



**Second Session - Thirty-Sixth Legislature**

**of the**

**Legislative Assembly of Manitoba**

**Standing Committee**

**on**

**Law Amendments**

*Chairperson*  
*Mr. David Newman*  
*Constituency of Riel*



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

**Members, Constituencies and Political Affiliation**

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BARRETT, Becky	Wellington	N.D.P.
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LAMOUREUX, Kevin	Inkster	Lib.
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WOWCHUK, Rosann	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON LAW AMENDMENTS**

**Saturday, October 26, 1996**

**TIME – 10 a.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. David Newman (Riel)**

**VICE-CHAIRPERSON – Mr. Marcel Laurendeau  
(St. Norbert)**

**ATTENDANCE - 11 – QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Driedger, Hon. Mrs. McIntosh, Hon. Mrs. Vodrey

Ms. Cerilli, Ms. Friesen, Messrs. Laurendeau, Maloway, Ms. Mihychuk, Messrs. Newman, Pitura, Mrs. Render

*Substitutions:*

Mr. Enns for Mrs. Vodrey

**APPEARING:**

Mr. Gary Kowalski, MLA for The Maples  
Mr. Brian Hanson, Director, Administration & Professional Certification Branch

**WITNESSES:**

Mr. Ben Zaidman, Seven Oaks School Division  
Mr. John Wiens, Seven Oaks School Division  
Mr. Barry Hammond, Choices  
Mr. Derwyn Davies, Private Citizen  
Ms. Diane Beresford, Manitoba Teachers' Society  
Mr. Ben Hanuschak, Private Citizen  
Ms. Dee Gillies, Coalition Against Standard Testing  
Mr. Kenneth Emberley, Private Citizen  
Ms. Candice Stearns, Private Citizen  
Mr. Tom Barker, Private Citizen

**WRITTEN SUBMISSIONS:**

Mr. Ben Zaidman, Seven Oaks School Division  
Mr. Barry Hammond, Choices

Mr. Derwyn Davies, Private Citizen  
Mr. Ken Pearce, The Manitoba Teachers' Society  
Ms. Dee Gillies, Coalition Against Standard Testing  
Ms. Candice Stearns, Coalition Against Standard Testing  
Mr. Kenneth Emberley, Private Citizen  
Ms. Candice Stearns, Private Citizen

**MATTERS UNDER DISCUSSION:**

Bill 33–The Education Administration Amendment Act

Bill 47–The Public Schools Amendment Act

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**Mr. Chairperson:** Good morning. Will the Standing Committee on Law Amendments please come to order. Before the committee can proceed with the business before it, it must proceed to elect a Vice-Chairperson. Are there any nominations?

**Mr. Frank Pitura (Morris):** Mr. Chairman, I would like to nominate the member for St. Norbert, Mr. Laurendeau.

**Mr. Chairperson:** Mr. Laurendeau has been nominated. Are there any other nominations? Seeing none, Mr. Laurendeau is elected as the Vice-Chairperson for the committee.

This morning the committee will continue with consideration of Bill 33, The Education Administration Amendment Act, and Bill 47, The Public Schools Amendment Act. Previously this committee had met on October 21 and October 23, 1996, to hear presentations, and this morning we will continue with hearing presentations to Bills 33 and 47.

I would just like to remind all present that it had been previously determined in the committee that a 10-minute time limit would be allotted for each presentation, to be followed up by a five-minute period for questions and answers. It had also previously been decided that, if a presenter was not present when called, his or her name would drop to the bottom of the list with the name to be dropped off the list after being called for a third time.

Just as a reminder to those presenters wishing to hand out written copies of their briefs, 15 copies are required. Should assistance be needed in making these copies, please contact the Chamber Branch personnel at the table at the rear of the room, and the copies will be made for you.

We will now continue with the hearing of presenters. I just do note and I was already approached by someone about those registered to speak to both bills. Is it the will of the committee that, when these presenters are called, they speak to both bills with an adjustment for time rather than having presenters wait to make their second presentation? Is that the will of the committee? [agreed]

**Mr. Marcel Laurendeau (St. Norbert):** Mr. Chairperson, I wonder if there might be leave to make a committee change.

**Mr. Chairperson:** Is there a change requested?

#### Committee Substitutions

**Mr. Laurendeau:** I move, by leave, that the member for Lakeside (Mr. Enns) replace the member for Fort Garry (Mrs. Vodrey), and that this motion will be moved in the House on Monday.

**Mr. Chairperson:** Is that agreed by the committee? [agreed]

We will now call John Wiens and Ben Zaidman to come forward, please. Am I understanding that you are going to be speaking to both bills?

**Mr. Ben Zaidman (Seven Oaks School Division):** We would appreciate that, Sir.

**Mr. Chairperson:** And your name is Mr. Zaidman?

**Mr. Zaidman:** Yes.

**Mr. Chairperson:** You may proceed.

**Mr. Zaidman:** We thank you for the opportunity to appear here at your committee, and because you have allowed us permission to speak on both bills, you will find that we have prepared material that covers both. We appreciate that very much, and it will save on time.

Of course, in education there is nothing unrelated. It does not matter if we put it under several headings, nevertheless we would ask you to withdraw Bill 33 in entirety and portions of Bill 47. We think that, in studying it, it is antithetic to democracy and to education. We feel that in spite of all of the things that you have determined will make education better, we think it lacks the ability to do a hands-on change that is your anticipation.

We believe that democracy requires forums, open, invitational, one that produces dialogue, the search for truthfulness. There has to be a moral conviction in regard to the discussion and its evolution. This forum of last resort violates our understanding. It is arbitrary and we feel authoritarian. It is democratic forum with no time for substance to develop. This beleaguered committee, in my estimation, can no way absorb, digest and invest time in the development of understanding of our requests in front of you made by ourselves and made by other committees in the short time that is left to us so that you can develop some new way to present your bill.

We think that we will not be listened to even though we ask that you read it and submit it into public record, therefore we always return to fundamental philosophical issues. We think that education is not being served well with micromanagement. We think that education thrives because of the fact that there is an allowance at a local level, at a choice level, at a development level within the community that gives us an ability to change.

We are not opposed to some of the proposals that you have made. Your outline in Hansard, however, I think and we think, is based on false assumptions. It is a negative attack on education in Manitoba and, especially across the country, people are doing the same thing. It is based on bad statistics that have never been verified and which has given you best results. In fact, in Canada we are thought of as people who lead education in the world. NATO has told us and the United Nations has told us.

Now, we agree with curriculum review. We understand that we cannot be dormant. We have high expectations for students which we believe some of this has curtailed or sidetracked. We believe in parental involvement. We believe in planning, and we believe in accountability of responsibility and efficiency. We are not opposed to any of those things that you speak of but meaning always has to be worked out in the community.

We have been successful. We believe in Seven Oaks because we have taken our changes and our doubts and our frustrations and the input of people, and we have been able to develop a school division that has functioned well. We believe that is how it is done, not at arm's length, not by micromanagement, by the fact that there is input allowed. It has to be worked out in the community, I must reiterate that. We want to remind you that we are not the enemy, and we are not here to strike down your intent to legislate. We are not the enemy. We are the people who, in the communities, do the hands-on work of this government. We are trying to run an educational system under dire circumstances. We ask the government to allow us to do that.

I would defer now to John Wiens who might articulate further. Thank you very much.

**Mr. Chairperson:** Thanks, Mr. Zaidman. Mr. Wiens.

\* (1010)

**Mr. John Wiens (Seven Oaks School Division):** My name is John Wiens. I am the superintendent and CEO of Seven Oaks School Division. I just want to take a little bit of time to share with the committee what we might call the Seven Oaks story in regard to some of the very things that we think that you are dealing with here.

I take courage from the fact that I work for and with a board of nine very strong people, people who take very seriously their representation in the community and who understand or believe that it is my job to remind them often of the things that they believe in and to remind them often of how we go about doing things in Seven Oaks School Division. Though I am somewhat nervous about speaking here, I think I do take courage from that fact.

About eight years ago or so, and this will not take eight years for me to finish this story, when the kind of fallout from the commission on excellence in the United States and the movement that accompanied it, strategic planning and all of that, hit Canada for the first time, we had ongoing, difficult, adversarial, contentious debate at Seven Oaks School Division about those things among the nine board members, first of all, but also with the principals, the teachers and parents in our school division. After several years of discussion, we came to the conclusion that many of the bases for the

recommendations of the commission on excellence in fact would not stand up to public pressure. They would not stand up to the public test, the tests that Ben talked about earlier.

We also thought when we went through the planning exercise in Seven Oaks and we continue to plan every year, we thought that the kind of planning that was suggested just did not work very well for education, so we worked through the jurisdictional issues for a number of years and we continue to work at them. They raise questions about who has a right to speak when, what are the legal issues in regard to, and the legal rights of board members and the legal rights and so on, of other people. We talk about the moral responsibility of the board members, of the community and various people in the community. We continue to talk about them because we do not think there is a final answer to those discussions. Democracy is not something that somebody has figured out that this is the way to do it and if we continue to do it that way then we will be able to proceed without contention.

The same thing is true of educational issues. We have people on the board who would lean toward education as being the acquisition of knowledge or fact. We have people on the board who would lean toward the position that education is about relationships primarily. We have people on the board who would generally say that it is about skills. We think that those three things by and large capture what the history of education has been in the western world for the last 2,000 years or so. It has been a fight between those three things, a competition between those three things.

We think that a shift in any one of those directions is problematic, that we somehow have to always account for all three of them in some kind of reasonable balance. We always have to look after the acquisition of knowledge and skill. We always have to look after the relationships, and we always have to look after the skill part, the knowledge and fact, and we always have to look after the skill. Where do we get our answers to how we deal with them? We get them from looking at history and looking at our tradition. In history, we note that when one of those has received too much attention then we might have as a result of that a permissive society. If the relationships and a particular kind of neighbourliness and so on and our deference to other people takes precedence

over knowledge and skill then we end up with permissiveness. If we end up, and knowledge and skill, in fact, take precedence over relationships to the exclusion of relationships, then we end up with arbitrariness and authoritarianism.

So we always have to seek, in Seven Oaks, we believe we always have to seek a balance between those, and that is why we have to keep on talking about them. We want our children in Seven Oaks—and what I am trying to do is reflect to you in a couple of minutes what is an ongoing discussion, an eight-year discussion—always to be able to take advantage of all of the understandings that have gone before us in history, all of the understandings about tradition that have gone before us, not a simple reaction which we believe we are seeing today, not just here and anywhere else, a simple reaction to current kinds of conditions. We believe that whenever we have slipped to that in western civilization, we have got in trouble.

Education has always suffered more or less when someone has decided beforehand what is true, good and beautiful. If you exclude people from that discussion, then you in fact are doing them a huge disservice. There is always room in education for everyone to have a debate. In fact, we must always seek ways to involve other people in that discussion. It causes us trouble sometimes. When we have community meetings, people are not always happy with us. They are angry with us. They believe that we are wrong-headed, and still we think that we have to invite them and talk about and try to reach understandings. All of us need to try to reach understandings, and when we make decisions in policies, we know that they are tentative, that they are temporary, and they only last a short time. They are only there to help us get through the business of the day.

Our newest experience in education and our greatest fear is that we have nobody, or we have few, except people in our own community, to talk seriously to about democracy in education. We have made specific responses to this and other governments over the last number of years, and I include this one and the federal government and also other political parties. We have worked very hard at it, I believe, and in sadness, we say that we think that even when we have a very solid and logical case, we have not been able to get any kind of action on those cases. We rely on you to respond to rationality and logic. It is part of the western tradition, if

you want. It is not simple because it has to be continuously worked out.

As Ben said earlier, we welcomed the fact that we were going to have a curriculum review process and a discussion about evaluation on community involvement, on planning, on accountability. We welcome those discussions. We thought, well, we have a real chance to be partners in having something happen along those lines. What we feel now is that even though we still believe very strongly in those things, we have basically been shut out of that, and now somebody wants to close the door on that for us. So I respectfully submit that that is the Seven Oaks story and the Seven Oaks fear at this time.

**Mr. Chairperson:** Thank you very much, Mr. Wiens.

\* (1020)

**Mrs. Shirley Render (St. Vital):** Mr. Wiens, Mr. Zaidman, I am very aware of your very innovative and exciting program that you have developed with University of Winnipeg, and I have heard many, many good things about that. What I do not understand from your presentation

today, though, is where this bill would infringe on some of the things that you have done. I have listened to you rather than flip through your brief, and I stopped on page 4 here, the place of local initiative, and you people have certainly, you have certainly done this. You have looked at the needs, you have done more than just look at the needs, you have done something about it and have worked very co-operatively with university, with Red River College, with other people in the community.

I do not see where the bill would stop you from continuing to do this. I wonder if you could expand, or are you thinking that perhaps the bill may stop, but it is not necessarily—like, are you looking at the worst-case scenario? Is that essentially what you are saying, because I do not see where the bill would stop you from doing many of the good things that you are already doing.

**Mr. Wiens:** To some extent, we are basing our conclusions, and they have to be tentative because we do not know what will happen as a result of this bill. So we think that potentially there are real problems with this, and it is based on our experience over the last couple of

years. We have made presentations, for example, on education finance; we have made presentations on assessment. We have made those kinds of presentations and we do not feel that the issues that we raised, even though we had a good case, received a hearing. So we are worried about that and what we think, what it looks to us is a huge shift from the local responsibility to, call it not provincial power or authority, let us call it provincial responsibility, right? We see in those bills by words like "comply" and so on a huge shift in that, and potentially we are really concerned about that. That is what it is about.

**Ms. Jean Friesen (Wolseley):** Thank you very much for your presentation. I tried to read it as well as listening to you so I am not sure I have, actually, both presentations right in my mind but, as I understood it, one of the major points you are making is that education is, has been, always will be an area of contest, always an area of debate, and that in framing legislation we should be careful not to close off that debate but, in fact, to enable it to continue and that that kind of debate is a good and healthy thing in a democratic community. So I think that is certainly a fundamental point that I take very clearly.

There are a couple of sections that I want to ask you about. You have questioned, I think, in a number of cases, what is the problem to which this bill is the answer, if I can put it that way. In the area of the minister's ability to require information, the minister's ability to require obedience, can you perhaps elaborate on that for me? You posed questions in your brief. Has the minister ever requested information which she has not received from your board? Have there ever been directives to which you have not responded from your board?

**Mr. Wiens:** We have never deliberately withheld information requested by the department, by anybody in the department. We have tried to respond to everything that is asked of us. Sometimes we are really pressed for time because of the bad sort of frequent requests that come one upon the other to be able to respond, but that has given us trouble administratively to get the answers out. But we have never refused or neglected to follow the regulations that are brought to us.

The most recent thing that I can think of in mind that might be a contention is that we have no teachers. In our

last two budgets, we have lost 70 teachers, and then when we are requested to give them further experienced teachers to do the examinations, for instance, we do not have them and our budget has not allowed for them. We have not been able to supply them, but we do have people seconded to that department. People there and working now that belong to us, our sort of intelligence value is in the department right now working for them, so we do not try to thwart a request. We try to respond to the requests.

**Ms. Friesen:** There is another section of the bill I think that other people have brought to our attention, Bill 47, I am speaking of now, the right to appeal in a number of areas. Can you tell me if you have appeals at your board, if there are people who, for example, are unhappy with a decision that your board has made. Is there a process of appeal that you have?

**Mr. Zaidman:** We have a means of people who are dissatisfied. We ask them to go through the processes within the school; talk to all people within the school before they come anywhere beyond that. Then they are entitled to come to the superintendent. If he is not satisfying them in any way, they certainly may come to a forum in the board, and the board will listen to what it is that they request. The information that they bring us will be matched to the information that the administration gives us and other people working for us will give us, and from that we make a decision. There may be positive ends to that, and there may be negative ends to that, depending on what it is that they do.

We also indicate to them that, if we are in violation of The Schools Act that they believe is keeping them from getting their decision in their favour, we ask them to visit that on the Department of Education as well. We do not try to deter them from their requests for hearing.

**Ms. Friesen:** Bill 47 introduces the criteria for the ability of boards to select students for particular schools. Do you anticipate that there will be appeals from that? Is there anything in your current experience that would give us some advice on that?

**Mr. Wiens:** That is one of the parts of the bill that we think is really helping to clarify what the procedure might be. In fact, if you will read that in Bill 47, we say that is clearing up some of the confusion right now that exists in people's minds. We do not expect a lot of appeals. We

have had, between Winnipeg and Seven Oaks, a very open boundary to this point. Principals, and then I, receive the appeals first, and we have very few appeals. We have had very few appeals over the last couple of years. We anticipate that at first we will have more for several reasons.

I think that we have acquired a reputation in Winnipeg for being exceptional in dealing with special needs students; exceptional in dealing with students who are at risk or in some difficulty. What we find right now is that—and I have heard a number of appeals this fall in fact of people who are having extreme difficulty dealing with their children and want their children to come to Seven Oaks because of what they have heard. This may happen in other school divisions, too. I am not aware of that, but in Seven Oaks this has been a continuous kind of thing. So we have these people appealing to us right now, and we in some cases regretfully have had to turn them away. We believe that we have had to turn them away because we do not have the resources to deal with them. We think we know what to do; we just do not have the people to do it.

**Ms. MaryAnn Mihychuk (St. James):** Your comments in regard to Bill 33 were basically that the bill should be rescinded at this time. Can you elaborate on why you feel Bill 33 would be negative to Seven Oaks School Division and the children you care for?

**Mr. Wiens:** There are two things, I think, in the bill that trouble us. One of them is the implication in all of this—and you will probably hear that when we talk to Bill 72—that we have somehow done something wrong, we have somehow been negligent and that we need to be put in our place. So you have the board reacting to that. Okay, so that is one thing.

The other thing is that we just do not think it is necessary. We think that, if there are boards and if there are individuals that are not doing their job and in acting in ways that contravene the intent of The Public Schools Act, then they can be brought up short on that in fact. We have an understanding about that: we do not punish all our schools because one or two of them are making a mess of things. We go after the people and get into discussion with the people who, we think, are not holding up their end of the educational bargain, if you want. So that is the other thing.

\* (1030)

Now the third thing is related to something that the committee member over here mentioned before. I just wanted to articulate that further. We are concerned now that people have already made up their mind what the truth is in regard to education. We think it just never works that way. You see, in regard to University of Winnipeg courses, we knew we had to do something to enrich the students' courses. Everybody agreed on that. We knew we needed to respond to some students that were being left out of our system. What we did was we got parents, students and teachers together and asked them what they thought would be the best-case scenario. It took us months. Then we went after negotiating that, and that took us probably another year, so the whole process took two years.

We did not know when we started the discussion that we wanted University of Winnipeg courses in Seven Oaks School Division, but we knew, when we talked to everybody, that that would seem to serve most of the people best. So we are worried that somebody has made up their mind and will force it on us.

**Ms. Mihychuk:** My final question—and I know that there are other colleagues that would like to ask questions.

Some concerns have been raised about Clause 3 in Bill 33, which talks about the minister prescribing methods, procedures, assessment and evaluation of any aspect of pupil achievement. The philosophy of Seven Oaks—or perhaps you could elaborate on how you view pupil achievement. Should it be assessed by the teacher, the school, the school division or by the province through the minister?

**Mr. Wiens:** By all of them. We think that as a student gets older, they have a *greater* responsibility for their own assessment. This is why we had a tremendous objection to the Grade 3 mathematics test. We thought that that was primarily not a place to put Grade 3 students, seven-, eight- and nine-year-old students, in a competition with every other seven-, eight- and nine-year-old in our division, in their school, in the province, in the country, in the world, if you want, because the rhetoric that preceded that was international—our Grade 3s are not doing as well as anybody else. We also think that there



is no justification for any relationship between how they do and the economy. The economy changes a lot faster than by the time they get there.

So, when we talk about this, we try to be reasonable about it in this sense. We also know, and we do not even deny because we are in no position to talk about that really, that the government believes that there is a credibility problem here, a public credibility problem. We do not want to deny that, nor do we want to try to help solve that. So we think, particularly for young kids, that teachers, parents and the students themselves should have some input into it, but that is largely parents and teachers at that level. Parents have a huge voice in that.

As they get older, students should have a greater and greater voice in that, and the students and the people that they relate to. Now, in high school, for example, just to give you our understanding of this, students often set themselves in opposition to their parents, not because they do not love their parents or want to continue a relationship, it is because they are trying to formulate an identity, and the people who stand in the way of their identity the most are probably their parents. The teachers do not do that, and the other students do not do that; it is their parents, so they set themselves in opposition to them. We have to get them through that rough road, and we do.

We know, in fact, that the teachers probably, as kind of the third party and impartial viewers of that—and there is all kinds of evidence to show that. If you look at the article in the back of this presentation, you will see, and that is substantiated evidence, right, you will note that teachers, in fact, are much better predictors of how kids will do, probably even better than parents who have all kinds of wishes and desires for their kids to become whatever, right. Teachers are better predictors of how kids will do than anybody else, except for kids themselves.

Kids themselves are probably the best judges of that, and the way they judge that primarily is what they have been able to do in the past up to this point. Our kids are very realistic about what their future looks like in terms of academic work, in terms of other work and so on. We have kids who say, I am not really good at academics, but I am a better worker than lots of those other kids who do well in school, and they are absolutely right.

So, I do not know, that is kind of a roundabout way to talk about it, but that is our response.

**Mr. Chairperson:** Mr. Kowalski, we are down to a minute and a half.

**Mr. Gary Kowalski (The Maples):** Two quick questions. I am not as quick at reading as Ms. Friesen, but I was able to glance through your written presentation here. One section that caught my eye was in regard to Bill 47, the section to do with rights of pupils. You make a recommendation that the way the bill as drafted reads is the pupil is entitled to be accompanied by a parent or other adult to assist him or her and to make representation to the school board before a decision is made to expel him or her. Your presentation recommends that not only the child be represented by their parents or advocate, but also that you want—I am not too clear of the circumstances that your recommendations refers to.

**Mr. Wiens:** We are sorry that Mr. Kowalski cannot read faster because we think he is a graduate of our system and was a member of our board during many of these discussions.

In regard to the question, we think the way the bill reads is that it restricts the rights of parents in fact to represent their students, to represent their children. We do not think that was probably the intent, but we think that the literal read of that was that they can accompany and they can assist, but they cannot speak on their behalf, right. We think they should both be able to hire an advocate to speak on their behalf. The parents should be able to speak on their behalf, not just accompany or assist them. “Assist” might mean that, okay? We are just saying that literally; our interpretation literally of that is that. Okay.

**Mr. Chairperson:** Time has expired. Thank you very, very much for your presentation.

**Mr. Barry Hammond.** I take it Mr. Hammond you will speak to both bills.

**Mr. Barry Hammond (Choices):** I will speak to both, yes.

**Mr. Chairperson:** Thank you, sir.

**Mr. Hammond:** First to Bill 33. I think to pass this bill is an act of fools, for it is foolish to believe that standards tests measure anything about human intelligence. To release this information is to misguide the population and yourselves about the meaning of such tests. Releasing the information of test results is as helpful in measuring the students' ability to solve problems as releasing the height of the learners measured or their temperature. In each case, a single measure tells you little about the pupil's health. No doctor would give only the temperature as a measure of a person's health, and no educator should ever give just one measure of a person's mental ability.

Tests like the standards test piloted recently in schools are mainly a measure of symbolic learning, since knowing how to read and write are as important as knowing mathematics and answering the questions. Paper-and-pencil tests measure one's ability to remember the answers, not how to solve problems, be creative or think. Hence, publishing the results of such tests will not help parents make a meaningful choice about schools. A school which scores high on such tests might be one in which the learners are programmed to pass tests. Treating children like machines to be programmed is one view of education. Another view is that learners should be creative, thinking individuals.

Parents who send their children to the memorizing school might have wished that their children become creative thinkers. They may be disappointed to find that a mechanical education is all that is offered. Another problem with tests is that they narrow the curriculum. People who wish their students to get high scores on tests will narrow the curriculums to focus mainly on the type of problems on the test. Since these are usually memory-type problems, higher-order thinking skills such as analysis and synthesis may be neglected. Much better than a single measure of a learner's intelligence are samples of children's work. Such materials give parents or guardians a realistic look at what the young person's skills really are. Tests are unauthentic measures of a person's abilities.

Teachers and children are best able to determine the course of instruction and the instruction time needed to tap into multidimensional talents of learners. Howard Gairdner suggests, from observing kindergarten children, that there are at least seven intelligences which students

bring to school. Traditional tests, at best, measure two of these intelligences. Kinesthetic intelligence, for example, is totally unmeasured by paper and pencil tests.

A wealth of educational research and teacher wisdom tells us that elementary level students prefer to look at the world holistically. Hence they prefer to study the neighbourhood, horses or the stars rather than mathematics or social studies. Of course, all useful disciplines are brought into each study so a learner may wish to know the height or the weight or the girth of a horse as well as how many teeth and what is its best diet. Field trips may be the best way to do such a study. However, field trips are unlikely to be the best preparation for a symbolic test. For over 400 years, people thought that a horse had 30 teeth because Aristotle suggested in an article he wrote that that was the correct number. It took only one look at a real horse to dispel this misinformation. Of course, the right answer on the tests of the times was 30 teeth.

Children in today's world are too diverse to have only one established course of study or an authorized program. It is foolish to think that all children might be on the same page when many children now have access to millions of home pages. If such knowledge as how to multiply and divide is important, then it will come up in a study of horses, the neighbourhood or the stars. For example, how many trees are there per house in River Heights compared with Point Douglas? To find the answer, a person will have to know how many trees and how many houses there are in a given area of land in each neighbourhood, then the skill of division becomes important.

\* (1040)

In summary, teachers and students know much better what methods and procedures as well as what curriculum should be available to learners in school than any other educators or politicians. Of course, important skills like reading and computing can be used by teachers and children in their quest to get more information about horses, the neighbourhood or the stars. It is impossible for anyone in the Department of Education to know what diverse students are interested in learning. Prescribing curriculum, methods and procedures centrally is impossible to be meaningful.

One particular thing in Bill 33, under item 2, in two places, is that the minister may establish courses of study, et cetera, for use in public or private schools. "Or" as used here indicates one or the other. Is this significant or does she mean "and"? It should be noted that this brief is also given on behalf of the Coalition Against Standards Testing, who endorsed all of its contents.

Do you wish—

**Mr. Chairperson:** You may proceed with the—

**Mr. Hammond:** My response to Bill 47 then is the following: That the essence of this amendment is to remove the instructional responsibilities of school boards. This is a bad move and should be opposed by all honourable people. At present, Section 41(4) of The Public Schools Act lists under the "Instructional responsibility of school boards" that "Every school board shall provide or make provision for education in Grades 1 to 12 inclusive for all resident persons who have the right to attend schools."

I interpret this to mean that school boards authorize the curriculum for schools. School boards know little about curriculum, and they delegate this authority to the superintendent who in turn delegates this authority to principals who delegate this responsibility to teachers where the authority must lie if teachers are to be responsive to the learners in their classrooms. Department of Education officials can never be responsible for curriculum since they do not know the needs of diverse learners in schools. Yet in two places, in Section 2 and/or Section 6(2), it appears that the Minister of Education is now authorized to prescribe curriculum. Section 6(2)(y), for example, states that every school board shall "comply with the directives of the minister."

A second implication of this bill is that parents can send their children to other school divisions. Such transfer of pupils would be meaningless if all schools are teaching the same curriculum. Education Minister Linda McIntosh announced in June 27's Free Press that curriculums have been standardized across all the western provinces and territories. It appears that if a parent wishes his or her child to have a different curriculum, then they will have to send them to Ontario, Quebec or places East. Transferring to another school in Manitoba

will find the same, prescribed curriculum, hence all of the amendments under 6(3) of the bill are meaningless and ought to be removed.

Or hopefully the curriculum and the means to teach it are not being standardized. Standardization of curriculum has the effect of de-skilling teachers. Perhaps that is the goal. The headline of the Free Press article announcing standardized curriculum was, "All on the same page." Such an idea in this age of the Internet is absurd since many children now have access to millions of home pages. Such pages have been designed frequently everywhere in the world.

Bill 47 can only result in schools being less meaningful than at present. If this is the likely result, then the bill should be withdrawn. It appears as if Bill 47 was designed to clear the way for the document, "Renewing Education: New Directions, The Action Plan." This document has never been debated in the Legislature so why are we clearing the way for it? The document is very inconsistent. For example, pages 5 to 15 of the New Directions document define the curriculum as set out by the minister. Then pages 23 and 28 say that parents in community will have more involvement. If the curriculum is prescribed by the minister, then the only decision parents will be able to make is the date for hot dog day.

Curriculum is the essence of what goes on in schools. If parents have no say in this, then their involvement is very limited. In brief, Bill 47 will weaken, not strengthen, schools. It should be withdrawn immediately, and no amendments will improve it.

**Mr. Chairperson:** Thank you, Mr. Hammond.

**Ms. Marianne Cerilli (Radisson):** I want to ask you, in Bill 47 it talks about in Section 6(2)(x)—well there are a lot of sections in both bills that prescribe the disclosure of grades and methods of assessment to the public and to parents. As it occurs now, it is the department that develops and assesses curriculum now. The principals assess teachers, but in Section (x) there is a reference to assessing the effectiveness of education programs. There is a lot of confusion—it was mentioned in the last presentation as well—what that is going to mean. I am wondering if you have any recommendations for how programs should be assessed to see if they are effective.

**Mr. Hammond:** Yes, I alluded in one of these briefs to the fact that probably teachers and their children know best, really, what is going on. This, I think, was stated also by Mr. Wiens. I think they are the only people in a diverse world who will know what to assess. I think any kind of standardization or centralized assessment will be meaningless. So I really believe that it has to be diversified, and it has to be diversified, probably to the classroom level, to be meaningful.

**Ms. Cerilli:** This is part of the concern that I have with Section (x), and I know that others are concerned that student grades are going to be presented as a way that people should judge programs. I am wondering if that is what we want to avoid, that we cannot confuse the effectiveness of programs, and by that I think there are different subject courses that are offered in schools, or at different elementary schools, the different grades, collection of curriculum in the way that they are taught, so I am again just wanting you to be more specific, I guess, on how to assess those courses that are offered, and it is hard to separate that from the teacher's method or their way of teaching it, and as I said, it is the principal in the current system that assesses the teachers.

**Mr. Hammond:** Let me cite one example that I think will be a good one. When departmental tests were reintroduced for mathematics at the Grade 12 level, teachers stopped teaching three of the eight sections in the course in the program because they knew that they were optional, those three, and therefore, of course, they would not be on the test. So, once you have a test, you automatically influence the program. I am simply saying that tests are meaningless, and though teachers may not be infallible, they are much better than anything else you can do.

**Ms. Cerilli:** You are saying that when the new math exam came into being that there were three of eight sections in the current curriculum that a number of teachers dropped.

**Mr. Hammond:** Of course, because they were not being tested. They were optional to begin with, so, of course, they will not be on the test if optional. Therefore, let us abandon those three and simply narrow it down to the five required sections in the course. So I am saying that automatically testing influences program, and it is—well, if a teacher wants to be a good teacher and get good

results from the test, she will not waste time teaching optional topics.

**Ms. Mihychuk:** Mr. Hammond, in terms of Bill 47 in terms of some of the concepts of choice, and you were talking about how this may be actually artificial, it is my understanding that there has been some research in areas where there has been school choice and that in those communities or states that it has actually led to mediocrity as each school strives to have a formula of success. Are you familiar with that research?

\* (1050)

**Mr. Hammond:** Yes, I am familiar with that research. In fact, let me give you a personal example. I lived in a multicultural area of Chicago, and we had students from diverse backgrounds, and I simply told the principal, tell me the child's address, and I will tell you the child's IQ better than the test. Now, the principal was unhappy with this because she knew it was true. We know who will get good grades on those tests, and we know who will not get good grades on those tests, and it has nothing whatever to do with intelligence. It has to do with the way that we are tested.

**Ms. Mihychuk:** A follow-up to the concept of school choice. If you are correct, and if curriculum, which we tend to be prescribing more and more provincially, is going to be uniform across the board, in your opinion what will families be choosing and what will schools be promoting?

**Mr. Hammond:** You will be choosing the difference between a memorizing school and a thinking school, and, in fact, if you want to get good test results, then you had better go to the memory school. Consequently, I think, that is what research has shown, is that people in standardized test areas generally tend to send their children to the schools that get the best test results. Now this is, I am saying, I think very misleading for parents in that there are two different types of curriculums, as you know.

**Hon. Harry Enns (Minister of Agriculture):** Mr. Hammond, whether we appreciate it or not, we all get tested. I get tested every four years or thereabouts. The point that I want to raise with you is our universities get tested by such organizations like Maclean's Magazine,

and they say they do not give our university a very good test result, do they? Part of the problem being that, the university responds, because of the outcome of our elementary and high school system, they have trouble gaining entry levels acceptable of the national standards. So our universities, because we strive for accessibility, find themselves—keep reducing their entry level requirements. I am not an educational expert, and I am delighted that our students now know the proper number of teeth in a horse, sort of, and other important things, but the point, sir, is at some stage testing, whether we like it or not, does come into the play of the thing. I would stand to be corrected if that is not a legitimate concern on the part of the Ministry of Education to ensure that for those.

I appreciate that is only one stream of the students coming out, not all are headed for post-secondary education at universities, others are headed for other institutions of learning or, indeed, call it quits at that point. But that is one particular area that I have been made aware of where the failure to meet certain, I call them, requirements or bottom-line entry qualifications presents a difficulty at our post-secondary institutions which, subsequently, has brought, some would say, i.e., Maclean's assessment, i.e., Maclean's test, a disadvantage to our otherwise very worthwhile institutions and campuses.

**Mr. Hammond:** I would like to respond to numerous things in that. I think that, true, the people are tested, but they are tested by a diversity of things. As I said in one thing, the doctor takes your temperature, but he does not base his whole diagnosis as to your problem on just your temperature. In other words, part of what I am complaining about is narrowing it down to one test.

This is never going to be valid. For example, I was up in St. Theresa Point and selecting students for a program at the university level there, and I said, well, here is a student with very good Grade 12 results, surely we will put him in the program. The chief told me, you know, we have given this fellow three jobs, and he has quit all three jobs; we do not think he would make a very good model for the other students in our community. So I really think that he is advocating the same as I, that Grade 12 results, for example, do not necessarily give you the whole picture.

As you know about, the Maclean's magazine analysis of the University of Manitoba met with great critique from many people who said that it was invalid, as I am saying, standards tests are invalid.

**Ms. Friesen:** Mr. Chairman, I cannot resist commenting upon the Minister of Agriculture's (Mr. Enns) question, unfortunately. He will, of course, know that—

**Floor Comment:** He knows how many teeth are in a horse.

**Ms. Friesen:** Thank you, Mr. Chairman. I would certainly defer to him on the mouth of the horse. I do think that he perhaps should look again at the assessment that Maclean's did. It is not a test in the way that the minister is suggesting it is, but it is a compilation of statistics and information forwarded by each of the universities, and it is an analysis of that.

**Mr. Chairperson:** I really have some concern. I appreciate that you have been enticed into a debate with Mr. Enns, but maybe you could focus your attention on Mr. Hammond's brief and the bills at hand. Thanks very much.

