

**LEGISLATIVE ASSEMBLY OF ALBERTA****head: GOVERNMENT BILLS AND ORDERS  
(Committee of the Whole)**

Title: **Tuesday, June 28, 1988 8:00 p.m.**

[Mr. Gogo in the Chair]

Date: 88/06/28

MR. CHAIRMAN: Would the Committee of the Whole please come to order.

[The House resumed at 8 p.m.]

**Bill 27  
School Act**

[Mr. Deputy Speaker in the Chair]

**head: GOVERNMENT BILLS AND ORDERS  
(Second Reading)****Bill 61****Legislative Assembly Statutes  
Amendment Act, 1988**

MR. CHAIRMAN: There are amendments by the sponsor, the government. Any comments, questions, or any further amendments to be considered? Hon. members, perhaps before the hon. minister speaks to the Bill, those interested in making comments, questions, or further amendments could indicate to the Chair.

MR. YOUNG: Mr. Speaker, I'm pleased to move Bill 61.

Hon. Minister of Education, do you have any opening comments to the committee?

Bill 61 has two elements to it. One is an extension of the capacity of the Members' Services Committee. The second is to add the provision for services in the determination of eligibility for pensions.

MRS. BETKOWSKI: Yes, Mr. Chairman. I tabled government amendments to Bill 27 last Thursday, which all hon. members have. The amendments are not substantive, but I thought that I would just highlight a few which may be some that members would want to comment on. I certainly look forward to another fruitful discussion on Bill 27. Certainly the discussion on second reading was excellent and the participation by all members laudable.

MR. DEPUTY SPEAKER: Are you ready for the question?

HON. MEMBERS: Question.

[Motion carried; Bill 61 read a second time]

With respect, then, to the amendments -- which were really for the purposes of clarifying intent, to avoid certain misrepresentations, as a result of input we received subsequent to Bill 27 being introduced -- I would highlight one that was with respect to section 45. Section 45 was with respect to the delegation powers of school boards. School boards were able to delegate powers . . .

**Bill 63  
Regulations Amendment Act, 1988**

MR. OLDRING: Mr. Speaker, I'm pleased to move second reading of Bill 63, the Regulations Amendment Act, 1988.

MR. CHAIRMAN: Excuse me, minister. Could we have order in the committee, please, hon. members.  
Minister of Education.

Again, Mr. Speaker, what this Bill does is allow us to consolidate the existing regulations, to update the language, and to simplify the terminology.

MR. WRIGHT: Mr. Speaker, I'm sure what the hon. Member for Red Deer-South has said is correct. But there is another feature to this Bill which we will have to examine perhaps more closely in committee. But on the principle of the thing I must nonetheless mention it, and it is the main part of it, as I read it, which redefines what a regulation is and redefines it in such a way as to exclude as regulations those things that formerly were regulations and which consisted of bylaws, orders, et cetera, of wholly owned Crown corporations and the like. Now, I think the idea there was that that would require that such bylaws or orders, which are the emanations of the Legislature, in effect, be published.

MRS. BETKOWSKI: The power to suspend a teacher cannot be delegated by a board. However, several boards and superintendents have raised the issue of the need for the superintendent to be able to suspend a teacher in an emergency situation when the situation is potentially harmful to students. Therefore, the amendment to section 45 reflects the power to delegate to the superintendent such emergency power under the Bill.

By the way this has been redefined -- perhaps it was inadvertent, but if so, it should still be examined, naturally; perhaps all the more it should be examined if it's inadvertent -- they have removed such bylaws and so on from the purview of the public. I think I've interpreted that right, but I would just like to put that on notice, as it were, and it can be examined in committee, Mr. Speaker.

The conflict-of-interest provisions, section 63: many trustees, as we went around further discussing the input on Bill 27, objected to the disclosure requirements obtained in section 63. They felt it was more onerous than the Municipal Government Act. As a result, government is proposing an amendment which would make it consistent with the approach taken in the Municipal Government Act. The section would allow the board the option of passing a bylaw which would provide for the disclosure of information outlined in section 63. If the board chooses not to pass such a bylaw, the filing of information would not be required; nonetheless, the conflict provisions apply.

[Motion carried; Bill 63 read a second time]

Section 99(3) was one that was recommended by the Alberta Teachers' Association, where they felt that the wording permitted school boards to go into a bargaining group for the purposes of benefits but perhaps go into a different bargaining group or

[On motion, the Assembly resolved itself into Committee of the Whole]

simply bargain on their own with respect to salary. We have said that if one opts into a bargaining unit, then it has to be for all matters. You can't have part bargaining in groups and part bargaining one on one.

The undeclared assessment was one that there was a good deal of discussion on. I think it's fair to say that boards across the province, while they recognize that we now have a balance, a level playing field, if you like, between the separate and public school systems, nonetheless some felt that the provisions of the Act encouraged a nondeclaration of assessment. To balance this, the provisions in the Act will now say that the municipality, once a transfer of land is received, must ensure that that transferee sends in a declaration. I believe it will strike the balance even more than it was.

With respect to the ward system, the change made was that the election returning officers in both the cities of Edmonton and Calgary felt that the time limits on the Act, which basically said that by July 1 a board had to have a ward system in place -- the election returning officers felt that this was not enough time and, therefore, have asked that there be consistency with municipal practice whereby by March 1 the board must notify what will be a ward system within their jurisdiction and by giving the minister until April 1 if by March 1 the school board has not implemented a ward system.

Finally, I think the amendment that's worth noting is one with respect to a transition amendment on section 249, where private schools in order to be exempt from taxation will have to have the approval of the minister. We had said, basically, that the private schools were all exempt. In fact, we've now ensured a test of the education framework of that private school, allowing the minister to say a portion of the property or all of the property is being used for private-school purposes. But it may well be that some of the property is not being used for the educational purposes under this Act.

I think that's adequate for the time being, Mr. Chairman. I look forward to the discussion on the Bill.

MR. CHAIRMAN: In the rules of the committee a member can discuss the proposed amendments along with any portion of the Bill all in one speech. The hon. members are held, as they know, to Standing Order 62. Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. I think that what I'll do is first address the government amendment and see if we can't get through with that so that we can get right into the meat and potatoes of the Bill. It should come as no surprise that for the most part we think that the amendments that were proposed by the minister on behalf of the government are quite acceptable.

No doubt the minister and members of the Assembly will recall that over the course of time, since the introduction of Bill 27 -- indeed, I guess, since the introduction of Bill 59, when we first saw the kind of authority that the minister was going to get with respect to implementing the ward system -- we've had some concern about the authority that the minister is going to have. The Leader of the Opposition has asked questions in question period to the minister about the ward system, and she has responded. We would have liked to have seen an amendment contained in the package that would have given a little more latitude to those boards; however, it wasn't there.

Now, that shouldn't be confused with our lack of support for a ward system. I quite frankly am very much in favour of hav-

ing a ward system. I live in and represent a constituency in northeast Edmonton that does not have any -- I'm trying to choose my words carefully -- assigned representation in that community in that northeast end of our city. Now, the public board in Edmonton is a good board. It's a good working board. I think they have a good working relationship with each other and that they do a job that's a tough job at times, and they do it well. They're able to deal with all of the demands that are placed upon them from all sections of the city.

The majority of them, however, happen to live on the south side of our city, and that leaves a number of people on the north side feeling that they don't have representation. Well, I've not ever felt that way. I think that I've been able to establish a working relationship with the members of the board, and I'm sure that any member of the citizenry of Edmonton could pick up the telephone at any time and call any member of the board. However, there is still that feeling that there ought to be some representation out of a particular area, assigned to a particular area. I agree with that. I think that a ward system is far more effective, that it does work better, and that we don't get into the kind of problem that we saw in Edmonton in the last election where we had such an abundance of candidates to choose from that for the most part many forgot to choose. The level of participation was so incredibly low at such an important level of public service that we really must address that particular problem. I think that is being addressed.

But there's the other side of it. Here comes the flip side of the coin: it's being addressed in such a way that it's really quite heavy-handed. Here we have a board that was elected under the old Act in an at-large system, and there was never any concern about being forced to face the potential of having to consider a ward system, especially when it's placed arbitrarily by the minister on boundaries that are drawn up by the minister. So I think that there ought to be a level of fairness.

I've seen the studies that indicate that there is an incredible amount of support for a ward system in the cities of Edmonton and Calgary. I believe it's at about 73 or 74 percent. But what is the question in the study? What is the question in the study? If the question in the study is, "Do you want to have a representative from your own community?" I would hazard a guess that at least that number would say yes. At least 74 percent would say yes. But there are other questions that could've been asked, that possibly even were asked, so 74 percent may not be an accurate reflection of what Edmontonians really want.

I believe that such a substantial change in the way we elect our representatives at that level really ought to go to the people. I truly believe that there ought to be some form of plebiscite so that those who choose to participate -- it puts the onus upon the voter who chooses to participate -- have the right to choose their choice for selection of candidates. It could very well be that there could be argument made at the doorstep by trustees that an at-large system is better for quality education. Now, I would go out and I would argue against that. I would go out and support candidates that shared my political philosophy in terms of education but also that supported the ward system. But let's allow that opportunity.

Now, that's not to say that we should go out and have a plebiscite in a couple of months, because I think that at a time when we are concerned about the tax dollar and the public first, we ought not to be conducting a special plebiscite only to deal with the question of a ward system. I believe, quite frankly, that we could conduct -- it would not cost, other than for the paper and the cost of ink, very much money -- a plebiscite at the next elec-

tion. Now, at the next election, if the electorate said, "We do not want a ward system," then we would continue to exist as we operate now. If, however, the electorate said, "We do want a ward system," then the board would have to act upon that. If the board failed to act upon that, I would be fully supportive of the minister saying, "All right; you had the opportunity to act, and you chose not to."

So I really believe that there ought to be an allowance for that. To that end I would propose an amendment. I would like to get a copy to the Chair straightaway -- because this one has not been initialed -- just to make sure that it is in order. Perhaps, Mr. Chairman, I could just read it into the record while you are looking at it? Or do you want the opportunity to . . .

MR. CHAIRMAN: Order, hon. member, please. Would the committee please quiet down or leave? Retain a quorum, but leave.

Hon. Member for Edmonton-Belmont, I think you meant a subamendment as opposed to an amendment.

MR. SIGURDSON: Yes, sorry; a subamendment to the government amendment,

MR. CHAIRMAN: Well, just let us make sure the minister has it, the Government House Leader has it, leaders of the political parties have it, and then all members can perhaps have it.

You can proceed, Edmonton-Belmont, pending the Chair's determining if the amendment's in order.

MR. SIGURDSON: Thank you, Mr. Chairman. Just to read it into the record, this subamendment would amend as follows:

A. Section RR is amended by striking out subsections (2), (3) and (4) and substituting:

(2) If the board of a school district that is situated wholly within a municipality with a population of no fewer than 300 000 individuals has not passed a by-law providing for the nomination and election of trustees by wards before March 1 in a year in which a general election is to be held, the Minister, before April 1 in that year, may by order direct that a board conduct a plebiscite to determine if it be the will of the electors that the nomination and election of that board be by wards.

(3) An order under subsection (2) applies to the general election next following the making of the order.

(4) The board shall immediately following a plebiscite under subsection (2) adopt a by-law indicating the determination of the electorate.

(4.1) A by-law or any by-law that amends, revokes or replaces a by-law made under subsection (1) or (4)

(a) does not apply to the general election next following the passing of the by-law unless it is passed before March 1 in the year in which that general election is held, and

(b) does not apply to or affect the composition of the board until the date of the next general election to which the by-law applies.

Now, Mr. Chairman, what that says essentially is that a plebiscite would be conducted at the next general election for school boards, for school trustees, and that the determination, whatever comes out of that decision made by the electorate, will be considered by the board in time, and the board would then follow the wishes of the electorate and implement a board system or continue with an at-large system. I think that is fair. It allows for participation from the electorate rather than just a sample survey made up of people that are drawn upon by various pollsters in the field. I think, quite frankly, that an extension of time in this area that really fundamentally affects how we elect

school trustees is not unreasonable.

If we do find that the electorate wants a ward system and one is established, I would hazard the guess that trustees would soon gravitate towards one ward or the other of many and would start working specifically to the end of being re-elected in that ward in a period which would be the 1995 election, I suppose. So I don't think that when we change so dramatically the nature in which we elect trustees, that period of time is unreasonable.

MR. CHAIRMAN: Speaking to the subamendment, which deals with a government amendment to section 225, hon. Member for Ponoka-Rimbey,

MR. JONSON: Mr. Chairman, I'd just like to very briefly offer a few comments in opposition to the subamendment. First of all, I think we talk about plebiscites when as legislators we feel that we do not have the grasp of a particular issue or do not have a definite assessment of the way the public in a particular area wants legislation to take effect. I think that on this side of the House and over in that corner, Mr. Chairman, we are certainly confident that this is something that is supported by the public of the two major urban centres involved. Certainly there has not been a great demand for a plebiscite, since the introduction of Bill 27, from the general public, either the supporters of the public system or of the separate system in Edmonton or Calgary.

It has to be recognized, Mr. Chairman, that it's quite natural for the incumbent members of the major school boards in those two centres to be somewhat resistant to a change which could put their situation, as far as being board members after the next election, in jeopardy. But I would remind members of the parties opposite that the bulk of this province, at least geographically speaking, has coped quite well with a ward system or a division system for the election of trustees, and it is something that is generally accepted. And it seems to be very much something that is acceptable to the ratepayers, the voters of Edmonton, Calgary, which at this particular point in time happen to be the only urban centres of that size.

I think that the proposal in Bill 27 has certain benefits in terms of representation for the area, an understandable and, therefore, I think more effective balloting process. I think we will have school board members having an identity in the ward that they serve, and this will lead to greater interest on the part of the public and more effective work on the part of trustees and, therefore, in the long run better education and representation in these areas.

MR. CHAIRMAN: Ready for the question on the subamendment?

Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Yes. Thank you, Mr. Chairman. I must express some personal ambivalence with respect to whether or not we should or should not have ward systems. I must confess that on balance I personally prefer a more global perspective and prefer the concept of trustees considering the benefit and the welfare of the system as a whole rather than a reflection of local interest. However, I recognize the problem of large numbers of candidates who have been running for election in recent years.

However, my predilection or the bottom line in terms of whether we should or should not have a ward system is not the issue here; the issue is process. I am persuaded that the process should be determined locally rather than by the minister, and that means either through the local board or by way of plebi-

scite. To that end I do prefer the subamendment to the minister's solution, but what is missing here, if neither the board nor the minister act, is a provision whereby the electors can themselves force the issue. And we have an amendment; we will be proposing to add a proviso whereby 2 percent of the electorate can, in fact, force that change. So we would be supportive of the subamendment, subject to the philosophy that there should be that additional proviso that we will be adding in our package of amendments, which is yet to be presented to the members of the House. Thank you.

MR. CHAIRMAN: Hon. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Chairman. The question is not whether the two major cities in this province are going to have wards for public and separate school board elections or not. That is not the issue in front of us, although I as one who lives in the city of Calgary certainly can appreciate the frustration of an elector faced with 40-some names on a ballot trying to sort out who amongst all of that group would be most responsible in terms of conducting the affairs of the school board. I think one of the ways that would help resolve some of that confusion, reduce the numbers of people seeking election citywide, would be to divide up the city into smaller wards and would then give people a much better ability to identify the candidate in their area who would best represent their interests.

So the question, though, in front of us is not whether we should have a ward system or not; I think that's a matter for local decision-making by the local board. The question is: what is the process that is best for this Legislature to adopt in terms of approaching that issue? What the minister has proposed is that if a school board has not passed a bylaw providing for a ward system by the March in which a general election is held, then the minister can basically impose a ward system on that board, whereas the subamendment in front of us extends the authority of the minister only so far as to direct that a plebiscite be held in order to allow the residents, the electors in that community and in that board jurisdiction, to make a decision for themselves whether they want to have a ward system. I know what my personal preference might be, although I know that there are valid arguments for not having a ward system for school board elections. It should be up to the electors in that board jurisdiction to make that decision.

So the subamendment would set out the process by which the minister could direct a plebiscite to be held to allow the residents of that community to make up their minds. For an example, Mr. Chairman, in the Calgary public board, as I understand it, the motion has been adopted that a ward system be implemented. So in the case of the Calgary public board this section would be academic in any event. But that's a local decision made by the local trustees in that school district, the appropriate group to be making that kind of a decision.

What I object to is this heavy-handed approach that's exemplified by the government amendment in this case. Mr. Chairman, I've heard members opposite . . .

MR. CHAIRMAN: Order. Order. Excuse me, hon. member. Are there other members wanting to participate?  
Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Chairman. What I object to is that I've heard in this Assembly many times mem-

bers opposite saying how it's the New Democrats who are the heavy hand of government, that they are the ones who use a dictatorial approach. Yet when we get to the reality, it's the government, this Conservative government opposite, that's taking the heavy-handed approach, whereas the subamendment which we're bringing forward allows the local electors and the local jurisdiction to sort out for themselves what exactly they want to do in terms of the ward system. So this is, in my view, a much better approach. It's much more sensitive to local needs and the rights of local electors to make those decisions.

MRS. BETKOWSKI: Mr. Chairman, I simply want to say that I'm glad we now have on the record the views of the New Democrat and Liberal caucuses with respect to a ward system and the need for one in the major centres. The virtually unanimous support of the parents and those who don't have children in the school system is that they want a ward system in place by the next election. I was reminded that I'm going to dub the Member for Edmonton-Belmont the Artful Dodger, because we've now got a statement of him saying he thinks the ward system's great, but don't do it this way.

Our view is that the accountability principle is fundamental to this Act, that people need to have a chance to have someone they can go to. With respect to the global perspective that the Member for Calgary-Buffalo speaks to, presumably he would say that he has a global perspective as the Member for Calgary-Buffalo. I don't think that in any way it affects a global perspective. In fact, I think it enhances it. So I would urge all hon. members to defeat the subamendment.

MR. CHAIRMAN: Ready for the question on the subamendment?

MS BARRETT: No, Mr. Chairman; one other comment.

MR. CHAIRMAN: Hon. Member for Edmonton-Highlands, do you want to be recognized? Please stand. Edmonton-Highlands.

MS BARRETT: I see we're all in a good mood tonight, Mr. Chairman.

Yes, I heard the minister make a comment about the Member for Edmonton-Belmont, and I just had to get on the record to observe that I was certain that an Education minister could understand that there's a difference between supporting a concept and supporting a process. It's the process that the Official Opposition finds objectionable under the circumstances, not the goal or the substance of what's attempting to be achieved.

MR. CHAIRMAN: Ready for the question on the subamendment?

AN HON. MEMBER: Yes, we are.

MR. CHAIRMAN: Are we all in?

[Motion on subamendment lost]

MR. CHAIRMAN: Speaking to the Bill and the amendment, hon. Member for Calgary-Buffalo.

MR. CHUMIR: Mr. Chairman, I do not propose to speak on this matter at this time. What I would like to do, however, for

the courtesy of the House, is to distribute a package of amendments that I have here to the members of the House. Then, I've had discussion with the hon. Member for Edmonton-Belmont with respect to what would be an effective and efficient means of dealing with the amendments. What I had thought I would do would be perhaps to present my package of amendments in categories under issue headings, which would certainly be the most efficient way and consume the least time of the House.

Edmonton-Belmont, on the other hand, has suggested that perhaps what we should be doing is going through the Act sequentially with respect to sections and commenting on each section to the extent that we have some comments and amendments. So I'm happy to seek the direction of the Chair or perhaps a clue on the hon. Member for Edmonton-Belmont and just try and fit my concerns in as we move along.

So in any event, the collective amendments are now being circulated, and I hope everyone will have received a copy. I will await some common direction as to the best way of dealing with a complex issue.

MR. CHAIRMAN: The hon. member can fit his comments in as they're appropriate. However, we are dealing with a government amendment first, and once that's dealt with . . . The Chair will point out that we appreciate the courtesy of the amendments being passed around, hon. Member for Calgary-Buffalo, but they may or may not be redundant, depending upon what Parliamentary Counsel has to say in checking them with the government amendment.

Hon. Member for Edmonton-Belmont.

MR. SIGURDSON: On that point Mr. Chairman, I'm wondering if it would be convenient to hand out the amendments that we propose at the same time. Perhaps then we can try and have some interaction and some interdependence. I'm not trying to hold it back for any particular reason, and it may facilitate the debate tonight. But I would need some assistance from many of the pages. There are quite a number -- there aren't that many actually.

