

Second Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Ms. Marilyn Brick
Constituency of St. Norbert

Vol. LV No. 1 – 6:30 p.m., Wednesday, February 18, 2004

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
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CALDWELL, Drew	Brandon East	N.D.P.
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HICKES, George, Hon.	Point Douglas	N.D.P.
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JENNISSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
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MELNICK, Christine, Hon.	Riel	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa	Seine River	N.D.P.
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REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
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LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Wednesday, February 18, 2004

TIME – 6:30 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)

VICE-CHAIRPERSON – Mr. Doug Martindale (Burrows)

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Mr. Mackintosh
Messrs. Goertzen, Hawranik, Ms. Korzeniowski,
Mr. Martindale.

Substitutions:

Mrs. Rowat for Mrs. Taillieu
Mrs. Stefanson for Mr. Reimer
Mr. Dewar for Mr. Maloway
Hon. Mr. Bjornson for Hon. Mr. Rondeau
Hon. Ms. Melnick for Hon. Mr. Selinger
Ms. Brick for Mr. Nevakshonoff

APPEARING:

Mr. Kevin Lamoureux, MLA for Inkster
Mr. Leonard Derkach, MLA for Russell

WITNESSES:

Bill 8–The Employment and Income Assistance
Amendment Act (One-Tier Assistance for Rural
and Northern Manitoba)

Mr. Stuart Briese, Association of Manitoba
Municipalities

Mr. Chris Luellman, City of Selkirk

Mr. Bill Comaskey, Mayor, City of Thompson

Mr. Wally R. Melnyk, President, Manitoba
Municipal Administrators' Association

Bill 13–The Public Schools Amendment Act
(Appropriate Educational Programming)

Ms. Karen Carey, Board Director, Manitoba
Association of Parent Councils

Ms. Diane Duma, Private Citizen

Ms. Gladys Hayward Williams, Private Citizen

Mr. Brian Ardern, President, Manitoba Teachers'
Society

Ms. Connie Allsopp, Chairperson, Council of
School Leaders

Mr. Dale Kendel, Association for Community
Living in Manitoba

Ms. Tanis Pshebniski, Assistant Superintendent
of Program and Curriculum, St. James-
Assiniboia School Division

Ms. Linda Archer, Manitoba Association of
School Trustees

Ms. Irene Meyrowitz, Manitoba School
Counsellors' Association

Mr. Ross Eadie, Private Citizen

Ms. Edie Wilde, President, Manitoba Association
of School Superintendents

Ms. Lori Johnson, Winnipeg School Division

Mr. Jim Hoddinott, Manitoba Council for
Exceptional Children

Bill 7–The Criminal Property Forfeiture Act

Mr. Ken Mandzuik, Manitoba Association for
Rights and Liberties

Mr. John Stefaniuk, Manitoba Bar Association

WRITTEN SUBMISSIONS:

Mr. Ian MacKenzie, Mayor, City of Portage la
Prairie

Mr. Les Magnusson, Mayor, City of Steinbach

Mr. Alex Fedorchuk, Councillor, Town of Mor-
den

Ms. Jan Chaboyer, President, Brandon District
Labour Council

MATTERS UNDER DISCUSSION:

Bill 8—The Employment and Income Assistance
Amendment Act (One-Tier Assistance for Rural
and Northern Manitoba)

Bill 13—The Public Schools Amendment Act
(Appropriate Educational Programming)

Bill 7—The Criminal Property Forfeiture Act

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Mr. Vice-Chairperson: Good evening. Will the
Standing Committee on Legislative Affairs please
come to order.

Committee Substitutions

Mr. Vice-Chairperson: Prior to proceeding with the
business at hand we need to deal with some
committee resignations and substitutions. I have
before me the resignation from this committee of
Mrs. Taillieu, effective immediately. Are there any
nominations to replace Mrs. Taillieu?

Mr. Gerald Hawranik (Lac du Bonnet): I nomi-
nate Leanne Rowat, the Member for Minnedosa.

Mr. Vice-Chairperson: Mrs. Rowat has been
nominated. Is that agreed? *[Agreed]* A committee
resignation has also been received for Mr. Reimer,
effective immediately. Are there any nominations to
replace Mr. Reimer?

Mr. Hawranik: I nominate Heather Stefanson, the
Member for Tuxedo.

Mr. Vice-Chairperson: Mrs. Stefanson has been
nominated. Is that agreed? *[Agreed]* A committee
resignation has also been received from Mr.
Maloway, effective immediately. Are there any
nominations to replace Mr. Maloway?

Ms. Bonnie Korzeniowski (St. James): I nominate
Mr. Dewar, Member for Selkirk.

Mr. Vice-Chairperson: Mr. Dewar, Selkirk, has
been nominated. Is that agreed? *[Agreed]*

A committee resignation has also been received
from the Honourable Mr. Rondeau, effective
immediately. Are there any nominations to replace
Mr. Rondeau?

Ms. Korzeniowski: I nominate Mr. Bjornson,
Member for Gimli.

Mr. Vice-Chairperson: Mr. Bjornson has been
nominated. Is that agreed? *[Agreed]* A committee
resignation has also been received from the
Honourable Mr. Selinger, effective immediately. Are
there any nominations to replace Mr. Selinger?

Ms. Korzeniowski: I nominate Ms. Melnick.

Mr. Vice-Chairperson: Ms. Melnick has been
nominated. Is that agreed? *[Agreed]* Finally, I have
before me the resignation from this committee of Mr.
Nevakshonoff, effective immediately. Are there any
nominations to replace Mr. Nevakshonoff?

Ms. Korzeniowski: I nominate Ms. Marilyn Brick.

Mr. Vice-Chairperson: Ms. Brick has been
nominated. Is that agreed? *[Agreed]* There is now a
vacancy in the position of committee Chairperson.

Ms. Korzeniowski: I nominate Ms. Brick.

Mr. Vice-Chairperson: Ms. Brick has been
nominated. Is that agreed? *[Agreed]*

Hearing no other nominations, will Ms. Brick
please take the Chair.

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Madam Chairperson: This meeting has been called
to consider the following bills: Bill 7, The Criminal
Property Forfeiture Act; Bill 8, The Employment and
Income Assistance Amendment Act; Bill 13, The
Public Schools Amendment Act.

We have presenters registered to speak to all
three of these bills as follows:

For Bill 7, The Criminal Property Forfeiture Act:
presenter Ken Mandzuik, Manitoba Association for
Rights and Liberties; John Stefaniuk, Manitoba Bar
Association.

For Bill 8, The Employment and Income Assistance Amendment Act: presenter Stewart Briese, Association of Manitoba Municipalities; Wally R. Melnyk, President, Manitoba Municipal Administrators' Association; Chris Luellman, Private Citizen; and we have one person who has withdrawn from the speaking list, Darlene Swiderski, Deputy Mayor of the city of Selkirk; and we have Mayor Bill Comaskey from the city of Thompson.

We have Bill 13, The Public Schools Amendment Act. The following presenters are here: Karen Carey, Board Director for the Manitoba Association of Parent Councils; Diane Duma, Private Citizen; Brian Ardern, President, Manitoba Teachers' Society; Janice Dedenus, Cheryl Chaban, Connie Allsopp and/or Gary Comack, Council of School Leaders; Dale Kendel, Association for Community Living in Manitoba; Ron Weston from the St. James Assiniboia School Division; Linda Archer from the Manitoba Association of School Trustees—this was a change from the previous presenter of Garry Draper; Irene Meyrowitz from the Manitoba School Counsellors' Association; Ross Eadie, Private Citizen; Edie Wilde, Manitoba Association of School Superintendents; Lori Johnson, Winnipeg School Division; Jim Hoddinott, Manitoba Council for Exceptional Children; and Gladys Hayward Williams, Private Citizen.

Those are the persons and organizations who have registered so far. Is there anyone else in the audience who would like to make a presentation this evening? You may register with the staff at the entrance of the room.

For the information of all presenters, 20 copies of any written versions of the presentations are required. If you need help with photocopying, please speak with our staff.

Four written submissions have been received regarding Bill 8 from the following individuals or groups: Ian MacKenzie, Mayor of the city of Portage la Prairie; Les Magnusson, Mayor of the city of Steinbach; Alex Fedorchuk, Councillor, from the town of Morden; and Jan Chaboyer, President of the Brandon District Labour Council.

Copies of these submissions have been provided to the members at the start of the meeting. Does the committee agree to have these documents appear in the Hansard transcript of this meeting? *[Agreed]*

In what order does the committee wish to hear public presentations on the bills?

Mr. Gregory Dewar (Selkirk): As listed on the Order Paper, Madam Chair.

Madam Chairperson: Thank you. Is that agreed? *[Agreed]*

You will note from our lists that we have a number of out-of-town presenters in attendance this evening. These names are marked with asterisks on the lists. Is it the will of the committee to hear from the out-of-town presenters first? *[Agreed]*

I would like to inform presenters that in accordance with our rules a time limit of 10 minutes has been allotted for presentations with another 5 minutes allowed for questions from committee members.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

I would also like to inform all in attendance of the provisions in our rules regarding the hours of adjournment. Except by unanimous consent, a standing committee meeting to consider a bill in the evening may not sit past midnight to hear presentations unless fewer than 20 presenters are registered to speak to all bills being considered when the committee meets at 6:30. As of 6:30 this evening, there were 19 persons registered to speak to these bills. Therefore, according to our rules, this committee may sit past midnight to hear presentations.

I have one last announcement for the committee. With agreement from the NDP and the PC caucuses, arrangements have been made for staff from Information Services to be in attendance this evening in order to videotape parts of this meeting for inclusion in "A Day in the Life of the House," an educational video produced by the Assembly.

If there are any presenters in attendance who do not wish to be videotaped, please inform our staff and arrangements will be made to turn off the camera during your presentation. Thank you for your patience. We will now proceed with public presentations.

**Bill 8—The Employment and Income
Assistance Amendment Act
(One-Tier Assistance for
Rural and Northern Manitoba)**

Madam Chairperson: The first out-of-town presenter for Bill 8, The Employment and Income Assistance Amendment Act, I will now call on Stuart Briese, the Association of Manitoba Municipalities. Minister Melnick, would you like to come and join us?

Do you have written copies for distribution to the committee?

* (18:40)

Mr. Stuart Briese (Association of Manitoba Municipalities): Yes. Somewhere. They are being handed out right now.

Madam Chairperson: Thank you. Please proceed with your presentation.

Mr. Briese: Thank you. I am Stuart Briese, president of the Association of Manitoba Municipalities. The Association of Manitoba Municipalities is pleased to appear before the standing committee today and would like to take this opportunity to present our views on Bill 8, The Employment and Income Assistance Amendment Act.

As the AMM represents all 199 municipalities in Manitoba, we feel that it is important that a municipal perspective be considered, and we appreciate this opportunity to do so. Bill 8 proposes a one-tier system of social assistance for rural and northern Manitoba, effectively bringing the administration of social assistance in Manitoba under provincial jurisdiction.

In the nineties, the Province assumed the responsibility for the administration of income assistance for the City of Winnipeg. In response to this, AMM members passed a resolution at the 1999 AMM convention calling for provincial administration of all income assistance in Manitoba on a cost-neutral basis.

AMM members are concerned that under the current system chief administrative officers are in poor positions to deliver social assistance. First,

CAOs are not trained to administer social assistance, and many of them experience difficulty when dealing with social assistance recipients. The AMM believes that appropriately-trained staff is necessary to ensure a well-functioning system of social assistance.

Furthermore, if social assistance is administered solely by the Province, the AMM argues that this will lead to be a more consistent approach to social assistance and will enable the Province to respond to the various needs of social assistance recipients, putting an end to the current patchwork approach to social assistance administration in Manitoba.

On March 8, 2000, the AMM met with representatives of the Manitoba Municipal Administrators' Association and the Department of Family Services and Housing to begin negotiations regarding provincial administration of income assistance. The group discussed a number of issues including the transfer of employees, changes to existing legislation and service delivery standards.

One of the most important issues for municipalities relates to the cost, and AMM is pleased that the proposed legislation addresses this issue, as the municipal income assistance costs will be based on a seven-year average from 1995 to 2001, representing a cost-neutral agreement. The AMM has already received feedback from its members indicating how pleased they are that a one-tier, cost-neutral system will soon be in effect.

Furthermore, although municipalities will no longer administer income assistance, this does not mean municipal responsibilities will end in this regard. Municipalities are willing to continue to cooperate with the Province in helping those receiving income assistance to find meaningful employment within their communities.

In fact, the proposed amendment under Section 16.3 addresses this very issue. While finding meaningful employment for social assistance recipients is, indeed an objective of municipalities, the AMM urges the Province to ensure that this clause does not become overly burdensome for municipalities.

The success of the proposed amendment rests in great part on the fact that it was reached on a cost-neutral basis and the downloading of additional responsibilities to municipalities should not compromise this fact.

Recently, some of our members were concerned. This is not part of the written presentation; this is something that happened just very recently. Some of our members were concerned about employment for their staff members administering social assistance. We are pleased that the Province is committed to the ongoing employment of those staff in the provincial civil service. Due to the prompt attention of the Minister of Family Services (Ms. Melnick) and her staff, we are pleased to say that the City of Selkirk, the City of Portage and the R.M. of Portage la Prairie, have asked us to withdraw their recent concerns related to this bill.

The AMM is pleased to have worked so closely with the Province on this important issue. This is something that we have been pursuing for some time and look forward to this becoming a reality. Therefore, the AMM urges the Legislature to pass Bill 8, The Employment and Income Assistance Amendment Act. We believe this bill is good for the province, municipalities and income assistance recipients. The AMM strongly supports the implementation of a one-tier system of income assistance for Manitoba. Thank you.

Madam Chairperson: Thank you very much for your presentation. Do the members of the committee have questions for the presenter?

Mrs. Leanne Rowat (Minnedosa): Thank you for your presentation. Can you expand on the staffing concern or issue that was raised by the communities that you have indicated?

Mr. Briese: There were some concerns that the staff would have to compete for the positions in the civil service, that it was our understanding early in this negotiation that they would be offered jobs in the civil service. In negotiations with the department over the last couple of days, we were able to resolve that and they will be offered those jobs.

Mrs. Rowat: Can I ask how many employees this will affect?

Mr. Briese: There are 18 employees across the province.

Mrs. Rowat: And has the civil service indicated how many positions will be created to address the 18 positions, or will there be 18 positions created?

Mr. Briese: I should clarify that a little bit. These positions, I think, in all cases were 50 percent funded by the Province already and the other 50 percent is included in that cost-neutral thing, so there is no additional funding required for these employees. It is already covered in the agreements that were made.

Mr. Kevin Lamoureux (Inkster): Just very quickly a couple of questions: Someone receiving social assistance, let us say in Thompson, compared to Brandon, today, I believe, would receive maybe some differential amounts through your organization. Is that a concern, or has that issue been addressed with the Government?

Mr. Briese: I am not sure about differential amounts, but up to this point in the province, roughly 90 percent of the social assistance was provided by the Province already. We were only providing about 10 percent of it. I cannot comment, though, on differential. I do not know whether there is or is not.

Mr. Lamoureux: In terms of a variance, would you acknowledge, representing the organization, that there would be a difference in cost of living, then, in Thompson versus, let us say, Brandon and, if so, that that should be taken into consideration for the Government?

Mr. Briese: I really cannot comment on it. It may well be there already. I do not know.

Madam Chairperson: Did any other members have questions?

Hon. Christine Melnick (Minister of Family Services and Housing): I would just like to say what a positive experience it has been to work with AMM throughout the whole process, and I certainly look forward to continuing our work. I think we all recognize the necessity for jobs throughout rural and northern Manitoba, so I would like to ask you an open-ended question. If, in the future, you have some ideas, some creative ways of helping us work together to achieve that goal, I would really encourage you to let us know. I would really look forward to working with you in that aim.

Mr. Briese: Part of the agreement was to work with the Province on local jobs under social assistance, or

to help people that are on social assistance, and we intend to stand by that.

* (18:50)

Madam Chairperson: Thank you very much for your presentation.

I will now call upon Chris Luellman, Private Citizen. Mr. Luellman, do you have any written copies?

Mr. Chris Luellman (City of Selkirk): There has been a miscommunication. I am with the City of Selkirk, and there has been a withdraw.

Madam Chairperson: Okay. Sorry. Mr. Luellman, who is with the City of Selkirk. Do you have written copies for distribution to the committee?

Mr. Luellman: Nothing. Withdraw. Thank you.

Madam Chairperson: You want to withdraw? Okay.

Recognizing the next speaker, I will now call on Mayor Bill Comaskey, from the city of Thompson. Do you have any written copies for distribution to the committee?

Mr. Bill Comaskey (Mayor, City of Thompson): Madam Chairperson, no, I do not.

Madam Chairperson: Thank you. You may proceed.

Mr. Comaskey: Madam Chairperson, honourable ministers, MLAs, committee, ladies and gentlemen, first of all, I am here on very short notice and I will be just speaking from notes, so I do thank the committee for the opportunity to present the City of Thompson's position with regard to Bill 8.

We have steadfastly stated from the onset that we were in favour of delivering social assistance in the city of Thompson. We have provided that service for a number of years. I believe we have provided a very good service.

I did meet with the minister responsible about three years ago, and the understanding at that time was that there would be some discussions with the City of Thompson with respect to the delivery of

social assistance. We had a discussion with respect to the Province providing social assistance or the City providing it.

With due respect to AMM, which is an association that we belong to, we disagree with the Province taking over the social assistance delivery service from the City of Thompson. There are questions with respect to staff. We are very concerned with what is going to happen with our department. We are equally concerned with the fact that based on the 2002 mill rate, it will cost us a direct cost of just under \$59,000. While I recognize that there was a resolution passed at the association convention to support one-tier social assistance in the province of Manitoba, we, as the third largest city in the province, respectfully disagree. We had expected to have some consultation or discussions with respect to this bill.

As I said, I am here on very short notice. I got a copy of a letter on the sixteenth of this month, and it just so happened that I am in the city of Winnipeg, and I was able to register and to appear before this committee. I appreciate the opportunity to do that, but it is not that easy just to drop in. I do not mean that as any disrespect to the committee.

We are not in agreement with it and would like to know what happens to the staff. I have had a copy of the correspondence that was communicated to the cities with respect to staffing, but we are still in limbo with respect to what happens with our staff and the fact that it is going to cost us close to \$60,000 to transfer that program to the Province. Thank you.

Madam Chairperson: Thank you for your presentation. Do members of the committee have questions for the presenter?

Mrs. Rowat: Thank you for your presentation. Thank you for coming tonight. I did receive a copy of a news article that was in the local paper in January. I just want to touch base with you on one comment that was made and maybe you can let me know whether you have received any answers on it.

You had indicated, or your councillor had asked whether there would be funds coming from the Government to support an individual in one community, but the person's social assistance bill is being picked up by Thompson. Can you expand on this situation

or that scenario so that I have a better understanding of what you meant by that?

Mr. Comaskey: An individual in our community who was receiving social assistance?

Mrs. Rowat: If it is determined funds are coming from the Government to support an individual in one community, but the person's social assistance bill is being picked up by Thompson, you had indicated, or your councillor had indicated, that was an issue. Can you expand on that?

Mr. Comaskey: With respect to the delivery of social assistance, the offers there of social assistance, we have the province at large and area residents. I believe it was one of my colleagues that posed that question with regard to payment of social assistance, if we were to provide it in the city. When this transfer takes place, I believe that question is a non-issue.

Ms. Melnick: Yes, thank you for coming in, Mayor Comaskey. I am wondering if you are aware—I know you have been away from your office—have you received our communication of today where we ensure that we will be working with current staff to work toward more of a transition for staff, if that would help to ease your concerns about the placement of staff? I am just wondering if you have received our communication.

Mr. Comaskey: I arrived here in Winnipeg yesterday and I was in communication with my office late this afternoon. I believe that is a copy of the correspondence that was provided to the City of Portage la Prairie and the R.M. of Portage la Prairie. Is that the letter?

Ms. Melnick: From this afternoon, yes.

Mr. Leonard Derkach (Russell): Your Worship, can you outline for us what your areas of concern are as it relates to moving to the one-tier social assistance in your city?

Mr. Comaskey: Mr. Derkach, with respect to the delivery of service, we believe that over the last 10 years, we have provided quality service. We are in no way challenging the validity of persons receiving social assistance. We believe there are persons that need it.

We have well-trained staff that interview and provide recipients with good advice on job seeking.

It is not only a cash issue, it is with respect to having people return to the workforce. We have been very successful with that. The costs have decreased significantly over the last ten years to the city of Thompson.

So that is a major concern for us, that with less involvement with regard to the recipients of the city of Thompson, we know we cannot expect the Government of Manitoba—or the taxpayer is going to completely take this over and that we are going to not be impacted with it.

So there are two issues. We were bringing the costs down and now we find it is going to cost us, based on the 2000 mill rate, \$60,000. So it is bringing the costs down on this side and getting people back into the work force. On the other side, when it is transferred, we fear and see it is going to increase our costs

Mr. Derkach: We heard from Mr. Briese, the president of the AMM, that in recent negotiations, I guess as late as today, all staff who are presently working for the municipalities will be assumed by the Province.

Is that your understanding of the staff that you have now in Thompson?

Madam Chairperson: Is it the leave of the committee to extend this question period longer, seeing that the presenter's presentation was shorter?
[Agreed]

* (19:00)

Mr. Comaskey: Thank you, Madam Chair. Based on the information that we have just received late this afternoon, that alleviates our concern with the staffing.

Mr. Derkach: How many staff do you have in Thompson working on social assistance, then, the program itself?

Mr. Comaskey: We have an administrator and we have a second staff person that works half-time on social assistance, so a position and a half.

Mr. Derkach: A final question: Does it appear to be an anomaly in the city of Thompson where you say your share of costs for social assistance is, in fact,

going to increase by \$60,000? Is this not the case in many other communities across the province as well?

Mr. Comaskey: I cannot speak for the other cities or municipalities, but based on the calculations in our city, it is \$58,900. That is just under 60,000 in our case. I am not sure.

Mr. Lamoureux: Mr. Mayor, I was wondering if you could indicate: Did the Province consult with your office when they came to drafting this legislation? Were you in consultation at all with the Government?

Mr. Comaskey: Yes, in many instances I had discussions with the ministers, with the previous honourable minister, the minister previous to that and our staff. We have had some discussions with the officials from the ministry. Yes, we have had some discussions.

Mr. Lamoureux: Finally, is there any concern on your part in terms of the amounts of monies that would be coming from the Province to individuals, recipients of social service benefits in Thompson, as would it be adequate? Does that concern you at all?

Mr. Comaskey: I believe the Province has a fair system with respect to social assistance and the amounts so I am not concerned with that.

Madam Chairperson: Any other questions? No? Seeing no other questions, I want to thank you for your presentation.

Could I have Minister Bjornson come to join me, please.

We have been informed that the other presenters on the list are from out of town, so if I could have Minister Melnick come back up here again, please.

I want to call up Wally R. Melnyk, president of the Manitoba Municipal Administrators' Association. Do you have written copies for distribution to the committee? Thank you.

Please proceed with your presentation.

Wally R. Melnyk (President, Manitoba Municipal Administrators' Association): Thank you, Madam Chair, Standing Committee.

The Manitoba Municipal Administrators' Association is pleased to be able to appear before the standing committee to provide its input and reaction to Bill 8, The Employment and Income Assistance Amendment Act.

The MMAA represents chief administrative officers, assistant chief administrative officers and other senior administrative staff who work for municipal corporations across Manitoba. It could be said that the MMAA represents those who, from a municipal perspective, will experience the most significant change due to the legislative changes being proposed by Bill 8.

The MMAA would like to go on record as being a long-time advocate of a single-tier system of social assistance for the entire province of Manitoba and now a strong proponent of Bill 8. The following represents our view on what we conclude will be some of the results of the implementation of Bill 8 and the ensuing benefit to the province's municipalities, municipal administration and social assistance clients.

Firstly, greater consistency will be achieved when dealing with individual clients should this single-tier system be put into place. Services to all types of candidates, whether single parents, those who are unemployable, or simply individuals needing a financial bridge between work experiences can be provided by staff tasked specifically with these or similar responsibilities who will be able to use the same pool of resources, expertise and programs regardless of the client's personal circumstances.

This is not always the case under the current system. Program delivery to a diverse range of clients may lack the consistency desired due to deficiency in the level of knowledge and experience in programming resources available through municipal staff.

This deficiency does not speak to the level of commitment and professionalism displayed by municipal staff, but rather recognizing that social assistance makes up a very small portion of the many duties charged to these individuals. As such, it is difficult, if not impossible, for staff to remain current.