**Ms. Friesen:** Mr. Chairman, in fact, it is relevant because we are talking about testing. The minister did suggest that there were tests in that Maclean's article, and, of course, they are not.

I did want to ask Mr. Hammond about testing. It is one of the emphases that he has placed in his questions. In Bill 47, Section 59.9(2), one of the rights of pupils that is indicated here is a right to receive regular testing and evaluation of his or her academic performance and achievement. I have had some concerns brought to me about that section, even within the context of what the minister wants to do. It is not a position, obviously, that you share, but even within that context, do you see any problems with that section for the wide range of students that we have in Manitoba schools?

**Mr. Hammond:** I would say that it is already being done. Teachers regularly test children, but they do not just use one measure. I am simply protesting about the place where the tests should happen. I am saying, the teacher is best able to do this. It is not something that should be more centralized.

**Hon. Linda McIntosh (Minister of Education and Training):** Mr. Hammond, I completely agree with your comments on standardized testing. I just wish that what we were talking about here was standardized testing. What we are talking about is testing for standards, a completely and totally, absolutely different thing.

**Mr. Hammond:** Not so.

**Mrs. McIntosh:** Well, I will just make a preamble here, then ask your commentary on the difference between the two, because my impression here is that you have made an erroneous assumption and then built your case upon the assumption rather than the fact.

If you examine the Grade 12 language arts test, for example, you will see that it is a five-day test that involves process writing, research, dialogue, discussion in class, working with textbooks, process writing and communication, demand writing, and it tests literacy and communication skills, and there is no way that you could pass that exam by memory work—no way that you could pass that exam by memory work.

Similarly, the math exam involves problem solving, deductive reasoning, logical conclusions, et cetera, and there is no way, again, that you could pass that by memory work—no way. They have been so carefully put together and praised nationally, and other provinces are looking at adopting them because they are so very different from standardized testing.

Can you tell me, then, your definition of the difference between standardized tests and testing for standards, or why you feel, as you seem to imply in your brief here, that they are identical when experts in education say they are quite different?

**Mr. Hammond:** I have only looked at the Grade 3 math test, and in careful observing of it, I see no difference between it and the standardized tests that have been used in the past. So consequently I think that you have been misinformed if you believe that, in fact, there is some difference between these two.

Speaking to the memory business, I have not looked at the Grade 12 test, but what I find that children are very able to do is remember what was on the previous tests, and therefore they can memorize what are the right

answers to the tests. I know of students who took that test who have said that strange that their results suddenly changed greatly because they had not kind of briefed themselves on what the standards test was going to require.

**Mrs. McIntosh:** I wonder if you could do me a favour and provide for me the standardized Grade 3 test that you used to compare against the new standards test and show me where they are identical. So if you could take your standardized test and your standards test, give them to me to compare where the identical places are, I would be most interested in pursuing them.

\* (1100)

The language arts test, just for your information, is the students are given a topic such as awareness, and the whole theme of the exam is built around that topic, and the research and everything on it. The only way the student could benefit from knowing the test earlier would be to know the topic and begin his research earlier, but if the topic is changed year to year, there is no way that knowing last year's topic could benefit them in this year's topic, because it involves research, communication, dialogue, study, writing, process writing and demand.

So I would appreciate seeing those comparisons you made so that I can verify them and utilize the information you have put before me properly.

**Mr. Hammond:** I just wanted to say that the very first question on the standards test is, what is 89 plus 103 plus 7. While that may not be the same numbers as on the standardized tests that I looked at, it is the same problem: can you add three numbers? Now, I am not sure whether, in fact, if I show you something that has the same adding of three numbers, though three different numbers, you would say that it was different from the standards test.

**Mrs. McIntosh:** Could you indicate that a question such as—which is also on the standardized tests—here is the number 18. Tell me as many ways that you can say 18 as possible, which is very creative and indicates an understanding of the concept of numerology, so that a person who could say that 18 is described as 9 plus 9, 17 plus 1, 20 minus 2, shows the student understands. Can you find me that on a standardized test?

**Mr. Hammond:** I may not be able to find that exact question.

**Mr. Chairperson:** Thank you very much. Mr. Kowalski, did you have a question? No. Thank you very much, Mr. Hammond, for your presentation.

Derwyn Davies, please.

**Mr. Derwyn Davies (Private Citizen):** Thank you, Mr. Chairman and committee. My name is Derwyn Davies. I come before you with very little claim to your attention really. But I must admit that a comment about these being called hearings, as experienced in previous evenings, I would withdraw a little, because it seems to me that there is more listening going on than I had seen before.

I had a fairly long and undistinguished career as a teacher. So my claim to your attention lies in some things that I think rather distinguish that career. First of all, I spent more time in a classroom teaching students than anyone else that is going to be speaking to you on this bill. I was in daily contact with students for all but four years of my teaching career. I also had the confidence of my colleagues, my professional colleagues, in that I held positions such as president of Educational Media Association of Canada. I held positions in the provincial executive of Teachers' Society in my local association. I did a lot of work on teacher evaluation. I represented my professional colleagues on the then-curriculum council of the Department of Education. So I have an awareness of the superstructure, if you like, of the educational system.

But I want to bring a perspective from the infrastructure; hence, I put before you some propositions based on my experience. In a way when I look back on my career it was a bit like being with Alice through a looking glass. There were white knights riding about, falling off their horses, but they had wonderful plans. There were Humpty Dumpties who feared this black crow of the department or the superintendent or the school board. There was a red queen dragging us all over the place to run faster to get nowhere. Let me give you some examples, elaborate on the examples I have given you in the propositions. In the early days of my career I was a secondary school English teacher. I was told that my marking of a student's essay was not particularly valid because it was subjective. Much more valid would be a standardized test expertly designed. Not only would it

give a much more valid assessment of that writing, it would also pinpoint the exact nature of any problems that student had and therefore encourage good teaching. I have to tell you, that was in the 1950s. Apparently, it does not work.

The other thing, a previous speaker referred to the narrowing; we have so many experts on the teaching of reading today it is little wonder that the teaching of reading has gone down so badly that people do not read. People do not read because as a society we do not value reading. That is the simple answer. However, the experts construct reading programs. The beginning reader in many of these reading programs today contains from 50 to 80 words. In the 1930s it would have contained 400 to 500 words, and we know enough about children's language that a kindergarten child will have a vocabulary, a working vocabulary, of some 5,000 words. What on Earth is a student going to do with this nonsense coming at him with just 50 or 80 words?

We teach children not to read, and that is one of the results of the whole business approach, the management approach to education which dominates our society and dominates education. It does not allow teachers to do things effectively. Testing is valued; teaching is not valued. That is my experience.

In the great study, "A Nation at Risk," which caused loud wailing and gnashing of teeth south of the border because it found that the 18-year-old scores were declining, something must be done, they said, it is all this experimentation that is the problem. That same report contained figures which showed a steady increase in the performance of 11-year-olds over that same 10-year time period. Nobody picked that up except someone whose name, I think, is beyond question; that is John Goodlad in a book called "A Place Called School".

Why was there no great rejoicing at the increase in scores? Why was there no recognition it was the openness and the experimentation in the elementary schools which resulted in that increase in scores, not actually that I believe the scores meant anything, but if you are interested in scores, why was that ignored? It was ignored because it did not fit into the preconceptions of the people who like to think they organized the system.

\* (1110)

Let us turn to curriculum. You may remember, if you are as old as I am, that in 1957 the Soviet Union had the effrontery to send up a sputnik into space ahead of the other nation that should have been first. The result was an incredible effort on the part of the United States. They said, we must have better science teaching in our schools. So they drew up a plan; they drew on the foremost academic and educational people to design a curriculum. It was known as PSSC—I have forgotten what that stands for actually—and this was going to do it. Well, that was '57. Let us allow a few years for them to put it into place. It was certainly in place in 1966 when I came. Has it created that great burgeoning of scientific of knowledge in the students? It will not work.

What happens is, and one of the samplings is, there are things happening in science and research which we appear not to take any notice about, the issue of linguistics of language development in children. When I was teaching in elementary school, because I left the haven of the secondary school and went on to real teaching in elementary school, people got enthused about this. Unfortunately, it acquires labels, whole language, writing process, things like that, but what they were doing meant that children in kindergarten, Grade 1 and Grade 2, their great enjoyment was to get a piece of paper and write a story. They enjoyed writing. Because they enjoyed writing, they enjoyed reading, but the system had difficulty with this as they went on. They wanted something they could test, and the difficulty with testing is you have to prescribe what it is you are testing, and all of us are fallible in that respect. We are not omniscient. We do not know exactly what it is that is in a person's mind that we can take out and measure it, as Mr. Gradgrind would have us do in order to decide exactly what a parcel of human nature is worth.

There are things that we need to be aware of, but the difficulty is, what this is all about, the amendments, is about control, and the sad thing is that in 1970-something, I forget the exact date, I made a presentation to the then-committee on a new education public schools bill because I felt it would do some of the same things that this bill aims to do. I need not have worried. I should have relied on the inability of the system to do anything effective to me in the classroom. It did not really make that much difference. We have had flows of new curricula coming into the schools. It does not make that much difference. Why bother?

What concerns me here is the atmosphere within which this bill is coming forward, and it is an atmosphere which says that people that work are not really that important. They can be laid off, we can downsize, we can throw them out, they do not really matter. Teachers do not really matter. That is the message of the bill, and that means that what you are trying to do will not work.

I retired about I think it is seven years ago now. I retired early. I got a bit tired of fighting all the time against the nonsense that was going on. Unfortunately, whenever I meet former colleagues, the situation is getting worse. If you want good things to happen in schools, you had better concentrate on the quality of life of teachers and students. You would think of schools as communities for learning, and none of those are possible under the amendments that are being proposed, I am afraid. So it is a sad day.

**Mr. Chairperson:** Thank you, Mr. Davies.

**Mrs. McIntosh:** Thank you, Mr. Davies. I really felt you made an excellent presentation, and you made some extremely good points during your dialogue. I would like to make a comment followed by a question.

You are dead right, bang on, in your comments about society not valuing reading anymore, and we have seen that happen over the last couple of decades. Amongst other writings on the topic, there has been very little said about the effects of the introduction of TV into the household as a substitute for reading, as a substitute for playing, as a substitute for parenting.

There was an article in the Free Press recently about a teacher who is in my home division of St. James who had some very eloquent and I felt extremely accurate comments on the effects of television. I have a couple of questions. I will start by asking you this one. Do you feel that while technology is incredibly important as a communication device these days?—and we must emphasize it for all of the things that it can do for communication. Do you feel the introduction of plopping a child in front of a television at the age of two and just sort of leaving them there while everybody is out of the house and not paying attention to the child has had an impact, nobody reading to the kid at home? Has it had an impact on the value or the lack of value we have placed on reading? Is that a factor?



**Mr. Davies:** I am not sure whether I mentioned it, I masqueraded as a media expert in education for a time. Even then, this was in the 1960s, there were interesting studies about the effect of television on the—well, they tend to call it information processing and that kind of thing which were very significant, I thought. The article in the Free Press is the first time in many, many years that I have seen people raise that.

It goes a lot deeper than the technological effect. What we have is a commercially promoted system which values short attention span. It values quick and even violent movement over and above more introspective and thoughtful uses. The National Film Board was an incredible resource of media, usually made in film, which really required thoughtful response from students and would get thoughtful response from students.

Unfortunately, as a society, we do not value the Film Board. Its collection has been dispersed to the winds, and I am not sure who uses the stuff anymore. But I used it in elementary school with I felt incredible response from students, but I think that is a part of the society and that within the schools we never did use television and film very effectively. The only reason we have computers to the extent we do is that it is perceived as a big market, and the material that I saw for computers in schools was as bad as a lot of the educational film and television that was put about, but basically, yes, that is part of the problem.

**Mrs. McIntosh:** Just one other question. Thank you, Mr. Chairman. You, I think, tongue in cheek, indicated the movement from elementary to high school as being a sort of step-up kind of a thing. I believe you were tongue in cheek when you said that. I wanted to ask you, I believe and I interpreted, hopefully correctly, that you believe as well that in the early grades is when you really clinch what is going to happen in the upper grades, and to me, that is where you need your real master teachers. You need them throughout the system, but I think in the early years particularly. How would you suggest—I appreciate what you have said about testing, and all tests have some—nothing is infallible, and like you, it has to be a learning progression—but how would you suggest to help us, because I believe you do have to pause and assess where you are going. You have to relay to parents who are the children's prime care. They will care about them when those kids are 50. The parents will still care

after we have forgotten their names. How would you suggest that we go about assessing the progress to ensure that we are in fact producing literate people who can problem solve, et cetera? What form of, I am afraid to use the word testing with you, but what form of assessing processes would you envision as being good?

**Mr. Davies:** Alfred North Whitehead, many, many years ago, the early part of the century, said no one should evaluate a student who does not know that student. I think one of the difficulties is we want a system, we want some method, we want some technique which will do it for us. If it is an evaluation, it is an expression of values and therefore there is no single value. We must ascertain the values through interaction. The reason that I think the primary section of the school system does so well is that there are so few experts on primary education that they are not hassled, they are largely left alone. Therefore, they tend to be able to respond to students as individuals. They have the values. They value reading. They value good language. They value the ability to think mathematically.

\* (1120)

The dedication of teachers in Canada, in my opinion, was much higher than it ever was in the schools I taught within in England, and the system has failed to capitalize on that. Instead, those teachers are now feeling put down and despondent. The valuing has to come through an exchange. I should be able to convince you that my assessment of a student's piece of writing, for instance, has some value to it even if you disagree with me. I should be able to convince you that the book that a child reads has some particular value as opposed to, say, a Disney version which crowds out so much. You may not agree with me, but I should be able to convince you that I really believe that, and that belief will transmit itself to the child.

Let me say one more thing about young children. Nobody denies the fact that the first seven years of learning are incredibly important. We do not recognize that in the way we structure our schools. We should have much smaller classes, much more time for teachers to interact, to clarify those values that they think are important, because that interaction is crucial, more time to interact with a community. That is how you build up your sense of what is important, what is valued in the

system and in society, and it is an interaction. So I do not see that there is a way of doing it by—what are the words—instruction or requiring, information required, or prescribing, and even the word “effectiveness” bothers me because it does not examine what effectiveness means. What is it you are aiming at in order to assess whether it is effective or not?

**Mr. Kowalski:** Although you have discounted your expertise, I think the committee recognizes your expertise and experience. So I am wondering if you could share with the committee from your many years of teaching—I imagine you run into former students and either through your empirical studies or if you have done studies or you have read other studies—the correlation between success on either standardized testing or whatever testing and success later in life of students, whether at the post-secondary level or by whatever criteria you want to use for judging success. Are there strong indicators that they are infallible, the correlation?

**Mr. Davies:** Let me tell you about a girl—I started off teaching in England in second modern schools, and we were very good at streaming students. We knew how to do it. It had been done for, you know, time immemorial. We were very good at it. I was teaching the fourth-year, examination-bound class, which, you know, is the cream-of-the-crop stuff here we are talking, but I had an eccentric headmaster who brought into my class somewhere around October a student who wanted to enter the technical college. Now the technical college exam was something we aspired to, but did not often get students succeeding in going in. This was such a ridiculous thing to do, I did not do anything very special with that student. She had been a C stream for three and a part years in the school. I forget when the exam was, April, May or something. She not only passed, she got into the department of her choice. At the end of the first year she won a prize and was the first ever first-year student to win that prize. The moral is, judge not. You do not know what the capacity of a student is. So you have to be open to that capacity.

The difficulty with testing is that you want to put people in a nice, well, curve, and there is a value attached to that curve, the good on one side and the sheep and goats on the other. You do not know, and I have had many experiences with students. I taught in a rural area, so you always met students. So my assessment goes from

going to the pub and having a beer bought by a former student, which is gratitude indeed, to the fact that you can follow them as they leave. A community school can do that; I mean, personal school which is applying so-called expert methods, you do not see that.

**Ms. Friesen:** Mr. Chairman, both you and the minister, Mr. Davies, have made reference to the impact of television upon reading or a society which does not value reading, and I have always been interested in the solution that Iceland came up with, which was that one day a week they turned off the televisions. The Icelandic broadcasting corporation does not have Thursday; it does not do Thursday. I think it has kind of broken down now, but, of course, it is a very literate society which values enormously the written word, and that is reflected in that kind of policy.

I noticed recently there was a proposal for the millennium, to celebrate the millennium by turning off all radio, television for four days so that we could all think, which, I think, is an interesting proposal.

**Mr. Chairperson:** Do you want to make an amendment to the bill?

**Ms. Friesen:** Mr. Chairman, I wanted to ask the presenter about the sections in Bill 47 which deal with the rights of pupils and responsibilities of pupils and wondered if he had any reflections specifically for us on that. He has been presenting a particular philosophy of education, and my sense is that he might well have been interested in the new aspects of the bill which, perhaps like some other jurisdictions, have tried to legislate or to frame in legislation the rights and responsibilities of pupils.

**Mr. Davies:** Bill 47?

**Ms. Friesen:** Yes, page 13.

**Mr. Davies:** I do not have a page 13—oh, sorry, yes, I do. I beg your pardon. I used to teach in a library and one of the things that because fortunately there was no provincial curriculum or guideline or anything, I refused to do report cards. Students once asked, at Grade 6, why do we not get any marks in library? I said, because I do not hit you and, therefore, there is no mark to be left kind of thing. Eventually we clarified what he meant by

marks. What they wanted to know is, what do you think of what we do? That is what they want to know. It was a very legitimate thing, and obviously I had not been responding to them by indicating that.

Testing, you see, as the provincial examinations died down or faded away or whatever happened to them, the increase in regular classroom testing grew. It became almost the thing to do, and I disagree with the previous speaker that that is important because you can know what children are learning surely in all sorts of ways. A test—I had a reputation when I taught junior high as the teacher who did not give tests. I did not get any hassling from the principal and I did not get any hassling from parents. When they came to see me in November, I was able to talk about the students, their writing. The sad thing was they had great difficulty in speaking their thoughts; hence, writing was a problem, but as a teacher I should be able to do that. You do not need a test; you need something, some piece of work, something a student has created or done, and that is the basis for your interaction with parents who are primarily the people who want to know and with the students as to what is worthwhile, what is good, what maybe need improvement and those things.

Montesquieu had an essay in which he—I think you could refer to them as troglodytes who ruled themselves without any laws until some of them decided they needed laws, and that was almost the end of their community. Because once you put things into codes of conduct and things like that, do they really mean that much? The most important thing a school should be able to teach is to be courteous and considerate of each other, of our ideas, of our abilities. I do not think that is one of the things that is being promoted; therefore, it will not exist presumably.

**Mr. Laurendeau:** Mr. Chairperson, on the “courteous” as one of the aspects of the education system, you have spoken of values as we were going along. How would you define the values that we educate our children in the school today?

**Mr. Davies:** Values of consumership, values of superficial achievements through marks, values of how do I manage to get the best mark for the least work? I enjoyed it at Brandon, and when I came to Brandon, I taught Grades 11 and 12. We had a serious discussion about this. They said, all we need to do is work for the last month or so to get the marks we need at the end of

the year-exam. That was their view of education, which we had taught them.

Again, at the time, I felt I was swimming against the stream a bit, although I have met students since who seem to have enjoyed the experience even it they did not at the time. So, you know, the values come out of what we do and how we do it, and because we are, I hope, a very diverse society, we should not assume that anyone's values take pre-eminence. They need to be negotiated.

**Mr. Chairperson:** Mr. Laurendeau, did you have another question?

**Mr. Laurendeau:** It is okay.

\* (1130)

**Mrs. McIntosh:** Mr. Davies, I think you retired too early. I think you should still be in the classroom. I say that because it is just so obvious here that you are an extremely good communicator, and obviously you care about kids.

I wanted to ask, though, when you answered your comment, and I agree with you when you say students say, well, I am going to work as little as I can to get the highest mark I can, and those things that you are talking about were the kinds of tests that would have been occurring in recent years. So far, we have had two this year, first time, the new standards tests which have been developed to try to more approximate the philosophy that you are talking about. It probably does not hit on exactly what you are saying because you are coming at it from a different perspective but trying to approach more what you are addressing.

I do not know if you have had a chance to read the first standards test, and there is still some of them at pilot stage, so when we talk about to try to get the highest mark for the lowest work we are talking about the old way of testing, not what we are trying to look at right now which is more of a diagnosis or an assessment that can be shared and meaningful in that part of that mark would be counted, so to speak, much as you talked about the student ironically who did well in the end, proved she did well in the end. The mark, is the mark really the proof if you follow your thinking through? I do not know the answer, like these are not black and white answers.

Have you had a chance to go through the Grade 12 standards test in language arts that was taken this year, and if you have, do you have a comment on it, and if you have not, may I send you a copy, and would you go through it and give me your comments on it?

**Mr. Davies:** The last first, yes, I would certainly go through it because I have only read about it, I have no direct knowledge of it.

Let me tell you though, when I came to Brandon in 1966, I was assigned a Grade 11 pilot program in English which was for the first time seeking to cover both language and literature in the same course which to me seemed eminently sensible and the only way to do the thing. So I taught the course in the way that I thought it should be taught, according to the document I received.

One of the things that happened, though, was that the examination was set by the department somehow, I am not sure exactly how, but we as classroom teachers were to mark it. When I received the marking key, it was a total contradiction to the intent of the program. It specified minute trivial detail to be marked this way or that. It did not deal with the issues that the curriculum was supposed to be doing, so it is not just the exam, it is also the marking key.

**Mr. Chairperson:** I apologize, the time is up. Do we have leave for him to complete his answer? [agreed]

**Mr. Davies:** I would be delighted to look through and offer my opinion about the exam if I also see the marking key, because if no one exercises judgment based on their own reading, their own valuing of literature, their own valuing of all kinds of writing, I do not see how the intent of that examination, to encourage kids to express themselves cogently and clearly is going to have any value at all to it if someone else has decided, well, for every spelling mistake you deduct half a mark or some trivial thing like that.

**Mr. Chairperson:** Thank you very much for that presentation. Diane Beresford. My understanding is, Ms. Beresford, you are replacing Mr. Ken Pearce. You will be speaking to both bills?

**Ms. Diane Beresford (Manitoba Teachers' Society):** Yes. Could I just clarify the process? Is it 10 minutes on each and then questions?

**Mr. Chairperson:** The total time for the process in this situation would be 30 minutes. The initial presentations would be 20 minutes, if you so wish to use all of it, and questions, maximum is 10 minutes, if you use the 20 minutes. But what I have been doing with, I believe, the intent of the original understanding is allowing 30 minutes in total if you speak to both bills.

**Ms. Beresford:** I would like to point out that the Manitoba Association of School Trustees was allowed more than 45 minutes to present, and, as a representative of 14,000 teachers, I would like to request at least a little leeway in presenting our two briefs.

**Mr. Chairperson:** I do not believe that is so. I stand to be corrected. They used the time of 30 minutes, the maximum time limit, just as each of the other two presenters used the full 30 minutes. That is my understanding, and, in fact, that corresponds with what the time is now, since we have had three presentations.

**Ms. Beresford:** MAST presented on Tuesday night, Sir.

**Mr. Chairperson:** Oh, I am sorry.

**Ms. Beresford:** They were given more than 45 minutes.

**Mr. Chairperson:** I thought you meant today. By leave of the committee, more time can be extended. I am saying, in that instance, the committee unanimously can agree to extend time. Whether they will in your situation or not will be done at the 30-minute mark, if you are going to use the full 30 minutes. Okay?

**Ms. Beresford:** Thank you.

**Mr. Chairperson:** We are trying always to be as fair as we can not only to the people that are presenting but to the people that are waiting to present within what are known to be time constraints that have been agreed to by the House leaders and are part of the House rules.

**Ms. Cerilli:** I was just going to say that I do believe that there was leave given for the MAST presentation by the committee, and I am wondering that, if it was in the order of 15 minutes, then we should consider that.

**Mr. Chairperson:** I am sure that people can consider whatever they wish in coming to the conclusion as to

whether or not leave should be granted, but thanks for bringing that to our attention.

**Mrs. McIntosh:** On the same point, Mr. Chairman, I think it is important to note that each presentation is allowed 15 minutes. If it is a double presentation, we allow 30, and we will grant leave as a group if at the 30-minute mark we still have not gotten the full message or information from the presenter. I am concerned about the precedent of saying because a particular group got 45, therefore, all other groups should get 45. I think we do need to take it on a case-by-case situation and which we will do at the 30-minute mark if we still need more information from you.

**Mr. Chairperson:** You may proceed, Ms. Beresford, and the clock has started now.

**Ms. Beresford:** The Manitoba Teachers' Society welcomes this opportunity to provide its comments to this legislative committee about certain aspects of Bill 33. Bill 33 reflects a marked increase in the role of the minister in the day-to-day operations of the school, both educational and otherwise. In the absence of an appropriate systemic framework and clearly delineated indicators, both descriptive and statistical, to assess the overall effectiveness of Manitoba schools, these enhanced powers present some concerns to the society.

First of all, we would like to recommend in the boxed part at the bottom of this first page that the title of Section 3(1) of The Education Administration Act which presently reads, "Powers of the minister," perhaps should be amended to read, "Responsibilities of the minister," just as there are responsibilities for teachers, responsibilities for parents and responsibilities for the boards.

The amendment proposed by the addition of subsection (c.1) enhances the minister's authority over the curriculum. Bill 33 suggests the minister approve courses of study including school-initiated courses, amounts of instructional time, education programs and instructional materials available for use in schools.

With regard to the issue of instructional time, if the intent in setting the amount of instructional time is to establish standards which would specify more instructional time on core curriculum and less time in

other areas of the curriculum, then it could be perceived as a means of ensuring that uniform priority be given to designated areas of study. However, if the intent is to set instructional time in such a way as to lengthen the school day, this will restrict out-of-school and extracurricular activity time for students and would seem to be in contradiction with some of the personal, social and career outcomes for students described in the Manitoba Education and Training document *Renewing Education: New Directions, A Foundation for Excellence*.

\* (1140)

With regard to the aspect of approval of educational programs, if the intent of approving education programs is to establish standards for all school initiated programs, then it could be perceived as a means of ensuring that students in every school in the province are being offered quality programs. This would be fair and equitable provided that the minister develops and implements a framework for planning the delivery of programs and that the framework is used as a basis for the approval.

With regard to the approval of instructional materials, if the intent in approving instructional materials is to ensure that every teacher has access to a supply of specific materials for instructional use, then this amendment would begin to address some of the concerns regarding equity among schools across the province. On the other hand, if the intent is to limit instructional materials to only those which are authorized, it would again be in direct contradiction to the specific guiding principles of teaching and learning outlined in *Renewing Education*.

The society recommends clarifying the intent of the proposed changes in subsection 3(1)(c)(1) so that these changes are congruent with the principles of teaching and learning and broad outcomes of education delineated in *Renewing Education: New Directions*.

There is a new subsection 3(1)(m) that will be added. This gives the minister the authority to release information pertaining to student achievement and the effectiveness of the education programs provided by schools. The society recommends that the government of Manitoba develop and implement a framework for the planning and delivery of programs and that this framework be used as a basis for the approval of

education programs. The framework should contain the following elements, the box at the top of page 4: stated goals, rationale, methods for delivery, personnel required—both their numbers and their qualifications, an appropriate budget and assessment procedures.

The difficulty with the reform, going all the way back to Mr. Manness is that the only testing of value is the students. We are not evaluating the system. We do not have indicators to indicate whether schools are being successful, whether programs are successful.

The authority of the Minister of Education and Training (Mrs. McIntosh) to make regulations. This series of amendments proposed in Sections 3(r)(1) to (r)(6) extend the statutory authority of the Minister of Education and Training to make regulations in relation to the existing Section (4)(1)(r) of the act: prescribing of standards to be attained by pupils on entering and leaving any grade or level—this one gives me the chills actually. (r.1) prescribes student assessment methods. If the intent in prescribing methods for the assessment and evaluation of any aspect of pupil achievement is to recommend a variety of practices and assessment tools which could be used by teachers which are based on the sound principles of fair evaluation, this could be seen as a constructive and supportive move for teachers and students, but if the intent is to direct specific methods of assessment and evaluation, this would be limiting, would not be reconcilable with the principles of student assessment charted in *Renewing Education: New Directions*. They are mutually exclusive.

Mr. Chairperson, (r.2) has the prescribing of program-assessment methods. Again, if the intent in prescribing methods for the assessment or the effectiveness of courses of study in programs is to recommend a variety of means whereby the effectiveness of programs can be measured and to ensure that a valid, reasonable assessment procedure is in place prior to the implementation of any program or course of study, then this could be seen as a highly relevant factor in improving public accountability.

But if the intent is to limit the methods and procedures which could be used for course and program assessment to a prescribed set or to one specific method, this would negate the validity of the mechanism and would be counterproductive to any accountability model.

The society recommends clarifying the intent of the proposed changes in subsection 4(r.1) and 4(1)(r.2) and further ensure that the proposed changes would match with the principles of student assessment that are clearly delineated in *Renewing Education: New Directions*.

In the box, the society recommends that the minister develop sound principles for fair assessment and evaluation of student achievement, and further, that these principles be applied to all Manitoba Education and Training initiatives regarding student testing.

The society recommends the minister develop a set of indicators to assess students' overall development while they are in school. These could include, but must not be limited to, tests.

The society recommends that the minister develop sound principles for fair assessment of the effectiveness of courses of study, and further, that these principles be applied to all Manitoba Education and Training initiatives related to program delivery, including all new curricula.

The society further recommends that the minister develop a set of school indicators, statistical and descriptive, to assess the performance and effectiveness of Manitoba public schools in achieving goals.

The society recommends that the minister make available to teachers, parents, guardians and students, opportunity for discussion and input into the development of the above principles and indicators.

I would point out that there are many examples of these principles and indicators because this kind of planning and this kind of assessment is done in many other provinces, but there is a huge gap here in Manitoba.

Mr. Chairperson, (r.3) and (r.4) involve the release of information by school boards. There is no privacy legislation in Manitoba, and Manitoba is one of the few that does not have this. Public school teachers in Manitoba are concerned that ministerial powers are being enhanced with respect to the collection and dissemination of information about students and teachers in the absence of omnibus legislation protecting the privacy rights of Manitobans.

The society recommends the proposed subsections (r.3) and (r.4) not be enacted until such time as the Manitoba Legislative Assembly approves a protection-of-privacy legislation similar to the statutes upholding the privacy rights of citizens in other Canadian provinces, notably B.C., Alberta and Ontario.

Mr. Chairperson, (r.5) deals with annual school plans. If the intent is for the purpose of ensuring that there are elements common to all annual school plans, and that these be addressed by every school in the development and implementation of the school plan, then this amendment would be perceived as one means of working towards equity and one measure of accountability. But if the intent is to limit or to control school plans, the amendment would run counter to current efforts to enhance school-based decision making.

The society recommends that the minister ensure that all school plans contain the following elements: goals, beliefs, objects; a listing of programs and related services being offered, including student participation in each program and service; the rationale for the same, considering demographic, economic and social factors; action plans for the implementation of same; budgetary patterns; and assessment procedures, including indicators, for students, programs and course offerings.

Mr. Chairperson, (r.6) the auditor's supplementary report will serve to have more uniform and more comprehensive reporting by auditors across the province. We endorse this amendment.

Section 8(1) presently authorizes the minister to establish procedures for evaluating education in Manitoba schools and to have such evaluation conducted.

Section 4, Bill 33 proposes to extend the authority of evaluation beyond the term "education" to encompass any other aspect of the operation of schools. The society accepts this amendment.

I would like to thank you for allowing us to present on 33.

Moving quickly along to 47, Bill 47 contains an amalgam of the introduction of new provisions to The Public Schools Act of Manitoba and of amendments to the existing sections of the act. One of the things dealt

with is school choice. Section 6(3) proposes a new Section 41 which will introduce a new term called the pupil transfer fee, and this, we understand, will be set by regulation. Section 41(5) of the act also deals with residual costs. Setting the amount of pupil transfer fees and of residual costs by provincial regulation is a positive point. There is a grab bag of various charges by various divisions for students that move from division to division at the moment, and a standard set by regulation fee is much preferable, but we would suggest that there be regular review and that the regulations be very precise in prescribing these.

I am now at the top of page 3 if you are trying to find out where I am.

Section 6(2) of Bill 47 proposes amendments to Section 41(1) headed "duties of school boards." Section 41(1)(z) requires public school boards to ensure each public school prepare an annual school plan, but there is no requirement for the school board to prepare an annual report for the public. Unlike public school boards in several other provinces across Canada, Manitoba public school boards generally do not prepare and issue an annual operating report to citizens. We are not talking here about the FRAME report. We are not talking about financial reporting. We are talking about the successes of the school board as an educational authority. It has nothing to do or very little to do with how much money is spent in what areas. There is a need for more information describing the provision of education programs and services by public school divisions.

\* (1150)

We would recommend that Section 6(2) of Bill 47 be amended by the inclusion of an additional duty to Section 41(1) of The Public Schools Act, and it would follow after Clause (z) and so on, such as this: Every school board shall prepare an annual report which shall include a presentation of the current education objectives within the school division district; anticipated future goals for the provision of education by the division/district; a listing of education programs and related services being offered, student participation per program and related service; information describing the implementation of new curricula; revenue sources per education program and service; expenditure per education program and service; indicators of operations such as program-based

ratios of the number of teachers providing a program, the number of students enrolled in the program and the dimensions of transportation routes and the number of students being transported. The school board shall, on or before October 31 of each year, submit its annual report for the previous school year to the minister and shall make its annual report available for any person upon request.

Such a yearly public report by each Manitoba school board would make available a handy information reference for each school year and would serve to enhance accountability to the public.

Sections 6(5) to 6(12) of Bill 47 presents a series of amendments affecting the fiscal operations of public school divisions and districts. The bill proposes clarification of the responsibilities of school division/district auditors and establishes public school division/district obligations regarding deficit financing. Also, it introduces mandatory school board budget consultations with school advisory councils. The Society sees all of these as positive steps.

In repealing the existing Section 178 of the act—I am in the middle of page 5 now—estimates of expenses and revenue of school divisions, however, Bill 47 drops the statutory requirement for Manitoba public school boards to compile an initial estimate of revenues and expenses for the approaching fiscal year commencing July 1. So in the old days Manitoba public school boards compiled an initial budget for submission to the department prior to the funding announcement. This drops that requirement so that now the province simply sets its funding announcement and, following that, school boards budget. We think this is a bad trend.

To make the budget consultations more purposeful, the society recommends retaining the existing Section 178 requirement for public school boards to prepare initial estimates, to move back the associated time line from January 15 to December 15, and to have the budget consultations begin at the beginning of the cycle. In other words, listen to school boards when they tell you what they think they are going to need for their upcoming school year expenditures.

Section 8 of Bill 47 inserts parameters for access to pupil files into the act. Section 14 also includes

parameters for access by a teacher to his or her personnel records. The society recommends amending the new Section 42.1 proposed by Bill 47 to include the words “collection prior to storage retrieval and use of information respecting pupils.” Section 14, Bill 47 directs the school board to allow a teacher to attach a written objection, explanation or interpretation of any matter contained in a personnel record. We acknowledge and welcome this new provision, and we thank you for it.

