



Legislative Assembly of Alberta

The 28th Legislature
First Session

Standing Committee
on
Families and Communities

Bill 204
Irlen Syndrome Testing Act

Thursday, October 10, 2013
1:02 p.m.

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Standing Committee on Families and Communities

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[Mr. Quest in the chair]

The Chair: All right. I would like to call the meeting to order. We're a couple of minutes late starting, and we want to end fairly promptly at 2:30 if we can. I'd like to welcome all members and staff in attendance to today's meeting of the Standing Committee on Families and Communities.

I'd ask the members and those joining the committee at the table to introduce themselves, and then we'll go to the introductions on the phones. We have a lot – I think we have six – calling in today, so if you're on the phone and you have a question or comment, if you can e-mail Jody, please, and we'll keep a speakers list here as orderly as we can.

We'll start with introductions.

Mr. Jeneroux: Good afternoon, everyone. Matt Jeneroux, MLA, Edmonton-South West.

Ms Notley: Rachel Notley, MLA, Edmonton-Strathcona.

Mr. Reynolds: Good afternoon. Rob Reynolds, Law Clerk, Legislative Assembly.

Mr. Young: Steve Young, MLA for Edmonton-Riverview.

Mrs. Jablonski: Good afternoon. Mary Anne Jablonski, MLA, Red Deer-North.

Ms Leonard: Sarah Leonard, legal research officer.

Dr. Massolin: Good afternoon. Philip Massolin, manager of research services.

Ms Rempel: Jody Rempel, committee clerk.

The Chair: Dave Quest, MLA for Strathcona-Sherwood Park and chair of this committee.

A couple of items to address before we start the business. The microphone consoles are going to be operated by *Hansard*, so there's nothing you need to do with that. If you could keep your cellphones and BlackBerrys off the table because they can interfere with the audiofeed. Audio of the committee proceedings is streamed online and will be recorded by *Hansard*.

Oh, I'm sorry. If you could please introduce yourselves on the phone. I just had to remind myself to remind myself. Who's all on the phones? I think Chris Cusanelli just went off, it sounds like.

Mrs. Leskiw: Genia Leskiw, Bonnyville-Cold Lake.

Mrs. Fritz: Yvonne Fritz, Calgary-Cross.

Mrs. Forsyth: Heather Forsyth, Calgary-Fish Creek.

Mr. Wilson: Jeff Wilson, Calgary-Shaw.

Mr. Pedersen: Blake Pedersen, Medicine Hat.

The Chair: All right. Welcome, everybody. Again, sorry about that.

Hi, Chris.

Ms Cusanelli: Hi. Sorry about that. My call dropped.

The Chair: No problem. We've got you recorded that you're on the call.

To everybody on the phones: again, there are many of you, so if you do have something you need to say, please e-mail Jody, or if I miss you, then just shout out.

We need an approval for today's agenda. I need a motion that the agenda for the October 10, 2013, meeting of the Standing Committee on Families and Communities be adopted as circulated. We've got Mary Anne. All in favour? Everybody good on the phones? Great. Thank you.

Okay. You should all have a copy of the minutes from the somewhat lengthy previous meeting. If there are no errors or omissions, if I could get a motion to approve the minutes. Mr. Jeneroux. All in favour? Everybody on the phones okay? All right. Great. Thank you. That's approved.

On to Bill 204. We'll have lots of time to have some discussions and then get to some recommendations. As the committee members are aware, we've now received over 70 written submissions, seven presentations, and a range of background research related to Bill 204, the Irlen Syndrome Testing Act. This committee has previously expressed a desire to report back to the Assembly on this matter, so as I noted in our last meeting, we're now at the point in our process where we need to discuss our findings and agree on a recommendation for Bill 204.

Before I open up the floor for discussion, I'd like to ask Mr. Reynolds to give us a quick reminder of the status of the bill and what that means for the scope of our review. Rob, whenever you're ready.

Mr. Reynolds: Thank you very much, Mr. Chair. Of course, the bill was referred to this committee prior to it receiving, really, any substantive debate during second reading. Mrs. Jablonski moved that it be referred to this committee. There was no time limit stated with respect to responding. The bill has not gone through second reading. It has not been approved in principle by the Assembly. Typically what that means is that the scope for amendments or recommendations is a little broader than it would be if the bill had received second reading.

The Chair: Welcome, Dr. Swann. We just started on item 4. Rob Reynolds is just giving us a bit of an overview of where we're at in the process.

Go ahead, Rob.

Mr. Reynolds: Great. Thank you very much. If one were to look at the standing orders, it would be Standing Order 74.2 that governs proceedings on bills referred to a committee after first reading. Typically what's happened: if a committee recommends that a bill not proceed and the report is concurred in, then the bill doesn't proceed any further. As the standing order clearly says in sub (2), if the Assembly concurs in a committee report that a bill be proceeded with, then the bill is placed on the Order Paper for second reading, where it resides right now.

That's a general overview. I don't know if members have any questions.

The Chair: Ms Cusanelli, I've got you down on the speakers list already, so a question or a comment? I'm sorry. Ms Notley has a question. We'll go with Ms Notley first, then, Chris, if it's a question.

Ms Notley: I'm sorry. Actually, in the spirit of the subject matter I was distracted somewhat. Do we have the ability to talk about amendments, or do we just actually simply suggest that it go back on the Order Paper for potential amendments to be made in the appropriate reading, which, I guess, is committee, right? Yeah, it's obviously committee. If you covered that, I apologize for missing it.

1:10

Mr. Reynolds: I did not read subsection (1) of Standing Order 74.2, which says, “The committee may conduct public hearings on the subject matter of the Bill and report its observations, opinions and recommendations with respect to the Bill to the Assembly.” So, yes, you can recommend amendments. Just to be clear, this committee cannot, as it were, make amendments to a bill. Only the Committee of the Whole can do that. But if the bill is reported back that it proceed and there are recommendations concerning the content of the bill, any amendments would have to be considered at Committee of the Whole stage, and the bill would have to proceed through second reading stage first.

The Chair: Okay. Chris, did you want to go ahead?

Ms Cusanelli: Sure. Thank you very much, Chair. I just wanted to make sure that I got on the speaker list. I just wanted to raise what for me is, I guess, my stance on this issue here. To me, the exploration of Bill 204 has brought what I think is an appropriate amount of exposure to this issue in order that families might have an opportunity to explore what might be the reasons for reading issues or visual issues, et cetera. I think that at this point, to me, it has not become a matter of policy but, rather, one of practice within schools, you know, and if we’re going to be legislating something, that’s something I take very seriously.

To me, I think that the exposure that we have placed upon this and, hopefully, future exposure that is brought to this particular syndrome is going to be important. But, again, I do believe that it is a matter of practice and not policy and that schools in Alberta ought to be made aware of, you know, Irlen syndrome and the symptoms of it as a point of interest for staff. Just to underline my stance on it, this is more of a practice issue rather than a policy-related one.

The Chair: Okay. Thank you for that.

Mary Anne.

Mrs. Jablonski: Thank you, Chair. Before I begin, I have to make a statement. I’d like to make a correction to a comment that I made in the September 25 meeting. I incorrectly stated that Dr. Charles Boulet said that not all optometrists are capable of doing a complete and comprehensive eye exam. This was an incorrect quote. The statements I made following this incorrect quote were my own thoughts and were not meant to be attributed to Dr. Boulet. I would like to apologize to Dr. Boulet for this misquote.

