

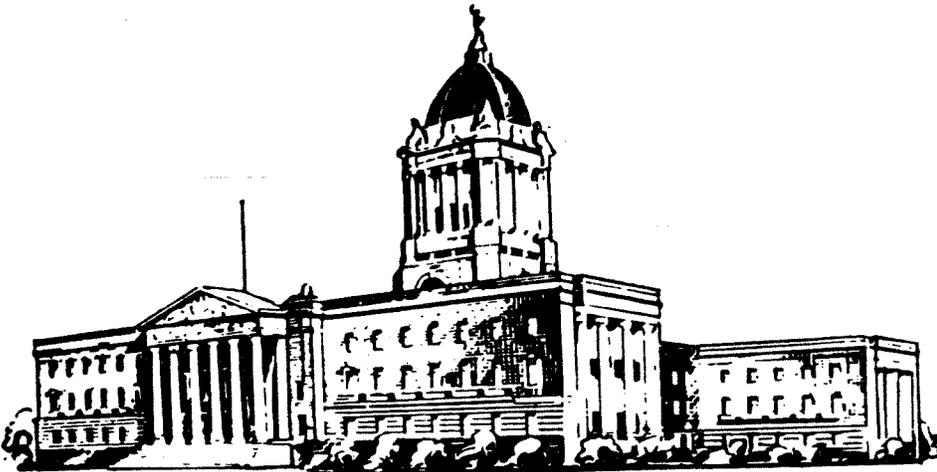


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Fourth Session — Thirty-First Legislature
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Legislative Assembly of Manitoba
STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

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The Honourable Harry E. Graham
Speaker*



WEDNESDAY, 2 JULY, 1980, 8:00 p.m.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty - First Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS
Wednesday, 2 July, 1980

Time — 8:00 p.m.

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

MR. CHAIRMAN: We're dealing with Bill No. 31, The Public Schools Act. I, as Chairman of the committee have before me presentations before this committee. No. 1, the Certified General Accountants Association, Mr. W.R. DeGraves; No. 2, Parent Coalition, Brenda Scarcella; No. 3, the Societe Franco-Manitobaine, Ron Bisson; No. 4, Mr. George Forest; No. 5, Federation Provinciale Comite de Parents, Denis Chenier; No. 6, Mike Taczynski from Gypsumville; No. 7, Mrs. Carolyn Garlich, Concerned Parent; No. 8, Manitoba Society for Autistic Children, Moira Grahame; No. 9, Education of Manitoba of the League of the Physically Handicapped, Michael Rosner; No. 10, Manitoba Association for Rights and Liberties; No. 11, Manitoba Association for Children with Learning Disabilities, Mrs. Helen Jenner; No. 12, Society for Crippled Children and Adults of Manitoba, Mr. J.A. Carmichael; No. 13, Canadian Association for Mentally Retarded, Winnipeg Branch, Executive Director, Mr. Dave Wetherow and Mr. Keith Walker, President of the Board; No. 14, Mira Spivak, telephoned June 17, 1980, advising she was sending out a circular letter to encourage presentations to this bill; No. 15, Social Planning Council of Winnipeg, Joyce Sononecki; No. 16, Mrs. Taylor, Mayor's Office, The Pas, wished to be advised when bill goes to committee — nothing said about representations being made; No. 17, Manitoba Teachers' Society, Mr. Gordon; No. 18, Elkhorn Save the School Committee, may wish to appear — contact Mr. Aitken; No. 19, Commissaires d'ecoles Franco Manitobains, President, Lorette Beaudry-Ferland or Vice-Chairman, Dr. Gerard Archambault; No. 20, Mr. Joe Stangl; No. 21, Fraser Dunford, Liberal Party of Manitoba; No. 22, Manitoba Association of School Superintendents, Roland Ledoux; No. 23, Manitoba Association of School Trustees, Norman Harvey; No. 24, St. Vital School Division, Mr. Alex Boyes; No. 25, Winnipeg School Division, Mr. John L. Condra, Solicitor; No. 26, Canadian Association of Mentally Retarded, Manitoba Division, Jim Rodger, President and Dale Kendel, Executive Director; No. 27, Manitoba Association of School Business Officials, contact Ron Mann; No. 28, Lord Roberts School, Elma Gerwin; No. 29, Winnipegosis and Area Concerned Citizens Committee, contact Art Erickson.

May I ask, with the permission of the committee, that those from the rural areas of our province who would like to make a presentation tonight and return home, would you please come to the microphone? If there are none, ah, there are. Could I have your name, sir?

BILL NO. 31
THE PUBLIC SCHOOLS ACT

MR. ROLAND LEDOUX: Roland Ledoux, Manitoba Association of School Superintendents.

MR. CHAIRMAN: Where do you live, sir?

MR. LEDOUX: I live at Gladstone, Manitoba.

MR. CHAIRMAN: Okay, what's your number?

MR. LEDOUX: No. 22.

MR. CHAIRMAN: 22, okay. Okay, thank you, sir. And the other gentleman?

MR. TERRY LEWIS: Terry Lewis, Renaissance International, No. 30, Steinbach, Manitoba.

MR. CHAIRMAN: I don't have that, sir.

MR. LEWIS: The fellow behind you does.

MR. CHAIRMAN: Oh, okay. Could I have your name, Sir, again?

MR. LEWIS: Terry Lewis.

MR. CHAIRMAN: Again, Steinbach is it?

MR. LEWIS: That's right.

MR. CHAIRMAN: Have you left a copy of your presentation? You spoke to the Clerk?

MR. LEWIS: That's right.

MR. CHAIRMAN: Thank you, Sir. With the permission of the committee, is it agreed that we hear those two presentations first?

Mr. Walding.

MR. D. JAMES WALDING: Mr. Chairman, can I suggest that you ask whether there are any others present who wish to make a presentation to the committee?

MR. CHAIRMAN: Are there any more from the rural areas . . .

MR. WALDING: Or the city.

MR. CHAIRMAN: . . . that are not on the list that I . . . By the way, may I also remind the committee that we will be sitting until 12 o'clock tonight and the committee will resume hearings tomorrow morning at 10 a.m. So in the agenda if you feel at some hour that you may not be heard by the hour of 12, the committee will sit tomorrow morning again at 10 a.m.

May I therefore call Mr. Roland Ledoux from the Manitoba Association of Association of School Superintendents, No. 22.

MR. LEDOUX: Thank you very much, Mr. Chairman.

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MR. CHAIRMAN: Mr. Ledoux, do you have a brief or copies of your brief for the committee?

MR. LEDOUX: Yes, I do.

MR. CHAIRMAN: Thank you, Sir.

MR. LEDOUX: Would you like them now?

MR. CHAIRMAN: We'll pick them up. Proceed, Sir.

MR. LEDOUX: The Manitoba Association of School Superintendents is pleased that the outdated, repetitive and sometimes confusing Public Schools and related Acts have been revised. The reduction in volume is a clear indication that many redundant passages have been removed. Even without an index, items are easier to find in the proposed revision. The new Act will be considerably updated through deletion or references to services and district organizations which are no longer relevant. However, with respect to the organization and leadership in school divisions the bill reflects, in our opinion, 1960 rather than 1980.

Beginning in 1959 and continuing for a few years, the province reorganized into larger units of administration. School Divisions appointed superintendents to provide leadership at the local level, to assist with attendant problems of school consolidations and closings, planning for new schools, and the establishment of transportation systems. This was a time of delicate negotiations between districts, a time of intense political activity. It was a time of enrollment increase and major curriculum revisions.

Gradually the province pulled back its centrally appointed educational leaders as locally appointed superintendents became responsible for teacher evaluation and permanent certification. Since that time the responsibilities of the superintendents have changed but always increased. Many superintendents are now managing declining enrollment rather than expansion. They are continually balancing educational values and cost implications in a time of financial constraint. Their position at the heart of things, often at the head of things, gives them the role of conspicuous and often vulnerable leaders. The Manitoba Association of School Superintendents believes that every division should be required to employ a superintendent and that the superintendent should be named Chief Executive Officer. Superintendents also appear to require some statutory protection against capricious dismissal or demotion, if this role is to continue to attract men and women who will make the bold and sometimes unpopular decisions the job requires.

With respect to the bill before us, we will comment briefly on certain sections.

Sick leave: MASS agrees that sick leave should be an earned right.

Probation and Tenure: Using the commonly accepted term of 'probation' as the first two years of teaching service and 'tenure' as being the post-probationary period of service, MASS believes that the probationary period, to serve its intended function, requires 20 months of actual full-time teaching, or its equivalent in part-time service.

Special Needs Students: The Manitoba Association of School Superintendents is aware that there is a heightened expectation on the parts of parents and organizations that educational programs will now be provided for the unfortunate few not now receiving them. The government, we feel, is aware that significant costs will be incurred in the provision of these services and we ask the government to state, or restate, that additional funds will be provided to the divisions proportionate to the additional responsibilities they will need to undertake.

Private Schools: It has been clearly stated that every child in Manitoba has the right to an education but, in one respect, not enough has been done to assure it. There is no means in the Act to guarantee a good level of education in a private school which does not request provincial grants.

Substitute Teachers: MASS believes that in statute and contract a distinction should be made between teachers employed on a regular basis and those employed on a casual basis. Some substitute teachers may only work for a particular division five or ten days in a year. Some may be employed in three school divisions in the same week. If substitutes were placed on a regular form of contract, their contracts could only be terminated in the same manner as for regular teachers. For example, a substitute hired to replace a regular teacher for five days in February could not, except for emergency or mutual consent, be terminated before June 30th.

The Manitoba Association of School Superintendents proposes the following specific amendments to Bill 31:

We would suggest in Section 41(1)(p) add the words "and assign students thereto". If you have a moment to look at that section, it deals with responsibilities of school boards. We feel it's important that those words be added to make it clearly the jurisdiction of the school board to decide which school students shall be assigned to.

In Section 52, we would suggest in the first line excluding the word "annual" from an annual resolution as referred to in Section 52, first line. Further to 52, Section (h), we would add a new clause, suggest a new clause be added in Section (h). The clause would read "other powers of school boards as proclaimed in this Act". Mr. Chairman, we have some concerns with 52. In our opinion, if literally interpreted, it could very seriously limit the powers and responsibilities that school boards could delegate to superintendents. We would suggest, and there is a misprint on your copy, it should read "52 (i), (h) as printed to become (i).

Section 92 (1) and (2) deal with what we mentioned earlier in the brief about excluding or "excepting substitute teachers". 92 (1), every agreement between a school board and a teacher, we would suggest, "excepting substitute teachers". 92 (2) the same exception be written into that clause, we would suggest.

92 (5) refers to what was mentioned again earlier in line eight, after "of at least 20", we would suggest that the word "consecutive" be included, "20 consecutive teaching months of paid service prior to a teacher being granted tenure".

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Section 96 (d), in line one, after the words "field representative", "Furnish to the Minister or to a field representative, or to the school or its designate, any information that it may be in his power to give". This is with respect to duties of teachers. We believe that the Act should be specific in requiring teachers to furnish information to school boards or their designates.

Mr. Chairman, we've tried to be as brief as we could. There is one other section that we have not dealt with on our brief. We have some concerns also that school boards have retained the responsibility for school attendants in private schools. In our view, school boards should not have that responsibility. It is not mentioned on this brief, it was an oversight. We have tried to stay with only the most critical points. The Manitoba Association of School Superintendents would like to congratulate the Minister on this massive undertaking. We are aware and we have participated for some seven years in the revisions to the Act. We've been pleased to serve on your committees. We've seen revisions brought in and thrown out. For the most part we feel you're to be congratulated for the work that you've done and we'd certainly appreciate taking into consideration a few of the points that we've made. Thank you very much.

MR. CHAIRMAN: Mr. Ledoux, we thank you from the committee for your presentation. Are you prepared to answer questions, if there are questions raised from the members of the committee?

MR. LEDOUX: Certainly.

MR. CHAIRMAN: Proceed. Mr. Schroeder.

MR. VIC SCHROEDER: Thank you. Mr. Ledoux you indicated that you felt your association required some protection from arbitrary dismissal. Could you expand on the kind of protection that you are looking for?

MR. CHAIRMAN: Carry on, Sir. For those who are in the room understand that we are recording, so I have to announce who is speaking so they can sort it out when it comes in Hansard, that it is not a different person, so proceed, Mr. Ledoux, I'll try and look after that responsibility.

MR. LEDOUX: Thank you very much, Mr. Chairman. As you know, teachers for example, are employed under written contract, province-wide. It is not uncommon for people in a superintendency to have come up through the ranks of teacher, school principals, all the time being employed under written contract with some protection. It seems in the province, currently, that there are some 50 percent of our members that are employed, under written contract, where there are clauses that ensure at least some sort of sitting with the school board prior to capricious dismissal, we have used the word capricious. As you can appreciate, sometimes in local politics it is nice to have some sort of written document, to at least have a procedure to offer our members some sort of protection, that is what we are referring to. I think you are aware that Saskatchewan and Ontario, in the last couple of

years, have seen fit to introduce these kinds of amendments in their new Acts and we feel that our membership over the years has changed frequently enough that it might be in the best interests of superintendents to have some sort of protection in the Act.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Yes. Would it be correct to say that what you are looking for is some legislative protection which would say that you cannot be dismissed unless there is a reason for the dismissal. That is, you're serving your specific school board and if you are dismissed you feel that there should be a reason for that dismissal and there should have been something done by you which would be deserving of dismissal.

MR. CHAIRMAN: Mr. Ledoux.

MR. LEDOUX: I believe that is the intent of what we're after. I would think that sort of thing would be a minimum. I think in legislation it would ensure that members would at least have something in writing, some reason given. We would hope that would be a minimum kind of provision.

MR. SCHROEDER: Would your association envision this provision being such that, if the reason given is untrue, that you could not be fired?

MR. LEDOUX: I don't know that I can speak for the association on that particular approach to the question. We haven't discussed it as an association. I don't think our members are that naive that we realize that if boards don't want us we're not going to be there but I think we should have some minimum protection as far as written reasons, or a contract of some description where procedures would be followed.

MR. SCHROEDER: Would it then be unreasonable to also say that those people who work under you, the teachers, should have a similar right, that is a right to a reason for dismissal and if that reason is, in fact, unfounded that they could not be dismissed, whether they'd worked for your board for two full school years or none?

MR. LEDOUX: I believe that the Act, as it is drafted, makes that provision now. Teachers are entitled to written reasons when they are terminated or when they leave and I think the Act gives teachers that kind of minimum protection that superintendents, for example, certainly don't have.

MR. SCHROEDER: Yes, I would agree that the Act would give teachers certain protections that superintendents don't have. However, what I'm asking you is why your association, in fact, is suggesting that 20 consecutive teaching months are required before a teacher has the right to just cause for dismissal, that is up to two full years of teaching. Your association apparently is indicating that you feel you ought to have the right to dismiss, to fire a teacher, arbitrarily without cause, without being able to demonstrate that you, in fact, have a reason to dismiss that teacher. I'm just wondering whether

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there's any real good, valid, substantial reason for the requirement of two years of teaching experience, with your particular division, before a teacher is entitled to the simple protection of being given a reason which is a substantial reason, not a non-substantial reason.

MR. LEDOUX: I guess you're asking me for my opinion and I'll try and keep in mind what superintendents have said in our association. I think we're talking about tenure and non-tenure. After 20 consecutive teaching months we are extending, and as we have done customarily in the province, we are extending fairly substantial protections to teachers by granting them tenure. And those protections, while my friends back here in the Teachers Society may disagree, I think the tenure is something that is fairly substantial and protective and I think the superintendents have said that we feel that we need 20 months to assess the quality of teachers and the quality of teaching that is going on. If you think of it in terms of a probationary period, I think our group certainly feels that we need the full 20 months to assess people, to look at them on probation and to see if they are the types of individuals that our boards want to have in the schools.

MR. SCHROEDER: You're using the term tenure, as opposed to a requirement for just cause prior to dismissal. Maybe we should just get our terms straight. Is it not correct that any teacher, of any school division, can be laid off at any time if there's not sufficient work, in terms of numbers of pupils to teach?

MR. LEDOUX: Yes, that is correct. As I interpret the Act, the existing Act, there is a clause that would allow for teachers to be released if, and when, you had substantial declines in enrollment and you didn't have the enrollments to warrant keeping the teachers on. It's been my interpretation that you could do so. I'm not aware of any school boards that have done so, outside of the normally accepted times of December and June, but it may be that there are some.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Yes, it may well be that the only times they do it is in December or June but that doesn't make it any more nice for the teacher. But now, when you talk about tenure, is the protection not simply one of being entitled to have to know a cause for dismissal, i.e., the cause must be a substantial cause? There must be something done by the teacher which makes him or her unfit to do the teaching in that particular school division and again, most other employees, including civil servants and members of trade unions in this province, have similar provisions in their contracts with their employers; is that not correct? That is, that they cannot be dismissed without just cause or without cause and I think just cause and cause is the same thing.

MR. CHAIRMAN: Mr. Ledoux.

MR. LEDOUX: I think the provisions, as I understand it, of just cause of tenure protection, I think those provisions go substantially beyond what other movements have for protection for their employees. For example, you take the teacher and you have to show just cause in a quasi-legal panel where very often you're talking perhaps technicalities of law as opposed to actual practices in a classroom. You are going to the courts or a quasi-court setting to try and establish whether or not a division was, in fact, justified to release the teacher.

MR. SCHROEDER: I would suggest to you, sir, that that is precisely the type of procedure that is employed for firefighters, for policemen, for many other unionized employees in this province, that there is no substantial difference based on the fact that people have to go to arbitration boards if they dispute a dismissal. But I would like to move on to Section 41, which indicates that all . . .

MR. CHAIRMAN: Mr. Ledoux. According to the procedure, Mr. Schroeder, he would have to respond.

Mr. Ledoux.

MR. LEDOUX: I just wondered if other professions that you're quoting do not have some provision for probationary periods, as well.

MR. SCHROEDER: Yes, they do, and generally it's six months or less and I think that's something that possibly your association should consider.

Section 41(4) of the Act indicates that: "Every school board shall provide or make provision for education in Grades I to XII inclusive for all resident persons who have the right to attend school". I'm sure your association is aware that a number of the people who are here tonight are asking that that be changed to "an education appropriate to the needs of the child". Does your association have any comments with respect to the present wording or the proposed wording of those groups?

MR. LEDOUX: We didn't specifically suggest changes in wording but we are very pleased, as an association, that the bill has, in our view, expanded considerably to include all the children having the right to attend and we feel that that's a step in the right direction. We interpret that to mean people between the ages of 6 and 21, or 7 and 21, and we feel that that's long overdue.

