

Civil Rights In Public Education, Inc.

All human beings are born free and equal in dignity and rights
UNIVERSAL DECLARATION OF HUMAN RIGHTS



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Issue Number 125

Latest Update from OPEN

(The Wheels of Justice Grind Slowly)

We keep on reading opinions by professors, former Ministers of Education, etc., saying Ontario should stop the public funding of separate schools. We agree, but only OPEN is actively working to force the government to do something about it.

To reach our goal, we need to make our legal case for the abolition of the funding as strong as possible, because we know the Ontario government will challenge us. However, to gather the information we feel we need, is taking much longer than we first anticipated.

Our historical expert, Dr. Kmiec, has forwarded a revised version of her expert report. The revision was requested because we want to ensure it is clear not only to other historical experts, but to judges who may know very little about the history of separate schools and who may need more

of a background. The lawyers still have to review it to ensure it is as clear as needed.

We also appear to be close to obtaining the data about the number of non-Catholic students in separate schools from all the outstanding boards. We had obtained information from most, but we had to appeal to the Ontario Information and Privacy Commission for several school boards where the amounts they were charging seemed excessive, and to schedule "mediations", all of which takes time.

As a result of the mediations, one of the boards should send us the requested information by the beginning of February, and a second board was sent the first half of the requested fees at the end of November and we expect to receive the requested information in January 2020.

We had the third mediation very recently, and we think we can come to an understanding. In the mediations, the boards are much more specific about what fees are required for what information, and we discover that some information which is not as important to us is what is costing the most.

Our lawyers also are exploring whether we need other expert witnesses on, for example, education funding at the present time.

Letter to the editor of the Ottawa Citizen, Spring 2019

Cut school boards, not school board funding

Re: Boards 'out of control,' For days amid talk of cuts, May 15

I have a great idea for Premier Doug Ford. If school boards are so out of control, why not eliminate an entire system of boards that are there to serve just one of the many religions Canadians are known to practice?

It is stunning that we still have an entire separate education system for Catholics. Are we not all one people here in Ontario? Is this not religious discrimination?

Maureen Dagg, Almonte

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With up to \$1.6B in savings, should Ontario defund its Catholic schools?

The following is a reprint of a Global news article by Andrew Russell, National online journalist, Investigative. Dated June 6, 2018.

The article includes an interview with Adrienne Havercroft, a plaintiff in OPEN's upcoming legal challenge.

Polling exclusive to Global News reveals 56% of Ontarians believe it's time to stop using tax payer money to fund both secular and Catholic schools but as Jamie Mauracher reports, discussion of the topic has ended political campaigns in the past.

It's an issue most politicians want to sidestep, but for Hamilton teacher Adrienne Havercroft the question of defunding separate schools in Ontario is about equality.

It could also come with up to \$1.6 billion in potential savings annually.

"I really believe in public education," said Havercroft, who works as a supply teacher with the Hamilton Wentworth District School Board. "It's not that I have a problem with Catholicism or even with religious education, but I think that the way that Catholic schools are exclusively publicly funded is a problem."

Havercroft, who was raised Christian and attends church, spent years hunting for a permanent job after graduating in 2009. But with teaching jobs in short-supply in the province, as a non-Catholic she was immediately at a disadvantage as a third of the jobs are with Catholic boards, which require a letter from a priest and proof of being baptized.

"It was brutal," she told Global News. "There's a separation of church and state for a good reason and I think it protects the integrity of both institutions."

Havercroft is part of the grassroots group One Public Education Now (OPEN) and is a plaintiff in an upcoming legal challenge against tax-

payer-funded Catholic schools in Ontario.

The group is one of many that oppose the provincial government funding of Catholic school systems, and have worked for years to make it an election issue. Currently only Ontario, Saskatchewan and Alberta fund both public and Catholic school systems.

The thorny issue has been politically disastrous for candidates in elections past. Toronto mayor John Tory, who was leader of the PCs in the 2007 election, lost badly as the campaign became dominated by discussion of his plan to extend public funding to Ontario's faith-based schools. The Liberals won a majority and he was defeated in Don Valley West by then Ontario Liberal Education Minister Kathleen Wynne.