MR. CHAIRMAN: Hon. member, the way the House by its traditions has dealt with this is the government amendment first. Following that then we deal with other amendments. It would be extremely awkward if we attempted to go clause by clause with various amendments being introduced at various stages. I think that the Chair will rule that we'll deal with the government amendment first and then all other amendments proposed will be consequential to, assuming the government amendment is carried.

MR. CHUMIR: Perhaps I might simply say that I consider the legislation to have some very significant flaws that I alluded to in second reading, and I would say, very simply, that they have not been remedied by the amendments, and say nothing further on the amendments in detail.

MR. CHAIRMAN: Hon. Member for Westlock-Sturgeon on the government amendment.

MR. TAYLOR: I thought I was going to be some moments yet. It's actually more of a question to the minister, speaking on the amendments. I'm bothered by something that's come up a few times in my travels around the province in that foster parents -- that I think quite often are doing a great service not as much for

money as their love of children. Yet when they are looking after a foster child, if that child is disabled or handicapped in any way and the board where the foster parents live then has to send that child to, say, Edmonton or Calgary where the services for disabled children are more common, the board then, where the foster parents live, is charged by the Edmonton board.

It would seem to me that these children are really wards of the state, belong to the province. Therefore, the school board wherein the foster parent of the moment lives should not be stuck with the extra education costs of sending that child somewhere else. I don't see where the Act addresses that. So I'm more or less throwing myself onto the well-known mercy of the Minister of Education and would suggest that that's an unfair charge to local school boards not of their own making and would request that maybe she look at it for amendments down the road.

MR. CHAIRMAN: Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd like to specifically address some questions to the minister in the amendment sections that have been tabled, item G, which makes reference to section 29 in the Act special education program. Mr. Chairman, this refers back to some clauses that were contained in the previous Act, Bill 59, which had to do with the uneducable clause, which I notice in this present Bill has been removed. In its place are, sort of, three sections, 28, 29, and 30. They're to some extent interrelated in that they deal, firstly, in section 28 with the overall resident student population in the jurisdiction of a board, then section 29 narrows the focus somewhat to those children who have special education difficulties or characteristics and need a special education program, and finally comes section 30 which deals with the concept of a special needs tribunal and a special education plan.

Mr. Chairman, the concept is sort of like that of a funnel. At the top is a wide amount, a wide scope of section 28. It gets narrower to that smaller group of children who have special education needs, and finally, the original concept, as I understood it was that at the point in which a child is referred to a special needs tribunal is that very small population of particularly difficult children who are medically fragile or who have a variety of different learning disabilities that make it very difficult for them to fit into any kind of a traditional special education program.

Now, what the concern is is this: in section 30 of the Act, there's no reference made to section 29. All it makes reference to, Mr. Chairman, is section 28. So this is a concern that has been raised with me, and I want to bring it to the attention of the minister so that she could either assure us that the concerns are not valid or, if they are, then perhaps she could consider a small, friendly amendment to these sections to clarify what I understood the original intent of the relationship between these three sections to be.

It comes to this, Mr. Chairman: a board is not obligated to provide a special education program. Simply adding the amendment found in item G of the government amendments doesn't, to my understanding, really resolve this problem. So if a board is not obligated to provide a special education program, then the parents come to the board for a child with special needs and those needs cannot be met in a regular program, rather than developing a special education program, what the board can do is immediately refer that child to the special needs tribunal, which means that any child under that board's jurisdiction who does not fit into the regular program might potentially be brought to

this special needs tribunal. So you have a much larger, much bigger population of children in a given jurisdiction who go to this tribunal for a special education plan to be developed, when in fact what the concept is -- as I understand it in this Act, the boards develop special education programs for children with special education needs and then those that have particularly difficult needs are the ones, then, that are referred to a tribunal.

The problem that people are concerned about or that has been brought to my attention is that there is no guarantee under section 30, section 29, or section 28 that a board will put in place special education programs for those kids in their jurisdiction. One suggestion that has been made to me would be to add some words under section 30(1) to refer, in addition to section 28, also to section 29, so that that would ensure that any child referred to a special needs tribunal would, first of all, have to be assessed to ensure that they don't fit under section 28, that they do in fact have special needs, and then that the board has to consider a special education program for that child before it can be brought before this special needs tribunal.

The problem is that by not making that continuum clear in the Act, Mr. Chairman, there's a concern that what we have in fact put in place is in practical terms a much more subtle but nevertheless very similar concept to that which was contained in 59 whereby boards will have great scope and latitude to determine whether they're even going to offer special needs programs for kids with those needs in their jurisdiction. So I just ask the minister: is she aware of these concerns? If she could address these concerns this evening, I'd very much appreciate hearing them from her. It may be more a problem in the drafting of the Act, not a problem with the concept as laid out. It's simply the concern that the three sections taken together do not sufficiently refer back to each other to make it clear the kind of continuum that's attempting to be put in place here, Mr. Chairman.

MR. CHAIRMAN: Hon. Member for Calgary-Buffalo, before proceeding, there are half a dozen amendments coming from an hon. member. The Chair will have them distributed in the next few minutes. Otherwise, if we wait, we won't have pages to do them later. So would hon. members attempt to keep them in some degree of order in the event we arrive at them.

Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Chairman. I had intended to deal with this matter later on, because I've had the same representations and concerns explained. I don't know whether other hon. members were able to follow what is a very difficult legal issue that I think was quite well explained by the hon. Member for Calgary-Mountain View, who should have honorary membership in the Law Society of Alberta. I don't know whether he considers that to be a privilege or not.

The real question that I have for the minister and that I think that the Member for Calgary-Mountain View has for the minister is whether or not the amendment which was passed with respect to section 29, amendment G(b) which added the words to section 29(2) "provided in accordance with section 28," was intended to mean that section 28 requires special education programs and that, accordingly, under section 30, when the reference is made there to section 28, that by necessity includes that broadened reference to the inclusion of section 29.

Now, I as a lawyer think I see the connection and can make it, but I'm wondering whether the minister can confirm that, and I'm wondering whether on top of that there would be any prob-

lem in adding the words "or section 29" to the end of section 30(1) as an abundance of caution to satisfy the concerns of what is a significant group of very concerned parents and, I must say, as dedicated a group of concerned parents as I've encountered in dealing with any education issue. So it's a very valid and heartfelt concern that they have expressed.

Thank you.

MR. CHAIRMAN: Ready for the question on the amendment?  
Hon. minister.

MRS. BETKOWSKI: Mr. Chairman, I was just going to clarify one thing for the hon. member, the lawyer in the crowd, and I will do so. I can, though, answer a couple of questions that have been raised with respect to the amendments. On the question of foster parents, raised by the Member for Westlock-Sturgeon, where children are placed in a group home or an institution, those children become resident students of the province. Where the children are placed in the foster care of a family, Bill 27 treats the foster children as it does all other children of the foster family. In other words, the resident board of the family must provide services and, if it can't provide them adequately, must pay for the provision of those services somewhere else. So I think this answers, in fact, the Westlock-Sturgeon question.

The House amendments to sections 28 and 29 are in response to the concerns raised by the Learning Disabilities Association of Alberta. In their view, in fact, a strengthening has taken place with respect to the right of access to special education, and this was the Member for Calgary-Mountain View's concern. Section 29(2) speaks to a student being "determined by a board to be in need of a special education is entitled to have access." That is where the right exists, which has never been in the School Act before. As well, if the board determines that they are unable to provide a special education program that meets the needs of the students, then the parent may appeal under section 104 to the minister.

I don't believe there is in fact a flow through, which was the fear of the Member for Calgary-Mountain View. In fact it is the legal description provided by the Member for Calgary-Buffalo. In other words, if a program must be met under section 28, then if it can't be met under there, it must be met under section 29, which is special education, a decision of the board. Then if the board cannot provide the service, then the sections of 30 kick in. In fact, I'm satisfied -- and that is confirmed by the Learning Disabilities Association and others of the province -- that we've caught any kind of leakage with respect to its being used too often.

MR. CHAIRMAN: Are you ready for the question on the amendment? Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Just that I can't help adding at this stage, Mr. Chairman, a concern that I have that with section 30 there in this form there is a built-in incentive for boards to provide minimal amounts of programming under section 29, because under that section they'd be providing the programming at their own cost, whereas under section 30, if a tribunal were to find in some instance that there was to be an element of provincial responsibility, part of the funding would be paid for by the province. Accordingly, in close cases or in cases that could be construed or stretched to be close, there would be that tendency on the part of boards because of their economic self-interest to say: "Let's not provide the program. Let's move it into a situation where

we get a tribunal because the tribunal may hook the provincial government for some money." I know that we've discussed that very briefly privately, but I thought that I would get on the record and perhaps hear any observations that the minister has in that regard, although I know basically it's probably that we just have to try to see whether we can make it work as best we can.

MRS. BETKOWSKI: I don't believe that boards will, as a matter of course, use section 30 because to do so they would've had to pass a test under section 29 with respect to an appeal. Once section 30 comes along, the special needs tribunal's purpose is to determine a program and determine how the various multidisciplinary needs of this child may be met. It probably would have an education component which would be part of the school board's provisions. Under that section, the board and the parent have a right of appeal to the minister subsequently if the section has been determined. I don't feel that, therefore, boards -- in fact, I think we've stopped the concern that there was that boards would instantly flow into this section.

The hon. member and I -- obviously it requires a watchful eye. Certainly it is not the intent to have children out of an education program; it is in fact the intent to have children in an education program. Hopefully, for those children whose needs are not best met in the school system, we will have determined a mechanism by which those needs can best be met.

MR. CHAIRMAN: Speaking to the amendment, hon. Member for Athabasca-Lac La Biche.

MR. PIQUETTE: Yes. I'd like to ask the minister whether her amendments in any way answer the needs of the French immersion parents, parents who are looking at having instruction under one of the official languages; whether any of the amendments will be impacting in terms of having more of a right to that education. Or if numbers warrant in a school -- whether the minister is moving in terms of that direction, or is the government intending at all to leave that in terms of alternative educational programs subject to user fees?

MR. CHAIRMAN: With respect, hon. member. Do you have a copy of the government amendment?

MR. PIQUETTE: Yes.

MR. CHAIRMAN: Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I do say to the minister I appreciate her answers. She's quite forthcoming and I appreciate that discussion. If one were to, say, out of an abundance of caution, and to ensure that clarity of the continuum between 28, 29, and 30, add the words "or section 29" in 31 at the end of that clause, would any unforeseen problems arise by doing that? I mean, if it were to be done simply to clarify and out of an abundance of caution to ensure that boards couldn't sort of bump kids from section 28 into section 30, if that were done out of an abundance of caution, would it in the process create any other difficulties that might be unforeseen? And if it wouldn't cause any unforeseen difficulties, would it make sense in just the interests of prudence to add that at the end of that first subsection?

Thank you.

[Motion on amendment carried]

MR. CHAIRMAN: Bill 27 as amended, hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you very much, Mr. Chairman. I guess we'll just move right along. Without getting into a lot of detail, I would like to point out a couple of things that I think are steps in the right direction, and that's the one thing of increasing the age for access of education. I think to go from 19 to 18, although it's only 365 small days, is a step in the right direction. I would like to see access guaranteed for even more people in the system that want to get basic education. I know there are limitations there, but we're moving in that direction. I did want to point that out, because I do believe that is positive.

Also, I'm sure the minister has had conversation with my colleague from Athabasca-Lac La Biche over the section that provides guarantees for instruction in French. I, too, have enjoyed conversation with my colleague, and we've had a great deal of communication. It is much improved over what was proposed earlier. I would like to hear from the minister if there is going to be some number contained in that where we are going to be able to guarantee those rights wherever in the province those rights apply according to the Act. If there's a number in the minister's mind, I'd certainly like to hear it, or if we're going to have to wait for a decision coming from the courts, then perhaps we'll have to wait for that. But if the minister can give some kind of indication, I would appreciate that. I'm sure all members would appreciate that.

No doubt the minister has had a great deal of correspondence from parents who have their children involved in immersion programs. I know the minister has, because I get an awful lot of copies of letters parents are sending to the minister, and I'm sure I only get a small percentage of those letters that are sent in.

I wish there was some way we could guarantee or, in a way, formalize the nature of Canada in the Act. I know that we have included the French language and we've capitalized the "F" in the word "French" in section 6, but I still think there's some greater degree we can travel in order to recognize the kind of cultural diversity, the duality, that is Canada. You know, we do live in a province that is part of Canada, that signed the Meech Lake Accord and was signatory to the 1982 provisions of the Constitution Act. I think if there's anything we can do to indicate we are prepared to provide certain programs that would allow education in both official languages, we would be going a long way in ensuring that we recognize the identity, the Canadian identity, that we ought to be seeking and supporting to a greater degree.

I do want to comment on section 7, the responsibility of students. I've had some comments from teachers. I've taken a look at that particular section. The comments from teachers are that it's good; it's about time students had some responsibilities. I think the students have looked at responsibilities. But I wonder how it's going to be enforced. That's about the only question I have, and I don't ask it facetiously. I do wonder what happens when we have a student who denies sub (a) of that section. It's just "be diligent in pursuing his studies." I don't know how you would deal with that, how you would monitor that, how you would measure that, so I'm just curious to know the reason for some of those subsections. I think again, as I say, the responsibility role ought to be there. I'm glad it's there, but how do we propose to handle that specific?

The area of compulsory education. I don't want to go through every section, but I was pleased to hear in a committee meeting of an education group I attended not too very long ago

that there are countries that have a high degree of education that don't have compulsory education at all. I'm wondering if the minister has any kind of indication of how many people would drop out. I'm certainly not proposing that we end compulsory education in Alberta, but has there been feedback from boards through counselors that would indicate how many people would drop out if we had noncompulsory education? As I said, there are countries, there are jurisdictions that do not have compulsory education, yet their education level is remarkably high.

[Mr. Musgreave in the Chair]

I did want to get back again to, I suppose, the meat and potatoes, as I had said earlier, and then perhaps we can deal with an amendment for a period of time. My colleague from Calgary-Buffalo has an amendment as well, and that deals with section 16. So perhaps we can deal with that. We'll introduce my amendment first on section 16, and then perhaps we can both jump in and exchange ideas on this. My amendment, if I may -- they've been distributed, Mr. Chairman -- I'll just read into the record:

- Bill 27 is amended, in section 16(1), by
- (1) striking out "or" at the end of clause (d),
  - (2) adding "or" at the end of clause (e). . .

MR. DEPUTY CHAIRMAN: I hate to interrupt the hon. member, but I think he should deal first with the preamble before he gets into the Bill.

MR. SIGURDSON: Certainly, Mr. Chairman. If you want to deal with the preamble, that's fine. I was under the impression that the approval of title and preamble came last. I seek your guidance.

MR. DEPUTY CHAIRMAN: If the committee agrees, we can deal with the preamble last after the other. Does the committee agree?

SOME HON. MEMBERS: Agreed.

MR. SIGURDSON: Jeez, and I was on a roll.

Well, at the back of the hymnal is the amendment that we propose to add in the preamble, and again my colleague from Calgary-Buffalo has, I believe, some addition that he wants as well. But I'll move our amendment. We're dealing with, for the first time in the education Act that I'm aware of, a preamble that really points out the intent of the government. We have a preamble because we can use this as the intent. Where we have sections that may be somewhat nebulous, I'm told that . . . I'm not a lawyer, but I'm told by lawyers that those who have to determine a particular interpretation or interpret a particular section of the Act can turn to the preamble of an Act and use the intent contained in that preamble in their decision.

Now, there are a number of sections of the preamble. In fact, we're not proposing to delete any of the clauses in the preamble. We think it is a good preamble, but we think there are a couple of other points we ought to adopt. If we're going to provide an education system that is beneficial not only to those who go through the system but to society as a whole, then we ought to recognize that education doesn't just start when one is six and end when one is 19, as is outlined in section 2 or 3. Therefore, what we've done -- and I'll read it into the record -- is add in the preamble the word "and" following the words "common values and beliefs," which is in the fourth whereas of the current

preamble, and adding at the end of that:

WHEREAS literacy is essential for full and successful participation in Canadian society; and  
 WHEREAS equality of access to basic education constitutes a fundamental human right;  
 THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows. . .

Now, these two particular clauses, these two whereas clauses, point out the need to address a problem that is in our society. It's a very real problem. The rate of illiteracy is tragically high in Alberta, and I believe we ought to address that. If we are concerned about education for Albertans, then we can't exclude certain individuals.

There was a study -- I'm going from memory now, because I wasn't expecting to deal with the preamble at this very minute -- by Southam news that had estimated that there were, give or take 60,000, 360,000 adult illiterates in our province. That's an extraordinarily high number. The cost of that illiteracy is felt not only by the person who suffers from the inability to read or write or do simple mathematical equations, but it also affects all of us as a society.

There was a study that came out published I believe last February, by the Canadian Business Task Force on Literacy that looked at illiteracy as an economic cost. Again I'm going from memory, but I believe the study said the cost of illiteracy to Canadian society was somewhere in the neighbourhood of about \$4 billion in actual costs. That's in lost productivity. That's in lost time due to injuries at work where an individual couldn't properly read a manual and perhaps either damaged equipment that couldn't be replaced or damaged the worker himself because he wasn't able to understand what was contained in the manual. Four billion dollars. Now, when you take in the social costs and add that up, the Canadian Business Task Force on Literacy estimated it was about \$10 billion, because you have to add in the costs of welfare, social services, the cost of unemployment insurance payouts, and all those other things that really start to pull on the public purse.

Now, if we take from that a percentage, the Alberta share, perhaps we're only dealing with an annual amount of \$900 million for Alberta out of that. I'm just grabbing at a figure. But if we take a share of that \$10 billion estimated cost and when we compare that cost to what we have invested on an annual basis in education this year, almost \$1.3 billion, then there really is a serious problem, you know. How can we get around that? Well, I think we can get around that by offering programs and offering an education program to individuals that suffer from illiteracy, and we ought to recognize that as a fundamental human right inside our School Act. Surely to goodness our School Act deals with education, and if we're going to address the needs of students, then illiteracy is one of those areas we must combat. I would hope members would consider adding to the preamble these two sections that do address literacy and treat it as a fundamental human right. There are going to be other considerations that go along with this, no doubt. We want to ensure that society makes available programs for young people and for other students, because when a person reaches 19 or when a person finishes grade 12, they ought to be able to function. I suppose that's the point I'm addressing. If they are illiterate, they are not able to function in society.

Mr. Chairman, I may get back up once I collect a few more notes. I may get back up on this particular section, but I would hope other members would comment on this section dealing with literacy and the preamble.

MR. DEPUTY CHAIRMAN: Hon. Member for Edmonton-Avonmore.

MS LAING: Thank you. I'd also like to address the issue the hon. Member for Edmonton-Belmont has just spoken to. I think it is really important to recognize that the preamble of a Bill does express the spirit and the intent of that Bill. As the Member for Edmonton-Belmont has stated, we have heard recently of the extensiveness of illiteracy in our society, in our province even, and the terrible cost that means for people who are not functionally literate, who cannot participate in any real way in society, who cannot read things like bus schedules or figure out where to go for jobs or read want ads. We know that there is a whole variety of reasons why people do not achieve literacy or achieve the skills that allow them to read and write and participate in society during the years they attend school. There are the children who are developmentally delayed and are not able to achieve full literacy in the normal span of school attendance. Certainly while I was the education critic, I heard from parents of such children who weren't able to fully participate in society and needed more time. So that's one group of people.

Another group of children who grow into adults without literacy skills are children that are caught in environmental situations that mitigate against them achieving in school as to their potential. That may be because of dislocation of their families, moving around, going to a lot of different schools, always having to adjust, experiencing abuse and violence in their family. We certainly know that these children do not achieve in school and often drop out early. Alcoholism is another thing that may keep children from achieving in school, and in some areas possibly the undervaluing of education by the family members or those people around the child. So I think it's important to again see that the child has not achieved what they could in school for a number of reasons that aren't of their making.

Another area in which we see children, young adults, coming out of school unable to read and write are children that have experienced learning disabilities that have not been detected or treated. One in particular is attention deficits. We know that many children that experience this attention deficit are unable to participate in school, often come out of school -- although they're very bright -- unable to read and write to the extent they should be able to and often have a lot of other problems around feelings of failure they have gotten because they have not been able to achieve even if they are bright.

I think we have to recognize these people deserve a full first chance for the child that is developmentally delayed or in an environment that does not allow them to achieve in school, or we need a second chance for some children who, for whatever reason, drop out of school before they have achieved full literacy. So I think we have to commit ourselves to programs that develop literacy at any age whenever a person decides they want to go back to school and achieve what they have not yet achieved, what most of us, 80 percent of us, achieve in the years we attend school from 6 to 16. We need to recognize that many people are very ashamed and cannot tell anyone they cannot read or write. We have to recognize further that something that touches 15 to 20 percent of our population is not something we need to be ashamed of, that people need to be ashamed of. What we need to do is recognize that and put forth the kinds of solutions that in a way do not add to the shame or do not foster shame in the people that need to participate in these programs.

