



# Civil Rights In Public Education, Inc.

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



Winter 2013

Issue Number 110

Public high-school students: have you lost your extra-curricular activities?

Get them back by enrolling in a Roman Catholic separate high school

**without any religious programs or courses. [www.myexemption.ca](http://www.myexemption.ca)**

Bill 30, the infamous bill passed by a minority Liberal government in 1986, provided for the extension of public monies to support the Roman Catholic separate school system to the end of high school, at that time, grade 13. The PCs and the NDP forced a change to the terms such that: *"The final version of Bill 30 provided that any child of a public or separate school supporter could attend a Catholic high school and that no child of a public school supporter would be required to take part in any program or course of study in religious education where a parent or guardian applied in writing to the Catholic school board for exemption."*<sup>1</sup>

This change appears in the Education Act<sup>2</sup> as section 42(13) which states:

### **Additional exemptions**

*(13) In addition to the exemptions provided for in subsection (11), no person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic board shall be required to take part in any program or*

*course of study in religious education on written application to the Board of .....(the parent, guardian, or the person himself or herself.) 2006, c. 28, s. 9.*

The foregoing is the Education Act, and the Act is law. In answer to a question by Steve Paikin of TVO's Agenda,<sup>3</sup> Minister Broten replied:

*"The Education Act is the governing document of what takes place in our schools. Directors of education across the province have the responsibility to ensure that the Education Act is adhered to; and there are many tools, including taking over a board if that is what's needed to ensure that everything in the Education Act is complied with."*

### **The four protagonists**

An astute CRIPE member, Peter Jones of Brantford, has done much research on various topics and first appeared in CRIPE newsletter #92 - Winter 2007, with an account of his run for the position of trustee for his local Roman Catholic school board.

He later was the source for articles on separate RC high school credits and the separate-school support lease. Newsletter #105, Fall 2010.

When another person, "Sam", asked for some help or guidance, he was put in contact with Peter. Sam's children wanted to go to a separate high school, but were told they had to take all religious programs and courses, which Sam thought was ridiculous.

Oliver Erazo, subject of two Toronto Star articles on the topic, inquired and was encouraged to contact Peter and Sam. And then came Terry Prodanyk, a Roman Catholic from Thunder Bay.

The research these four have done, by putting their heads together, has been phenomenal.

Once in doubt, but proven by Terry, is that Roman Catholic students must also be granted an exemption on request.

### **So why do we have separate schools in the first place?**

**Read on** for Sam's roller-coaster ride to have one separate school board obey the law.

1 <http://www.ocsta.on.ca/resources/1/Resources/Our%20Catholic%20School%20Kit/Resource%20Material.pdf>

2 [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90e02\\_e.htm#BK1](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90e02_e.htm#BK1)

3 <http://www3.tvo.org/video/178557/taking-over-school-boards>

## One family's story about a battle with the local Roman Catholic separate school, and board.

### Background

The battle started with our family preparing for my daughter's graduation from grade eight into high school. In our small town there are two high schools, one which is run by the Roman Catholic board and one which is secular, run by a Public board. This was my first exposure to either secondary school board since my own attendance to a secular-run high school 25 years earlier. The first skirmish started with the very basic question, what school would my daughter choose to go to? We are not Catholic but living in a small town meant that we knew many of the teachers at the Catholic school very well. This was one of the many factors that made the Catholic school an option.

Additionally, the Catholic school was a newer building and had a few more resources the public school did not have, such as certain sports and art facilities. In Ontario, school enrollments are generally down outside of the very large metropolitan areas. The secular school that was an option was closing down portions of the school due to enrollment decline while the Catholic school was building a new addition and seemed to have permanent portables.

A good friend is a Catholic-school teacher and during a discussion at a social engagement, the curriculum of the Catholic school and the four religion classes came up. He indicated they were "mandatory" on a yearly basis. I

questioned this, it didn't seem to make sense. My question was how can a publicly-funded institution make religion classes mandatory? I just assumed they must have made exceptions to non-Catholic students. The answer was "no". Everyone took the classes, no exceptions.

### A little put off

I was a little put off and the thought in the back of my mind was "ok, here we go, this could be a long battle if it proves to be true that these classes are mandatory...". Later that week, at another social engagement, I was chatting with a vice-principal of a Catholic high school in a different area and I questioned the mandatory classes. The response was the same: " *no exceptions, ever*"!

Again, this did not seem to make rational sense.

### Search started

I turned to the internet to start my research thinking that I could not be the first person to ask this question and to request an exemption. It seemed so logical. I couldn't believe I was the only one who came to this conclusion. After some searching I found "CRIPE" and established contact. I sent off an exploratory email explaining my situation, looking for advice and some possible resources the organization could suggest. This was all new to me and I had very little exposure and knowledge about the history of the "system".

