

Legislative Assembly of Alberta

Title: **Monday, May 16, 1994**

8:00 p.m.

Date: 94/05/16

[Mr. Clegg in the Chair]

head: **Government Bills and Orders**
head: **Committee of the Whole**

MR. DEPUTY CHAIRMAN: Tonight we're in Committee of the Whole to discuss Bill 19. However, could we have unanimous consent to introduce guests before we start?

HON. MEMBERS: Agreed.

head: **Introduction of Guests**

MR. DEPUTY CHAIRMAN: Hon. Minister of Education.

MR. JONSON: Yes, Mr. Chairman. We have three gentlemen with us that I'm sure are very interested in the proceedings this evening. I'd like to introduce to the members of the committee Mr. Gerald Bernakevitch, president of the Alberta Catholic School Trustees' Association. Accompanying him is Mr. Kevin McKinney, executive director of the Alberta Catholic School Trustees' Association, and I would think representing the Alberta School Boards Association this evening is Dr. Lawrence Tymko, executive director of that organization. I'd ask that they stand and receive the warm welcome of the Assembly.

Bill 19 School Amendment Act, 1994

MR. DEPUTY CHAIRMAN: Okay. We'll get right into Bill 19. Does the minister have any words?

MR. JONSON: Yes, Mr. Chairman. It's my pleasure this evening to table the following amendments to Bill 19. These amendments constitute the hard work of many Albertans. First, through the extensive discussions with school boards, a number of valuable points were used in framing the amendments I am tabling tonight. Second, these amendments are also reflective of input from Albertans who forwarded their thoughts and comments on Bill 19. Third, there are the necessary housekeeping amendments which tidy up Bill 19 so it is consistent with other government legislation and regulation.

I believe that the House amendments which I have tabled this evening address many of the concerns expressed by members of this House and many Albertans. It is important, Mr. Chairman, to recall two underlying principles in Bill 19. First, a guarantee to all school boards of equal access to all education funding for every student in the province no matter where he or she lives and irrespective of whether that child is registered in a public or a separate school. The provision of equal access to full funding for Catholic school districts in Bill 19 is of great significance in the province of Alberta. The various amendments to the School Act since 1905 which have added additional revenues to Catholic schools are overshadowed in comparison to their access to funding under the Alberta school foundation fund proposed in Bill 19. Second, Bill 19 provides for the substantial and meaningful involvement of parents and the school community in schools through school councils under section 17. I realize that this may concern some school trustees, but it is a very important aspect of the government's plan for increasing local involvement in education. In order to achieve these important principles, Bill 19

significantly restructures and refinances basic education in this province. The House amendments address many concerns which have been expressed by Albertans without in any way deviating from those two very, very important principles.

I would like to take a few minutes, Mr. Chairman, to go over the House amendments that are being proposed. As you know, Bill 19 provides for the creation of the Alberta school foundation fund, into which all taxes raised from the residential and nonresidential tax base will be placed for redistribution to school boards on a per student basis. To recognize the constitutional rights of separate boards, Bill 19 provides for separate boards to pass a resolution opting into the fund. Under Bill 19 a separate board which continued to requisition its own taxes could not benefit from the Alberta school foundation fund.

The House amendments provide as follows. The goal of the distribution of all locally raised revenues under the funding scheme is to achieve equal outcome revenue for each student in the province. All separate boards will retain the right to directly requisition municipalities for moneys based on the separate school property assessment base limited to 1901 Ordinance properties. Mr. Chairman, all public and separate districts will be included in the fund with the option of separate districts to opt out. Opted out districts would requisition and then receive a top-up necessary to achieve an equal outcome revenue per student. All undeclared and public school assessment will remain in the fund.

Mr. Chairman, for 1994 separate boards will have 30 days from Royal Assent to opt out of the Alberta school foundation fund. Resolutions would remain in effect until after 1995. Local authorities elections at that time will take place, and at that time new separate boards would have a choice of rescinding that resolution. Any resolution thereafter remains in effect for three years, and this is consistent with the electoral term.

Mr. Chairman, separate boards would be able to set their own mill rates, but they would be prohibited from setting mill rates lower than the comparable mill rates set by the Lieutenant Governor in Council for the Alberta school foundation fund. If any separate district raises an amount greater than the amount per student generated by the ASFF, the excess will be put into the ASFF consistent with the principle of equal outcome revenue and subject to the 1901 Ordinance rates.

Mr. Chairman, distribution of moneys from the Alberta school foundation fund would be on the basis of an amount per student. All public and separate school funding would come from the Alberta school foundation fund. An opted-out separate board would receive from the ASFF only the amount of money which when added to the moneys requisitioned by the separate school board from the municipality would give them the same total amount per student as received by the public school boards and opted-out separate boards.

Mr. Chairman, section 28(3) provides that any public board must admit any student, public or separate, if it has room, while section 28(4) permits a separate board to enroll only Catholic children. The ordinances require both public and separate to admit any student if they have room. The reason Bill 19 included section 28(4) was to ensure school-based management by a majority of parents, which would be by Catholic parents in a Catholic school. Section 28(4) will be repealed and replaced with an addition to section 17(2) that a separate board can, by resolution, limit participation in the school council to Catholic parents. This will alleviate the concern of public school trustees that section 28(4) amended the historical responsibility of public and separate boards to admit nonresidential students if they have room.

Mr. Chairman, both public and separate school trustees were concerned about section 94, which deals with superintendents and superintendency. The House amendments address the concern of the school boards and of the province that there be an alignment of the superintendent with the province as follows. The minister will approve the initial contract of a superintendent for a period of up to three years and any renewal or extension of any contract which expires after Royal Assent. If a board intends to renew the contract, the minister has a three months' notice within which to approve or decline approval. If the approval is declined, the board must submit a new name for the office of superintendent. The minister is of course required to provide reasons for withholding approval of any contract extension.

Mr. Chairman, other amendments which are addressed in the list before you deal with clarification with respect to charter schools, the matter of resident student responsibility and resident students of government, the matter of amalgamation of counties and school districts for education purposes, declarations related to the 3 percent special levy by plebiscite, and clarification with respect to the role of the secretary treasurer.

Mr. Chairman, let us be clear about Bill 19 and its amendments. This Bill has been developed to strengthen the public education system in this province. The Bill will establish a school-based, site-based management system where parents in the community have a greater role in what is taking place. This Bill will mean increased local decision-making, not the centralized decision-making the members opposite continuously talk about. Additionally, the restructured education system proposed in Bill 19 will lead to a more accountable system beginning at the school site and ending with the public of the province of Alberta. This Bill will ensure an education system that will see all Alberta students having a more equitable opportunity to access quality education, all students wherever they reside in this province. It will be an education system that will be results oriented so students and parents will better know how they are doing.

8:10

Mr. Chairman, Bill 19 and its amendments will also ensure that there will be greater student access with open boundaries in this province among public and separate school boards. Bill 19 will lead to an educational system that is better managed, better run, and more accountable. Elected school boards will continue to play an important role in the development and running of a new and more vitalized education system. It is vitally important that Bill 19 and its amendments pass through the Legislature. This is so the students of Alberta can receive a quality education based upon equity funding no matter where the student may live or which system they may attend.

With that, Mr. Chairman, I conclude my opening remarks, and I move amendments A to N as distributed.

MR. DEPUTY CHAIRMAN: Thank you, hon. minister.

The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. Tonight I'd like to, in light of these amendments that have been laid on the desks here at the start of the session today, remind the minister that to my knowledge no member of the opposition has had a chance to review or inspect these amendments in any way before their filing here tonight. That might well be within the appropriate rules of the Legislative Assembly, but I must say that when the opposition has applied and has filed very useful amendments in the past, there's a big hue and cry that comes up: "Oh,

you didn't give them to us earlier. We haven't had a chance to see them. We can't protect the oil industry, because we didn't see them earlier." As a result of that and rather than get into a lengthy debate this evening on amendments that are substantive, significant, and highly important for the educational process of this province for the immediate and the long-term future of this province, I would move that we adjourn debate on this Bill 19 at this time.

MR. DEPUTY CHAIRMAN: You've heard the motion by the Member for Fort McMurray that we adjourn debate. All in favour?

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: The motion is lost.

[Several members rose calling for a division. The division bell was rung at 8:14 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Dickson	Massey
Beniuk	Germain	Sapers
Bracko	Henry	Van Binsbergen
Bruseker	Kirkland	Vasseur
Dalla-Longa	Leibovici	Wickman

Against the motion:

Ady	Haley	McFarland
Amery	Havelock	Mirosh
Burgener	Herard	Pham
Calahasen	Hierath	Renner
Coutts	Hlady	Rostad
Day	Jacques	Severtson
Dinning	Jonson	Smith
Doerksen	Laing	Sohal
Dunford	Langevin	Stelmach
Fischer	Lund	Trynchy
Forsyth	Magnus	West
Fritz	McClellan	Woloshyn
Gordon		

Totals:	For - 15	Against - 37
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[Motion lost]

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. Speaking to the amendments. Over the last nearly 20 years the problem of equity funding has grown. The battle lines are familiar: rural versus urban, cities versus suburbs, Catholic versus non-Catholic, and rich district versus not-so-rich district. The situation has grown worse as a result of government inaction. The government has failed to act on the one solution that almost everyone in the

province at one time agreed to regardless of geography or school system attended. That solution was 85-15: 85 cents of each dollar spent on education was to come from the province; the other 15 cents was to be raised locally.

Instead, the province introduced equity funding formulas and when it became apparent that the problem was growing faster than these formulas could accommodate, as a last ditch resort transferred money from the lottery fund. Then came Bill 19. The wizards who planned the financing of education in the Act should take a bow. They have alienated Catholics, non-Catholics, have boards, and have-not boards, and they did it all through that wonderful mechanism called a roundtable, where if you invite enough bodies, someone is sure to come along and tell you what you want to hear and thus justify the actions you intended all along. But lo and behold, the wizards in Alberta Education even messed that up. No one, not one person, not one group of trustees advocated a tax grab, the usurping of all fiscal power from local boards. No stickler for details, these wizards went along with what they had in mind all along, total control of all education spending in the province, and enshrined it in what has now become infamous in school legislation circles: Bill 19. What Luther was to the pope, what Brutus was to Caesar, Bill 19 is to education.

Mr. Chairman, the province has had two basic choices in trying to create fiscal equity among school districts in the province. They can increase the spending to poorer districts, or they can increase spending in poorer districts and cut back in wealthier districts. They can either top up or they can cut everyone down. The government, given the financial mess it has created, has had no choice but to level down. I've been amazed that they haven't followed some American states, some counterparts in the same difficulties and labeled their plan the Robin Hood plan, taking from the rich and giving to the poor, but then they may have feared that naming a plan after someone who ran around in green tights would certainly find little support in their backbenchers.

It's quite amazing that the government should have taken this path. In February 1993 a discussion paper issued by Alberta Education assessed the impact of fiscal inequities on educational quality. Fourteen indicators were chosen, from years of teaching experience, teachers' salaries, student participation in courses, and student achievement scores. That paper, that study, Mr. Chairman, indicated in its preface, and I quote, "We have some disturbing preliminary findings to report." Then it went on to list some of those disturbing findings.

8:30

First of all, school jurisdictions with the greatest access to revenue ranked highest on almost all the equity indicators. So no matter what the indicator, whether it's teacher experience, whether it's student achievement scores, whether it's how many students take part in a course, school districts with access to the greatest revenues – those students did best in those measures. Secondly, they found that students in school jurisdictions with the highest expenditures generally have greater access to courses, get better results, and their teachers have more experience. Thirdly, they found that school jurisdictions that have neither an above-average assessment nor an above-average tax effort get the lowest student results. Finally, the school districts with a below-average tax base and tax rate provide less access to programs and less experienced teachers than do jurisdictions that have more money to spend. Not surprising, those results, Mr. Chairman. Here we have the department's own research saying that students attending jurisdictions with the highest expenditures do better, a generaliza-

tion that has often been questioned but is seemingly confirmed, if we are to trust these Alberta Education researchers.

