the provisions of this Act, the regulations and the rules of the school Board."

We are in agreement with the principle of this clause, however, in the context of the whole bill once again, we find it inconsistent with Clause 41(5), of which we spoke on earlier, and refers to special programs. We ask how, on the one hand, can it be stated in Clause 41(5) that provision for programs is made where possible and practicable and yet, on the other hand, it states here in Clause 260(2) that parents or guardians must cause the handicapped person to attend school unless excused by the Minister of Education. We agree that the child should be in school but how can that child be there if a school division finds it impossible or impracticable to provide the necessary program? — unless we are interpreting this in an incorrect manner, and if we are we would like to know such.

To put it succinctly once again then, it is our contention that children should first and foremost be provided with proper educational programming. We therefore recommend the following: Clause 260(2) should be excluded from the Act as Clause 260(1) which deals with the responsibility to send the child to school is all inclusive in establishing the responsibility of parents or guardians to send their children or those under their charge to school. Further, the manner in which a person is excused from attending school can be established under the regulations. We recommend that this should require an action by the Minister of Education, as is presently stated within the Act.

Our sixth and final concern, gentlemen, deals with Clause 261(2), Physical Handicap, and it states and I quote "Physical handicap shall not of itself be deemed to be 'sickness or unavoidable cause' within the meaning of Clause (1)(c)" and Clause (1)(c) states, and I quote "No person is liable to any of the penalties set out in this Act for failing or refusing to send his child to school or other educational institution as required under section 260 when (c) the child is unable to attend school by reason of sickness or other unavoidable cause".

We are in support with the government that physical handicap should not be deemed to be "sickness or unavoidable cause". We also contend, however, that there are many other disabling conditions that may or may not fall under the term physical handicap, depending on its definition, that would also in our estimation, not be deemed to be "sickness or unavoidable cause". For that reason, it is our recommendation that Clause 261(2) should be excluded from the Act and further recommend that some provision be made elsewhere in the Act or the regulations pertaining to the Act that would allow for the settlement of a dispute on the issue of sickness or unavoidable cause.

Those, gentlemen of the Committee, are our concerns with respect to Bill 22 as it is presently drafted. We urge you on behalf of all persons of school age in Manitoba to consider our recommendations carefully, and remove or change those clauses that are clearly allowing for a double standard and an inequality of opportunity within our public school system. If you or the Department of Education require further clarification on any of these issues, we will be pleased to discuss them with you at the present time or in the future.

And with that, we thank you for having given us the opportunity to present to you our concerns.

IR. CHAIRMAN: Thank you, Mr. Fradette. The Honourable Member for The Pas.

IR. RONALD McBRYDE: Mr. Fradette, thank you very much for that presentation. I think it might be useful and worthwhile for the Committee if you could further define for the members what you see as special needs students, and perhaps give us some indication of what percentage of students could fall in that category of Special Needs students.

IR. FRADETTE: When a school division speaks of the Special Needs child, we are speaking of an individual who really does not fit what we can term as being the average student and who cannot be taught in the whole group situation of a 25 to 30 student classroom. It may be for a number of reasons. It could be a severe handicap in terms of being multiply handicapped, and by that I'm meaning someone who is mentally retarded as well as physically disabled, might be confined to a wheelchair, may also be confined as to mobility where they cannot get around to the school very well, or they need assistance even in such things that we take for granted as going to the washroom. Or it could be as minor as an individual who is having difficulty in mathematics and needs perhaps six months of assistance in order to catch him up with the rest of his classroom. Now that's as simple as I can put it but it goes beyond that too and there are many people who have taken this topic and have suggested various definitions for Special Needs children and I don't want to go into that right now because I don't think it would serve any useful purpose.

What will serve a useful purpose though is that a Special Needs child could be anywhere from three percent to ten percent of the population, depending on the handicap. Someone such as the blind, for example, we will not have very many blind students within our school division, whereas they will perhaps come to a larger centre such as Winnipeg, and in Winnipeg you may have many blind students. On the other hand, where we have slower learning students, that will come to perhaps ten percent of the population in some areas. In some areas it will be higher and in others it will be lower.

But we wish to also point out, gentlemen, that the important thing to consider is — I want to add one more thing too, when I consider that — and that is that where one individual may be blind and another individual is blind, but they are of different ages and have been in school a longer period of time, that individual who is blind and has just entered school, I am sure you will understand, will require far more intensive work and individual assistance than one, let's say, who is in Grade 12 and taking the regular academic program. I think that can be a regularly accepted fact. So to point out that when we have the blind students they require that amount of time of assistance from a resource teacher or an itinerant teacher from the blind is also a mistake.

What we would encourage — and really it belongs in the regulations — the regulations to include, is a facility by which we can identify the program needs of a learning disabled child or, I'm sorry, a Special Needs child, then from that vantage point, come to the Department of Education and suggest, okay, these are the parameters around which we are working. This is the type of individual that we have, these are the handicaps this student has, this is the program that we propose that he follows in his parent school. Then from that vantage point we look for whatever assistance is required. But not to put a label on somebody and say, all mentally retarded students require this kind of assistance, or all blind students require this kind of assistance. That's a mistake as well, because then you're head hunting. But what we're looking for then is what are the requirements for a program, and that's the level that we need to get at. Does that answer the question sufficiently, sir?

MR. McBRYDE: Yes, I think partly, and I think the point you made about that each program regardless of the type of special need, must be individualized, is an important one to keep making to the Committee and to the Minister. I guess I'm a little bit surprised at the low figure you give for people with special needs because the representative from the Winnipeg School Division indicated up to 50 percent of the students within the Winnipeg School Division could have special needs. I guess if you define that as somebody who needs extra math tutoring or extra counselling or remedial reading, or whatever. . .

MR. FRADETTE: That's right. It will depend on the definition. It could be like, when I think back to some of the other figures that one normally gets from the text books, for example, they could be as high as 26 percent as well, that they will give us. However, I think that the important thing too is that if we were to take a poll within the whole of the Province of Manitoba, which has been done by the way and you can refer to this study which has been done by the Child Development

and Support Services of the Department of Education recently, all of the figures as far as Manitobans are concerned are included in that report. I am sure Mr. Minister, you are aware of the report that I am speaking of and that can be referred to for the actual figures as have been reported from the co-ordinators of Special Services such as myself or the members of our association.

MR. McBRYDE: Yes, I'll just ask a little bit further then because I suppose from the Minister's comments in the past, they have some concerns of his understanding of the words "Special Needs" and my understanding of it is that there is a large number of students with special needs but they could be described as high incidence-low cost special needs, and then the people that we normally think of when we say special needs, which is low incidence and high cost with severe disabilities etc. I wonder if you could just elaborate on that and to comment on whether or not in fact the special programs for these students with special needs, that is the high incidence-low cost programs might in fact save money because if these problems are dealt with at an early stage then they don't become serious problems later on as a child progresses through school.

MR. FRADETTE: Thank you, Mr. Chairman, again. When we think of terms of high cost-low incidence handicapped students we are, of course, dealing with students such as the blind, the mentally retarded and it is obvious I think that they are very easy to identify and they are on our doorstep and I think the Department of Education has no alternative but to provide an education. I also strongly believe that we should be providing an education for all students within our school boundaries irrespective of the school division.

Where we run into difficulty, of course, is with the students of low cost-high incidence and these are the students who, for whatever reason, may come from impoverished backgrounds, may come from backgrounds that are not conducive for whatever the reason again to the entry into school at the level of kindergarten or grade one for whatever reason they are simply not ready for the formal education that is required for a student in grade one.

There are many of those and I think you are correct in assuming that many times they are the ones that are falling behind. We never pick up on them. They are the students who when they arrive in junior high are either in programs, in some school divisions, for the occupational entrance. They are streamed towards programs that will be vocationally inclined, okay, or they may go so far as to simply drop out of school, and that is the tragedy, there is no question about that.

There are also those students who are extremely bright, are extremely intelligent, but again for whatever reason, Mr. Chairman, they simply cannot make it. The schools do not have the time to be able to spend with them. The Department of Education for the past several years, and I don't believe that the regulation has changed over the past six or seven or eight years to my understanding anyway, provides for school divisions grants to hire people involved in special education on the basis of the number of students in their school divisions for those students that are of high incidence and low cost. The provision to hire those special education teachers and what school divisions usually do is they will hire either resource teachers or special education teachers such as teachers for the educable mentally handicapped or the trainable mentally handicapped. They will also hire, under the provision of the special grants, occupational entrance class teachers or occupational skills class teachers, which are students — occupational skills class, when I am referring to them I am dealing with students that are capable of primarily being involved in sheltered employment once they get out of school.

I think that if we were able to, as school divisions, place simply the resource teachers, leave the special education teachers aside and have them hired on the basis of the number of students that need to be educated, whether they are trainable mentally handicapped or educable mentally handicapped, and that would be a special grant from the Department of Education. But for those students that are high incidence-low cost, for those if we could hire the number of grants available and place them into resource teachers, for example, that would solve part of the problem. I think that is one area that we have discussed previously with various people. But I think that even further discussion on this in terms of the finer points, I would encourage and very strongly encourage, as I am sure you will do, is come into further discussion say with our full executive, which would be far more fruitful than say just myself, because when I am speaking in the manner that I am right now I am speaking from recollection and it is not part of our brief either. It would be important to deal with this with the whole executive and other people within the teaching community that have issues and very good concerns and good ideas about how this could be solved.

MR. CHAIRMAN: The Honourable Member for The Pas.

MR. McBRYDE: Mr. Chairman, I thank Mr. Fradette for this answer, although I guess I am of the opinion that the Committee should have some of this information and if I can draw it out of you

and other people I will.

What is the existing state of the situation right now? Are the special needs students in either of the categories that we have used so far, are they getting their needs met or is there still a large number of students that need more services that are not getting them at this time?

