

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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The Ontario Green Party chose oblivion through an inept change of policy emphasis.

In a stunning reversal, the Ontario Green Party, which, in the previous election, tripled its popular vote and beat the NDP in 17 ridings, went down to a miserable (and predictable) defeat this time around and buried itself—deeply.

This past October, in only one riding, Dufferin-Caledon, did the Green Party candidate beat the NDP candidate, by an impressive 1345 votes. In only one other riding, Parry Sound-Muskoka, did the Green Party candidate manage to get about one-half of the NDP vote count. In all other ridings the Green Party candidate garnered less than half the NDP vote count.

The Green Party popular vote went from 0.1% in the 1980s to 0.7% in 1999 to 2.8% in 2003 to 8.0% in 2007 and now back down to 2.9% in 2011. There is a very clear message here.

Pitiful showing predictable

The pitiful showing was entirely

predictable, because right from the start, or before the start, the word from the top, from Green Party leader Mike Schreiner, was that their policy of having one public school system was **not** to be emphasized.

To gain public recognition and gain in popularity, a party that is known to be at the bottom in the polls must be noticeably different from the other parties in some major policy area. But this time around, in the main, the Green's platform was indistinguishable from the others.

Also, to make an impact on the public consciousness, the "different" policy is best if it is controversial - even divisive - because that is what grabs the media's, and the public's, attention.

Separate-school funding

The ready-made "different" policy is, of course, the separate-school funding issue. A state-

ment that the Green Party's policy was to eliminate the public funding of separate schools would get every political commentator rushing for interviews. (Think John Tory.) The Green Party would have a chance to be included in the broadcast debates because the discourse among the party leaders would be stunning. Just picture the three main party leaders trying to defend the public funding of Roman Catholic separate schools. A well-prepared Mike Schreiner would have a field day while the others would be put in an untenably embarrassing position. The Greens would come across as the saviour of all that is right and good and put the school issue and the Green Party on the map.

Not just our view.

Kate Heartfield, the deputy editorial pages editor for the Ottawa Citizen said, in part:

"If I hadn't met Mike Schreiner, this column would be an obituary for the Green party in Ontario. They've had almost no profile in this campaign; they haven't made a dent in the discourse."

"There's a gap between the potential the Green party has to be an evidence-based alternative, and the disappointing reality..." "That gap is present in the Ontario Green platform, too.

"On the positive side of the

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ledger: The Greens are the only party with the courage to support a single, secular public school system. That's the only rational position, and it's a disgrace that no party that's ever elected an MPP had the courage to take it up.

Get in or get out

"It's a risky move, but I think it's fair to say..." that "If they ever want to become serious contenders for government or even opposition, **they're going to have to make a major change somewhere.** And if they aren't willing to make themselves contenders, it's fair to ask how long they're going to keep eating up time at all-candidates' meetings. **Get in or get out.**"

Michael den Tandt

In a column for Sun Media in June, den Tandt had advice for the federal Liberals—universal advice, as follows, for any time and place:

"Become the party of all Canadians—rural as well as urban."

"Get out into the countryside. Find out what people care about and create policy that reflects their values and needs—not yours."

"Become the party of equality under the law: No more cultural relativism or distinctions between one group and another based on race, gender, class or creed."

"Plant your flag on equality and be unafraid to go where that leads."

AMEN

Politics 101

The basics - for the
Green Party of
Ontario

1. BE DIFFERENT

If you are a political party at the bottom of the heap, but you have great policies, and you want to get in to government to enact those policies — you have to attract attention to your party, so you have to be different in some way.

2. BE UNIVERSAL

Be different by picking a policy with wide public support. You already have that one—one public secular school system. 79% of 7551 persons polled voted for one public system.

3. BE CONTOVERSIAL

The media love controversy—it makes headlines and gives newspaper columnists a field day. Television shows and news will court you. People will talk it up among themselves. Religion & schools will monopolize the election—just ask John Tory. A student at an RC school made the local news, the Globe picked up the "old" story 5 days later and elicited an unprecedented 1635 comments before going global (Australia and Germany).

