

# Civil Rights In Public Education, Inc.

All human beings are born free and equal in dignity and rights

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Fall 2010

Issue Number 105

## The Quebec example - church-led Catholic education

From "Ecclesia – the newsletter of the Catholic Diocese of Pembroke"

[http://diocesepembroke.ca/site/images/stories/ecclesia-pdf/ecclesia\\_2010-06.pdf](http://diocesepembroke.ca/site/images/stories/ecclesia-pdf/ecclesia_2010-06.pdf) page 7

Surprisingly, Fr. Real Ouellette, who serves the Quebec parishes of Fort Coulonge, Otter Lake, Waltham and Vinton, is not mourning the loss of funding for Catholic education in that province.

Since the church assumed responsibility for catechesis training five years ago, he has witnessed a stronger bond between church and family.

"I think it was one of the most positive things that's been done," he says.

For Fr. Ouellette, outreach to children and youth has always been a priority. He admits that the new structure in Quebec adds to the responsibilities of both church workers and parents, but he says that in itself is a good thing.

"That's the purpose of the church — to talk about Jesus, to spread the Gospel and to deepen the faith in Christ," he says.

"It is work, but it is good work."

Fr. Ouellette sees the benefits of

the church-led education program first-hand — in the previously empty pews that are now filled with families, at least once a month when they have made the commitment to be there for catechesis.

He is also enjoying the experiences of the richer dialogue taking place among those families.

He shudders when he recalls his conversations in recent years with parents asking to have their infants baptized.

"I'd ask some questions to learn about their own knowledge," he says. "Even though they had been educated in the Catholic schools, they barely remember anything from it. They didn't need to talk about God or Jesus with their kids."

Now, families who elect to be part of a parish take on an active role associated with that choice. Each September, Quebec parishes hold registration for children from

grades one through six. Once enrolled, they meet with instructors at the church once each month, when possible on a Sunday so that the education session ties in with the weekly celebration of mass. At the same time, their parents meet with instructors who help them support their children's learning. The educational program runs from September through June each year.

Catechesis is still optional, in that it is up to the families to enroll and take part. But it is an option that is being taken up willingly by a large percentage of parishioners. In Fort Coulonge, for example, there are 150 children participating this year.

Each of those children represents another door opening for exploration of personal faith within the family and the church.

"It gets them to be involved in their faith," concludes Fr. Ouellette. "They don't see religion as just another course at school or something that the teachers are better able to handle."

The message here is crystal clear — the Roman Catholic church would be much better off if it did not rely on public funds to indoctrinate children. As indicated in this article, when parents are involved, the church is much healthier.

Thanks to Sue McBride of Deep River for this article.

See also page 8.

### IN THIS ISSUE

<b>The Quebec example</b> .....	<b>1</b>
<b>Separate school graduation credits</b>	<b>2</b>
<b>The Separate School Support Lease</b> .....	<b>4</b>
<b>Religion in the public domain – Quebec</b>	<b>6</b>
<b>Tribunals can apply Charter rights</b> .....	<b>7</b>
<b>The equity policy in the Huron-Superior board</b>	<b>7</b>
<b>Government subsidies to churches in Europe</b> .....	<b>8</b>

## Monkey business with regard to high-school graduation credits in the separate system.

The Ministry of Education document entitled "Ontario Secondary Schools, Grades 9 to 12" is available at: <http://www.edu.gov.on.ca/eng/document/curricul/secondary/oss/oss.pdf>

This document lists in detail on pages 8 to 12 the credits required for high-school graduation. To earn a graduation diploma a student is required to earn 18 credits in the list of compulsory subjects during grades 9 to 12.

"In addition to the 18 compulsory credits, students must earn 12 additional credits. Students may earn these credits by successfully completing courses that they have selected from the courses listed as available in the school course calendar." (Ministry, page 9.)

Note that the selection of optional credits is made by the student.

The paragraph to note, however, also from page 9, is the following:

**"While the school board and principal may recommend that students take certain courses in addition to the required subjects, they may not identify additional subjects or courses as compulsory requirements towards the earning of the secondary school diploma."**

However, when the course calendars of Roman Catholic separate high schools are observed, one finds that most, if not all,

separate school boards require that courses in Religious Education be taken.

Indeed, in defiance of the previous paragraph in bold type, two of three schools chosen at random make the religious education courses a requirement for graduation.