MR. FRADETTE: Mr. Chairman, I think it is very obvious that all students are not getting needs met. I think that in some situations, yes they are and they are getting their needs met very adequately, but in some situations obviously they are not. I think that if all students were getting their needs met I might suggest that perhaps there is no need for people such as ourselves, although I hope that we can provide some service too. I am not trying to be facetious when I am saying that, Mr. Chairman, but I think that there is always a point where we can be improving our services. There is a minimal service that is being provided in some situations I suppose. There is being provided in other situations excellent programs, programs that could not be any better I dare guess anywhere else in Canada. I say that without any hesitation whatsoever.

I think the problem is is to try and get the services within the areas so that people can be made aware of what services are available and here I am talking about parents, and I am talking about parents coming to the department or coming to school boards and saying, "Okay, we have this child and we want them to have a program". There also has to be provisions made for a program outline to be made. I think that in all fairness, the Department along with the school boards and those of us within the field have to be able to sit down with parents and suggest these are the programs, goals and objectives for your child for this half-term or full-term and we want to be able to sit down with you on a periodic basis to review those, although I am sure that all of you realize that sometimes that is extremely difficult because it is difficult enough getting parents into the school let alone sitting down discussing with them the program provisions. But the opportunity must be there for the parents to do this.

So in answering your question I will say that in some situations the programs are adequate, yes, in some situations no, of course they aren't.

MR. McBRYDE: I am making the assumption that it is largely up to the individual school boards now because it is not entrenched in legislation in such a way or does not appear from this legislation that it will be entrenched in such a way that it will be mandatory or that there will be much pressure on school boards to provide that kind of service, so it depends on the school board in that area and I guess the resources available to that school board.

MR. FRADETTE: That is correct.

MR. McBRYDE: I wonder if you would like to comment on the question I asked a previous presenter earlier. In my experience the school boards and teachers are willing and anxious to provide this kind of program, to provide for special needs students, if they have the resources to do so. How would you see those resources being made available?

MR. FRADETTE: Mr. Chairman and the Honourable Member from The Pas, as we mentioned in our brief and we suspect, and we don't know whether we are right or wrong and I would ask the Chairman and perhaps the Minister to correct that, but perhaps the main reason for placing the Clause 41(4), 41(5), which is the major thrust of our brief obviously, and placing it in that manner, was a matter of economics.

Now, we are not economists. Our strong points are not to be able to handle budgets and to make up budgets and to handle government budgets let alone school board budgets. That is a major problem, there's no question of that, it's a major problem all across Canada. Nevertheless, our main point — and we bring it again — is that we cannot shortchange the students and we have to provide a system whereby a student who lives in Thompson coared to one who lives in Melita or Brandon or Winnipeg will receive the same opportunities and more importantly, perhaps, to the school board, the school boards will be ensured to receive the same type of funding across the board for a student that requires a certain kind of program. That's why we emphasize a program once that program has been established.

I would like to point out that perhaps the type of people who would be involved in establishing the kind of program that is required, are the staff of the Department of Education that are presently in the field from Child Development and Support Services. It is an excellent program and one that we encourage it be continued and improved upon and expanded — and I'm speaking of the services of the psychologist and the speech pathologist that are presently working in the field — who can assist and have assisted in diagnosing, in prescribing and in monitoring specific programs. Now that has to continue.

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I think the next step that has to be taken is once an individual has been identified requiring a certain program, then the funding I think has to be automatic. We don't know what it's going to be from one year to the next. For example this year it's half a million to three-quarters of a million dollars that you have put in towards special grants. Is that figure correct, Mr. Minister? And we need to know that that is going to be there one year after the other and even more importantly possibly, attached to specific programs. Okay? And this is one way of getting at it and we would be able to be assured. After that individual school boards can enlarge on the program, they can hire more people if they so desire if they have the funding to do it, that would be their prerogative. But what has to be established first and foremost is the principle that all the students have that right and will get an education to a certain minimum standard. We would like it to be to a maximum standard.

MR. McBRYDE: Yes. As administrators or co-ordinators of special education programs, do you see administrative problems in terms of being able to sort of define the needs and then make the funds available? Do you see a problem or possibility of some school boards claiming more than they need or do you see that as a fairly simple administrative problem to work out, or as a real complicated one that the government should shy away from this because of ?

MR. FRADETTE: In all fairness, sir, I really can't answer that because then I would be reading the minds of other school boards. All I know is that I think that what we would want to do just as most co-ordinators have done in the last round of the special grant funding, submitted to the Department of Education the requirements for their school divisions in terms of the student that required special program, the program that was to be placed into effect and the personnel that were required to assist in putting that program into force.

Now many of those were not able to be covered through special grant funding. That doesn't mean they are not being covered with special programs.

Now the other thing is too, that at this point in time there has been some provision for the regional co-ordinators, the regional co-ordinators of CDSS to be involved in examining the validity, if you wish, of these cases and that should continue. I would even further suggest that the psychologists and the speech pathologists or reading clinicians or whoever the other people are involved in providing services in school divisions could also be involved certainly in assisting in providing the programs.

MR. McBRYDE: Thank you, Mr. Fradette.

MR. FRADETTE: You're very welcome, sir.

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. BOYCE: First of all through you, Mr. Chairman, to Mr. Fradette. Your organization, of whom does it comprise? I read the special education administrators but who . . . ?

MR. FRADETTE: In every school division — I'll rephrase that — in most school divisions in Manitoba there are personnel who are referred to either as special education co-ordinators — and that is the term most often used — other times it might be an assistant superintendent or other times it might be Directors of Student Personnel. They come by various titles and various job descriptions. I do believe that perhaps the common denominator is that they are all involved in dealing with services to special needs students regardless of their title, and our association comprises of approximately 35 to 40 members. I think it would be unfair for me to suggest to you that all of the co-ordinators in Manitoba are members of our association. However, I think we represent them because we have been in contact with them with respect to the brief, but we represent by far the very large majority of them.

MR. BOYCE: Well, the situation in which we find ourselves is that the whole question is in limbo at the moment because Section 9 — I think it was Section 9 of Bill 58 — was never proclaimed, so in other words it just sits there in limbo. But the prior administration had not proclaimed that bill and I understand that the administrative staff was trying to have dialogues among the various interest groups such as the classroom teachers and the rest. Could you advise us what progress was made in that particular area?

MR. FRADETTE: Do you mean with respect to Section 9 of Bill 58, the dialogue on this?

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MR. BOYCE: Yes.

MR. FRADETTE: I wasn't heavily involved, sir, at that point in time so I really in all fairness cannot answer that question as to how many interest groups were involved in the discussions. I came on to the scene as a special education co-ordinator after the bill had been introduced and I would invite any of the members with me to comment on it, but all I know is that there were many of them and I think that everyone had an opportunity to approach someone on Bill 58, from what I can understand.

MR. BOYCE: Well, once again Mr. Chairman, I understand that there were some very responsible apprehensions which were raised at the time — this was one of the reasons why it was left and not proclaimed until such time as they thought that they could deploy their resources financial . . .

MR. FRADETTE: Yes, I recall that.

MR. BOYCE: . . . and have the system willing to accept the shallness. And it's a very interesting thing, Mr. Chairman, that you know there's a case before the Supreme Court whether somebody shall order their employees back to work forthwith has been complied with, because it's a question of law. I really don't personally understand why the present government chose to modify that "shall" by putting those other adjectival modifications, or I think they're gerundive modifications perhaps.

But you're not in a position to advise just exactly how the system is going to cope with this "shall provide", this service? The main thrust of your brief is that it "shall" be provided.

MR. FRADETTE: Yes. Could I answer the question with another one just in terms of clarification to know for sure what you're asking?

Are you looking for perhaps the provisions as to how this should be placed into effect, this "shall" aspect of it?

MR. BOYCE: Well, Mr. Chairman, I don't want to be out of order by entering into a dialogue with the gentleman . . .

MR. FRADETTE: I just want to be clear that I'm certain what the question is.

MR. BOYCE: Your recommendation is, that it "shall" be put in place.

MR. FRADETTE: Correct.

MR. BOYCE: But yet you're not in a position to advise the committee on how the system is as far as accepting it.

MR. FRADETTE: I'm sorry. Okay. No we aren't because we feel that there are people within various other departments, as far as the Department of Education is concerned there are also other people within the field; there are people that you will be hearing from today and the rest of this week I'm sure that will have ideas and thoughts as to how this should be placed into effect. Our main concern is that somehow or other — and we I'm certain don't have the answer to it — I think I have partially given the answer to the Honourable Member for The Pas in answer to some of his questions as to how this could be placed into effect. Now, as far as the fine details are concerned, Sir, I really don't think that we are in a position to do that at the present time but we look forward to perhaps the opportunity of doing that at a future time, once the principle has been established.

MR. BOYCE: Well, Mr. Chairman, here we are; we sit as a group of legislators, as people from the community we're being asked by various groups to do certain things relative to the educational system through an Act of the Legislature, and is it, through you, Mr. Chairman, to Mr. Fradette, is it not incumbent upon the people who make representations to the committee to have some idea of how we can do it and how much it's going to cost?

MR. FRADETTE: It may be that that is true, Sir, but the other alternative is, and in the preamble to our brief we pointed out to you that these students do have those rights that we have identified, and I am sure that there is no one that is going to argue with that, I hope. Then, if there is, we

are in serious difficulty, and I am simply suggesting that we are not the people from the field who have had, say, the opportunity or the time to put into figuring out the mechanics of government to try and sort out how it is going to take place and exactly what wheels are going to turn when.