Secondly, right from the beginning, the position of the MMAA on single-tier social assistance focussed on the benefits that would accrue to all those within the system, whether they were providers

of the service, or even more importantly, individuals or families in need.

When we considered the financial burden currently experienced by municipal governments, however, it was evident that any new initiative could not include additional financial commitments for local government now or in the future.

With this in mind, the MMAA is supportive of the formula that has been created within Bill 8 that will see the cost of the single-tier social assistance program supported by the municipalities and the Province in a cost-neutral environment.

Municipal government often has a need for temporary or short-term employees. Its role with social assistance has in the past created a real benefit for the community by providing the opportunity to offer employment to those seeking work or requesting assistance within the municipality. The MMAA applauds the provision within Bill 8 that addresses this issue and provides a mechanism for continued partnership between the municipality and the social assistance system that will sustain these opportunities for social assistance clients.

The administration of social assistance is very challenging and requires a unique skill set. Real evidence of this lies within the many stories told by our members about difficulties encountered when dealing with social assistance clients and the intricacies of the complex social allowance system. The MMAA believes that Bill 8 will create a real win-win-win situation for the province, municipalities and the clients of the social assistance program.

We would, therefore, reiterate our full support for Bill 8 and strongly urge members of the Legislative Assembly to pass Bill 8 providing all the benefits outlined without delay.

Madam Chairperson: Thank you very much for your presentation. Do members of the committee have questions for the presenter?

Mrs. Rowat: Mr. Melnyk, in your discussions with the Government, did any discussion take place regarding where the cases would be met with? I am just wondering, would your community have to travel to Brandon, or to any of your clients in the surrounding areas, or to other major centres to receive assistance?

Mr. Melnyk: My understanding of the situation would be that there will be outreach services provided. Currently, the Province provides outreach services for provincial clients of the system, and my understanding is that will continue for those who would be under our current system.

Mr. Leonard Derkach (Russell): Thank you for your presentation, Mr. Melnyk. I have a question as it relates to your association and the concerns expressed by the Mayor of Thompson. I am wondering whether your association had any discussions with the Thompson community and whether or not you share any of those concerns.

Mr. Melnyk: Our association represents CAOs, assistant CAOs, as I mentioned in the report, and, as such, there are not any, I do not think, people who are currently in the delivery of social assistance on a municipal level that are members of our association. So we really have not had discussions with the City of Thompson in terms of their personnel being involved. From our perspective, the members that we represent, we deal mostly with individuals in municipalities who were providing assistance on a part-time basis, not on a full-time basis like they would in the city of Brandon, or the city of Thompson, or the city of Portage la Prairie.

Our members are providing assistance potentially to half a dozen or a dozen clients over the course of a year and really having to deal with it once a quarter or once a month or whatever it may be, so much different scenarios.

Mr. Derkach: In those communities where there are staff employed by the municipality to look after social assistance programs, is it also your association's understanding that, as of the letter today, those individuals would be offered positions in the provincial social assistance program?

*(19:10)

Mr. Melnyk: That is our understanding and, I guess, our hope that the current staff within the municipalities be treated fairly and with respect. So, yes, that is our understanding.

Mr. Derkach: I do not like your term of hope. I mean, your individual's livelihood is at stake when you talk about them working for the social assistance program. I guess my question is specific in terms of a

clear understanding by your association that, in fact, these individuals will be assumed into the provincial program.

Mr. Melnyk: That is correct. They will be.

Madam Chairperson: Okay, thank you.

Did anybody else have any questions for the presenter? Well, seeing no other questions, I thank you very much for your presentation.

Bill 13—The Public Schools Amendment Act (Appropriate Educational Programming)

Madam Chairperson: We will now be hearing from out-of-town presenters for Bill 13, The Public Schools Amendment Act. Minister Bjornson is coming to join me.

The first presenter is Karen Carey, the board director for the Manitoba Association of Parent Councils. Do you have written copies for distribution to the committee?

Ms. Karen Carey (Board Director, Manitoba Association of Parent Councils): I have one copy and I would be happy to provide it afterwards for duplicates to be made. Is that okay?

Madam Chairperson: Yes, we will make copies of that.

Ms. Carey: Okay, great. Hi, I am Karen Carey. I am a board director on Manitoba Association of Parent Councils. Just for a little bit of background information, I am a mother of four children currently in the Sunrise School Division. I have nine years of involvement in parent councils. I am currently in my second term as chairperson at Hazelridge Elementary School and I am also a PAC member for Springfield Middle School, Springfield Collegiate. I am on the divisional PAC for Sunrise School Division and I am also sitting on the Student Services/Inclusive Education Committee, and I am the mother of a special needs student. So I am going to be speaking from the MAPC perspective, but also may share some specific examples of anecdotal information.

I want to say, first of all, that MAPC welcomes this new legislation as a positive step forward in guaranteeing appropriate educational programming for special needs students, and, also, as it provides

the potential for involving parents in the process of defining the programming that their children receive.

MAPC's position regarding representation is always one of support for local decision making. We feel that local decision making by school boards who work closely with their electorate, parent councils, students, and staff most closely reflects the requirements of the student base. It is only by local autonomy that programs can truly be reflective of local needs. So you may find it surprising that we are actually advocating for a prescriptive course of action by the provincial government in this instance. We feel that detailed regulations, with accountability for divisions who choose not to follow them, are the best assurance for parents and their students that the true intent of the legislation will be fulfilled at the local level.

I was quite pleased when I was reading the legislation to read little notes: "as may be directed or prescribed by the minister", "minister may make regulations respecting...programming standards... support services" and that there would be a "dispute resolution process" included as well.

What we have done, as the MAPC board, is focussed on the broad areas that are going to be addressed by the regulations and policies and guidelines, and we have developed recommendations that coincide with those, so I am going to go through that.

No. 1: Require a special education plan for students who require modified course content or individualized programming. The term "modified course content" has traditionally meant an M designation. That translates into 50% or more modification. We have very many students who currently qualify only for level 1 or non-specific funding who also require special education plans.

We hear the term IEP or AEP tossed around. Those are terms that refer to plans put in place for students. IEP most commonly refers to students who are receiving level 2 or 3 funding that is specific for that student. But we also have many students on adapted education plans. Those are plans for those students that receive level 1 or block funding. It may not be specific to them, but they also need plans. We want to assure that when we are talking about that in the regulations and policies that we understand that those students also require those plans.

We also want to ensure that there are consequences for failure to comply with the plan. We understand that changes to plans occur and that those can be done with consultation, but we also need to have assurances that the plans will be followed by the school once they are put in place.

No. 2: Require meaningful involvement for parents and students in the development and review of the individual education plan. This one is my personal favourite, of course. What really constitutes meaningful involvement? We have some parents who do not even receive a copy of the completed plan or simply sign off on the plan that the staff have drafted. What we want to see is some prescription here to assure that parents actually help to build the plan. We need to make efforts to incorporate the parents' recommendations. They know their children best. They know what works with their children. If those incorporations are not made, many times we are going back to the drawing board part time through the year to rework the plan.

We also have many parents that are not confident in advising staff, or do not feel confident in coming forward with recommendations regarding their child. I think we need to really ensure here that staff encourage those parents to participate. There need to be documented efforts to contact parents and make them a part of these plans. There needs to be a policy in place to make that involvement easy. Simple things like timing of meetings that can allow parents to fit the meetings into their schedules can make things a lot easier.

The requirement for a resolution process, for instance, is when there is a dispute between parents and educators. Work continues on the dispute resolution document. MAPC strongly believes that we cannot let the protocol of a resolution process become the focus. Resolution really has to remain the focus even if that requires going beyond the protocol in some cases. We have divisions that we have received examples of that consider an issue closed when the protocol has been followed, whether resolution has been received or not. We need to remember that parents may not always want to follow a protocol, that their primary goal is resolution of a difficulty for their child. Sometimes that means stepping outside of the protocol or going beyond it to ensure that resolution is met.

We also are concerned about the costs of dispute resolution. Who is it going to cover? We feel that the

process has to be impartial. It cannot only be impartial. It also has to be perceived to be so. For that to happen, we have to have arm's-length organizations dealing with this process. That is what we are recommending in this instance. Things like, we have processes already in place, Association for Community Living; Manitoba Association of Parent Councils has the advocacy project that helped parents to achieve resolution in these processes. Those are things that we can build on and use what is already there.

Another item in the list is ensuring that student services plans are developed annually by school divisions or districts with input from families and community. Again, as with the second item, we feel that input requires some specific definition. That word can be construed to mean several different things. We need to ensure that school divisions have clear guidelines with regard to the process of soliciting and receiving that input.

In the guidelines for the advisory councils for school leadership action, No. 8 states that they require schools to include advisory councils for school leadership in developing school plans and divisional budgets. So here we already have something in place that the school boards are supposed to follow when they are putting together their budgets and their school plans.

In actuality, we have a complete variety in the way that is approached. We have some parent councils that sign off on a completed plan. We have some parents that provide input into it with the budgets as well. Some people receive a presentation; other people actually have input. We need to define this so that there is not as much leeway in the process and we are actually really getting input from parents.

*(19:20)

Some of the things we can do there to achieve that are providing appropriate notice for meetings well in advance, provide advance copies of draft plans to parents for approval or for modification. We also feel that student services plans consultations should occur separately from budget consultations. Quite often they are lumped together and it is when the budget is presented to parent councils and to the public that we find out about changes to the student services plans. Those things need to be separated in order to actually build a plan that works and then look at the financing of that plan.

No. 5: Ensure that schools offer a continuum of supports and services that will meet the needs of students. Anecdotal evidence here suggests that the trend in one division is to expect the classroom teacher to be all things to all people. We already have staff, resource and paraprofessionals who are special needs specialists. These teaching assistants perform necessary tasks, both to ensure that inclusion occurs whenever possible and that special needs students receive the one-on-one time necessary to achieve success.

Budget cuts proposed this year in one division will see these positions, which are an integral component of student success, cut. What is the result? A watered down program where no student receives what they truly require. One teacher alone cannot cope with multiple special needs students and be all things to all students successfully.

The focus should be on meeting—

Madam Chairperson: Excuse me, you have one minute remaining in your presentation.

Ms. Carey: I do not think I am going to get through it.

An Honourable Member: We can provide leave, Madam Chair.

Madam Chairperson: Is there leave from the committee to allow the presenter to continue her presentation? *[Agreed]* You can continue longer.

Ms. Carey: Thank you. We were talking about budget cuts proposed this year in one division that would see cuts to support positions within the division. What can result from that is a watered down program where students do not receive what they require. One teacher cannot cope with multiple special needs students and be all things to all students successfully.

The focus should always be on meeting the needs of all students, special needs or not. Needs of students, this is something that needs to be prescribed by a collaboration between parents and staff. It may mean in some cases not 100% class participation in the regular stream. So, in order to ensure that all students are receiving an appropriate education, that has to also be a part of the package.

Consideration has to be given to timely supports and services. Divisional services are not always timely. We have a case of a child waiting three years to be assessed for attention deficit disorder, an Asperger's child who receives one visit per year from a psychologist or zero sessions with a school counsellor. What we propose is that there should be provision for outside services with funding or reimbursement by the school division should they be unable to provide timely services.

No. 6: Inform parents in a timely fashion of any changes in programming, procedures and delivery of specialized services used to accommodate their child. Again, prescription here would help to define both how and in what cases parents would be informed. Timely can mean anything from a month to a day ahead. Special needs students in many cases require considerable preparation in the face of change. Routine and structure are extremely important to these students' success.

In addition, in many cases, parents are entitled to significantly more than simply being informed. An agreed upon plan should only be changed after consultation, not at the discretion solely of the school. There are some cases, of course, where information is all we are going to receive when a person gives notice and there has to be a staff change. We receive that as information, but changes to the plan that change fundamentally the programming for a child or something that always should be done in consultation with the parents, not just received as information.

No. 7. Ensure that decisions about the instructional environment or placement are based on inclusion and provide the most enabling environment. An environment must be enabling for all students, both special needs and regular. I touched on this earlier, but forcing inclusion with inappropriate classroom supports in place creates an environment that is not enabling for anyone. Inclusion must be based on the best interests of students as agreed upon with parents.

We have examples of schools where specialized programming was the focus of education and that a group of students who were at risk were being sent to a specific school, and that school was closed, and those students were put into the regular school system with paraprofessional support. After only one year, 50 percent of those students had dropped out.

So inclusion is not always the answer. We need to look at programs that are working and benefiting students, and make sure that we are not putting them aside in favour of inclusion and possibly to the detriment of the students.

No. 8. Ensure that disability is taken into account in making disciplinary decisions. This is one that we definitely agree with. All disciplinary decisions must be documented with explanation. With special needs students we are not always confident that information arrives home with the students. Students have difficulty communicating situations. So it is something that we need the school to do to provide that information home to us in a documented manner so that we can accurately assess what happened and support that student at home and teach them what things they can do to improve next time.

Decisions are also made outside the classroom, and that is something else that we have to keep in mind with this item, is that disciplinary decisions are not necessarily made by the classroom teacher who is informed about the student and informed about their educational plan. They can be made on field trips by a parent volunteer; they can be made during bussing. Disciplinary options should be a documented part of the education plan. There should be a plan in place for what will occur when discipline is required, and then that information must be made available to all of the staff that those students interact with.

No. 9. Ensure that decisions involving students with special needs be based on appropriate and well-documented assessments. There is not much to say here, except that we need some outside assessment from a personal psychologist in some cases. Divisional assessments are not, as we have discussed earlier, always timely so in some cases we do need to accept an outside assessment. If assessments have already been done, why do it twice? Let us take what the professionals have already done and utilize it as part of the programming for that child.

Parents' own assessments are also a key source. Parents know their children best. They know what their child's struggles and successes are, and that is extremely useful information.

There are just a few additional areas that I wish to address and I am almost done.

There are also important things that go along with this legislation that need to be made part of policies and procedures and one of them is a parent's right—

Madam Chairperson: Excuse me. You have about 10 seconds left to wrap up your presentation, okay?

Ms. Carey: Okay, alright.

Parents should have access to their children's school file. Staff training is a key component of the legislation. We feel that staff at all levels from senior administration to paraprofessionals require training in administering and working within the new legislation.

Madam Chairperson: Thank you for your presentation.

If any of the members wanted to ask questions, we will have to have leave to ask questions. We have exceeded the 15 minute limit.

Is there leave of the committee? Yes. *[Agreed]*

Mrs. Heather Stefanson (Tuxedo): Just a very quick question.

First of all, I just want to thank you very much for your presentation, taking time out of your busy schedule to be here and present tonight. I think you had some excellent advice and insight in this area. So thank you so much for coming out.

One thing you touched on was the cost potentially associated with the dispute resolution. Do you feel that those costs should come from the school division budgets, or is that something that should be offered by the Province along with this legislation?

Ms. Carey: That is a tough one to answer. I am not a financial expert. I do know that we have some things in place that are working, that are assisting parents right now in dispute resolution and that we would like to see those built on rather than creating brand new processes, but we do want a provincial hand in making sure that those things are equally distributed.

Madam Chairperson: Thank you very much for your presentation.

The next presenter is Diane Duma, private citizen. Thank you very much. Do you have written copies for distribution to the committee? That is fine. Please proceed.

* (19:30)

Ms. Diane Duma (Private Citizen): I actually had something done on my computer and then I did not bring it, so I had to quickly in the hallway write it up. I may not flow as well as I hoped I would, but I just thought it was still really important to come here.

My name is Diane Duma. I live in a rural area. I have four children. I have been involved in the public school system for the last 15 years and have been a strong advocate for my child's education throughout those 15 years.

Probably the most important thing that I wanted to share with you is as the standing committee and as the people that have the power, I suppose, to develop this legislation, I was thinking that little, old Joe parent needs to come in and just let you know where I am coming from.

I am not a systems person. I am not a person that is looking through lots of pieces of legislation, but I am just looking at, what does Bill 13 mean to someone like me? What does it mean to a parent with a child who has special needs and how will it impact me as a parent?

When I first looked at the word "appropriate" legislation, and I have now discovered where the history of that word came from, but when I thought of the word "appropriate" legislation, I thought, well, that is a funny word. That means all this time we have been doing inappropriate education. I thought, I do not think so.

So I suppose what we are trying to get to is something that makes things more suitable for kids in public education that their educational needs are being met. When I looked at what that meant, that is what it means to me. Let us make things suitable for kids and meet their needs as best as we can.

One of the most important things I thought that needs to be in this law is the rights of the parent, that the parent has to be viewed as the advocate for their child. The day that people say I am an incompetent parent, that is fine, but for the time being, I am the

parent, and I should be the one that has the final say as to what I deem are the most appropriate measures for my child.

I want the public school to support me. I want the support of the public school to help me, but I am the one that makes the final decision. I am also the one, I think, that takes the ownership over that decision in the long term, because I have my child for my whole life. I think that is probably one of the most important pieces that I like to see in The Public Schools Act.

Other pieces, if you walk the walk of a parent with a special needs child, I could say you walk into the public school, some schools are better at giving you information as a parent, some are not. You walk into the school, you do not necessarily get a handbook saying this is what your school offers, these are your options. You do not necessarily get that sort of thing.

I think it is really important that parents have something that they can take in their hands when they walk into a school and say, oh, this school has a good program for this or this school excels in this, so that you have the ability to make some choices; you have the ability to have informed consent so that you know what you are putting your child into.

Also, the other piece is as you walk the walk, you walk into the IEPs. The IEP has to be a part that parents are very much a part of. They have to be part of the development. They have to be part of the implementation process. They have to be part of the evaluation of that IEP, and they have to be part of that IEP if their child needs it, through the whole school system.

From year to year, grade to grade, school to school, they have to be part of that process for as long as they need that. There are some kids that will not need an IEP throughout their 12 years. There are some that it may be something that they need for one piece of their life and it is not necessarily something that they always have to have, but for the duration of that time, parents have to be part of that, and a big part of it.

I know that there are some discussions about whether this IEP looks like a contract. In my mind, I do not see it as a contract. Behold and you do this; you do that. I see it as something that is

collaborative, and I see it as something that defines the roles for people, defines the goals of the planning for the student, and defines how we are going to work with that kid and who is going to do what.

I see that as not something that I would be frightened of because that is a contract, but I would be looking at, is it the best way for everyone to come on the table and have a common understanding of what that child needs? It also helps people to buy into it when you have ownership of that IEP so everybody that is a part of implementing that IEP has to be a part of developing that IEP.

One thing that is not addressed in this legislation, and I do not know that it will be, but I think it is important to address the fact that your child is not just like this from nine to three. Their child is like this from three o'clock until nine o'clock the next day and on Saturdays and Sundays also. The school life is only a part of their life and that, depending on what is happening with your child, families also need supports.

We need to take from other sources besides the public school system. I would really like to see something that draws not just from the education system, but from mental health, social services, family services, and that there be more collaboration between those other departments that say, well, if school is done at 3:30, but there is someone else that can help you at four or on the weekend—I really think that even financially, there needs to be support for these kids, because it is beyond just pure education.

The other part of it is that I really have my own passion in believing that we need to look at not a family deficit model, but more a model that families can be strong and can be encouraged to be stronger, and that if everybody works together, families and children will be better in the long run.

The other piece that comes to mind is, also, as you walk the walk, you may have to one day go through an appeals process. I guess the most important thing for that appeals process is that it be very fair, very objective with very knowledgeable people at the table, and that the appeal process be swift. We cannot wait a month. We cannot wait two weeks, sometimes. We have to get on with the life of that child. Appeal processes cannot be dragged out for months and weeks. They have to be quick.

In this legislation, I would like to see this appeal process with time limits: ten days, five days, seven days. Go to step one; go to step two. It has to be quick. It has to be swift. Also, while the people on the system are waiting, the parent is dealing with that child while they are in limbo. It is not healthy and it is not good for people to be left in limbo.

I will conclude that my experience in the public school system has, for the most part, been very good. I find that there are some excellent people in the public school system. I hope that your committee draws from some of the strengths from the public school. There are some excellent people that work with our kids. There are excellent people in the Department of Education that I have also met. I just think that we have got some wonderful expertise out there that has some very good knowledge of kids. I would like to see their expertise used. I would also like to see the expertise at the local level increased, enhanced by those people that are doing such wonderful jobs. I think there are some really good ones out there.

Collaboration is really, really important to me and parent voice is really very important. Thank you.

Madam Chairperson: Thank you very much, Ms. Duma.

Do committee members have questions?

Mr. Leonard Derkach (Russell): First of all, I would like to thank you for that very forthright and down-to-earth presentation, Ms. Duma.

You present a very straightforward case for parents to be involved at every step of the way in the provision of education to children with special needs. I certainly am one who supports that wholeheartedly.

Have you had any discussions with any of the department staff or with the minister's office as it relates to the regulations that are going to be put in place with respect to standards and also dispute resolutions?

Ms. Duma: Personally, no.

Mr. Derkach: Have you had any feedback or have you asked for any information regarding what this legislation is actually going to mean in terms of program standards and dispute resolution processes?

Ms. Duma: No.

Madam Chairperson: Did any other members of the committee have questions?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): First of all, I spent 13 years in the classroom and I was always looking for people to have their hand up. Evidently, I missed the opportunity to raise mine the first time with Ms. Carey's presentation. I wanted to comment at the time that I am very pleased as the new Minister of Education that this is the first bill that I will be bringing forth in the House.

It is a bill that is very important to all members sitting at the table today, as the Opposition had undertaken when they were in government the Special Education Review Initiative, and had also recognized the need in terms of funding and the contributions the Opposition had made in funding as we have continued to do with our increase in funding supports for this legislation.

I am very pleased, as I said, that this is the first bill that I will be bringing to the House as a new minister. I wanted to thank you for your presentation. Thank you for being here tonight.

Madam Chairperson: Thank you very much for your presentation.

I just wanted at this point to make note for the committee that we have a substitution of Linda Archer for Garry Draper. Linda Archer is in town so she will not be heard until later.

The next presenter we have is Gladys Hayward Williams who is a private citizen. Welcome. Do you have written copies for distribution to the committee?

Ms. Gladys Hayward Williams (Private Citizen): I have one copy that I would be happy to let you have.

Madam Chairperson: Okay, and we can get that copied for you.

Ms. Hayward Williams: Oh, I need it.

Madam Chairperson: You need it first? Okay. We can take it after you have finished.

Ms. Hayward Williams: I am not that good.

Madam Chairperson: Please proceed with your presentation.

* (19:40)

Ms. Hayward Williams: Thank you. My name is Gladys Hayward Williams. I am a parent of three children. We have done home schooling, quite a bit of it, three of them all at one time once. We moved on to private school and eventually to public school.

Inclusive education is a new educational buzzword and it can be good as long as it is inclusive of parents. I think from my background I find that parental involvement is key. That is probably one of the big reasons why I chose some of the other options to public education.

By "inclusive of parents" I mean that we need to make certain that parents are included and involved, not merely informed. By involved I mean involved in decision making and involved in accountability.

For instance, school boards and administration will focus on creating a positive learning environment. A workers' union will focus on creating a positive working environment. These, of course, are good things. However, in the education system, a parent's focus for their child is on the education actually achieved by their student. This is to whom we need to be accountable and what we need to be accountable for. Both a positive working environment for staff and a positive learning environment for students can be supportive of a good education, but neither is equivalent to a good education, nor is either a substitute for a good education.

The education system may only create the impression of a good education by creating positive working and learning environments. Creating accountability to parents for the education that their children receive goes a long way to ensuring quality education for our children. This accountability to parents and the involvement of parents in decision-making needs to be reflected in a functional way in the working policies and procedures of this bill. I think we have heard a number of examples this evening already of how that can be achieved. I encourage you to seek those ways, and to implement those ways, to avoid merely token parental involvement.

I have brought you an example. It is not related to this bill. This document is titled *Supporting Inclusive Schools: School-Based Planning and Reporting, A Framework for Developing and Implementing Annual School Plans and Reports*, and it is dated 2004.

On page iii is a list of individuals acknowledged as making a contribution to the development of this document. There are no parents, no parent representatives and no parent groups listed, despite the fact that page 2.7 lists parent representatives as potential team members. In fact, these are the only potential team members who are excluded from the list of contributors acknowledged.

Furthermore, on page 2.15, it cites parental involvement as one of the indicator categories to measure success. So imagine how much more credible, valid and applicable this document would be with actual parental involvement in its development and, again, how much more credible, valid and applicable your bill will be with the prescriptive provisions that have been described here for parental involvement. Thank you.

Madam Chairperson: Thank you very much. Do committee members have questions?