Majority agree - one school system

While candidates have avoided the topic ever since, new polling shows public perception around the issue is changing. An Ipsos poll of 841 respondents found 56 per cent agreed with merging the two systems into one, while 26 per cent were in favour of continued funding for Catholic schools. Another 18 per cent would extend funding to all faith-based schools.

The poll also found that just 30 per cent of respondents said the separate school funding issue is a priority for them in this election. Fifty-six per cent of Ontarians agreed they would like to see the issue put to rest.

Kelly Gallagher-Mackay, a professor of law and society at Wilfrid Laurier University, says the issue is not only

unfair to teachers but is unconstitutional under the Charter of Rights and Freedoms and defunding separate schools is long overdue.

"We've known that the current status quo simply doesn't meet our standards for international human rights or Canadian constitutional equality," she said. "The Catholics, unique among religious groups, they're getting an unequal benefit of the law, have the right to have a publicly funded school system and they use that school system to advance specific religious views."

In 1999, a United Nations human rights report found Ontario's policy of fully funding Roman Catholic schools and denying funding to other religious schools was discriminatory. In order to comply with the ruling Ontario could extend funding to other religious schools, or end funding to Catholic schools. Almost 20 years later the province has done neither.

What's the issue?

Gallagher-Mackay said the issue dates back to Confederation when Catholics in Upper Canada were a vulnerable minority and to join Canada they wanted their rights guaranteed against the Protestant majority.

Things have changed since 1867, said Gallagher-Mackay, as Catholics are now the majority in the province. She pointed to other provinces like Newfoundland and Quebec, which stopped funding religious schools 20 years ago after passing constitutional amendments. Making an amendment is not difficult, she said, as the protection of Catholic education in the province is governed by section 43 of the Constitution, which requires

only a resolution be passed by both Queen's Park and Parliament.

"It's an anachronism that was part of our constitutional bargain at the beginning, but was specifically put into our constitution in a way that made it possible to change where the political will appeared," she said. "We should get rid of this because it's unconstitutional and contrary to the values of equality."

The Elementary Teachers' Federation of Ontario, the Ontario Secondary Schools Teachers' Federation, and other groups like the Civil Rights in Public Education have all now called for the dismantling of the separate school systems.

But Liz Stuart, president of the Ontario English Catholic Teachers' Association, said that Catholic education is "an important pillar" with more than half a million students in Catholic classrooms.

"Within our schools I think you'll find we have a highly diverse population. Our schools have had open access for many years," she told Global News, adding that defunding Catholic schools would create an "incredible amount of upheaval." ;

How much could Ontario save?

Not only have opponents argued that funding Catholic schools is unequal but also operating four systems — English public, French public, and Catholic boards in both languages — is a waste of money and resources.

A 2012 report by the Federation of Urban Neighbourhoods of Ontario, a volunteer organization of community and neighbourhood groups, looked at the issue of merging schools and found between \$1.2 billion and \$1.6 billion in potential savings.

Charter challenge targets Ontario's separate school system

Using data from the Ontario Ministry of Education, the report said the savings of moving to a one public, two-

language system would come from eliminating governance grants for discontinued Catholic school boards, reducing student transportation grants, and savings on capital costs.

The hundreds of millions in savings could go towards repairs for the province's crumbling schools. Fix Our Schools, a non-partisan group, has said that publicly funded schools and education must be a priority issue in the June 7 election and has called on candidates this election to fight for money needed to repair deteriorating schools.

Stuart called any talk of savings a "fallacy."

"It's a fallacy to speak about those types of savings ... the funding follows the students. Wherever the students go that funding would need to go with them within the publicly funded education system," she said. "There would be no savings."

What do the parties say?

Of the four major parties vying in this election, only the Green Party of Ontario led by Mike Schreiner supports defunding separate schools.

"Unifying the school systems is not one of our nine-platform priorities, but it is part of our long-term vision and we believe the conversation needs to start now. Ultimately we want to see more dollars going towards new teachers, assistants and resources for classrooms," Schreiner said in an email. "We are increasingly concerned that we're not adequately serving children with special needs, and yet school boards are spending money to compete with each other for students."