### **Brant Haldimand NCDSB**

The Brant, Haldimand, Norfolk Catholic District School Board, under the title "Ontario Secondary School Diploma Requirements" lists the 12 optional courses required for graduation thus:

"You must complete:  
4 religion credits  
8 optional credits"

This definitely states that the 12 optional credits must include 4 religion credits - made compulsory by the school. This is not in keeping with the Ministry directive: "...**they may not identify additional subjects or courses as compulsory requirements towards the earning of the secondary school diploma.**"

### **Renfrew County separate**

In the Renfrew County RC board, the Bishop Smith Catholic High School course calendar lists under the title:

**"Optional Credits (Total of 12)**  
**In addition to the 18 compulsory credits, students must earn 12 optional credits, 4 of which are Religion credits."**

This is a clear violation of Ministry rules.

Elsewhere on the page appears:  
**"Bishop Smith Catholic High School requires that students take a course in Religious Education in each year of secondary school."**

This is a requirement of the school only. The school is prohibited from saying that this is a Ministry requirement for graduation. However, a good many do violate this prohibition.

### **Ottawa RC separate**

Paragraphs from the Ottawa Roman Catholic separate school board under the title "Religious Education" state:

"Catholic schools provide a distinctive faith-based educational experience that includes courses in Religious Education.

\* \* \*

"... All Religious Education courses are approved for accreditation by the Ministry of Education and count towards fulfilling the secondary school diploma requirements."

Yes, they can "count", but they cannot count as "must be completed" courses for the 12 optional credits. If the student wishes any or all to count for graduation, it must be voluntary.

"Students will derive knowledge and skills from the study of Scripture, Profession of Faith, Christian Moral Development,

Prayer and Sacramental Life, and Family Life.

“For these reasons” (and that’s the only reason) “**students are required by the Ottawa Catholic School Board to take one course in Religious Education in each year of secondary school.**”

Note that it says “...required by the Ottawa Catholic school board...” and NOT by the Ministry. This is acceptable – **as a student choice** – but they cannot be made “required” as four of the twelve.

#### Word from the Ministry

Education officers in both Ottawa and Toronto have advised that a separate school may require a student to take four religion credits as a condition of attending the school, but although those credits may count for graduation under the 12 optional credits required, none are to be **designated by the school as a must-have credit** to count toward the Ministry-required 12 optional credits for graduation.

Section 3.2 on page 11 “Substitutions for compulsory courses” states:

“In order to allow flexibility in designing a student's program and to ensure that all students can qualify for the secondary school diploma, substitutions may be made for a limited number of compulsory credit courses using courses from the remaining courses offered by the school that meet the requirements for compulsory credits. To meet individual students' needs, principals may replace up to three of these courses (or the equivalent in half courses) with courses from the re-

mainder of those that meet the compulsory credit requirements.

“The decision to make a substitution for a student should be made only if the student's educational interests are best served by such substitution. If a parent or an adult student requests a substitution, the principal will determine whether or not a substitution should be made. A principal may also initiate consideration of whether a substitution should be made. The principal will make his or her decision in consultation with the parent or adult student and appropriate school staff. In cases where the parent or adult student disagrees with the decision of the principal, **the parent or adult student may ask the appropriate supervisory officer to review the matter.**” (Bold type added.)

Can a Roman Catholic student be removed from a separate school if that student refuses to take religion credits? Neither officer would say because it could be a policy of the individual school or board. Both commented that if a Roman Catholic student didn't want to take any religion credits, the student should have known enough about the requirements and chosen instead to apply to a public school.

#### Rules re public students

It should be noted however, that, under Education Act section “42(12) A 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 for a reason other than the one mentioned in clause (11) (a) or (b) is considered to have enrolled in all of the school's programs

and courses of study in religious education. 1997, c. 31, s. 20.”

#### However

Section 42(13) reads: “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,

- (a) the parent or guardian of the person;
- (b) in the case of a person who is 16 or 17 years old who has withdrawn from parental control, the person himself or herself;
- (c) in the case of a person who is 18 years old or older, the person himself or herself. 2006, c. 28, s. 9.”

#### Quality of education

Along with the compulsory courses, the optional courses are designed to provide all students with the essential knowledge and skills they will need to function effectively in any area of activity, as well as the opportunities to acquire the specialized knowledge and skills they will need to succeed in their chosen post-secondary endeavours.

Where RC students in separate schools are forced to substitute four religion courses for four of the twelve optional courses, it means that they may be handicapped in the real world through missing the opportunity to learn in four other areas of study.

## To boost the numbers of Roman Catholic supporters – the Separate School Support Lease

Before significant changes were made, public and separate schools were partially financed by local property taxes, each board setting its own mil rates. Among the information on property tax assessment forms is a check box for ratepayers to show which school board the owner or tenant of the property is eligible to support.