Now, we have been in discussion with our people, our consultants if you wish, within the Department of Education, have had many discussions with them and talked about the kinds of possible ways, but I don't really believe that I am at liberty to discuss those before the committee because we've really decided that that was the extent to what we could present to the committee. There are examples in neighbouring provinces, if you wish, as far as legislation is concerned, as far as regulations are concerned, that deal with the financing of education. And I wish to point out once again, Sir, that I really do believe sincerely that some of my answers to the Honourable Member for The Pas included how this could be placed into effect. Now the dollar figure that would be involved, I can't answer that. I don't think that any one of us in this room at the present time could answer that, but we can say, and it depends on the Treasury of the province, as to how much money they can put forth and how much commitment they are prepared to put forth for a student that requires a specific kind of program. And then, I believe, it is incumbent upon the Department of Education officials to take a look and say, "Okay, how much is it going to cost us then?" We, as special education co-ordinators, are working within our respective school divisions and, as far as our respective school divisions are concerned, we know that there are perhaps a dozen in a small school division, perhaps 100 or 200 in larger school divisions that are not getting the programs they need.

Now we haven't made that kind of survey and come up with a figure that would suggest that, well it's going to take 10 million the first year and 20 the second year; we don't know that. Our main concern is that there is equality of opportunity across the board, and the finances I'm afraid, Sir, we would like to leave with those people that are masters at taking a look at the finances, and that is you people, from both sides of the House, I hope.

MR. BOYCE: Well, Mr. Chairman, I certainly don't want to debate this issue but, nevertheless I wonder. We have 58 briefs and so far we have heard people make suggestions and I start to wonder just exactly what we are supposed to do with these recommendations, other than just change the words of the law.

When you say that those around here are experts there are no experts at this table, these are legislators. The experts are . . . well, with the Minister, excuse me, I'm sorry. We're Manitobans and we're trying to solve this problem.

MR. FRADETTE: Agreed.

MR. BOYCE: And when I said it somewhat facetiously to the Chairman of the Board of the Winnipeg School Division, where it came to strangely enough just about as much money as taxes had been cut relative to the Estate Taxes. So when we are talking about taking money and prioritizing it I would be one of the ones that would support more rather than less in this particular field because I would agree with my colleague the Member for The Pas that we pay precious little attention to the high incidence-low cost special needs. But, that being the case, I think, through you, Mr. Chairman, to one of the members of the public then you have to support your government, whatever stripe they are, because when it comes down to the final analysis those dollars have got to come out of our pockets.

MR. FRADETTE: Agreed.

MR. BOYCE: And it's up to the members of the public when they are making their presentations, I would think, to have their needs reflected in those kind of terms; that if it is necessary to transfer \$5 million from Winnipeg No. 1 to somebody else. Who? The corporate tax, income tax, it's fine to say general revenue. So, you know, I'm not arguing for the need for more attention to this, that's why I asked you just exactly what the . . . You say that your association hasn't discussed this; perhaps this is something the association could discuss and give us the benefit of your thinking on it.

MR. FRADETTE: Thank you, Sir, and I really, in all sincerity take that under advisement and I am very sorry that perhaps we cannot enter into a full-fledged discussion as to what, and how, and where, probably more importantly where, the money is going to come from, but I can only fall back on the point that that is not our area of expertise unless there is some member of the group here with me that would care to answer that.

MR. BOYCE: That's fine. Thanks, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Burrows.

MR. BEN HANUSCHAK: Yes, Mr. Chairman, I wish to ask Mr. Fradette whether he is aware that the Education Administration Act will give the Minister the power to make regulations governing the operation of public schools and designated the groups, kinds, classes or types of persons to be admitted as pupils therein; and the fees and charges, if any, to be paid by the pupils. Are you aware of that section of the bill?

MR. FRADETTE: I haven't read that section, Sir, no.

MR. HANUSCHAK: A further question to Mr. Fradette. Have you, or your organization, any apprehension about the effect that the presence that this section may have upon the very type of pupils that you are dealing with in the sense that the pupils that you are dealing with may be the very ones whose parents may have to pay a user fee which this section would allow the Minister to levy.

MR. FRADETTE: All I can answer is very personally, Sir, I cannot answer on behalf of my association because we have not discussed it at any level in terms of that specific section of the Education Administration Act. Personally I don't think I would be in favour of that, in fact, I know I wouldn't be in favour of that because it is simply a matter that if a child comes to school we should be educating him to what he requires as far as education is concerned.

MR. HANUSCHAK: Thank you.

MR. CHAIRMAN: The Honourable Minister of Education. **HON. KEITH A. COSENS:** Mr. Chairman, I just wanted to comment briefly to Mr. Fradette. To say, first of all, that I appreciate very much his contribution here today and of course the ongoing contribution of his association.

On Page 3 of your brief, Mr. Fradette, at the bottom of the page, you refer to appropriate programming for those who require special programs for their education. Could you comment briefly on who you see deciding what will be appropriate programming, whether it be parents, school boards, specialists, someone else, this is one of the dilemmas that I know that you appreciate that we all face at this time. There is some disagreement, I know that you're aware of that as well. Would you like to make a comment on that?

MR. FRADETTE: Again, and I don't want to be facetious when I answer in this manner, Mr. Minister. The appropriateness of programming would have to depend on each individual case, I believe as determined by a team of people, not by any one individual, but that team would probably comprise, and it could vary in different circumstances, but would comprise, I believe, of those people within our situation, the co-ordinators of special services, but also the departmental people that are working within our school divisions. They may not be departmental people in some divisions such as Winnipeg No. 1 for example, but they would be from the Child Guidance Clinic, but people such as school psychologists, speech pathologists, reading clinicians, and the like.

I think that the appropriateness of programming would have to depend upon the regulations, and this is why, just above that clause that you have just read, we encourage you to place within the regulations and define what appropriateness of programming means. And we fully realize and recognize that it does not mean a full time, fully qualified teacher on a one-to-one ratio, all day, every day. There would be very few circumstances that that would be the case, I would contend. It would also vary according to the student with a particular disability such as the blind student that I referred to earlier. The requirements for that student would vary from the time that they were in primary school to the time that they were in high school, so it cannot be attached simply to a physical handicap either.

I think though, that the definitions of appropriateness of programming have to be placed within the regulations and some stricture placed on it. It would not simply be at the whim of either a parent or someone like myself in my position, or the school board for that matter. It has to come from a team, I believe.

MR. COSEN: That's fine, Mr. Chairman. I don't intend to pursue the question any further with Mr. Fradette. I appreciate his comments in this regard. I think he agrees that this is one of the complex problems that we face in this particular area.

MR. FRADETTE: Indeed it is.

MR. COSENS: To define appropriate programming. I believe Mr. Fradette mentioned earlier that this varies with each individual child, what is appropriate to one child is not appropriate to another. I am encouraged to hear his remarks on this matter.

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre. .

MR. BOYCE: Just to follow a little further on the Minister's question and my earlier concern, can you envisage any case where it shan't? You want in statute, it "shall". You also want in statute some case which "shan't".

MR. FRADETTE: I don't know, sir, to really be honest with you. I suppose an obvious "shan't" if we wish to speak it in that manner, would be a student who requires the type of program that is within the realm of a sheltered school, if you wish. That if he is within the public school system he could possibly be disruptive to the school, to his class, or whatever the case may be, let alone to himself. And I'm talking, possibly about the type of student that requires some type of institutionalization, for a short period of time we hope, but could possibly return to the public school system as quickly as he could.

MR. BOYCE: Well, perhaps you can appreciate the dilemma, Mr. Fradette. I don't think there is any disagreement on either side of the House as far as the provision of the service in this most important area. I don't think there is.

MR. FRADETTE: I agree.

MR. BOYCE: But by the misunderstanding of the whole darn process, legislative and legal, my impression after ten years of experience in the Legislature would be that the modification as proposed in the amendment doesn't change it operationally one iota, because you have just admitted there are cases of "shan't". Sometimes we have to rely on the system. In the McRuer Inquiry into Civil Rights in the province of Ontario, one of his final lines was, "We have to on some occasions, rely as if we were in a position where prudent men were deciding their own affairs". So whether this shall by itself or shall modified as in the amendment, it doesn't change the situation. It, at some future point in time, could become a decision of the courts.

I think it's important, Mr. Chairman, that this is conveyed to those who think that just a change in the words is going to change that much. In the final analysis, it comes down to the deployment of money and the expertise.

MR. FRADETTE: Could I comment, Mr. Chairman? I think the important thing Honourable Member for Winnipeg Centre, is that while you say that there are some exclusions, and that is a possibility, there's no question about that, but I think the important thing is, who is to decide who is going to be excluded? And subsequent to that, what is going to happen to that student that is so excluded? There is no question in our mind that if you would phrase the question in such a manner as to ask me, is there any student that is excluded from getting education within the public school system, which is what you asked me, and I responded, yes, but if you were to ask me, is there any student that is to be excluded from getting education, period, then obviously the answer is no. So my basic tenet is this, and I think it would be that of our association too, as far as the public school system is concerned there may be some exclusions, but those exclusions have to be handled in such a manner that is common throughout all school divisions, and not just be left to the provision as it is pointed out here, to the possible and the practicable under the circumstances. That is just far too loose. There's absolutely no way that we believe we could live with that. And that the parents within the individual school divisions could live with that.

Now, if it was possible that in a regulation there were some exclusions, and yes there are, there are some that possibly would be far too disruptive to the school system to be educated there then we still, and I believe that you as a province, or government of the province, have to make some provision to educate those students too. Now, it may not be within the public school system, but the provision must be there. That's the main point. And I think that we have to look in some legislation across the province. I don't know whether you people have examined some of the educational legislation across the Dominion of Canada. There are provisions made such as you speak of, sir, where there are exclusions, but they are provided for elsewhere, in another manner. I'm sure officials of the department have examined this as well.