Mr. Derkach: Well, thank you for your presentation. I have a question with regard, perhaps, to the specifics of the bill. If you look at the legislation that is before us, it appears to be nothing but enabling, and all of the meat will be in the regulations. Do you have any idea from the minister or any of the staff what, in fact, the intent of this bill is and what the regulations really will say about the appropriate educational programming of students?

Ms. Hayward Williams: Thank you. I do not know the intent. I would say that the intent will be shown by how much actual parental involvement is actually prescribed by, as you say, the policies and procedures that come out of the bill. Basically, that is where the rubber meets the road.

Mr. Derkach: To your knowledge, do you know whether the minister or the department have embarked on any round table discussions or discussions with stakeholders such as parents, teachers, school boards, et cetera, on, in fact, what the contents of the regulations should look like?

Ms. Hayward Williams: I have no knowledge of that.

Mr. Derkach: So, in essence, outside of the wording of The Public Schools Act that is before us here, the Amendment to The Public Schools Act, you really have no knowledge about what the appropriate educational programming standards are going to be from the minister's office.

Ms. Hayward Williams: I have no knowledge of that. I guess what I am pointing out is that I really, sincerely, hope that there will be much more parental involvement in this bill and in the working out of this bill than I have seen in this document, and that is my sincere hope.

Mr. Derkach: And we certainly support you in that regard. Thank you.

Mr. Kevin Lamoureux (Inkster): Gladys, you had mentioned that you did home schooling, which can be a challenge, I must say: Do you think the Government supports parents that provide home schooling adequately for special needs children?

Ms. Hayward Williams: The question was, I believe, does it adequately support home schooling for special needs children? I would have to say that the support for home schooling across the board is not adequate. There are a number of areas, and I do not know whether we have time to go into that, but, no, I do not find that there is enough support provincially for home schooling. For instance, in other provinces I understand that there are ways of using your own taxes that then go off to support public school systems or other systems and do not come into the home. So, basically, you are twice paying for your child's education, maybe even more with your own time and resources as well.

One of my issues there, I am sure we are not supposed to be going into this, but actually is accreditation. You can only take them so far really, and beyond that you are jeopardizing their accreditation. So, no, I do not feel that it is adequate support for any home schooled children,

Madam Chairperson: Any other questions from the committee members? No. Thank you very much for your presentation.

Seeing that all the out-of-town presenters have now had an opportunity to present, I would like to call up Minister Mackintosh.

Bill 7—The Criminal Property Forfeiture Act

Madam Chairperson: We will be hearing presentation on Bill 7, The Criminal Property Forfeiture Act. The first presenter is Ken Mandzuik from the Manitoba Association for Rights and Liberties. Thank you very much. Do you have written copies for distribution to the committee?

Mr. Ken Mandzuik (Manitoba Association for Rights and Liberties): I do not.

Madam Chairperson: You do not.

Mr. Mandzuik: No.

Madam Chairperson: Thank you. Please proceed with your presentation.

Mr. Mandzuik: Honourable ministers, honourable members, good evening. I appreciate the opportunity to appear before this committee again. I am here on behalf of the Manitoba Association for Rights and Liberties, which, as you might know, is an advocacy and education group that promotes human rights and civil liberties for all Manitobans.

Due to a couple of recent unfortunately timed courtroom emergencies that have taken up my time and other members' time on our committee, I have not been able to provide a brief or written submission for this committee, and my comments will be brief. At the same time, I have had the pleasure of reading Mr. Stefaniuk's presentation, who is following me on behalf of the Manitoba Bar Association. I will not repeat the points that he is making. Suffice it to say that MARL is in support of everything contained in what will be Mr. Stefaniuk's presentation.

* (19:50)

There are a couple of points that I did want to raise for the purposes of this committee hearing that have not been addressed specifically in that report. The first is in relation to the very nature of the bill. The people that will be affected by this bill, the people whose property may be seized or may be subject to forfeiture, may attract a stigma akin to stigma that would attach to someone involved in proper criminal proceedings.

It is entirely possible to have the provisions of this act apply to you and to your property or to apply to one and one's property without ever having committed a crime or having a crime proven in court. MARL suggests, therefore, that the presence of adequate protections, procedural safeguards are all the more important. You do not want to have what is effectively criminal activity proven in court on a civil standard on the balance of probabilities rather than beyond a reasonable doubt.

On that note and in light of the presumptions that apply under this act, MARL also suggests that removing the ability to cross-examine an affiant who has put forward an affidavit in support of action taken under this act is frankly a denial of natural justice.

There is also some concern about the lack of a limitation period in the act that it specifically removes, so presumably the ultimate 30-year limitation period would not apply. In criminal proceedings, there are good reasons for not having limitation periods. Except in a civil case, where you are looking at the civil balance of probabilities, it is not fair to subject people to possibly having to find evidence and put together evidence decades possibly after the fact.

Not to be all critical, MARL does support the Government's efforts in trying to reduce crime. We are not here just for the criminals, as some people have accused us. We do not do popular things, but the reason we do what we do is for the protection of all Manitobans. If the Government or other members have an inclination to look at this bill in more detail, any formal or informal processes following these hearings, MARL would be willing to participate to whatever extent desired.

Madam Chairperson: Thank you very much for your presentation. Do members have questions for the presenter?

Mr. Gerald Hawranik (Lac du Bonnet): Yes, Mr. Mandzuik. I thank you for your presentation this evening. I know you have other things to do as well, so it is outside of the terms of your practice, but I thank you for coming here and giving this presentation.

One of the concerns I have with respect to this bill is if assets that are seized are of really little

value, or assets are seized by those who do not have the resources to protect themselves in terms of hiring a lawyer to prove the asset is not the proceeds of a crime or an instrument used in a crime, in fact, this bill puts at a disadvantage those people who have little money with which to hire a lawyer to defend their rights. Would you agree with that?

Mr. Mandzuik: At the risk of raising the prospect of legal aid, if there was adequate legal aid funding and access to legal aid funding for civil actions such as this, then that would not be a problem, but that would be a concern.

Mr. Hawranik: Yes, I would agree if Legal Aid were to participate in this, but we all know that Legal Aid is strapped for cash. Of course, they are limiting the kinds of cases they are, in fact, funding. So, if Legal Aid would participate, I would agree with you, but the fact of the matter is that Legal Aid is not funding many civil cases, as you are aware.

Given the fact that Legal Aid may not participate, do you agree with my previous statement?

Mr. Mandzuik: Having dealt with several unrepresented litigants on several matters, it is not a problem restricted simply to this bill. Is it a concern under this bill? Yes, but it is a concern elsewhere as well.

Mr. Kelvin Goertzen (Steinbach): I would like to echo the sentiments of my colleague and thank you for taking the time out of your normal practice to come here and make a presentation to the committee this evening.

I wonder, you mentioned, obviously, some of the concerns with the civil standard that is applied within this act. It is difficult for members of the committee, I think, to not agree with the intention of the act, which is to ensure that crime does not pay, but there are other pieces of legislation. I know federally there is a Proceeds of Crime Act that exists.

Have you done any research to determine whether or not any of those pieces of legislation could cover the field, as it were, to ensure that at least provincially that would be covered off and that this piece of legislation would be maybe redundant?

Mr. Mandzuik: I have not done the research. I know there are provisions such as you have mentioned, as

well as provisions in the Criminal Code that do apply to the forfeiture of property used in crime, except in those circumstances someone subject to those provisions is entitled to a full trial, is entitled to a defence on a beyond a reasonable doubt standard, rather than balance of probabilities, and, of course, they are entitled to cross-examine their accusers. So there is some legislation federally that does the same thing, but, certainly, on a higher standard.

Madam Chairperson: Seeing no other questions, I want to thank you very much for your presentation.

Mr. Mandzuik: Thank you

Madam Chairperson: I will now call on John Stefaniuk from the Manitoba Bar Association.

Thank you very much. You may proceed with your presentation, Mr. Stefaniuk.

Mr. John Stefaniuk (Manitoba Bar Association): Thank you, Madam Chair, members of the committee, Mr. Minister. I am here representing the Manitoba Bar Association and, much like Mr. Mandzuik before me, I appear here in my voluntary capacity as a member of the executive of the Manitoba Bar Association.

The Manitoba Bar Association, I am sure you have heard things from and about before. We are a voluntary organization that represents lawyers, judges and law students in Manitoba, and we see ourselves as the voice of the legal profession on matters of interest to the profession.

We have a number of different practice sections, and Bill 7, as it was presented to the House, was circulated to these various practice sections. We have received responses from the criminal law section, the administrative law section of the bar association and a number of comments from our real property law section on the business end, the commercial end of the impacts of this bill.

The Manitoba Bar Association often speaks out on issues that do not directly relate to the legal profession itself but, rather, on matters of public interest. In fact, the Manitoba Bar Association consistently speaks out where legislation may impact the rights of Manitobans or the administration of justice.

These positions are not taken out of self interest but, in most cases, have the effect of avoiding

litigation. I mean, the lawyers, are here to give our comments on the bill on the public interest basis.

The Manitoba Bar Association is not opposed to the principles of Bill 7. The confiscation of the proceeds of crime, we see that as a laudable objective, as was mentioned by the member. However, there are four general areas of concern that are identified at the outset in that material that was distributed.

The first is possibly of more academic concern to the members than anything else, but which may affect the validity of the bill, is the question of the constitutional division of powers. The second area of concern is the protection of individual rights and liberties, as was mentioned by Mr. Mandzuik. Third is the issue of procedural fairness, and, fourth, the protection of third-party property rights.

Now, the concerns expressed in the paper before you were communicated earlier this week to Mr. Schnoor, here, of the Department of Justice. He was quite kind, and I thank him very much for providing a response to these concerns. A written response was provided to my office today and I have circulated that. Unfortunately, time did not permit us to take a detailed look at that response.

Again, as a voluntary organization, we circulate these bills for comments. We get our comments, but our time, we rely on the efforts of volunteers, so we were unable to get our comments to the Government or to the department prior to this week.

On the constitutional division of powers issue, of course, the Parliament of Canada has the exclusive jurisdiction on matters of criminal law. We have not done the research to determine whether or not this would be seen as a matter within the jurisdiction of Parliament as opposed to the jurisdiction of the Legislature. We leave that to the constitutional law section and those who might seek to challenge the bill to determine that, but we raise the concern.

* (20:00)

The next item is the protection of individual rights and liberties. Mr. Mandzuik earlier mentioned that the civil standard of proof applies, that property can be confiscated without proof at the criminal standard that an offence has been committed. Even in circumstances where an accused may be acquitted

because they do not have the mental capacity, that is not proof that there was no offence, nor is the fact that no conviction was secured proof that property should not be confiscated.

The third item was procedural fairness. There was some concern about the concept of interim orders without notice. As Mr. Mandzuik mentioned earlier, the inability to cross-examine the police chief, the officer defined as the police chief on the affidavit filed in support of the application, perhaps the answer is that that officer will be made available to be cross-examined at a hearing dealing with the matter, but that is not the ordinary process on applications in Manitoba. We have yet to see how the procedural fairness aspect will be addressed.

Admittedly, there are no regulations provided with the bill. There is an ability to introduce those regulations. Perhaps some of these issues will be dealt with in those regulations. We only have before us the bill on which we can comment.

Finally, much of the paper that has been provided to you, perhaps the bulk of it, deals with the protection of third-party property interest. These are not constitutionally protected. The issues are varied. They are sometimes complex and sometimes deal with arcane areas of the law. However, it is this kind of complexity that needs to be adequately dealt with. Our chair of our real property section spent a considerable amount of time flagging some issues for consideration where third-party property interests such as the interest of someone who has done work on a property but has not been paid for the work, but their 40-day period for filing a builder's lien has not expired, what happens to that person's interest in the property if the order is filed in the meantime?

How is an interest under the Bank Act that does not require registration in the Personal Property Registry in Manitoba dealt with? What about municipal tax liens that are not registered until after a tax sale has been commenced? Those types of things are some of the things that have been identified. They have been flagged. There has not been an exhaustive analysis performed simply because we rely on our volunteers to do these kinds of things.

We want to express the willingness of the association and its members to sit down with representatives of the department to try and see these issues addressed. If the bill is to go forward in its

current form without further amendment, then it would be our express desire that proclamation not occur until some of these issues can be addressed and that appropriate amendments be introduced if necessary.

I thank you for your attention this evening. I also would like to say that the Manitoba Bar Association is always open to consultation on legislative initiatives at the earliest possible stages. We appreciate it whenever we are able to be involved in those processes.

I myself am on The Planning Act review task force right now, as an example of a situation where legislation has been discussed with certain communities and stakeholders, as are representatives of the AMM, the intention being to provide our comments in advance of the introduction of legislation, recognizing that it is the mandate of the Government and the Legislature to introduce legislation and to see the first version of the bill. We like to get our comments in sooner if we can. Thank you.

Madam Chairperson: Thank you very much.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Thank you very much for appearing, John. I just hope that you, as well, relay back to the association my pleasure in seeing the bar association appear before the standing committee.

It is something that I have long encouraged the association to do, generally, and even with respect to this legislation that is before the committee, because I think the association, through its subsections, has something to offer in terms of perspectives and dialogue, and that is very welcome, as are the presentations from other organizations and individuals in the province.

The concerns that are raised as a result of the canvassing of your members are issues that the department, certainly, considered very seriously, and my office did, in concluding this legislation, and I think that much of it can be addressed by some further dialogue, not just in terms of what the regulations are intended to deal with, but what is in the legislation.

Some of the research that we have done, I think, will answer some of the concerns, so we, certainly, would like to seal the deal with the association so

that our officials can meet with representatives of the association and address those issues. I will just say that your concern, because you may not want to sit through a long evening here today, but the concern regarding the definition of prior registered interest is one that we found attractive. I think that that strengthens the legislation.

I think that interests other than security interests, when it comes to real property interests, can be included in the legislation if they are registered in the Personal Property Registry, if they meet the requirements of section 16 in the legislation. I will just conclude by saying, I think that there have been some misconceptions about the legislation, in our view, and, indeed, in the recent view of the Ontario courts, AGO Ontario and Chow [*phonetic*] I think you got a copy of that decision from December, but it is recognized as legislation that is civil in nature.

It, of course, remains our very strong view that when it comes to actions in relation to unlawful activity, conviction is not required and, under property and civil rights, the Province has the ability to enact this kind of legislation, but on that too, we are certainly prepared to have further discussions with your association. So thank you for coming, John.

Mr. Stefaniuk: Thank you, Mr. Minister. I suppose part of the concern is that while the Province may have the authority to act in certain ways in certain areas, the authority does not necessarily mean that it is the best way to proceed. I think certain sections of our association may express that view.

Mr. Hawranik: Yes, Mr. Stefaniuk, I thank you for your presentation this evening and taking time out of your schedule as well to volunteer on behalf of the Manitoba Bar Association to give us some information about the bill that we may not have been aware of and possibly some ideas that we may present for amendment to the bill, perhaps in third reading and concurrence.

I note that in point two of your presentation, you state that the various provisions of Bill 7 may not be in compliance with the Charter. May is kind of a weak word, and I am wondering whether or not you have had discussions with any other committee members of the bar association with respect to whether you believe or the committee believes—and let us use the test in the bill, the balance of probabilities, particularly section 11 with the reverse

onus—that that will survive a challenge under the Charter.

Section 11, if you are unfamiliar with what is in there, indicates that if you are a member of a criminal organization, on the balance of probabilities, property you own or possess is automatically considered to be presumed to be property that is the proceeds of a crime or an instrument used in a crime. Does your committee, on the balance of probabilities, or yourself, do you feel that would meet the Charter test?

* (20:10)

Mr. Stefaniuk: I do not think I can express an opinion on that. It has been raised as a concern. These issues can become quite complex and it is, perhaps, raised as a concern as much because of the perception of unfairness as it is a charter issue. I mean, there is the old adage that if you have to look in the rule book, then there is a good chance that it is against the rules. That is not always the case, but, sometimes, when our membership, who have expertise well beyond mine in charter issues, raise these kinds of concerns, we give them appropriate credence and say that they are worthy of further examination.

Mr. Schnoor's response to many of these issues, from the position of the Province of Manitoba, expresses an opinion that these issues are not issues, and I am not in a position myself to, at this time, weigh the two and give my own opinion.

Madam Chairperson: Thank you very much. I am sorry we have run out of time. I appreciate your presentation.

An Honourable Member: Madam Chair, could I just have leave to ask one quick question?

Madam Chairperson: Can we have leave?

An Honourable Member: Leave.

Madam Chairperson: Yes, leave is granted.

Mr. Kevin Lamoureux (Inkster): Thank you, Madam Chair. Just very quickly, given the minister's comments, it seems to me when I compare your presentation to the minister's comments that, at the very least, even if the Manitoba Bar Association

could grudgingly support the legislation, but feels that there is a need for some sort of amendments to be brought forward that could make it better legislation—the minister indicated there will be some ongoing dialogue, but at some point before it would become proclaimed, I believe you had said that there might be a need to make some amendments. Would it be better for this committee, then, not to pass this bill and wait until those amendments are brought forward? Are those amendments that critically important before the passage of the bill?

Mr. Stefaniuk: Well, Mr. Lamoureux, thank you for your question. I do not know that there is a material difference. Legislation, as you know, does not come into effect until proclaimed. It will sit on the books if it is unproclaimed and it has often been the case in the past. Unproclaimed legislation has been changed before it comes into force or a new bill is brought in to replace an old one. So I do not see any material difference to that. We are certainly amenable to working with the minister and his department in addressing any issues within whatever time frame we can work with and, hopefully, address these even before third reading, if there is an opportunity, and try and tidy up whatever can be tidied up.

Having said that, I expect that there will always be some areas where there will be differences of opinion, and we again say that the overall objective of the legislation is a laudable one. It is a question of the details and whether the appropriate protections are afforded.

Madam Chairperson: Thank you very much, Mr. Stefaniuk.

An Honourable Member: Do we have leave for a quick question?

Madam Chairperson: Do we have leave for another question?

An Honourable Member: Leave.

Madam Chairperson: Leave is granted.

Mr. Goertzen: Madam Chair, members of the committee, Mr. Stefaniuk, I know that a lawyer's time is worth money. I have been told that before so I will be quick. You mentioned that the Manitoba Bar Association was certainly willing to put their resources in place to provide comments and directional

legislation. Can you advise the committee at what stage you were asked to provide comments and input into this particular piece of legislation?

Mr. Stefaniuk: I will have to go on my recollection. I do not recall this coming to our attention before the bill was introduced. It may have been part of something that the minister had mentioned as part of the legislative agenda coming forward, but we are not aware of any specifics of the legislation.

Madam Chairperson: Thank you very much for your presentation.

Bill 13—The Public Schools Amendment Act (Appropriate Educational Programming)

Madam Chairperson: We will now return to Bill 13, The Public Schools Amendment Act, and we will now hear from presenters from the city of Winnipeg.

Our first presenter from the city of Winnipeg is Brian Ardern, president of the Manitoba Teachers' Society.

We will take written copies for distribution to the committee. Please proceed with your presentation.

Mr. Brian Ardern (President, Manitoba Teachers' Society): First of all, I would like to say the last time I was in this room I believe the legislation was very contentious and the room was jammed. It was in the summer and it was about 150 degrees. I recall we opened the windows and then the swarms of mosquitoes came in. Somebody asked me how many times I had been bitten, but, fortunately, I was perspiring so heavily that the mosquitoes could not get to my skin before they drowned.

This is a much more pleasant evening to be here. It is also very pleasant to be here dealing with an issue that has received bipartisan support over the last few years.

In the 85-year history of the Manitoba Teachers' Society, we have dedicated ourselves to the cause of public education in this province. That is why I am proud to be here today to endorse the amendments to The Public Schools Act contained in Bill 13. These changes entrench the provincial government's

legal responsibility to provide appropriate educational programming to every Manitoba student. We are pleased, as I said, that the path that brings us here today is a bipartisan one.

The Manitoba Special Ed Review began in 1996. The previous government committed to bringing into action the 44 recommendations contained in that report which came out in 1998. Upon taking office in 1999, this Government also made a commitment to adopt all 44 recommendations. In 2000, the Special Ed Review Implementation Committee was created to consult with Manitobans on the process of implementing the recommendations.

During the last provincial election, this may have been the only issue that every party agreed on, that it was time to proceed. The bill we are discussing tonight fulfils one of the 44 recommendations contained in the 1998 report. It puts Manitoba in line with the Canadian Constitution.

Some Manitobans may think that our schools are already required to serve the educational needs of exceptional students. In fact, they are not. The Public Schools Act simply requires Manitoba schools to provide an education from Grade 1 to Grade 12. It does not define what providing an education means.

How will this legislation affect what happens in Manitoba classrooms? In some respects, Bill 13 merely formalizes what Manitoba teachers have been doing for years. For more than two decades, teachers have been accommodating students with special needs within their classrooms. Unfortunately, although the provincial government provides special education funding to school divisions, the programs and services our students receive depend on the ability or willingness of school divisions to pay for them.

Programs and services available in our province are inconsistent. As a result, today our Province provides a patchwork of services to special education students. We are all familiar with reports of families who have lobbied school trustees for services, or who have moved to different school divisions that provide more appropriate programming. As every special education review report over the years has said, there is a better way to run our schools.

It should not make a difference where a student lives in our province. Every child deserves a fair

chance and that fair chance should include access to appropriate educational programming.

Bill 13 allows the minister to create regulations that establish consistency across the province by mandating common standards of service delivery for school divisions. The Manitoba Teachers' Society is hopeful that the Government's regulations will ensure that programming for exceptional students occurs in the most enabling learning environment possible.

What will these regulations mean for students and their parents? While we have not yet seen a draft of these regulations, the society believes that for many parents there will be no obvious or immediate differences in the services and programs that are delivered to their children. Most of our schools are already providing students with the learning environment best suited to their needs. If there are school divisions that are off the pace, we hope they will be given a reasonable time frame to develop the policies and procedures consistent with the service standards in the provincial regulations.

Bill 13 shifts the onus from the obligation to provide an education to the obligation to provide appropriate educational programming. The Manitoba Teachers' Society believes appropriate educational programming must occur in the most enabling environment for the student. For most students, the most enabling environment will be in a regular classroom with the supports and resources that they require. For others it will be in another appropriate learning environment. Whatever the case, we expect the provincial government to continue to provide the supports and resources teachers need to do their job.

* (20:20)

We are looking forward to the passage of Bill 13 and to the consultations and regulations that will support it. We believe it is an enormous step towards ensuring that our public schools provide the best learning environment for every Manitoba student.

Madam Chairperson: Thank you very much for your presentation.

Mrs. Heather Stefanson (Tuxedo): Are we into questions now? Thank you very much, Brian, for your presentation today. I just have a quick question

for you. Has the minister's office been in contact with your organization, or have you been in any discussions as to advice or input from your organization as to what we can expect on the regulatory side of things?

Mr. Ardern: We have had numerous conversations with the minister. In fact, we have been discussing this legislation for many years. We do not know exactly what the process of consultation will look like. We do not, at this point, know exactly what the regs will look like, but we have been assured, and, in fact, we are looking forward to and preparing for the consultations that we know are going to take place around the province.

Mrs. Stefanson: What is your understanding as to the intent of the regulations regarding the appropriate educational programming?

Mr. Ardern: One of these years I will get that right. I will wait long enough. One of the difficulties that we have in Manitoba is, I think, we have a lot of really fine programming. I think a lot of our programming is exceptional. I think a lot of our school divisions and teachers are doing a really good job of meeting the needs of special education students. The difficulty is that it is a real patchwork system. It really varies from school division to school division.

What I see in this legislation is I see it as a starting point to say we need to develop some consistency around the province. We need to develop minimal standards of performance, minimal expectations for programming. So it makes sense to me that before you start implementing regulations, you start by bringing everything together and trying to get everybody in the same place and on the same page. What I see with this legislation is I see the Province beginning to mandate common standards of service for the delivery of services to special education students.

Mr. Leonard Derkach (Russell): Brian, thank you very much for the presentation. I am one who certainly agrees with you that it is time that we developed standards that more closely reflect what it is we really want to do for special needs students across the province so that there is some consistency.

I want to ask you whether or not the society, having heard from parents as well, has engaged in

any consultation or discussions with parents' associations to ensure that the needs of all vested groups are achieved in developing the regulations for an appropriate educational program.

Mr. Ardern: Just once I would like to get it right. No. At this point we have not engaged in talks with other groups. One of the things that I think we need to keep in mind, though, is that there is some overlap in areas. One of the discussions mentioned by an earlier speaker was the whole question of how do we deal with disputes, which they said they thought needed to be discussed here.