Presently, the mil rates for each board are the same, and the dollars for both English systems are topped up by public funds to ensure that a minimum of some determined amount goes toward the education of each student in the province. So today, school support, as far as dollars are concerned, means nothing.

### School “support” now political

School support now just identifies Roman Catholics as eligible to vote for separate-school trustees and also provides a count of RCs in the province for political lobbying purposes – the main reason why separate boards want all RCs to check off their school support as “separate”.

From the Education Act, “1. Interpretation, other general matters” an “English-language Roman Catholic board supporter means a Roman Catholic,

(a) who is shown as an English-language Roman Catholic board supporter on the school support list ... or

(b) who is declared to be an English-language Roman Catholic board supporter as a result of a final decision rendered in pro-

ceedings commenced under the *Assessment Act*, **and includes his or her Roman Catholic spouse;**”

(emphasis added in bold.)

### Getting around the law

To get around the law which requires that both members of a couple be Roman Catholic to be a separate school “supporter”, a lease can be signed.

The lease form for the Hamilton-Wentworth Catholic District School Board includes the wording: “The parties hereto agree that the Hamilton-Wentworth Catholic District School Board or their representative shall be the agent for school support. The parties hereto agree that this lease will not be registered.”

A separate explanation form is supplied as follows:

“Provincial legislation states that only Catholics may be Separate School Supporters. In cases of mixed ownership or tenancy, (one party is Catholic, one party is non-Catholic), the educational portion of property taxes are automatically directed to the support of Public Schools. In order for the educational taxes to be directed to the support of Separate Schools, a **SEPARATE SCHOOL LEASE** is required in addition to the Application for Direction of School Support form.”

“Due to legislation the non-Catholic party will remain a Public School Elector only. On enumeration forms from the Gov-

ernment of Ontario your records will show the Catholic owner/tenant as a sole tenant of your home and the non-Catholic owner/tenant as a spouse. This is strictly for school support reasons and does not affect your ownership or tenancy in any way.”

The lease contradicts the Education Act definition of an RC school supporter as one which “... **includes his or her Roman Catholic spouse.**”

### Questions

A phone call to MPAC, the Municipal Property Assessment Corporation, to question the “School Board Support” check boxes on property assessment forms resulted in an offer to provide the caller with a Separate School Support Lease as shown on page 5. A covering letter stated:

“Please find attached a **Separate School Support Lease**. In order for your Education Taxes to be directed to the English Separate School Board, an owner must be Roman Catholic. If one owner is Roman Catholic and the other is not, but both agree to support the Separate School Board, then a **Separate School Support Lease** is required.”

Promotion of the lease by MPAC appears to make this government body an agent for the Roman Catholic church.

### Confused?

So are we, so Google “Ontario Education Act” and see sections 1. and 236 to 239.

Phone MPAC at 1-866-296-6722

### SEPARATE SCHOOL SUPPORT LEASE

THIS LEASE MADE THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Day Month Year

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT.

I/We, (Lessor/s) \_\_\_\_\_  
Surname First Name  
\_\_\_\_\_  
Surname First Name

Hereby agree to and with  
(Catholic Lessee/s) \_\_\_\_\_  
Surname First Name

to lease the premises known as \_\_\_\_\_  
Property Address

The parties hereto agree as follows:

The Lessor/s hereby lease/s to the Lessee/s the premises known as \_\_\_\_\_

in the Municipality of \_\_\_\_\_, to have and to hold for a term of one (1) year commencing  
the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Day Month Year  
at an annual rental of two dollars (\$2.00).

At the end of each year, the term of this Lease shall be automatically extended for a further year unless, at least sixty (60) days before the end of the first year of the term of this Lease or of any succeeding year, either the Lessor/s or the Lessee/s shall give to the other a written notice in accordance with the Residential Tenancies Act, 2006, as amended, terminating this Lease at the end of the then current year of the term.

The Lessor/s covenant/s with the said Lessee/s for quiet enjoyment.

The Lessee/s covenant/s with the said Lessor/s to pay rent and to repair reasonable wear, tear and damage by fire, lightning and tempest only excepted and to keep up fences.

Signed, Sealed and Delivered in the presence of:

\_\_\_\_\_) \_\_\_\_\_  
\_\_\_\_\_) \_\_\_\_\_

### Property identifier / Roll Number

____	____	____	____	____
County/Mun	Map	Sub	Parcel	Subordinate

Thanks to Peter Jones of Brantford for information regarding graduation credits and the Separate School Support Lease.

