



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

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**29 Elizabeth II**

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**SATURDAY, 5 JULY, 1980, 10:00 a.m.**

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

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS**  
**Saturday, 5 July, 1980**

**Time** 10:00 a.m.

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

**MR. CLERK, Jack Reeves:** Gentlemen, is there any objection to Mr. Kovnats taking the Chair until Mr. McKenzie comes?

**MR. DEPUTY CHAIRMAN, Abe Kovnats (Radisson):** This committee will come to order. I call No. 16, Mrs. Taylor.

I call No. 17, Manitoba Teachers' Society, Mr. W. R. Gordon. Are you Mr. Gordon?

**MR. JOHN WIENS:** Mr. Chairman, my name is Mr. John Wiens. I'm the president of the Manitoba Teachers' Society.

**MR. DEPUTY CHAIRMAN:** Thank you. Proceed please.

**MR. WIENS:** Mr. Chairperson, if I may, I'd like to ask some of my colleagues to join me at the table.

**MR. DEPUTY CHAIRMAN:** Most certainly. Invite them to come and join us at the table. We have your brief and it will be distributed. Carry on, please.

**MR. WIENS:** Mr. Chairperson, allow me to introduce the members of our delegation. We have a number of people here. We have Dorothy Young, who is our vice-president. To my right, we have John Gisiger from staff; Julien Levesque, a president of the Les Educateurs Franco-Manitobaine; our general secretary, Bob Gordon; and from our provincial executive, Mary Beth Dolan, sitting in the audience; and Glen McRuer, our research assistant on staff.

Mr. Chairperson, Mr. Minister, members of the Standing Committee on Privileges and Elections. While the Manitoba Teachers' Society welcomes this opportunity to make a submission to the Standing Committee on Privileges and Elections concerning Bills 31 and 19, we do regret and we do consider it extremely unfortunate that a major piece of legislation like The Public Schools Act, which has been so long under review and which the government deemed important enough to refer to an intersessional committee because of concerns expressed by a large number of interested citizens and groups, should be left to the dying days of the current Legislature for consideration.

We've had a short time to prepare our presentation and to discuss it with our membership and we hope that, in that vein, you will allow us to make some editorial changes in our brief as we proceed through it.

Beginning then in the brief on the first page: In the opinions of the Society, revisions of The Public Schools Act and The Education Department Act, are necessary, indeed long overdue. During the years when the Acts were being reviewed, the society participated as a member of the working parties and,

in addition, undertook its own thorough analysis and review of the Acts. Thus, when Bills 22 and 23 were introduced at the last session, the Society received them with considerable interest and concern; interest because of the great importance of the legislation, concern because the Bills contained a number of contradictions and inconsistencies and also because a number of major issues identified by the Society were omitted. It was for these reasons that the Society recommended that the bills should be referred to an intersessional committee for study and report.

When the Standing Committee on Privileges and Elections held its hearings in October, 1979, the Society made a comprehensive submission which included general concerns, detailed concerns and additional changes. The Society was given a full and attentive hearing by the Committee.

However, any hopes that the Society had that substantive changes would be made in the revised legislation were dashed with the introduction of Bills 31 and 19. In the opinion of the Society, these bills represent little change and improvement over their predecessors. In fact, there are some changes which the Society considers to be regressive. Obviously, it is very disappointing that major issues of considerable importance to teachers such as sick leave, due process and teacher certification are not dealt with adequately. We do not believe that these issues have been resolved. Also, the Society is concerned about the increase in the authority given to the field representatives which appears to indicate a more centralist trend in education on the part of the government.

What we have done in our brief, then, is taken some very specific points, the major issues, which we feel we should deal with at this time.

Following are the concerns and amendments recommended by the Society to the Committee on Privileges and Elections:

1. Sick Leave Sections 93(1)(2)(3)(4)(5) and, as a teacher, I will say that if you are following in your Act, it's page 48.

The proposed revision for sick leave in Bill 31 is the same as in Bill 22. The Society is opposed to it for several reasons which will be discussed subsequently. It is important to note that the committee and here we're referring to the Joint Committee on The Public Schools Act review, on which we had representation from the superintendents, trustees, the department and the Teachers' Society, which sat from 1971-77 the committee which reviewed the Act did not discuss, nor recommend this provision. The proposed section had its origin other than with that committee, and we have some questions about that.

There are two important principles involved in the proposal in Section 93(1). In the first instance, the Society has consistently held that Section 282(1) of the current Public Schools Act provides annual sick leave benefits as a legislated right rather than as an earned right. Albeit a number of school boards have

attempted to interpret the current provisions to mean that a teacher earns the right to sick leave at the rate of two days per month of teaching, up to a maximum of 20 days per year, no school board as been willing to subject that interpretation to the scrutiny of a court of law. In all cases where teachers have contested that interpretation, boards have been willing to settle out of court, thereby establishing the rule of accepted practice that sick leave benefits are presently a right established in law.

Changing the legislation to prescribe sick leave benefits as an earned right is indeed a loss, especially for the beginning teacher, and is therefore unacceptable to the Society. Moreover, such a change would not only encourage abuse but would necessitate the provision of lump-sum payments for unused accumulated sick benefits when the teacher retires or when the teacher changes employes in order to minimize abuse. On the other hand, under the present system, teachers have demonstrated responsible utilization of sick leave entitlement. So we see here the creation of a problem where one did not exist before.

A recent survey conducted by the Society on the frequency of teacher sick leave for the 1977-78 school year, covering 8,430 teachers from 33 divisions and districts, bears out this claim. That's about 70 percent of the teaching force in Manitoba.

The survey showed that six first year teachers exceeded 20 days, one second year teacher exceeded 40 days and no third or fourth year teachers exceeded 60 and 75 days, respectively. The usage rates of sick leave for teachers in Manitoba is 2 percent that's in teacher days among the lowest of any employee group in Manitoba.

The second important issue in Section 93(1) is economic. Through collective bargaining, practically all of the teachers in the province have achieved sick leave coverage of at least 75 days, which accumulates over a four-year period. As a result of these provisions, most school divisions qualify for a partial (50 percent) reduction in the Unemployment Insurance Commission premium. In 1979, the total provincial value of the partial premium reduction was 513,360, of which the employers' share was 299,400 and the employees' 213,960. If the sick leave provision had qualified for full premium reduction, the amounts would have been increased by approximately 25 percent.

The Society recommends that Bill 31 please make the change Section 93(1) be amended to provide as follows:

The sick leave to which a teacher is entitled shall be 75 days during any school year of employment provided that a teacher who has used all or part of the sick leave shall be entitled to have full sick leave benefits reinstated as follows:

1. in the case of a new disability, one calendar month after the teacher returns to work; and
2. in the case of the return of the disability for which the teacher was last on sick leave, three calendar months after return to work.

The second issue to which we would like to address ourself is due process, in Bill 31, Section 92(5).

Due process is the right to a fair hearing in the event of dismissal. The present Act restricts this right to teachers who have been under continuous

contract with the same employer for more than two years. The right is not transferable to a new employer.

Teachers enter the profession with at least four years of teacher education, including considerable exposure to the practice of teaching. They graduate from the program mature and well-prepared. In the interest of their service to children, they should not be subject to arbitrary, unjust and capricious dismissals.

The teacher's right to a fair hearing does not infringe upon the school board's right and responsibility to evaluate teaching staff and to dismiss teachers for just cause.

Bills 19 and 31, rather than improving the teacher's access to justice when dismissed, further restrict such access in making it more difficult for part-time teachers and women on maternity leave to meet the time requirements. It is an outright discrimination against female teachers who tend to fill the part-time positions and who, from time to time, may require maternity leave. Members of the present government, including the Premier, while in opposition, expressed favour for the idea that teachers, once having established due process rights, should not be required to re-establish them when moving from one employer to another. Bill 31 makes no such provisions. The Society, therefore urges the Committee on Privileges and Elections to amend Bill 31, Section 92(5) to read as follows:

"Where an agreement between a teacher and a board of trustees of a district or division is terminated by one of the parties thereto, and the other party, within seven days of receiving the notice that the agreement is terminated, requests the party terminating the agreement to give a reason for terminating the agreement, the party terminating the agreement shall, within seven days of receiving the request, give to the other party the reason for terminating the agreement; and, if the agreement is terminated by the board of trustees of the district or division

a) the teacher, by notice in writing served on the board within ten days of the date the reason for terminating the agreement was given, may require that the matter of termination of the agreement be submitted to an arbitration board composed of one representative appointed by the teacher and one representative appointed by the board, and a third person, who shall be Chairman of the Board of Arbitration, mutually acceptable to and chosen by the two persons so appointed, none of whom shall be a member or employee of the board, and, if one of the parties to the agreement is a division, none of whom shall be a member or employee of the division or a district within the division;

b) Each party shall appoint its representative to the Board of Arbitration within ten days of the serving of the notice by the second party under clause (a);

c) Where the members of the arbitration board appointed by the parties cannot agree on a decision, the Chairman shall make the decision, and the decision shall be deemed to be a decision of the Arbitration Board;

d) The issue before the Arbitration Board shall be whether or not the reason given by the board for terminating the agreement constitutes proper and sufficient cause for terminating the agreement;

e) Where, after the completion of hearings, the arbitration board finds that the reason given for terminating the agreement does not constitute proper and sufficient cause for terminating the agreement, it shall direct that the agreement be continued in force and effect and, subject to appeal as provided in The Arbitration Act, the decision and direction of the arbitration board is binding upon the parties; and

f) The Arbitration Board shall, within thirty days after its appointment, make its decision and shall immediately forward a copy thereof to each of the parties and to the Minister."

The second issue under Due Process. The teacher's right to due process has been further restricted by not providing similar sections as we presently have in Sections 24 to 29 of The Education Department Act. This means that the teacher no longer has the right to appeal to the Minister of Education in case of a dispute between the teacher and the employer. Hence, a potential avenue for due process for teachers in matters such as unfair assignments or prejudicial treatment has been removed. The Society, therefore, urges the Committee to amend Bill 31, Section 121, to read:

"Notwithstanding anything herein, any teacher may present a personal grievance respecting assignment of duties or position to the Board of Trustees at any time. Failing resolution of the grievance, the teacher shall have the right to have the matter resolved according to the procedures required under Section 117(1)."

Third issue. Teacher Certification and this is Bill 19. The proposed Certification Review Committee, Bill 19, Section 5(1) replaces the present Discipline Committee which has power to investigate and report to the Minister in any case where a teacher's certificate is suspended for reasons other than incompetency. The proposed committee would deal with any referral from the Minister for any cause which the Minister deems sufficient, including suspension of a teacher's certificate for incompetency.

In view of the committee's wide powers, the Society is alarmed that only two of the eight panel members are teacher representatives, whereas four of the eight represent employer interests. The present Discipline Committee has four teacher representatives out of a total of eleven members. The Society also believes that the committee should include a citizen representative but exclude the field representative because of potential conflict of interest.

Therefore, the Society urges the committee to amend Bill 19, Section 5(1) to read:

"The Minister shall appoint a Certification Review Committee (hereinafter referred to as the Review Committee) comprised of:

a) Two persons nominated by The Manitoba Teachers' Society;

b) One person nominated by the Manitoba Association of School Trustees;

c) One person nominated by the Manitoba Association of School Superintendents;

d) One from the Department;

e) One citizen member appointed by the Minister."

Fourth issue. Private Schools, Part IV, Bill 31 Section 59-60(5). The Society is in agreement with

the change in 60(2) which eliminates the transfer of funds from the public school boards to the private schools.

Concerning assistance to private schools, it is the policy of the Society that assistance only be provided through shared services which are based on the following principles:

1. That services be offered to private schools on a part-time basis by the public school teachers in the public school system.

2. That the interests of the public school system and of the children within the public school system be fully preserved and that the authority of the public school administration be recognized.

Concerning private schools, the Society believes that parents should have the right to send their children to private schools and other alternate schools. However, the parents' freedom of choice should not interfere with the child's right to an adequate education. The provincial government has the responsibility and the obligation to ensure that all children of school age in the province receive an education that is at least equivalent to that provided by the public school system. The Minister should have the regulatory powers respecting the establishment of non-public schools to enable the Minister to implement the provisions of Section 261(a) of Bill 31 and Section 3(1) of Bill 19, and to ensure an acceptable standard of instruction from duly certified teachers and educational programs for the children attending such schools. Therefore, the Society recommends the inclusion of the following in Section 4(1) of Bill 19 and the preamble is "The Minister may make regulations respecting the establishment and registration of private schools and other non-public schools attended by children of school age in lieu of attendance at public schools."