Now, what action would you expect that a government might take, given this monitoring? Well, obviously, if those equity indicators are important – that is, if it is important for all students in the province to have well-experienced teachers, if it is important for students to participate in math 30, biology 30, chemistry 30, and physics 30, and if achievement test results in grade 3 social studies, grade 6 language arts, grade 9 mathematics, and earning a grade 12 diploma are important – then the finances available to school districts across the province ought to be brought up to the level of the highest boards. But no, that's not to be the case. With New Democrat-like zeal the minister intends to make everyone the same. We'll chop down those students' grades from wealthy areas to the average and we'll bring those students from poorer districts up to the average and, lo and behold, we'll have achieved that long-sought nirvana, fiscal equity.

The funding arrangements that are in place in Bill 19 are not widely supported across the province. We have no control, for instance, over how receiving districts will spend the money. Again, experience elsewhere in states south of the border has proved that to be a major problem. There still remains little or no trust in the government putting back into the schools that which it collects. This government has set a precedent in its dealing with municipalities in this regard. There is reason for that distrust. Finally, this government – and I think this is most damning of all – is not willing to make education the priority that education deserves to be and to fund it appropriately.

As the minister did, Mr. Chairman, I'd like to back up those comments with some other comments about Bill 19, some more general comments. I would like to talk about some of the things that we haven't heard in debate about Bill 19 and which I'd hoped the amendments this evening might have addressed. We heard precious little about our hopes for public education in our province. One of the ministers opposite one evening purported to root his remarks in the works of Rousseau, a philosopher who, far from being a liberal educator, the minister indicated was so confused on education and took such divergent views that he more rightly deserved to sit in the benches opposite.

Roots of our public system are deep in ancient Greece, and the word "school" meant freedom from business activities. A school was any place where citizens met in leisure to debate, a place where the written and spoken word were respected. The Athenian schools only existed for males of the privileged. As for people who did not take an interest in education or the improvement of public education, the Athenians too had a word. They were known as the idiots, or as we know them today, the idiots.

In North America the first public compulsory schools were instituted by the Aztecs in Mexico, long before our own ancestors started their efforts in New England. Our ideas about public schooling have their real roots not in Athens or Mexico, of course, but in Rome, for it was in Rome that Quintilian put forth the popular notions about excellent public education that some still believe today. He believed that all children could learn, that the three Rs should dominate the elementary school instruction, that early experiences should focus on play and have as their goal the development of a love for learning, that physical education was important, that corporal punishment had no place in schools, as violence begets violence, that teachers should be models of fairness, scholarship, even temperament and should value hard work.

It was the 19th century Horace Mann who is recognized as the founder of the modern common public school. Mann believed in the little red schoolhouse and advocated it for all communities. Mann's public school was seen as the best defence against crime and poverty. Mann had great faith that it could promote good health, virtue, and break down the differences between the haves and the have-nots. Like the Athenians, Mann had harsh words for those who did not believe in and work in the interests of public schooling, calling them selfish, pillagers of children, and embezzlers. Nonsupport of public schools was seen as a disowning of a community and a rejection of public virtue.

In our country Egerton Ryerson is recognized as a Methodist founder of public schools. In 1846 the Common Schools Act set up free public common schools for all. Today our schools reflect a borrowing from all those sources and from the British, the French, and the American educational dogma. The public school movement, then, has had a long history. In our province the work on behalf of these schools goes back to long before this province was created in 1905. The fight for public schools in some communities was literally that. Black eyes and bruised bodies were testimony that tax-supported public schools could not be taken for granted then or now. Where does the so-called landmark Bill 19 fit in history? From the outcry across the province it can only be seen as a victory for the idiots.

We haven't heard much about widening educational opportunities for children and adolescents in this Bill, Mr. Chairman. For years teachers have been admonished to provide for varying maturity, intellectual, and interest levels in their classrooms. Upwards of 50 different organizational schemes are being promoted at one time or another to try to accommodate these differences. An attempt to eliminate the artificial barriers of the graded system, called program articulation, was even attempted by a Minister of Education in the Getty government.

Chairman's Ruling Relevance

MR. DEPUTY CHAIRMAN: Hon. member, I hate to interrupt. However, we are talking about the amendments. I've listened to you very carefully, but I haven't really heard any comments on the amendments. You are talking about the Bill in general, I guess, but we are on the amendments.

DR. MASSEY: I thank you, Mr. Chairman. I was following the minister's lead where the minister introduced the amendments and then spoke more generally about the Bill.

MR. DEPUTY CHAIRMAN: Hon. member, I understand your point. The hon. minister talked in general for a couple of minutes, but I've given you 12 minutes. I think that for the last eight we should try and get on the amendments.

DR. MASSEY: I appreciate that, Mr. Chairman.

Debate Continued

DR. MASSEY: Bill 19 and the amendments that we have seen tabled here this evening, Mr. Chairman, do not provide local school districts with the kind of resources they need to create the special programs for students with extreme characteristics: the behaviourally disordered, the academically talented, and the physically challenged, to name but a few. The departments of Health, Family and Social Services, and agriculture have all been a part of co-operative efforts in the past to improve opportunities

for students, and these amendments are going to make that kind of co-operation more difficult. They're going to make those programs impossible for many school districts.

But that was then and this is now. Bill 19, with the accompanying provisions for finance governance administered in a top-down management style, is obsessed with restricting, narrowing, and controlling, and the amendments this evening add further to those restrictions. With such interests is it any wonder that students have been left aside?

8:40

I could go on, Mr. Chairman. I'd like to finish with one final point, and that's that we've heard precious little about the hard work of thousands of trustees in local communities across this province. The amendments this evening again shut them out. For years these citizens have served their communities as trustees, working in the interests of children and public education. Again, Bill 19 and these amendments ignore them. Where are the advances that most expected would come that would enhance local school government? What happened to proposals to assure native people and Metis representation on our school boards? Where are the pilot projects that would have tested co-operative board governance, with public and Catholic boards serving jointly? Where are the proposals to eliminate jurisdictional disputes?

Boards have traditionally been responsible for setting goals, developing policies and priorities, determining roles, appraising the effectiveness of policies and programs, and working with other agencies to promote improvements in schooling and securing the needed resources for these efforts. Bill 19 hampers them in these efforts. We've heard no proposals, no amendments this evening that would draw upon the vast experience of these individuals. Quite the opposite. They've almost been treated as villains in the piece, their taxing authority grabbed and the distinct public impression left that 1,700 school councils will now take over the functions of boards. One suspects that ideally, were it administratively possible, the minister would have preferred to have each school reporting directly to him or to his deputy and to have abolished the boards entirely. Bill 19 and the amendments ignore these trustees, and we've heard a deafening silence on the business of school governance.

The message today in terms of governance has been the same, and even Osborne and Gaebler, the authors, in *Reinventing Government*, used by the current government, make explicit the advantages of a decentralized government, including that they are far more flexible and can respond to changing circumstances and needs. They are more effective and able to craft the best solutions. They are far more innovative than centralized models, and decentralized institutions generate higher morale, more commitment, and greater productivity. Bill 19 and the amendments this evening detract from those very goals.

I will conclude with the comment about site-based management, Mr. Chairman, because it alarms me greatly. The success of site-based management is predicated on a strong, close link with local school boards, boards with access to resources, boards that can respond to problems that continually arise in terms of allocations, information systems, and monitoring. Trips to the Devonian Building by 1,700 schools will do little to convince those involved that they have a new, more powerful voice in school affairs.

Mr. Chairman, Bill 19 has been heralded as a landmark Bill in education in this province. Here is a Bill that says nothing about the future of public education. Here is a Bill that ignores students and their programs. Here is a Bill that ignores the pressing problems of real education. Here is a Bill that treats 2,000 school

trustees with disdain. Here is a Bill that defies decentralization of decision-making trends. Here is a Bill that ignores teachers and their education. Here is a Bill that truly undermines public education.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you, hon. member.

It's only fair warning that if people do not stay on the amendments, they will be called to order, and we'll go on to the next speaker.

Point of Order Amendments

MR. WICKMAN: Point of order, Mr. Chairman. I hope you will recognize that with the late tabling of the amendments it does pose some difficulties in trying to confine a hundred percent to those amendments.

MR. DEPUTY CHAIRMAN: Hon. member, on the point of order, I totally agree with that philosophy, but when we hear speeches – and I might say, good ones – then when I see no judgment of the amendments, I have difficulty with talking about the whole Bill without following what we're here for tonight. [interjections] Order. [interjections] Order.

The hon. Member for Calgary-Currie.

Debate Continued

MRS. BURGNER: Thank you, Mr. Chairman, for containing the enthusiasm.

I would like to take the opportunity to speak to the amendments which we have just had tabled in the House.

AN HON. MEMBER: How long have you had the amendments?

MRS. BURGNER: They were tabled in the House at 8:05. That's when I saw the amendments, just for clarification, and I believe all my colleagues, unless they were in leg. review – 8:05.

[Mr. Herard in the Chair]

Mr. Chairman, it gives me a great deal of pleasure to speak to the amendments that have been tabled tonight, because it gives us a chance to refocus on the original goal of Bill 19, which was to provide equitable educational funding for all Alberta students. It is a goal that was established back after the election as a priority of this government, and it's not been an easy goal to accomplish. As was just outlined a little earlier, we have had a history of dealing with equity funding. I daresay that one of the great discussions that has evolved over Bill 19 has been creating a public awareness of the fact that if we're going to achieve the goals that we have established for our students and that we as parents and taxpayers and citizens expect, the resources have to be there. I think it's a commendable accomplishment of the minister and all those stakeholders who were involved in this discussion to find a formula which finally allowed us to address the opportunity to give our students equitable funding.

I think one of the key elements that is addressed in the amendments has to do with the role of government and parents, teachers and students in a partnership which will truly give our children an opportunity to be part of the Alberta advantage. I think it's critical to recognize that a number of our stakeholders have brought their issues forward quite vocally, quite silently, some

through the children, some through the professional associations. It's interesting to see in the amendments that a great effort has been made to address some of the individual concerns and the collective concerns that were identified.

I'd like to speak briefly on the recognition of the role of teachers and students as part of the partnership in education. I can speak clearly to the fact that in our site-based management proposal the concerns that are raised of having resources appropriate to the school community are being addressed, because in this model of funding and education both teachers and students, parents and the board have a say in who is that community and what their educational needs might be. I think we should not lose sight of that. When we see an equity funding model that talks about resources being collected from the communities and distributed back, the priorities of those students in the communities are going to be highlighted and are a focal point of the expenditure of those resources.

We have a long way to go in educating parents to recognize their role in operating parts of their children's education through working with teachers and principals. Traditionally parents had a say from their child's perspective but have been limited in their authority to actually implement some of the issues. I'm pleased to see that in conjunction with the implementation teams that are dealing with those roles and responsibilities, there is now legislated opportunity for some of those issues to be addressed. I think we often see, in my experience, both parents and teachers bringing together great opportunities and initiatives at the local level only to find that there is difficulty getting those approved because of a board policy that would make it impossible. What we have to refocus on is that we have to have a recognition of the role of parents and the role of teachers at the local level, having the best interests of those children at hand.