It only took a few emails back

and forth from very generous responses to find out that my intuitive reaction (that there must be exemption for students) had already been thought of over 25 years ago when the government extended funding to Roman Catholic separate high schools. A vehicle for the exemption process was written into Bill 30 and incorporated into the governing Education Act.

### Could it be this easy?

I was shocked. Could it be this easy? I had been preparing myself for a Supreme Court decision after years of battling. However, section 42 (13) of the Education Act told me to simply write a letter requesting an exemption! One thing that made me so skeptical about such a written request was my original inquiry to the teacher and principal. I was led to believe it was not possible and there was no mention of the option of an exemption by written request. They wouldn't lie to me, they were friends. Was it possible that an administrator and teacher would not know about this legally binding provision that had been on the books for over 25 years?

### Intentionally suppressed

So, I continued to do my research in a couple of directions.

I have to pause here to say that if it weren't for the power of the internet and the generosity of some very good people, my education about this whole exemption business, my actual fight and eventual win, would not have been possible. My daughter would have completed her high school career be-

fore I could have even found this obscure paragraph in the 25-year-old Education Act that is quite intentionally suppressed by the Catholic boards.

Without going into detail, I spent the next few weeks educating myself in preparation for my first contact with the board. I had the luxury of time (or so I thought). High schools start early with their solicitation of grade 9 students (race to capture the declining number of students in a funding model based on enrollment).

I suspected that since the folks I knew weren't aware of the exemption process I would encounter some resistance from the board, so self-education was important. In addition to this specific personal exemption question, I was now asking questions about the entire Roman Catholic school system. I was educating myself and debunking some myths and assumptions I had never been exposed to.

I was learning about school funding in Ontario and the history and debate surrounding our unique model. Without this personal introduction I had only marginal exposure to the debate.

It was early February when I made my first phone call to the Catholic school board office to speak with the director of education. Not surprisingly, I did not get through to him. However, I spoke with his administrative assistant and took the opportunity to convey my intention. I indicated my intention was to communicate with him regarding a request for exemption from religion classes with a passing reference to the

Education Act. It was suggested to me I send an email, so later that day I sent off my first email to the director and his assistant. The director did not respond. In fact, in the four-month struggle that followed, I only received one brief email and phone call where he curtly directed me to deal with the superintendent for high schools in our area.

#### **Legally binding provision**

The superintendent however did respond by email immediately with an unapologetic and unqualified denial of my request indicating that all religion classes were mandatory. Interestingly, down the road, when re-reading her phrasing in her first emailed denial, I couldn't help but notice the response seemed carefully scripted. She stated unequivocally that my daughter had to take the classes adding "the *expectation* was all students take the classes". I think the use of the word *expectation* was intentional. It almost begged my immediate response to her that the "expectation" might be that my daughter takes the classes, but she was not *obligated* to take them. This response of mine was in an email and followed up with a phone call. I wanted to discuss it verbally instead of back and forth by email in order to hasten the process. She stammered in response to me pressing the point requesting the exemption. She assured me that a denial of exemption had been addressed by a legal precedent already and she would just have to find the information. I was pushing her for an answer and she had nothing at

her "fingertips". She clearly wanted to get off the phone but assured me she would call me right back with the information. I had done my research, but obviously she was not prepared for my assertive position.

No one had ever fought back to the question of exemption from religion classes for two reasons. First, because there are two schools in our town and the response to any inquiry about not taking the classes was "if you didn't want to take the classes, go to the secular school." That had been going on happily for 25 years! The other reason is that no one had fought back with adequate knowledge and a firm understanding of the legally binding provision in the Education Act.

#### **Exemption confirmation**

During my research, I was educated on the many departments in the Ministry of Education and the school boards themselves. The Minister of Education has "underlings" that handle inquiries on a local level, such as the exemption process.

I had been put in contact with a person in another board area who had taken on this fight already. We had been in correspondence and he had generously sent me a copy of a letter received from an Education Officer in his area on behalf of the Minister of Education which confirmed the exemption right and the process. So, since the superintendent didn't seem to be getting back to me, I expanded my communication to include the government side. Assuming I must have an Education Officer in our area I decided to

work that angle for further support. A quick internet search found the name and contact number for our region's Education Officer.

### **Homework paid off**

I had a preconceived notion that it would be some long process to track down the right person and start a dialogue. Amazingly, I actually called and got our Education Officer on the phone with my first try to the office. I introduced myself and explained the nature of my inquiry. Now, wouldn't you know it? She just happened to be working on the very same topic of exemption for another person with the same inquiry! No need to work hard to guess who.