In making such regulations, the Minister should establish a register so that all private schools where children of school age are in attendance are known to the Minister and further, that the Minister have the obligation to require that, prior to the establishment of any new private schools, certain standards be met. We would advocate the following requirements:

a) That all teachers in such schools be certified in accordance with the Statutes and Regulations;

b) That the curriculum and standard of education be comparable to that offered by the public schools;

c) That the physical characteristics of schools reflect the health, comfort and safety of all children;

d) That all such schools be governed by the same attendance requirements as are stated in law for public schools;

e) That all schools be subject to inspection at regular intervals and, at the request of the Minister, the school board of the area in which they are located, or the authorities of the school.

In addition to those matters already cited, the Society is concerned about the following sections of Bills 31 and 19.

Section 60(5). In this section reference is made to prescribed courses and it is stipulated that only qualified teachers may teach prescribed courses. The implication is that unqualified teachers may teach courses which are not prescribed. Nowhere in either bill are prescribed courses defined, nor is there any authority provided for the Minister to prescribe courses.

The Society believes that should grants be provided to private schools, then the teachers in those schools should all be qualified. This was the intention, we believe, of the requirement introduced by the Minister of Education last year which gave rise to special programs at the Faculty of Education designed to enable teachers in private schools to become qualified.

Failure to clarify the matter of prescribed courses could lead to litigation concerning the funding of private schools. The society believes that prescribed courses should be defined and that the authority of the Minister to prescribe courses be clarified.

Bill 31, 261(b) The exemption from liability for someone whose child, in the opinion of the field representative, is currently receiving a satisfactory standard of education at home or elsewhere, is a change from Bill 22. There is no requirement that the standard be the equivalent to that of the public schools, as is the case with private schools. The reference to home and elsewhere implies that there could be schools, other than private (as defined in Bill 19) and public schools, which may offer an inferior standard of education. Also, leaving the determination of 'satisfactory standard' to the individual field representative will result in a variety of standards.

It is the opinion of the society that this section should be amended to provide for a standard of education equivalent to that provided by the public schools.

Now, with your permission, Mr. Chairperson, I will ask Dorothy Young, our vice-president, to handle the next two sections.

**MR. CHAIRMAN:** Proceed. Dorothy Young.

**MRS. DOROTHY YOUNG:** Thank you, Mr. Chairperson. Educational rights, which in Bill 31 is Section 41(4). The society is pleased that Section 41(5) as worded in Bill 22 has been removed. However, the society believes that Section 41(4) of Bill 31 would be improved by the insertion of the word 'appropriate' before the word 'education'. Such an amendment would ensure that boards provide education which is suitable to the individual needs of children, and this would plug the loophole which we believe still exists in Section 41(4).

Section 41(5) provides that boards may make provision for children to attend a school in another school division for a program not provided in the pupil's home school division. While the section indicates that the residual costs will be paid by the sending division, no mention is made of transportation costs. However, having sat through these hearings for three days, we have been assured by the Minister that regulations governing this transportation are in the making.

Also, it is not clear if a school board can 'opt out' of providing programs even when it is feasible and logical for it to do so. Clarification of these matters is essential, in the opinion of the society. The society recommends that a section be added to provide the right of appeal on decisions about placement and programs of special needs' students. The society supports other briefs that have been presented at these hearings on behalf of special needs' students which have advocated early identification, adequate

teacher preparation and increased resources for special needs' programs.

Section 6, French education, which is Bill 31, Section 79. On two previous occasions, the society has proposed five legislative amendments to the The Public Schools Act concerning French education. Bill 31 includes one of these amendments, the other four are omitted.

Section 79(3) provides that the number of student required for the establishment of French or English classes should be the same for the elementary and secondary levels. The society is pleased with this change, however, it is disappointed that the following amendments were not made:

(a) That enabling legislation be adopted for the establishment of English language schools, French language schools and French immersion schools;

(b) That legislation be adopted to ensure instruction in French in French language schools and in French immersion schools, except for a compulsory English language arts program;

(c) That legislation be adopted to ensure that school boards designate schools as French language schools, French immersion schools or English language schools whenever certain criteria have been met;

(d) That a Languages of Instruction Advisory and Appeal Board be created to replace the current English Language Advisory Committee, French Language Advisory Committee and Languages of Instruction Advisory Board, and that this board, in addition to advising the Minister, have power to hear complaints and grievances of parents and to deal with those complaints and grievances in relation to Section 258 and Section 465(1) of The Public Schools Act.

Not only does Section 79 of Bill 31 not include the changes recommended by the society, it removes direct nominations by francophones or francophone organizations to the Languages of Instruction Advisory Council, Section 79(a), a provision which is in the present Public Schools Act, Section 258(6). The society is also opposed to this change.

Our 7th point, the Rights of School Clinicians, which is found in Bill 19. The Minister has given an undertaking to the society to amend Bill 19, Section 4(2) to include 'The Manitoba Teachers' Society Act'. This would bring school clinicians under the Act and therefore able to perform their functions in the schools. With your permission, Mr. Chairperson, I would ask John Wiens to complete the presentation.

**MR. CHAIRMAN:** John Wiens.

**MR. WIENS:** Thank you. Section 8, The Authority of Field Representatives. The society objects most strenuously to the continuation of the power to suspend a certificate being exercised by a field representative. Inasmuch as the field representative is an employee of the department, he may recommend such action to the Minister who has power under Section 6(1) to suspend a certificate. Such power as the right to suspend a teacher's certificate and to deny the teacher a right to work should not be vested in any civil servant. We note also that the proposed structure of the Certificate Review Committee includes a field representative.

Such a provision clearly creates a conflict of interest with the application of Section 6(2).

The society recommends that Bill 19, Section 6(2) and (3) be deleted. The field officer also appears to have power under Bill 31, Section 261(b) to over-ride the Minister's authority under Section 260(1) by being able to exempt a child from attending school without the written permission of the Minister. It is also inconsistent that whereas children attending a private school are to be assured a standard of education equivalent to that received by children in the public school, Bill 31, Section 60(5), those children attending at home and elsewhere have no such protection.

The society recommends that Bill 31, Section 261(b) be amended to read: 'The field representative certifies that the child is receiving a standard of education at home or elsewhere that is equivalent to the standard provided by the public schools.'

Our last section deals with definitions. The society is concerned with potential problems that may arise due to lack of clarity, lack of definition, and inconsistencies in the proposed legislation. The society, therefore, urges the committee to consider seriously the following questions and concerns:

(1) Bill 31, Section 60(5). What is the meaning of 'sufficient'? What are 'prescribed' courses? The bill does not appear to give the Minister authority to prescribe courses.

(2) Bill 31, Section 92(5) and (6). What is a teaching month? Could it vary from time to time?

(3) Bill 31, Section 92(8). The wording of Section 281(7) of the present Act should be retained since it is not clear what is meant or implied by the terms of the agreement.

(4) Bill 31, Section 93(1). What does actual teaching service mean?

(5) Bill 31, Section 96(g) and (h). These parts are redundant and should be deleted. The matter is taken care of in Sections 41(1)(i) and (j). And if you need reference, that's page 49 for the first section and page 23 for the second one.

(6) Bill 19, Section 6(2). The terms 'incompetency', 'misconduct' need to be defined for purposes of this section.

Mr. Chairperson, we would be pleased to entertain questions at this time.

**MR. CHAIRMAN:** Thank you very much, Mr. Wiens. I would prepare you, before I allow the committee members to ask questions, that you are not obligated to answer any of the questions that are asked of you.

Are there any members the Honourable I don't like to make these errors the Honourable, again, Mr. Schroeder.

**MR. SCHROEDER:** Thank you, Mr. Chairman. Possibly you will soon be a fortune teller.

In terms of the advisory board you were discussing, you've suggested some changes in the makeup and a reduction in number from eight down to six. I notice in the current Bill 19, that if you wish to become a member of the advisory board, it would appear that you're better off being appointed by the senate of one of our universities, than for instance,

by the Manitoba Association of School Trustees or your organization, in that both of your organizations require two nominations for every one individual who is placed on the advisory board, whereas the senate can appoint a specific individual who is then required to be appointed by the Minister to this advisory board. How does your Society view this difference in treatment of your organization and the trustees' organization from the senate?

**MR. WIENS:** Mr. Chairperson, we did not deal with that in our brief; the committee we were talking about in our brief was the Certificate Review Committee. However, I could add that it's always been our position that these should be society appointments, rather than nominations of which some were chosen. We think they should be representing us and that we should be able to choose the people that we wish to place on any committee, whether it be a government committee or any other committee we're asking for a representative on, and that they be appointments rather than nominations.

**MR. SCHROEDER:** You've indicated as well, I believe, in the brief, that you feel that there ought to be a statement of intent in the legislation as to precisely what the purpose of education is. Do you have any specific wording for that?

**MR. WIENS:** In response, I would like to question Mr. Schroeder as to where he picks up the statement of intent, other than perhaps on page 2, Centralist, is that where you pick it up?

**MR. SCHROEDER:** A bit early in the morning, I'm not (Interjection) Yes it is Saturday. I may not be able to find it just offhand. If I cannot find it, does that mean that it is not there and that I just thought that you were giving that indication, and if that is the case, did you not give the indication because you do not believe there should be a statement of intent?

**MR. WIENS:** I did not give any indication because we haven't discussed that.

**MR. SCHROEDER:** On the matter of definitions which you referred to near the end of your brief, I notice you're asking for a number of specific definitions on page 14. I'm just wondering how you compare that lack of definition to the very clear definitions, for instance, of duties of teachers, for example, Section 96(f), which never ceases to amaze me. 'Every teacher shall seize or cause to be seized and take possession of any offensive or dangerous weapon that is brought to school by a pupil, and hand over any such weapon to the principal who shall notify the parent or guardian, warning him that the pupil may be suspended or expelled from the school.' Now when you have that kind of a very definite procedure prescribed in the Act, under one section, I suppose it makes some sense that when you ask what a prescribed course is, or what a teaching month is, or what kind of education a child is entitled to, that that could also be very clearly and specifically defined in the Act.

**Saturday, 5 July, 1980**

**MR. WIENS:** We would believe that in an Act of such major import, that it is possible, and all areas that are open to misinterpretation certainly should be clarified, and that is the reason why we raised these issues. We think they can be clarified; we believe they should be clarified and could be specific.

**MR. SCHROEDER:** Thank you, Mr. Chairman. The opposition has taken the position with respect to tenure that it be a matter that a teacher would be entitled to after his or her first six months of teaching experience and that that tenure would be transferable from one division to another. Now the position of your society is, that there should not be a six-month period. The Minister has indicated that a six-month period prior to tenure would create a considerable amount of chaos in the system, because the six months comes up somewhere in the middle of the year. Would it not be the case, that if you had that type of a period, that in fact it wouldn't create any great number of dismissals at the six-month period, but rather if a school board or superintendent, or whoever decides that a teacher is incompetent to teach, they do have the right with the six months, or without the six months, or the two years without it, to dismiss anyone at any time, and that it would be inconceivable that a superintendent who watched a teacher teaching incompetently up to Christmas, would say, well we'll keep this person on anyway until the second week in February when the six months is over. Or even if we had a period of probation from September to Christmas, that if in November it was discovered that this person was incompetent to teach, that that person would be allowed to continue to teach children incompetently for the next month, because the school board has that extra four weeks to evaluate. Do you feel that the position of the Minister is one which makes sense?

**MR. WIENS:** I had some difficulty following that, Mr. Chairperson, but I'll try. We believe that anything which would give a fair hearing to a teacher, which would be an improvement over what we presently have, is more acceptable than what is in the Act. I guess that's fair enough to say that. It's a pretty general statement. In terms of creating difficulties, the six-month period, it might in fact create some difficulties but we would not think that we're creating more difficulties than what we presently have. We have teachers dismissed by the end of May. They don't have tenure at that point. First and second year year teachers in the division do not have tenure at that point. They continue to teach till the end of June, so whether that would cause a major disruption is questionable. I guess the other thing that might change as a result of that are the times of dismissal. Perhaps it would have to be examined in that light, probably if you had a six-month period I would think. We have two dates of dismissal at the present time. I can only say that we favour any kind of reduction in that what some people like to call a probation period. Any reduction in that is a positive step.