I look at literacy training for adults -- young adults, older adults -- in the context of education as a lifelong process. Many

of us continued or even started advanced education in our adult years, and that was very acceptable. What we had achieved in the first 10 or 12 years of education was a certain level. Then there was no shame to not having gone on to university when we were 18 or 20. The kind of postsecondary education that many of us participate in as adults is just part of education as a lifelong process. I think we have to recognize that literacy training should be seen in the same context. People that need to go back to school to learn to read and write are simply people that have not achieved as much education as they would have desired to in the normal course of their schooling, and we need to make available to them an opportunity to achieve and to bring their education level up to a higher standard. That should be done in the context of education as a lifelong process. So I would support the change to this preamble that recognizes more fully and clearly for all people the possibility of education throughout their life to better prepare them to take part in society in the ways that best suit their needs.

Thank you.

[Motion on amendment lost]

AN HON. MEMBER: Question. Question.

MR. DEPUTY CHAIRMAN: Question on the Act as amended by the government motion -- is that what we're calling?

AN HON. MEMBER: You bet. Question.

MR. DEPUTY CHAIRMAN: Mr. Sigurdson, you had some more amendments?

MR. SIGURDSON: There's no division [inaudible], but we're certainly not prepared to deal with the Act at the moment.

MR. DEPUTY CHAIRMAN: Hon. Member for Edmonton-Belmont, you had some more amendments?

MR. SIGURDSON: Mr. Chairman, I believe the Member for Calgary-Buffalo had an amendment to the preamble too. I don't know if it's the wish of the committee to deal with preamble and then go through it in sequential order. That's why we had handed them out.

MR. DEPUTY CHAIRMAN: Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Well, I'm prepared to deal with the amendments sequentially, Mr. Chairman, and in fact would like to deal with my amendments individually regardless of whether or not they were presented in one bundle, because they are separate amendments. I'm just wondering, though, whether or not I should be dealing with my amendment, the preamble, while this is still on the floor. Anyway, I'll be prepared to get into it.

The amendments I have to the preamble are twofold. One is to add to the preamble a provision recognizing the interests of the community and the education children receive. It reads as follows:

WHEREAS the community has an interest in the quality and content of education which children receive . . .

Also, adding to that portion of the preamble in the second paragraph which deals with parents' rights the words:

subject to the best educational interests of their children and of the interests of society.

So the complete preamble will read:

WHEREAS parents have a right and a responsibility to make decisions respecting the education of their children subject to the best educational interests of their children and of the interests of society.

These amendments are there to provide a reflection of the multiparty interest in education: that of the children, that of the parents, and that of the community and society at large. This is particularly important. As I mentioned on second reading, this legislation has a philosophy which is very, very much oriented to control of education by parents without adequately taking into account the needs of the community. I'm very supportive of the rights of parents, the role of parents and participation of parents, but that is not the only dimension. Educational philosophers and courts and educators have been saying for many, many years that indeed the whole philosophy of our school system is one which is based on the needs of the community. So I think this is a healthy change. It's a change for balance. It would have to be considered in conjunction with some other changes I have with respect to the private schools and alternative schools and home schooling, but perhaps I will just leave those to be discussed when we get to those particular sections.

So I would move that the preamble be amended in the manner set out in paragraphs A and B to my package of amendments.

MR. DEPUTY CHAIRMAN: It's been moved by the hon. Member for Calgary-Buffalo that the preamble in sections A and B be amended as shown.

Hon. minister.

MRS. BETKOWSKI: Mr. Chairman, if I may just speak to the amendments that have been proposed on the preamble together. With respect to the amendments proposed by the Member for Edmonton-Belmont the equality of access issues are dealt with in several of the substantive sections of the Act. I would refer him to sections 3, 5, 29, and 104. This Act guarantees a right of access to students to education for the first time, and those sections in the substantive sense do that.

With respect to the proposal for the literacy, literacy is often and, in fact, more often an issue of curriculum as opposed to a legislative one. It's rather difficult to ensure that someone becomes literate. As well, the literacy checks, if you like, are dealt within the substantive sections of the Act, such as section 25, which are the abilities for the minister to require certain standards as well as curriculum; section 3 and section 13, which is the section with respect to teachers being required to teach competently and various other things outlined in the section. So I think, therefore, those amendments are in fact covered in other parts of the Act.

With respect to the Member for Calgary-Buffalo's amendment on the community having an interest in the quality of education, indeed it does. The community is represented by elected school boards -- the whole community, including the separate system and the public system. That is the protection of the community, to ensure that the community needs are met. I believe that the amendments proposed to the preamble are, in fact covered in other often more substantive sections of the Act.

MRS. HEWES: Mr. Chairman, just to comment on the minister's last remarks, I don't believe education is the sole possession of parents and students, nor are they solely responsible for education, and I think we have a demonstration of that here tonight in this House. They're not the only ones who have an in-

terest in education, whether it's a fiduciary interest or a philosophical interest. I think it's extremely important in a preamble which sets the tone and is the basis for all the sections of the Act that we, in fact, reach out and extend the Act to all of those parties that should be, and have an obligation to be, involved in the application of the Act. Mr. Chairman, I believe we really need the community's commitment to this type of legislation and that we must -- in fact, if we are going to have a preamble, it's very important that it be written into the preamble. It's important that the community understands from the outset at all times its obligation and its responsibility to producing the education system and to supporting the education system.

[Mr. R. Moore in the Chair]

Mr. Chairman, I'm a former parent. I'm still a parent but I don't have any children in school anymore. But I feel an immense obligation to the education system. I want to be involved in it, and I want to be a part of the preamble that describes who the actors are in producing a quality education system. I think to leave it out is to leave out a very significant and important component in the whole spectrum of educational responsibility in our communities.

SOME HON. MEMBERS: Question.

MR. ACTING DEPUTY CHAIRMAN: Ready for the question?

MR. WRIGHT: I'm sorry. Is this on the amendments to the preamble still?

MRS. HEWES: Yes.

[Motion on amendment lost]

MR. YOUNG: Mr. Chairman, prior to proceeding further, in the event that there may be some divisions required this evening, if it be the will of the committee I would like to propose that in practice followed occasionally in the last number of days, we follow the procedure of bells ringing for 30 seconds, one minute of respite, and 30 seconds of bell ringing. If that would be acceptable to hon. members, I think it could expedite, in case there are a number of divisions later on in the evening.

MR. WRIGHT: Mr. Chairman, to avoid any difficulty, could we postpone this motion for a little while, while I consult with our House leader? Perhaps that might be acceptable. Mr. Chairman. Five minutes? [interjection]

MR. ACTING DEPUTY CHAIRMAN: Otherwise, we have a motion. Is the mover of the motion agreeable to that?

MR. YOUNG: Agreed.

MR. ACTING DEPUTY CHAIRMAN: Very good.  
Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you. I'd like to move on. Mr. Chairman, to propose my amendment C, which is that "Section 1(1)(q) is amended by striking out subclause (iv)" thereof, and that is the definition of "school." Currently subsection (iv) in-

cludes in the definition "a parent giving a home education program." We would eliminate that. We don't consider that to be a school. As I've mentioned on second reading, that is part of the privatization of schooling that we see as part of the overall philosophy of this legislation. It's part of a package of amendments that could have been presented in package, but seeing as we're going seriatim through the Act, this will be dealt with in isolation but is presented in the spirit as being part of that package.

Thank you.

MR. ACTING DEPUTY CHAIRMAN: Are we just dealing with the amendment related to section 1(1)(q)? Is that just on that, or are we going section by section on your amendment and voting on each one?

MR. CHUMIR: Item C.

SOME HON. MEMBERS: Question.

MR. ACTING DEPUTY CHAIRMAN: Item C? All right.

The question has been called on section C of the Liberal amendment.

[Motion on amendment lost]

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you. I'd move on to my amendment D, which is to add a new section after section 2, to be designated section 2.1. It provides that:

Every board shall on a timely basis inform each parent of a student and each independent student attending a school within its jurisdiction, in writing of the rights and benefits which may be relevant under the Act, including any limitations thereto and rights of appeal.

I've had some concern expressed to me, Mr. Chairman, by some parents that they've been unaware of their rights and the rights of their children, particularly in instances where we're dealing with learning disabilities, where there are disputes between parents and boards as to whether or not the child should go to a special private school for children with learning disabilities, where there are fees and other pertinent matters at issue. Some of these matters are extremely complex, and the parents are of the view that they haven't been informed on a timely basis. It seemed to me that it would be a sensible, a simple, and a useful amendment to make that provision.

That again is one of a package of amendments I have proposed in this group of amendments relating to the rights of parents and students, but I deal with this in isolation because we have decided go seriatim again.

[Motion on amendment lost]

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you. Mr. Chairman, I would like to move on to address several issues that I have not proposed specific amendments on because I wish to hear the minister on these particular issues before deciding the appropriate direction. The first relates to section 5 dealing with Francophone education. In that regard I think it's important to affirm the position

of the Alberta Liberal Party caucus that the rights under section 23 must be fully respected. I know there is a great deal of concern on that matter in the Francophone community.

I'm partially happy to see that section 5 does, in fact, affirm those particular rights, but there are concerns that I have and that have been expressed to me by Francophone parents. One is the absence of regulations. I'm reminded once again of the government's own past philosophy and its report, which now appears to be very conveniently a part of the distant past, that regulations should accompany legislation. We very much need those regulations and quickly, in order to have some idea as to what direction we're heading. Now I, and indeed all of those who have looked at this area, recognize the degree of difficulty, and indeed the matter is now before the courts for guidance. One piece of litigation dealing with the Francophone rights in the Edmonton school system is before the Supreme Court of Canada, and hopefully we will have a speedy determination with respect to that.

However, I have had concerns expressed to me about other cases which are in the hopper, which deal with other issues. One case, for example, dealing with the St. Paul -- an appeal with respect to that deals amongst other things with issues relating to the cost of sending children to school in Gravelbourg, Saskatchewan, as a result of the absence of adequate Francophone schools in that area. The Francophone community is concerned, and I share the same questions with respect to why this case and these separate matters are not proceeding apace towards resolution, why they have been put on the side burner.

Now, I'd also like to move on to comment briefly on section 6 insofar as it relates to education in the French language. I must say I have for some period of time been very, very supportive of the opportunity of our students to receive quality French instruction in our school system, and I refer to in this context French education for those who are not Francophones. I'm a great believer in that form of education, in particular French immersion but indeed in other less intense programs. I see them not only as important academic vehicles and as having value insofar as the training they present is concerned, but we have the added dimension these days that in a growing number of cases, knowledge of the French language is going to be increasingly necessary for maximum job opportunities. And in that context I think there is a duty on a community to ensure that its children are given the maximum opportunity to take advantage of the ultimate job market, and that means they have to have that opportunity for French education.

Now, there are problems I have been made aware of in different areas of the province where school boards have been loath to provide access. Parents in other areas are concerned about pressures upon those programs, and I think it's clear that they should be available where the numbers warrant, and in particular in light of the fact that there is some federal funding support for purposes of encouraging Francophone education. And hopefully we'll see more in light of what's been happening with respect to the funding provided to Saskatchewan recently.

I must say that I am still wrestling with the best methodology of advancing on this issue from a global perspective. One way being sought is that of including the absolute right to receive an education in French, where numbers warrant, within the Act. However, I have heard concerns, and I would like to hear the minister's comments on this, that if one sets up special categories within the legislation, these then have the tendency of serving as precedents for fragmentation, and I want to hear the rationale as to why there is not specific provision. Now, I'm

aware that the province of Manitoba has provided another method, and that is by way of regulation to guarantee the right of a French immersion education where numbers warrant. Yet another option and methodology for encouraging that is to provide financial inducements of a generous nature, and I would like to see us moving in the direction of some combination of these, with the bottom line being that I want to see them effective.

I very much would like to hear some of the minister's definitive views as to why it is that we have jurisdictions in this province where there are parents who wish to have French education in reasonable numbers and why the minister does not feel that this is an important enough subject in this day and age where job options are at issue -- why each and every child should not have that opportunity as mandated by the provincial government.

Now, I would like to say by way of global perspective that as a very, very strong supporter of the public school system, my heart soars like a hawk, as Chief Dan George says, when I hear people and parents happy with the public school system. And while there are exceptions, I must say I rarely hear the magnitude and number of compliments about our public school system that one does from French immersion parents, that by and large this is a successful program. It's good public relations; it's good for the public school system; it provides competition right within the heart of the public school system in a manner which doesn't segregate children from each other on the basis of religion, race, or wealth. It brings a lot to the system, and we need to pay more attention to it. And that kind of enthusiasm which I get from the parents -- and I've received more letters from parents interested in French immersion education than in any other education issue -- needs to be responded to, because it's good for education.

Now, I'd like to move on to my next amendment Mr. Chairman, and that is paragraph E, which is an amendment to section 16. Section 16 is a section which provides for alternative programs. The section fits into the philosophy that I was concerned about and discussed extensively in second reading, and that is the philosophy of segregating and providing for segregation of our children on the basis of religion, race, or wealth. This provision has within in it the seeds of segregation on all three bases, and indeed it seems very suspiciously to be an endorsement of a form of schooling which was experimented with in Calgary in the late 1970s and early 1980s in which there were what were in effect private religious and ethnic schools allowed into the public school system. And this encourages and endorses that, but further than that, it has within it a specific provision that fees can be paid for noninstructional costs, thereby adding the dimension of enhanced access to those who can afford to pay those extra fees and excluding those who can't right within the bosom of the public school system.

The public schools, I think, have been historically designed for children of all races, religions, and economic classes to mix, and here we have an erosion of that a very fundamental section directed towards eroding that foundation. I think it is unacceptable. It has to be changed, and I have provided the changes as follows. In subsection (1)(a) I have provided that we should be striking out the provision with respect to "religion" as a totally separate program. I'm quite happy to see courses about religion. I'm quite happy to see some individual programs with respect to religion, if there is demand. I have a tremendous amount of flexibility, but I don't have flexibility with respect to the potential of having whole schools set up within our public

school system which will cater exclusively to children of differing religious groups, segregating Sikh children, segregating Muslim children, segregating children of differing religious groups from each other. This is the direction that this leads us, so I think we should be eliminating that provision at this stage, and we should narrow the scope of the section down to one in which we can provide some form of programming for language and culture or other appropriate subject matter but not to be segregating children from each other on the basis of religion.

Now, that being said, you can still have a potential problem with respect to programs of language and culture, because these are normally very specific to individual ethnic groups, and there is a need within a section of this kind to make provision and regulations to ensure that they are not set up as segregated ghettos for those groups. I have, to that end, provided several other provisions here in the new paragraphs (4) and (5) of my amendments which would strike out the existing subsection (4), thereby eliminating the provision which would have allowed fees to be charged, and providing as follows:

- (4) The board shall not charge any fee in respect of an alternative program offered pursuant to this section.
- (5) An alternative program offered pursuant to this section shall be structured so that a child in the program is not segregated from other children by virtue of race, religion or ethnic grouping and, to that end:
  - (a) an alternative program which emphasizes a particular language or culture shall be offered only in a school which also teaches a regular educational program;
  - (b) the number of students in an alternative program at a school shall not exceed 30% of the number of students in the school;

Thereby ensuring that there is a mix of students, Mr. Chairman.

- (c) an alternative language or cultural program shall be offered for no more than half of each school day and a student registered in an alternative program shall attend the regular education program for the balance of each day in classes together with the students enrolled in the regular education program of the school.

This, Mr. Chairman, is intended to ensure again the mixing of children. Children should not be separated from each other. They should mix and get to know each other, because that is the future of tolerance and understanding in an increasingly multiracial and multireligious community.

The final portion of the amendment is a new subsection (6), which is a grandfather clause recognizing that we are not at the beginning of history -- we're in the middle of history -- and that provides that:

- (6) Subsection (5) does not apply to an alternative program existing and operating at the commencement of this Act.

So if there is something in which rights have been established within the public school system, we're prepared to see those continue, but for heaven's sake, let's not be moving in the direction of encouraging them. When we're in an age when we can see the Aryan Nations and the Keegstras and the Zundels and right-wing racist groups getting strong parliamentary support in Europe, we have to know how important it is to be vigilant and watchful on this fundamentally important issue.

So those are my amendments to section 16, Mr. Chairman.

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Edmonton-Strathcona.

MR. WRIGHT: Mr. Chairman, can the hon. Member for Calgary-Buffalo explain how this proposed amendment to section 16 fits in with immersion courses on the one hand, as distinct from Francophone schooling on the other -- the argument

which is raging here. I can't quite fit it into section 16, or does it speak to that at all?

MR. CHUMIR: It doesn't speak to it. Francophone schooling is in itself a totally separate species, Mr. Chairman, and stands very much on its own. It has specific rules and will have specific regulations, obviously, because it follows from section 23 of the Charter of Rights and is constitutionally mandated. We don't have alternatives within this province as to how we can deal with it.

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Athabasca-Lac La Biche.

MR. PIQUETTE: Yes, I just want to make a few comments on the amendments to Bill 27 introduced by the Member for Calgary-Buffalo.

One of the things about the alternative section 16, the alternative programs that could be taught out of the public school system, I feel, is that it should allow for religious instruction, which is one of the alternative choices. We've talked about language and culture as alternative programming, and to say that religion is not an alternative program under the public system I feel would not be in keeping with the fact that under the public school system alternative programs should be encouraged. I can speak from personal example. I was a school principal in Beaumont at J.E. Lapointe school, where we not only offered a trilingual educational program; we also offered religious instruction in different faiths. It was a tremendous success in terms of parents, with the public school system having the different alternatives presented in one school facility. I would speak out against striking out religion in that alternative program and support the government that it should remain there.

I would agree, however, with section (b):

(4) The board shall not charge any fee in respect of an alternative program offered pursuant to this section.

[interjection] I want to change that to saying "particular language, culture, religion." I feel that it should remain there.

Now, in terms of,

(4) The board shall not charge any fee in respect of an alternative program offered pursuant to this section,

I feel that is something that should be addressed by the government, because if it's an approved program offered that the board has authority to decide on, and we're going to be charging user fees. I think it's going to be setting up those who can afford and those who cannot afford those types of alternative programs. I believe the minister should be making available -- I know through the French immersion program, which I think there should be equality of access to, that anyone who may wish to have any of their children taught in either official language, user fees should not be an issue there. Because I know there are petitions presented to the minister that feel there should be an equality of access to the two official languages in terms of Anglophones wishing to have their children taught in the French immersion program, and I believe there should not be a need for it to begin with, simply because the federal government does pay the school board a fairly significant amount of dollars to permit French immersion programs. I believe the provincial government also provides extra money for other immersion or bilingual programs in Ukrainian, Italian, et cetera, which are now operating in the province of Alberta, and I kind of wonder is the minister permitting user fees to be charged in noninstructional areas for those programs? The extra money, perhaps for transportation, should be coming out of funds the federal gov-

ernment makes available for those alternative programs.

MR. PASHAK: Mr. Chairman, this may be by way of a point of order, but suddenly we started this discussion on section 5, then we leapt to 16, and I believe we have an amendment on the floor. Is it the intention to vote on the amendment, and then may I go back to section 5, or just where are we at here with respect to the procedure?

MR. ACTING DEPUTY CHAIRMAN: For clarification, hon. member, we dealt with the preamble. We are now going section by section. We're on section 16. There's an amendment on section 16 by the hon. Member for Edmonton-Belmont, which we will deal with next. Then on to section 17; there's an amendment by the hon. Member for Calgary-Buffalo. He also has an amendment on sections 18 and 22. Then back to the amendment from the Member for Edmonton-Belmont on section 24; back to Calgary-Buffalo on section 28. Does that clarify our progress through these amendments?

MR. PASHAK: A point of order. I mean, I wanted to make some observations on sections 5, 7, 11, et cetera -- brief comments. But is there any way that I could enter those onto the record? I mean, if we're . . .

MR. ACTING DEPUTY CHAIRMAN: Well, hon. members . . . Order please. We have been proceeding on dealing with the amendments. When we get through these amendments, then we can come back to yours, if you would. But we will deal with amendments in the rotation that they have been filed. Is that understandable?

Hon. Member for Edmonton-Strathcona.