It is interesting, because I know the Province has just come out with a document called *Working Together: A Guide to Positive Problem-Solving for Schools, Families and Communities*. If you go through this document, which I think would become part of what would happen in terms of this sort of regulation, you will find that there are three members of the Manitoba Association of Parent Councils, including one of the previous speakers.

So, in some ways, I think it is important to recognize that you cannot deal with this as a standalone thing. There are going to be other places where some of these discussions are going to take place and, I think, probably already are taking place in terms of safe school committees and things like that.

Mr. Derkach: Have you been given any indication from the minister's office or from the department as to what the process is going to be with respect to the development of regulations? Because the legislation only empowers the minister to make regulations, but it does not prescribe how that is to be done.

My question is whether or not you have been given any signal or any indication as to the inclusion of the Manitoba Teachers' Society, along with parents, school boards and trustees, in the development of the regulations.

Mr. Ardern: We have not dealt with the specifics of what that consultation is going to look like. We have had conversations with the minister. It is our expectation that there will be broad-based consultations, that they will cover everybody. As to the specifics, we do not know exactly what form they will take or when or where.

We expect that, once the legislation is passed, they will probably come fairly quickly. We have started preparing for them. We have had committees and been part of broader committees that have discussed the sorts of things that would go in regulation for some time. So we have done some preliminary work on these and we are very confident that the consultations will take place, although we are not exactly sure at this point in what form they will be.

Madam Chairperson: I would like leave from the committee to allow the presenter to use the remaining five minutes from his presentation. *[Agreed]*

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Good to see you once again, Brian. You have referred to the patchwork of programs that are available throughout the province at this time, but would you agree that the vast majority of students in Manitoba are, indeed, receiving appropriate educational programming?

Mr. Ardern: Absolutely, I would. One of the things, if you look at funding, and there is no doubt there are funding difficulties in terms of education in this province, one of the areas that government has made an effort in the last few years is to put more money into this particular area. It is not enough. Having said that, there is an emphasis here. I have been very impressed when I go out and look at local school divisions, the efforts they are making.

There is no doubt in my mind that everybody is working very hard on this. If you look at where we were 20 years ago, we have made remarkable progress in this province in the last 20 years. We do need, though, the legislative floor now to be put in place so we can begin dealing with the array that we have, but you are quite right; we do, I think, a pretty good job across the province.

Mr. Bjornson: Brian, do you also feel that the process we have been engaged in thus far with respect to the consultation on this legislation and our intent to continue with the consultation around the regulations has been both appropriate and inclusive?

Mr. Ardern: One of the things that has really impressed me, going back several years now, and I started off by mentioning it, is the bipartisan nature of this thing. I am impressed by the fact that everybody agrees this is where we need to be.

Having said that, I have been somewhat disappointed and I know teachers have been somewhat disappointed at the pace of it. This is going back a long way now. There is a feeling among teachers that, okay, let us get to it. Let us get on it. It has taken a long time, going all the way back to the mid-nineties.

So I think the consultation, from our perspective, has been very good. We think it will continue, we are happy with it and now it is time to go. We are really thrilled that this legislation is finally coming forward.

Mr. Derkach: Mr. Ardern, as a matter of fact, I am glad I have had the opportunity to ask one more question because it does give me an opportunity to make a comment with respect to the minister's comment with regard to consultation, because I am hoping that he, too, will engage the parent councils in the consultations as he has the teachers' society and other organizations. This also goes for MAST as well.

Mr. Ardern, this is going to carry a dollar figure with it as well, and the resources have to follow if we are going to define a standard of appropriate educational programming for all students, and, as the legislation says, for every pupil enrolled as provided for in section 58.4. This means that resources are going to have to be made available.

Have you been given any indication that the Province has, indeed, moved ahead in preparing for increased funding to ensure that all school divisions are able to offer the kind of programming the minister intends to make appropriate?

Madam Chairperson: We have 45 seconds remaining, Mr. Ardern.

* (20:30)

Mr. Ardern: Thank you. The funding difficulties that you mention have really been exacerbated since the early nineties, when we got a new funding model. That new funding model really caused difficulties because it downloaded a lot of the costs for public education onto local communities. So that is an issue whenever you talk about funding, funding that really exacerbates the whole issue of funding.

We have not received any guarantee that there will be additional monies to go to this area. As I have

said, I think there has been an emphasis on putting money into this area in the last few years. But the question that you raise is one that is going to be difficult to deal with. Even without this legislation, even if this legislation was not being introduced, even if we were not going to get regs, the question of funding for special education students to ensure that they are getting an appropriate education regardless of where they are in this province, that would be an issue that causes some difficulty and that we need to discuss.

Madam Chairperson: Thank you very much for your presentation. I would like to now call up the Council of School Leaders. If the presenter could please give us an indication of their name, that would be much appreciated.

Ms. Connie Allsopp (Chairperson, Council of School Leaders): Connie Allsopp.

Madam Chairperson: Connie Allsopp. Thank you. Do you have written copies for distribution to the committee?

Ms. Allsopp: Yes, I do.

Madam Chairperson: Thank you. You may proceed with your presentation.

Ms. Allsopp: Thank you. Good evening, Madam Chair, ministers, MLAs, committee members and ladies and gentlemen. I appreciate the opportunity to share the Council of School Leaders' views. This is a position statement that we have prepared on the Special Education Review and Bill 13.

As chairperson for the Council of School Leaders, I represent 950 to 1000 principals and vice-principals in the province. We are a young organization of about three years. We were formerly the Manitoba Association of Principals, which was an optional membership, but now we represent all of the principals and vice-principals. We are within the Manitoba Teachers' Society as an organization within the union together. However, we represent the principals and vice-principals. So it is a unique situation that Manitoba represents across the country.

This evening, we share with you this presentation in brief form. The Manitoba Council of School Leaders supports Bill 13 and the recommendations outlined in the Manitoba Special

Education Review. We believe that these goals should provide more inclusive and meaningful educational opportunities for students with special needs in a variety of educational settings throughout the province.

COSL believes that the funding levels, the budgets, the subsequent staffing requirements for these students need to be realistic and at levels sufficient enough for administrators to support the appropriate degree of inclusive programming in the most effective ways possible for each student in their respective schools.

Specific key points raised by COSL members include: that there be an adequate budget for renovations in existing schools to accommodate children with special needs where needed; that there must be a timely procedure for transferring support funds when students with special needs change schools; that the department or agency which provides support funding when a child moves and has medical needs makes contact with the school at the earliest possible opportunity for the health plans to be prepared and implemented; that the student services branch responsible for approving of funding applications gives special consideration to the progress of a funded child with supports made in the event that this progress might result in the loss of funding which has enabled the progress; that research be collected on the impact of children with special needs on classroom learning of other students; that the appropriate educational setting include alternative setting such as the home if the impact on the school setting is too great; that a study to determine the point at which the health care system becomes responsible for a child with mental health needs; that the new dispute resolution process be developed with input or consultation from educational leaders and teachers, as well as parents, to ensure feedback from potential future participants in this process.

By addressing these specific areas, COSL believes that Manitoba students with special needs will be best served in the most enabling and well-supported environment. We thank you for your work in this area.

Mr. Vice-Chairperson in the Chair

Mr. Vice-Chairperson: Thank you, Ms. Allsopp. No other questions?

Mrs. Stefanson: Thank you very much for your presentation today. It was excellent.

My question for you: Has your organization been contacted at all with respect to this bill, been consulted with respect to this bill at all?

Ms. Allsopp: Not directly, but within the Manitoba Teachers' Society, we have had communication.

Hon. Ron Lamoureux (Minister of Transportation and Government Services): I did have a question in regard to the transferring of support funds for special needs. Is that done today?

Ms. Allsopp: The support funds are applied for when the child arrives. If they arrive in September at the beginning of the year, we find out, generally, in November if that funding is appropriate and is approved. So there is a two-month window of time where we have the child and we do not have the supports. If that child moves to another school, often that funding is not transferred.

Mr. Lamoureux: So a special needs level 2, let us say, student that starts at one school in September and for whatever reasons changes in January, the support funds that went to the original school would likely not be transferred, then, over to the new school. If that is the case, your expectation would be that the Province would step in to ensure that does take place?

Ms. Allsopp: I think it would be helpful to have the supports needed where the child is.

Mr. Derkach: Thank you for your presentation. I note with interest two bullets that you referred to as it relates to the alternative settings for an appropriate education for children and, also, the point at which the health care system becomes responsible for a child with mental health needs. Just two questions as it relates to those two points: One is, would you consider alternative settings for appropriate education being within the school, or are you specifically talking about a setting outside the school?

Ms. Allsopp: We would strive to find whatever is best for the child. I guess taking into consideration the entire school population, as a school principal, I would have responsibility for all 500 children in my building. I guess that is where it would be important for me to find an appropriate setting, be it a

classroom of six children, be it a one-to-one program, or be it included in an entire classroom.

Mr. Derkach: So what your association is looking for is some flexibility in terms of the mainstreaming concept so that we could provide the best setting for each individual child regardless of whether it is to be streamed with other students or, in a separate but, yet, appropriate location.

Ms. Allsopp: Yes.

Mr. Derkach: Ms. Allsopp, one question with regard to the involvement of the health care system. Is the health care system involved today with students who have severe learning abilities?

Ms. Allsopp: We have provision, I believe, under URIS, which is the combination of the services. I guess it is, at what point do schools remain responsible? Because I believe that we are educators. There is a point where a child, perhaps, present with such mental illness that we are not the ones best suited to meet that child's needs.

Mr. Derkach: Would you extend that to physical needs as well?

Ms. Allsopp: I believe the physical needs—we have occupational therapists, physiotherapists available through the school division and, therefore, have significant consultation. It is easier, if I may say that in a way, to support a child with physical needs depending on if you have, for example, a lift, if they needed to be taken out of a chair, like a wheelchair.

It is when it becomes a mental health issue that it is very hard to understand what is best needed for that child or that parent at that time.

* (20:40)

Mrs. Stefanson: The minister mentioned earlier that consultations have taken place with respect to this bill to various organizations. My question for you: Are you at all concerned, having not been consulted, sort of directly as an organization, but maybe indirectly through MTS, with the process that is going to be taking place, going forward?

I would want to ensure that your organization is directly involved and has significant input into the regulatory aspect of this bill.

Ms. Allsopp: Yes, we would like to be consulted. We believe that school principals are held accountable. We need to be involved in making some significant suggestions, input.

Mr. Bjornson: Thank you for the presentation. My predecessors have been involved in the consultation process for the past three years with parents and a number of the stakeholders. You did mention, as members of MTS, as an association under the auspices of MTS, that there has been consultation through MTS. Can you elaborate on what that consultation has been?

Ms. Allsopp: We have had conversations with the executive, with the officers. We have had information shared with us on any of the papers or drafts or bills that have been sent directly to our organization. We have had members sitting to discuss this as representation within the Manitoba Teachers' Society. I guess it is the role of the principal that we really need to outline because we feel very committed to making this a success for children in Manitoba.

Mr. Vice-Chairperson: Thank you for your presentation.

Just in case anyone noticed, the presentation was short, so I allowed more time for questions.

Please proceed when you are ready.

Mr. Dale Kendel (Association for Community Living in Manitoba): I am here on behalf of the Association for Community Living. I open with congratulations to the provincial government and Minister Peter Bjornson for bringing forward The Public Schools Amendment Act (Appropriate Educational Programming.)

Bill 13 has been long awaited. This is a very long time for our organization—five ministers and numerous reports, and it goes on and on. This amendment will ensure that all students in Manitoba are entitled to receive appropriate educational programming that enables students' participation in the academic and social life of schools.

This is good for children with disabilities. This is good for children without disabilities. This is about inclusion. This is about expectation, attitude, planning, appropriate supports and resources. This is about leadership and support of the Minister of Education, departmental officials, superintendents, trustees, principals, teachers, resource teachers and educational assistants. This is about partnership, planning and programming with families.

The Association for Community Living in Manitoba endorses the intent of Bill 13. We and hundreds of families have been part of the consultation process of the Special Ed Review completed in 1999, a review initiated by the Conservative government. We have continued to be part of the advisory committee working on regulations, resource material, demonstration projects and information sharing with families on the progress of the legislation.

Ron Lemieux, the former minister of Education, in early April 2003, said in a letter to parents about Bill 17, which is now Bill 13: Acceptance of this legislation would begin the end of labelling students, programs and teaching staff by disability categories.

Recognition that some of the barriers to changing perceptions of disabilities and the right of students with disabilities are rooted in the social organization of schools, authority in schools, and the resistance to change in general, in particular where change involves empowering traditionally disenfranchised groups.

Abolition of eligibility tests that have historically been used to exclude certain groups from educational benefits, recognition of students' social and emotional well-being is important, and that these aspects of students' growth cannot be disassociated from academic achievement, an approach to inclusive schooling that extends beyond a revision of curriculum and pursues equity is a philosophy and a model of education.

Will this happen without effort and without problem? No. We expect resistance.

Bill 13 sets the expectation. We want all divisions to proceed at a high level of implementation, but our reality is one of great variation and inconsistency across division schools.

Bill 13 sets the expectation. We will need training. We have the capability to organize appropriate training through the Department of Education, universities and various education and community organizations.

Bill 13 sets the expectation. Manitoba is ready to move forward with expectation, with planning and with leadership in education.

We should proceed with Bill 13, both passing and proclaiming this important legislation.

As I draw to the close of my presentation, I have enclosed a number of attached documents for your contemplation: Ten Reasons for Inclusion, a document from Centres for Studies on Inclusive Education for United Kingdom; *An Inclusive School Learning Environment* document, New Brunswick Department of Education; Best Practices for Inclusion: Beliefs and Principles, New Brunswick Department of Education; *Questions from Teachers and Solutions*, New Brunswick Department of Education.

When you contemplate what this legislation will do, I ask you to think about these thoughts from an anonymous, open letter to a principal.

It reads, it is the last page of the documentation: "My child will be a student of yours this year. I know you have children of your own, so when you are involved in making decisions that affect my child's welfare, please use your experience as a parent to evaluate the decisions that you will make.

"Would it be acceptable for your child to be excluded from eating lunch in the school cafeteria with his or her friends because there's not enough space for those kids?" Then it is not acceptable for my child.

"Would it be acceptable for your child to be consistently excluded from school assemblies or be forced to sit in the back row away from his or her friends?" This is not acceptable for my child.

"Would it be acceptable for your child to go to recess at a separate time from his or her friends?" Then it would not be acceptable for my child.

"Would it be acceptable for the principal in your child's building to refuse to allow certain students or

classes to come out of their rooms when media personalities are present in the building?" Then it would not be acceptable for my child.

"Would it be acceptable for your child to be lined up against the wall and told to sit on a cold floor for 30 minutes" because the buses have not arrived and they could not visit the library with the other kids? Then that is not acceptable for my child.

"Would it be acceptable for your child to arrive at school and to leave school at times that are different from other students? Then it is not acceptable for my child.

"Would it be acceptable for your child to spend three times as long getting to school as his or her friends? Then it is not acceptable for my child.

"Would it be acceptable for your 16-year-old to attend school in an elementary campus? Then it is not acceptable for my child.

"The world is not a place that is divided into 'special' and 'regular'. That is called discrimination. Please think about the way you want your own child to be treated and respond to my child's needs accordingly."

In Manitoba, we are creating a Manitoba Inclusive Education Summit on October 21, 2004, to showcase the wonderful work of teachers, school divisions and supports of the Department of Education. A National Summit on Inclusive Education is planned for November 25 to 28 in Ottawa. I hope that you will plan to join us. I thank you for the time today.

* (20:50)

Mr. Vice-Chairperson: Thank you, Mr. Kendel.

Mrs. Stefanson: Thank you very much for your presentation and for taking the time out of your busy schedule to be here to present to us this evening.

Just a quick question for you. You mentioned in your presentation that you had been a part of the consultation process back when the SERI review was completed, back under and initiated under the previous Conservative government. You also mentioned that you continue to be part of advisory

committees working on regulations, et cetera. Has the minister's office been in contact with you directly or your organization to ask for your input into the regulatory aspect of this bill as to what can be expected there?

Mr. Kendel: The specific pieces of regulation we have not seen. The process in terms of evolving into regional consultations with groups, the undertaking to consult with families, to undertake consultation with other professional organizations, as the bill has spelled out, we have heard about that. We have not seen the final product, and we look forward to that. We believe that we will be consulted.

Mr. Derkach: Mr. Kendel, thank you very much for your very good presentation. I, as one who supports the intent of the legislation—and our party does—have to tell you that it is our hope that your organization has a direct impact in terms of the educational programming that is going to be prescribed by the minister, because when I look at the values of your organization, I feel that they can also be applied to the educational setting as well. So thank you very much for being involved.

Mr. Vice-Chairperson: Thank you, sir. Next we have a procedural matter to deal with. I need to ask for leave to substitute Ms. Tanis Pshebniski for Ron Weston, and Ms. Linda Archer for Garry Draper. Is there leave of the committee? *[Agreed]*

Next is Ms. Tanis Pshebniski representing St. James-Assiniboia School Division. Is she in the room? Yes. Go ahead.

Ms. Tanis Pshebniski (Assistant Superintendent of Program and Curriculum, St. James-Assiniboia School Division): Good evening, everyone. My name is Tanis Pshebniski and I am the Assistant Superintendent of Program and Curriculum in St. James-Assiniboia School Division. On behalf of our school division, I would like to express my appreciation for the opportunity to respond to the proposed legislation to ensure appropriate educational programming for all children.

Our school division recognizes and supports the significance of inclusion. After carefully reviewing and considering the proposed legislation, our intent this evening is to inform you of the model currently used in St. James-Assiniboia School Division in an

effort to illustrate how the school division supports students with exceptional needs within the financial resources available.

We also wish to raise issues for consideration in terms of what the school division would be required to do in order to fulfil conditions for appropriate educational programming as outlined in the proposed legislation.

Our school division is committed to providing students with an educational environment that allows students to feel accepted, valued and capable. Students attending schools in our school division are eligible to receive a wide variety of support services at no additional cost to the family. These services range from in-school supports such as resource and counselling assistance, to clinical supports such as speech and language therapy, social work, psychology or referral to outside agencies such as health professionals.

The St. James-Assiniboia School Division's philosophy is to maintain students in classes whenever possible as is reflected in the following section of our policy IGBA, part A, section 2, which refers to placement alternatives. Students within a wide range of severe disabilities may require extensive modification of their educational program. When individual program planning indicates that education in a regular classroom, even with the provision of supplementary supports and services, cannot meet the needs of the child, alternatives to programming in the regular classroom shall be considered for a portion or all of the school day.

The intention of this policy is to ensure that students with diverse needs are provided with the most effective and appropriate supports. Our school division also recognizes and believes that every child has a desire to attend their home school. However, we also recognize that in order to provide the most supportive, effective and efficient educational programming, it may not be possible to do so within the financial resources available.

As a result, our school division has identified several sites where specific facilities, personnel and programming are clustered in order to meet the needs of students requiring intensive supports. For example: curriculum modifications, life skills, community experiences and work training.

In order that students are provided with the optimal educational programming, it is highly recommended that students attend these programs. However, at the same time, we recognize and respect the child's placement is ultimately the family's decision. The intention of school division is to communicate openly and to work with parents collaboratively so that they may make informed decisions regarding their child's education.

At the present time, St. James-Assiniboia provides for students requiring additional supports and programming in cluster settings. We have three at the early years' level, two at the middle school level and one at the senior years' level. The programs and services at each of these schools are designed to provide students with comprehensive programs that meet their individual needs.

At each of these schools, students are supported in their efforts to contribute to the classroom and the entire school community. What I would like to do right now is to share with you some of the advantages that we see of these cluster sites that have been our experience over the past several years. A full-time special needs teacher provides services at each of the cluster schools. These teachers are specifically trained to program for students who have a variety of challenging learning abilities.

Teaching staff within the cluster sites receive ongoing training and support in further developing differentiated instruction, teaching strategies for various disabilities and diversity issues and, as well, in the development and implementation of individual education plans. Students are also supported by a team of individuals who share their knowledge and expertise with one another. That team would involve parents, in-school staff, as well as other divisional educational support staff.

Cluster sites and their facilities have the appropriate infrastructure and equipment to best support the students' programs. In cluster site schools, students can be grouped and staff can be shared to allow for more flexibility in programming.

We also have a number of trained educational assistants working with students at those cluster sites. These sites provide for access to a large number of trained educational assistants. Cluster groupings also allow students to have a peer support group at each of the schools they attend.

Students are integrated into many aspects of student life in order to facilitate a sense of belonging and contribution to the school community. For example: content areas, field trips, music programs and productions, sports teams, school committees. Parents also in these sites have access to support groups in the cluster setting as they can meet on a regular basis with parents who also have students with special needs. Costs are minimized by pooling specialized resources, equipment and expertise in identified buildings in order to maximize the benefit to all students with special needs.

One of the great advantages of the public education system is that it strives to provide programming in the most enabling environment for students with special needs. However, we realize that we are faced with many challenges in providing this service. Finite resources are a reality for our school division.

We wish to express our concern with respect to subsection 41(1.1) which states: The minister may make regulations respecting appropriate educational programming to be provided by school boards under clause (1)(a.1), including, but not limited to, establishing programming standards respecting the resources and other support services to be provided by school boards.

We welcome the opportunity to be part of the decision-making process with respect to the development of these regulations. With specific reference to funding for these programs, it should be noted that provincial categorical base funding has increased by \$493,218, but the overall funding of exceptional cost has decreased by over \$300,000.

At the same time, the FRAME school division dollars raised from the local taxpayers have increased by over \$700,000. The entire cost of operating exceptional programming in our school division has risen from \$6,918,817 in 1993-94 to \$7,386,767 in 2002, 2003. This information is based on FRAME reported figures and is referenced on page eight of the submission.

Government funding has not kept pace with local school division expenditures. Therefore, mandating programming and resources that are not respectful of the ability of school divisions to raise dollars locally or, in fact, for the Province to fund the recommended programs should be recognized.

* (21:00)

We do have some recommendations for further supports in order to successfully support quality educational practice as it relates to Bill 13. Our school division believes strongly that specific areas must be further addressed, and requests that Manitoba Education, Citizen and Youth:

Assume, firstly, a lead role in identifying and promoting best practice in programming to improve outcomes for students with diverse learning needs, including those identified as gifted and talented;

Require that teachers, special education teachers, be certified since there continues to be an increasing number of students with diverse learning needs who require extra in specialized support and to provide supports to ensure accessibility of all schools within the St. James-Assiniboia School Division;

To provide professional development to student services staff regarding the development, implementation and monitoring of appropriate individual educational plans, and to assume a lead role in providing mediation training and conflict resolution if regulations are developed with respect to dispute resolution process.

In conclusion, the St. James-Assiniboia School Division is grateful for the opportunity to share information regarding the services we provide in order to meet the educational needs of our students. We share the Government of Manitoba's philosophy of inclusion. However, we believe it is critical that school divisions are provided with the necessary resources to bring this philosophy into practice.

Not only is this an excellent opportunity for schools to work with parents and community members to plan for the implementation of the new legislation, but it is also an excellent opportunity for the Government of Manitoba to demonstrate its conviction and commitment to the future of this province by providing school divisions with the means to make this proposed legislation a reality.

Mr. Vice-Chairperson: Thank you.

Mrs. Stefanson: Thank you very much, Mr. Vice-Chair, and thank you, Tanis, very much for your presentation today and for sharing with us, this committee today, the approach of your school division with respect to the appropriate educational programming for special needs children. It is

wonderful. We appreciate very much what you are doing with respect to this area.

I think one thing that you did mention, and something, certainly, that we are concerned about, is the level of education funding itself which we have seen decline since this Government took office in 1999. We believe it is going in the wrong direction there. Especially when things of this nature are introduced, we need to ensure that the level of education funding is appropriate to be able to cover some of these programs.

My question for you: What is your understanding as to the intent of the regulations that will be established by this Government regarding appropriate educational programming?

Ms. Pshebniski: I think it was stated in a couple of the presentations before. In many ways, the things that are happening in our schools today, I think, fit very nicely with appropriate education. In many ways, those regulations we see may be coming, and we are anticipating are going to look, we hope, very much like what is in place now.

For us it does mean, however, that we would like the opportunity in our school division, based on the needs of our community, to be able to make some of those decisions with the best interests of our students at heart, so we would appreciate that flexibility.

We would also appreciate the opportunity, as I mentioned in the submission, to be part of an opportunity to look at those regulations and the planning for them.