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

**MR. SCHROEDER:** We've heard concerns expressed by other organizations with respect to the arbitration boards, the bureaucracy, the length of

time it takes to have hearings on whether a teacher ought to be continuing to teach or ought not to be continuing to teach. I take it that on Page 15, where you're asking for definition of terms such as incompetency and misconduct, that in fact if you have a clear definition of those terms that this might assist arbitration boards in coming to a decision. Is that the logic behind your proposed change?

**MR. CHAIRMAN:** Mr. Wiens.

**MR. WIENS:** Well, there are two issues I think that were raised there. The first one, the logic behind it is that we don't think that these things should be in the Act unless they are defined in some kind of way because I think there has been a great of difficulty in the past defining them and they really depend on circumstances and depend on individual situations. To have some individual come on and determine what constitutes misconduct or incompetency seems to us, well, it's impractical. It's an impossibility.

The other issue I think that you raised, Mr. Schroeder, was the issue of the length of time and so on. I believe that we have some concerns with the time lines as well, but we also believe that is the way justice is meted out in our society. In almost every instance where people are accused of misdemeanour or whatever else, they are allowed a fair hearing, whether it be . . . I've used the example, I think, in this group before, if I'm going to lose my driver's licence, I get a fair hearing; if I'm going to lose my job, I may not, depending on whether I've moved in the last couple of years. We recognize that in our society that's the way justice is meted out and for that reason we think that's the way we have to go. If it's not a good way, we're open to some suggestions but we feel that the present system is highly unfair. It's a fundamental right, I guess, of people in our society, we believe, to a fair hearing.

**MR. SCHROEDER:** I notice, Mr. Wiens, that you've asked that there be a legislated one-month period from the time an arbitration board is set up until the time it reaches a decision. Is there currently a provision, a time provision in the Act which is longer or shorter than that period?

**MR. WIENS:** I'd like to defer to Mr. Gordon on that.

**MR. CHAIRMAN:** Mr. Gordon.

**MR. W.R. GORDON:** If you are referring to the section under due process, the hearing section, that section is identical with the section that is in the present Act except for the requirement of serving for two years, being employed for two years. I wonder if I could just also respond to the point that you raised previous to that. You referred to Section 6(2) of The Education Department Act. You must distinguish between the field representative suspending a teacher's certificate and the procedure then for due process, which is indeed the employment of the teacher by a school division or school district; under 6(2) on Page 5, requesting as to what incompetency and misconduct mean in terms of the suspension of the teachers' certificates. In terms of the procedure we have outlined for due process, there is no way that we are claiming that due process should protect

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competent teachers, and we say every employer is not only the right but has the responsibility to deal with incompetency at any time, whether the teacher has been employed for six months or six years. All that the due process does is allow the teacher, in the case where the reason given for the termination of the employment, in the opinion of the teacher, is not satisfactory, it is not acceptable that they have recourse to an appeal procedure. That's all at section does. It's a misnomer to call it tenure, because it doesn't provide tenure in the commonly accepted sense.

**R. SCHROEDER:** To Mr. Gordon, then, just to confirm on Page 7, (f), on top, the Arbitration Board shall, within 30 days after its appointment, make its decision and shall immediately forward a copy thereof to each of the parties and to the Minister. You are saying that is in the current Act?

**R. GORDON:** Yes, if those time lines are rigidly adhered to, if the teacher doesn't take the action under a section of the first 10 days, then the teacher waiving his or her rights to that section and those time lines must apply. I think The Arbitration Act does find it may, in unusual circumstances, provide for an extension of time, but that would be under the Arbitration Act.

**R. SCHROEDER:** Mr. Wiens, on Page 2 of your submission, you state that it is important to note that it is dealing with sick leave that the committee which reviewed the Act did not discuss or commend Section 93, etc. Why is it important to note that?

**R. WIENS:** If I may, I think it's important to note the simple reason that it was not considered to be a problem. The current sick leave provisions were not considered to be a difficulty and there may be some question as to why it was raised at all.

**R. SCHROEDER:** I'm a little bit confused. Why is it that you assume that with the change in the law as per Bill 31 that teachers, on quitting their jobs, would be entitled to the unused accumulated sick benefits?

**R. WIENS:** What was the question again, sir?

**R. SCHROEDER:** Under what provision of Bill 31 would, just to quote your brief, it says, 'This would necessitate the provision of lump sum payments for unused accumulated sick benefits when a teacher retires or changes employers.'

**R. WIENS:** We believe that it follows naturally that it's an earned right, that means you've earned a certain number of days. It follows naturally that you would receive some compensation for that. Now, it may mean that these kinds of compensation things will show up at the bargaining table all the time but we believe that a person who has, say, accumulated 30 sick days or something over a period time and wants to change employers says, you owe me something because I have not taken those sick days but I have earned those sick days at the rate of one or every nine days, please compensate me for those days.

**MR. SCHROEDER:** I see; so what you're saying is that if a teacher is handed 20 sick days on September 1, then it's an insurance program, as opposed to something that he or she earns as the year goes on and, if it is an insurance program, then the understanding of the teacher would be that at the end of the year, if none of it has been used, it's just like a fire insurance policy, you throw it away and that type of thing, as opposed to working nine days and then being entitled to a day off. Is that what you are saying?

**MR. WIENS:** Yes, I think that's basically it. We think that it should be a right, there should be protection for teachers. We think that this section is discriminatory against beginning teachers, that a person might only take five sick days but if they took them in the first couple of months of the school year that they would be charged for them and, if you took them all later in the school year, they would not lose pay of those days. So, yes, we believe that's the way to go and we believe, I guess, that teachers have acted very responsibly and have not taken their number of sick days.

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

**MR. CHAIRMAN:** Mr. Doern.

**MR. RUSSELL DOERN:** Mr. Chairman to Mr. Wiens, on the first page of your brief you mention that in your opinion these bills represent 'little change and improvement over their predecessors', which were the previously introduced education bills and some of us have gone so far as to argue, myself in particular, that there is little improvement between Bill 31 and the old, original, unadulterated Act. I just wondered whether you would go that far, whether you feel that there are general improvements or do you think that in some ways you may as well had the old Act?

**MR. CHAIRMAN:** Before I acknowledge Mr. Wiens, might I suggest to the members and the people who are making presentations that it would be best if it appears that the questions and answers come through the Chairman.

Mr. Wiens.

**MR. WIENS:** Mr. Chairperson, in response, that is we believe that certain sections of the present Act, as it exists, certainly serve us better than some of the sections of Bill 31 and sick leave and due process are good examples of that. The improvements, I think come in. In our opinion, one of the improvements is in the area of private schools and one of the improvements is just the length and the complexity of following the Act for certain; but we believe in some of the particular issues that are extremely important to teachers, we'd be better served with the current Act, definitely.

**MR. DOERN:** Mr. Chairman, under the section on private schools. It has been argued that although the payment of money directly rather than through a school board is in some ways an improvement, in another instance isn't, in that if the money were in fact vetted through local school divisions, they would

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have a handle on it or they would at least have some knowledge of what is going on and, by this latest development, they will have little or no knowledge about what is happening in terms of the amount of money being transmitted. I was just wondering whether the Society had taken a position on that particular item.

**MR. WIENS:** Mr. Chairperson, our position is basically stated on Page 8, the first sentence there "The Society is in agreement with the change in 60(2) which eliminates the transfer of funds from public school boards to private schools." Now, I think that the other parts of the Act, at least some other parts of the Act, guarantee the public school system still being involved. However, to have the public school system provide some of these things and perhaps more from local resources than from other resources is a moot point, I believe.

**MR. DOERN:** Well, Mr. Chairman, let's go to the main point. The Society is opposed to direct aid to private and parochial schools; is that so?

**MR. WIENS:** If I may, Mr. Chairperson, I would say we are only opposed on the condition that some harm is done to the public school system by that transfer. That I believe is the moot point.

**MR. DOERN:** Well, I don't know whether it is moot or not, but I'm just telling you that I can read it on Page 8, and it says at the bottom that it's a policy that assistance should only be provided through shared services. Now, I read that very clearly as meaning you favour shared services and therefore, by logical implication, you are opposed to direct aid. You don't want funds going directly to private and parochial schools; you want services provided to private and parochial schools in the public school system, through shared services.

**MR. WIENS:** Well, that is true. If we offer services or assistance to the private schools, we believe that it should come through the shared services and in the public school by public school teachers on a part-time basis, and at all times should the interests of the public school system and the children within that system be preserved.

**MR. DOERN:** So, therefore, I conclude that you favour shared services, or you support shared services but you do not support direct aid?

**MR. WIENS:** The response, I believe, Mr. Chairperson, would be that we would favour shared services. We believe probably that's the way it should happen, if we are offering assistance; if the public school system is offering assistance to private schools, that's the way it should happen, not through the public school boards.

**MR. DOERN:** Mr. Chairman, I also wonder whether the Society has any concern about the sharing of revenues, in the sense that certain moneys are now budgeted for private and parochial schools, a couple of million dollars, and does the Society have any concern that this might, in fact, ultimately be significantly increased and what money is put in

there might come at the expense of the public school system?

**MR. WIENS:** Certainly it is a concern of ours that the money will be channelled from the public school system to the private school system and we do not think that's a responsible way of handling it. That is a concern. If it can be done . . . I'll just leave it there.

**MR. DOERN:** Mr. Chairman, I wonder whether the Society has any figures on the relevant questions that I hear in this section; namely, about the comparison of the number of teachers, number of students, number of schools, number of classrooms, etc. etc. in the public school systems in the past few years, as compared to in private and parochial schools. My impression is that, when you're looking at numbers and percentages, that the number of students, schools, teachers, classes, etc. is down in the public school system but that it is up in the private and parochial school system.

**MR. WIENS:** Mr. Chairperson, I believe that the Minister tabled that information in the House and, at this point, we have no information to doubt that or question the information that was tabled in the House.

**MR. DOERN:** Mr. Chairman, I'm still, I think, waiting for some of that information from the Minister. I do have some but I just reiterate those points to him again. In not a very organized fashion, different bits of information were in fact transmitted to us and distributed but the questions that I was really interested, which I asked MTS for, and the assumption is it came from the Minister was, if we could have a comparison. I simply remind the Minister, if we could have a comparison of those figures that I just alluded to.

The final thing I wanted to ask was that one of the major issues and sections in the bill deals with special needs students and I was just wondering whether, in view of the repeated requests made by Winnipeg School Division on their part to have additional special funding for special needs that they have had over the years, I assume that the Winnipeg Teachers Association has backed Winnipeg School Division No. 1 on that particular request. I was wondering whether MTS also took a public stand on that question.

**MR. DEPUTY CHAIRMAN:** Mr. Wiens.

**MR. WIENS:** I would like to defer to Dorothy Young.

**MR. DEPUTY CHAIRMAN:** Dorothy Young.

**MS YOUNG:** Mr. Chairperson, we also support the need for additional funds for special needs programs, not only in the Winnipeg School Division but in other divisions in the province that need them, as well.

**MR. DOERN:** Mr. Chairman, that is my point, I assume that MTS has in fact taken a stand strongly in favour of special needs, but my question was in the specific instance where the Winnipeg School Division has been asking for this, this year and in the

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past couple of years and prior to that, I was just wondering whether you specifically backed Winnipeg School Division No. 1 or whether you did so under the umbrella of a general approval.

**MS YOUNG:** Mr. Chairperson, it has been under the general umbrella; we weren't specifically asked to back Winnipeg School Division No. 1.

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

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

**MR. ARNOLD BROWN (Rhineland):** Thank you, Mr. Chairman. On Page 2 we read that also the Society is concerned about the increase in authority given to the field representatives, which appears to indicate a more centralized trend in education on the part of the government. I would like to ask Mr. Wiens what his position is as far as the field representative is concerned. Are you opposed to the concept of a field representative or do you see them playing some type of function?

