



The Enlightenment



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Public Funding of Catholic Schools in Ontario

During the Q&A period at both the HALA January and February meetings, the subject of funding Catholic schools came up. In fact at the February meeting, we could have stayed on this topic for as much as another half hour if time had permitted. Just another indication that that this issue is of great concern to many humanists who are in favour of ceasing the public funding of Catholic schools in Ontario. But to date, no political party has dared to bring this issue forward as part of a strategy to get elected or re-elected at voting time. In fact, it is such a hot potato that in the past most political parties probably regarded such a strategy as a means of ensuring certain defeat. Very recently, however, Steve Paikin, host of TVOs The Agenda, has suggested that the time may have arrived for a political party to bring this issue forward as part of an election platform to help get elected. Here is what Paikin has said:

To be clear, I'm not advocating anything here. And there is certainly a long history in this province of voters punishing parties who mess up the delicate balance between politics, education, and religion. But the decision to stop funding a separate governance system for religious schools would be such a bold step, the public would have no choice but to take notice. And my guess is, the majority of Ontarians would favour such a move.

Here's the argument:

At Confederation, our constitution obliged the Ontario and Quebec governments to fund parallel school systems for their minority populations. That meant funding a Catholic system in Ontario and a Protestant system in Quebec. It was one of the essential compromises that allowed Canada to be created.

Much later, successive Ontario governments topped up their funding for the Catholic system: the John Robarts government extended public funds to the end of Grade 10 in the 1960s, and the David Peterson government extended funding further, to the end of high school, in the 1980s. (Premier Bill Davis actually made the announcement to extend funding in 1984, but retired before he could implement his commitment.)

Frankly, those decisions have never sat well with huge chunks of the Ontario public, who have wondered why it's fair, in multicultural Ontario, for Catholics to have their choice of two publicly funded school systems, while no other religion enjoys that privilege. The argument that the privilege is constitutionally guaranteed seemed less satisfactory as the years went on. *(Continued on page 3)*

President's Remarks

When I tell American acquaintances that my province's government supports a separate system of Roman Catholic schools funded by taxpayer dollars, they're shocked. The idea of using public funds to finance religious schools is antithetical to the concept of separation of church and state, which is enshrined in the first amendment of the U.S constitution. In Canada, however, this principle is not explicitly spelled out in our constitution. Nonetheless, over the years Canada has become an increasingly secular country, as numerous court rulings have restricted the power of the state to promote religion. Many of these rulings are based on the Canadian Charter of Rights and Freedoms, adopted in 1982. For example, the Ontario Court of Appeal ruled in 1988 that the use of the Lord's Prayer in opening exercises in public schools infringed on religious freedom and was contrary to the Charter. Similarly, in 2015 the Supreme Court of Canada ruled unanimously that the recitation of the Lord's Prayer prior to city council meetings is unconstitutional. The court ruling stated that "sponsorship of one religious tradition by the state in breach of its duty of neutrality amounts to discrimination against all other such traditions."

As these sorts of court rulings accumulate, the public funding of Catholic schools becomes increasingly out of place and unacceptable in Canada. The classic argument in support of this practice is that it was mandated by the British North America Act, our original constitution, as a compromise to Quebec. However, this is a hollow argument, since it would be quite easy for the province to have this provision removed through an amendment, something that Quebec itself did back in 1999. As outlined elsewhere in this issue of the *Enlightenment*, there are many reasons to oppose the publicly funded Catholic school system. It is clearly discriminatory toward other religions and to those of us with no religion. Besides, Catholic schools have a deplorable history of regressive and discriminatory policies, including opposition to gay-straight alliance clubs and revised sex education curriculum. Studies have also shown that merging the public and Catholic school boards would save the province more than \$1 billion a year. Indeed, a Forum Research poll in 2015 found that the majority of Ontarians (51%) opposed the continued public funding of Catholic schools, while only 38% supported it. Clearly, it's time for the Ontario government to stop promoting religion in this way. ~ Rod Martin

The Board of the Humanist Association of London and Area (HALA)

President – Dr. Rod Martin - (519) 673-6635 – email – ramartin@uwo.ca

Vice President – Carl Goldberg – (519) 657-1362 – email – carlg1948@gmail.com

Secretary – Dr. Elizabeth Bright-See - (519) 471- 3963 – email – ebright@uwo.ca

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	<u>Standard</u>	<u>Resources</u>	<u>Canada</u>	<u>Perspectives</u>
Single	\$20	\$10	\$40	\$25
Family	\$25	\$15	\$50	

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In 2007, then-PC leader John Tory, agreeing the status quo was unfair, promised to extend public funding to other religions. The public — presumably concluding that two wrongs don't make a right — rejected his proposed solution and re-elected Dalton McGuinty with a second majority government. Meanwhile, Quebec decided to end its commitment to Protestant schools and reorganized its education system into French and English boards, causing even more Ontarians to wonder why we were still so adamant about fulfilling our part of the Confederation bargain. (When Quebec decided to do away with Protestant and Catholic schools, it was granted a constitutional exemption by the federal government. Presumably Ontario could do the same.)