Mr. Derkach: Well, I, too, would like to say thank you for your very excellent presentation.

I guess the common concern is in the implementation and the regulations that are going to be developed for this legislation that divisions do have the opportunity to either have time to adapt by phasing in some of the standards the minister is going to prescribe, or that, indeed, provincial funding be extended to school divisions so that school divisions then do not have to levy special taxes to ensure they comply with the legislation.

That is certainly a caution and a concern we have. I think you are expressing that same concern in your presentation. I am wondering whether you have

had any discussion with other school divisions who perhaps see this in the same way.

Ms. Pshebniski: We have had an opportunity since the discussion of the Special Ed Review has come up over the past several years to talk with different organizations, to talk with other school divisions through a variety of organizations, for example, SAM [*phonetic*]. So I think there is an opportunity there for conversations, for dialogue with professionals in other school divisions.

Have we sat down specifically with other school divisions to discuss this? Not in a formal way at this time, but, certainly, I think our professional staff is very much connected provincially and across the city and engages in those conversations.

Mr. Bjornson: The process that we have been engaged in, as I have said before, for the last three years has been a very inclusive and consultative process with many of the stakeholders, and MAST has, indeed, been at the table to discuss this with us.

As a member of MAST, I was just wondering what type of consultation you have had with MAST in regard to this legislation.

Ms. Pshebniski: MAST, did you say?

Mr. Bjornson: Yes.

Ms. Pshebniski: Formally, to my knowledge, I do not think we have had formal discussions regarding the proposed legislation. However, I think at the present time we have had this opportunity to be consulted by the department in a variety of ways. We are seeing this happening, for example, through the ESL programming renewal that is coming out. I think those are the kinds of discussions we have been involved in, but, specifically with MAST, to my knowledge, our school division has not had a formal conversation, which is not to say that we would not be having those conversations in the future.

Mr. Vice-Chairperson: Thank you for your presentation.

The next presenter is Linda Archer, on behalf of the Manitoba Association of School Trustees.

Madam Chairperson in the Chair

Madam Chairperson: You may proceed with your presentation.

Ms. Linda Archer (Manitoba Association of School Trustees): My name is Linda Archer, past president of the Manitoba Association of School Trustees, presenting on behalf of our president, Garry Draper.

Manitoba's public school trustees share the conviction that the education system, which they govern, must serve the needs of all students. On behalf of these dedicated elected officials who comprise the 38 public school boards in this province, the Manitoba Association of School Trustees welcomes the opportunity to address this committee on the subject of Bill 13, now before the Legislature, with regard to appropriate educational programming for Manitoba students.

In its 1998 brief to the Special Education Review, MAST outlined its inclusive philosophy of education. Recognizing that the school's mandate extends beyond academic learning to include socialization and personal growth resulting from the day-to-day interactions of students, teachers and other adults within the school, MAST firmly believes that most students with appropriate support can be accommodated and will benefit from placement in the regular classroom.

To that end, the association recommended to the Special Education Review that special education services be provided in the most enabling environment possible, with appropriate supports to maximize learning opportunities for all students. Over the past two decades, Manitoba's public education system has seen enormous growth in the numbers of special education students in our schools and in the range of challenges which these young people bring to the classroom.

Fetal alcohol syndrome and fetal alcohol effects, attention deficit disorders, emotional and behavioural disorders, childhood autism, speech and language deficits, developmental and learning delays, multiple physical handicaps, these are but a few of the many special needs now common in Manitoba classrooms.

With the ever-increasing numbers and diversity of service providers required to meet the developmental and learning needs of these special students, school boards have experienced rapidly-escalating costs through difficult economic times. Over a ten-year period from 1985 to 1995, FRAME

reporting documents show a 116% increase in exceptional education costs, and over the next five-year period, a further 14% increase above the 1995 levels.

* (21:10)

Over this same time frame and up to the current year, school authorities have often felt the squeeze of conflicting expectation amongst special needs parents who want more services and better supports for their children, other parents who feel that the draw on resources to provide for special needs students disadvantages regular students, and angry taxpayers who neither understand nor accept the realities of modern classrooms and the cost factors related to these.

Herein lies the dilemma for MAST and for its member school boards with regard to the legislation before us. As stated at the outset of this presentation, MAST is firmly committed to both the ideal and the practice of inclusive education in Manitoba public schools. Moreover, we appreciate the obligation upon provincial legislators to provide a legal framework for special needs education within the schools of our province.

MAST's concern in this instance is the same one which school boards have often voiced with regard to previous government policy directions on legislative changes. Specifically, it is the discrepancy between the mandate or service obligations created and the capacity of school boards to respond appropriately within the level of resources available to them.

In 1998, MAST identified to the Special Education Review several areas where provincial funding in support of special needs education fell far short of the actual cost of delivering that particular service to students in classrooms. In the past few years, the Government of Manitoba has taken steps to increase funding for various aspects of special education, and both MAST and its member boards applaud these efforts.

It remains, however, that students' needs and parental expectations in exceptional education continue to outstrip the resource capacity of school boards to respond.

Ministerial regulation, as contemplated in Bill 13, raises the spectre of externally prescribed pro-

gramming standards, resource allocations and placement decisions which may, in some circumstances, exceed a school division's capacity to respond on any number of dimensions: staffing, professional development opportunities for those involved in the delivery of programs and services for special needs' students, facilities, equipment, program configuration, transportation and so on.

The potential gap between the desirable and the possible in any of these areas could vary from minor to huge. It is, clearly, the latter instance which gives MAST and school boards cause for concern.

As pertains to the development of regulation regarding the right to appropriate educational programming, we would, therefore, encourage the Government of Manitoba and the Minister of Education, Citizenship and Youth (Mr. Bjornson) to: a) consult widely and extensively with school board officials, student services, personnel, classroom teachers and parents about current special education services in schools and the needs and the challenges as they see them into the future; b) to establish realistic and achievable standards respecting resources and other supports to be provided by school divisions, taking into account the tremendous diversity and unique circumstances of Manitoba school divisions; c) to ensure workable and expeditious processes and approaches to facilitate dispute resolution; and d) to move as quickly as possible to address the resource deficiencies currently experienced by Manitoba school boards in the provision of appropriate educational programming for special needs' students.

In all of these areas, Manitoba students would be best served through extensive dialogue with education partners to achieve manageable and workable solutions which all can support and implement successfully. In conclusion, the Manitoba Association of School Trustees supports both the spirit and the intent of the proposed legislation to ensure that Manitoba's public system is truly inclusive of all students in our province.

We would welcome the opportunity to collaborate with the Minister of Education, Citizenship and Youth and with other partners in education to achieve this critically important goal. Thank you.

Madam Chairperson: Thank you very much for your presentation.

Do members of the committee have questions for the presenter?

Mrs. Stefanson: Thank you very much, Linda, for your presentation today. My question to you, I think I have asked some of the other organizations that have presented today: Have you been consulted at all, with respect to this bill, by the minister's office?

Ms. Archer: MAST—

Madam Chairperson: Mrs. Archer.

Ms. Archer: I am sorry. I thought, having watched that many times, I was not going to do that. I am so disappointed with myself.

We were represented on SERI and we have, certainly, spoken with the minister, in terms of our concern around this, but we have not been involved formally in any formal discussions other than we have been told we will be informed and that we will have input.

Mrs. Stefanson: What is your understanding or your organization's understanding as to the intent of the regulations that will be established by this Government regarding the appropriate educational programming?

Ms. Archer: Our understanding around the intent is that it will provide a greater consistency and greater equity. Certainly, we want to ensure that whatever is determined as minimum standards is fully funded from the provincial Treasury and school boards do not have to take this from the local tax base.

Mrs. Stefanson: Certainly, we share in your concerns in that area, particularly when it comes to the funding aspect. What we have seen in a number of areas with amalgamation and so on that has taken place, some of the offloading that has taken place as a result of some of the decisions that have taken place with this Government, so we would share in your concerns in that area in terms of this legislation and so on that is coming forward to ensure that the resources are there to fund their legislation. Thank you very much for coming today.

Mr. Derkach: Thank you for your presentation, Ms. Archer. I guess, in supporting this legislation, we do have a worry as has been expressed by my colleague

about the funding and the impact that this will have either on local taxpayers or on the province as a whole. Do you have any idea what the cost of the implementation of this legislation would be to the province or to the school division?

Ms. Archer: No. We would not have any idea around the cost factor.

Mr. Derkach: Is this a topic that has been addressed by your association to the minister or to the department? It is fine for all of us to agree that this is a goal that we want to strive towards and achieve, but it seems to me that there has to be a plan of implementation so that it can be affordable. There are school divisions that are not able to provide it on their own. They need the support of the Province to do this. My question is whether your association has asked the Province to quantify the amount of money that is going to be required to implement this legislation.

Ms. Archer: As I mentioned a few moments earlier, we have not been in any formal consultation with the minister and the minister's department, but we have been told that we will be informed and have input. Certainly, this has been for quite some time a concern of school boards in this province. MAST has on its books several resolutions with regard to this area that come up annually at convention, and, as always occurs after convention, the resolution package is put together and forwarded to the minister for a response. Certainly, concern in this regard has been ongoing and has been noted.

Mr. Derkach: Thank you very much. In conclusion, I just want to assure you that, as the Opposition, we certainly will be asking the minister to quantify the cost of the implementation of this program, because in principle we support it, but we also know that there has to be support financially to school divisions in order for this to be successful.

Madam Chairperson: Mr. Bjornson, but, before that, is there leave for the questioning to continue for another two minutes? *[Agreed]* Thank you.

Mr. Bjornson: Thank you for your presentation. I would like to preface my question with the comment that in terms of funding, we have increased our funding to special education in the province by approximately 25 percent in our term in office thus far. We do fully intend to engage stakeholders in the

discussions around the regulations. As I have said before, this has been a process we have been engaged in for three years. As such, has MAST been involved in identifying some of the best practices within other school divisions around special education and services provided for special education programming?

* (21:20)

Ms. Archer: In a formal sense, I would respond, no, but, informally, we have been involved in some level of discussion, but we certainly eagerly await the opportunity to have input.

Madam Chairperson: Seeing no other questions, I thank you very much for your presentation.

I would like to call up Irene Meyrowitz from the Manitoba School Counsellors' Association. Do you have any written copies?

Ms. Irene Meyrowitz (Manitoba School Counsellors' Association): Meyrowitz, Irene Meyrowitz.

Madam Chairperson: Meyrowitz. I apologize.

Ms. Meyrowitz: Yes, I do. I have copies.

Madam Chairperson: Please proceed with your presentation.

Ms. Meyrowitz: Good evening. On behalf of the Manitoba School Counsellors' Association, MSCA, I want to thank the Manitoba government for introducing and hopefully passing this legislation. We are very pleased about the \$1.2 million in this year's Budget allocated for guidance and counselling.

The \$20 per eligible K to 4 student and the \$82 per eligible student for Grades 5 to 12 are wonderful. We are also looking forward to the release of draft regulations which go with this bill. We are aware that the Government is also planning to conduct a five-year study regarding how effective career planning is to student choices after high school.

Bill 13 fulfils one of the recommendations in the Special Ed Review. We are grateful that the recommendation calling for funding for school counselling will be extended from the existing span of Grade 5 to Senior 4 public school enrolment to include kindergarten to Grade 4 as well.

Thank you for acting on this recommendation for the 2004-2005 school year, when provincial funding to school divisions for counselling will apply to all students enrolled from kindergarten to Senior 4 inclusively.

The Bill 13 amendments to The Public Schools Act will give effect to the objectives set out in the report of the Manitoba Special Ed Review of the availability of and access to a continuum of educational programs and services. A program and service continuum is necessary to provide education appropriate to the needs of each student. Counselling forms a part of such a continuum because school counsellors address the developmental, personal-social, career and educational needs of students.

What does inclusive education mean? Inclusive education means equality of access to a right of citizenship. As citizens of Canada, we are entitled to a public education. Equal access ensures that all students will be able to achieve their potential. The right is to equal access. The responsibility is to provide equal access through regulations, policies, guidelines, curricula and attitudes which speak to inclusion. Our schools must look at the needs and strengths of all students and work toward supporting maximum development and opportunity.

Inclusion does not mean that all students are the same. On the contrary, it takes into account differences; it celebrates diversity and it looks at how to provide equal access when each student may take a different route to get there. The purpose of school should be to develop and use each student's intelligences and to help them reach their goals.

Inclusive education has some basic underlying assumptions. All children have a right to an education in a regular classroom because children learn better together than apart. All children want to be accepted, to have a friend to play with at recess and a teacher who understands them. All children have individual intelligences, abilities, talents and needs which should be recognized.

All children are learners who want to do their best. It is our job to discover how to guide them.

Teachers and children are partners in the act of learning. All teachers are role models, so we have a huge responsibility. The Public Schools Amendment Act specifically deals with ensuring that all students

in Manitoba are entitled to receive appropriate educational programming that fosters students' participation in both the academic and social life of the school.

Further, the Manitoba Special Ed Review recommended that the Province of Manitoba make changes to Manitoba's legislation in order to achieve consistency with the Charter of Rights and Freedoms, particularly to ensure the right of equality as it is understood in Canada and relates to the right of access to education for exceptional children.

What is the role of the school counsellor? The focus of school counselling is enhancing students' development, assisting with the development of an inclusive and enabling school culture, and empowering students towards positive change. The school counsellor promotes personal and social development, provides direct responsive service to students, families, communities, ameliorates factors which may precipitate problems for students, acts as a child advocate in the school, serves as a member of the school support team, an integral member, enhances the students' educational achievement through goal setting, promotion of effective work and study habits, provides appropriate interventions to assist students with school-related problems and issues, and facilitates the goals of career education.

So what can trained professional counsellors do? The educational needs of our students in the twenty-first century include developmental, personal, social, career and educational needs. To provide for these needs, we must have trained, qualified and certified counselling professionals in all Manitoba schools. We provide a comprehensive developmental guidance program, responsive clinical services, individual, group, classroom, collaborative team planning and support, leadership, student-family advocacy and systems support.

The Charter of Rights and Freedoms and the actual recommendations of the Special Ed Review stress the importance of equal access for all students. This includes trained, qualified and certified counselling professionals in all schools, for all grade levels, for all Manitoba students. One of the proposed regulations, policies and guidelines states: Ensure that schools offer a continuum of supports and services that will meet the needs of all students. Counsellors are part of these supports.

Students who are emotionally stressed, suffering from abuse or family violence, struggling with

anxiety disorders, issues of low self-esteem and self-worth cannot and will not focus on academics. They require trained professional counsellors to talk to and work with so the emotional parts do not override and undermine the academic parts. Professional school counsellors provide this support to thousands of Manitoba students, families and teachers every day.

Many people ask—they ask me because I have worked in elementary schools, mainly, most of my career and middle schools: What could elementary students possibly need to talk to a counsellor about? We work on the front lines with troubled youngsters from nursery to Senior Four.

The additional funding of \$20 per eligible elementary student is a wonderful beginning. It is imperative that these dollars be spent on direct responsive services to children and not simply be put towards the health curriculum or materials or untrained staff to deliver educational programs. The needs are out there in every community.

* (21:30)

As MSCA president, and this is my second year as MSCA president, I hear from school counsellors province-wide about these needs which include child abuse, family violence, alcoholic substance abuse, suicidal ideation—yes, even in an elementary school—emerging mental health problems, immigration to a new place, self-esteem problems, bullying, community violence, racism, fitting in, coping with learning disabilities and so on.

Our training is unique. It provides us with the ability to deal with social, emotional and mental health issues in a way an untrained person could not do. Youth suicide has increased drastically over the past 30 years, as well as other mental health problems. School counsellors are taking increased responsibility as front-line workers.

While clinicians assess and maintain intermittent contact with students and their families, counsellors are the ongoing contacts and often case managers amongst multiple educational and health contexts in a child's life. Due to our proximity to the child, we are able to connect with them on a daily basis in the way that no other practitioner is able to do. We are key players in providing daily mental health support to vulnerable children and teens.

Counsellors increasingly are taking it upon themselves to expand their training into the clinical domain so as best to support the students with whom they work. Awareness of the kind of front-line issues that counsellors face and appropriate quality professional training are key in ensuring that the inclusion of all students in the school setting, particularly those with the invisible health issues such as the mental health ones, get help.

Madam Chairperson: Ms. Meyrowitz, you have one minute left.

Ms. Meyrowitz: Okay. I would just like quickly to speak to certification. I will let you read that. There is a small paragraph about the vital role we play on school support teams and in career education.

In summary, we are very excited about the changes in the school counselling profession to date. My hope is that every school in Manitoba will have a certified, trained and qualified school counselling professional to work with their students. Our students deserve the best; they are our future. Every student in Manitoba will have the opportunity, that is another hope of mine, to speak with a school counsellor when needed. One caring adult can and does make a difference in the life of a child every day.

Madam Chairperson: Thank you very much for your presentation. Do committee members have questions?

Mrs. Stefanson: Thank you very much for your presentation this evening, for taking the time to be here.

A quick question. The minister mentioned earlier that consultations have taken place with respect to this legislation and there will be, we understand, consultations going forward with respect to regulations and so on. Has your organization been consulted at all with respect to this bill?

Ms. Meyrowitz: Our organization was invited to participate this evening.

Madam Chairperson: Do other committee members have questions?

Mr. Bjornson: First of all, I would like to thank you for your presentation and thank you for

acknowledging our \$1.2-million contribution to counselling this year. We are very pleased at that part of our announcement as well.

Recognizing your association is a very integral part of this process—of course, the Government has been involved in readiness to learn assessments of pre-school children, now, including funding for counsellors in early years' school and middle years' school. It is a very important initiative, is part of the global issue of special education.

You have listed a number of areas where your expertise is very much an important part of the education system. I was wondering if your organization has done some research with respect to patterns of late, of areas, as you said, from emotionally stressed, suffering from abuse, family violence, anxiety disorders, if you have some data with respect to patterns that are currently manifest in our province, in our schools for early years students.

Ms. Meyrowitz: I cannot tell you. We are a volunteer organization and we do not have research dollars. We do not do research. Certainly, the universities across the country are doing lots of research into that.

I did do a presentation at a conference in Halifax last year on suicidal ideation in children under the age of 12. I think the national statistics which would bear out my experience of 20 years in the inner city is that I do not know how many, what the percentage would be, but in a school of 300 students each year, you might have 10 or 12 students that were acting out in a suicidal fashion. These are elementary kids. So the roots of mental illness, if you are an elementary school teacher or counsellor, the roots of mental illness are visible in elementary schools, and, certainly, just multiply as you go up the grades. I cannot quote you the statistics on them at the present time, but they are on the increase.

Mr. Bjornson: Thank you for that. Just as a comment, as it has been posted on our Web site—of course, there will be opportunity for consultation with parents, community members and whatnot. I am looking forward to the contribution from your organization once we do get out there and start talking about the regulations around Bill 13.

Mr. Lamoureux: Just to ask you a quick question on the issue of frequency: To what degree does a

school counsellor work with social services or Department of Health officials? Is that fairly commonplace nowadays, let us say, compared to 10 years ago?

Ms. Meyrowitz: Which special services are you referring to? Are you referring to CFS or different ones?

Mr. Lamoureux: CFS, the local health nurses; to what degree is there co-operation?

Ms. Meyrowitz: The public health nurses are not in the schools that often. So we do work with them when they are there, but most counsellors are in their schools almost every day, even the part-timers. You know, she might work half a day as opposed to a full day or half a day at each school. So we do work with the public health people, but we do not see them as often because their funding was cut back a long time ago, so there are fewer of them. We deal with CFS on a daily basis. We know the workers by first name.

Madam Chairperson: Thank you. Seeing no other questions, I want to thank you very much for your presentation.

I would like to call up Ross Eadie, a private citizen.

Mr. Ross Eadie (Private Citizen): I will just be a moment, if you do not mind.

Madam Chairperson: Of course. Take your time.

Mr. Eadie: Here we go.

Floor Comment: Do you need to have it plugged in there?

Mr. Eadie: No, it is okay. It is on battery power. Actually, I will just turn that off. I will let everybody hear it instead of me wearing the headphones. This is part of inclusive education, only I think the student would probably have the earphones plugged in.

Madam Chairperson: Mr. Eadie, before you start, did you have any copies for distribution to the committee?

* (21:40)

Mr. Eadie: No, I do not. I just quickly put this together. I was presenting at another forum tonight and so I am just going to speak on a few points.

Madam Chairperson: That is great. Okay. Please proceed with your presentation.

Mr. Eadie: Well, first of all, I am here as a private citizen, but I also am a school board trustee at Seven Oaks School Division. I also am on a committee called the student services inclusive education consultation committee within the programming and student services department. I sit on that as a representative from MAST, where we have heard a little bit about this so far. So we hope to hear more and have more consultation as well.

Again, I am here as a private citizen, and, as a private citizen who is a school board trustee, I just wanted to applaud the Government. I think that this is a non-partisan thing when we start to talk about people with disabilities and talking about providing for people in our community who want to be part of our community. So I think I would like to just applaud the whole Assembly for presenting this bill and bringing forth Bill 13.

I think it goes a long way, because one of the things that I believe it does is it actually, with appropriate education, puts the rights in the right person's perspective. It is the student's and that student's guardian parent's right for that education. I think we all need to make sure that we consider that, because there have been attempts to utilize classroom composition in other provinces. Technically, by doing systemic means of dealing with inclusion and appropriate education, what happens is discrimination occurs. I think that is the wrong way to go. I think this appropriate education and regulation as we bring it forth will work much better in a more positive perspective. If we provide the proper resources to students, they will be able to become independent learners as well. So we need to consider that support.

That brings me to point No. 3. I just wanted to note that the resources I think are already in The Public Schools Act under 41A, where it says that adequate accommodation will be provided to people who meet the conditions of clause 259 and clause 58.4. In that, I am going to try to leave discussion about resources, because I think that as a province and as school boards, we need to provide those resources because we have been charged to accommodate students. Accommodation is part of an appropriate education, but it is not everything. We need to consider that.

Inclusive and appropriate education is a holistic endeavour. I think that this Province has already set the bar for that with an office of disabilities, where they take a holistic approach. I know the education system is sort of being separate because of the Special Ed Review and that sort of thing, but I think we still need to continue on with this holistic perspective in order for appropriate education to work and for the regulation to actually work.

We often talk about resources from other departments. It is all the same tax dollars, though. There is a lot of health care that we provide students in the education system. That makes it kind of difficult for school divisions. Not only is it a resource issue, what you need to remember about people with disabilities is there is more than just school. Before we are in school, we are part of the family and we spend a lot of time in the house with child care and that sort of thing. Then we go to education; we go through the public school system and then we need post-secondary education. We need to move on to work. We need to move on to various aspects.

All these departments have an effect. Family Services, Health, a whole bunch of other departments, they all have an effect on people with disabilities. Whether we are students or we are adults, we provide services and we need to remember that holistic. As we are developing this regulation and appropriate education, we need to consider that.

When we are creating these regulations, it is one of my concerns, and I think everybody understands that there needs to be flexibility. Every child, every student is different, and we need to have flexibility. That is why you cannot use a systemic approach to trying to provide appropriate education. It needs to be considered from the student's perspective.

I know I am probably getting close to running out of time, if somebody could just give me a time check?

Madam Chairperson: You have five minutes remaining. So you have quite a bit of time.

Mr. Eadie: Oh. I will slow down. In terms of talking about flexibility and talking about the legislation, I am not speaking on behalf of my school board at all, but, as an individual trustee in this school division, I do not really have too many concerns in

terms of being able to deliver education. There will be anomalies. There will be problems. There always is. Every system has its problems. There will be individual issues to deal with, but, overall, our school division is already meeting the appropriate education perspective for the province. Yes, we do need more resources, but we are trying to make do. A lot comes from the community now, not just from the Province.

I think that we really do need to take a look at some of the funding aspects, but, remember, we need to have flexibility built in. No funding system is perfect. Is it broad-based funding, or is it specific funding for each individual child?

I have an accounting background. There are fixed costs related to providing appropriate education and then there are variable costs. We need to consider these things from that perspective. I hope to contribute at that level through the consultation committee in terms of, if we were going to talk about funding, what are good ways to do that? There is a lot of work. I am not going to suppose that I would do it all, but I think that I would like to give some input there in terms of how to deal with that.

I am just going to finish off my presentation. I think I might be the only person here tonight that will actually have a disability and present to you, although some disabilities are hidden. I just want you to know that I think this is so important that we consider people with disabilities not from special circumstances. We just want to be part of society. We want to be part of our community. We want to be part of our schools. We want to be part of our cities. We want to be part of our province, our country and the world. We need to remember that it is not just special. We just want to get an education. We just want to, I do not know, get elected like the rest of you.