**MR. DEPUTY CHAIRMAN:** Mr. Wiens.

**MR. WIENS:** Mr. Chairperson, I am not sure that we have discussed this at any length as to whether we are opposed to field representatives or not. I think that we would believe that there are certain areas, particularly in the case of private schools, in monitoring some situations where it is necessary and probably desirable to have representatives of the department do research and make judgments in the field.

In terms of some of the powers that are given to the field representatives, we believe that in fact that one person, a civil servant particularly, should not be in the position to make the kinds of determinations and judgments that are being given or the powers that are being given the field representative in this Act, and that in some cases there is a definite infringement by the field representatives on, let's say, teacher obligations and responsibilities, superintendent's obligations and responsibilities, perhaps even school board's.

**MR. BROWN:** It would seem to me that one of the main reasons for having field representatives would be to ensure that we have, as much as we can, the same standard of education in school divisions throughout Manitoba. If we were to do away with the field representatives, then what kind of mechanism would you suggest we have which would ensure that we would have the same standard of education throughout Manitoba?

**MR. WIENS:** I can't answer that question in one extent, because I don't believe that we should have the same standard should have the equivalent standard, but whether we should have the same standard or not, I think that's a real question, that we should have equivalent standards. I think that those can be achieved. We have professional people in the schools. We have school boards that are elected; we have professional superintendents. Equivalent standards can be achieved generally by monitoring by those people in regulations and

powers given to the Minister, or given by the Minister to them.

**MR. BROWN:** Don't you agree, that unless we have somebody that is going to evaluate the various school divisions and the teaching practices and so on, that we're going to get into a situation where, when an employer is going to be employing a student, then he's going to be asking, well, which school did you graduate from, because that's going to become very important. This is really the type of thing which I would think that we should try to avoid. So, it seems to me that he would be playing a very important function in assuring that we do have the same standards or equal standards as much as possible. I recognize that there is going to be some variation, but as much as possible. I feel that this is a very important area in which we have to progress in. Also, when it comes to the evaluation of a teacher, do you feel that the field representative could play a role there?

**MR. WIENS:** There are two questions there, I believe. One of them was evaluation of the system, and I'll defer to Mr. Gordon on that, if I may, and then if I could respond to the last one after Mr. Gordon is done on the evaluation of a teacher, I'll do that.

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

**MR. WIENS:** Excuse me, Mr. Chairperson Mr. Gordon.

**MR. DEPUTY CHAIRMAN:** Mr. Gordon.

**MR. GORDON:** Mr. Chairman, we are not advocating that there not be field representatives. We are concerned about the role that the field representatives have, and we are concerned about the change in the increase in the responsibilities being given to them. We think they do intrude into the responsibilities of school superintendents, and that they do bring them into areas that we think are more properly looked after by school superintendents or by staff. We recognize that the Department of Education, of course, has the responsibility for assuring that all the children in the province receive an education and that nearly as possible that they have equal opportunity to receive that education. We expect that the province somehow is going to monitor what happens across the province, because that's the responsibility of the government and particularly of the Minister of Education.

We do not believe that field representatives should be evaluating teachers in their day-to-day work, that is more properly done by the employers. We have had some instances lately where the field representatives have gone into schools and we think have intruded into areas that are more properly the concerns of superintendents, and there has been some unhappiness on the part of staff with the treatment that they have received from the field representatives. We have drawn those to the attention of the Minister, but it would be wrong to assume that we are opposed to field representatives per se, because we're not. I can understand I think what we're concerned about is working out

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their responsibilities and their relationship to the school program and to the school division. It's a problem of balancing off local autonomy with provincial concerns, and with the government finance it's a larger part of the system, they have that responsibility.

**MR. BROWN:** Mr. Chairman, I believe that Mr. Wiens was also going to address himself to that question.

**MR. DEPUTY CHAIRMAN:** Fair enough. Mr. Wiens.

**MR. WIENS:** Mr. Chairperson, I can only reiterate what Mr. Gordon said about a person, such as a field representative, evaluating a teacher. We believe that people who work side by side with a teacher, a principal, superintendent, and school board members, are in the best position to do that, and somebody who comes in with a limited amount of time or whatever, is not in a good position to do that. We have a small number of field representatives across the province. We don't think that they can dedicate the time, for one thing, nor understand perhaps some of the things that are going on, comprehend fully what's happening in a school and what the conditions are and so on in the period of time that they step into a school, particularly in terms of what's happening in terms of an individual teacher. There are people that are more appropriately suited to do that job.

**MR. BROWN:** Thank you. I'd like to go into a different area now. We have had a lot of briefs advocating that the Department of Education form an appeal system. An ombudsman has been suggested on many an occasion, and this ombudsman of course, would be hearing all disputes rising between parents and school boards, or school boards, teachers, and so on.

I would like to hear your opinion of this. Would you like to see an ombudsman look after all these problems?

**MR. WIENS:** We haven't discussed this at any length. We believe probably that it is impossible to take any dispute to the Ombudsman as he presently exists and have him intercede on somebody's behalf and not make judgments, we recognize that as well but we really haven't discussed whether that would be a desirable mechanism.

I would suggest that there are other mechanisms that could be set up to give fair hearings. The important issue is whether there is a fair hearing given, I think, and how it happens is not that important. If that can be guaranteed, then how it happens is not as important to us as the fact that it happened.

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

**MR. LAURENT L. DESJARDINS (St. Boniface):** Mr. Chairman, in my many years in this House, I was always under the impression that the type of questioning in these committees was to find out about the people that were represented by those addressing us, and also to make sure that we understood the brief, not to go into other areas. But

in view of the some of the type of questioning that has been allowed, I would like to ask Mr. Wiens a question to make sure that I understand this brief.

As far as the private school is concerned, I understand that the society is saying, that as far as the public school was concerned, the only help that they feel should be given by the public school would be through shared services. They also feel that the main interest is to make sure that public schools are protected. They also feel that the government who is making grants should make sure that there is a high standard, acceptable standard, of instruction, and also certified teachers at least the equivalent of public schools.

I turn to page 8. I understand this brief to mean that the society did not like the way that they were required to pass on the grants coming from the provincial government and that they approve the change that has been made, that is if a grant has been made by the government it is up to the government to distribute these grants, but make sure, as I said earlier, that the standards are acceptable. Am I right in this, or is there something that I didn't catch on to that I don't understand?

**MR. DEPUTY CHAIRMAN:** Mr. Wiens.

**MR. WIENS:** All of the discussion that we have is that the funding certainly should be conditional on the preservation of the public school system, I believe that. I think that we do believe that the public school authority should not be in a position of having to handle money for the private school system.

**MR. DESJARDINS:** Thank you. Mr. Wiens, I see that you have your group around you, no doubt to show a unity, that you are together on this . . . I spot a member of your association who is also with the Les Educateurs Franco-Manitobains. I understood, it seems that they are not going to present a brief, they are satisfied to go through you, the association. I would imagine that they are there to answer any question if any.

May I ask of you or others in your group I understand that they agreed pretty well with the brief presented by the parents earlier and I believe by the Association of Franco-Manitobains in regards to 79, and from what I read in your brief also, are you fully in accord with what has been requested in this brief treating with Section 79?

**MR. WIENS:** With your permission, Mr. Chairperson, I will let either Julian Levesque, who is the President of that group, answer that on his own.

**MR. DESJARDINS:** So he is speaking for you then if he does.

**MR. WIENS:** He can speak for either of us.

**MR. DESJARDINS:** Okay, that is what I want.

**MR. WIENS:** As they do in all these matters.

**MR. DESJARDINS:** Okay, fair enough.

**MR. DEPUTY CHAIRMAN:** Mr. Levesque.

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**MR. JULIEN LEVESQUE:** Mr. Desjardins, are you referring to the fact that EFM is concerned with private school too?

**MR. DESJARDINS:** No, no, I am satisfied that I understand the brief in regards to the private school. I am now addressing myself to 79, the recommendations that were made by the parents earlier that no doubt you are aware of, and also by the Société Franco-Manitobaine. I would like to know if this is the society's, and your group within the society, if you agree with those?

**MR. LEVESQUE:** You notice on page 12, the four points that we have mentioned on French education are almost the same as the parents were asking for, and the Société Franco-Manitobaine.

First of all, we asked for establishment of English language schools, French language schools, and French Immersion Schools; and the second one, to ensure that instruction in French, which is the same as the parents have asked, and the Société Franco-Manitobaine and the CEFM, which means the Commissaires d'école franco-manitobains. We agree on these points, and as far as the MTS is concerned, those points were in our policies before and we just put them in; they follow through with our own policies.

**MR. DESJARDINS:** Mr. Chairman, in view of the latitude that was allowed in the questioning, I wonder if it would be a fair question to ask Mr. Wiens if the society agrees with the member of their group of the Société Franco-Manitobaine that the French school at Ile des Chenes should be proceeded with?

**MR. DEPUTY CHAIRMAN:** Mr. Wiens.

**MR. WIENS:** I believe that would be our response, yes, that it should be proceeded with, but I can defer to Mr. Levesque and have him answer the question.

**MR. DESJARDINS:** I am talking about the regional school.

**MR. WIENS:** Or Mr. Gisiger.

**MR. DEPUTY CHAIRMAN:** Mr. Gisiger.

**MR. JOHN GISIGER:** Mr. Chairman, in this respect our Presidents, both Mr. Levesque and Miss Thompson, have written to the Minister recommending that the building of the school at Ile des Chenes be proceeded with.

**MR. DESJARDINS:** Thank you very much, Mr. Wiens. Thank you, Mr. Chairman.

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

**MR. D. JAMES WALDING:** Mr. Chairman, some of my questions have been dealt with, but I did have just one of two for Mr. Wiens.

**MR. DEPUTY CHAIRMAN:** That is the problem with being last.

**MR. WALDING:** I am afraid so. Mr. Wiens, some of the previous delegations before the committee have

suggested that teachers in the classroom perhaps lack some capability of recognizing and dealing with the special needs of children. I wonder if you could comment on this, whether you would see there is a need, and what steps the Teachers' Society is taking to improve that.

**MR. DEPUTY CHAIRMAN:** Mr. Wiens.

**MR. WIENS:** I will ask for some help from Dorothy Young, but I think certainly we would see that there is a need. We know that there are many teachers who probably feel uncomfortable and perhaps are even incapable of dealing with some of the special needs' students at the present time.

We also believe that with some training and with some help that we could make it possible, or that teachers would be able to handle those students. Now we have made several approaches, I think, to various organizations but particularly to the Faculties of Education to encourage them to have teacher trainees take programs and diagnoses, and so on.

I would like to ask Dorothy Young to expand on that if I might, Mr. Chairperson.

**MR. CHAIRMAN:** Dorothy Young.

**MS YOUNG:** Thank you, Mrs. Chairperson. Since Bill 58 was introduced in 1975 which would mandate the education of Special Needs students in the schools, although it was not proclaimed, the Society has been very active in promoting a change of attitude on behalf of teachers towards special needs students, and I think if you went into schools today, as opposed to 1975, you would see quite a change in the attitude of teachers towards the special students.

Besides that, we have, since 1976, requested the Faculty of Education to institute a compulsory course for all teachers in teacher training institutions in the identification of special needs students, in order to make teachers aware of the different kinds of students there are and help them to initially identify them. And I don't mean that in a specialist capacity but at least to recognize that there is something about this child that a specialist should have a look at in order to help me to teach the child. The faculty has refused to make that a compulsory course and I don't know where we go from here, except maybe we need to do what they've done in B.C., where school divisions have banded together and refused to hire teachers unless they have received a compulsory course and in that way they've managed to change the Faculties of Education in B.C. into instituting compulsory courses. We haven't gone that far yet but it maybe something we want to look at.

Besides that, the Society itself has held in-services and conferences on special needs students. We've also encouraged teachers to attend conferences such as MACLD, which was discussed last night, in order to become more fully aware of what these students can do in the regular school system. A lot of our professional development committees have, over the last few years, spent a number of their in-service days in this whole question of special education and special needs students. So, in my opinion, there's been a large improvement. We don't nearly have the trained staff that I personally believe we need in order to meet the needs of these

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students but we're making progress, especially within the system. Also, a number of teachers have, on their own, taken the courses that are available at the university in the identification of special needs students and how to teach them. I think we've become much more aware that those children are a part of society, they do belong in the school system and they deserve the special programs required in order for them to function.