MR. WRIGHT: Thank you. Mr. Chairman, I've been tussling with the proposed amendments to section 16, but on a point of order. Mr. Chairman, can I ask whether item (d) in the amendments we are looking at was voted on? That's the amendment to section 2.

SOME HON. MEMBERS: Yes.

MR. WRIGHT: Was that voted on?

MR. ACTING DEPUTY CHAIRMAN: It was voted on the last time.

MR. WRIGHT: Okay. On 16 I do find that there are some good elements here. I mean, I agree that the board shouldn't charge any fee in respect of an alternative program offered pursuant to section 16. Talking about the philosophy of user fees under section 16, even, admittedly, for noninstructional purposes, I can see it if it's a ski trip or something that's organized by the children or on behalf of the children or students, whatever you want to call them; that's in their leisure time. Even that, I suppose you can argue, in a public school is some kind of segregation according to money, but at least it's out of school hours. But within school hours I'd be interested in an argument that says that you should really be entitled to charge for anything. I think it's up to the trustees to arrange their school so that there is no discrimination of any sort according to capacity to pay. So I like that part of it, which is number 4.

On the other hand, it seems to me that the whole purpose of some of these alternative programs is to deal with activities that

are distinguished from each other by ethnic grouping, let us say, and I'm not so sure how bad that is unless it really means that it's exclusive to the ethnic group. For instance, if it were the Ukrainian language, for example, but anyone could learn it, then would that count as being an ethnic grouping? It would? [interjection] Well, then I don't . . .

MR. DOWNEY: A point of order, Mr. Chairman. It seems the hon. member isn't addressing his comments through the Chair.

MR. WRIGHT: Yes, I should be addressing through the Chair. I agree. The hon. member is quite right. [interjections] Yes. I am trying to seriously address these amendments here and to understand them.

So the purpose of these amendments I can understand as being laudable in part and puzzling in other parts. I would be interested in the comments of the minister on them.

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Edmonton-Belmont

MR. SIGURDSON: Yes, Mr. Chairman. Just speaking to that amendment I find many sections of this particular amendment worthy of support. However, I regret that the one particular section that causes a great deal of problem is the limitation of the numbers at 30 percent. There are those worthwhile programs that do offer full immersion for Ukrainian in our city, Chinese language programs, and those are programs that are worthwhile and programs that have been approved by the boards of education. I think this imposes limits on access. So for that I have some major worries, and regret that without further clarification I'd have to vote in opposition to it.

MR. CHUMIR: On that Mr. Chairman, I understand that in fact these criteria would suit the manner in which these programs are currently choreographed in the city of Edmonton. That's my understanding of that: that they would fit within those parameters. Of course, I've indicated that there is a grandfather clause there if there should happen to be an isolated one, but I've checked those out and they happen to be, as I understand, in mixed schools, and the balance of the day is spent with other students. I'd be very interested if there is any -- you know, I'm at odds with that. But in any event there is a grandfather provision, and it seems to me that this is a sensible way for structuring future programs.

Of course, insofar as French immersion is concerned, I just mentioned in my earlier comments that I see that to be a separate type of situation. It's not one that caters and relates to ethnicity as such.

Insofar as the Member for Edmonton-Strathcona's thoughts about for example, a program of Ukrainian attracting non-Ukrainians, it might but it seems to me that in reality it's going to attract almost exclusively Ukrainian students, just in the same way that if you had a school which taught Urdu for half the day, you'd have 500 East Indian children and one child of delightfully eccentric non-East Indian parentage, in fact. So there is a practicality that when you have Christian schools, the education is strongly Christian. You can say that it's open to everybody, but by its nature it attracts those who have the specific interest in that and de facto, you end up with segregation. So to think otherwise is, as Dr. Johnson said of second marriage, the triumph of hope over experience. So I don't have the hope that the Member for Edmonton-Strathcona might anticipate there.

I hope that those answer the concerns that have been expressed. I think it is a sensible approach; it's a balanced approach. It does provide for other programs, and indeed, as I mentioned earlier, I can envisage religious types of programs that might be feasible and might be choreographed. But I don't think that in this context at this stage I would want to see them included in this type of program. I'd want to think about it a great deal more. But in terms of language and culture, you're dam right. We have precedents, there is room for it but let's think about how we do it.

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Edmonton-Belmont.

MR. SIGURDSON: This is certainly an interesting exchange. I don't know if the Legislature has seen this in recent history, where opposition parties argue amendments amongst themselves while the government sits back waiting to debate its own Bill. However, I do want to point out that my concern . . . Perhaps the minister wants to get in on this and laugh at both of us.

My concern is not the amount of time spent in an alternative program, because there is provision in the proposed Act that would address that particular concern. My concern is the provision that's addressed by the Liberal amendment in sub sub (b) that students in an alternative program cannot exceed 30 percent. Because there will be those boards of education that do offer programs in schools that are designed solely for -- and they would be deemed alternative programs, programs that are given in the Ukrainian language such as in schools that we have in, I believe, Mundare and Vegreville. There are those programs. We have schools in Edmonton that offer full bilingual immersion Ukrainian education, and if we were to limit it to 30 percent access, then I think that would be extraordinarily unfair. That's the reason we cannot support that particular amendment.

MR. PASHAK: Mr. Chairman, I have some concerns, too, on this proposed amendment. It seems to me that it's got to be thought through a little further, because let's face it: I think we do live in a Christian culture. I'm not arguing that Christian religions should be taught in schools, but certainly Christian values should be taught. I think that's implicit in the constitutional arrangements that go back to when we recognized the existence of public and separate -- Protestant really, and Catholic school boards. Now, I'm not arguing that any particular religion should be offered, but certainly religious values should. I think that's why a lot of people have a lot of difficulty with the public system. They feel that it's not teaching the kind of morality that would lead to a better society. So I have concerns about that.

I also have concerns too -- I think it has to be thought through, the basis on which we provide educational funding for ethnic communities and other groups. We want to integrate people into Canadian society. I think we could build a case that because native people were here before white men came to North America or Europeans immigrated here, they're at a severe cultural disadvantage, and it makes perhaps some sense to argue that native children should be taught in their own language and gradually acculturated into the English language.

So I just find this whole amendment badly drafted and badly thought through, and I for one won't support it.

SOME HON. MEMBERS: Question.

MR. ACTING DEPUTY CHAIRMAN: The question has been

called.

Hon. Member for Ponoka-Rimbey.

MR. JONSON: Mr. Chairman, I'd just very briefly like to comment on this proposed amendment. First of all, I would commend the Member for Calgary-Buffalo for a valiant attempt to accomplish something here. I think the concerns over the 30 percent rule, the half-time offering of the program, and so on have already been elaborated on.

I would just like to point out Mr. Chairman, two things. First of all, where we have the proposal to eliminate the possibility of fees being charged, I think we should also recognize that in the Act there is a provision for an appeal if it is felt that the fees charged are onerous or inappropriate. The second point that I wanted to make is that in section 2 there is something referred to called a board. The board of education does have some wisdom, I'm sure, and will make as sound decisions as possible from an educational point of view with respect to the offering of alternative programs and the manner in which they're offered. There is also in that section the guarantee that there will be access, as there is in many places in this Bill, Mr. Chairman, to the regular program of studies for all students.

So I think we might dispense with this amendment and move on.

MR. McEACHERN: A very quick point Mr. Chairman. If this amendment were adopted, there are a couple of native schools in my very riding that would not be allowed to operate. So I think it's prudent that we should not pass this.

SOME HON. MEMBERS: Question.

MR. ACTING DEPUTY CHAIRMAN: The question has been called.

[Motion on amendment lost]

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Edmonton-Belmont on your amendment to section 16.

MR. SIGURDSON: Thank you, Mr. Chairman. I, too, on behalf of my caucus propose an amendment to section 16, which certainly isn't as long as the Liberal amendment, although it may spark a little more debate in the Legislature.

What we propose in section 16 is to strike out "or" at the end of clause (d), add "or" at the end of clause (e), and then add a new clause (f) which would be "a program referred to in section 6" of the Act. Section 6 deals with the part that allows a board to "authorize the use of French or any other language as a language of instruction."

The reason that we amend it at section 16 is because the government has brought forward an Act that takes language, culture, religion, teaching philosophy, and special programs, and lumps it all together as an alternative program. Now, there are indeed alternative programs; that's been addressed by my colleague for Edmonton-Strathcona. Perhaps there ought to be some form of fee attached for those. However, when a board authorizes a particular program as a language program, as a language of instruction other than the English language, the board does that because it's responding to needs of the community. Now, we see that in French language education; we see that in Ukrainian language education; we see that in some areas in Chinese language education. What the boards are doing when

they offer those particular specific programs is responding to the parents who have a desire to have their child taught in a heritage language.

There are two points that I would like to make. One is that we are in what is recognized as being a bilingual country, and therefore there ought to be provision to provide programs of instruction in either official language. But there is also the consideration that we are a multicultural society. Indeed, this government changed the Department of Culture to the Department of Culture and Multiculturalism in recognition of all of those ethnic groups, those linguistic groups that make up our Alberta and our Canada. Now, when school boards respond to their community by offering a program of instruction in a language other than English, I think that's positive. I think that recognizes the kind of land that we live in, that it's not just English, that it's not just one linguistic group that comes from one culture, but it's a multitude of groups that live and operate in our country.

I fear this section, if it's not amended, is going to limit groups in their application to boards asking for programs that are taught in either the French language or a heritage language, because there are going to be a lot of folk that quite frankly, will not be able to pay for the cost of that program. We're denying access to those people; we're denying that which they want. That if we do not adopt this amendment, is going to be denied, and that would be unfortunate. I think it would take a certain something out of the programs that we're trying to offer to children in our province.

Mr. Chairman, when instruction is offered that's been approved by a board in any language other than English -- it's been determined by the board that it's a beneficial component to their community -- I don't think we should then say: "Well, parents, if you want it you've got to pay for it. You're going to get your basic education taught in another language, but you're going to have to pay for it" That to me, denies access, and I think the province has a responsibility to provide that. If it means coughing up some extra dollars, and I know it does, then the responsibility is here in this Assembly to make sure those programs are available for all of the ethnic groups -- French, Ukrainian, Chinese -- that want to access those education programs in their language, and I would encourage support on this amendment.

MS LAING: I just want to speak to this and just make brief comments in support of this amendment I believe. Mr. Chairman, that user fees mean that some children will be denied an opportunity to participate fully in education because their parents cannot afford those fees, so I don't think they're ever right for any program that occurs in a publicly funded school system, for any program at all. But I think it very important in regard to alternative language programs as well as French immersion programs in a country, in a province that is committed both to bilingualism and the multicultural nature of our society that we guarantee access to these programs of other languages to all children. They must not be limited to those who can afford to pay or who have parents who can afford to pay.

I think, not only because of our commitment to a multicultural society, which we will be celebrating in a couple of days, that we benefit from knowing a second and a third or even a fourth language. Any child benefits from that any adult benefits from that and any society benefits from a population that is bilingual or multilingual. A child in learning a second or a third language gains in tolerance and understanding of other points of

view and perspectives because the language carries within it a culture's world view, its value system, its understanding of the world. So in learning another language, we learn another world view, and we are broadened not only intellectually but emotionally. Certainly the research that has been done with children who are balanced bilingual indicates that they're intellectually and emotionally more flexible than children that are unilingual.

So I think we need to recognize that on an individual level being bilingual or multilingual is very important and is an advantage. But in addition to that, learning a second or third language in this culture keeps alive the multicultural nature of our country, and without these languages being learned and carried on through the generations, we would lose the richness that is the culture of Canada. So I think we have to recognize that in terms of our society and our unique identity as Canadians we have to keep alive the languages in as many children as we can, and we cannot do that if children are denied access because of user fees.

I think in a social and economic sense, as the Member for Calgary-Buffalo spoke of earlier, we live in a world increasingly drawn together in a global village. Many of us in our lives will travel throughout the world, and many of us will in fact work in other parts of the world, and knowing a second or third language will benefit us in our ability to participate in the social and the economic life of those other countries. So again, I think that from a very practical point of perspective we need to say that every child, wherever possible, should have access to another language or two and that user fees will deny access to children. But I think we need to also look at it as a society. We have been very recently faced with intolerance and a lack of understanding of other people and other cultures and other backgrounds. That's something we face in this province, and if we have a bilingual or a multilingual citizenry, we are less likely to have that kind of intolerance.

I guess in closing I would say that I'm struck by the fact that many people from European countries know two or three or four languages. When I was in the Soviet Union last year and asked natives of that country how many languages they spoke, they said two: English and German. I said, "But what about Russian?" and that didn't even count. So I think it shows that we in this country or this continent are probably alone in our commitment to unilingualism and that we need to join the world community in a commitment to bilingualism and multilingualism. We do that by making sure that every child, wherever possible, has access to more than one language.

MR. ACTING DEPUTY CHAIRMAN: Hon. minister.

MR. PIQUETTE: Well, is the minister wishing to make a few comments?

You know, I just have a few words to say in supporting this amendment. I'd simply say that we have learned through immersion programs in different languages that we are able to educate our children in terms of quality English plus a second language. Looking at other countries in the world, in Europe and elsewhere, like Japan, Russia, and China, they are now moving into second language training quite aggressively. If we are going to be following the examples of many other jurisdictions in the world, to have easy access to different language training programs or immersion or bilingual programs in our schools should be a right that's enshrined in the School Act as opposed to a permission type of situation. So I think, you know, that I speak here in a global sense, in terms of a tolerance and understanding

sense, and in terms of the whole aspect of making sure that we are able to compete in the world economy. Other countries are realizing that to know more than one language is an asset, and I think that's something which should not be simply a penalty that is imposed on people with user fees if that alternative choice is provided in the public or separate school system.

So I wholeheartedly agree with that amendment, and I think it would be very much a forward-looking piece of legislation which would arm our young Albertans for the future, to make sure that we create a new society that is open to all peoples of the world and able to compete on all levels in the world.

MR. ACTING DEPUTY CHAIRMAN: Maybe just before you stand up, Madam Minister, may we have unanimous consent of the committee to revert to introduction of guests? All those agreed?

HON. MEMBERS: Agreed.

MR. ACTING DEPUTY CHAIRMAN: Opposed?  
Hon. Member for Edmonton-Belmont.

#### head: INTRODUCTION OF SPECIAL GUESTS

MR. SIGURDSON: Thank you, Mr. Chairman, and thank you to members of the committee. There's a special guest in the public gallery this evening, and she's special to all of us in that she's the wife of our Sergeant-at-Arms, Oscar Lacombe. His wife, on Oscar's night off, is down at the Legislature watching the proceedings. She's also a constituent in Edmonton-Belmont. I'd ask that Marie Lacombe rise and receive the traditional welcome of the Assembly.

#### head: GOVERNMENT BILLS AND ORDERS (Committee of the Whole)

##### Bill 72 School Act (continued)

MRS. BETKOWSKI: Well, Mr. Chairman, I find the amendment redundant, and I find it redundant because in section 16(1)(a) we say that "'alternative program' means an education program that emphasizes a particular language." The amendment to add into section whatever it is then emphasizes that language. It's already covered, in fact. If there is a bar to access, and certainly members have suggested that tuition fees could be a bar to access, that is precisely why there is an appeal with respect to the payment of fees where there is a bar to access under section 104. So I think the amendment proposed by the Member for Edmonton-Belmont is in fact already covered under the Act.

MR. ACTING DEPUTY CHAIRMAN: The question has been called. [interjection] O h . Pardon m e . Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you. I've not yet spoken on this amendment, Mr. Chairman. I'd like to say that I am second to no one in my enthusiasm for language education nor in my enthusiasm for differing options and choices in our school programs. However, I am also equally strong in my aversion to programs

which segregate children on the basis of religion, race, or wealth. For example, the French immersion program I so strongly lauded does not do that. So I say that if by nature a language program is such that it attracts exclusively or almost exclusively certain ethnic groups, it's sensible to attempt to recognize and address the problem and limit the degree of segregation to which that naturally tends to move us.

It may be that some of the proposals we've heard this evening may not be right on the money in terms of the detail as to how it should be done, but it's fundamentally important that we recognize the concept and the direction of where we're going. We're dealing with a system that will have implications that affect 30, 50, and 100 years down the line, affecting not us but the legacy we leave to our children and grandchildren.

Now, this amendment has proposed -- I read it to, in fact, stop fees for language programs only. But what it does do, it continues to allow fees to be charged for cultural and religious programs right within the bosom of a public school system, and I find that hard to understand and relate to the philosophy of the New Democratic Party. It also, however, fundamentally allows at its heart the segregation of races and religious groups within our public school system. Again, I find it very hard to note the nonchalance and apparent lack of concern of the New Democratic Party on that particular issue, because I think that is very much the wrong direction to be going.

The United States discovered that it was the wrong way to be going, because they moved heaven and earth to desegregate their schooling. They segregated in terms of blacks and whites, separate but equal. If we don't have the moxie to recognize that that's exactly what we're proposing, the direction that we're moving with all of our different ethnic groups, then we've got our blinkers and our rose-coloured glasses on. Once you get going in a certain direction and you go so far, you can't turn it around. That's the problem here. We've got to address this at a time when it can be turned around and to recognize that the way in which we structure these sections is itself a fundamental educational statement of the community as to how our children should go to school together. When you make these provisions in these sections, you're stating to every group in the community that this is a valid way for it to be done, that it's as good a way as any other way. And it's not as good as any other way. The best way is to get all kids going to school together.

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Calgary-Forest Lawn.

MR. PASHAK: Thank you. I just want to assure the Member for Calgary-Buffero that that wasn't the intent of the amendment, to create that kind of segregation. It was to bring all children into a language program in a given institution. It just points out, I think, an improvement that could easily be made in the way in which this whole Legislature operates. It would be really good to have an all-party committee. I think, sit down and study these Bills clause by clause before they're brought before the whole Assembly.

SOME HON. MEMBERS: Question.

MR. ACTING DEPUTY CHAIRMAN: The question has been called.

Hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. This is the

point, and this is the committee where we're looking at it clause by clause.

But I, too, want to offer to the hon. Member for Calgary-Buffero that the proposed amendment does not segregate. My goodness, it brings people into other options. It brings people, and it's inclusive. It's not exclusive, and that's the point. I think that the minister made that, and I've tried to add to it. For this to be construed as being an exclusive end, well, is just wrong. This is meant to bring children in to understand other heritages that happen to make up our province, our Alberta and our Canada. Folk from all over that could gain access to any variety of programs ought to be able to do that. I would hope that you would accept that. Thank you. I see you nodding.

MR. YOUNG: Mr. Chairman, this is getting really exhilarating, but perhaps if there's to be further discussion between the hon. Member for Edmonton-Belmont and Calgary-Buffero, they could do it over pizza in the parlour.

HON. MEMBERS: Question.

MR. ACTING DEPUTY CHAIRMAN: Hon. Government House Leader, I agree with your observations. So the question has been called. This is to the amendment of the hon. Member for Edmonton-Belmont related to section 16.

[Motion on amendment lost]

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Calgary-Buffero, on your amendment to section 17.

MR. CHUMIR: I am just wondering as we go along here and get the feel of, perhaps, the best way of handling this, Mr. Chairman . . . I'm kind of wondering, aside from where the pizza is, whether or not it might not be advisable perhaps to take this in bite-sized chunks and perhaps determine whether or not there are any other speakers with respect to issues that arise at 16 or prior. My instincts tell me that perhaps it would be more manageable if we handled it on that basis, but I'm kind of feeling my way along here and seeing differing dimensions. If it were the pleasure of the House and Lord Forest Lawn were so inclined to speak on some of the intervening sections, I'd be quite pleased to cede the floor to him, go through those, and then we'll have cleaned that portion out. Then we can move on and just baby our way along.

MR. YOUNG: We had earlier determined that, as I understand it, we would deal with the amendments and then give anyone on the committee the privilege of reverting and going over the Bill on those occasional items. I think because of the flow of paper that that may be the most expeditious, although it is an unusual procedure. But then we've got quite a complexity of amendments here. If it's agreeable, let's just go the way we are but perhaps with more expeditiousness, although I promise all members of the Assembly adequate time this evening and this morning to work on this particular Bill.

MR. ACTING DEPUTY CHAIRMAN: Hon. members, if I could. We will proceed to clear the amendments as we had previously agreed, get them out of the way. There's quite a number of them, and we're just going to lose some if we start jumping around.

So hon. Member for Calgary-Buffero, on section 17.

MR. CHUMIR: I accept that, Mr. Chairman. Thank you.

The amendment to section 3 is to strike out clause (b), which provides that

A school council may . . .

(b) perform any duty or function delegated to it by the board in accordance with the delegation.