MR. SCHROEDER: Does your association see this as a step forward from Bill 58 with respect to that provision?

MR. LEDOUX: I'm not sure that I can speak for the association on that matter. We feel that it has touched upon the important ingredients of Bill 58. It perhaps hasn't gone to quite the same degree in some respects that we might have liked but we feel that overall it is a step in the right direction.

MR. SCHROEDER: How many people would you estimate in this province between the ages of say, 6 and 18, are currently not receiving an education of some sort or another because the system is unable to adapt to them?

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MR. LEDOUX: I'd have to be speculating. I don't have the facts with me. It occurs to me that there was a study done a number of years ago in which not a great many cases were found. In our own particular area there was one child that came to mind.

MR. SCHROEDER: So you would agree, sir, that in fact this statement that we will now be providing an education is fairly empty because there are very few people which will be brought into the system as a result of this particular statement who are not already there, but that this particular statement does nothing to provide an adequate or appropriate education for children who may well be in Grade 10 and with Grade 2 learning abilities, for instance, and conceivably could be receiving an education. Whether the education is appropriate or not would be entirely a different question.

MR. LEDOUX: I'm sorry, I lost the train of that question. Could I get you to run it by me again, please?

MR. SCHROEDER: First of all, it would appear to me that you would agree when you say that there's only one child you can think of in your district who will benefit from this, that this provision is not going to make a great deal of difference to more than several dozens of people or maybe 100 people at maximum, probably less than that, in the province, in terms of bringing them into the system, but once they are in the system this provision does absolutely nothing; and I'm asking you whether you agree with my statement or you disagree? My statement is, this provision will do absolutely nothing to guarantee an appropriate education for children who are already in the system, have possibly been in the system for years and are getting an education which is inappropriate to what they need. They may have been in the school system for five or ten years and they can't read or they can't spell or they can't do many of the other things which they could be taught to do if they were receiving an appropriate education.

MR. LEDOUX: We like to think that the children that are in our system are receiving an appropriate education. While we realize there are times when more could be done, we view this bill and this provision in the bill as a step in the right direction and possibly there are always areas that are possible for improvement that, by and large, we view the amendment as being a positive one, amendment to earlier drafts.

MR. SCHROEDER: In addition to that, do you agree that it is, this particular provision, is a step back from Bill 58? Possibly if I could add, Mr. Chairman, and if not specifically, in what way is it not a step backward?

MR. CHAIRMAN: I'm having a difficult time referring to another bill that is not before this committee. We're dealing with Bill No. 31 and if the members of the committee and those who are making presentations would keep their remarks

confined to this bill, I think we could proceed much better. Proceed, Mr. Ledoux.

MR. LEDOUX: Just to reply to Bill 58, Bill 58 contained many provisions. I think you're alluding to this section dealing with special education. As I understood it, this section dealing with special ed. or special cases was never proclaimed. Therefore, I don't know that I would want to comment on the comparing of this one to a section of a bill that was not proclaimed.

MR. SCHROEDER: Moving on to the matter of sick leave, your association views sick leave as being an earned right, i.e. you approve of the current change in the legislation. Could you expand on the effect of the old legislation and the improvement contained in this legislation for your organization's welfare?

MR. LEDOUX: I don't know that it does anything in particular for our organization except I think it clarifies a misunderstanding that existed in the old Act. A number of school districts had become involved in disputes at times between the interpretation of the previous Act and the clauses pertaining to sick leave in a previous Act, and our association feels that it is now quite clear that since sick leave is an earned right, I believe that we can all appreciate and understand that section.

MR. SCHROEDER: The Act deals in a number of areas with the matter of field officers who have certain rights and responsibilities, as they had as inspectors in their old incarnation under the old Act. Do you agree that field officers ought to have the right to demand of anyone in the province, whether they are in the school system or outside, that they must answer any questions that they pose to them?

MR. LEDOUX: I would assume they would do so on behalf of the Minister and as a representative for the Minister in the field. I believe that it's important that the Minister in the department would have access to the information that's in the field. There may be better ways but I don't see any better way to get information out in the field than through an extension of the Department of Education. That's a personal answer. Our association hasn't discussed it.

MR. SCHROEDER: Thank you.

MR. CHAIRMAN: Mr. Doern.

MR. RUSSELL DOERN: Mr. Chairman, I just wonder if Mr. Ledoux could clarify his remarks. He seemed to indicate at the beginning of his presentation that he thought that in terms of organization and leadership that the bill reflected 1960 rather than 1980, and I think remarks of that nature have been made in debate. I was just wondering whether you would care to elaborate. Do you expect definitions of superintendents and, in particular, either words or sentences or paragraphs be incorporated in the bill that would strengthen it in regard to organization, and were your remarks primarily directed at the role of the superintendent?

MR. LEDOUX: Yes, that's correct. We were primarily approaching our comments from the point

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of view of the school superintendent. Our view was that the current legislation had its origins in about 1954 when superintendents were not in existence, by and large; very few of them were. Over the years, a number of amendments have been made to the Act that have been based on the school district concept where there was no school superintendent employed. So our comment was directed from the point of view that school superintendents have arrived on the scene for a number of years, have been in existence since 1967, by and large, and prior to that, but on a large scale since 1967, and the view was that there should have been more provision in our judgment for clarification on the role of superintendent and for some clarification on the areas of organization and corporate organization, that sort of thing.

MR. DOERN: Mr. Chairman, holding aside the philosophical and practical debate about aid to private and parochial schools, I wanted to ask Mr. Ledoux whether he has considered the suggestion that has been made that, although some school divisions found it a nuisance to have to transmit funding to private and parochial schools and now this legislation no longer requires that, there was one advantage in that other system in that the amount of dollars could be examined or at least the people in the division would be aware of the amount of money spent on schools in their division, and to that extent, they might have some understanding or appreciation about the kind of government funding, whereas if the funding goes direct, then the local divisions are really not aware and not involved. I was just wondering whether he had considered that the "old system" to that extent is perhaps better than the one suggested.

MR. LEDOUX: Our association didn't arrive at a position as comparing the system of funding that is currently in use as compared to the previous system of funding. I think our association was on record as not supporting funding for private schools. Beyond that, if it was the government's decision to fund in one fashion or another, we did not poll our members to see which system they preferred.

MR. DOERN: I wonder if you could clarify your brief in regard to special needs. This is now a requirement rather than an option and there is now no distinction being made between the so-called normal or average students and handicapped students. My impression from reading your brief is that you want the province to fund 100 percent of the costs and I was wondering whether you could just explain what your position is.

MR. LEDOUX: We felt that our association would like, of course, to see as much direct funding for high incidence children as possible. When we looked at the legislation and when we looked at former legislation, our members were concerned with such things as the possibilities of having to establish residential schools, for example. We're not certain if that possibility exists now under this or not. If we have to provide directly for all students, it may be necessary for school divisions to consider residential schools, and this is one of the reasons why we have made a note that while we feel that it is a step in the right direction, we have some concerns about the

funding that may be needed and we would hope that we would get the necessary additional funding to take on, as we see it, some additional responsibilities.

MR. DOERN: Can you give us any suggestion, any guesstimates of what percentage of special costs or special needs students is now being picked up by the province? If you have X number of students, do you have any idea what percentage is being funded by the local division?

MR. LEDOUX: I'd be guesstimating at that. We do know that special students require additional costs. A guesstimate, if I could give you a personal guesstimate, that's all I could do, would be about 60, 65 percent of the funding; in some cases, 100 percent, if they have to place in other schools because of the special funding arrangements that are there. But in some cases where we have to handle special needs students internally, I would guess 60 to 65 percent of the funding might be an accurate number.

MR. DOERN: I want to understand, then, your brief and your view. You say that you want the government to state that additional funds will be provided to the divisions proportionate to the additional responsibilities they will need to undertake. I take that to mean moving in the direction of 100 percent. I assume you don't want on it on the present system, just more of the same extrapolated but you want the province to ultimately pick up 100 percent. Is that so?

MR. LEDOUX: That's what we are requesting, particularly if we think in terms of the possibilities of residential schools.

MR. DOERN: A final question, Mr. Chairman. I just wondered if Mr. Ledoux had any concern for the fact that a great deal of emphasis in this bill and, I guess, in terms of public debate and debate within educational circles seems to be focusing on special needs students and, to that extent, maybe ignoring the vast majority of students who are average, neither exceptional nor having special needs. Do you have any concern about the average student as being lost in the shuffle?

MR. LEDOUX: Again, our association didn't discuss that particular point. We had concerns on a number of areas. We chose to highlight some of the concerns in our brief because we felt there might be some possibilities of last minute adjustments and so on. But certainly we have concerns with all of the school children and I don't know if you're suggesting that we might have made a presentation on additional funding for all children. I think that most school superintendents would agree that we would certainly appreciate additional funding for all school children.

MR. CHAIRMAN: Mr. Brown.

MR. ARNOLD BROWN: Mr. Chairman, Mr. Ledoux made a statement that school boards or superintendents should not be involved with the

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decisions regarding private schools. I wonder if he could elaborate a little more on that. Why should they not become involved with some of the decisions? Are you suggesting that there should be no liaison at all between private schools and your public school system?

MR. LEDOUX: I think I referred to attendance, an item that I referred to our brief that's not in front of you; I apologize for the limited number of copies that you have. But we had concerns that the public school system should not retain the responsibility for attendance at private schools, school attendance.

MR. CHAIRMAN: Mr. Ledoux, the Clerk has looked after copies for all the members of the committee. Mr. Brown.

MR. BROWN: That was my question.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Thank you, Mr. Chairman. I just had a couple of questions for Mr. Ledoux, please. On Page 2 of your brief, Mr. Ledoux, you say that your association believes that the superintendent should be named Chief Executive Officer. There is no supporting argument or reasons given for that. Would you care to elaborate on the reason for that belief?

MR. LEDOUX: Yes, we would very much appreciate elaborating on that point. We believe that it is a commonly accepted method of corporate business. It's a commonly accepted method in private business. To our knowledge, it is used by the Department of Education under a Deputy Minister, for example, the Minister and then the Deputy Minister. We feel that it is good business and good organization to have a Chief Executive Officer that is responsible for a school board when a school board is not there, and a school board is not there very often. They will meet weekly or every two weeks or in emergency meetings, but somebody has to be there to act on behalf of the corporation in the absence of the Board of Directors.

We feel that every ship needs a captain. We are concerned that in some division there are dual systems in operation. There have been systems that have attempted triplicate systems of administration. There is at least one jurisdiction that is toying with the idea of a quadruple system, organizational system of management. We feel that who better to serve; if one person has to serve on behalf of the corporation, it should be the person that is the chief educator in the division. Our members feel very strongly on this point. They were unanimous that as Saskatchewan has done and as Ontario has done, the Acts in those provinces have ensured that the Superintendent of Education be named Chief Executive Officer in the absence of the board.

MR. WALDING: Thank you, Mr. Ledoux. I have one further question. As you are aware, there is a provision in the bill that a field representative can suspend the certificate of the teacher. We have it on the highest authority that would only happen in an emergency situation. Can you, as a practising

superintendent, give me an instance of where a superintendent or a principal would not be able to take care of an emergency situation and that it would be necessary, in order to resolve this emergency situation, for a field representative to lift the teaching certificate of the teacher?

MR. LEDOUX: I believe that field representatives had those powers under the former Act, the Public Schools Act. An example that would come to mind might be a field officer that was in a jurisdiction where there was no school superintendent. There are districts that do not employ superintendents. We don't think that that's necessarily a good thing, but there are jurisdictions in the province where there's no school superintendent and, in fact, it may be the principal of the school that would need the action taken in some of the smaller schools or remote corners, that sort of thing. So that's an example that comes to mind.

MR. WALDING: Have you heard of such an emergency situation happening in the last 10 years?

MR. LEDOUX: Personally, because not the association; personally, I haven't heard of a field officer lifting a certificate of a teacher. I have heard of a teacher losing his certificate in the last 10 years but not at the direct hand of a field officer.

MR. WALDING: Can you give me an example from your division where a school inspector or field representative, or whatever the term is, has found it necessary in emergency circumstances to suspend the certificate of a teacher?

MR. LEDOUX: I haven't encountered that in our area at all, or in my experience, where a field officer has lifted the certificate of a teacher.

MR. WALDING: Would you say that the powers of a superintendent or a principal should be adequate to deal with an emergency classroom situation in your division?

MR. LEDOUX: Yes, I believe, again a personal judgement call, in divisions that have superintendents, for the most part I think that the superintendents and school principals could deal adequately with the emergencies that we've yet encountered.

MR. WALDING: Do you think it would bother your association at all if this right of a field representative to suspend a teacher's certificate were limited only to those divisions and districts where there was no school superintendent?

MR. LEDOUX: No, it wouldn't. I don't think it would bother our association if it were limited to those jurisdictions that didn't have superintendents.

MR. CHAIRMAN: Mr. Walding.

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

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

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MR. SCHROEDER: Back to the question of firing teachers and teachers requiring cause and that sort of thing. Can you tell us, from your own experience, how many teachers do you fire, what percentage of the teachers whom you hire in your division do you fire before their two years are up?

MR. CHAIRMAN: Mr. Schroeder. You are referring to Bill 19, I think and not 31 if I understand the legislation that's before us. We're only dealing with Bill 31.

MR. SCHROEDER: Well, Mr. Chairman, up until this point we've dealt for 50 minutes, a large part of that time we've been discussing tenure, and I would think that it would be appropriate to continue that as we have from the beginning and to have it cut off in the middle would seem inappropriate.

MR. CHAIRMAN: Mr. Schroeder, maybe I have been a little lax as a Chairman. The only bill that we're dealing with tonight and before this committee is Bill 31. You can refer to a section of Bill 31 if you'd like to address I'd be pleased to listen to your question.

Mr. Schroeder.

MR. SCHROEDER: Mr. Chairman, referring to the submission of MASS, we deal here with probation and tenure, using the commonly accepted term of probation as the first two years of teaching service, etc.

MR. CHAIRMAN: Proceed, sir, proceed.

MR. SCHROEDER: Thank you. In your experience as a school superintendent, what percentage of brand new teachers do you fire within the first two years of their employment with your division, on a basis which would not be considered cause, after they would have the right to tenure, as you call it?

MR. LEDOUX: Well, I'm sure if you're referring to our jurisdiction, we would never release anybody without cause.

MR. SCHROEDER: I'm very happy to hear that. If that is the case, then I would ask why your association would want the right to fire without cause?

MR. LEDOUX: I don't believe that our association has asked for the right to fire without cause. I believe our association has asked for the right to assess teachers for 20 consecutive months. We've asked for the right to assess them, to have them go through a probationary period, to assess the quality of instruction in the classroom, prior to moving on to post-tenure teacher. We could foresee, for example, that the word 'consecutive' and this is a suggestion we have made, I'm sure that this was probably debated at length elsewhere, we have suggested the word 'consecutive' because we could see, for example, the teacher being on our staff for one year, moving on to another jurisdiction, coming back for perhaps one term, to teach in our area, moving out for whatever reasons at the end of that, coming back subsequent to that and we would be looking and getting glimpses of a teacher's performance some

times as briefly as six months at a time. So we have suggested that, in order for our members to get a good and honest evaluation on people, we feel that we require the 20 consecutive months. Twenty months was suggested here, it's always been 20 months to date — I'm sorry it's always been two years to date. The 20 months clarifies it somewhat; the consecutive, we feel is important, for some of the reasons that I've alluded to.

MR. CHAIRMAN: Just for the benefit of the committee, Bill 19 in 6(2), it refers to a suspension by field representative and what we're dealing here is strictly with the superintendents and I hope the committee will keep within the brief. Proceed, Mr. Schroeder, with the superintendents.

MR. SCHROEDER: Thank you. Again, you're indicating that for the first two years you're assessing the teacher's qualifications and abilities and that sort of thing. I would hope that you would continually do that kind of assessing and that after the two years go by, or the six months, or whatever amount of time there is, that just because a teacher has what you call tenure, doesn't mean that teacher should be a bad teacher. And it seems to me, that before tenure, on the same token, you shouldn't be entitled to fire an individual on a basis other than for just cause. And if you don't have cause sufficient

MR. CHAIRMAN: Mr. McGill on a point of order.

MR. EDWARD MCGILL: On a point of order. I want to be certain that I understand the purpose of the questions to the witness. My understanding is that we're to ask questions to ensure that we understand the positions that are taken by the various briefs and the persons submitting them. I think it's not a proper function of the members of the committee to debate positions, or to attempt to change positions that have been taken by persons submitting these briefs and I know it's difficult to make that fine distinction but I would just think that the line of questions that we're into now tend to be argumentative and tend to debate with the witness the positions that are being taken in the brief. I think, Mr. Chairman, in the interests of these proceedings, that we should ensure that the questions are designed merely to ensure that the committee understands those positions which have been submitted to them and not to attempt to change those positions.

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

MR. SCHROEDER: Thank you. On the same point of order, Mr. Chairman, this particular witness has indicated to us that he would never fire anyone without just cause. On the other hand, this particular witness is saying that he doesn't want a teacher to have the right to just cause prior to dismissal before two consecutive years. I would suggest that is something that requires specifically the kind of clarification the Member for Brandon West has just been referring to and I am not attempting to change the position of the witness. I don't believe that I could, in a matter of a few minutes, and I'm sure that

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he couldn't change my position in a matter of a few minutes. What I am trying to do is clarify his position and again, I would ask the witness . . .

MR. CHAIRMAN: Mr. Schroeder, let's first of all clear up the point of order and see if we can find out where we're going in this legislation. I was concerned a few moments ago because I raised the point that we're straying into another bill, No. 19. We also have the brief of Mr. Ledoux before us and I hope that in the interests of all those that are here tonight and the members of the committee, that we can stick strictly with the position of the school superintendents of this province on the legislation that's before us. So proceed, Mr. Schroeder. I'll try it again.

MR. SCHROEDER: Mr. Chairman, are you saying that we can't ask questions about the brief or can we?

MR. CHAIRMAN: On Bill 31.

MR. SCHROEDER: Is this particular provision in Bill 31 or isn't it?

MR. CHAIRMAN: This one is, Sir.

MR. SCHROEDER: Well then, do you mind if I go ahead and ask about probation and tenure?

MR. CHAIRMAN: Right.

MR. SCHROEDER: Thank you.

MR. CHAIRMAN: 92(5), is that what you're dealing with, Sir?