4. BE INFORMED

Spend the next few years educating yourself, thoroughly, about all aspects of your controversial policy. Know it backwards and forwards so that no one can stump you on any question. There is no longer any constitutional or historical reason to maintain the public funding of RC schools. Contact CRIPE, or Leonard Baak through <http://www.oneschoolsystem.org/home.html>

5. BE CRAFTY

Determine the ridings in which your controversial policy will gain the most public support. The Ottawa Citizen had the headline "Anti-turbine forces turned election tide." The article outlined 10 seats where the Liberals were defeated where "All the ridings are home to industrial wind turbine projects or have active proposals for some." CRIPE newsletters have stories on four such areas where the separate school issue has divided small communities Do the same.

6. BE PREPARED

Determine how your controversial policy will be announced. Pick stages to confound the opposition. Choose a topic for which you can predict the answers — a prepared answer. Take the time and effort to educate all of your candidates on the issue. There is no argument to support the discriminatory RC separate school system, a violation of our Charter and the U.N. Covenant Canada/Ontario pledged to follow. You have the high road — use it.

Toronto Archbishop Thomas Collins addresses CCSTA* conference

*Canadian Catholic School Trustees' Association

The theme of the archbishop's address was to urge Roman Catholic school trustees to not compromise the tenets of the RC faith with the pressures that governments may have imposed to conform with world-wide secular views.

(From the Catholic register, 2011-10-02)

"We are marinated in secularism," he said. "We need to maintain and strengthen the Catholic identity of our schools," adding that the RC faith needs to be not only "taught," but "caught."

Collins hoped that all those involved in RC education would be "fervent Catholics" and "faithful disciples" willing to evangelize their Gospel.

"If not, why have Catholic schools?" he asked.

* * *

"Collins said he's had parents tell him they are taking their children out of the Catholic system because they don't think the schools are Catholic enough. He tells them there are wonderful people in the Catholic schools and great students, and while the system is not perfect 'we're working on it.' But the parents tell him, 'That's fine, bishop, we wish you well, but our kids will be adults before you make a dent in it.'"

Collins did not mention the concerns raised by many Roman Catholic parents about the Ontario government's equity and inclusiveness policies but instead urged weekly mass attendance and a more stable home life.

"But the Catholic Civil Rights League issued a Sept. 26 call to members to ensure Catholic education is raised in the Ontario election campaign."

"The possibility of losing publicly funded Catholic schools is never far from the surface in Ontario, and there are groups that will use the controversy over equity policies and gay-straight alliances (GSAs) in schools to push that agenda," said the League's executive director Joanne McGarry.

"But Friends and Advocates of Catholic Education (FACE) project manager Lou Rocha downplayed the threat to Catholic education in Ontario. He told CCN Sept. 23 Catholic education enjoys a secure position in the province, with support from all three main political parties."

And from the

London Free Press

"The London-region Catholic churches must change in the face of dropping weekly attendance, fewer priests and the new ways people communicate, the head of the London diocese warns.

"We cannot continue operating as we are now—we must make strategic changes," Bishop Ronald Fabbro said, Thursday.

"The diocese released a 65-page report; that found **only 14% of the 450,000 Roman Catholics in the diocese attend weekend mass**, down 3.5% in the last three years."

And from "thespec.com"

From an article titled **"Catholic schools in a catastrophic state"** by Paul Kokoski.

"Decades of replacing priests and nuns with lay teachers has left most of our Catholic schools in a catastrophic state. The students that graduate from them are, with few exceptions, agnostics, moral relativists and, at best, cafeteria Catholics.

"How can this be undone and corrected? Though our bishops may not be in a legal position to exercise control over our schools, they certainly retain the right to freely force the faithful (via penal sanctions) to submit to church teaching. This right, in fact, was mandated at Vatican II in the doctrinal document *Lumen Gentium*."

"Ultimately, what the church needs at this time is orthodox bishops who are both courageous and willing to take back full and legal control of our schools and ensure that they are run by priests and nuns who are not afraid of the gospel.

"Due to the widespread collapse of the faith today this will not be easy. **Yet it can be done if our bishops are willing to forgo government funding and resign themselves to the fact that our schools will be in a severe minority for a time...**"

Green Party take note

So why be backward about coming forward about the abolition of separate-school funding?

Some Roman Catholics do not want their separate schools publicly-funded and therefore subject to the Canadian Charter of Rights. This is the third time we have reported this — see Fall 2010 and Spring 2011.

This business about prayer in public schools

brought to our attention by provisions for Muslim prayer in Valley Park Middle School in Toronto.