That may seem innocuous, but I see that as part of the scheme of privatization of schooling that has concerned me and that I have spoken about before, and as part of the alternative school scheme in which an alternative school, an ethnic or linguistic or religious school, could be admitted into a public school system. A school council could be set up and could be given authority by the school board to run that school under its own steam. In fact, this is a concern that was expressed by the Calgary public school board. I note grimaces with respect to that interpretation. It's a concern that was raised by others to myself some long time ago. I see it as a valid concern. I'm all in favour of parental input, parental involvement in the schools. I think it's fundamentally important to the success of schooling and children's education. But I cannot see any need to have a provision whereby a school council can be delegated any duty or function by a board.

Now, I note there is a section later on that provides that this delegation cannot include the right to fire and dismiss teachers. But it does include the right to hire teachers. I can very well see as this whole thing fits together -- and Mr. Byfield noted how all of this fit together, because he mentioned this same power in his editorial of May 30 with respect to the right of school councils to be set up whereby a school council could be out there hiring teachers based on a specific religious test, again within the bosom of the public school system. All these things fit together. There's no need for this type of provision. It serves no useful purpose other than that scheme of allowing groups of parents with specific interests to segregate their children in schools under their own control. So I propose that amendment as again part of that package of concerns I have seen and that Mr. Byfield has very perceptively seen. Because while we disagree very, very strongly with respect to the direction schooling should take, let there be no mistake that he's a very perceptive observer of what is going on in the world of education, and he is a happy observer when he looks at this Act.

MR. PASHAK: Mr. Chairman.

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Calgary-Forest Lawn.

MR. PASHAK: Without repeating all the arguments of the Member for Calgary-Buffalo, I just want to go on record in support of this particular amendment. I find this section certainly bizarre and very, very dangerous, as it does empower school councils to do all manner of funny things. So I think the amendment should be supported.

MR. ACTING DEPUTY CHAIRMAN: Question? Hon. Member for Edmonton-Kingsway.

MR. McEACHERN: Yes, Mr. Chairman. I also want to stand and speak in favour of this amendment. I taught for many years, and I agree that parents and students should have more say and there should be more co-operation among the various partners in the education scheme. But I don't think that some way or another a group of parents should be able to sort of demand of a

principal and a board that they be allowed to perform any duty or function delegated to it by the board in accordance with the delegation. It sort of gives them the right to demand that they be able to do things. Suppose they demand that they be allowed to teach the students or, in some way, take part in a classroom that the teacher doesn't feel comfortable with them in it. No, I think the kind of participation of parents in the classrooms and in a school should be one that sort of evolves and everybody works together to develop and feels comfortable with. You shouldn't be setting up legislation that says some people have the right to demand certain things by right of legislation. It should be a co-operative growing together in a sort of open atmosphere of choosing what they wish to do, providing that all the partners in the arrangement agree. It's not something that should be designated by legislation as a right at this stage in quite that same way.

SOME HON. MEMBERS: Question.

MR. ACTING DEPUTY CHAIRMAN: The question has been called.

[Motion on amendment lost]

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Calgary-Buffalo on section 18.

MR. CHUMIR: Yes, this section 18(3) relates to the right of parents and students to have access to and an explanation of test results and evaluations with respect to the student. I think it's a good section. What it does, though, is require the individual who wishes to receive the test -- it allows access only under circumstances where a person who is competent to explain and interpret the test is present. I in my capacity as a lawyer have had a great deal of experience from individuals who have been attempting to get copies of personal files that relate to their particular well-being in some form or another. My concern here is that this section indicates that there's a right to receive an explanation, but there is no right to get a copy of the test or the result or the evaluation. I think it's very reasonable that that right be available. This often involves psychological issues, testing of students. There are often disputes and disagreements between parents and school boards and experts on the boards, and there is often desire to go to outside consultants and differing agencies. That is rendered impossible or certainly very, very difficult unless specific access to the test results is provided after the explanation is given. So that's the purpose of this section. It's a freedom of information form of amendment. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Ponoka-Rimbey.

MR. JONSON: Just very briefly again, Mr. Chairman. I would have to oppose this amendment. The objective, I guess, can be considered quite laudatory, but there's a very practical problem with what is in the amendment in the addition of clause (e). That is that a goodly number of the documents in question are secured. They are part, perhaps, of national standardized testing programs; they are parts of test banks. The whole area of security is something that's very important to the testing program.

Mr. Chairman, I think Bill 27 goes a long way in providing for parent and student access to information and interpretation

thereof, and I think it will function quite well in its present form.

[Motion on amendment lost]

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Calgary-Buffalo, on your amendment related to section 22.

MR. CHUMIR: Thank you. This amendment can only be understood in the context of understanding that section 22 presently provides for two types of private schools. One is the registered private school; the other, the accredited. The hallmark that concerns me with respect to accreditation is what is intended to carry with it, the right to public funding from the government of approximately \$1,400 to \$1,500 a student.

As this House is well aware from other comments that I've made in the past, our party opposes funding of private schools on the basis that they generally segregate children from each other on the basis of religion, race, or wealth. We except from that category those schools which are dedicated to teaching children with learning problems, which are, in effect, schools of need. So our amendment is intended to eliminate that category of schools, the accredited category of schools, which would carry with it funding, and to specify that there shall be no public funds used for private schools, with the exception of those that are provided for. I intend to read the amendment in detail in a moment. And it also provides a mechanism for phasing out the funding of private schools which receive funding at the present time over a period of seven years, with details to be determined.

So the mechanism that is being proposed here is that the category of registered schools be continued. We're very supportive of the right of parents, if they so desire, to send their children to private schools at their own expense, provided they meet standards of achievement and so on. I would add, however, to the provisions in the paragraph, say, the criteria (a), (b), (c), and (d), which relate to registered schools at the present time, the additional criterion, and that is amendment (e), which is added as a new clause to section 22(1):

the persons employed to teach at the school have qualifications that are approved by the Minister. The second amendment would be that of striking out subsection 2 which provides for the accredited schools and substituting the proviso as follows -- the new subsection 2:

No additional public funds shall be proposed for the approval of the Legislature for provision to any private school beyond the amount of funds being provided at the effective date of this Act other than a private school established to educate children with special learning needs and approved by the Minister, or a private school established to teach language and cultural programs carried on outside normal school hours and approved by the Minister.

Now, as I mentioned, Mr. Chairman, we are supportive of those schools which deal with needs of children with learning problems. Also, to drive home again the support that we have for language and cultural programs, we're prepared to see those funded and supported, particularly outside of regular school hours and even in school hours with the criteria that I mentioned earlier, again the goal being: let's encourage our children in our public schools to be going to school together and getting to know each other.

Then there is a further amendment, a new section, 2.1, which deals with the schools which currently receive funding -- the new subsection 2 related to future funding. It provides that no additional funding will be provided. Subsection 2.1 deals with the schools which are now receiving funding, and it would provide that

Where a private school, other than a private school established to educate children with special learning needs and approved by the Minister, or a private school established to teach language and cultural programs carried on outside normal school hours and approved by the Minister is receiving public funds at the effective date of this Act, the Minister shall recommend to the Provincial Treasurer for presentation for the Legislature's approval a phasing out of the funding over a period of seven years.

That would be a seven-year phaseout.

Then there are some consequential amendments to subsection 3, which deals with the cancellation or suspension of registration or accreditation. We would simply move out the references to accreditation since that category of schools has been eliminated by prior amendments. Subsection 3 would relate simply to the cancellation or suspension of registration. So that, Mr. Chairman, would be our proposals with respect to how the funding of a structure of private schools should be regulated in this province.

I would simply note in closing that this province, and indeed almost virtually every province in this country with the exception of Quebec, did not provide funding for private schools other than at the end of the 1960s and into the 1970s. Indeed, in this province there was negligible, if any, funding until the mid 1970s when this particular government started a program of very substantial funding of these schools as a result of lobbying of a very small group. This matter was really not debated, and we were unaware of what was at stake at that particular point of time.

At the present time five of the provinces in this country do not fund private schools; the other five do. Again, it's the matter of precedent. Once one group starts, one province starts, others look at it and it serves as the precedent. I think this is wrong precedent that we've established over the last dozen or so years. I think we should revert back to the very healthy precedent that we followed for the first 60, 65 years of the existence of this province, a precedent and a system that was followed on the basis of experience by our forefathers, who were much closer to the difficulties that emanate through the divisions that arise on the basis of race, religion, and wealth. We have indeed a wealth of history which shows us those problems. I hate to think that we have to keep reliving history, that we forget it every 50 or 60 years, because that's a test of our education system.

So I commend these amendments to this Legislature at the same time as I also note again that in United States it's unconstitutional for the state to provide aid to religious schools. They learned that separation of church and state is a very sensible rule.

Thank you.

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Chairman. I rise to speak in support of the principle of these particular amendments. There could be items within the amendments that we could quibble about, such as phasing out funding for private schools over a seven-year period. Maybe it should be nine years. Maybe it should be five years. I don't know.

There are a couple of other... Yes, and I completely support the particular amendment that says that "persons employed to teach at the school [should] have qualifications that are approved by the minister." We have a public system of education.

There has to be some equity throughout the system. There have to be some standards, and it's up to the Minister of Education to ensure that that takes place.

Perhaps in terms of private schools there could've been an additional provision that said that school boards would work with private schools to try to incorporate those schools within their board so that if they have certain kinds of philosophies or approaches to teaching that could be justified that the minister could accept, perhaps they could be tried on an innovative sort of basis to see if they work, but they'd have to be measured against the results from the regular public school system.

I think the reason for the existence of a large number of private schools in the past has been that there has been a degree of inflexibility or rigidity within the public school system. So the Member for Calgary-Buffalo, who's providing these amendments, might have addressed that question in his amendments.

By and large, I think the amendments are good and worthy of support by members of this Assembly.

MR. WRIGHT: Mr. Chairman, I support all that's fallen from the hon. gentleman, the Member for Calgary-Buffalo. I believe it is the right of people to bring up their children how they will and educate them how they will providing they get a decent education, but if they want to do it outside the public schools, they should do so entirely at their own expense. I think we've gone down the wrong road in this province in diverting public money to private schools, however worthy many of them are. Having done that, we risk the wrath of some constituents, perhaps, in taking the unpopular step with them of cutting off funds, public money, to private schools, but as a matter of principle it ought to happen, and to phase it out over a period time is a reasonable thing to do.

I don't agree with those who say that there should never be such things as private schools, even though it does tend to a class system, perhaps -- if you want to phrase it that way -- within society, which is a bad thing in itself, but as against that consideration there is the consideration of personal freedom and doing as you like with what you have and with your children and family and so on. It's hard balancing the two, but on the whole I think it's in favour of the private school system, but at private expense and not at public expense.

As the hon. Member for Calgary-Forest Lawn has said, there may be some argument about the details, but the principle of the amendment is good. I wonder how the minister can really justify it in principle.

The argument, I suppose, is that since the public system is being relieved of some of the cost, in fact all of the cost, of paying for the particular child being educated in the private system, therefore it's fair that some of those taxes -- in this case income taxes, not other provincial revenue -- that would otherwise go to the public or separate system, as the case may be, should be diverted to the private school where the particular taxpayer is sending his or her child. But that is a diversion that occurs only because the particular citizen has the money to himself or herself make up the difference between the costs of the private education and what is funded by the province and tends to the weakening and destruction ultimately of the public system and, worst of all, tends to a class system such as we have in the old country and in other countries and even in the eastern United States, for example, where over the decades -- now the centuries, I guess -- the private schools to which the wealthy can send their children have become more and more entrenched. So we have the chance to nip that system in the bud here. As I say,

there should be the right, if you want to do it entirely at your expense, to do it but not with any infusion of public funds.

So I seriously commend to the minister the points made in this amendment. It does take into account the fact that we have to be sure that the children get an adequate education, and so the teachers should be qualified. Whether they should be formally qualified and have teaching certificates acceptable to the province is another argument. That argument is not precluded by this particular amendment, but the amendment is a sensible one.

MR. TAYLOR: Mr. Speaker, in speaking just a bit on the amendment, I only wanted to cover an area that I don't often see covered when it comes to the financing of private schools. I suppose maybe it's because we're all so touchy about offending the very strong private school groups there are in this province. Certainly my phone nearly went off the hook for about three days when I accused the government of financing schools for a bunch of Little Lord Fauntleroy's.

That was almost a rallying cry for quite a few areas, but I think now that they've piqued my hide and I have not that much to lose in that corner, I'm going to get a little bit rougher, in that I do not think the government is as altruistic as it would like to perceive itself to be, or let's put it this way, as they'd like to convince the public they are, when they're financing private education. As if somehow or another they're helping individual expression, helping to be a catalyst for a number of ideas that they hope will go into community, and that the private school funding will be a conscience or prick to the public schools so that they will go out and do a better job than they would normally.

Well, I'm going to be just a little bit jaundiced about what this government is up to, because they've already shown when they tried to go to a two-tier system in medicare, when they talk about privatizing this function or that function. I think this government is trying to sneak out of the responsibility of financing public education. What they're hoping to do is attract in through their system of subsidies now to private education a number of people, and there are always all kinds of groups that somehow or another realize that they can capture the minds of a seven- or nine-year-old. Then they have bent or warped the tree, whatever you want to call it, so it grows up maimed when it reaches adulthood.

There's never any shortage of groups that are willing to move into the education field, particularly when the government is willing to throw some money in that direction, and what I feel may be happening, Mr. Chairman, is that the government is trying to cut their costs and cut the money that they're putting into public education by attracting money. Eventually we end up with a two-tier label, the government saying, "Oh, we put in so many dollars a student; I'll agree the schools aren't up to quality and everything else, but there's all those private schools out there; all the private money is rushing in there to help educate our children" -- and selling the old principles of free enterprise and so on and so forth.

So I have a very jaundiced look here. I don't think the government is as well intentioned as they like to get across. I think they're trying to do as they did with the medicare system: put in a two-tier system, sneak out of their responsibility, go out through the back door with the responsibility of financing a proper public education system that has equal access for all and the very highest standards that our society can afford, not have to say, "well, we're going so far," and hope that the private schools and private religious groups or whatever it is will make

up the slack.

Consequently, Mr. Chairman, I would ask the House to defeat this insidious motion that I think is striking at the very heart of what democratic government and democratic education is supposed to be.

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Athabasca-Lac La Biche.

MR. PIQUETTE: Thank you. Just a few comments on the private school issue. I agree with the amendment because of the fact that I really think the minister already, with the alternative educational choices under the public school system that she's established -- really if a private school wants to operate, they can operate under the umbrella of the public school system but with accountability and making sure that we don't create a two-tier system of education in Alberta.

The question I'd like to ask the minister: I want her to justify her reason why we need to use public funding to fund private schools. She related to the Charter of Rights and Freedoms as the reason why the government has to move in by publicly supporting private schools. Would the minister attempt to clarify to the members of the House why she felt that according to the interpretation of the courts, under the Charter of Rights and Freedoms the government has to publicly support private school funding? You know, the right to have your own private school to me does not mean that the government has to publicly fund private schools. We can give them the right, at their own expense, to provide that kind of a choice, but I'd like to see where we do really get the justification for this move. And even though perhaps the government feels that the courts are saying that they have to, there's always the choice of not having to always interpret it to that fine line.

I can point out to the minister, for example, that we had the Supreme Court ruling on section 110, and the government for sure did not implement totally section 110 in Bill 60. So why in this case here, where we have a nonconstitutional kind of requirement for private schools, do we have to spend public funds to support that alternative? If the alternative is already provided under a more flexible public school, then that's the way we should be going, and let the private schools fund themselves at their own expense.

MRS. BETKOWSKI: Mr. Chairman, I just want to make a few points. First of all, only those private schools which employ certificated teachers are funded by government. Private schools receive about one-third of the funding available to public schools. The question with respect to why the Charter requires us to fund public schools: there was an adjudication of this matter with respect to the Pastor Larry Jones issue, and it in fact said that Alberta had struck a balance with respect to protecting the rights of religious freedom as well as the province's exclusive jurisdiction over education.

The hon. Member for Calgary-*Buffalo* likes to argue that the United States has prevented the funding of private education, and that's fine and good for the United States. We have a judgment out of our Supreme Court of Canada which acknowledges that we've struck a balance to now take away those dollars in our view, and in view of the constitutional analysis we've made of the judgment, we'd in fact be barring access. The inconsistency in the hon. member's argument is that there should be no alternative programs except French immersion programs -- those are okay -- except special education programs -- those are

okay. Yet it is the responsiveness of the public system, the community, the community which elects a school board, which is going to be able to respond to the needs of religious freedom because they're guaranteed under the Charter. Hopefully, by responding to those kinds of issues, people will not be forced into a private system. That is certainly the goal of this province: to link funding for private education with increases in students going to it, which would obviously be a concern.

We have funded private schools to a degree in this province since the mid-1960s. Our student population in private schools has remained constant. In fact in the last three years the population in the private schools has fallen off. I look to the other provinces of Canada who do not fund private education, who are in fact now reviewing the impact of the Jones decision on their jurisdictions, and those jurisdictions which in fact don't have any public funding have larger percentages of students in the private system.

For this government for this caucus, and for me as Minister of Education, the publicly-funded education system -- i.e., that of the public and the separate school boards -- is the primary system, which is why it is included in the preamble. But the opportunity for a private education system to exist is something we must continue to do in our judgment of Supreme Court arbitration on the issue.

MR. ACTING DEPUTY CHAIRMAN: Hon. Member for Calgary-*Buffalo*.

MR. CHUMIR: Thank you, Mr. Chairman. Members may have noted that I focus a great deal on this particular issue of private schooling. We deal in many issues in this province and in the Legislature. However, it's my judgment that there is no single issue we deal with that we have the power of decisions with respect to that will have more impact on our society over the next 50 years than the shape of our school system. I very strongly believe that if we formulate a school system and move in the direction of a school system which divides our children from each other, we move in the direction of a divided society.

That is a direction that we shouldn't move, because we have many historical lessons of what happens when you divide people from each other on the basis of race, religion, and wealth. Not French immersion, which doesn't divide children on that basis; not programs for children with learning needs: those are different issues. We're dealing with the fundamentals of the problems we see in Ireland and Lebanon. We're dealing with the issues of class systems which have driven many people out of countries such as England to find opportunity in this country.

One thing I want to particularly emphasize again is that aside from the actual dollars that are provided by funding private schools, an equally and perhaps fundamentally more important thing is that *by* providing that funding, we as a community are making a statement that this is an effective and good type of schooling for this community; it's one that solves and meets the needs of the community. I think that is totally wrong, that what we should be doing is glorying in the wonders of the public school system we have that has brought people together.

[Mr. Musgrave in the Chair]

We should be getting excited about the public school system. Educated people should get excited about it. I am astonished about how few champions we have in this community with respect to the public school system, even amongst the educators.

There's hardly anybody that will speak up and recognize the wonders that that system, as a system, contributes to our community. It's not perfect; it has lots of problems. But in terms of the fundamentals of what it brings to the community, we have to have our eyes shut, we have to be blind not to recognize that. Inadvertently in the mid 1970s we started moving off those rails, and we're setting ourselves on a course that is going to have impact in 50 or 100 years. I hope there are enough people here that are recognizing that and are getting the educational lesson that this is the wrong way to go.

Now, the problem with this thing is that once you go so far, it's irreversible. Now, we have 3 percent of students in the schools. It was 1.3 percent a dozen years ago. Once you end up giving rights to individuals, once you provide public money for a certain type of schooling, it gets very, very difficult to take it away. If we move up to 6, 7, 8, 10 percent of students in this type of schooling and receiving that kind of funding and then you try and take it away, they will be like a Gideon's army. They're like a Gideon's army now; we've seen the impact they've had on the Progressive Conservative Party.

So, yes, we're at 3 percent now. That doesn't seem to be a great deal, and happily it seems to be flat. But we are encouraging it; we are adding inducements. In fact, now we're moving to eliminate property taxation. The minister has referred to other provinces. Each province, each community, is different. I've looked at Ontario, and, yes, they've had a lot of private schools. They have a tradition of the Little Lord Fauntleroy schools. But also be aware, Mr. Chairman, that up until recently the Catholic school system in grades 11 and 12 had to be private schools, and there were very many of them; that really boosted the numbers up. That was 11, 12, and 13. Now the province of Ontario has of course changed that, and we'll see what pattern ensues.

Now, insofar as the Charter of Rights is concerned, any suggestion that the Charter of Rights says that we have to fund private schools, as an unequivocal statement, is sheer humbug. The problem that you get is that once you start to fund certain types of groups and certain types of schools -- we have a provision in our Constitution, section 15, that requires equality of treatment. That's the problem that I keep harping on: once you start moving in directions with respect to one group, you start to set precedents that practically and, yes, in certain circumstances under section 15 of the Charter of Rights, are going to require equal treatment.