Now I’d like to talk about a lot of the things that I’ve learned in the last year and thank all the people that took the time to talk to me about their concerns and about what this bill meant. I’ve learned so much that I’m just very thankful. I want to thank all members of the committee, who carefully read the 75 written presentations and heard the seven presentations at the last meeting on Bill 204.

An analysis of the 75 presentations shows that 50 are in support of the intention of Bill 204 and that 25 of the written presentations are not in support. For those who were unable to be physically present at the last committee meeting, on September 25, and had to send a substitute or participated using a conference call, I would just like to point out that there were 50 people, including four children, who were at the committee meeting to lend their support to Bill 204 as well as the fact that 14 presenters were here.

Many of the people who were in attendance came from across the province: Lethbridge, Okotoks, Calgary, Red Deer, Innisfail, Wainwright, et cetera. They wanted to tell you how their lives have improved because of the use of coloured vision filters and

coloured overlays and that they hoped that other children and adults with visual stress disorder, or Irlen syndrome, would not have to go through the anxiety and failures that they had.

Except for Dr. Sharon Vaselenak, a general practitioner who practises in Edmonton, who put a human face on the presentations, we did not give the people most affected by visual stress disorder a chance to speak.

As we go into our final deliberations on Bill 204, I would like you to please consider the following. One loud concern I heard was that Irlen’s is a monopoly. Many professionals think that Irlen syndrome is the result of a monopoly created by Helen Irlen and the Irlen Institute. If you had a chance to read through the presentations, you would have read a number of submissions that talked about other colour-filter systems used that are very similar to the Irlen method. These methods include the ChromaGen group, colorimetry from Great Britain, the read right program in the United States, and another program in Ontario. None of these programs are affiliated with the Irlen Institute, yet they use similar screening techniques, overlays, and coloured-filter lenses. Irlen syndrome may sound like a proprietary name and a monopoly, so with the recommendation of Helen Irlen, two Alberta optometrists, and an educational psychologist, with whom I have spoken, I am recommending to the committee that the name of the bill be changed to the visual stress in children testing act.

A second concern that we heard loud and clear was inconclusive research. Research prior to 2006 shows inconclusive results. Many of these studies have been shown to be faulty, as indicated in the PowerPoint presentation that we received from Dr. Tosta. Later studies conducted by different organizations have shown the validity of visual stress and the use of coloured filters to be very valid and productive. If research is inconclusive, then it is inconclusive on both sides of the issue. It is unfortunate. Just as some professionals still question chiropractic care, acupuncture, and other alternative methods that are very beneficial and result in positive outcomes, just as some still question the validity of fibromyalgia, and just as posttraumatic stress disorder was ignored in the past, it would be wrong to dismiss or deny a condition whose treatment is very positive, noninvasive, does not require any pharmaceuticals, and can be helped with very inexpensive overlays.

I’m therefore recommending to this committee that we remove section 2 and change section 3 to state that parents and guardians of children who exhibit visual problems in learning and literacy be informed by educators of the need for a complete and comprehensive visual exam by a doctor of ophthalmology or an optometrist and that if this examination rules out more prevalent vision, neurosensory, and eye health conditions, the student also be tested for visual stress.

The third concern that we heard was that Bill 204 is too prescriptive. Well, visual impediments are mostly invisible and affect 1 in 4 Alberta children. They can masquerade as other health, behaviour, movement, learning, and social skill concerns. Visual impediments account for the majority of learning disabilities. They can create heavy costs to individuals, families, education, health care, justice, and social services, and they are largely preventable and are treatable at a minimal cost compared to current traditional approaches. The bill in its original form may sound too prescriptive. However, by making the changes that I am suggesting to this committee in point 2, the bill opens up to include that all visual impediments be tested through a complete and comprehensive eye exam by an ophthalmologist or an optometrist and to include testing for visual stress if no other visual impediment is found.

The fourth thing that we heard was that the bill could place a burden on teachers. Well, teachers are usually the first to recognize serious learning challenges. It's been my experience that good teachers will try to help their students in any way they can, and I can tell you that Alberta is fortunate to have many, many good teachers. When they see their student succeed, it's a matter of accomplishment and pride for the teacher. It's a burden to not help teachers identify the learning challenges of their students. Every teacher whom I have spoken with has embraced this information about visual stress and wants to learn more.

1:20

These are the four major concerns that have been addressed regarding Bill 204. I believe that we can address these concerns with the changes that I've recommended to this committee for the bill.

I also know that a number of our committee members are very concerned with the mental health of our children. I would say to you that if we don't address this issue, then we are contributing to the problems that some of our children face with mental health. I think this is part of the thing that we need to do, which is to address the concerns of children's mental health as we go on in this committee, so I only ask that you agree to send this bill back to the Legislature for further debate and to be amended as I have outlined in this letter.

Our educational system operates largely on a visually centred approach to instruction, and I believe that it is our duty to address the vision needs of our children. I also believe, as do others, that it could constitute a violation of the basic human rights of children if we ignore these concerns. Bill 204 brings awareness and cost-effective solutions to visual impediments that create a heavy burden for individuals, families, and society.

Thank you for your consideration of this important request to allow Bill 204 to be debated in the Legislature.

Thank you.

The Chair: All right. Well, thanks very much, Mrs. Jablonski.

Mr. Reynolds, I'm not familiar with the circumstance where a bill's name has actually been changed as it's gone through the House. A couple of our researchers – we had some good discussion about it, but I would like to get your opinion. Is that something that can be done?

Mr. Reynolds: Well, the occasion when I've seen a title to a bill change has been with respect to private bills, which is a bit of a different animal that I won't go into, but the principle is that the title has been changed by amendment, I believe. In theory, if the committee reports before the bill goes to second reading, the presumption is that if the House concurs with the report, then it's accepted that the bill should be changed. One of the questions that is asked at the end of Committee of the Whole consideration is: are you agreed with respect to the title? So it could be changed. I guess it's more of a substance issue in some ways for the committee as to whether the committee believes that if the title is changed, the bill encompasses the same thoughts that it did when it was referred to the committee or if it's another matter that requires further consideration or should be subject to being in another bill. But that's up to the committee.

Thank you.

The Chair: Thank you.

Well, those are not just the name but the recommendations that could follow in the House, as amendments would substantially change the bill.

I'll just open up the floor. Heather Forsyth, please go ahead.

Mrs. Forsyth: Thanks, Dave. I just need to understand some clarification on what we're doing and where we are, because what Mary Anne has recommended are some substantial changes on the bill. Rob indicated that the bill was referred to committee by Mary Anne, and that was when she, I understand, introduced the bill and then referred the bill to committee? That's my first question.

The Chair: Well, in the House, yes, that's what happened.

Mrs. Forsyth: Okay. It has not gone through second reading at all. That is my understanding. There is no debate. My understanding from my years of experience in the Legislature is that second reading is just to talk about the bill, and you either accept the bill or don't accept the bill on the second reading, sort of what's incorporated in the bill. It then goes to committee because then you vote on the second reading. What we're suggesting now: before it even goes through the second reading process, we're already talking about making recommendations on second reading. Is that my understanding?

The Chair: I'll get Mr. Reynolds to respond, Heather.

Mr. Reynolds: Well, just to clarify, I believe Mrs. Jablonski moved the motion that the bill be referred to the committee, but it was the Assembly that actually voted on it, so it was really the Assembly that sent the bill to the committee on Mrs. Jablonski's motion.

