



LEADERSHIP, ADVOCACY AND SERVICE FOR MANITOBA'S PUBLIC SCHOOL BOARDS

August 2, 2016

The Honourable Scott Fielding  
Minister of Families  
Legislative Building  
357-450 Broadway  
Winnipeg, MB R3C 0V8

Dear Minister Fielding,

On behalf of the Manitoba School Boards Association, I would like to thank you for the recent opportunity granted to our Executive Director, Mr. Josh Watt, to meet with you and your staff alongside of our partner, the Association of Manitoba Municipalities. Please accept my sincere regret that I was unable to join you, due to an unforeseen scheduling conflict occurring the day of this meeting, on 4th of July, 2016.

Mr. Watt has since updated our association's senior executive regarding the outcomes of the meeting, which focused upon joint MSBA/AMM advocacy to establish a renewed relationship with the Province of Manitoba, as the Province moves forward with implementation of existing and forthcoming regulations proposed under *The Accessibility for Manitobans Act*.

Based on your encouragement to do so, our association would like to take the opportunity to reiterate some of the most significant priorities that were discussed during this meeting, in writing.

**1. Need for contextual understanding**

In Manitoba, the public education sector has always accepted its responsibilities and obligations under *The Human Rights Code*. We have always done so in a spirit of accommodation and the promotion of human rights for all of our staff and students. Our implementation of the Code has been achieved given the important realities of planning and funding in support of accessibility. Given the size and scope of our sector, every effort is made to anticipate every accommodation that may be required with each new school year. In so doing, the public school system has always operated on the basis of responsiveness to the needs that do exist within our community. We recognize and appreciate that the achievement of universal standards is desirable. However, they may not always be immediately feasible in view of funding and unanticipated developments emerging from within our community.

In presentations from the Province regarding the newer *Accessibility for Manitobans Act* and its existing and proposed regulatory standards, our sector has been informed that there is nothing under the Act or the standards that is not already addressed or obligated under *The Human Rights Code*. However, while our sector appreciates the initiative to clarify expectations under the Code through the Act and its regulations, the timeframes and universality of the obligations that are imposed by them are not features of the existing Code. That these timeframes and obligations are not in keeping with the Code is the singular aspect that has posed the most significant challenges for our sector. Public schools have always been recognized as leaders for the promotion of accessibility and accommodations for Manitobans. We therefore welcome and embrace any efforts made to better define and articulate human rights, in order to promote greater practice. Yet it is important to understand and respect that commensurate and pre-existing efforts have always been undertaken by the public education sector to ensure that all staff and students are treated with the fairness and dignity that they deserve relative to their places of education and of employment.

In future, we would therefore request that the mandated practice of accessibility rights under regulation, duly recognize the efforts that have and are being undertaken by our sector. We do not feel that the existing Customer Service Standard has

taken due account of these efforts and subsequently, the practice that has been mandated may exceed our sector's ability to respond to the requirements and obligations of the Standard. This is attributable to the overall funding impacts that arise due to these requirements and obligations. With additional regulations planned for future, it will be important for the Province to take stock of our ability to fund any obligations that may be required.

## **2. Consideration of funding impacts**

As highlighted during the July 4th meeting, public entities such as municipalities and school boards are limited by their abilities to raise new revenues in support of new priorities and policies. Manitobans were very clear during this past provincial election that real change was desired in respect of taxation. All public school boards therefore face important choices for the future given the constrained nature of our funding possibilities. As the educational levy strives to keep pace with limited growth in provincial grants and the overall inflationary adjustments needed to sustain status quo operations for the continuing advantage of our staff and students, our sector nevertheless makes every attempt to achieve fiscal balance in order to fund every new demand that is placed on it.

In this respect, it is important for us to affirm that our longstanding responsiveness to accessibility and accommodations needs has always been dependent upon two major sources of revenue, consisting of monies directed by boards internally to local accessibility priorities as raised from special education levies, but also in terms of substantial funding received in the form of special needs grants and physical or capital infrastructure retrofits and upgrades, both of which come from the Province of Manitoba, through Manitoba Education and Training and the Public Schools Finance Board. It has largely been because of this important relationship with the Province in matters of accessibility and accommodation that our approach has been one of responsiveness rather than one of universality.

Based upon our capital footprint alone, a conservative estimate of required retrofits and upgrades in support of universal standard of accessibility across our sector would exceed \$1 billion. With the fiscal prospects faced both by our school boards and the Province in meeting needs, we have therefore adopted a responsive policy of accommodation that looks to achieve balance and fairness for all. It will be important to school boards that we are allowed to continue with this responsive approach to implementation without additional regulatory requirements or obligations that would mandate a universal standard. Clearly, such a standard would be impossible for either ourselves or for the Province to meet, in light of our shared and future funding prospects. We would therefore especially invite the Province of Manitoba to consider that the establishment of universal standards, without contextual understanding of our relationship, will come with increased demand upon its own funding in support of accessibility and accommodation through Manitoba Education and Training as well as through the Public Schools Finance Board.

## **3. Requirement for fairness of the consultation and advisory process**

The importance of receiving advance advisement and consultation from partners before any regulation is approved by the Province of Manitoba, whether this is under *The Accessibility for Manitobans Act* or under any other legislation, remains important. In the past, the public education sector has clearly indicated to the Province that the appropriate channel of communication for advisement and consultation regarding accessibility issues ought to be directed towards and received from the Manitoba Association of School Business Officials (MASBO), which represents the chief administrative officers for every public school division in our province.

However, this channel has not always been respected during consultations: in Fall 2015, prior to the implementation of the Customer Service Standard, government addressed an important question concerning the draft Standard to a select group of school divisions, rather than to address this question to the designated representatives of our sector who had been involved in the original consultations and follow-through with the Disabilities Issues Office. The result was that important exemptions granted to both municipalities and school divisions under the draft standard were removed and with some consequence, immediately prior to passage of this regulation. We would like to again express our concern with such a process in hope that future regulations will be developed with due consultation and according to fair process.

For greater clarity, we wish to emphasize that the Province of Manitoba is at liberty to consult with any or all school divisions or stakeholders at any time without addressing itself to the partner associations that represent key constituents within our

sector. However, that the process did not sufficiently proceed with consistency or fairness last Fall, in view of the process that had been established, is clear.

As had been mentioned during the July 4th meeting, our sector would also certainly welcome the opportunity to be represented on the Accessibility Advisory Council, as the Province moves forward with its further consideration of standards under *The Accessibility for Manitobans Act*. Were representation on the Council from the public education sector to be accepted by the Province, our association would be happy to coordinate with MASBO to identify an appropriate representative to take part in the discussions that precede development of each new regulation (or standard).

It is very important to us that civil servants and legislative drafters understand the complexity and realities of our sector, before proceeding with implementation of regulations under *The Accessibility for Manitobans Act*. Through such a relationship, we will seek to have our realities addressed within the scope of the regulations, not following their implementation.

I trust that the above information will remain a priority for the new Government as it proceeds with future consideration and development of the regulatory standards framework that has been proposed under *The Accessibility for Manitobans Act*.

Should yourself or the department wish to receive any clarification or additional information, I would ask that you please not hesitate to contact us further. We would be pleased to ensure that we achieve shared understandings concerning this significant priority.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ken Cameron', with a stylized flourish at the end.

Ken Cameron  
President

Cc The Honourable Ian Wishart, Minister of Education and Training  
Anita Werbowski, President, Manitoba Association of School Business Officials