The minister has indicated she didn't say that I don't know what she did say, but I don't understand in any way how any decision that I have seen of the Canadian courts has indicated any form of obligation to provide funding to private schools. Indeed, as I said, five provinces don't provide such funding. But you can sure put yourself into that obligation if you have certain policies which provide funding to certain groups, and then you want to get away from funding other groups. Therein lies the rub and the difficulty. Once you move in this direction, you're going to find very many other groups that are going to want to be funded and are going to be entitled. We have the Scientology group, which is receiving funding at the present time in the city of Edmonton, which is a good example.

So with those comments, I cede the floor.

MR. DEPUTY CHAIRMAN: Hon. Member for Edmonton-Belmont

MR. SIGURDSON: Thank you, Mr. Chairman. I rise to sup-

port the amendment that's been proposed by the hon. Member for Calgary-Buffalo because I do fear that what we have in the proposed legislation is going to create a system where too many people are going to be able to access that public dollar for the private education of their collection of children. I say that because I see that over the course of time what's happened is that we've had a declining level, a declining percentage, of funding coming from the province, and there are many rural boards of education and indeed there are large urban boards of education that are not able to offer all of the programs that they want to have for their children, so they look to the private environment.

I worry about that I worry about the numbers that are contained in the section, that two families with seven or more students will be able to set up a private school. That's frightening. What that does is set up a group in a small community where there isn't a facility available and people can't access it. All of a sudden, instead of having a home school program, what we're going to have is people getting together and saying: "Well, you know, we can get the approval of the minister as teachers. We can do that because maybe I've got a certain qualification, you've got a certain qualification, and we can qualify as teachers. And if we've got that, then we've covered the accreditation process. Now, if we've got certain building standards, and boy, building standards are pretty easy, we can have a school building, and therefore we're a registered school." This is going to create a voucher system for education in the province. We're going to be sending out \$1,500 behind every child that goes off to a private school.

Now, I have gone to private schools in my constituency, and they're good. There's no doubt about the kind of program that they offer. Not only have I gone to private schools in my constituency, but as a student I attended seven years in a private formal school. In that private formal setting I received a great deal of benefit. There is no doubt in my mind that I received a great deal of benefit. But through all of that time my parents paid the shot 100 percent of the cost. And it was a burden. There was no doubt that it was a burden, but they had the right to access either the public system or the private system, and they opted to choose the private system, a very good system. I'm very glad that I had the opportunity to attend that.

I agree with my colleague from Edmonton-Strathcona, who recognizes that there ought to be the option, that if parents want to educate their children in the private system, they ought to be able to educate their children in the private system. However, should then the public tax dollar follow that choice? Should it? It didn't in my case. My family certainly wasn't well-heeled. My father was a truck driver, my mother a homemaker. They were able to pay. It made it extraordinarily difficult at times, but nonetheless their choice, their out-of-pocket expense.

I agree with the hon. Member for Calgary-Buffalo when he says we ought to be excited about the public education system. I agree that we ought to be. We ought to be doing more or as much as we can. I hear time and time again that we're doing as much as we can, and if that's the case, then so be it. But I think we ought to be doing more to create the kind of excitement that we can generate inside that public education system so that we have people turning to the public education system instead of away from the public education system. I don't see any disagreement. I don't see any disagreement in this room, but I think with the provision that's currently there before us, what we're doing is asking people to look away from the public system, not look to the public system. That's why, with some reservation, I support the amendment that's been proposed by

my friend from Calgary-Buffalo.

MR. DEPUTY CHAIRMAN: Hon. Member for Lethbridge-West.

MR. GOGO: Thank you, Mr. Chairman. I have great respect for the hon. Member for Calgary-Buffalo, notwithstanding that I sincerely believe he's out to lunch. We all know, Mr. Chairman, where the Member for Calgary-Buffalo comes from in terms of his attitude toward parents having a say with education of their children. He's been on record for four years as totally opposed to what Alberta started as a principle and a precedent and allowing parents of this province to have some say with regard to education of their children. With respect, the hon. member's views are clearly known, but I'm surprised at the Member for Edmonton-Belmont. I've noticed in the past two years, just by the above-average intelligence, that he must have gone to a private school; he wouldn't have acquired that knowledge in a public school. And his colleagues alongside him, most of them earn their income from the public system.

I just put the question, Mr. Chairman: why do people send their children to independent schools? Is it not because they're proud of them and want them to have a good education? The fact that only 3 percent of Alberta children go to independent schools suddenly doesn't make it attractive? Well, come to southern Alberta. Some 13 percent of the county of Lethbridge go to independent schools. I would ask hon. members to point the finger that it's putting them at a disadvantage.

I think we should be very proud in this province. I think we should do more. I look at section 8 of the Bill, and we're saying that for some reason independent -- we call them "private" schools, which just adds to the fuel of the Member for Calgary-Buffalo of an elitist system. I think we have the terms inappropriately in the Bill. I don't think it should be "private" at all; it should be "independent." But I think it's a great breakthrough for the minister to have convinced this government for the first time in history to have independent or private schools within the School Act.

Hon. members, I think it would be a mistake for us to say that parents of this province should have no say with regard to what schools their children attend. [interjection] Well, hon. member, let's talk about that in Calgary, particularly Calgary-Glenmore and the Jewish community, if that's what you want to talk about. Because as the hon. member knows, there's been a sweetheart deal going on for years. It's about to end. It was either that or we had to make it equal in southern Alberta, and we weren't prepared to do that.

We have Immanuel Christian school, pays an average of \$1,800 per student out of their own pocket. Never mind the supplementary requisition. Never mind the fact the public school district gets some \$300,000 for students they don't even have. Because our laws say that only public or separate school boards can have those dollars. And the special needs students -- a school like Immanuel Christian, 500 students in that school, many of them special needs students: they don't get any dollars. Now, let's not be critical when parents of this province are prepared to pay \$1,800 per student to have them go to their school, plus \$500 for busing.

I think that's the very least we could do, Mr. Chairman. I commend the minister for having, for the first time in Alberta history, private schools in the School Act.

Thank you.

MR. DEPUTY CHAIRMAN: The Member for Calgary-Forest Lawn.

MR. PASHAK: I never heard anyone on this side of the House, in the opposition, say anything that would deny the right of a parent to have their child educated in a private school. What we're opposed to is public funding going into the support of children in private schools. There are very good reasons for that Mr. Chairman. They have to do really with the whole principle of this Bill. The principle is embedded in this section, though. What is clear here -- and the Member for Lethbridge-West brought it out quite clearly when he said that for the first time parents now have a say in the education of their children: in fact this Bill purports to be a Bill that looks at the rights of children, but really what it does is it transfers all kinds of rights to parents.

In any kind of organized society the rights of the state have to come first. That's why you have a public education system. You have to define the kind of society you want to live in, and the educational system that you have which is supported by public funding must contribute to the realization of that state. I'm not saying that you ignore parental rights in total. Of course you don't. But if parents had complete rights, they could send their children to schools that would promote race hatred, for example. Would any state allow that to happen? No, a state would step in. If a parent doesn't have an unfettered right to his child in any other circumstance . . . If that parent is a child abuser, the state has the right to step in and remove that child from that parent. The state has a right that supersedes the right of individuals to have public tax dollars to support the education of the populace.

MR. DEPUTY CHAIRMAN: Hon. Member for Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Chairman. I just want to add a few comments. There have been a lot of points made on both sides tonight. I rise to speak in support of this amendment and I want to remind the minister of some of the comments I made at second reading about the rights of children versus the rights of parents, and to some extent they were perhaps more strongly stated by my colleague from Calgary-Forest Lawn. But she might go back and look at that.

This Bill purports that the basic philosophy or principle of the Bill is that it's the children that have the right to a good education, and that's got to be paramount. That's what the first preamble in the Bill says. While parents have some rights to their society, nonetheless those are not unfettered rights, whereas the children's rights are paramount in the words of the minister herself.

So I say that we need to look at this public school versus private school thing a little more carefully and a little more thoughtfully perhaps than the last two speakers, who got a little carried away in terms of emotion. It's an important issue and one can get emotional, but we should also bring it back down and talk more rationally, as well.

Anyway, it would seem to me that one of the problems with our public system in this society is that we have not supported it strongly enough, and I see your Bill, the School Act as making it more difficult to carry on with a good public education system. The poorer the public education system, the more parents are going to want to break away from it and set up private

schools. That's what's been going on in the last 20 years or so. Well, you're saying it's not growing right now; in the last three years it hasn't grown. But with this Bill, with the kind of encouragement you give to the idea that seven students and two families can constitute a new school, you're certainly going to give it a new impetus instead of supporting the public system in a fundamental way with enough tax dollars. And the people of this society have spoken time and again that they want a good public education system even if they have to pay more taxes to do it. So we should be doing that and encouraging a certain amount of experimentation within that system rather than pushing people out or encouraging people to develop schools outside the system.

[Mr. Gogo in the Chair]

I did want to say, however, in the discussion about the idea that some of the private schools are for the rich and we're going to build a two-tier system -- yes, that is a danger and a possibility and, I think, true in some instances. But I'd like to also just make the point that a number of private schools -- and I have a couple of them in my own riding -- are not funded and not promoted by people who have a lot of wealth. They're people who have a lot of commitment to an idea, to a belief in a way of doing things differently, and because they could not find the flexibility in the public system to have the kind of school they wanted, they stepped outside the public system and set up their own schools at great cost to some of the parents and the teachers who are not necessarily wealthy -- teachers taking lower salaries, parents sacrificing for their children -- and I admire them for that. But I would like to see a public system that would draw them back into it rather than leaving them having to go on the outside.

So those are the main points I wanted to make, Mr. Chairman. I think this is a very important amendment. I think the Member for Calgary-Buffalo has done a very good job on this, and I think the whole House should support him.

MR. CHAIRMAN: Hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. I just want to make a couple of points. I'm sure that when the Member for Lethbridge-West spoke, it wasn't the intent to suggest that the public system was not able to do its job. Because I don't think anybody wants to leave the impression with those people involved in public education that the public education system is letting us down. Nobody is suggesting that the public education system is not doing its job, and I'm sure that wasn't the intent of the speaker a short while ago.

AN HON. MEMBER: Order.

MR. SIGURDSON: Actually, you know, Mr. Chairman, if I was being bothered by the backchat that was going on I could often cite 248 of *Beauchesne* because that calls people to order too. However, thank you for the help.

Nobody ever suggested, Mr. Chairman, that parents were being denied choice or the right to access a particular kind of education. The point that was being made was the maimer of funding when one makes that choice, because there is, out of an education system, a collective benefit that all of us get. You know, I've had constituents that have come into my office that say, "We shouldn't pay property tax." The reason they say that

is because they no longer have children or they've never had children who go through the system. Well, the point is that what happens is that they do derive benefit from the public education system or from the education of our society regardless of where that education comes from. They get it by being able to access certain services and productivity from the market. That's understandable. Nobody denies that, but sometimes they don't see that. So there is a collective benefit that we all get regardless of the number of children or the time spent at the school.

So there must be some measure of inspection, of monitoring programs to ensure that the kind of programs we've established in the curriculum are being followed, because that is of great concern. I think that's being let go. I do believe that that may be let go with some of the latitude that is offered with the section that will soon govern other schools.

With that I would conclude my comments.

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: Are you ready for the question on the amendment as proposed by the hon. Member for Calgary-Buffalo?

All those in favour of the amendment, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: The amendment fails.

[Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

Barrett	Hewes	Roberts
Chumir	McEachern	Sigurdson
Ewasiuk	Mitchell	Taylor
Fox	Pashak	Wright
Gibeault	Piquette	

Against the motion:

Ady	Fjordbotten	Nelson
Betkowski	Getty	Oldring
Bogle	Horsman	Pengelly
Bradley	Hyland	Shrake
Brassard	Isley	Sparrow
Cassin	Jonson	Stewart
Cherry	McClellan	Trynchy
Clegg	McCoy	Webber
Cripps	Moore, R.	Weiss
Day	Musgreave	West
Downey	Musgrove	Young
Fischer		

Totals	Ayes - 14	Noes - 34
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[Motion on amendment lost]

MR. YOUNG: Mr. Chairman, I would move that further divi-

sions with respect to committee study of Bill 27 should be called on the basis of 30 seconds of bell ringing, followed by one minute of silence and then a 30-second ring.

[Motion carried]

MR. CHAIRMAN: Hon. Member for Calgary-Belmont, Bill 27 as amended.

MR. SIGURDSON: I'm in Edmonton-Belmont. That's all right. It's Calgary-Buffalo, Edmonton-Belmont. At this hour it could be Lethbridge-Belmont. It may end up being that before the night's over.

We did try and protect the erosion of the public system, Mr. Chairman, and regrettably it met with defeat. So we're going to make one final kick at it because I think that it's important that we take a look at what we're doing. There's one particular section in section 22, and that's sub (2)(b)(ii) that states that:

7 or more students from 2 or more families are enrolled and continue to be enrolled in the school,

will be one of the qualifications -- I suppose it's almost a quantification -- of that which would permit the establishment of an accredited private school. Now, I happen to believe that that number is far too small. I do not want to see the public dollar going to the private system. I worry about the public money going to a private system, but I also worry about the establishment of small, small schools. Quite frankly, I believe that this section is going to create some extraordinarily small, small groups to break away and establish with minimal qualification their own private systems wherein they're going to be able to access funds. So in light of the fact that we didn't manage to secure the kind of amendment that my friend from Calgary-Buffalo had proposed, I would propose the following amendment. Because it's in handwritten form and it may be not completely legible to all hon. members, I'll read it into the record, and that is:

Section 22(2Xb)(ii) is amended by striking out

(a) "7" and substituting "15" and by

(b) striking out "2" and substituting "5".

This is going to create, I think, a little more reasonable number that will constitute the number of parents in a particular group or a particular community who would have to agree on a particular kind of education for a collection of children. As I say, it's difficult to accept that only seven students from only two families will be one of the qualifications in the section that will allow for an accredited private school. This is the school that's going to be able to access public dollars.

I want to put in a couple more points -- just a couple more. It's not the best but I think it's the only step we can take at this point given the defeat of the previous proposed amendment.

MR. CHAIRMAN: All hon. members in possession of the amendment by Edmonton-Belmont?

MR. PIQUETTE: I hope the Minister of Education will be here to respond to that amendment because I do believe that at least it will allay some of the fears of this amendment that will, I believe, at least prevent some maybe even conniving individual who can gather seven -- two families together -- two sets of parents, and start a private school. I think we have to raise that number to where at least numbers warrant -- I think here on the question of seven and two families, really numbers don't warrant here.

I know there was no restriction before in terms of numbers

that were indicated here in the old School Act, that any numbers actually were sufficient to apply for an accreditation for a private school. We have raised it to seven, but to me that's not going far enough. I think the amendment presented by the Member for Edmonton-Belmont goes at least a way to address the issue of numbers warrant to be one of the conditions for private schools to be approved by the minister. I would hope that all party members at least approve this. It's not the best, but I think it would go some ways in preventing abuses of the private school accreditation by certain individuals, and at least make the numbers sufficient enough to have a school that would be warranting in that name.

So I would urge the minister to perhaps make her comments on that issue, and urge that all members of all parties support at least this minimal change to the legislation.

MR. TAYLOR: Mr. Chairman, this is a short point. I think that allowing any group or two parents with a total of seven children to form a school is almost ridiculous. I'm not so sure that maybe even one parent with seven and the other parent with the ambition wouldn't accomplish two to make seven. But whatever way you look at it anything that can toughen that up . . . That's why I speak to the amendment -- he was asking that they move to seven families encompassing 15 children -- because think what shambles this will create to the public systems throughout Alberta, public and separate systems; particularly to the smaller ones. If every time a bridge club can get together and decide: "Oh, let's try a private school. We get some money; we get \$1,700 or \$1,500 each," these schools will start up, spring up overnight like mushrooms here, there, and all over Georgia. "Well, we've got an empty garage, Josephine. Let's put our children together and educate them this next year." Of course, Josephine and her friend will probably be promptly fed up before six months or 10 months have gone by. They'll be arguing about the curriculum; they'll be arguing about the teachers and everything else. Back into the public system they'll come. They'll show up at the doors next September expecting the public system to take them in.

Well, Mr. Chairman, you take and multiply this by a dozen or so times in the smaller school districts throughout Alberta and our small towns where people, maybe out of boredom, will start up a private school which is two families or three families, and we're going to have them dropping in and dropping out of the public system consistently, creating a shambles in the whole planning apparatus; creating a shambles in the public boards' methods of budgeting, as to what teachers to hire, what rooms to do. I think this is a recipe for disaster. I don't know who thought this one up, but I'm sure it will become, probably, the modem sport if this Act passes in the next year or two. "Let's try a private school, Josephine. Let's clean out the garage and put something together and see what we can do." And this is going to go over and over and all over the place, different ideas. "Oh, you hear what the teacher taught last year? To heck with him. Tell him to go to the dickens. We going to form our own little private school here, and we're going to teach our children properly." And, of course, before the year rolls out the big fights and the big arguments start and they want to come back into the public system.

So I think we've done nothing more here, and I don't think the caucus over there thought a bit about it. Of course, it's a lockstep type of caucus that does whatever it's told, and they haven't thought at all that they're going to ruin the very system that they set out to try to do.

MRS. BETKOWSKI: Mr. Chairman, I appreciate the concern raised by the opposition in terms of the subject matter of this amendment. I can tell the hon. members that we will monitor the issue very, very closely, and if we are concerned about a proliferation of schools that are simply at the minimum, then the comments made by hon. members would certainly be reviewed and looked at for future amendments.

MR. CHAIRMAN: Are you ready for the question on the amendment?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHAIRMAN: Are you ready for the question?  
Hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Yes, thank you. Moving right along, Mr. Chairman, we've got another amendment. I don't think we have to spend an awful lot of time on this. I don't know if it's an oversight in section 24. Section 24 deals with early childhood services program, and it says:

A board or, with the approval of the Minister, a person may provide an early childhood services program to . . .

and then it goes on to the possible people who may be recipient of such a program. Our amendment proposes to strike out the word "person" and substitute "individual." Now, the reason for that . . .

MR. CHAIRMAN: Excuse me, hon. member. The Chair has your amendment and it's quite in order. Have they been distributed?

Edmonton-Belmont.

MR. SIGURDSON: Thank you. The reason we propose this particular amendment is that in the Interpretation Act the individual can be a corporation; therefore, you could have a corporation providing early childhood services. Therefore, we think that it ought to be, if it's the intent of the government to have an individual . . .

MR. WRIGHT: A person can be a corporation.

MR. SIGURDSON: A person can be a corporation. Therefore, we want to have "individual" in place of that. Now, there are some considerations, and then we realized that when we looked at all of the possibilities, there may be some conflict there. However, we still propose the amendment to have "individual" substitute "person."

Those are the comments on that amendment.

MR. CHAIRMAN: Ready for the question on the amendment?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHAIRMAN: Ready for the question on Bill 27 as amended?

Hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Yes, thank you, Mr. Chairman. I believe

that an amendment has recently been distributed, and I'm just looking to see that we hadn't . . . Oh. I'm sorry. What we've got before us is that we had agreed to go sequentially through all of the amendments, and it's my colleague from Calgary-Buffalo who, I believe, has 28 . . .

AN HON. MEMBER: Bill 27.

AN HON. MEMBER: It's 25(2).

MR. SIGURDSON: I do apologize. I had mine out of order.

AN HON. MEMBER: 25(2).

MR. SIGURDSON: Thank you. Again, it's . . .

MR. CHAIRMAN: Hon. member, is that the proposed amendment to section 25(2)?

MR. SIGURDSON: Yes, thank you, Mr. Chairman. It is that one that proposes to strike out "does not apply" and substitutes "applies." Again, it's rather self-explanatory in that we believe that public dollars that are going towards the education process -- there ought to be some accountability, and that's why there ought to be that feedback and that checking. So that's why we propose striking out "does not apply" and substituting "applies."

MR. CHAIRMAN: Any comments, questions? Hon. Member for Ponoka-Rimbey.

MR. JONSON: well, Mr. Chairman, I cannot accept this particular amendment once again from the very practical point of view. I'd just like to make two points. One is that to have to put all the items that this would apply to under the procedure under the Regulations Act would be a slowing process. It would be a process which would inhibit the good system, I think, of ongoing development of curriculum that we have in this province and the various other things that are mentioned there. Secondly, in terms of the issue of public scrutiny, I can think of few other things that are open to as much public scrutiny, as many committees, as much representation by stakeholder groups, and so on and so forth when it comes to the development and the expenditure of funds on that development as the development of curriculum in this province and the other items that are referred to here. Therefore, Mr. Chairman, I do not think that this is a wise amendment.