MR. SCHROEDER: I'm dealing with probation and tenure, if we want to get into a discussion of specifically which section, we can do that.

MR. CHAIRMAN: Well for the members. I'm hung up as a Chairman, I'd like to see this . . .

MR. SCHROEDER: Yes, it's Section 92, subsection 5, Mr. Chairman. It deals with people employed by the school board, under an approved form of agreement for an aggregate of at least 20 teaching months of paid services. Okay? That's what I'm dealing with.

MR. CHAIRMAN: Proceed, Mr. Schroeder.

MR. SCHROEDER: Thank you, Mr. Chairman. Now again, back to the position that the witness takes. On the one hand he says he would never fire anyone other than for just cause; and on the other hand, he's insisting that he wants two years before he's forced to give a teacher a reason for dismissal. Can he tell us why he needs that two years to give a teacher a reason for dismissal? Because it seems to me that if you have just cause at all times, for dismissing teachers, then you should not be ashamed of telling any teacher, either at one month or ten years, what the reason is for dismissal and the reason should stand up for the one month teacher as much as for the ten year teacher because there's a person, who has spent an awful lot of time in our

school system, has gone through our universities and teacher training programs, has been certified by the Minister of Education to be a qualified teacher and then all that individual is asking, at the point in time of termination is, do you have cause? Can you prove cause on a balance of probability?

MR. LEDOUX: I think that the current bill makes provision for giving a reason to all teachers that are released. The Public School Act has always made that provision for a teacher to have a reason, a reason is stated. If a teacher is dismissed and a teacher has been with a division for fewer than two years and wants to know the reason why, if the reason hasn't been given in notice of termination, then the teacher requests it, within the procedures as outlined, and the school district gives the reason. Those provisions are there, I believe they are still there and we have no quarrel with that. We are simply suggesting that we would like to see the word 'consecutive' inserted into what you have now. Because, as I said, we would get a longer chance to look at a teacher that might be coming back in from — suppose a teacher taught for the division and then started to raise a family, had put in a year and a half time, without the word 'consecutive' there, if the teacher is back in for the remaining four months or whatever, is that the point at which a teacher reaches tenure?

MR. SCHROEDER: I agree with the witness that prior to two years, it may be that you are required to give a reason. The difference is though that before two years you don't have to prove that reason, that is, you can dismiss someone, give a reason and, whether that reason is valid or not, the teacher can't come back. After two years, you can give the very same reason but you're going to have to prove it on a balance of probabilities. Is that not correct?

MR. LEDOUX: Yes, that's correct as the Act currently reads. What we see . . .

MR. CHAIRMAN: Mr. McGill on a point of order.

MR. MCGILL: Mr. Schroeder is saying to the witness now, do you agree or disagree with me? The question of whether we agree with the witness's position, I think, is not appropriate at this time. We are simply making sure we understand his position. Mr. Chairman, unless we understand that rule in the proceedings here, it's going to be a very difficult exercise.

MR. CHAIRMAN: Mr. McGill, I agree with your position. Mr. Schroeder, you're fairly new in the Legislature and I've been leaving you fairly wide leeway but you're not permitted debate in this committee. So just ask questions and if you get the answers from the witness, he doesn't have to give you the answers, and we'll proceed and hopefully get the people that are before us all heard. Proceed, Mr. Schroeder.

MR. SCHROEDER: Mr. Chairman, I may be new in this Legislature. I happen to know in which Act I'm dealing and I have had from you, Mr. Chairman, in the last few minutes, a number of interruptions telling

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me not to talk about Bill 19, when I'm on Bill 31. Now you're telling me to ask questions, which was precisely what I was doing when I was interrupted.

MR. CHAIRMAN: Mr. Schroeder I did not say that at all. I said you're not allowed to debate with the witness. That's all I ask. Please . . .

MR. SCHROEDER: I would like, Mr. Chairman, to have my . . .

MR. CHAIRMAN: I am the Chairman of this committee, Sir, if you don't abide by the rules of this committee, I'll ask you to relieve yourself. You are entitled to ask the witness questions. You are not allowed to debate with him and that's all I'm asking. Please be fair. Mr. Schroeder, proceed.

MR. SCHROEDER: Thank you, Mr. Chairman. Is there any way that we could have my last question to this witness read back?

MR. CHAIRMAN: Not tonight, Sir. Proceed, Mr. Schroeder.

MR. SCHROEDER: Mr. Chairman, the last question I asked was very simply a question that had nothing to do with any kind of a debate whatsoever and I am quite frankly annoyed that the Chairman would suggest that I was debating. I have no further questions.

MR. CHAIRMAN: Well, Mr. Schroeder, you have a legal mind and a lot of members around this committee, including me, are not legally trained and I'm sure the witness is not. I'm just asking if you'd be kind enough to not debate when you're dealing with the witnesses that are before the committee and that's all I ask. Proceed, Mr. Schroeder.

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

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Pass.

MR. CHAIRMAN: Any further questions of the witness. Thank you, Mr. Ledoux.

MR. LEDOUX: Thank you very much. I wasn't aware that I didn't have to answer all the questions.

MR. CHAIRMAN: I call, Mr. Lewis. Terry Lewis. No. 30. Mr. Lewis is not on the list that I have but you can add his name if you wish. No. 30. Have you got copies of your brief for members of the committee? Proceed, Mr. Lewis.

MR. TERRY LEWIS: Thank you, Mr. Chairman and committee members. This was done somewhat in a hurry because of travelling.

This brief speaks in favour of Part IV of Bill 31 regarding the agreement with private schools.

We live in a pluralistic society made up of many minorities, all of whom have the same liberties and rights. The problem is that until this present bill was introduced, the above was one ideal and not an experience for many of us who live in what we would

like to believe is a democratic country. Our request is for equal funding for all students who are citizens of our province regardless of race, creed, social or economic background. I have purposefully left out the aspect of the handicapped and the special needs, realizing there are special funds needed for those areas. We, the taxpayers within this province, believe that this is the only way to ensure a democratic disbursement of our public funds. We do not ask for public money for capital building but only funds to be used directly in the operational expenses of educating the youth of this province in the schools of their choice.

Those who argue against such funding because it would support an elite system, are unaware — I was disturbed when I wrote this so I will pacify it a little bit as I speak — are unaware of the facts that are evident in some of our private schools, particularly perhaps represented by the Manitoba Federation of Independent Schools, which shows that the vast majority of parents who send their children to private schools are from the middle and lower class families. The arguments of those who are opposed to such funding is vague, representing a situation perhaps 50 years ago, and has no bearing on today's situation.

Those who would argue that the bill would fragment the system, also argue in vague generalities. While arguing our schools give personalized instruction recognizing differences in abilities and culture, etc., yet when you talk of an alternative school that would be set up to deal with those personal differences, the cry of fragmentation is heard. It is a matter of having one's cake and wanting to eat it too. The school system can be no more fragmented than it already is, in which teacher, school, or board, can almost choose to teach or not to teach whatever they want.

Those who would argue that we need to enforce the one public school system to create unity in our nation, are also unaware of the facts. The battle on the Plains of Abraham is taught differently in Quebec than it is here in Manitoba. This argument fails to see the importance of the contribution that these various groups can make in our pluralistic society. The monolithical educational system seeds to conform rather than to recognize the value of these groups of people in our province. The people usually state that they speak for the majority which is an assumption rather than a proven fact and is certainly a declaration against minorities.

Those who would argue that this section would give money to religious schools are unaware of their own religious system. The widely held view that the public school system itself is religiously and morally neutral, and free of mythology, is the greatest mythology of all. No system of education is neutral. Trying to serve all masters while naming none as lord, it has arrived at a point where it openly espouses the major religions of our time, i.e., secular humanism, or worse, blatant materialism.

The secularist view of man and the world lives by a faith commitment to certain truths and values just as surely as does any religious person.

For an example, moral relativism, the view that there are no moral absolutes, one man's moral truth is as good as another's, is just as much a matter of faith or unprovable assumption as any article in the Christian creed. Yet if you do not accept some

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recognized religious basis of morality, relativism is what you inevitably end up with.

This, in part at any rate, is what all the current heart searching in Canadian education is all about, about the failure of the present educational system to impart traditional moral values. Having severed the roots of the traditional Judeo-Christian religious outlook, western man still wistfully looks to the tree for the fruit of traditional morality and seems genuinely surprised when it is no longer there.

Education is the process of forming by which young lives are led, coaxed, prodded and stimulated to develop themselves. To become an educated person is to become adherent to a way of life, and every way of life at its department is religious in nature and vision. Educational freedom in a pluralistic society can only be established if there is a recognition that educational freedom is a form of religious freedom.

Traditionally, the academy has been a protector of freedom. Individual scholars have suffered for independent thought, but the academy itself has never been absorbed by society, at least not until recent times. The public approach to university education has made the academy the mirror of society, rather than the other way around. The purpose of education is no longer individual comprehension, but rather social adjustment, and with it has come the loss of academic freedom.

Our present "state" school system is a monopoly. A monopoly whether it be private or public, rapidly results in three things:

A. The quality of the product decreases. What good is it to boast that more children or youth are entering our universities than ever before when half of them or more would never be able to pass the entrance exams 20 years ago.

B. The costs go up. We have documented evidence of hundreds of thousands of dollars that have been wasted, misused, or even stolen within our present system, particularly under the previous government. We would like to see a commission set up to evaluate the efficiency in our present system and the allegations of the misappropriation of public funds. This argument is particularly to those who would argue that such aid to private schools would increase the costs.

C. There is an arrogant attitude to the consumer by the elite or those who manage the monopoly become insufferable. Documentation of thousands of briefs, over 16,000, have been submitted to us in this regard.

We need a democratic school system based on alternatives and choices that are not present in our monolithic state school system. Therefore, we strongly advocate the acceptance of Bill 31, Article IV, regarding agreements with private schools.

MR. CHAIRMAN: Thank you, Mr. Lewis. Are you prepared to answer questions, Mr. Lewis?

MR. LEWIS: I am.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: I would like to ask Mr. Lewis if he could give us a brief description of Renaissance International.

MR. LEWIS: Renaissance International was formed about six years ago. At that time, because of a reaction of parents to what they disapproved within the school system, it has grown from a reactionary group to a group that is seeking positive alternatives within the system and beyond the system.

MR. DOERN: Mr. Chairman, at the risk of being gavelled, I would just like to say that the witness suggests that the opposition to, in his brief, that the question of aid to private and parochial schools has been countered or questioned by vague generalities, and I would like to suggest to him that he read the debates of the Legislature because I think that he will find that there have been specifics . . .

MR. CHAIRMAN: Mr. Doern, we're back in the same problem that I just got through. I don't think you had any right to suggest to the honourable member to read anything. I think you can ask him questions but I think that it's unfair for you to suggest to him to read anything. We have his brief before us and his comments and let's keep the debate at that level, please. Mr. Doern.

MR. DOERN: Mr. Chairman, I'm simply saying that his statement is not correct. I will then ask one other question as to whether Mr. Lewis believes in the separation of church and state, and specifically whether he thinks that the government should provide direct aid to churches in addition to parochial schools.

MR. LEWIS: I would appreciate answering that question. The law has long been mistaken, where the state has changed freedom of religion to be freedom from religion in our school system. I think there needs to be a greater understanding of the difference between church and state. No, I would not believe that the state should give funding to churches. I am talking about the education of the public and the students of this province, which the people, regardless of their faith, creed, race, are being taxed, and I'm speaking to the issue that those who want a different particular philosophical base in the whole training of their children are being financially penalized by having to pay for the education of their system twofold. Once for the system they themselves do not choose and, secondly, to educate their children according to their own choice.

MR. CHAIRMAN: Mr. Doern. Any further questions of Mr. Lewis? Mr. Walding.

MR. WALDING: Mr. Chairman, I wonder if I could ask Mr. Lewis how many members his association has in Manitoba?

MR. LEWIS: In Manitoba we have grown to 10,000; 4,000 in the last year.

MR. WALDING: Are these 10,000 individual members?

MR. LEWIS: Those are individual members. In fact, those 10,000 represent family units, not individuals necessarily, so the membership would be far greater.

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MR. WALDING: I see. No, Mr. Chairman, my eye was caught by the wording on Page 1 where Mr. Lewis says, we, the taxpayers within this province. I wanted to find out how many taxpayers he was speaking for.

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

MR. LEWIS: Thank you.

MR. CHAIRMAN: I call Mr. W. R. DeGraves for the Certified General Accountants Association. Do you have a brief, Mr. DeGraves? Proceed, sir.

MR. W. R. DeGRAVES: I choose to call it a brief, Mr. Chairman, although it is really the compilation of a file giving the history of the representations that the association I represent has made to the appropriate Minister and indeed to this committee.

The Certified General Accountants Association is a statutory body created by a private Act and it's a regulatory and an educational and a disciplinary body. The history of the Association you can find on pages 17 and 18 of the brief before you and that is that it has been in the process of growing since its incorporation in 1913. I'm reading from page 17 of the brief, which is a letter from Mr. Hampson, the Secretary of the company, who is appearing with me here, along with Mr. Chochinov, who is a member of the Association. Mr. Chochinov is in the public accounting field and both members here will be able to answer questions if I am not able to answer them.

The objection that we have, of course, is that the unnecessary and, I submit, the unintentional exclusion of the certified general accountant from the right to practice or perform an audit for a school division or school district, and I am referring specifically, Mr. Chairman, to a section of Bill 31, which is the section you'll find on Page 6 of the brief, "Appointment of Auditors", Section 41(8), Mr. Walding, if you are searching for it. It's on Page 6, and it says, "Each school board shall annually appoint an auditor, who shall be a chartered accountant or an auditor approved by the Provincial Auditor". The Association finds this objectionable because it does suggest, perhaps unintentionally, that auditors should only come from one class which, we submit, is a no different position or class than the certified general accountant.

The certified general accountant is, by training, by education, and by discipline in every respect equal to the chartered accountant to perform the audit, as envisioned by The Public School Act and by Bill 31, and we submit that this unnecessary discrimination is rather offensive to the Association. We have in our Law Society Act the right of auditors and certified general accountants to perform audits for law offices under The Real Estate Brokers Act. They are also entitled to conduct and perform audits under The Credit Union Act. They are also entitled to conduct and perform audits under The Municipal Act. All auditors have to be approved by the Minister and I have set that forth in the legislation, Page 7, and it's the Lieutenant-Governor-in-Council, I'm reading from Section 599(1) of The Municipal Act, "The Lieutenant-Governor-in-Council may appoint

such suitable and qualified persons as auditors as he deems necessary for the purpose of carrying out the duties of auditors imposed under this Act".

I think, Mr. Chairman and members of the committee, that the criterion should be excellence, and I think that in every province except the two — I say this somewhat hesitatingly and with no sense of disparagement to Manitoba — but in both Quebec and Ontario they recognize all three associations, i.e. the Registered Industrial Accountant, the Chartered Accountant and the Certified General Accountant on the same plane and level, insofar as licensing is concerned, insofar as the capacity and quality of the work is concerned, and in the public accounting field the CGA is in every bit and as competent a position to perform audits as any chartered accountant or registered industrial accountant.

Now there are five criterion before a CGA is entitled to practice in the public field and this is a disciplined body in the same way that the Law Society or the Chartered Accountants or the Engineering Society, the Architects Society has, and it's the same discipline, same educational standards, same training. And these are the requirements:

The CGA must — if he's going into public practice — register with the Association. He must — this goes much further than most other associations — he must have a certain minimum continuing education program and he must be engaged in that.

His right to continue public practice is reviewed from time to time by his association. He has a uniform code of ethics and rules and professional conduct just as any other association including the chartered accountants. He must undergo five one-third year National Education Program for membership qualification equivalent or superior to Canadian university standards and specifically orientated to the profession of accounting and auditing. And most significant, Mr. Chairman, he must, before he goes into the public field, have public experience, i.e. be in the public domain performing accounting and doing audits. My submission is, that it's regrettable that the draftsman chose to draft the present Act by selecting Chartered Accountants as being a peculiar status or category and unintentionally I submit, ignore or discriminate against certified general accountants.

While I recognize the enormous evening that you have ahead of you, I'm going to ask you to bear with me and to read — I'm not going to read it to you — but I'm going to ask you to read the pages 1, 2 and 3 of the brief which are excerpts from a publication produced by the report of the Professional Organizations Committee. In Ontario there has been a committee established under the Chairmanship of a Mr. Allan Leo and the purpose of the organization and the investigative committee was to look at all professional organizations as to their conduct, as to licensing procedure, as to their discipline in every other area of endeavour.

Quebec had a similar study made. And you'll find that the relevant reports, Mr. Chairman, page 143, 144 and 145, and they deal with the three associations, i.e. the Society of Management Accountants of Ontario, which is the certificate or licensing body for RIAs, Registered Industrial Accountants; deals with the ICAO, i.e. Institute of Chartered Accountants Association in Ontario that

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deals with chartered accountants and it deals specifically with Certified General Accountants Association, the organization which is the equivalent to our Manitoba organization which I represent.

The report says that they should be self-governing bodies; that they are all performing a public function; they're all equally competent and capable of performing that public function including audits; and that they should be self-regulatory and they should be licensed, a happy situation that still obtains in Manitoba. When you have, unintentionally I submit, enactments going through of this nature and quality, that discriminate against perfectly competent qualified organizations and professions, then I think that it is in the public interest that that discrimination should in fact be rectified at this stage.

If you have any questions, Mr. Chairman, I'd be pleased to answer them and if necessary in aid, I have the two gentlemen over there.

MR. CHAIRMAN: We thank you for your presentation, Mr. DeGraves. Mr. Desjardins.

MR. LAURENT L. DESJARDINS: Yes, Mr. Chairman. Mr. DeGraves, in your brief here I see a copy of a letter that you wrote to the Minister on June 11 and I'm trying to find out . . . I can't find the Minister's answer. Is there a reason . . . ?

MR. DeGRAVES: The Minister's answer . . . I did not include it. In his answer he said . . . Mr. Desjardins, I apologize, it's my omission. I'm not trying to mislead you or the committee.

MR. DESJARDINS: No, no.

MR. DeGRAVES: He said, yes, we're very interested in what your submission is and I will take another look at it as and when it reaches the committee stage, that's basically what he said. If you want me to produce the letter, I can.

MR. DESJARDINS: No, it's just that you produced this letter, Mr. DeGraves and I was wondering if there was any reason why . . .

MR. DeGRAVES: No, it was my oversight.