I have always thought that if Ontario wanted to follow suit, it would have had to be McGuinty to do it. As only the second Catholic premier in Ontario history, he would have had the religious “cover” to, in effect, defund the Catholic system. At points the former premier gestured toward the idea, acknowledging that if we had to design the education system from scratch, we certainly wouldn't have created what we have today.

But McGuinty never did it. And as much as the secular and separate school systems have learned to co-operate more over the years, there is still considerable public antipathy to having four different governance systems (English Public, English Catholic, French Public, and French Catholic).

But is Paikin being too optimistic? Comments by the Ontario Minister of Education Mitzie Hunter would indicate that he is, even though a report by the Frazer Institute makes a strong case that ending the funding is not only possible, but would also be beneficial. (See the following article on Hunter's comments).

Ontario Education Minister Mitzie Hunter Rejects Report

A report challenging the constitutional protection of Ontario's publicly-funded Catholic school system has been dismissed by the Ontario minister of education. She states:

“Our government is committed to continuing support for publicly-funded Catholic education and ensuring our publicly funded education system remains one of the best in the world,” said Mitzie Hunter, Minister of Education. “We know that all four of our publicly funded systems are dedicated to supporting all of our students achieve excellence and I look forward to continuing that partnership.”

But on Dec. 20, 2016, the Fraser Institute released a report, penned by law professor Bruce Pardy, which challenged the protection of Catholic education as an untouchable political issue, rather than a legal one. It suggested that the government could “simply legislate its way out of the commitment” to open the door to education reform.

“The preferential treatment of Ontario Catholic schools,” compared to other religion-based education, wrote Pardy, “(is) exclusively a political problem rather than a legal one. Citizens cannot challenge the special status of Catholic schools in courts because it is shielded. However, the constitutional entitlement in section 93 is simple to amend.” That section of the Canadian constitution entitles the Ontario Catholic school system to public funding and control over a separate, denominational education system.

While Pardy doesn't dispute the interpretation of the law, he rejects the idea it cannot change with economic and demographic shifts.

"Constitutions are thought to express grand principles, but they also reflect political trade-offs made at the time of their creation," wrote Pardy. "The circumstances that compelled those trade-offs pass into history, but the bargains themselves endure in the form of constitutional provisions sometimes to the detriment of later generations."

Ontario, Saskatchewan and Alberta provide public funding for both Catholic and public schools. Two of Canada's provinces which previously had publicly-funded Catholic education — Quebec as well as Newfoundland and Labrador — have already implemented the kind of reform Pardy is suggesting. Such reform requires both the province and federal government to draft legislation omitting the province from the conditions guaranteed under section 93 of the Constitution.

But Ontario's government disagrees with challenging the Constitution as the best means of cutting education costs. "We know there are ways to achieve greater efficiencies in the education system without undermining our constitutional obligations to our Catholic and French education systems," said Hunter.

A number of the province's Catholic and public boards have already begun exploring sharing services, such as transportation, administration and facilities, to cut costs as enrollment declines. According to the ministry's official figures, almost 46,000 fewer students enrolled in publicly-funded education this September compared to 2003.

Despite asking public and Catholic boards to partner-up wherever possible to save money, the Ministry of Education has actually increased funding in recent years. Since 2003, funding has increased by 59 per cent to \$22.9 billion.

Ann Hawkins, president of the Ontario English Catholic Teachers' Association, noted that one-third of Ontario's students are educated within Catholic boards with a significant number of those in Catholic secondary schools being of a religion other than Catholicism.

Pat Daly, president of the Ontario Catholic Schools Trustees' Association, criticized the Fraser report for overlooking the positive contributions of Catholic education. "If you look at any provincial, national, or international test results for Catholic schools in Ontario, the students and the schools do have amazing results."

Editor's Note. – The Education Minister may be in for a surprise. See the article below.

CRIFE and OPEN Combine to Oppose Funding of Catholic Schools in Ontario

The Civil Rights for Public Education group (CRIFE) has partnered with a new group called "One Public Education Now" (OPEN) to advocate for one public school system in Ontario. CRIFE has been operating out of Renfrew Ontario for a number of years and was involved in supporting Reva Landau in presenting an Application in 2012 to the Ontario government to cease funding Catholic schools. CRIFE reported the outcome of Landau's Application in their fall 2013 newsletter as follows:

“In early 2012 Ms. R. Landau, a citizen of Ontario and a lawyer, brought an Application before the Ontario Superior Court of Justice which stated that the current funding of separate schools on an equal basis with public elementary and secondary schools was contrary to the Charter of Rights. Also submitted was the fact that at Confederation in 1867, separate schools received only 2/3 of the funding of public schools and did not include secondary school funding.