## Religion in the public domain – Quebec’s experience.

### Loyola high school in Montreal, and Quebec day-cares.

“**Loyola High School** is a private Catholic school for boys in grades 7–11 located in Montreal. In Loyola’s Mission Statement, the School is described as providing a university-preparatory program consisting of a rigorous and comprehensive educational experience intertwined with spiritual and religious formation. Loyola, as a Jesuit school, interprets education in larger than academic terms. Loyola must reflect the special charisms and emphases that flow from the long tradition of spirituality and thought as expressed in the Spiritual Exercises of St. Ignatius, and other documents of the Society of Jesus, and, concomitantly, the spirituality of the lay vocation of the ministry of teaching. The school must, then, be clearly Christian in all its aspects.”

(Above from Wikipedia.)

In 2008 the Quebec government introduced a grade-school course entitled “Ethics and Religious Culture” (ERC). (See CRIPE newsletter #97.) It replaced any and all religious instruction courses in all Quebec’s schools which received any public monies. Loyola, although a private school, receives 60% of the cost per student based on the cost per student in the public system. Loyola thus came under the ban on religious teaching. It argued that it could teach the ERC course just fine, but from a Roman Catholic perspective. The government

disagreed and so denied the school’s request on the grounds that its approach would be inherently incompatible with the secular ERC.

Loyola went to Quebec’s Superior Court and won. In a 63-page judgment this past June, the Court held that the government’s action was totalitarian, unconstitutional, and contrary to the Quebec Charter of Human Rights and Freedoms.

#### Day-cares also

When Quebec introduced a day-care system offering subsidized spaces at only \$5 a day, spots filled and families celebrated. Even though the price rose to \$7 a few years ago, there were no complaints.

Many Montreal Jewish day schools introduced these day-cares and made no secret of the fact that pre-kindergarten students would be getting an early start on their parochial education. That really was never an issue until last March when the Quebec government announced its intention to ban religious instruction in provincially funded day-care centres.

The opposition Parti Quebecois reasoned that while Quebec has made its public school system non-denominational, religion was slipping back in through the public day-care system.

Subsequently the PQ forced a vote on the issue in the National

Assembly and the ban on religion passed unanimously. From now on, religious instruction will no longer be allowed in the day-care network subsidized by the Family Department. Those affected expressed their discontent in the strongest terms both publicly and privately and determined that the debate over the place of religion in Quebec society not occur at the Jewish community’s expense.

It was confirmed that no coercive measure is foreseen in the short run because the community’s day-cares are run in accordance with the law. Rabbi Poupko stated that: “If the government thinks it can draw a clear line between culture and religion, I believe they are mistaken.”

#### On to the Supreme Court.

The Supreme Court of Canada will consider whether students can opt out of Quebec’s mandatory course on ethics and religious culture. The Ethics and Religious Culture course, imposed two years ago by the Liberal government on students in elementary and secondary schools, seeks to promote harmonious social relations in Quebec in response to a heated debate over what qualifies as the “reasonable accommodation” of religious minorities. A Catholic couple from Drummondville is challenging the course, saying the province’s refusal to exempt their two children violates their freedom as parents as well as their religious beliefs.

## Administrative tribunals are now able to find Charter violations and create legal remedies.

A landmark decision by the Supreme Court of Canada has widened, in a significant manner, the reach of the Canadian Charter of Rights and Freedoms. It has done this by allowing a broad range of administrative tribunals the right to find Charter violations and to create legal remedies.

In a 9 to 0 ruling this past spring, the Court found that administrative tribunals are perfectly capable of applying the Charter in their fields of expertise. These bodies which are, to a certain extent, judicial, include everything from labour relations to human rights tribunals, to school boards and tax court.

Madam Justice Rosalie Abella, the architect of the transformation, said: "We do not have one Charter for the courts and another for administrative tribunals."

The issue arose when a psychiatric patient who had been in involuntary detention in a mental institution for 25 years asked the Ontario Review Board\* to order his release as an affirmation of his rights under the Charter. The board, which until that time did not have jurisdiction to make a ruling under the Charter, rejected his request.

Lawyers involved in the case said that the decision represents a substantial leap in the evolution of the Charter. Lawyer Joseph Arvay, who represented the British Columbia Review Board in the appeal said that: "The possibilities now are kind of endless. Whether in human rights, employment standards or a whole myriad of other cases, hundreds – or thou-

sands – of these boards have been given a real boost."