Manitoba, as I have said before, is one of the few provinces that does not have a privacy of protection statute. There is no statutory context for protection of privacy in Manitoba as there are in other jurisdictions. Yet with this bill Manitoba Education is presenting proposals for access to pupil files and personnel records in the absence of a uniform statutory framework of privacy rights protecting the collection and release of personal information. Some specific problems we have with this is that the proposed Section 42.3(1), Access to pupil file, has the very permissive language: a person acting on behalf of a school board shall provide access. Proposed Section 42.6, Disclosure in good faith, repeats the phrase, “a person acting on behalf of a school board to disclose information.” Section 101(6), Access to personnel records—this is teachers' personnel records—presents a similar phrase: a person acting on behalf of a school board shall provide a teacher with access. The vague designation of “a person acting on behalf of a school board” is a problem for us.

In relation to pupil files, Bill 47 proposes a new Section 42.6, Disclosure in good faith, which reads: For greater certainty nothing in 42.1, et cetera, “shall be interpreted to restrict the ability of a school board or a person acting on behalf of a school to disclose information contained in a pupil file, provided the disclosure is made in good faith . . . .” This is very loose and permissive wording and is questionable and could be subject to interpretations not intended by the Manitoba Legislature. By contrast, The Education Act of Ontario regarding pupil records states very clearly that a record is privileged for the information and use of supervisory officers, the principals, teachers, et cetera, and sets very clear limits on where this information can go, as does the Ontario Education Act under its Section 237 called, interestingly enough, Secrecy re Contents, and I will leave you to read this excerpt from that particular piece of legislation.



There is a new Part III.1 of the act—I am now on page 8—entitled Parents and Children, and this provides statutory provisions for access to schools and programs and also for the rights and responsibilities of parents and pupils. In a general sense, the society welcomes the appearance of sections extending the scope and the orientation of the act to include school and program access and the rights and responsibilities of parents and children. In contrast to most of the education statutes in place in other Canadian provinces, the existing Public Schools Act of Manitoba is largely devoid of provisions regarding the accessibility of education programs and services and parental and student rights. These are holes in our legislation that need to be filled.

We do object to the structural format. Presently, the powers and duties of school boards are enumerated in Part III of the act, and then Bill 47 sort of appends or sticks on the bottom of that the new part, parents and children, as part of, or a subsection of, the powers and duties of school boards. We would suggest clarifying both the structure of the statute, as well as its intentions by designating parents and children as Part III, and duties of school boards as a new Part IV of the act. We further suggest that the main title of the proposed Part III be changed from parents and children to parents and students. I am winding down here.

Sections 58.4(1) and 58.4(2) set out conditions for the enrollment of a student in a particular school. The Panel on Education Legislation Reform by the Manitoba government in '91 recommended in its '93 report that an independent appeal process be established to deal with complaints from parents or students who are not satisfied with the arrangements regarding choice of school.

Section 58.5 authorizes provincial regulations exempting pupils or classes of pupils from the requirements of this part—that is the Access to Schools and Programs—and specifying reasons or circumstances which make inadvisable the enrollment of a pupil in a program. There should be entitlement to some sort of independent appeal process, and we suggest that Bill 47 should be amended to include an entitlement to an independent appeal process in relation to the sections pertaining to Sections 58.1 to 58.5, Access to Schools and Programs.

\* (1200)

In Section 10, Bill 47 introduces a new section, 58.9(2), to the act, Rights of Pupils. The three entitlements listed present a very limited view of the education-related rights of students. For example, the right to appeal decisions bearing on the education, the health or the safety of the pupil has not been included by Bill 47.

We suggest that the amendment of the proposed Section 58.9(2), Rights of Pupils, include a new clause: appeal, either individually or with a parent or parents, decisions that significantly affect his or her education, health or safety.

Finally, the right to attend school: Bill 47 continues to leave in place the age stipulation of six years of age as being the age at which one has a right to attend school. However, most recent research has shown us the positive learning advantages to be gained from early childhood education. I would like to point out that we are not talking about the compulsory age a child must begin school. We are talking about the age at which a child has the right to attend school, and we would suggest that the minimum eligibility of the right to attend school be reduced to five years of age. We recommend the amendment of Section 18 of Bill 47 to replace the existing references to six years of age in Section 259 to five years of age.

We trust that the final version of Bill 47 reported out by this committee to the Legislature will include the recommendations presented in this submission.

**Mr. Chairperson:** Thank you for a very thoughtful and complete submission.

**Mrs. McIntosh:** I echo the Chairman's appreciation. I just wish to reassure you that the intents that you have identified here as your preference are by and large the intents that we have.

I just wanted to specifically ask you on one issue here, and I may come back and ask you some more, but this is the one I wanted just to check with you on. It is specifically in regard to the privacy concern that you have raised. We have the ability here—we just checked with legal counsel—after we make our amendments to everything else, to pass an act and proclaim it but hold one section for proclamation, and if the act is passed and

I indicated that it would be proclaimed except for that section until we are satisfied that the concerns raised about privacy have been addressed, would that alleviate your concern on that one? It would not be proclaimed until we were satisfied is what I am saying. Is that okay with you?

**Ms. Beresford:** We would certainly like to see a guarantee of privacy statute in place before this particular section were implemented in any way, because this is a great concern to us, both for students and for teachers.

**Mrs. McIntosh:** Just for clarification on that point, we have several unproclaimed sections of acts and bills that have been passed, and I recall one in particular when I was Minister of Consumer and Corporate Affairs where we proclaimed an act except for one section, and it took us about a year or two to be able to get the material in place, and then we proclaimed that section, but it was much later. It just simply prevents having to go back through the introduction, first, second, third reading and everything again on something when you know what the field is looking for.

**Ms. Beresford:** Well, that would certainly go a long way towards alleviating some of our concerns.

**Mrs. McIntosh:** Okay, thank you.

**Ms. Friesen:** On the same point, I think there are a number of very sensible suggestions in that section of your brief, and I wondered if the minister had consulted with the Manitoba Teachers' Society in the preparation of this legislation, either 33 or 47, and whether you had had the opportunity to put those points.

**Ms. Beresford:** I am not sure. I do not think so.

**Ms. Friesen:** Are there standing committees of the Ministry of Education that the Manitoba Teachers' Society serves on to which this kind of legislation perhaps has been in the past or normally or could be in the future raised?

**Ms. Beresford:** We have representation on a number of ministerial committees. Our experience, and particularly mine personally on the Minister's Advisory Committee on Ed Finance, for example, on which I sit, has been that we are often consulted, we are often asked for advice, and we

often produce reports. However, frequently the reports are ignored either in part or full.

**Ms. Friesen:** But in this case, there has not been consultation that you know of.

**Ms. Beresford:** No.

**Ms. Friesen:** I want to add something. The minister is suggesting not proclaiming a section of the act. Another possibility might be, since these are already drafted amendments, if we were to wait awhile and come next week perhaps, so that the minister has the opportunity to have Legislative Counsel draft and translate amendments and that we go through it clause by clause. That is something that I will certainly propose and make that opportunity now rather than perhaps leaving, legislatively, some uncertainty.

I wanted to ask you about Bill 33, and I take one point very well from your presentation, and that is the lack of public information about the Manitoba education system and the advisability that we have suggested on a number of times here of looking at the Saskatchewan indicators program, for example, which is a very clear, concise presentation of public information. It would enable, I think, and enhance the kind of public debate that we are able to have in Manitoba.

But do you think on that bill that—I mean, essentially what you have suggested to us is that this is a bill which is establishing the minister's right to regulate in a number of areas but without establishing the principles upon which those regulations will be built. Should we be looking at starting from scratch on this bill? Are there ways in which your amendments would satisfy you, or is, in fact, this absence of principle—those are my words, not yours, I know—the absence of directing principles and regulations be sufficient to essentially say let us start again on this one?

**Ms. Beresford:** Well, I think, as our brief on 33 indicates, a lot of the proposed amendments are open to a variety of interpretations and that they are not clear. I am sure that the intent of this minister is honourable, but there will be many ministers to follow her, and it seems to me that if the statutes are not clear, then we are going to run into problems. We would certainly prefer to have the basis developed before the legislation is passed.

I just brought a couple of examples of other provinces' education indicators reports, which are available to anybody who cares to write to the departments of the various provinces, that give comprehensive information and evaluation of the education system as a whole.

**Ms. Mihychuk:** Thank you for your presentations. Many of the teachers are facing a great deal of challenges in their classrooms today. I am wondering if they feel support by the legislation. Can you give us a feeling of your membership in terms of the legislation?

**Mr. Chairperson:** Time is up now. Do we have leave to extend for a response to this question? [agreed] Ms. Cerilli has a question after that. Does she have leave to ask that question after that? [agreed]

**Ms. Beresford:** I have never seen our members so angry and so demoralized in all of my teaching career. You may have heard there was a rally in Brandon last night that had some 900 to 1,000 teachers out in support of public schools, and there is a feeling that teachers are beleaguered. New curriculum is coming down at a pace we have never seen before without any kind of process in place to assess whether the new curricula are actually helping. Teachers are finding that many of their colleagues are disappearing from the system. Six hundred teachers in the last couple of years have left the system, and we anticipate more this June.

The supports are being cut away. In my own school last year, a little rural school, come May we ran out of paper, and our three teacher aides had to be let go. Resources are drying up. Teachers also feel under attack. They feel that they are somehow being held responsible for all of the ills of this society and that the department does not understand the kind of challenge they are facing.

They particularly were demoralized following the Dyck-Render hearings where the message was the same again and again and again, and yet the results of the Dyck-Render hearings, as shown in Bill 72, did not take into account the voices of all of those dedicated teachers who made the rounds all over the province to present their point of view both on behalf of local associations and on their own personal behalfs.

There is an enormous amount of frustration, demoralization and a feeling that they are under attack by this government.

\* (1210)

**Ms. Cerilli:** My question sort of follows up on that quite well. I want to ask specifically with respect to Section 3(r.1), prescribing student assessment methods, and I would describe this section as similar or analogous to having the Minister for Health dictate to doctors how to treat patients, and it would be seen as a real affront, I think, to the professionalism and the ability for doctors to conduct medicine.

I am wondering if you would agree with that and if that is how teachers feel that this section is an affront to the professionalism of teaching and that the classroom where teachers are, they are the ones—and we are speaking here outside of the standardized testing. We are talking about all the other assessment and evaluation that goes in the classroom.

**Ms. Beresford:** The word “prescribing” gives me some chills. As we said, if prescribing means saying you could use these 20 methods and pick from a menu depending on your classroom, your kids, your teaching style and so on, that might be a very useful tool. But if it means saying you will write a midterm exam at the end of January, you will write a final exam at the end of June, and in between you will have three term papers and they will be weighted in these manners, then that is obviously a huge intrusion into instruction and into the classroom and into what teachers do.

I am in sympathy with the gentleman who spoke before me who has been a front-line teacher, and I have to say that you can have a provincial exam, certainly, but what that does is measure one small piece of one set of skills and that many other things have to go into assessing students.

The other thing is I do not want us to confuse the assessment of students with the assessment of a system. They are two distinct things and the assessment of students is only one tiny piece of the assessment of the system. We seem to be thinking that a set of indicators for students is therefore going to somehow measure the success of the system, and I think that is an erroneous assumption.

**Mr. Chairperson:** Do we have leave for the minister to pose a question? [agreed]

**Mrs. McIntosh:** Thank you very much, Ms. Beresford. I quite agree with you and it is absolutely our position. I think we are in accord that many other things go into a total assessment, not just the test, and I think the misinformation that is going out to the public is that it is the test that is going to determine how the student does. The test is but one small measure of a student's progress. That is why the test only is a partial mark, because right now 70 percent of a mark—and eventually 50 percent of the mark—will be, as you know, upon all those other things you have mentioned. So I think we are in accord unless you feel there should be no testing, period, like no component of the assessment should be a test.

I wanted to ask you, though, because I was rather disappointed in your comment that the minister's advisory committees are generally ignored by the minister. We know this particular bill, of course, was the subject of an election campaign, so it is not a surprise to anybody. The election was fought on this bill that now is about to be passed; but, certainly, since I have been minister, notwithstanding the fact that we could not address everything the advisory committee wanted to do because we did not have the money to do it, my implementation committee, advisory committee, I believe I have listened well. I have let the committee write the regulations for duties of teachers and principals. I have let the committee write the regulations for parent advisory councils. I have let the committee do a lot of things, and I intend to let them to do a lot more, including help develop regulations for this bill.

But if, as official representative of the Teachers' Society, you are telling me that I never listen or act on those committees, that one in particular which is a committee that encompasses everything—any topic can be brought to it from any area for full discussion—if you feel, and that is your official position and you are the spokesman that it is being ignored, I do not need to waste half a day every month meeting with that committee. I can disband it as quickly as I put it together if that is your desire, if you feel it is totally ineffective.

Could you please comment if you would like me to disband that committee because it is never listened to, because we could all save a lot of time if that is the case, and I would appreciate your comment on that.

**Ms. Beresford:** I think, Minister, I was speaking of the committee that I have personal experience with and not

the committees in general. I do not sit on your implementation committee, although I have heard that Mr. Pearce feels that on occasion he has been heard. The committee that I sit on, the Ministers' Advisory Committee on Ed Finance last year made a number of recommendations to the minister, and I believe of some 15 recommendations, perhaps one was implemented. That is where my frustration arises, and my comments before were specifically about that particular committee of which I have personal experience.

**Mr. Chairperson:** Thank you very, very much for your presentation.

**Mrs. McIntosh:** I appreciate the clarification.

**Mr. Chairperson:** Now, I would like to call on Mr. Ben Hanuschak.

**Mr. Ben Hanuschak (Private Citizen):** I know, Mr. Chairman, that it is customary to commence one's remarks with thanking the committee for an opportunity to appear before it. I must inform you that I have no expression of thanks to convey because it, indeed, grieves me to think, even so much as to think, that I will have to say what I am about to say about Bill 33.

Mr. Chairman, we spent this morning listening to—and there is no question in my mind, they were very valuable suggestions made as to what the intent of Bill 33 ought to be, what it ought to achieve. There is no question in my mind about the validity of those suggestions, but if you read the bill carefully, if you read the minister's remarks on second reading, the two are diametrically opposed to each other.

The minister, in introducing the bill or in her debate on second reading—because she did not introduce it, the first speakers were members from the opposition, then finally she was brought to her feet toward the end of the debate, and she said that this bill will open opportunities for the public to participate in the education decision-making process, that it would open the door to parental involvement, that it will open the door to student involvement. But read the bill, the bill says exactly the opposite. The bill reads exactly the same way as I am sure an education bill read 50 years ago, in a country that I will not name, where the minister was the minister of public enlightenment and propaganda, and he wore jackboots.

This bill brings control of education right down to the minutest detail of micromanagement into the hands of the minister, and more than that, if it were only limited to education philosophy, education program, well, we would suffer along with it for the next two or three years and we will turf them out. But the sad part about it is that this bill opens the door to profiteers in the public sector beyond our control. It opens the door to—I was going to say multinationals. They become more than that, they become supernationals operating under the aegis of the NAFTA agreement, and we read about them every day. We read about Paramount buying out one book publisher after the other; we read about Disney stepping into the education sector, and why? Because finally this brilliant private sector, this brilliant corporate sector has finally realized that there is a more secure income and there are more dollars to be made in the delivery of education and health and correction services than there is in the manufacture of Cabbage Patch dolls, because the need for the three services that I mentioned will always be there, and the popularity of Cabbage Patch dolls may go up very rapidly and fall even with greater haste.

Mr. Chairman, that is the sad part about it, that the control of education program—because, after all, there are 60 million kids in North America, English-speaking kids, to cater to, which is a heck of a lot more than the 15,000 per grade in Manitoba, and that market is far more lucrative. Once that market gets their toes into the education field, this minister knows as well as the rest of the committee knows that there will be no way that you will be able to get any corporation getting into the delivery of public services getting them out. They are in there for good, and governments may come and go, but the corporations operating under the NAFTA agreement, which are not answerable to the people of Manitoba, are not answerable to any government, continue operating, continue making bucks. That is the sad part about it.

\* (1220)

Now, you may ask why this legislation. The reason is very obvious. The corporations operating under the NAFTA agreement, they want a guarantee from this minister that they will sell their product, so the minister says, fine, I will give you that guarantee, I will set up a single desk ordering system, and all the ordering will go through her office. No rep will have to go out to Gypsumville or to Sprague or wherever to look for an

order, the ordering will be done through her office. And then the supernationals are asking, well, Madam Minister, what assurance is there that your teachers will use this material, so the minister says in response to them, I will pass a law, I will pass regulations, make it mandatory that my materials be used. And most if not all teachers, in fact most Manitobans, know that the contravention of a law or the contravention of a regulation makes one liable to conviction and subject to a penalty of at least three months and/or a \$500 fine, three months in jail. So what the minister really is saying in this law to the teachers, if you do not behave the way I am telling you to, you are going to go to jail.

Now the minister may think lightly of that, but whatever literacy skills she has, I wish she would direct them toward reading some of the laws in our books. She will find that I am correct. Thank you, Mr. Chairman.

**Mr. Chairperson:** Thank you for that presentation.

**Ms. Mihychuk:** I also happen to know that you are a trustee in Seven Oaks School Division, are you not?

**Mr. Hanuschak:** I am not speaking on behalf of the board. There was a representation made, a presentation made on behalf of the board. I hope that I am expressing concerns of one million Manitobans.

**Ms. Mihychuk:** What do you feel is the role of the Minister of Education? In several of the bills there seems to be an enhancement of her powers and her direction to schools. Have you an opinion? Should the minister be more intrusive into our schools? Is there that need or not?

**Mr. Hanuschak:** There is the effective role for a minister to perform without intrusion into the micromanagement of our schools. The minister ought to be giving leadership, the type of leadership and direction that ministers have been giving the education program for the past 125 years, and ministers are quite capable of doing that without passing regulations which, in turn, threaten people that, if you do not do as I do, you go to jail or you pay a fine. That was done very, very effectively, and, insofar as the board is concerned, the effect that this has on the board, this totally emasculates the role of the board. There is no suggestion that I could offer as to any amendment because the effect of any

amendment would only be—well, what can one say to a threat of emasculation? That the minister ought to give her razor blade a few shots of WD40 and maybe clean some of the rust off and maybe take a honing stone and smooth out some of the nicks in the blade. That is about all, but the end result is going to be the same.

**Ms. Friesen:** I was just checking my list to make sure that Mr. Hanuschak was not going to present on Bill 47 as well. So just Bill 33, okay.

I wanted to ask you about a question that I believe was raised by one of the other presenters, and that is the wording of Bill 33 on private schools. It authorizes the minister to authorize programs, instructional materials for use in public or private schools and also raises the issue of evaluation of effectiveness of programs in public or private schools. Do you have any sense of why that would be written in that way, public or private, as opposed to public and private, or all schools of Manitoba, which is the context of The Education Administration Act generally?

**Mr. Hanuschak:** To give the minister the ultimate control of the entire education program which she, in turn, could deliver the financial benefits of to the private sector. Now the evaluation of programs, we really do not know what the minister means by program. I think that if one thinks about it, one would find that it will be very difficult to exclude teachers from programs. Teachers, textbooks, computer software, the classroom itself is all part of the program, so this is opening the door wide open to the Minister of Education to merit-rate and, in turn, fire teachers. Because if you are going to have the right to evaluate, and if you do not have the right to fire, then what is the point in having the right to evaluate if you cannot do anything with that evaluation? So do not be surprised to find another amendment coming in at the next opportune moment where the minister is going to clearly define and state her right to merit-rate and fire teachers.

**Mr. Kowalski:** Two questions, the first one just to refresh my memory. When you were in government, were you a Minister of Education?

**Mr. Hanuschak:** Yes.

**Mr. Kowalski:** The other question is in regard—you talked about parent involvement. In 1991, a parent

within the Seven Oaks School Division wrote to the school board on which you sit asking for a divisional parent committee to be formed. You were part of the board that declined that, saying it would have threatened authority of the board, that parents had other roles to play. Now, I understand that, within the Seven Oaks School Division, Karen Romanoff and Rose Ann Joseph net are being assisted to form a divisional-wide parent committee to petition the minister against educational cutbacks. Do you think that this legislation was one of the motivators, and the division changed their mind to support such a call for divisional-wide parent committee?

**Mr. Hanuschak:** This legislation has absolutely nothing to do with parental involvement. Absolutely nothing. If it did, there would at least be one word in Bill 33 that would reflect that. I know the minister spoke about parental involvement, but there was absolutely no reference to parental involvement in the legislation. The purpose is for the First Minister who is privatizing health care, who is looking at the privatization of Corrections, why would the First Minister want to look at education any differently? He uses the same formula: government expenditures minus government revenues plus recovery from privatization plus user fees equals a balanced budget or better. That is the main objective.

**Mr. Chairperson:** Thank you very much for your presentation, your lively presentation, Mr. Hanuschak.

Dee Gillies, please. You may begin with your presentation. You are speaking to both bills?

**Ms. Dee Gillies (Coalition Against Standard Testing):** Both bills, yes. Before I begin, I am going to have to apologize for holding it up in front of my face. It is just too painful to hold it down, and I apologize for the typos in Bill 33, because I have injured my neck—my husband typed it.

My name is Dee Gillies, and I am representing CAST, the Coalition Against Standards Testing. We are a broadly based provincial group of concerned parents, and I am here to address our concerns on Bill 33 and Bill 47.

\* (1230)

It is the height of folly to publish results of tests deemed by experts to be neither reliable nor valid as a

measure of school achievement. CAST does not believe that standards tests can ever be fair and free from economic, social, or racial bias. For example, the Grade 3 mathematics standards test, question 16b asks: If you have 24 different combinations of outfits, how many T-shirts and jeans can you have? If you live in Tuxedo, you may have many outfits; kids in the inner city tend to wear clothes and may have no concept of outfits.

In our meeting with the Deputy Minister of Education on April 25, 1996, we were assured that the mathematics exam would not be a reading and comprehension exam, but consider question 29: Write a math story problem where the answer is 36. This is most assuredly a reading comprehension question. Given how awkwardly worded the question is, even to a literate adult, the difficulty for a child in ESL struggling with language must be almost insurmountable.

At this meeting we expressed our anxiety about test results being released and were told that there was no intention on the part of the Department of Education to do this. CAST feels that it has been lied to. Releasing results to the public out of context will feed the misconception that good schools get good test results. This will encourage school shopping and the marginalization of those most in need of a superior education. The Calgary Herald on September 18, 1996, noted that, despite open boundaries, school shopping often is not even possible. Every school has a catchment area that gives priority to students living in the district, and there is not sufficient space for additional children in the schools of choice. The economic circumstances of many families preclude choice.

As an aside, CAST would like to know how, if the curriculum is being standardized and testing is being standardized, why anyone would need to move to another school. CAST believes that all schools should be good schools and that the only desirable type of school shopping should be for choice of program.

As fair and open-minded parents, CAST members asked the Department of Education to provide documentation supporting standards testing. I would like to take this opportunity to share the response. We specifically asked for statistical and empirical evidence of the benefits of testing Grade 3 students and how and where such testing improved education standards and

accountability. The response from the minister's department was, and I quote: Research analysis on the effect of external exams such as provincial examinations and standards results indicates that students from Canadian provinces with such systems—the next line is gobbledygook—were more substantially better prepared in mathematics and science than students in provinces lacking exams. In addition, parents were more likely to talk to their children about what they were learning in school. Students also watched less television and were more likely to report that their parents want them to do well in school.

The minister provided no empirical, statistical or other verifiable evidence to substantiate these claims. We must assume that the evidence supporting standards testing is hearsay. The letter further states that a large majority of Grade 3 students reported that the test was fun. CAST can only assume that these are the same students who are now demanding the right to be tested in Bill 47.

Earlier in this brief I made reference to the fact that CAST had met with the minister's department on April 25, 1996. At that time we were assured our questions would be answered, but as of today we have not heard from the minister. The response that we have quoted from was forwarded to us from the Winnipeg School Division No. 1, which had questioned the minister in a response by CAST to the board. Considering the appalling response from the minister's department, we must recommend that, until information supporting testing can be provided, standards testing and the release of such results be abandoned.

We would like to speak very briefly to Bill 47, particularly new Sections 58.7(a), Responsibilities of parents, and 58.9(2) Clauses (a) and (c), Rights of pupils. It seems tyrannical to us that you require parents to co-operate fully with teachers and divisions, et cetera, especially where we cannot in good conscience agree with the student discipline or behaviour management policies. One assumes that if we do not co-operate fully we will be prosecuted and punished to the fullest extent of the law. We wonder how you will judge which parents are not performing to your satisfaction and how you will enforce this clause. Conspicuous by its absence in the rights of the pupil is the right to an education. Students are generously given the right to be tested and the right to be expelled, but not the right to be educated. Surely every

child has a right to be educated to his or her fullest potential in a safe and secure environment. We would argue that this is fundamental in a democratic society. While we agree that fair and ongoing evaluation and assessment of students is desirable and necessary, we cannot believe the Minister of Education is the best person to do this.

Also notably absent is any right to appeal any test question or test result. Test results are permanent and can affect a pupil's opportunities. What protection from negligence, incompetence or malice does a pupil have in this legislation?

In Clause (c), rights of pupils, we as parents insist on the right to represent and speak for our children at all disciplinary hearings, not just the right to accompany and assist them at the board level. Even those who have committed the most grave and heinous crimes in criminal law have the right to be fully represented. Why would you want to deny young children the same right?

While we agree that rights and responsibilities of both parents and pupils should be added to The Public Schools Act, we would ask that you amend Sections 58.7(a) and 58.9(2)(a) and (c) to reflect opposition.

On a more personal note, I want to say that, like many, I have not had a lot of time to prepare responses to the legislation. The minister has told many presenters that the legislation has been available since spring. It is available, yes; accessible, no. Like many Manitobans, I do not own a copy of The Public Schools Act, nor can I afford it at this time. All the amending acts are written in such a way that you must have the original legislation to be fully prepared. I have listened to the minister question other presenters by comparing this clause and that and the intent of this act or that as if every family in the province had a library of acts. It seems the government has in no way facilitated debate. Just consider these hearings. I am a working mother of two. I have been here two evenings this week, and I am here again this morning watching what I consider to be a disgraceful betrayal of democratic process that can only bring this Legislature into disrepute. I thank you for your time.

**Ms. Friesen:** Thank you very much for both the presentations, and I certainly take your point about the processes of these hearings for individual citizens who come to hear it. We have heard the same kind of

comments, and with a number of suggestions as well, from a variety of presenters. I think you should know that we will be taking forward some of those suggestions that have been made, because while it is obviously a very important aspect of democracy in Manitoba that people have the opportunity to present, it is a double-edged sword in the sense that the actual process of presenting is so disrupting to so many people. We certainly heard that, and we will try to work on that.

\* (1240)

I wanted to ask you on your presentation on Bill 33. You are particularly representing a group concerned about standards testing and the uses to which those tests are put. I liked your example from the Grade 3 mathematics test; I think that is a very good one. It really points up to the way, in fact, that—well, I will leave that one.

You have talked about the use of these tests for competition, for establishing a competitive environment between public schools within the school system and, I would add, between public and private schools. Yet, as you have pointed out, and others have, the curriculum remains standardized, *et cetera*; the teachers are trained in the same way; the school board establishes certain kinds of policies and priorities for all of the schools within their divisions. How do you think that competition is going to be achieved? This is what the government wants; all of these regulations and legislation are leading to that. How do you think competition is going to work, what will be competitive, how will schools compete with one another in this system?

(Mr. Vice-Chairperson in the Chair)

**Ms. Gillies:** Instead of competing on the grounds of academic excellence, I believe that schools will compete for: this school has a better facility, it is a newer facility; this school can offer child care, a before- and after-school program; this school offers a lunch program; maybe this school has more field trips. None of these are taking into account academic excellence, the needs of students in education. These are not education issues. The competition is not based on education; it becomes based on more material things.

**Ms. Friesen:** So would you agree then that when the schools begin to select the families, as indeed will



happen, schools with waiting lists will select those people whom they want to accept, they will be accepting families, parents, who can help them achieve larger facilities, more dramatic facilities, larger libraries, the additional funding that students and parents are now involved in raising in so many schools as well?

**Ms. Gillies:** I believe that it is exactly what will happen. In the States, you see economic ghettos, and people are in schools not by choice, but because the economics of it. If you start selecting parents above a certain income level or even something so simple as being able to afford bus passes to get your child to the school, it becomes an issue that some people have it. If you can buy it, you have the choice.

**Ms. Friesen:** You mentioned the United States. Could you give us some examples of what has happened in areas where school choice has been in existence for a number of years, say, a decade, or eight to 10 years?

**Ms. Gillies:** I cannot honestly speak of the United States, but I can tell you a little of the experiences I have with Britain where they have gone this road. I have a sister who is a teacher in the British education system. So what you have is huge schools of—it is almost like social and economic rejects. The schools that need the most funding and the better facilities and the better teachers cannot afford it. These are children who are in larger classes; they are children who have less opportunity than any other child. My sister teaches in such a school in Wimbledon, and she said it is just hell.

**Ms. Cerilli:** I also want to ask some questions about standardized tests and school choice, but first of all I want you to clarify something on page 1 of your brief on Bill 33. Maybe not clarify it but expand on it because I know the minister seemed to—well, she is not here right now, but there were some questions, I think, that she would have had on this. So I want you to expand on the example that you give of the Grade 3 math exam with the 24 different combinations of outfits and explain how that is culturally or based on socioeconomic status and issue with respect to how testing can be biased.

**Ms. Gillies:** The 24 different combinations of outfits was a really glaring example of economic bias. It is also racially biased in that “outfits” tends to be a very white, upper middle class phrase; blacks wear duds. We have

other terms that we use for clothes commonly in the home. Children at Grade 3 in particular often do not have access to all the different language or all the different ways that different groups refer to things, such as outfits. I have never said to my child, what outfit are you wearing today?

**Ms. Cerilli:** I am glad that we have that explanation on the record because I think it is very important.

I also wanted to say that you had a very good distinction on the difference between choosing schools based on a different program, say, bilingual or industrial arts, as opposed to choosing a school based on the disclosure of evaluation of students or other assessments of that school. I think that is an important distinction.

I want you to comment on what you think is going to happen when we have this school of choice model in Manitoba for a while and the schools that are attracting more students will attract more students. They are not going to be able to grow to accommodate more students very readily, so I am concerned that we are not going to see, as you have said, for all schools to be good schools, because this will set up a system where other schools will lose resources, again, because of the way that schools are financed, based on the number of pupils and that.

It seems that there is a problem here. This is putting a market kind of approach into education, but there is a limit of the facility and the—you know, we are going to see all these schools with trailers hooked onto the outside because there are all these parents who think that they should send their student there. So I am wondering if you could just explain a little bit more how you see this affecting the system.

**Ms. Gillies:** Oh, I could imagine in an area, say, at the very west end of St. James where maybe they have a larger economic base, a group of parents getting together and saying, we will build our own facility, and there is nothing to say that you cannot do this, that we will build our own facility or we will raise funds for a gymnasium or we are now going to build a new computer lab. That denies children in economically depressed circumstances those sorts of things at the same time, so it really is a case of, if you can buy it you can have it, as opposed to public education being freely accessible to all, and a quality public education being freely accessible to all.

**Ms. Friesen:** The minister suggested to an earlier presenter that Bill 33 had been part of an election debate. I think she was referring to Bill 33. I wondered if you had a sense that large-scale public debate on education, educational standards, educational, well, for example, the principles in Bill 33, had been discussed in the election.

**Ms. Gillies:** When I heard that comment from the minister, I turned to the person I was sitting with and I said, I thought it had been fought on the Jets, because that was my impression of the last election debate. I never heard anything about standards testing, and I have been involved in the school system, because I have children in the school system, I have been involved in the school system for many years. We never had any debate on standards testing coming back into the school during the last election.

**Ms. Friesen:** Again in reference to your paper on Bill 33, there were two things here which I think I would like to pursue further. You met with the minister, and the minister said that the test results would not be released. You feel that you have been lied to. Now, was this specifically in relationship to the Grade 3 mathematics pilot testing?

**Ms. Gillies:** Yes, it was.

**Ms. Friesen:** Have you ever received anything further from the minister in writing or by phone calls on that issue?

**Ms. Gillies:** The Coalition Against Standards Testing has not. As I indicated in the brief, the response we have was a letter forwarded to us from the Winnipeg School Division No. 1 in response to a brief that we had made to them, but we have never had from the department the courtesy of a reply.

\* (1250)

**Ms. Friesen:** The test results from the Grade 3 examination, it was a pilot test and, hence, there are really two kinds of results. One is an assessment of the test. Since you are piloting a test, the goal should also be to assess the nature of that test, and you have given us some feedback, very strong feedback, on that test. The other is the individual test results of either a school or the individuals within that school. In your discussions with

the minister, did she indicate that she would be releasing any of those elements of assessment or testing?

**Ms. Gillies:** No, they did not. When we met and raised this issue, we were assured that it was not the intent of the department to release these results. We brought this concern up very specifically, and we were assured it was not the intention of the department to release these results.

**Mr. Vice-Chairperson:** Thank you very much for your presentation today.

**Kenneth Emberley,** do you have a written presentation for us today? Okay. The Clerk will distribute it, and you can start anytime you are ready, Mr. Emberley.

**Mr. Kenneth Emberley (Private Citizen):** Mr. Chairman and members of the committee, I appreciate the wonderful institution that has been created and survived in this Legislature for a long time of Law Amendments. It is a rare institution, and I am sure some of you will even remember way back years ago when another party was in power and there were many changes they made in legislation as a result of hearings. I will try to speak very clearly and concisely. I wish to speak on both Bills 33 and 47.

My brief has a title—

**Mr. Vice-Chairperson:** Order, please. Ms. Cerilli, on a point of order.

#### Point of Order

**Ms. Cerilli:** Yes, on a point of order, Mr. Chairperson. I think the presenter has distributed his brief on Bill 26, which is labelled the Labour Relations—

**Mr. Emberley:** I just wish to explain that. I wrote the presentation for all four bills in which I am presenting on because I wish to give a slight overview of the development of our culture in our society that is making some of this legislation necessary. Throughout, it refers and I refer specifically to this legislation.

**Mr. Vice-Chairperson:** Thank you for that clarification, Mr. Emberley. You may continue.

\* \* \*

**Mr. Emberley:** Thank you very much. A couple of brief notes from other speakers' things. Somebody talked about the dedication of the students. How about students that have an opportunity to be one-quarter unemployed, one-quarter part-time employed, one-quarter underpaid when they graduate? What an inspiration for a young person to work. How many teachers get respect from the governing body that controls their pay and their working conditions and sets the laws or how they will be regulated and controlled? They get very little respect. How are teachers to ask for respect in the classroom when they do not get it from the people that control them?