Three parties say "no changes"

Meanwhile, the Progressive Conservatives, led by Doug Ford, say they'll make no changes to the existing system if elected on June 7. In a statement from a party spokesperson, the PCs refused to answer whether

they'd put the issue to a referendum, despite mounting calls for change.

"The Ontario PCs support the separate school system, and will not be making any changes to the existing school board system," the statement said.

The NDP also supports the current funding model, saying changes are not up for discussion.

"Andrea Horwath has been clear that this is not under consideration," the spokesperson said. "The NDP will focus on repairing crumbling schools, lowering class sizes, putting mental health supports in schools and making sure our kids get the high-quality education they all deserve."

The Liberals and Kathleen Wynne - who've had 15 years to make changes to the system since taking office in 2003 - also support the status quo, saying their focus is on making sure Ontarians receive the best education possible, regardless of the schools they attend.

"We've always said that our education system is rooted in our past and rooted in the Constitution in the formation of the country," the spokesperson said. "We will not be reopening that."

Meanwhile, Havercroft said that where politicians have failed to address the issue OPEN hopes to succeed with their planned legal challenge.

"People feel like the last time someone brought this up it was political suicide," she said. "It doesn't seem like there's a lot of political motivation to take on the issue. So we're hoping to just put pressure on it from the judicial side."

"With files from Jamie Mauracher and Brian Hill

Although this article is dated June 6 2018, nothing has changed, all is still relevant today.

Where did the estimated savings of up to \$1.6 billion come from?

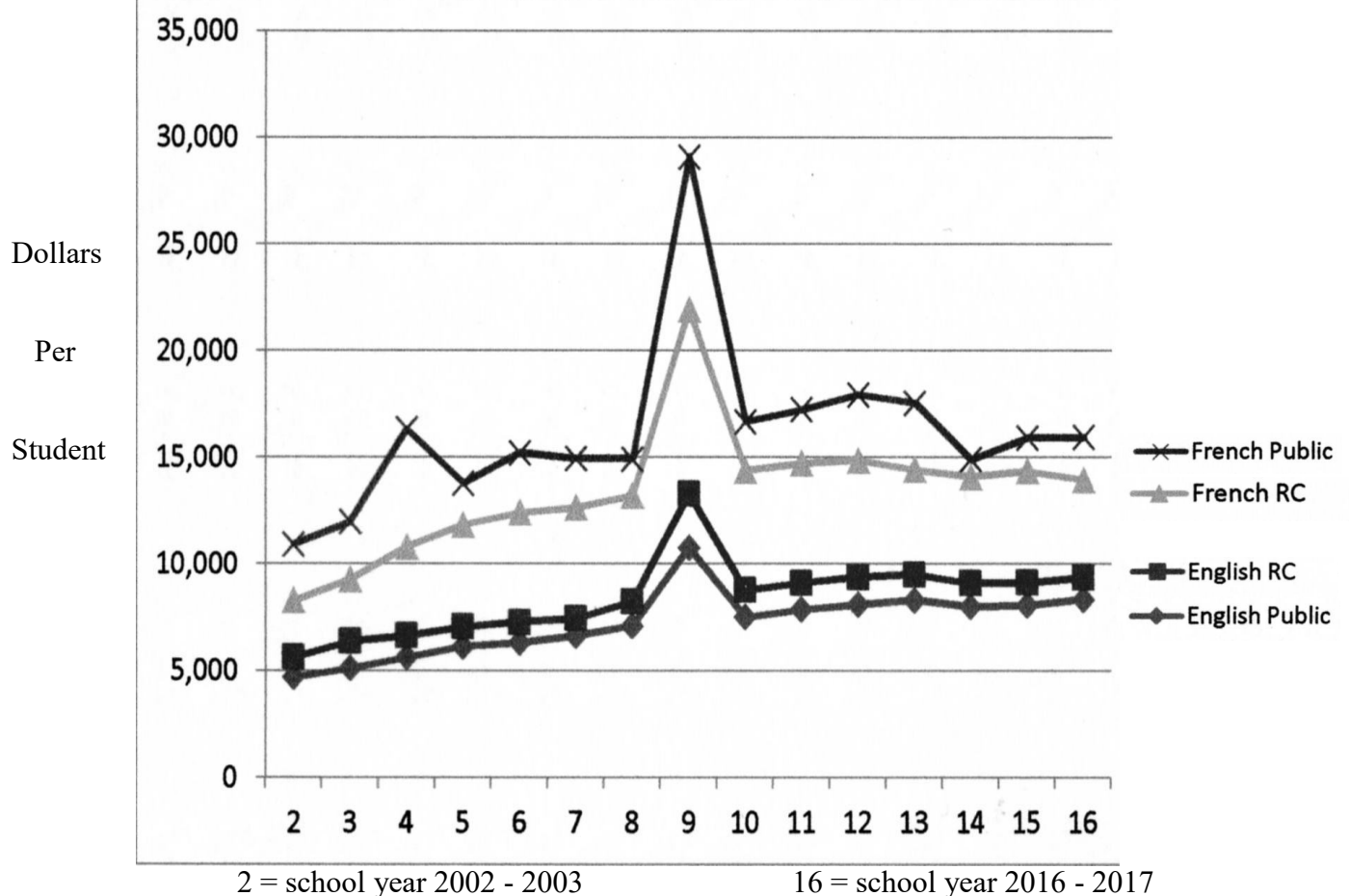
From the bottom of column 1 on page 3, from a calculation made in 2012 by William J. Phillips, of the Federation of Urban Neighbourhoods of Ontario. This calculation is also referenced in column 3, page 2 of CRIPE newsletter #111, Spring, 2013.