Consequently, authorities are bracing themselves for a possible deluge of Charter litigation at tribunals. Lawyers who agreed with the legal change said that a wide range of citizens can now use these forums to assert such Charter rights as freedom of religion, equal treatment under the law, free speech, and so on.

A spokesman for the Ontario Review Board, Joe Wright, said that the ORB will meet each Charter challenge individually. "If a situation arises where the clinical seems to conflict with the constitutional, the Supreme Court has now provided for the board to resolve those tensions – whether through a Charter application or its regular process."

Judge Abella said in the ruling that the power of administrative tribunals under the Charter was a mystery in 1982 when it came into being. A long line of decisions developed the law in a piecemeal basis, but the time had arrived to consolidate those decisions and create a broad-based power for tribunals and boards to apply Charter remedies.

Judge Abella also said that the ruling will enhance access to justice since many citizens who would hope to use the Charter had no hope of undertaking costly litigation in the courts.

---

\* The Ontario Review Board annually reviews the status of every person who has been found to be not criminally responsible or unfit to stand trial for criminal offences on account of a mental disorder.

## An RC board and the "equity and inclusion" policy.

From the Elliot Lake Standard

The Huron-Superior Catholic District School Board approved a provincially-mandated equity and inclusiveness policy Wednesday after a bid to delay the vote failed.

The wide-ranging and controversial policy, required by the Ministry of Education for boards across the province, deals with subjects including sexual orientation and requirements for religious accommodation.

Trustees passed the motion 5-3.

The policies were to be in place for the beginning of the school year, but John Stadnyk\*, director of education, said the H-SCDSB and other boards had been waiting on the results of a consortium of Ontario's Catholic boards which put together a policy template approved by the province's bishops.

The Catholic-oriented policy diverges from equity and inclusive education policy guidelines published by the province. For instance, where the province has suggested gay/straight alliances be supported by school boards, the Assembly of Catholic Bishops of Ontario has said such groups "imply a self-identification with sexual orientation that is often premature among high school students."

"The Bishops of Ontario believe that it is possible for publicly-funded Catholic schools to be faithful to their identity and mission while responding to the legitimate demands made upon them by the society in which they operate," said a letter from the ACBO, which was distributed at Wednesday's meeting.

Supt. Maria Esposito said the letter, "certainly stresses that as a Catholic board it is a fine balance to comply with the ministry regulations but at the same time ensuring that our Catholic denominational rights are preserved."

---

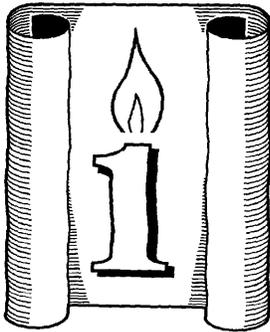
\* Is this the same J. Stadnyk that had a part in the White River Fiasco? See CRIPE newsletter #87.

## 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.

## The question of government subsidies to churches.

As pointed out in the lead article on page 1, the public's reaction to financial subsidies is often counter-productive. Some examples follow.

**Vienna:** The sex abuse scandal is being blamed for the increased departures of Catholics from the church. As in Germany, the Austrian government collects a church tax on members of recognized denominations. Last year, 53,216 Catholics renounced their faith by formally removing their names from church registries. The tax office at the archdiocese of Vienna estimated that resignations may reach 80,000 this year.

**Berlin:** The Catholic Church continues to hemorrhage members. Opposition to the church tax may be one cause. More than one million German Catholics officially broke ties to the church between 1998 and 2007. Last year the number of departures reached 125,585, up from 121,155 in 2008. However, German Lutherans saw an even greater departure, 168,901 in 2009.

**Rome:** Italy's church tax, the *otto per mille*, takes 0.08% of individual income taxes and distributes it to the Roman Catholic Church, three Protestant denominations and the Jewish community. Roman Catholics receive the vast majority, about \$1.2 billion, even though only 20% of Catholic expenditures go to "charitable works," according to *The Tablet*. The Waldensian Protestant Church earmarks 93% of its share of the church tax to charitable projects.

Source: Voice of Reason The Journal of Americans for Religious Liberty

## A Thought to Consider

**Education's purpose  
is to replace an empty mind  
with an open one.**

**Malcolm Forbes**

To be added to the mailing list, send \$20.00 to  
Civil Rights in Public Education, Inc.  
Box 491 Pembroke ON K8A 6X7

**Edited by Renton Patterson**

**Phone: 613-735-5069**

**publiced@igs.net      www.CRIPEweb.org**

Member of the **One School System Network**

**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.**