I daresay that there will be a role for our students. I know that quite recently I was made aware of an experience with respect to some of the funding changes. A track meet was canceled, and, you know, in reading the coverage, et cetera, there was a comment made that the students weren't interested. Having talked to a couple of the students, the fact of the matter was that they weren't really asked. While it's just a minor point, when we're looking at our students and asking them to take responsibility for their education, they sense the frustration that they have no role to play. I think, as we have articulated, that we expect parents and students to be key players in their education, and that kind of responsibility will be enhanced because they will have an opportunity to assist with some of the decision-making.

8:50

In the last few months that we have been working on this – and once again I would commend the minister for his ability to continue to keep people at the table and resolve this and commend the associations and the professionals who worked on it. In particular, in the Catholic community a great deal of discussion has been centring around their rights, and in the amendments to Bill 19 an opportunity has been made to ensure that those rights are intact. I think it was a strong argument on their behalf with respect to the constitutional issues. I would also suggest that the parents have set very high expectations for themselves and their students. I would hope that the enthusiasm and the dedication that the parents and the parishes and the Catholic community exercised in articulating these Catholic rights be immediately translated into their support for their children and their school communities with the same degree of dedication and commitment so that we see from that community strengthened students, a resolve to recognize

their responsibilities, and a more enhanced role of parent and student and teacher in their school community.

Mr. Chairman, there are a number of amendments that have been presented to articulate some of the concerns: the specific role of the dismissal of superintendents, which has been a concern, and the role of the chief superintendent of finance. We have issues with respect to declaration and interfaith marriages. On behalf of the constituents that I represent, I thank them for making these issues known to us; I thank my colleagues on both sides of the House who brought these discussions forward. Again, my thanks to the minister for working very diligently, under very strained circumstances and time lines, to deal with these situations.

I think I've found from talking to parents that there was a failure to understand what the actual process was with respect to legislation. The goals have always been very clear. The minister has been very, very committed to the full-funding model, which will make equitable opportunities available to our students. In bringing forward the initial Bill 19, those goals were clearly stated. When it was observed that there were issues that needed to be dealt with, the right and responsible thing to do was to deal through their MLAs to bring those issues forward to the minister and the minister working with the community to resolve them. It is an ongoing process, and we see a resolution of that tonight in the tabling of Bill 19. I think in my discussions with the community I've been speaking with, part of that was an education for them, that there is a goal and an intent in this original Bill 19 and then you work through it. Sometimes it's easy going, and sometimes it's tough slugging. In this case, we have some very positive resolutions. Again, having recognized that I think parents have come to an understanding around Alberta that equity funding is a necessary objective for all our students, I think we've also used this opportunity to educate parents in the development of legislation and the appropriate process, that it takes place through our elected officials.

With those comments, Mr. Chairman, I will once again thank the minister for his extremely hard work and dedication on behalf of the students of this province.

MR. ACTING CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. I'd like to preface my remarks as I'm speaking to the amendments by a few general observations, if I may.

The subject of education I think is perhaps the most important one in any society, and any structural changes in the governance of education I think are of major importance to any society. Now, such changes should be based on extensive consultations and the drafting and redrafting and once again drafting of proposed directions, with consultations to be followed and checks at every step before the drafting of the final proposed legislation. Thorough, extensive debate of the Bill in the Legislature then ought to follow with opportunity for amendments presented well in advance so that the best possible piece of legislation may finally become law.

Now, what did this government do with Bill 19, Mr. Chairman? It did not hold any extensive hearings that pointed directly at specific structural changes in governance of education in the province. It did not consult with Albertans on important changes to find out whether they liked them or not. It did bring Bill 19 into the House halfway during this session. Now, you'd think that such a major piece of legislation would have been brought down

at the beginning of the session so that it could have been debated at length and at leisure. That wasn't the case however. Instead, after less than 10 hours of debate in second reading the government invoked closure, of all things, and now again closure has been announced for this stage, as we are in the Committee of the Whole. So with this closure sword kind of hanging over our heads, we finally get the major amendments that the minister has been talking about for the last few days. Now, do we get time to digest and reflect? No, Mr. Chairman. The minister obviously is not interested really in any measured, considered output from us whatsoever. I'm really disappointed in the disdain for the democratic process that the minister is displaying here. You know, I'm thoroughly disappointed and vastly disillusioned with that.

Now, imagine the government having been in such a haste that it had to amend its own Bill to begin with. Mr. Chairman, can you imagine? The government brings down a Bill and then has to amend it. Doesn't that indicate that it is full of holes? Doesn't it tell you that it looks like Swiss cheese? I can't believe this. This was to be the flagship of this government. It's a flag full of holes. I can't believe this. Did they consult with the stakeholders, at least, for these amendments? I'm sorry to say, but I think the whole process is almost - this government doesn't know what planning is, I think, and nor does it know what execution is, of a proper plan that is, of course. They know how to execute young offenders. Now, imagine dealing in such a haphazard fashion with such an important item, with such an important subject as education, which affects our kids. I can't believe this.

We've gotten to the point now where we're asked to give our opinion on these amendments, and I've been scratching away busily here trying to find out what in fact has changed. For what it's worth, Mr. Chairman, under the absolute utmost of protest that I am capable of coming forth with, I shall give my opinion such as it is. [interjection] I know that even the member from - Fish Creek? Something fishy anyway. I know she's interested in hearing what I have to say, because she's such an open-minded person, so totally reflective of that government to which she belongs.

Mr. Chairman, I'm now at the point where I've made my opening remarks, so I can dive into the meat of the thing.

9:00

AN HON. MEMBER: And we're so delighted that you did.

MR. VAN BINSBERGEN: Mr. Chairman, I'm pleased that I've been able to create some response on the other side. Perhaps they do realize after all that they've missed the boat thoroughly, and that after all is said and done, they will be faced with a system that will be as leaky as a leaky ship. The leaky ship of state perhaps is a better example. And they have managed to antagonize not just every Catholic in the province but I think every public member as well, if I can call them that, by taking away their basic right to control the governance of education locally.

Now, as far as the superintendency is concerned, Mr. Chairman, as far as I can make out in the hurried observations, there have been some very, very minor modifications, and once again I have to say I believe because I would like to study this far more thoroughly. It seems that ministerial approval to appoint a superintendent is not needed at first glance. It is only needed if a board wants to reappoint the superintendent after a term to be no longer than three years. So one might say that this is kind of an arm's-length noose perhaps. Due to the fact that the amendment doesn't speak to the termination of a superintendent, I think the minister still has the power to terminate whenever he feels like

it. I should mention that obviously this particular change does not appease the school boards at all, because they didn't want any interference whatsoever with either the hiring or the firing of superintendents.

MR. WICKMAN: It's like the feds having to approve their bureaucracy.

MR. VAN BINSBERGEN: I think so indeed.

Then next, Mr. Chairman, we get to the meat of the matter, the tax grab, as we still refer to it. Now, that's an interesting item here. This whole matter seems to have been handled in a most disjointed fashion. If we needed any evidence that this government governs by lurchship, then I think this is it. I've never seen such lurching. I think they should adopt a motto: on we lurch. I'll get it for them in Latin, if they're interested.

Chairman's Ruling Abusive Language

MR. ACTING CHAIRMAN: Hon. member, excuse me, but one of the principles of debate in this House is that we try not to use "abusive or insulting language of a nature likely to create disorder." Now, there's enough disorder without that kind of language, and I would appreciate it, sir, if you would refrain from doing that.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. But if the truth hurts, I cannot help it.

Debate Continued

MR. VAN BINSBERGEN: The on-again, off-again romance with the Catholic boards I think has ended in estrangement and everybody feeling betrayed. I'm not sure that much has really changed in the sense that the Catholic boards are still allowed, I believe, to do their own levying and collecting via their own municipalities, getting a top-up from the public fund. Probably the public boards are going to ask for that pretty soon.

It seemed that there was agreement with the Catholics, and then all of a sudden the government insisted on a motion to be adopted by all the Catholic boards that had them in fact opt in to the ASFF plan and then they could afterwards opt out again. It was clearly just something to look good, and the boards, I think justifiably, decided not to go for that because, Mr. Chairman – and this is not meant to be inflammatory – they do not trust the government, unfortunately. I wish it were different.

Mr. Chairman, I'd like to go on. There is still no formula for the dispensing of all these funds from the ASFF. The criteria are to be hammered together – cobbled together perhaps is a better phrase in this particular connection – by the minister. Of course, they could change at any time, I suppose. It would be very interesting to finally get a look at those, but as usual that'll probably happen at the last minute. Many, many holes are still to be filled with regulation in addition to the criteria for the dispersal. In fact, it does give the minister, and thereby the government, a great deal of power, and it leaves a great amount of uncertainty for the rest of us humble folks.

Now, Mr. Chairman, there is no amendment regarding the school council, but there is something dealing with the charter schools. It's very interesting in that the applicant can still circumvent the local board. There has been again, as far as I can see, no change made there at all, and still regulations will be used eventually to fill in all the holes which are still there. Then if that

isn't enough power, the Lieutenant Governor in Council still has the power to exempt any charter school from any regulations. So first the government reserves the right to make those regulations in due course, whatever they may be. After that, they can exempt any charter school from those regulations. Now, I don't know why they need all that clout in fact, but they seem to want to give it to themselves.

Another interesting argument is that specifically, of course, religion has still been ruled out as a basis for setting up a charter school, but we do see in the amendments that now there's specific mention of Catholic schools being able to apply for a charter. That is good. After all, there was no mention of that in Bill 19, so that was an oversight, of course, because they were in such a hurry, and it has been duly straightened out. The interesting thing, though, is that this particular item is still full of holes. When I was speaking with someone who happens to be connected with a Dutch Reformed school, Mr. Chairman, who was bemoaning the fact that they could not apply for a charter under the aegis of either the public board or the separate board, I said to him: but culture is acceptable as a basis, so why don't you go on the basis of Dutch culture? It's a good culture. I speak from experience. I can warmly recommend it to anyone. He thought that was possibly a good idea. So just imagine this: every religious school, independent at this particular moment, would go and apply for a charter on a cultural basis. Wouldn't that be fun? Anyway, we'll find out whether that indeed will happen. Maybe the holes will be filled up by regulations eventually.

The school council, Mr. Chairman. It's interesting. We still have the same questions. We still have all these wide-open spaces, all these wide-open holes that we see in the legislation dealing with a school council. We still wonder how the minister is going to deal with any schools who simply either refuse or whose parents are not interested in forming a school council. We still have visions of these poor parents being dragged in by their hair in order to serve on this council. I think I've mentioned before that that would be suitable punishment for parents with wayward kids: "You shall be sentenced to serve on the school council for X number of months." I think that would be a novel idea. The matter of the powers of the school council has not been dealt with at all. It is a very, very serious oversight. There is still overlap between the powers of the school councils such as they are going to be, the principal, the regional board such as it is, and the superintendent, and nobody really knows what's going to happen and who has the say where. I'm very disappointed that the amendments haven't really come to grips with that, Mr. Chairman.

9:10

I urge the minister to pay attention to the amendments that we will bring in. We still intend to bring in a whole bunch of amendments if given time, of course, to the floor of the House. If not given time because of that sword hanging over our heads, we will give it to the press, and maybe that way it'll get to the minister eventually. But we will get through. We will make sure that Albertans know that they're being shortchanged here, and we will do our best to make sure that ultimately the best piece of legislation will be on the floor.

Mr. Chairman, I know I'm not making an official motion here or anything, but I would strongly urge that we get far more time to debate this, as I said, particularly because we intend to put a whole bunch of amendments on the floor. I do know that somewhere in the backbenches on the other side there are reasonable people who are interested in putting the best piece of

legislation on the books to serve not just themselves but to serve our kids.

So thank you, Mr. Chairman. I will leave it at that.