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

MR. WALDING: Mr. Chairman, my question was more or less the same as my colleague, and I note that the Minister replied to a similar letter just over a year ago to your Association, of May 25th, stating that he will take steps to have this matter reviewed. My question was to be, what indication had you received since then that the Minister had taken steps? And if you had not — I notice that you've written another letter along the same lines — I wonder why you make the contention that it's intentional this matter appears in the bill. Don't you see this is the . . . the Minister having discussed and putting it in?

MR. DeGRAVES: That is a charitable . . . Mr. Desjardins has probably answered your question, Mr. Walding. That is the most charitable construction I can put on it. If there is some latent reservation

about the competence and quality of work that is being performed by the CGAs, I don't know of any nor has he referred to any — and I'm not being critical of the Minister — I just think this may have been a rather insignificant minor matter having regard to the total context of what he tried to deal with here, I admit that. It's certainly not minor or insignificant to the Association which I represent, that this discrimination apparently has found itself into the bill as it's presently constituted.

MR. WALDING: Mr. Chairman, I notice that the Minister hasn't asked any questions at all this evening. I wonder if he might care to ask Mr. DeGraves a question on this matter that might put Mr. DeGraves' concerns to rest.

MR. CHAIRMAN: Mr. Walding, I don't think we in the committee can ask anybody to answer a question pro or con; we don't have that authority. I think the problem is deal with the witness and the presentation that he's made to the committee. You likely can deal with the Minister in the House or another position on the bill but I think if you proceed with Mr. DeGraves I'd be most grateful.

MR. WALDING: Mr. Chairman, I was trying to assist both Mr. DeGraves and the Minister.

MR. DeGRAVES: Thank you, Mr. Walding. The Minister doesn't need the assistance, I do.

MR. CHAIRMAN: Any further questions of Mr. DeGraves from the committee? We thank you very kindly for your presentation, sir.

I call Mr. Taczynski from Gypsumville. Has he arrived? If not, then I call Brenda Scarcella from the Parent Coalition. No. 2.

MRS. ALICE ROTHNEY: Mr. Chairman, I'm Alice Rothney. It is my pleasure to present the brief . . .

MR. CHAIRMAN: I apologize. Would you permit us to correct our records? Alice Rothney?

MRS. ROTHNEY: Yes, I made the corrections with Mr. Reeves.

MRS. ROTHNEY: It is my pleasure, Mr. Chairman, to present the brief from the . . .

MR. CHAIRMAN: Then we are clear that you are replacing Brenda Scarcella?

MRS. ROTHNEY: That's correct.

MR. CHAIRMAN: Thank you. Proceed.

MRS. ROTHNEY: This brief comes from the Parent Coalition of Handicapped Children and Youth for Equality in Education in response to Bill 31, the proposed Public Schools Act.

Mr. Chairman, do the members have copies?

MR. CHAIRMAN: We all have copies. If not, they're being circulated. Mr. Desjardins will have his in a couple of minutes, Mr. Schroeder's got his. Proceed.

MRS. ROTHNEY: Thank you, Mr. Chairman. In 1975 the Manitoba Legislature passed an Act to

amend The Public Schools Act which stated that "Every school board shall provide or make provision for the education of all resident persons who have the right to attend school and who require special programs for their education".

Although the above section became law as part of The Public Schools Act, it was never proclaimed. The government of the day, realizing time was needed for school divisions to assume full responsibility for the education of all school-aged persons within the division, regarded the above legislation as permissive or enabling, but not mandatory.

Five years have since passed in which educators and school boards have had time to put in place a full range of educational programs to meet the individual needs of their student population. Further delay in proclaiming universal rights to an education is neither acceptable to parents nor, we believe, the intent of government as expressed in Bill 31 of this year.

The Parent Coalition of Handicapped Children and Youth for Equality in Education express satisfaction with Bill 31 for seeming to require school attendance for all school-aged persons. However, unresolved problems of implementation with respect to educating Manitoba's handicapped students with special educational needs and those who reside in institutions, cause us to raise some specific humanitarian and educational considerations. It is our hope that as a result of our doing so this committee will recognize the validity of our concerns and will accordingly make the necessary amendments to Bill 31 to make it a truly universal Public Schools Act.

Right to Attend School: Section 259 of Bill 31 makes no exceptions to the "Right to Attend School". Yet up until the present time some children with certain types of disabilities, particularly those with severe or multiple disabilities, have been left out of or have fared badly in the public school system. Furthermore, there has been no mandatory provision of education for school-aged residents of institutions.

Section 206 of Bill 31 states, "In the case of public institutions supported in whole or in part by the government, the Minister may, in his discretion, establish and maintain facilities for the instruction of pupils therein and may pay the costs incidental thereto including the salary of the teacher or any part of those costs". This suggests that children in public institutions may or may not have the same rights to attend school as other children.

Furthermore, the practice in institutions such as the Manitoba School for Retardates in Portage la Prairie, has been to organize a school within the institution. We strongly urge the right of students living in institutions to be able to go out to school rather than having their education as well as residential life, segregated from the rest of the community.

It seems contradictory that government, while ideologically committed to a policy of integrating the handicapped into the community, supports a policy of segregation and discrimination when it comes to the education of exceptional children and of persons living in public institutions.

We recognize that a small minority of students are so exceptional that regular school teachers alone cannot serve them adequately. They will require

supportive measures which should be provided by health and recreation authorities within regular schools. But even for the severely disabled who require highly specialized programs for a period of months to many years, the overall objectives should be to progressively bring them more closely into the regular program. Although most of their educational activities would not be in regular classrooms, they would be able to benefit from the socialization, stimulation and learning that occurs in a regular school setting.

Finally, we would comment on the very small number of severely handicapped school-aged persons whose medical condition prohibits removal from a school or residential setting. They too, have the right to and need for programs with educational objectives rather than being served merely by the provision of personal care and medical treatment. Their educational services may initially consist of intensive daily play therapy to stimulate and motivate physical and cognitive development. Their highly individualized activities may take place in specially designed areas of an institution, on the ward, or even in bed, but, we emphasize, these programs should be administered as part of the public school system, not simply as a responsibility of the Department of Health. These most disabled students who suffer so much from isolation and lack of stimulation must also be provided with educationally-oriented programs. We request that their rights be clearly set forth in the new "Public Schools Act."

Specific Learning Disabilities: Some parents have been forced to pay for special programs needed by children with specific learning disabilities either in privately-run learning centres in Manitoba or in schools in other provinces. Early diagnosis and remedial education for children with specific learning disabilities are critical if these students are to reach their potential. Serious emotional difficulties, school drop-out, delinquency and unemployment are the costly results when these students are not adequately diagnosed and when remedial programs are not undertaken. We recommend that all educational services needed by Manitoba learning disabled students be publicly funded and administered by educational authorities.

The government has recently announced a policy of financial support for private schools run by special interest groups, and also presently funds projects such as French immersion programs. Surely then there can be no dispute in respect to the need for funding of appropriate educational programs for Manitoba's handicapped students within the province's public school system.

Integration: We believe that the revised Public Schools Act should state an overall policy of integration of special education programs within the regular school system. Our concept of integration provides for a wide range of programs which are as close to the regular program as the capabilities of the exceptional students permit. Such special education programs would become progressively closer to those of regular students but by being contained in a regular school would enable special needs students to benefit from the normative and socializing experience of belonging to a regular school. We would further recommend that school divisions be permitted flexibility and variation in

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carrying out their responsibilities to special needs students.

Parent Participation and Appeal Procedures: As natural advocates for their own children, the role of parents in respect to an education for their child should be included in The Public Schools Act.

Parent involvement should be understood as going beyond fund-raising, extra-curricular activities, or providing volunteer teacher's aides. A policy is needed to establish parents as part of the team which sets up and carries out educational objectives. Furthermore, the rights of parents, teachers, advocates and students themselves to appeal the value of a program is needed to protect against infringement of the right to an appropriate education. Appeal mechanisms with respect to property assessment, division apportionment, teacher collective agreements and so forth are spelled out in detail in Bill 31. Provision of an appeal procedure or mechanism regarding student placement and programs should also, we believe, be clearly stated in the The Public Schools Act.

Assessment and Evaluation: Parents consider it essential that students with special educational needs have their capabilities and needs assessed at an early age. Following placement in a suitable program, periodic evaluation of the students' progress should also be part of special educational programs.

Student Records: Student records are an important source of information when planning programs. The accuracy and confidentiality of these records is the right of all students. Student records should, we believe, be maintained in such a manner as to ensure confidentiality of information and to guarantee the student's right to privacy. At the same time, parents, guardians, students and education personnel responsible for the students education program must have access to the records in order to be assured of the accuracy of the records and to use the information appropriately in planning programs for the student.

Extension of Age Limits: Special education programs for those in need of early stimulation and remediation before the age of six years and for those whose disabilities warrant continuing education after the usual school-leaving age should also be made available.

Year Round Education for Special Needs Students: We request year-round educational programs for learning disabled and handicapped students to prevent educational regression, to provide more time for learning to perform within their capabilities, and to assist parents in caring for their children at home rather than having to place them in an institution.

Professional Development: Parent Coalition members emphasize the need for professional development programs to commence immediately to train the specialized personnel and to orient everyone within the education system to the needs of exceptional students.

Extra Funding: Coalition parents realize that a truly universal and beneficial system of education cannot be implemented by the school divisions without additional revenues and consultative services. The major source of money for the additional teachers, assistants and therapist, for new

teacher training programs, for transportation, and for special materials and devices, will ultimately come from the provincial revenues. We request that the government of Manitoba set aside realistic revenues for the new programs which will be coming on stream and that allocation of such funding to the school boards be inaugurated with the adoption of the new Public Schools Act of 1980.

In conclusion, as parents who know intimately the responsibilities involved in stimulating and caring for handicapped children, we are fully aware of the magnitude of the task to be undertaken by the government in implementing the right of every school-aged person to attend school irrespective of handicap or of place of residence. We also know how critical it is that our children and youth be provided with educational services if they are to achieve the relative independence and sense of self worth which they, like all other children, are entitled to experience.

The "Parent Coalition of Handicapped Children and Youth for Equality in Education" is convinced that the people of Manitoba have both the humanitarian outlook and the resources needed to provide exemplary educational services for all our school-aged population. We therefore request that appropriate steps commence immediately to ensure a truly universal system of education within our province.

Mr. Chairman, we have another part of our submission which consists of some suggested specific amendments which I would like to circulate to the members of the committee, if I may.

MR. CHAIRMAN: Proceed.

MRS. ROTHNEY: I'd like to say that these recommended amendments cover most of our concerns but not all of them and it is our hope that the committee may draft further amendments to cover such concerns as we believe the need for a year-round education for people who require this in order to learn as much as they are capable of learning and to extend the age limits for people for whom continuing education is their best life alternative.

Here then are the suggested amendments: The first one concerns the Right to Attend School in a Suitable Program. The Parent Coalition recommends that Section 41(4) of the bill dealing with "Instructional Responsibilities of School Boards be amended to read as follows: Every school board shall provide or make provision for the education of all resident persons who have a right to attend school in a program suitable to the educational needs of that person."

No. 2, an amendment on the Right of Parent to Appeal: We suggest that members move the following resolution. That every school board shall develop a procedure to review placements of pupils in special programs in the school division or school district, and to receive appeals with respect to such placements. A parent or person having control or charge of a pupil shall have the right to appeal the placement of a pupil in order to determine whether the program is suitable to that pupils' educational needs.

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No. 3, Funding for Special Needs Students: The Parent Coalition recommends that Section 172(1) and Section 174(b) of the bill be amended by adding thereto an additional clause to provide for the funding of special needs programs. We request the following clause be added as subsection (k) of Section 172(1) and subclause (xi) of subsection 174(b): "the number of pupils requiring special programs and the additional support costs incidental thereto."

No. 4, transportation of special needs students: Section 43(1) of the proposed bill provides for transportation of pupils who would have more than one mile to walk in order to reach school. We recommend that this section be amended by adding thereto the following phrase: "Subject to the provision of this Act and the regulations, in all cases where transportation of pupils is required, it shall be provided for those pupils who would have more than one mile to walk in order to reach school, and for those pupils who, by reason of mental or physical handicap, require transportation in order to reach school."

Section 43(6) of the proposed bill requires transportation of students to and from a point no closer than one-half mile from the residence of that pupil. We recommend the following amendment with respect to handicapped students: "No school board shall be required to extend a transportation route beyond the boundaries of the school division or school district, and nothing herein requires the school board to provide for the conveyance of a pupil to and from a point closer than one-half mile from the residence of the pupil, except in the case of a student who, by reason of mental or physical handicap, requires transportation directly to that pupil's place of residence."

No. 5, Student Records: The Parent Coalition recommends the inclusion, in Part III of the bill, the new section dealing with confidentiality of student records. We recommend that the new section be worded as follows: "Student records shall be maintained in such a manner as to ensure the confidentiality of information contained therein. Information contained in student records shall be available only to a parent or person having control or charge of a student, or where a student is over the age of majority, the student himself, and to educational personnel responsible for the student's educational program, unless a parent or person having control or charge of a student or a student over the age of majority consents to the release of the information to other persons."

Mr. Chairman, if it's your pleasure to have a question period, I would request that some additional representatives of the Parent Coalition be permitted to come to the table to participate in the discussion period.

MR. CHAIRMAN: No problem, Mrs. Rothney. Thank you for your presentation. May I clarify, are you prepared to answer questions both on the brief and your proposed amendments or both, or one or the other.

MRS. ROTHNEY: Definitely on the brief. We'll do our best with the proposed amendments; we will try that, too.

MR. CHAIRMAN: Proceed. Mr. Desjardins.

MRS. ROTHNEY: Thank you. May I bring up the members?

MR. CHAIRMAN: Oh, I apologize.

MRS. ROTHNEY: Fine. Mr. Harry Crawley and Mrs. Brenda Scarcella, the chairman of our Coalition, Mrs. Moira Grahame, who will participate at the question period.

MR. CHAIRMAN: Tell your friends to be seated. If they wish to respond to the questions, there will be a microphone available for them so it will go into the record. So proceed, Mr. Desjardins.

MR. LAURENT L. DESJARDINS (St. Boniface): Mr. Chairman, to Mrs. Rothney and her group. I think your brief is a good one. It explains your position quite clearly and I, for one, could not argue with it. But I am offended with a paragraph — the first paragraph on Page 3 — where you refer especially to aid to private schools and French immersion programs. The implication seemed to be that this is less important because you go on, you say, surely, then there could be no dispute in respect and so on. May I ask, why did you select these two programs, and you feel that they are not necessary or that they are inferior?

MRS. ROTHNEY: Not at all, Mr. Chairman, it's simply as examples of the extension of financial support to special interest groups. We certainly didn't single them out for either meritorious comment or otherwise. It's just as examples.

MR. DESJARDINS: It seems to me that these examples seem to indicate anyway, that if these people can get it, then we should have it, and I don't that there's any difference with these programs than any other programs that are offered by the schools.

MRS. ROTHNEY: I'm glad that Mr. Desjardins agrees that there's no need to have put in that paragraph. I think he's suggesting that the case rests on the points.

MR. DESJARDINS: That's right.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Thank you, Mr. Chairman. Dealing with your suggested amendments first; you've suggested an amendment to the . . . or actually a new section, dealing with student records and their confidentiality. I understand the effect of it is that if this section was passed, student records would not be available to anyone other than the parent or student or outsiders on approval by the parent or student. Is that correct?

MRS. ROTHNEY: May I ask Mrs. Moira Grahame to answer Mr. Schroeder's question, Mr. Chairman?

MR. CHAIRMAN: Would you please put your name into the record and then answer the question?

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MRS. MOIRA GRAHAME: Moira Grahame. In answer to Mr. Schroeder's question, we have included educational personnel involved with the child's program and that was intentional.

MR. SCHROEDER: Without this section, what happens, that is, if you don't have this section in the new Act, is there any confidentiality?

MRS. GRAHAME: I think the problem is that the records are so confidential that no one ever gets to look at them, and we don't know . . . that question brings up the question of their accuracy and I think that if we had this section in the legislation, that this would ensure that the records were accurate and were meaningful and would be useful as information for people who were planning programs.

MR. SCHROEDER: Further, on page 1 of your proposed amendment, "Funding for Special Needs Students", you indicate that the Act should be changed to read that there would be funding from the public schools finance board for "the number of pupils requiring special programs and the additional support costs incidental thereto". What would you define as being special programs?

MRS. GRAHAME: I think the reason for including that was that we felt the rest of the section has a number of items in it like number of students and transportation and vocational evening courses, I think there are 12 or 13 of them, and there is no provision for school boards to receive support for programs which they would set up on behalf of students with special needs.

MR. SCHROEDER: Going to point 2, the "Right of Parent to Appeal", it appears that the end result of this particular amendment would be that each school board would be required to develop a review process to which parents could come and say, my child is not receiving an appropriate education, my child is being inappropriately placed, or whatever. What do you see as the makeup of this kind of an appeal board? Would it be members of the school board? Would it be the superintendent or teachers or parents or a combination? What do you envision as being the makeup?

MRS. GRAHAME: We haven't specifically set this out. It would be our hope that parents would be allowed to bring in any sort of resource person that they would wish to bring before a committee of some sort, set up by the school division, which would hear parent appeals. We feel that the very fact that this sort of appeal procedure was available, would protect against abuses that might take place in placement.

MR. SCHROEDER: Would you not feel more comfortable with a proposal that would be more universal, that is, an appeal mechanism that would be fairly similar for each child in the province? Wouldn't it be possible, under this proposal, that in one school division you might just have, say, one school trustee sitting on this appeal board and in another there might be possibly the school trustee and the superintendent and a parent, for instance,

and there might be different criteria set up as well by different school divisions. Would it not be more in the interests of the students for whom you are speaking, that there be a fairly consistent appeal mechanism?

MRS. GRAHAME: Yes, I wouldn't disagree with that.

MR. SCHROEDER: On page, I believe it's 3, this page is unnumbered, of the brief itself, there's a heading, "Right to Attend School", and you indicate that, "until the present, some children with certain types of disabilities, particularly those with severe or multiple disabilities, have been left out of or have fared badly in the public school system". First of all, dealing with those "who have been left out", I take it that there would be two classes of those, one class of children who are institutionalized and a second class of students who are in their homes and not receiving any education at all. Is that correct?

MRS. ROTHNEY: Yes, Mr. Chairman, I think that's correct, and in the case of the latter, the children who are at home, mainly more the inappropriateness of programs. I don't know how many are actually out of it today although I know there are some but I think in the case of the severely handicapped it's more a question of having programs that are beneficial to the person. The people who are left out completely again, are mainly the people in institutions who are seen as objects of medical care rather than educational intervention.