The superintendent I had spoken with on the Catholic School Board had gotten off the phone with me and called the Education Officer, I assume to get clarification on the provision in the Act that I was using as the foundation for my request. This Education Officer told me the same thing she had told the other inquirer (she didn't identify the person as the Superintendent): she would have to get back to us after she did her research.

Now, this opportunity was a result of having done my homework and a little bit of luck. I seized it immediately.

### **Education Officer input**

I told her "this question has already been asked and answered from the Minister of Education to another Education Officer". I offered the correspondence I had gathered in order to help expedite her research. I sent her a copy of the letter from her colleague (the other Education Officer) confirming the provision in the Act refer-

encing confirmation from the then Minister of Education Dom-browski. This was an incredible opportunity. I was able to actually intercept and educate the very person who would be advising the Superintendent about my rights. The Education Officer didn't have to do anything but regurgitate what had already been said by the other Education Officer. To be honest, since the Education Officer was actually an ex-member of the Catholic School board she was dealing with, I'm sure there was much more dialogue and discussion behind the scenes.

### **Threat to existence**

What then transpired was what I would call a determined and purposed stall tactic on the part of the board. During my first phone call, along with the immediate denial, I was told I would have a formal response in a few days because I obviously was not accepting her first response. However, it became evident that they were going to bury my request in administrative bureaucracy. What has become increasingly evident over my exposure to the strategy of the Catholic boards is they treat the exemption process and the request for exemption as a threat to their existence. Enforcing mandatory religion classes is integral to their identity as a unique option from the secular-run schools. The exemption right attacks this.

What happened over the next month was a constant barrage of emails from me that now encompassed a wide swath of contacts. I was emailing and copying practically the entire Catholic school board, its assistants, the Education Officer, trustees and the

school principal. Everyone was getting my *polite* requests for an answer, demanding the board's adherence to the law and provide me with the exemption letter.

### **Board meeting needed**

Now, the communication got convoluted at times. They were trying every angle to deny, delay and derail my request. I was being very generous with my responses and I always conveyed my messages with the tone of "working together" to understand common values. An important tactic I also employed was that my request was my right, and their obligation was to provide it. I was not asking permission. For example, an email would start "Can you please confirm if the exemption will be forwarded by email or by post?" or "Will the principal be copied on my exemption letter, or do I have to deliver a copy of it to him?"

To halt my barrage of emails requesting an answer, they finally indicated the next step was that the Board needed to add my request to its meeting agenda so that the Board may rule on it. They claimed to have no policy in place and needed to formally discuss it at the Board level. I was sure it had already been discussed quite vigorously at the "board level", but now they were claiming they were going to formally discuss it and come to a decision. My concern was this would only be a further delay. Remember, the Education Officer would have already confirmed that the exemption right I was quoting, was valid. They controlled when my exemption request would get on the agenda, and who knows what

meeting that would be at? I had to find a way to control the information that they made the decision from, and expedite the process to my timeline.

### **No more patience**

Also, in addition to the trustees discussing as a board, they told me my request would also be discussed in private session since it was a personal issue that could have legal implications. They were obviously worried about putting this on public record (a function of being a publicly-funded organization), or having a reporter there to record the discussion (also an option since they are a publicly funded organization). So, I took control, forcing them to deal with this issue on my agenda. The board has a process where people can offer a “delegation” as it is called. There are strict rules, but I had 15 minutes to present the case to the board and demand a response. This forced them to put it on the agenda and generate a response. I believed the evidence was undeniable and the way I crafted the presentation would mean they would have no choice but to grant me the requested exemption.

Before my delegation was to happen on the Monday, I got a request to meet at the school to have a discussion. This was very unusual. I was to meet at the school with the principal, superintendent, a trustee, and of course the chaplain for the school. I accepted the meeting because it would be a good preview to the information I would present at the delegation. I also was interested in getting face to face with the folks I have been dealing with for almost three

months through email exchange and phone calls. Just before the meeting was to take place, I was asked by the superintendent that if we came to an agreement at the meeting, would I then relinquish my request for the delegation. What became evident to me by this statement was that they were not interested in coming to a mutual understanding of the situation, but actually trying to stop me from presenting my exemption request at a public meeting of the board.

### **“Lost it” again**

I politely “lost it” in an email (again, to everyone). I told them I no longer had patience for their stalling and roadblocks. I had done everything above and beyond my requirements and they continued to ignore their obligation in accordance to the law. I told them that considering the tone of the email and the obvious intent, I was cancelling the meeting and would simply continue with my delegation. Furthermore, I was going to talk to a lawyer and the newspaper to get this story into the public eye to force the board to deal with this issue.