It is a great regrettable thing that this so-called public hearing is not available to the public. Of the million people in Manitoba, how many are here hearing this? How many are able to hear one-tenth of 1 percent of it on the television or on the newspaper and yet for 25 years people have been using television to broadcast hearings? There is a very serious, undemocratic defect that this Legislature did not broadcast these hearings. The ones that are left to be done should be broadcast.

**Mr. Vice-Chairperson:** Mr. Emberley, I hate to interrupt you, but can I just stop you for just one minute? When you began your presentation, you had stated you are going to be speaking to both 33 and 47?

**Mr. Emberley:** Yes, sir.

**Mr. Vice-Chairperson:** At this time, I notice that you were not on the list to make presentation registered to speak on 47. Is there agreement with the committee that he is speaking to both bills and we will have him registered? [agreed] Thank you.

**Mr. Emberley:** Thank you very kindly.

**Mr. Chairperson:** Mr. Emberley, carry on; just for the rules.

**Mr. Emberley:** One very major defect that has not been included in the bill, I believe that you eliminate possibly 25 of the best potential teachers by having a requirement that nobody can teach Grade 1 without a four-year university degree. Many, many people who love children would love to teach and will not put up with four years of rigid, structured teaching in the university. We deprive ourselves of a great public service in that thing, and it is

part of the professionalization of our whole society that does not value the human qualities of teachers.

One of our great defects, I think, not addressed in either bill is the computerization of education. Computers isolate students from human contact very deliberately. It is a major thing. Then they have the main recreation. It is computer war games, where they are isolated from people and make war on people. This does not even examine the long-term effect of this on human relations, because a lot of people are going to grow up—of course, if they work at home in an isolated community, or if they work alone in a room with a computer—and they will not ever be dealing with humans; but the long-term effect on our society does not seem to be considered by the Education department.

I suggest that both bills, Bill 47 and Bill 33, do not address the possibility that was very much mentioned: The first seven years of a child's education are important, vitally important. A child who is deprived of a decent human place to live, deprived deliberately of enough income to live like a human being, cannot get a proper education. The Education department does not seem to be addressing this.

I hope it is noticeable that there is reason and that there are reasons for considering amendments which during 20 years have often been made by both parties. There are possibly 10 major documents that I will supply you for those interested in examining them. I will skip some parts because I will be short of time. All that I ask is to be heard, and for you to examine the papers and two major documents which I have not included.

In 26 years of self-directed sustainable development community studies, I learned more than I could have learned in six years at the greatest universities in the country. I learned to care and think about people and to think about people and nature. This is not stressed anywhere in our education system, and I believe it is completely omitted from the concept behind the bills, the lack of a stress on community. In fact, one of the bills could almost be titled as a bill to segregate children in the schools. That will be the effect in choosing individual schools for quality. Yet one of the most important things that we get in our society is that people in mixed classes, like the people in River Heights, where from one end to another of River Heights there is a very large difference

in wealth and prosperity among the people. Some of the people—I grew up there, and the mix of people you meet enriches your lives, both the poor and the wealthier. This effort to test and classify the schools and pick the schools and the children that are going to be successful and the schools that are going to make money and the schools are going to have a better rating—instead of making an effort to improve the schools and to maintain a diversified group, they will gradually be segregated on class, on cultural background, educational background, on whether they are white, middle-class people. All those affect standardized test results.

The possibility of making parents legally responsible for their children, it is a vital issue. I wonder if any of you have heard of the Westray Mine inquiry, the Health Sciences Centre inquiry, the Somalia inquiry, the blood inquiry, public inquiries in Canada about senior political and administrative personnel not doing their jobs, of the total absence of any clear job descriptions, of the total absence of any procedures to correct, amend, appeal or punish unwise decisions, the absence of these institutions, in all of these institutions, in fact they are undemocratic, and that is what some people are saying about some of the features of this bill. And I say, when we do not broadcast this for 1,000 or 10,000 or 20,000 people to be able to hear this debate on public television, we are operating an undemocratic procedure. I ask you to consider that.

\* (1300)

We have major—whole segments of our whole society are totally irresponsible, and not one sign in 20 years of any effort to make these groups provide job descriptions, an appeal process. Imagine if the AIDS patients had been able to appeal, just as if they were human beings with rights, to the administration of the Red Cross and the corrupt political group that managed the Red Cross inadequately. I beg of you, if you are going to make the children responsible and their parents responsible, you make sure that there are methods and terms within the people that arrange this legislation and get it passed, that they are held responsible.

On page 2 I have included for you, Discover the Excitement and Joy of Learning. For 200 years, corporations have been allowed by government regulations to take any corporation dollars or profit

dollars to hire thugs, private armies, private police, spies and use the media to make their own war on labour. There is a book I have. I have included an excerpt, The War on Labour on the Left by Patricia K.O. Saxton. No country in western Europe, Japan or Canada ever carried the organized war that the United States has carried on against labour unions, against workers. The most important document I have included for you is Managing Public Opinion on page 3. It is mentioned under item 7. I have given you before copies of Managing Public Opinion—The Corporate Offensive, but there is a brief summary here:

In 1880, the major corporations and business leaders were saying, it is terrible the way governments are giving democratic rights for people to vote, and they decided in 1908 that it would be all right if people voted, provided business could still maintain absolute control of the policies that governments passed. The national association of manufacturers in the U.S.A. has carried on a professionally managed campaign from 1908 to 1996 to prevent democracy, an organized war on labour, and that manuscript, which I presented in two different occasions in this House and have presented in every major public hearing that took place in Manitoba in the last eight years, details the record of that campaign. You might not know there was a worse terror era after the First World War than the McCarthy era after the Second World War which totally demoralized the working class and labour.

The very same thing took place starting in 1972 when they appointed a business round table of the 196 biggest corporation executives in the States to organize a campaign to elect an extreme right-wing government, which took place in 1980 for two terms. They created Tom d'Aquino's Business Council on National Issues in 1976. The 150 CEOs of the biggest corporations in Canada, mostly U.S. transnationals, and those people have carried out the corporate agenda and got Brian Mulroney elected for two years and passed free trade and NAFTA.

Pierre Trudeau, in the summary that I have given you here No. 7, paper 7, the introduction on page 2, it gives the details of Pierre Trudeau's actions in 1982 and '83 of creating the economic commission to inquire into Canada's economy, headed by Donald MacDonald, a member of the Nelson Rockefeller trilateral commission.

In 1983, they passed on to Mr. Brian Mulroney an official recommendation for free trade from the Liberals. The corporate appeal in the courts of Alberta gave corporations the right to fund elections, and that has been confirmed and reaffirmed and has not been appealed by the federal government, this present federal government, and corporations spent \$56 million to elect Brian Mulroney in his second term and our Legislature is preparing legislation to prevent unions from taking part because unions have an unfair advantage over the corporations and the millionaires.

Even that "black" man in Toronto, Conrad, who owns a newspaper, has power over most of the newspapers in the whole of Canada. This government is planning legislation not only to change The Education Act, very seriously in a negative way, but to negotiate and outlaw the rights of unions to take political action without a vote of approval from their members. I never heard of a corporation asking their members or their shareholders, and there is no law that makes them do so.

There is a very serious concern about the use of propaganda. You may have heard that the government uses educational questionnaires and educational surveys and does polling. All our governments have done that for a long time. This is detailed here on page 4 of my brief, see on page 32 in the Alex Carey manuscript, think tanks which promote the neo-Conservative agenda, and Alex Carey, a colleague of Dr. Helen Coldicott, who wrote this manuscript, carefully and professionally researched. The political preferences are simply plugged into the system by the leaders, business or government, in order to extract what they want from this system, then having surveys and then having a public relations to educate the public the right way and then asking the public what they want, the model of participatory democracy is substantially equivalent to the model of totalitarian rule.

So I ask you, when you are looking at these things and you are thinking of regulations, what is the job? How much of your schooling is in democracy? What is the slant of your Bills 47 and 33 to promote democracy? There are two opposing views, very dominant in our society. The opposing views of the upper class and the lower class. The opposing views of these wonderful businessmen and these dreadful workers. The opposing views of conservatives and liberals and socialists, NDP.

What is a child encouraged to be? Inquisitive, skeptical and imaginative. How does that show up on computer learning, in reduced library services, in rigid control of teachers and centralized control of the school system, school administration, the school policies which all of your presenters have said very seriously are factors that they believe are very influential in this new legislation?

If children are going to grow up in a country as a democracy, and we are going to reduce class hatred and class warfare, and we are going to reduce racial and religious controversy, and we are going to reduce the destruction of the land, people have to learn to think about nature and people, to think about their community, not just to think about a job and profit because our society is self-destructing. I do not know how many of you heard John Ralston Sauls lectures, the Massey Lectures. Those are now cancelled after 30 years on the CBC. John Ralston Sauls said that we have been living in a century of warfare—

**Mr. Vice-Chairperson:** Two minutes, Mr. Emberley.

**Mr. Emberley:** Two minutes? Thank you, Sir. We have been living in a century of cultural domination of corporations and war. The best examples of this corporate structure were Mussolini's Italy and Salazar's Portugal. Of course you go on to look at the rigid structures of the neo-conservative revolution. We are heading a society for self-destruction.

\* (1310)

The United States now is more like Northern Ireland every single day, and we are doing everything in our power to copy them. Do you not even have the wisdom to think about that? How many have ever seen the cable television, seen the 10-year war the Mexicans had to try and create a political party, and the Los Angeles police shot a rifle grenade into a bar among a crowd of people and blew off the head of the political party? That was on cable television.

So what I am asking you in this business, both of these pieces of legislation are going to make so many serious changes in our society. I have included for you in here the document by Dollars and Sense magazine. Do you know that the United States, of 14 industrial nations, is

the leading nation in creating poverty equivalent to Australia? Of all the 14 industrial companies, the United States puts more in prison than any other country. They put 90 more people in prison than Dutch South Africa, the heart of Apartheid—90 more people per 100,000 than they do in South Africa.

All the black people in the United States, 25 percent are either in jail, on the way to jail or on parole. When it comes to being covered by medicare in the United States, 75 percent of whites are covered; 13 percent of blacks have got medicare coverage; 9 percent of Hispanics. Do you know we do better than that in Canada for half the cost?

**Mr. Vice-Chairperson:** Mr. Emberley. The time has been concluded on the 20 minutes.

**Mr. Emberley:** I am sorry I wandered, but if you knew the effort I spent into gathering these papers. Thank you for your time.

**Mr. Vice-Chairperson:** Just one moment, Mr. Emberley, there might be some questions.

**Mrs. McIntosh:** Before the questions begin, Mr. Chairman, could we have leave that this presenter's speech be given to Hansard to put into the record even though he did not have a chance to speak it all. It could go in from the writing to Hansard.

**Mr. Vice-Chairperson:** That has already been agreed to at the beginning, so the entire speech will be included in Hansard.

**Ms. Friesen:** Yes, I certainly do agree to that, but also I think we did not deal with the Seven Oaks presentation in the same way, and it was not read fully, so I wonder if we should be consistent? I think everyone else—

**Mr. Vice-Chairperson:** All presentations that are given to us will be entered in as read.

**Ms. Friesen:** Thank you.

**Mr. Vice-Chairperson:** Thank you very much, Mr. Emberley.

**Mr. Emberley:** I hope you do not think I lied to you when I said I was trying to speak to two bills.

**Mr. Vice-Chairperson:** No, not at all.

**Mr. Emberley:** That was not the intention. Thank you.

**Mr. Vice-Chairperson:** Thank you very much, Mr. Emberley.

**Candice Stearns.** Your presentations are being handed out at this time. You can start when you are ready, Ms. Stearns.

**Ms. Candice Stearns (Private Citizen):** Good afternoon. My name is Candice Stearns. I am a founding member of the Coalition Against Standards Testing, the chairperson of the Montrose Alternative Parent Group and the secretary of the Manitoba Association of Alternative Education. Most importantly, I am the mother of four children in public school in Manitoba.

Up until now, I have been very impressed with my children's education. I believe they have been given a solid base in reading, writing and mathematics. They have also been able to stretch themselves and develop the joy of learning. My children go to school because they want to, not because they have to. I know that standards testing will narrow their field of learning and destroy this joy.

When Clayton Manness brought out his education reform, in it was the information about mandatory standards testing of our children. It must be said that very few parents or educators were conferred with before such a drastic step was taken. I do not believe that anyone who honestly understands the education process would have spoken in favour of standards testing. Neither the Winnipeg Teachers' Association nor the Manitoba Teachers' Society believes standards testing improves the quality of our children's education. They also see the great harm in them and do not support their use. At that point many, many parents felt that it was a totally regressive policy and our hopes were pinned on a change in government. However, the government was retained and we can only hope it will recognize how truly harmful standards testing is.

Now, Bill 33 will allow the government to prescribe methods and procedures for assessment and evaluation of any aspect of pupil achievement and prescribe methods and procedures for the assessment of the effectiveness of courses of study and programs. This, we can only assume, is where the government feels standards testing fits in. We greatly fear that the results of these tests are what the government will use as a stick for assessment of our schools. I am sure you realize how totally ineffective these tests are at evaluating anything except how well our children take these tests and how close our teachers have taught to the test.

I am now going to explain why the alternative program can only prove to be a poor-quality program if we used standards tests as a method of evaluation. The alternative program combines three grades in every classroom. The children are expected to have completed all three curriculums by the time they leave that particular class. However, the children do not necessarily do them in grade order so that a child in Grade 2 might be doing the Grade 3 science curriculum. When the Grade 3 children are tested in science, they will not have necessarily done the Grade 3 science curriculum that year. Therefore, perhaps they will not do as well as they might have the year before that they did the Grade 3 science curriculum. I have been told by the government that parents with children in the alternative programs will just have to accept these lower marks. I think this will undermine and destroy what has proven to be an extraordinarily successful program.

Bill 33 is also going to release information relating to pupil achievement and the effectiveness of programs in public or private schools. When the standards tests were first suggested, the results were going to be used only by the government and the public was not going to be informed. Now, obviously, the government feels they need even more power and by distributing these results they can show what each school is accomplishing in comparison to each other.

These scores are just a small and unimportant part of what is actually happening in our schools. There is so much more to them than what they are offering to our children. Schools of the '90s are nothing like the schools of the '50s when standards testing was in its heyday. However, now schools will be judged by their test scores and school shopping will become the norm. When children leave a school, they take their tax dollars with

them. This leaves the school they left poorer and less able to continue even though the scores had nothing to do with the quality of the school. We will then develop the have schools and the have-not schools. This is certainly not going to improve the quality of education in Manitoba.

Now, in Bill 33 another new addition is, a pupil is entitled to receive regular testing and evaluation of his or her academic performance and achievement. No one certainly is disagreeing with having our children's performances and achievements evaluated. We feel that there are many different ways of assessment, all of which are better and are more effective than standards tests. Most of these assessments will also judge the children within their own context where accuracy is much more likely. Work portfolios, teachers' observations and classroom testing are all very effective means of assessing our children's learning development. Schools are working at better report cards and more thorough parent-teacher meetings, which will certainly give a parent a much better grasp of their children's performances. Stressing standards tests, so rarely valid as the most important tool of evaluation our children are entitled to, is a grave error and something which this government needs to reconsider.

Bill 47 includes the rights and responsibilities of pupils and parents. In regard to the rights of the pupil, I sincerely hope it says somewhere in the act—I have not been able to obtain it in its entirety—that the main right of the pupil is to receive the best education possible. The mechanics are nothing if we are not prepared to ensure we are supplying our children with good quality education which suits each individual child best. Standards tests can only hurt and undermine our children's chances of this. I also dearly hope that the act includes the right of the parent to ensure our children are getting the best education possible for their needs. We are our children's best advocates, and by taking this power out of our hands the government undermines the positive influences parents have on their children's learning. If we feel our input is ignored we have a hard time offering our support.

\* (1320)

Before these bills are passed it is critical that the government does much more research, and parents and educators need to be the people who are conferred with

Please take these changes to parent councils, teachers, administrators and find out what this population really feels about them. Do not begin this course of very expensive testing without further evaluation of their effectiveness and their usefulness. This is a knee-jerk solution to something which could cause drastic consequences in the quality of our children's education. Please do not make our children pay for your politics.

**Mr. Vice-Chairperson:** Thank you very much. Would you take some questions?

**Mrs. McIntosh:** Perhaps I am not reading it correctly, or maybe the wording is a bit ambiguous. On page one you have the alternative program combines three grades in every classroom. The children are expected to have completed all three curriculums by the time they leave that particular class. I will maybe ask you what you mean by—you are talking about children who would go to school for three years and in the course of the three years take all of the three curriculums over the three-year period, not in one year.

**Ms. Stearns:** No, in three years.

**Mrs. McIntosh:** So you are saying then that they start school, and over the course of the three years, taking maths for example or science, they might take Grade 3 math in Grade 2, or Grade 2 math in Grade 3, but at the end of the third year they would be expected to have taken all the work that would be Grade 3.

Why, then, is it a problem at the end of Grade 3 to provide them with a standards test, because by the end of the third year, no matter whether it is an alternative program or not, they would have completed all the same work.

**Ms. Stearns:** It sounds good in theory, but they are going to be compared with children who took it that year. Say they took the Grade 3 science curriculum in Grade 1, how well will they remember it? I do not think that they will be on the same level of remembering as they were, and they might not have learned it at the same level that a grade three would have learned it. They may have taken the Grade 1 curriculum in Grade 3 at a much greater scope, so their understanding of that Grade 3 curriculum might not have been as strong that year, so I do not think you could expect them to have the same results.

**Mrs. McIntosh:** Given that standards testing will be done in Language Arts and Math upon which you have to have a foundation to build, no matter what year they learn addition, for example, or what year they learn to read, why would you assume they would forget those basic facts upon which all the others are built?

**Ms. Stearns:** Perhaps I should have used the four, five, six class where there is going to be—the science is going to be an expected testing in Grade 6. It was not a good choice of grade levels.

**Ms. Friesen:** Mr. Chairman, I wanted to ask some questions on a similar vein. I represent a number of schools where the alternative program is very strong, and I am thinking of Laura Secord and of Wolseley School which is almost entirely built on the alternative program, and also Gordon Bell where there is an alternative program now based on the same principles which are moving into the high schools, so the very discussion you have been having with the minister I think does need to be taken forward to deal with a much larger body of material, a much more complex set of examinations and which, unlike the Grade 3 ones, are actually going to count for 50 percent of the grade. So these are very significant issues of standards testing and the alternative program.

**Ms. Stearns:** The alternative program is very frightened by this because we have developed—and it has been a parent-led program—a wonderful program where our children are learning at extraordinary rates and we worked at having it in Gordon Bell. Our children, my children, have gained enormously from the fact that they are in several grade classrooms and they are learning a broadened curriculum. We are all very frightened that this could destroy what is an extraordinary program.

**Ms. Friesen:** I am very glad to have that on the record because it has been one of the long concerns and representing Montrose School as well. Obviously, this was the pioneer insomuch of this type of education.

The alternative programs are so strong in the schools that I represent that this is in fact what the parents queue up for, they line up for at three in the morning at Laura Secord. This is the one that has driven much of the recent expansion of Gordon Bell School. When parents do that, when they are selecting that school—and I am now moving



to talking about school shopping—they judge on a variety of bases. They judge primarily from other parents, from other children, from their desire to create a sense of neighbourhood, and one of the consequences of the standards testing and the very bald release of those kinds of numbers is it is going to give a much narrower framework for discussion of school success.

I wondered if you could comment on that perhaps and relate those two things, the evaluation of schools and the nature of testing as applied to the alternative programs.

**Ms. Stearns:** I think that if we tested our alternative classrooms, parents would be afraid of them. In the larger picture it would say, look at these classrooms, because Mr. Carlyle did tell us that we were to expect lower marks and that we would have to accept it and that, yes, we are right, we are not going to get the marks that other people are going to get.

Now, parents who are borderline, people who have heard how wonderful it is from other parents, from the children, still will look at these. There will be published marks in the newspaper in places and, go, h'm, does that seem like a wonderful program to put my child in? I am not sure. I think the schools of choice will become, oh, look, such-and-such school has these wonderful marks.

Now, it does not tell you that the teachers spent the whole year teaching those children how to take the tests and did not deviate one bit from the curriculum. It does not explain to them that in comparison, the alternative took the curriculum and zoomed and perhaps did it in a different order. These parents, well, they will say, h'm, look, let us go to the one with all these high marks; obviously, our children will succeed better there. The children may succeed better at taking the tests, but that does not mean that in the 20th Century when these children are out looking for jobs, looking for careers, looking for life skills, these children certainly will not have the same skills that the children who have gone through the alternative program will have.

But if it narrows, it will not be available.

**Ms. Mihychuk:** I wanted to perhaps get you to elaborate why the alternative program is so enormously successful. Indeed, not only are parents waiting in line

from three o'clock in the morning, but they actually take sleeping bags the whole night long to stand in line.

As a trustee, it became a problem as to how to implement the program because these are very well-spoken, forceful parents looking for an opportunity to expand this program. This is truly a success story within the public school system and yet we are not talking about a phonics-based, standards-test type of back-to-the-basics program which many people are suggesting that is what parents want. In fact, when the school division provided that opportunity, there were very few people lining up. In fact, there was not enough to even open one classroom. What is it that parents want in the public school system?

**Ms. Stearns:** I have to admit I was in a sleeping bag myself for four children so I identify with this. It is an activity-based program where children are stretched to their limit. Children are taught to learn, not learn facts but how to enjoy and to access and to develop the love of learning and how to do it, and that is what we feel in the 20th Century most people are panicking. We no longer have a narrowed vision of what facts are. Every day billions and billions of new things come out. Our children are not going to be able to learn these things. Our children need to know how to find them. Our children need to know how to research, how to discover and they need to learn to want to do this, to be excited.

(Mr. Chairperson in the Chair)

The alternative teaches our children to be excited about learning. I have a high school child who is thrilled about her classes. She wants to go. She cannot wait. She knows how to access the library to the nth. She knows how to access computers. She knows how to access everything and she goes and does it. They take these things further because it is more exciting, because learning teaches these children how to learn, and they are very prepared for the outside world. They learn to work in groups as they will in life. All these things are part of the program. The children work with those three grades because life is not just one grade at a time, one age group. Children learn how to mentor and peer and that has become very big in the 20th Century, because people are afraid that just learning those small bits and then learning to regurgitate them is not going to do them any good in the scheme of things.

\* (1330)

**Mr. Kowalski:** A moment to ask a question that will give you an opportunity to probably correct a misconception that people could get reading Hansard in that when we are talking about your Grade 3 students in an alternative program, who may take their maths in Grade 3 curriculum in Grade 2, that their test score would not be as high. I think it might lead to a misconception that that means that they will not do as well in Grades 4 and 5 and 6, and ergo the ones taking their Grade 6 curriculum in Grade 4 will not do as well in life.

The test scores that a student in Grade 3 in a classroom that was an alternative, will they be any more successful in life, in university, than someone going through an alternative program getting a lower test score?

**Ms. Stearns:** No. As far as we can see our children going into the next grade are completely prepared, and if they end up having to move and go to a different district where they do not have an alternative and they are put into a regular program, we have been told that the children are eager, good learners and sometimes far ahead of the grade equivalencies, the Grade 4 classes because they have been allowed to expand.

**Mr. Chairperson:** Ms. Cerilli. Did you have another question, Mr Kowalski?

**Mr. Kowalski:** No.

**Ms. Cerilli:** First of all, I want to say that from your presentation it is really evident that education at your school has really retained its excitement and creativity. I know that part of the concern with these two bills is the focus seems to be on testing rather than on learning and on teaching. That is one of the big concerns and there does not seem to be the recognition that testing is one tool for learning. It seems to be seen as an end in itself almost. I want to though ask you, when you met with the minister in trying to express some of your concerns how she dealt with two things, when you talked about the concern about using test results for assessing the schools because you mentioned that in your brief, and then also how the minister responded to the concerns that you have raised about the alternative program?

**Ms. Stearns:** Firstly, I should say that it was not the minister. She could never get us in, in terms of time. We spoke with the deputy minister, John Carlyle. In terms of assessments, standards testing, he felt that it was the way to go, that that is the way to assess children, that that assesses a program completely and that work portfolios and teachers' assessments just are not accurate enough and that our teachers are really not competent enough to do that, which concerned me greatly, considering I certainly have seen examples of wonderful teacher competency in the years I have been associated with numerous schools in the city.

What was the other question? I forgot about it.

**Ms. Cerilli:** How the minister responded to your concerns about the effects of this on programs, the alternative program.

**Ms. Stearns:** He just said, yes, your children are going to get a lower score, and too bad. Essentially your parents will just have to learn to accept that their children will get a lower score in these tests and that you educate your parents to accept this.

I said that I did not think that that was the answer to these kinds of problems, that that was not going to be a good thing for the alternative program. It has proven to be the most successful program right now in terms of increase of size. That was probably not the best way of dealing with this issue of standards testing within the alternative program.

**Mr. Chairperson:** Thanks for your presentation, Ms. Stearns.

**Ms. Stearns:** Thank you.

**Mr. Chairperson:** Now I would like to call with respect to—oh, can I just confirm, there are no other persons wishing to speak to Bill 33? Okay, Bill 33 presenters are then concluded.

Moving to Bill 47 only. Benjamin Levin? Benjamin Levin not here, goes to the bottom of the list.

Tom Barker? You may proceed, Mr. Barker.

**Mr. Tom Barker (Private Citizen):** Hello, Mr. Chairman. Good evening. I am probably the least qualified and certainly the least educated of the honourable people who have spoken to you but, nevertheless, I think I represent the common man from the street. I am not going to talk with my brain today, I am going to talk from the heart, something that I feel very deeply about. I am sad to say, the heart has been heavy all week because on Monday night as the program started, I believe it was Mr. Dyck, but he was definitely from the government side, said that they would put amendments in if they were needed, but they would table this bill and they would not speak on this in the House. The opposition could speak if they wished, but the government would not speak on it.

The last time that I remember this happening in the Legislative Assembly was in Spain, Italy and Germany in the '30s. So please, members of the government, I beg of you to go back to your Premier, and if you have to go down on your knees, change this policy and be prepared to defend the—

#### Point of Order

**Mr. Laurendeau:** On a point of order. Mr. Chairperson, I do believe that we have all had an opportunity to speak in the Legislature. There has been no order placed upon us not to speak, and those of us who have chosen have been doing so on a very regular basis.

**Mr. Chairperson:** That is not a point of order. Mr. Barker, you may continue.

\* \* \*

**Mr. Barker:** I am just going on what he said. He said he was not going to speak on this at third reading, and I do not think in a democratic society—because there is not one of us in this room that has not had either a relative or a forefather who has given their life to protect democracy that we have the right to speak here today. If we do not look after democracy, it is a very delicate thing, we have to do it, and to put a bill on the table and ask people to pass it without being prepared to defend it I do not think is right. So that is that lesson over.

#### Point of Order

**Mrs. Render:** Mr. Barker, I am not too sure that you heard the member for St. Norbert (Mr. Laurendeau), but

I think you are misinterpreting what Mr. Dyck said. This is the public's opportunity to speak. We have, if we choose to speak in the Legislature, had an opportunity, but this is your opportunity to give us your opinion, and if we wish to ask you questions then, again, we will ask you questions. But this is not the time that we should be putting our thoughts about the bill out. This is your opportunity. These are the public hearings.

**Mr. Chairperson:** This is not a point of order. It is a disagreement as to the fact.

\* \* \*

**Mr. Chairperson:** Mr. Barker, perhaps you could direct your attention to the bill at hand.

**Mr. Barker:** Okay. The reason I am so concerned about the education system, as the Minister of Education will know, I spoke to the Premier (Mr. Filmon) about three weeks ago, and he said at that meeting that teachers in Manitoba will be paid at least 15 percent too much. I will come back to that now as I go on.

\* (1340)

There are two places I would like to talk about, and both of these places are governed by common-sense conservative people, one of them which I agree with and one of them which I disagree with. The one I agree with is in Tennessee, and in 1980 a common-sense conservative government was elected there, and they looked at the education system of Tennessee, and they ended up in 50th place. Had there been 60 states it would have been 60th, that is how far they were behind. So these common-sense people have done a very extraordinary thing. They picked the cheapest and lowest unimaginative way of finding out how they could improve their educational system. They went and asked the teachers of Tennessee how it could be done, and the teachers of Tennessee travelled through the state for a period of three months, spent nights discussing how they could improve their educational system.

They made arrangements to meet with the legislators in the Assembly. The legislators expected at least 150 recommendations from these teachers. They received one, one recommendation the teachers brought in, and the legislators accepted this for the lowest 16 school

divisions in the state. In these 16 school divisions only 2 percent of the population was going on to secondary education, and the one thing that the teachers asked for was that a maximum of 15 pupils in Grades 1, 2 and 3, and that the best teachers in the state be encouraged to teach these three grades. At the end of three years they extended this because it was looking successful. They extended it for another three years, and in that period a new governor came in, Governor Alexander. He was going to run for president this spring but got defeated. He looked over the program, and he installed this in every school in Tennessee. If you went down to Tennessee today there will be professors there from Harvard, from Princeton, from Michigan, from Chicago and from Berkeley, all looking at this very simple idea which is working so successful.

I will now go to the next common sense gentleman, and that was Governor Reagan when he took over in California, and he took over at the exact opposite of Tennessee. At that particular time when he took over, California was No.1 academically and their teacher salaries were No.2. Mr. Reagan being a very common sense conservative thought that being No.1 was great, but paying the teachers the second highest salary in the United States was not that good an idea, so he brought in the very same little gimmick that you people have put into your bill, ability to pay. I think they called it something 13-

**Mr. Chairperson:** This really is not the bill we are speaking of today.

**Mr. Barker:** -Proposition 13. Well, we have to speak of all the bills, please.

**Mr. Chairperson:** Just a caution because you will use up your time.

**Mr. Barker:** I will not. I will be in time. California was No.1, the teachers were No.2 salary-wise. He tried to change this with this little gimmick, and today California's teachers are No.26 in the pay scale, but unfortunately California's academic standing now stands at 36 in the scale of the States, but fortunately for them they are still world champions if not national champions. They now have the most people under 22 incarcerated in jail of any jurisdiction in the world.

What broke the back of this idea of putting down an education was two years ago, the largest school in the division of Los Angeles laid off 63 teacher's assistants and hired 48 security guards, armed security guards, and this created such a turmoil that the common sense Mr. Wilson had to bring in the Assembly this spring, and they sat for three months and talked about it and in April they put \$2.7 billion back into education, and they are going to do the same next year and they are going to do the same the year after. Unfortunately for California, the common sense children in the universities quit going to the educational department and there is a shortage of teachers now, but fortunately for them, and unfortunately for us, we elected another common sense conservative in Ontario, and he is laying off teachers all over the place and the common sense people in California are coming up and hiring them. I have talked a lot about common sense now, and I am beginning-

**Mr. Chairperson:** Your time is up now on your presentation.

**Mr. Barker:** That is very good. My time-I will just say this.

**Mr. Chairperson:** You are encroaching on your question and answer time, that is fine. Go ahead.

**Mr. Barker:** My answer is this. I have talked a lot about common sense, and I am beginning to think the common sense people have no more sense than those stupid people who have no common sense.

**Ms. Friesen:** I am not sure if you are the last presenter, but I think you are, and it is a very helpful presentation to end with. You have talked about Tennessee, you have talked about California. I wondered if you could draw the parallels to Manitoba. I assume that that might have been in the rest of your presentation which was not completed.

**Mr. Barker:** Well, the way the thing is set up now with this ability to pay, because we have to look at the four bills that are on education, an ability to pay is going to bring down the salaries of the teachers in Manitoba, and as we see in California, as the salaries came down the quality of education came down faster. We have a choice. We are not going to save money, but we have a choice to invest in education or we can spend it on

prisons, and our Minister of Justice (Mrs. Vodrey) is making a fairly good job of spending on prisons. She has not found a way of getting the people into prison yet, but given practise I think she will do that too.

**Ms. Cerilli:** Mr. Chairperson, I just want to ask you sort of a more general question, too, because I do not know if you have ever been a teacher or not, but now you seem to be moving to your elder years. I am raising this because there have been a number of seniors in the community—some have even written in letters to the editor of the newspaper—suggesting that seniors should not have to pay school taxes because they do not have children in the school system, and then there seems to be a way of trying to equate that with the salaries of teachers and the cost of education. So I am wondering if you could just comment on that.

**Mr. Barker:** Unfortunately, I never was a teacher. I am a bricklayer by trade. The only time I got into university was when I had to go and build one.

I do not like paying taxes any more than anybody else, but when we are talking about education, we are not talking about spending money foolishly, we are investing it. There is no investment in the world will give you back a bigger return on your investment than education. So I have spoken to lots of seniors since I got interested in this education kick that I am on, and when I give them the choice that they can spend their money on education or they can spend it on prisons, every one of them says, well, we will invest it in education—every one.

**Mr. Chairperson:** Thanks for your presentation, Mr. Barker.

**Mr. Barker:** Thank you very much.

**Mr. Chairperson:** Another call for Benjamin Levin. Third call for Benjamin Levin. Benjamin Levin, not being here, will be dropped from the list.

I canvass the room one more time to see if there are any other persons who wish to speak to Bill 47. There being none, presentations have now closed for Bills 33 and 47.

### **Bill 33—The Education Administration Amendment Act**

**Mr. Chairperson:** Is it the will of the committee to proceed with clause-by-clause consideration of Bill 33? [agreed]

Does the minister responsible have an opening statement?

\* (1350)

### **Point of Order**

**Ms. Jean Friesen (Wolseley):** Mr. Chairman, I had a point of order beforehand. On a point of order, we are certainly prepared to go through Bill 33 at the moment, but I did make a suggestion earlier that Bill 47 had a number of amendments, not just today, but on earlier days which seemed very sensible and which might be helpful to the minister and that she might want more time, perhaps, to look at some amendments there.

Today, I particularly raise it on the issue of privacy, where it seemed that greater clarification was required and it might be preferable for the minister at least to consider whether it can be done in this bill or whether it is to be done in bills, the larger privacy bill which I think is some distance from legislation yet.

**Mr. Chairperson:** With respect to that the minister has indicated she would like to respond to that point of order.

**Hon. Linda McIntosh (Minister of Education and Training):** Mr. Chairman, I have been consulting with staff throughout the process here. It is my feeling that a number of the concepts that I saw presented that I thought were ones I really liked can be addressed through regulations or policy statements. There were a couple of suggestions made that I quite liked that are of such substantive change that they do warrant coming back to another area of legislation, such as added reports of school boards and so on which would require dialogue with trustees and so on and take us beyond the time length for this session.

So I feel, with the proclamation one, I am quite comfortable with the concept of passing the act and not proclaiming that section until we can be assured that there are adequate privacy provisions and that has been done on other pieces of legislation successfully in the past. So we have some minor amendments to address, some wording changes. I have been assured that some of the bigger concerns could be addressed through policy statements or regulations and the bigger pieces of ideas could be held to another session to be done. So I am ready to proceed, I think, with those remarks.

**Ms. Friesen:** Mr. Chairman, and let me just put on record, the government has a majority so it will proceed to Bill 47, but it is not our preference to do that. We would have preferred, some of these amendments are new to us. There is one hour left in the proceedings of this committee. It would have been preferable, I think, for all the committee to have reflected upon that.