Whenever someone else's religion affects us in our public space, we tend to react. We abhor privilege and favouritism — and when it occurs, we demand the same, or we demand its expulsion. In other words, we demand equality. We are all in, or all out, no favourites.

Background

Before 1990, the Education Act mandated definite times per week for prayer and religious instruction in our public schools. Then, when some instruction in some areas of the province tended to be a bit overbearing, the offended parties took it to court. The court cases were *Zylberberg v. Sudbury Board of Education* (1986) and *Canadian Civil Liberties Association (CCLA) v. Ontario Minister of Education & Elgin County* (1988).

Both cases went to the Ontario Court of Appeal which ruled that the Regulation and the schools' curriculum contravened sections 2 (a) and 15(1) of the Charter of Rights and were therefore unconstitutional.

As a result of these decisions, the Ministry of Education revised the regulations, now titled "Education Act, R.R.O. 1990, REGULATION 298, OPERATION OF SCHOOLS — GENERAL". These latest revised regulations are re-printed to the right of this column.

(And on the web at http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900298_e.htm#BK24)

RELIGION IN SCHOOLS

27. Sections 28 and 29 do not apply to a Roman Catholic board or to a Protestant separate school board. O. Reg. 191/04, s. 8.

28. (1) A board may provide in grades one to eight and in its secondary schools an optional program of education about religion. R.R.O. 1990, Reg. 298, s. 28 (1).

(2) A program of education about religion shall,

(a) promote respect for the freedom of conscience and religion guaranteed by the *Canadian Charter of Rights and Freedoms*; and

(b) provide for the study of different religions and religious beliefs in Canada and the world, without giving primacy to, and without indoctrination in, any particular religion or religious belief. R.R.O. 1990, Reg. 298, s. 28 (2).

(3) A program of education about religion shall not exceed sixty minutes of instruction per week in an elementary school. R.R.O. 1990, Reg. 298, s. 28 (3).

29. (1) Subject to subsections (2) and (3), a board shall not permit any person to conduct religious exercises or to provide instruction that includes indoctrination in a particular religion or religious belief in a school. R.R.O. 1990, Reg. 298, s. 29 (1).

(2) A board may enter into an agreement with a Roman Catholic board that permits the Roman Catholic board to use space and facilities to conduct religious exercises or provide religious instruction for the purposes of the Roman Catholic board. O. Reg. 191/04, s. 9.

(3) A board may permit a person to conduct religious exercises or to provide instruction that includes indoctrination in a particular religion or religious belief in a school if,

(a) the exercises are not conducted or the instruction is not provided by or under the auspices of the board;

(b) the exercises are conducted or the instruction is provided on a school day at a time that is before or after the school's instructional program, or on a day that is not a school day;

(c) no person is required by the board to attend the exercises or instruction; and

(d) the board provides space for the exercises or instruction on the same basis as it provides space for other community activities. R.R.O. 1990, Reg. 298, s. 29 (3).

(4) A board that permits religious exercises or instruction under subsection (3) shall consider on an equitable basis all requests to conduct religious exercises or to provide instruction under subsection (3). R.R.O. 1990, Reg. 298, s. 29 (4).

In the original 1989 decision, the court elaborated on the differences between indoctrination and education in the following manner:

1. The school may sponsor the *study* of religion, but may not sponsor the *practice* of religion.
2. The school may *expose* students to all religious views, but may not *impose* any particular view.
3. The school's approach to religion is one of *instruction*, not one of *indoctrination*.
4. The function of the school is to *educate* about all religions, not to *convert* to any one religion.
5. The school's approach is *academic*, not *devotional*.
6. The school should *study* what all people believe, but should not *teach* a student what to believe.
7. The school should strive for student *awareness* of all religions, but should not press for student *acceptance* of any one religion.
8. The school should seek to *inform* the student about various beliefs, but should not seek to *conform* him or her to any one belief.

See also: "Education About Religion in Ontario Public Elementary Schools" at <http://www.edu.gov.on.ca/eng/document/curricul/religion/religioe.html>

So the two boxed sections on pages 4 and 5 tell what the Ministry of Education and the Courts have to say about this topic. There is quite a bit of leeway, but section 29 3) b) on page 4 stipulates that the activity contemplated is to take place "...on a school day at a time that is before or after the school's instructional program, or on a day that is not a school day;"

A "school day" is considered to be 300 minutes of instructional time, and this does not include the time allotted for lunch. Where lunch hours are staggered, the start and stop of "instructional time" is also staggered which introduces a complication.