[Motion on amendment lost]

MR. CHAIRMAN: Bill 27 as amended. Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Chairman. The next amendment is amendment I, and in light of the disposition of my main amendment with respect to private schools, I would withdraw that particular amendment and will not proceed with it. However, I would move on, then, to amendment J, which is an amendment to section 32 of the Act relating to . . .

MR. CHAIRMAN: Order please. Order please, hon. member. The Chair is in possession of a proposed amendment by Calgary-Mountain View dealing with section 30. Is that still in order, Calgary-Mountain View?

MR. HAWKESWORTH: Yes, it is.

MR. CHAIRMAN: Hon. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I appreciate your giving me the floor to move the amendment before us that has to do with section 30(1). The amendment would add the words "or Section 29" after "Section 28" where it appears in that clause.

Mr. Chairman, this goes back to a discussion earlier in the evening in which, I think, it was clear that all sides of the House agreed with the general concept or theory behind the relationship between the three sections, being sections 28, 29, and 30, in which those who are students resident in a school jurisdiction who have special needs must, first of all, be reviewed by a school board to determine whether they would fit into a special education program, and then, if that program is not available, they would be referred to a special needs tribunal.

The importance in adding these few words, Mr. Chairman, is to ensure that that continuity is maintained. The minister said that was the intention of these three sections. I agree with that intention, and so I guess out of an abundance of caution, Mr. Chairman, I would recommend that section 30 be amended by adding the words "or Section 29," in order to ensure that it would not be possible for a school board, using a potential loophole, to take a large number of children who have special needs and simply refer them to this special needs tribunal without really fully investigating and establishing programs for them in that jurisdiction. So it's intended to clarify the original concept of the Act, and it's out of an abundance of caution that this is added to reinforce the amendment brought forward by the government earlier this evening to ensure that that continuum is in place and does what is intended by the government for those for it to do.

MR. CHAIRMAN: Hon. Minister of Education.

MRS. BETKOWSKI: Mr. Chairman, just to clarify. It was raised earlier, and I didn't express it as clearly as I should have. There are no programs delivered under section 29. All programs are delivered under 28. Section 29 is simply the right of access to special ed, but the programs which address that right are given under 28. Therefore, section 30 need only refer to section 28.

MR. HAWKESWORTH: Mr. Chairman, I appreciate the comments of the minister, but the concern is that school boards will not provide programs and that large numbers of children with special needs will simply be referred immediately to a special needs tribunal and that the protections afforded -- perhaps "programs" wasn't the right term to be using -- under section 29 might be circumvented by that board. This is why the amendment is intended to insure that those protections of section 29 are accorded parents of children who have special needs so that a board can't avoid section 29 by simply taking these kids that don't necessarily fit into the regular program and be referring them over to the special needs tribunal. So it's in order to ensure, Mr. Chairman, that the provisions and the protections of section 29 are afforded to all children that this amendment is brought forward. It would just emphasize and strengthen that protection. It's out of an abundance of caution that it's brought forward to protect that concept.

MR. CHUMIR: The lawyer in me, Mr. Chairman, tells me that this in fact would be a useful amendment. And I not only want to support it; I would like to co-sponsor it if that would be feasible, if we could make new rules in this House. So I very strongly urge the House to accept this amendment. It certainly can't hurt, and it is certainly a comfort in an area that has been demonstrated to be of very great importance to many parents of disabled children in this province.

MR. CHAIRMAN: No seconders required or allowed under Standing Orders.

Are you ready for the question on the amendment?

SOME HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHAIRMAN: Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Yes. Amendment J deals with section 32, and it deals with the issue of the charging of fees by separate and nonseparate jurisdictions to children on the basis of their religion. Now, I should say by way of background that I and our caucus are very supportive of the current system of education consisting of the two primary branches, public and separate. They both constitute, as we see it, part of a larger public system. One of the things that I would like to take note of and that I very much appreciate -- and I know many Albertans do -- is the reality that in both systems there is a mixing of students of differing religions. Many non-Catholic students go to the Catholic, separate system and vice versa. I think this is a very healthy development, and I think it's very reflective of a very healthy relationship in this province between the Catholic members of the populace and other members of the community, which has not always been the case in this province, certainly not in Canada. I think it's one of the very wonderful things that we enjoy, and it must be encouraged in every way that we possibly can.

Now, as we have noted, there has been, during the course of debate on the predecessor to this Bill 27, some disagreement amongst the public and separate boards in differing portions of the province. There has been some heat generated, and this has caused me some concern. We now see that we are moving into a new fiscal regime, one of the characteristics of which is that taxes will be split between the two jurisdictions when the religion of the property owner is not specified. This could be a source of some conflict. Certainly there'll be some efforts to take the best advantage of it. At heart, though, what it does reflect is a mixing of the tax bases of the public and separate systems and goes beyond the 1905 scheme which very strictly compartmentalized the right of the separate system to tax only their coreligionists.

So with this new fiscal regime and with an increased competitiveness, I sense the possibility -- and I've had it expressed to me by some other concerned citizens -- of a temptation to move in the direction of possibly having the separate or public systems charge fees to students who are of the certain religion: the Catholic systems charging fees to non-Catholics; the public system charging fees to Catholic students. Now, this is not simply a chimera, because at the present time in the city of Edmonton there is a charge of \$75 per student for non-Catholic students to go to the Catholic system. In Calgary, up to the mid, late 1970s there were fees of, I believe, \$300 or \$400 charged

by the public school system to Catholic parents. In fact, a Mr. Schmidt went to court over that. I was in Red Deer some two or three weeks ago visiting a high school over noon and speaking to teachers there who were expressing concern about some form of hostilities between the boards, resulting in the suggestion that fees were being considered and were being discussed in Red Deer. There undoubtedly are other jurisdictions where this is pertinent.

So we're now under a different regime in terms of the division of taxes, and I think it's time we put a vote of confidence in the way the system has evolved at the present time and put a vote of censure in respect of the concept of charging fees on the basis of religion in these two systems. The purpose of this amendment here is to make it unlawful within any given jurisdiction, for example, within a Catholic board or a public board within the city of Calgary or Edmonton or Red Deer or in the rural area where the boundaries are coterminous, or if we're dealing with a separate school district where the boundaries are wholly or partly within the boundaries of the public school division. So the amendment is a new subsection to section 32:

- (4) No tuition fees may be charged by a board in respect of a student who is a resident student of a different board where the boundaries of the 2 boards are coterminous or where the board is that of a separate school district, the boundaries of which are wholly or partly within the boundaries of a public school division.

This would leave open the possibility of fees to be charged by differing geographical jurisdictions but not within the same area.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Ready for the question?

SOME HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHAIRMAN: Bill 21 as amended, are you ready for the question?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: Hon. Member Edmonton-Belmont.

AN HON. MEMBER: Bill 27, Mr. Chairman.

MR. SIGURDSON: Bill 27, but that's all right.

The next amendment deals with section 42, which deals with school closure, Mr. Chairman. Right now the current provision allows that a board, "may with the approval of the Minister" close a school, given certain criteria. This amendment proposes to add another subsection to section 42, and that is so that it would read:

A board may, with the approval of the Minister, do the following:

- (a) close a school . . .

Sorry, I apologize.

AN HON. MEMBER: You've got the wrong number.

MR. SIGURDSON: No, I've got the right number. Pardon me?

AN HON. MEMBER: Right number, wrong . . .

MR. SIGURDSON: Yeah, I've got the right number. I just put

it in the wrong way.

MR. CHAIRMAN: Is the amendment 42(a), hon. member?

MR. SIGURDSON: Thank you. It amends 42(a) by adding at the end of the word "time":

when the student population of a school falls below the number specified in the Critical minimal enrollment policy of a board.

What happens right now is that there are occasions when boards shut down schools even though there may be a sufficient number of students in that board to keep that school operative. Now there may be some political consequences that a publicly elected board would suffer at the next election, but in the meantime perhaps some students are going to have to suffer if a school facility is shut down for political reasons or reasons that aren't understood by parents or by the students that are attending that school.

What this amendment says is that where a board has a critical minimal enrollment policy where a number has been established, that number saying that there will be X number of students attending this particular school prior to the consideration being given to closing that school, the number of students attending must fall below that minimal number before a school is about to be closed. I think an important point to recognize is that when we shut down a school, especially in rural Alberta, what it means is usually an increased travel time for many of the children that are going to be dislocated by the closure of that school.

So this protects students. I believe that this protects students and forces a board to come to terms with the reasons why they want to shut it down. Economic policy is one thing, but there ought to be due consideration given to the students that are going to be affected by the closure of a school.

MRS. BETKOWSKI: Mr. Chairman, in order to receive the approval of a minister to close a school, a board must have followed policies outlined by the Minister of Education, which include critical minimum enrollment settings. So we've done by policy what the member is suggesting by legislation. I think it's the preferred way to go to give the flexibility to boards to establish their closure policy in accordance with general policy guidelines set out by the minister.

MR. CHAIRMAN: Edmonton-Belmont.

MR. SIGURDSON: Thank you. I don't mean to get into specifics, because that's probably better saved for question period, but a board has been brought to my attention where the number of students enrolled in the school are above the critical minimal enrollment and the board is shutting down that facility. So perhaps I'm not aware of the other regulations that are involved in this; obviously I'm not. But this addresses that particular concern of the critical minimal enrollment and I think that's an extraordinary point to be concerned about and that's why I offer this as an amendment. If there are other regulations that cover the closure that would supersede the consideration given to the critical minimal enrollment then I would certainly like to hear about them, if not tonight then at another point.

MR. JONSON: Very quickly, certainly the matter of school closures is a sensitive item, but really, Mr. Chairman, the Member for Edmonton-Belmont's concern is covered by item D.

MR. CHAIRMAN: Ready for the question on the amendment by the hon. Member for Edmonton-Belmont?

[Motion on amendment lost]

MR. CHAIRMAN: The Chair is in possession of two amendments, one by Calgary-Buffalo, section 44(2)(d)(i) and by Edmonton-Belmont, section 44(2Xi). I would think the hon. Member for Calgary-Buffalo would come first. [interjection]  
The hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. Our amendment is quite simple, quite straightforward. It proposes that we strike out that section of the Act that allows for fees to be charged with respect to instructional supplies or materials. I don't think it comes as any surprise to anybody in the Assembly that the New Democrat Official Opposition would be opposed and, indeed, the Liberal members would be opposed to any section in the Act that would contain a provision that would allow for user fees to be charged. We've had the argument before; I would hazard the guess that we will have the argument again that there ought not to be user fees in the public system of education.

What we're doing when we have user fees, when we allow for lunchroom user fees or textbook user fees, all we're doing is setting up the possibility of making education available for those who can afford to pay the user fee. Now, the minister and the government members have said: "Ah, but there's an appeal process. Oh, if you can't afford to pay the fee, there's an appeal system." Well, it's not good enough. It's not good enough because there are those folk out there in our society that for a number of reasons are not going to access the appeal system. Perhaps they don't understand the language. Perhaps there's not the communication between the teacher and the parent at the school because they don't understand the language or they're too busy working two shifts trying to make sufficient income to keep their family unit together. Perhaps they're in a neighbourhood where they don't want their neighbours to know that they can't afford to pay the user fee.

I would suggest that we ought not to even have this section in there because there are too many barriers that we're putting up to accessing education. Now, also what we're doing is, when we say "charging fees," somebody has to collect those fees. I've gone to almost every school in my constituency since being elected to the Assembly, and I've talked to principals who have had to implement user fees because they can't afford to not have them because there are not sufficient funds coming from their funding sources, primarily the province.

Now, what they're doing is that they're acting as collection agencies. Principals are acting as a collection agency to collect a user fee that ought not to be there in the first place. Now, in some instances what they're finding is that they collect from a number of parents a lunchroom fee, paying 40 bucks for a lunchroom fee or \$50 for a year, \$5 for a month, but they get a discount if the parent paid all of the money up front in September. But the cheques bounced, so we had an entire accounting system to keep track of the parents whose cheques had cleared and then to go after the parents whose cheques had bounced. Because not only was there an additional fee now to be attached to the cheque because we had NSF charges and all of the other wonderful charges that go along -- the banks were making money on this subsection and will continue to make money on this, but the principal wasn't being afforded the op-

portunity, the time to do the job that he or she was trained to do.

Our amendment to this section of the Act clearly would wipe out that section that allows for the collection and the implementation of user fees with respect to instructional supplies or materials.

MR. CHUMIR: Mr. Chairman, I'm very, very sympathetic to the concept being proposed here, and I'm very tempted to support the amendment. But I'm going to just barely resist temptation, because I think it goes slightly farther than I'm prepared to go at this point of time. I have spoken a number of times in the House about my concern with respect to user fees. I think that they provide a potential, in fact a de facto barrier to access to education by lower income students, and they also provide in many instances an obstacle to fairness. We not only have this section here, 44(2)(i) which authorizes fees with respect to instructional supplies and materials, but we have the section 34(3) re transportation. We have lunchroom fees, and I know, in particular, with respect to parents who have been involved in French immersion programs, for example, they have been faced with significant fees based on a lottery of whether or not there happens to be a school located in their area with this particular program.

Now, as I mentioned, I'm concerned and I'm tempted to go as far as prohibiting the fees, but I'm just concerned that we need a lot more study. The area is very complex. It may be that some very, very modest amounts of fees in terms of scribbles or some modest supplies may be justifiable. I just don't think we know enough about the particular situation, and my solution at this stage would be to set in motion a study, as I have proposed a number of times in this House; or alternately, at this stage in order to put a little bit of pressure on the minister, to monitor the issue more fairly and more effectively the amendment that I had intended to propose but will not do so in light of the amendment that is on the floor now, would be to provide that fees might be charged subject only to the approval of the minister, to put the onus on the minister to have a look at that.

I want to say that the minister keeps talking about the appeal process that is provided for, but that is really a totally inadequate charade, you know, with even elementary thought. Parents and students don't want to be singled out. It takes time, it's a hassle, and when it's an issue of whether or not you're going to pony up the extra cash to take the certain program where they're going to charge you for the instructional fees or the transportation charges or the lunchroom charges, it's easier just not to put your child in that particular class or in that course. So we need a major overall review.

As I say, my amendment at this stage would have been to put the pressure on the minister to closely monitor it by approving those things. She has her finger in and on a lot of other things, but I think this is an area where she might justifiably take some interest because, again, it's a fundamental: it's equality of access to the school system. That's what schooling is all about. So I can't quite go so far at this stage, with the state of knowledge that we have, to support this amendment. But I certainly am appreciative of the general philosophical drift and support that philosophy.

MR. PIQUETTE: . . . way out to lunch.

MR. CHUMIR: I'm way out to lunch? I'm getting hungry for more pizza.

Anyway, thank you, Mr. Chairman.

MR. CHAIRMAN: Hon. Member for Edmonton-Avonmore.

MS LAING: Thank you, Mr. Chairman. I'd like to speak in support of this amendment. I've certainly spoken often enough against user fees since I've been in this Assembly. I believe we limit access to quality education by implementing user fees. That may be through user fees for alternative programs, book rentals, busing fees, lunchroom fees, fees for field trips. I think that what not only happens is either that children are excluded from some things because they choose not to put their parents in the position of having to fork out money they don't have or children are left out of activities. I think it's absolutely wrong that a child be excluded from, say, a field trip or some kind of sports activity because their parents cannot afford to pay for them to go. So I have to say that I cannot see that user fees do anything but limit the access to quality of education for some children and make some children feel different from others.

I know that the minister, in introducing this Bill, said the fees are not onerous. They aren't onerous if you're middle-class or upper middle-class. But for people who are the working poor, the unemployed, those on social assistance, those on limited income, single parents, the fees are onerous, especially if you have more than one child. Many parents have three or four children who are in school, so the fees add up to \$100 or \$200. So I don't think we can ever say categorically that the fees are not onerous. They may not be for some people, but they are for others.

In regard to the appeal process I've certainly heard children speak of the shame they feel if they have to go to the principal's office to get a form to fill out . . .

MR. CHAIRMAN: Order in the committee please.

MS LAING: . . . to be excluded from having to pay fees. Children who feel that they come from an economically disadvantaged class feel that very strongly, and they don't need to go through that I've heard of children just refusing to go to the office.

I think when school boards institute user fees, they do not see through the eyes of the children and of the parents who cannot afford these fees. So I would urge support for this amendment.

MR. CHAIRMAN: Ready for the question on the amendment?  
Hon. Member for Athabasca-Lac La Biche.

MR. PIQUETTE: I really think the government is making a real grave mistake here by charging fees with respect to instructional supplies and materials. If we're going to be talking about full access to public education, we have no business to be charging cocurricular fees relating to instructional supplies and materials. I think the comments that were made by one of the members about the principal becoming a collection agency -- that is in fact happening in this province, and this will be creating an acceleration of that I see nothing wrong with extracurricular fees being charged, because those are extras that are offered to students. But when we're talking about materials and instructional supplies which are part of the curriculum, I really think the minister and the government are making a really grave mistake here in terms of allowing that because it again, does not create a level playing field for all people who don't have the same economic background to pay for that I think I object to that very strenuously.

MR. CHAIRMAN: All those in favour of the amendment as proposed by the hon. Member for Edmonton-Belmont, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: The amendment fails.

[Several members rose calling for a division. The division bell was rung]

[Two minutes having elapsed, the House divided]

For the motion:

Fox	Laing	Piquette
Gibeault	McEachern	Sigurdson
Hawkesworth	Pashak	Wright

Against the motion:

Ady	Fjordbotten	Nelson
Betkowski	Getty	Oldring
Bogle	Hewes	Pengelly
Brassard	Horsman	Shrake
Cassin	Hyland	Sparrow
Cherry	Isley	Stewart
Chumir	Jonson	Taylor
Clegg	McClellan	Trynchy
Cripps	McCoy	Webber
Day	Mitchell	Weiss
Downey	Moore, R.	West
Fischer	Musgrove	Young

Totals:	Ayes - 9	Noes - 36
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[Motion on amendment lost]

MR. CHAIRMAN: Calgary-Buffalo.

MR. CHUMIR: Thank you. Mr. Chairman, my amendments K and L have been commented on extensively already, so I'd pass beyond them and move on to M, and M deals with . . .

MR. CHAIRMAN: Hon. Member for Calgary-Buffalo, there's an amendment K that you proposed to the Chair. It deals with the payment of funds to trustees. Are you requesting that be dropped?

MR. CHUMIR: No.

MR. CHAIRMAN: Section 44(2)(d)(i).

MR. CHUMIR: No, we're dropping the amendments K and L in light of the discussion that's ensued, Mr. Chairman, so I'd pass on . . .

MR. CHAIRMAN: They're not related, hon. member, but proceed.

MR. CHUMIR: Pardon me?

AN HON. MEMBER: They're not related to what's gone before us.

MR. CHUMIR: Do you wish a formal request that I withdraw them?

MR. CHAIRMAN: No, hon. member. The Chair is simply commenting. The amendment K is in no relation to the hon. Member for Edmonton-Belmont's motion, but proceed; different subsections. Go ahead.

MR. CHUMIR: Oh, the . . .

MR. CHAIRMAN: Do you want Edmonton-Belmont to speak to it?

MR. CHUMIR: No. Well, I'd like to pass over those amendments without explaining it further -- they're explainable but not worth explaining -- and move on to amendment M, which is section 54, which deals with whether or not meetings of a school board shall be in public or in private. There is a provision in this legislation which provides that the majority of trustees may decide, in their discretion, that it's in the public interest to hold a meeting in private. I've spoken in this Legislature before with respect to the concept, which is well known in the United States, of sunshine laws. Let the sunshine in, let public business be done in public, and let's specify. If there are reasons why meetings should be held in private, let's specify those reasons. American jurisdictions have found they are quite capable of specifying those reasons and setting them out in legislation so that citizens are able to see that their business is done publicly and not behind closed doors.

My amendment in this instance is what I hope will be the start of a trend in that direction, because we have a great tradition of secrecy and provisions of this nature. It's time we started in a slow way in the opposite direction, and I would amend that to provide that a meeting can be held behind closed doors when it's determined by a majority of the trustees to be in the public interest only when it relates to any personnel matter or land transaction which are justifiably meritorious of confidentiality. I would strike out subsection (4), which would be consequential to that, and that is the nature of that amendment, Mr. Chairman.

MR. CHAIRMAN: Ready for the question on the amendment?