My second point is a question to you, based upon what the minister said, the desire to reserve something from proclamation. Does that require an amendment? What is the formal procedure for that?

**Mr. Chairperson:** The legal advice was given to the minister. The minister might respond to that.

**Mrs. McIntosh:** Not only has the legal advice been given to me here in this session, but I have been through this process before, as I indicated earlier, where I have proclaimed a section of an act after the act has been passed, many months down the road, waiting for regulations to be ready or some other process to be put in place prior to proclamation.

The member will probably be aware, as a historian, that there are on the books in Manitoba many, many, many pieces of unproclaimed legislation out of bills that have been passed, some even from back in the NDP days when they had legislation passed but not proclaimed. Indeed, The Freedom of Information Act, which the NDP government passed and never proclaimed, had to wait until we were in power to be proclaimed, and it was simply a question of when the government wished to proclaim it. So the precedent is there, the legal ability is there, and I have been through the experience myself.

**Ms. Friesen:** Mr. Chair, my questions are from the public perspective as to, when will the public know which sections are to be proclaimed and not proclaimed. I understand in the public process that we are going through now, the public will not know as a result of these deliberations what is to be proclaimed and what is not to be proclaimed. The actual public notification then comes at the moment of proclamation of any section of the act—no, I guess it does not work that way.

**Mr. Chairperson:** This is not the point of order but because the discussion is fruitful we can treat this as part of opening statements.

**Mrs. McIntosh:** Yes. As the member knows bills have two ways of being proclaimed. They are sometimes proclaimed simultaneously with passage in the House. We have all experienced that. The opposition critic and myself have both experienced that bills have sometimes been passed and an indication the proclamation would occur later at some either specified or unspecified time.

Normally what happens in those cases would be that the minister would stand and say, for the record or put out a news release or some other indication that the bill has passed and has been proclaimed, except for the section on such and such which will be proclaimed once whatever the event is they are looking for occurs.

**Ms. Friesen:** Mr. Chairman, I take your point that we are not now on points of order. We are into discussion over the nature of the bill and the process of the bill.

**Mr. Chairperson:** Maybe we can deal with one bill at a time and start with Bill 33, and then we can have—

**Ms. Friesen:** Mr. Chairman, that is not what I was intending. I have one—I think it is one further question for the minister on proclamation. I understand the process that it is at the time of proclamation, whether it is in the House or later, that we will be informed as to which sections are not being proclaimed. But I want to know is the minister, as we go through this bill, is she going to tell us which ones will not be proclaimed, which ones are to be reserved?

**Mrs. McIntosh:** It is only the privacy one that has the concern around it.

**Ms. Friesen:** Mr. Chairman, so when we come to that section of the bill maybe we can be a little more precise on that.

**Mr. Chairperson:** Fair enough. Is that agreeable, honourable minister? When we get to that section of the bill we can have another discussion on that?

**An Honourable Member:** Sure.

**Mr. Chairperson:** Okay. Dealing with Bill 33?

**An Honourable Member:** Right.

**Mr. Chairperson:** I gather that we have had opening statements? Are there any further opening statements with respect to Bill 33?

**Ms. Friesen:** Yes, we have spoken on this in this House and our concerns are that this is a bill which does not appear to have had much consultation and that we have heard over the days of the hearings concerns about the increasing power that the minister is establishing for herself here.

I do not know whether that is the minister's intent or not. It certainly did not seem to be the intent of the Roy White commission some years ago. It may be that the minister has simply intended to clarify her powers here, but certainly the response that we have heard today and on other days has been that this is a rather large accumulation of responsibility and power in the hands of the minister, and it has been done with very little consultation. In fact no consultation with—for example, in this case today we heard from teachers.

We have concerns about a number of the sections of this act, and they are as much relating to the absence of principle for regulations. The minister here in this bill, as in other bills, is setting herself the rather large power for regulation of quite wide matters, and yet the principle of those regulations does not seem to be indicated in the bill, so that it is very difficult for people and presenters, as well as ourselves, to determine what the impact of this power of regulation is going to be, so we have concerns about that.

We are particularly concerned about the one section which describes the minister's power to prescribe methods and procedures for assessment of any aspect of pupil achievement. We have already heard about the debate and the continuing debate in Manitoba over the nature of standards test, as well as the amount of weight that is accorded to them. This seems to be in addition to that, a very large power for the minister to evaluate any and all aspects of pupil achievement. It seems to us that that is something which certainly should be done in consultation with teachers and school boards, even if it is to be accorded to the minister. It is an area which seems to me in particular to be undermining the professionalism of teachers.

Others have expressed today some of the similar concerns about the subsequent section to that, prescribing

the methods and procedures for assessment and effectiveness of courses of study and program. Again, the importance of consultation with school boards and others involved in education, particularly at the local level, would seem to be very significant there, and it is possible that the minister may, in prescribing those regulations, be involving herself in consultation, but the principle is not clear. We do believe that since parts of education are responsibilities of school boards, that there are elected people in place dealing with broad facets of education, that the elements of the evaluation of pupils and the methods and procedures for the effectiveness of courses of study should not necessarily be in the hands of the minister alone. There are elected people in place. It is unlike perhaps many other areas of provincial jurisdiction. So we do have concerns about it, and I think on that basis we are prepared to continue.

**Mr. Chairperson:** Thank you, Ms. Friesen.

\* (1400)

The bill will be considered clause by clause. During the consideration of the bill, the title and preamble are postponed until all other clauses have been considered in their proper order by the committee.

Clause 1—pass; Clause 2—pass; Clause 3—

**Ms. Friesen:** Mr. Chairman, we do have an amendment on Clause 3. I think it will be distributed.

**Mr. Chairperson:** You are moving an amendment, Ms. Friesen?

**Ms. Friesen:** Mr. Chairman, this is in Section 3 of the proposed bill, and it is to amend—

I move, seconded by the member for Radisson (Ms. Cerilli),

THAT the proposed clause 4(1)(r.1), as set out in Section 3 of the Bill, be struck out and the following substituted:

(r.1) in consultation with school boards and teachers, respecting a wide variety of methods and procedures for the assessment and evaluation of pupil achievement;

I move that in both official languages.

**[French version]**

*Il est proposé que l'alinéa 4(1)r.1), énoncé à l'article 3 du projet de loi, soit remplacé par ce qui suit:*

*r.1) de concert avec les commissions scolaires et les enseignants, prendre des mesures concernant de nombreuses méthodes et techniques d'évaluation du rendement des élèves;*

**Motion presented.**

**Mr. Chairperson:** Any debate on the amendment?

**Ms. Friesen:** Thank you, Mr. Chairman. I will just speak to it for a minute. It addresses two concerns, and that is that we believe that there are shared responsibilities for assessment, that we believe that the teachers have a very strong professional concern about assessment in schools, that teaching and assessment are part of the same kind of profession, and that they certainly should have been included in this as should the duly elected people for school board for local school decisions.

The second part of it addresses a further concern and that is that the procedures for assessment be of a wide variety. We have heard some debate today about standards testing, and that is certainly a debate that will continue in the province for some time. We want to ensure that the wide variety of methods of assessment that are currently being used in schools, some of them with great success, for example, portfolios that are being developed in some school divisions, that there be a wide variety, that the minister is not simply going to prescribe one. We believe that this clause sets out the principles and the responsibilities that we would like to see the minister, any minister, address.

**Mr. Chairperson:** Any further debate? Being no further debate, shall the amendment pass?

**An Honourable Member:** Yes.

**Mr. Chairperson:** All in favour, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The amendment is defeated.

**Ms. Friesen:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clause 3—pass; Clause 4—pass; Clause 5—pass; Preamble—pass; Title—pass. Bill be reported.

Now moving to Bill 47—

**Ms. Friesen:** Mr. Chairman, I just had a question that has been raised with me by a number of people and that is "(r.5) respecting the matters which must be included in annual school plans." The issues, the principles I raised earlier certainly, I think, reflect our position on this, but I have had questions raised with me about where these school plans go. Could the minister indicate who receives school plans, where they are lodged, where in the legislation would people look for that designation?

**Mrs. McIntosh:** Could I ask to have the question repeated, Mr. Chairman? I am sorry.

**Mr. Chairperson:** Would you mind repeating the question, Ms. Friesen?

**Ms. Friesen:** It has been raised with me by a number of people on this particular section that they are not clear where these annual school plans go. The minister is saying that she wants to lay out the proposals for school plans, but people are saying, where are these plans going? Are they to be lodged with the school board? Do they lodge with the minister? What happens to them after that? Where is it in legislation?

**Mrs. McIntosh:** You are referring to (r.5)?

**Mr. Chairman,** there will be guidelines prepared by the department which will be disseminated to the field and, in all likelihood, we will be talking to the field about those guidelines prior to them being distributed.

**Ms. Friesen:** Mr. Chairman, I recognize that. My concern and the concern that I have been asked to raise is what happens to the plans after that? Where do they go?



Do they go to the school board? Do they go to the minister? Is the minister going to have 600 plans? Is the school board to have them and then do they assess them and send a report to the minister?

**Mrs. McIntosh:** It is our expectation that they would stay with the school division, with the school board. Although, you know, I would certainly be interested in seeing them, but I do not want to have 600 school plans in my office. They would be part of the school divisions' persona.

**Ms. Friesen:** Is there a section of the current legislation or of the legislation on which it is based which indicates that?

**Mrs. McIntosh:** No, there is not.

#### Bill 47—The Public Schools Amendment Act

**Mr. Chairperson:** The bill will be considered clause by clause. During the consideration of the bill, the title and preamble are postponed until all other clauses have been considered in their proper order by the committee.

Clause 1—pass; Clause 2—pass; Clause 3—pass; Clause 4—pass; Clause 5—pass; Clause 6(1)—pass.

Subsection 6(2), there is an amendment being proposed. You may propose your amendment.

**Ms. Jean Friesen (Wolseley):** I move in both official languages

THAT the proposed clause 41(1)(x), as set out in subsection 6(2) of the Bill, be amended by adding "as to the educational goals and achievements of its students and schools, the financial position of the school division or school district, and" after "operated by it,".

#### [French version]

*Il est proposé que l'alinéa 41(1)(x), énoncé au paragraphe 6(2) du projet de loi, soit amendé par substitution, à "les résultats", de "des objectifs et des accomplissements scolaires de ses élèves et écoles, de la situation financière de la division ou du district scolaire et des résultats".*

**Motion presented.**

\* (1410)

**Mr. Chairperson:** Discussion on the amendment.

**Ms. Friesen:** The purpose of this is to try and define it a little more clearly what school divisions should be reporting to their electorate. It is an attempt to bring this closer to the actual recommendations that were made to the government in public hearings by the Roy White commission, where an annual public meeting is proposed for school divisions. Many school divisions, by the way, of course, do something like this, but not all. I think annual public meetings for any public body such as a school division or a university or a Crown corporation are admirable ways of meeting some elements of accountability. They are not sufficient, but they are a beginning, and I think it is something that we support. It is certainly something that the government's own commission supported when they went out to listen to people on public hearings.

We heard from the Manitoba Association of School Trustees on this particular section, and their concern was for the definition of assessment. They were not clear about that, and this is an attempt to broaden this, to be one public meeting that dealt with many issues of school division business, rather than what appears to be in the written framework that we have before us, something which is much narrower.

**Hon. Linda McIntosh (Minister of Education and Training):** Mr. Chairman, I appreciate the intention here, but I should draw to the member's attention, school board budgets are already public, and once Bill 72 passes, the full financial details, including everything related to education, will be available through the teachers association to anybody in Manitoba who wants them. While I appreciate the intention here, it is not really required given that it is covered off in other areas.

**Ms. Friesen:** Just to respond to that, yes, the minister is quite right, of course, that all of this information is publicly available, but the issue is public discussion. That is why the sense of a public meeting, that this can be discussed, that questions can be raised in the same way that they are, say, with Crown corporations. So it is an

attempt to take public information a little more, one step further for public discussion and public conversation.

**Mr. Chairperson:** The question has been called. Shall the amendment pass?

#### Voice Vote

**Mr. Chairperson:** All those in favour, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The amendment is defeated.

**Ms. Friesen:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clause 6(2)—pass.

I just want to clarify, because there was an interruption during a discussion on Clause 2, shall Clause 2 pass? Clause 2 is accordingly passed.

Clauses 6(3) through Clause 7—pass.

Next we have amendments proposed to Clause 8.

**An Honourable Member:** By whom?

**Mr. Chairperson:** Both sides of the table.

**Mrs. McIntosh:** Mr. Chairman, I do not know if this is on or not. Is it? I move

THAT the proposed section 42.1, as set out in section 8 of the bill, be amended by adding "collection," before "storage".

[French version]

*Il est proposé que l'article 42.1, énoncé à l'article 8 du projet de loi, soit amendé par adjonction, après "stockage", de ", la collecte".*

**Mr. Chairperson:** Dispense.

Any discussion on the proposed amendment?

**Ms. Friesen:** Mr. Chairman, I do have some questions. Could the minister explain why that is being added? The collection of material, of course, refers to the range of information which is required by school boards, not the minister in this case, but by school boards. So I wonder if the minister could tell us whether she intends school boards to be collecting more information than they are at the present time or less information?

**Mrs. McIntosh:** Mr. Chairman, this is in keeping with where privacy legislation or privacy provisions will likely take us.

**Ms. Friesen:** Mr. Chairman, I am not quite sure if that answered the question. My question was: is it the intention of the minister to be collecting more information or less information than is already collected? Are we in fact by this changing the existing procedures?

**Mrs. McIntosh:** It does not indicate what they collect; it does indicate that they must have a written record of how they are collecting it, et cetera.

Of course, this was requested by the teachers in their presentation here just now. So I thought it was one that made sense, that we are happy to include, and we hope that the opposition will lay aside their objections and support it.

#### Voice Vote

**Mr. Chairperson:** All in favour of the amendment, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** The amendment passes.

\* \* \*

**Mr. Chairperson:** Another amendment posed by Ms. Friesen.

**Ms. Friesen:** Mr. Chairman, I move

THAT section 8 of the bill be amended by renumbering the proposed section 42.2 as subsection 42.2(1) and by adding the following as subsection 42.2(2):

**Application to private schools**

42.2(2) For the purpose of sections 42.1 to 42.6, "school board" includes the Board of Directors of a private school that is in receipt of a grant under subsection 60(5).

**[French version]**

*Il est proposé d'amender l'article 8 du projet de loi par substitution, au numéro d'article 42.2, du numéro de paragraphe 42.2(1), et par adjonction, après le paragraphe 42.2(1), de ce qui suit:*

**Application aux écoles privées**

42.2(2) Pour l'application des articles 42.1 à 42.6, "commission scolaire" s'entend du conseil d'administration d'une école privée qui a reçu une subvention en vertu du paragraphe 60(5).

**Motion presented.**

**Mr. Chairperson:** Ms. Friesen confirms that this is in both official languages, this amendment.

**Point of Order**

**Mr. Marcel Laurendeau (St. Norbert):** A point of order, Mr. Chair, could I request that we get leave that all amendments being moved today are moved in both official languages in case somebody forgets?

**Mr. Chairperson:** Is that agreed? [agreed]

\* \* \*

**Mr. Chairperson:** I have been advised by Legislative Counsel that this amendment would go beyond the scope of the rules, because it would include private schools into the public school provisions and outside the purview of the act.

**Ms. Friesen:** Mr. Chairman, I wonder, is there a further explanation of that as to why this is outside the purview of the act?

**Mr. Chairperson:** While we are waiting for Legislative Counsel to clarify the opinion and expand on it, the honourable minister.

**Mrs. McIntosh:** This might perhaps assist. Because this is The Public Schools Act of course, obviously, it deals with public schools not private schools, so I can understand why legal counsel says it is outside the scope. But just to reassure the member for her comfort, we do intend to address this issue, and we can address it through the regulations on private schools which is, of course, a separate piece of paper but would have the same effect, ultimately, as what the member is proposing. So if that is helpful, I offer that for information.

\* (1420)

**Mr. Chairperson:** Ms. Friesen, in response.

**Ms. Friesen:** Mr. Chairman, I would like to thank the minister for that and to have it on the public record. I think probably she is aware of the same cases that I am aware of where this has been a difficulty in some private schools.

**Mrs. McIntosh:** No.

**Ms. Friesen:** Okay, let me correct that, the minister says she is not. It must have been an earlier minister who I dealt with on this issue. But it is certainly an issue that has been brought to my attention as an issue with private schools, so I would like to see it and I am glad to hear the minister is going to do that.

Mr. Chairman, I had another question and, again, this is a process question for you. On the issue of out of scope, I understand that we are going to hear a little more from Legislative Counsel on the reasons for that. But what would be the process for determining out of scope? You as a chairman are accepting that. Is it a matter of a vote? Could the committee, as perhaps has been suggested around the table, or does the committee decide on out of scope? I am not clear on this.

**Mr. Chairperson:** The ruling is that the committee can by unanimous consent agree to consider out-of-scope amendments. Did you want the explanation from Beauchesne with respect to the scope? It is on page 207, Citation 698, "An amendment which is out of order on any of the following grounds cannot be put from the chair:

"(1) An amendment is out of order if it is irrelevant to the bill, beyond its scope or governed by or dependent upon amendments already negated.

"(2) An amendment must not be inconsistent with, or contradictory to, the bill as so far agreed to by the committee, nor must it be inconsistent with the decision which the committee has given upon a former amendment."

**Ms. Friesen:** Mr. Chairman, is it your role or mine to ask for unanimous consent?

**Mr. Chairperson:** You can ask for unanimous consent, Ms. Friesen.

**Ms. Friesen:** Thank you, Mr. Chair. Well, then perhaps I will do that. Is there unanimous consent to consider this as within the purview of The Public Schools Amendment Act?

**Mr. Chairperson:** What is the wish of the committee? Is there unanimous consent?

**Some Honourable Members:** No.

**Mr. Chairperson:** Unanimous consent is not being granted, so that amendment then is ruled out of order, out of scope. Is there another amendment with respect to Clause 8? Ms. Friesen, you had no comment to make at the moment?

**Ms. Friesen:** No.

**Mr. Chairperson:** The honourable minister is proposing another amendment.

**Mrs. McIntosh:** This one is actually a numbering or a amendment for clarifying purposes. But it is I move

THAT the proposed section 42.2, as set out in section 8 of the Bill, be amended by striking out "this section" and substituting "sections 42.3 to 42.6, 58.6 and 58.9".

[French version]

*Il est proposé que l'article 42.2, énoncé à l'article 8 du projet de loi, soit amendé par substitution, à "du présent article", de "des articles 42.3 à 42.6, 58.6 et 58.9".*

It just spells out the sections that this particular item is referred to within.

**Motion presented.**

**Mr. Chairperson:** Discussion on the amendment? No discussion on the amendment. All in favour of the amendment? Amendment—pass; Clause 8, as amended—pass; Clause 9—pass.

With respect to Clause 10, there are some amendments. Honourable minister, you had an amendment, a number of amendments?

**Mrs. McIntosh:** Mr. Chairman, I move

THAT the proposed heading for Part III.1, as set out in section 10 of the Bill, be amended by striking out "CHILDREN" and substituting "PUPILS".

[French version]

*Il est proposé que le titre de la partie III.1, énoncé à l'article 10 du projet de loi, soit amendé par substitution, à "ENFANT", de "ÉLÈVE".*

**Motion presented.**

**Mr. Chairperson:** Discussion on the amendment? Amendment—pass.

**Mrs. McIntosh:** Mr. Chairman, I move

THAT the proposed section 58.5, as set out in section 10 of the Bill, be amended

(a) in the English version of clause (a), by striking out "parent" and substituting "parents"; and

(b) in clause (b), by striking out "subsection 58.3" and substituting "section 58.3".

**[French version]**

*Il est proposé que l'article 58.5, éconcé à l'article 10 du projet de loi, soit amendé:*

*a) dans l'alinéa a) de la version anglaise, par substitution, à "parent", de "parents";*

*b) dans l'alinéa b), par substitution, à "du paragraphe 58.3", de "de l'article 58.3".*

**Motion presented.**

**Mr. Chairperson:** Debate on the motion? Being no debate on the amendment, shall the amendment pass? Amendment—pass.

Now, I think Ms. Friesen has some amendments respecting Section 10.

**Ms. Friesen:** Mr. Chairman, yes, also some questions, and if I could ask the questions of the minister before. They deal with Sections 58.8, the property and damage and the parents and child being jointly and severally liable to the school board for the loss.

**Mr. Chairperson:** Ms. Friesen, did you want to do this before tabling the amendments?

**Ms. Friesen:** Yes, because the amendment refers to something else.

**Mr. Chairperson:** Fine.

**Ms. Friesen:** Mr. Chairman, yes, I do, because the amendment refers to a different section. This is a question on this section that arose as a result of the presentation of the Manitoba Association for Rights & Liberties. We did discuss with them the issue of current and recent case law where a section like this is difficult to enforce. I wondered if the minister had some response to this and whether she had in fact consulted with her own legal counsel on this particular section of the act.

**Mrs. McIntosh:** Mr. Chairman, in answer to your question, we have consulted with legal counsel. We have

been advised that this is fully in keeping within the realm of existing law today and that it is quite in order in this particular section. MARL's concerns are—because lawyers sometimes have differing views and opinions.

**Ms. Friesen:** Again, I have another question on an earlier part of this section and that is 58.7. Again, it was from the MARL presentation and it does apply to other sections of the act as well. They did draw to our attention that the penalties for nonconformity with The Public Schools Act involved not only a fine but imprisonment. They did have concerns that the responsibilities of pupils—the next section we are coming to—and this responsibilities of parents might not be appropriately dealt with, with penal responses.

I wondered if the minister had had time to consider that and what the responses of the legal counsel are on that.

\* (1430)

**Mrs. McIntosh:** Legal counsel has advised—and I think it is something that is generally known and expected in a democratic society—that while something may in fact be very difficult to prosecute and the chances for conviction and being sent to jail are remote, that does not mean that it is not something good to put in an act as a statement of the intensity of concern that is spelled around a particular issue. You will often see things in law that indicate the degree of concern society has with a particular topic by the penalties that are outlined. Maximum penalties are not always used, and in some cases seldom if ever used, but their statement of severity indicates the depth of the concern for the issue.

**Ms. Friesen:** Mr. Chairman, I appreciate the minister's response that there is a range available within, I assume that is what she is saying, within the penal responses of this bill, but I do draw to her attention that, for example, in 58.10 the absence of a completed assignment and other related work required by teachers or other employees of the school division has now become something which in the bill that she is proposing can result in the imprisonment of a pupil who is of the appropriate age. That does seem to me inappropriate, particularly inappropriate. I would argue that it is inappropriate for a number of areas, but that one in particular. Assignment is homework. Assignment could be a variety of forms of assignment. It is not defined, and that seems to me to

raise the possibility of bringing the law into disrespect, and that is not something that we want.

We all want students to complete their assignments. Over the process of 18 years of education, we hope that they will, they will come to that, but that particular one does concern me because I do think it is one where there might be, it might in making that situation give indication of disrespect and I do not think anybody here wants that.

**Mrs. McIntosh:** Just in talking to legal counsel, I think the member is—this is not Legal Counsel's phraseology, this is mine—I think the member is drawing a rather long bow on this one. The indication of the more serious offences, of course, are tied fairly closely to penalties, but it is not the intent of government to have parents sent to jail if the child does not do homework, and I doubt very strongly that any prosecutor would take his or her time to ask for a parent to receive a jail term if Johnny does not do his homework. I doubt that any judge would provide that. So I think it is, again, as I indicated before, a statement of a concern at the beginning that on the other clauses with where it is placed that the parents have a responsibility to and for their children.

**Ms. Friesen:** Mr. Chairman, unfortunately, it is under the section entitled responsibility of pupils, and it is not the parent who will be dealt with, it is the pupil who would be dealt with on this. So that does again—this underlines my concern. It was one that I raised specifically in the House in speaking on this bill and I drew the government's attention to the prospective reaction of Mr. Justice Sterling Lyon to a section like this, and it seemed to me that even within the Conservative Party or former—I should not say that a judge is a member of the party—but even within a former Conservative on the conservative end of the spectrum that this might offer some difficulties. I do not think any of us want to see that. We do not want to see law being drafted or dealt with in that way, and I wondered if this is one where the minister might want to take the advice of the Manitoba Association for Rights and Liberties and reserve certain aspects of this bill from the penal responses.

While the minister is discussing this with her staff, I wondered if I might perhaps offer some assistance. Again, going back to the report of the Panel on Education Legislation Reform, the Roy White commission proposed

something I think which has the similar intent, but it was phrased in this way that the responsibility of the pupil was to pursue diligently studies to attain achievements reflective of their capabilities. Now, whereas I had not proposed that as an amendment, because I had assumed perhaps that the Manitoba Association for Rights and Liberties had made their case very clearly, I wonder if that might not be a better way of phrasing what the minister wants to get at.

**Mrs. McIntosh:** Mr. Chairman, there is nothing in this act that says a pupil or a parent will go to jail if homework is not done. What it does is, it has a statement of expectations which indicates that with every right comes a responsibility. While laws must be obeyed and laws broken can have penalties attached to them, I want to make it perfectly clear that this act does not say the penalty for breaking the law if you do not do your homework will be to go to jail. I do think it is important that some place along the line responsibilities of pupils be spelled out; therefore, I think this should be as is.

**Ms. Friesen:** I am just waiting a second. I asked Legislative Counsel to find the section of the act that does refer to the penalties. I wonder if we could perhaps read it into the record at this point.

**Mrs. McIntosh:** Mr. Chairman, while we are waiting for the opposition critic's clause to be located, I think this section very clearly is something that has been asked for repeatedly by the public. Teachers absolutely require the kind of responsibilities laid out here for pupils, and we have many laws that we have in place that are general statements of expectations of behaviour, of attitude and of compliance with the laws of civility, courtesy and responsibility in society. As I say, some of them may be harder to be prosecuted than others, some of them less likely to be prosecuted. It does not mean that the statement of expectation should not be put in law for it to be understood by those who are part of the system.

**Mr. Chairperson:** Ms. Friesen, were you going to read into the record the section that you had referred to?

**Ms. Friesen:** Thank you, Mr. Chairman. Yes, I am. I have also had some informal discussions with Legislative Counsel that I am not sure if it might be not more appropriate coming from the Chair; but, anyway, just for the minute what I would like to do is to draw the

minister's attention, she believes that this section of the act would not be used in court to send anyone to jail and she may well be right, but what we are trying to do in framing law is to make sure that things are as clear for judges as they possibly can be.

\* (1440)

So in that case I want to draw the minister's attention, Mr. Chairman, through you, to Section 237 of The Public Schools Act, which says: "Every person who contravenes, or who omits, fails, neglects or refuses to comply with any provision of this act or the regulations is guilty of an offence, and if no penalty is specifically provided therefor, is liable, on summary conviction, to a fine of not less \$10, and not more than \$200, and, in default of immediate payment thereof, to imprisonment for not more than six months."

**Mrs. McIntosh:** Mr. Chairman, I would point out two things. First of all, before a judge would rule on anything, there would have to be determination by the prosecutors as to whether or not this was a prosecutable offence under the law. Again, I say the member is drawing a long bow. If she thinks the prosecuting attorneys are going to take the child who did not do last night's homework and have him or his parents sent to jail because of it, that is an extremely long bow, beyond, I think, almost the realm of reality. Probability, I suppose, is one in a zillion chance it could happen. So I take her point on that, but I do make another point. We have a Young Offenders Act in Canada that the member, I think, seems to think is quite good because they never ask for any changes to it, so that kind of saves all our elementary students from this kind of prosecution anyhow. You are trying to equate it into a criminal-code kind of activity.

**Ms. Friesen:** Mr. Chairman, I just wanted to comment on the minister's response. It does, of course, affect people from the ages of 12 to 18 and in some cases beyond that, so we are concerned about it. I wanted to just give the minister notice that we would be making an amendment at that point and going back to the phrasing in the Roy White hearing, document, I guess.

**Mr. Chairperson:** Do you have an amendment?

**Ms. Friesen:** Mr. Chairman, my colleague from St. James has some other questions on this section before we get to the amendments.

**Ms. MaryAnn Mihychuk (St. James):** My question deals with a process of appeal within the bill and amendments. Can the minister elaborate on what forms of appeal parents and families have within this bill? I have not been able to find a clause that articulates that in any section. Under 58.4, for example, if a principal or other person designated by the school board, generally the principal, is reviewing the enrollment of a student into their school, they could be rejected on the grounds that the program is not suited to the aptitude of that pupil under (d); or under (e), enrolling the pupil would likely be seriously detrimental to the order and discipline of the school or educational well-being of the pupils there. Those clauses seem to be fairly broad. If a family wish to appeal, what mechanisms are there within this bill to do that?

**Mrs. McIntosh:** Mr. Chairman, the parents or guardians have the right to appeal to the school board on these issues and have their case presented. This is not likely to occur very often. I think the member knows that we are talking about a specific. If you have a class that is ordered in a certain way and you bring in a child with completely different behavioural attitudes and so on that that would then change the class considerably.

**Ms. Mihychuk:** Can the minister articulate how, under the section of rights of a pupil, 58.9(2) where there are three sections—the right to be tested, the right to have access to your pupil file when you attain the age of majority, and the right to be accompanied by an adult—in what aspect of those rights is the right to appeal?

**Mrs. McIntosh:** Item (c).

**Ms. Mihychuk:** I think that both the Manitoba Association of Rights and Liberties and the Manitoba Association of School Trustees have articulated the concern as well as, I believe, CAST, or parents representing CAST, that there needs to be a clear process or the opportunity to make appeal. It actually says to make representations. So what we are saying, that, yes, we agree there are rights and responsibilities of the partners in the education process, but whenever there is such a process, the right to appeal is inherently fair. It seems to be absent from this bill.

**Mrs. McIntosh:** Mr. Chairman, parents always have the right to appeal any decision in a school division to the school board.

**Ms. Mihychuk:** The process within a local school board varies amongst each one as far as I am aware. If a pupil is choosing to appeal an expulsion procedure or has had some other decision made by the school board, what is the mechanism of appeal?

**Mrs. McIntosh:** The processes of appeal are the same as those that have always been in place for all issues in school divisions that affect children that parents may be concerned about. You appeal generally first to the classroom teacher; then, if there is no satisfaction, to the principal; then, if there is no satisfaction, to the superintendent; then, if there is no satisfaction, to the school board. That process of appeal is there. I know of no division that does not have those four steps for parents to go through. If you know of one that does not have them, please let me know because the school board is ultimately accountable to the parents, and the parents always have the right to express their concerns and ask to have decisions revisited by the board.

**Ms. Mihychuk:** What may be practice for schools boards is I think slightly different than what is articulated in a bill and going to be the expectations and formulate law. What I am suggesting is, the right of appeal is a fundamental right of a pupil in our education system and should be articulated as a right of a pupil. So I would ask the minister to consider that, because it is not articulated. The right to be tested is actually articulated, but the right to appeal decisions on how students have been placed on even suspensions and then ultimately appeal on expulsion is not articulated. If it was an oversight, I would question why, because clearly some things have been clearly articulated here as the right to receive a test. Most students would not think that one of their rights. They would probably think that is the right of a teacher. But the right to appeal the process that others are deciding for them, which can have impacts on secondary institutions that they may be going to or other serious consequences, is an important right, I feel, of individuals that are receiving service.

**Mrs. McIntosh:** I say, first of all, that the right to appeal suspensions is being put into regulation right now, and so I say that for starters, but secondly I also say that it is a fundamental right to be able to appeal decisions, so fundamental that it is axiomatic. You say, most everybody knows they can appeal, but most everybody does not know they cannot. You said it is fundamental. You said the right to appeal is

fundamental. It is fundamental and it is known and perceived to be fundamental. Every parent in Manitoba knows you can pick up the phone and yell at your school trustee.

The other part of it is, the right to be tested has not been a fundamentally known fact in Manitoba. You said yourself that pupils did not generally expect to have the right to be tested. They do not because it has not been fundamentally stated or understood. Nonetheless, this right to appeal suspensions is being put into regulation right now. So that may address your concern.

\* (1450)

**Ms. Mihychuk:** I am going to let that go because I feel that I have a fundamental difference of opinion with the minister but, when looking at the rights of a pupil, I asked the minister if she considered the right to a safe environment, to being educated in a safe environment.

**Mrs. McIntosh:** Mr. Chairman, if I may interject and go back to, not meaning to put the member off, but I do have now some suggested way out of our dilemma on the earlier clause, and it is a very simple amendment that legal counsel has suggested that would meet our desire to have responsibility of pupils outlined in the act, because we do think it is important regardless of how the opposition feels. But if the opposition is concerned that children will be sent to jail at the age of seven for not doing their spelling homework, we can take out the word "must" and put "is responsible for," because if you do not use the word "must" there is no offence under the law for contravening. So if the members are all agreeable, counsel has written down how that could be achieved, we strike out "must" and substitute "is responsible for," and then we can still put the pupils have responsibilities without sending six-year-olds to jail for not doing their spelling, presuming prosecutors would do that.

**Mr. Chairperson:** There is a bit of translation going on for that amendment. Could we move on to another section? Is that the will of the committee?

**Some Honourable Members:** Yes.

**Mr. Laurendeau:** I wonder if we might get leave of the committee, unanimous consent, that we not see the clock at three o'clock.



**Mr. Chairperson:** Is that agreed?

**Some Honourable Members:** Agreed.

**Mr. Chairperson:** Agreed. Ms. Mihychuk, you had another question.

**Ms. Mihychuk:** Yes, I would like to repeat my same question. I asked the minister that when she reviewed the rights of a pupil did she consider the right to be in a safe environment, safe of personal harm and in terms of physical conditions?

**Mrs. McIntosh:** Under duties of school boards, 41(1) covers off that concern. It talks about the accommodation that school boards must provide to students.

**Ms. Mihychuk:** Unfortunately, I do not have The Public Schools Act with me. Could the minister read the clause that would provide that protection?

**Mrs. McIntosh:** Mr. Chairman, under duties of school boards it says in 41(1) every school board shall—and I have to indicate what a definition in here is—“Every school board shall (a) provide adequate school accommodation for the resident persons who have the right to attend school as provided in Section 259;”

It goes on then to describe the school building, et cetera. But in that phraseology of proper accommodation is inherent that proper and adequate accommodation would be accommodation that is warm in the winter, dry in the rain, safe from harm and all of those things, adequate lighting, all of those things that make a school a good, proper, healthy, safe environment for students. That is inherent in that clause under duties of school boards.

**Ms. Mihychuk:** It is probably my being quite a novice at this whole process, but can you explain to me why the bill chooses to articulate the right of a pupil is to receive regular testing and evaluation when surely that was the practice and the ability of teachers, school divisions, principals and others within the system to test, and still we did not articulate, for instance, the fundamental right to be challenged or the right to be educated.

**Mrs. McIntosh:** Mr. Chairman, I think the answer is self-evident, and I think perhaps we should get on with

this. It is obvious that every child in Canada has the right to be educated. In fact, the child in Canada is compelled to be educated to the age of 16, compelled to attend schooling. Every child in a school system expects to be in a building that is heated in the winter and dry in the rain and safe from intruders. Those are almost axiomatic. What every child in Canada and Manitoba has not had is the very thing the member says they have had. They have not always had diagnostic assessment. They have not always had tests on learning, and that is tests on their learning processes. That is why this is introducing something that has not been axiomatic or fundamentally understood. We can debate this back and forth.