Needless to say, this got their immediate attention. I had a personal phone call from the trustee, apologizing for the superintendent’s email asking for the cancellation of the delegation and her wishes to keep the meeting on. Also, she assured me I could continue with the delegation and that a resolution would be quick under the mandate of the board.

So, I kept the meeting. This was two hours of discussion where they tried to ‘sell’ me on

the religion classes. They suggested that my daughter at least try the grade nine religion course. I confirmed my position a number of times and the law as I understood it. If my daughter wanted to take one or all of the classes she could do so and I would support her, however, she has the right to choose.

### **Fear of a precedent**

There were a few interesting things that came out in the meeting. First, simultaneous to my process I had educated a mother and student on the exemption process. Unbeknownst to the people in the meeting I was in, I had been directing the mother on how to proceed through the exemption request process. During my meeting, I was told that my request was the first in their board’s history to try to do this. I asked for clarification and they reiterated I was the only person to cite this clause in the Act and utilize it. However, I knew there happened to be another student trying to get the exemption because I was coaching the student and parent through the process.

Again, “were they positive that no-one ever had asked for an exemption?” They all shook their heads and confirmed “no”. So, the four people who were the administrative and spiritual backbone of the system, all flat out lied to my face. In the same breath where they were extolling “Catholic Values”, they blatantly lied to me. I have to be honest, I was shocked at the hypocrisy. I didn’t bother to call them on it right then, again, I was trying to keep the atmosphere cordial. However, I later confirmed to

them I was aware of the other applicant and let them understand from that, I also knew they were lying to me during our meeting.

Another thing that struck me as poignant was a statement from the trustee. Essentially, she confessed she “was afraid of the precedent this would set”. It was a window into the understanding on their side that providing this exemption was a very dangerous slippery slope.

### **A new beginning**

The meeting ended with an admission there was nothing they could do to stop me and I was within my rights to request and obtain the exemption, they would just “deal with it”.

My delegation to the board was fairly straight forward. I had 15 minutes to educate them on what they likely already knew. However, most importantly this forced a response.

I followed up on the delegation and a few days later I got a letter from the superintendent providing my exemption. However, what should have been the end was actually the beginning of the most challenging part of the exemption request.

The superintendent provided the exemption, but it was worded and formatted in a way that insulted my intelligence.

### **The exemption letter**

First, the exemption was only for the grade nine year and I would have to request it each year. Secondly, my daughter would have to attend all the religious ceremonies and retreats and anything else they did at the school that was religious in nature. I was required to sign

the bottom portion of the exemption letter and return it as if I was giving permission for my daughter to go on a school trip! You know the format, where there is a dotted line half way down the page with a picture of a pair of scissors instructing me to sign and cut the bottom portion off and return to them. They indicated that signing the letter meant I agreed to the conditions they were putting on the granting of the exemption. I was absolutely furious! The tone was an obvious attempt to keep some sort of control and get the last word. They still were trying to grasp any piece of power they could by making the exemption conditional on their obscene terms, which completely ignored the true scope of the exemption process to include “programs”. I initially just ignored the letter and considered my exemption “granted” and if my daughter ended up attending the school I would battle the “religious programs” as they came up. I thought it would be interesting to see how they would try to force her to attend mass.

### **“Lost it” yet again**

One of their initial strategies was to threaten that my daughter would have to accept a special schedule because they could not ensure a normal grade nine timetable (she might have to take a grade 10 class). After the letter providing the exemption had been sent, I left messages at the principal’s office to set up a meeting to discuss my daughter’s schedule. The principal responded that he could not meet until the exemption letter was signed and returned! He would not entertain

any discussions and could not proceed until I complied with their demands.

I was not so polite when I lost it yet again at their continued behaviour. Now they were trying to force me to sign some sort of juvenile “contract” type document to ensure I comply with their manufactured conditions associated with granting the exemption from religion classes. What they had conceded was the classes were no longer mandatory, but the participation in religious programs was.

### **The Board’s capitulation**

I made sure they knew this was the last straw and I was not going to accept their conditions. How dare they first insult my intelligence with the format of the letter, but also their denial of the outlined rights in the Education Act? Again, I threatened to go to the media and they were quite thrown off by my severe reaction. They verbally confirmed I was able to proceed with the meeting with the school principal and the exemption would not be contingent on the signing of the letter. What became more obvious was the concern over publicity than their desire to push the agenda on the religious programs and I was able to get my meeting with the school.