MR. BOYCE: Mr. Chairman, through you, I want to preface my questioning. Almost every time would expand it rather than narrow it. Are you and people within your organization familiar with the difficulties of the operation of the treatment panel under The Child Welfare Act?

MR. FRADETTE: No, we're not, sir. Not fully.

MR. BOYCE: Who should advise the legislators, not the departmental people, but who should advise the legislators on how to function under the shell if we haven't got an expression of opinion on how to do just exactly that to which you refer, as far as selection or . . .

MR. FRADETTE: As far as how a person shall be excluded?

MR. BOYCE: How a person shall be judged, by a panel of whom? A psychologist, a psychiatrist, a social worker, a teacher, a probation officer, a judge, who will make this decision?

MR. FRADETTE: Could I suggest that it could be any or all of those, depending on the circumstances once again. I don't think that's really a cut and dried case. I think that that's the type of thing as well that could be handled with open discussions, once we arrive at the principle that that's the direction that you as a government wish to go, that that can be decided with individual discussions and not in this particular manner, but individual discussions at a future time.

MR. BOYCE: Mr. Chairman, I wish I were part of the government deciding in which direction to go. But that isn't the case at the present time. But nevertheless, I have to speak as a politician. Maybe us politicians are at fault in getting the expectations of people up. You know, we'll pass a law which will solve this problem. We passed the law. Bill 58 was passed.

MR. FRADETTE: Yes.

MR. BOYCE: But I think that the former administration, and the first few days of this administration were prudent in that they didn't proclaim it, because it's no good to have a law there that says you're going to do something unless you can deliver it. So that one of the areas that is of great concern, and I'm not speaking in defence of the government, I'm speaking in defence of politicians, no matter what side of the House they're on. We've had several years of experience in the one area, trying to solve the problem to which you refer, in another area. It's a very good parallel in the selection process. Because people think that passing a law, or setting up this panel comprised of any or all of these experts is going to solve this problem.

So I wonder, through you once again, Mr. Chairman, if your organization would consider that and advise the committee on how to carry "shall" to the degree of fruition to which you would envisage.

MR. FRADETTE: Mr. Chairman, I would like to possibly point out to the Member for Winnipeg Centre and also members of the committee, that we are practitioners within the field. Now, we rely on the extra time that people put in to work to put together such a brief or to get meetings together. We believe that in the long run that is going to assist our students in our school divisions, we trust it will at least. However, I think you must realize that we have a lot more work that needs to be done within our home school divisions, and I'm afraid that — I know that we have the expertise available within our ranks, that we could probably come up with something like that, and possibly we could have come up with that for you today. But time is at an element, and we have some students to serve within our school divisions.

And that is why, once again, sir, and Mr. Chairman, I point out to you that once you are aware as a committee where we feel, philosophically speaking, and where the philosophical base should come from, and to give you some indication as to where to look, am I not correct in assuming then that it should be you legislators and also the people that are hired as Department of Education personnel to then put through the mechanics by which this can operate?

Now we are coming to you and we are suggesting, gentlemen of the committee, that we find that when we talk about education being left up to the realm of the possible and the practicable, that's too big a hole. And in a manner of joking, we said, my goodness, you could not only drive a truck through there, you can drive a fleet of trucks through there. That was our first reaction to it. So what we want to ascertain and to have definitely imprinted within the Act is that every student within the boundaries of our school division have the same opportunities, whether they come from Thompson or Winnipeg, as I mentioned before. Now, how that's going to work — and if the

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Department of Education, if you can convince the government as it presently exists to hire us I put that together, fine. But we just don't have the wherewithal to do that right now, sir. I'm real sorry, but we don't.

MR. BOYCE: Mr. Chairman, I want to thank Mr. Fradette for getting a little excited. It's the best thing that's happened to me here all day.

MR. FRADETTE: Very good. We can even get more excited if you wish.

MR. BOYCE: When I look at all this, unless you, as an individual, your organization, and the rest of the people of the province of Manitoba get excited about this, nothing is going to happen. Because, if you expect us politicians to sit back here with no information at all from the public and decide we will, but we'll come up with a camel. So that when you talk about driving a truck through it I agree with you, but nevertheless, you know, with all the things that are going on, inflation, gasoline going to \$1.30 and everything else that's going on, we, and I'm speaking for, I'm sure, for fellow men and women on both sides of the House, that this is the place where people of the public have to come in and tell us their concerns and then it is our decision to prioritize it.

MR. FRADETTE: Agreed. And you see I think we have. . .

MR. CHAIRMAN: The Honourable Member for St. Vital.

MR. WALDING: I'll pass, Mr. Chairman.

MR. CHAIRMAN: Any further questions for Mr. Fradette? We thank you, Mr. Fradette.

MR. FRADETTE: May I just make a final comment, Mr. Chairman, if I could? Mr. Chairman

MR. FRADETTE: And I would just like to point out that I appreciate the questioning that has come from the Committee and we don't want to minimize anything that has been stated today but perhaps maximize it and that is to point out that surely to goodness the fact that there are possibly 50 or 60 briefs, 50 groups of people possibly, and some individuals among those that have come forward to this Committee to make a presentation on behalf of Bill 22. Now I have no idea how many of those are going to speak with respect to Clause 41(4) and 41(5) of which is our main concern, but I would venture to guess a goodly number of them are going to speak to that clause. And it's for those people that we are speaking for too. We want to have the opportunity and we want to be able to say to people: "We must educate those students because they are living within our boundaries". Now as I have indicated in the brief, we offer any assistance we possibly can to department officials, to people within the field, to assist in that regard. We've stated that from the beginning and we will continue saying that.

And I also want to point out one final thing that I should have pointed out before and that is that we have to begin taking a look at where and when the money is spent. We know that if we spent money for the proper education of students at the proper time, and I'm thinking specifically of in the primary school age, to get students to the point where they can learn and can learn effectively, we are going to have far less difficulty with them at a future time. I think that's a very well accepted fact. With that point, gentlemen, I thank you ever so much for listening to us and again I thank you, sir, the Honourable Member for Winnipeg Centre for your comments as well and for all of you. Thank you, gentlemen.

MR. BOYCE: Thank you, Mr. Fradette.

MR. CHAIRMAN: Now to try and hear those that come the longest distance, I'll call on Mr. Brian, Deloraine, the Antler River Teachers' Association. S. Brian. Mr. Brian is not present? I'll call Mr. S.T. Brian from Reston, Fort la Bosse Teachers' Association. I'll call Mr. R.T. Parker from Thompson, the School District of Mystery Lake. I'll call Mr. William J. Wismer from Souris, Souris Valley School Division No. 42. I'll call Mrs. Jean Taylor from Killarney. None of those people are present. We have Portage la Prairie, Mr. Jim Meikle of the Central Regional Liaison Committee for the Mentally Handicapped. Mr. Jake Froese from Winkler. I therefore then will call Mrs. C. Bouvier, the Association of Parents of Ecole Provencher. Oh, that's a written brief only, I'm sorry, No. 2. Is there somebody from Neepawa here?

MR. WALDING: Mr. Chairman, is Mrs. Bouvier's brief being circulated?

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MR. CHAIRMAN: Yes, it's written only. I would circulate that and we'll move on. Then I'll call Mr. Michael Rosner from the Manitoba League of Physically Handicapped, or Mr. Brian Stewart.

IRS. PAULA SIMPSON: Mr. Chairman, I'd like to explain why I'm not Mr. Michael Rosner or Mr. Brian Stewart. I'm Mrs. Paula Simpson and I'm the first vice-chairman of the Manitoba League of the Physically Handicapped. Mr. Brian Stewart is our Chairman and has just arrived from out of town and I'm afraid is in no shape to present today. Mr. Rosner is a staff person who is with us only for the summer and therefore we are undertaking to present the brief today.

If it's all right with you, Sir, we would like to change our format slightly in how we do present, and that is, I would like to read the introduction from our brief. Our brief is fairly extensive, so we do not want to read it all but we would like to highlight the major points in it. And when I say we, I am asking with your permission that Mr. Henry Enns, who is our provincial co-ordinator, assist me in this process, and Ms. Shannon McDonald, who is one of our staff persons who worked on this issue would be here for our resources if we needed it. Is that all right with you, Sir?

MR. CHAIRMAN: Yes, that's fine.

MRS. SIMPSON: Thank you.

MR. CHAIRMAN: The spelling of your name again, was it Simpson?

MRS. SIMPSON: Simpson, like the store.

MR. CHAIRMAN: Thank you. Proceed.

MRS. SIMPSON: Thank you. Mr. Chairman, Committee members, I am glad people have started to get excited because we are quite excited about this issue. Hopefully our brief and our answers to your questions will identify that.

To begin with, the Manitoba League of the Physically Handicapped is a consumer group concerned with integration of the physically handicapped into community life. The League's objective is to achieve the same availability of opportunities afforded the non-handicapped population.

This of course, involves services of the educational system in that we are concerned that all physically handicapped students receive an equal opportunity to education as the non-disabled students.

Our 1978 Fall Conference held specifically on the subject of education, with guest speaker the Honourable Keith Cosens, and resolutions passed by our general membership clearly demonstrate our organization's resolve to advocate for the educational rights of the physically handicapped.

We are pleased that the Department of Education is reviewing the Public Schools Act and we welcome the opportunity to present the concerns of the League. We recognize that in Bill 22 there is framework for progress. However, the proposed legislation does not ensure or direct this progress.

Of major concern is Section 41(5), which as currently stated does not ensure that school divisions will provide necessary progress for special needs students. The phrase "as far as possible and practicable in the circumstances" nullifies the initial obligation expressed in the clause. It is our firm conviction that failure to amend provision the clause would indicate that this government is not committed to ensuring of necessary special programming where required for physically handicapped students.