I know what the member is trying to do is just to try to put every little thing—I mean, why do we not put an amendment in here that would say a student has the right to be in a classroom that has adequate lighting? Why do we not put in here a student has—[interjection] Well, that is what is encompassed in accommodation, because we could sit here and make a list that would be 7,000 pages long in terms of what a student has the right to expect in a school.

A student has the right to expect good teachers. A student has the right to expect good curriculum. A student has the right to expect adequate building. A student has the right to expect washrooms in the school. A student has the right to expect access to clear drinking water. A student has the right to access—I could go on and on and on, and I do not think the member wants me to. Neither do I want the member to. We have a fundamental change here that says amongst all the other things that are known for students to have, we also want them now to be able to be assessed. If you want to play games by adding in all these other things and draw the time out you have the right to do that, but I think really it is time to get on with the business at hand and let us not be unicorns in the rain.

**Mr. Chairperson:** Is that a unicorn sign, or did you have a hand up?

**Ms. Marianne Cerilli (Radisson):** Mr. Chairman, I have a question as well on the same section of the act. Following up on Ms. Mihychuk's questions though I am wondering, given what the minister just read about accommodation in another section of the act, why these

other sections that relate to pupils' rights were not put in that section so that that would be more clear. This is standing alone, you know, pages later in the act, and I think that it has been brought up a number of time in presentation. So maybe that is more of a kind of structural feature of the bill, but I think it should be a point that could be considered.

What I wanted to raise though about this section is for the minister to explain how this fits in with the government's initiative on Parent Advisory Councils? There was a lot of talk last year when that legislation was brought in that parents and the community and schools would be charged with having more input in developing the kind of roles and rights and responsibilities of the different partners in education. So it seems to me that this section would have perhaps been better to mandate that school boards and Parent Advisory Councils would have been required to develop the rights and responsibility, so that this section in the act could still have stipulated we want the rights to include such things as, and then it would have been up to the community to develop the appropriate rights and responsibilities for their school division.

I am wondering if the minister would not consider that that is something that is being done on a school-by-school basis. I mean, we are having charters of rights for schools or codes of conduct, different kinds of things like that being done at the school level, and in some cases, it would be interesting to look at some of those and see how they jibe or how they would compare with these rights and responsibilities outlined in the legislation. So I am wondering if the minister considered that, that this should fit in with the other initiatives that the government has had in terms of trying to involve the community and mandate the school boards to ensure that communities are involved in developing these kind of responsibilities and rights.

**Mrs. McIntosh:** Yes, we have looked at that, and we do believe this legislation fits.

\* (1500)

**Ms. Cerilli:** Can you explain that, Madam Minister? This is law. I mean, this is going to be law now, and how about all the schools that have gone to the trouble? I know schools in my divisions in my constituency have

had very involved procedures of process for parents and students and staff to work together, and it has really been a tremendous building of solidarity, a sense of school spirit, and a sense of ownership and shared responsibility in the school for them following the rules and responsibilities and roles and protecting the rights of everyone in the school. So I would like for her to explain how she believes this is going to fit with that direction that her prior document has laid out.

**Mrs. McIntosh:** Mr. Chairman, as you know, school advisory committees are advisory, not decision-making, bodies, and school advisory councils in helping the school develop school plans. One of the things we hope they will do—and I am very pleased that there are some schools in the member's constituency that have developed codes of conduct, et cetera. Certainly, I know in my home division they have codes of conduct, that sort of discipline, et cetera, in the schools. This is wonderful; this is very good.

What school divisions will now be able to do which fits completely with an overall plan for Manitoba so that Manitoba students transferring back and forth between schools can expect some consistency of direction is that school plans, of course, must comply with provincial legislation. In developing their codes of conduct for students, now schools know that they can examine their procedures to ensure that they comply with attending school and classes regularly and punctually, comply with the behaviour-management policies of the school where we say the school will have its own policies, and that the pupil must comply with their school's own policies which may not be exactly the same from division to division.

The student must do his work in school, and the student must show respect for school property. I do not think those are too difficult for parent councils to be able to include and incorporate in their own school plans because I believe they are at the basis of much school plans. All we are asking the students to do, basically, is be polite and courteous; to do their work and to obey the school plans that their schools devise. I think the member is really—well, it is up to the member if she wants to just play games with time or if she wants to get on with the business at hand.

I do have an amendment ready now from the legal counsel on substituting "is responsible for" for "must"

which will keep our five-year-olds out of jail for not doing their spelling.

**Ms. Friesen:** I had an amendment on 58.9(1.1). I think the minister's comes after that. I think it is 58.9(1). Should we just keep it in order?

**Mr. Chairperson:** Why do we not proceed with your proposed amendment for 58.9(1.1).

I move,

THAT section 10 of the bill be amended by adding the following after the proposed subsection 58.9(1):

**Entitlement to educational rights**

**58.9(1.1)** A pupil is entitled to the following rights:

(a) the right to receive an education which promotes the pupil's general culture and enables him or her, on a basis of equal opportunity,

(i) to develop his or her ability, individual judgment and sense of moral and social responsibility, and

(ii) to become a useful member of society; and

(b) the right to be educated in a spirit of understanding, tolerance and friendship among people in accordance with the United Nations Declaration on The Rights of the Child.

**[French version]**

*Il est proposé que l'article 10 du projet de loi soit amendé par adjonction, après le paragraphe 58.9(1) proposé, de ce qui suit:*

**Droit des élèves**

**58.9(1.1)** *Chaque élève a le droit:*

*a) de recevoir une éducation qui promouvoit sa culture générale et lui permet, dans un contexte d'égalité des chances:*

*(i) de développer ses habiletés, sa capacité de jugement et son sens des responsabilités sociales et morales,*

*(ii) de devenir un membre productif de la société;*

*b) d'être éduqué dans un esprit de compréhension, de tolérance et d'amités interpersonnelles en conformité*

*avec la Déclaration des droits de l'enfant des Nations Unies.*

**Motion presented.**

**Mr. Chairperson:** Discussion on the amendment.

**Ms. Friesen:** This is an attempt to deal with what we consider to be a very narrow version of the rights of pupils and responsibilities of pupils. It is an attempt to broaden it in the largest terms possible in accordance with principles which, I believe, have been agreed with, signed off by Canada in the most recent declaration of the rights of the child. This wording is actually taken from an earlier, more specific one. The minister will be aware, of course—that is the '59 one I think. But there is a more recent one, 1995, which takes up the same principles but not the same wording, and that one, of course, was agreed to and signed off by former Prime Minister Mulroney.

**Mrs. McIntosh:** That is a very nice statement. It is a good vision statement, but it is not a legislated statement. If you look at the rights of pupils and responsibilities of pupils, we are talking about absolute, basic, tangible things like receiving a test, receiving a file, being on time for class, very, very basic fundamentals. This is a vision statement, which is very nice, but if we want to start filling the act full of vision statements, then we will be changing the way in which we are dealing with a lot of these items. The act will become extremely thick, indeed.

I think this is known to be the basis of what most school divisions do right now and it is certainly something the Department of Education promotes in every way through its curriculum development, so I do not think it is required.

**An Honourable Member:** Question.

**Mr. Chairperson:** The question has been called.

**Voice Vote**

**Mr. Chairperson:** All in favour of the amendment, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The amendment is defeated on division.

The next proposed amendment relates to—do you have another one, Ms. Friesen?

**Ms. Friesen:** Yes, I move

THAT the proposed subsection 58.9(2), as set out in section 10 of the Bill, be amended by adding the following after clause (a):

(a.1) receive regular and appropriate assessment that is based on sound pedagogical principles;

[French version]

*Il est proposé que le paragraphe 58.9(2), énoncé à l'article 10 du projet de loi, soit amendé par adjonction, après l'alinéa a), de ce qui suit:*

*a.1) de recevoir de façon régulière et appropriée une évaluation fondée sur des principes pédagogiques sains;*

**Motion presented.**

**Mr. Chairperson:** Discussion on the amendment?

**Ms. Friesen:** If I can explain the reason for this, I hope it is one the minister will look at seriously, because I think there may be some difficulties with the existing one that the minister has. I believe that the existing statement the minister has, which is to receive regular testing and evaluation of his or her academic performance and achievement, is limiting.

There is more that goes on in schools than might be encompassed by the term "academic." There is physical education. There are other forms of education, vocational education, for example. That the minister may not be intending to limit it to academic, she may or she may not, she will have the opportunity to indicate that, but we are looking at something which is applicable to a much broader range of students.

The second intent of our amendment is also to broaden the term "testing" to include assessment, as well to indicate that there may be some problems for special

needs students with the way in which the minister has phrased her intent. So the broader proposal we were making, regular and appropriate assessment and sound pedagogical principles, it seemed to me would enable school divisions and teachers who are going to have to work with this to take a broader perspective. I would hope that that was what the minister was intending.

**An Honourable Member:** Question.

**Mr. Chairperson:** Call for the question.

Voice Vote

**Mr. Chairperson:** All in favour of the amendment, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The amendment is defeated on division.

Do you have another amendment proposed, Ms. Friesen? Ms. Friesen, you are moving an amendment.

**Ms. Friesen:** Mr. Chairman,

THAT the proposed subsection 58.9(2), as set out in section 10 of the Bill, be amended by striking out "and" at the end of clause (b) and by adding the following after clause (b):

(b.1) participate in student government appropriate to his or her age; and

[French version]

*Il est proposé que le paragraphe 58.9(2), énoncé, à l'article 10 du projet de loi, soit amendé par adjonction, après l'alinéa b), de ce qui suit:*

*b.1) de participer à la gestion étudiante appropriée à son âge;*

**Motion presented.**

\* (1510)

**Ms. Friesen:** Mr. Chairman, I believe that in regulation the minister has established the role of a student representative on the advisory councils for school leadership. This extends that principle and I think it is one that is in place in most schools, but since the minister has introduced a new section in the bill of rights and responsibilities of pupils, one of the ones we thought was most appropriate for the end of the 20th Century is the role of the school in developing self-governance process and principles. We would like to see the government support this, the right of the student government appropriate to their age.

**Mrs. McIntosh:** Mr. Chairman, the last couple of amendments have been absolutely redundant. I mean, it is obvious students in this day and age—it is as fundamental as having chalk for the blackboard—are able to have part in student government. It is obvious, as well, that teachers write out tests. Everything is going to be based on good pedagogical performance. We are stating the obvious and I do not know why the opposition is doing this, but I do not think we need things in here that are stating the obvious.

**Ms. Friesen:** Mr. Chairperson, just to respond to that. When Charters of Rights and liberties are drafted indeed they do not take into account what is axiomatic or what is common practice. The whole point of Charters, and this is what in effect this is doing, is by establishing rights and responsibilities, indeed, to spell out in the broadest possible terms what can then be taken to court, and so that is my concern in this. I do not believe the minister has perhaps understood what we were saying in an earlier memo, but I will not go back to that one and we will focus on this one, and perhaps we are ready for the vote.

**Mr. Chairperson:** A call for the question. All in favour of the amendment, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The amendment is defeated on division. The honourable minister has put forward an amendment. Would you move it?

**Mrs. McIntosh:** I move,

THAT the proposed section 58.10 as set out in section 10 of the Bill be amended by striking out “must” and substituting “is responsible for”.

AND THAT (a) in clause (a), “attend” be struck out and “attending” be substituted;

(b) in clause (b), that “comply” be struck out and “complying” be substituted;

(c) in clause (c), that “complete” be struck out and “completing” be substituted;

(d) in clause (d), that “treat” be struck out and “treating” be substituted.

Those are grammatical changes to comply with the wording changes above.

**Motion presented.**

**Ms. Friesen:** Mr. Chairman, this is a question of process. I have an amendment dealing with 58.10(c) so I am not sure what the procedure should be here. Should we go section by section? We cannot, because then we would have passed that one.

**Mr. Chairperson:** We will deal with that separately then, because it is not dealt with in the amendment. Your amendment is not dealing with what she is amending.

All in favour of the amendment, say yea. The amendment passes. Now you have an amendment to that clause.

**Ms. Friesen:** I move

THAT clause 58.10(c), as set out in section 10 of the Bill be struck out and the following substituted:

(c) pursue diligently studies to attain achievements reflective of his or her capabilities; and

**[French version]**

*Il est proposé que le paragraphe 58.10, énoncé à l'alinéa 10 du projet de loi soit amendé par substitution, à l'alinéa (c), de ce qui suit:*

*c) de poursuivre avec diligence ses études afin d'obtenir des résultats reflétant ses aptitudes;*

**Motion presented.**

**Ms. Friesen:** Mr. Chairman, just to indicate that this goes back to the public hearings and to the recommendations of the report of the panel on education legislation reform. I believe it has the same intent that the minister is aiming at but that it is broader and might in fact suit better the goal that the minister wants to accomplish here.

**Mr. Chairperson:** Further discussion. No further discussion, the question being called.

**Voice Vote**

**Mr. Chairperson:** All in favour of the amendment, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The amendment is defeated on division.

Clause 10 as amended—pass; Clause 11—pass; Clause 12—pass; Clause 13—pass.

Clause 14, I believe there is an amendment.

**Ms. Friesen:** Mr. Chairman, I move

THAT section 14 of the Bill be amended by adding the following after the proposed subsection 101(6):

**Application to private schools**

**101(7)** For the purpose of subsection 101(6), “school board” includes the Board of Directors of a private school that is in receipt of a grant under subsection 60(5).

**[French version]**

*Il est proposé d'amender l'article 14 du projet de loi par adjonction, après le paragraphe 101(6) proposé, de ce qui suit:*

**Application aux écoles privées**

**101(7)** Pour l'application du paragraphe 101(6), “commission scolaire” s'entend du conseil d'administration d'une école privée qui a reçu une subvention en vertu du paragraphe 60(5).

**Mr. Chairperson:** Again, I would rule, based on reasoning given before with respect to a similar proposed amendment, that this would be out of scope.

Clause 14—pass; Clause 15—pass.

I have a proposed amendment respecting 16(1).

**Mrs. McIntosh:** I move

THAT the proposed clause 201(2)(a), as set out in subsection 16(1) of the Bill, be amended by striking out “or credit union, or securities issued or guaranteed by the Government of Canada or the Government of Manitoba” and substituting “, trust company, loan company, credit union, insurance company or other similar institution that is supervised or examined by a government or a government authority in the jurisdiction in which it carries on business”.

**[French version]**

*Il est proposé que l'alinéa 201(2)a), énoncé au paragraphe 16(1) du projet de loi, soit amendé par substitution, à “ou une caisse populaire, ou qu'émet ou garantit le gouvernement du Canada ou le gouvernement du Manitoba”, de “, une compagnie de fiducie, une compagnie de prêt, une caisse populaire, une compagnie d'assurance ou un établissement analogue qui fait l'objet d'une surveillance ou de vérifications du gouvernement ou d'une instance gouvernementale du ressort dans lequel elle exerce ses activités commerciales”.*

**Motion presented.**

**Mr. Chairperson:** Any discussion on the amendment?

**Ms. Friesen:** Mr. Chairman, just a clarification, what is the difference between a trust company and a loan company? What exactly is a loan company?

**Mrs. McIntosh:** Loan companies could be companies that only give loans. A trust company will do a lot of other things.

**Ms. Friesen:** Does the minister have examples of loan companies?

**Mrs. McIntosh:** I do not have an example here, but I should just indicate to the member that this is here to comply with the Department of Finance's requirements in terms of companies that deal with monies, so it has been adjusted so that it is consistent with legislation dealing with financial institutions. These are generally the listing of ones that are included.

**Ms. Friesen:** The difference between this and the one that the minister proposed is that school boards may now borrow outside of the province of Manitoba and outside the Government of Canada. This could be, for example, Peruvian trust companies, loan companies. Am I reading it wrongly here?

**Mrs. McIntosh:** Mr. Chairman, this can be only done with the approval of the Minister of Finance. The wording has been done to parallel with The Financial Administration Act, so school boards do not have total autonomy in whom they select.

**An Honourable Member:** Question.

**Mr. Chairperson:** The question has been called. All in favour—

\* (1520)

**Ms. Friesen:** Mr. Chairman, I am still puzzled about this one. In 201(2)(a) a school board now, rather than investing only in securities of a bank or credit union issued by the Government of Canada or the government of Manitoba, may now deal with trust companies, loan companies, credit unions, insurance companies or other similar institutions supervised or examined by any government authority in the jurisdiction in which it carries on business. So this can be any trust company and any loan company outside of the country.

[interjection] No, approved by its own government, not approved by this government.[interjection] No, that is not what it says, Marcel.

**Mrs. McIntosh:** We are getting legal opinion over here, but I draw the member's attention to "securities issued or guaranteed by the Government of Canada or the Government of Manitoba," and there are a lot of things, I think, inherent in here. As the member knows, the four pillars in the financial world have been removed as all financial institutions start to pick up components of each other's duties, and that has been happening nationwide for many years. But we are getting legal opinion on her question here just to verify for her the intent.

The original amendment was just to include the words "trust companies" and in the doing of it, it was requested that they parallel The Financial Administration Act—I apologize for my cough today. Sorry.

Nothing can be done without the permission of the government, but I have just asked legal counsel to put it back to the original wording because it does enable them, it does broaden the intent here. I do not anticipate any problem but, because it does broaden it, and the original amendment will suffice for our purposes, I would just as soon revert to it.

**Mr. Chairperson:** Do I understand the—is the minister then withdrawing it or do we vote it down or—

**Mrs. McIntosh:** Legal counsel is pulling out the amendment we had before they paralleled it with the finance admin act. We do have to have an amendment as to where our school divisions place their surpluses and so on, but I think that should just take a minute to get ready. I would like to then alter my amendment or amend my amendment by substituting—I think maybe it will just be by a deletion, would it not?

**Mr. Chairperson:** Would it be easier to withdraw this and then tender another one? Will you withdraw this one? Agreed?

**Mrs. McIntosh:** Yes. Okay. If I can withdraw this amendment and substitute it with the original one.

**Mr. Chairperson:** While that is being prepared, can we proceed?

Clause 16(2)—pass; Clause 17—pass; Clause 18—pass; Clause 19—pass; Preamble—pass. Title.

**Mrs. McIntosh:** Amendment to the title, sorry.

**Mr. Chairperson:** Sorry, there is an amendment to the title.

**Mrs. McIntosh:** I move

THAT the title of the French version of the Bill be amended by striking out "PUBLICS" and substituting "PUBLIQUES".

[French version]

Il est proposé que le titre de la version française du projet de loi soit amendé par substitution, à "PUBLICS", de "PUBLIQUES".

**Mr. Chairperson:** Amendment—pass; Title as amended—pass.

Madam Minister, you have an amendment?

**Mrs. McIntosh:** Yes. Thank you, Mr. Chairman. Now, did I already withdraw my other?

**Mr. Chairperson:** Yes, you did.

**Mrs. McIntosh:** Okay. I move

THAT the proposed clause 201(2)(a), as set out in subsection 16(1) of the Bill, be amended by adding ", trust company" after "bank".

[French version]

Il est proposé que l'alinéa 201(2)(a), énoncé au paragraphe 16(1) du projet de loi, soit amendé par adjonction, après "banque", de ", une compagnie de fiducie".

\* (1530)

I think that covers the concern that the government had and addresses the concern that the opposition brought to our attention.

**Mr. Chairperson:** Any discussion on the amendment?

**Mr. Frank Pitura (Morris):** I hate to do this, but the previous amendment, I think, suggested trust company and insurance company and loan company.

**Mr. Chairperson:** Honourable Minister, maybe you could put the amendment in the context of the section being amended to help the honourable member.

**Mrs. McIntosh:** Do you have a copy of it, the previous one? Do you have it there? What were you asking? You wanted to know—

**Mr. Chairperson:** He wants to see 201(2)(a).

**Mr. Pitura:** I can be specific. Under the proposed amendment, it was referenced that investments could occur in a trust company, a loan company or an insurance company. That is different from the proposed amendment in the act.

**Mr. Chairperson:** Mr. Pitura, what we will do is have the Legislative Counsel produce the act being amended and then the addition of trust company can be put in the context.

Would the members like the old section read into the record? Mr. Pitura, does that help you, letting you read it into the record?

**Mr. Pitura:** Is that in the old section?

**Mr. Chairperson:** Yes, the old section. Maybe you could read the original section out loud.

Is there leave of the committee to have the staffperson read into the record what he is saying. Would that help? So all hear it together. Can we have the staffperson read into the record what he is trying to articulate to everybody?

**Mrs. McIntosh:** I think this might be useful, Mr. Chairman, and I would call upon Mr. Brian Hanson, if he would be good enough to just outline the history of the change that we are proposing, how it came to be and what we are intending to do with it.



**Mr. Brian Hanson (Director, Administration & Professional Certification Branch):** Thank you, Minister, Mr. Chairman, committee members. The original act reads: The school board may invest in the securities of a bank or credit union.

There was some question raised by school divisions in particular as to why trust companies were omitted from the legislation. We looked into it and thought, well, there was probably no valid reason why a trust company could not be a vehicle for investment of surplus school board funds, and so our initial intent was to simply add "invest in the securities of a bank or credit union or a trust company."

As Legislative Counsel explored this further, it was suggested to them that they contact the Minister of Finance's department because, of course, in The Financial Administration Act, there is some very specific language as to vehicles for investments. When Leg Counsel did contact the Finance department, it was suggested that we merely import the wording from The Financial Administration Act into The Public Schools Act, and that is why the amendment that you saw before you talked about loan companies and insurance companies and so on, in addition to trust companies.

I think that was broader than the wish of school boards and probably broader than the wishes of the minister and the department. I think what we are suggesting is that this be rewritten to say that they can invest in the security, simply, of a bank or a credit union or a trust company or securities guaranteed by the province or the federal government.

**Mrs. McIntosh:** And this amendment—

**Mr. Chairperson:** Honourable minister?

**Mrs. McIntosh:** Excuse me, Mr. Chairman. This amendment accomplishes that rationale.

**Mr. Chairperson:** Does that satisfy you, Mr. Pitura, now? Okay.

Amendment—pass; Clause 16(1) as amended—pass; Bill as amended be reported.

The committee shall rise, it now being three o'clock.

**COMMITTEE ROSE AT: 3:36 p.m.**

## WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Presentation to the Standing Committee on Law Amendments Regarding Proposed Changes to Legislation Affecting Education Bills 47 and 33

October 21, 1996

### I. INTRODUCTION

The Seven Oaks School Division No. 10 Board of Trustees is pleased to accept this opportunity to express its views on the proposed amendments to legislation governing education, namely: Bill 47, The Public Schools Amendment Act; Bill 33, The Education Administration Amendment Act; and, in responding to this proposed legislation, the board is assuming its responsibility to represent the educational interests of the students and residents of the Seven Oaks community, which encompasses the northwest corner of Winnipeg, the Rural Municipality of West St. Paul and a portion of the Rural Municipality of St. Andrews.

The Seven Oaks community represents people from all over the world, its being a destination of choice for three major waves of immigration in Canadian history as well as a home for many of our First Nations people. The board believes that its residents have chosen Seven Oaks, at least in part, because of the high quality of education offered to their children, their grandchildren and the children of their neighbours. To our residents education means preparation of children to participate in all aspects of community life, enjoying: (i) the rights, privileges and opportunities of citizenship in a democracy; (ii) the acceptance, thoughtfulness and respect of a caring society; and, (iii) the prospects and realization of meaningful work.

Within this definition, the board understands that its role and responsibility is to ensure the children of the Seven Oaks community the best possible education it can possibly offer under existing political, social and economic circumstances. To pursue this it must safeguard:

(i) a comprehensive notion of education which includes preparation of children for contribution to public affairs and community life as well as for participation in the marketplace as entrepreneurs and jobholders;

(ii) the rights of children to grow and mature in a safe, stable environment which provides them with hope for the future and which maintains their individual dignity at the same time as recognizing their individual differences;

(iii) a high-quality publicly supported school system which is accessible to all children regardless of socioeconomic status and/or other personal circumstances;

(iv) the concept of responsive local autonomy in which reasonable and appropriate authority and responsibility for governance lies with representatives elected within local, legally recognized jurisdictions; and

(v) respect for, and faith in, humanity and democracy and the institutions (such as government and schools) which uphold them.

To achieve these conditions is a complex matter demanding continuous and ongoing community interaction.

#### THE PRIMACY OF DIALOGUE

Encouraging such interaction and community dialogue is a matter of constant vigilance and effort. It requires the good will, commitment and effort of all citizens and, in our view, being a shared obligation in a democracy, cannot be left entirely in the control of single entities be they governments, boards, committees or individuals. Neither the structures and relationships, nor the outcomes of that interaction and dialogue, can be legislated or predetermined and still remain educational and educationally responsible. Simply put, our democracy works when we educate our children in such a way that they not only believe they have a right to participate but also so they do participate as children, and later as adults, in creating worlds which would not have existed without their individual contribution and are unlike any world they would have imagined had they had only the benefits of their own perspectives and intellect. The Seven Oaks Board of Trustees, through actions like this presentation, attempts to demonstrate examples of such responsible public participation.

#### THE ROLE OF PROVINCIAL LEGISLATION

Provincial law, and its interpretation and manifestation in regulations, policies and practices should, in reflecting the above rationale and principles:

(i) uphold an optimistic outlook toward the potential of humankind to not only cope with its circumstances but to create new and better human conditions through the education (preparation) of its children. (To determine beforehand what those new situations will be robs children of their human birthright to create their own world.);

(ii) embrace a broad view of education encompassing moral-political-ethical dimensions as well as socioeconomic objectives;

(iii) provide adequate financial and structural support for a strong, vibrant public school system;

(iv) foster a relationship of mutual freedom, respect and trust through openness and flexibility, collaboration and co-operation; and,

(v) promote dialogue about and responsiveness to particular (including local) events, situations and conditions.

We simply do not believe that legislation, by itself, can restore public confidence in either governments or schools.

#### THE PLACE OF LOCAL INITIATIVE

In taking action at the local level boards and their employees must be permitted and encouraged to:

(i) interpret and respond to what they perceive as the relationship between local circumstances and larger societal forces and realities;

(ii) initiate creative resolutions to particular human dilemmas as opposed to applying technological treatment (predetermined techniques and outcomes) as if human relationships are generalizable; and,

(iii) create conditions which promote ongoing dialogue and action as opposed to final, irrevocable and irreversible solutions.

The board sees as its role the encouragement and initiation of forums wherein students, parents, teachers and other community members can not only inform themselves about education but also have their voices

heard. As an extension of that, local boards must represent those diverse voices to provincial authorities whenever possible.

## EDUCATION AND HUMANITY

Human relationships, in order not to be arbitrary, must indeed appear technically arbitrary—following ideals, beliefs and values more than structures, techniques and procedures. Both are important, but in education, which is more a human venture than a technological one, dialogue and corresponding action must prevail over technical expertise and skill. Boards, administrators, teachers and others who act for the sake of children must have the scope and opportunity to follow their best judgements. These may indeed result in novel responses for which educational agents would be pleased to be publicly accountable. They may be unpredictable prior to their enactment but nevertheless may be responsible and appropriate. In other words they may be predictable as to their underlying beliefs, values and ideals.

## THE CURRENT POLITICAL CONTEXT

While the legislation is definitive in its statement of where power and authority lie, interpretations always result from the current dispositions of those enacting the legislation, and it is herein that our concerns arise. In recent years, the inevitable, and usually necessary and desirable, contention and dissension which exist between levels of government and other direct participants in the schooling process have increased to the point where they are destructive and harmful. Fault finding, blame and secrecy have replaced open consultation, co-operation and collaboration. While we are quite prepared to believe that schooling needs to continuously improve and we must act accordingly, we find no evidence that the educational system requires the type of massive centralized government intervention nor benefits from the type of criticism to which it has recently been subjected. Similarly, we find no evidence that such interventions in our part nor in other parts of the western world have been sustainable or have fundamentally improved either education or democracy. We can only account for government action in the following ways.

(i) the government perceives a need to compel boards to act in compliance with their wishes suggesting that it no longer has faith in, trusts or respects the potential role

of boards (for example, they may believe boards too powerful, irresponsible, or unresponsive to the citizenry, particularly parents);

(ii) the government has preconceived and/or predetermined its role and relationship and the outcomes of its actions to the point where dissent and consultation (dialogue), collaboration and/or co-operation are no longer deemed necessary or desirable (they are superfluous and closure is desirable); and,

(iii) the government's view of their governance responsibility is rule and management, in which case its particular ideology predetermines the value and meaning of information exchange; and laws, policies, procedures and practices are judged on their contribution to the achievement of preordained ends, in other words, compliance, conformity and adoption.

In any case, it would appear that the traditionally "ideal" relationship (that is checks and balances and shared responsibility) between the two levels of government, the provincial government and local school boards, is critically undermined. It would appear that government sees itself as responsible, or wishes to exercise its overriding power, to significantly alter future interactions between the two in its favour. The consequences have the potential to be disastrous for the authority and relevance of school boards, for board-employee relationships, for potential educational leadership (as opposed to organizational management), for school-community relationships and ultimately for the education of children. Experiences in other countries in the western world and other provinces in Canada substantiate this contention.

What we are experiencing in Manitoba is not new. While the implications may confound us, they need not surprise us. In any case, the legislation seems to be an unjustified overreaction to legitimate and necessary dissent. To our knowledge no school board in Manitoba has ever defied a government directive. Nevertheless, while school boards still exist, both their legal authority and moral responsibility imply that positions must be taken in regard to the impending legislation. At the very least, such political action is the essence and the obligation of democracy.

In this legislation school boards are given less authority in relation to the minister, to schools, to school

advisory councils and/or school committees as well as in regard to reporting and planning functions. In other countries and provinces, similar legislation has led to threats of sanctions, actual sanctions and even the dismissal of school boards. At the very least, where such legislation is enacted, management and reporting activities tend to be emphasized at the expense of educational leadership and education activities. All in all, the tendency has been to ensure compliance and conformity to ministerial initiative as opposed to local initiative. The consequence is reduced responsiveness to local conditions and/or specific and particular needs of students.

We would submit that it is because of a constant interplay between individuals, local and provincial authorities that our education system is among the best in the world and that Canada is among the best places in the world to live. We do not wish to rest on our laurels nor do we wish governments to. However, we see no particular reasons for undermining the institutions and relationships which brought us to this point. Neither do we see any need to forget the reasons why we made the changes which helped us achieve our present situation.

#### “WESTERN” PURPOSES

In the western world, the purposes of a paid labour force, of the recognition of private property, the introduction of both private and public industry and the pursuit of technology all have a common goal, one which we are at risk of forgetting or neglecting. They all exist to free people from the necessity of employing all their resources and energies in order to make a living. This freedom from necessity, in turn, provides further freedom for people to engage each other as citizens who can act together for the sake of living well in relative harmony. In other words, they can enjoy life and relative prosperity so that they can contemplate matters other than making a living.

There has in the past, and there seemingly will always exist, a necessary tension between making a living and living well. In a democracy, if that tension becomes skewed inordinately either way, not only is the democracy at risk but so is our very humanity. In other words, to be truly human, we need to both sustain life and to contribute to making both our own lives and the lives of others better. “Better” in these terms has always meant the right, privilege and opportunity to have some voice,

either through self-representation or through others, in what happens for oneself but, more importantly, what happens for others in relation to each other and to oneself.

In the view of the board, the maintenance of that relationship first requires for children, when they are young, a good home which believes in them and their potential. As they grow older, children need good schools, good communities and good societies which not only care about them but care about their opportunity and responsibility to contribute to creating a better world.

#### “WESTERN” PURPOSES, EDUCATION AND LOCAL AUTHORITY

An appropriate and positive disposition to themselves and the world which they share with others must be taught, learned and experienced by children. In the view of the board this is a developmental notion, both individually and collectively, and while children are young, their worlds must expand as they are capable of contributing to them. To that end, in spite of globalization, educational jurisdiction must remain in part a local matter wherein individuals are not forgotten and lost—we educate children not only for extrinsic purposes, for reasons outside themselves, but also for intrinsic reasons, the enjoyment of a life well lived. While the extrinsic purposes may well remain a matter to be discussed at arms length from individuals, that is not at all the case with intrinsic matters.

The board would agree with governments that we have not found the “answer,” the right relationship between these two competing intentions—we doubt that is possible. What we are concerned about is that inordinate shifts in favour of centralization, or for that matter simultaneous individualization (as isolation or exclusion), minimize rather than maximize the potential for healthy democracy and healthy people. What we are concerned about in the legislation is that government is exercising its right to act arbitrarily by shifting the focus of authority too far toward a central authority which cannot, and generally does not, respond sensitively to localized needs and desires. Even more importantly, it tends to silence the dissent so necessary for democracies to survive and thrive.

To that end we, as a board, are concerned about both the vocabulary and the potential of Bills 47 and 33. In

our view, these bills acquire their meaning in part from the prevailing political and social circumstances which we take to be relationally unhealthy, marked by polarity and division and lacking in trust and respect for others and for their democratic participation. We acknowledge that it may not be entirely this government's doing. However, we also recognize that legislation can either enhance or diminish reciprocal trust. Thus, we feel an obligation to speak out as we do in opposition to some of the proposed amendments. We do so not only in good will but also with a genuine and serious concern for our children, our schools, and our community and our system of democratic government.

### “SEVEN OAKS” UNDERSTANDINGS

Finally, we as a board do not understand the rationale nor the need for many of the proposed amendments. We do not agree with what appear to be attempts to by-pass boards either consultatively or jurisdictionally. Boards clearly have a place, a legal and moral responsibility and a right to have that role and responsibility recognized and respected. In our view, most have neither abused this responsibility nor neglected it. In the same vein, we find it somewhat difficult to respond to the amendments as, while they seem clearly to reduce board authority, it is less clear who will be legally responsible for what, nor what the intentions of various amendments are. Without debate or clarification, it leaves us in the unenviable position of attempting to surmise through conjecture what is intended, unable to participate as partners in the resolution of perceived problems or dilemmas.

This board has always been willing to assume its responsibilities and engage everyone in the educational dialogue and it has always been willing to work with governments to achieve educational purposes—it wishes to continue to do so. To that end the following questions and/or suggestions are intended to clarify, expedite and enhance democratic educational dialogue.

## II. SPECIFIC CONCERNS

### A. Bill 47: The Public Schools Amendment Act

The Board of Trustees has prepared the following analysis and comment regarding the various sections of Bill 47:

#### Section 1—Preamble to Bill 47

Overall, the board has reservations about Bill 47 regarding the following matters:

(i) several sections contain terms whose meanings remain ambiguous or otherwise unclear and open to interpretation and conjecture as to intention;

(ii) several sections, by implication, suggest that boards have been irresponsible or unwilling to collaborate with other stakeholders in the educational community and, for that reason, central control must be increased and compliance demanded. We would submit that there is no justification for such seeming heavy-handedness, that micromanagement by a central government is antithetical to educational responsiveness. Secondly, on some very significant matters, it is more likely to reduce parental involvement in and responsibility for their children's education. Finally, centralized authority is much more likely to result in bureaucratization of educational decision making, encouraging system management rather than educational leadership; and

(iii) in a similar vein, several sections imply that schools have not planned judiciously, used money responsibly and responsively, and have thwarted parental opportunity for input. By and large this simply is not true, and in the few cases where it is, it is doubtful that legal requirements can resolve more deep-seated differences, whether relational or ideological. In our view positive relationships and a sense of responsibility cannot be legislated. Surely boards and smaller school communities are in a much better position to address such matters than government.