### **Conclusion**

This meeting never took place. From the very beginning the purpose for me in obtaining this exemption was to provide a level playing field for my daughter to make an educated decision about which school to choose. I had done the research, found the exemption and fought for it to the

very end. Now it was up to my daughter to decide. Up until now, she hadn't been active in the process, but she had been witness to all I had gone through with the Catholic school board.

### **Self preservation**

The irony was my original naive attraction to the Catholic School was the virtuous atmosphere it purported. However, what became clear through the exemption request process was the Catholic School boards may have some good hearted people on the front lines, but the administration and governing body is the same as so many other institutions. They are primarily motivated by self-preservation. The system is actually worse in my opinion.

We understand that the governing body of a corporation or organization has its own sustainability as the foundation for decisions, however, the Catholic School Boards talk about the importance of their value system. This value system apparently permeates the entire Catholic School system and is the distinguishing feature of the institution. However, the people who are in charge are willing to completely abandon and dismiss that advertised value system, ignoring things like fairness, justice, tolerance and equality.

That hypocrisy was the deal breaker, so along with a number of other very good reasons I wrote my final letter to the school board, the principal and any other person who was part of my struggle to announce that we would not be attending the school. I also pointed out they should not be proud of keeping me out with their strategi-

cally combative approach, but saddened that they missed an opportunity to demonstrate in action the core values they so passionately talk about.

Not surprisingly I never heard from them and my daughter is happily attending the local public high school and I have not had to deal with them anymore. What saddens me even more is I still hear of continued denials for exemption requests, even after all I went through.

### **So why have separate schools?**

They understood "exemption" as a threat to their distinct identity and to provide me with my daughter's exemption would start an avalanche of exemption requests. This would then lead to the very obvious question as to what distinguishes the two school boards. I have to completely agree with their interpretation, but I couldn't believe they were willing to sacrifice their principles for preservation of their institution.

### **Justice? Equality? Honesty?**

From the very beginning the purpose for me of obtaining this exemption was to provide a level playing field for my daughter to make her decision about which school to choose.

In the end, they wrote this story when they accepted the funding in 1985 with full understanding of the provisions in the Act to allow students to attend the schools and not participate in the religious programs. No one could have predicted at that time that Ontario's demographic would have changed so dramatically and enrollment would change across the

province. What the Catholic School boards are doing is complying with the first part of "open access legislation" which requires they let every student into the school (regardless of faith).

Because enrollment of a student is specifically tied to funding, it can't be ignored that the Catholic Boards understand the financial advantage of adherence to the part of the law that allows access to the school. However, the Catholic Boards can not accept only the financially beneficial component of Open Access Legislation and ignore the other requirement to allow exemption from religious programs and courses.

Hopefully, with continued effort to spread knowledge of the exemption requirement, more people will become informed about the law and will press for their own exemption in the face of, at present, a very purposeful strategy of denial on behalf of the Roman Catholic-run school boards.

(end of story)

### **The beginning of the end?**

At present (Feb. 2013) the public schools have lost most of their extra-curricular activities. As a result, RC boards are after the disenchanted public students. But if many high-school students demand exemptions from religious programs and courses, the RC school becomes more like the Public schools. Therefore:

**Why fund two school systems which are essentially the same?**

[www.myexemption.ca](http://www.myexemption.ca)

## WHO WE ARE

Civil Rights in Public Education, Inc. is an organization composed of citizens of differing backgrounds, living in more than 155 communities across Ontario, 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's education policy recognizes the dignity and worth of all children, their right to equality, and their right to freedom from religious discrimination.



## 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.

## Peter Jones' exemption

On Dec. 14 2012 I made an email request to the Brant Haldimand Norfolk Catholic District School Board requesting information on the procedure by which my children could be exempted from religious studies in this Board's Catholic high schools. For several weeks my subsequent emails, regular mail and registered mail were ignored. I went to the local media with my story. A few short days later, this letter, <http://www.brantnews.com/opinion/religion-and-publicly-funded-education/> was published in a local community newspaper

I then received a letter from the board on Jan 26 2013 sug-

gesting that all that was required was for my children to be registered in one of their high schools and then a written request to the Principal of that high school would result in the exemption from religious studies that I requested. This board caved in so quickly and easily to my request probably due to my long-time and very vocal and public activism on the subject of separate schools in Ontario. They knew that I knew the law and my legal rights and would not be easily intimidated to go away.

If I had been "fresh meat" I'm sure they would have continued with their ignore, deny and intimidate policy on this subject.

## A Thought to Consider

**Change starts  
with ordinary people  
doing extraordinary things.**

Author unknown

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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 faith, or absence of faith.