First though, a word about the cost of undertaking an equivocal commitment to meeting the special needs of children with physical or learning differences in regular classes. The MLPH recognizes the considerable concern of government about the cost of fully pursuing this policy, and wishes to assure the government that our expectations are moderate and reasonable in this regard. Much has been accomplished already in the development of support services, both material and consultative, so that most handicapped children are now participating in regular school programs. The development of this commitment is much more a question of making these supports more available, particularly in rural areas, and to a greater number of children with special needs, rather than one of dealing with an influx of a new special needs population. The matter of modifications to school buildings and transport vehicles, to make them accessible to wheelchair confined persons is in our view one that must proceed gradually in response to specific reasonable demand and would over time cease to be a problem.

The recruitment, training and supervision of volunteers to provide certain educational support services, is another option which would not be unwelcome. While the perception of cost seems

to us exaggerated, the price of meeting special needs must finally be measured against provincial expenditures on social allowance, rehabilitation services and juvenile delinquency, which are to significant extent, the legacy of ignoring special needs.

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

After careful study of Bill 22 and 23, we have the following concerns:

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

It is our intent in this brief to expand upon the above mentioned concerns and offer these points for your consideration so that physically handicapped children of Manitoba may receive equal educational opportunities.

Now gentlemen, I'd like to turn the mike over to my colleague, Mr. Henry Enns, to highlight the first five points that we have identified in our brief.

MR. CHAIRMAN: Proceed, Mr. Enns.

MR. HENRY ENNS: Thank you, Mr. Chairman. I would like to speak with regard to the first five points that have been already mentioned, No. 1 specifically, the statement of intent.

We feel that within the proposed legislation, there is a lack of direction and this direction could be provided if a clear statement of intent was given within the Bill. A statement that said in fact that integration was the overall purpose and would be pursued in this legislation.

No. 2, the section that deals with the availability of special programs, and that is Section 41(5), and that the phrase "as far as it is possible and practicable in the circumstances" be removed from this section. The elimination of this phrase would ensure that school divisions have a positive obligation to fulfill and require school-divisions to provide and make provisions for the necessary programming for special needs, and our concern in this area is if that phrase is left in, again there will be an out for school divisions to take and they may utilize this out and may not provide the services that are needed for the handicapped population.

No. 3 that we're concerned about and that is the provision for portal to portal transportation. It is extremely important for a handicapped student in order to be able to utilize the school and the educational system to be able to get there. Transportation has to be provided. The way the Bill states right now says that "transportation shall be provided to the distance of a half a mile or one mile at which transport would be provided", which in fact means that if you live within that distance and you are a handicapped person in a wheel chair, that statement then becomes meaningless because in the winter going ten steps outside your house in the snow in a wheel chair is just as difficult as to travel probably half a mile. So our recommendations with regard to that section are:

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

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

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

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

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

The fourth issue that I would like to address is the commitment to a barrier-free design. This section 41, subsection (1) (a), this section should be amended to include the reference to the Manitoba Building Code Section 327. The phrase "adequate school accommodation" section 41(1) is open to interpretation in terms of adequacy and types of accommodations.

Reference to the Manitoba Building Code, Section 327, defines the meaning of this phrase and

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rects the board to the requirement of the building code as it relates to the physically handicapped, and you have examples there. Examples:

Schools: being Class A buildings, under the building code, must meet the requirement for access to a principle entrance, useability of all public areas and accessible-useable washrooms (male and female).

Residential Schools: being Class C buildings, under the building code, must meet the above standards plus additional requirements of: "wheelchair facilities shall be provided within 5 percent of the guest rooms and suites."

It is important to note that the Manitoba Building Code states in Section 327:

This subsection is intended to make buildings accessible and useable by the physically handicapped "without assistance." This phrase establishes the definition of "adequate" and therefore reference to the Manitoba Building Code will assist school boards in the selection of design alternatives for accessibility.

In reference to Section 74 of Bill 22:

This section should include an additional clause requiring that plans for erection, enlargement, remodelling or purchasing of school buildings, meet the requirements outlined again in the Manitoba Building Code.

In Section 74 of Bill 22 which requires Ministerial approval for design and purchase plans offers a second opportunity to ensure that school buildings, new or modified existing schools, are in fact accessible and useable by physically handicapped students.

This monitoring at the ministerial level would serve to safeguard the achievement of a barrier free school system and would minimize the possibility of overlooking the features of accessibility and useability at the school board level.

In terms of Modification to existing schools, this section is the only avenue for achieving barrier free design, and I think that's an important point because even if you're building new schools a lot of the old ones are not, at the present time, accessible and there should be a system whereby a step should be taken in order to make the present facilities also accessible.

The last point I would like to make is the definition of sickness and physical handicapped. In Section 261, subsection (1), it is stated that "no person is liable to any of the penalties set out in the Act for failing to send his or her child to school where the child is unable to attend school by reason of sickness or other unavoidable cause." Even though Section 261 states that, "physical handicapped shall not be deemed sickness or unavoidable cause" within the meaning of the clause subsection (1)(c), we feel that too much room is left for personal judgment. Who is to say whether the reason for a disability is sickness or a handicapped? An example of this is arthritis which could be considered either or both. The Act fails to define this. It must be made crystal clear the criteria of a physical handicapped as opposed to those things that constitute sickness. It must also be stated explicitly who has the power to decide this question in the event of a difference of opinion. Thank you.

MR. CHAIRMAN: Thank you, Mr. Enns.

MRS. PAULA SIMPSON: If I may continue, sir.

MR. CHAIRMAN: You can move the pedestal over if you wish.

MRS. SIMPSON: Actually I have to hold it closer for me to see anyway, so it doesn't really matter.

MR. CHAIRMAN: Oh, fine. Proceed.

MRS. SIMPSON: Thank you. Need for definition of the education administrative consultant: In the case of the education administrative consultant, we are concerned as to (1) whom this person shall be accountable to, (2) how he shall or she shall be appointed and by whom, and (3) what powers of jurisdiction he or she will have. We have just learned today that this would be a Cabinet appointment which we were not aware of at the time.

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

In keeping with our recommendations in part VII of our brief which is to follow, on Placement and Appeals, we would recommend that the decision regarding a satisfactory standard of education must involve the team of parents, child (where appropriate) and relevant educational professionals

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along with the education administrative consultant.

Number VII: Placement and Appeals Mechanisms. Placement of physically handicapped children should parallel the normal placement procedures just as for non-handicapped children. However we recognize the need for a team approach for achieving appropriate programs related to needs of individual children. This team should consist of teachers, principals, parents, students (where appropriate) and others as required, medical liaison, special education consultants, school division representatives, etc.

The decision of this team should be open to review on a regular basis at least annually. If a consensus is not able to be reached at this level an efficient mechanism for appeal is required.

Appeal of Placement. Recommendations: The process for appeal to a placement decision should include the neutral position of an ombudsman, a provincial ombudsman.

The rationale for this is the current Bill 22 outlines two apparent channels that are available. Section 250 and Section 274. Section 250 is the least desirable in that that is going through the courts and certainly we wouldn't want to have to take it that far due to time and just due to the degree of need to get the child placed. Section 274, direct appeal to the Minister places the Minister in a difficult situation. Recognizing that the Minister desires the best education for all students, the Minister is also responsible for the education system that has been challenged by the appeal.

The right to a hearing by a neutral ombudsman requires that both parties must present their positions as equals.

Implications for instituting of user fees: In reference to Section 45(1)(a) of Bill 22, there was concern for the statement "school boards may provide special courses". A definition or clarification of "special courses" is needed. Special courses that are required by physically handicapped students to conduct themselves in the function of participating as a student, should be deemed part of the public schools program so that they are not charged tuition fees as Section 48(1)(f) allows, for courses that are necessary to the physically handicapped student's educational participation.

An example of this would be a typing class for a physically handicapped student who could not print or write.

In reference to Section 48(1)(j) which states a school board may loan books and instructional materials with or without charge. Books and other instructional materials necessary to the instruction of the physically handicapped such as large type books for the visually handicapped student, typewriters, etc., should be loaned or used without charge as these are integral parts of the student's education, as the free use of the classroom itself. Physically handicapped students should not be financially discriminated against because of their different-than-average needs.

In reference to Bill 23, Section 4(1)(m), this clause could be referring to charging taxpayers. If so, the Manitoba League of the Physically Handicapped recommends it should be amended to refer to non-essential services so that services vital to the education of a student are not charged for by the Minister.

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

Accessibility to school buildings — I think this is an issue Mr. Enns highlighted — availability of books and instructional aids, those that are integral to the completion of a course. This clarification is intended to ensure that the essential services of all resident students are met and provided for without charge. Those students who are physically handicapped should have available free of charge the essential services just as those students who are not physically handicapped.

Now the major question of today, and that is the funding provisions for special educations. Certainly that is a reality that we all have to examine very seriously.

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

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

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

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

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

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

This is need for a clearer provision for the recovery of costs associated with incidental modifications of school buildings and adaptations of vehicles for student transport, which in the case of wheelchair confined student for example, are often the sum total of their special needs in education.

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

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

It would seem that the funding system needs to be examined and evaluated as accountability for the use of these special grants is lacking. There is little attempt to monitor their application and effectiveness relative to the provision of service to students with special needs.

Certainly the responsibility for provision of education to all students lies with local school division. To ensure accountability and a quality of service, provincial grants seem to be appropriate. A greater degree of residual costs incurred by divisions should be picked up by the province. Grants should be made available with an emphasis on the services required rather than subject to a description of a disability.

The principle of the availability of financial resources to ensure the provision of educational services is one which we wish to emphasize. The mechanics involved in the disbursement of these resources are certainly open to review and we trust will be a natural process following the proclaiming of the amended legislation.

This would naturally be a process of funding being allocated in stages rather than in one immediate dispensation of resources. As stated in our opening remarks we realize that changes must proceed gradually in response to specific reasonable demand, and would over time do much to move us toward true equalizing of educational opportunities for physically handicapped citizens of Manitoba. Henry?