See: <https://urbanneighbourhoods.files.wordpress.com/2010/11/ingsfromthemergerofontariopublicandseparateschoolsystems.pdf>

There are many ways to try to calculate how many dollars will be saved by removing the public funding of Roman Catholic separate school systems. One way, though incomplete, is to look at the dollars per student each system costs.

As before, CRIPE has chosen a reliable estimate based on data obtained from the Ontario Ministry of Education through a Freedom of Information request. In this case "Access Request # EDU-190090".

Notice from the graph that costs have risen over the years, so it will cost more over time to make the adjustment to one common, truly "public" system, but the savings also rise over time. To compare the costs of each system we can observe what that system costs on a per-student basis. From the graph below, the most efficient system, with the lowest cost per student, is the largest system.



Enrollments for school year 2016 - 17.	Cost per Student
French Public = 29,937	\$15,959
French Roman Catholic = 75,042	\$13,964
English Roman Catholic = 554,323	\$ 9,376
English Public = 1,310,247	\$ 8,348

From the figures at left, it's a no-brainer. The principle of economy of scale is illustrated. Whether school systems or business enterprises, especially when each system is province-wide, the larger the system, the lower the per unit cost.

The only figures used in these calculations are those dollars coming directly from funds paid by taxpayers. These figures included "Revenues from Provincial Funding" and "Total Capital Expenses".

No attempt was made to try to determine what revenues or expenses were directly attributed to taxpayer dollars from "Tax Adjustments", "Business Property Taxes", or "Other Revenues".

Emphasis, therefore, is placed on how many dollars for each system comes out of the ordinary taxpayer's pocket. All taxes considered in the calculations come equally from each taxpayer, regardless of the taxpayer's religion or language. "School support" on a tax notice is for voting purposes only.

Why separation?

I taught in a public secondary school for 27 years. As enrollments climbed, one section of the high school, including a gymnasium, was separated from the other section in order to have a French Public school. It had its own name and separate entrance.

I don't know if the French school had its own bus system or not, but it certainly could be serviced by one bus system. This worked fine, but for some reason it wasn't good enough, so a separate French Public high school was opened. And then of course, a new French Roman Catholic school was built. Four schools in one city, and four bus systems?

Tremendous savings

From the graph, when public funding of the English Roman Catholic schools cease, the two student bodies will occupy the same building. The total number of students in the single English Public system will increase and the efficiencies of increased size will allow a dollar saving.