SOME HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHAIRMAN: Calgary-Buffalo.

MR. CHUMIR: Thank you. My amendment N relates to section 59(2). It's another freedom of information type of issue. I've had a great deal of experience in Calgary with respect to fees that are charged by organizations for copying materials. I had quite a battle with the city administration in Calgary, the city council, with respect to a dollar per page which was charged for copying city bylaws. I had a taxicab driver who lost his job and wanted to see the rules of the taxi commission and was asked for \$37 for 37 pages. I fought that for a good year and a half, and we ended up having that reduced to 20 cents a page.

note we have the same problems. That may seem inconsequential to some members here, but it certainly isn't inconsequential if you can't afford it. I have the same scenario, and I mentioned it in this House before, with respect to the fees that are charged by hospitals when patients want to get their charts, particularly patients with mental health problems. You are stopping people. You are allowing these organizations that are insensitive, to charge high fees and keep people from getting access to information to which they should be otherwise be entitled. They do indirectly what they are not justified to doing directly. You have now moved here in section 59 to provide for copies of school board documents to be made available at a "rate prescribed by the board." In their brief the Alberta Teachers' Association specifically pointed out that it was 15 cents under the previous Act and they would like to see some limit. I certainly would like to see some limit because if this type of thing is there, there is every chance of abuse. I'm proposing that there be a limit not to exceed 25 cents per page. It may not seem important but it's about time we started recognizing the trend and moving in the direction of making information more accessible.

MR. CHAIRMAN: Hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Only to add, Mr. Chairman, that we agree.

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: Ready for the question on the amendment as proposed by Calgary-Buffalo?

[Motion on amendment lost]

MR. CHUMIR: The next amendment O, relates to section 103, which relates to appeals concerning student matters. This is a technical amendment but in it the appeal process is stated in subsections (1) and (2) to click in in the event there is a decision made by a person or an employee respectively. If we go back to sections we've discussed earlier in the evening, sections 29 and 30, I note that those provide for decisions to be made by a board, which is neither a person nor an employee of a board. So for purposes of ensuring that there is a full right of appeal and not a technical glitch in respect of provisions where duties are imposed on boards and the act when done, is deemed to be that of a board, I am proposing the amendment to section 103 by adding that the decision may be in one instance of "a person" or "a board" and in the second instance, with respect to subsection (2), a decision of a board or an employee of a board. So that is the purpose of the amendment relating to section 103.

MRS. BETKOWSKI: I just want to say, Mr. Chairman, that "person" here includes the corporate entity of the school board, so I believe that the amendment proposed is redundant.

SOME HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHUMIR: Under section 104 there is provision for decisions under sections 103 to be appealed to the minister. It was brought to my attention by a concerned parent that this appeal provision did not relate to a decision of a board pursuant to section 28, which we have referred to earlier as well and which enables school boards which are unable to provide education pro-

grams themselves to direct students to attend other schools. I, in fact, know that there has been litigation arising out of Banff in respect of one of those issues. They can be contentious, and it seems to me that there should be a provision for appeal with respect to that, and that is the purpose of this amendment.

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: Ready for the question?

[Motion on amendment lost]

MR. CHAIRMAN: Amendment Q, hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you. As I go to amendment Q, I would like to notify the House that I will not be proceeding with any portion of amendment R. A good portion of it is deemed to have been subsumed by some of the initial amendments of the minister. So I say that by way of noting that this is the last chance that the House will have to approve my amendments here.

This amendment arises out of numbers of experiences that I have had, particularly with parents who have children with learning disabilities. I've dealt with quite a number of them who have moved heaven and earth in terms of getting school boards to attend to their children, some successfully, some otherwise. I've also talked with teachers who have advised me of many children who fall between the cracks who are either not identified as having problems or, being identified, are unable to get access to the programs. Sometimes if parents have the energy, they are able to accomplish wonderful things, but this becomes a lottery. The student's education and capacity to get the quality education often becomes a lottery of whether or not they happen to have a parent who either has the time or the capability of accomplishing difficult tasks.

I don't believe that a child's education should be dependent on that, and I think we're now at the stage and evolution in our community, with the consciousness of the degrees of learning problems that are there, when some advocacy for children should be provided within the school system. Indeed, the Minister of Social Services has a piece of legislation that had a Children's Guardian; it's now a children's Advocate. The concept is recognized. It's now being recognized, although in highly imperfect form, in the Mental Health Act.

So the purpose of this amendment is to provide for a student advocate or ombudsman to be appointed by each board in which there are a thousand or more resident students and to be their responsibility. In the instance where you have a school district or division having less than a thousand students, the responsibility would be that of the minister, with the proviso that an advocate or ombudsman could serve more than one jurisdiction. I think this would be a nice leap forward that many school boards would heed.

Thank you.

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: Ready for the question?

[Motion on the amendment lost]

MR. CHAIRMAN: Bill 27 as amended, hon. Member for

Calgary-Forest Lawn.

MR. PASHAK: Thank you very much, Mr. Chairman. Actually, I have probably some 35 or 40 sections of Bill 27 that I'd like some further comment on from the minister, but I just spoke to the Government House Leader. He made a suggestion that I think the minister accepted, which would be that we could perhaps deal with most of those concerns directly. However, I would like to enter into the record just a few of the kinds of concerns, briefly, that we might touch upon.

So with that Mr. Chairman, if you will recall, the ruling that was given earlier was that we'd go through the amendments and that we could go back to the beginning and go through, and every member had that right. For example, I have some concerns, well, first of all, with the preamble. But I think I intend to deal with that during third reading because we're really getting into the philosophy of the Bill there. With respect to section 5, although there's a commitment to the Charter of Rights and Freedoms, the Charter, of course, isn't specific with respect to what constitutes the appropriate numbers to provide French language instruction. Yet this proposed Act leaves it to regulations, and I'm a little concerned about that. I'd much prefer to see that spelled out because it is really undemocratic, from my point of view, to leave it to regulation. It could lead to a lot of litigation.

Section 7 gives me some concern, and here again this is a problem that I find repeats itself throughout the Bill. The language in many places seems to me to be very loose. For example, in 7(a) it says, to "be diligent in pursuing his studies." You know, we could quibble for a long time just over exactly what it means to be diligent in terms of pursuing studies. To "attend school regularly." Again I have the same problem with the word "regularly." To "co-operate fully with everyone." I mean, what's the measure of co-operation? To say that in a way, a student must "account to his teachers for his conduct" in section 7(e), I would assume that that means in school and not to account for his conduct generally. Hon. minister, through the Chair, I can see that there is the potential for some interpretation.

Section 11(1). I hoped one of the lawyers in the group might confirm this for me, but it seems to me that it extends liability to those who could not foresee the damages in advance. I think that should be looked at for a legal opinion. In an event if any parents counsel or give consent to their children to engage in damage, they'd be held liable.

Section 16 we dealt with, but there was an aspect of that that underlies the concern I raised earlier which wasn't part of the amendment. Technically, the way it's written, there's nothing to prevent an entire school division from employing an alternative program.

I mentioned some bizarre aspects to section 17. Perhaps this is just a trivial observation, but if we'd had more time, I'd just like to make this observation: I think this Bill is the most important Bill by far that we're debating in this session of the Legislature or perhaps ever likely to debate, at least in this decade, because a new government could come into power, and you can replace labour legislation, but an education Act creates patterns that are going to exist for decades. I really wish that we'd had a lot more opportunity, you know, to spend time on all aspects of the Bill. But anyway, to make my point: section 20, would that apply to Hutterites, for example, because that's not been their past practice to wave Canadian flags and to ensure that the Canadian flag and the Alberta flag are displayed at their schools,

as I understand it?

Section 23: "A parent of a student may provide, at home or elsewhere, a home education program." Well, how's that to be supervised? It seems to me that Pastor Larry Jones could claim that his basement school was a home school under the . . . I mean. I just would like some opportunity to see if my fear in that regard can be allayed.

Twenty-nine. This will be for sure the last: 29 and 30. There's nothing to compel a board to test for special needs. That's of course what many of the people who run schools for the learning disabled would argue, that there are many more learning disabled students in the school population than had been previously recognized. Then you have the problem if a board does go out and discover that there are a lot of people with special learning needs. They may have to then provide a service that they either cannot afford or be unwilling to afford. So I think there are problems with that section.

I'm not clear at all as to just what the composition of a special needs tribunal is and how many people would be on it. But I've got a host of questions like that that run throughout the Bill. But with that I'd just conclude my remarks and hope that we could deal more directly on these issues.

MR. WRIGHT: Back to section 2, Mr. Chairman. I mentioned this at second reading. I said there isn't. I daresay -- I'm sure there isn't -- another section in any statute like this. The minister said, as if it was some brilliant discovery, that it's taken straight out of the Charter of Rights and Freedoms. Of course it is, but that doesn't count. That's not a provincial statute; it's not even a Canadian statute as a matter of fact. In any case, it's not an ordinary statute. Do you know what I mean? The fact is that it's appropriate in a Bill like the Charter of Rights or a document which gives large rights and then sets limits on them, but these give a series of particular rights and then sets limits on them. So it doubtless is an omnibus attempt to take out all those sections, or many of them, that said that, in that particular, provisions were subject to a discretion on the part of the minister, expressly, which attracted a lot of criticism because it seemed to be giving the minister a tremendous amount of power and putting it all very cleverly into one section here. Well, it certainly does that, because every time a right is given by this Act or a benefit conferred, you never quite know whether it will always apply in the cases that, on the face of it, it does apply to, because it might be going to an "unreasonable" length.

The exercise of any right or the receipt of any benefit under this Act is subject to those limitations that are reasonable in each circumstance under which the right is being exercised or the benefit is being received.

And so far as I can see, this is a section in relief of lawyers -- yeah, I guess so -- because there can be endless argument as to the limits of reasonability in the conferring of so many benefits and rights.

And I think we ought to have a clear statement from the minister as to why this is not a very, very difficult section productive of all kinds of arguments throughout the Act as to the extent of every single benefit conferred, or attempted to be conferred, and every single right to be enjoyed.

MR. CHAIRMAN: Ready for the question?

Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you. Mr. Chairman. There is one more issue that I think is very, very important that I would just like to comment on. I don't have any amendments with respect to,

but it concerns the competitive element that has been set in motion in respect of funding of the separate and public school boards. And I have some concern to ensure that we don't set and haven't set in motion a mechanism which will harm the relations between these boards and perhaps as a consequence between differing groups in the community.

Now, we have a new provision that where the religion of the taxpayer has not been designated, the taxes are to be divided between the two systems on a certain basis. And I have concern with respect to the impact of inevitable competition for money arising from this type of proposal. There will be attempts on the part of boards to persuade the taxpayers not to designate, and in any event we're going to have what is going to be a costly and cumbersome competition for funding. Now, it does provide some flexibility on the part of taxpayers, but again as I say, it has within it the seeds of competitiveness that can possibly lead to bad feelings if any system should happen to suffer financially in a significant way as a result of the activities and the fundraising capacity of a competing system.

And this is particularly important because of the structure of our funding system at the present time, which has evolved into a situation in which local funding is approaching 35 to 40 percent of total education costs as opposed to the 15 percent range of some 15 years ago. The net result of this, of course, is that local funding, the local tax base, is dramatically more important than it ever was, and that is what makes these particular changes so important.

So one direction that one can move in minimizing and reducing this problem is, of course, to increase the provincial share of funding. And I recognize how complex that is when there is the issue of which jurisdiction, locally or provincially, has access to specific tax bases. But I really would be very interested to hear from the minister with respect to her assessment of this issue and what she, hopefully, will be monitoring on her part to see that we don't have a free-for-all which will in any way harm relations between what are two excellent school systems.

Now, another function of that and a similar concern arises with respect to the basis upon which those undesignated taxes are divided, and that is on the basis of resident students rather than students who are served. I can see two dimensions to that issue. One dimension is that this results in a tremendous amount of complexity and expense as a result of a need to identify the religion of students. There is another dimension which is a philosophical one, and that is one of whether or not taxes should -- if you use the alternate designation of students served, the taxes would thereby follow the child. This leads us in the direction of a voucher system philosophy, which I oppose and which is a formula for destroying the public school system.

So I don't want to leave any impression that I see this is as simple, one dimensional, and do this or don't do that. But we are in a very, very difficult area. The complexities are infinite. And I really do want to hear something from the minister on an issue that doesn't just concern me, but I know it concerns some very thoughtful people who are involved in the heartland of education at this point of time. So that is a very major concern. The fact that they are my closing comments in no way relates to the degree of importance that I attach to it because I think it's as important as any other issue that I've dealt with.

Thank you.

MR. CHAIRMAN: Hon. Minister of Education. Does the hon. minister defer to Edmonton-Strathcona?

MR. WRIGHT: It's on the same point, Mr. Chairman.

The point in question is allocation of assessment. We're back to that constitutional difficulty that this is all in the context of. Just to recapitulate, Mr. Chairman, the rule that somehow we have to fit ourselves into is that the taxes shall go, if there's a separate system, according to the religion of the taxpayer. But section 135, which I believe is the relevant section -- the side note is "Notice by property owner" -- says:

135(1) Any person may at any time give written notice to a municipality

(a) in the form set out in the Schedule that his property is assessable for public school or for separate school purposes . . .

As if he has a choice. But he doesn't have a choice. He simply has to say what his religion is. Or he doesn't have to say that; it has to be determined somehow under the constitutional arrangement pursuant to the Alberta Act. Although this is the logical thing and is reasonable, is it legal? That's the question. How does the minister make it stand with the Alberta Act? Because however reasonable it is to us in reading it by itself, sooner or later, and sooner probably than later, someone's going to raise the Alberta Act in court, and then the minister or someone on her behalf will have to justify it.

What it says in section 135 is that the notice to be given "in the form set out in the Schedule," and the schedule says that:

THE SCHOOL ACT PROVIDES:

1 That individuals of the minority faith within a district . . . direct their taxes in support of schools to the separate school district.

Well, I don't think it really does say that but anyway, let that pass. Then it says:

THEREFORE I DECLARE THAT MY TAXES IN SUPPORT OF SCHOOLS BE DIRECTED

for public or separate. And we're back to the old system which was said to be unconstitutional because it's not in conformity with the Alberta Act, I believe; i.e., choice. Now choice is rational but unlawful, as far as I can see, under the Alberta Act. I'm sure the minister understands the problem. It's a tricky one, and I don't believe that it's been met by section 135 together with the schedule.

MR. CHAIRMAN: Hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. Like my colleague from Calgary-Forest Lawn I, too, have some particular questions that I will address directly to the minister at a later date. They concern the board of reference, and because they are of a technical nature, I think that we can just address them in a different format other than in the Assembly at committee stage.

I do, however, want to say a couple of things about the process that we've gone through thus far. We still have the third reading stage to go through. The New Democrat Official Opposition did support Bill 27 at second reading, and we supported it for a number of reasons. One is that in principle it's not that bad. We looked at what we could have had in Bill 59, and truly Bill 27 is a major improvement over what was offered in Bill 59. A number of groups that are constituent groups to education have indicated their support for 27, but I think that what they're doing is, again, comparing 27 to 59, not necessarily comparing 27 to the current Act or looking at 27 and then looking into the future. Bill 27 is not a perfect Act. It wasn't introduced in this Assembly as a perfect Act. If it were, we wouldn't have had any amendments proposed by any quarter of the Assembly. The government even recognized that there were flaws in it; albeit they were minor flaws and, for the most part, errors that were

just corrected though one government amendment

The opposition found different flaws, and we had proposed to amend them. We had introduced a number of amendments. I had introduced on behalf of my colleagues seven amendments. The Liberal opposition had introduced something in the neighbourhood of about 20 amendments, and, regrettably -- because I think that there were some valid concerns that were addressed in there that could have been looked at -- they were turned away. There are still some concerns that we have. I'm in contact with a number of boards that still have expressed some concerns. But I think that 27 is a Bill that's going to allow the user fees, and I find that just so terribly offensive in a public system.

The Bill does not strengthen public education in a fashion that it ought to be strengthened. In fact I regret to suggest that I believe that, if anything, this Bill weakens public education. We do not address multicultural education nor do we address bilingual education. We don't address that which truly reflects our province and our country, and I think that that is truly regrettable in a Bill that's so vitally important to the education of our children. We could have gone a long way to look at and address the problem of illiteracy, and we failed to do that.

There are other errors. I think that because of those errors, because of those omissions, on behalf of my colleagues in the opposition, we can no longer at this stage support Bill 27 and regret that probably at third stage we'll find that we'll be in opposition at that point as well.

MRS. BETKOWSKI: Mr. Chairman, I'll just briefly address some of the points that have been raised.

The Member for Calgary-Forest Lawn raised several issues, and we'll discuss them further. I think one of the things that I wanted to mention with respect to section 5, on the French language mother tongue instruction, it's important to link the statement made by the Attorney General with respect to this government's commitment to provide a language policy, part of which would be the French language rights and the regulations attached thereto, within the whole context of language programs offered in the province, including immersion programs, where numbers warrant essentially. So I think the linkage of those two items into section 5 is an important linkage. Certainly we are not going to await decisions out of the courts before we move in those important regulatory sections, and I think that was important to put on the Order Paper.

Edmonton-Strathcona and I have had the discussion with respect to the limitations section before. I will simply say that this new concept recognizing that no rights are absolute has been included to build in a requirement for reasonableness, albeit an imperfect measure but nonetheless an important caveat to how rights are exercised. We thought it was an important one to institute. It doesn't repeat the Charter, but the Charter, as the hon. member knows, begins with where "reasonable." That's what we were trying to reflect by the limitations section.

The point raised by both Calgary-Buffalo and Edmonton-Strathcona with respect to the public and separate systems and the balance between them is really one of the most fundamental issues that this Act has addressed in a more comprehensive way than before. I think it was clear that former school legislation showed that the balance was tipped in favour of the public as opposed to the separate system. What I believe we have now struck in this Act is a balance between the two. There certainly is provision in the Act for boards of a coterminous nature, which is one of the amendments the hon. Member for Calgary-Buffalo proposed, to strike agreements between themselves with respect

to how they may divide up certain moneys, including undeclared residential assessment and other issues. I think the opportunity of that will see a protection of the constitutional right but an opportunity to put a balance between the two systems.

The question of the Member for Edmonton-Strathcona about section 135. Section 135 is really a process section dealing with notice. The Constitution substance, if you like, for the direction of taxes consistent with the Constitution is in sections 131, 132, and 133 with respect to individuals and sections 136 and 142 with respect to corporations. The member is absolutely right that once a separate district is formed, there is no choice. All adherents to that faith must be part of that district. That's part of the constitutional guarantee, and the Act is certainly consistent with that.

May I simply say in closing, Mr. Chairman, that I will work with the two members, Edmonton-Belmont and Calgary-Forest Lawn, on their further questions on the Bill and simply thank everyone on both sides of the House for staying in the House late. I think we've had an excellent discussion, and it's well worth the time and the effort because education in this province is well worth those kinds of efforts.

Thank you.

MR. CHAIRMAN: Are you all in?

[The sections of Bill 27 agreed to]

[Title and preamble agreed to]

MRS. BETKOWSKI: Mr. Chairman, I move that Bill 27 be reported as amended.

[Motion carried]

### **Bill 50**

#### **Planning Amendment Act, 1988**

MR. CHAIRMAN: There is an amendment.

MR. BRASSARD: Mr. Chairman, the amendment contains two minor wording changes, and they have been distributed to all members.

[Motion on amendment carried]

[The sections of Bill 50 agreed to]

[Title and preamble agreed to]

MR. BRASSARD: I move that Bill 50 be reported as amended.

[Motion carried]

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

MR. CHAIRMAN: Moved by the hon. Government House Leader that the committee rise and report.

[Motion carried]

MR. CHAIRMAN: The Chair would, on behalf of all members of the committee, like to wish the hon. Member for Edmonton-Strathcona, Mr. Gordon Wright a happy birthday on this pleasant occasion. [applause]

[Mr. Speaker in the Chair]

MR. GOGO: Mr. Speaker, the Committee of the Whole has had under consideration . . .

MR. SPEAKER: Forgive me, hon. member. Some members are inappropriately attired.

MR. GOGO: Mr. Speaker, the Committee of the Whole has had under consideration the following Bills and reports with some amendments: Bill 27 and Bill 50.

MR. SPEAKER: Does the House concur in the report?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

MR. YOUNG: Mr. Speaker, I move that the Assembly do now adjourn until later this day at 2:30 p.m.

MR. SPEAKER: all those in favour of the motion, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please yawn. It's all right

[At 1:22 a.m. Wednesday the House adjourned to 2:30 p.m.]