MR. SCHROEDER: You indicate in that sentence as well that some of those who have made it into the public system, have fared badly. Do you expect that section 41(4) which you refer to in your amendments, which requires that every child who has a right to an education will receive an education, do you believe that Section 41(4) will amend the difficulty which is currently in existence in the educational system for these children?

MR. CHAIRMAN: May I have your name, sir?

MR. HARRY CRAWLEY: Harry Crawley.

MR. CHAIRMAN: Proceed, sir.

MR. CRAWLEY: I think it would certainly go a long way to set the tone for an improvement. It certainly won't change anything overnight. Even the original wording, I think, would be significantly better than it was previously, and we would just like to see some additional safeguards.

MR. SCHROEDER: To Mr. Crawley. Could he explain exactly what he sees as being the improvement for children who are in the school system now as a result of the wording which is before the committee, not at this time, not your amendment but the actual Bill 31?

MR. CRAWLEY: I'm going to have to correct something I said before. I was reading off the wrong paragraph, so I'll retract . . .

MR. CHAIRMAN: Proceed, Mr. Crawley.

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MR. CRAWLEY: What I said, I was reading off the wrong paragraph, and that does not follow really what I said about the . . .

MR. CHAIRMAN: If you wish to make a correction, proceed, sir.

MR. CRAWLEY: I think I will retract the previous statement. We'll go around this once more.

MRS. ROTHNEY: Perhaps, Mr. Chairman, Mr. Crawley should word it, would ask the question again.

MR. CHAIRMAN: Okay.

MR. CRAWLEY: Yes, would you do that please?

MR. SCHROEDER: Could Mr. Crawley explain to the committee whether he sees any advantage to the handicapped children referred to in this particular section who are currently in the school system, is there any advantage given to them which they presently do not enjoy under Section 41(4) of Bill 31?

MR. CRAWLEY: Are you referring to the amendment under "Right to Appeal"?

MR. SCHROEDER: No, I'm not referring to your amendments at all. I'm just referring to Bill 31. Does Bill 31, Section 41(4), which states that every child has a right to an education, do anything for those children who are handicapped, in the public school system, and currently faring badly, as your brief states?

MR. CRAWLEY: It doesn't guarantee that, no. It would appear to guarantee them a place in the building but not necessarily appropriate program.

MR. SCHROEDER: The amendment which you propose, what do you envision as being the benefit of that amendment, that is, amendment No. 1, which would include a program suitable to the educational needs of a person?

MR. CRAWLEY: I think, if I could use a specific example, there has been a program which has developed over a long period of time at Montcalm School, which I think is a great step forward even to where it is now, but I think it's a long way from being an appropriate placement for those children.

MR. SCHROEDER: To Mrs. Rothney, I suppose, again dealing with that right to attend school. In your brief you indicate that the Minister may in his discretion establish facilities for instructing pupils who are in institutions. Is it not correct that many of the children who are in the institutions you are referring to are receiving training or anything like that from the Department of Health? How do you see the relationship between the Department of Health and Education and this bill?

MRS. ROTHNEY: Mr. Chairman, in the case of the St. Amant Centre, the school within the institution is admitted by the local school division St. Vital. In the case of the Manitoba School for Retardates, I understand that the educational program there is operated by the Department of Health and our

position is that all children should have an educationally oriented program as distinct from one which emphasizes health. We believe that the labels of doctors and psychologists have very little educational significance and often are irrelevant. We are very concerned that all children, regardless of how severely handicapped or where they reside, should have an opportunity to have educational programs run by special education personnel.

MR. SCHROEDER: Going back to the children with disabilities who you say have fared badly in the public school system, could you give us some examples of people who are faring badly in the public school system at this time for whom something could be done if you had a change in Section 41(4)?

MRS. ROTHNEY: Mrs. Brenda Sarcella would answer that.

MR. CHAIRMAN: Okay. Brenda Sarcella?

MRS. BRENDA SARCELLA: Yes, Brenda Sarcella. In the public school system right now there are many learning disabled children who are aren't receiving appropriate programming. I'll just give you specifics. My own son, who, after a year of help from MACLD Lions Learning Centre, was remediated and sent back into a regular classroom. He has a learning disability called dyslexia, in which they reverse letters and have problems reading. When I went to the school to find out why he seemed to have problems again, they were giving him scrambled words to find the word. If you can imagine giving that to a child with dyslexia, you'd realize that's totally inappropriate. The resource teacher as well, I don't think had a good understanding of the kind of programs that our kids need and was therefore unable to help me. He needs more specialised help than what's available to him in the public school system right now.

That's just my own case. There are many other LD kids that are simply floating through the system while their parents attempt to get help. One particular case, for six months she's been persevering, trying to get a recommendation, trying to get help, and she's no further ahead, she still has no guarantees that her child is going to receive any remediation from the learning centre or anywhere else, so he floats through a program, between Grade 2 and Grade 3, when he should be in Grade 4. This is not unusual.

MR. SCHROEDER: Could you give us an estimate as to the percentage of children in our system who are in similar circumstances?

MRS. SCARCELLA: Can I give you a number of students with learning disabilities, or they're receiving programs? For receiving programs, I don't think I can give you numbers. Learning disabled kids have been estimated anywhere from 1 to 15 percent, the usual number is about 10 percent, which would mean that in Manitoba there would be, out of 220,000 students, approximately 22,000 with specific learning disabilities, and 2 to 3 percent of that number would

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require extensive remediation, high-cost, low-incidence students.

MR. SCHROEDER: On page, I guess it's page 2 of your presentation, at the bottom, the last sentence is, "we recommend that all educational services needed by Manitoba learning disabled students, be publicly funded and administered by educational authorities." Which of our educational services received by or available to learning disabled students are not publicly funded at this time?

MRS. SCARCELLA: The only school in Manitoba for learning disabled children is funded through Lions Telethon, in other words, it's more of a community-funded school, according to the goodwill of the Lions and the hard work of the MACLD members themselves to get these programs set up. Without the Lions Learning Centre, there would be no school for me to send my son to. The cost at MACLD Lions Learning Centre for Children where outside Winnipeg No. 1, that would be required to pay for the programs, is 750 for five weeks of a-half day program. The alternative is that there's a school in Toronto where the tuition is well in the thousands of dollars for one year, which some of our members have been forced to do because their kids have gone through the system and have been inappropriately served and are unable to function to get out to work.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Winnipeg No. 1, does it not have some facilities for assisting learning disabled students?

MRS. SCARCELLA: Winnipeg School Division purchases, I believe, it's 50 programs from the Lions Learning Centre, which they pay for. So they are buying programs, but insofar as running their own school from public funds, that is not happening in Manitoba.

MR. SCHROEDER: Your brief also states that you had recommended school divisions be permitted flexibility and variation in carrying out their responsibilities to special needs' students. That's on Page 3 under Integration. I'm just wondering what you're getting at there in terms of flexibility and variation. Is that flexibility between school divisions or flexibility between children who have different needs?

MR. CHAIRMAN: Ms Rothney.

MRS. ROTHNEY: Yes, I think that — I'm sorry, I've lost your question. Would Mr. Schroeder give it to me again, please?

MR. SCHROEDER: Yes, you're asking that school divisions be permitted flexibility and variation.

MRS. ROTHNEY: Oh, yes, yes, fine. Well, I think very often when teachers and school divisions are encouraged to improvise, they can readily absorb children much more easily than set programs that are sort of laid down from above, and this has I think, been an experience in other countries where they've advanced far more than we have in terms of

integrating handicapped students such as Italy and Norway and so on. If the proper attitude exists on the part of educational authorities and teachers and so on to work things out in the best way — it's very often that way — so what we're really asking for here is to permit the school divisions to sort of set up the programs in what they think is the most appropriate way and simply ask for the additional help they need in terms of consultative services and funding. I hope that answers the question.

MR. SCHROEDER: Further down on Page 3, you deal with Assessment and Evaluation, and you indicate that students with special educational needs should have their capabilities and needs assessed at an early age. The obvious question is, how do you determine at an early age whether there is a special educational need without the testing?

MRS. ROTHNEY: Yes, Mr. Chairman, this is a departure from our general recommendation that educators do all this. I think initially a severely handicapped child would be spotted by a doctor, a physician, but as soon as that occurs — and it's often at birth where severe handicaps are recognizable - then we suggest that there be the option, there be programs that could immediately take these children for the early stimulation and remediation, which usually means children can learn to walk and progress, whereas if left too long, they may never be ambulatory, and they may never reach anything like their capabilities. So we feel it's very imperative, and work all around the world has proven the importance of early intervention as a great financial saving as well as a humanitarian approach.

MR. SCHROEDER: On Page 4, Year-Round Education, you indicate that is required to prevent educational regression. Are you suggesting that for some students you would do away with their summer holidays?

MRS. ROTHNEY: Not necessarily, Mr. Chairman. I think summer's program should emphasize being outdoors, and recreational and socializing things, just as summer vacations are used for other children, but in the cases of, particularly mentally handicapped children or children who have great difficulty in motor co-ordination and so on, without practice, just as normal children forget their maths over the summer holidays, it's much more critical for children who learn very slowly, that their basic learning programs continue. We wouldn't suggest that they don't also have the enrichment of summer programs, you think that's essential, but basic training needs to be carried on in order that there be a continuity, we believe.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Mr. Chairman, I'd like to ask Mrs. Rothney the number of parents who are members of your association, and do they represent pretty well all regions of the province?

MRS. ROTHNEY: May I answer it, and then refer it to Mrs. Grahame; she probably can fill in more. This is a fairly new organization. I think the original membership was something like 60, and it has been

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confined to Winnipeg, but I think that we can safely say we do represent parents of handicapped children throughout the province. Now if Moira would like to sort of add to that.

MR. CHAIRMAN: Moira Grahame.

MRS! MOIRA GRAHAME: Just to fill in on the background, this committee or group was formed in February in response to the feeling that the new education legislation was not going to take into account the briefs that had been presented on behalf of special needs children in the fall and approximately 60, as Ms Rothney has said in the beginning got together to point out to the government and to the Minister that there was a lot of common ground about handicapped children or special needs children in the briefs and we got together to make that specific point. There have been about 10 people on the Steering Committee, and the 10 people on the Steering Committee are all from Winnipeg, and we have not had an opportunity to involve people from rural Manitoba.

MR. MCGILL: Mr. Chairman, then perhaps Ms Rothney or Moira Grahame could give us an estimate of the number of children who would be represented by the membership of your group who are unable to be accommodated in the school system at this time? Can you give us some numbers?

MS ROTHNEY: Do you feel you could answer that, Mrs. Grahame?

MR. CHAIRMAN: Moira Grahame.

MRS. GRAHAME: No, I don't think we have a number. One of the major sort of qualities of the parents who make up this coalition is that many of us have children who are in very good programs but it has taken time and effort and we would like to insure that the legislation would make it easier for people coming along after us.

MR. CHAIRMAN: Mr. McGILL.

MR. MCGILL: Most of the children represented by their parents in this organization are presently involved in some school program, I would take it, but most of them are.

MR. CHAIRMAN: Ms Rothney.

MS ROTHNEY: Most of them are, Mr. Chairman. Most of them are presently involved in some program. I think we might say that they are not all in adequate programs. Certainly many are in segregated programs which we feel very strongly is not in their best interests.

MR. CHAIRMAN: Mr. McGILL.

MR. MCGILL: Mr. Chairman, to Ms Rothney, would you say then that this act and the amendments that you are proposing would enable in the Winnipeg area — could you estimate the number of children who might be able to attend schools who are not now able to attend?

MR. CHAIRMAN: Ms Rothney proceed, or would you like to refer it?

MS ROTHNEY: Miss Scarcella.

MRS. SCARCELLA: I think that possibly you are reading too much into the number of children who aren't in programs at all of which we're speaking mainly of children in institutions, but we are representing children that are receiving inappropriate education; children that aren't being identified because of a province wide early identification program being implemented, and each of us come from a parent organization. I come from MACLD which represents, like I say, 1 to 15 percent of children which would be anywhere from 2,180 to 32,700 children. I would like to think that not all the parents of kids with learning disabilities are going to have to go through the frustration that my son and I had to go through to get the appropriate services and help. I hope that answers your question.

MR. CHAIRMAN: Mr. McGILL.

MR. MCGILL: I think it's merely an attempt to try to estimate how many children we're not able to accommodate now as compared with what we might be able to do with changes that are contained presently in the act and perhaps in consideration of some of the amendments that your group is proposing.

MRS. SCARCELLA: Oh, I see. Like I said we don't know the numbers of children in institutions per se. We know of some children that are severely handicapped that are in programs which are funded — their funding isn't guaranteed, but mostly we are speaking for, I guess, the greatest number of children. We're talking about children that are receiving inappropriate programming.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: That's all, Mr. Chairman.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, Ms Rothney made an intriguing statement, as I heard it, that the labels of doctors and psychologists are irrelevant. Is that what you said?

MR. CHAIRMAN: Ms Rothney.

MS ROTHNEY: Mr. Chairman, I probably did. I think for example to say someone is crippled, or sensory impaired, or mentally retarded as very little significance because in the case of mental retardation there may be many causes. It may be sociological. We don't know. All we know that at a given time a person's capabilities can be assessed as such and such, and I think the whole idea of labelling people for educational purposes with medical labels is very damaging and stigmatizing, and as I say, it really has no relevance. You may be crippled, you may be deaf in one ear, you have to wear glasses, but if you can manage well in the educational system, well then it has no relevance. So we suggest that we avoid those terms.

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MR. DOERN: Mr. Chairman, that sort of fits in with my view that psychiatrists have done more harm than good, particularly in regard to the English language. I would also like a clarification here though, again at the risk of stating what you are speaking against in a way, do you recognize such things as emotionally disturbed children or groupings of children with that particular handicap, or are you simply saying that no handicapped child should be excluded from the public school system?

What are you saying in regard to those points? Are you saying that there should be no identification of problems, that there should be no grouping according to problems, or are you saying that simply a case of all handicapped children should be embraced by the public school system?

MRS. ROTHNEY: I think we are saying that they should all be embraced within the public school system, but obviously they have to be, although we stress individualization of programming, there has to be some grouping. For example, blind children are not going to have the same type of program as deaf children, or children with severe physical handicaps or mental deficiency or so on, so there are broad groupings, but we also stress the need for each individual student to be regarded as a distinct person with certain capabilities, and have as individualized a program as possible.

MR. DOERN: Mr. Chairman, I also wanted to ask whether the organization appreciates the fact that the solution to some of these problems requires a great deal of money, and that there may be some difficulty in persuading the general public to bear the per capita costs and so on, and I was just wondering whether the organization is prepared to fight the battle in public in the sense of, to educate the public and attempt to obtain public support on a very broad basis beyond the organization. Otherwise, some of these dreams and hopes may not be achieved because they will simply fall under the axe of increased taxation.

MRS. ROTHNEY: Mr. Chairman, we indeed do, and plan to keep on working on these issues, but I think, when we were talking earlier about early infant stimulation or early intervention for young children, it is a investment, long-range, to correct deficiencies early so that a child can then progress within the regular system, versus having to have specialized care and assistance all their life, because they've never had the opportunity. All of us have children who are sufficiently handicapped that the possibility of institutional care is always there, and that is a very expensive thing. So we are urging that every support be given to parents to keep their children at home, that the public school system will assist in making this possible, and thereby saving the taxpayer a lot of money. Institutional care is so much greater. To us, it is a cost benefit approach.

MR. DOERN: I believe one of the other ladies wanted to respond.

MRS. GRAHAME: I just don't like to let that question go by without addressing the idea that the main concern, I think, that cost benefit is fine, but we

really are concerned with the humane thing to do and the opportunity that these children should have for an appropriate education.

MRS. ROTHNEY: Mr. Chairman, may I add, too, I know that the Minister and others probably were present at some of the sessions at the International Convention of the Handicapped last week, and I understand a statement was made that the world spends some trillions of dollars every year on the armaments race and pointing out that such a small fraction of that money would look after all the educational needs of handicapped people everywhere in the world. So we have no apologies for asking that appropriate, full education be provided for all the school age population in Manitoba.

MR. CHAIRMAN: Mr. Cosens.

HON. KEITH A. COSENS (Gimli): Mr. Chairman, I wanted to address a question to Mrs. Rothney, and perhaps I could preface it by saying that perhaps I am more fortunate than some of the others around the table, that I have had the benefit and the advantage of having personally met with not only Mrs. Rothney's group, but some of the others who have appeared here this evening, so if some of my colleagues are concerned that I'm not asking a great number of questions, it's because I've had the benefit of having those questions answered previously.

But I would like to refer to one of your amendments, Mrs. Rothney, and that is the one dealing with the transportation of special needs students. I'm under the understanding that at the present time, under regulation 170(77) that the provision is there for portal-to-portal transportation of handicapped students. What you are actually putting forward in the suggested amendment is really what now appears in the regulation.

MRS. ROTHNEY: My understanding is that there have been problems where school divisions have not been willing to provide this transportation. I wonder if Mrs. Scarcella would like to comment on that, or Moira, or Harry . . . If not, all we can say is we just want to be sure that the school divisions understand this. But I understand there have been problems.

MR. CRAWLEY: I think our basic position on this is that we would like to see it in the Act proper, rather than the regulations.

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

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

MR. SCHROEDER: Yes, following up on the Minister's questions, is it not the case that we currently have provisions in the Act dealing with transportation of students, that is that students are entitled to transportation if their school is further than one mile from their home and various other provisions. Is it correct, am I correct in assuming that what you are saying is that if we are going to spell out students' rights partially as to

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transportation, that what you want is those other rights spelled out in the Act as well, and if your students' rights have to be in the regulations, then I would suppose that all of the students rights could be in the regulations. There wouldn't be much point in having any of this transportation dealt with in the Act.

MRS. ROTHNEY: I think that's probably correct. We've had a lot of internal discussion whether our brief should cover all students. I think we're more concerned about the very handicapped people who are apt to be left out, and my understanding is that there is transportation, but I think we just want the school divisions . . . to emphasize to them that this is available.

MR. SCHROEDER: I have no further questions. I would just like to thank the group for a very excellent presentation.

MR. BROWN: Thank you, Mr. Chairman. I suppose that we're all, more or less zeroing in on one particular section of the brief, and I suppose that this is mainly because nobody has suggested this before and we thought that we had heard all the arguments that could be presented, but you've come up with a new twist, and this is that on Page 2, you say that we strongly urge the right of students living in institutions to be able to go out to school, rather than have their education, as well as residential life, segregated from the rest of the community. The School for Retardates in Portage la Prairie and the St. Amant have been used as examples.