The cost per student will decrease to at least the established cost of the English Public system so that the savings will be the difference in dollars per student between the two previous systems, multiplied by the number of students joining the new, single, English Public system. Savings as below.

Questionable?

Any effort to accurately determine the cost of correcting an education system which has separated the population into groups based on religion, is impossible. It is also impossible to deny that the elimination of state-sponsored discrimination, through separate education systems, will lead to savings in cost and eliminate social exclusion. But without an army of accountants, a rough calculation on the basis of cost per student does have merit.

A complicating factor is that the aim of the present situation was meant to divide the population, based on religion. This led to the construction, from the start, of multiple school buildings, in multiple locations, to meet the desired purpose.

A change to an equitable system thus has a serious challenge. Although ultimate savings in cost are assured, getting there will also cost. The situation is aggravated because federal and provincial governments have refused to act on the issue for decades longer than reasonable.

When all English Roman Catholic students are joined with all other Public students in the same building, the savings are easily calculated by multiplying the number of former RC students by the difference in dollars per student saved, as below, from the numbers at the bottom of page 4:

$$\begin{aligned} \text{Dollar cost of RC student} - \text{Dollar cost of Public student} & \quad \text{Number of former RC students} = 554,323. \\ \$9,376 - \$8,348 = \$1,028 \text{ (savings / student)} & \quad \text{Number of students} \times \text{savings per student} = \text{total saving} \\ & \quad 554,323 \times \$1,028 = \$569,844,044 \end{aligned}$$

$$\begin{aligned} \text{Similarly for joining Public and RC French students} & \quad 29,937 \times \$1,995 = \$59,724,315 \\ \text{Total savings by eliminating a separate bldg. etc. for Public \& RC students} & \quad \underline{\$629,568,359} \end{aligned}$$

The following is an oversimplification, but think about it, regardless.

$$\begin{aligned} \text{Now put all of the French students in the same} & \quad 104,979 \times \$5,616 = \$589,562,064 \\ \text{building, with same bus system, etc. as the English students} & \quad \underline{\hspace{10em}} \\ & \quad \underline{\$1,159,130,423} \end{aligned}$$

Total **yearly** savings by placing all students from four separate buildings into one building, etc., theoretically, could be: **\$1,159,130,423**

Quebec's secularism law is a national disgrace — and yet barely an election issue.

When state-sponsored discrimination is the law anywhere in Canada, it is everyone's business, and our national shame.

By Robyn Urback: for CBC News Opinion. Posted August 28, 2019

Background

Quebec's Bill 21, which bans civil servants in certain positions of authority from wearing religious symbols on the job, passed in the National Assembly in June.

Quebecers are gradually getting to know the victims of their pseudo-secularist misadventure — and what they intend to do about it.

Robyn Urback

In another universe, with a different electoral map, Prime Minister Justin Trudeau would be harping on Quebec's religious symbols ban at every opportunity, with the fury this sort of state-sponsored intolerance demands. And Conservative Leader Andrew Sheer would be railing about religious freedom (Ben Nelms/CBC, Adrian Wyld/The Canadian Press)

What's happening in Quebec is a national disgrace.

It's the type of thing for which a future government will apologize, much the same way the prime minister of present has taken to apologizing for policy wrongs of the past.

Indeed, Prime Minister Justin Trudeau has shown no reservation in apologizing to the LGBT community for discrimination in the civil service decades ago; to Jews for Canada's refusal to accept German Jews fleeing Nazi persecution; to Indigenous communities for the hanging of chiefs in the 19th century.

Truderau appropriately called these policies "unfair, unequal treatment" and "state-sponsored, systemic oppression." Of course, it's easy to call

out injustice when you've had no hand in its propagation.

Discrimination is currently enshrined in law in Quebec. (*and Ontario*) As of June, public servants in the province who work in so-called positions of authority — teachers, judges, police officers and so on — are prohibited from wearing religious symbols. Those who wear kippahs, turbans, crosses or hijabs need not apply.

This too is state-sponsored, systemic oppression, an affront to religious freedom that ought to outrage anyone who believes in equal opportunity and freedom from state interference.