MR. ACTING CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you, Mr. Chairman. Earlier I rose to ask that debate be adjourned, and there was a certain amount of open hostility to that request. I want to point out to the hon. members opposite, and particularly some members in the first row that were deliberately and directly responsible for some of that open hostility, that whether you do or don't, I take my role here very seriously. When I get nine pages of amendments to something that has so inflamed and so enraged the Alberta public as the School Act, I want to have the opportunity to read them, and it is more than just sitting down and reading nine pages of amendments.

Chairman's Ruling Relevance

MR. ACTING CHAIRMAN: Hon. member, just a minute, sir. We have had a decision here tonight by standing vote on a matter, and that ends the debate. So if you can get on to the amendment, then I would be pleased.

MR. GERMAIN: Thank you, Mr. Chairman. I certainly accept your ruling, but I think I'd already indicated that I was speaking to the nine pages of amendments.

Debate Continued

MR. GERMAIN: To set the stage for the debate on the nine pages of amendments, I want to remind all of the Members of this Legislative Assembly, including the members opposite from Calgary and Red Deer and Lacombe and Stettler, that the amendments must be read in context with the 58-page Bill, and they in turn have to be read in context with the 200-and-some-page School Act.

Now, I'm going to make my comments in some great detail, but the Minister of Education might want to take a good hard look at the sections that he's included on page 2, speaking of charter schools, when he includes section 35 of the Act applying. If you look at section 35, you see that it is meaningless without section 34. Now, if in two minutes of reading this I have been able to ascertain that small point, that obvious, glaring, fundamental error, do we dare pass these amendments without sober scrutiny and second thought? Do we dare just grab these amendments holus-bolus and say, "Here is it, folks"?

Let us look at the debate on this education Bill to this point in time. With respect to those people, Mr. Chairman, who would say that these amendments should just be sloughed off and pushed through, we had virtually no debate to speak of on the second reading, eight or 10 hours. We then had closure on that. Now we are into the amendments with the closure axe looming over our heads again, so I will try and use the time to speak to the amendments, starting with the very first one.

The very first amendment disenfranchises people who might want to genuinely belong to a school council by saying that the school in advance can take away their right to belong by excluding. For example, a Catholic school board could exclude non-Catholics from their school council by general resolution or a public school board could exclude Catholics from their school council. Now, is it right that people who are otherwise qualified

and who have elected to send their children to a school system for whatever reason they have elected to do so be disenfranchised from the school council? [interjection] I see that the Minister of Municipal Affairs wants to start chirping away from his seat there. Perhaps he'll get up and join the debate in a minute, but I'll continue while I have the floor, if you don't mind, Mr. Chairman.

It may well be that there is a valid public policy reason to have an exclusion. On the other hand, it may well be that one would want to look at the quality of the people who are educating in the system. If you have somebody, for example, who is educating their students in a Catholic school system and who is dedicated to that process and dedicated to the holistic approach of that school system, it may be that you wouldn't want to disenfranchise him from sitting on the school council. That's what the first amendment does. Is that worth debating? Certainly that's worth debating. I don't know what the right answer is, but is it worth debating? You betcha. It seeks to disenfranchise a group of people who may send their children to one of the different school boards.

Let's move on to the charter schools. The charter schools, for example, now indicate that as a result of obvious concern that was raised with the minister, you can no longer have a religious spin to a charter school. Was it necessary for the minister to go that far in his debate? Was it necessary for him to make that much of an amendment to charter schools? Was it even appropriate that he introduce charter schools in this legislation at this time when really, remember, my friends, what we were trying to do and the minister's avowed proposal here was to balance financial equity? Well, let's move on. Let's move on. We're not even through the second page of the amendment.

Now, a while back the Minister of Labour stood up and got very, very excited about parental control. Let's give the power to the parents I believe was the expression he used. There was much desk thumping over there. People were banging and clanking their desks and gulping down their water in excitement, in absolute ecstatic excitement when the minister said: let's empower the parents. Well, we go down the second page of these amendments tonight and we see that they take away the power from the parents. If you look at section 28 in the old School Act and in Bill 19 – and it must be very fresh in everybody's minds, because I know, given the excitement that this Bill has caused, you've all read it and understood it. If you look at section 28, you'll see that in the old section 28 the parents got to say where their student would go. Now that power to the parents has suddenly all disappeared out of the new section 28. Well, which is it? Which is it? Is it one week power to the parents and the next week no power to the parents?

MR. JONSON: You're wrong as usual.

MR. GERMAIN: That's the issue and that's the debating point if you look at the change in draftsmanship of section 28. Now, the Minister of Education says that I may be wrong as usual. Well, I received this Bill at 8 o'clock. The Minister of Education has had a long time to study this Bill and these amendments.

MR. DINNING: If you don't know what you're talking about, then sit down.

MR. GERMAIN: I know exactly what I'm talking about.

MR. ACTING CHAIRMAN: Hon. members, through the Chair. Order please.

MR. GERMAIN: I just wanted to point out that in the short time that I've had the amendments, I've been able to look at section 34 and section 35 of the School Act . . . [interjections] Well, listen; I know the great Galvinator wants to live up to his reputation, but I remember it was the Galvinator that started the 28 hours of constructive debate we had last year, complete with dictionaries and all, and I'm sure he doesn't want a repeat of that.

If you take a moment to look in the School Act, you see that section 34 of the School Act relates to transportation. Section 35 of the School Act relates to the obligation to provide transportation in lieu of a bus service. Well, if charter schools do not have to provide the transportation as set out in section 34, it's hard to understand why they have to provide the obligation that's referred to in section 35. The Minister of Education has had numerous opportunities to study and bring forward the amendments that he's been working on. I don't hear him now chirping to me: wrong again. I don't hear him saying that, wrong again, because maybe he's now looking at sections 34 and 35 of the School Act, even though I've only had an hour to study this. But that's fine. I'm trying to measure up to the great expectations the Galvinator has of me, sitting there laughing about education. Sitting and laughing about education in the province of Alberta.

MR. DINNING: Laughing at you, at you; à toi.

MR. GERMAIN: Now he wants to speak French in the Legislative Assembly, reminding us all that one of the . . .

Chairman's Ruling Decorum

MR. ACTING CHAIRMAN: Hon. members, order please. [interjections] If we can't have order, then we'll recess. Now, the hon. member for Fort McMurray has the floor, and I would appreciate it if people who have comments would address the Chair on a point of order or something similar. Thank you. [interjections]

MR. GERMAIN: I'm grateful for the minister of transportation giving me some speaking coaching lessons. I'm grateful for them. I can speak as softly as anybody in this Legislative Assembly, if you all drop your voices way down low so you can listen and you can hear. But as long as everybody is chirping away, Mr. Minister, then I'll have to chirp just a little bit louder.

9:20

Debate Continued

MR. GERMAIN: Section 22, Mr. Chairman, is also of interest. This is the superintendent section. This reminds me of the mother who has a child, and she wants to put a great, big cod-liver pill down that child's throat. The child looks and focuses its eyes on that great, big cod-liver pill. His eyes focus right on that pill, and then his eyes pop out as big as a bull dog's eyes. He's looking at that big cod-liver pill. The mother knows that he ain't taking that cod-liver pill without anything, so she tries to hide it in a spoonful of jam.

Well, at first the minister came out with the cod-liver pill. Now he attempts to hide the pill in that spoonful of jam. But the bottom line, Mr. Chairman, is that superintendents should have only one master, and that is the school board which hires them. There should not have any reporting, any qualification, any right of contractual veto on the part of the Minister of Education. I strongly urge the Minister of Education to rethink that section. He does not need that section for the fiscal equity that he wants

to bring, that he talks about. He does not need it. It is a power section only. It makes the superintendents feel unnerved, and it makes the school boards feel unnerved and less important. These are important concepts that should not lightly be tromped on.

School boards and school volunteers in the communities of Alberta provide much free time. They're not in there for the money. Anybody who has ever sat on a school board – the Member for Calgary-Currie was a trustee of a Catholic school board historically, I believe, and is speaking up, I'm sure, for Catholic education in this province – knows that these people are not highly remunerated, highly paid. Why would you insult their ability to hire their own chief executive officer? No matter how much jam you put around that big cod-liver pill, the kid's eyes are still bulging, and they still know they're not going to like that medicine. I urge the minister to recant completely on section 22 and return the power of superintendents unconditionally and unbridled to the school boards, where it rightly and properly belongs.

We go on in that section to indicate that although the minister has set out that he'll give reasons and the like, there is no appeal from that. There is no assessment as to what constitutes quality reasons or nonquality reasons, and there's nothing you can do about it except hire another superintendent. Why should a school board run that risk every three years of having to hire another superintendent because the minister doesn't like the superintendent? Before, the minister wanted to ensure that the superintendents jumped to attention before they were hired. Now he wants to ensure that they continue to jump to attention or they won't be rehired. That is a distinction and a difference without a difference, Mr. Chairman, and I urge all Members of this Legislative Assembly to vote against that particular section.

We then have to deal with the taxation issues. The taxation issues are troubling. All that the government has done to placate constitutional rights in the province of Alberta is, first of all, to distinguish and divide the Catholic and the public school boards, a division that is neither appropriate nor should be encouraged. Secondly, they allow the symbolic collection of taxes on a no-difference basis. Now, what school trustee is going to say, "Let's administer the tax collection, and let's set the levy," and make all those business decisions simply to have any extra money that they collect creamed off to the provincial government and simply to be topped up if they don't collect sufficient money?

One has to wonder whether in fact the minister has thought that out completely, because should a separate school levy be able to be significantly under the average, I think it indicates in here that the mill rate will be the same. It doesn't say that mill rates are the same, but we don't know if they will be allowed regional differences, if they will be allowed different property differences so that the mill rate averages out, so that you could perhaps take some of your property and take it away from single-family residences, for example, and put it onto multifamily residences, tinker with the assessment, create all those kinds of disputes, simply to be all averaged out anyway. That is simply a symbolic power. What the Catholic school board wants, as I understand it, is legitimate power to collect their own taxes. Now, why do they have that legitimate power? They have that legitimate power because it was a balancing act to match the legitimate powers that the public school boards had historically and constitutionally enshrined. So it seems to me that this politics of division, pitting the separate school boards against the public school boards, is an ill-advised course that the Minister of Education takes education on in this province.

So continuing with the amendments that the minister brought in, he is fine-tuning only an elaborate taxation system that does not need to be this elaborate. The minister has a \$30 million equity problem. That's all he has. He needs to find \$30 million to equalize and satisfy the educational needs of the school boards in the school areas that do not have a sufficient tax base to allow them to collect enough money. He does this in a vacuum, however, because we still do not know in ridings and in areas such as the area that I represent, Fort McMurray, what the impact of the machinery and equipment tax is going to be. We still do not know what allowances the minister is going to make for the fact that in a rapidly growing area, as Fort McMurray was in the early '80s, there are high capital costs and high expenses that require additional assistance, so equality does not mean equal.

How is the minister going to handle that? In the area of Athabasca-Wabasca, the riding immediately adjacent to me, the Northland school division has some of the highest per unit student costs in the entire province, for legitimate reasons. They have small, isolated pockets of students that require special needs, including transportation, higher costs, higher administration per student because of small enrollments. How are those issues going to be resolved? Again resolved by regulation, and nothing in here to inspire confidence or to assist individuals to deal with these amendments in a rational and emotionless way.

Yes, Mr. Chairman, this School Act and the amendments tonight have clearly aroused the concern of the Alberta public. The government takes great comfort in the fact that Albertans are very, very calm, very, very rational. They're not moved to protests. They don't come down the street in great big peace marches. But do not assume that the mothers and the fathers out there raising their children and paying taxes are not concerned or not perturbed when they see cuts to their educational system and, on the other hand, as they received announcements last week that taxes would be going up, taxes from the no taxes and no new taxes and no tax increase government.