Do you know of any jurisdiction anywhere that takes students out of institutions and transports them to schools, and if so, how successful are these programs?

MRS. ROTHNEY: I think you'd certainly have to go outside the province to get models. I think there's a model in Wisconsin. I know there are in other countries where I've visited facilities, but they seem extremely successful where there's a proper attitude on the part of the teachers and the administrators of the school and the public in general. Would anyone else like to add to that?

MR. CRAWLEY: I'm not particularly familiar with the situation there, but I believe that some students are taken out from St. Amant to one of the local schools in St. Vital school division.

MR. BROWN: Do you know whether these students, are they taken out of institutions, placed in the schoolroom, transported back to the institution at night — this is my question, if you know of anywhere in the world, if necessary, where they have that type of program?

MRS. ROTHNEY: I'm sorry, Mr. Chairman, I misunderstood. Yes, that is happening at the St. Amant Centre. There is a group of what I would refer to as the more able children who go out, some of them are in Prince Charles School, others in Grant Park, and others elsewhere, and I think this is probably a policy. I think we would say that there are a great many more students in this institution and

certainly at Portage la Prairie who could benefit by going out. We would say that only those whose medical involvement is such a high risk to be transported, who should not be going out to have the normalizing experience of being at regular school.

MR. CHAIRMAN: Any further questions of the committee? Mrs. Rothney, we thank you and your members of your committee for your presentation.

MRS. ROTHNEY: Thank you, Mr. Chairman.

MR. CHAIRMAN: I call Ron Bisson, Société Franco-Manitobaine. No. 3.

MR. REAL SABOURIN: For the record, my name is Réal Sabourin, I am the Vice-President of the Société de Franco-Manitobaine. Because of holidays, I'm sure that you regret that it's not Gilberte Proteau that is here, but I will try to do the job for her.

This is the second time within nine months that the SFM appears in front of this committee to discuss amendments to The Public Schools Act. We last appeared October 22, 1979, when M. Maurice Arpin presented our suggested revisions. Needless to say, we are shocked to see that none of our requests were incorporated in this new Bill 31.

We reviewed our brief of October 22nd to study if any of our requests were that outlandish and that difficult to implement to cause you to reject it in toto. We determined that our requests were in fact reasonable and practical in nature and could easily be implemented. All that is required is the political will to do so.

We concluded therefore that it possibly was not understood by this government last October. This is why we shall present the same brief again. It's unfortunate, there are lot of people waiting, but we feel it is that important that I will read it again.

La Société Franco-Manitobaine is the successor of l'Association d'Education des Canadiens-Français du Manitoba which was formed in 1916 by the leaders of the French speaking community in Manitoba, in response to the following legislation given Royal Assent on March 10, 1916:

An Act to further amend The Public Schools Act Statutes of Manitoba 1916-17, Chapter 88:

No. 1. Section 258 of The Public Schools Act being Chapter 165 of The Revised Statutes of Manitoba, 1913, is hereby repealed.

The section 258 thus repealed had been first enacted as Section 10 of the Statutes of Manitoba 1897, Chapter 26, given Royal Assent on March 30, 1897, to come into force on August 1, 1897 as follows:

10. When ten of the pupils in any school speak the French language, or any language other than English, as their native language, the teaching of such pupils shall be conducted in French, or such other language, and English upon the bilingual system.

This section 10 implemented the language part of the Laurier-Greenway Agreement, the other part pertained to religious instruction which had been negotiated between the governments of Canada and of Manitoba in order to put an end, hopefully, to what is known as The Manitoba Schools Act, a bitter episode in the histories of Canada and Manitoba.

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The object and purpose of the Association d'Éducation, and of its successor the SFM, has been, and remains today, the survival and flourishing in Manitoba of the French language as well as its inherent culture. The focal point of the activities of both has been, and remains, the use of the French language as a language of instruction in our public schools.

In view of the confusion which has long persisted in many quarters, it is desirable to restate that this has nothing to do with French as an official language that is prescribed for mandatory or permissive use in the records and journals of the Legislative Assembly, the printing and publishing of Acts and described as the French-language element of the Canadian culture) is something that is good, as being conducive to a higher quality of national unity and probably essential to the only Canadian nationhood that is both possible and worthwhile.

If a rationale be required, particularly for provincial action in an area that might appear to be of primarily national concern, it may be found in the following:

1. The obligations of our Canadian citizenship are not less binding than those of our Manitoban. When they assigned the field of education to the exclusive jurisdiction of the provinces, the Fathers of Confederation could not have contemplated that such authority would be exercised in either indifferent or inimical disregard of national interests.

2. If in vertical terms of Manitoba the usefulness of making provision for the cultural needs of a mere 6 percent of the local population is not readily apparent, in horizontal terms of Canada the desirability of accommodating a numerical third and otherwise indispensable part of the nation becomes compellingly evident.

3. But even in vertical terms of Manitoba, 6 percent is not the correct measure, for the French-language culture is not the exclusive patrimony of those born to it by racial accident; it is an integral part of the national heritage of all Canadians. The fostering of a good that is common is legitimate and desirable government action.

Implicit in this rationale is the repudiation of the French-Canadian cultural ghettoism that has long prevailed for having been both imposed and preferred.

Consequential upon it is that the purview of any public measure for the fostering of the French-language culture should extend to all Manitobans, however born, who may desire to possess this element of their national heritage.

This is not inconsistent with the realistic recognition that the logical base for development of the French-language culture in Manitoba is where it already exists and that it is always easier and more economical to maintain than to restore."

The experience of the past twelve years has demonstrated conclusively the wisdom of the legislators of 1967/1970 as regards Bill 59 and Bill 113 in making the French-language element of public education available, at least in principle, to all who desire it, including, but not restricted to, Manitobans whose mother tongue was French.

While exact figures are not available, it is not improbable that there are today, among the Manitoba parents who desire that French be an integral part of their children's education, at least as many, if not more, who are not of French-Canadian racial origin.

As a result SFM justly considers that its role, duty and function is to promote and foster in our public schools, not only French instruction but also English-French bilingual instruction; in practical terms, to secure, protect, improve and expand not only the écoles françaises but also the Immersion schools.

It was obviously desirable, indeed probably inevitable, that during the experimental period following the enactment of Bill 59 in 1967, there should exist a considerable degree of trustee and Ministerial discretion in all aspects of the use of French as a language of instruction.

The main point which the SFM wishes to make, is that now, when the persistent desire of so many Manitoba parents for some form or measure of French-language public school education for their children has been so clearly demonstrated, the maximum availability of such education should be firmly established as a right, subject only to the reasonable dictates of administrative efficiency and economy, with an absolute minimum of discretion on the part of the school boards, and even on the part of the Minister.

This would mean that in all areas pertaining, directly or indirectly, to in pleadings or process in the Courts of the Province.

On April 26, 1967, the year of the Centennial of the Canadian Confederation and 51 years after the 1916 Manitoba legislation which has removed French as a permissible language of instruction in our public schools, Royal Assent was given to Chapter 49 of the Statutes of Manitoba, 1967, repealing and substituting the then section 240 of the Act. The substance and object of this historic piece of legislation, now commonly known as Mr. Roblin's Bill 59, was to restore the status of French as a permissible language of instruction in our public schools.

In 1970, Section 1 of Chapter 66 of the Manitoba Statutes of that year enacted what is now known as Mr. Schreyer's Bill 113, re-affirming the principle of Bill 59 and substantially re-enacting Section 240, re-numbered as 258, as regards the use of French as a language of instruction and creating the English and the French Language Advisory Committees.

L'Association d'éducation and of its successor the SFM, has been, and remains today, the survival and flourishing in Manitoba of the French language as well as its inherent culture. The focal point of the activities of both has been, and remains, the use of the French language as a language of instruction in our public schools.

In view of the confusion which has long persisted in many quarters, it is desirable to restate that this has nothing to do with French as an official language that is prescribed for mandatory or permissive use in the records and journals of the Legislative Assembly, the printing and publishing of acts and in pleadings or process in the courts of the province.

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permissible language of instruction in our public schools, Royal Assent was given to Chapter 49 of the Statutes of Manitoba, 1967, repealing and substituting the then section 240 of the act. The substance and object of this historic piece of legislation, now commonly known as Mr. Roblin's Bill 59, was to restore the status of French as a permissible language of instruction in our public schools.

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It is of most significant interest that both Mr. Roblin's Bill 59 and Mr. Schreyer's Bill 113 received the unanimous assent of the members of the Legislative Assembly of Manitoba.

Subsequent amendments to section 258: In 1974 c.25, Section 2, and 1978 c.38, Section 6, pertain to the use of languages other than English and French.

Now in the light of the experience gained by school boards, governments, parents and the various organizations concerned with education in Manitoba, the matter which is of particular interest to SFM, indeed its principal reason for being, namely the use of French as a language of instruction in our public schools, is once more under consideration, in the course of a comprehensive revision of our Public Schools Act.

While SFM recognizes that legislation such as The Public Schools Act is an organic whole, with every part necessarily having some lesser or greater bearing on all the others, and while SFM is concerned with all aspects of education in Manitoba, it believes that its participation in the process of revision in which we are engaged will be the more valuable and fruitful if it is confined to its primary concern, the use of French as a language of instruction.

This observation, however, is imperative: Bill 59 reflected a most significant departure from the ideas which had prevailed in the past regarding the French language culture in Manitoba. The nature of this departure is best expressed by reference to the following extracts from a memorandum which was presented on July 29, 1966, to the then Premier of Manitoba, the Honourable Duff Roblin, and which led to the enactment of Bill 59:

"This memorandum presumes your conviction that the maintenance and development in Manitoba of the French-Canadian culture (more accurately les écoles françaises and Immersion schools, wherever the roles, duties and functions of school boards and governments are, by legislation or regulation, expressed by recourse to the permissive "may", they should from now on be expressed by recourse to the mandatory "shall".

The pertinent areas would include:

- (a) present section 258 pertaining to languages of instruction (proposed 79);
- (b) present sections 284-288 and 468(II) pertaining to pupil transportation (proposed 41, 43, and 46);
- (c) present section 289 pertaining to admission of non-residents;

(d) generally all matters pertaining to the maintenance, establishment, designation, change, relocation, re-designation and disestablishment of écoles françaises and Immersion schools.

It is no secret that the establishment etc. of some écoles françaises and Immersion schools have been attended with a certain amount of friction, animosity and bitterness among groups of parents with unpleasantness for members of school boards and resulting uncertainty, inconsistency and inefficiency.

It is obviously desirable that everything pertaining to this subject be removed, as much as possible, from the arenas of politics and the forums of media and street demonstrations.

The indicated solution is the creation of a quasi-judicial body to which would be referred, by way of appeal by any person or group of persons having a demonstrably real and substantial interest, any pertinent decision or non-decision by any school board or other authority.

The decision of such tribunal would be final, conclusive and binding on all interested persons and authorities and not subject to any recourse of any kind to any other authority, including the ordinary courts.

Such a body could be composed of one appointee by each of the Minister, Manitoba Teachers' Society, Manitoba Association of School Trustees, Association des Educateurs Franco-Manitobains and Association des Commissaires de Langue Française.

The very existence of such a body, having regards particularly to its composition and the absolute finality of its rulings, would most probably reduce to a minimum the amount and nature of the friction and unpleasantness encountered in the past. Political pressures on trustees and Ministers would be reduced to a minimum, as would be the recourse to what is sometimes referred to as "direct political action", for example mass demonstrations, open-line debates, etc. The existence of such a body would render unnecessary the Advisory Committees proved by the present Act, sections 258(3) and (4).

In summary:

1. The principles of Bills 59 and 113 remain today at least as valid and compelling as they were in 1967 and 1970.
2. The time has come to consolidate the progress made during the past 12 years and to create a new launching pad for the future by making mandatory as much as reasonably possible of what has been up to now merely permissive.
3. Demonstrated parent demand militates in favour of expansion rather than retrenchment in the whole field of French and English-French bilingual public education.
4. The creation of an appropriate and effective appellate tribunal as suggested would contribute substantially to the peace, order and good government of Manitoba in the particular area.

Recognizing that drafting of specific legislation and regulations is a difficult and high specialized art, SFM has preferred to propose general principles rather than specific clauses. It would be pleased and honoured to render such assistance in that regard as may be required of it.

To go a step further than last October, we have now prepared a parallel between the existing section

258 of The Public Schools Act, Bill No. 113, and the new section 79 of Bill No. 31 entitled Languages of Instruction. Most important in this following section is the last column which contains our comments and proposed amendments.

We can swiftly go through these four or five pages. I'll just be reading the comments in the right column. For the English and French as languages of instruction, Section 258, Bill 113, and 79 of Bill 31, no change. The use of other languages in 258(2) and 79(2), improvement in clauses d and e of 79(2), whereby another language may be used for instruction for 50 percent of the time.

For the establishment of English Language Advisory Committee, abolished, not replaced. Membership of English Language Advisory Committee, abolished, not replaced. Establishment of French Language Advisory Committee, abolished, not replaced.

The membership of French Language Advisory Committee, abolished, not replaced. The languages of Instruction Advisory in Bill 31, the Establishment of Languages of Instruction Advisory Committee and the Composition of Languages of Instruction Advisory Committee, in 258(7) replaced by 79(8) and (9). We find the abolition of the French language Advisory Council an unacceptable step backwards for French language instruction in Manitoba. Furthermore, its joining in one single Languages of Instruction Advisory Committee is worse because:

(a) our two representatives are to be named by the "mother" associations, MAST and MTS, whereas in the original, the EFM and the CEFM named their own members directly.

(b) this new council ensures that French representation will always remain in a minority status.

(c) the meetings of this new council will be held in English only.

We recommend therefore the following amendment: Establishment of French Language Advisory Committee. The Minister shall establish a committee hereinafter, referred to as the French Language Advisory Committee, composed of nine persons who may refer to the Minister any matter relating to any aspect of French language education, or to whom the Minister may refer matters pertaining to the use of French as a language of instruction in public schools.

Membership of French Language Advisory Committee, the members of the French Language Committee, of whom

(a) two shall be appointed from not less than four persons nominated by l'Association des commissaires d'école de langue française du Manitoba;

(b) two shall be appointed from not less than four persons nominated by les Educateurs franco-manitobains; and

(c) two shall be appointed from not less than four persons nominated by Le Collège de Saint-Boniface;

shall be appointed by the Minister for such terms as he may determine.

The regulations should include the following clause: The Assistant Deputy Minister in charge of the Bureau de l'Éducation française shall be a

member ex-officio of the French Language Advisory Committee.

One positive change in the use of English or French as a language of instruction is included in Section 79 (3), whereby the number of pupils required for an elementary class is reduced to 23. To fully implement the request of the SFM, we recommend the adoption of the following amendment: The French language school, in the spirit of this section, a French language school is an instructional unit in which instruction is conducted in the French language for pupils whose maternal language is French.

In the French Immersion schools, in the spirit of this section, a French Immersion school is an instructional unit in which instruction is conducted in the French language for pupils whose maternal language is not French.

Where the Minister of Education decides that it is not feasible by reason of numbers to abide by the terms of the above, he may make alternative arrangements to carry out the spirit of this Act.

In Bill 31, the Minister's discretion for fewer pupils, 79 (4), in 258 (9) and 79 (4), no change. Language of administration, 79 (5), no change. In English as subject of instruction, 79 (6), no change; same with Agreements by boards, 79(7), no change; and Regulations, 79(10), no change.

In conclusion we wish to remind the members of this Committee that Bill 113 was adopted in July 1970 by a unanimous vote of the House. We deduce that it was therefore wanted by all parties. We also wish to remind you that the First Ministers of the ten provinces of Canada accepted the following in Montreal in 1978: "That all students of either the francophone or anglophone minority have the right to be educated in the language of their choice at the elementary and secondary levels in each province, where the number of pupils so warrants."

You now have an excellent opportunity to implement this fine principle. If there are any questions they will be answered by my attaché, M. Ronald Bisson who is our Planning and Research Officer.

MR. CHAIRMAN: Any questions members of the Committee? We thank you for your presentation, sir.

I call Mr. Georges Forest.

MR. GEORGES FOREST: Mr. Chairman, members of the Committee, my brief will be very brief. I have not prepared a written text, I have only one or two or three comments to make and as you can imagine they are aimed at that Section of Part VI, Language of Instruction.

First of all, gentlemen, I would like you to consider, now that it is being reconsidered, or at least brought to our attention by the Supreme Court of Canada, that The Manitoba Act of 1870 has got two official languages, that under Section 79(1) after the British North America Act 1870 (sic) you might add The Manitoba Act of 1870 and the BNA Act of 1871, rather than just refer to the North America Act of 1867, because in the North America Act of 1867 as such Manitoba was not part of that legislation.

I often wonder when considering both English and French as official languages of communication in Manitoba whether under Section 79(5) after the

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words English language or French language, right in between add the word and/or one or the other language, thus enabling certain school districts to perhaps communicate in French where the need might arise or in English vice versa, rather than saying it has got to be either one or the other.

The last comment I would like to make on this is 79(9), and as mentioned by Mr. Sabourin, I think it is perhaps a step backwards not to include those persons of the French-speaking community of Manitoba in larger number on the Advisory Committee that will further advance this matter of Canadian unity in this province.

I have, just for a final point, intent on reading a passage which was published in . . . the Royal Bank of Canada monthly letter of August 1977 dealt with prejudice and had some very pertinent points to say:

"Prejudice is our number one problem in human relations" — the letter says. "It is prejudice that closes our minds to the truth and knowledge which would enable us to work together in friendship, vote with intelligence, worship in understanding and avoid international disputes. The difficulty is that you cannot prove to really prejudiced people that their belief is not true. Quite often they register triumph over your argument by pointing to some particular case where their beliefs have been successful. They seem unable to grasp principle in laws; they are like those who laughed at Socrates when he tried to teach men a new way of reasoning fearlessly, compelling him to drink the hemlock and in that one cup drowned a whole civilization. Many such people go through a process they call making up their minds and when their minds are made up they close it with a one-way zipper.

"There are many different causes of closed minds. As children we were all tolerant, we played with the neighbour's children without a thought of race, creed or class, but the democracy of childhood was broken down by the artificial standards of grownups. Boys going home from high school on a commuter train out of Montreal typified this. There were at least three racial strains in the party, but they talked and laughed together in a friendly open way, their frank countenance showed their belief in a good and neighbourly world. They had not yet been touched by the hand of prejudice. By and by, they will realize that discrimination exists in their families, in their schools, and in almost every sector of their lives. Many of them will conform to the discriminatory patterns of their group, not because they are prejudiced, but because it is easier to discriminate than to resist the group's demand for conformity."