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

**MR. WALDING:** Thank you. That's encouraging. You mentioned that the faculty had refused to make the courses compulsory at the university. May I ask if they gave you a reason for not doing that?

**MS YOUNG:** Thank you, Mr. Chairperson. I don't have a direct quote reason. Some of the reasons we have been given are that they don't like the fact that there should be compulsory courses, that students out there are going into a broad aspect of education and therefore should be able to choose from a wide variety of courses.

I should say that since we have asked for that, there has been a compulsory course instituted at the faculty, and that's a course in media services, so that teachers are able to work the various audio-visual equipment that varies from school to school. I guess my personal concern is that I don't see how media services can be more important than the identification of special needs students and that's a personal concern of mine.

**MR. WALDING:** Mr. Chairman, I would like to ask Mr. Wiens about a new clause in Bill 19. It's 3(2), referring to teacher education programs subject to the approval of the Minister. I didn't see any mention of that in your brief and I wonder if you would see that clause as referring to the matter of special education courses at the university and whether this would be a means that the Minister might use in order to make those courses compulsory, or do you see that clause as having some other implication.

**MR. DEPUTY CHAIRMAN:** Mr. Wiens.

**MR. WIENS:** Mr. Chairperson, I think that probably that is a means of doing it. We would probably suggest that's not a good way of doing it or that would not be our policy as to how it should be done. We believe that we should have some input into what kind of programs are offered, that we are a professional group and should have some input into the decisions that are made about what courses are compulsory and what courses are offered, and how they're offered and the length of time, and those kinds of decisions. Those policies, I guess, are really emphasized in our professional bill, which I believe most of the people have copies of, that we should have input into that. I guess we do have a question as to how come the teacher education institutions aren't here objecting to this because it seems to be taking away from their autonomy, to some extent.

**MR. WALDING:** I'd like to go into a slightly different topic and that of the power of field representatives to suspend a teacher's certificate. We have

questioned this and the answer that we've been given is that there could be emergency situations arise, some special dangerous situation in the classroom with the children where it became necessary. Can you tell us, from the Society's experience, how common this is as an occurrence or perhaps when it last occurred that a field representative or inspector had to suspend or sentence under emergency conditions?

**MR. WIENS:** Mr. Chairperson, I don't think we have any cases where it has happened. In terms of emergency situations, we have had some emergency situations and the school boards and superintendents have taken the action they deemed was necessary.

**MR. WALDING:** Along those lines, I think it was a delegation from school superintendents who said that there is not a school superintendent in every division and, if the emergency should arise with regard to the principal, that then there would be no one else immediately in a position of responsibility to deal with it. Do you see that as a concern?

**MR. WIENS:** You're talking about the supervising principal being the emergency situation in that case? We believe probably that the school board could act more quickly on that than could a field officer. Those situations tend to be remote kind of situations. To get a field officer into those situations might take longer than it takes for the school board or the governing body, in whatever case it may be, to take the actions.

**MR. WALDING:** Thank you. As far as private schools are concerned, you indicate in here and it's our reading, too, that there would appear to be two classes or categories of private schools, those that are receiving public aid and those that are not. It would seem that there are certain conditions or criteria laid down for those schools in receipt of public aid, but it's not covered for those who are outside of that system. Is it the Society's view that all private schools should be treated the same and meet the same criteria, whether or not they are receiving public aid, or should in fact there be two different classes, if you like, and that there should not be the same concern for those schools that are not receiving public money?

**MR. WIENS:** The answer is yes, they should all be treated the same in terms of having to meet certain criteria, criteria for existing, and our concern in meeting those criteria probably is greater for the schools that aren't receiving public aid than it is for those who qualify for public aid.

**MR. WALDING:** Mr. Wiens, if a parent, who was a teacher, was teaching his or her own children at home, would that be classified as a private school not receiving public funds, and if so, would it be possible under those conditions for that particular residence to meet the criteria laid down for a school?

**MR. WIENS:** I believe that possibly it could be classified under a private school; I'm not sure about

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at but I believe they probably could be classified as a private school and meet the qualifications as a qualified teacher teaching and the other qualifications that are met, probably. I could defer to Mr. Gordon. Perhaps he could answer that if there is a different answer.

**R. DEPUTY CHAIRMAN:** Mr. Gordon.

**R. GORDON:** Mr. Chairman, our concern is that it is simply with the standard of education and if the field representative is certain that the standard of education the child is receiving at home or elsewhere. And elsewhere can mean many things; it can mean, we think of some types of schools as identified as not being private schools under the meaning of the Act or public schools under the meaning of the Act. We believe that the field representative should be assured that standard is equal to the standard or similar to the standard in the public schools, the same as it is for private schools. We think that this change in the Act is not a good one and that's the reason why we have recommended that, to ensure an acceptable standard, to be changed to the standard of public schools.

**IR. WALDING:** Just one final question, Mr. Chairman. I would like to ask Mr. Wiens whether teachers in private schools are or are entitled to be members of the Teachers' Society and whether they come under the provisions of the Teachers' Retirement Fund.

**IR. DEPUTY CHAIRMAN:** Mr. Gordon.

**IR. GORDON:** Mr. Chairman, they are not members of the Pension Fund. They are not active members of the Society, although they may apply for associate membership if the provincial council designates their school as one from which they will receive applications for associate members. And we have membership, and we do have some teachers in private schools who are associate members of the society.

**IR. WALDING:** Mr. Chairman, I don't know what associate members of the Society means, but why are they not considered or can they not be members of the Society the same as any other teacher?

**IR. WIENS:** Under The Public Schools Act, they cannot be members the same as other teachers are under The Manitoba Teachers' Society Act but they can be associate members, and an associate member in the Manitoba Teachers' Society means that they receive all the rights and benefits that any other member receives in aid or whatever is coming their way, except they cannot hold elected office.

**IR. DEPUTY CHAIRMAN:** Mr. Gordon, did you want to answer that one also?  
Mr. Walding.

**IR. WALDING:** No further questions, Mr. Chairman, thank you.

**IR. DEPUTY CHAIRMAN:** Mr. Schroeder.

**MR. SCHROEDER:** Thank you, Mr. Chairman, a question to whoever might care to answer this. First of all, starting with Section 1(15), I believe, defines 'school' as meaning a public school, and then Section 260(1), I'm just wondering whether you might have any comment on that. 'Every parent of a child of compulsory school age and every person who has or receives a child of compulsory school age in his house, whether that child is his own or that of any other person and the child is resident with and in the care and custody of the parent or person, as the case may be, shall ensure that the child attends school,' which means a public school, 'unless specifically excused in writing by the Minister.' I'm just wondering whether you see any bureaucratic difficulties with that type of a section.

**MR. WIENS:** There may be an inconsistency there.

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

**MR. CHAIRMAN:** I would like to thank the Manitoba Teachers' Society for presenting their briefs. Thank you very much.

**MR. WIENS:** Mr. Chairperson, I would like to thank you on behalf of the teachers in Manitoba for the opportunity to present our concerns and should members of the committee require any further assistance or answers at all, we're available.

**MR. CHAIRMAN:** Thank you. I call 19, Commissaires d'écoles Franco Manitobains.

Before I call the next one, I have a request that No. 26, The Canadian Association of Mentally Retarded, be allowed to present their brief in advance of their place in the order, considering that the person presenting the brief has a commitment for this afternoon and will not be able to be here this afternoon. It is contrary to the manner in which we have been allowing the members to present their briefs, and by unanimous consent I would call No. 26, but not without unanimous consent. What is the pleasure of the committee?

**MR. DESJARDINS:** Well, Mr. Chairman, I . . .

**A MEMBER:** What's the next number, Mr. Chairman? I can't be here this afternoon either, I'm sorry.

**MR. DESJARDINS:** Mr. Chairman, I don't think it means that much to the members of the committee, but we've been trying to follow and a lot of people are in the same boat, they've been here for three days and I think it's difficult. I think that we could receive the bill if they are not here and keep the bill, but I think it is unfair to the rest of the members. To us it doesn't matter, we're going to sit until there are no more presentations. I think we should follow the . . .

**MR. CHAIRMAN:** If I could just ask the representative of No. 26, Canadian Association of Mentally Retarded, if they have a prepared brief that they would like to leave with the committee if they are unable to present it this afternoon?

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**MR. BRIAN LAW:** Ours will be short and perhaps they can still . . .

**MR. CHAIRMAN:** It's of no matter.

**MR. DESJARDINS:** No, but there are other people after you too that feel like you do.

**MR. CHAIRMAN:** Is there a representative of the Canadian Association of Mentally Retarded? I am just asking if you have a brief that you could present? You will not be allowed to speak at this time, other than in the order that you are listed.

**MR. LAW:** I appreciate that. We could present next week but we are in a position where the Chairman of our Education Committee is in Ireland, Dr. John Curran, Mr. Jim Rodger, our president is on vacation in Michigan. We anticipated this to happen the last week of June and myself and the Executive Director have a commitment this afternoon out of town. That was the reason we made the request last evening to the clerk.

**MR. CHAIRMAN:** The only suggestion I can make to you is that there is a possibility that this committee will be finished today. If you have a brief to present . . .

**MR. LAW:** We have submitted the brief already.

**MR. CHAIRMAN:** Oh, fair enough then. I will see that it is distributed to the members if you are not able to be here this afternoon or this evening, whenever we get to it.

**MR. CLERK:** We are not sitting this evening.

**MR. CHAIRMAN:** Oh, well this afternoon. We will see that the brief is distributed.

**MR. LAW:** If you are sitting next week, could we be notified so that we could make representation.

**MR. CHAIRMAN:** If that is the case you certainly will be notified.

**MR. BILL KENDALL:** May I just ask a question. I'm Bill Kendall, the Executive Director of the Association. Will the committee be sitting tonight?

**MR. CHAIRMAN:** No. I have just been advised that it will not be sitting tonight. It will be sitting this afternoon and next week if we are not completed.

**MR. KENDALL:** Okay. We'll opt for next week.

**MR. CHAIRMAN:** You have a brief. Would it be permissible to distribute the brief to the members today? Well it will be distributed now, then.

I call No. 20, Joe Stangl.

**MR. JOE STANGL:** Mr. Chairman, I would like to request Mr. Cvitkovitch to be in attendance, with your permission.

**MR. CHAIRMAN:** Proceed.

**MR. STANGL:** Mr. Chairman, Mr. Minister, honourable members, Members of the Department of

Education, Ladies and Gentlemen. On behalf of the Manitoba Federation of Independent Schools, I want to express our support for Part IV of the proposed new Public Schools Act and also the section on Instruction in Religion as laid out in Bill 31. Furthermore, I want to commend our Minister of Education and his staff for the excellent work done in preparing this bill.

Our major concern is the content of Section 4 of the Act. The concept we see there is in keeping with the resolution passed by the Manitoba Association of School Trustees at their annual convention in March of 1979, as well as other occasions, and again, in their presentation to the Committee on Elections and Privileges in October, 1979. We note also similar presentations by several public school boards and other related groups. We believe that, in effect, with these requests the Minister of Education and his government have, in fact, a mandate to so proceed.

Public school boards have proposed this approach for several reasons, chiefly as they do not want to be the middleman or broker; and further they do not want to incur this extra unwarranted processing cost for no internal purpose.

The independent schools are subjected to varying degrees of goodwill that may prevail from time to time among the trustees of public school board when having their application for agreed services processed and forwarded to the Minister for approval.

Public School Boards do not have any real responsibility for the application and their contents which, in fact, is the responsibility of the Minister, through his officials in the Department of Education, so it does not appear logical that the current process should continue to apply.

More significantly, however, it is to be noted for all concerned that the application for, and grant to private schools, is not a new principle for the present provincial government, or even the previous one for that matter, but rather this new approach in administration is a more direct and a simpler process of an already established one. The fact of the matter is that virtually all of the arrangements with regard to the application for Agreements for Other Services, as applicable to the instruction of children enrolled in the private schools, are handled directly between the officers of the Department of Education and the administrators of the private schools. The proposed legislation makes eminent sense and merely proposes to legislate what is already taking place.