MR. ENNS: In conclusion I would just like to say in the appendix you have a number of resolutions that were passed by our organization and at this point I would just like to read one of them. It is Resolution IV and this was with regard to Bill 58 which was passed at that time, but I think it is also very applicable to this situation at the present time. It reads:

BE IT RESOLVED that the MLPH call upon the Department of Education to assume the leadership in establishing uniform and effective policy guidelines for the use of those required to implement Bill 58.

More general, if you want to talk about it, you know, it is calling upon or saying that there should be somebody that has to take the initiative to provide the leadership to create this kind of change and it is calling upon the Government of Manitoba in order to do that.

So, in conclusion I would just like to take this opportunity to thank you for being allowed to make this presentation and we are hopeful that the overall intention of the government is indeed integration, for as was voiced earlier today already, if it isn't we are indeed in trouble.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Enns and Mrs. Simpson.

Have we questions?

The Honourable Member for Winnipeg Centre.

MR. BOYCE: Well, Mr. Chairman, I wish to thank the League for their well thought out brief. I

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want to thank them, especially for their suggestion on how to resolve one of these difficulties, albe it not expressing an opinion on the efficacy of an Ombudsman. Would not another way to solv this problem of Section 41(5) be to have it subject to arbitration?

MR. CHAIRMAN: Mr. Enns or Mrs. Simpson.

MR. ENNS: Mr. Chairman, could I just ask for clarification, what aspects of 41(5) are you talkin about? Are you talking about the whole thing?

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: Well, as I understand you presentation it rises out of an apprehension that by th proposed amendment there will be more cases of opting out of the . . .

MR. ENNS: Okay. Mr. Chairman, it is in the phrase "as far as possible and practicable in the circumstances". Is that the phrase that you are concerned about? That is our particular concern that that phrase be deleted there and that in fact it be made mandatory. I don't think that it shoul go to arbitration. I think it should be established in the system, the way the system operates. I would be a regular part of the system in order to, you know, for handicapped students to be accommodated.

MRS. SIMPSON: Mr. Chairman, thank you. I also think along with Mr. Enns' comments here that there are many examples in the amended proposed Act that point out it will be difficult to actually assess for instance, need, this kind of thing which has been raised here today and certainly something like arbitration would just prolong that agony. I think that if the intent is stated directly within the Bill that will influence how actually most of this is acted out.

MR. BOYCE: Well, Mr. Chairman, it is an important question. I know we are spending some time on it. My opinion hasn't changed over the years in support of a better provision of services. But nevertheless, through you, Mr. Chairman, to either person who may wish to respond, is it not the case that if it is just "shall" in standing by itself that there will be cases — it is just impossible, you know, with reasonable and prudent people making the best decisions they can as far as not just the dollars, dollars are important of course, but nevertheless it puts a compulsion there and this is why I raised the question earlier and the legislative counsel is finding a precedent on legal decisions relative to the operational word "shall".

I think that the government and former governments were looking for some reasonable way to resolve this difficulty and you have made one suggestion that the matter be referred to an Ombudsman. But perhaps consideration should be considered of having an arbitration rather than one individual once again. No matter who you set up as, you know, and right off the list of the presenter of the prior brief a number of people who might comprise a panel of people who would see whether the people had fulfilled the intent of the law. Should we not consider perhaps a type of, you know, the operation of arbitration?

MR. CHAIRMAN: Mrs. Simpson.

MRS. SIMPSON: Mr. Chairman, I think we have also identified that a team approach is essential when it comes to assessing what kind of needs a student may have. I think when we were referring to the Ombudsman we were discussing a decision that may be made by the Administrative Consultant and I personally, as a member of the League, see no problems in having a team approach in any of these decisions and we advocate the kind of persons who should be involved with that. So I don't believe we have an argument with your point, Sir.

MR. BOYCE: There is a case of recent date where the right — is it right or responsibility — of an arbitration board, was upheld by the court in something which the administrative people thought was outside of the parameters' responsibility of the arbitration board, so perhaps through you, Mr. Chairman, to the League they could give us an expression of opinion as far as the League is concerned of the efficacy of establishing an arbitration type of a process in resolving this difficulty.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: Mr. Chairman, again establishing an arbitration process like that, like we are definitely

I favour of a team approach in order that if, you know, there are some handicapped students who cannot be accommodated by the school system and they do need some specialized services, don't think it is fair, you know, for one single person to be making that kind of a decision if that is what was being referred to. When we talk about the Ombudsman we are really talking about a system of — it is really a system of appeal more so than handling the people actually within the system itself. If you talk about the people within the system itself, the students, I think, you now, what you are talking about the League would look on very favourable. Certainly with regard to all our negotiations, that is the kind of stand that we usually take.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: Well, perhaps our understanding of the arbitration process is somewhat different. Perhaps I could clarify it to see that we are discussing the same thing. In an arbitration situation one party is selected from those people who think that they are aggrieved and another person is selected from the other side of the argument and a "neutral person" is established. It is not just one individual and it is usually outside of the system that they appoint these people to review the situation.

So we are not talking about people within the system arbitrating the matter. We are talking about people from outside of the system or at least I am talking about them, I'm sorry.

MR. ENNS: Are you talking then about the exceptional cases?

MR. BOYCE: No, my question is pertaining to those who in someone's opinion feel that they are aggrieved, that some child is being deprived of education in a particular instance and after the government has said that they "shall . . . I'm sorry, wait until I get the actual . . . What section is it in the proposed Bill, I'm sorry I have flipped a page. 41(5) "Every school board shall as far as possible and practicable in the circumstances . . ." So even in those words if the school board is not providing it then somebody who has a claim to make that the school board is not fulfilling its possible and practicable function could have that case referred to an arbitration process.

MR. CHAIRMAN: Mrs. Simpson. Proceed Mr. Enns.

MR. ENNS: Yes, I would agree with you that in a situation like that arbitration, you know . . . I guess I'm still not quite clear. You are talking about arbitration, you are talking about an Ombudsman or you are talking about the process of having several people involved. Is that the distinction that you are making?

MR. BOYCE: Well, there have been three suggestions made so far, the latter being mine. The first one was that we have a panel in one of the other presentations. Now you have suggested an Ombudsman and I am wondering about the last alternative that I have suggested about an arbitration process, as differentiated from the other two.

MR. CHAIRMAN: Mrs. Simpson.

MRS. SIMPSON: I think there is just a matter of semantics here that has been confusing the issue. When we have mentioned a team and I believe when the other group presented theirs, when they were discussing a team approach we were discussing assessing the needs of a child and what special services would be required. When we were stating that an Ombudsman should be involved in the process of identifying any grievances and deciding if this grievance is justified or not, we have pointed out that that would mean in effect arbitration. There would be the representative from the Minister, a representative from those who felt they were grieved aggrieved and the Ombudsman would act as that neutral person.

From what I can understand right now, Mr. Boyce, we are saying the same thing. Our neutral person, we are suggesting, should be a provincial Ombudsman. Does that clarify it at all?

MR. BOYCE: Yes, it is a semantical difference but it is an important difference. Under arbitration process they have the authority to act and their decision is binding. An Ombudsman process even under the general law is only a recommendation.

MR. ENNS: So you are talking about the authority that would be vested in this person. . .

MR. BOYCE: Not in the person.

MR. ENNS: . . . or this body.

MR. BOYCE: Mr. Chairman, if I may, in an arbitration process where you have say three people in an arbitration situation with two from each side and a Chairman, then they can call on anyone to make representation on either side of the case, such as the person is educable and they should be educated. They should have access to education whatever needs that may be in a particular instance. And the other side can call people to make the case that that isn't. Then the matter resolved not by bureaucrats or by technicians or professional people. Being a counsellor myself I know that if I get five counsellors together I may get five different opinions relative to any particular subject. I am saying that somewhat facetiously but nevertheless it comes down to the point where somebody has to have the authority to decide.

This is why I was asking you, would the League undertake to advise the Committee on the efficacy of having an arbitration process prevail in this particular area?

Mr. Chairman, I wouldn't expect the representatives of the League to express an opinion on behalf of the League at the present time.

MR. CHAIRMAN: Mrs. Simpson.

MRS. SIMPSON: Thank you for that Mr. Boyce because certainly I couldn't do that at this point in time. But I can say that the League has always advocated that there be a body where the consumer a consumer who is involved be heard. If that be an arbitration process where an ombudsman or a neutral person was there who would maybe make a final decision, fine, certainly we would as an organization be concerned that all persons who had a view were heard. As to the final decision-making, you are right, that is something we would have to take back to our organization. Our intent was to provide a neutral body where both sides of the story, so to speak, could be heard.

MR. BOYCE: Thanks, Mr. Chairman.

MR. CHAIRMAN: Any further questions? The Honourable Minister.

MR. COSENS: Mr. Chairman, through you to Mrs. Simpson and Mr. Enns I would like to add my appreciation to these people for their excellent brief.

There are two or three points that I would like to mention, perhaps for clarification more than anything. First of all, Mr. Enns in regard to new buildings and alterations, you've raised a concern in this regard. I wonder if you could clarify that concern. All new buildings and alterations, to my knowledge, today must meet the Department of Labour's Building Code standards which, to my understanding, does include the provision of adequate access facilities for those who may be in wheelchairs.

MR. ENNS: Mr. Chairman, this is correct. Our concern with regard to Bill 22 was that it should be so indicated within the bill that, in fact, the building code was applicable and that the guidelines of the building code would be adhered to in educational facilities, which gives people who are building new buildings a guideline to follow. And, I think, it also gives a means of implementing because the Minister, according to the bill there, at one position is in authority to make decisions which could then influence that decisions could be made to make buildings accessible.