It is not merely a "dress code," as some who have tried to defend the law have insisted; wearing open-toed shoes or spaghetti straps at work is not a deeply-held religious conviction. Nor is it simply a "Quebec issue." When state-sponsored discrimination becomes the law anywhere in Canada, it is everyone's business, and our national shame. (*Ontario and Quebec, are, together with Alberta and Saskatchewan, Canada's present national shame.*)

This should be a major election issue (*in all, and every, election.*) Back in 2015, the question of whether a new Canadian should be allowed to wear the niqab while swearing a citizenship oath was fodder for a national discussion, and the Liberals, to their credit, took the position of freedom and tolerance.

The Conservatives, on the other hand, huffed about the symbolism of taking an oath of citizenship while

wearing a niqab, as if feelings should have any bearing on a state's infringement on an individual's rights.

Public opinion polling at the time found that Canadians overwhelmingly supported a niqab ban, just as public opinion polls now show that Quebecers overwhelmingly support a religious symbols ban. (*While Ontarians overwhelmingly support freedom from the head tax we pay in order to support the Roman Catholic separate school systems.*)

That's why federal leaders (with the exception of NDP Leader Jagmeet Singh, who pretty much has no prospects in Quebec) have been loath to bring up the topic, and tepid in response to questions about it. No one wants to risk alienating Quebecers ahead of the Fall election.

But majority opinion in this case is merely that; it certainly doesn't mean the law is righteous or good. In fact, we have laws that protect individual freedoms and minority rights precisely because the majority can't be counted on to uphold them — which of course is why Quebec has pre-emptively invoked the notwithstanding clause to avoid a Charter challenge.

But the government's hands are hardly tied just because of the notwithstanding clause. It can put pressure on the Quebec government through economic means. It can support the legal challenge currently underway by the National Council of Canadian Muslims and the Canadian Civil Liberties Association.

And it can speak out, forcefully and repeatedly, about an unjust policy that should not be on the books in Canada in 2019.

In fact, all the prime minister has offered by way of critique so far is a few milquetoast comments akin to what he said back in June: “We do not feel it is a government’s responsibility, or in a government’s interest to legislate on what people should be wearing” It’s hardly the full-court press he and his ministers have assembled to speak out against other issues.

In another universe, with a different electoral map (or if, say, this was an Ontario law under Premier Doug Ford), Trudeau would be harping on it at every opportunity, with every min-

ister on board, and with the fury this sort of state-sponsored intolerance demands. And Sheer, for whom freedom from religious discrimination is surely a most important priority, would be too.

There’s no question that any sort of intervention would be abysmally received by Quebec and within Quebec, and could very well decide the election. But it would also be a true demonstration of putting principles above political interest — which is probably too much to ask.

(CRIPE note: Contrarily, there’s no question that any government move to defund the Roman Catholic separate school systems would be celebrated by a majority of Ontario taxpayers.)

Bill 21 shows why we fear tyranny of the majority.

Quebec’s policy takes aim at human rights, say
Bernie Farber and Amira Elghawaby

Excerpts from an Opinion article in the Ottawa Citizen, July 13, 2019

By passing the law (Bill 21) despite protests and promises of civil disobedience, the government has demonstrated how we are all correct to fear the tyranny of the majority. It is exactly what our Charter of Rights and Freedoms was meant to protect against.

The Charter “stands as Canada’s ultimate expression of our commitment to freedom and human dignity,” opined Beverley McLachlin, a former Supreme Court justice. “(It) provides all of us, regardless of race, religion, or gender, with a secure space in which to realize our aspirations.”

Unfortunately, the majority of Quebecers appear to be swayed not by the rule of law, but by anti-Muslim sentiment. A poll conducted by Leger Marketing earlier this year found that 88 per cent of Quebecers who held negative views of Islam supported the ban.

The collateral damage includes the ban of the Sikh turban, the Jewish yarmulke, Christian crosses and other symbols. The law will be enforced by what some have called the “secularism police.”

Not only has this legislation dashed the hopes and dreams of thousands of Quebecers who only wanted to contribute to the social fabric of their province, it is also putting them in danger, according to numerous reports. This legislation inadvertently bolsters those who hate, and entrenches second-class citizenship, now state-sanctioned.