Do not assume, Mr. Minister, that because people are silent on the issue, they are supportive of the issue. Accept the concern that has been raised by Albertans on this particular piece of legislation. Be prepared to acknowledge that this particular piece of legislation is not a perfect solution. Go out of your way to solve the problems that the school boards have by taking away as few of their powers as possible to achieve your objective of financial equity. Better yet, find the \$30 million that you need to solve the inequities of school funding out of the \$311 million of profit that is made each year by gambling proceeds in the province of Alberta, and leave alone a school system that has achieved well and has provided well and has delivered fairly a fine product in this province for many, many years. Left alone, I am satisfied that the school boards could solve their educational problems. These documents filed in this Legislative Assembly, these amendments to Bill 19 and indeed Bill 19 itself, do not solve the problem. They create more problems than they solve, with more anguish and angst than we need or deserve in the province of Alberta.

That concludes my debate on these amendments filed at 8 o'clock today. Thank you.

9:30

MR. ACTING CHAIRMAN: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much, Mr. Chairman. I rise, too, to speak to the amendments that were tabled just a little while ago by the Minister of Education. Let's go back to why we're at

this point now. The government initially announced earlier this year, in January, that they were going to centralize the collection of taxes. The government said that the reason for this was that they wanted to provide equity for students. The government has been wrestling with the equity problem. The Provincial Treasurer when he was the minister and other ministers have wrestled with the equity problem over and over again and have not been able to come up with a solution. Through a lot of negotiations, a lot of compromise the Alberta School Boards Association and other organizations agreed on a formula that would see the provincial government essentially take about a hundred million dollars from those boards that had a high assessment and redistribute it to those boards who needed extra dollars because they had a low assessment. That would have solved the problem. Instead, the government has moved in and said that they are going to collect \$1.23 billion. The authors of NovAtel and MagCan are going to manage dollars better than locally elected school board trustees, we're told. They're going to hold them more accountable, we're told. This is a government that still hasn't figured out what happened to the money in NovAtel and won't tell us what's happening to the money with Swan Hills, et cetera.

Mr. Chairman, it's easy in this Legislature to get up and point out all the negatives. I'd like to talk about a couple of positives. When the government brought in Bill 19, there were suggestions of court challenges. There were suggestions of problems from separate school supporters and public school supporters in this province relative to this Bill, because what this Bill did in its original format is say that separate school supporters did not have their rights protected, as guaranteed under the 1901 North-West Territories Ordinances.

Mr. Chairman, the amendments to date – and I won't go on and on about the consistent fumbling over and over again of this issue by the government, of coming up with one position, then switching to another position, then over to another position and back and forth, and in negotiations, where you have a deal, then you don't have a deal, then you do have a deal, then you don't. I want to express profound disappointment that the Premier of our province did not take hold of this issue a lot earlier and use the skills that he showed when he was the mayor of Calgary in bringing people together and developing common solutions, in developing a team and developing a consensus that worked for everybody. We know – and I give credit to both the Leader of the Official Opposition and the Premier. When they were in their respective roles as mayor, they both showed some very strong talents in team building and pulling people together.

I regret very much, Mr. Chairman, that we have had the kind of acrimony we have had in this province, that we've had the kind of buildup of bad feeling. We've had people who have said – I see the government Whip nodding no. Well, I suggest that the government Whip get out from under the dome and talk to some real people about how bad and how beaten they feel about the process this government has used on Bill 19. We could have done it a different way. We could have gotten to a fairer point in a different way. [interjection] No, hon. Member for Calgary-Currie, I won't let up. Until this government finds a better way of negotiating with people, of working with people in this province, I will not give up, because I know that the Premier has the talent to build consensus in our province. He doesn't need to pit one board against another, to pit teachers against boards, to pit north against south, to pit parents against teachers, urban against rural, business against labour. He has the ability to pull these people together.

Speaking very specifically to the amendments that the hon. Minister of Education has tabled tonight, I want to say that at first glance – and I will reserve final judgment until we've had the appropriate time. The government continually says they need to consider anything, to consider this, but on the surface I think the government has made a step in the right direction with regard to these amendments, and I commend the members of the government. I know that in a caucus, in a cabinet, regardless of the party and regardless of the circumstance, there are people who push and shove and look for different positions and look for areas of compromise. I'm not privy to the discussions in the government caucus, though people have speculated as to who has what position in the caucus. Those members know who they are, and I'd like to commend those members on the government side for having pushed for this step, at least an initial step in the right direction.

To summarize, what these amendments will do is allow separate school supporters to opt out of the ASFF and allow them to collect their own taxes from the declared tax base in their jurisdiction. It doesn't allow them any more money, because they would have a minimum mill rate, which will be common to the province. If they collected less than average per student, they would be given that from the central fund; if they collected more, that would be given into the separate fund. So we've achieved the position of equal funding – or equitable funding, I prefer to use – per student around the province.

I think it could have been achieved in a lot easier way, in a way that builds, not damages, relationships between various groups in our province. I think what the government has done here is look in a very narrow sense to the 1901 provisions. I know the Provincial Treasurer is looking for something, as he constantly is looking for a way. These amendments are a step in the right direction with regard to ensuring separate school rights, at least in the narrow definition of those rights. I do not believe, Mr. Chairman, that these amendments speak to the spirit of those rights, nor do they speak to the historical context and the historical understandings that perhaps weren't written down. However, it does speak to the 1901 North-West Territories Ordinances, the rights given there.

Again, I am going to reserve judgment on the superintendency because I see that the provincial government insists on maintaining the hammer over the superintendency issue by ratifying the appointment every three years. I know the minister has made the point that that was only given up in 1988. Well, I guess the question that has to be answered by the government is: what has gone wrong in terms of superintendents from 1988 to 1994 for you to want to go back to that system? There doesn't seem to be a rationale. I'm worried and I'm concerned that we've got into a power play here and a matter of trying to save face and not a matter of trying to do what should be done in terms of giving control, whether it be public or separate, to the local jurisdictions.

We don't want to have trustees as token members. We don't want to have a situation where a minister rides herd over a superintendent or where a superintendent in the third year of their appointment, if there's a disagreement, as there is from time to time with various ministers and various boards, feels caught in between. The superintendent's loyalty should be to the local boards. If the ratification in terms of performance of the duties has to be instilled by the minister, then – again I see the government Whip shaking his head – I think it's incumbent upon the government to explain what has changed from 1988 to 1994 that requires this change backwards in terms of some control over the superintendent. I wanted to raise the question.

Again, school boards are going to be able to opt out. What that's going to end up giving them is not only the rights in a very abstract sense, separate school rights, but as the government moves – and the government's indicated that they're going to move towards more and more defining of envelopes for education money – it would allow separate school boards not only to have these theoretical rights but to have the ability to move money around within their system to meet the special needs of a separate school system. I think that's a good move, and I congratulate the minister for allowing that. What will happen is that as the government restricts how money can be used – and the government has said for its reasons that it wants to control more what dollars are used for administration, what dollars are used for certain kinds of programs, et cetera. If a separate school board does not agree with that because of the nature of its own system or because of the objectives of its own system that may differ from the majority, then it can opt out of the fund, collect its own residential and corporate declared taxes and then, as I understand it from reading the amendments, be able to move money around and be able to have a bit more flexibility in terms of the decision-making. It won't give them any more money, but it will allow them a bit more flexibility. I understand, as I read the amendments – I see the minister is not maybe agreeing, and I will stand corrected – and as a couple of lawyers read the amendments, this will give a little bit of flexibility to the separate school system.

9:40

The issue that has not been addressed by the government – and I am very puzzled about why the government hasn't addressed this issue – is why this provision was not extended to all boards. In the answer the government has released, there's a very feeble explanation that it's going to lead to a lot more administration. Well, I challenge the government to produce some figures as to how many dollars the government's going to save by collecting and redistributing all the money provincially rather than allowing school boards, the public boards – because we're allowing separate boards to collect their own moneys and to allocate those dollars. It will be news to me and I suspect news to all Albertans when a large provincial government situated in Edmonton does something a heck of a lot more efficiently than a local school board. I know there are many members in this Assembly on both sides of the House who have worked at the school board level and the municipal level and other local government level, and I challenge one of them, just one of them, to stand up and say that a larger provincial government based in Edmonton will do this particular task more efficiently than I did in my local jurisdiction when I was a local elected person. That excuse, as I like to refer to it, from the government simply doesn't hold water.

The government has a responsibility to stand up – because there is a convention in law, I understand, not being a lawyer, that says that when we give rights to a minority . . . [interjection] I know that the hon. Municipal Affairs minister doesn't believe we should give any rights, but when we establish the rights of a minority, certainly what we are saying is that that minority does not have special status, that minority does not have anything that the majority doesn't have, but what they have guaranteed is equal to what the majority already has, written or not written. That's where these amendments may have a problem, and I suggest that the government could have avoided that problem simply by allowing public school boards the same guarantee or the same options that the separate school boards have.

These are often referred to as mirror rights. In 1901 when the government of the day wrote down on a piece of paper that separate

school boards have these rights, as narrowly as the government may want to define them, they weren't saying that they had special rights that nobody else had. They simply said that these rights are guaranteed them, that they have the same rights that the majority has, and that the majority shall not take these rights away from the minority. I understand there's a sound legal argument here. In that argument, then, if the government has used the rationale of guaranteeing 1901 rights to the separate school boards, they should have conversely allowed that to happen to the public school boards.

Again, following from that, what they get is not only an abstract guarantee of their rights but a bit more flexibility at the local level to meet their own needs and to avoid any government, this government or a future government, defining too closely the envelopes in terms of what they can spend money on. It may be that a government may come down and say you can only spend X percentage of money on your particular consulting services. This government hasn't said that yet, but they have the ability to say that, and they're moving certainly in that direction. Under the provisions here of the separate school boards, the separate school boards may be able to say, "Well, gee, we need a bit more because we have a particular language issue, a heritage language issue, in our community," or, "We need some extra religious studies consulting, so we're going to spend a fraction more than that envelope, and we'll do that by spending a bit less in another area from our local tax money that we collect." Now, certainly that's not going to give them any more money. It's not going to cost the taxpayers of Alberta any more money, but it allows them not only their abstract rights but a bit more flexibility at the local level.

This is a government that professes to believe in local decision-making, professes to believe in local autonomy. I would suggest that if those principles held true – I've always believed and members of this side of the House believe that the decisions that affect people should be as close as possible to the people that are affected. In that view what you would do is not only allow the separate school boards this provision to opt out if they have special needs and they want that flexibility at the local level as well as guarantee them more, I guess in quotes, abstract rights, but you'd also allow the public boards those rights. I've not seen any argument and I challenge the minister to produce some evidence that shows that allowing that for public school boards – and in fact avoiding another court challenge and another series of acrimonious debate in this province. If that provision were extended to all boards, then it wouldn't cost a lot more money. The minister hasn't shown that. In fact, I'm not sure it would cost any more money given how we know provincial bureaucracies like to grow, especially when it talks about collecting money and making regulations and setting rules. We certainly could have that at the local level.

So, yes, this is a step in the right direction. No, it doesn't go far enough. I regret that we've ended up in this situation where we have bad feelings across the province, where we have people having felt disenfranchised or people having felt unheard. I think it's terribly paternalistic of this government to have negotiated with boards and to continue to put more and more conditions on those boards so that it would appease some members of the government caucus and then to have the government simply say: "Ah, we found a glitch. We're not going to participate, and we'll go alone," and essentially – I'm overgeneralizing here – producing amendments that are not unlike the deal in some general matters.

I'm pleased to see that the government, through the Bill 19 amendments, is going to continue to allow school boards to raise

an additional 3 percent. One of the difficulties we have here is that the government is in a terrible hurry to get this all done and said. We don't know in the legislation what exactly school councils will be doing, what exactly principals, superintendents, and school boards will be doing. I know there is consultation happening, but surely to goodness we could have gone away – and I'd like to bring the Legislature's attention to something that I observed with almost amazement and certainly with admiration, and that was the Premier of this province when he was the environment minister.