I will just end on that and I guess open up the floor, if anybody has any questions. There is so much I could say in this area. I just had a five-minute presentation and I totally blew the speech because I did not know where to start and end. I will just open it for questions.

Madam Chairperson: Thank you very much for your presentation.

Do members of the committee have questions for the presenter?

Mrs. Stefanson: Thank you very much for your presentation tonight. It was very well put. You brought a number of issues forward that I think have really added to the discussion tonight. Thank you so much for coming and presenting that.

I know you are here as a private citizen, but I am just sort of wondering from some of your other hats that you wear, if you will, and as a private citizen too, if you have had consultations and discussions, not only with the minister's office, but just within the organizations that you represent as well.

Mr. Eadie: On our school division, we have informal meetings as well as formal meetings. In our informal meetings, we do discuss what people call special education or inclusive education. We do talk about that and we have a number of staff people who are very involved and very expert in this area. We do that.

I was just recently appointed by MAST to the Inclusive Education Consultation Committee. When wearing that hat, there are some real concerns. In terms of consultation with the Government itself, no, but we have had discussions, and I passed the minutes on to MAST about actually a lot of the aspects to do with what will happen with Bill 13.

As an organization, it is a big organization with school divisions all over the place. I actually try to represent that. I am sure there are people here who are going to present from a rural perspective, I hope, versus an urban perspective and that sort of thing, because I think there are a number of anomalies that need to be dealt with.

I think that is about it in consultation. Most of my knowledge about inclusive and appropriate education is just as an advocate. Over the years, I have been involved in different areas.

Mr. Lamoureux: Just a quick question in regard to special needs funding. With your background in accounting, and you made reference to funding, if you were to give a guesstimate—because I can appreciate you might not have the actual percentages here, but you, maybe, would be able to possibly even get back to myself in regard to it—what I am interested in knowing is, what percentage of the actual cost do you guesstimate it would be in terms of what the funding of special needs at Seven Oaks would pay for, of the actual cost? Percentage-wise.

Mr. Eadie: I could not begin to tell you what the exact percentage is because I have not looked. I could give it to you. It is in the frame. We have a whole section on special ed, so maybe I will get back to you.

I know there is a fair portion we fund through the community special levy.

* (21:50)

Mr. Doug Martindale (Burrows): Madam Chairperson, I wonder, as a courtesy to Mr. Eadie, if you would be willing to read out the names of the people on the committee here tonight, because some have been identified by name, but others of us are sitting here listening attentively to Mr. Eadie. He does not know who is sitting here listening and not asking questions.

Madam Chairperson: Sure. I would love to do that.

We have the Honourable Mr. Bjornson; I am Ms. Brick, the Chairperson; Mr. Dewar; Mr. Goertzen; Mr. Hawranik; Ms. Korzeniowski; Honourable Mr. Mackintosh; Mr. Martindale; Honourable Ms. Melnick; Mrs. Rowat and Mrs. Stefanson.

Mr. Eadie: The honourable Greg Dewar?

Madam Chairperson: Yes.

Did the committee members have any other questions? Yes, Honourable Minister, Mr. Bjornson.

Mr. Bjornson: Thank you very much for your presentation.

My question is this: We have heard some people discuss the issue of resources and, early on in your presentation, you talked about resources as somewhat of a non-starter, that, resources aside, we are delivering the programming. I was curious as to your experience as a school trustee in Seven Oaks. Some of the initiatives were in your division in the last couple of years. Perhaps, could you share some of those with us?

Madam Chairperson: Prior to answering, I would just like to get leave from the committee to be able to extend by two and one-half minutes this question-and-answer section. Yes? *[Agreed]*

Please proceed, Mr. Eadie.

Mr. Eadie: I have been a school board trustee for not quite two years yet, but let me talk in terms of delivering education for kids with disabilities. We are quite successful, I think, in our school division in having what we term inclusive, which is to actually have children with disabilities participating in regular classrooms.

A good example is Victory School where we, at various times, have 20, 25 children who are included in the classroom. They are successful in their education to the degree that they can obtain their education because, as I noted, each individual student is different and it does not matter whether you have a disability or not.

We have had success in our school division, especially from kindergarten to grade eight, I believe, in inclusive education. As I said, there may be some anomalies but we are, generally, moving in the direction that way, and so other specific things I could not answer.

Mr. Bjornson: Thank you. I have mentioned this to other presenters, and we are at a stage in the evening where some presenters are starting to leave and, perhaps, by not mentioning it to previous presenters, I had mentioned that I really look forward to your participation in the community discussions that we will have around the regulations. We wanted to make sure that other presenters were aware of that as well, as I had not included that in part of my closing comments as they finished their presentations. So I am really looking forward to your contribution at the community discussion around this legislation and the regulations. Thank you, again.

Madam Chairperson: Thank you very much, Mr. Eadie.

I would like to call Edie Wilde. Is that the Manitoba Association of School Superintendents?

Do you have written copies for distribution to the committee?

Ms. Edie Wilde (President, Manitoba Association of School Superintendents): Yes, I do.

Madam Chairperson: Thank you very much. Please proceed with your presentation.

Ms. Wilde: Thank you. Good evening Madam Chair, ministers, MLAs. It is my pleasure to present MASS's position on appropriate education.

The members of Manitoba Association of School Superintendents are committed to providing leadership through their professional association as individuals serving their respective school boards for our public schools and school systems. Superintendents are both the educational leaders and senior administrators of our province's school divisions, in most cases, serving as chief executive officers. Our members play a key role in Manitoba education.

It is our belief that public school is the only societal institution where children from diverse backgrounds gather for a common purpose, to become educated. The challenge for educators is to define what we believe about education in a manner that encompasses the values of a democratic society, respects the inherent uniqueness of the individual student and, at the same time, provides equity of opportunity for all. A second challenge is to articulate the purposes and provisions of education, which will enable a clear understanding by parents and members of the community at large.

Manitoba school superintendents are committed to providing leadership that ensures responsive educational opportunities. We believe the purposes of public education to be: to assist children to view themselves as capable of contributing to the public good and preparing them to do so; to encourage children a balance of intellectual and social development, social consciousness and preparation for employment; to provide each child access and opportunity to be educated in a manner consistent with justice, fairness and equity; to foster in each child active participation in public service, and to promote the development of each child as a lifelong contributing member of society; to empower each child with the knowledge and skills to live a positive, fulfilling life in a manner consistent with acceptance of others and respect for the democratic values in a diverse society; to develop the child's self-perception as a lifelong learner; to assist children to develop an optimistic view of the future and a confident awareness of their potential to be an active participant in that future.

The provision of appropriate educational programming for all students is at the heart of our work as school superintendents. We are appearing here today to offer recommendations regarding regulations, policies and guidelines in support of Bill 13, The Public Schools Amendment Act (Appropriate Educational Programming).

Specifically, our recommendations will refer to the bill in section 41(1.1), which gives the minister powers to make regulations respecting appropriate educational programming to be provided by school boards and about programming standards respecting resources and other support services to be provided by school boards.

The Manitoba Association of School Superintendents supports the intent of Bill 13 and urges the minister to ensure that the regulations, policies and guidelines do more than merely describe the status quo, but rather point to genuine and substantive improvements. We recommend the following: defining what is appropriate. A clear and concise definition of the term "appropriate education" is needed in order to provide some common understanding between parents, schools and all service agencies.

We need to make reference to intersectoral collaboration. The regulations, policies and guidelines need to reference the importance of intersectoral collaboration. The roles and responsibilities of various partners, whether it be Child and Family Services, Justice, Health, the family, need to be stated.

In particular, health-related costs for such things as occupational therapy, physiotherapy, nursing services, health-related issues or health-related issues that are not covered by URIS, which stands for Unified Referral Intake System, such as pummelling, need to be considered. All of us have a stake in the public education of a child, and it takes more than education to address that need.

We also recommend articulating staff requirements necessary for appropriate education. In recent years, the members of our association have been experiencing great difficulty in recruiting specialists or people with specialist certification. Particularly, it has been very difficult to find school psychologists, especially in rural and northern areas. Our association has asked the Minister of Advanced Education (Ms. McGifford) for support in establishing the master's program in Psychology at the University of Manitoba.

* (22:00)

As regulations about appropriate programming are being developed, we urge the minister to take

into account the related challenge of ensuring that Manitoba school divisions will be able to find appropriate staff. Staffing for appropriate programming often relates to economies of scale. Larger urban school divisions have enough work for a full-time, specially trained or clinical staff person, while smaller rural or northern school divisions do not.

It is increasingly difficult in rural areas to find specially trained and qualified individuals who will work only on a part-time basis. It would be unfortunate, indeed, if the new regulations were to perpetuate or even exacerbate the difference in programming and service levels between rural and urban school divisions that so often exist today. We need a new way of thinking about some of these things and how we provide services as referenced in the inter-sectoral partnership piece.

We also need to pay attention to the increasing financial commitment. We recommend that the regulations include a commitment for provision of sufficient resources to achieve appropriate educational programming for all Manitoba students. The legislation is silent on who will provide the financial and other resources necessary to achieve the new standards in program and support services.

The provincial government currently funds just over half of what school divisions are spending to provide educational programming for Manitoba students. If the regulations to come are indeed to achieve a real improvement in standards, resources and support services, then it is reasonable to assume that the costs will rise. Without increased provincial support addressing the costs of achieving the new standards, we are concerned that the ultimate result will be another increase in local property taxes. We urge the minister to consider this as the regulations are being developed.

In conclusion, the members of MAST support the intent of the new legislation. We urge the minister to consult with us as he has done in the past as the regulations are being developed. We have every confidence that, with full consultation and open discussion among educational stakeholders, the intent of Bill 13 will be realized. Thank you for the opportunity to be heard.

Madam Chairperson: Thank you very much for your presentation.

Do committee members have questions for the presenter?

Mrs. Stefanson: Thank you very much for your presentation this evening.

Just a quick question for you, in regard to the financial side of this that you just referred to: Have you had any discussion with the minister's office or, perhaps, his department as to what the costs would be, or have you done any research on this to see how much it may cost to implement this legislation?

Ms. Wilde: Our organization sits on financial committees that the Government has put forth. Whether they are speaking specifically about the costs at this time, I do not know, but I do know they are involved in the funding to education and this is one of the agenda items they do look at and discuss. Whether they have actually analyzed it in a dollar figure, I do not know.

Mr. Lamoureux: I was wanting to know: Do you actually have a definition or does the association have a definition of what would be appropriate?

Ms. Wilde: No, we do not.

Mr. Lamoureux: Is that something which you would advocate should actually be put into the legislation or should it be in regulation?

Ms. Wilde: In regulation.

Mr. Lamoureux: Thank you.

Madam Chairperson: Any other members of the committee have questions?

Seeing no other questions, I want to thank you very much for your presentation.

I would now like to call on Lori Johnson from the Winnipeg School Division. You are circulating information, thank you very much. Please proceed with your presentation.

Ms. Lori Johnson (Winnipeg School Division): At the outset, I would like to add the voice of the Winnipeg School Division in joining previous presenters in commending the Government and the minister on bringing forward this very important piece of legislation, and also to indicate the

Winnipeg School Division is grateful for the opportunity to appear before you this evening to comment on Bill 13, and highlight for the members of the committee some of the potential implications for school divisions and property tax payers throughout the province and in the Winnipeg School Division, in particular, for your consideration.

Bill 13 is intended to amend The Public Schools Act to require every school board to provide, as may be directed or prescribed by the minister, appropriate educational programming for every pupil as provided for in section 58.4 and for every resident person who has the right to attend schools provided in section 259.

Bill 13 also grants the Minister of Education, Citizenship and Youth the power to make regulations respecting appropriate educational programming to be provided by school boards under clause 1(a.1), including, but not limited to establishing program standards respecting resources and other support services to be provided by school boards and a dispute resolution process to be followed if there is a disagreement about the appropriateness of the educational programming being provided to a pupil by the school board.

Again, the division applauds the intent of this legislation and agrees with Government on the goal, which is to ensure that all children, especially those with special needs, receive the appropriate educational services that they require and thus improve opportunities for all students in the public school system.

It is the position of the Winnipeg School Division that Bill 13, as it presently reads, is vague as to the definition of appropriate educational programming. The Winnipeg School Division would also like to highlight for the consideration of the committee the issue of the costs for the additional resources that may be required to address the expectation.

It is our understanding that this legislation is designed to address recommendations of the 1999 Manitoba Special Education Review and to support the Special Ed Review initiative and follow-up to the Special Education Review.

The Winnipeg School Division is the largest school division in the province of Manitoba. We have an enrolment of 34 377 students representing a very diverse population. We provide innovative, strong programming where all students can achieve success, including students with special needs.

According to the FRAME budget report, 47.4 percent, or almost one-half of the total number of students in special needs classes throughout the province of Manitoba, attend school in the Winnipeg School Division. We believe that is a very significant fact. We know that, in many cases, it is documented that families move into the Winnipeg School Division to access the wide range of programs and services that exist for special education students.

We believe that, in the division, we have the knowledge and the experience to make sound recommendations regarding special education services in the province of Manitoba, and that we have a vested interest in doing so. We acknowledge that we have been welcomed by government in numerous meetings with the minister to provide feedback from the Winnipeg School Division on exactly these matters. We appreciate having what has felt like an open-door policy.

For a number of years, the division has been given the opportunity, as I mentioned, to raise our concerns with ministers of education about the continuously increasing number of students in the Winnipeg School Division who require special education resources and, correspondingly, the continuously increasing cost of providing these very important resources.

We were delighted when the Manitoba Special Education Review was undertaken in 1998 and 1999. We had the opportunity to work collaboratively with the Province at that time. We were given the opportunity to share our concerns and to share our expertise regarding special education, with the view that the review process would result in a clear definition of special education and a consistent policy for the education of students in special education programs throughout the province.

The Winnipeg School Division made 33 recommendations in its original submission to the Special Education Review in April of 1998, and a copy of these recommendations is attached as an

addendum to this presentation for your reference purposes.

* (22:10)

Our recommendations at that time, particularly regarding the need for a viable, consistent definition of special education and the development of a policy including clearly-defined expectations and responsibilities for the education of students in special ed programs, remain issues that the Winnipeg School Division feels strongly merit serious consideration.

In order to ensure that the intent of Bill 13 is able to be implemented consistently across the province and carried forward to any resulting provincial regulations, we believe it should include clear definitions in the legislation of what constitutes appropriate educational programming and special education.

The Follow-up to the Special Education Review: Proposals for a Policy, Accountability and Funding Framework, which was published by the Province in October of 2001, defined appropriate education as:

The provision of educational opportunities that foster a student's participation in all aspects of community life during the school years and adulthood. This includes the provision, with supports, of either the provincial curriculum, the provincial curriculum with adaptations, the provincial curriculum with specialized personnel support, a redesigned provincial curriculum with personalized (modified or enriched outcomes) or individual programming.

We feel that this definition could be more clearly delineated if it is to appear in any legislative or policy documents because it relates only to curriculum supports and makes no reference to the other types of services often required by students with special needs.

Standards should, we believe, be set provincially to ensure that every school board and division throughout the province offer the same levels of service and to meet the needs of their students with special needs.

The Winnipeg School Division is concerned about the possibility of amended regulations without

consultation regarding programming standards, respecting resources and the other support services to be provided by school boards, and we are pleased at the assurance of continued and ongoing consultation given by the minister here, this evening.

In the absence of that, that statement could be understood to mean that school divisions could be mandated to provide certain levels of resources and other support services, which we know can be very expensive to provide with no reference to the Province's responsibility for the additional costs incurred by school divisions in order to meet this mandate.

This issue has the potential for the Winnipeg School Division for runaway cost and is a very real daily concern for the members of the board of the Winnipeg School Division. The following numbers, I think, will indicate clearly why that would be the case.

The Winnipeg School Division's budget for exceptional instruction, which is the provincial FRAME budget category for expenditures related to students with special needs, amounts to \$52,456,200 per year. This sum represents 20 percent of the division's total budget. The number of special ed students in the division supported by these dollars total 6.9 percent of our total enrollment.

Madam Chairperson: You have one minute remaining in your presentation.

Ms. Johnson: Thank you very much. These are the students who require extraordinary additional supports to participate and function in the school setting. Many of these students also require health-related supports such as nursing, physio- and occupational therapy services, mental health treatment services and increased clinical supports such as speech-language therapy, social work and psychology, and psychiatric services.

It would be helpful, in the view of the division, if there was a clarification of the responsibilities across government departments, particularly Manitoba Health, in providing the health and social services required by students in special education programs delivered in the schools on a daily basis.

Madam Chairperson: Excuse me for one moment. Is there leave to have the presenter continue her presentation? *[Agreed]* You can continue.

Ms. Johnson: Thank you, Madam Chair. It has, over the years, consistently been the position of the division that the funding model used by the Province for the education of students with special needs must reflect the realities and the actual costs of providing these services and must recognize the financial responsibilities of other government departments and budgets in the provision of services for these students.

The Province is currently providing 58.9 percent of the division's expenditures for exceptional instruction. The remaining 41.1 percent is supported financially through the division's special levy on local property taxes, with all of the attending pressure that is brought to bear regarding discussions related to property tax levels in the city of Winnipeg today.

Bill 13 also provides authority to the minister to make regulations establishing a dispute resolution process to be followed if there is a disagreement about the appropriateness of the educational programming being provided. The Government's response to the Special Ed Review and the proposals for a policy accountability and funding framework document included reference to the requirement for a resolution process founded on principles that emphasize consensus and relationship building.

The members of the board would welcome the opportunity to work together with the department to determine who would be responsible for the development and implementation of the resolution process, who would be responsible for ensuring that the process is implemented and conducted consistently across divisions and who would be responsible for ensuring that outside agencies, for example, the Human Rights Commission, would be aware of and support any resolution process that was enacted in law.

Again, the Winnipeg School Division is proud of the vast array of programs and services that we are able to provide for our students and, particularly, for students with special needs. We strongly believe that in order to ensure that all children across the province of Manitoba, especially those with special needs, receive the appropriate educational services they require to be successful in school, consideration for some specific amendments to Bill 13 prior to its enactment would be very welcome, particularly if these amendments were to include clear, concise,

consistent definitions of appropriate education and special education, as well as a strategy regarding management of the provision of resources and services, including costs related to increased pre-service and in-service training required by staff.

The Winnipeg School Division welcomes the opportunity to continue to work with the minister and your department, sir, in our shared goal of excellence for all students in Manitoba's public education system. I thank you for the opportunity to present.

Madam Chairperson: Thank you very much for your presentation.

Do committee members have questions? I would ask, if they do, just to keep them very brief.

Mr. Kelvin Goertzen (Steinbach): Ms. Johnson, I would like to thank you tonight for your presentation, taking the time. I know it is getting late already in the evening.

I specifically want to draw out your comments regarding defining appropriate education within the legislation as opposed to regulation. While our caucus, our party certainly supports the intention of the legislation, there have been concerns raised about the fact that this is essentially a shell and we do not really know what is contained within it. It is almost like receiving a gift. It has nice wrapping, but we are not sure what is inside quite yet until we see the regulation.

Has the Winnipeg School Division given some thought about bringing forward the appropriate education definition itself in terms of what it would do, and have you, before tonight, brought forward this concern to the Minister of Education?

Ms. Johnson: As I had indicated earlier, the Winnipeg School Division, the members of the board and the senior administration have been welcomed to meet with the ministers over the years many, many times. Certainly, special education has been on the agenda of those meetings very, very frequently.

We have not had those discussions at the board level. Certainly, some of those discussions have happened at the senior administration level. The discussion specific to the definition of appropriate education was the question that you asked. We

would look forward to the opportunity to participate in those consultations where I am sure that will be one of the central questions.

Mr. Lamoureux: I was actually encouraged by the question that was posed by the member from Steinbach. It is something in which I think that you never know there could be a consensus potentially building if the minister would concur with us that maybe there is some merit. It would go a long way if we could be provided, maybe, with a suggestion. You made comment that it should be more than just the curriculum. If there is some actual wording that you would have as a suggestion, I would be more than happy to at least entertain it, to receive it and make sure that there is some dialogue on it.

I also just wanted to commend you on bringing up the point of the inequities of funding in excess of \$20 million in special needs. Legislation of this nature could have an impact where we could ultimately even see even more money being spent. You would agree that there is more of a responsibility for the provincial government to address some of those inequities of the financing component?

* (22:20)

Madam Chairperson: Is there leave for the presenter to answer the question? *[Agreed]*

Ms. Johnson: Addressing your second question first, the situation of the Winnipeg School Division is unique in the province of Manitoba. As the largest school division in the province, as the division whose boundaries encompass all of the inner city of Winnipeg and geographically off into the Point Douglas area and the downtown proper, Winnipeg School Division in the province is disproportionately affected by the reality of those determinants of health from a population health perspective that impact all aspects of a child and a family's reality, poverty, certainly, being high among the determinants of health generally, the determinants of success in the educational system as well.

Given that that is our reality, it is to be expected that the Winnipeg School Division would naturally, then, see significantly increased numbers in special needs students. That is also true in terms of the other issues, that we have a very racially and ethnically diverse population in the Winnipeg School Division

which includes the most of the brand-new newcomers to Canada, certainly the immigrant but, also, the refugee population and its first arrival in Manitoba, and the reality of war-affected children and war-affected families.

The uniqueness of the community that the Winnipeg School Division serves goes hand in hand with our increased responsibility, perhaps, over other divisions in the province to have programs and services to support the accompanying needs that attend this diversity and the reality of urban inner city life.

Madam Chairperson: Thank you very much for your presentation.

Our last presenter tonight is Jim Hoddinott, who is from the Manitoba Council for Exceptional Children. Do you have written copies? Yes. Thank you very much. Please proceed with your presentation.

Mr. Jim Hoddinott (Manitoba Council for Exceptional Children): Before I begin with my presentation, I would just like to note that, tonight, the Manitoba Council for Exceptional Children sponsored an evening, an inclusion forum, where we brought 13 organizations together to present where we are at inclusion and some barriers. It was a free forum at the Fairmont.

We also were putting on a conference at the Fairmont on Thursday and Friday. I would like to invite the people at this table to attend our celebration evening tomorrow night, which is also free at the Fairmont, called the "Yes, I Can! Awards". It is a celebration of the achievement of many of our children with special needs. Some of them are getting international recognition this year.

The Council for Exceptional Children is the largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities, and/or the gifted. The Manitoba unit of CEC has been active in advocating for appropriate educational programming since 1959.

We are very pleased to take this opportunity to address the committee regarding Bill 13, the

amendment to section 41 of The Public Schools Act. The amended section will ensure the right to appropriate educational programming for all students in Manitoba schools.

The principle of education for all is based on democracy's philosophical premise that every person is valuable in his or her own right and should be afforded equal opportunities to develop his or her full potential. Thus no democratic society should deny educational opportunities to any child, regardless of the child's potential for making a contribution to society.

Since the passage of the first public school laws in the mid-19th century, this principle has received general endorsement and qualified execution. While lip service has been paid to the intent of the principle, various interpretations of the terms "education" and "all children" have deprived many children of their rights.

The ordinary educational opportunities provided by the schools have tended to neglect or to exclude children with unusual learning needs. These children need more than the right to an education, but the right to an appropriate educational programming in order to feel safe, valued and accepted. They need stable and supportive home lives, wholesome community interactions and the opportunity to view themselves and others in a healthy manner.

It is MCEC's belief that society has the legal responsibility to extend the opportunity for every individual to be educated to the full extent of his or her capacities, whatever they may be, or however they may be affected by special circumstances. There is no dividing line that excludes some children and excludes others in educational programs. Clearly, every exceptional child has the right to a free and appropriate public education that may not, in any instance, be compromised because of inadequacies in the educational system or existing public policies.

The fundamental purpose of education for both regular students and those with special needs, whether they be challenged or gifted, is the optimal development of the student as a skillful, free and purposeful person, able to plan and manage his or her life and to reach his or her highest potential as an individual and as a member of society. Education needs to provide children with exceptionalities the

same opportunities as other children for a meaningful, purposeful and fulfilling life.

Perhaps the most important concept MCEC has developed with regard to appropriate educational programming for children with exceptionalities is that of the fundamental individualism of every child. The aspiration of MCEC is to see every child as a unique composite of potentials, abilities and learning needs for whom an educational program must be designed to meet his or her particular needs. From its beginning, MCEC has championed the cause of children with learning problems. It is as the advocate of such children that MCEC supports Bill 13.