Her affidavit pointed out that only about 6% of funding for separate schools comes from separate school supporters and that she, as a public school supporter, was contributing through general taxes to these separate schools.

On the other side, to oppose the Application, was the Attorney General of Ontario. The Civil Liberties Association intervened on the side of Ms. Landau to support her Application.

Before proceeding with the arguments in the Application, it has to be determined if the person or body submitting the Application has ‘standing.’ That is, the right to litigate the issue. The judge ruled in the negative. However, the judge did say that his decision ‘... should not stand as either an encouragement or an impediment to a subsequent legal challenge.’

The judge also commented that the Ontario government could ask for s.93 of the Constitution to be amended to remove a constitutional obligation to publicly fund separate schools just as Quebec and Newfoundland & Labrador did.”

Since the separate school funding issue has still not been settled, a new group, OPEN, has been formed to go back to the courts. This time the plaintiffs (a teacher who can’t get a job in 1/3 of the publicly funded schools because she is not Catholic and a parent whose children are bused much farther than necessary because she wants then to go to a public, not a separate school) should certainly qualify for standing.

With suitable plaintiffs in place, several organizations and individuals are ready to try again. The application before the courts will be an Application for Ontario to be forced to end the funding of the Catholic separate school system

CRIFE states: “Since this is also CRIFE’s ultimate aim, CRIFE is cooperating with OPEN through the use of our web site to raise awareness of the issue. Our site will also provide OPEN the means to raise money, through a PayPal and crowd-funding campaign, to employ the necessary legal expertise. CRIFE celebrates this partnership to move our issue forward.”

An Example of Excessive Spending at Catholic High Schools

Thunder Bay Catholic Schools to Get New Tracks and Fields

Thunder Bay's Catholic school board is putting millions into new recreational facilities at its two high schools. Both St. Ignatius and St. Patrick will get new, 400-metre running tracks and new Federation Internationale de Football Association (FIFA) Level 1-certified artificial turf fields. The projects are valued at about **\$2.3 million per school**, the school board said in a news release distributed at a media event on Thursday. The funding is coming from board funds allocated to capital, as well as a School Condition

Improvement Grant from the provincial government. "It's huge," said Pino Tassone, the board's director of education. "It gives us an opportunity to enhance our physical education programming along with our athletic programming, and it's not just for our high schools — it's going to enhance programming in our feeder schools as well."

The new facilities are expected to be in place by the end of August, in time for the start of the 2017/2018 school year. The tracks will be synthetic, and suitable for all-weather use. The playing fields, meanwhile, will duplicate the performance of "good quality grass," the board said. Tassone said the fields will be used for multiple sports, including soccer, football and lacrosse. "It's been a tremendous move with the ministry around student well-being," Tassone said. "And by having a field like that, we hope that we're going to get more physical participation." The hope, too, is that the fields will help prevent injuries related to poor field conditions, board chair Bob Hupka said in the release. St. Ignatius student Nick D'Angelo said he's looking forward to playing on the new fields "It's an opportunity to play on a field like the people down in southern Ontario get to play (on)," he said. "I play both football and soccer, so it's just super-exciting to play on that field. Practices will be more fun; everyone will be looking forward to it." D'Angelo said the existing field at St. Ignatius can be hard to play on, particularly after rainfall. "If it rained the day before, then it's all muddy, there are potholes," he said. "The grass has never grown fully, and it's a hard surface to play on."

Religious Instruction is Not Mandatory in Catholic Schools

Secular Ontario, an organization based in Ottawa advocating complete separation of church and state, has produced a flyer (shown below) for handing out in front of Catholic Schools advising students attending these schools they have a legal right to be exempt from religious instruction if their parents so desire. Secular Ontario members have been successfully handing out these flyers for over a year and the HALA Board of Directors is looking at the feasibility of handing these out in London in the future.

This coupon entitles any student in a publicly funded Ontario Catholic high school to

GET OUT OF THAT "MANDATORY" RELIGION CLASS!

It's the law! **100% OFF!**

"No person 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 or guardian of the person." — Ontario Education Act, Section 42(13)

Community Chest
GET OUT OF JAIL FREE
— turned Catholic.com
THIS CARD MAY BE KEPT UNTIL NEEDED, OR SOLD

It's a shame you have to present this coupon to your principal, but unfortunately principals (and superintendents and trustees) across Ontario still insist that Roman Catholic courses and rituals are mandatory in these open access, 100% publicly funded schools. Either they don't know they are breaking the law, or they just don't care. In either case, it makes you wonder about the real "values" being modelled by the authorities of this school system.

The good news: If you mention the possibility of legal action or media involvement, it will likely help speed things along. For more information, visit www.MyExemption.com

Brought to you by members of the Ontario public, Secular Ontario, and *Maverick Perspective* magazine and the Canadian Conference of Catholic Bishops.