In truth, we see many parts of all these bills as “overkill” in response to a vocal minority who are given licence as well as credence by this legislation. Failing that explanation these bills are extensions of an ideology which minimizes collaboration and silences citizens on issues which should be matters of ongoing public dialogue. There is, quite frankly, no sustainable evidence that the public school system has been unresponsive or irresponsible. Time and again it has been proven that the claims which led to these legislative changes have no basis in reality (See Appendix A as example). That being the case they can only lead to questions about their “real purposes” and, at the present time, we have no particular reason to trust government to either provide or

allow a place for many people in democratic decision making nor in the educational agenda, even though there is much of it we could support given the opportunity. In fact, we believe it is to the advantage of all of us if both the education system and government enjoy public support and trust.

#### Sections 2-5—Regulatory Authority in Relation to the Francophone School Board

The board is prepared to accept that some governmental regulatory authority might be appropriate to the functioning of what is, essentially, a provincial school board.

#### Sections 6(1) and 6(2)—Duties of School Boards

The board understands that Section 6(1) is superseded by Section 8, on which we comment later.

The board has many concerns about Section 6(2) in light of the preamble provided above, namely:

In regard to 6(2)(u), it is unclear what need this article is intended to address, “co-operation with schools”, “development of educational artifacts”, or “approval of the minister.” It is the view of the board that it has always collaborated with its community in the development of educational opportunity and it has always done so within the parameters provided by governments.

In regard to 6(2)(v), the board knows of no instance in its experience whereby a local school council of any kind, or for that matter, any parent, has been thwarted in their effort to receive “information that is reasonably necessary” for understanding all aspects of school operation, let alone what they need for their own decision making.

In regard to 6(2)(w), has any board ever refused information of any type to the minister?

In regard to 6(2)(x), in the experience of the board, reports to the residents of the community about the effectiveness of educational programs is done continuously. Annual reports would, in most cases, reduce the flow of information. Furthermore, what is implied in this article, besides the withholding of information, is that “results of assessments of the

effectiveness” is a simple and non-contentious issue. As such issues are, in fact, both extremely complex and highly contentious, it is much more a matter for ongoing dialogue than for definitive statements. For example, are schools to be measured according to standardized tests, results, job attainment by graduates, conformity to society norms on the basis of its strongest academic students or its treatment of special needs students—the list could go on. While effectiveness and success may have some “common” elements, schools are likely to have many more “uncommon” contexts (conditions, circumstances, situations) and unique students than not.

In regard to 6(2)(y), why this article? Is there a problem we are unaware of?

In regard to 6(2)(3), annual school plans are also contentious. While it may very well be appropriate to have regular (perhaps annual) reports to the community, it is much less clear how annual plans are directly related to children's education unless they remain extremely flexible and may be altered as the need arises. Neither rigid adherence to a plan nor annually produced plans ensure meaningful information to the community. What looks like accountability can result in, and has resulted in, bureaucratic rigidity and mere repetitious exercises done only for the sake of compliance.

#### Sections 6(3)-6(4)—Regulations Supporting Personal Choice

While we believe that “real choice” not determined by personal circumstances is difficult to obtain, we agree that some such provision is probably necessary to support the “permeable boundaries” being promoted by government. We do believe, however, that governments should maintain a record of pupil transfers of choice because of the potential of this provision to create even greater disparities than currently exist between divisions, communities and schools.

#### Sections 6(5)-6(12)—Appointment of Auditor and Auditor's Responsibilities

The Board supports these articles and the repeal of redundant articles outlining transitional provisions. Since most monies expended on public education are indeed public monies, we support any provision which might serve to assure the public that public bodies are

responsible and accountable. We would be pleased to assist governments to develop reports which in "form and manner" serve the public interest and trust.

#### Section 7—Potential Deficits and Deficit Management

While we believe, in essence, that ministers are always informed regarding the status of our financial situation, we are concerned about the potential implications of this section, namely in the provision for special appeals and the consequences for local autonomy and long-range planning. Even now, there appears to be little provision for special circumstances (Seven Oaks has made repeated submissions regarding funding inequities and special circumstances to no avail). Nonetheless, the board believes that it must retain its discretion to do long-range planning and to be educationally responsive within its means. For example, it must remain able to make budgetary adjustments during the fiscal year should it be determined and either carry forward surpluses or small deficits as a result. Boards in Manitoba, to date, have excellent records in this regard.

#### Section 8—The Nature and Disposition of Student Files

The board finds itself in agreement with both the implied intent and the substance of this section. We believe it to be respectful of pupils and their school records, parental (and/or student) access to information regarding their children's (or their own) education and of the need to protect schools and school boards from frivolous and/or malicious action. It is our assumption that case law will clarify terms such as found in 42.3(2), namely "unreasonable invasion," "serious physical or emotional harm" and "injurious to the enforcement or the conduct of an investigation." We are prepared to review our existing policy and procedures regarding "pupil files" to ensure that the implied standards of record keeping are met.

#### Section 9—Collection of Fees and Recovery of Debts

The board believes that in literal interpretation this section mainly addresses internal consistency within the act, while in no way substantively increasing the powers of the board to collect debts and fees for service. We do hope that it is not a harbinger of more user fees as we believe that many of our residents are already "stretched" in this regard as provincial funding steadily decreases for

what we have always believed to be essential components of education and schools, such as transportation and provisions for special needs students. User fees have resulted, both in Manitoba and in other jurisdictions, in reduced access or reduced services with a corresponding reduction in either school based or governmental responsibility.

#### Section 10 (Articles 58.1 to 58.5)—School Program Access

The board is pleased to note the recognition that judgments regarding school access and attendance are most appropriately made at the local level. Experience will determine whether any students might be discriminated against or excluded by the provisions of this section. A particular concern is that special needs students also have some options available to them regarding sites of attendance. Currently, they are assigned special categories in policies on "open boundaries" in the metropolitan Winnipeg area.

We do have a question and a caution in regard to Article 58.5(c) as we do not understand why the minister would deem this provision necessary and desirable.

Similarly, while we understand why a pupil might be denied access for a variety of reasons in particular situations, we cannot imagine, as per 58.5(d) what would make enrollment of a pupil in a program inadvisable. Does this refer to physical requirements? This requires further clarification similar to that provided in earlier articles.

#### Section 10 (Articles 58.6 to 58.10)—Parental and Pupil Rights and Responsibilities

There are aspects of this section that the board finds perplexing and problematic. We believe they require further clarification and in some instances revision.

In regard to 58.6(a)(b)(c) and (d), it is the view of the board that these first four provisions merely codify existing practices.

In regard to 58.6(e), while the board agrees with the first part of this article in regard to access to information, it believes the second section provides opportunity for misunderstanding, mischief and malicious action. We

believe it is simply impossible, should anyone wish to take "consulted before the policies are established or revised" literally on an individual ("a person who is resident in Manitoba") basis. We would urge that this section be struck from these amendments as it is neither reasonable nor enforceable in practice. For example, how can each person enjoy "prior consultation" when they move during a school term, when they are nonresidents choosing to go to another school, when they were absent during initial consultations or when they are new to a school for any reason. Thus, while we agree everyone should be informed and consulted where possible (and certainly they should be consulted about the discipline of their own children), we believe the second part of this clause to be unworkable.

In regard to 58.6(f), first, the board is concerned that by implication this clause denies access to membership on community school committees to nonparents who are resident and others, such as teachers, who have a legitimate interest. If that is not the intent, we would request that this be clarified. Furthermore, there is also a need for clarification regarding what is meant by "advisory council, local school committee or school committee." Are people entitled to be members by virtue of being resident parents or by virtue of being elected by resident parents? We respectfully request that these be clarified through appropriate revisions.

In regard to 58.6(g), again, the board wonders whether this clause adequately provides for the intentions of government. Does government not wish the parents to also be able to represent their child rather than merely accompany or assist them? We also believe that parents, in fact, should have the right to retain advocacy on their child's behalf as should pupils over the age of majority on their own behalf. We respectfully request revisions to accommodate these concerns.

In regard to 58.7, while the board agrees with the intent of this article, we do not view it as a matter of law nor in that case a law which is enforceable. We appreciate attempts to have parents "co-operate" and make "reasonable" effort, but we contend that such matters will always remain contentious and must remain matters of discussion.

In regard to 58.8, again, while we agree with the seeming intent of this article, we wonder about its enforcement and its economic feasibility, particularly as

we know that children's "intentions" and/or "negligence" are extremely hard to determine and may require costly litigious action.

In regard to 58.9(1), the board seeks clarification of the intent of this article. Is it intended to focus on "the right to attend school under Section 259," or is it seen as a necessary provision considering Articles 58.1 to 58.5? If it is the first, then further clarification is required about what is meant, for practical purposes, by "three years beyond the age of majority."

In regard to 58.9(2), the board supports these rights at the same time recognizing the many possible interpretations of "regular" and "academic." In part (c), we believe children should have the right, as stated earlier, to be represented by their parents or an advocate, not just to be accompanied or assisted.

In regard to 58.10, while generally in support of this article, we would simply add another clause which required "treat teachers and others responsible for their care and education with respect." It is our view that its absence or exclusion could remove its consideration as a matter of primary importance.

#### Section 11—Teacher Certification of Principals of Private Schools

The board wholly endorses this amendment. While we believe this requirement existed by implication in the present clause, it is strengthened by this addition.

#### Section 12—Purchasing Parameters

The board fully supports the amendment as we believe it to be a recognition of present realities.

#### Section 13—Teacher/Principal Certification

The board supports the additions as suggested, agreeing with what we believe is governments' responsibility to ensure that people authorized to teach or care for children must meet agreed upon expectations and requirements.

#### Section 14—Access and Input into Personnel Records

The board supports this addition as it codifies our current practices and what we deem to be fair treatment of teachers.



### Section 15—Budget Preparation

The board certainly has no objection to sharing all budget information with school communities nor, in fact, everyone within the school division. In fact, our budget meetings have always been open, and our staff has always been directed to share all financial matters as it is able. However, the potential contention inherent in the term “consulted” is what concerns us and we believe should concern government. To conduct twenty-plus consultative meetings would simply be impossible. To make provisions for general information and/or feedback on a feeder school or divisional level is not. As government knows only too well from its own experience, consultation is not an agreed upon concept and can be extremely costly and time consuming. Most people simply do not view the achievement of predetermined objectives which they had no part in formulating as a co-operative effort. The board believes 178(2) as it stands along with current political conditions is sufficient to ensure disclosure, opportunity for involvement and public accountability.

### Section 16—School Board Investment

The board supports this amendment as it reflects current practice which is less restrictive than existing legislation.

### Section 17—Compulsory School Age

The board supports this amendment as it supports our current policy.

## III. BILL 33—THE EDUCATION ADMINISTRATION AMENDMENT ACT

Bill 33, by implication and in view of current government pronouncements, greatly extends the powers of the Minister of Education and Training in terms of developing regulations and establishing processes for evaluating and determining any aspect of the operation of both public and private schools. In effect, even fewer matters will be subject to public consultation and/or discussion. To us, this bill stands in stark contradiction to this government's avowed objective, one which we support, to encourage and support public involvement in education. Furthermore, it makes possible a whole host of new unilateral and arbitrary actions by ministers and subsequently, ministry officials. Some recent experiences

in this regard (missed deadlines, mixed messages, retractions and the like) do not bode well for the future. The Seven Oaks School Division No. 10 Board of Trustees cannot support this bill. In fact, we do not understand why a government would wish to take upon itself tasks impossible to achieve at a provincial level. We urge the Manitoba government to leave The Education Administration Act intact as these amendments are fundamentally flawed and misdirected. The simplistic conceptions of education portrayed by the provisions of this bill simply do not stand up to scrutiny.

It is the view of the board and one which we believe will be substantiated by every person who understands education, teaching and learning, that the substantive issues which constitute the provisions of this bill are by their very nature matters of contention.

For that very reason, any resolution reached to respond to them must be tentative, temporary and subject to continuous dialogue. In addition, they are essentially matters which are dependent on the interplay between personal community values, interests, beliefs and understandings. In other words, educational matters require continuous governance, not legislation which puts an end to governance and replaces it with rule and management. Thus, while we are unsure of the government's overall intent and we do not know how a minister might respond to the legislation, the board is concerned about its potential consequences.

There are many aspects concerning this legislation which we find problematic based on recent experiences and government's rhetoric leading up to those experiences. For example, we can only conjecture that the rationale for this legislation is:

1. There are crises in quality, accountability and credibility in the public school system;
2. School systems simply cannot be trusted to address these crises even with the help of their own communities and the province;
3. As a result of (1) and (2), neither of which are accurate or can be substantiated, government must assume control of all aspects of schooling and must mandate compliance;

4. Legislation commanding compliance to a central authority will improve education; and

5. Legislation commanding compliance to a central authority will ensure fiscal efficiency and accountability.

Quite frankly, the board does not believe that this disposition matches our previous experiences nor current, and likely future, realities. Furthermore, we believe it to be contrary to this government's espoused objectives and antithetical to education.

In the first case, virtually all discretion is removed from local authorities, school or parent committees and professional staff. In the second case, related to the first, bureaucratic rigidity and a loss of faith in the intentions and goodwill of the very people who must carry out governmental policy is implied. Education is always a matter of making judgments about:

(i) the world in which children live presently and will likely live in the future;

(ii) the personal context of children (their environment, their abilities, their skills and the like); and

(iii) which of the conflicting notions of education (citizenship, society or work) is to be emphasized at what times.

Education is always about preparing young children and helping older children to prepare themselves to become good citizens, neighbours and workers but not any one of those to the neglect of the others. Matters such as appropriate amounts of instruction time, effectiveness of programs, effective procedures for assessment, meaningful evaluation of achievement, effectiveness of courses and even information concerning pupil achievement are highly contextual, depending on a variety of particular circumstances, characteristics and dispositions.

Since no lasting agreement has ever been reached on these controversial matters, they must always remain part of an ongoing public and rational dialogue with tentative, not definitive answers. We believe that judgments on these matters are most appropriately made closest to the action, some in the classroom between teacher and child, some between home and school, some between school and division and countless other variations on the theme,

and these judgments must be informed by dialogue which must be encouraged at all levels.

We believe this legislation, by its very nature, discourages and impedes this necessary dialogue and obscures the importance of making educational judgments. In other jurisdictions where such mandatory provisions exist in legislation, teachers, administrators and boards simply become arms of government, bureaucrats carrying out government policy. We contend that this spells disaster for education and alienation for everyone in the system, especially children but also parents and teachers. Methods and procedures, mandated instruction times, annual school plans, auditors' supplementary reports and government assurances of quality and accountability simply cannot compensate for students and parents alienated by insensitivity to their personal circumstances. To us, this is so self-evident as to require no further explanation or justification.

With specific reference to Section 4, the board believes this opens the door to all manners of further arbitrary and unilateral action by the minister. In fact, it may be contradictory to provisions of The Public Schools Act which outline the rights and duties of teachers, boards and others in the system. We fear for our policies on evaluating teachers, programs, school closings and provisions in our collective agreement, to name a few. We respectfully submit that this section, at the very least, should be removed from these amendments. Moreover, if there is a specific agenda it should be explicitly acknowledged.

#### IV. SUMMARY

In summary, while it is difficult to determine the impact of the revisions to The Public Schools Act as reflected in Bills 47 and 33 because not only do they require enactment but also in many instances, the establishment of regulation, the potential for significant consequence for education, public schools and school boards is tremendous due to:

(a) the increased power and authority accruing to the Minister of Education;

(b) the consequent reduction in school board power and authority;

(c) the implied regulation and sanctions; and

(d) the potential consequence of the revised legislation based on experiences with similar legislation in other provinces and countries.

The board respectfully requests that some parts of the bills be revised and that others be eliminated as we have suggested.

We thank you again for your kind attention.

Respectfully Submitted,  
The Seven Oaks School Division No. 10 Board of Trustees.

Ben Zaidman, Chair  
Ben Hanuschak, Vice-Chair  
Ric dela Cruz, Trustee  
Morley Jacobs, Trustee  
Bill McGowan, Trustee  
Evelyn Myskiw, Trustee  
Claudia Sarbit, Trustee  
Michael Sawka, Trustee  
Judy Silver, Trustee

\* \* \*

Response to Bill 47  
The Public Schools Amendment Act  
by Barry Hammond  
for Choices

The essence of this amendment is to remove the instructional responsibilities of school boards. This is a bad move and should be opposed by all honourable people. At present Section 41(4) of The Public Schools Act lists under the "Instructional responsibilities of school boards" that "Every school board shall provide or make provision for education in Grades I to XII inclusive for all resident persons who have the right to attend school". I interpret this to mean that school boards authorize the curriculum for schools. Since boards know little about curriculum they delegate this authority to the superintendent who in turn delegates this authority to principals who delegate this responsibility to teachers where the authority must lie if teachers are to be responsive to the learners in their classrooms. Department of Education officials can never be

responsible for curriculums since they do not know the need of the diverse learners in schools. Yet in two places, Section 2 and/or Section 6(2), it appears that the Minister of Education is now authorized to prescribe curriculum. Section 6(2)(y) states that every school board shall "comply with directives of the minister."

A second implication of this bill is that parents can send their children to other school divisions. Such transfer of pupils would be meaningless if all schools are teaching the same curriculum. Education Minister Linda McIntosh announced in the June 27 Free Press that curriculums have been standardized across all the western provinces and territories. It appears that if a parent wishes his or her child to have a different curriculum then they will have to send the child to Ontario, Quebec or places east. Transferring to another school in Manitoba will find the same prescribed curriculum. Hence all of the amendments under Section 6(3) of the bill are meaningless and ought to be removed. Or, hopefully, the curriculum and the means to teach it are not being standardized.

Standardization of curriculum has the effect of deskilling teachers. Perhaps this is its goal.

The headline of the Free Press article announcing the standardized curriculum was "All on the same page". Such an idea in the age of the Internet is absurd since many children now have access to millions of home pages. Such pages are being designed frequently everywhere in the world. Bill 47 can only result in schools being less meaningful than at present. If this is the likely result then the bill should be withdrawn.

It appears as if Bill 47 was designed to clear the way for the document "Renewing Education: New Directions, The Action Plan". This document has never been debated in the Legislature, so why are we clearing the way for it? The document is very inconsistent. Pages 5 to 15 of the New Directions document define the curriculum as set out by the minister. Then pages 23 to 28 say that parents and community will have more involvement. If the curriculum is prescribed, by the minister, then the only decision parents will be able to make is the date for hot dog day. Curriculum is the essence of what goes on in schools. If parents have no say in this then their involvement is very limited.

In brief, Bill 47 will weaken, not strengthen schools. It should be withdrawn immediately. No amendments will improve it.

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Response to Bill 33,  
The Education Administration Amendment Act  
by Barry Hammond  
for Choices

To pass this bill is an act of fools, for it is foolish to believe that standards tests measure anything significant about human intelligence. To release this information is to misguide the population and yourselves about the meaning of such tests. Releasing the information of test results is as helpful in measuring a student's ability to solve problems as releasing the height of the learners measured, or their temperature. In each case a single measure tells you little about the pupil's health. No doctor would give only the temperature as a measure of a person's health, and no educator should ever give just one measure of a person's mental ability.

Tests, like the standards tests piloted recently in schools, are mainly a measure of symbolic learning since knowing how to read and write are as important as knowing mathematics in answering the questions. Paper and pencil tests measure one's ability to remember the answers, not how to solve problems, be creative or think. Hence publishing the results of such tests will not help parents make a meaningful choice of schools. A school which scores high on such a test might be one in which the learners are programmed to pass tests. Treating children like machines to be programmed is one view of education. Another view is that learners should be creative, thinking individuals. Parents who send their children to the memorizing school might have wished that their children become creative thinkers. They may be disappointed to find that a mechanical education is all that is offered.

Another problem with tests is that they narrow the curriculum. People who wish their students to get high scores on tests will narrow their curriculums to focus mainly on the type of problems on the test. Since those are usually memory-type problems higher order thinking skills such as analysis and synthesis may be neglected.

Much better than a single measure of a learner's intelligence are samples of children's work. Such materials give parents or guardians a realistic look at what the young person's skills really are. Tests are unauthentic measures of a person's abilities.

Teachers and children are best able to determine the course of instruction and the instruction time needed to tap into the multidimensional talents of learners. Howard Gardner suggests, from observing kindergarten children, that there are at least seven intelligences which students bring to school. Traditional tests, at best, measure two of those intelligences. Kinesthetic intelligence, for example, is totally unmeasured by paper and pencil tests.

A wealth of educational research and teacher wisdom tell us that elementary level students prefer to look at the world holistically. Hence they prefer to study the neighbourhood, horses, or the stars rather than mathematics or social studies. Of course, all useful disciplines are brought into each study. So a learner may wish to know the height, the weight or the girth of a horse, as well as how many teeth it has and what is its best diet. Field trips may be the best way to do such a study. However, field trips are unlikely to be the best preparation for a symbolic test. For over 400 years people thought that a horse had 30 teeth because Aristotle suggested in an article he wrote that that was the correct number. It took only one look at a real horse to dispel this misinformation. Of course, the "right" answer on the tests of the times was 30 teeth.

Children in today's world are too diverse to have only one established course of study or an authorized program. It is foolish to think that all children might be on the same page when many children now have access to millions of home pages. If such knowledge as how to multiply and divide is important then it will come up in a study of horses, the neighbourhood, or the stars. For example, how many trees are there per house in River Heights compared to Point Douglas? To find the answer a person will have to know how many trees and how many houses there are in a given area of land in each neighbourhood. Then the skill of division becomes important.

In summary, teachers and students know much better what methods and procedures, as well as what curriculum

should be available to learners in schools than any other educators or politicians. Of course, important skills like reading and computing will be used by teachers and children in their request to get more information about horses, the neighbourhood or the stars. It is impossible for anyone in the Department of Education to know what diverse students are interested in learning. Prescribing curriculum, methods and procedures centrally is impossible to do meaningfully.

One peculiar thing in Bill 33 under item 2, in two places, is that the minister may establish courses of study, et cetera, for use in public or private schools. "Or" as used here indicates one or the other. Is this significant or does she mean "and"?

It should be noted that this brief is given also on behalf of the Coalition Against Standards Testing who endorses all of its contents.

Barry M. Hammond

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Presentation to the Legislative Committee on Bills 33, 47 and 72: amendments to The Education Administration Act and The Public Schools Act.

Propositions:

1. Public schools reflect the society which they serve and in which they function.

2. The ideology which today dominates all our institutions, including our schools, is that of management. Management believes that all institutions and organizations are effective only insofar as they adhere to a hierarchical organizational structure in which authority, knowledge and wisdom inhere in the uppermost echelons.

3. The consequences of management ideology are: a) all high-level decisions are intrinsically right and true and not to be challenged; b) any less-than-satisfactory outcome of any organizational practice is the result of failure in the performance of their duties and responsibilities on the part of those lower in the hierarchy; and, c) the value of those who work in the institution or organization is commensurate with their

status, the lowest level workers being considered virtually valueless.

Thus, there is clear distinction between management pronouncements, plans, programs and performance and the daily experience of the majority of people. Example, educational management has, for at least forty years, clung tenaciously to so-called objective testing of what is usually referred to as student performance. That the bills currently under consideration persist in this misguided mythology is clear evidence of one or more of the following: a) failure to understand the reality of the results of applying such testing over many years; b) denial of the evidence of the results of such testing; c) intellectual dishonesty.

Example: The last fifty years have seen significant advances in a number of fields, in particular the neurosciences, communication theory, cognitive psychology, linguistics, and yet their impact on educational practice has been all but imperceptible. The reason for this monumental inertia is that every new scientific discovery or theory has to be made to conform to existing management theology.

4. To prepare young people for the responsibilities of democratic citizenship by means of a period of enforced incarceration in an authoritarian and hierarchical institution is contradictory and counterproductive.

5. Learning is a social activity, not an isolated individual action. What children learn is powerfully affected by the people with whom they interact. Curriculum, pedagogy programs are superficial trappings which may help or, more usually, hinder the quality of interaction and thus of learning. Thus no education system, no school organization, no curriculum, no pedagogy, no learning device or program will have any impact on the learning of students except through the mediation of an authentic teacher.

The Purposes of Education

As we approach the turn of the century, we surely must recognize that, whether we consider society in its local or global dimensions, we face problems of the greatest magnitude, gravity and complexity. Public education exists within this context, and we must choose whether to hurl accusations and epithets at one another or to seek consensus on the purposes of education—the view of the

future for which the public education system is seeking to prepare young people.

Neil Postman in his recent book, *The End of Education; Redefining the Value of School*, argues that we have two problems to solve. The first is an engineering one, to do with the mechanics of curriculum, testing, accountability. The other is a metaphysical one to give young people a reason for schooling, and to thus give purpose and clarity to learning. It is, of course, the metaphysical problem which we must first address.

We must begin, I would suggest, with those ideals and values which represent the highest and best aspirations and achievements of society. These must surely include fundamental concepts of justice and democracy, valuing diversity and understanding and experiencing the highest quality works of human endeavour in literature, the arts, music, theatre and the sciences. The philosophy, practices and organizational structures of schools must do more than teach these ideals, values and concepts; they must embody them in the day-to-day life and decision making of the institution. There is no magic instrument which will bring this about. It has to be sought and found in the school communities, ideally with the support of the levels of governance which legislation puts in place.

The school then should promote those qualities which are valued by citizens in a democracy. These include justice and equity; participation in the culture, work, activities and decision making of community and society; ability to think and reason autonomously; willingness to accept responsibility; commitment to, and respect and concern for fellow members of community and society; appreciation and understanding of diversity and difference. The school must aspire to be a learning community, in symbiotic relationship with the community it serves, contributing to the rebuilding and revitalization of the sense of community.

The curriculum, the totality of learning experiences the school provides, must seek to embody such key elements as thinking—innovative, critical, creative and divergent; understanding and meaning; diversity with respect to intelligences, interests and abilities; uses of knowledge, skills and performance, incorporating intellectual, aesthetic and kinesthetic elements; active, co-operative and practical as well as theoretical and academic.

In a world of exponentially increasing information, the central importance and interdependence of language, logic, aesthetic and kinesthetic elements must be recognized and incorporated in the life and work of the school. The details of the content of classroom programs can then be formulated by the school community, remembering that the most fundamental part of what a teacher imparts is his/her value system. Thus, diversity in curriculum and teaching must be respected.

To renew the public school system and our communities, and to make effective and appropriate changes in our education system presents us with a formidable challenge. Such a challenge cannot be met by a master plan; it can only be met through people working together for the common good to recreate their schools, their communities and their society for the sake of our children's futures. Any legislation which fails to promote such a renewal also fails our children.

Should we attempt any less?

Derwyn Davies

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Submission from The Manitoba Teachers' Society

Submission to the Manitoba Legislative Committee reviewing Bill 47, The Public Schools Amendment Act (Number 1) (1996)

Introduction

The Manitoba Teachers' Society welcomes this opportunity to provide its comments to this Legislative Committee about certain aspects of Bill 47 of 1996.

Bill 47 (1996) contains an amalgam of the introduction of new provisions to The Public Schools Act of Manitoba and of amendments to existing sections of the act.

School Choice

One of the main features of Bill 47 (1996) is to establish a statutory basis for the implementation of "school choice" in relation to Manitoba public schools. The provincial government has indicated it intends to open school division and district boundaries for enrollment purposes commencing with the 1997/1998 school year.

At Section 6(3), Bill 47 proposes a new Section 41(5.1) which introduces a new term to The Public Schools Act, a "pupil transfer fee." This fee is the amount to be charged if an education program is offered by the school division/district in which a pupil resides, but the pupil chooses to attend school in another public school division/district. This fee is to be charged to the school division/district in which the pupil resides.

Under a new Section 41(6), the calculation for the yearly "pupil transfer fee" is to be set out by provincial regulation.

The existing Section 41(5) of the act, providing for "residual costs" remains. "Residual costs" arise if an education program is not offered by the school division/district in which a pupil resides and the pupil attends school in another public school division/district in order to access the program.

Under the new Section 41(6), the calculation for the yearly "residual costs" is to be set out by provincial regulation.

Over the years, the assessing of "residual costs" has been conducted on a generally casual basis among Manitoba public school divisions/districts. The designation of costs was subject to unilateral decision making. The factors included in determining "residual costs" have varied across the province. There has been evidence of a wide range in the "residual costs" charged from one school division to the next.

Setting the amount of "pupil transfer fee" and of "residual costs" by provincial regulation is a positive point. The "pupil transfer fee" and "residual costs" will be accorded a standard calculation and province-wide applicability by regulation. The method for determining the amount will be specified. The amount to be charged will be known. These are positive points.

The formula for calculating the annual value of the "pupil transfer fee" and for "residual costs" to be set by provincial regulation could be a matter of concern. Care must be exercised in setting the amount of each fee. The amounts should be subject to regular review in order to ensure they reflect current, actual cost patterns. It is also important for the regulations to be precise in detailing those aspects of education programs and services which

are included or recognized within the amount of the "pupil transfer fee" and the "residual costs."

#### Duties of Public School Boards

At Section 6(2), Bill 47 proposes amendments to Section 41(1) Duties of School Boards. Section 41(1) (z) requires public school boards to ensure each public school prepares an annual school plan, however, there is no requirement for the school board to prepare an annual report for the public. Unlike public school boards in several other provinces across Canada, Manitoba public school boards generally do not prepare and issue an annual operating report to citizens.

Teachers are aware of the sense within communities throughout the province of the need for more information, describing the provision of education programs and services by public school divisions and districts.

The society recommends that Section 6(2) of Bill 47 be amended by the inclusion of an additional duty to Section 41(1) of The Public Schools Act. This amendment would follow next in sequence after Clause (z) presented in Bill 47 as the new Clause (aa):

Every school board shall

"(aa) prepare an annual report which shall include

- i) a presentation of the current education objectives within the school division/district,
- ii) anticipated future goals for the provision of education by the division/district,
- iii) a listing of education programs and related services being offered, student participation per program and related service,
- iv) information describing the implementation of new curricula,
- v) revenue sources per education program and service,
- vi) expenditure per education program and service
- vii) indicators of operations such as program based ratios of the number of teachers providing a program to the

number of students enrolled in the program, the dimensions of transportation routes and the number of students being transported.

The school board shall, on or before October 31 of each year, submit its annual report for the previous school year to the minister and shall make its annual report available to any person on request."

Such a yearly public report by each Manitoba public school board would make available a handy information reference for each school year and would serve to enhance accountability to the public.

#### Fiscal Operations of Public School Divisions and Districts

At Sections 6(5) to 6(12), Bill 47 presents a series of amendments affecting the fiscal operations of public school divisions and districts. The bill proposes clarification of the responsibilities of school division/district auditors, and establishes public school division/district obligations regarding deficit financing. At Section 15, Bill 47 introduces mandatory school board budget consultations with school advisory councils. These are positive steps.

Obligations regarding deficit financing are specified. While there has been provincial government policy about deficit financing by Manitoba public school boards, there was no legal reference and stipulations in statute. Bill 47 addresses this situation.

At Section 15 of Bill 47, in the proposed Section 178(2), the date of March 31 is specified as the time requirement for the submission of the annual final budget to the Minister of Education and Training. There has been an operational procedure within the Department of Education and Training about the March time line for annual final budget submission by Manitoba public school boards but no reference in statute. Bill 47 has resolved this situation.

In repealing the existing Section 178 of the act, "Estimates of Expenses and Revenue of School Divisions", however, Bill 47 drops the statutory requirement for Manitoba public school boards to compile an initial estimate of revenues and expenses for the approaching fiscal year commencing July 1. These estimates have formed the annual preliminary budget of

each public school board. This information was submitted to the Minister of Education and Training for review prior to the so-called "grant announcement" which usually occurs during mid-January.

Bill 47 sets out a requirement in a new Section 178(1) of the act for public school boards to engage in annual budget consultations at the school level. With the repeal of the existing Section 178, however, these budget consultations will only involve the final budget toward the conclusion of the yearly budgetary cycle and not the preliminary budget earlier in the cycle.

To make these budget consultations more purposeful, the society recommends retaining the existing Section 178 requirement for public school boards to prepare initial estimates, to move back the associated time line from January 15 to December 15 and to have the budget consultations begin at the beginning of the cycle.

#### Personal Files and Records

At Section 8, Bill 47 inserts parameters for access to pupil files into the act. At Section 14, Bill 47 inserts into the act parameters for access by a teacher to his/her personnel records.

At Section 8, Bill 47 introduces a new Section 42.1 to the act, Storage of Information, requiring every school board to establish written procedures respecting the storage, retrieval, and use of information respecting pupils.

The society recommends amending the new Section 42.1 proposed by Bill 47 to include the word "collection" prior to "storage, retrieval and use of information respecting pupils."

At Section 14, Bill 47 directs a school board under Section 101(6)(b) to allow a teacher to attach a written objection, explanation or interpretation of any matter contained in the personnel record to that record. Teachers acknowledge and welcome this particular new provision under The Public Schools Act.

Manitoba is one of few provinces in Canada not to have a privacy of protection statute. There is no statutory context for protection of privacy in Manitoba comparable to the privacy rights which exist for the citizens of other Canadian provinces. Yet, via Bill 47, Manitoba Education and Training is presenting proposals for access



to pupil files and personnel records in the absence of any uniform statutory framework of privacy rights protecting the collection and release of personal information.

Given the absence of privacy protection legislation in Manitoba, very loose or permissive language in Bill 47 must be viewed with concern. For example, the proposed Section 42.3(1), Access to Pupil File, presents the phrase "a person acting on behalf of a school board" shall provide access . . . . Proposed Section 42.6, Disclosure in Good Faith, repeats the phrase "a person acting on behalf of a school board to disclose information . . . ." The proposed Section 101(6), Access to Personnel Records (of teachers), presents a similar phrase "a person acting on behalf of a school board shall provide a teacher with access . . . ." The vague designation of "a person acting on behalf of a school board" is problematic.

In relation to pupil files, Bill 47 proposes a new Section 42.6, Disclosure in Good Faith, which reads

"For greater certainty, nothing in sections 42.1 to 42.5 shall be interpreted to restrict the ability of a school board or a person acting on behalf of a school to disclose information contained in a pupil file, provided the disclosure is made in good faith . . . ."

Such loose wording is questionable and could be subject to interpretations not intended by the Manitoba Legislature. By contrast, The Education Act of Ontario at Section 237(2), Pupil Records Privileged, states

"A record is privileged for the information and use of supervisory officers and the principals and teachers of the school for the improvement of instruction of the pupil, and such record . . . is not available to any other person . . . without the written permission of the parent or guardian of the pupil, or, where the pupil is an adult, the written permission of the pupil."