My understanding, the last time I looked at *Hansard* briefly for it, was that the bill was referred at the start of second reading debate by Mrs. Jablonski. I don't believe there had been any debate prior to that. You were correct that the bill, if it was agreed to be proceeded with, would have to go back for second reading debate. Second reading debate is debate on the principle of the bill. So when the vote is taken and if it's passed, the Assembly indicates that it has agreed with the principle of the bill.

Mrs. Forsyth: As it's written, right?

Mr. Reynolds: Well, that's where it gets a little confusing in this instance, in the sense that if there is a report recommending rather massive changes prior to receiving second reading and the Assembly concurs in that, I imagine that would be taken as the Assembly concurring that there will be broader changes to the bill in committee, certainly broader changes than would be permissible if the bill had passed second reading already. However, as I said, it becomes one of substance, the issue as to whether the committee believes that the amendments are so far reaching that they're different than the bill originally introduced. As I said, that's, of course, up to the committee.

The Chair: Does that answer your question, Heather?

Mrs. Forsyth: Yes and no, I guess. I've done some research, and obviously we didn't have this committee structure where you could refer a private member's bill or, for that matter, a government bill to the committee. I know we've dealt, as you're well aware, Dave, with government bills. Art Johnston's bill way back when comes to mind. But I don't ever recall making substantial changes to a bill in second reading, which, in my mind, changes what we're guided by under standing orders. So is this going to be something that's going to be happening all the time? It just draws some confusion.

I'm sorry, Mary Anne. I know how passionate you are about this, but I just don't know what we're doing.

The Chair: Well, I think we're all just a little bit confused, so we're going to just carry on the discussion. Maybe we'll get some clarity and some consensus on where we might go.

I do want to welcome Mrs. Towle, who has joined the meeting. Kerry, I think we'll give you a few minutes to read the yellow sheet there and some of the recommendations.

Mrs. Towle: Actually, I got it in advance.

The Chair: You're okay? All right, then.

In that case, we'll go Mrs. Jablonski and then to whomever would like to go next.

Mrs. Jablonski: Thank you, Heather. I appreciate your comments trying to clarify.

Christine, I just want to say that I appreciate your comments as well.

What I would say to you is that if second reading debates the principle of the bill, before we can go into second reading, there has to be a report from this committee. In that report, I imagine, if it's up to the will of committee, we would report that, hopefully, we would recommend amendments to the bill, so before it even goes into second reading, the Legislature will know that we intend to make amendments to the bill.

I would say, too, that the principle of the bill, which is the main point that we debate in second reading, remains the same. The basic principle is that children are tested in every way for visual problems, literacy problems, but instead of saying "Irlen" – you heard the comments I made. A lot of people feel that's a monopoly, that it's proprietary, that it's too prescriptive. So instead of using the word "Irlen," we would use the term "visual stress," which is more encompassing of more of the visual impediments that children face.

If we're debating the principle of the bill, I would say to you that even though we're making these changes, the principle is still that children be tested or that their parents get the recommendation. It's not mandating the testing but parents having a recommendation that children be tested and first with complete and comprehensive eye exams, which I think is so important. Of course, if our ophthalmologists or optometrists cannot find the problem, we include the visual stress, which is another word for scotopic sensitivity syndrome, or Irlen, that that be included in the testing as well. I believe that we are still within the principle that's in the original bill.

1:30

Mrs. Forsyth: My question is to Mary Anne. First of all, the title, the visual stress and children's testing act, of course, has changed the bill, and then you've recommended, I think, three or four changes – I'm trying to flip through all the papers I have – in regard to what you considered concerns of people around the table and, of course, concerns of Albertans. Why would you not then go to the Minister of Health and ask him to bring this forward as a government bill? You've clearly done a lot of research, and you've clearly indicated the mental stress these children are under, the learning disabilities, all of this. Why can the Minister of Health or the Minister of Education not bring forward a government bill on this?

Mrs. Jablonski: May I, Mr. Chair?

The Chair: Go ahead, please.

Mrs. Jablonski: Heather, I totally agree with you, but what I would say to you is that I think we need to finish this process first.

Then, if we finish this process, one way or the other we can give ministers a clear indication of what the Legislature, which represents the people of Alberta, would like to see. So I believe we have to finish this process first.

The Chair: All right. Further discussion?

Ms Notley: Well, we've had some good conversations about some of the concerns I have on both sides with respect to this bill. I mean, I have a lot of sympathy as well for the motivations that drove the introduction of the bill and the strong feelings of the parents who are very supportive of it. So I am of two minds.

I also think that in one sense it raises the opportunity for us to talk about a much larger issue, which is the degree to which we have a comprehensive and standardized and best-practices approach in place to ensure that we screen our kids for every possible impediment to their learning and then ensure that we provide them with the best practices in terms of fixing or accommodating those impediments to learning. I don't think that we have that in place right now in this province, in, frankly, probably any province in the country but certainly not in this province, and I think that the problem is very broad.

In terms of what that means to this bill and its going forward, it can go one of two ways. I could ultimately vote against this bill in the House, but I could think that it's a good idea for it to go to the House because it gives us an opportunity to have some of these broader discussions.

But I have a couple of questions. I'll put the two together. One is very specific, and one is more general. The specific question is just in looking at the proposed wording that you are putting forward under point 2 of your submission there, that

parents and guardians of children who exhibit visual problems in learning and literacy, be informed by educators of the need for a complete and comprehensive visual exam by a doctor of Ophthalmology, or an Optometrist, and if this examination . . .

This is where I start to get into a little trouble.

. . . rules out more prevalent vision, neurosensory and eye health conditions, that the student should also be tested for Visual Stress.

Now, "if this examination rules out more prevalent" neurosensory conditions: this is concerning for me because it would seem to me that there are a lot of more prevalent neurosensory conditions that would not be ruled out by an ophthalmological or an optometrist's exam. I'm just wondering right there if there's a problem with the wording because I think that, quite frankly, just the way that that is worded, you're not getting the outcome that you think you are and that you have broadened the issue to a much larger range of conditions, which is good, but I don't think that's what you are intending. So that's my first question.

My second question is more broad. You know, we're talking about a very serious or very significant set of recommendations that you're proposing here, because I think you've acknowledged that there are some pretty major problems with the bill as it currently stands. My concern is whether or not to take it into the Legislature. There are so many grounds for it to be rejected. Do you run the risk of taking it into the Legislature and then having the discussion shut down because such a flawed piece of legislation is going in and that there's so much that needs to be changed to make it acceptable right at the very outset? Do you run the risk of really limiting a discussion, say, for instance, on the broader issues that I think we should have and on the issue of the more narrow concern, the visual stress, which you think we should have? Do we run the risk of maybe prematurely ending the discussion because we're going into it with a pretty flawed tool?

Really, according to leg. counsel, we are talking about a somewhat unprecedented level of amendment at an unprecedentedly early stage in the process.

Mrs. Jablonski: Thank you for those comments. I think the most exciting thing about referring this back to the Legislature for debate is that it can open up a lot of discussion on some of the disabilities that our children face in schools. As I talked to the different professionals and to my colleagues, I discovered that children are tested according to what different boards have in their policy. I think I heard you say a consistent standard throughout the province. I think it's something we need to discuss. This allows that kind of discussion to open that up.

Your question about the proposed wording of "neurosensory": I have to admit to you that I don't know how much testing an ophthalmologist or an optometrist can do for neurosensory. I would say to this committee that if we wanted to remove that bill or if we wanted to wait till we did a little more research to see exactly what neurosensory means, I think that's a very good comment. That's something that we should look into, and if we have to remove that from the recommendation that I put forward, I don't have a problem with it. I just wanted to make sure that we were covering most visual impediments to learning. But that's a good comment. I don't know how much our optometrists and our ophthalmologists test for neurosensory. We could check that out, though, before we send a report to the Legislature.