[Mr. Clegg in the Chair]

When he was the environment minister, he produced the current Environmental Protection and Enhancement Act. We saw several versions of that Act before the final version was brought to committee and third reading of the Legislature. There was broad public debate in this province, pro and con, ways to make it better. I think the Premier would be the first to admit that the first version of that Bill, the first draft of that Bill, that was released to the public wasn't the best draft that could be had and wasn't the best piece of legislation to serve this province. When the Premier, who was then the minister of the environment, brought in the draft regulations, he again had a broad consultation and circulated those throughout the province. Cynics in that era said he was planning a run for the leadership at the time, which was why he had public meetings all across this province, but I took the then minister of environment at his word that he was trying to produce the best amendments. What we ended up with in this House was a Bill that started off being very, very controversial. A Bill that had a lot of detractors from all sorts of sectors in this province ended up with broad consensus of support around this province and in a three-party Legislature unanimous consent to the Bill. Even the current government Whip, who was a member of Her Majesty's Loyal Opposition at the time, voted for that Bill.

Why couldn't we have done this with this Bill? Why couldn't we have brought people together? Why can't we now say, "Let's have some more consultation; let's talk to Albertans to see if this is the best compromise"? It is a compromise. It may be a step in the right direction, but it has some flaws in it, particularly the flaws with regard to public school board rights. It has flaws still with regard to superintendency. We need to have more time in this province. If this government is serious about working with people, I challenge the Premier – and I hope he reads this in *Hansard* – to take personal charge of this piece of legislation, to go back and spend the summer talking with people. Don't ram this piece of legislation through. Let's have some reasoned debate, and let's come back with draft regulations that have had broad consultation around this province and not been done behind secret doors and with a very paternalistic attitude that says that we know best for you, we know best for . . . [interjection]

Well, the Minister of Municipal Affairs is saying that we can spend money. Let's be very, very clear that we can do this without spending a lot of money by having public meetings. Let's be very, very clear – and I will put my travel budget beside the Minister of Municipal Affairs any day and match it up. I challenge him to table it in the Legislature and show Albertans exactly how they spend their money.

Mr. Deputy Chairman, I would like, then, to conclude my remarks by a qualified but certainly a congratulations to the minister. This is a step in the right direction. I believe we need to go further. I would like some reasoned debate on both sides.

I'm listening; I'm willing to listen to members of the other side in terms of how this will work, where I have said we've got some problems, and I look forward to more debate.

Thank you.

9:50

MR. DEPUTY CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Chairman. I wanted to speak about seven weeks. [interjections]

Chairman's Ruling Decorum

MR. DEPUTY CHAIRMAN: Order. I know, hon. member, that you have some good stories to tell the hon. minister of transportation, but the hon. Member for Calgary-Buffalo has the floor.

MR. HENRY: Point of order, Mr. Chairman. I'm sure that the hon. Member for Calgary-Buffalo would give the floor if she wanted to share the stories with all of us.

MR. DEPUTY CHAIRMAN: She can't.
Calgary-Buffalo.

MR. DICKSON: But what I have to say may be a whole lot less interesting, Mr. Chairman.

Debate Continued

MR. DICKSON: I said I wanted to talk about seven weeks. When I mean seven weeks, I go back to when Bill 19 was introduced in the Legislature. I just want to spend a moment looking at what's happened in the intervening seven weeks that now brings us to this date, when we see nine pages of amendments – nine pages of amendments – that the government brings in, fights a reasonable request for an adjournment, and instead insists that we get into the merits of the amendments tonight without delay. I want to talk about the impact that this issue and the government's performance and the performance of the Minister of Education have had in that seven weeks on the people of Alberta, on educators in this province, and on schoolchildren in this province.

You know, Mr. Chairman, it was on March 31 when Bill 19 was introduced, and all members will recall at that time that the minister spoke, albeit briefly but in broad and positive terms, in terms of how the amendments set out in Bill 19 were going to advantage the administration of education in this province. Then we had the minister speaking again on April 12, 1994, at page 1135 in *Hansard*. What was interesting then was the minister said, and I quote:

However, to alleviate the concerns of separate school supporters, the Bill includes provisions in the preamble reflecting the separate schools' rights and the right to tax.

Well, what we've seen in the intervening seven weeks is that not only did Bill 19 not address the legitimate constitutional concerns of Catholics in this province, but in fact in a clumsy, ill-conceived, poorly thought out process the government really stumbled into a crisis in public education in this province and created a kind of anxiety and division that I think reflects very poorly on the competence of this government, the competence of this minister, and what I suggest is just a hopeless lack of direction.

Mr. Chairman, what are we to make of the fact that we look at nine pages of amendments now? With all of the talent available

to the Minister of Education in his department, with the opportunity for legal advice, with the opportunity to be advised in terms of what the constitutional rights are that Catholic parents have in this province, with the ability to draw on all kinds of expert opinions, one surely would have thought that the Bill, when it was presented in the form we looked at seven weeks ago, would at least have been able to address all of those major areas.

Well, what we see now – and I have to suggest that the nine pages of amendments are an indictment, an indictment of the ability of this minister and this government to be able to identify issues in education and deal with them in a responsible and a workmanlike fashion. Before dealing with any of the specific amendments, since they've been presented in a package, I think Albertans have to look and they have to ask themselves whether the lack of planning that we've seen evident, which brings us to the nine pages of amendments, whether we expect to see that reflected and whether that's consistent when we're looking at other pieces of legislation introduced by this government.

Mr. Chairman, I notice that the Member for Calgary-Currie was perhaps not surprisingly quick to laud the minister for allowing our children to be part of the Alberta advantage, and she extolled the fact that the rights of Catholic parents have now been preserved and recognized. She talked about the amendments as being, and I quote: "the right and the responsible thing to do." But I think what Albertans are going to look at and what they're going to measure is the degree of incompetence that's reflected in nine pages of amendments. I think Albertans are going to wonder why the government couldn't have anticipated, why the government couldn't have headed off the seven weeks of turmoil, and with a little foresight and some reasonable planning that could have been the case.

During the seven weeks what we've seen are parents distressed. We've seen professional educators distressed. We've seen school trustees in a state of not knowing whether they still have jobs to do in their particular areas. I think it's fine for the minister now to come in and trumpet his amendments and say: well, now we've tried to address these things. I guess my question is, Mr. Chairman: why did it take seven weeks? Why did it take thousands and thousands of Albertans' signatures on petitions? Why did it take turnouts of hundreds and hundreds of people at meetings, phone calls to their MLAs for the government finally to bring in these nine pages of amendments? Then dealing with the amendments themselves, as I read them – and I've had a chance to read them only since they've been introduced a little after 8 p.m. this evening – what's clear is that they appear to deal with what I'll call the Catholic education issue. They don't go all the way, but I expect that they substantially address the concerns that Catholic parents and Catholic administrators and educators had.

We're still left with this whole business in terms of restructuring public education as we know it. The amendments simply tinker in that area, Mr. Chairman. One of the things that was interesting is we still hear the government speaking – I heard the Member for Calgary-Currie talk about equity funding being necessary. The minister talks about the necessity of equity funding. But as I think members on this side have pointed out repeatedly, Bill 19 isn't about equity funding; these amendments are not about equity funding. As many have said, what we're talking about is a \$1.23 billion shift in resources to solve a \$30 million equity problem. I wish that the government would be candid and would be honest with Albertans, make it absolutely clear that what we're talking about is not moving some money

around, although certainly that's part of Bill 19 and part of the amendments, but what we're talking about is dramatically changing public education as we know it.

Mr. Chairman, we've seen some minor amendments. Amendment D deals with some variation in terms of what the government's role will be in terms of dealing with local school superintendents. There's been an effort there to I suppose make it a little less apparent that the school superintendent is really under the thumb of the provincial Department of Education. Indeed that superintendent still is under the thumb of the Department of Education and the Minister of Education, and 94(3)(b) doesn't restore local autonomy, Mr. Chairman. It doesn't restore it at all. So we're still left with a situation where the Deputy Minister of Education is really the one who is going to manage, if I can use that term, the local school superintendent. So it seems to me that members of every school board in this province have to ask themselves whether indeed there's any future for school boards. I know that the government at least will posture and represent that "Yes, we're not eliminating school boards," but I think it's undeniable. If you look at Bill 19, if you look at this package of amendments, that is precisely where this government is taking us. They're going to eliminate local school boards.

10:00

There's a kind of sophistry at work here that I think the government should be embarrassed to advance. The sophistry is the argument that in effect what will happen is that local school councils are going to provide the school government. Well, I've spoken to this; other members have spoken to this at second reading. I think we've attempted to make it clear that the reality is that many schools are not going to assert an effective kind of local school government, so what you're going to have by default is still a case of the Department of Education running a large number of schools. I see nothing in the amendments which gives me any assurance that we're not simply building up a bigger bureaucracy in the Department of Education. I see nothing in these amendments which is going to ensure that the children in the public schools in this province are going to receive a better quality of education.

Mr. Chairman, when we looked at the amendments, I would have hoped that after the seven weeks of anguish that parents have gone through, that educators have gone through, the government would have rethought and, in fact, recrafted the provisions dealing with charter schools, but I'm disappointed to find that those matters have not in substance been addressed at all. These amendments still leave the charter school model with all of the same deficiencies, all of the same shortcomings that members in this Assembly have addressed in the past. Just to summarize some of them, as I've suggested before, there are plenty of active parent advisory councils in Calgary schools, certainly public schools, separate schools. All of those school local advisory councils I spoke to – and this last weekend I was in Scarboro canvassing constituents to find out what their concerns were. Many of those Scarboro residents wanted to talk about education. Many of the parents I talked to were involved in the local Scarboro Sunalta school parent advisory council. Each one of those parents confirmed to me that they don't want to run the school. What they do want to do is continue to be involved in a form of partnership with the school administrator, with the principal, with the school staff. They don't want to supplant those people. They don't want to march in and kick those people out and attempt to run the school. They simply want to continue to be involved as they have. That is true of school parent advisory councils throughout this province.

Well, the government, it seems, has gotten on another one of their ideological crusades, I guess. What we're seeing is the government's notion that we're going to have parents step in and run schools not because it's going to make for better education, not because it's going to advantage the children but simply because it fits with the philosophical orientation, to the extent there is a collective philosophical orientation of this government. I think this is something that Albertans didn't vote for on June 15, 1993. It is, I think, unfortunate that the government continues to try and characterize this issue as one of equity when in fact what we see has little to do with equity; it has everything to do with restructuring local school governance.

Mr. Chairman, the government had seven weeks to do better. I suppose we should be grateful that they finally addressed the separate school issue. For those of us that are concerned about a strong public school system – and when I say "public," I mean public and separate – for those of us that are concerned that we're seeing in this province less and less support for public education, more and more interest with hiving educational components and schools out from a broad, publicly supported system, I think there's cause for alarm. I think there's cause for concern.

So with that, Mr. Chairman, I'll conclude my remarks, but I'll just say that I think Albertans are entitled to ask why they've been put through the seven weeks of anguish. There's still been no satisfactory explanation, and I think it just reflects again on the competence of this minister, the competence of his government. I think Albertans are going to ultimately make their judgment on that basis.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you, hon. member.