So, legally, a prayer time for any religious persuasion could be arranged under the Ministry guidelines. (see section 29 on page 4)

Toronto District School Board (TDSB)

In a July 8th press release the TDSB explained its position for accommodating Muslim prayers, as follows:

"Where religious accommodation is concerned, the law is quite clear: freedom of religion in the Canadian Charter of Rights and Freedoms supersedes the Education Act. As a public school board, we have a responsibility and an obligation to accommodate faith needs."

"The Toronto District School Board takes reasonable steps to provide accommodation to members of religious groups who state that the Board's operations or requirements interfere with their ability to exercise their religious beliefs and practices. The Board balances its decision to accommodate on several factors such as undue hardship, including: the cost of accommodation to the Board; health and safety risks to the person requesting accommodation and to others; and the Board's ability to fulfill its duties under Board policies and the Education Act."

Case law support

Previous court decisions seem to support the TDSB's views. In the Supreme Court decision, *R. v. Big M Drug Mart*, Justice Dickson wrote:

"The essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses, the right to

declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination."

Also in *Big M* the court spelled out the purpose of the freedom of conscience and religion clause in the following way:

"The values that underlie our political and philosophic traditions demand that every individual be free to hold and to manifest whatever beliefs and opinions his or her conscience dictates..."

Our conscience may dictate that we should not be coerced into paying for the indoctrination of religious views which many of us find offensive. This post-charter formulation of religious freedom broadens the concept in an important aspect. Not only freedom of belief, but the right to positively manifest that belief, is now covered.

The Muslim community and the TDSB have led the way. Is it time for others to do likewise?

Religion or equality?

Reprinted from thestar.com August 24, 2011 with permission from the author, Joe Killoran.

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School's out for summer but the role of religion in schools remains a hot topic. The latest controversies revolve around a Toronto school allowing Muslim prayer services while another involves the refusal of Catholic school boards to allow Gay-Straight Alliances and their subsequent attempts to meet their Charter obligations to gay students without violating their religious principles.

Throughout the debate, few have challenged the widespread view that religion is a force for good and accommodating religious practice is a good thing, likely to increase tolerance. The debate has centred around how much and what manner of accommodation should be encouraged. Few have considered two other possibilities: 1) that religious practice and accommodations are the biggest barriers to tolerance and equality in publicly funded Catholic schools and 2) the manner in which religion is presented to students in public schools violates the spirit of the Supreme Court decision which outlawed religious instruction.

Catholic doctrine clearly states that practising homosexuals deserve eternal damnation. The current pope and numerous encyclicals leave no room for ambiguity on this question. Yet Catholic teachers are expected to foster a sense of tolerance and respect while simultaneously teaching that any gay person who acts on their feelings is an abomination before God. Having taught religion in a Catholic school, I can assure you this is quite impossible. Catholic apologists argue that church doctrine does not discriminate against gays but

teaches adherents to "hate the sin, not the sinner." This is the same position taken by the church toward pedophiles, rapists, murderers and war criminals. Does anyone seriously believe that classing gays with the most hated members of society will encourage heterosexual students to accept and befriend them?

Proponents of public Catholic education point out that it is constitutionally protected. The commitment to gender equality? Again the choice is clear: accommodate religion or protect equality rights.

While Catholic school boards enjoy constitutional protections, a Supreme Court decision banned public school boards from delivering religious instruction declaring that, while schools could "study" religion, they could not teach it. Thus, the TDSB takes a few minutes at the beginning of several school days to describe various religious "days of significance" like Good Friday, Eid al-Fitr, Diwali and Passover. The celebration or festival is described in reverential tones along with some key facts about the religion and its adherents. The facts are uniformly positive and the religions as well as their key figures are unflinchingly presented as beneficent, wise and just. The entire process is done in the same manner as announcements about heroes of black history or the moment of silence on Remembrance Day. Students are left with the impression that believers and religious practice have always had a positive impact on society. No mention is made of the violence and hatred contained in most

religious texts, or the consequent bloodshed and suffering these texts have caused. As there is no compulsory religion course in public schools, this is the only religious education most students receive. To present religion in this way is not to "study" it. If I only taught my students that Hitler fixed the German economy, Mussolini made the trains run on time, and Stalin provided free health care and education, few would argue that my class had studied these leaders or their ideologies. To examine religions so uncritically is to offer them tacit endorsement.