Gentlemen, so much depends on education in order to prepare the people of tomorrow, the leaders of tomorrow, the children of today. These children, if allowed to be exposed to the two official languages of Canada, of Manitoba, I am sure will be able to take up the task that awaits them, the task that we want to pass on to them, that of building a better nation.

There are forces about us that are straining at the reality of Canada, that are straining at this factor that Canada can neither be English or French, but Canadian, where both official languages are a must, I would say. If many of us today cannot have both these languages, should we deny it to our children?

I have two questions to ask and this, I am sure, the Minister of Education has the power to act on them: When will the Department of Education require French as a prerequisite for entry into the study of Law at the universities of Manitoba? When will all children in Manitoba be able to get their law degree and practice law in Manitoba in both official languages, thus we will eliminate at least from the courts at that time, the need of simultaneous translation and we could possibly also envisage that there could be the day — I can see it — when there will be no need for simultaneous translation in the Legislature. But in the meantime, as you have noticed I have not said a word tonight and I don't propose to ever appear before you and speak a word of French until we have simultaneous translation, but I also wonder how come in your priorities this particular Bill was not translated. It seems to me if any legislation . . .

MR. MERCIER: It is.

MR. FOREST: Is it available?

MR. MERCIER: Certainly.

MR. FOREST: Has the Bureau de l'éducation française received a copy? I called them this afternoon, they didn't know anything about it. It is possibly not yet . . .

MR. MERCIER: It's being done?

MR. FOREST: It is being done, it is coming out. Well, to me if a Bill has been in preparation for seven years it seems to me that it could have been started translation already three or four months ago with the only sins that you needed in the meantime. It's the only sincere regret that I can voice on this particular Bill this evening.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Monsieur Forest, s'il vous plait, merci beaucoup, très bien.

MR. FOREST: Merci.

MR. CHAIRMAN: From a Scotsman from Roblin.

MR. FOREST: Thank you.

MR. CHAIRMAN: Any questions for Mr. Forest? Mr. Kovnats.

MR. KOVNATS: Monsieur Forest, si vous voulez parler en français ici, pourquoi vous ne parlez pas?

MR. FOREST: I would like to speak French, Mr. Kovnats, but if I do so it would be only for you and a few others and I would be straining the patience of everyone here, especially the people behind me.

MR. CHAIRMAN: Mr. Forest, you are at liberty to answer in any language you prefer.

MR. FOREST: I thought I would answer this this way, Mr. Kovnats understands it and this is the way I feel. It is with a heavy heart, it is with perhaps a little

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bit of duress and protest that I abstain from even saying one word in French.

MR. CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: Merci, M. le président.

MR. CHAIRMAN: Any further questions members of the Committee?

Thank you again, Mr. Forest for your presentation.

I call Dennis Chénier, Fédération provinciale des Comités de Parents. No. 5.

MR. ARMAND BEDARD: Mr. Chenier is not available tonight, I will be presenting on his behalf.

MR. CHAIRMAN: Would you have your name put in the record, Sir?

MR. BEDARD: The name is Armand Bedard, it is spelled on the last sheet here, it was added on this afternoon, Sheet 19.

MR. CHAIRMAN: Proceed, sir.

MR. BEDARD: You will notice that the brief was written in the belief that it would be presented by Mr. Chenier, who was not here last year, therefore it is written in that context. Therefore, if the first paragraph seems a bit conspicuous that is because

MR. CHAIRMAN: If you wish to paraphrase it, you're at liberty to paraphrase it whatever way you wish, sir.

MR. BEDARD: Okay. Well, I think the meaning still stands. As I present this brief in the name of the Fédération provinciale des Comités de Parents I have the distinct impression that this exercise, as well as its content, have been seen and said before.

However, it is our duty to present, once again, our recommendations for amendments to the Public Schools Act of Manitoba, in the hope that the present government, which has so far ignored our demands, will change its general orientation and replace its good wishes with guarantees and concrete actions in the field of education.

The Fédération speaks to you today on behalf of some 23 parents committees who offer their services benevolently to promote French language education and schools wherever they are needed. Many of these parents' committees have been the product of numerous conflicts which have surfaced too often in our community in the past years. Even though the causes of these battles are varied, they share a common denominator; Section 258 of the Public Schools Act, now Section 79, because of its permissive nature invites multiple interpretations and adaptations. In short, its application remains risky.

Bill 113, as passed in 1970, was indeed a giant step for French education in Manitoba. Until that year French education had progressed in no particular direction. In 1970, a French language school system was unheard of. French schools from kindergarten to grade 12, which are today a reality, were not in existence. Bill 113 has promoted a movement towards French education, which had originally been created by Bill 59 in 1967.

In the past years, Bill 113 has called many things to our attention. Firstly, this Bill was one of spirit. It did not seek to give precise directions, and when all parties involved act in good faith, the spirit of a bill is usually sufficient to satisfy the need for its promulgation. History and experience however, have definitely convinced us that people in a position of authority have chosen to follow this Bill word for word, too often ignoring its true sense. We now know that permissive laws offer few guarantees and often create pitfalls for those who try to have them enforced.

Bill 113 could still be valid at this present time; on the condition that those who are in a position to honour the spirit of the section in question be fully aware that a permissive bill must adapt to the changing needs of a community. If this Bill is now producing inadequate results, it is because some individuals have preferred to neglect certain questions and problems that should have been remedied immediately.

I do not wish to repeat the recent as well as the present battles that the Franco-Manitoban community has had and must lead in order to obtain fundamental rights that are taken for granted elsewhere. Such complaints and reproaches are useless in the context of the objectives which we have today. However, I would wish to draw certain parallels involving Manitoba and Quebec. Perhaps you will tend to believe that such analogies should not be made because of the great numerical superiority of the minority in Quebec as compared to Manitoba's minority. For this reason, the comparisons which I will present will deal with the situation of a certain section of the minority in Quebec. In the areas to be discussed, the minority represents a mere 1 to 2 percent of the population. In one case much less. As we compare, it is evident that our demands, which are sometimes classified as being extravagant here in Manitoba are in fact a reality in Quebec and have been so for over a century. And if we go back to the Quebec Act of 1774, we could say over two centuries.

The Quebec minority has at the present time 33 school boards where the school trustees are elected by the minority and for the minority. In other words, the means of education as well as the goals to be attained are controlled by the minority the system was created to serve.

There are two regions in Quebec where the English-speaking minority remains low in numbers. These are, the Lower St-Laurent and Saguenay-Lac St-Jean. The former region has 14 totally English language school facilities at its disposal and the latter has seven.

The 1136 students of Lower St-Laurent-Gaspésie are served by nine high schools. Even better still, two schools are provided for 53 English speaking students at Iles de la Madeleine. (Magdalen Islands).

The facts revealed on the study of the Lac St-Jean's minority becomes even more significant when one takes into consideration that this minority represents only one sixteenth of one percent of the population in that particular area. The anglophone minority has relatively few problems for it possesses two elementary schools and one high school for a total of 460 students. Furthermore, these taxpayers

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as a minority, elect their own school trustees at the Eastern Quebec Regional School Commission.

If I have brought these facts to your attention, it is because I wish to eliminate counter arguments of "practical numbers and economies" which are constantly being brought forward in order to justify the infringement on our rights in the field of education. It is a proven fact that where there is goodwill and respect of other's rights, there is always a way of making sure that things will work out. Gentlemen, we must all learn to put aside petty political games. Such a step would let us bury a file filled to the brim with past and present injustices in education.

If section 79 of the Public Schools Act were to become more generous and offer true guarantees; if it could offer assurances rather than a few favors, it could offer a future crowned with agreement and mutual understanding and trust.

Only a few weeks ago, there was a referendum in Quebec. The Canadian scene was but an overflow of good wishes, goodwill and mostly promises. It was even believed that better days were to come our way. A few days later, the government of Manitoba tabled Bill 31: the government's proposed revisions to the Public Schools Act.

The fact that eight months had passed since we had made our recommendations to this committee in October of 1979 and a post referendum atmosphere led us to believe that the status of French education in Manitoba would improve; and such was not the case.

In a proposition which is undoubtedly a step backward, Bill 31 takes away a few meager rights we had under the former section 258. Even the French Language Advisory Committee has been abolished. We will possibly be told that it did not function properly; but would you not say that this was somewhat inevitable because this same committee can only function properly if summoned by the Minister.

The former articles 258(4) and 258(6) established a clear distinction between the French Language Advisory Committee and the English Language Advisory Committee. We may conclude that in 1970, the Minister of Education, or the Ministry, was or were fully aware of the fact that these committees' duties were distinct enough so as to warrant two advisory committees. It was also quite clear that these committees' mandates were not at all the same.

This article also granted a certain degree of trust to some organizations who work in the field of education. To form one of his committees, the Minister chose six members among such organizations as the "Educatuers franco-manitobains", "Les Commissaires d'écoles franco-manitobains" and the "College Saint Boniface". Three others were named by the Minister himself. This gesture provided for greater mutual confidence between all persons involved in the consultation process.

However, the situation has changed. The new article 79(9), dealing with the Minister's advisors on questions of language of instruction in schools, represents a retrograde step when compared to what existed in section 258. It is also an insult in regard to

the francophones' participation in the advisory process.

Previously, the Minister or those who drafted legislation, displayed their trust in such institutions as the University of Manitoba, Manitoba Association of School Trustees, University of Brandon, Manitoba Teacher's Society and so on. This apparently is no longer the case. When the Minister demands the right to appoint five of the nine members to sit on the new "Language of Instruction Advisory Committee", is he not demonstrating a lack of confidence in the institutions previously consulted?

This new committee's mandate has been expanded considerably. It is no longer a question of two committees having specific duties and mandates, but rather one committee that will advise the Minister on questions related to languages of instruction in English, French and all other languages in the schools of Manitoba. We certainly agree that precisions as well as re-definitions are occasionally necessary, but when it becomes a question of retrograde gradualism, this is the sort of legislation we can do without.

If the francophone minority once enjoyed a majority status within their own advisory committee, this is no longer the case. The new advisory committee, made up of nine people, offers but two positions to representatives of francophone organizations. In addition, the Minister requests that the Manitoba Association of School Trustees name the representative of the "Commissaires d'écoles franco-manitobains", and he also asks that the Manitoba Teacher's Society appoint a representative for the "Educatuers franco-manitobains". Explicitly and implicitly, the Minister denies any official acknowledgment to an independent organization. That being the "Commissaires d'écoles franco-manitobains" (C.E.F.M). And we may ask, why place such limits on the process of consultation? And why even then ignore such organizations? We do not know who drafted the legislation but we dare not speculate on the true intentions which lie behind this matter.

I wish to state, once again, our three recommendations as presented to the parliamentary committee last October.

1. that, in the Public Schools Act, the three existing types of schools, French language, English language and Immersion, be clearly defined. These schools exist at the present time and function well. Why then are they not defined and given official recognition?

2. that the Public Schools Act make provisions for the transportation of students (be it intra- or extra-divisionary) who have chosen a type of education not offered at close proximity. This demand is really one of access to a program chosen by a parent but not readily accessible to the child. Transportation is already provided for students who have chosen a program not offered in the local school. (Regional schools that we find in Steinbach, Portage la Prairie and other centres are just examples). To this effect, special transportation grants are made available to school divisions. The same right should be made available to students who have opted to receive their education in Francais or Immersion schools.

3. that an appeal mechanism be established in order to eliminate open conflicts. Too often, varying

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interpretations of the law and local rivalries intervene in what should be a sound and effective decisional process based upon concrete facts. An appeal mechanism is needed to help solve questions which cannot be solved at the local level. In this manner, we would no longer be forced to live through crisis such as Precieux-Sang, Noel-Ritchot, Tache and Howden. This role could be fulfilled by the Language of Instruction Advisory Council which is clearly defined in the present section 258(7). After an analysis of some contentious issue, this committee would recommend alternatives to the Minister. The Minister who would inevitably be better informed, would not be forced to participate in every minor local quarrel, for we believe that a Minister must have more important things to worry about.

A few weeks ago, because of the urgency created by the Quebec referendum, the air was vibrant with promises, optimism, and goodwill. It seemed chic to express one's confidence in the benefits of Canadian unity as well as shouting out that all had learned their lesson and henceforth all would act accordingly.

For some time now, most of the provincial premiers have been busy building the walls behind which they will defend their particular interests. The good wishes seemingly are slowly wilting away and we now speak of a summer filled with "vigorous discussions".

The Premier of Manitoba states that he is categorically opposed to the inclusion of linguistic rights in the new constitution. He undoubtedly has his reasons. However, we should ask a few questions. If minority groups are unable to obtain linguistic guarantees through the constitution, where will they be obtained? Is it not possible that such guarantees could be included in the Public Schools Act? Why not begin at home and guarantee a French school to those who need it and wish it? In this manner, we could easily grant more weight to Mr. Lyon's recent declaration when he stated: "The Manitoba government will approach most of the issues with a reasonable amount of commonsense flexibility, except where it involves a matter of fundamental principle."

To our three recommendations we add a fourth recommendation (the paper I realize reads "demand"): that being that the Public Schools Act guarantee French language schools to those who have chosen such schools and that the creation and existence of such schools be subjected to no other criterium than those presently in effect for all other public schools in the province.

I believe you must consider our demands in the context of present Canadian politics. You may choose now between pious vows and the establishment of efficient mechanism and concrete guarantees.

The government of Manitoba is able to offer such guarantees to its official minority. The hour is propitious, for Manitoba's population is now, more than ever, open-minded about this issue.

If the province does not take immediate action and if such guarantees are imposed by the central government through a national referendum — and everyday we hear about this famous national referendum — I believe the province will only have itself to blame.

Well gentlemen, it is time to take action and I thank you for your attention.

MR. CHAIRMAN: Thank you, Mr. Bedard. Questions, members of the committee. Mr. Schroeder.

MR. SCHROEDER: I'm wondering, sir, why it is that you feel you require definitions of the different types of schools, that is the French language school, English language school and immersion schools. I take it that you believe there are three different types of schools available for children in the province? Why is it that you require a definition of those different schools?

MR. BEDARD: It is a question of defining goals. Goals in education. There is a common myth flying around all over the place that if you put a number of students, whether they be English speaking or French speaking or whatever, and you put them in a certain type of school, for example a French language school, everyone will come out of there bilingual. Which is false. In theory it sounds nice but in practice it doesn't work and every single research that has been made on that particular subject will testify to that.

MR. SCHROEDER: You're saying that if you take children from a non-French background and put them into a French school they don't come out bilingual, is that what you're saying?

MR. BEDARD: Not necessarily. Now depending on numbers again, it's been proven that for those who do not have a basic formation in the French language, who do wish to learn it, that the best method is the immersion program, where you have a homogeneous school, with specific objectives and specific methods. Now granted, if you take 30 French-speaking students and place one English-speaking child in the same class, the result will probably be the same. However, too often in the past, what you have is — what happens if you take 15 French speaking students and 10 English speaking students, what is the result then?

MR. SCHROEDER: I don't know what the result is, Mr. Bedard.

MR. BEDARD: Well, the result that we've seen is that you do not reach your objectives either way. The French speaking students will not attain the level of fluency that they would have had in a homogeneous classroom and I believe the parents of those English speaking students who enrolled their child in a certain school hoping and believing that eventually they'd come out bilingual, might be deceived.

MR. SCHROEDER: Are you saying, sir, that the children from French speaking backgrounds, who wish to take French language schooling, must be segregated from children from English speaking backgrounds who wish to take French language education in Manitoba, in order that each group gets what it needs out of the system?

MR. BEDARD: Well, you see the word segregation has all kinds of connotations to it. I believe you

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should form schools and fill them with students whose parents have expressed specific goals. Now we could get into quite a hassle over what segregation means. Is it separatism? That's been thrown around, like you separate this group from that group. But I think we have to concentrate on exactly what the objective and the goals of a specific program are. Now, if you're serious about, for example, the immersion system. The core French program has proven itself extremely deficient, as a matter of fact, useless in most cases, simply because the school system did not take the means to achieve the objectives. Now the objectives may be fine. You may firmly believe that if you teach a person a language 20 minutes a day that he will learn it eventually and they believe that. But 12 years later — and I think at a conference two years ago the Premier of Manitoba said his so himself — he had claimed, not in an official capacity, but he had stated that he had taken the famous Core French program and it didn't work. Now it hasn't worked for a lot of people. I'm not an expert on Immersion but I know that there is specialized training and specialized methods to achieve very specific goals.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Yes. I take it there's a considerable difference between Core French and French Immersion. First of all, is that correct?

MR. BEDARD: Yes. I would say that in one case you are serious about it and the other one, you're not.

MR. SCHROEDER: Okay. The French Immersion product coming from an English-speaking background, is there then some time when you feel that child could be integrated with those children from French-speaking backgrounds? That is, I can understand at Kindergarten and Grade 1 levels, Grade 2, etc., that the child from a French-speaking background would be well ahead of the child from an English-speaking background but at some point, surely, the child from the English-speaking background would be entitled to be integrated into a regular French program?

MR. BEDARD: Yes, if the criteria for admission to a certain school is sufficient knowledge, then I suppose that — I know for example, for a fact, that there are a number of Immersion students whose command of the language is superior to some native speakers, if you can call it that.

MR. SCHROEDER: If that is the case, then you wouldn't want to discriminate between the two groups, that is, it would seem to me then that a child from a French-speaking background should be able to go to what is known as an Immersion school, if that is a handier school in the neighbourhood; and a child from an English-speaking background should then be entitled to go to a school which you refer to as a French school.

MR. BEDARD: One of the objective of the Immersion school is to form bilingual students, okay? But a further objective of the Ecole Francaise is to

further cultural aspects of it as well. Now I'm not going to speak for the people who have a good command of French, for example. If, for example, they feel that command of the language is sufficient and possibly that's as far as they want to go; they may not want their child to cultururate himself to a point where he may lose his original culture. Now, that is not for me to decide. But if the admission to a school is command of the language then I suppose at some time accommodations can be made. Now there are areas where the Francaise Program and the Immersion program are growing together, parallel, and each one would probably not be sufficient to create a school per se for each program. There may be accommodations, I'm not a school trustee, they will have to fight that one out. Hopefully the appeal mechanism will be in place, to avoid some of these things like we saw in Howden last year, it's an ugly scene.

MR. SCHROEDER: I have the feeling from what you're saying, that you do feel that there should be a separate school system for children from French-speaking backgrounds. Is that feeling correct?