The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. I rise to speak to Bill 19 amendments. A number of my colleagues have acknowledged that the amendments are certainly a movement in the right direction, but they certainly have not gone far enough. I think the sad reality is that what we've seen here is truly a threat to what I term the democratic rights of all Albertans. I think we saw a demonstration of that this evening, and I've not any reason to doubt the Member for Calgary-Currie when with great veracity she declared that the caucus of this government indeed had not been privy to these amendments until they were tabled in this House. If that indeed is a reality, I think every Albertan should be concerned that with a Bill as significant as Bill 19 the caucus of this government did not in essence debate them before they came before this House. I think it's bad enough that we as Official Opposition at 8 o'clock this evening are asked to address these significant amendments without really having much time to peruse them from a legal perspective to see indeed what they do to Bill 19.

Just looking at the first amendment, which is dealing with Catholic rights, it certainly has gone to some extent in meeting the constitutional rights of Catholics, but I would suggest that it is indeed a token to some degree. I'm not quite sure, Mr. Chairman, to the Minister of Education, if indeed we can interpret this amendment that allows the separate schools, be they Catholic, the right to expend moneys within that envelope – a hundred percent, 80 percent, or whatever the percentage is – in the way they deem. Or is it going to be tied a hundred percent by Alberta Education as to how they expend those funds?

I would also like to state, Mr. Chairman, that I think you've removed a constitutional right under Bill 19 that all other Albertans had prior to 1901 and that all that was happening in

legislation was giving the Catholics a constitutional right that others had held up until that time. We may never know the answer to that if this indeed does not go before the courts. So once again I would say that the democratic rights of Albertans have been threatened.

You know, we've heard over the past decade the great debate on equity funding. It could have been corrected a number of years ago if some people, Mr. Chairman, had had the political courage to make those decisions instead of waiting until a time when we're in a fiscally squeezed environment where we see a provincial government going for what I would call a tax grab and a government that has certainly not demonstrated that they have any fiscal responsibility or fiscal talents in managing our affairs. It's purely to centralize power in delivering education, and one would have to ask the question: if you really wanted to centralize education, why didn't you go the whole way? Why didn't you do what they did in France? I certainly would have been appalled if you'd done that, but all you've done – and I'm not sure whether this is parliamentary or not – is bastardized a delivery system for education by taking that centralized control by \$1.23 billion. It's divisionary politics at its best, and that in essence is what this government is all about, whether it be in education, whether it be in health, or, I would suggest, even through Bill 31: to pit one segment of society against the other so that you can control. That is certainly by any stretch of the imagination not good government.

10:10

The other part of Bill 19 – and I can extend it into other legislation, and the amendments haven't addressed this. It's restructuring in bits and pieces. Only little bits of the jigsaw puzzle have been brought before us, and you can't see that complete picture in how education's going to be delivered in this province. For example, are we going to have elected school boards? In one of his musings the Premier suggested that, you know, there's really not going to be any power at the local level. So why would people even want to run? I would suggest that's exactly what's happening, Mr. Chairman. I see the Minister of Education shaking his head, but why would you want to hold an elected position or an appointed position when in essence you've got no powers? If you look at the school councils and the relationship between the school councils and the principals, that I would deem as direct interference, and the amendments haven't addressed that at all. If you take from the school councils to the principals to the superintendents – and I'd have to ask the government of Alberta. You had the power to ratify the appointment of chief executive officers in provincial hospitals. What did it do for the running of provincial hospitals? How involved was the minister? If I recall, when I was chairman of a provincial hospital, it was rubber-stamping at its worst. So why would you want this power now?

You look at the number of superintendents that you're going to have to supervise. Tell me; when we get all these superintendents in place – and my understanding is that there'll be 60 superintendents – what process are you going to use in evaluating whether indeed you want to give your approval to that superintendent? How long is that going to take? What kind of reference checking are you going to do? What kind of dollars are going to be expended while you in essence go out and duplicate what I'm assuming the school boards, if they're still in existence, are going to do? Now, if you've done that reference checking and had some involvement in indeed ratifying these superintendents, once again, if you've had that involvement, they're answerable to you, the minister. So here we have a confusion. There are no clear

lines or accountability. Is it going to be the parent councils? Is it going to be the principals? Is it going to be the superintendent, or is it indeed going to be the minister? What's going to happen to all these school trustees out here?

The other area that just appalls me is that what I see here is another level of bureaucracy. Now, through the school council legislation it looks as though you're going to extend significant powers to those school councils. If you look at the number of schools that are out there, 1,600, and you're going to give them all this ability to influence what's going on in schools, what kind of time commitment are these parents going to have? Is it once a month, once a week? How long are volunteers going to keep that kind of commitment up? And what kinds of support systems are you going to have to have for school councils to make them effective? I would suggest to you, Mr. Chairman, to the Minister of Education, that what you've got in waiting is another level of bureaucracy, which indeed is the last thing we want in these present fiscally difficult times.

Now, also let's take a look at this 3 percent through plebiscite that the jurisdictions, the regional education authorities, can have. If these trustees are not elected, this is another shift away that I believe is troublesome when we're supposed to be living in a democratic society. Why, indeed, if they're not elected should people have the right to local requisitioning, even if it's through a plebiscite? I think that's a dangerous way to go. We're seeing it in health. We're seeing it in education.

I just want to address another aspect. We hear continually from our Provincial Treasurer about the Alberta advantage. Well, I would suggest, Mr. Chairman, to the Minister of Education: you should come out to my constituency and speak to our petrochemical industries and small businesses, because the requisitioning that's taking place right now, when Alberta Education can get their numbers right – as of April 28, 1994, to May 12, 1994, we've seen where the total requisitioning for schools in Fort Saskatchewan would be 13.82 percent. Now, you should hear what industry's saying about their portion of requisitioning that's going to be raised significantly. They're looking at zero, and they went before the Tax Reform Commission with a clear understanding that there'll be an Alberta advantage there to attract investment into this province. Here we are, April 28, with a 13.82 percent increase. Now, after they got back to Alberta Education, suddenly, miraculously it's revised on May 12. That now gets it down to 6.28 percent. We won't know what the final number is, but the bottom line: it's not a zero percent raise. It's above 5 percent. Now, what does that mean to the industrial people? What does it mean to the small businesspeople in Strathcona county and in Fort Saskatchewan? It certainly isn't the Alberta advantage that our Provincial Treasurer wants us all to believe.

So, Mr. Chairman, to the Minister of Education, I think it's time that the members of Executive Council get their act together and tell us what indeed the plan is for Alberta. How are they going to attract investment into this province to support the education and health systems that we want to maintain, that were expected? I don't see anywhere in the amendments where they address any of these concerns, whether it be charter schools, whether it be school councils, whether it be dealing with constitutional rights. If indeed the private members on the government side didn't see these amendments before this evening, I would suggest that they should go back into caucus tomorrow and start debating what it is that we as Albertans want in our educational system. Certainly it's not what's in Bill 19 or these amendments.

What I heard from Albertans was that they want to deal with classroom discipline, the lack of it; the perception that the bureaucracies are top-heavy, whether it be Alberta Education or

whether it be the administrations at the local level. In other words, Department of Education, get your house in order. Stop changing curriculums, downsize, and let's get the money into the classroom. They want to examine what's happening with regards to streaming. They want to address the grade 12 returnees – why indeed do we have the fallout rate that we have? – the value of provincewide testing. What's happening to our kindergarten system? Mr. Chairman, one that is causing a lot of distress within Strathcona county rural is that now we're seeing a school jurisdiction asking rural parents to pay for lunchtime supervision, and the answer the parents got when they communicated that concern: well, you chose to live in rural Alberta. That's what the Bill 19s are doing to education within the province of Alberta.

10:20

We could have addressed the real problems within the educational system without going to a centralized educational delivery system and without the tax grab that this provincial government has done and without taking the very basic constitutional rights away from Albertans, be they the Catholic school system or the public school system.

Mr. Chairman, I would urge all Albertans and indeed the private members of this Assembly along with the Official Opposition not to support Bill 19, because these amendments don't go far enough. While they've gone a small way in correcting some of the difficulties, they certainly haven't gone anywhere they should have.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. I'd like to compliment the minister for bringing in these amendments. I think it goes a long way to say what we said about Bill 19 when they introduced it on March 31. That it was a bad Bill is borne out by the fact that the minister introduced 14 amendments tonight, an indication that the government really didn't know what they were talking about on March 31 when the Bill was introduced. They introduced not only amendments but in fact some amendments to the amendments and in fact some new sections in this nine-page section we have this evening as well.

[Mr. Herard in the Chair]

Mr. Chairman, some of the things that I want to talk about with respect to the amendments are still of concern. I don't see that all of the concerns that have been raised by members on this side primarily, because members on that side have been strangely silent on this Bill, have really been addressed by the amendments to the amendment to the School Act, which we are debating this evening.

Mr. Chairman, in particular a concern that I have deals with the issue of raising of taxes. There are a number of people that have seen how this will impact an increase in taxes. There's no doubt that when you look at the method of computation – and this is amendment G on page 5: "The following is added after section 42," and it gives a formula for computing future assessments. One of the things they talk about in Bill 19 is the fact that there will be a uniform mill rate applied across the province. Now, on the face of it that sounds like it could solve all of the problems. The difficulty, however, is that in fact there are problems in terms of assessment across this province. First of all, property values on your typical three-bedroom, thousand square foot bungalow are

not going to be the same in all areas of the province, so the assessment will vary. Assessment practices vary from one location to another, depending upon which assessment book is being followed by that municipality in that jurisdiction, and then there's the issue of: do we go with assessed value or do we go with market value?

The net effect, of course, is that more assessments of properties will need to occur in order for the average dollar figure to be calculated, because in section 155 of the amendment we have before us, it says:

A municipality, in each year, shall pay to the board of each district . . . in which the area of the municipality is included the amount of the requisition transmitted by the board . . . or division under this Part.

In other words, a calculation is going to be made, and the calculation is going to be based on the uniform mill rate and assessed property value.

Now, in order to be responsible, of course, a municipality is going to have to – and again in that section further on, 155(3), a municipality shall pay to a board or the Alberta School Foundation Fund the amount required under this Part.

Then it talks about equal payments and spreading them out over the year. The end result is that more assessments will have to occur. More assessments require more assessors. More assessors means more salaries being paid. More salaries being paid by municipalities means increased taxes by the municipalities. Bill 19, therefore, and the amendments to Bill 19 will result in increased taxation. The interesting part of it, of course, is that it won't be the provincial government that has to increase its taxation; they'll be passing it on to municipalities. The end result is that taxes will go up as a result of this Bill we have before us today. Of course, one of the things we heard from the government is: no new taxes. Well, I suppose in a sense they can still hang their hat on that, because they can say, "Gee, we didn't raise taxes; it was those guys over there." Those guys of course will be the local municipalities, the local councils, and so on. The end result is the people's property will have to be assessed more regularly, which I suppose in a sense is a positive, but it will be a negative from the standpoint that it's going to cost more money. Is that going to improve education in the province of Alberta? No. Is it part of this Bill? Definitely yes.

In that section, while I'm dwelling on section 155 right now, it talks about the payments required under this part. This is section 155(3). It talks about equal quarterly payments "on the 15th day of each of the months of March, June, September, and December in that year." In most cases, the majority of taxation dollars are collected at the end of June because that's when the municipalities collect dollars from the local ratepayers. Now, the difficulty of course is that if the municipality doesn't receive that amount of money, it says that "a debt referred to . . . may not be recovered by suit at law unless permission to enter suit is granted by the Minister." If they fail to pay the amount required, "the amount becomes a debt due, owing and payable to the district or division," as the case may be. That could lead then to increased interest charges being levied by presumably this government or the board against the local municipality. Again, potentially, who is going to have to cover that increased cost? The local ratepayer. Again, the potential exists in this piece of legislation, the way it's crafted right now, that it will result in increased interest costs that are going to have to be covered by the taxpayer, which means, again, increased taxes.