MCEC recognizes that all children have substantially similar needs, but that some children, those with exceptional learning needs, are more at risk of not having their needs met in our educational system. Accordingly, we are cautiously optimistic as this Government is about to take an important step on the road to ensuring that the educational system in Manitoba meets the needs of all children. I say "cautiously optimistic" because for many years, MCEC and others have advocated for legislation and regulatory changes while the Province has commissioned reviews, drafted legislation and even passed legislation without enacting it.

I would like to go briefly through this historical perspective on how we have arrived here today. Because of time constraints, I will only provide some highlights, but I have attached in the appendix a more thorough history.

It was with our beliefs in mind that in 1969, the Canadian Council for Exceptional Children published a report on legislation and services for exceptional children in Canada. One of the findings was that most provincial statutes were permissive rather than mandatory regarding provision of programs for exceptional children.

The commission of learning and emotional disorders clinic was formed in 1967 under sponsorship of the Canadian Association for Retarded Children, the Canadian Council on Children and Youth, the Canadian Education Association, the Canadian Mental Health Association and similar groups.

After three years of travel and study, an important book was published: *One Million Children*.

In it, it said 12 percent of the population up to 19 years of age, or no less than one million children in Canada today, require attention, treatment and care because of emotional learning disorders.

Among their 144 recommendations, they said educational authorities should be financially responsible for the education of all children. Nursery and kindergarten programs should be available to all children, but especially those with physical, mental and social disabilities. Children should be educated within the regular school curriculum where possible, and we should provide children with special needs with programming to the age of 21.

The Organization for Economic Cooperation and Development published a review of Canadian national policies in 1976. Some of the findings were inadequate programs at the provincial level, whether public or private, little acceptance of public responsibility for education of children with disabilities. In 1986, a government paper titled *The Charter of Rights of Education in Manitoba* was produced, examining potential vulnerability to charter action of all aspects of The Public Schools Act.

* (22.30)

Some of the recommendations in 1986 were to amend The Public Schools Act to recognize the right to appropriate education, to establish regulations and procedures for identification, assessment, placement and periodic evaluation of students, and for parental involvement and appeal. Sounds familiar.

However, amongst many advocates for the educational rights of children with special needs, Bill 58 in 1979 remains an open wound. Bill 58, that would have put into The Public Schools Act the right for children to receive special programs in the least restrictive environment, was never proclaimed. It was to be proclaimed after a five-year implementation period, but here we are in 2004 still waiting for the fundamental rights of our children to be proclaimed in legislation.

Commissioned in 1996, the Special Ed Review reported in 1999 with 44 recommendations after a lengthy consultation process and a review of these provincial and national studies. The review's recommendations mirror those made by the previous organizations over the last three decades.

The government of the day in 1999 committed itself to implementation of those recommendations. In April 2000, the Government formed the Special Ed Review initiative. Further consultations with stakeholders resulted in proposals to meet the review recommendations in the area of policy, accountability and funding.

The Public Schools Act amendment and its accompanying regulations will enshrine in law increased rights for all children and their parents. The children who will benefit most are those with special needs. When all children have the right to an appropriate education, then special needs will be addressed within the broader commitment. This amendment is part of an evolution that has taken place in Manitoba and other provinces and countries over the last half century. In Manitoba, these initiatives occurred under the direction of many different political regimes. It is high time to take one further step, helping the province of Manitoba to catch up with reforms long established in most other provinces. Manitoba remains the only province that has not updated The Public Schools Act to be in line with the Canadian Charter of Rights and Freedoms. That this amendment is long overdue is an understatement.

This, then, is the legacy that we address today. The evidence of decades is weighted in favour of guaranteeing the educational rights of children who have special needs. The evidence was recognized by the most recent Special Ed Review when it recommended the Province of Manitoba make changes to Manitoba's legislation in order to achieve consistency with the Charter of Rights and Freedoms, particularly to ensure the right of equality as it is understood in Canada and relates to the right to access to education for exceptional children.

Yes, ministers, we have guidelines. Most of the school divisions have attempted to comply with them. Some critics might say, if it is not broken, do not fix it, but our policy framework is broken.

Madam Chairperson: Excuse me, you have one minute remaining.

Mr. Hoddinott: I will be about 30 seconds past that.

That is why all these advisors have been saying guidelines do not create a mandate, only legislation does. Only legislation states the unshakeable resolve

of the Government. With this amendment, we see the Government making that statement. It is no longer sufficient to allow individual professionals to operate under some personal code of practice. Government and professional bodies have a shared responsibility to ensure social good is being addressed through clearly articulated codes of practice.

Bill 13 begins to redress the years of neglect that have been noted by the many studies. With this legislation, the people of Manitoba will no longer allow the perception that some children do not have equal rights to a quality education. This amendment to section 41 of the act requires boards to provide appropriate educational programs for all resident students. This is education appropriate, not merely accommodating them. This amendment is simple in wording but far-reaching in its intent and application. Through the statute and the regulations that will complete it, the Government of Manitoba is guaranteeing that educational programs are to be appropriate, individualized when necessary, accompanied by appropriate supports and delivered in a most enabling environment. We are catching up with the rest of Canada.

Parents have the right to meaningful involvement in the development and evaluation of that individualized plan, and there is a process for resolution disputes when consensus cannot be achieved. With this amendment, the Government is responding to the recommendations of the Manitoba Special Education Review.

There is no question that Manitobans are ready to state that all Manitoba children have the fundamental right to an appropriate education. MCEC offers its expertise to assist the Government as it works towards developing appropriate procedures and policies for all children.

Within that context, we endorse this legislation and call on Manitobans, both the Government and the Opposition, to show support for educational justice. Let us meet our responsibilities unequivocally and band together to guarantee appropriate education for all our children.

Madam Chairperson: Thank you very much. Do committee members have questions?

Mrs. Stefanson: Thank you very much for your presentation tonight. Just a quick question for you. It was brought up by a previous presenter, with respect to the definition of appropriate education, whether it

is being in the legislation or left to regulation. Right now, I guess, in the legislation it is left to regulation. I am wondering if you have any opinion on that and whether or not you would like to see it in legislation, as opposed to regulation. Thank you.

Mr. Hoddinott: We would not like to see it in legislation. One of our cautions, because of our being an international organization, we have also gone through some issues in the United States. When you become too specific in outlining what needs are, and get too prescriptive in your legislative processes, then that sometimes becomes difficult for school divisions to implement, and then has actually ended up costing a lot of money.

Really, they are going through a review of that process in the United States right now, trying to, kind of, look at a new way of doing this. We need to know a framework for our schools on what that means. There is a balance between how prescriptive you want to be and how open-ended you want to be that still ensures that the rights of our children are protected.

So there is a fine balance to play. Through our consultation process, I trust that with the good educators in Manitoba and the parents, we will be able to strike a balance that meets the needs in a regulation.

Madam Chairperson: Thank you. Any other committee members have questions? No. Thank you very much for your presentation. It is very much appreciated. That concludes the list of presenters I have before me this evening.

Are there any other persons in attendance who wish to make a presentation? The minister, Mr. Bjornson, has asked that he be allowed to make a few closing remarks.

Mr. Bjornson: Well, once again, I would like to reiterate how pleased I am that this is the first legislation that I will be bringing to the floor as the new Minister of Education. I would like to thank all the presenters for taking the time to be here tonight and for their input. I would like to thank all the committee members.

Also, I will take this opportunity to acknowledge in Hansard. I would like to congratulate the member from Tuxedo with the recent addition to her family. I

would also like to thank my predecessors, ministers Lemieux and Caldwell for the work that they have done towards this legislation, and Minister Melnick, participating tonight, and also the Minister Responsible for Persons with Disabilities.

I would like to thank all the stakeholders that have participated in the consultation process. This is a very important part of the global picture and the initiatives that we have undertaken as a government with respect to Healthy Child Initiative, Parent-Child Centres, readiness-to-learn assessment, K-4 guidance counselling and the Lighthouse programs.

These are many of the things that contribute to the wellness of our children, and a very important part of that chapter. The legislation is a statement of what we believe, and all students in Manitoba do have a right to receive a public education. Our Government is committed to ensuring that all students have the right to appropriate educational programming. Thank you.

Madam Chairperson: Thank you very much. I know we probably should have asked for leave prior to allowing that. Did anyone else want to make a comment in response?

Mrs. Stefanson: Just briefly, thank you to the minister for his comments with respect to the new addition to my family. I appreciate that very much. We are very excited.

With respect to this bill, certainly, we in the Opposition support the principle of the bill. We have said so time and time again in both the Legislature and in committee. From that perspective, we are there. I would encourage the minister to ensure that all of the organizations that came and presented tonight, as well as several other organizations that are going to be a part of all this, that they are encouraged to be a part of this process and that they are consulted with respect to the regulatory side of this.

I was a little concerned with the fact that there are a number of organizations that were here this evening that had not been consulted to date. I just again would encourage you to ensure that those organizations are consulted in the future, particularly when it comes to the regulatory side of it.

The other part that was brought up tonight is the financial aspect with this bill. I want to ensure that

the minister will be looking into that to make sure there is an appropriate plan in place to address the financial issues with respect to this bill as well. Again, we support the principle of the bill, but we encourage the minister to go through a very extensive consultation process and to ensure there is an appropriate plan in place to deal with the financial aspects associated with this bill.

* (22:40)

Madam Chairperson: Is it the will of the committee to proceed with clause by clause consideration of Bills 7, 8 and 13? If yes, in what order do you wish to proceed with the bills?

An Honourable Member: In order.

Madam Chairperson: In the order listed? *[Agreed]*

During the consideration of the bills, the titles, table of contents and enacting clauses are postponed until all other clauses have been considered.

Also, if there is agreement from the committee, for the longer bills, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose? Is that agreed? *[Agreed]*

Before commencing clause by clause consideration, I would like to remind members of our revised procedure for calling clauses. Previously, the Chair would call all clauses and subclauses for passage either separately or in blocks that conform to pages. For example, shall clause 3(1) through clause 3(5) pass? Last year, however, the House leaders met and agreed that only the main clause, clause 3 in this example, would be called for passage, even if there are several subclauses.

This does not preclude members from moving amendments or asking questions on any subclause. If an amendment is moved on a subclause, questions will still be put on the amendment and the clause but not on the subclause.

In other words, where all question and amendments have been dealt with, only the main clause number will need to be called.

We will now proceed to clause by clause consideration of the bills.

Bill 7—The Criminal Property Forfeiture Act

Madam Chairperson: Does the Minister responsible for Bill 7 have an opening statement?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): We have three amendments dealing with two subjects: One is the issue dealt with by the bar association in terms of the personal property interests. The second is technical. It is a translation correction on the French version of the title of the bill which requires two amendments.

Madam Chairperson: Thank you. Does the critic from the Official Opposition have an opening statement?

Mr. Gerald Hawranik (Lac du Bonnet): Yes, I do. I can understand why the minister has introduced this legislation in many ways because there has been a proliferation of gangs in this province, proliferation of criminal organizations operating in Manitoba. We have had the Hells Angels in Manitoba since the year 2000 when they took over the Los Bravos motorcycle club. We have increased drug activity in the city and in this province and largely due to the Hells Angels.

Hells Angels prey on our children in our cities and in our province. They make their living off the drug and the prostitution trade. So I can understand why the minister wants to get tough on gangs and criminal organizations, but in some ways, I cannot understand the minister's response and his attempts at being tough on criminals. Let me give you an example. First of all, about a year ago, the minister introduced other legislation called The Civil Remedies Against Organized Crime Act. At that time, I called it toothless legislation. I still stand by that comment. I stand by that comment because it was discovered about a few months ago that there had only been 12 charges under that legislation, not convictions, but 12 charges, and those 12 charges only relate to wearing the wrong clothing in bars. So I really do not think that the legislation had the effect that the minister thought it would or Manitobans expected it would.

The legislation went further to say that it only affects the Hells Angels and other criminal organizations in the kinds of business that it can do in the province. It withdrew provincial licences only, like the liquor control legislation, the licences that

are issued under that legislation, like under the tobacco tax legislation and the retail sales tax legislation. It restricted criminal organizations from obtaining and maintaining provincial licences under that legislation, but it still allowed criminal organizations to operate businesses like towing companies in the province. It still allowed River City Choppers to operate, which is a business that is owned and operated by a member of a criminal organization, as I understand it, and is just down the street from the Justice Minister's own constituency office. So that kind of legislation, I felt, was toothless and, I think, it, in fact, was borne out over the last year.

Now, the minister introduces The Criminal Property Forfeiture Act. I believe that little thought was really given to whether or not that legislation will effectively meet a constitutional challenge. Under that legislation, no criminal conviction is needed, unlike federal legislation. There is federal legislation currently in place called the federal Proceeds of Crime Act. In order for that legislation to work, you need a conviction. Under this legislation, it is quite different. In many ways, it has much the same effect on the property of the person who is convicted or the property of the person who is under the terms of this legislation.

Under this legislation, the seizure is done merely on allegation and it is done on a balance of probabilities. There is no test equal to the federal legislation, which requires it to be proven, not on a balance of probabilities, but beyond a reasonable doubt.

I have a concern, of course, and I have made it public, that I believe that this legislation will not meet a constitutional challenge. I met an unexpected ally, in fact, in that allegation. In fact, it is a former Attorney General, one of the Justice Minister's former colleagues, Roland Penner, who is now a University of Manitoba law professor and an expert in constitutional law. He said that the Canadian justice system is rooted in the ideal of being innocent until proven guilty, which is not reflected in this bill. He said the guilt by association that is present in this bill is offensive. He further goes on to say that guilt by association is something we try to avoid at all costs in our system, and, in my view, it offends the rule of law. It is virtually impossible to enforce the law without violating the charter.

Penner also said the bill might run into a challenge over jurisdiction, saying it suspiciously is close to criminal law. I think those arguments that he made in that article are similar to the arguments that were made today by the Manitoba Bar Association.

In any event, I found an unexpected ally. I was not expecting something like that from Roland Penner, but he did make those statements.

There are two instances where property can be seized and sold, as I see it. Property, first of all, can be seized and forfeited if it is taken to a judge. A judge has to reasonably believe on a balance of probabilities, not on a test beyond a reasonable doubt, but on a balance of probabilities that the property was acquired as a result of unlawful activity or used in the commission of unlawful activity. There is no necessity for a criminal charge and no necessity for a criminal conviction.

The second provision that I feel is quite offensive is the reverse onus provision in section 11. I brought that up during the presentation. That provision provides that if simply you are a member of a criminal organization, that is all it takes. If you are a member, it is presumed that the property that is owned or possessed by the member of the criminal organization is, in fact, the proceeds of that unlawful activity or is, in fact, the instrument of the unlawful activity. All of this must only be proved on a balance of probabilities.

I think that the bill could work as a disadvantage to those who do not have the financial resources to dispute the seizure of the assets and if the assets are of little value. It is highly unlikely in those two instances that the seizure would be disputed. It is also highly inconceivable that Legal Aid would fund an offence of that nature.

What we could have under this bill is a bill that has a great deal of potential for abuse, and one which works to the potential detriment of those with little or no income and assets that are of little value, and one which could potentially trample upon the civil rights and freedoms of those without means to protect themselves.

* (22:50)

With that, I look forward to debating the bill on third reading and concurrence. I have not seen the

amendments that are proposed by the minister, but after having seen them, we may propose amendments ourselves during third reading.

In closing, I would like to say that I believe the bill will be challenged. I believe that it will be successfully challenged under the Constitution. A successful challenge, I believe, will fall directly on the shoulders of the Justice Minister. You have raised the expectations of Manitobans to deal with the problem, and I think that you have a responsibility to ensure that any legislation that you bring forward is, in fact, constitutionally sound.

Madam Chairperson: We thank the member for his comments.

Shall clause 1 pass? Just a moment.

Mr. Kevin Lamoureux (Inkster): I thought, maybe, I would, just before we in all likelihood pass clause 1, put a few words on the record, maybe pose it in the form of a question to the minister.

Madam Chairperson: Just a moment. Before you do, I have to ask leave from the committee for you to do so.

An Honourable Member: Just to propose a question on clause 1.

Madam Chairperson: On clause 1? Okay.

Is there leave for Mr. Lamoureux to ask a question? *[Interjection]* Okay. Please, Mr. Lamoureux, proceed.

Mr. Lamoureux: Madam Chairperson, as we go through the different clauses, including clause 1, I think it is important for us to make note of the Manitoba Bar Association and the dialogue that occurred, even with the minister's comments, to the effect of how the Manitoba Bar Association was involved.

The reason I raise that is because I suspect, whether it is clause 1 or other clauses, that this particular piece of legislation, the Government has been pushing it. I understand the political optics of why the Government has brought forward this bill and why the Government is pushing this bill. I think even when I contrast Mr. Penner's comments to what the Government is doing itself—

Some Honourable Members: What is your question?

Mr. Lamoureux: We are getting to the question. One has to be patient. It is something which, Madam Chairperson, I think before we even address the passage of this particular clause, the minister should be reflecting on what happened with the Manitoba Bar Association—

An Honourable Member: Point of order, Madam Chair.

Point of Order

Madam Chairperson: A point of order has been called.

Mr. Leonard Derkach (Russell): Thank you, Madam Chair. I thought you recognized the member for a question, not a statement. If there is a question, then I ask the member to place it, otherwise we move on.

Madam Chairperson: I would ask Mr. Lamoureux to proceed to his question, please.

* * *

Mr. Lamoureux: Madam Chairperson, I realize I only have about 11 years of experience in going through committees of this nature. I think it is an important issue and it is a relevant issue when we are talking about passing clause 1. I do not believe we should be passing clause 1.

Now, if I am—

Point of Order

Madam Chairperson: Mr. Derkach has a point of order.

Mr. Derkach: Madam Chair, again, on a point of order, the member was asked to place his question. He then started to debate the point of order. I would like to know what he is doing.

Mr. Lamoureux: The same point of order, Madam Chair.

Madam Chairperson: Did you want to speak on the—

Mr. Lamoureux: On the same point of order.

Madam Chairperson: Please.

Mr. Lamoureux: Madam Chairperson, if Madam Chair asks to pose a question, it is up to the member whether or not they want to add to it, minus it, unless, of course, you have a member of the committee who is moving that a question be put, which would then be a very mild form of closure.

I do not think this is out of the norm. One can pull endless streams of Hansard and find that commenting on prior to asking a question is completely within the norm.

Madam Chairperson: I respect the member's comments that he has put on the record, but I would also encourage you to proceed to the question.

* * *

Mr. Lamoureux: Yes, thank you, Madam Chairperson, and I do appreciate the patience. I will keep it very, very short and concise.

My question is this: Can the minister give assurances—he has already made reference that he is going to be bringing forward two amendments—that there are not going to be any more amendments being brought forward to this bill prior to its proclamation, other than the two that he has suggested from the Government's side, or can we anticipate that there might be amendments before it is ultimately proclaimed, whether it is clause 1 or any other clause?

Madam Chairperson: Thank you for your question.

Mr. Mackintosh: First, with regard to the bar association's comments on the bill, it was our analysis that the issues canvassed by them were actually addressed in the legislation. We had to have the further dialogue to explain that to persons in the bar association, in the criminal subsection, for example, who had passed on those concerns to the person that was here tonight.

There was one suggestion. It was a very technical issue that we thought would be worthwhile to introduce by way of amendment. It is not our intention at this point to move any other amendments at all, otherwise, we would be moving them tonight. I would also, though, just address the main argument of the bar association and the critic. This is not criminal law. This is civil law. There has been some

serious misconception about what the status of this legislation is.

Indeed, in Ontario now with the prototype legislation of this kind in Canada, and that is the Ontario legislation, there has been a case that went to the courts in December, and the courts rightly recognized that this was civil legislation and not criminal. The standards of proof that go along with civil law is what is appropriate. There is no one being charged or convicted or punished by this legislation. It provides civil rules of procedure and is not only a provincial legislation, but when one looks at arguments about the Charter, those arguments would be relative to criminal law. That is not what is before this committee.

Finally, we have seen arguments, I think, from Roland Penner that this is offensive to the concept of freedom of association. I would be very concerned if members wanted to support the notion that freedom of association should embrace the right to carry on a crime through a criminal organization. It is our view that the Charter does not protect such activity.

Mr. Lamoureux: I will show how short a question can be to prove a point. Can the minister then assure this committee that the act will, in fact, get proclaimed after it has been given third reading and that there will be no other requirements to bring in future amendments before proclamation? Is he that absolutely certain?

Mr. Mackintosh: I am as certain as I can be. That is not our intention. This legislation was developed over a good year of intensive study and development. The concerns that we have heard expressed really are based largely on this misconception that this is criminal law, which in our view it is not. As I say, the only amendments that we contemplate are those that will be introduced tonight.

Madam Chairperson: Seeing there are no other questions, shall Clause 1 pass? There is an amendment.

Mr. Mackintosh: I move

THAT Clause 1 be amended by replacing clause (b) of the definition "prior registered interest" with the following:

(b) with respect to personal property, a security interest, lien, charge or other interest in respect of which a financing statement was registered against the property in the Personal Property Registry in accordance with The Personal Property Security Act before notice of an application under section 6 was filed.

* (23:00)

Madam Chairperson: It has been moved by Mr. Mackintosh that—

An Honourable Member: Dispense.

Madam Chairperson: The motion is in order.

Mr. Mackintosh: This follows the concern of the bar association that restricting (b) only to security interests registered in the registry may be too strict. As long as the section 16 requirements are met, we did not see any difficulty with recognizing the ability to get an automatic protection order for such interests as liens, for example. We expanded it from not just security interests, but to liens, charges or other interests in respect of which a financing statement was registered.

Madam Chairperson: Amendment—pass; clause 1 as amended—pass; clauses 2 and 3—pass; clauses 4 to 7—pass; clause 8—pass; clauses 9 to 12—pass; clauses 13 and 14—pass; clauses 15 and 16—pass; clause 17—pass; clause 18—pass; clauses 19 to 23—pass.

Mr. Mackintosh: I move

THAT Clause 25 of the French version of the bill be amended

(a) in the proposed Clause 40(2)(c.2) of The Victims' Bill of Rights, as set out in Clause 25(2) of the Bill, by striking out "Loi sur le confiscation pénale de biens" and substituting "Loi sur la confiscation de biens obtenus ou utilisés criminellement"; and

(b) in the clause heading for the proposed Clause 43.2 of The Victims' Bill of Rights, as set out in Clause 25(3) of the Bill, by striking out "Loi sur la confiscation pénale de biens" and substituting "Loi sur la confiscation de biens obtenus ou utilisés criminellement".

Madam Chairperson: It has been moved by Minister Mackintosh that—

An Honourable Member: Dispense.

Madam Chairperson: The motion is in order. Is the committee ready for the question? The question before the committee is as follows:

THAT—

An Honourable Member: Dispense.

Madam Chairperson: Thank you.

Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: It has been moved by Minister Mackintosh

THAT—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

Is it the pleasure of the committee to adopt the amendment? *[Agreed]*

The amendment is accordingly passed for clause 25.

Clause 25 as amended—pass; clauses 26 and 27—pass; enacting clause—pass; table of contents—pass.

Shall the title pass?

Mr. Mackintosh: I move

THAT the title of the French version of the Bill is replaced with "Loi sur la confiscation de biens obtenus ou utilisés criminellement".

Madam Chairperson: It has been moved by Minister Mackintosh

THAT the title—

An Honourable Member: Dispense.

Madam Chairperson: The motion is in order. Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows: It has been moved by Minister Mackintosh

THAT—

Some Honourable Members: Dispense.

Madam Chairperson: Is it the pleasure of the committee to adopt the amendment for the title? *[Agreed]* The amendment is accordingly passed.

Title as amended—pass; Bill as amended be reported.

Bill 8—The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba)

Madam Chairperson: Does the Minister responsible for Bill 8 have an opening statement?

Hon. Christine Melnick (Minister of Family Services and Housing): Yes, I do, Madam Chair.

I would like to begin by thanking the presenters on Bill 8 for coming here this evening to share their thoughts on this proposed legislation. I welcome and value the presenters' input on this important initiative.

Prior to moving to the clause-by-clause consideration of the legislation, I would like to provide some brief comments on the proposed amendments to The Employment and Income Assistance Act. These amendments will establish one system for the delivery of income assistance throughout the province. At the present time, there is a one-tier system in the city of Winnipeg and a two-tier system in the rest of Manitoba.

Many municipalities have indicated they will be pleased to transfer responsibility for providing assistance as the provincial program can better meet the needs of participants. I would like to recognize the AMM and its members for their co-operation and

dedication through this process. We look forward to continuing to work with them and all municipalities.