The second one, the risks that we're running: when I opened this up, we did hear presentations from the Alberta School Boards Association that this was too prescriptive, and I agreed with that. That's part of the learning that I've had over the past year. But I do believe that visual impediments – those include visual stress – are some of the most significant problems that our children have in school, and I think that it's important for us to at least debate that in the House so we can acknowledge that we understand that our children face significant issues when they have visual impediments, including visual stress. At this point in time I really appreciate the comment, and I would say to you that I'm willing to take that risk.

The Chair: Did you want to go back on the list, Ms Notley? It's a fairly short list.

Ms Notley: Sure.

The Chair: Dr. Swann, welcome, and then Ms Cusanelli.

Dr. Swann: Thanks very much, Mr. Chair. Mrs. Jablonski, I very much appreciate all the work you've done on this, your commitment, and the important evidence that's presented, both the empirical evidence from individuals who have benefited by this and the scientific evidence, that has been mixed, obviously.

I have to concur with our NDP colleague that we're heading down a long and tortuous road when we start as a Legislature and a legislative committee to prescribe screening programs when we have a process in place. Various professional groups, including the Paediatric Society and the teachers and school boards and educational faculties in universities, have a process for reviewing important learning problems and screening tests and interventions for those.

I guess my question to the committee and to you as chair would be: how soon can we call a vote among the members of the committee to get a sense of whether we need to do any more debating of this, or should we simply come forward with a statement? How many are in favour of coming forward with a

statement that this should not be referred to the Legislature, that it should be referred to the appropriate authorities in education and health care that need to address this? It's an underresearched area, it is an important area, and it's an area that needs to be given resources and attention at the level of the province and the school authorities and the health care system, but it's not appropriate, in this or any other screening procedures that are important for our children, that a legislative body mandate something that has such ramifications in cost and evidence and science.

1:40

So I'm asking you as chair: how soon could we get a sense from this committee that we need to move on to other things, that this needs to be not referred to the Legislature because that's not the appropriate body to deal with this very important issue, that we can move on to other issues that this committee needs to address in the coming months?

The Chair: My hope, Dr. Swann, is that we would be able to go to a vote following this discussion, in about 30 minutes.

Dr. Swann: Very good. Thank you.

The Chair: Ms Cusanelli. Chris?

Ms Cusanelli: Okay. You can hear me all right?

The Chair: We can.

Ms Cusanelli: Okay. Just to weigh in a little bit further, regardless of the changes to the bill I'm still not convinced that this is an affair that I could recommend further debate on as a piece of legislation. To me, in placing the onus upon teachers to suggest the work that is best left to a physician, we're opening up our teaching professionals to an area outside their area of expertise. When families consult with schools regarding learning issues, really, to me, they're entering into a partnership. It's not the sole responsibility of teachers to make recommendations, but it is up to them to provide and evaluate the environment, to evaluate the methodologies and the pedagogical practices. When a teacher assesses a student and realizes that they're not meeting the outcomes, then it's most certainly their duty to inform the parent and open up that dialogue that's going to and should elicit wraparound services from every area to determine the barrier to the child's learning.

In the case of this bill – and I think I am going to mirror and reflect, you know, my approbation of my colleagues who have spoken just prior to me – it's my opinion that our legislative body should not be mandating this. While I respectfully commend my colleague for bringing this forward as a very important issue that people ought to be aware of in the teaching profession, in the area of visual professionals, I would respectfully say that we do have an obligation to our students to not just measure one area or one piece of diagnosis that leaves out the possibility of all sorts of other issues.

Lastly, my comment would be about the mental health issue. You know, were we to simply focus on this type of legislation, why are we then not including other pieces? Maybe we suspect a child has depression, but how do the teachers know specifically that that's the case? They don't. That's not their area. That's not their profession, and these sorts of things are better left to the professionals who are capable and trained to make those kinds of decisions.

Thank you.

The Chair: Thanks, Chris.

Mary Anne, I'll come back to you in a few minutes. I've got some other speakers.

Just for the information of the committee, because this is a somewhat unusual situation with this many changes, some of you will recall the cellphone private member's bill of a few years ago, that was looked at by the Standing Committee on the Economy. They recommended that the bill not proceed and that the issue be referred to the ministries of Transportation, Solicitor General and public safety, and Justice with the recommendation that an offence of distracted driving be created either by legislation or regulation, et cetera, et cetera. We have had a situation somewhat similar to this one, where the idea was good but again there were so many changes and additions and broadening of the bill that that's what happened with that one. Just for your information.

We'll go to Mrs. Towle.

Mrs. Towle: Thank you, Mr. Chair. First of all, I want to say a huge thank you to Mrs. Jablonski. I can appreciate your passion, and I understand where you're coming from with this bill.

I'm torn as well because, as I said to you before, my nephew has Irlen's and has been helped greatly by Irlen, so I sort of get hung up on: how much scientific evidence do we need when we have people right in front of us who are shining examples of what could go right if considered?

I also appreciate that you've clearly heard the message of the committee, you've clearly heard the message of some Albertans, you've clearly heard the message of professionals who've told you what they believe to be wrong with the bill and why they wouldn't support it, and you're trying to work with each and every one of those groups to make it a bill that actually is able to be supported.

I agree that I think we need to follow the process, and I think we need to allow the bill to go back to the committee floor. I suspect that one of the reasons it was kicked to this committee in the first place is perhaps because there might have been flaws in the bill at that time that they wanted you to walk through or that they needed to walk through or watch you walk through, so they brought it to this committee. There might be alternative notions to that as well, but I don't need to digress there.

The other part of it is that I do have one question for you. I know that when we spoke before, you talked about how you thought you might not be able to get support for this bill, because there are so many other disabilities. I think Ms Notley has brought this up before as well. There are so many other disabilities where we are not prescribing and mandating teachers, and I think you've taken care of that with your amendments. At least, that's my feeling on it. I'm just wondering if you can sort of explain to us why you picked this. I appreciated the explanation that you gave me, so I think it might be helpful for the committee to hear what you explained to me about what this does to identify earlier problems throughout the process, which may save a lot of testing for other people.

Mrs. Jablonski: May I answer the question, Chair?

The Chair: I'm sorry, Mrs. Jablonski. Go ahead and answer. Keep it as condensed as you can if you could. The speakers list is growing, and we want to give everybody an opportunity.

Mrs. Jablonski: Okay. A couple of things I would like to point out. If you read the recommendation that I'm bringing to the committee, you would see that we're not making it mandatory, so teachers are not mandated to tell parents that their children should be tested. But I think that we're asking teachers to do exactly what they're trained for, and that's to be able to identify that a child has

a learning or a literacy problem, that they might have a visual problem. So the recommendation to the committee is that educators inform parents that their children maybe should have a complete and comprehensive eye exam.

What I've learned in my research over the past year is that 25 per cent of the problems that our children experience are visual, so that's why I have broadened this – the Alberta School Boards Association said that it was too prescriptive – to include all visual impediments to learning, which does include visual stress, which is one thing that I think needs to be included, and that's my emphasis here, as you know.

Kerry, you know that the reason I bring this bill forward and the reason I am fighting so hard for it is because I know of the successes that children can experience when they're tested for all visual impediments, and that's why I think it's really important that we take this to the floor to have that discussion.

Mrs. Towle: Thank you.

The Chair: All right. Thank you.

We've got Ms Notley, followed by Mr. Young.