MR. CHAIRMAN: Mrs. Simpson.

MRS. SIMPSON: Mr. Minister, I would also like to state that in the meeting we had with you, Sir, before the Session closed in the summer, many of our members from the rural areas, and areas in the city, were able to identify some specific examples where either new schools or schools that were to be modified had not been done so. I'm afraid right now I can't pull them off the top of my head but I do recall having those statements made and you, yourself, saying, Sir, that you would check that out. Maybe our definitions of accessibility are somewhat different then.

MR. COSENS: Mr. Chairman, there was one other item that I wanted to get back to Mrs. Simpson on, and that was I think you made reference in your brief to user fees. I just wanted to ask you Mrs. Simpson if you were aware that the present legislation under the Education Department Act, in Section 6(1)(g) and (w) has made provision for the charging of fees for certain services that arise within school operations. So that the new legislation really is not a departure from what did exist.

wondered if you were aware of the previous legislation or the existing legislation.

RS. SIMPSON: To be honest with you, Sir, I only discovered that today when you did state it earlier, but I think the League's point of view is this: we're questioning the words "non-essential and essential services" with regard to a user fee. And I think we clarified in the brief what we felt essential services were and why they should not be charged. The fact that it has existed in the bill before only indicates, in my mind, that if it has not changed in this proposed bill that certainly we'll have to make it very much more obvious that we do oppose that kind of concept in regard to essential services to allow students to participate like any other non-handicapped student in the school system.

IR. COSENS: Could I ask you then, Mrs. Simpson, through the Chairman, if you feel that particular existing legislation has been abused in practice?

IRS. SIMPSON: I don't feel, Sir, that I could honestly give you that answer, but what I can say is that our view is concerned with what kind of services would be charged, be they overused or not, or abused, whatever. The point in our mind is it would not matter to us if one person was charged for an essential service or if 14 were. Our concern is none should be for an essential service, which again, could not only be identified by our definition here but by the family themselves, other professionals, who are resources available to this government at any time as was proven today.

MR. COSENS: I don't think, Mr. Chairman, that I need to pursue that particular point at this time. I wanted to point out that that very same concept existed in the legislation that we have been living with for many years. I don't have quite the same concerns as Mrs. Simpson that it would be abused but I'm interested in hearing her concern. I don't think I have any other questions at this time, Mr. Chairman.

MR. CHAIRMAN: Mr. Hanuschak.

MR. HANUSCHAK: Yes, Mr. Chairman. With reference to the section of the bill referred to by the Minister which he claimed is similar to existing legislation I would like to ask either of the delegation, are you aware of the fact that there has been a very significant change made in that particular section of the bill by the insertion of the word "public schools" which did not exist in the previous?

MRS. SIMPSON: Sir, again, you made us aware of that today regarding that particular word.

MR. HANUSCHAK: Thank you.

MR. CHAIRMAN: Mr. Cosens.

MR. COSENS: Mr. Chairman, I should also ask Mrs. Simpson then, as well, if she is aware that in the existing legislation, I refer again to Section 6(1)(w)(i), that the reference again is to a school, in this case would be a public school, and this is in the existing legislation.

MRS. SIMPSON: I'm not sure what the question is, Sir.

MR. COSENS: Mr. Chairman, through you again, I was merely asking if you were aware that the existing legislation also contains the word "school"?

MRS. SIMPSON: Yes, I'm aware of that, but I think, too, Sir, that we're concerned with the insertion of the word "public" certainly when we hear that today. But, again, our major concern is the fact of how essential and non-essential is defined. What kind of services would be charged? That is our major concern.

MR. COSENS: Mr. Chairman, just a point of clarification. A "school" in the Act, by definition, is a public school, so I would suggest that there is not a change in this regard.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Thank you, Mr. Chairman. I'd like to ask a question of Mrs. Simpson and Mr.

Enns. I note that you differentiate between high cost-low incidence on the one hand and low cost-high incidence on the other, and that you have some criticisms of the present system under both those different headings, I wonder if you could expand on that for me please? And under the high cost-low incidence can you tell me to what extent these necessary changes have been put in effect. Are there now children who are waiting to get into the public school system because some of these things have not been done, and under the heading of low cost-high incidence you mention grants and you say in one sentence "this grant seems to promote the principle of segregation" And if you could expand on that as well, please?

MRS. SIMPSON: I want to deal with one question at a time here. I'll comment on the last statement you made when you're making the point that this grant seems to promote the principle of segregation. We are feeling that that particular grant, by assuming a special education teacher is needed and required for most children, that that would mean then these children would not be in the normal setting with other children, they would be involved in a special education class as does exist in many schools — Grant Park High School is one of them. That is why we would say that would be segregation; first of all by removing the students from the normal setting. And, I guess, we were concerned that the assumption is made that's always, most of the time what is thought to be needed.

And if you could just again, I'm sorry, ask me about the high cost one again?

MR. WALDING: Yes. Under the high cost-low incidence heading we were told earlier this year under the Departmental Estimates of Education, that most of these alterations or changes under this particular heading were now in place, that that portion of the program was coming to conclusion. Now, do you have any experience on this; is there still work to be done in this area that is now keeping some children out of the public school?

MRS. SIMPSON: I believe that there is. Certainly modifications to some buildings which we have identified are not all done, or new buildings are not being built according to the building code identifies one need of just having the child enter the school. We have also identified that Special Needs teachers who are hired usually have quite a large area to cover and are not able to be with all the children who do need them. So it is a view of the committee from our organization who has done this report in this brief that that is not being totally provided, that there are many needs and many more children will be coming who are multihandicapped, whatever, who will have needs that maybe will not be met.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: Just to expand on that, Mr. Chairman. There are people, like for example, there's a person who is on a respirator who just graduated from high school last year, this year he's at the university. Now this particular person had some services provided for him but it was all on a very individualistic approach. If somebody else wants to do it they have to go through a very major fight and we have had somebody else who attempted to do this and criteria had to be redesigned with regard to existing programs in order for these people to go to school. Also in the rural areas, especially, transportation is a big problem, you know, none of the vehicles are accessible. Those are the kind of things that still need to be done.

Just in terms of things like note taking, providing the actual support services that somebody can function within a school, in a regular kind of a school setting, you know, is being provided but there is a lot that is still needed in that area. And where it is really showing up is when a lot of these people, if some of them do come to

MR. WALDING: Further to that, Mr. Chairman. Can I ask then if you can give us any indication of the numbers of children involved who are not benefiting from a public school education because of the need for these changes?

MR. ENNS: Well, Mr. Chairman, that's a difficult thing to answer because any time you're looking at numbers it's easy to identify the people who are in the system and who, by one way or another, have made use of the kind of support services that are available to them. The people that are at home and the people that have trouble benefiting from it are isolated cases which generally we come across as a result of the Manitoba League having gone out to rural areas, having got to individuals and talking with them. It is very difficult to come up with any kind of numbers in that area.

MS. SIMPSON: Also, Sir, I think the kind of concerns we've mentioned in this brief regarding provision of services has been brought to our committee's attention by various members in the league who are adults and may have children in the situation, who are professionals, maybe, in a field, and who have been able to contact people and come up with these impressions. But I feel it is our role as an organization to note this, especially when we feel we do have a reliable and valuable source, give this to the government and have their staff contact various people who would be able to give them numbers, like the Teachers Association, the school boards, that kind of thing.

This isn't an excuse, I guess I'm trying to outline how we see our role in the community as a volunteer group.

R. WALDING: Mr. Chairman, if we see these two areas of high cost-low incidence and low cost-high incidence as being two separate programs moving along together, do you see them moving along at about an equal pace and being finished at around the same time, or do you feel that one is ahead of the other?

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: Mr. Chairman, at this point in time, definitely I would say that the low cost-high incidence is ahead of the other probably because there has been more outcry in that area. The people who were vocal were the ones that were demanding the obvious changes that would allow handicapped students to be able to go to school. And therefore, I think there have been a number of changes made in that area. For example, Grant Park High School and others like that within the city of Winnipeg.

But I think eventually, the ideal situation would be that they become parallel and that they complement or complement each other in that sense.

MR. WALDING: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Hanuschak.

MR. HANUSCHAK: Yes, Mr. Chairman. I have one question, also to test Mrs. Simpson's awareness. Are you aware that under the present legislation, that is The Education Department Act as it reads now, that the reference to the prescription of fees does not single out public schools but it applies to schools in general, including community colleges, for which attendance at which the Minister charges fees. But are you aware that the present bill before us does specifically point at public schools, wherein the Minister may levy a user fee.

MRS. SIMPSON: Thank you, sir, for testing my awareness. I always appreciate finding out what I do and don't know. However, I feel the major point of this, first of all, yes I am aware of that. But the major point that we're trying to get across is, be there a user fee charge in a public school or in schools in general which may refer to any form of education, whichever you wish to use, we are again concerned with how the user fee is clarified and identified and defined. That is our concern, be it at a public school level, whatever. If a student needs a "service", to be used in order to function as any other student and to complete the courses, be it transportation, an oral interpreter. For or an example, this has become an issue at the University of Manitoba. That student, now in their Masters program after crying out for this for three years in their Under-Grad, has finally received that oral interpreter.

Therefore, this student also is not being charged for this kind of service because it had been identified that without it, the student's marks are greatly affected because they cannot understand all that is happening. The student has also been able to prove that the reason they got through the other three years was through outside services, through assistance from themselves, basically teaching themselves the lessons, not having the use of a professor because they couldn't understand them.

So what I'm pointing out, I hope, is that we are concerned where this user fee is being referred to. I'm not arguing that. But the major concern of this point is, what is defined as a service that should be charged?