MR. BEDARD: School system?

MR. SCHROEDER: Well, schools.

MR. BEDARD: Yes. The answer to this one is yes.

MR. SCHROEDER: Even though there might be children from non-French speaking backgrounds who have a similar command of the French language . . .

MR. BEDARD: If that's the criteria for admission. If the criteria for admission is command of the language then there's no problem, it's taking place right now. There are some Francaise schools where the first language of that student is not French, except the command is sufficient that he can carry on "normally".

MR. SCHROEDER: Yes. I think maybe I'll just read the transcript and talk to you some other time.

You've also indicated that you're concerned about transportation being spelled out in the Act. I'm sure you're aware that recently there have been indications from the department, from the Minister that there will, in fact, be transportation interdivisional and within divisions, as I understand it. I'm sorry, not within divisions but interdivisional for French language and Immersion purposes and that this is being done through the regulations. Do you feel there's any need to have this in the Act?

MR. BEDARD: This is based mainly on a number of examples. I know of a school division that refused to drive one mile so that a number of families could join, for example, Seine River school buses. It has happened and the parents lost that one. Now I believe if there had been provisions for this type of transportation, that the school division would have — let's face it — been compelled to honour the Act. I mean, they are compelled to obey it right now. It's a question, if you live a mile away, a mile further, that you can't have access to the schooling you desire for your family.

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Now I realize that this is where the appeal mechanism comes in. I believe that in situations like this we could have a whole roll of these examples and I don't feel that the Minister should have to decide on all these petty quarrels. There are some of you here from rural Manitoba, you know how a school board election can be tilted one way because of family squabbles somewhere because the vote sometimes is 64 to 62.

Things appear to be more stable in Metro Winnipeg where elections encompass a greater number of people. But I've seen rural elections and they're not that pretty and they can change a whole school board in one swoop. Now if you're lucky, that change will not cause any drastic effects. If you're not, well, you're back to the drawing board.

MR. SCHROEDER: Yes, on page 17 you quote Mr. Lyon and I just can't resist re quoting that quote: "The Manitoba Government will approach most of the issues with a reasonable amount of common sense flexibility, except where it involves a matter of fundamental principle". I really would like to know where you got that quote from because I'd . . .

MR. BEDARD: The Winnipeg Free Press.

MR. SCHROEDER: Very good. Thank you very much.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, Mr. Bedard, going back to the definition of a French school, to make sure that the committee, and I, as a member of the committee, understand. You mention that normally the school would be for those whose mother tongue is French. Isn't your concern more for, if the students would be acceptable — as they are now. St. Boniface College they were graduating people just a few weeks ago, or a week ago, that certainly the mother tongue was not French — isn't the concern that they be fluent enough that they'd won't hold back the rest of the people, penalize these people; and also that the administration could go on in French instead of, if you had one or two that do not understand, and sometimes even the parents might not understand, that you have to move everything in English. Isn't that the concern, if they can follow it they're not holding back anybody, that there's no problem there at all?

MR. BEDARD: Yes, that is one concern. Gradually I think schools are learning. They learned a lesson in that sometimes to fill up a classroom you go to excesses. Now they are — I'm not saying giving admission tests — but they do require that as the student comes in has an adequate knowledge, because I mean if you're going to school you have to understand what's going on; an adequate command of the language that will allow the student to function properly. Now, I'm not saying an excellent command but at least enough to understand what's going on in front of the class. Otherwise, you're wasting your time and the child's time.

MR. DESJARDINS: And also that will hold back the other students that are in this class, because of their lack of understanding.

MR. BEDARD: That's been known to happen quite often, yes.

MR. DESJARDINS: Fine, that's it.

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

MR. KOVNATS: Mr. Chairman, to Mr. Bedard. I would suggest to you, Mr. Bedard, that a child who has got Kindergarten in the Immersion Program would be absolutely qualified to enter into the French language school. I've been listening to you and you suggest that they would not be qualified for whatever reason. Now, I feel that if a child from a non-francophone family wants to enter into the full French Francaise Program and wants to accept the culture, because it is a beautiful culture, and he wants to accept that culture with the approval of the parents, actually with the recommendations from the parents, you say that he could not assimilate himself into that type of a program, I disagree with you.

MR. BEDARD: That's not what I said. I said that basic criteria, first of all, is what does the parent want for the child. Secondly, is the child capable of functioning in that class normally? Now if what you say is true, for example, that a child after spending one year in Kindergarten is proficient enough in the language to follow what's going on in class, fine, I have no objections. However, after speaking with the people from Canadian Parents for French, I checked this one out, and they say that on the average proficiency is reached between third and fourth grade.

MR. KOVNATS: I would suggest that, if I'm wrong in suggesting that in Grade 1 that it would be completely able to assimilate . . .

MR. CHAIRMAN: Mr. Kovnats, you're not allowed to argue with the witness. You are allowed to ask him questions, sir. If you'd kindly proceed in that manner I'd be most grateful.

MR. KOVNATS: I'm sorry, Mr. Chairman, I didn't realize that I was arguing. Actually if the questioning seemed to be hostile, I guess I was just taking a cue from some of the previous questioners.

MR. CHAIRMAN: Proceed, Mr. Kovnats.

MR. KOVNATS: I guess the difference in opinion here — I guess I'm arguing again. Let me try to rephrase it then. By Grade 3 or 4, do you not believe that they should be allowed to enter into that system so that by Grade 3 or 4 they are competent enough to carry on and receive all of the benefits of being with totally bilingual children and receive the benefits of that culture? I guess what's in the back of my mind is that when I took my Immersion course I was criticized pretty severely by some group of francophones for taking the course, inasmuch as that I was going to take away employment from them when I became proficient at it. That was a point and I was hostile to this type of people that spoke to me in that manner. You know, why are you taking French? Why are you studying French? Are you going to be taking away jobs? When the Societe

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Franco-Manitoban made a statement to the newspapers not too long ago, as to French language rights, and the bill that the province of Manitoba was bringing in to protect French language rights, the criticism was, what type of employment was being brought into the forefront here? It was not a matter of whether people were learning French but what type of employment was being brought into the market. I guess my feeling towards the French language is that I support people learning the French language and I would take any means possible to allow those people to obtain the ability to speak French. I don't feel right about your statements stating that non-Francophone people cannot receive the benefits in a French language course.

MR. CHAIRMAN: Mr. Kovnats, would you please ask your question?

MR. KOVNATS: Thank you, Mr. Chairman. I've stated what I had to state.

MR. CHAIRMAN: Mr. Bedard, you are allowed to reply.

MR. BEDARD: Yes, first of all, in regard to admission of immersion students into a Francais school, the best example we can use is St. Boniface School Division. There is no need to transfer people from Guyot School to Lacerte or Taché because all three schools are full. I mean it's crossed our minds, of course, when you get to the high school level because as far as I know there is no such a thing as immersion high school yet. There are about 575 to 600 students, immersion students in Guyot. They have a full stream from K to 9. It's working perfectly well; we haven't heard a peep from there in a long time. Lacerte School is full stream from K to 9; Taché, as well. So we really haven't discussed this particular idea of transferring students.

We are discussing on the basis of theoretical level here as whether they could be admitted or not. Most likely they could because I've seen some of the results. I can honestly say that they could. Now, would they or is it needed, who knows? We'll have to wait until the programs; I believe, the crunch will come in about two years from now when the students will choose between either continuing in the program they are in or joining the only two French high schools that are in Winnipeg, splitting at the seams. Collège St-Boniface which was built for 450; it's got 610. Whether the college would like to take the graduates from Guyot School, it's quite possible; whether they could is — well, they couldn't.

MR. KOVNATS: Well, aren't you getting a school in Ile des Chenes?

MR. BEDARD: Well, we've been talking about this one that hasn't come yet, so we'll just have to wait.

MR. CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: No, I'm satisfied. Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Adam.

MR. A.R. (Pete) ADAM (Ste. Rose): M. Bédard, is there enough autonomy dans les écoles françaises?

MR. BEDARD: I could say that in certain school divisions there is enough autonomy; in others, there isn't. Because I really can't see how, for example, in your area, Laurier, the Laurier School is, let's face it, at the mercy of the school trustees and I also know that there's only one person who can understand the objectives of the program being taught in Laurier School. There are other divisions where, on the political scene, it has been relatively quiet lately although we do know there's an election at the civic and school board level this fall.

Like I said before, this level of politics has a way of changing very fast. I remember at one time there was one school division where there was one fight every six months. There came along an election, there were changes and it's been relatively quiet since. I hope it stays that way but I can't be sure it will. So this is why we would like to see included certain provisions which would make it a little tougher for some school board to come along and reverse policies. Because in the case, for example of Noël Richot School, the school board policy changed four times. You build, you don't build; you build, you don't build; excuse me, five times. They built it within the space of 24 months. Now every single time it was fought over in the press. It was fought over at the school board offices crammed with, I've seen one demonstration in excess of 600 people where the school board didn't change their minds. That was in rural Manitoba.

There have been other incidents where, I think, everyone involved and the whole process would like to do away with these things. I don't think the school trustees enjoy it very much; I don't think the parents do and I certainly don't think that students who have to stand by and watch it enjoy it any more than anybody else. I'm sure the Minister can't enjoy that. I think if that appeal mechanism was there to sort of sort out things.

MR. ADAM: Mr. Chairman, Mr. Bedard, what do you see as the requirements for the autonomy? What is required? What autonomy would you like to see in that French school in Laurier?

MR. BEDARD: Laurier.

MR. ADAM: In Laurier, for instance.

MR. BEDARD: Well, I must confess I'm not that familiar with the Laurier situation but, at a level like Laurier, I suppose that one thing that could be considered is that the Laurier School be guaranteed as long as we've stated subject to no other criteria that those presently in effect for all of the public schools. Now, as far as I am aware, I haven't heard of any mass riots in Laurier lately but there are other areas where we could contemplate, for example, a system that is in force in New Brunswick, okay, where boundaries are less important than students, where one or two divisions exist within the same boundaries and administer their own schools. That is a possibility. We haven't suggested it here because we felt we had to start at the beginning, the School Act. The same system is operational in certain areas

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of Ontario where you have the dual system, although the laws governing education in Ontario are different. The system that is progressing in New Brunswick has been in force in Quebec for 200 years.

MR. ADAM: Mr. Chairman, how would you overcome the problems of administering, say, in the School Division of Ste. Rose, for instance, at Turtle River, not Ste. Rose?

MR. BEDARD: Turtle River.

MR. ADAM: Yes, Turtle River. Like for Francophones to administer the school and the curriculum, how would you overcome the problems that it being part of the . . .

MR. BEDARD: It could be possible, for example . . .

MR. ADAM: Pardon me, I'm not quite finished, being part of the Turtle River School Division as far as maintenance of the buildings, as far as transportation and construction, as far as the taxes required would come through the division; but how would you overcome that, you know, like non-speaking French people would be paying taxes and vice versa? How would you overcome that?

MR. BEDARD: One way of solving that problem is to have greater input by parents. I happen to work for the Parents Federation and I strongly believe in greater parent participation in the process. This, in two provinces, I believe, Ontario and Quebec, the school committee or the parents' committee or whatever you choose to call it is institutionalized. It's not necessarily a voluntary thing. The whole process is composed of a principal, a teacher, students, of course, school trustees and parents, and they all have a say in the content of what is being taught and how to go about solving certain problems.

Now, I realize, for example, in a division like Turtle River where the population of Laurier and some from Ste. Rose is quite small that it's harder to overcome but I didn't have to search very far for it, an example where you have a sound structure working for the educational needs of 1/16th of 1 percent, and I'm not exaggerating. It's 1/16th of 1 percent and it's working. I think it's a question of will, I suppose.

MR. ADAM: Some of the people that I've spoken to, the French-speaking people when Bill 31 (projet de loi: traduction) came out, I sought their advice on what they wanted to see and they talk along the same lines as you do. There will be some problems to overcome in a rural area. One more question, Mr. Chairman, La Fédération provinciale des Comités de Parents, I believe you said 23 committees. Is that in different provinces or all . . . ?

MR. BEDARD: No, Manitoba, Mr. Chairman. They are in Manitoba. There's one in Laurier, St-Lazare, about 10 in greater Winnipeg, quite a few in Seine River, some in Red. There are 23 all together.

MR. ADAM: Are they tied in with other provincial organizations, as well, or just . . . ?

MR. BEDARD: Completely independent.

MR. ADAM: I see, this is Manitoba only. Thank you.

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

MR. WALDING: Thank you, Mr. Chairman. Mr. Bedard, you drew a parallel in your brief between Manitoba and Quebec and you present us with a few facts that I, for one, was not aware of. I wonder if you could summarize briefly for the committee what are the languages of instruction rights of parents in Quebec?

MR. BEDARD: I believe, for example, The British North America Act did not affect the existing system in Quebec in 1867 because a system had been put in place by 1774; okay? Therefore, if you look at your educational facilities in Quebec, they are based on not language but religion; okay? Which is why they are having a bit of a squabble right now because about a fraction of 1 percent of French-speaking Quebecers are not Catholic and, of course, not qualifying to enter the Catholic schools, they are channelled into the Protestant school system but they don't want to go there. So they are trying to solve that one right now.

We've heard a lot about Bill 101. A lot of things were thrown in the air concerning Bill 101, a lot of bad publicity, a lot of bad press. However, we must acknowledge that Bill 101 did not affect the people who were actually enrolled in a system at the present time, at the time it was passed. It was July of 1977. Now, no rights were infringed upon or removed. Now the big hassle was over the fact that how the bill channelled new arrivals. Okay? And this is where the fight was. But if you go to the west island where the great majority of non-French speakers in Quebec live, a great majority, maybe 75 or 80 percent, everything went unchanged. We have been talking, for example, to parents' committees in that area to see how they work things out, and based on the information that they gave us, and their own information based on the fact that if you base it on actual enrolments at the time, nothing changed. Like I said before, the squabble is new arrivals, especially new arrivals from other provinces of Canada that has caused a number of problems but Bill 101 has been amended since to soften this area.

Another right, which is a very interesting way of doing things, is that, for example, you may have a complete geographical area, acknowledging that there are two groups within that area who have different school systems, you have one ballot, two slates. One slate is running for, for example, what they call a Protestant school board; the other one, the Catholic school board. And the voter does not have to identify himself. He just goes behind the ballot box and votes for the slate of his choice. The end result is that you have two school boards who come out of there.

MR. WALDING: Mr. Chairman, I'm not sure that I follow all of that. Can I ask you specifically then, if there is education in both languages available locally,

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can either a French speaker or an English speaker choose which school his child will attend?

MR. BEDARD: No, it's quite difficult.

MR. WALDING: Can you expand on that, Mr. Bedard?

MR. BEDARD: The school system channels students into two streams.

MR. WALDING: Not by the parents choice. Is this my understanding of what you're saying?

MR. BEDARD: That's right.

MR. WALDING: That goes for French speakers and English speakers alike, am I correct?

MR. BEDARD: Yes. You may send them to Immersion. The Immersion is quite strong also.

MR. WALDING: Maybe that's what I'm getting at, Mr. Chairman, that if some one of the majority language wants to send his child to an English Immersion school, providing it is there, can he do so?

MR. BEDARD: They are working on the English education within their own system. For example, St. Boniface College would qualify, for example, as a Francaise school in Quebec. The results we've seen over the past half century is that everyone whoever came out of there is a bilingual. I think the Quebec government and the Department of Education in Quebec is working along that premise, is that the system that they work with is able to turn out bilingual students, graduates, whereas the inverse has not been quite so true. The minority system, if we can call it that, instead of putting religious connotations to it, the minority system in Quebec has not produced bilingual students. It is now, more than ever before, but historically and traditionally, a good majority, a strong majority of non-French speaking Quebecers are still unilingual, and I think that's a reflection on the system that they used for a long time. Now, admittedly, this has changed quite a lot in the last, not since 1976, but in the last 15 years for example.

MR. WALDING: In what way?

MR. BEDARD: Pardon me?

MR. WALDING: In what way has that changed?

MR. BEDARD: In that both systems are turning out more and more bilingual students.

MR. WALDING: To go back to the point that you made before about newcomers. You said that this provision had been softened. I wonder if you can explain that.

MR. BEDARD: The first provision that came out was that a student, for example, a student from Edmonton who lands in Montreal because of some transfer job obligations or whatever, would have to be directed immediately into the French stream. Now

they've said, if the person can show that he will not be in the province of a period greater than four or five years, he will be exempted. If you look at the exemptions in Bill 101 in matters of education, the exemptions are quite voluminous.

MR. WALDING: What about immigrants to the province who have neither official language? Do they have the choice?

MR. CHAIRMAN: Mr. Walding, we're having some problem. We seem to be getting away from the bill that's before us. If you could relate your questions to the bill, I'd be more comfortable.

MR. WALDING: Mr. Chairman, I'm relating my questions to the brief that was presented to us where the presenter asked us to draw certain parallels . . .

MR. CHAIRMAN: The latitude is getting pretty wide at times in your questioning, sir, and I hope you'd refine yourself and try and get back to the subject matter before the committee. Proceed, Mr. Walding.

MR. WALDING: Mr. Chairman, I'm trying to follow those parallels and understand the system and I believe that was perhaps the last question that I had. Can I repeat it? Those immigrants to Quebec who would have neither of the official languages, would that parent have a choice, Mr. Chairman.

MR. BEDARD: They are channelled into the official French language system. However, there are time allotments for learning of English and six or seven others. Now I just happen to have a communique from the Department of Education in Quebec. It's not a communique, it's a news release. As a matter of fact, I have dozens of them on there, where the back side advertises the teaching of Spanish for up to 40 or 50 percent of the time for those who wish it. The other language would be French. Sometimes for Greek, German, Inuit and Cree.

MR. WALDING: Thank you, Mr. Chairman.

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

MR. BEDARD: Thank you very much.

MR. CHAIRMAN: I call Mr. Mike Taczynski from Gypsumville for the third time. Is he present tonight? Then the hour, I call Mrs. Carolyn Garlich, and the hour being 5 minutes to 12:00, is your brief fairly long, Mrs. Garlich?

MRS. CAROLYN GARLICH: It would take me approximately 20 minutes to read the brief.

MR. CHAIRMAN: Could you come tomorrow morning at 10:00 a.m.?

MRS. GARLICH: Yes, I could.

MR. CHAIRMAN: You will be number one tomorrow morning at 10:00 a.m.

MRS. GARLICH: Thank you.

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MR. CHAIRMAN: Committee rise. The committee will sit tomorrow morning at 10:00 o'clock.