The Bible and Qur'an teach that gays, members of other religions and non-believers will not only suffer eternal damnation, but that it is just that this occur. These teachings are a matter of faith to most believers. All these holy texts also sanction slavery, genocide, misogyny and unspeakable cruelty. I submit that one cannot concurrently endorse multiculturalism and these texts. While believers correctly argue they contain much that is beautiful and compassionate, surely students should be taught the whole picture so they may draw their own conclusions. If schools are going to "study" religion, they cannot simply cherry-pick the popular portions. Each religion must be critically examined, warts and all. Learning about religion is an important, if not essential, part of any decent education and religion has much to recommend it. However, as with any subject, students deserve both sides of the story. Otherwise religious education quickly becomes indoctrination.

Another viewpoint

Immigrants, not Australians, must adapt. Take it or leave it.

Muslims* who want to live under Islamic Sharia law, were told recently to get out of Australia, as the government targeted radicals in a bid to head off potential terror attacks.

The following is a quote from Julia Gillard, the Prime Minister of Australia.
This is the second time she has spoken about religious accommodation.

"IMMIGRANTS, NOT AUSTRALIANS, MUST ADAPT. Take It Or Leave It."

"I am tired of this nation worrying about whether we are offending some individual or their culture. Since the terrorist attacks on Bali, we have experienced a surge in patriotism by the majority of Australians.

"This culture has been developed over two centuries of struggles, trials and victories by millions of men and women who have sought freedom.

"We speak mainly ENGLISH, not Spanish, Lebanese, Arabic, Chinese, Japanese, Russian, or any other language. Therefore, if you wish to become part of our society, learn the language!

"Most Australians believe in God. This is not some Christian, right wing, political push, but a fact, because Christian men and women, on Christian principles, founded this nation, and this is clearly documented. It is certainly appropriate to display it on the walls of our schools. If God offends you, then I suggest you consider another part of the world as your new home, because God is part of our culture.

"We will accept your beliefs, and will not question why. All we ask is that you accept ours, and live in harmony and peaceful enjoyment with us.

"This is OUR COUNTRY, OUR LAND, and OUR LIFESTYLE, and we will allow you every opportunity to enjoy all this. But once you are done complaining, whining, and griping about Our Flag, Our Pledge, Our Christian beliefs, or Our Way of Life, I highly encourage you take advantage of one other great Australian freedom, 'THE RIGHT TO LEAVE'.

"If you aren't happy here then LEAVE. We didn't force you to come here. You asked to be here. So accept the country YOU accepted."

The viewpoint expressed above is not necessarily one which is shared by CRIPE, but we know it will resonate with some. The content of pages four and five express the official Canadian government view and that of the Toronto District School Board. The above is a contrary view to which we give equal space, and which, we feel, in a country which champions freedom of speech, is one, in the spirit of fairness, you are entitled to know about and consider.

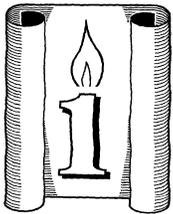
*Muslims are not the same as Islamists; read <http://www.post-gazette.com/pg/10047/1036089-109.stm>

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.

Our Canadian Charter of Rights and Freedoms; law? or window dressing?

The word "manifest", as used in court decisions (see page 5), means to "show plainly, reveal, display, prove". So the TDSB follows the Charter "freedom of religion" section which is interpreted as allowing accommodation of Muslim prayer within the school building during a lunch break. But the Charter section 15 on "equality rights" says that everyone is equal, including men and women (menstruating or not), so why are females discriminated against at Valley Park Middle School? And why does the equality section not apply to the existence of the discriminatory separate school system? It seems as if the equality section of our Charter is just window dressing.

In essence, the door is wide open for any faith group to follow the lead of the TDSB because of section 29, page 4. Even though this section begins with "A board **may** permit...", the "freedom of religion" section of the Charter can be interpreted to over-rule any board restriction.

Is chaos on the horizon when persons of all faith groups begin to demand they be able to manifest "whatever beliefs and opinions his or her conscience dictates..."? Forget the politicians, where are the statesmen? Our laws need a healthy dose of common sense.

A Thought to Consider

Sometimes equality means treating people the same, despite their differences, and sometimes it means treating them as equals by accommodating their differences.

Judge Rosalie Silberman Abella

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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.