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: When Mr. Enns mentions a specific case of someone in a respiratory device, it causes me to wonder if there is any attempt made to identify the needs and to see just exactly how they

should be apportioned, vis-a-vis the provincial government and the school board. Doubtless the individual to whom you refer is in either Fort Garry or Winnipeg school divisions.

MR. ENNS: You said you doubt. First of all, we wouldn't attempt to identify the person in a sense of saying we will provide services for them, because as a consumer organization, we are basically interested in making representation on behalf of the handicapped population. That would be the job of the Society for Crippled Children and other agencies in the community who actually provide the services.

But there is this one student, I'm not even sure where the person lives, but he's at the University of Manitoba now, and like I indicated before, he went through the school system with a respirator and the provisions were made for him. But it was a struggle attempting to get it. We had another person who has the same kind of a device, and I understand there's only about, I'm not sure, there eight in Winnipeg altogether which are available, and we employed this person in a meaningful job for a period of time with the same kind of a device. And there are other people who are being kept in at home, or in hospitals who could be, if a respirator was provided for them, could be going to school or going to employment or things like that. So it's a matter of making the funds available, making sure that these people get it, and then, especially the people who are of school age, that they can then go to school.

MR. BOYCE: We're focusing on a specific. I'm more interested in the general. Doubtless these people are around somewhere where the other services are available to them, such as the respirator devices. If a person was in Frontier School Division, for example, it would be most difficult for the person to get the services. What usually happens is they migrate with their families, the whole social disruption, they go to another division.

A few minutes ago you made a suggestion that we look to an ombudsman to resolve the question of whether the services are being provided, under the definitions of — or whatever words they come up with in the final draft of the bill. You don't make a recommendation as to who should pay for it. If, for example, in Winnipeg No. 1, which has in it the Health Sciences Centre, which attracts a goodly number of people because of the medical facilities which are available, Children's Hospital and the rest of it. And these people now become residents of Winnipeg No. 1. Now, is there some idea of how the cost of the provision of services should be apportioned between the province and the school board. In other words, is there a degree of services which should be normally provided by the school board within expanded parameters and is there a case where beyond that it should be mandatorily picked up by the province?

In the case that you made, you say that an ombudsman should decide, with a binding sort of a nuance in your suggestion, then should this ombudsman have the added authority of deciding how it should be paid for. In other words, this would be binding on the provincial government to make a grant to the school board to see that this was done, or it would be reasonable for the school board to provide that service within their tax base.

MR. ENNS: It seems to me you're talking about something that's very general when provision of services are being talked about and that is, where's the leadership, where's the impetus going to come? Is it going to come from the municipal government, is it going to come from the provincial government, is it going to come from the local school board, is it going to come from the Department of Education? I think the answer to that is very clear. It's got to come from the provincial government. It's got to come from the top level, and that's where the leadership belongs. This is the stance that we've taken with regard to several other issues which we have recently worked on, and that is specifically with regard to rural transportation. If the provincial government comes through with an overall policy and with the potential for funding, then the local municipal governments respond and the system can operate. I think the same thing is true in education. It is mandatory that the provincial government take the leadership.

But if I may ask, to get back to the other question that you raised, that is, should handicapped people then be going into one area, particularly in order to get services being provided for them. Well, there may be the exception to the rule, but generally I think — you're talking about a provincial base, not only in Winnipeg here — the general situation is that more and more handicapped people are saying, I want to stay in my local rural area where I've lived all my life. I don't want to go out to Winnipeg. Just because I've had an accident, I don't change, my friends don't change. I go to the same school, I want to go back there. And those people should be allowed to do that. They should be allowed to go to those schools. Those schools should be made accessible. The support services should be made available for them in their particular situation.

MR. CHAIRMAN: Mrs. Simpson.

RS. SIMPSON: I apologize for prolonging this answer, but I really think this is a major point we're discussing here. We have indicated in our brief in the area of funding that certainly it is the commitment for school divisions to provide an appropriate education for all children of school age in Manitoba is our major concern. However, we also indicated in the brief that unless the provincial government is prepared to not only take the leadership, but make sure that there are recovering mechanisms for the school divisions to have enough funds to meet needs throughout the year, unless the level of granting is looked at seriously, unless there's actually a law stating that this must be done, and that all children should be allowed to get the proper level of education needed like any other student, should be able to go to any public school in their area, that this won't be done without the leadership being taken by the provincial government.

MR. CHAIRMAN: Mr. McBryde.

MR. McBRYDE: Mr. Chairman, I'd like to thank Mrs. Simpson for that last answer. That clarifies things and makes it very clear where you stand. The previous answer you gave concerning the misunderstanding of what resources are needed causing a problem or delaying the people getting the services they required, I wonder if you could expand on that from your experience yourself, or Mr. Enns, in terms of, is the educational system ready at this point to accept your recommendation that 41(5) shall just use the word "shall". To what extent is the educational system ready to do that, and secondly, what has to be done to make sure that they're ready to do that?

MRS. SIMPSON: Thank you, Mr. Chairman. I don't think that is the question, sir, if I may say so. I think the question is, are the people who are providing the leadership, are the persons who are in charge of allocating funds prepared to meet the needs of the community? And that is, the physically handicapped, or multi-handicapped, various handicapped persons in our society. If the educational system is not ready — and I'm not sure I would say that because certainly we've indicated in the brief that many students are being slowly but surely put into the system and having their needs met, I don't think it's a matter of being ready, I think it's a matter of being explained what is happening.

I personally know a large number of teachers who have just graduated within the last two years. I did speak to one of the graduating classes about two years ago about this issue of handicapped students being put into the normal "system". And the response, the kind of questions I was getting was, how can we be expected to provide all these things when we're also expected to give the normal child mathematics, and now we're asked to be doing some socializing, every other issue, sex education has come into question, how also can we be prepared to provide these other kinds of services? And my response was, first of all, let's clarify what we mean by other kinds of services. Again, when we're saying a physically handicapped child may need a support service to allow him to go to school, again I might be saying, he needs a ramp. Or if we're saying that the physically handicapped child may need assistance in the washroom. Okay, they would need some kind of nurse aide or orderly system that could be provided by other resources in the community. That could also be tapped.

What other agencies in the community would be prepared to loan services, to be involved in helping the government meet these needs? Certainly the University of Manitoba is looking at that right now. What I'm getting at is, I'm not feeling comfortable with saying the education system is ready, but I'm not thinking that we're saying, "Let's throw in 50 million children", and say, "Here, do with them what you can." I think public education is needed, explanations of what kind of services we might be looking at and prioritizing of funds so that teachers aren't left with a load to deal with, that they may have no expertise in. I hope that sort of answers your question, sir.

MR. CHAIRMAN: Mr. McBryde.

MR. McBRYDE: Yes, I'm just sort of looking at Mr. Enns to see if he wanted to add anything to that or not.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: Mr. Chairman, Yes, I would like to add a couple of comments to that and one of them is, you know the indication that several groups of professionals who are in the teaching profession have made representation on the same issue that we have and have basically taken the same kind of stand as we have, I think indicates that maybe the educational system is ready at this point in time to accept that kind of a thing.

Also in our discussion with the Manitoba Teachers' Society we've discussed these kind of pair and there was no strong indication that they would oppose us on an issue like this. So to us seems to be that yes, the system is ready. I mean it's not a matter of dumping everybody in the educational system except the handicapped people, it's a matter of how do we do it, you know plan it step by step and things like that. But I think the indication is there.

MR. McBRYDE: Thank you very much. That sort of is my impression from talking with school board people and professionals in the field, that if they have the resources they can in fact do the job that they are asked to do. Mr. Chairman, I have no further questions.

MR. CHAIRMAN: Mr. Cosens.

MR. COSENS: Thank you, Mr. Chairman. Just to touch briefly on transportation again, Mr. Enns I know that's an area of great concern on your part. Are you aware that the province does provide special equipped buses for handicapped children at this time where there is an identified need? There are a number of these buses operating now in the province.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: Yes, Mr. Chairman, I am aware that some of these buses are operating. Apparently the provision that is being made at the present time is that there is a certain amount of money being made available for each student which can be utilized by the school boards for whichever way they would like to do it, or whichever way they would provide transportation for the handicapped or for any student. But what has happened in reality is, either the school boards were not aware of this or for some reason or other they have not utilized it, but certainly in most cases that's not being done, especially in the rural areas.

MR. COSENS: Mr. Chairman, the full capital costs of those buses is being taken care of by the provincial government where the need has been identified by the school division.

MR. ENNS: Mr. Chairman, that's an interesting point. I guess like I say, we were aware that this provision existed but we were not aware that anybody had taken or was in effect doing this, because to our knowledge at the present time, no, we were not aware that most of the school boards where transportation is being provided, it's being provided by specialized group, for example, in the Steinbach area by a Handi-Van that's operating there and in other areas by specialized transportation projects that have started there, not under the school division.

MR. CHAIRMAN: Any further questions? I thank you Mrs. Simpson and Mr. Enns.

MR. ENNS: Thank you very much.

MRS. SIMPSON: Thank you very much.

MR. CHAIRMAN: I call Mr. Bob Brown, the Dependable Bus Service. I call Mr. Tim Sale, Social Planning Council of Winnipeg. I call Mr. Gordon Newton, the Manitoba Association of School Superintendents. I call Father M.R. Klysh. I call Mrs. Mary Kardash. I call Mr. and Mrs. Michael Andrieshyn. I call Mr. Mike Miller or Mr. Richard Levin from the Manitoba Association of Student Councils.

I call Mr. J.A. Carmichael, the Society for Crippled Children and Adults of Manitoba. Mr. Harvey is for tomorrow morning at 10 o'clock. Is there anybody here who is prepared to make a presentation to the committee? We still have half an hour before adjournment.

The said committee rise and we'll meet again at 8 o'clock. The first presentation will be Mr. Rene Pichi from the Societe Franco-Manitobaine, at 8 o'clock.