We share a common humanity. Canada’s promise of peace, equity and social inclusion must not be compromised by those who permit ignorance to shape our society.

Every person in this country must be afforded the basic human rights and dignity they deserve. The safety and prosperity of all of our communities are at stake.

Majority support one system for Ontario

By David Coletto & Ihor Korbabicz of ABACUS DATA

<https://abacusdata.ca/majority-support-merging-school-systems-in-ontario/>

A slim majority (56%) of Ontarians support merging the separate (Catholic) and public school systems in Ontario into a singular publicly-funded school system. One in four strongly support the idea, while only one in ten are strongly opposed.

The question of what to do with the separate school system has been fertile ground for debate as increasing secularization in Canadian society has led many to question the logic of faith-based school funding, especially for a single faith.

Most recently, Ontario Liberal Leadership candidate **Alvin Tedjo has put forward the idea as part of his bid** and the Ontario Green Party has proposed merging the two systems in **past election platforms**.

And as Ontarians are become **increasingly exposed to the tensions between the rift between Catholic teachings and evolving sensibilities on diversity and inclusion** it’s a file where the status quo seems increasingly untenable.

Support for merging systems is supported by all demographic groups, but particularly Ontarians over the age of 45 who have been exposed to years of debate on the issue.

Politically there is very little variation — voters and vote groups of all political stripes support a single school system, though there seems to be an extra premium for consolidation among NDP voters particularly.

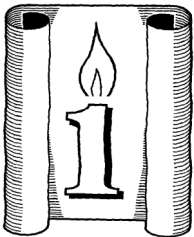
By far the biggest opposition comes from Ontario’s Catholic population, constituting 30% of the population. A majority of Ontario Catholics either oppose system consolidation (45%) or are unsure (15%). Still, even 40% of Catholics in Ontario believe there should be a single public school system.

WHO WE ARE

Civil Rights in Public Education, Inc. is the latest name for this organization which began in 1986. It is composed of citizens living in more than 155 communities across Ontario who are committed to one strong public education system which offers neither privilege nor prejudice to anyone.

OUR AIMS ARE

- To serve as advocates for civil rights in public education so that the public is informed about the issue of publicly-funded separate schools.
- To hasten the day when Ontario institutes the principled decisions by Manitoba, Quebec, Newfoundland and Labrador to remove public funding for religious schools.



OUR LOGO

Our logo is composed of a background scroll representing the charters of rights which guarantee fundamental freedoms to all individuals; the numeral "1" signifies equality and social unity in one public education system for each official language; the flame above is the universal symbol for freedom.

Another Poll

While the public isn't united in picking a side on who to blame for the current labour unrest in Ontario's school system — backing neither the province nor the unions — they are united in calling for an end to separate school boards.

A DART & Maru/Blue Voice Canada Poll conducted for the Toronto Sun finds that 71% support the idea of merging the Catholic and public school systems.

"A strong majority of Ontario citizens have an appetite to merge both the Ontario public and Catholic school boards to create efficiencies and save money that can be put back into the classroom," said John Wright, partner at DART.

* * *

The Ford government has dismissed the idea of doing away with the province's Catholic school system, which is constitutionally protected. That rejection came after Ontario Liberal Party leadership candidate Alvin Tedjo in October suggested merging the boards.

"We have multiple systems and we don't need that," Tedjo said when announcing his plan.

Many Liberals distanced themselves from the idea, as did the Ford govt.

<https://torontosun.com/news/provincial/merge-ontarios-catholic-and-public-school-systems-poll>

A Thought to Consider

When state-sponsored discrimination is the law anywhere in Canada, it is everyone's business, and our national shame.

Robyn Urback

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ABOVE ALL WE MUST MAKE SURE THAT NO CITIZEN OF ONTARIO, NOW, OR EVER IN THE FUTURE, IS PRIVILEGED OR DISADVANTAGED PUBLICLY BECAUSE OF HIS/HER RELIGIOUS FAITH, OR ABSENCE OF RELIGIOUS FAITH.