Ms Notley: All right. Okay. Again, I have not actually even decided how I'm going to go on this. I am really going back and forth on this for many reasons. As I say, I think that the opportunity for debate on the issue is valuable although I think it will end up going down in flames. We'll all get a chance to get on the *Hansard* record making our points, many of us very passionately, but I'm not really sure what we're going to achieve through that, which is why I was sort of inquiring into: well, what other things can we recommend? Can we make recommendations to the ministry that there be, you know, a report prepared, with general sorts of guidelines about what that report would involve, so that the issue stays alive and there's an opportunity to generate another kick at the can that might have some actual likelihood of success?

I'm of two minds. Certainly, I love to debate, and I'm all about democracy and providing my own personal self with a forum to go on endlessly, so that's a great idea, you know, about getting it back into the House. I hope I didn't just turn everybody off the idea by saying that. Nonetheless, the point is that there is value to that.

1:50

I think that in this discussion, as much as I remain a little bit skeptical about copyrighted Irlen's itself, there are some interesting discussions that we've had that if the bill could accommodate the broadening in a way that was sort of true to its original intent, it would still achieve some good objectives. I think we've had good discussion about the consistency of approaching these problems between school boards. I mean, all of us have been doing Read In Week in Edmonton. I've been to nine schools so far, and I've done a little survey at many of the schools. I've been to a couple of schools that focus entirely on learning disabilities, and they do the overlays as a matter of course. They do the assessment as a matter of course. So I reinforce my previous statements that I've made to you, that it was my understanding that it was pretty commonly done in EPSB. Obviously, we've got a consistency issue between school boards.

The other thing, though, that I then wonder about. You know, we started out by talking about Irlen's, most of our research is about Irlen's, and suddenly we're talking about vision stress. Now I worry that I need to go back to the drawing board to do more research on what that means.

Another concern jumps out at me. The mechanism that's included in this bill at this point, the actual solution that you're proposing, that the bill statutorily require teachers to recommend that kids get assessed for a certain thing in the event that, you know, other things have proved negative: is that really the best mechanism?

The other thing we've heard about in this committee is that as it stands now, every kindergarten child in Alberta can have a free comprehensive eye exam and free glasses. They are told that through the optometrists and ophthalmologists, and they are told that by their teachers as a matter of course throughout the province, and we have roughly a 36 per cent compliance rate.

My question is: is simply mandating the obligation of teachers to inform people about potentially being tested for visual stress really going to get you where you need to go if, in fact, the bigger problem that we have is that we have a whole bunch of kids going to school right now who don't see very well and are not even getting the most basic test yet because we're basically leaving it to families to do it?

I mean, yes, it's paid for because of the programs we've learned about, provided by the professionals, as a result of having these committees, and, yeah, the glasses are paid for, too, yet we've still got really low compliance. Is the solution that you're proposing really the right solution, or is maybe the solution actually that we start talking about doing comprehensive visual testing in the schools so that every kid gets the testing? Then what we start by doing is dealing with all those kids that just don't see well. Forget about Irlen's or visual stress; they just don't see well. We start by catching those kids, and then we start moving on to visual stress and all that kind of stuff.

You can tell I'm just not going on endlessly for the sake of hearing my voice. The point is that there are a lot of interesting questions that have come up from this work that we've done that raise interesting, possible solutions. I wonder whether we might not be better placed to put together a report that would talk about directing the ministry, whether it be Education or Health, to look at the issue of comprehensive early assessment of visual skills in preschool children or, you know, kindergarten children and look at the broad range and actually look at getting that to happen. Is that maybe something we should be looking at?

I'm not telling you how I'm going to vote yet on this, but I'm just throwing out the fact that this might be another way to actually get you to where you want to be and to get the outcomes that you actually want to see happen.

The Chair: All right. Thank you.

I'm going to go to Mr. Young and then go to Mrs. Jablonski.

Mr. Young: Thank you. First of all, I think this is a fantastic effort. The awareness it's created around something that I was certainly not aware of can't be understated. That ongoing awareness and advocacy for a condition is so important, and I think we've done our due diligence in asking that question and created awareness. But at the end of the day, for myself, I look to the professionals, like Dr. Swann has said, in the AMA, who will demonstrate there is insufficient evidence to support the screening. Then the Alberta College of Optometrists have demonstrated that the research in this area has been ongoing for several decades, and unfortunately the vast majority of the research is not carefully controlled. To me, if we're going to make policy, it needs to be evidence based.

I appreciate Mary Anne's suggestion about chiropractic – I go to chiropractors – but we're not creating a policy that creates a process. We all have an opportunity to use the screening if we

choose, and certainly we've heard passionate examples of where people have done that and had success. But creating policy: I don't think this is a legislative tool that we need to use. I think this is an awareness and an advocacy tool for parents and children and teachers so they become aware of it. As Mary Anne pointed out, all the teachers you talk to embrace the information and want to learn more. There's the real win, and I think that's where we need to continue on. But with the lack of an evidence-based foundation for legislation I have some serious concerns.

The Chair: All right. Thank you, Mr. Young.

Sorry, Mary Anne. I said that you would be next, but I've got two more on the phone, and then we could come back to you. Then we'll have to move towards a motion. I'm going to let those two go, and then you can speak last to everything that comes up if that's okay.

We'll go to Mrs. Forsyth.

Mrs. Forsyth: Thanks, Chair. I just want to get some clarification on what you referred to earlier in regard to Art Johnston, which I had mentioned when I spoke previously, on the private member's bill process on his cellphone legislation. If I recall, you said that the committee had made a motion to refer it to the Minister of Transportation.

The Chair: Heather, sorry to interrupt. I'll just read it back to you. First of all, they recommended that the bill not proceed, but they made a further recommendation "that the issue be referred to the ministries of Transportation, Solicitor General and Public Safety, and Justice with the recommendation that an offence of distracted driving be created," et cetera, et cetera. So they recommended that the bill not proceed, but, yes, they did refer it to those ministries.

Mrs. Forsyth: Okay. I quite like that idea, because they are far more experts than we are as committee members. As Mary Anne has indicated, I have a binder that's probably about three or four inches thick, and I've read all of the stuff that's come in on it. I like the idea of referring it to the appropriate ministries, and it somewhat goes to what Dr. Swann said in regard to the appropriate people looking at this and making an informed decision. I just wanted to get some clarification on exactly what that referral was. So it was not to proceed and then to refer it to appropriate ministries.

Thank you.

The Chair: Okay. Very good. We'll get Jody to send that to you so you've got the exact wording.

We'll go to Mr. Wilson and then back to Mary Anne, and then we're going to have to start talking about what we're going to do.

Mr. Wilson: Great. Thank you, Mr. Chair. I really appreciate the opportunity to address the committee. Thank you, Mary Anne, for all of the effort that you've put into this. I know that it's probably not going to be much of a surprise to anyone on the committee that I was going to have a difficult time supporting this bill as it was written. I do want to recognize the passion that Mary Anne has brought to this discussion, and I do believe that there's value in having the awareness of this issue and visual stress issues raised and heightened. I think that that goal has been achieved.

Now, I was intrigued by the proposed amendments that you did put forward, and I thank you for forwarding those out to us earlier today so that we had a chance to go through them, Mary Anne. It certainly has opened my mind to the possibility of moving forward on this. Now, as we have discussed, this would need to

pass second reading in the House in order for any of your proposed amendments to even be debated. I have a very simple question for you, Mary Anne – and I'll premise it with the statement that I believe there may be further value in more debate around the issues that we've discussed here in this committee over the past couple of months – and it is this. Do you believe that your party will support you in getting this past second reading if the committee were to refer it back to the House?