The Ontario Education Act further states at Section 237(1), Secrecy re Contents,

"Except as permitted under this section, every person shall preserve secrecy in respect of the content of a record that comes to his knowledge in the course of his duties or employment, and no such person shall communicate any such knowledge to any other person except

(a) as may be required in the performance of his duties; or

(b) with the written consent of the parent or guardian of the pupil where the pupil is a minor; or

(c) with the written consent of the pupil where the pupil is an adult."

The provisions for access to personal files proposed by Bill 47 should be strengthened in relation to the protection of privacy, particularly given the absence in Manitoba of a privacy protection statute.

Proposed New Part III.1 of the Act - "Parents and Children"

At Section 10, Bill 47 seeks to insert a new Part III.1 to The Public Schools Act entitled "Parents and Children." This part proposes, by adding Sections 58.1 to 58.10 to the act, to provide statutory provisions for "Access to Schools and Programs" and for the "Rights and Responsibilities of Parents and Pupils."

In a general sense, the society welcomes the appearance of sections extending the scope and the orientation of the act to include school and program access and the rights and responsibilities of parents and pupils. In contrast to most of the education statutes in place in other Canadian provinces, the existing Public Schools Act of Manitoba is largely devoid of provisions regarding the accessibility of education programs and services, and parental and student rights.

The structural format proposed by Bill 47 for this part of The Public Schools Act is awkward. Part III of the act presently enumerates the "Powers and Duties of School Boards." Bill 47 appends the significant new part, "Parents and Children" as Part III.1 to the "Powers and Duties of School Boards."

The society recommends clarifying both the structure of the statute as well as its intentions by designating "Parents and Children" as Part III and "Duties of School Boards" as the new Part IV of the act.

The society further suggests the main title of the proposed Part III.1 be changed from "Parents and Children" to "Parents and Students."

The proposed Sections 58.4(1) and 58.4(2) set out conditions for the enrollment of a student in a particular school. The Panel on Education Legislation Reform, formed by the Manitoba government in 1991,

recommended in its 1993 report that "... an independent appeal process be established to deal with complaints from parents or students who are not satisfied with the arrangements" regarding choice of school (recommendation 38).

The proposed Section 58.5 authorizes provincial regulations (c) "exempting pupils or classes of pupils from the requirements of this Part" (Access to Schools and Programs) and (d) "specifying reasons or circumstances which make inadvisable the enrollment of a pupil in a program." There should be entitlement to an independent appeal process.

Bill 47 should be amended to include an entitlement to an independent appeal process in relation to the sections pertaining to Sections 58.1 to 58.5, "Access to Schools and Programs."

#### Rights of Pupils

At Section 10, Bill 47 introduces a new Section 58.9(2) to the act, "Rights of Pupils." The three entitlements listed present a very limited view of the education related rights of students. For example, the right to appeal decisions bearing on the education, the health, or the safety of the pupil has not been included by Bill 47.

The Society recommends the amendment of the proposed Section 58.9(2), Rights of Pupils, to include a new clause:

"(d) appeal, either individually or with a parent or parents, decisions that significantly affect his or her education, health or safety."

#### Right to Attend School

At Section 18, Bill 47 amends Section 259 of the act, Right to Attend School. The amendment seeks to clarify some of the awkward wording which permeates this statute and to designate one standard date for age eligibility of December 31. This is a positive step and parallels the date reference contained in the education statutes of some other Canadian provinces.

Bill 47, however, leaves in place the age stipulation of six years of age. This stipulation of six years of age on the right to attend school in Manitoba dates back in The Public School Act for many decades. Today, there is

much more awareness about the positive learning advantages to be gained from early childhood education.

Legislators should note that "Compulsory School Age" is set by Section 258(2) of the act. Compulsory attendance is not being referenced by Section 259, Right to Attend School.

To extend the minimum eligibility of the "Right to Attend School" to five years of age, the society recommends the amendment of Section 18 of Bill 47 to replace the existing references to six years of age in Section 259 to five years of age.

#### Conclusion

The teachers of Manitoba trust that the final version of Bill 47 of 1996 reported out by this committee to the Legislature will include the recommendations presented in this submission.

Respectfully submitted,

Ken Pearce, President, The Manitoba Teachers' Society

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Submission to the Manitoba Legislative Committee Reviewing Bill 33 - The Education Administration Amendment Act (1996) by The Manitoba Teachers' Society October, 1996

#### Introduction

The Manitoba Teachers' Society welcomes this opportunity to provide its comments to this Legislative Committee about certain aspects of Bill 33 of 1996.

Bill 33 (1996) introduces new provisions to The Education Administration Act of Manitoba and amends existing sections of the act. All of the amendments add to the statutory powers of the Minister of Education and Training. The provisions of Bill 33 reflect a marked increase in the role of the minister in the day to day operations of the school, both educational and otherwise.

In the absence of an appropriate systemic framework and clearly delineated indicators, both descriptive and statistical, to assess the overall effectiveness of Manitoba

schools, these enhanced powers present concerns to the society.

#### Statutory Powers of the Minister of Education and Training

Section 3(1) of The Education Administration Act deals with the statutory powers of the Minister of Education and Training. The amendments proposed at Section 2 of Bill 33 seek recognition of additional powers for the minister.

The society recommends that the title of Section 3(1) of The Education Administration Act which presently reads 'Powers of the Minister' be amended to read 'Responsibilities of the Minister.'

#### New Subsection 3(1) (c.1)

The amendment proposed by the addition of subsection (c.1) enhances the minister's authority over the curriculum. Bill 33 suggests the minister approve courses of study including school-initiated courses, amounts of instructional time, education programs and instructional materials available for use in schools.

#### Amount of Instructional Time:

If the intent in setting the amount of instructional time is to establish standards which would specify more instructional time on core curriculum and less time on other areas of curriculum, then it could be perceived as a means of ensuring that uniform priority be given to designated areas of study.

If the intent is to set instructional time in such a way as to lengthen the school day, this will restrict out-of-school and extracurricular activity time for the students. This would seem to be in contradiction with some of the 'Personal, Social and Career Outcomes for Students', described in the Manitoba Education and Training in *Renewing Education: New Directions, A Foundation for Excellence* (June 1995).

#### Approval of Education Programs:

If the intent of approving education programs is to establish standards for all school-initiated programs, then it could be perceived as a means of ensuring that students in every school in the province are being offered quality programs. This would be fair and equitable provided that

the minister develops and implements a framework for planning the delivery of programs and that the framework is used as the basis for approval.

#### Approval of Instructional Materials:

If the intent in approving instructional materials is to ensure that every teacher has access to a supply of specific materials for instructional use, then this amendment would begin to address some of the concerns regarding equity among schools across the province.

If the intent is to limit instructional materials to only those which are authorized, it would be in direct contradiction to the specific 'Guiding Principles of Teaching and Learning', outlined in *Renewing Education: New Directions, A Foundation for Excellence* (June 1995).

The society recommends clarifying the intent of the proposed changes in subsection 3(1) (c.1), so that these changes are congruent with the 'Principles of Teaching and Learning, and Broad Outcomes of Education' delineated in *Renewing Education: New Directions, A Foundation for Excellence* (June 1995).

#### New Subsection 3(1)(m)

The amendment proposed by the addition of a new subsection (m) under Section 3(1) gives the minister authority to release information pertaining to student achievement and the effectiveness of the education programs provided by schools.

The society recommends that the government of Manitoba develop and implement a framework for the planning and delivery of programs, and that this framework be used as a basis for the approval of education programs. The framework should contain the following elements:

- \* Stated goals
- \* Rationale
- \* Methods for delivery
- \* Personnel (numbers, qualifications)
- \* Budget considerations
- \* Assessment procedures

Authority of the Minister of Education and Training to Make Regulations

This series of amendments proposed at Section 3 of Bill 33, (r.1 to r.6), extend the statutory authority of the Minister of Education and Training to make regulations in relation to the existing Section 4 (1) (r) of the act. This section pertains to the "prescribing of standards to be attained by pupils on entering or leaving any grade or level . . . ."

#### (r.1) Prescribing Student Assessment Methods

If the intent in prescribing methods for the assessment and evaluation of any aspect of pupil achievement is to recommend a variety of practices and assessment tools which could be utilized by teachers and which were based on sound principles of fair evaluation, this could be seen as constructive and supportive to teachers and students.

If the intent is to direct specific methods for assessment and evaluation, this would be limiting and would not be reconcilable with the 'Principles of Student Assessment' charted in *Renewing Education: New Directions*, A Foundation for Excellence (June 1995).

#### (r.2) Prescribing Program Assessment Methods

If the intent in prescribing methods for the assessment of the effectiveness of courses of study and programs is to recommend a variety of means whereby effectiveness of programs can be measured and to ensure that a valid reliable assessment procedure is in place prior to the implementation of any program or course of study, then this could be seen as a highly relevant factor in improving public accountability.

If the intent is to limit the methods and procedures which could be utilized for course and program assessment to a prescribed set or to one specific method, this would negate the validity of the mechanism and would be counterproductive to any accountability model.

The society recommends clarifying the intent of the proposed changes in subsection 4(1) (r.1) and 4(1) (r.2) and further ensure that proposed changes by congruent with the 'Principles of Student Assessment' delineated in *Renewing Education: New Directions*, A Foundation for Excellence (June 1995).

The society recommends that the minister develop sound principles for fair assessment and evaluation of student achievement and further that these principles be applied to all Manitoba Education and Training initiatives regarding student testing.

The society recommends that the minister develop a set of indicators to assess students' overall development while they are in school. These could include but not be limited to tests.

The society recommends that the minister develop sound principles for fair assessment of the effectiveness of courses of study and further that these principles be applied to all Manitoba Education and Training initiatives related to program delivery, including all new curricula.

The society recommends that the minister develop a set of indicators, statistical and descriptive, to assess the performance and effectiveness of Manitoba public schools in achieving goals.

The society recommends that the minister make available to teachers, parents/guardians and students, opportunities for discussion and input into the development of the above principles and indicators.

#### (r.3) and (r.4) Release of Information by School Boards

The absence of privacy legislation in Manitoba is noteworthy in relation to this amendment. Manitoba public school teachers are concerned that ministerial powers are being enhanced with respect of the collection and dissemination of information about students and teachers in the absence of omnibus legislation protecting the privacy rights of Manitobans.

The society recommends the proposed subsections (r.3) and (r.4) not be enacted until such time as the Manitoba Legislative Assembly approves 'Protection of Privacy' legislation similar to the statutes upholding the privacy rights of citizens in other Canadian provinces, notably British Columbia, Alberta and Ontario.

#### (r.5) Annual School Plans

If the intent is for the purpose of ensuring that there are elements common to all annual school plans and that

these be addressed by every school in the development and implementation of the school plan, then this amendment would be perceived as one means of working towards equity and as one measure of accountability.

If the intent is to limit or to control schools' plans, the amendment would run counter to current efforts to enhance school-based decision making.

The society recommends that the minister ensure that all school plans contain the following elements:

- \*Goals, beliefs, objectives
- \*Listing of programs and related services being offered, including student participation in each program/service
- \*Rationale for same, considering demographic, economic and social factors
- \*Action plans for implementation of same
- \*Budgetary patterns
- \*Assessment procedures including indicators for students, programs and course offering

#### (r.6) Auditor's Supplementary Report

The proposed new subsection (r.6) allows the minister to specify in regulation the information to be included in a supplementary report from an auditor of school board statements. This amendment will serve to have more uniform and more comprehensive reporting by auditors across the province. The public accountability of Manitoba school boards will be fostered. The society endorses this amendment.

Minister of Education and Training may evaluate school systems

Section 8 (1) of The Education Administration Act presently authorizes the Minister of Education and Training to establish procedures for evaluating 'education' in Manitoba schools and to have such evaluation conducted.

At Section 4, Bill 33 proposes to extend the authority for evaluation beyond the term 'education' to encompass 'any other aspect of the operation of' schools.

Given the legal responsibility of the minister for all aspects related to education within the province of Manitoba, the society accepts this proposed amendment.

#### Conclusion

On behalf of the public school teachers of Manitoba, thank you for your consideration of our recommendations.

Respectfully submitted,  
Ken Pearce  
President  
The Manitoba Teachers' Society

\* \* \*

Re: Bill 33

Good evening honourable members, ladies and gentlemen. My name is Dee Gillies and I am representing CAST, the Coalition Against Standards Testing. We are a broadly based provincial group of concerned parents. I am here to express our concerns about Bill 33.

It is the height of folly to publish results of tests deemed by experts to be neither reliable nor valid as a measure of school achievement. CAST does not believe that standards tests can ever be fair and free from economic, social, and racial bias.

For example, in the recent Grade 3 mathematics standards test, question 16B asks, if you have 24 different combinations of outfits, how many T-shirts and jeans can you have? If you live in Tuxedo, you may have many outfits. Kids in the inner city tend to wear clothes and may have no concept of outfits.

In our meeting with the Deputy Minister of Education, April 25, 1996, we were assured that the mathematics exam would not be a reading and comprehension exam. Consider question 29: Write a math story problem where the answer is 36. This is most assuredly a reading comprehension question. Given how awkwardly worded the question is even to a literate adult, the difficulty for a child in ESL struggling with language must be almost insurmountable.

At this meeting, we expressed our anxiety about test results being released and were told that there was no intention on the part of the Department of Education to do this. CAST feels it has been lied to.

Releasing results to the public out of context will feed the misconception that good schools get good test results.

This will encourage school shopping and the marginalization of those most in need of a superior education. The Calgary Herald on September 18, 1996, noted that despite open boundaries school shopping often is not possible. Every school has a catchment area that gives priority to students living in the district, and there is not sufficient space for additional children in the schools of choice. The economic circumstances of many families preclude choice. As an aside, CAST would like to know if the curriculum is being standardized and if testing is being standardized, why anyone would need to move to another school. CAST believes all schools should be good schools and that the only desirable type of "school shopping" should be for choice of program.

As fair and open-minded parents, CAST members asked the Department of Education to provide documentation supporting standards testing. I would like to take this opportunity to share the response. We specifically asked for statistical and empirical evidence of the benefits of testing Grade 3 students and how and where such testing improved education standards and accountability. The response from the minister's department was: Research analysis on the effects of external exams such as provincial examinations and standards tests indicates that students from Canadian provinces with such systems (now this takes the biscuit) were more substantially better prepared in mathematics and science than students in provinces lacking such exams. In addition, parents were more likely to talk to their children about what they were learning at school. Students also watched less television and were more likely to report that their parents want them to do well in school.

The minister provided no empirical, statistical or verifiable evidence to substantiate these claims. We must assume that the evidence supporting standards testing is hearsay.

The letter further states that: A large majority of the Grade 3 students reported that the test was fun. CAST can only assume that these are the same students who are now demanding the Right to be Tested in Bill 47.

Earlier in this brief, I made reference to the fact that CAST had met with the minister's department on April 25, 1996. At that time, we were assured our questions would be answered, but as of today we have not heard

from the minister. The response that we have quoted from was forwarded to us from the Winnipeg School Division No. 1 which had questioned the minister in response to a brief by CAST to the board.

Considering the appalling response from the minister's department, we must recommend that until information supporting testing can be provided, that standardized testing and the release of such results be abandoned.

Dee Gillies and Candice Stearns, Coalition Against Standards Testing

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Response of CAST to Bill 47, The Public Schools Amendment Act  
by Dee Gillies and Candice Stearns, Coalition Against Standards Testing

We would like to speak very briefly to Bill 47, particularly new Sections 58.7(a) Responsibilities of parents and 58.9(2)(a) and (c) Rights of pupils.

It seems tyrannical to us that you require parents to cooperate fully with teachers and divisions, et cetera, especially where we cannot in good conscience agree with the student discipline and behaviour-management policies. One assumes that if we do not co-operate fully, we will be prosecuted and punished to the fullest extent of the law. We wonder how you will judge which parents are not performing to your satisfaction and how you will enforce this clause.

Conspicuous by its absence in the Rights of pupils is the right to an education. Students are generously being given the right to be tested and the right to be expelled but not the right to be educated. Surely every child has the right to be educated to his or her fullest potential in a safe and secure environment. We would argue that this is fundamental in a democratic society. While we agree that a fair and ongoing evaluation and assessment of students is desirable and necessary, we cannot believe the Minister of Education is the best person to do this.

Also notably absent is any right to appeal any test question or test result. Test results are permanent and can affect a pupil's opportunities. What protection from

negligence, incompetence or malice does a pupil have in this legislation?

In Clause (c) Rights of pupils, we as parents insist on the right to represent and speak for our children at all disciplinary hearings, not just the right to accompany and assist them at the board level. Even those who have committed the most grave and heinous acts in criminal law have the right to be fully represented. Why would you want to deny young children this same right?

While we agree that the rights and responsibilities of both parents and pupils should be added to The Public Schools Act, we would ask you that you amend Section 58.7(a) and 58.9(2)(a) and (c) to reflect our position.

On a personal note I would like to say that, like many, I have not had time to fully prepare a response to the proposed legislation. The minister has told many presenters that the legislation has been available since spring—available, yes; accessible, no. Like most Manitobans, I do not own a copy of The Public Schools Act and cannot afford it at this time, but all these amending acts are written in such a way that you must have the original legislation to be fully prepared. I have listened to the minister question other presenters by comparing this clause and that and the intent of this act or that, as if every family in the province has a library of the acts. It seems the government has in no way facilitated debate. Consider these hearings. I am a working mother of two and have been here two evenings this week and now this morning, watching what I consider to be a disgraceful betrayal of democratic process that can only bring this legislature into disrepute. Thank you for your time.

\* \* \*

Re: Bill 33

Re: Bill 26, The Labour Relations Amendment Act  
One Issue: Democracy for the Users, the Workers.

My brief will focus on the background in our political, social, economic situation that brings us to varying views on this act. I hope it will become noticeable that there is reason and are reasons for considering amendments which during 20 years have often been made by both parties in power at different times. There are possibly 10 major documents I will supply you for those interested in

examining the validity of my views or those looking to prove my concepts invalid. All I ask is to be heard and for some of you to examine my documents and especially to return the two most important books within a month which are only on loan. I loan you these priceless research books as a very special favour. (Book 1 to return: Peace and Dream Unfolding. Please return. Phone me)

Cast aside your doubts, worries, fear and hate and come on an exciting voyage of discovery, Discover the Excitement and Joy of Learning. In 26 years of self-directed "sustainable communities studies," I learned more than I could have in three years at U of M, Masters studies at McGill and Ph.D at Harvard. Such a different studies. The Rand Formula. Nonsense talk of Sid Green and others was so terrible, I protest.

North America's War Against Labour is Unique

For 200 years corporations have been allowed by government regulations to take any corporation dollars or profit dollars to hire thugs, private armies, private police, spies and use media they own to make War on Labour; especially unionists, workplace health and safety workers, and workers fighting for democracy in the factory to partly control machines, smoke and chemicals that made them sick, injured and killed them. The workers also fought for decent pay so they could live like plain, honest, decent common people, while factory owners were building castles we see nightly on cable television in worshipful propaganda film of the rich and the very rich. Paper 3. See enclosed "War on Labour and the Left" by Susan Faludi. Two hundred years of war in U.S.A. much more violent than any in West Europe, Japan, Canada.

Corporations Facilitated by Government

In the U.S.A. and only a little less in Canada the police and army and police spies have always assisted business in their anti-union wars and propaganda campaigns. I have never heard of rules they have to consult and get shareholder approval. Corporations spent \$56,000,000 to elect Brian Mulroney in 1988 and he authorized full tax deductibility. The same policies of antilabour advocated at International Conference Filmon attended recently. Fifty citizen groups who spent and fought to maintain an independent nation with full sovereignty and also representation in government for views other than corporations and rich men were denied a tax refund and

lost most of their rights in that election. The Conservative Party deserved to be destroyed by the voting people in the worst defeat in 120 years. ('Conservative Agenda Revealed by 'Links Magazine')

As many as 75 bills to be rushed through the Legislature as business reaches its cyclical peak of power during the Regular Depressions. Deliberate, created by identical policies. (See Graph p. 136 "The Great Depression of 1990" published by Dr. Ravi Batra in 1987).

"How Do We Make the World a Better Place?" "Hold Democratic Public Hearings Broadcast Live on Cable Television." The power over the media by that Black man and others is incredible in imposing voluntary censorship. If this was a democratic country the citizens could see these private backroom discussions in the convenience of their homes on cable television. These hearings must begin to be cabled. The anti-working man bias of Mr. Filmon and so many business men is exactly the same as 100 years ago when almost slavery existed over most of the U.S.A., much of Canada.

#### Managing Public Opinion: the Corporate Offensive"

Alex Carey deceased friend of admired Dr. Helen Caldicott former leader of 5,000 MDs in North American opposed to nuclear war. From 1980 on, business and the wealthy owners were so used to absolute power, unique in North American because of a long history of slavery and near-slavery with masses of desperate powerless, mostly uneducated immigrants divided by language differences.

Alex Carey clarified so much of our history. An anti-labour terror reign in 1919, even worse than the McCarthy terrorism campaign after World War II, came as close as any country to establishing an anti-labour dictatorship. The massive assaults that began in the U.S.A. in 1972 when 194 CEOs of corporations were assembled as the U.S. Business Round Table as recorded on Page 26. They owned half the business assets in the U.S.A. Page 32 describes the many business funded think tanks which promote the neo-Conservative agenda.

"If political preferences are simply plugged into the system by leaders, business or others, in order to extract what they want from the system, then the model of plebiscitary democracy is substantially equivalent to the model of totalitarian rule. The grassroots democracy of

the Reform Party in Canada is basically what we have had since 1980..

How can the state prevent corporations from doing things with shareholder's money that are not the business of the corporation? The Bill 26 in Manitoba is to prevent unions trying to promote democratic dialogue with corporations, doing for 80 years what Gary Filmon is planning to prevent unions from doing; competing with massive corporation and massive government propaganda campaigns often for identical goals financed by the same groups.

In 1976, the Canadian Business Council on National Issues was created by the US-NAM. These 150 CEOs of giant corporations owning half of Canada's business assets and mostly U.S.A. branch plants equalled their U.S.A. counterparts. In the U.S.A., it took eight years to elect Reagan for two terms; in Canada, it took eight years to elect Mulroney for two terms both extreme right-wing ultra conservative governments, called neo-Conservative. They are TNC controlled and not national democratic governments. "I think it would be reasonable to press the federal government to establish a (independent of government control) union-related think tank to afford some minimum balance to the numerous corporation-related think tanks mushrooming around the country." (p. 40)

#### Corporate Coalitions

Fraser Institute is funded by mostly Business Council on National Issues members, 53 different directors. In 1982-3 had 237 directorships in 65 of the 100 top businesses in Canada. They used tax deductible dollars in their war to cut wages, destroy unions, cancel social programs of citizens, without shareholder approval, in legislated surveys like business wants for union. (Winnipeg Sun, Red Tape Piles Up)

#### "Trading with the Enemy" by Charles Higham

The story of the massive fascist movement in the U.S.A. in the 1930s led by bankers and auto corporation owners. A Gallup Poll in 1990 declared Henry Ford the third greatest human in history after Jesus Christ and Napoleon. Since 1920 he had annually sent Hitler 50,000 Reich marks and a birthday card. In 1920 he began publishing a typical fascist, viciously anti-Jewish magazine which earned praise from Hitler. (p154)



Irene Dupont, owner of General Motors and Remington Rifle Company with J.P.Morgan's Bank were caught by the FBI and were tried in Congress. They and others were funding 1,000,000 fascists in gangs like the KKK and planned a coup to throw F.D.Roosevelt out of the U.S. presidency. They had proof he was a communist. He was feeding the starving unemployed in the depression, in 1934. G.M. had 50,000 organized thugs like the KKK who beat up anyone in any factory who tried to organize a union or work for improved safety or pollution controls. Blacks were regularly killed by these gangs and others. These and many other U.S. and British business leaders and wealthy individuals in the ruling class, including Joe Kennedy the U.S. ambassador in Britain, were strong Nazi supporters during the war.

"The Great Depression of 1990" by Ravi Batra

Forecast in 1987 the regular cycle of capitalism, total collapse for six to eight years.(p. 136 for the chart of identical policies in 1970s and 1980 followed by Reagan, Trudeau and Mulroney that caused the cyclical collapse of the economic system. It is significant that the same brutal men rise to a peak of greed, corruption and power.

The Sustainable Development Trick Question.

Growth for more power, wealth, profit for the very affluent is the driving force in our system since 1992. The aggressiveness of Christianity and capitalism have seemed very complementary backed by racism, technology. Excessive confidence has some very unsatisfactory results concealed with huge effort and great cost. "A business cycle of short feeble recoveries quickly aborted. It will be easy for prolonged recessions and prolonged business upswings impossible, which were exactly true in the early 1980s as a result of over investment in unneeded 'energy megaprojects' which were pursued fiercely."(The Capital Crisis, Business Week, Sept 22,1975) The unwise use of major capital funds since 1990 is the clearest example of the failure of our banks and major institutions as they are presently controlled by people responsible for the violence, over drug and over alcohol use in a society collapsing because of the greed and stupidity of ruling class leaders. Each year the U.S.A. more resembles North Ireland and U.S.A. colonial countries like Guatemala, Brazil, Argentina, South Korea, The Phillipines and El Salvador.

The Debt and Deficit—"Profit Parasites" by Harold Bronson, Saskatoon)

Business has gone deliberately more into debt since 1990 than in any recent time. Business has begged consumers for 40 years to go more into debt to boost business sales and profits. Many now are reaching two years ahead into 1998 and using that year's income to make purchases now. Government has been forced into debt by several causes. Most important since 1950 in North America corporations using political power of wealth and political power of think tanks, corporations concentrated in oligarchies, and the ruling business class of a large excess of overwealthy people has in effect authoritarian control of the U.S.A., Canada and Mexico and about 60 other countries in the world through T.N.C. The Alex Carey manuscript and a hundred other publications in my hands clearly explain it.

An explanation of the above facts is confirmed by many sources: The Deficit—The U.S.A. Record. The Canadian Record shows a graph of the growing underground business economy untaxes.(p3) This graph is part of a major presentation to the Canadian Senate in 1988 by Mel Hurtig. I obtained these and other papers from Mel Hurtig and spoke with his senior advisor about them. He made a presentation at the Charleswood Hotel in Winnipeg, and all the mass media enforced a voluntary self-censorship blackout. Pages 1 and 3 show identical tax rates in U.S. and Canada over 40 years.

In 1950 corporations paid \$985 million in direct income tax, individuals paid \$960 million. In 1984 corporations paid \$1 billion besides their own subsidies and grants of about \$10 billion or \$12 billion. They never paid for the many services from government they get. Persons paid \$57 billion. This criminal robbing of the national treasury would stop if Canada was a democracy and counted the votes of the lower classes and allowed them a fair share of decision making. Page 4 of this paper clearly shows the lie of a major plank in the hate campaign of business and the affluent against the poor. In 1985 the middle class and lower classes paid for all their social benefits and \$3,000 each in net taxes more than they received in benefits. The poor and middle class got nothing from the affluent.

The criminal activity of Reagan Free Market

Super pure capitalism puts nation into bankruptcy while the rich and very rich double their fortunes in less than 10 years by robbery. (Fred's File, Canadian Dimension, February, 1989)

Sometimes we should win. The market system is so unfair, it is unacceptable. (Democracy Means Choices)

Poverty—A 500-Year Problem—A Puzzle.

The Decline in the Real Value of the Minimum Wage: Income as a percentage of poverty line. Ontario—83%; Nova Scotia—78%; B.C.—75%; Sask—78%; Man—69%; Alta—67%; federal government—55%.

Index on the federal debt - 4 pages.

U.S.A. direct investment in Canada: Senate report: U.S.A. invested over 42 years \$3.9 billion. Average annual investment \$93 million. Dividend \$1.4 billion. Average growth in value \$1.75 billion.

Profits without Production, Seymour Melman: Since 1950, the U.S.A. military budget has been larger every year than all the profits of all private business. This horrendous dollar cost of creating the U.S.A. world empire of countries controlled by U.S.A. Inc. backed by the CIA and U.S.A. military is a major cause of U.S.A. debt.

Science for the People: Historically, major U.S. military contractors developing major new weapons insist on "Cost Plus" contracts because of risk involved. The more waste and extravagance, the larger the profit. When for years private business was averaging 10 percent to 20 percent return on investment, major military contractors averaged 20 percent to 40 percent on major contracts.

The tendency to extravagance, waste and dishonesty spreads through subcontractors to a vast segment of the economy, a disaster.

The natural greed for double profit is a large part of problems in a heavily militarized nation.

Democracy is one of the first casualties.

Fortune Magazine: I have a list from about 1984 of 10 military contractors with large profits paying no taxes due to various tax concessions to military contractors. U.S. industry is heavily subsidized through tax and other

concessions to the military industry. Boeing made a \$2-billion profit in four years and paid no U.S. federal income tax. That year, we had to strike for a small raise.

Caging America—Our Imprisonment Binge: Dollars and Sense Magazine, September '91.

U.S. and Australia lead eight nations - 17 percent children living in poverty. U.K., Canada, west Germany 8 percent to 11 percent, Sweden, Switzerland 5 percent.

U.S. leads 14 nations in imprisonment. U.S.A. 426, South Africa 333. U.S.A. puts 90 more people/100,000 in jail. This was at peak of S.A. apartheid war. Soviet Union 268; Malaysia 126; Hungary 196; North Ireland 120; Turkey 96; France 81; Japan 45; Netherlands 40; Philippines 20.

U.S.A. prison population nearly doubled since Reagan antidrug campaign.

Poverty means about half the living standard of what were always poor, working people. Every country occupied by the market system or capitalism finds its poor people driven doubly to poverty by the demands of the greedy affluent.

In Canada, where almost all below \$50,000 a year income have lost some standard of living since 1980, the cruelty and cost of an increasingly market system economy is intolerable.

Chronic stagflation: page 37, Profit Parasites by Harold Bronson: When the whole cost of the market system is examined by impartial and serious scholars, an astonishingly large list of defects appear. The mass media operating like a propaganda ministry invest heavily daily in effort and in dollars to confuse, distract and cover up. The declining quality of living for so much of the population as well as serious overwhelming problems that need action being just ignored.

Just the Facts: Percentage U.S. Population Health Insurance: With it: White 76 percent; Black 12 percent; Hispanic 9 percent. Without: White 24 percent; Black 88 percent; Hispanic 91 percent.

1982 hourly wage in Mexico \$1.53 U.S.; 1991 Maquilladores 60 cents U.S.

Raped, castrated, administrated,  
Kenneth Emberley

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Brief re: Bill 33 and Bill 47 by Candice Stearns

Good morning. My name is Candice Stearns. I am a founding member of the Coalition against Standards Testing, the chairperson of the Montrose Alternative Parent Group and the secretary of the Manitoba Association of Alternative Education. Most importantly, I am the mother of four children in public school in Manitoba. Up until now I have been impressed with my children's education. I believe they have been given a solid base in reading, writing and mathematics. They have also been able to stretch themselves and develop the joy of learning. My children go to school because they want to, not because they have to. I know that standards testing will narrow their field of learning and destroy this joy.

When Clayton Manness brought out his education reform, in it was the information about mandatory standards testing of our children. It must be said that very few parents or educators were conferred with before such a drastic step was taken. I do not believe that anyone who honestly understands the education process would have spoken in favour of standards testing. Neither the Winnipeg Teachers' Association or the Manitoba Teachers' Society believes standards testing improves the quality of our children's education. They also see the great harm in them and do not support their use. At that point, many, many parents felt that it was a totally regressive policy and our hopes were pinned on a change in government. However, the government was retained, and we can only hope it will recognize how truly harmful standards testing is.

Now Bill 33 will allow the government to prescribe methods and procedure for assessment and evaluation of any aspect of pupil achievement and prescribe methods and procedures for the assessment of the effectiveness of courses of study and programs. This can only assume is where the government feels standards testing fits in. We greatly fear that the results of these tests are what the government will use as stick for assessment of our schools. I am sure you realize how totally ineffective these tests are at evaluating anything except how well our

children take these tests and how close our teachers have taught to the test.

I am now going to explain why the alternative program can only prove to be a poor quality program if we used standards tests as a method of evaluation. The alternative program combines three grades in every classroom. The children are expected to have completed all three curriculums by the time they leave that particular class, however, the children do not necessarily do them in grade order, so that a child in grade 2 might be doing the grade 3 science curriculum. When the grade 3 children are tested in science, they will not have necessarily done the grade 3 science curriculum that year, therefore, perhaps they will not do as well as they might have the year they did the grade 3 science curriculum. I have been told by the government that parents with children in the alternative programs will just have to accept these lower marks. I think this will undermine and destroy what has proven to be an extraordinarily successful program.

Bill 33 is also going to release information relating to pupil achievement and the effectiveness of programs in public or private schools. When the standards tests were first suggested, the results were going to be used only by the government and the public was not going to be informed. Now, obviously the government feels they need even more power and by distributing these results they can show what each school is accomplishing in comparison to each other. These scores are just a small and unimportant part of what is actually happening in our schools. There is so much more to them and what they are offering our children.

The schools of the '90s are nothing like the schools of the '50s when standards testing was in its heyday. However, now schools will be judged by their test scores and school shopping will become the norm. When children leave a school, they take their tax dollars with them. This leaves the school they left poorer and less able to continue even though the scores had nothing to do with the quality of the school. We will then develop the "have" schools and the "have not" schools. This is certainly not going to improve the quality of education in Manitoba.

Now in Bill 33 another addition is "A pupil is entitled to receive regular testing and evaluation of his or her academic performance and achievement." No one certainly is disagreeing with having our children's

performances and achievements evaluated. We feel that there are many different ways of assessment, all of which are better, are more effective than standards tests. Most of these assessments will also judge the children within their own contexts where accuracy is much more likely.

Work portfolios, teachers' observations and classroom testing are all very effective means of assessing our children's learning development. Schools are working at better report cards and more thorough parent-teacher meetings which will certainly give a parent a much better grasp of their children's performances. Stressing standards tests, so rarely valid, as the most important tool of evaluation our children are entitled to, is a grave error and something which this government needs to reconsider.

Bill 47 includes the rights and responsibilities of pupils and parents. In regards to the rights of the pupil, I sincerely hope it says somewhere in the act—I have not been able to obtain it in its entirety—that the main right of the pupil is to receive the best education possible. The mechanics are nothing if we are not prepared to ensure we are supplying our children with good quality

education which suits each individual child best. Standards tests can only hurt and undermine our children's chances of this. I also dearly hope that the act includes the right of the parent to ensure our children are getting the best education possible for their needs. We are our children's best advocates and by taking this power out of our hands the government undermines the positive influences parents have on their children's learning. If we feel our input is ignored, we have a hard time offering our support.

Before these bills are passed, it is critical that the government does much more research, and parents and educators need to be the people who are conferred with. Please take these changes to parent councils, teacher and administrators, and find out what this population really feels about them. Do not begin this course of very expensive testing without further evaluation of their effectiveness and their usefulness.

This is a knee-jerk solution to something which could cause drastic consequences in the quality of our children's education. Please do not make our children pay for your politics.