So the question is: why are we suddenly going to quarterly payments in March, June, September, and December of that year? How is that going to, again, improve on the quality of education

if most of the tax dollars – and I don't know what the percentage is. If most of the tax dollars are in fact collected at the end of June, why doesn't this Bill reflect that process that is already in place? Or are individual taxpayers suddenly going to start paying their taxes in quarterly payments instead of annual payments? Is that the direction that this Bill is going in? So I hope that the Minister of Education or perhaps the Treasurer or I don't know who, the Minister of Municipal Affairs, might be able to address that, because that is an issue that I think, again, potentially will result in increased taxes. Not increased services, not increased quality of education, not increased delivery or better schools for the children, but simply increased taxes, not a move that I consider to be particularly advantageous for the delivery of education in this province.

Mr. Chairman, there are a number of new sections in here. I'm wondering why those new sections are included. By "new" I mean that they are not in the original Bill 19 but are in fact new in the amendments that were tabled before us today. In particular – and I wrote "new" in a number of places – I'm looking at amendment G. Amendment G goes on through a number of different sections and amends a variety of different areas. Why is it that those amendments are before us tonight and not in the original Bill 19? Is it the fact that they were overlooked in Bill 19? Is it the fact that the government really didn't know what they were doing in Bill 19? Or is it simply the fact that this clarifies some situations?

One positive in that regard, Mr. Chairman, is that by and large this is written in reasonably plain English. For that I think the government should be complimented. It's not all bad. I think a move to writing a Bill in plain English is something we should see more of, and I would encourage all government ministers and, for that matter, private members who introduce Bills to write them in plain English. It makes it a little easier to read them and interpret them. So from that standpoint there's a plus.

Amendment G on page 5 before us tonight is new. It wasn't in Bill 19; it's before us this evening. It talks about the method of calculation of payment with respect to the mill rates that I've been referring to in my comments. So I'm wondering why it is that that's new now and wasn't in the original Bill 19 that was tabled in this House on March 31.

10:30

Also, part of amendment J, subsection (b), is a new amendment in calculating the "amount per student" with respect to a board." This is a new clause. That section is new in this amendment we have before us tonight, and it's quite a lengthy amendment. Again, the obvious question – by adding in all of that section (b), where we're changing section 159.1(1.1) with a variety of clauses, (a) and (b), and then when we add 1.2, 1.3, 1.4, and 1.5, it talks about a variety of different issues. Now, one of the concerns that I had when I read that particular section, Mr. Chairman, is in reviewing section 1.3. I'm looking at page 8, section 1.3, and it talks about a separate school or division that, as I read it, could opt out and requisition from municipalities – and I want to get the wording correct – "an amount per student for a school year that is greater than the amount per student for the school year used by the Minister." So it sounds to me like the potential is there where a school board could choose to opt out, raise more money than what the minister says they need – and I'm not quite sure exactly how he's going to do that – and then it says that those boards are going to "pay the difference between the amounts into the Alberta School Foundation Fund."

So putting it in simple figures, let's for argument's sake say the minister says that the school figure for each child will be \$5,000.

A local municipality or a local school board that has chosen to opt out, as I read this, opts out, and let's say it raises \$5,500. If they've got a thousand students, \$500 extra times a thousand students means they raise an extra half million dollars. Now, it seems to me that if a school board can opt out and raise more money, they're going to be very reluctant to then turn around and hand that half million dollars over to the minister, given the track record of this government in handling dollars in the past.

It seems to me that if a board can do that, if I've read this correctly, in the event that they raise more money by opting out, there's not going to be any incentive for that board to then turn around and say, "Gee, gosh, we've got an extra half million dollars" in my example, and hand it over to the Treasurer or hand it over to the Minister of Education. What motivation would a school board have to do that? Yet it seems to me that this clause provides specifically for that to occur. So school boards are then going to want to look at that, I guess. I'm not sure how they're going to deal with it, but I guess the potential is that this is a loophole that the government has created in this legislation to allow and in fact, I would suggest, encourage school boards to raise more money and hide it from the minister so that they can get a little more dollars to educate the kids, which is really what we're all about in the first place.

So I guess question number one is: how are they going to do this? Secondly, what does the minister intend to do to ensure that the education dollars get to the kids? If we're looking at equity, this is a clause that to me promotes something less than equity, at any rate.

Again, when I look at – ah, there's another section that's new. That's not really terribly critical.

Mr. Chairman, one of the other areas that I want to raise – and it has been raised by other members; I think the Member for Fort McMurray raised it earlier – deals with the issue of the separate schools and what I would refer to as the mixed faith marriage, where one of the partners is a Catholic and the other is a non-Catholic. From the very first amendment, amendment A, it talks about the concept that if, for example, you have a mixed faith marriage and the children are attending the Catholic school, then the non-Catholic parent might not be allowed to be on that school council. I would find that very interesting. In fact, I would hope that this gets passed, and I would hope someone would take it to a Charter challenge. I hope that it would be included, because I think this may be an area where either it's under the Individual's Rights Protection Act, the IRPA, or under the Charter of Rights and Freedoms. I think it'd be very interesting for someone to be denied the opportunity to be involved in a school council where their children are involved in the school, and that's the way I read this. Now, I see the Treasurer shaking his head, and maybe he's got a different understanding of that section, and that may well be the case.

The other area that I'm concerned about – and I'm trying to find where I wrote it – is a very short little section, section 29. This is amendment E. "Section 29 is struck out and the following is substituted," and it simply says "Section 133 is repealed." So when I looked back to section 133 in Bill 19, because of course you have to look back at that, Bill 19 gives a section and then of course that's deleted. So you have to go back to the old School Act, and it talks about interfaith marriages. Again this is an issue of contention. This is, I guess, the existing School Act:

The parties . . . may declare themselves to be a unit and, for as long as that party continues to be a resident of the separate school district, they may direct that their property be assessed for the purposes of either the public school district or the separate school district and

both of them are deemed to be residents of and to have all the rights, duties and obligations of a resident of that school district.

That's in the current School Act.

Now, as I understand that, then, since that is now going to be appealed, I guess what it says is that in the case where you've got an interfaith marriage, no longer is that couple going to be able to declare themselves to be a unit. The end result is of course that in that kind of a situation, you could have children of an interfaith marriage, where one of the parents is a Catholic, the other parent is not a Catholic, attending, for example, a Catholic school, and because they're not both Catholics, the dollars that they are providing through their property taxes will now be split equally between the public and the separate systems, despite the fact that both or several of the children are attending the one school.

So what that results in, as I read this, is the opportunity for taxpayers in an interfaith marriage to pay taxes to a school system where their children do not attend rather than sending their taxes to a school system where their children do attend, which to me, again, is not in the best interests of the children and will result I'm sure in increased stress on that couple when they are not allowed to direct all of their tax dollars to support their children going to the school of their choice, whether it's to the public or to the separate system.

For a school to deal with those children, then, regardless of which system they are in, the school is going to look at the children there and regardless of where they go, they're going to say: well, gee, we're only getting the dollars for half of the kids. That is going to create stress in the school. It's going to create stress within the marriage between the couple. It's going to create stress between the school and the home. From a government that passes out the pin on families, *The Heart of the Matter*, to introduce an amendment like this that really strikes right at the heart of the issue, which is at families, which creates a division between husband and wife and impacts on their freedom of religion and religious choice to me is absolutely flawed, absolutely wrong, and should be withdrawn.

If nothing else that one section is fundamentally wrong. It's not fair to the children. It's not fair to the school. It's not fair to the parents. Therefore, section E should be removed. I would like to see that amendment removed from this list of amendments that the Minister of Education has introduced. I cannot for the life of me understand why or how that amendment could be introduced. It doesn't make sense. So I would like to have the minister address that particular issue.

Just a brief question on the issue of superintendents. Section D deals with superintendents and talks about three-year terms. I guess I had a question. It is not clear in my mind from the amendments as we have them before us today if there's an intent to limit the number of terms of appointment. I understand that we're looking at a maximum length of individual term to be three years. Is there an intention to have a limit on the number of terms of three-year appointments? In other words, could a person be appointed as superintendent for a three-year term, be reappointed for another, a second, for a third three-year term? Or is it just one three-year term? You're done. You're out. New superintendent. I'm wondering if the minister might address that particular issue because that to me is not particularly clear.

Mr. Chairman, I'm pleased to see that the issue about charter schools is somewhat clarified. I must say that I'm not yet persuaded that this is the direction we want to see this go in the province of Alberta, but I'm pleased to see that there seems to be a move here that Roman Catholic schools, as I read this, could

have a charter school within that area if they evolve, I guess, out of that particular district.

So, Mr. Chairman, those are my comments on the amendments we have before us this evening. I think there is somewhat of an improvement in some of the areas. I still must say that overall I am very disturbed by Bill 19. I am not yet persuaded by the amendments we have before us that the amendments that have been tabled in the House this evening make this a sufficiently improved Bill to cause me to want to vote for the Bill, but I look forward to, hopefully before we get closure, the minister making some comments about the questions that I raised.

Thank you.

10:40

MR. ACTING CHAIRMAN: The hon. Minister of Education.

MR. JONSON: Thank you, Mr. Chairman. I would like to make some comments first of all with respect to some of the specifics brought up by the last speaker. I must say that I do want to commend him because he is one of few this evening that has dealt with the amendments.

With respect to the interfaith provision I'd like to make one major point and one perhaps minor point, and that is that in the discussion on this particular clause I think we have to remember that the point that is being made is somewhat a moot point, because the funding, whether it is for a board that stays in or opts out or for any other school board in the province, the funding per student out of the Alberta school foundation fund or the equivalent thereof is there for every student in the province. If all the children of the interfaith marriage go to the separate school system, the equivalent amount of funding is provided therefor from the overall provincial funding scheme. The matter of there being funding there for that student is not at issue.

The more minor point on that particular clause that I'd like to make, Mr. Chairman, is that one of the things that we have to keep in mind is that when constitutional considerations become paramount and you're driven to look at those in the so-called letter-of-the-law approach, then you have no choice but to go with strict constitutional provisions. This is what is provided for in the amendment. The overriding and important thing here is that for all students they have that opportunity, that framework here for equitable funding, and there is no penalty to a separate school board that has all the families of the interfaith marriage attending it. None at all.

The second point I wanted to make is that with respect to the superintendency, yes, certainly there can be more than one three-year term. It can go, and it can go, and it can go. That is certainly the case.

Finally, with respect to the charter school issue that was raised, I'm not quite sure what the point was, but there are two points of clarification in the amendments. One is to ensure that the nature of the Catholic school system – its principles, its faith orientation – can be carried over to the charter schools that might be approved under this legislation. Also in that particular section on charter schools there's a clarification of the wording with respect to religious faith or denomination, and that replaces the term which means basically the same thing but sometimes has a negative connotation, and that is nonsectarian. So that change in wording has taken place there.

Mr. Chairman, I would like to comment further on some of the more general comments that have been made on the amendments, but in view of the hour I would move to adjourn debate.

MR. ACTING CHAIRMAN: The hon. Minister of Education has moved that we adjourn debate on Bill 19. All in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. ACTING CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

MR. ACTING CHAIRMAN: Carried.

MR. DAY: Mr. Chairman, I move that the committee rise and report.

[Motion carried]

[Mr. Tannas in the Chair]

MR. DEPUTY SPEAKER: Order.
The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain Bills. The committee reports progress on the following: Bill 19. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? Carried.

MR. DAY: Mr. Speaker, as we adjourn tonight, it's on somewhat of a sad note. Sometimes we think that the amendments and the business of this Legislature are the most important thing in the world, yet we join with sadness our brother, our friend Walter Paszkowski, whose dear wife passed away this evening. If he's not in the Assembly over the next several days, I think our members will know why.

[At 10:48 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]