I am pleased to advise this committee that in those municipalities that currently have full-time dedicated staff delivering assistance where the city, town or municipality is not in a position to continue the individual's employment, the Province is prepared to enter into a consultative process with affected employers and their bargaining agents to develop a strategy for moving affected employees into the civil service. We recognize our mutual responsibilities. Our objective is that there will be no job loss.

Madam Chair, I am confident that moving to a one-tier system of income assistance across Manitoba will enable income assistance benefits to be delivered in a more consistent, efficient and effective manner and significantly improve the quality of service provided to those in need. I am pleased to present Bill 8 for public consideration.

* (23:10)

Madam Chairperson: We thank the minister. Does the critic from the Official Opposition have an opening statement?

Mrs. Leanne Rowat (Minnedosa): Madam Chair, first I would like to also thank the presenters and the individuals and interest groups that provided written submissions shared on this bill today. I appreciate the opportunity to put a few words on record regarding Bill 8.

For the record, it should be shared that the previous Conservative government had initiated the process of bringing municipal social assistance delivery under the provincial jurisdiction. In 1999, the City of Winnipeg's assistance program was one-tiered with the Province. Other municipalities have seen the advantages of the one-tier system and how it works in Manitoba's largest city.

In 1999, the Association of Manitoba Municipalities passed a resolution requesting that the Province take over all social assistance in the province and have been strongly calling for this change ever since.

The benefits of this change for assistance with clients include a system that will be more straight-

forward and easier to administer under one umbrella, eliminating duplication, providing benefits and potential employment supports in a more consistent manner. If client situations change or if they move to another location in the province, the transition should be smoother under the one-tier system.

There is also going to be a greater measure of privacy for clients addressing issues of privacy surrounding applicants and their social assistance needs. What is essential in making these types of delivery changes is ensuring that the transition process is a smooth one for existing clients, who understandably may feel some apprehension about the pending changes.

Some questions have been shared both by clients and by the municipalities, such as the location or site to seek assistance or access to assistance, and where clients will meet with their workers. Will clients have to travel to communities outside of their own to access services?

AMM has lobbied to have the change be cost-neutral for both the municipalities and the Province. As part of the legislation, municipalities will now pay an annual fee to the Province to cover the differences in cost of administration. While most municipalities are finding that they will pay the same amount as when they administered the programs, a few municipalities are even finding they will pay less.

Some, like the City of Thompson, are estimating that their costs will increase. A question that needs to be addressed is what the Province is going to do in consideration of addressing this additional burden on municipalities such as Thompson, but I do like the funding formula that is tied to the legislation in the sense that it cannot be changed, thus increasing, without amending the legislation.

As the minister herself has said in the past, if the economy were to suffer a downturn in the future and the number of people on assistance rises, it will be the Province that will pick up the additional cost, not the municipalities.

Some serious discussion has been shared tonight and over the past few days over the issue of staff position security within affected municipalities who are currently employing a municipal income assistance employee.

Referring back to Winnipeg, change in assistance administration, steps were taken to accommodate existing social assistance staff. We need to ensure that negotiations with the current staff between the Government are being considered and that municipal employees will not lose their jobs.

Many municipalities have raised this concern, and, while supportive of the overall changes, they do not wish to see their employees out of work. The Government, in continual consultation with the AMM, needs to address this issue.

Madam Chair, as I indicated in the House when Bill 8 was first introduced, I asked the minister to please review the new system, engage reaction from clients and municipal officials to determine that expectations are being met. Through discussions with various municipalities, I am confident that they will continue to work to promote employment opportunities for assistance recipients.

Bill 8 is a progressive step forward. However, we must ensure that the program is accountable and accessible to all Manitobans.

Madam Chairperson: We thank the member.

Clauses 1 and 2—pass; clauses 3 to 8—pass; clauses 9 and 10—pass; clauses 11 and 12—pass; clauses 13 and 14—pass; clause 15—pass. Clause 16—

Mr. Leonard Derkach (Russell): This does not seem to be the appropriate place, but I have a question as it relates to staff. I know that the minister sent a letter this afternoon, I believe it was, to municipalities with respect to employees of municipalities who are going to be offered positions with the civil service.

In the wording of the letter, there is some vagueness in terms of whether there is an assurance that the Province is, in fact, going to offer the jobs to the people, or whether the Province is going to make its best effort to bring the employees into the employ of the Province. I would just like clarification from the minister regarding what her intentions are because I am sure there are some people out there who are somewhat apprehensive about what is going to happen with their future.

Ms. Melnick: Thank you for the question. Certainly, our intent, as I stated in my opening comments, is

that there will be no job loss through this process. So we will be working with each and every affected municipality to ensure that this will happen, but that people will not be losing their positions. So some people will be coming into the civil service and some people may choose not to, but we will be working with the individuals and the municipalities.

Mr. Derkach: Can the minister expand on her statement that some may and some may not?

Ms. Melnick: Sure, that would be up to individuals to whom we are talking with, the individuals who would be affected.

Mr. Derkach: Would there be a transfer of the contributions to the different pension plans from those to the superannuation fund and the benefits that civil service employees enjoy today?

* (23:20)

Ms. Melnick: We would be working on transitional agreements. I cannot actually state specifics at this point in time as to who is receiving benefits and who is not and how that would all play out. So, I think, it may be a little premature for me to make a statement on that.

Mr. Derkach: One more question is with regard to Thompson. I was a little concerned tonight about the mayor of Thompson indicating that it would cost their community some \$60,000 for the change. Can the minister expand on what, in fact, Thompson's costs are going to be since this is supposed to be a cost-neutral effort?

Ms. Melnick: Thank you. I am just getting the information.

In response to your question, the amount that they will be paying this year is \$161,599. This is based on the seven-year formula, in which we took an average from seven years. Those years included higher roles in the past and the lower roles which we have today.

Mr. Derkach: Just for further clarification. The cost that the municipalities are going to pay to the Province has all been established by formula, and because Thompson's average, if you like, is higher than what they are paying currently, they will be paying an additional \$60,000. Is that correct?

Ms. Melnick: They will be paying the addition.

Madam Chairperson: Clause 16—pass; clause 17—pass; clause 18—pass; clauses 19 and 20—pass; clauses 21 to 23—pass; clauses 24 to 27—pass; clauses 28 to 31—pass; clauses 32 and 33—pass. Shall the enacting clause pass?

Mr. Goertzen: I simply want to state for the record—I want to thank the minister before we move forward on the enabling legislation to say I appreciate the fact that she solicited opinions from various municipalities. I notice the City of Steinbach submitted a submission in support of the legislation. It was a brief statement in support of the legislation, but I know we are an efficient and effective community. I also know that there is a great deal of thought that went into the submission, so I would like to thank the City of Steinbach, the entire council and the staff of the municipality.

Madam Chairperson: Enacting clause—pass; title—pass. Bill be reported.

Bill 13—The Public Schools Amendment Act (Appropriate Educational Programming)

Madam Chairperson: Does the minister responsible for Bill 13 have an opening statement?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): I would just like to reiterate my earlier comments that this has been the result of years of extensive consultation with a number of groups. We are committed to engaging in consultation for the regulations as well. This is a great piece of legislation. It is very important for Manitoba.

Madam Chairperson: We thank the minister. Does the critic for the Official Opposition have an opening statement?

Mrs. Heather Stefanson (Tuxedo): Madam Chair, I too would like to reiterate my comments of earlier and just state that I want to thank the presenters for coming out and being here tonight. We heard some excellent presentations. Again, I look forward to them all as well as other stakeholders in the community being involved in a very extensive consultation process to take place, which I hope will take place with respect to the regulatory aspect of this bill.

I just want to state that it is important to note that this bill comes from proposals set out in the Special Education Review Initiative that was started under the previous Progressive Conservative government in '95 and reported in January of '99. I am glad that the current government has finally brought legislation forward to implement the proposals of the SERI report.

Again, just to reiterate my comments expressed earlier, we support the principle of the bill and again encourage the minister to ensure that there is an extensive consultation process that includes many of the presenters, or all of the presenters, that were here this evening as well as those various stakeholders in the community that could not be here and also to ensure that some sort of a plan is put in place with respect to the financial components of this bill.

Madam Chairperson: We thank the member. Clause 1—pass.

Shall clause 2 pass?

Mr. Leonard Derkach (Russell): This bill provides very wide-sweeping powers to the minister. When I was minister I would have loved to have legislation like this. I guess the minister is taking advantage of that.

With the wide-sweeping powers, I think this has also some implications and responsibility for the minister to consult very broadly with stakeholders and with parents to ensure that at the end of the day all of us achieve the goal that we, I think, embarked on with this legislation.

I would like to ask the minister whether he could give us a broad and general definition of what he views as an appropriate educational program for a special needs child.

Mr. Bjornson: We are committed to the consultative process.

Mr. Derkach: Not to make light of the situation, Madam Chair, I am quite serious when I ask the question because I think when one assumes the responsibility of the head of the department, as the minister has, you have to have at least some notion what the definition of an appropriate educational program for a special needs child should be and what

might that encompass. I am not asking for a specific definition. I am asking about what the parameters of that definition would mean.

You cannot just simply say we will consult with people to find what the definition will be. As an educational leader, you have to set the pace and you have to set the parameters for the definition.

I will give the minister the benefit of the doubt, the answer that he gave. I will ask the question again whether or not he could perhaps give us a general, if you like, definition so that we can better understand where the minister is going, because we have said from the outset that this is legislation whose intent is important and that we support. If we continue to support this through third reading, I really want to know where the minister stands and where he sees the parameters of the definition.

* (23:30)

Mr. Bjornson: Thank you for the question. I did not mean to make light of the question.

The appropriate educational program is the provision of educational opportunities for a foster child's participation in both academic and social life. This is a very broad and general definition as such.

Again, as I said, we are committed to the consultative process here as well.

Mr. Derkach: I guess in asking my question I will try to zero in on where I am going with it. I am more concerned about the inclusion of the stakeholders in education. I know the minister has said he is committed to the consultative process. That is certainly laudable and something that we would support.

Having said that, it is also important to recognize responsibilities parents have for their children because they are the principal provider, if you like, for the needs of that child. As the parents stated tonight, that child is with the parent for the rest of that parent's life. The child is only in school for a short time in his or her lifetime. Therefore, I want to know whether or not the minister is committed to weave into the definition the responsibilities and the participation of parents?

I know he has gone a distance in that regard because he said that if, in fact, there is a dispute,

there will be a dispute resolution mechanism set up to resolve those situations. But I would like him to tell us and tell the committee here about his intention to have included in his definition of an appropriate education the responsibility and the participation of the parent of the child.

Mr. Bjornson: Those responsibilities will be addressed in the context of the dispute mechanism.

Mr. Derkach: I will accept the minister's answer for that. You know, it is his answer, but I do want to impress upon the minister that we have committed ourselves to support—the critic for this area has committed herself and our caucus to supporting the intent of the legislation because this is something that we have worked on for a number of years, as the minister had indicated.

But I think before we can pass this legislation in third and final reading, we need more clarity on the issue of the involvement and the participation, for example, of parents, especially as partners, as participants, and as an integral component of the definition of appropriate educational programming for children with special needs.

Mr. Bjornson: As I said before, the role of the parents will be defined in the context of the dispute mechanism but, also, meaningful participation in the development of individual educational plans as well. That is part of the regulations that we would be looking at right now.

Mr. Kevin Lamoureux (Inkster): I have just a couple of questions. The first one would be to the minister. Can he tell the committee why he believes that the appropriate education would not be incorporated into the legislation? Why the Government opposes doing that?

Mr. Bjornson: I am sorry. Could you repeat the question?

Mr. Lamoureux: Can the minister indicate to the committee why his Government is not of the opinion having appropriate education is not included in the legislation itself?

Mr. Bjornson: It is the regulations that will be defining the context of this legislation.

Mr. Lamoureux: But why does the Government feel it is not important enough to incorporate into the legislation?

Mr. Bjornson: Again, this is something that will be part of the ongoing consultations that will be looking at inviting all the stakeholders to the table to help us provide those terms of reference.

Mr. Lamoureux: Did the minister not consult with those stakeholders about the possibility of having that in the legislation itself?

Mr. Bjornson: Through the consultative process that was initiated to bring us to this point there was consensus that it would be included in the regulatory framework.

Mr. Lamoureux: Madam Chair, I would suggest that the Minister of Education at the very least maybe consult with Winnipeg School Division No. 1. We did not really get all the details into why it is they felt it would be important to bring in, but given the leadership that school division has played, whether it is nursery programs, special needs, there might be some merit for the Government to reconsider its position on whether or not it should be incorporated in.

Having said that, part of that presentation—I will ask the minister to indicate whether or not he agrees with this statement. It comes from a provincial document, and it states: The provision of the educational opportunities that foster a student participation in all aspects of community life during the school years and adulthood. This includes the provision with supports of either provincial curriculum, the provincial curriculum with adaptations, the provincial curriculum with specialized personnel support, a redesigned provincial curriculum with personalized, modified or enriched outcomes, or individualized programming.

In principle, would the minister agree with that document? That document is a definition of appropriate education and I am reading from the presentation here, which was the follow-up to the Special Education Review proposals for a policy accountability and funding framework.

Mr. Bjornson: We believe those are some of the parameters that we can expect to include in this process.

Mr. Lamoureux: The last question was they had indicated the concern they had with that definition is it did not go beyond the curriculum. There are other

needs. Would the Minister of Education agree that any definition should go beyond the curriculum?

Mr. Bjornson: One of the things that was very apparent tonight with the presentations was the fact that there is such a variety of issues on the table with respect to special needs programming, that to have a very meaningful definition would be too complex, given the parameters of special needs education requirements, the programming requirements and the fact that this is not a static part of education. It is constantly changing as we are recognizing different disorders, whether they are behavioural or what have you.

To have a definition would be far too restricting and far too complicated as part of the legislation and, as such, we expect this to be part of the terms of reference in the consultative process around regulations.

* (23:40)

Mrs. Stefanson: Just a quick question for the minister, we heard from a number of presentations this evening that they are concerned about the costs that will be associated with implementing this legislation. I am wondering if your department has done any analysis as to what the costs would be, what sort of costs would be incurred as a result of implementing this legislation.

Mr. Bjornson: The legislation is intended to address policy and programming. As far as costs, that is part of the global discussion around the existing formula for funding education and services.

Mrs. Stefanson: There were a number of presentations this evening. This is clearly going to be a very significant issue ongoing in terms of the discussions and the consultations that are going to be taking place.

Is there some sort of a plan put in place to deal with the costs that will be incurred? I appreciate the minister saying that maybe there will not be costs or what have you, but I think the reality is that there will be costs incurred and that unless the appropriate plan is put in place, this again will be offloaded onto the various school divisions and onto the backs of the taxpayers in those local communities.

I would like to encourage the minister and ask the minister if there will be a plan put in place to deal with the financial aspect of this.

Mr. Bjornson: I will repeat my answer. This is part of the global discussion of the education funding formula. I would like to correct that I did not say that there would not be costs incurred. We have recognized the growth in special needs education and the costs involved in that.

As such, we have increased financing to the tune of 25 percent over the last four years. So we do recognize that special needs programming requires appropriate funding. We have been continually increasing funding to special needs education.

Mrs. Stefanson: So is it the intent of the minister and his department to ensure that the appropriate funding is set aside or given to the divisions with respect to any cost increases associated with the implementation of this legislation?

Mr. Bjornson: Again, I will reiterate that that is part of the global discussion around the education funding formula.

Mr. Derkach: I am a little perplexed here, because anytime any legislation is contemplated, one has to take into account the cost implications that legislation will have either on the Province or on the affected parties. So I ask the direct question to the minister: What is the cost implication of us passing this legislation to either the Province or the school divisions in a global sense?

You cannot simply say that we will have these discussions later on. You have to have some knowledge as to what the global costs are going to be and what the impact is going to be either on the provincial treasury or onto the school division budgets.

Mr. Bjornson: Again, let me say that I recognize that we are constantly under pressure for delivering educational services. This will provide focus on the issue of special needs education, and, as far as cost implications, we recognize the growth in special needs as we have committed, as I said, more funds to special needs education. It was part of our Budget this year as well, and we have increased the funding by 25 percent. There are far too many factors to crystal ball the costs that would be involved in this.

Mr. Derkach: Is the minister telling us that you are moving ahead with this legislation after all of the consultation that has been held over the number of years that we have talked about this, the minister is telling us tonight that he is moving ahead with this

legislation without having any idea about what the cost implications will be and what the impact is going to be either on the treasury or on school division budgets?

I cannot believe that we are at that point right now. There has to be some global identification of costs for the department or for school divisions. If you look at the definition, if you look at section 2(1)(a.1), clearly the minister is going to be now directing a specific type of educational programming for every pupil that is covered under section 58.4 and every resident person provided in section 259. Surely the minister in doing that has to have some idea as to the cost implications that this will have.

Mr. Bjornson: Our funding increases of 25 percent over the last five years have been a result of the incremental growth in students identified as requiring funding. We can expect that we will continue to see small incremental growth in special needs' requests for funding in terms of special needs' programming.

Mr. Derkach: Madam Chair, we are not talking about incremental growths here. We are not talking about incremental growths or expansion of programs. We are talking about an impact that is going to be felt by school divisions and by the Treasury of the Province by bringing in this legislation.

This is specific. This talks about every child in the province having appropriate educational programming delivered to that child. That is going to have a specific cost. Does the minister have any idea of what this cost is going to be?

Mr. Bjornson: We have seen patterns across the country that are quite consistent, with respect to growth in special education funding and special education needs. As such, we can conclude that we can expect small incremental increases in the demand for the programming.

Mr. Derkach: So, Mr. Minister, what you are saying is that there is not going to be a significant impact on costs to the school divisions nor to the department as a result of this bill?

Mr. Bjornson: What I am saying is that we have seen patterns that are quite consistent across the

country that would suggest that small incremental increases would be what we can expect in the future.

Mr. Derkach: Those incremental increases would be absorbed then by the Department of Education?

Mr. Bjornson: Well, as I said, we have continued to increase the funding to the special needs' programming. We have done so to the tune of 25 percent in the last four years.

Mr. Derkach: My question was not about the last four years. My question was about the future and whether the minister and his department would be absorbing the costs for the small incremental increases that he is talking about.

Mr. Bjornson: As I have said, we have expected incremental growth and will continue to fund for incremental growth.

Madam Chairperson: Clause 2—pass; clause 3—pass; the enactment clause—pass; title—pass.

Shall the bill be reported? *[Agreed]*

* * *

Madam Chairperson: The hour being 11:50, is it the will of the committee to rise?

Some Honourable Members: Rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 11:50 p.m.

**WRITTEN SUBMISSIONS PRESENTED
BUT NOT READ**

Re: Bill 8

February 16, 2004

Honourable Christine Melnick
Minister of Family Services and Housing
357 Legislative Building
450 Broadway Avenue
Winnipeg, Mb.
R3C 0V8

Fax: 945-5149

Dear Minister Melnick,

Re: Municipal Social Assistance—Municipal Staff

I have just been advised by your Department officials today, Mr. John Petersen and Lori

Grandmont, that you will be creating 17 new positions as part of your assumption of municipal social assistance. I am also advised that the 18 municipal staff currently involved in providing municipal social assistance, outside the City of Winnipeg, will be forced to apply for these new positions as part of an open competition process that may include other external and internal applicants.

The City of Portage la Prairie supports the creation of a one-tier social assistance system, on condition that the Province takes reasonable steps to accommodate existing municipal staff currently providing municipal social assistance services. Unfortunately, in our view based on the information we received today, no attempt has been made to accommodate existing staff.

The Province assumed responsibility for municipal social assistance in the City of Winnipeg a few years ago. At that time, City of Winnipeg municipal social assistance staff were given the opportunity to be employed by your Department or to remain with the City. We believe we are now in a similar situation across the rest of the Province and for some reason a very different and very unreasonable approach is being undertaken in dealing with existing staff.

We are concerned that the Province of Manitoba is not taking steps to accommodate existing municipal social assistance staff in accordance with our wishes, which included full absorption into the existing Provincial structure. As a result, until such time as the Province accommodates existing municipal staff who are currently providing municipal social assistance services into the proposed one-tier system, the City of Portage la Prairie must object to the proposed one tier social assistance as communicated to us today.

Since time is of the essence, we would appreciate your re-consideration of your Department's position in this matter and would welcome the opportunity to meet with yourself as soon as possible on this matter.

Yours truly,

Ian MacKenzie, Mayor
City of Portage la Prairie

Cc Reeve Knight, RM of Portage la Prairie
Stuart Briese, President, AMM
Mayor Burgess, City of Brandon
Mayor Paul, City of Dauphin

Mayor Ballard, City of Flin Flon
 Mayor Wiens, Town of Morden
 Mayor Bell, City of Selkirk
 Mayor Magnusson, City of Steinbach
 Mayor Hopper, Town of The Pas
 Mayor Comaskey, City of Thompson
 Mayor Schmidt, City of Winkler
 Marie Barrett, CUPE Local 1002
 Mrs. Lynne Love, Social Services Co-ordinator,
 City of Portage la Prairie

* * *

February 17, 2004

The Honourable Christine Melnick
 Minister of Family Services and Housing
 Fax 204-945-5149

Dear Minister:

Re: One-Tier Social Assistance Program

This is to confirm that the City of Steinbach supports the creation of a one-tier social assistance program, unconditionally.

Yours truly,

Mayor Les Magnusson
 CITY OF STEINBACH

LM/wf

cc: Legislative Affairs Committee
 Fax 204-945-0038

* * *

February 18, 2004

Honourable Christine Melnick
 Minister of Family Services and Housing
 Province of Manitoba
 357 Legislative Building
 450 Broadway
 Winnipeg, MB R3C 0V8

Fax No. (204) 945-5149

Dear Honourable Minister:

Re: Municipal Staff (Social Assistance)

Your department, together with the Association of Manitoba Municipalities met on several occasions to discuss the implementation of a One Tier Social

Assistance Program. During preliminary discussions with the Town of Morden, Mr. John Petersen and Monique Kissel of your Department indicated that municipal staff would certainly be considered in the new system. We have recently learned that municipal staff currently involved in providing social assistance at the municipal level will be forced to apply for these new positions.

The Town of Morden currently has an employee that is dedicated to providing social assistance to eligible clients. This employees provides the same service for the City of Winkler, the Town of Altona, and the R.M.'s of Stanley and Rhineland. She is very knowledgeable in the field and has Provincial experience as well. When the City of Winnipeg went to the One Tier System, employees with the City were given the opportunity to be employed by your Department.

The Town of Morden supports the creation of the One Tier Social Assistance System, on the condition that the Province takes reasonable steps to accommodate existing staff currently providing municipal social assistance services.

Since time is of the essence, we would appreciate your Department's cooperation in reviewing your policy on dealing with existing municipal staff. Your early response to the concern would be appreciated.

Yours truly,

Alex Fedorchuk, Councillor
 Chairperson, Finance & Administration Committee

* * *

February 18, 2004

Jan Chaboyer
 President, Brandon District Labour Council
 5 – 930 Lorne Avenue
 Brandon, Manitoba
 R7A 6K7

Standing Committee Manitoba Legislative Assembly
 Manitoba Legislative Assembly

Re: Bill 8, the Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba).

Since I am unable to attend the Standing Committee Hearing in Winnipeg this evening, I would

request that the observations I present here on behalf of the Brandon District Labour Council be read into the record.

I have two points to make regarding Bill 8.

First, the Labour Council supports in principle the creation of a one-tier system to serve individuals and families in Manitoba who are obliged by their circumstances to seek employment and income assistance through the Department of Family Services and Housing. We believe that a single tier system will result in improved services and fair treatment of individuals and families irrespective of where they live in the province, and also allow for timely improvements in services to both correct existing inequities and further improvements in services and respond to the changing needs of service recipients.

Second, one of the effects of a movement to a one-tier system is that the jobs of people who now administer social assistance and related services in cities and town will disappear. At the time the proposal for a one-tier system was put forward, we

understand that a commitment was made by the province that individuals in the social assistance system whose jobs became redundant would be given equivalent jobs with the Manitoba government. We agreed that this was the appropriate course of action to follow to ensure that career and life prospects of the people affected would not be compromised.

It was recently brought to our attention that the Manitoba government is now seeking to retreat from this commitment. In our view, failure to follow through on the promise to affected employees that they would be given jobs with the Manitoba government as part of the conversion to a one-tier system is unacceptable. The government must honour the commitment it made to affected employees. Thank you.

Yours respectfully,

Jan Chaboyer
Phone 204-727-9706