As President of the Manitoba Federation of Independent Schools I want to say that by virtue of my involvement in the public school system at the local, provincial and national levels I am a strong supporter of the public system and frankly feel that it serves the major portion of the public well. However, by the same token, I also support the need for alternative educational opportunities that fulfill the needs and wishes of parents and students who may have different values and different philosophies which can only be achieved when the education and environment lend themselves to that common approach something the public system, by virtue of its neutrality and non-sectarian approach, cannot fulfill. Besides, I believe that competition is healthy and will cause all sectors of education to be more alert and more attuned to society, something a

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nonolithic approach may very well not achieve. Hence a direct form of financial involvement in alternative education is not only desirable but important, which this new legislation will fulfill.

Now, Mr. Chairman, with your permission, I would like to ask Mr. Cvitkovitch to make a very brief presentation, or statement rather, as a past president of the Manitoba Catholic School Trustees Association. Mr. Cvitkovitch, with your permission, Mr. Chairman.

**MR. CHAIRMAN:** Yes, Mr. Cvitkovitch.

**MR. FRANK CVITKOVITCH, Q.C.:** Mr. Chairman. In the absence of the designated representative of the Manitoba Catholic School Trustee Association, it is my privilege to make this submission on behalf of the Catholic School Trustee Association.

This submission is made in support of the government's proposed revisions to The Public Schools Act, as they pertain to private schools in the province, and in particular, Part IV, and principally Section 60.

The Manitoba Catholic School Trustees Association represents all Catholic schools in the province. There are 18 Catholic schools and there are approximately 3,400 children being educated in those schools. Catholic schools provide for the education of children according to the criteria established by . . .

**MR. CHAIRMAN:** Excuse me. Do you have a copy of this brief that could be distributed to the members.

**MR. CVITKOVITCH:** Unfortunately I do not, Mr. Chairman. I am apologizing a little bit in between here and it was a presentation that was prepared by someone else. There is only another paragraph or so, in terms of the length of it.

**MR. CHAIRMAN:** It puts us at some difficulty, but carry on. Just a moment.

The Honourable Member for St. Boniface.

**MR. DESJARDINS:** Mr. Chairman, could we listen to the end, the last paragraph, and then could you wait a minute or so that copies be made and circulated to the members? Would you allow that?

**MR. CVITKOVITCH:** The only thing I'm saying is that I've said some things that aren't on the piece of paper. There's nothing in this brief about the number of children, which I personally thought was important so I was updating it.

**MR. CHAIRMAN:** Proceed.

**MR. CVITKOVITCH:** The change proposed by your government, or I should say I had indicated that the children were being educated according to the criteria established by the department. In addition, they provide the students with religious instruction and an understanding of Christian values.

The change proposed by the government would allow the Minister of Education to deal directly with independent schools, would clearly simplify the present very cumbersome procedures, and indeed, conforms as well to the requests that your committee

has listened to from the public school trustees, that their boards not be involved in the administration of these funds to independent schools.

As Catholic school trustees therefore, Mr. Chairman, we wish to commend this government for continuing to provide the best education we believe for the majority, and at the same time recognizing the rights of the minorities.

Thank you, Mr. Chairman.

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

**MR. STANGL:** Mr. Chairman, if I can now finish, please.

**MR. CHAIRMAN:** Mr. Stangl.

**MR. STANGL:** On behalf of the Manitoba Federation of Independent Schools, I urge the committee to support Part IV of Bill 31, and Section 81 as it now stands, for final legislative approval, because you would indeed be supporting the mandate that the public bodies originally referred to, to have urged the Minister of Education and the Government of Manitoba to legislate and implement.

Thank you, Mr. Chairman.

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

**MR. DESJARDINS:** Mr. Chairman, I would like to ask Mr. Stangl to give us an idea what the Federation of Independent Schools are. We have had, I take it, one of your members, the Catholic Schools, supporting your brief, but with their statement now, this is not only Catholic schools. Could you tell us more about the Federation?

**MR. STANGL:** Mr. Chairman, Mr. Desjardins. I didn't include it for the reason that we were trying to be as close and as precise as possible, and short because of your time lines as well. But in our presentation to the members of the Standing Committee on Privileges and Elections in October, I did make a full coverage and I will repeat that for the honourable member's request.

The Manitoba Federation of Independent Schools was duly incorporated to the Letters Patent on the 26th day of November, 1974, and has as its objects to support and encourage high standards in the independent schools in Manitoba, to make known to the public the rightful place and responsibility of the independent school within a democratic and diversified society, to strengthen understanding and co-operation between the Independent School Association and other educational institutions and between the Independent School Association and the government, to represent all independent school members and associations of such schools with respect to the receiving and disbursing of federal, provincial or other governmental grants or payments to be applied for the benefit of education in Manitoba in accordance with the terms of such grants or payments as are, by statute, regulation or agreement. The Federation functions under bylaws which stipulates its membership voting rights, meetings, board of directors, the executive, standing committee and other usual requirements and procedures of a corporation.

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We have regular meetings, annual meetings and various educational programs and conferences to assist the membership in the fulfillment of their roles, obligations and responsibilities.

As you know, in Manitoba there are currently, at that point in time, 59 schools, and at this point in time there are 57. Not all of these schools are members of the federation, although we offer certain services to all of them. However, the major number of the schools are members and they represent various denominations and non-denominational schools, such as the various Mennonite schools, Christian, Calvin Christian Schools, Jewish Schools, Roman and Ukrainian Catholic Schools, Balmoral School, St. Johns Cathedral Boys School, St. Johns Ravenscourt and the University of Winnipeg Collegiate.

I think, Mr. Chairman, that summarizes, as succinctly as I can, at this point in time, what the Manitoba Federation of Independent Schools represents.

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

**MR. DESJARDINS:** Thank you, Mr. Chairman. Would Mr. Stangl allow the Clerk to get copies of this made?

**MR. CHAIRMAN:** We are just in the process.

**MR. STANGL:** I will be pleased to pass that along to him, indeed.

**MR. DESJARDINS:** Thank you.

**MR. CHAIRMAN:** Mr. McKenzie.

**MR. MCKENZIE:** Mr. Stangl, St. Vladimir's College in Roblin, is that included in the list that you just read from?

**MR. MCKENZIE:** Mr. Stangl, St. Vladimir's College at Roblin, is that included in the list that you just read from?

**MR. STANGL:** Mr. McKenzie, yes it is. It's one of the members.

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

**MR. WALDING:** Mr. Stangl, in your support of Part 4, I would assume that you support the standards that are laid out under that part?

**MR. STANGL:** Mr. Chairman, Mr. Walding, we support the standards that are laid out under The Public Schools Act in that particular section. In addition to that, we have a criteria of membership which also spells out the kind of criteria required and one of them is that it must be an education equal to or as good as the public system offers.

**MR. WALDING:** The Act refers to private schools and as a definition those that are receiving public aid. Would it be the position of your association that those private schools who do not receive public aid should meet the same standards?

**MR. STANGL:** Mr. Chairman, we would assume, in fact, that all of the schools meet the standards. As a matter of fact, that is a responsibility of the Minister and the department. Now I must also say, Mr. Chairman and Mr. Walding, that not all of the 57 schools that are a part of the independent schools in Manitoba really want to avail themselves of this funding. As you know, application has to be made, then it was duly processed through the public board and on to the Minister for his approval. We have found in the past that only some 30-odd schools have so availed themselves of this opportunity, whereas others might have if they had so desired.

**MR. WALDING:** But just to clarify, you would agree that all private schools should be required to meet those certain standards that are laid down, whether or not they receive public aid. Is that your point?

**MR. STANGL:** Mr. Chairman, Mr. Walding, I think I tried to indicate to you before that the philosophy of the Manitoba Federation of Independent Schools is that we have standards equal to or better than the public school system.

**MR. WALDING:** I would like to ask Mr. Stangl whether the teachers in his schools are encouraged to join the Manitoba Teachers Society.

**MR. STANGL:** Mr. Chairman, Mr. Walding, no, they're not.

**MR. WALDING:** Are they discouraged, or is your association neutral on the point?

**MR. STANGL:** Mr. Chairman, Mr. Walding, the fact of the matter is that if they become associate members, they really would not still avail themselves of all the benefits of the MTS. To become a full member of MTS they ought to also be entitled to some of the other fringe benefits such as pension plans, etc., and since they are not entitled to that, they more frequently than not do not want to become a member, since they're not getting all the benefits that the MTS members might otherwise enjoy.

**MR. WALDING:** Mr. Stangl, that wasn't quite the question that I asked. I asked whether your association took a discouraging attitude towards the teachers, or a neutral attitude?

**MR. STANGL:** Mr. Chairman, Mr. Walding, our association in fact takes a rather neutral attitude in this respect.

**MR. WALDING:** And as far as the pensions, you mentioned that in passing too, does your association have a policy with regard to private school teachers being members of the teachers' retirement fund?

**MR. STANGL:** Mr. Chairman, Mr. Walding, we would love to have our teachers members of the teachers' retirement fund, but under the Public Schools Act, they are not allowed to become members and participate and to that extent, Mr. Chairman, we as a federation have undertaken to offer some of the fringe benefits to our teachers in terms of pension and/or group life plans.

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

**MR. SCHROEDER:** Thank you, Mr. Chairman. To Mr. Stangl, you indicated in your brief that you felt that an alternative system would provide a certain amount of competition to the public system and to that extent it might be an advisable thing to have for all of education, not only for private but also for public education. Following up on that concept, in the last several days that we've been sitting we've been hearing a great deal about children who are in our system who have disabilities of one form or another, physical disabilities, learning disabilities, etc., and of course there is the matter of where children come from. I think, for instance it seems to me that the competition isn't a total competition. That is, you probably don't receive that great a percentage or as great a percentage of your children from families who live in public housing, for instance, as the public school system does.

I'm just wondering what you do to encourage children with disabilities so that you get a fair cross-section of the population coming to your schools. Do you have psychiatrists, for instance, available in your schools for the various problems that students face in our population at large? Do you have clinicians, do you ensure barrier-free designs in your schools, do you provide accommodation for very low teacher pupil ratios for those children with special needs? What, in fact, do you do for those who are other than in a position of being children who are from upwardly mobile middle-class families?

**MR. STANGL:** Mr. Chairman, Mr. Schroeder. First of all, I would like to correct an observation. I did not say that I support an alternative educational system. I said I support an alternative educational opportunity. We do not subscribe and propose to promote an alternative system for a variety of reasons. However, I would like to also indicate to Mr. Schroeder that we, in fact, have children in the independent schools who come from and for a better word, at this point in time destitute situations. Only yesterday I had a call from a family wanting to attend an independent school, but have absolutely no funding. And under those circumstances we make bursaries available to take care of whatever the fees may be.

I can also relate of incidences in the private school situations, or independent school situations, where they take children who have learning disabilities and, wherein the public school had, at this particular point in time, I must tell you that as a public school trustee I have also always supported the opportunity for the private schools, or the independent schools in the areas, to avail themselves of the psychiatry facilities or abilities and learning disabilities, any of the resource people that are made available in the public system, and they are generally also available to the independent schools.

Now, what happens in some instances, however, is the independent schools have to pay if they do not happen to be from a particular school division where that public school board operates, and if that independent school operates within that public school and the children are not from that particular division, it is not uncommon that the public school

calls for a fee when those services are rendered. It is unfortunate that it so exists but that's the way it is.

Generally speaking I would say, and if you want some reinforcement we have the Superintendent of the Catholic Parochial Schools, at least she could speak of her own experiences in terms of the Catholic school children, and perhaps, she could amplify and add. Sister Amanda, is there anything that you could add for Mr. Schroeder, with the permission of the Chairman?

**MR. CHAIRMAN:** Sister, could I have the spelling of your name before you proceed?

**SISTER AMANDA DESHARNAIS:** It's Sister Amanda Desharnais. I would simply like to add, Mr. Chairman, that according to what Mr. Stangl has mentioned, we do accommodate some students with learning disabilities, as well as handicaps, inasmuch as we feel that we are doing justice to that particular child if we feel that the situation is such that we can do what is best for him or her. We will have that child and we have had a wheelchair child, we have had a deaf and dumb child in the class, we have had a variety of such handicaps within our ranks. And we would love to accommodate more of them, but financially we are limited to the number that we now have in our schools.