The Chair: Go ahead, Mary Anne. You can respond and then take about three or four minutes just to wrap up, and then we'll be looking for some kind of a motion. If it's okay with the group, we can let the meeting run over about five or 10 minutes and give that some thought. We started about five minutes late, and I suspect we may need those extra minutes.

Please go ahead, Mary Anne.

2:00

Mrs. Jablonski: Thanks very much. Jeff, thank you very much for your comments and your question. With private members' bills it's my job to talk to my colleagues to try to convince them that we should pass a bill that we would bring forward, but this is an area where we have free votes in the House. I would say to you that I haven't had time to talk to all of my colleagues as yet, but I would say to you that with the recommendations that I have asked the committee to proceed with, I would hope that my colleagues in my caucus would support this bill. That's all I can say about that at the moment.

I would like to respond to some of the other comments that were made. I agree with Rachel that we would need more research to learn about visual stress, but I think that sending this back to the House would give us that opportunity. Once again, we know it's a fact that 25 per cent of children who have difficulties in school have those difficulties because of visual impediments to learning, which include visual stress. Visual stress is another name for Irlen's, but because people object to the proprietary and monopolized name, I've decided, with a recommendation from Helen Irlen, not to use the word "Irlen" anymore, because it's important to her as well that we help children. Sending this bill back to the House would give us the opportunity for more research.

For the comments that were made about recommending this issue to the ministers and ministries, I think that it would have more impact and be more powerful if we did have the chance to debate this in the House and that it would be a stronger recommendation even if this thing would – what did you say, Rachel? – go down in flames. Even if it were to do that, it would be stronger if the Legislature were able to recommend to our ministers that they have a look at this.

When you talk about low compliance, it does concern me that parents don't take advantage of the fact that we have the Eye See . . . Eye Learn program, which allows children in kindergarten or at the kindergarten age to have complete and comprehensive eye exams, and if they should need lenses, the government pays for the exams and for the lenses. I think that's a wonderful opportunity, but a lot of parents don't take advantage of that. Only 1 in 5 kids has had an eye examination before they start school.

I would say to you that it is typical of human beings not to respond to something until it reaches a crisis level. When a child is in grade 1 or 2, now we're having a crisis because they're smart, they have good vision, but they're not learning to read. That becomes a crisis, and that's when I believe that parents will accept the information better. Once again, I do believe that it's important for us to continue the debate on this in the House. The low

compliance is just a part of human nature, and many of us don't respond with positive action until something becomes a crisis or important to them.

Dr. Swann, I agree with many of your comments, and I thank you for your kind comments. You talked about the AMA and other professionals, but does that mean that we can dismiss the testimony of Dr. Vaselenak, who is also a medical doctor? Do we dismiss the study of Dr. Boulet, which was the presentation that we received in writing, number 61? Do we dismiss his presentation? Do we dismiss Dr. Paulene Kamps' presentation? They're all professionals as well who can see that colour vision therapy is helpful in many ways. I would say to you that that's why we have this tug-of-war, it seems, with evidence-based research. We have professionals on one side and professionals on the other side.

Once again, Heather, I do agree with you that it would be good to refer this to our ministers, but I think it would have more impact to be referred by our Legislature rather than just the committee. That's why I'm still asking that this go back to the floor of the Legislature to be debated.

Jeff, I agree with your comment that there is further value in more debate to bring more awareness, to help more children, and for us to understand that visual impairments to learning are something that we do need to deal with within the province of Alberta.

The Chair: All right. Thank you.

In a minute I just want to talk about what some of our options are with respect to a motion, but, Rob Reynolds, if I could just get you to clarify. Now, I don't believe the Legislature can actually refer anything to the appropriate ministers. We could have the debate, and that could come up in the debate, but we would still have to either support or defeat the bill, correct?

Mr. Reynolds: Yes, Mr. Chair. If I was grimacing, yes, that would be my answer as well. The opportunity that the Assembly would have to refer something to a minister would be through a motion, but clearly this isn't a motion. A bill would be to put in place legislation, obviously, and not to refer something to a minister, but of course the committee could do that in its recommendations.

The Chair: Right. Okay.

Mrs. Forsyth: Dave, can I just get a clarification?

The Chair: Sure.

Mrs. Forsyth: Rob, if I can. Of all the years I've been in the Legislature and all the amount of time we've dealt with government bills and, for that matter, private members' bills, when questioning Parliamentary Counsel, you've referred to precedents. You say that in 1979, in 1983, whenever, this was done. For what we're talking about, we have no precedents to look at, in my understanding. So when you say that we've only got the Art Johnston bill on cellphones – that was more of a committee structure. We defeated the bill and then made a motion to send it off to the ministers. So that's what needs to be done if we decide to make a motion that way. We say that we're going to defeat Mary Anne's bill, and we make a recommendation to send it to the different ministries. Correct or not?

Mr. Reynolds: Thank you very much. Well, you're correct. It hasn't been done before or since the Assembly established what used to be termed the policy field committees, which are now the legislative policy committees. There's never been a private

member's bill that's been recommended to proceed. Oh, yes. Philip is holding up his finger here. The recommendation has generally been that they do not proceed.

With respect to your question it's open to the committee, of course, to recommend that this bill proceed and to put suggestions with respect to that, with respect to amendments. It has not been done before, however. Certainly, if your question is "Has it been done this broadly?" the answer would of course be no because it hasn't been done before at all unless – Philip was about to intervene, I believe.

The Chair: Please, Dr. Massolin, go ahead.

Dr. Massolin: Sure. I mean, basically that's correct. The only thing I would add is that with the former policy field committees there were three occasions on which a private member's bill was referred prior to receiving second reading. In each of those instances the committee recommended that the bill not proceed but further recommended that issues of various recommendations be made to ministries, in that cellphone bill and in two others, the municipal government amendment act with respect to a municipal auditor general and local access and franchise fees as well. So that's kind of the history there.

The Chair: Okay. All right. Well, we have a number of options, and we actually have, I believe, a motion coming forward also. We can either recommend that the bill proceed, or we can recommend that the bill not proceed. Or we can recommend that the bill proceed with the following considerations, and we could list off all of the recommendations that Mrs. Jablonski has brought forward, or we could move that the bill proceed but then, again, add those recommendations.

Ms Notley, I'm going to let you go ahead, please.

2:10

Ms Notley: All right. Well, I did actually draft up a motion. I do want to say that in my mind – although leg. counsel may tell me I'm incorrect, which is fine, which I'm sure you're glad to hear.

In any event, I have a motion that will talk about the committee making a report that would include a recommendation to the ministries, and I'll tell you that in a second.

My understanding is that this doesn't necessarily preclude a recommendation that the bill still go forward or that the bill not go forward, but I do think it will provide some context for people in the course of deliberating on the second question. Am I correct? Let me just read my motion, and then you tell me if that would preclude a subsequent discussion about the fate of the bill. Okay?

I just drafted the motion very quickly, and speaking of visual problems, I can't read half of what I type now because I haven't updated my prescription. However, I believe it reads something like: that the committee prepare a report which includes a recommendation that the Ministry of Health and the Ministry of Education collaborate to prepare a report for public release outlining recommendations for best practice to ensure the greatest quality of visual assessment in Alberta's schools, including specific reference to (a) consistency between school boards with respect to policy and practice, (b) the effectiveness of different models of publicly supported in-school visual assessment programs, and (c) the nature of visual conditions that require testing including but not limited to visual stress.