**MR. CHAIRMAN:** Mr. Schroeder

**MR. CVITKOVITCH:** Mr. Chairman, I wonder if I would be permitted also to provide an answer to Mr. Schroeder.

**MR. CHAIRMAN:** Mr. Cvitkovitch.

**MR. CVITKOVITCH:** Mr. Chairman, in connection with his suggestion that the population comes from families that are middle-income and upwardly mobile, I think was his terminology. I believe there have been studies done, and one fairly recently published in the Manitoba Teachers Society publication, in terms of where the children come from, and that is really a misconception and a myth that they are coming, necessarily, from middle income. There probably is a consistency in terms of commitment from the parent for wanting a particular philosophy or particular education. That is where the consistency is, not in their income. And, in terms of the Catholic schools, many of the Catholic Parochial schools are non-tuition institutions; many of them have a wide cross-section because the parents don't just come from the area of River Heights where the school may be located, or the core area where the school is located, but the parents may be around the area and practising their faith in that particular parish and coming from divergent areas.

So that, in my own personal experience, and the experience of my children, I would say they have encountered quite a wide cross-section in terms of income groups in their schools and I would say that, again, I can't speak for the Jewish and Mennonite communities, except for having met with their trustees, and I think that their experience is very much the same in terms of a school that is operated with a religious philosophy.

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

**MR. SCHROEDER:** Yes, Mr. Chairman. As a graduate of a Mennonite institution, I recall very clearly going to school with several hundreds of children. I don't recall any provisions being made for people with learning disabilities at that time; hopefully things have improved. I wasn't suggesting that there was no accommodation being made in the alternative system for children with disabilities. I do feel that the basic premise that there is less accommodation in the alternative schools than in the public schools for problem children is a correct position. I didn't suggest, especially, that the Catholic schools and the Mennonite schools and the religious schools would not allow children from destitute families in, although I do think that some members of your federation, such as St. Johns Ravenscourt, for instance, might be in a slightly different position on that.

I do believe that, in general well, I'll pose it as a question. Would you not agree with me that in general, that if you took a cross-section of the children in our society, that you would have a tendency to have those with fewer as opposed to greater disabilities coming to the independent schools?

**MR. STANGL:** Mr. Chairman, as a matter of fact, I would like to suggest to Mr. Schroeder that the reverse is true. Just recently a statement was issued that whereas in the public system you may average a numbers game of two children with learning disabilities in every classroom, and that is a statistic that was related and it is not my authority, I am just repeating it, we have, in fact, in some of the independent schools, classes with as high as four. And that was another statistic that was developed by people who are in the independent schools. So really all we are saying is that the numbers game will change according to the situation that prevails in that particular area and the people that support it. It is really not a definitive situation. It is really not something that you can put your finger on and say that there are X-number. Mr. Schroeder might be right to this extent. If there were more financial resources available for the independent schools, then I would expect that we'd wind up with more children, regardless of faith, in the independent schools for other reasons.

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

**MR. SCHROEDER:** No further questions, thank you.

**MR. CHAIRMAN:** Mr. McKenzie.

**MR. MCKENZIE:** Mr. Stangl, I suspect from reading your presentation that you urge us members of this committee to urge the other members of the House that are not here to fully support this bill.

**MR. STANGL:** Mr. Chairman, Mr. McKenzie, that's our hope. We would ask that other the members of the House be asked to support the bill.

**MR. CHAIRMAN:** Thank you, sir. Mr. Doern.

**MR. DOERN:** Mr. Chairman, I wanted to ask Mr. Stangl again about Special Needs students in regard to equipment and trained personnel. Are there any schools that you are familiar with that have such things as wheelchair ramps or elevators or special equipment for, say, where you need some sort of hardware for children who have auditory handicap or visual handicaps, or any other kinds of handicaps? Are there private schools that have that type of hardware?

**MR. STANGL:** Mr. Chairman, Mr. Doern, yes, to a limited extent. We certainly have ramps, we certainly have elevators. We also have access in the instructional area to people with abilities to be called in, and that's an arrangement that exists under the agreed services with (a) where schools handle it themselves and have the abilities and the trained staff, this is great. On the other hand, we also have recourse to some of the services through the public system through the agreed services.

**MR. DOERN:** Just on that last point, are you saying that at present there is some special equipment that you can now access in the public school system for your handicapped students? Is that what you said? I'm not . . .

**MR. STANGL:** Mr. Chairman, Mr. Doern, I happen to be on the Advisory Council of the Child Guidance, and I can assure you that that need, if it develops, is generally responded to.

**MR. DOERN:** Mr. Chairman, now we're apparently going from a system of shared services to direct aid and I understand Mr. Stangl to say that at present they are able to access shared services, and I wonder whether he envisions a continuation of shared services of that, or any other nature, while at the same time obtaining direct aid, or does he believe that the direct aid will, in effect, eliminate further shared services?

**MR. STANGL:** Mr. Chairman, Mr. Doern, Part IV, Agreements with Private Schools, has two sections: One is the agreement for other services in 62, and the other is grants to private schools in 65. They are now functioning paralleling in a parallel fashion only through the public boards. We have a separate agreement with the public board for agreement for other services, for which the government pays the moneys to the public board, and those are not moneys that come to the independent school.

We have another agreement covering grants to private schools for instruction and services for the private school children within the private school. The legislation, if approved and legislated as it exists here, will make that facility possible and I would hope that there would be a continued arrangement as called for in the Act that would take care of these problems that Mr. Doern is referring to.

**MR. DOERN:** So up to the present, then, you have been able to access some shared services in the public school system and also access some of the services for handicapped students?

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**MR. STANGL:** Mr. Chairman, Mr. Doern, that is correct.

**MR. DOERN:** My other question, which may overlap what my colleague was asking about is, again, in addition to hardware and equipment you need teachers with special skills and I wonder whether Mr. Stangl could comment again on the abilities of teachers to deal with handicapped students. Now I'm assuming that love and affection and academic competence can go a long way, I'm assuming that, but I wonder whether as well some of the teachers are particularly trained to deal with Special Needs students?

**MR. STANGL:** Mr. Chairman, Mr. Doern, I think in ratio the special training would be no different in the independent school system than it is in the public school system.

**MR. CHAIRMAN:** Mr. Doern.

**MR. DOERN:** Thank you.

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

**MR. DESJARDINS:** Mr. Chairman, Mr. Stangl, there has been a lot of concern, as you see by the committee, for the handicapped children. Would it be fair to say that your schools, the schools that you represent, would be in the same position as the public schools to provide this healthy extra cost needed to educate a handicapped child who would have to come from somewhere, the same as in the public schools? You'd be in the same situation as the public schools.

**MR. CHAIRMAN:** Mr. Stangl.

**MR. STANGL:** Mr. Chairman, Mr. Desjardins, if I read Mr. Desjardins correct, he is suggesting perhaps that if extra funds are needed to help the special needs of children, we ought to have the same recourse as the public system. If that were so then, of course, we'd be able to look after equal numbers of students on a ratio basis. If the funds are not available, we're as helpless as everyone else.

**MR. DESJARDINS:** You read me correctly, that's my question.

**MR. STANGL:** Mr. Chairman, on behalf of the Manitoba Federation of Independent Schools and the people represented here, I'd like to express my appreciation again, as we did at the Committee on Privileges and Elections, to have the opportunity to appear before you and I again want to commend the Minister and his staff for what I think is an excellent piece of workmanship after the years that I sat on that same committee studying The Public Schools Act. I know there are many shortcomings, but on the other hand, without a start we'd never get there.

So to the Minister and his staff certainly on behalf of the Federation of Independent Schools, our sincere appreciation.

**MR. CHAIRMAN:** The committee would like to thank you for your presentation, Mr. Stangl, Mr. Cvitkovitch and Sister Desharnais. Thank you.

We're going to run into a bit of a problem. There's been some assurance to No. 21 that he would be the first person to speak at our reconvening at 2:00 o'clock. (Interjection) Not necessarily? Fair enough then. I call No. 23, Manitoba Association of School Trustees.

Mr. Desjardins.

**MR. DESJARDINS:** While this gentleman is getting ready, I wonder if we can go through the list, there's only a few, to see who are here and who would be able to come this afternoon, to give us an idea, just read the few numbers that you have. There's only four or five

**MR. CHAIRMAN:** Yes, I think that would be permissible. If I could just speak to the people that are in attendance, is there anybody here that will be making a presentation? We have two people making presentations; that will be probably this afternoon. Is that the information you wanted, Mr. Desjardins?

**MR. DESJARDINS:** If there are only two, the committee might consider, depending on how long it takes, might consider finishing now, then these people would not have to return this afternoon.

**MR. CHAIRMAN:** We have made a commitment to one party to come back at 2:00 o'clock.

Mr. Doern.

**MR. DOERN:** Mr. Chairman, just for clarification, I assume we're going to finish the MAST brief and then adjourn for lunch and then resume at 2:00 o'clock. Is that correct?

**MR. CHAIRMAN:** As Chairman, I would have to call Committee Rise at 12:30 p.m. unless I had unanimous consent to carry on.

**MR. DOERN:** I see. In other words, you're saying the original intent was to wind up this morning and . . . No?

**MR. CHAIRMAN:** No, it wasn't my intent or the committee's intent at all.

Mr. Walding.

**MR. WALDING:** Mr. Chairman, the School Trustees Association might well have a lengthy brief for us. I wonder if it might be a courtesy to them if they were to begin this afternoon rather than interrupt them in 10 minutes.

**MR. CHAIRMAN:** I think that was my suggestion just a little earlier, but I didn't have agreement. With the committee's approval, I would ask the . . . Mr. Schroeder.

**MR. SCHROEDER:** Can I make the suggestion that we come back at 1:30 and commence with the MAST brief?

**MR. CHAIRMAN:** Do we have unanimous consent that committee will reconvene at 1:30 p.m.? Is there anybody in disagreement? (Interjections) I am at the call of this committee.

Mr. McKenzie.

**MR. McKENZIE:** Mr. Chairman, I move the committee that we hear this gentleman's brief. He's here and he has it before us.

**MR. CHAIRMAN:** Okay. Proceed.

**MR. JOHN MURRAY:** Mr. Chairman, my name is John Murray, I'm president of the Trustees Association. I would like to ask that the people who are with me be allowed to come to the table. I have Vice-President Myrtle Zimmerman, and Roy White from the Trustees Association office, and I would ask that they could be with us.

**MR. CHAIRMAN:** Certainly. Proceed.

**MR. MURRAY:** Mr. Chairman, I welcome this opportunity to present the views of our association on four sections of Bill 31 which are of some considerable concern to us. I also welcome this opportunity to commend our Minister of Education, Mr. Cosens, for the excellent work he and members of his department have done in preparing this bill. Generally speaking, I can say that school boards in this province are pleased with its organization and content. I want to also thank the members of the Committee on Privileges and Elections for hearing our brief last October and accepting so many of our recommendations.

In particular, Mr. Chairman, trustees are pleased that Section 48(1)(x) of Bill 22 has been deleted from Bill 31. We also appreciate the clarification of sick leave entitlement as contained in Section 93. Section 57 of Bill 22, which dealt with trustee representation by population would have deprived some rural areas of representation on the school board and we appreciate the fact that this has now become permissive rather than obligatory.

I could refer to many other sections of Bill 31 where changes have been made which have the support of trustees, but the main purpose of my attendance here today is to bring your attention to four areas which are still of some concern to us, and to make recommendations for changes.

Section 41(1)(p) we have a recommended amendment. Following the word 'maintained' in the second sentence, add the words 'and to assign students thereto'.

The right of school boards to assign students to a particular school where there is more than one school is contained in Manitoba Regulation E10-R6, Section 46. We believe that it should also appear in The Public Schools Act because of its importance to school boards. Regulations can be changed by Order-in-Council, but an Act can only be changed by the Legislature. One would normally expect to find the rights and responsibilities of school boards to be in the Act rather than the regulation.

Sections 92(1) and 92(2) a recommended amendment. In the first line of Section 92(1) and 92(2), immediately following the word 'teacher' insert the words 'except substitute teachers'.

Most substitute teachers are called in for one day or two days to replace a teacher who is ill. Sometimes, because of the nature of the illness, the substitute could be in the classroom for a week or even longer. Normally a board has the names of a number of substitutes and when a teacher calls in

sick someone will start calling the names on the list until one agrees to come. Sometimes it is not possible to get a qualified teacher to serve as a substitute, and therefore, it is necessary to engage someone who is not a teacher. I am sure, Mr. Chairman, that it was never intended that these sections should apply to substitute teachers because of the administrative difficulties of having each one sign a contract.