The idea, then, is to ask the ministries to prepare a report including recommendations on what I think is a summary of the issues that we discussed without getting into the broader learning disability issues and child development issues that I had touched on but trying to keep it to the issue of vision and the role of the

education system and how that impacts on learning. That's my recommendation.

That's the motion that I would put forward. I haven't formally put it forward yet because I now ask: can we still talk about the fate of the bill after we deliberate on this motion?

The Chair: I'm sure that we can. I'm going to get some clarification from Mr. Reynolds, but I would think that you'd have to recommend that the bill not proceed but that we do this. Well, I'd like to hear from our legal counsel.

Mr. Reynolds: Well, of course, it's always fascinating here because the number of possibilities members propose and their creative nature is always something that keeps you on your toes. If you're asking, as you are, I would assume that the putative motion that may be put forward by Ms Notley would be tied to a recommendation that the bill not proceed, because it presents an alternate course of action. It's a thrilling prospect, but I'm not sure how you would recommend that the bill proceed yet the issues be referred to a department or a ministry. That would be something where one would look to the contents of the bill to find the answer as to what should happen to it if you recommended that it proceed. I've always viewed the recommendation of going somewhere else as an alternative to not proceeding.

The Chair: Well, I'm just a car dealer. Looking at the two of you, I guess you could probably carry on that discussion, but that's what it would mean to me, that you would have to actually make a recommendation that this would be instead of, so you would have to actually recommend that it not proceed.

Ms Notley: I'm happy to wait on this until after we have a resolution on the fate of the bill. That might be another way to go. I still haven't decided what I think about the fate of the bill. You know, we've had some good discussions, and there have been some important issues that have been raised, and I think the idea of this committee taking the opportunity to ask the ministries to come back on these issues is worth while. Mrs. Jablonski has done a lot of work, and I'm not trying to preclude the first question. We've spent a lot of time talking about her bill, so I don't want to hijack that process with this. I'm trying to reach a solution, but I want to make sure everyone has a chance to vote on what they want to vote on.

The Chair: I see. Okay. So we don't have a motion on the floor. We have a potential motion for discussion.

Mr. Jeneroux.

Mr. Jeneroux: Yeah. Just to clarify, if we're voting now and we decide not to proceed, does that essentially put it back on the Legislature floor anyway because it still has to be decided on?

The Chair: No. If you vote not to proceed, this is the end.

Mr. Jeneroux: It's done? Okay. Thank you.

The Chair: Phil, did you want to add to that?

Dr. Massolin: Ultimately, the Assembly still has to concur in the report, right?

The Chair: Just for clarification, it's likely that it wouldn't proceed, but we are actually just making a recommendation.

Mr. Jeneroux: So the report is that it doesn't proceed.

Dr. Massolin: Well, the Assembly has to make the decision on whether to concur in the report regardless of, you know, yea or nay on the bill by the committee. Do you see what I'm saying? It's the Assembly's decision.

The Chair: So the Assembly could say: thanks, but you're wrong. Mrs. Forsyth, you have a question?

Mrs. Forsyth: I just need some clarification. If a motion comes to the floor for this bill to proceed to the Legislature for debate – this is obviously so new to me – that does not preclude any member in the Legislature from bringing amendments forward on the bill when it gets to committee even though our committee hasn't seen those amendments?

The Chair: I'll get Mr. Reynolds to respond, Heather.

Mr. Reynolds: Mrs. Forsyth, you certainly are raising the difficult questions today. In any event, no, it doesn't preclude anyone from bringing forward amendments. If the committee recommends that the bill proceed and if the Assembly concurs in that report, of course that's the only way the bill could proceed. If that is the case and if it passes second reading, then when it gets to committee, anyone could propose an amendment, just like on any other bill that comes before the Assembly.

Mrs. Forsyth: Rob, I'm sorry I'm making your day difficult. I truly apologize. You're one of the good ones.

Just so I understand, if we ask for the bill to proceed, it goes to the floor on second reading exactly as it is now. Then we have to debate the bill as it is now, without the amendments that Mary Anne is proposing. Am I correct or not?

Mr. Reynolds: Well, to give you a lawyerly answer, yes and no. If the committee recommends that there be amendments to the bill, if it's accepted by the Assembly, then the Assembly will have knowledge and will have agreed to amend the bill, so yes. The bill would go through second reading as it is written because you can't amend a bill at second reading, but the Assembly would have given a knowing wink to the fact that there are going to be broad amendments, if you will. But it's up to the committee to decide if it wants to recommend fundamental amendments to the bill.

Mrs. Forsyth: Well, as someone who has sat faithfully, every time we get elected as an MLA, through you telling us about bills – the procedures, second reading, committee, third, and all of that – I'm struggling with the fact that we have a bill before us that was referred to the committee at second reading, known as the Irlen syndrome bill, and with all the times that you've taught us that you have to like the intent of the bill as it is at second reading for it to pass, that if you don't like the intent of the bill, then the bill dies at second reading. Well, right now, the way the bill is written, the committee obviously doesn't like the intent of the bill. Are we saying, "Okay; well, we're just going to obviously ignore that" and are going to nudge, wink, and say, "Okay; well, we're going to let this one through" and just sort of pretend we like the intent of second reading and then know we're going to bring all these amendments forward?

2:20

The Chair: Well, we're going to try and not have too much nudging and winking going on, but I think that essentially you're right, Heather. We have to look at what we have in front of us and, I guess, know that there could be amendments and changes and so on. You're right. In second we would be debating the bill as it is,

and I guess there's probably a risk there that it won't pass. Lots to think about and not that much time left in the meeting.

Ms Notley, just to reaffirm, you're bringing that forward as a motion, but you do not want to recommend that the bill not proceed.

Ms Notley: Right. I'm being told that I kind of have to pair it with a motion that the bill not proceed.

The Chair: Well, you don't have to do anything.

Ms Notley: As you rightly say, Rob and I could probably have a long, interesting hypothetical discussion about whether or not the bill could proceed while we have also recommended that the ministry do a bunch of work for us, but that just makes it more complicated. I mean, I will bring this motion forward once the committee has deliberated on the fate of the bill should the fate of the bill be that it doesn't go forward. That's what I'm saying. But because I don't want to be the one to make that motion, I'm going to let someone else make the motion one way or the other and the decision be made.

The Chair: Okay. Then knowing what we know, I think it's unfortunate that so many recommendations came at this stage, because we're sort of forced into a spot that we wouldn't necessarily have been in if they had come up earlier in the process, but the fact remains that they didn't. So we'll have to look for a motion from the floor now that, knowing what we know, the bill either proceed or not proceed. If we're proceeding, again, we still have the option of adding: proceeding with the additional recommendations that Mrs. Jablonski has brought forward. I guess the other option is that it not proceed, knowing that there's another follow-up motion with respect to the referral to the ministries, which may increase our chances of actually achieving what Mrs. Jablonski wants to achieve in the long run. I'm going to throw it out there.

We have Mrs. Jablonski.

Mrs. Jablonski: Thank you, Chair. Just to comment before I make the motion, before we leave, I need to say one more thing to our committee. At the end I would like to inform the committee of a comment that was made about this committee after we're finished but before we leave.

At this time I would like to make a motion to this committee that we agree to proceed with the bill to go back to the Legislature for debate and to be amended as I have suggested and recommended to this committee.

The Chair: Mr. Reynolds, can I take that to the floor? We used the word "amended," and I think it would have to be "with the recommendations," correct?

Mr. Reynolds: Yes. With the recommendations for amendment as distributed or as provided.

The Chair: I'll get Jody just to read that back to us when she's got it to just make sure we know exactly what we've got here. Essentially, that would be that the bill proceed with your additional recommendations.

Okay. We have a motion on the floor from Mrs. Jablonski, and we'll just get Jody to read it to the group.

Ms Rempel: Moved by Mrs. Jablonski that the Standing Committee on Families and Communities recommend that Bill 204, Irlen Syndrome Testing Act, proceed,

including recommendations for consideration of the changes that were distributed today.

The Chair: Any discussion? All in favour?

Mrs. Jablonski: Can we have a voice vote, please, Mr. Chair?

The Chair: A recorded vote? Okay. In that case, in the room we have in favour Mrs. Jablonski and Mr. Jeneroux. And on the phones?

Mrs. Leskiw: I agree with the motion.

Mrs. Fritz: Agreed.

The Chair: All right. Okay. In that case, opposed, please?

Mrs. Forsyth: Opposed.

Ms Cusanelli: Opposed.

The Chair: Okay. Opposed we've got Mrs. Towle, Mr. Young, Ms Notley.

Mr. Wilson: Opposed.

The Chair: Mr. Wilson, thank you.

Mr. Pedersen: Opposed.

The Chair: Thanks, Blake. I'm sorry. I'm not sure I acknowledged you were even on the call. Thank you.

Dr. Swann: Mr. Chair, I oppose the motion.

The Chair: You're opposed? All right. Got it.

Okay. Jody is just going to read out the list of in favour and opposed just to make sure we've got it right.

Ms Rempel: In favour of the motion I have Jablonski, Jeneroux, Leskiw, and Fritz. Against the motion I have Cusanelli, Towle, Forsyth, Young, Notley, Wilson, Pedersen, and Swann.

The Chair: All right. So the motion is defeated.

Mr. Wilson: Mr. Chairman, is this the appropriate time to now make a motion to refer it to the ministers for further discussion and, hopefully, action, considering what the committee has learned?

The Chair: It seems as appropriate a time as any although I think Ms Notley's motion pretty much encompasses what you were looking for, Jeff.

Mr. Wilson: Perfect. Thank you.

The Chair: Let's go to Ms Notley.

Ms Notley: Right. Well, I would now like to move the motion that I read before. Would you like me to reread it?

The Chair: Please. Just for clarification for me, she no longer has to say "did not proceed" because we've already done that?

In that case, yeah, you're still going to have to make a decision to . . .

Ms Notley: But we've already decided that it's not proceeding.

The Chair: If you could put it in the motion anyway, that would be good, just for clarification.

Ms Notley: I move that

given that the bill is not proceeding, the committee prepare a report which includes a recommendation that the Ministry of Health and the Ministry of Education collaborate to prepare a report for public release outlining best practices to ensure greatest quality of visual assessment in Alberta schools with specific reference to

- (a) consistency between school board practices and policy,
- (b) the effectiveness of different models of publicly supported in-school visual assessment programs, and
- (c) the nature of visual conditions that require testing, including but not limited to visual stress.

The Chair: We'll take that to the floor, but I'm just going to get Phil Massolin to clarify processwise what we've done here and haven't done here correctly.

Dr. Massolin: Well, I just think it's appropriate that the mover of the motion indicates that the bill not proceed because, as I think you indicated, I don't think the committee has said that it has or not. The previous motion was just that it proceed with certain conditions or considerations.

Ms Notley: Okay. You're right. Sorry. I understand what you're saying. I missed that. Fair enough. So I'll just say: not proceed in its current form.

The Chair: Okay. So that's the motion we have on the floor?

Ms Notley: Yes.

Mrs. Jablonski: Just a question. If the committee makes this recommendation that we've just heard from Ms Notley, is there any obligation on the ministries who have been cited in this motion to go ahead and bring forward a report as requested, or can they just ignore the recommendation of this committee?

Ms Notley: They can, yeah.

The Chair: They could, but I doubt they would. All right. Any further discussion?

2:30

Mrs. Jablonski: No further discussion. Just don't forget me at the end of the meeting.

The Chair: Okay. All right. We have a motion on the floor.

Mrs. Forsyth: Dave, can you give us the names like you did on the original, please?

The Chair: Sure. All right, Heather.

I'll just go with the room first. We've got Mrs. Towle in favour, Mrs. Jablonski in favour, Ms Notley, the mover, in favour, and Mr. Jeneroux in favour.

On the phones, then, in favour of the motion?

Mrs. Forsyth: Agreed.

Mr. Wilson: Agreed.

Mrs. Leskiw: Agreed.

Mr. Pedersen: Agreed.

The Chair: Dr. Swann, you're agreed?

Dr. Swann: That's correct.

The Chair: Did I miss anybody?

Opposed now. Mr. Young.

Mrs. Fritz: Opposed.

The Chair: Ms Cusanelli, you're opposed?

Ms Cusanelli: That's correct.

The Chair: Okay. Did you get all those, Heather? That will be recorded.

Mrs. Forsyth: Yeah. Thank you.

The Chair: Okay. All right. The motion is carried.

That's what we're going to do. The bill is not going to proceed. We're going to refer to the appropriate ministries. I'm sorry we have run over here.

We'll go to Dr. Phil Massolin. If you can just tell us what you need from us to do the draft report, which we will be looking at in a couple of weeks.

Dr. Massolin: Sure. Thank you, Mr. Chair. It's at this point that the committee gives instructions to research services, who will aid the committee in preparing the committee's draft report for approval at that next meeting. I just want to go over really quickly what the draft report will contain. Basically, it'll contain committee membership, how the bill was referred, talk about the committee activities, including the public hearing process and a brief summary of what happened there, and then the main section will be the recommendation – I think we heard what the recommendation is, pretty well the motion that was passed – and then just the list of stakeholders and presenters to the committee.

I don't think I need anything further unless the committee would like to give further instructions. The other thing, just to end off: at the next meeting the committee can approve that report.

The Chair: Okay. Mary Anne, I'm sorry. You wanted a few words. You can do that now.

Mrs. Jablonski: Yes. Thanks, Chair. I just want to say thank you to everyone on this committee for your attention and your effort and your work. I have to let you know about a comment that was made by a gentleman who was sitting in our committee room on September 25. I'm very proud of this committee. He observed that everyone who was here paid attention, was focused, and was prepared for the discussion. He was very impressed with our attentiveness and our focus and the efforts of this committee, and he said that he was encouraged and that we had renewed his faith in the legislative process. I just want to say thank you to everyone on the committee for your hard work and your attention to this very important subject.

The Chair: Thank you, Mary Anne, and thank you for all the work you've done on this and will continue to do on this, I'm sure, through the process.

Is there any other business?

In that case, the date for our next meeting will be October 24, 3:30 to 4:30 p.m. We'll look at the draft report at that time.

We need a motion to adjourn. Mr. Jeneroux.

Dr. Swann: Could I just ask a question, Mr. Chair?

The Chair: Sure.

Dr. Swann: The agenda for the next meeting is simply to review the report? Can we not move on to some other business?

The Chair: I think in subsequent meetings. That one is a fairly short one, Dr. Swann. I think we'll just focus on the draft report and make sure that we've got that right before it goes to the Legislature.

Dr. Swann: Okay.

The Chair: All right. We had a motion to adjourn. All in favour? Great.

Thank you very much, everybody. Sorry we ran a few minutes over. Thanks.

[The committee adjourned at 2:36 p.m.]