Form 2 contract can only be terminated by notice given one month prior to December 31 or June 30 unless by mutual agreement or a declared emergency. It is clearly not designed to accommodate teachers who are called in for one day. We believe it is important that this clarification be made before Bill 31 becomes law.

Section 92(5) recommended amendment. In the eighth line delete the words, 'an aggregate of' and immediately after '20' insert the word 'consecutive'; and in the ninth line immediately after 'service', add the words, 'or the equivalent in part-time service.' The present reading of Bill 31 gives rise to all kinds of problems for school boards in determining when a teacher obtains tenure. We agree with the clarification contained in '20 teaching months of paid service' but are concerned with the implications of the word 'aggregate'. If a teacher taught for one-and-a-half years 10 years ago and stopped teaching to raise a family, she would only need to be on staff for five months in order to gain tenure. An evaluation of her performance 10 years ago, if available, would probably have very little relationship to her performance today. A full 20 months of continuous employment is necessary in order to be assured that a teacher should have tenure. If a teacher is employed half-time, the person who is working with and evaluating that teacher is only able to spend half the time necessary to do a full evaluation. We would suggest that where a teacher is employed half-time, the number of consecutive months of paid service required to obtain tenure should be 40.

Section 94 recommended amendment. In the third line immediately following the word, 'practitioner', insert the words, 'who may be appointed by the board for the purpose.'

The board must have the right to designate the medical practitioner in order to reduce the possibility of abuse. You may well remember, Mr. Chairman, when all of the teachers of a school phoned in sick on the same day in order to protest a decision of the board. The board said that a day's pay would be deducted unless the teachers could produce a medical certificate to certify that they were sick. All of the teachers were able to produce a medical certificate.

Mr. Chairman, I'd like to thank you for the opportunity to present this brief to you and I would also like to say that, as the Manitoba Association of School Trustees, we would like to support the presentation that was made by the French School Board Association. I believe we made some comments at the last hearing on that area and we certainly would concur with their presentation that they made.

**MR. CHAIRMAN:** Mr. Murray, would you and your associates be prepared to answer any questions of the committee?

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**MR. MURRAY:** Yes, we will.

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

**MR. SCHROEDER:** Thank you, Mr. Chairman, Through you to Mr. Murray, with respect to the changes to Sections 92(1) and (2) that you recommend, first of all it would appear to me from a reading of the Act that the form 2 contract you refer to could only be one which would be entered into between the school board and a teacher as defined in Section (1), which is someone who holds a certificate or who has been approved by the Minister to teach, so that if you hired someone else that this provision would not apply. As well, in terms of termination, would it not be correct to say that if you decided you did not wish to recall a substitute teacher, there is no real difficulty if you provide the notice as contained in the current suggested Act in that you don't have to call the teacher back to work again? You can give the notice and simply not be asking that individual to come back.

**MR. MURRAY:** Mr. Chairman, I think the concern is the length of time. When we hire a substitute, we're not sure of the length of time that they are going to be performing in the school and it could be that if they were going to sign a contract, that you're going to have two people on the same position. It's a concern that we have and we felt it would be clarified if substitutes were added to that section, that the words, 'except substitute teachers' were included in that section.

**MR. SCHROEDER:** But when you have a substitute teacher, is that not by definition a position which is not a full-time position? That is, if you have a substitute teacher and you decided not to call that teacher back next week, that person surely would have no recourse, or would they?

**MR. MURRAY:** Mr. Chairman, I think we're just not sure and we would just like to have that clarification in there. We're not sure of all the implications and that was the reason that we wished to see that put in there.

**MR. SCHROEDER:** Dealing with the matter of tenure or, as the teachers say, the right to cause prior to dismissal, you're indicating that you want 20 months to be consecutive and not intermittent and it would seem to me that if there is any period at all, it makes sense that you wouldn't want someone to get out of the profession for 10 years and come back and in a few months have the tenure if someone else is not in the same position, someone new coming in. But the 20 months, could I ask how many teachers would you estimate in any given year are dismissed by school boards in this province, teachers who have yet to gain tenure and whom you would not have been able to dismiss if they had tenure? That is, if they had tenure, you would have to tell them what the reason is well, you have to now tell them what the reason is but you would have to prove that the reason is valid. How many teachers could you actually now get rid of in that first 20 months that you wouldn't be able to get rid of if there was no time period before which a teacher had tenure?

**MR. CHAIRMAN:** Order please. Mr. Murray, would you and your group be prepared to return at 2 o'clock and be the first people making briefs?

Mr. Doern.

**MR. DOERN:** Mr. Chairman, I have no way of anticipating what will now happen, but it seems that we could consider completing now. I don't know what the other members of the committee feel.

**MR. CHAIRMAN:** Is it the pleasure of the committee to proceed and try to complete this brief?

**MR. DOERN:** I see a couple of people shaking their heads.

**MR. CHAIRMAN:** Is there anybody in disagreement? We have unanimous consent. Mr. Murray, carry on, please.

**MR. MURRAY:** Yes, Mr. Chairman, I think in the area of tenure, trustees feel that they need that length of time in which to evaluate the person and also if there's some suggestions that you have for their improvement that it gives you time to ask for that improvement and to evaluate whether that happens. I think in that respect we feel it's very important that the 20 months be available before the teacher against tenure.

If you take the area of where you're suggesting, have we dismissed anyone before tenure that we wouldn't have been able to dismiss after? I can't really think of any situations. I think the problem that comes of dismissing teachers who already have tenure is the fact that you're having to prove your cause to a third party. I think the way I look at it is it's such a different profession than if someone is working in the workforce, where they can either do the job or they can't. I think with teachers who are wanting to get people who are going to do the best job possible for the students, so I guess it becomes an area where peoples' judgment comes into play.

I guess, as far as trustees are concerned, we're very concerned about the public interest and we want to preserve that as much as possible. So I guess that would be my answer, that that's our concern, that in many cases we might not be able to prove the incompetence at the later time.

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

**MR. SCHROEDER:** No.

**MR. CHAIRMAN:** Mr. White.

**MR. WHITE:** I'd like to just add one point, Mr. Chairman, if I may and that is concerning the question was asked, how many people are dismissed now under the 20-months system that wouldn't be dismissed otherwise. My answer to that is it probably wouldn't make any difference except the cost is greatly different. There's a tremendous difference in cost when you have to go to arbitration in order to prove that you want rid of a teacher and under the present probationary period there is no cost involved. So your school board is really looking at every case costing them anywhere between and 5,000 and 15,000 for a dismissal because every

teacher would have the right to go to an arbitration board.

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

**MR. SCHROEDER:** Then to Mr. White, could he inform us as to the percentage of teachers with tenure who are dismissed who take that dismissal to an arbitration board?

**MR. WHITE:** Mr. Chairman, I don't have the exact figures, but I know that they are encouraged in each case where a tenure teacher is dismissed, they are encouraged by the Teachers' Society to take it to arbitration and in many cases they do. I have no exact figures.

**MR. SCHROEDER:** Would you not also confirm that in very many cases where you have tenured teachers and there are concerns by the school board or by the superintendent frequently, or in very many cases, there is an agreement between the school board and the teacher to amicably part ways and, in fact, that is the way in which most employment situations of that kind are terminated?

**MR. WHITE:** No, I don't think so.

**MR. CHAIRMAN:** Mr. White.

**MR. WHITE:** Mr. Chairman, I'm sorry, through you to Mr. Schroeder. I don't believe that is the case as far as tenure teachers are concerned. We, in fact, are saying that tenure teachers can be dismissed. We say that all the time. You do your homework and you prepare your materials and they can be dismissed. But in fact, whether or not the division has done their homework, it can still cost them 15,000 if they have to go through an arbitration process. Whether the case is just or not, you don't know until you go to that process. So there is a threat of the cost and so sometimes there are private settlements and there are private agreements where the tenure teacher is dismissed; there is always that threat.

**MR. SCHROEDER:** I can appreciate the concern of the association to not get involved in those kinds of costs. My own feeling is, and this is not a position of our caucus, but my own feeling is that there should not be any, even a six-month period, and I know that's in opposition to your position. But it seems to me, and I would like you to comment on this, that where you have a two-year period or six-month period or any period after which there is just cause, a requirement for just cause, and before that you don't have it, that there is a tendency on the part of both the teacher and the school board to view that period as sort of now you're over the hump as opposed to, that is, you may tend to be reluctant to dismiss teachers who are not providing an adequate education to the children because, after all, they now have tenure once they get passed that two years. If you didn't have the two-year provision at all, it would seem to me that you may very well be prepared to move more often against the incompetent teacher or the teacher who is not providing adequate educational services.

**MR. CHAIRMAN:** Mr. Murray.

**MR. MURRAY:** Mr. Chairman, I'd like to maybe go back to the last question and add the comment that I think many times that people in the position of superintendents, once teachers have tenure, are reluctant to suggest dismissal if they don't have a good case. I think that this sometimes is a bit of a problem, if they don't feel that they can justify it to an arbitration board, that maybe we do have people in the schools that maybe we would be better off without. But I think in many ways the two-year probation period is an advantage to teachers, because I think the longer that period is, it gives the people in the division much better time to work with that person to try and make sure that they are going to be a good classroom teacher. If you shorten that period down, they are not going to take that amount of time to work with them and they are going to say, well, I don't think this teacher will be able to do the job, so they dismiss them at an earlier stage.

Because I think we have had instances where a teacher after one year, the feeling has been that, you know, possibly this teacher isn't what we want, but by working with them another year, they find that they have developed into a very good teacher. So, in that case we do have people staying the area that we might not otherwise have had.

**MR. SCHROEDER:** I'm wondering though whether, if you had no period at all of so-called probation, whether you wouldn't have a total system that would be more suitable to both the board and to the teacher in that there would be no feeling by the teacher that now I've got it made, after two years or after six months or something like that, and conversely there would be no feeling on the part of the school division that, oh well, we've slipped up, this one's past the period and we can't change the arrangements.

**MR. MURRAY:** Well, I think, Mr. Chairman, we come back to the costs. I guess it's something we don't know what it would be, if every person who comes on staff has that recourse. We just don't know what the cost would be.

**MR. SCHROEDER:** Yes, just one last question. Do you have an estimate as to the percentage of teachers who are dismissed within the first two years of teaching in a school division?

**MR. MURRAY:** No, Mr. Chairman, we don't. I suppose we could compile that information, but it's never been asked for.

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

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

**MR. BROWN:** Thank you, Mr. Chairman. Some groups which have made presentation to this committee have recommended that the bill be amended to provide for an appeal procedure or an ombudsman, presumably, to hear or to adjudicate complaints regarding the accessibility and the delivery of programs within the school system. I

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wonder, what would the position of your organization be on this matter? Would you think that a mechanism such as that would be effective ?

**MR. MURRAY:** Mr. Chairman, we don't have any position on that. I think trustees feel that through the school boards and the Minister of Education, we feel that, you know, there are adequate appeal procedures built into the system. I guess I can just give my personal opinion, that I don't think there are any further appeal procedures that should be necessary.

**MR. BROWN:** In other words then, you don't really see this as a problem, that you have really not experienced a problem getting the matters of concern looked after?

**MR. MURRAY:** No, Mr. Chairman, we haven't seen that as a problem.

**MR. BROWN:** Thank you.

**MR. CHAIRMAN:** Are there any other questions from the committee? The committee would like to thank Mr. Murray, Mrs. Henderman and Mr. White for appearing here today. Committee will . . .  
Mr. Desjardins.

**MR. DESJARDINS:** Mr. Chairman, just for information. It is my understanding that we come back at 2:00 to hear presentation and we sit until 5:30 or until there's no more representation. Then we don't start in clause-by-clause today, we have a chance to digest this and then come back next week to start the clause-by-clause with no more delegations next week. Is that correct?

**MR. CHAIRMAN:** I believe that's the understanding.  
Mr. Cosens.

**MR. COSENS:** Well, of course, it's at the pleasure of the committee, but I think that was our understanding, that we would attempt to complete the presentations today and in the event that we don't, that we will terminate at 5:30 p.m

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

**MR. CHAIRMAN:** Committee will resume at 2:00 o'clock. Committee rise.